

BHARATIYA NYAYA SANHITA (BNS), 2023

Special Module for All India Bar Examination (AIBE) November 29, 2026

ACT NO. 45 OF 2023

1. Legislative History, Object and Paradigm Shift

The Bharatiya Nyaya Sanhita (BNS), 2023 replaces the colonial-era Indian Penal Code (IPC), 1860. Assented to by the President on December 25, 2023, and coming into force on July 1, 2024, it marks a watershed moment in Indian criminal jurisprudence. The primary objective is to shift the focus from 'punishment' (Dand) to 'justice' (Nyaya). It reorganizes offences to prioritize crimes against women, children, and the human body, while introducing modern offences such as cybercrimes, organized crime, terrorism, and mob lynching.

Structural Rationalization: The BNS has reduced the total number of sections from 511 (in the IPC) to **358 sections**. It achieves this by consolidating related offences, removing obsolete sections (e.g., Thug, Adultery, unnatural offences), and streamlining definitions.

2. BNS vs IPC: Broad Structural Comparison for AIBE

Subject Matter	Indian Penal Code (IPC)	Bharatiya Nyaya Sanhita (BNS)
General Explanations	Chapter II (Sec 6-52A)	Chapter I (Consolidated in Sec 2)
Offences Against Women/Children	Scattered across chapters	Chapter V (Sec 63-99) - Grouped together
Offences Against Human Body	Chapter XVI (Sec 299-377)	Chapter VI (Sec 100-146)
Offences Against Property	Chapter XVII (Sec 378-462)	Chapter XVII (Sec 303-334)
Defamation	Chapter XXI (Sec 499-502)	Chapter XIX (Sec 356)

AIBE Exam Strategy: Since AIBE is an open-book exam (bare acts allowed), memorizing section numbers is less critical than **knowing where to find them**. The biggest hurdle for candidates transitioning from IPC to BNS is muscle memory. Always refer to the index of your BNS bare act. The layout has changed: Offences against the body and women now appear *earlier* in the code than they did in the IPC.

The BNS also integrates principles established by landmark Supreme Court judgments over the past decade, officially codifying the decriminalization of attempted suicide (where justified by severe stress) and adultery, while maintaining strict penalties for sexual offences and integrating new-age digital realities into the core of evidence and fraud.

3. Chapter I: Preliminary & Definitions (Sections 1-3)

The BNS consolidates all definitions into a single alphabetical dictionary clause under **Section 2**, replacing the scattered definitions of the IPC (Sections 6 to 52A). This makes referencing during the AIBE significantly faster.

Child - Section 2(3)

A critical new definition: "child" means any person below the age of eighteen years. This resolves the ambiguity in the IPC and aligns the BNS with the POCSO Act and the Juvenile Justice Act.

Gender - Section 2(10)

The definition of "gender" explicitly includes transgender persons, expanding the scope of protection and culpability to align with the NALSA judgment.

Document - Section 2(7)

Now explicitly includes

electronic and digital records

. Any matter expressed or described upon any substance by means of letters, figures, or marks, including digital forms, intended to be used as evidence.

Moveable Property - Section 2(21)

Includes corporeal property of every description, except land and things attached to the earth. The fundamental basis for offences like Theft and Misappropriation remains unchanged.

4. Electronic Competence & Territorial Jurisdiction

Section 1(4) applies the Sanhita to any offence committed by any citizen of India in any place without and beyond India. Crucially, **Section 1(5)** expressly states that the Act applies to any person on any ship or aircraft registered in India, and to any person committing an offence targeting a computer resource located in India. This modernizes extraterritorial jurisdiction.

AIBE Application: Extraterritoriality

If a question asks: "A, an Indian citizen, commits murder in Uganda. Can he be tried in India?" **Answer:** Yes, under Section 1(4) of the BNS, he can be tried in any place in India where he may be found, maintaining the principle established in the IPC (former Section 4).

5. The Concept of "Act" and "Omission"

Under **Section 2(1)**, the word "act" denotes as well a series of acts as a single act, and the word "omission" denotes as well a series of omissions as a single omission. This is vital for establishing continuing offences or liability arising from a failure to discharge a legal duty (e.g., failure to provide food leading to starvation).

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6. Chapter II: Of Punishments (Sections 4-13)

Chapter II outlines the penal sanctions available to courts. The most revolutionary addition in the BNS is the formal introduction of **Community Service** as a statutory punishment.

Section 4: Scale of Punishments The punishments to which offenders are liable under the BNS are:

1. Death;
2. Imprisonment for life (which means imprisonment for the remainder of that person's natural life);
3. Imprisonment (Rigorous or Simple);
4. Forfeiture of property;
5. Fine;
6. **Community Service** (New addition).

7. Community Service: The Restorative Approach

Community service has been introduced for petty offences to prevent the overcrowding of prisons and avoid branding first-time petty offenders as convicts in the traditional sense. It applies to offences such as:

- Public servant unlawfully engaging in trade (Sec 202).
- Non-appearance in response to a proclamation (Sec 209).
- Petty theft where value of property is less than Rs 5,000, upon return of property (Sec 303(2)).
- Public intoxication causing annoyance (Sec 355).
- Defamation (Sec 356).

8. Commutation of Sentences (Sections 5 & 6)

The BNS rationalizes the commutation powers of the appropriate Government, setting strict limits to prevent arbitrary remissions:

Original Sentence	Commuted Sentence Limit under BNS (Sec 5)
Death Penalty	Life imprisonment (remainder of natural life)
Imprisonment for Life	Imprisonment for a term not less than 7 years
Imprisonment for 7 years or more	Imprisonment for a term not less than 3 years
Imprisonment for 1-7 years	Imprisonment for a term not less than 1 year

AIBE Note on Life Imprisonment: Section 4(b) explicitly defines Life Imprisonment as "remainder of natural life." Furthermore, **Section 6** states that for calculating fractions of terms of punishment, imprisonment for life shall be reckoned as equivalent to imprisonment for **twenty years**.

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9. Chapter III: General Exceptions (Sections 14-44)

Chapter III encompasses defenses that negate criminal liability (*mens rea*). While the substance remains identical to Chapter IV of the IPC, the terminology has been modernized.

Mistake of Fact (Sec 14 & 17)

Nothing is an offence which is done by a person bound by law, or justified by law, who by mistake of fact and not mistake of law in good faith believes himself to be so bound/justified. (*Ignorantia facti excusat, ignorantia juris non excusat*).

Judicial Acts (Sec 15 & 16)

Absolute immunity for acts of a Judge acting judicially, and acts done pursuant to a judgment or order of a Court.

10. Act of a Child (Doli Incapax)

The BNS retains the age of absolute criminal immunity but clarifies the conditional immunity tier.

- **Section 20 (Absolute Immunity):** Nothing is an offence which is done by a child under **seven years of age**.
- **Section 21 (Qualified Immunity):** Act of a child above 7 and under 12, who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct.

11. Insanity modernized to "Mental Illness" (Section 22)

Section 22: Nothing is an offence which is done by a person who, at the time of doing it, by reason of **mental illness**, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

AIBE Update: The BNS replaces the archaic IPC term "unsoundness of mind" with "mental illness," aligning the penal code with the Mental Healthcare Act, 2017. The legal test (M'Naghten Rules) remains the same: the cognitive incapacity must exist *at the exact time* of committing the act.

12. Intoxication (Sections 23 & 24)

Involuntary intoxication is a complete defense. Under **Section 23**, an act is not an offence if the doer is incapable of knowing the nature of the act due to intoxication, provided the thing which intoxicated him was administered *without his knowledge or against his will*. Voluntary intoxication (Sec 24) presumes the person had the same knowledge as a sober person.

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13. Right of Private Defence (Sections 34 to 44)

The provisions governing the right of private defence of body and property remain fundamentally identical to the IPC (Sec 96-106). Every person has a right to defend their own body and the body of any other person, and property against theft, robbery, mischief, or criminal trespass.

Section 38: When the right of private defence of the body extends to causing death.

The right extends to causing death if the assault reasonably causes apprehension of:

- Death or Grievous Hurt.
- Commission of rape or gratifying unnatural lust.
- Kidnapping or abducting.
- Wrongful confinement preventing recourse to public authorities.
- Act of throwing or administering acid (or attempt thereof).

14. Limitations on Private Defence (Section 37)

The right of private defence is not absolute. Section 37 outlines the statutory limitations:

- No right against an act done by a public servant acting in good faith under color of his office, even if not strictly justifiable by law, unless it causes apprehension of death/grievous hurt.
- No right if there is time to have recourse to the protection of public authorities.
- **Rule of Proportionality:** The right in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

15. Private Defence of Property (Section 41)

The right of private defence of property extends to causing death only under specific aggravating circumstances:

Offence	Right Extends to Causing Death?
Robbery	Yes
House-breaking by night	Yes
Mischief by fire to human dwelling/storage	Yes
Theft/Mischief/House-trespass	Only if it causes apprehension of death or grievous hurt

AIBE Core Concept: The right of private defence commences as soon as a reasonable apprehension of danger arises from an attempt or threat, and continues as long as that apprehension continues. It does not exist for retaliation after the danger has passed.

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16. Chapter IV: Abetment, Criminal Conspiracy and Attempt (Sections 45-62)

Chapter IV consolidates the inchoate (incomplete) offences of abetment, conspiracy, and attempt. In the IPC, Attempt was Chapter XXIII, Conspiracy was Chapter VA. BNS brings them together logically.

17. Abetment (Section 45)

Section 45 defines abetment. A person abets the doing of a thing, who:

1. Instigation

Instigates any person to do that thing. Includes willful misrepresentation or concealment of a material fact.

2. Conspiracy

Engages in any conspiracy for doing that thing, if an act or illegal omission takes place in pursuance of that conspiracy.

3. Intentional Aiding: Intentionally aids, by any act or illegal omission, the doing of that thing. Facilitating the commission of an act prior to or at the time of its commission constitutes aiding.

18. Key Principles of Abetment

Principle	Description
Independent Offence	Abetment is an offence even if the act abetted is not committed.
Incapacity of Actor	It is still abetment if the person abetted is a child or lunatic incapable of committing an offence.
Abetment of Abetment	The abetment of an abetment is an offence.

AIBE Extraterritorial Abetment (Section 48)

Section 48 (Abetment outside India for offence in India): A person within India who abets the commission of an act outside India, which would constitute an offence if committed in India, is liable.

BNS Addition: The BNS adds that a person outside India who abets an offence in India is also liable, bridging cyber-crime gaps.

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19. Criminal Conspiracy (Section 61)

Section 61 defines criminal conspiracy (formerly Sec 120A IPC). When two or more persons agree to do, or cause to be done: (a) an illegal act, or (b) an act which is not illegal by illegal means.

Overt Act Requirement: For an agreement to commit an offence, the mere agreement is sufficient. However, for an agreement to do an act which is not an offence (but illegal), an overt act besides the agreement is necessary to prove conspiracy.

Landmark Concept (Remains relevant in BNS)

The essence of conspiracy lies in the "meeting of minds." There must be an agreement, though direct proof is rare and it is usually inferred from circumstantial evidence (*State of T.N. v. Nalini*).

20. Attempt to Commit Offences (Section 62)

Section 62 replaces Section 511 of the IPC. It serves as the residuary section for attempts where no specific provision exists.

Punishment: Whoever attempts to commit an offence punishable with life imprisonment or other imprisonment, and in such attempt does any act towards the commission of the offence, shall be punished with imprisonment up to **one-half of the longest term provided**, or fine, or both.

21. The Stages of a Crime

Every crime passes through four stages. Only the latter two are generally punishable.

Stage	Punishable?	Exception (When Punishable)
1. Intention	No	None. Mere mens rea is not punishable.
2. Preparation	No	Preparation for Waging War, Dacoity, Counterfeiting.
3. Attempt	Yes	Punishable under specific sections (e.g., Attempt to Murder) or Sec 62.
4. Commission	Yes	Substantive offence completed.

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22. Chapter V: Offences Against Women & Children

The BNS brings offences against women and children to the forefront (Chapter V, Sections 63 to 99), reflecting a shift in legislative priorities.

23. Rape (Section 63)

Section 63 defines rape (formerly Section 375 IPC). The elements remain penetration, insertion, manipulation, or oral contact against the will or without the consent of a woman.

Vitiated Consent (Exceptions where consent is void):

1. Against her will.
2. Without her consent.
3. Consent obtained by putting her in fear of death or hurt.
4. Consent obtained by believing the man is her husband (when he is not).
5. Consent when she is intoxicated/unsound mind.
6. **Age Threshold:** With or without consent, if the girl is under **eighteen years of age** (This is a major change from IPC's general rape provision, aligning fully with POCSO).

24. Deceitful Means for Sexual Intercourse (Section 69) - NEW

Section 69 introduces a specific, novel offence tackling "love jihad" allegations and false promises of marriage, which were previously interpreted through judicial precedents under cheating (Sec 415 IPC) or rape (Sec 375 IPC).

Section 69: Whoever, by deceitful means or making by promise to marry to a woman without any intention of fulfilling the same, and has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment up to **10 years** and fine.

Explanation: "Deceitful means" shall include the false promise of employment or promotion, inducement, or marrying after suppressing identity.

AIBE Identification Tip: Do not confuse Section 69 (Deceitful means - up to 10 years) with Section 63 (Rape - minimum 10 years to life). Section 69 specifically caters to consensual acts vitiated by specific deceit outside the strict definition of rape.

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25. Dowry Death (Section 80)

Section 80 corresponds to the former Section 304B of the IPC. The essential ingredients remain identical, carrying a presumption of guilt under the Evidence Act (now Bharatiya Sakshya Adhiniyam - BSA).

Ingredients of Dowry Death:

- Death of a woman caused by burns/bodily injury or occurs otherwise than under normal circumstances.
- Within **seven years** of her marriage.
- She was subjected to cruelty or harassment by her husband or his relatives.
- Such cruelty was for, or in connection with, any demand for dowry.
- Such cruelty occurred "soon before" her death.

Punishment: Imprisonment for not less than 7 years, extending to imprisonment for life.

26. Cruelty by Husband or Relatives (Section 85)

Section 85 incorporates the widely used Section 498A IPC.

Definition of Cruelty (Sec 85)

Willful conduct likely to drive the woman to suicide or cause grave injury/danger to life, limb, or health (mental or physical).

Harassment for Property

Harassment to coerce her or her relatives to meet any unlawful demand for property or valuable security.

27. Bigamy and Adultery Decriminalization

Section 82 covers marrying again during the lifetime of a husband or wife (Bigamy), punishable up to 7 years.

Adultery (Joseph Shine v. Union of India)

The BNS entirely omits the offence of Adultery (former Section 497 IPC), codifying the Supreme Court's constitutional judgment that criminalizing adultery violates Articles 14, 15, and 21. Adultery remains only a civil ground for divorce.

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28. Chapter VI: Offences Affecting the Human Body

The core concepts of Culpable Homicide and Murder remain analytically identical to the IPC, though renumbered.

29. Culpable Homicide (Section 100) vs Murder (Section 101)

Culpable Homicide (Sec 100) [Old Sec 299]	Murder (Sec 101) [Old Sec 300]
Intention of causing death.	Act is done with intention of causing death.
Intention of causing bodily injury likely to cause death.	Intention to cause bodily injury sufficient in the ordinary course of nature to cause death.
Knowledge that act is likely to cause death.	Knowledge that act is so imminently dangerous that it must in all probability cause death.

Exceptions where Murder is reduced to Culpable Homicide not amounting to Murder (Section 101 Exceptions):

1. Grave and sudden provocation.
2. Exceeding right of private defence in good faith.
3. Public servant exceeding powers in good faith.
4. Sudden fight in the heat of passion upon a sudden quarrel.
5. Consent of the victim (if above 18 years of age).

AIBE Leading Case (Reg v. Govinda)

The distinction between culpable homicide and murder rests on the *probability* of death. If death is a probable consequence, it is culpable homicide. If death is the most probable/imminent consequence, it is murder.

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30. Mob Lynching (Section 103(2)) - NEW OFFENCE

The BNS introduces a specific penal provision to address the socio-legal menace of mob lynching. Previously, this was prosecuted under murder read with common intention/unlawful assembly.

Section 103(2): When a group of **five or more persons** acting in concert commits murder on the ground of race, caste or community, sex, place of birth, language, personal belief or any other similar ground, each member of such group shall be punished with death or with imprisonment for life, and shall also be liable to fine.

This imposes strict joint liability akin to dacoity with murder, recognizing hate-crimes statutorily.

31. Death by Negligence & Medical Negligence (Section 106)

Section 106 (formerly Section 304A IPC) covers causing death by rash or negligent acts not amounting to culpable homicide. The BNS restructures this into specific sub-sections.

Section 106(1): General Rash/Negligent Act

Causes death by doing any rash or negligent act.

Punishable up to

5 years

and fine. (The IPC punishment was up to 2 years, thus BNS makes it stricter).

Medical Practitioner Exemption [Sec 106(1) Proviso]

If such an act is done by a registered medical practitioner while performing a medical procedure, the punishment is limited to

2 years

and fine.

Hit and Run Law (Section 106(2)): Whoever causes death by rash/negligent driving and escapes without reporting it to a police officer or Magistrate soon after the incident, shall be punished with imprisonment up to **10 years** and fine. (Note: Implementation of this sub-section was stayed by the Govt. following transport union strikes, but it remains in the statute book for exam purposes).

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32. Hurt (Section 114) and Grievous Hurt (Section 116)

Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt. Grievous hurt designates specific severe injuries.

Eight Classifications of Grievous Hurt (Section 116):

1. Emasculation.
2. Permanent privation of the sight of either eye.
3. Permanent privation of the hearing of either ear.
4. Privation of any member or joint.
5. Destruction or permanent impairing of the powers of any member or joint.
6. Permanent disfiguration of the head or face.
7. Fracture or dislocation of a bone or tooth.
8. Any hurt which endangers life or causes the sufferer to be in severe bodily pain, or unable to follow ordinary pursuits, for **fifteen days** (Reduced from 20 days in IPC).

33. Acid Attacks (Section 124)

Section 124(1) punishes voluntarily causing grievous hurt by use of acid, carrying a minimum sentence of 10 years, extendable to life imprisonment, and a fine that must be just and reasonable to meet the medical expenses of the victim.

Section 124(2) covers the **attempt** to throw acid, punishing it with a minimum of 5 years up to 7 years.

AIBE Tricky Question: If a person causes a bone fracture by slapping someone, is it Hurt or Grievous Hurt? Under Section 116(7), ANY fracture of a bone is strictly classified as Grievous Hurt, regardless of the method used to inflict it.

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34. Kidnapping & Abduction (Sections 137 to 146)

The BNS maintains the distinction between Kidnapping (an offence against lawful guardianship) and Abduction (an offence against personal liberty).

Parameters	Kidnapping from Lawful Guardianship (Sec 137)	Abduction (Sec 139)
Victim's Age	Minor (Under 18 years for both male and female)	Any age
Consent	Minor's consent is completely immaterial	Force or deceitful means must be used (vitiating consent)
Nature of Offence	Substantive offence, completed once taken out of custody	Continuing offence; auxiliary (only punishable if linked to intent like murder/ransom)

Age Alignment (Section 137): In a major reform, the BNS equalizes the age of minority for kidnapping from lawful guardianship to **under 18 years for both male and female**. (The IPC had set it at under 16 for males and under 18 for females).

35. Human Trafficking (Section 143)

Section 143 penalizes trafficking of persons for exploitation. Exploitation includes prostitution, physical exploitation, forced labor, slavery, and the removal of organs. The punishment is severe: 7 to 10 years for a single victim, and up to life imprisonment for trafficking multiple persons or children.

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36. Organised Crime (Section 111) - NEW STATUTORY CRIME

Previously handled by special state laws (like MCOCA in Maharashtra or UPCOA), Organised Crime is now formally part of the central penal code.

Section 111: Organised crime includes continuing unlawful activity like kidnapping, robbery, extortion, land grabbing, contract killing, economic offences, cyber-crimes, or trafficking in drugs/weapons, committed as a member of an **organised crime syndicate** or on its behalf, by use of violence, threat, or coercion, to gain pecuniary benefits.

Punishment if death occurs

Death or Imprisonment for life, and a minimum fine of Rs 10 Lakhs.

Punishment in other cases

Imprisonment for 5 years to life, and a minimum fine of Rs 5 Lakhs.

37. Terrorist Act (Section 113) - NEW INTEGRATION

The BNS integrates the definition of a "Terrorist Act" largely derived from the Unlawful Activities (Prevention) Act (UAPA).

Section 113: Whoever does any act with the intent to threaten the unity, integrity, sovereignty, security, or economic security of India, or to strike terror in the people, by using bombs, firearms, poisons, or hacking critical digital infrastructure, commits a terrorist act.

AIBE Context: The inclusion of terrorism and organised crime directly into the general penal code eliminates the absolute reliance on special enactments for prosecution, though procedural safeguards under special laws may still apply.

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38. Chapter VII: Offences Against the State (Sections 147 to 152)

This chapter deals with treason, waging war against the Government of India, and acts endangering national sovereignty.

- **Section 147:** Waging, or attempting to wage war, or abetting waging of war, against the Government of India (Punishable by Death or Life Imprisonment).
- **Section 149:** Collecting arms, etc., with intention of waging war.

39. The Deletion of "Sedition" and Introduction of Section 152

The BNS explicitly drops the colonial word "Sedition" (former Section 124A IPC). However, it replaces it with a reworded provision targeting secessionist and subversive activities.

Section 152: Act endangering sovereignty, unity and integrity of India

Whoever, purposely or knowingly, by words, either spoken or written, or by signs, or by visible representation, or by electronic communication or by use of financial mean, or otherwise, excites or attempts to excite **secession or armed rebellion or subversive activities**, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India.

Punishment: Imprisonment for life or imprisonment which may extend to 7 years, and fine.

AIBE Nuance: Freedom of Speech

Explanation to Section 152: Comments expressing disapprobation of the measures, or administrative or other action of the Government with a view to obtain their alteration by lawful means without exciting the activities referred to in this section, do not constitute an offence.

40. Chapter XI: Offences Against Public Tranquility (Sections 189-197)

This chapter covers Unlawful Assembly, Rioting, and Affray. The principles remain identical to the IPC.

41. Unlawful Assembly (Section 189)

An assembly of **five or more persons** is designated an "unlawful assembly" if the common object of the persons composing that assembly is:

1. To overawe the Central/State Government by criminal force.
2. To resist the execution of any law or legal process.
3. To commit any mischief or criminal trespass.
4. To obtain possession of property or deprive someone of a right by force.
5. To compel any person to do what he is not legally bound to do.

Rioting (Section 191)

Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly.

Affray (Section 194)

When two or more persons, by fighting in a **public place**, disturb the public peace. Punishment is up to 1 month or fine up to Rs 1,000.

42. Constructive/Joint Liability (Section 190)

Section 190 (former Sec 149 IPC) holds every member of an unlawful assembly guilty of an offence committed in prosecution of the common object, or such as the members knew to be likely to be committed in prosecution of that object. Mere presence as an active member is sufficient to convict a person for murder committed by another member during a riot.

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43. Chapter XVII: Offences Against Property

Theft, Extortion, Robbery, and Dacoity form the core property offences.

44. Theft (Section 303)

Whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

- **Ingredients:** (1) Dishonest intention (2) Movable property (3) Out of possession of another (4) Without consent (5) Physical moving.
- **Punishment:** Up to 3 years. For second conviction, up to 7 years.
- **Note:** Community service applies for petty theft below Rs 5,000 if property is returned (Sec 303(2)).

45. Snatching (Section 304) - NEW PROVISION

Previously, chain-snatching was dealt with under Theft or Robbery, leading to judicial inconsistencies. BNS codifies Snatching as a distinct offence.

Section 304: Theft is "snatching" if, in order to commit theft, the offender suddenly or quickly or forcibly seizes or secures or grabs or takes away from any person or from his possession any moveable property.

Punishment: Imprisonment up to 3 years and fine.

AIBE Concept Mapping: Theft vs Extortion

In Theft (Sec 303), the property is taken without consent. In Extortion (Sec 308), consent is obtained, but it is obtained wrongfully by putting the person in fear of injury.

46. Robbery (Section 309) & Dacoity (Section 310)

In all robbery there is either theft or extortion.

Theft is Robbery:

If, in order to commit theft, the offender causes or attempts to cause death, hurt, or wrongful restraint, or fear of instant death/hurt.

Extortion is Robbery:

If the offender is in the presence of the person put in fear and puts them in fear of instant death/hurt to extort property.

Dacoity (Section 310): When **five or more persons** conjointly commit or attempt to commit robbery. The number 5 is the mathematical differentiator between Robbery and Dacoity.

47. Criminal Misappropriation & Breach of Trust

Offence	Section	Core Ingredient
Criminal Misappropriation	Sec 314	Property comes innocently into possession, but is subsequently converted dishonestly.
Criminal Breach of Trust	Sec 316	Property is "entrusted" to a person, who dishonestly misappropriates or converts it.

AIBE Trap Question: Finding lost property is not an offence. But if A finds a wallet, knows it belongs to B, and keeps the money, A is guilty of Criminal Misappropriation (Section 314).

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48. Cheating (Section 318)

Cheating (formerly the famous Section 420 IPC) is now Section 318 of the BNS.

Elements of Cheating: Deceiving any person, fraudulently or dishonestly inducing the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally inducing the person to do/omit something causing damage/harm.

Punishment (Sec 318(4)): Cheating and dishonestly inducing delivery of property is punishable up to 7 years.

49. Mischief (Section 324)

Whoever, with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility.

50. Criminal Trespass & House Breaking (Sections 329-331)

Offence	Definition
Criminal Trespass	Entering into property in possession of another with intent to commit offence, intimidate, or annoy.
House-Trespass	Criminal trespass by entering into a building, tent, or vessel used as human dwelling.
House-Breaking	House-trespass effected in one of six specified ways (e.g., breaking a lock, using a window, threatening).

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51. Chapter XIX: Defamation (Section 356)

Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said to defame that person.

BNS Modification: The punishment for defamation under Section 356 includes simple imprisonment up to 2 years, fine, **or Community Service**. The introduction of community service for defamation aims to decriminalize the harshness of political and civil libel.

52. Criminal Intimidation (Section 351)

Threatening another with any injury to his person, reputation, or property, with intent to cause alarm to that person, or to cause them to do an act which they are not legally bound to do.

53. Final AIBE Exam Strategies for BNS 2023

1. Master the Index

You will have the Bare Act. Spend 90% of your prep time understanding how the index flows from Chapter I to Chapter XX. Know the structural difference from IPC.

2. Old Precedents Apply

If a question asks about the test of insanity (M'Naghten) or common intention (Barendra Kumar Ghosh), the underlying jurisprudence remains intact despite section number changes.

3. Focus on the "New" Additions: The examiners will heavily test the new provisions. Highlight these in your bare act: **Mob Lynching (Sec 103), Organised Crime (Sec 111), Terrorist Act (Sec 113), Deceitful sexual intercourse (Sec 69), and Snatching (Sec 304).**

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