

# Law of Crimes – I : The Bharatiya Nyaya Sanhita, 2023

## Objective of the course:

- To acquaint the students with the historical development of the Sanhita, the conceptual analysis of crime, their punishments.
- To familiarize with the concept of criminal liability.
- To discuss the different kinds of inchoate crimes and legal implications of offences against women and children.
- To explain the different offences affecting human body like murder, grievous hurt, organized crime, mob lynching etc. and offences affecting reputation.
- To acquaint the students regarding various kinds of acts that affects the State, public tranquility and false evidence.
- To explain the different offences relating to property.

## Syllabus:

### 1. **General:**

- 1.1 Objects and reasons of Bharatiya Nyaya Sanhita, 2023, Introduction of Newly inserted and amended provisions of BNS,
- 1.2 Commencement and application of the Bharatiya Nyaya Sanhita, 2023
- 1.3 Conception of Crime, Stages of Crime, Mens Rea,
- 1.4 Intra-Territorial Jurisdiction and Extra-Territorial Jurisdiction, General Explanations Sec. 3(1) to (9)
- 1.5 Punishments: Various Theories of Punishment and Kinds of Punishments
  - 1.5.1 Death Sentence, Imprisonment for Life, Imprisonment: Simple and Rigorous, Forfeiture of Property, Fine and Community Service.
  - 1.5.2 Commutation of sentence, fractions of terms of Punishment,
  - 1.5.3 Liability in default of payment of fine and related provisions
  - 1.5.4 Solitary Confinement, Enhanced punishment for certain offences after previous conviction

### 2. **General Exceptions:**

- 2.1 Mistake of Fact, Mistake of Law, Act of Judge, Act done pursuant to judgment/order of court etc. Accident as a defence, act without criminal intent
- 2.2 Mental Incapacity, Minority, consent, involuntary in toxication and Insanity as a defence, Act by a person compelled by threats, communication made in good faith, act causing slight harm etc.
- 2.3 Right of Private Defence of person and property: Justification and limits, when private defence extends to causing of death to protect body and property?
- 2.4 Abetment and its kinds, Abetment outside India for Offences in India (Sec.48) Criminal Conspiracy,
- 2.5 Punishment for attempt to commit offence punishable with life imprisonment or other imprisonment

### 3. **Offences against Women and Child:**

- 3.1 Rape and other sexual offences, Punishment thereof,
- 3.2 Gang Rape and its punishment, other related provisions
- 3.3 Sexual harassment, Assault/use of Criminal Force to women with intent to disrobe, voyeurism, stalking etc. and punishment
- 3.4 Dowry Death, marrying again during lifetime of husband/wife, Husband/relatives of husband of woman subjecting her to cruelty, other marriage related offences and punishments

### 3.5 Offences against Child

## 4. Offences Relating affecting the Human Body:

### 4.1 Offences affecting Life:

- 4.1.1 Culpable Homicide, Murder, distinction between them, murder by 5 or more persons on ground of race, caste community, sex etc., punishment
- 4.1.2 Causing death by rash or negligent act, causing death by rash or negligent motor driving, liability of Medical Practitioner in case of death by rash or negligent act,
- 4.1.3 Attempt to murder, Attempt to commit Culpable Homicide,
- 4.1.4 Abetment of Suicide, reasons for removing offence of attempt to commit suicide in BNS
- 4.2 Organized crime (Sec.111), Petty organized crime (Sec. 112), Terrorist Act (Sec. 113)
- 4.3 Hurt and Grievous hurt, Aggravated forms, Grievous hurt by Acid etc.
- 4.4 Wrongful restraint, wrongful confinement
- 4.5 Criminal Force, Assault,
- 4.6 Kidnapping, Abduction, Trafficking of person, Unlawful compulsory labour etc.

## 5. Offences Against the State, Offences Relating to Army, Navy, Air Force and Offences Relating to Elections:

### 5.1 Offences against the State:

- 5.1.1 Waging War against Government of India and related offences
- 5.1.2 Act endangering sovereignty, unity and integrity of India (Sec. 152)
- 5.1.3 Public Servant negligently allowing Prisoner of State or war to escape and related offences.
- 5.1.4 Aiding escape of, rescuing or harboring prisoner
- 5.2 Offences relating to the Army, Navy and Air Force
  - 5.2.1 Abetting mutiny and related offences, attempt to seduce a soldier, sailor or airman from his duty, abetment of assault by soldier, sailor or airman on his superior officer etc.
  - 5.2.2 Harboring deserter, Abetment of Act of insubordination etc.
- 5.3 Offences relating to Elections
- 5.4 Offences relating to Coin, Currency Notes, Bank Notes and Government Stamps

## 6. Offences against the Public Tranquility, Offences by or against Public Servants:

### 6.1 Offences against Public Tranquility

- 6.1.1 Unlawful Assembly, Common Object, Difference between Common Object and Common Intention (Sec. 190 and Sec.3(5) ), Rioting, Aggravated forms of Rioting, Affray, Promoting enmity between different groups
- 6.1.2 Imputations, assertions prejudicial to national integration
- 6.2 Offences by or relating to Public Servants:
  - 6.2.1 Public Servant disobeying law with intent to cause injury, disobeying direction under law
  - 6.2.2 Punishment for non-treatment of victim (Sec.200), public servant framing incorrect document with intent to cause injury, unlawfully engaging in Trade, unlawfully buying/bidding for property etc.

## 7. Contempt's of the lawful authority of Public Servants:

- 7.1 Absconding to avoid service of summons, preventing service of summons, Non-attendance inobedience to order from public servant and other related offences
  - 7.1.1 Refusing to take oath/affirmation, refusing to answer public servant, refusing to sign statement etc., Resistance/obstruction by a person to his or another

person's lawful apprehension etc.

- 7.1.2 Threat of Injury to public servant and related offences, Attempt to commit suicide to compel/restrain exercise of lawful power (Sec.226)

**8. False Evidence and Offences against Public Justice, Offences affecting Public Health, Safety etc. and Offences relating to Religion:**

- 8.1 Giving and fabricating False Evidence, punishment
- 8.1.1 Giving/ fabricating false evidence with intent to procure conviction of capital offences/ life imprisonment / imprisonment, related offences
- 8.1.2 Using evidence known to be false, issuing/signing false certificate, using as true certificate known to be false etc., giving false information and related offences, dishonestly making false claim in court, fraudulently obtaining degree for sum not due
- 8.1.3 Harboring offender and related offences
- 8.1.4 Public servant disobeying direction of law to save person from punishment etc. and other offences related to public servant
- 8.2 Offences affecting the Public Health, Safety etc.:
- 8.2.1 Public Nuisance and related offences
- 8.2.2 Adulteration of food or drink intended for sale, sale of noxious food/drink, adulteration of drugs and sale thereof, related offences
- 8.2.3 Rash driving or riding on public way etc., conveying person by water for hire in unsafe or overloaded vessel, Negligent conduct with respect to poisonous substances, fire/combustible matter, explosive substance, animal etc. punishment
- 8.2.4 Sale etc. of obscene books,, obscene objects to child, obscene acts and songs, keeping lottery office
- 8.3 Offences relating to Religion:
- 8.3.1 Injuring/ defiling place of worship with intent to insult religion of any class, Deliberate and malicious acts intended to outrage religious feelings etc.
- 8.3.2 Disturbing religious assembly, trespassing on burial places etc., uttering words etc. with intent to wound religious feelings

**9. Offences against Property, Documents and Property Marks, Criminal Intimidation, Defamation and Miscellaneous:**

- 9.1 Theft, snatching & Extortion, aggravated forms of theft and extortion, punishment thereof, Robbery and Dacoity, Distinction between them, receiving and disposing of Stolen Property & other related offences
- 9.2 Criminal Misappropriation, Criminal Breach of Trust, Mischief including Mischief by causing loss to Government property etc. (Sec. 324(3))
- 9.3 Cheating: Types of Cheating Punishment, Criminal Trespass, House Trespass and House Breaking, aggravated forms and punishment
- 9.4 Making False Document and Forgery,
- 9.4.1 Aggravated forms of forgery, punishment, forge document/electronic record and using it as genuine etc.
- 9.4.2 Fraudulent cancellation, destruction etc. of will, authority to adopt or valuable Security etc. falsification of account.
- 9.4.3 Tampering with property marks, counterfeiting property marks etc.
- 9.5 Criminal Intimidation, Intentional Insult with intent to provoke breach of peace, statements conducting to public mischief, Act caused by inducing person to believe that he will be rendered an object of Divine Displeasure, Misconduct in public by a drunken

- person
- 9.6 Defamation, Breach of contract to attend on and supply wants of helpless person
- 9.7 Repeal and savings (Sec. 358)

**Suggested Readings: (The latest edition)**

1. Prof. Vageshwari Deswal & Advo. Saurabh Kansal, Taxmann's Bharatiya Nyaya Sanhita 2023 | Law & Practice, Taxmann's Editorial Board, 2024
2. Shailendra Malik, Bharatiya Nyaya Sanhita 2023, Allahabad Law Agency
3. Dr. J.K. Verma, Bharatiya Nyaya Sanhita, 2023 (Offences and Penalties): A Commentary, Eastern Book Company
4. Kenny's Outlines of Criminal Law - Universal Law Publishing Co.
5. C.K. Takwani, Indian Penal Code, EBC Publishing.
6. Ratanlal and Dhirajlal, Indian Penal Code, Lexis Nexis
7. K.D. Guar, Criminal Law cases and material, Butterworth's, India
8. S.N. Mishra, Indian Penal Code, Central Law Publishing Agency
9. R.C. Nigam, Law of Crimes, Vol. I and II
10. B.M. Gandhi, Indian Penal Code, Eastern Book Co.
11. Russell on Crime - Universal Law Publishing Co. (2 Volumes)
12. Ratanlal & Dhirajlal's Indian Penal Code, Butterworth's Wadhwa, Nagpur
13. K.D. Gaur, A text Book on the Indian Penal Code, Universal Delhi.
14. P.S. Achuthanpillai, Criminal Law Eastern Book Co.