

Law of Crimes

Integrated with Bare Act Provisions and Comparison Tables, Landmark Cases and PYQ signposts

Prepared for structured semester study, revision, and answer writing

This upgraded edition embeds carefully selected statutory extracts from the official BNS text, adds side-by-side comparison tables for frequently confused concepts.

How this document is organised: Each unit follows the syllabus. Every major topic explains the concept, traces the common-law or IPC background where useful, identifies the principal Bharatiya Nyaya Sanhita, 2023 provisions, states punishments and key exceptions, and then adds doctrinal clarification.

Research note: Statutory mapping is based on the official India Code text of the Bharatiya Nyaya Sanhita, 2023 and a comparative BNS–IPC table. Judicial discussion is built around leading Supreme Court and High Court decisions commonly taught in criminal law courses.

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- Appendix – Quick BNS Topic Map and Exam Revision Grid

Past-paper pattern: The question papers you shared repeatedly test distinctions, doctrinal definitions, private defence, homicide, women-related offences, marriage offences, decriminalisation themes, property offences, public servants, offences against the State, and public tranquillity. Accordingly, these chapters receive especially deep treatment.

BNS enactment - 1 July 2024

what BNS deals with BNS - 20 chapters
358 - sections

Law of Crimes • Semester II Companion

old laws

IPC 1860
CoPC, 1973

IEA, 1872

Unit I - Foundations of Criminal Law

Unit focus: This unit builds the conceptual grammar of criminal law: what a crime is, how it differs from a civil wrong, when intention matters, when mere preparation becomes punishable, and how BNS applies in space and person.

Principal BNS provisions: BNS sections 1-13, especially sections 1 (application), 2 (definitions), 3 (general explanations), and 4-13 (punishments).

1. Development of the Law of Crimes in India

Indian criminal law developed through a combination of **common-law ideas**, **colonial codification**, and **post-Constitutional judicial refinement**. Before codification, criminal justice in the subcontinent was fragmented across regional, customary, and religion-linked frameworks. **The Indian Penal Code, 1860** brought a rational, secular and general criminal code whose drafting reflected **Macaulay's** codification project and the common-law concern with intelligible rules rather than judge-made fragmentation.

After Independence, the Constitution transformed the normative setting of criminal law. Criminal prohibitions, police power, procedure, punishment, fair trial rights, and evidentiary presumptions all came to be tested against equality, liberty, dignity, and due process values. The criminal law thus ceased to be only a command backed by sanction; it became a state power that must also satisfy constitutional discipline.

With effect from **1 July 2024**, the **Bharatiya Nyaya Sanhita, 2023** replaced the **IPC** as the principal **substantive** penal statute. The BNS preserves much of the structure of the IPC, but it also revises language, adds **community service as a punishment**, introduces specific provisions such as **organised crime**, **petty organised crime** and **terrorist acts**, and reworks several offence descriptions to accommodate contemporary forms of harm including **digital records and computer-resource targeting**.

From a pedagogic point of view, the modern law student must therefore read criminal law historically. The common law explains the language of mens rea, attempt, abetment, consent, provocation, common intention and public peace. The IPC explains doctrinal continuity. The BNS supplies the current statutory text.

2. Concept and Meaning of Crime

A crime is a public wrong recognised by law and visited with penal consequences at the instance of the State. Unlike a purely private grievance, a crime is treated as an injury to the social order, because it disturbs public peace, security, bodily integrity, property, morality protected by law, or the authority of the State. This is why criminal proceedings are ordinarily prosecuted in the name of the State, even where the immediate victim is an individual.

Common-law writers often distinguished crimes from civil wrongs by reference to punishment, public prosecution, and moral blameworthiness. That distinction remains useful, but modern criminal law also includes regulatory or statutory offences where social welfare, public administration or economic order is the primary object. Hence criminal law contains both core offences such as murder, rape and theft, and ancillary or regulatory offences where the law emphasises deterrence and public order.

BNS does not define crime in the abstract. Instead, it punishes every act or omission made punishable by the Sanhita. Read with section 1 and the definition of 'offence' in section 2, the statute adopts a positivist stance: an offence is what the law declares punishable. Yet courts continue to interpret offence definitions by reference to deeper principles such as mens rea, causation, voluntariness, absence of justification and the need to construe penal statutes carefully.

3. Distinction between Crime and Tort

Exam lens • PYQ signal: Winter 2024 short note.

Targeted doctrinal / statutory note

Statutory note.—The BNS does not define “crime” in a single conceptual section; it criminalises conduct through offence-defining provisions and general explanations. The contrast with tort is therefore analytical: public wrong, prosecution by the State, and penal consequences under sections such as 4 (punishments), unlike compensatory private-law remedies.

Point of distinction	Crime	Tort
Nature of wrong	Public wrong against society and the State.	Private/civil wrong against an individual or determinate class.
Proceeding initiated by	State through prosecution.	Aggrieved person/plaintiff.
Primary object	Punishment, deterrence, denunciation, social protection.	Compensation, injunction, restoration of private rights.
Standard features	May require mens rea, statutory ingredients, proof beyond reasonable doubt.	Focuses on breach of duty and damage; proof on preponderance of probabilities.
Result	Conviction or acquittal; sentence.	Decree for damages, injunction, restitution or declaration.

The distinction between crime and tort is fundamental but not absolute. A tort is primarily a private wrong giving rise to civil liability, compensation or injunction; a crime is a public wrong attracting punishment. In tort the injured person controls the litigation more substantially; in crime the State assumes the prosecutorial role because the legal order treats the wrong as socially offensive.

Another distinction lies in objective and consequence. The object of criminal law is condemnation, deterrence, incapacitation, and where appropriate reformation; the object of tort law is chiefly compensation, allocation of loss, and private corrective justice. Burden and standard of proof also differ: criminal guilt must ordinarily be proved beyond reasonable doubt, while tort liability is generally established on the preponderance of probabilities.

A single act can create both criminal and civil consequences. Assault, defamation, cheating, negligence causing death, criminal breach of trust, nuisance and trespass may generate civil suits as well as prosecution if statutory ingredients are fulfilled. The existence of a civil remedy is not a defence to criminal prosecution where the criminal elements are independently made out.

In examination answers, the best comparison is thematic rather than merely tabular: public wrong versus private wrong, punishment versus compensation, stricter burden of proof versus balance of probabilities, prosecution by State versus suit by individual, and social condemnation versus private redress.

4. Principles of Criminal Liability: Actus Reus and Mens Rea

Selected bare provision / statutory extract

General explanatory anchor (BNS section 3, extract): “In every Part of this Sanhita, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.” The Code then repeatedly uses

Sec 3(2) act also includes illegal omissions

Selected bare provision / statutory extract

mental elements such as “intention”, “knowledge”, “dishonestly”, “fraudulently”, “rashly”, and “negligently” across offence sections.

Point of distinction	Actus reus	Mens rea
Basic idea	External element: prohibited act, omission, circumstance or consequence.	Mental element: intention, knowledge, recklessness, negligence, dishonesty, fraudulence.
Proof focus	What happened in the world.	What was in the accused’s mind when it happened.
Examples	Taking property, causing death, making a false document.	Dishonestly taking, knowingly causing likely death, fraudulently inducing delivery.
Code treatment	Often expressed in verbs such as causes, takes, moves, publishes, enters, restrains.	Often expressed in terms like intentionally, knowingly, dishonestly, fraudulently, rashly or negligently.

BNS mapping: BNS sections 2 and 3 define many foundational expressions, including act, omission, dishonestly, fraudulently, good faith, offence, reason to believe, and movable property; offence-specific sections then supply the required mental element.

The classical maxim actus non facit reum nisi mens sit rea captures the basic insight that an external act alone does not ordinarily create criminal guilt unless accompanied by a culpable mental state. The physical element, or actus reus, includes conduct, circumstance, result and sometimes omission where law imposes a duty. The mental element, or mens rea, may take the form of intention, knowledge, reason to believe, rashness, negligence, dishonesty, fraudulence, or another state specifically required by the offence definition.

Indian criminal law does not use the phrase mens rea uniformly, but mental elements are embedded throughout the BNS through expressions such as 'intentionally', 'knowingly', 'dishonestly', 'fraudulently', 'voluntarily', 'reason to believe', 'rashly' and 'negligently'. Thus mental culpability remains central even though the statute prefers concrete verbal formulae over broad Latin labels.

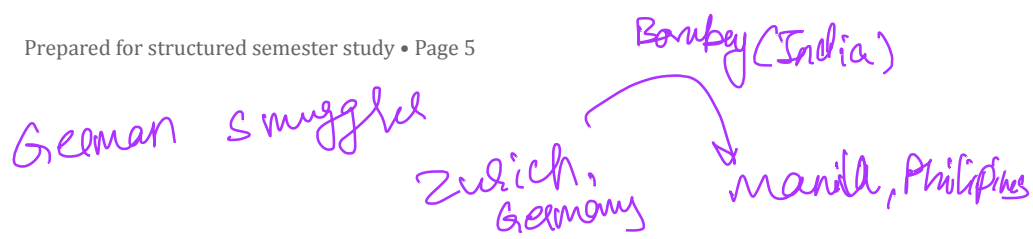
Some offences are result-oriented; others are conduct-oriented. Murder requires causation of death plus the mental ingredients of section 101; theft requires dishonest moving of movable property out of another’s possession without consent; cheating requires deception and dishonest or fraudulent inducement. In each case, liability is not established merely by bad outcome. Courts ask who did what, in what mental state, to whom, and with what legally relevant consequence.

Modern Indian law also recognises limited forms of strict or near-strict liability in specialised regulatory contexts, though core offences under the BNS generally continue to presume the significance of a guilty mind. That doctrinal caution protects liberty and aligns criminal blame with moral agency.

State of Maharashtra v. Mayer Hans George (1965)

Facts: The case arose under foreign exchange and customs controls relating to import of gold. The accused entered India carrying gold in a context where statutory notifications regulated or prohibited import without permission.

Issues: The core issue was whether proof of mens rea was indispensable for conviction under the relevant regulatory prohibition, or whether the statute created an offence where the prohibited act itself sufficed.



mens rea is essential but not necessary.

Held: The Supreme Court treated the offence as one where legislative purpose could exclude the normal insistence on mens rea. The case is repeatedly cited to show that although mens rea is a general principle, the legislature can, especially in regulatory settings, create offences where culpable intention is not essential. For core BNS offences, however, courts still look closely at the mental ingredients built into the statutory text.

5. Stages of Crime

Exam lens • PYQ signal: Summer 2024 and Winter 2024 short notes; attempt is repeatedly examined.

Selected bare provision / statutory extract

62. Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment.—Whoever attempts to commit an offence punishable by this Sanhita with imprisonment for life or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Sanhita for the punishment of such attempt, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations.

(a) A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box, that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this section.

(b) A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z's having nothing in his pocket. A is guilty under this section.

~~CHAPTER 3~~

~~OFFENCES AGAINST WOMEN AND CHILDREN~~

~~Other offences~~

BNS mapping: Specific attempt provisions include sections 109 and 110; the general attempt clause is section 62.

Criminal liability usually unfolds through four analytical stages: intention, preparation, attempt and commission. Mere intention is not punishable because the law does not ordinarily penalise evil thoughts alone. Preparation is also generally not punishable, because until the actor crosses into proximate action, criminal liability would become dangerously speculative. Attempt becomes punishable because the accused has moved from planning into execution and has performed an act sufficiently connected with the intended offence.

The law punishes attempt in two ways. First, many specific offences contain separate provisions punishing attempt, for example attempt to murder. Secondly, BNS section 62 creates a general punishment rule for attempts to commit offences punishable with imprisonment for life or other imprisonment, where no specific attempt provision exists.

The doctrinal difficulty lies in distinguishing preparation from attempt. Courts use formulations such as proximity, unequivocality, and commencement of execution. The safest exam answer explains that attempt begins where preparation ends; the accused must do an act towards the commission of the offence, and the act must be directly connected with its execution, though it need not be the penultimate act.

- Intention: mental decision; not punishable by itself.
- Preparation: arranging means or measures; ordinarily not punishable unless a statute says otherwise.
- Attempt: direct movement towards commission; punishable.
- Commission: full completion of all statutory elements.

*Sec 62
Punishment for attempt even w/o success eg - pick pocket*

Stages of Crime

1. Intention (Mens Rea):

This is the first stage, where the individual consciously decides to commit the crime. While essential for a crime, intention alone is generally not punishable, as it cannot be proved unless expressed through words or conduct.

Exceptions: Some offenses, such as waging war against the State, are punishable even at the intention stage.

Example: Simply thinking about killing someone is not a crime, but making preparations or conspiring to do so may be legally recognized.

2. Preparation:

This stage involves taking tangible steps towards committing the crime, such as gathering materials or making logistical arrangements. However, the person can still abandon the act before execution.

Example: Buying poison with the intent to kill but not administering it.

Legal Status: Preparation is generally not punishable because proving intent is difficult.

Exceptions: Certain crimes, such as dacoity (armed robbery by a group), are punishable at the preparation stage under Sections 149 and 310(4) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. Attempt:

An attempt occurs when an individual takes a substantial step towards committing the crime but fails to achieve the intended result. This stage marks a transition from mere preparation to an overt act that demonstrates clear criminal intent.

Example: A person tries to steal from a box but finds it empty. Despite failing, the act of breaking into the box is considered an attempt at theft.

Essentials of Attempt:

1. Clear intention to commit the crime.
2. An act directed towards its completion.
3. The act must fall short of the completed offense.

Legal Provisions under BNS:

Section 62 provides a general punishment for attempts where no specific penalty is mentioned.

Attempt to Commit Murder: Punishable under Section 109 of

Attempt to Commit Culpable Homicide: Punishable under Section 110 of BNS.

Attempted Suicide: Decriminalized under BNS, shifting the focus towards mental health assistance rather than punishment.

4. Accomplishment:

The final stage of crime is its successful execution. If the act is completed as intended, the person is fully guilty of the offense. If the act remains incomplete due to external factors, the individual is guilty of attempt rather than the crime itself. Understanding the stages of crime helps differentiate between mere intention, preparation, and actual execution. While intention and preparation are generally not punishable, attempt and accomplishment hold significant legal consequences. The Bharatiya Nyaya Sanhita, 2023, modernizes legal standards to address contemporary offenses while ensuring that justice is served efficiently.

Example:

- **Intention:** Imagine someone, John, is having financial difficulties. He thinks about stealing his neighbour's expensive watch to solve his problems. Just having the thought of stealing the watch is the intention stage. John hasn't committed a crime yet because he hasn't taken any action.
- **Preparation:** Continuing with John's story, let's say he starts researching how to pick locks, buys some lock-picking tools, and even scopes out his neighbour's house. This is the preparation stage. While he's getting ready to commit the crime, he hasn't actually committed it yet. However, his actions are starting to cross a legal line.
- **Attempt:** Now, John decides to go to his neighbour's house and tries to pick the lock. He hasn't succeeded in opening the door, but he's actively trying to break in. This is the attempt stage. In the eyes of the law, he's already committing a crime, even if he doesn't manage to get inside.
- **Accomplishment:** If John successfully picks the lock, enters the house, and takes the watch, he has accomplished the crime. This is where he's fully and legally responsible for the theft of the watch.

So, these stages help legal systems understand the progression of a crime, from mere thoughts (intention) to actions that break the law (preparation, attempt), and finally to the full commission of the crime (accomplishment). Legal consequences can vary depending on which stage someone is in when they're caught by the authorities.

Case law about attempt

Abhayanand Mishra v. State of Bihar (1961)

Facts: The accused submitted false applications to the university seeking permission to sit for the M.A. examination despite lacking the necessary qualification. The prosecution alleged an attempt to cheat the university authorities.

Issues: The issue was whether his acts were still at the stage of preparation, or whether they had crossed into punishable attempt.

Held: The Supreme Court held that attempt begins where preparation ends. Once a person, with intent to commit the offence, performs an act towards its commission, liability for attempt can arise even though the offence is not completed. The decision is a standard authority for explaining the preparation-attempt divide.

6. Application of Criminal Law: Territorial and Extra-Territorial Operation

Selected bare provision / statutory extract

Section 1 (application) states that the Sanhita extends to the whole of India; applies also to offences committed by any citizen of India in any place outside India; to any person on any ship or aircraft registered in India wherever it may be; and to any person in any place without and beyond India committing an offence targeting a computer resource located in India.

BNS mapping: BNS section 1(3)-(6).

The normal rule is territoriality: every person committing an act or omission contrary to the BNS within India is liable under it. Yet modern criminal law must also address offences committed outside India by Indian citizens, on Indian ships or aircraft, or against computer resources located in India. BNS section 1 expressly widens application in each of these situations.

Section 1(4) covers persons liable under any law in force in India to be tried for offences committed beyond India. Section 1(5) specifically extends BNS to Indian citizens anywhere outside India, to any person on an Indian-registered ship or aircraft wherever it may be, and to any person outside India committing an offence targeting a computer resource located in India. This is one of the clearest modernisations in the BNS framework.

Extra-territorial criminality does not mean universal jurisdiction in every case. Courts still ask whether the statute authorises trial, whether required procedural conditions are met, and whether a legally relevant part of the offence occurred within India or is deemed punishable here. Where deception, communication or electronic harm takes effect in India, jurisdictional analysis becomes result-sensitive rather than purely physical.

Mobarik Ali Ahmed v. State of Bombay (1957)

Facts: A Pakistani businessman was prosecuted for cheating on the allegation that through letters, telegrams and telephone communications he made false representations to a complainant in Bombay and induced delivery of money, even though he himself was outside India.

Issues: The central issue was whether Indian criminal courts could exercise jurisdiction when the accused was physically outside Bombay while the deceptive communications originated elsewhere.

Held: The Supreme Court held that the offence was triable in India because the ingredients of cheating took effect where the deception operated and the victim was induced. The case remains important for explaining that physical absence from India does not automatically defeat criminal jurisdiction where the offence is consummated or takes effect within India.

Is IPC/BNS applicable to foreigners residing outside India?

Jurisdiction of BNS

Sec 1(3) BNS =>

Pakistani national from Karachi cheated Louis Anton Cornea. Cheating + defraud

to buy rice. Louis paid 5.5 lakhs in 3 installments
& never received rice.

7. General Explanations and Kinds of Punishment

Selected bare provision / statutory extract

Section 4 (punishments), extract: "The punishments to which offenders are liable under the provisions of this Sanhita are— (a) Death; (b) Imprisonment for life; (c) Imprisonment, which is of two descriptions, namely: (1) rigorous... (2) simple; (d) Forfeiture of property; (e) Fine; (f) Community Service." Section 5 allows commutation according to BNS.

BNS mapping: BNS sections 2–13.

The general explanations in BNS sections 2 and 3 are not minor preliminaries; they shape the meaning of almost every offence. Terms such as 'dishonestly', 'fraudulently', 'good faith', 'reason to believe', 'document', 'movable property', 'voluntarily', and 'offence' govern interpretation across the statute. A precise answer in criminal law often turns on these definitions rather than on rhetoric about justice in the abstract.

Section 4 of the BNS lists six punishments: death, imprisonment for life, imprisonment (rigorous or simple), forfeiture of property, fine, and community service. The explicit inclusion of community service marks a major departure from the IPC structure and reflects a more graded sentencing imagination, especially for lower-level offences where reform and restoration may sometimes be more appropriate than incarceration.

Sections 5 to 13 deal with commutation, fractions of punishment, rigorous or simple imprisonment, fine and default sentences, limits on cumulative punishment, solitary confinement, and enhanced punishment after previous conviction. These provisions are especially useful in problem questions on sentencing and are often neglected by students, even though universities frequently ask about kinds of punishment.

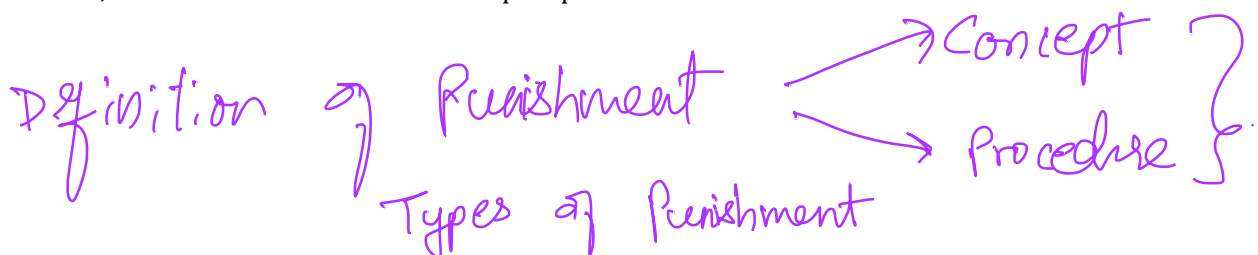
Punishment position: Section 4 recognises death, life imprisonment, rigorous or simple imprisonment, forfeiture of property, fine, and community service.

Bachan Singh v. State of Punjab (1980)

Facts: The constitutional validity of the death penalty under section 302 IPC and the sentencing framework under section 354(3) CrPC was challenged in a batch of matters after convictions for murder.

Issues: The issue was whether the death penalty was unconstitutional as arbitrary and violative of Articles 14, 19 and 21, and if not, when it could be imposed.

Held: The Supreme Court upheld the constitutional validity of the death penalty but held that it must be reserved for the 'rarest of rare' cases where the alternative option of life imprisonment is unquestionably foreclosed. The case is indispensable whenever discussing the philosophy of punishment, sentencing discretion, and constitutional control over capital punishment.



Unit II – General Exceptions, Abetment, Criminal Conspiracy and Attempt

Unit focus: This unit asks when an apparently harmful act ceases to be criminal because the law recognises justification, excuse or incomplete participation. It also explains secondary liability and inchoate offences.

Principal BNS provisions: BNS sections 14–44 (general exceptions), 45–60 (abetment), 61 (criminal conspiracy), and 62 (general attempt provision).

1. General Exceptions: Structure and Rationale

Selected bare provision / statutory extract

Sections 14 to 33 form the general-exception chapter. They cover, among other things, mistake of fact, judicial acts, accident, necessity, infancy, unsoundness of mind, involuntary intoxication, consent, trivial acts, private defence, and communication in good faith.

BNS mapping: BNS Chapter III, sections 14–44. *⇒ general exceptions*

General exceptions reflect a basic principle of criminal jurisprudence: not every act that causes harm is blameworthy in law. The penal statute must distinguish wrongdoing from justified self-protection, excusable incapacity, good-faith rescue, accident, necessity-like situations, infancy, unsoundness of mind, intoxication in narrow cases, and acts done under mistake of fact or lawful authority.

These exceptions do not deny that the physical act occurred. Instead, they deny criminality by negating culpability, wrongfulness or voluntariness. In doctrinal terms, they operate either as justifications, where the act is treated as legally permissible in the circumstances, or as excuses, where the act remains harmful but the actor is not blameworthy enough to be punished.

Under the law of evidence and criminal adjudication, the prosecution always bears the primary burden of proving the offence. But once the accused invokes a general exception, he must bring material sufficient to show that the case falls within it, ordinarily on the standard of preponderance of probability rather than proof beyond reasonable doubt.

2. Catalogue of General Exceptions

Selected bare provision / statutory extract

Section 14 (extract): “Nothing is an offence which is done by a person who is, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be, bound by law to do it.” Section 18 covers accident in the course of a lawful act with proper care and caution; section 19 addresses necessity to prevent other harm; sections 20–24 deal with infancy, unsoundness of mind and intoxication.

Sections 14 to 33 reproduce the familiar architecture of the IPC with important continuing relevance. They include acts done by a person bound by law or by mistake of fact believing himself bound by law; judicial acts; acts done pursuant to judgments or court orders; accident in doing a lawful act by lawful means with proper care; acts likely to cause slight harm for prevention of greater harm; acts of children below seven years and children above seven but below twelve lacking sufficient maturity; acts of persons of unsound mind; intoxication in limited circumstances; consent-based exceptions; good-faith acts for benefit; communications in good faith; acts under threats; and acts causing only slight harm.

Students should read the exceptions as a moral map. The law excuses the very young because they lack maturity. It excuses certain mentally disordered persons because they lack the relevant cognitive capacity. It justifies some surgeries and rescue actions because bodily invasion done in good faith for another's benefit is not treated like assault. It protects accident because criminal law is not pure outcome liability. It also narrows consent: consent does not excuse death-causing acts in the same way it may excuse ordinary bodily interference.

- Infancy: absolute immunity below seven; qualified immunity above seven and below twelve depending on maturity.
- Unsoundness of mind: absence of knowledge of nature of act or wrongfulness is central.
- Intoxication: involuntary intoxication may excuse; voluntary intoxication usually does not.
- Consent and good faith: important in medical treatment and sports-related bodily contact.
- Accident: lawful act, lawful means, proper care and caution.

3. Right of Private Defence

Exam lens • PYQ signal: Summer 2024 (defences) and Summer 2025 (when the right extends to causing death).

Selected bare provision / statutory extract

35. Right of private defence of body and of property.—Every person has a right, subject to the restrictions contained in section 37, to defend—
 (a) his own body, and the body of any other person, against any offence affecting the human body;
 (b) the property, whether movable or immovable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass.

BNS mapping: BNS sections 34–44.

The right of private defence is the most important justification in the entire chapter. It is neither revenge nor a general licence to use violence. It is a protective right arising from necessity, available when immediate state aid is absent and unlawful aggression threatens body or property. The BNS preserves the classical structure: sections 34 to 44 define the right, its extent, and the situations in which it may even extend to causing death.

Section 35 recognises defence of one's own body and property and that of any other person. Sections 38 and 39 identify when the right extends to causing death in defence of body or property respectively, while section 37 sets the crucial limitations, such as the absence of a right against acts of public servants acting in good faith under colour of office where death or grievous hurt is not reasonably apprehended, and the requirement of necessity and proportionality.

An excellent answer must emphasise immediacy, necessity and proportionality. The right begins with reasonable apprehension, not only after injury is inflicted, and it continues so long as that apprehension lasts. But once danger has passed, retaliatory violence ceases to be private defence and becomes aggression.

Important qualifications / exceptions: No private defence against lawful acts of public servants in specified circumstances; no more harm than necessary; no right once time exists to seek public authority in a non-emergency setting.

Darshan Singh v. State of Punjab (2010)

Facts: A land-related confrontation led to fatal firing. The defence version was that the deceased first attacked the accused's father with a gandasa, causing a serious head injury, after which Darshan Singh fired to save him.

Issues: The issue before the Supreme Court was whether the accused's act fell within the right of private defence and how the doctrine should be judicially assessed.

Held: The Court restated the governing principles: the right of private defence is a very valuable right; it should not be construed narrowly; it begins as soon as reasonable apprehension arises; but it cannot be used as a cloak for aggression or revenge. The decision is a leading modern summary of the doctrine and is highly useful in problem-based questions.

4. Abetment

Exam lens • PYQ signal: Winter 2024 long question and Summer 2025 short note.

Selected bare provision / statutory extract

45. Abetment of a thing.—A person abets the doing of a thing, who—

(a) instigates any person to do that thing; or

(b) engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

(c) intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Illustration.

A, a public officer, is authorised by a warrant from a Court to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

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Explanation 2.—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

BNS mapping: Sections 45–60.

Abetment is secondary participation in crime. One may not commit the actus reus personally, yet one may encourage, facilitate or intentionally aid its commission. BNS section 45 defines abetment through three modes: instigation, conspiracy for doing an illegal act or a legal act by illegal means coupled with some act or illegal omission in pursuance thereof, and intentional aid by act or illegal omission.

The concept is wider than direct commission but narrower than mere presence or moral sympathy. Instigation requires active provocation, encouragement or incitement. Intentional aid requires assistance knowingly given to facilitate the offence. The law also contains nuanced rules for where the act done differs from the act intended, where the abettor is present, and where concealment of design to commit serious offences is itself punished.

Abetment is especially important in offences such as suicide, unlawful assemblies, corruption-related offences, and crimes committed through subordinates or intermediaries. In problem questions, students must identify the precise mode of abetment rather than merely assert that one person 'helped' another.

5. Criminal Conspiracy

Selected bare provision / statutory extract

61. Criminal conspiracy.—(1) When two or more persons agree with the common object to do, or cause to be done—
 (a) an illegal act; or
 (b) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:
 Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.
 Explanation.—It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.
 (2) Whoever is a party to a criminal conspiracy,—
 (a) to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Sanhita for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence;
 (b) other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.
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 Of attempt

Point of distinction	Abetment by conspiracy	Criminal conspiracy
Statutory home	Section 45, one form of abetment.	Section 61, standalone offence.
Core requirement	Agreement plus an act or illegal omission in pursuance for that abetment form.	Agreement itself is punishable when the object is an offence.
Why it matters	Derivative liability linked to the principal offence or thing abetted.	Substantive liability even before the object offence is completed.
Exam trap	Students often collapse both into each other.	Always write that the unlawful agreement is the gist of section 61.

BNS mapping: Section 61.

Criminal conspiracy under section 61 is the agreement itself. This is the key difference between conspiracy and abetment by conspiracy. For criminal conspiracy, the unlawful agreement is the gist of the offence. Where the agreement is to commit an offence, no further overt act is necessary; where the agreement concerns an illegal act not amounting to an offence or a legal act by illegal means, some act besides the agreement must be shown.

Because conspiracies are usually secret, direct evidence is rare. Courts therefore rely heavily on conduct, coordinated acts, prior association, recovery of documents, motive, opportunity, and other circumstantial material. But suspicion, however strong, cannot replace proof of agreement. Parallel conduct alone is not always enough; the prosecution must show a meeting of minds directed to an illegal object.

In exam answers, always distinguish conspiracy from common intention and common object. Common intention under joint liability is often inferred from participation in the criminal act. Conspiracy is anterior and

agreement-centred. Common object belongs to unlawful assembly. The three doctrines overlap in practical cases but remain distinct in theory.

Kehar Singh v. State (Delhi Administration) (1988)

Facts: The prosecution arose out of the assassination of Prime Minister Indira Gandhi by her security personnel. The wider case alleged a conspiracy involving others beyond the immediate assailants.

Issues: A central issue was how criminal conspiracy may be proved when agreements are rarely expressed openly and direct evidence is limited.

Held: The Supreme Court explained that conspiracy may be proved by direct or circumstantial evidence and that the unlawful agreement is the core of the offence. Since conspiracies are hatched in secrecy, courts may infer the agreement from proved acts, surrounding circumstances and interlinked conduct, but the inference must be justified by evidence rather than conjecture.

6. Attempt to Commit Offence

Exam lens • PYQ signal: Winter 2024 short note.

Selected bare provision / statutory extract

62. Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment.—Whoever attempts to commit an offence punishable by this Sanhita with imprisonment for life or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Sanhita for the punishment of such attempt, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence, or with both.

Point of distinction	Preparation	Attempt
Stage	Earlier stage: arranging means or measures.	Later stage: direct movement towards commission.
General rule	Usually not punishable unless specially provided.	Generally punishable under section 62 or offence-specific provisions.
Reason	Law hesitates to punish mere preparation because the actor may still withdraw.	Conduct has become sufficiently proximate to the completed offence.
Illustrative contrast	Buying poison, collecting tools, scouting a place.	Mixing poison into the victim's drink and serving it; picking a pocket with hand inserted.

BNS mapping: Section 62 plus offence-specific attempt provisions such as sections 109 and 110.

Attempt is punished because the accused has crossed from dangerous thought into dangerous action. Section 62 provides the general rule where no specific attempt provision exists. It applies when a person 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.

The focus is on proximity to the completed offence, not on moral outrage alone. The closer the act is to the completed offence, the easier it is to classify it as attempt. Yet the law does not insist on the very last act. The

accused need not stand at the final step; enough that the conduct is part of the execution and not a mere preparatory arrangement.

Attempt questions are often framed through illustrations: mixing poison but not yet serving it may be preparation; placing the poison into the victim's drink and handing it over is much closer to attempt. Filing forged forms to obtain a benefit may itself amount to attempt if it constitutes direct execution of deception. The analytical method matters more than memorised slogans.

Unit III – Offences Affecting the Human Body

Unit focus: This is the doctrinal heart of substantive criminal law. It covers offences against life, bodily integrity, liberty, and personal security, along with their gradients, exceptions and aggravated forms.

Principal BNS provisions: BNS sections 100–146, with special attention to sections 100–110, 114–138, and 143–146.

1. Culpable Homicide and Murder

Exam lens • PYQ signal: Summer 2024, Winter 2024, and Summer 2025 — one of the highest-frequency topics.

Selected bare provision / statutory extract

100. Culpable homicide.—Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide. Illustrations.

(a) A lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z, believing the ground to be firm, treads on it, falls in and is killed. A has committed the offence of culpable homicide.

(b) A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause Z's death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.

(c) A, by shooting at a fowl with intent to kill and steal it, kills B, who is behind a bush; A not knowing that he was there. Here, although A was doing an unlawful act, he was not guilty of culpable

homicide, as he did not intend to kill B, or to cause death by doing an act that he knew was likely to cause death.

Explanation 1.—A person who causes bodily injury to another who is labouring under a disorder, disease or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

Explanation 2.—Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3.—The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

101. Murder.—Except in the cases hereinafter excepted, culpable homicide is murder,—

(a) if the act by which the death is caused is done with the intention of causing death; or

(b) if the act by which the death is caused is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused; or

(c) if the act by which the death is caused is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death; or

(d) if the person committing the act by which the death is caused, knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

Illustrations.

(a) A shoots Z with the intention of killing him. Z dies in consequence. A commits murder.

(b) A, knowing that Z is labouring under such a disease that a blow is likely to cause his death, strikes him with the intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if A, not knowing that Z is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A,

...

Sections 103 and 105 provide the punishments for murder and culpable homicide not amounting to murder respectively.

Point of distinction	Culpable homicide	Murder
Position in code	Genus under section 100.	Gravest species under section 101.
Mental threshold	Intention or knowledge that death is likely.	Higher degree: intention to cause death, specially known fatal injury, or bodily injury sufficient in the ordinary course of nature to cause death, or imminently dangerous act.
Role of exceptions	May already be below murder threshold.	Even where section 101 initially applies, one of the five exceptions can reduce liability.
Punishment	Section 105.	Section 103.

BNS mapping: Sections 100–105.

Culpable homicide is the genus; murder is its gravest species. BNS section 100 defines culpable homicide broadly, while section 101 identifies when culpable homicide becomes murder. The distinction turns on degree of intention, knowledge, imminence of fatal consequence, and the statutory exceptions which pull certain cases out of murder into culpable homicide not amounting to murder.

Section 101 substantially preserves the classical structure familiar from section 300 IPC. Murder is committed when the act causing death is done with intention to cause death, or with intention to cause such bodily injury as the offender knows is likely to cause death of the particular person, or with intention to cause bodily injury sufficient in the ordinary course of nature to cause death, or with the knowledge that the act is so imminently dangerous that it must in all probability cause death or such bodily injury as is likely to cause death and is done without excuse for incurring the risk.

The exceptions remain central. Grave and sudden provocation, exceeding private defence in good faith, acts of public servants exceeding powers in good faith, sudden fight without premeditation, and consent-based situations operate to reduce what would otherwise be murder to culpable homicide not amounting to murder. Therefore, in an answer on homicide, one must first identify the mental clause and then test the exceptions.

Punishment position: Section 103 prescribes death or imprisonment for life for murder; section 105 punishes culpable homicide not amounting to murder with life imprisonment or imprisonment not less than five years and up to ten years, plus fine, subject to the terms of the provision.

Important qualifications / exceptions: The classical exceptions to murder continue to matter: grave and sudden provocation; exceeding private defence in good faith; public servant exceeding powers in good faith; sudden fight without premeditation; and consent in specified circumstances.

K. M. Nanavati v. State of Maharashtra (1961)

Facts: Naval Commander Nanavati shot Ahuja after learning of his wife's intimacy with him. The defence invoked grave and sudden provocation and the case became famous both for the homicide law issue and for the jury-trial controversy.

Issues: The issue was whether the circumstances were sufficient to bring the case within the exception of grave and sudden provocation, thereby reducing murder to culpable homicide not amounting to murder.

Held: The Supreme Court held that the doctrine must be tested from the standpoint of a reasonable person placed in the accused's situation and social setting, but that the fatal act must be directly attributable to the continuing passion of the provocation rather than to a cooled, deliberate retaliation. On the facts, the Court concluded that Nanavati had regained self-control and the killing was deliberate; the exception was not available.

Virsa Singh v. State of Punjab (1958)

Facts: The accused drove a spear into the abdomen of the deceased. Medical evidence showed that the internal injury was sufficient in the ordinary course of nature to cause death. The controversy was not whether there was a fatal injury, but whether the mental element matched clause "thirdly" of murder.

Issues: The Court had to identify what exactly the prosecution must prove before a case can be brought within the clause dealing with bodily injury sufficient in the ordinary course of nature to cause death.

Held: The Supreme Court laid down the classic four-part test: the prosecution must prove (i) bodily injury is present; (ii) the nature of that injury; (iii) intention to inflict that particular injury; and (iv) that the injury so intended is sufficient in the ordinary course of nature to cause death. Once those elements are established, the offence is murder even if there was no separate intention to cause death.

Why this case matters: It is the classic "section 300 thirdly" authority and the safest case for explaining intention to inflict a particular injury.

2. Culpable Homicide by Negligence and Related Offences**Selected bare provision / statutory extract**

106. Causing death by negligence .—(1) Whoever causes death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if such act is done by a registered medical practitioner while performing medical procedure, he shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Explanation.—For the purposes of this sub -section, "registered medical practitioner" means a medical practitioner who possesses any medical qualification recognised under the National Medical Commission Act, 2019 (30 of 2019) and whose name has been entered in the National Medical Register or a State Medical Register under that Act.

(2) Whoever causes death of any person by rash and negligent driving of vehicle not amounting to culpable homicide, and escapes without reporting it to a police officer or a Magistrate soon after the incident, shall be punished with imprisonment of either description of a term which may extend to ten years, and shall also be liable to fine.

BNS mapping: Section 106.

Section 106 deals with causing death by negligence. Unlike culpable homicide and murder, negligent homicide does not involve intention to kill. It criminalises rash or negligent conduct causing death where the mental state is blameworthy carelessness rather than homicidal intent. The provision is especially important in

medical negligence, industrial accidents, motor-vehicle deaths, and dangerous handling of machinery or substances.

Students must distinguish rashness from negligence. Rashness involves hazardous conduct with awareness of risk but reckless indifference to consequences. Negligence involves failure to exercise the degree of care that law expects in the circumstances. Both are below the threshold of intentional homicide, yet sufficiently culpable to attract penal sanction where death results.

3. Suicide and Abetment of Suicide

Selected bare provision / statutory extract

107. Abetment of suicide of child or person of unsound mind.—If any child, any person of unsound mind, any delirious person or any person in a state of intoxication, commits suicide, whoever abets the commission of such suicide, shall be punished with death or imprisonment for life, or imprisonment for a term not exceeding ten years, and shall also be liable to fine.

108. Abetment of suicide.—If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

BNS mapping: Sections 107 and 108.

Suicide per se is no longer treated in the old moralistic register; the modern legal focus is on vulnerable persons and on those who drive, compel or instigate another to take his own life. Sections 107 and 108 punish abetment of suicide, with aggravated treatment when the victim is a child or a person of unsound mind.

The doctrinal challenge is causation and mens rea. Mere harassment, marital discord, workplace stress or stray words will not automatically amount to abetment. Courts look for instigation, intentional aid, sustained cruelty, coercive circumstances, or conduct so proximate and grave that the victim's act can be legally traced to the accused. At the same time, where evidence shows systematic humiliation, dowry-related cruelty, coercive exploitation or direct inducement, abetment can be made out.

Gian Kaur v. State of Punjab (1996)

Facts: The constitutional challenge questioned whether sections punishing attempt to suicide and abetment of suicide were inconsistent with the guarantee of life and personal liberty. The petitioners argued that a "right to die" must be read into Article 21.

Issues: Whether the Constitution protects a right to die, and whether penalising abetment of suicide can survive if such a right exists.

Held: The Supreme Court held that Article 21 protects life and dignified existence, not a right to terminate life. On that reasoning, penalising abetment of suicide remained constitutionally valid. The judgment remains the doctrinal anchor for the distinction between dignity in the process of natural death and a general claim to end life.

Why this case matters: Use it when the answer asks about suicide, right to die, and the validity of punishing abetment of suicide.

4. Organised Crime and Petty Organised Crime

Exam lens • PYQ signal: Summer 2025 direct long question under the BNS.

Selected bare provision / statutory extract

111. Organised crime.—(1) Any continuing unlawful activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offence, cyber -crimes, trafficking of persons, drugs, weapons or illicit goods or services, human trafficking for prostitution or ransom, by any person or a group of persons acting in concert, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence, threat of violence, intimidation, coercion, or by any other unlawful means to obtain direct or indirect material benefit including a financial benefit, shall constitute organised crime.

Explanation.—For the purposes of this sub-section,—

- (i) “organised crime syndicate” means a group of two or more persons who, acting either singly or jointly, as a syndicate or gang indulge in any continuing unlawful activity;
- (ii) “continuing unlawful activity” means an activity prohibited by law which is a cognizable offence punishable with imprisonment of three years or more, undertaken by any person, either singly or jointly, as a member of an organised crime syndicate or on behalf of such syndicate in respect of which more than one charge -sheets have been filed before a competent Court within the preceding pe

112. Petty organised crime.—(1) Whoever, being a member of a group or gang, either singly or jointly, commits any act of theft, snatching, cheating, unauthorised selling of tickets, unauthorised betting or gambling, selling of public examination question papers or any other similar criminal act, is said to commit petty organised crime.

Explanation.—For the purposes of this sub -section “theft” includes trick theft, theft from vehicle, dwelling house or business premises, cargo theft, pick pocketing, theft through card skimming, shoplifting and theft of Automated Teller Machine.

(2) Whoever commits any petty organised crime shall be punished with imprisonment for a term which shall n

BNS mapping: Sections 111 and 112.

One of the most significant innovations in the BNS is the inclusion of organised crime and petty organised crime in sections 111 and 112. This marks a move beyond the IPC’s conventional offence-by-offence model toward recognition of criminal enterprises, continuing unlawful activity, and structured criminal gain.

→ Organised crime typically concerns groups acting in concert for pecuniary or other material benefit through serious offences, violence, coercion, or unlawful means. Petty organised crime targets repeated low-level but socially disruptive offences often committed by groups or gangs, such as theft, snatching, cheating, ticket-selling fraud, or other recurrent predatory acts that individually appear minor but collectively erode public order and security.

These provisions are exam-worthy precisely because they are new. A good answer should explain why modern penal law moved beyond isolated offences: criminality today often operates through networks, repeat structures, resource pooling and territorial control. The BNS responds by naming and separately punishing those patterns.

5. Hurt and Grievous Hurt

Exam lens • PYQ signal: Summer 2024 short note.

Selected bare provision / statutory extract

114. Hurt.—Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.

116. Grievous hurt.—The following kinds of hurt only are designated as “grievous”, namely:—

- (a) Emasculation;
- (b) Permanent privation of the sight of either eye;
- (c) Permanent privation of the hearing of either ear;
- (d) Privation of any member or joint;
- (e) Destruction or permanent impairing of the powers of any member or joint;
- (f) Permanent disfiguration of the head or face;
- (g) Fracture or dislocation of a bone or tooth;
- (h) Any hurt which endangers life or which causes the sufferer to be during the space of fifteen days in severe bodily pain, or unable to follow his ordinary pursuits.

Point of distinction	Hurt	Grievous hurt
Definition	Bodily pain, disease or infirmity (section 114).	Only the eight designated categories in section 116.
Gravity	Lower threshold of bodily interference.	Serious bodily consequences such as fracture, disfigurement, emasculation, permanent privation, or hurt endangering life.
Punishment	Section 115 for voluntarily causing hurt.	Section 117 for voluntarily causing grievous hurt.
Exam method	Always start with statutory definition.	Write all eight clauses if asked in a long answer.

BNS mapping: Sections 114–124.

Hurt means causing bodily pain, disease or infirmity. The concept is deliberately broad; even pain without permanent injury may amount to hurt. Grievous hurt is a narrower statutory category comprising especially serious injuries, traditionally including emasculation, permanent privation of sight or hearing, privation or impairment of members or joints, permanent disfiguration, fracture or dislocation of bone or tooth, and hurt endangering life or causing severe bodily pain or inability to follow ordinary pursuits for the statutory period.

Sections 114 to 124 grade bodily injuries according to seriousness and circumstances. The law distinguishes simple hurt, grievous hurt, hurt caused by dangerous weapons or means, hurt to extort property or confession, hurt to deter public servants, hurt caused on grave provocation, poisoning with intent to commit an offence, and grievous hurt by acid. This graded structure reflects a core criminal-law method: the same basic injury becomes more serious when inflicted with dangerous means, coercive purpose, corrosive substances, or against public authority.

In answer-writing, it is essential to separate definition from punishment. First explain what counts as hurt and grievous hurt; then identify the aggravating provision that fits the facts.

Punishment position: Simple hurt, grievous hurt, hurt by dangerous weapons, coercive hurt, and acid attacks carry different punishments under sections 115–124; acid-related grievous hurt is treated particularly seriously.

6. Wrongful Restraint and Wrongful Confinement

Exam lens • PYQ signal: Winter 2024 long question.

Selected bare provision / statutory extract

126. Wrongful restraint.—(1) Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

Exception.—The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

Illustration.

A obstructs a path along which Z has a right to pass, A not believing in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

(2) Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both.

127. Wrongful confinement.—(1) Whoever wrongfully restrains any person in such a manner as to prevent that person from proceedings beyond certain circumscribing limits, is said “wrongfully to confine” that person.

Illustrations.

(a) A causes Z to go within a walled space, and locks Z in. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

(b) A places men with firearms at the outlets of a building, and tells Z that they will fire at Z if Z attempts to leave the building. A wrongfully confines Z.

(2) Whoever wrongfully confines any person shall be punished with imprisonment of either description for a term which may ex

Point of distinction	Wrongful restraint	Wrongful confinement
Nature of obstruction	Prevents movement in some direction in which one has a right to proceed.	Restrains within circumscribed limits so as to prevent movement beyond those limits.
Degree	Partial obstruction.	Total restraint within bounded area.
Sections	126.	127.
Illustration	Blocking a public path.	Locking someone in a room or enclosing them within boundaries.

BNS mapping: Sections 126 and 127.

These offences protect personal liberty of movement. Wrongful restraint is obstruction preventing a person from proceeding in a direction in which he has a right to proceed. Wrongful confinement is aggravated restraint, where the person is wrongfully restrained in such a manner as to prevent him from proceeding beyond certain circumscribed limits. Thus every wrongful confinement includes wrongful restraint, but not vice versa.

The distinction is spatial. Blocking a road or doorway may amount to wrongful restraint. Locking a person in a room, surrounding him so that he cannot move beyond a confined area, or detaining him in custody without lawful authority amounts to wrongful confinement. The offences are especially important in kidnapping, extortion, police abuse, domestic violence and coercive debt recovery situations.

7. Criminal Force and Assault

Selected bare provision / statutory extract

128. Force.—A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling:

Provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the following three ways, namely:—

- (a) by his own bodily power;
- (b) by disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person;
- (c) by inducing any animal to move, to change its motion, or to cease to move.

129. Criminal force .—Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.

Illustrations.

(a) Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentiona

130. Assault.—Whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

Explanation.—Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault.

Illustrations.

(a) A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to s

Point of distinction	Criminal force	Assault
Need for contact	Yes, force is intentionally used without consent.	No actual contact necessary.
Legal idea	Actual application of force to commit an offence or cause injury, fear or annoyance.	Gesture or preparation creating apprehension of imminent criminal force.
Sections	129.	130.
Illustration	Pushing someone violently.	Raising a fist or moving with menacing preparation to strike.

BNS mapping: Sections 128–136.

Force becomes criminal force when used intentionally without the person's consent in order to commit an offence or with the intention, or knowledge of likelihood, of causing injury, fear or annoyance. Assault, by contrast, may occur even without physical contact: it consists in making a gesture or preparation intending or knowing it to be likely that another will apprehend the use of criminal force.

Thus assault focuses on threatened application of force; criminal force focuses on actual application. If A raises his fist and moves toward B causing B reasonably to apprehend immediate violence, there may be assault. If A actually pushes, strikes, spits upon, or otherwise uses force in the prohibited mental state, criminal force is made out.

The BNS separately treats assaults against women, public servants and other specific contexts. For general doctrinal understanding, however, sections 128 to 136 are the foundation.

8. Kidnapping and Abduction

Selected bare provision / statutory extract

137. Kidnapping.—(1) Kidnapping is of two kinds: kidnapping from India, and kidnapping from lawful guardianship—

(a) whoever conveys any person beyond the limits of India without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to kidnap that person from India;

(b) whoever takes or entices any child or any person of unsound mind, out of the keeping of the lawful guardian of such child or person of unsound mind, without the consent of such guardian, is said to kidnap such child or person from lawful guardianship.

Explanation.—The words “lawful guardian” in this clause include any person lawfully entrusted with the care or custody of such child or other person.

Exception.—This clause does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

(2) Whoever kidnaps any person from India or from lawful guardianship shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

138. Abduction.—Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

Section 140 separately criminalises kidnapping or abduction in order to murder or for ransom; section 143 addresses trafficking.

13-8
Kidnapping

Point of distinction	Kidnapping	Abduction
Statutory structure	Defined offence in section 137; includes <u>from India and from lawful guardianship.</u>	Section 138: by force or deceitful means compelling or inducing a person to go from any place.
Who can be victim	From guardianship: <u>child or person of unsound mind</u> ; <u>from India: any person.</u>	Any person.
Means	Taking or enticing without lawful guardian's consent / conveying beyond India without consent.	Force or deceitful inducement.
Nature	Complete offence by itself.	Usually gains legal significance when coupled with a further intent (murder, ransom, trafficking, forced marriage etc.).

BNS mapping: Sections 137–146.

Kidnapping and abduction are often discussed together but remain distinct. Kidnapping is of two kinds: from India and from lawful guardianship. It is largely a formal offence: once the statutory conditions are satisfied, consent of the minor or person of unsound mind is legally irrelevant in kidnapping from lawful guardianship. Abduction, by contrast, consists in compelling or inducing by force or deceitful means a person to move from one place to another. It is usually linked with a further unlawful purpose and is therefore context-sensitive.

The BNS continues to punish a range of aggravated forms, including kidnapping or maiming a child for begging, kidnapping for murder, kidnapping for ransom, importing girls or girls from foreign country in the old law's form now rationalised, trafficking-related offences, slavery and forced labour. These offences overlap with human trafficking, child protection and forced exploitation.

An excellent answer should note that kidnapping is complete upon taking or enticing a protected person from lawful guardianship; abduction is a method offence and becomes punishable through the unlawful ends or attendant provisions attached to it.

S. Varadarajan v. State of Madras (1965)

Facts: A minor girl on the verge of majority voluntarily left her father's house and joined the accused, after which they proceeded to the registrar's office to get married. The prosecution treated the conduct as kidnapping from lawful guardianship.

Issues: Whether there was "taking" or "enticing" by the accused when the minor had herself formed the intention to leave and the accused had not actively removed her from the guardian's keeping.

Held: The Supreme Court held that mere passive acquiescence or accompanying a minor who voluntarily leaves may not amount to "taking". The decision is important because it warns students that kidnapping from lawful guardianship turns on the accused's role in causing the minor to leave the guardian's keeping.

Why this case matters: It sharply distinguishes active taking/enticing from a near-major minor's voluntary departure.

9. Right of Private Defence Extending to Causing Death

Selected bare provision / statutory extract

38. When right of private defence of body extends to causing death.—The right of private defence of the body extends, under the restrictions specified in section 37, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely:—

- (a) such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;
- (b) such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;
- (c) an assault with the intention of committing rape;
- (d) an assault with the intention of gratifying unnatural lust;
- (e) an assault with the intention of kidnapping or abducting;
- (f) an assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release;
- (g) an act of throwing or administering acid or an attempt to throw or administer acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such act.

39. When such right extends to causing any harm other than death.—If the offence be not of any of the descriptions specified in section 38, the right of private defence of the body does not extend to the

Selected bare provision / statutory extract

voluntary causing of death to the assailant, but does extend, under the restrictions specified in section 37, to the voluntary causing to the assailant of any harm other than death.

BNS mapping: Sections 38–44, especially sections 38 and 39.

Examiners frequently ask when private defence extends to causing death. In relation to the body, the right extends that far when the assault reasonably causes apprehension of death, grievous hurt, rape, gratifying unnatural lust in the old language now reflected through modern sexual offences, kidnapping or abduction, or wrongful confinement under circumstances creating reasonable apprehension that recourse to public authorities is impossible. In relation to property, the right may extend to causing death in specified grave situations such as robbery, house-breaking by night, mischief by fire to certain buildings, or theft, mischief or house-trespass under circumstances causing apprehension of death or grievous hurt.

What matters is not subjective panic alone but reasonable apprehension judged objectively in context. The law does not require the defender to weigh force in golden scales, yet it also does not permit gratuitous killing when lesser defensive force would suffice.

Unit IV – Offences Against Women and Marriage; Decriminalisation of Adultery and Homosexuality

Unit focus: This unit combines doctrinal criminal law with constitutional transformation. It covers sexual offences, consent, custodial dimensions, dowry death, cruelty, bigamy, and the judicial removal of adultery and consensual same-sex intimacy from the criminal sphere.

Principal BNS provisions: BNS sections 63–99, especially 63–80 and 81–87; constitutional case law for adultery and homosexuality.

1. Rape: Core Definition and Consent

Exam lens • PYQ signal: Winter 2024 offences against women; Summer 2025 Mathura-consent question.

Selected bare provision / statutory extract

63. Rape.—A man is said to commit “rape” if he—

- (a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or
- (b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or
- (c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or
- (d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person,

under the circumstances falling under any of the following seven descriptions:—

- (i) against her will;
- (ii) without her consent;
- (iii) with her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt;
- (iv) with her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married;
- (v) with her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent;
- (vi) with or without her consent, when she is under eighteen years of age;
- (vii) when she is unable to communicate consent.

Explanation 1.—For the purposes of this section, “vagina” shall also include labia majora.

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Explanation 2.—Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to par

Section 64 prescribes punishment for rape; section 65 deals with rape of a woman under sixteen; section 66 covers cases causing death or persistent vegetative state.

Point of distinction	Consent under section 63	Submission or absence of resistance
Meaning	Unequivocal voluntary agreement communicated by words, gestures or any verbal/non-verbal communication.	Not equivalent to consent.
Statutory note	Proviso says lack of physical resistance alone does not imply consent.	Courts must ask whether there was willing participation, not merely absence of injuries.
Exam relevance	Central to the Mathura controversy and later reforms.	Use this distinction whenever discussing custodial settings or power asymmetry.

BNS mapping: Sections 63–70.

Section 63 of the BNS defines rape through specified acts of penetration and specified circumstances that negate legally valid consent. The provision continues the post-2013 expansion of the concept beyond a narrow penile-vaginal idea and places central emphasis on voluntary, unequivocal agreement. Explanation 2 makes it clear that consent means an unequivocal voluntary agreement communicated by words, gestures, or any form of verbal or non-verbal communication. The mere absence of physical resistance is not consent.

The seven principal situations include acts against her will, without her consent, with consent obtained by fear of death or hurt, with consent induced by mistaken identity as husband, with consent vitiated by unsoundness of mind or intoxication, with or without consent where the woman is under eighteen, and where she is unable to communicate consent. This structure reflects a modern shift from morality to autonomy and communicative willingness.

Section 63 retains two controversial exceptions: medical procedures and the marital rape exception for sexual intercourse or sexual acts by a man with his wife where the wife is not under eighteen years of age. However, section 67 separately punishes sexual intercourse by a husband upon his wife during separation, and constitutional debate over the broader marital exception continues outside the present syllabus core.

Punishment position: Section 64 prescribes rigorous imprisonment not less than ten years, extendable to life, and fine for rape in ordinary cases, subject to the aggravated situations in sections 65, 66, 68 and 70.

Important qualifications / exceptions: Medical procedure is excluded; the marital rape exception continues except where the wife is under eighteen, and section 67 separately criminalises intercourse by husband during separation.

Tukaram & Banpat vs State of Maharashtra
Tukaram v. State of Maharashtra (Mathura case) (1978)

Facts: Mathura, a young Adivasi girl, was taken to a police station in connection with a complaint. The allegation was that two policemen sexually assaulted her inside the station. The trial and appellate history produced sharply different assessments of consent and coercion.

Issues: The issue was whether the circumstances established rape and, more specifically, how consent should be understood where a young girl in police custody did not display major external injuries or dramatic physical resistance.

Held: The Supreme Court acquitted the accused, drawing inferences from the absence of serious injuries and from what it considered voluntary participation. The judgment was heavily criticised for conflating lack of visible resistance with consent and for failing to appreciate custodial power imbalance. The public backlash to the decision was historically important because it triggered major reforms in rape law, especially regarding custodial rape and evidentiary sensitivity to coercive context.

Why this case matters: It explains the controversy that triggered major rape-law reform on consent and custody.

State of Punjab v. Gurmit Singh (1996)

Facts: The prosecutrix alleged rape and the defence attacked her credibility by relying on social suspicion and supposed corroboration requirements. The case reached the Supreme Court against a background of persistent judicial stereotyping in sexual-offence cases.

Issues: Whether conviction in a rape case requires independent corroboration as a matter of law, and how courts should evaluate the testimony of the prosecutrix.

Held: The Court held that the evidence of the prosecutrix stands on par with injured-witness testimony and, if trustworthy, can by itself sustain conviction. Courts must avoid adding insult to injury by approaching such evidence with unwarranted suspicion.

Why this case matters: It is regularly cited for the rule that trustworthy testimony of the prosecutrix can sustain conviction without independent corroboration.

2. Custodial Rape and Aggravated Sexual Assault

Exam lens • PYQ signal: Winter 2024 short note on custodial rape.

Selected bare provision / statutory extract

64. Punishment for rape .—(1) Whoever, except in the cases provided for in sub -section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Whoever,—

(a) being a police officer, commits rape,—

(i) within the limits of the police station to which such police officer is appointed; or

(ii) in the premises of any station house; or

(iii) on a woman in such police officer's custody or in the custody of a police officer subordinate to such police officer; or

(b) being a public servant, commits rape on a woman in such public servant's custody or in the custody of a public servant subordinate to such public servant; or

(c) being a member of the armed forces deployed in an area by the Central Government or a State Government commits rape in such area; or

(d) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution, commits rape on any inmate of such jail, remand home, place or institution; or

(e) being on the management or on the staff of a hospital, commits rape on a woman in that hospital; or

(f) being a relative, guardian or teacher of, or a person in a position of trust or authority towards the woman, commits rape on such woman; or

(g) commits rape during communal or sectarian violence; or

(h) commits rape on a woman knowing her to be pregnant; or

(i) commits rape, on a woman incapable of giving consent; or

(j) being in a position of control or dominance over a woman, commits rape on such woman; or

(k) commits rape on a woman suffering from mental or physical disability; or

...

Section 64(2) specifically lists police officers, public servants, armed forces, jail/remand-home staff, hospital staff, relatives/guardians/teachers/persons in trust or authority, repeated rape, and other aggravated settings.

BNS mapping: Sections 64(2), 65, 68, 70, 72 and 73.

The modern law treats sexual assault by persons in positions of authority as aggravated because custodial and institutional settings distort consent. BNS section 64(2) and allied provisions recognise aggravating factors such as police authority, public servant status, jail or remand home management, hospital staff status, fiduciary authority, communal violence, pregnancy, minority, disability, or repeat offending.

Custodial rape is doctrinally important because the victim's formal words or passive submission cannot be assessed as if she were in an equal bargaining situation. Police stations, prisons, hospitals, shelter homes and similar institutions are spaces of power, fear and dependency. The law therefore treats abuse of authority as an aggravating circumstance, sometimes shifting evidentiary emphasis and always justifying greater punishment.

Independent Thought v. Union of India (2017)

Facts: A constitutional challenge was mounted against the marital-rape exception insofar as it excluded husbands from prosecution even when the wife was between fifteen and eighteen years old, despite child-protection statutes treating persons below eighteen as children.

Issues: Whether the exception could survive constitutional scrutiny and statutory coherence when applied to minor wives.

Held: The Supreme Court read down the exception so that sexual intercourse by a man with his wife below eighteen years of age would amount to rape. The case is central to any discussion of aggravated sexual offences, child protection, and the narrowing of marital immunity.

Why this case matters: It is crucial for answers on child marriage, marital rape exception, and minor wives.

3. Sexual Harassment, Voyeurism, Stalking, Outraging Modesty and Related Offences

Exam lens • PYQ signal: Summer 2025 short notes on outraging modesty and sexual harassment.

Selected bare provision / statutory extract

74. Assault or use of criminal force to woman with intent to outrage her modesty.—Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.

75. Sexual harassment.—(1) A man committing any of the following acts:—

- (i) physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii) a demand or request for sexual favours; or
- (iii) showing pornography against the will of a woman; or
- (iv) making sexually coloured remarks,

shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Sections 77, 78 and 79 respectively deal with voyeurism, stalking, and words/gestures/acts intended to insult the modesty of a woman.

BNS mapping: Sections 74–79.

Sections 74 to 79 create a graded set of offences that address forms of sexualised intrusion not always amounting to rape. Outraging modesty criminalises assault or criminal force to a woman with the requisite sexual or dishonouring intent. Sexual harassment under section 75 covers unwelcome physical contact and advances, demands or requests for sexual favours, showing pornography against the will of a woman, and sexually coloured remarks in the statutory formulation.

Voyeurism punishes watching or capturing images of a woman engaging in a private act where she expects privacy, especially where the image is disseminated. Stalking penalises repeated following, contacting or monitoring despite disinterest, including online surveillance within the statutory frame. These provisions acknowledge that bodily autonomy and sexual dignity can be violated by persistence, monitoring, humiliation and exposure, not only by completed penetration offences.

These topics are highly exam-relevant because they show the shift from an older modesty-based vocabulary to a broader autonomy and dignity-based criminal law. At the same time, older expressions such as 'modesty' remain in the statute, creating a layered doctrinal terrain that students must handle carefully.

4. Dowry Death

Exam lens • PYQ signal: Summer 2024 long question.

Selected bare provision / statutory extract

80. Dowry death.—(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.

Explanation.—For the purposes of this sub-section, "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

BNS mapping: Section 80.

Dowry death is one of the most important offence formulations in gender-justice jurisprudence. Under section 80 BNS, where the death of a woman is caused by burns, bodily injury or otherwise than under normal circumstances within a specified period of marriage, and it is shown that soon before her death she was subjected to cruelty or harassment in connection with dowry demands, the law treats the death as dowry death and fastens criminal liability on the husband or his relatives.

The doctrinal core lies in the expression 'soon before her death'. It does not mean immediately before, but it does require a proximate and live link between the dowry-related cruelty and the death. Courts assess continuity of harassment, pattern of demand, temporal closeness, and surrounding circumstances. Mere proof of an unhappy marriage is not enough; there must be cruelty or harassment connected to dowry.

Dowry death must be distinguished from murder, culpable homicide and abetment of suicide, though the same fact situation may attract overlapping charges. In practice, dowry death provisions work alongside evidentiary presumptions and anti-dowry legislation to address a structural form of domestic violence.

Punishment position: Dowry death is punishable with imprisonment not less than seven years and which may extend to imprisonment for life.

Satbir Singh v. State of Haryana (2021)

Facts: The case concerned the death of a married woman within a short span of marriage amid allegations of dowry-related cruelty. The defence attempted to fragment earlier incidents and deny their connection with the death.

Issues: How courts should understand the phrase “soon before her death”, and what kind of nexus must be proved between dowry-related cruelty and the death.

Held: The Supreme Court clarified that “soon before” is a relative expression requiring a proximate and live link between cruelty for dowry and the death; it does not mean “immediately before”, but the interval cannot be so remote as to snap the causal chain.

Why this case matters: It gives the clearest modern exposition of the phrase “soon before her death” in dowry-death law.

5. Offences Relating to Marriage

Exam lens • PYQ signal: Summer 2024 and Summer 2025 long questions.

Selected bare provision / statutory extract

82. Marrying again during lifetime of husband or wife.—(1) Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

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Exception.—This sub-section does not extend to any person whose marriage with such husband or wife has been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time provided the person contracting such subsequent marriage shall, before such marriage takes place, inform the person with whom such marriage is contracted of the real state of facts so far as the same are within his or her knowledge.

(2) Whoever commits the offence under sub-section (1) having concealed from the person with whom the subsequent marriage is contracted, the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Sections 85 and 86 define cruelty by husband or relatives of husband.

BNS mapping: Sections 81–87.

The BNS groups several marriage-related offences in sections 81 to 87. These include deceitful cohabitation by inducing belief of lawful marriage, bigamy, fraudulent marriage ceremonies, enticing or detaining a married woman with criminal intent, cruelty by husband or relatives, and kidnapping or abducting a woman to compel marriage or illicit intercourse.

Bigamy under section 82 criminalises marrying again during the lifetime of a spouse where the first marriage subsists and the second marriage is legally void by reason of the first. The offence belongs to the criminal law of family status and protects the institution of monogamous marriage as recognised by personal law applicable in the given setting. Fraudulent marriage ceremonies punish the deceptive performance of marriage forms

without a lawful marriage. These offences are not mere moral regulations; they protect status, consent and security in intimate life.

Section 85, read with section 86, preserves the cruelty offence familiar from section 498A IPC. Cruelty includes wilful conduct likely to drive the woman to suicide or cause grave injury to life, limb or health, as well as harassment with a view to coercing dowry-related demands. It therefore straddles bodily harm, mental trauma and economic coercion.

Punishment position: Bigamy, marriage fraud and cruelty carry separate punishments under their respective sections; cruelty by husband or relative may extend to three years with fine under section 85.

Sarla Mudgal v. Union of India (1995)

Facts: Hindu husbands converted to Islam and purported to contract second marriages without first dissolving their subsisting Hindu marriages. The issue reached the Court through petitions raising both criminal-law and family-law implications.

Issues: Whether such conversion automatically dissolves the first marriage, and whether the second marriage is protected from criminal liability for bigamy.

Held: The Supreme Court held that conversion does not dissolve the first marriage and cannot be used as a device to contract a second marriage during its subsistence. The second marriage was therefore exposed to the law of bigamy.

Why this case matters: It links bigamy with sham religious conversion and the continuing subsistence of the first marriage.

Bhaurao Shankar Lokhande v. State of Maharashtra (1965)

Facts: The prosecution alleged bigamy on the footing that the accused had gone through a second marriage while the first subsisted. The dispute turned on whether the later ceremony amounted to a legally valid marriage in the eye of personal law.

Issues: Whether proof of mere cohabitation or informal ceremony is enough for criminal bigamy, or whether the prosecution must prove the solemnisation of the essential marriage ceremonies.

Held: The Supreme Court held that for bigamy, the second marriage must be shown to have been solemnised with the essential ceremonies required by the applicable personal law. Mere admission, cohabitation or reputation is not enough to establish the offence.

Why this case matters: It shows that criminal bigamy requires proof of essential marriage ceremonies.

6. Adultery and its Decriminalisation

Exam lens • PYQ signal: Summer 2024 long question on adultery and decriminalisation.

Targeted doctrinal / statutory note

Doctrinal note.—Adultery as a criminal offence (old IPC section 497) has not been carried into the BNS. The omission is deliberate and must be read with *Joseph Shine v. Union of India*, which held the old provision unconstitutional while preserving adultery as a possible matrimonial wrong.

Adultery was earlier criminalised under section 497 IPC in a deeply asymmetrical form: only the man who had sexual intercourse with the wife of another man without that husband's consent or connivance was punishable;

the woman was exempt and treated as a victim or property-like object. The offence therefore combined patriarchal control, male privilege and denial of equal sexual agency.

In modern constitutional law, adultery remains a civil ground relevant to matrimonial remedies such as divorce or judicial separation, but it is no longer a crime. The criminal law withdrew because the State cannot constitutionally preserve marriage by penalising private consensual intimacy through a gender-discriminatory and autonomy-denying model. The BNS contains no adultery offence, and this omission is doctrinally significant rather than accidental.

Joseph Shine v. Union of India (2018)

Facts: The petitioner challenged the constitutionality of section 497 IPC and the linked procedural restrictions under section 198 CrPC, arguing that the provision treated women as property of their husbands and denied equal sexual agency.

Issues: The issues were whether criminal adultery violated Articles 14, 15 and 21, and whether a provision that punished only the male outsider while ignoring the agency of the married woman could survive constitutional scrutiny.

Held: The Supreme Court unanimously struck down section 497 IPC as unconstitutional. The Court held that the provision was manifestly arbitrary, rooted in patriarchal stereotypes, and destructive of women's dignity and equality. It emphasised that marriage does not extinguish autonomy, and that adultery may have civil consequences but cannot remain a criminal offence.

Why this case matters: It marks the constitutional decriminalisation of adultery while leaving matrimonial consequences intact.

7. Homosexuality and its Decriminalisation

Exam lens • PYQ signal: Winter 2024 essay on decriminalisation of homosexuality.

Targeted doctrinal / statutory note

Doctrinal note.—Consensual sexual relations between adults of the same sex are not criminal offences under the BNS. The position follows *Navtej Singh Johar v. Union of India*, which read down IPC section 377 to exclude consensual adult same-sex intimacy. Non-consensual acts, acts involving minors, and bestiality remain punishable under other provisions.

Consensual same-sex intimacy among adults was historically prosecuted through section 377 IPC, a colonial provision penalising 'carnal intercourse against the order of nature'. Over time, the provision became a tool of stigma, extortion and constitutional exclusion. It criminalised identity through conduct and pushed sexual minorities to the margins of legality.

The current legal position is that consensual sexual relations between adults in private cannot be criminalised merely because they are same-sex. Non-consensual acts, acts involving minors, and bestiality remain punishable through the relevant provisions. The BNS does not revive the old consensual same-sex offence. This is one of the clearest examples of constitutional morality reshaping substantive criminal law.

Navtej Singh Johar v. Union of India (2018)

Facts: Members of the LGBTQ+ community and allied petitioners challenged section 377 IPC to the extent that it criminalised consensual same-sex relations between adults.

Issues: The issues were whether such criminalisation violated equality, dignity, privacy, expression and autonomy under the Constitution, and whether an earlier contrary ruling should be overruled.

Held: The Supreme Court read down section 377 and decriminalised consensual sexual acts between competent adults in private. The Court held that the provision, insofar as it criminalised such conduct, violated Articles 14, 19 and 21. It treated sexual orientation as an intrinsic facet of identity and dignity, and rejected the use of criminal law to stigmatise a class of citizens.

Why this case matters: It is the definitive constitutional judgment on decriminalisation of consensual same-sex intimacy.

Unit V – Offences Against Property; Public Servants; State; Public Peace and Defamation

Unit focus: This unit moves from economic wrongs to institutional authority and collective order. It also includes highly examinable distinctions among property offences and the special logic of offences against the State and public tranquillity.

Principal BNS provisions: BNS sections 147–158, 189–205, 303–356 and selected connected provisions.

1. Theft

Exam lens • PYQ signal: Summer 2025 short note differentiating theft and extortion.

Selected bare provision / statutory extract

303. Theft.—(1) 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.

Explanation 1.—A thing so long as it is attached to the earth, not being movable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2.—A moving effected by the same act which affects the severance may be a theft.

Explanation 3.—A person is said to cause a thing to move by removing an obstacle which prevented it from moving or by separating it from any other thing, as well as by actually moving it.

Explanation 4.—A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

Explanation 5.—The consent mentioned in this section may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations.

(a) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession without Z's consent. Here, as soon as A has severed the tree in order to such taking, he has committed theft.

(b) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent. A has committed theft as soon as Z's dog has begun to follow A.

(c) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A

Sections 304–308 create aggravated forms such as snatching, theft in dwelling house, theft by clerk or servant, and theft after preparation for causing death, hurt or restraint.

Point of distinction	Theft	Extortion
Core act	Dishonest moving of movable property out of another's possession without consent.	Putting a person in fear of injury and thereby dishonestly inducing delivery.
Subject matter	Movable property only.	Property, valuable security or anything signed/sealed capable of conversion into valuable security.
Possession/delivery	Property is taken by the offender.	Victim delivers because of fear.

Mental process

Clandestine taking.

Coerced transfer.

BNS mapping: Sections 303–307.

Theft is the dishonest moving of movable property out of the possession of any person without that person's consent. The offence protects possession rather than title alone. Thus a bailee, tenant, servant, caretaker or any person in lawful possession can be the victim of theft even if not the ultimate owner.

The BNS continues the classic elements but adds section 304 on snatching as a specifically named form. It also separately aggravates theft in a dwelling house, place of worship or means of transportation, theft by clerk or servant, and theft committed after preparation to cause death, hurt or restraint. This reveals the criminal-law method of preserving a base offence while calibrating punishment upward according to betrayal of trust, vulnerability of place, or violence-readiness.

In distinguishing theft from extortion, emphasise that theft involves moving property without consent, whereas extortion involves obtaining delivery through fear and induced consent.

2. Extortion

Exam lens • PYQ signal: Summer 2025 short note differentiating theft and extortion.

Selected bare provision / statutory extract

308. Extortion.—(1) Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property, or valuable security or anything signed or sealed which may be converted into a valuable security, commits extortion.

Illustrations.

(a) A threatens to publish a defamatory libel concerning Z unless Z gives him money. He thus induces Z to give him money. A has committed extortion.

(b) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.

(c) A threatens to send club-men to plough up Z's field unless Z will sign and deliver to B a bond binding Z under a penalty to deliver certain produce to B, and thereby induces Z to sign and deliver the bond. A has committed extortion.

(d) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security.

BNS mapping: Section 308.

Extortion consists in intentionally putting any person in fear of injury and thereby dishonestly inducing that person to deliver property, valuable security or anything signed or sealed which may be converted into a valuable security. The consent here is not real consent in the moral sense; it is a coerced submission induced by fear.

The offence therefore differs from theft in both mechanics and psychology. In theft, the offender himself moves the property out of another's possession. In extortion, the victim delivers or causes delivery because fear has been generated. Threats to person, reputation, property or future safety can become relevant depending on statutory interpretation and facts.

3. Robbery and Dacoity

Exam lens • PYQ signal: Summer 2024 long question.

Selected bare provision / statutory extract

309. Robbery.—(1) In all robbery there is either theft or extortion.

(2) Theft is robbery if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offender, for that end voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint, or fear of instant death or of instant hurt, or of instant wrongful restraint.

(3) Extortion is robbery if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.

Explanation.—The offender is said to be present if he is sufficiently near to put the other person in fear of instant death, of instant hurt, or of instant wrongful restraint.

Illustrations.

(a) A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes, without Z's consent. Here A has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery.

(b) A meets Z on the high road, shows a pistol, and demands Z's purse. Z, in consequence, surrenders his purse. Here A has extorted the purse from Z by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. A has therefore committed robbery.

(c) A meets Z and Z's child on the high road. A takes the child, and threatens to fling it down

310. Dacoity.—(1) When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and

persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding, is said to commit dacoity.

(2) Whoever commits dacoity shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

(3) If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall be punished with death, or imprisonment for life, or rigorous imprisonment for a term which shall not be less than ten years, and shall also be liable to fine.

(4) Whoever makes any preparation for commit

Point of distinction	Robbery	Dacoity
Minimum number	Can be committed by a single offender.	Requires five or more persons conjointly committing or attempting robbery, or aiding it.
Source form	Aggravated theft or aggravated extortion.	Aggravated group robbery.
Sections	309.	310.
Examination tip	Define robbery through theft/extortion clauses.	Mention numerical threshold and conjoint action for dacoity.

BNS mapping: Sections 309–313.

Robbery is aggravated theft or aggravated extortion. Theft becomes robbery when, in order to commit the theft or carry away the property, the offender voluntarily causes or attempts to cause death, hurt, wrongful restraint, or fear of instant death, hurt or wrongful restraint. Extortion becomes robbery when the offender is in the presence of the victim and puts that person in fear of instant harm, thereby inducing immediate delivery.

Dacoity is robbery committed by five or more persons conjointly. It reflects the increased terror, coordination and public danger of group depredation. The BNS separately punishes robbery or dacoity with attempt to cause death or grievous hurt, attempt to commit robbery or dacoity when armed with a deadly weapon, and belonging to gangs of robbers.

Whenever asked to distinguish theft, extortion, robbery and dacoity, the best answer proceeds progressively: dishonest taking without consent; delivery induced by fear; theft or extortion aggravated by immediate violence or threat; robbery by five or more persons conjointly.

4. Criminal Misappropriation and Criminal Breach of Trust

Exam lens • PYQ signal: Winter 2024 long question.

Selected bare provision / statutory extract

314. Dishonest misappropriation of property.—Whoever dishonestly misappropriates or converts to his own use any movable property, shall be punished with imprisonment of either description for a term which shall not be less than six months but which may extend to two years and with fine.

Illustrations.

(a) A takes property belonging to Z out of Z's possession, in good faith believing at the time when he takes it, that the property belongs to himself. A is not guilty of theft; but if A, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this section.

(b) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent. Here, if A was under the impression that

316. Criminal breach of trust.—(1) Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits criminal breach of trust.

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Explanation 1.—A person, being an employer of an establishment whether exempted under section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) or not who deducts the employee's contribution from the wages payable to the employee for credit to a Provident Fund or Family Pension Fund established by any law for the time being in force, shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said Fund in violation of the said law, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid.

Explanation 2.—A person, being an employer, who deducts the employees' contribution from the wages payable to the employee for credit

Point of distinction	Criminal misappropriation	Criminal breach of trust
Entrustment	Not essential.	Essential.

Wrongful act	Dishonest misappropriation or conversion of property that comes into one's hands.	Dishonest misappropriation, conversion, use or disposal in violation of legal direction or contract after entrustment.
Sections	314.	316.
Common exam distinction	Find out whether the property was entrusted in a fiduciary or dominion-based capacity.	If entrustment is missing, breach of trust fails though misappropriation may survive.

BNS mapping: Sections 314–316.

Criminal misappropriation under sections 314 and 315 concerns dishonest misappropriation or conversion of property by a person who comes into possession lawfully or innocently but later dishonestly appropriates it. Criminal breach of trust under section 316 adds the element of entrustment and dishonest misappropriation, conversion, use or disposal in violation of legal direction or contract.

The distinction matters because breach of trust is a deeper betrayal. It presupposes fiduciary or entrusted possession. A trustee, clerk, agent, partner, bailee, warehouseman or employee may commit breach of trust when entrusted property is diverted. Criminal misappropriation may arise where lost goods are found and dishonestly converted, or where custody is obtained without a trust relationship but later abused.

In commercial disputes, courts are careful not to criminalise mere breach of contract. The prosecution must show dishonest intention and the statutory ingredients, especially entrustment in breach-of-trust cases.

R. K. Dalmia v. Delhi Administration (1962)

Facts: The prosecution involved dishonest dealings with assets and raised the question whether the word “property” in breach-of-trust provisions should be confined narrowly to tangible movables.

Issues: How broadly should courts understand “property” and “entrustment” in criminal breach of trust.

Held: The Supreme Court adopted a broad understanding of “property”, making clear that the breach-of-trust offence is not confined to crude physical chattels. This case is particularly useful when students are asked whether securities, funds, records or intangible interests can fall within the offence.

Why this case matters: It broadens understanding of ‘property’ in breach-of-trust analysis.

5. Cheating

Selected bare provision / statutory extract

318. Cheating.—(1) Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to cheat.

Explanation.—A dishonest concealment of facts is a deception within the meaning of this section.

Illustrations.

(a) A, by falsely pretending to be in the Civil Service, intentionally deceives Z, and thus dishonestly induces Z to let him have on credit goods for which he does not mean to pay. A cheats.

(b) A, by putting a counterfeit mark on an article, intentionally deceives Z into a belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces Z to buy and pay for the article. A cheats.

(c) A, by exhibiting to Z a false sample of an article intentionally deceives Z into believing that the

Selected bare provision / statutory extract

article corresponds with the sample, and thereby dishonestly induces Z to buy and pay for the article. A cheats.

(d) A, by tendering in payment for an article a bill on a house with which A keeps no money, and by which A expects that the bill will be dishonoured, intentionally deceives Z, and thereby dishonestly induces Z to deliver the article, intending not

BNS mapping: Sections 318 and 319.

Cheating under section 318 is founded on deception. The accused must deceive another person and thereby fraudulently or dishonestly induce delivery of property, or intentionally induce the person to do or omit something that he would not do or omit if he were not so deceived, causing or likely to cause damage or harm. The offence therefore protects both property and decision-making integrity.

Cheating by personation under section 319 aggravates the wrong where deception is achieved by pretending to be another person or by falsely representing status or identity. Modern variants include impersonation in examinations, digital fraud, OTP scams, fake online profiles and forged institutional credentials.

Hridaya Ranjan Prasad Verma v. State of Bihar (2000)

Facts: A commercial dispute was sought to be given a criminal colour by alleging cheating. The accused argued that, at most, the facts disclosed breach of contract or failure to keep a promise.

Issues: When does a promise-breaking case become cheating, and what must be shown about the accused's mental state at the inception of the transaction.

Held: The Supreme Court held that cheating requires dishonest or fraudulent intention at the very beginning. Mere subsequent failure to keep a promise, without initial fraudulent intent, does not by itself constitute cheating.

Why this case matters: It is the standard authority for the proposition that cheating requires dishonest intention at the inception.

6. Mischief**Selected bare provision / statutory extract**

324. Mischief.—(1) 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, or affects it injuriously, commits mischief.

Explanation 1.—It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

Explanation 2.—Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

Illustrations.

(a) A voluntarily burns a valuable security belonging to Z intending to cause wrongful loss to Z. A has committed mischief.

(b) A introduces water into an ice-house belonging to Z and thus causes the ice to melt, intending

Selected bare provision / statutory extract

wrongful loss to Z. A has committed mischief.
(c) A voluntarily throws into a river a ring belonging

BNS mapping: Sections 324–328.

Mischief punishes intentional or knowing destruction of or change to property so as to diminish its value or utility or affect it injuriously. Ownership is not decisive; the law protects another's interest in the property. Thus damaging jointly owned or partially owned property can still amount to mischief if another legally protected interest is injuriously affected.

The BNS grades mischief according to the object and means: killing or maiming animals, injury by inundation, fire or explosive substance, and damage to railways, aircraft or vessels are specially treated. The offence is important because it bridges property protection, public safety and infrastructure security.

7. Criminal Trespass

Selected bare provision / statutory extract

329. Criminal trespass and house -trespass.—(1) Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person or with intent to commit an offence is said to commit criminal trespass.

(2) Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling or any building used as a place for worship, or as a place for the custody of property, is said to commit house-trespass.

Explanation.—The introduction of any part of the criminal trespasser's body is entering sufficient to constitute house-trespass.

(3) Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

(4) Whoever commits house-trespass shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

Section 331 onwards prescribe punishments for lurking house-trespass and house-breaking in aggravated settings.

BNS mapping: Sections 329–334.

Criminal trespass occurs when a person enters into or upon property in possession of another with intent to commit an offence, or to intimidate, insult or annoy the person in possession, or having lawfully entered unlawfully remains there with such intent. The offence protects possession, privacy and peaceful occupation.

House-trespass is criminal trespass into a building, tent or vessel used as a human dwelling, place of worship or custody of property. House-breaking involves entry or exit by one of the statutorily aggravated methods. These escalating forms show how place and mode can aggravate the same basic invasion.

8. Offences by or Relating to Public Servants

Exam lens • PYQ signal: Winter 2024 and Summer 2025 direct questions.

Definition anchor from the BNS

Definition anchor (BNS section 2(28), extract): “public servant” means a person falling under any of the descriptions, namely—every commissioned officer in the Army, Navy or Air Force; every Judge; every officer of a Court of Justice; every juryman or assessor; every arbitrator or person to whom a cause or matter has been referred; and other categories enumerated in the section. The substantive offence-cluster appears principally in sections 198–205.

BNS mapping: Section 2(28) and sections 198–205.

The BNS recognises that abuse of public office threatens the legitimacy of state power itself. Chapter XII punishes public servants who disobey law with intent to cause injury, knowingly disobey legal directions, frame incorrect documents to cause injury, unlawfully engage in trade, or unlawfully buy or bid for property. It also punishes personation of public servants and fraudulent use of official garb or tokens.

The definition of public servant appears in section 2(28), drawing on the long legislative tradition that treats judges, government officers, military officers, local authority functionaries and others performing public duty as bearing special criminal accountability. Public office is not merely a job; it is a legal trust. Hence the criminal law punishes both abuse by the office-holder and fraud by outsiders pretending to hold public office.

9. Offences Against the State

Exam lens • PYQ signal: Winter 2024 on waging war; Summer 2024 on sedition; BNS section 152 now needs careful handling.

Selected bare provision / statutory extract

147.

149. Collecting arms, etc., with intention of waging war against Government of India.

150. Concealing with intent to facilitate design to wage war.

151. Assaulting President, Governor, etc., with intent to compel or restrain exercise of any lawful power.

152. Act endangering sovereignty, unity and integrity of India.

153. Waging war against Government of any foreign State at peace with Government of India.

154. Committing depredation on territories of foreign State at peace with Government of India.

155. Receiving property taken by war or depredation mentioned in sections 153 and 154.

156. Public servant voluntarily allowing prisoner of State or war to escape.

157. Public servant negligently suffering such prisoner to escape.

158. Aiding escape of, rescuing or harbouring such prisoner.

CHAPTER VIII

OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

159. Abetting mut

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; or indulges in or commits any such act shall be punished with imprisonment for life or with imprisonment which may extend to seven years, and shall also be liable to fine.

Explanation.—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 or

attempting to excite the activities referred to in this section do not constitute an offence under this section.

BNS mapping: Sections 147–158, especially 147–152.

Offences against the State protect sovereignty, constitutional order, and the security of government against violent or subversive attack. Sections 147 to 158 include waging war or attempting to wage war against the Government of India, conspiracy to wage war, collecting arms, concealing designs, assaulting constitutional heads to compel or restrain lawful power, acts endangering sovereignty, unity and integrity of India, and certain offences relating to prisoners of State or war.

These offences are narrower and more serious than ordinary political dissent. The BNS does not reproduce the old sedition section in name, but section 152 criminalises conduct that excites or attempts to excite secession, armed rebellion, subversive activities or separatist feelings, or endangers sovereignty, unity and integrity. The key doctrinal question is where to draw the line between protected criticism and punishable incitement or destabilising activity.

Students should be careful not to confuse mere disapprobation of government measures with offences against the State. Both constitutional free speech doctrine and the explanation to section 152 insist that lawful criticism without incitement to secession, rebellion or destabilising violence is not criminal.

Kedar Nath Singh v. State of Bihar (1962)

Facts: The accused delivered a strongly worded political speech criticising the ruling establishment in aggressive terms. He was prosecuted under the colonial sedition provision.

Issues: The issue was whether the sedition law could constitutionally survive free-speech guarantees and, if so, how narrowly it must be interpreted.

Held: The Supreme Court upheld the provision but confined its operation to speech involving incitement to violence or intention or tendency to create public disorder. Mere criticism of the Government, however strongly worded, was not enough. The decision remains central when analysing the modern boundary between state-security offences and constitutionally protected dissent.

Why this case matters: It remains the best constitutional lens for reading BNS speech offences against the State narrowly.

Balwant Singh v. State of Punjab (1995)

Facts: Shortly after the assassination of Prime Minister Indira Gandhi, the accused raised a small number of slogans in public. The prosecution invoked sedition-type reasoning on the basis of the slogans alone.

Issues: Whether isolated slogan-shouting, without resulting disorder or incitement, amounts to an offence against the State.

Held: The Supreme Court held that casual slogan-shouting in the facts of the case did not amount to sedition because there was no real incitement to violence or public disorder. The case helps distinguish inflammatory expression from legally punishable mobilisation against the State.

Why this case matters: It illustrates that isolated slogans without incitement or disorder do not automatically become punishable anti-State speech.

10. Offences Against Public Peace and Tranquillity

Exam lens • PYQ signal: Summer 2024 short note on affray/rioting and Summer 2025 short note on riot and affray.

Selected bare provision / statutory extract

189. Unlawful assembly.—(1) An assembly of five or more persons is designated an “unlawful assembly”, if the common object of the persons composing that assembly is—
 (a) to overawe by criminal force, or show of criminal force, the Central Government or any State Government or Parliament or the Legislature of any State, or any public servant in the exercise of the lawful power of such public servant; or
 (b) to resist the execution of any law, or of any legal process; or
 (c) to commit any mischief or criminal trespass, or other offence; or
 (d) by means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or
 (e) by means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.
 Explanation.—An assembly which was not unlawful

191. Rioting.—(1) Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.
 (2) Whoever is guilty of rioting, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
 (3) Whoever is guilty of rioting, being armed with a deadly weapon or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

194. Affray.—(1) When two or more persons, by fighting in a public place, disturb the public peace, they are said to commit an affray.
 (2) Whoever commits an affray, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Point of distinction	Unlawful assembly	Rioting
Base concept	Five or more persons with one of the common objects stated in section 189.	Use of force or violence by an unlawful assembly or any member thereof in prosecution of the common object.
Need for violence	No.	Yes.
Section	189.	191.
Associated doctrine	Common object and vicarious liability under section 190.	Escalated form of unlawful assembly.

BNS mapping: Sections 189–197.

Public peace offences regulate collective disorder. Section 189 defines unlawful assembly; section 190 imposes liability on every member for offences committed in prosecution of the common object; section 191 defines rioting; section 194 defines affray. These doctrines respond to the special danger posed by group violence, crowd psychology and local breakdown of civil order.

Rioting requires force or violence by an unlawful assembly or by any member thereof in prosecution of the common object. Affray is narrower: fighting by two or more persons in a public place disturbing public peace. Unlawful assembly turns on common object, not necessarily prior conspiracy. The criminal law thereby addresses escalating levels of collective disturbance: assembly with unlawful object, violent execution of that object, and public fighting disturbing tranquillity.

Sections 196 and 197 further punish promotion of enmity between groups and assertions prejudicial to national integration, showing that threats to tranquillity may arise not only from physical violence but from deliberate communal mobilisation.

Masalti v. State of Uttar Pradesh (1964)

Facts: A large armed assembly attacked villagers and several persons were killed. Given the size of the mob, the prosecution could not assign an overt act to every individual member with mathematical precision.

Issues: How common object is inferred in unlawful-assembly cases, and whether each accused must be proved to have committed a distinct overt act.

Held: The Supreme Court held that common object may be inferred from the nature of the assembly, the weapons carried, the behaviour of members and the surrounding circumstances. Once membership of the unlawful assembly and its common object are proved, individual overt acts need not always be separately established.

Why this case matters: It is central for unlawful-assembly questions where common object must be inferred from group conduct.

11. Defamation

Exam lens • PYQ signal: Summer 2025 long question.

Selected bare provision / statutory extract

356. Defamation.—(1) Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes in any manner, 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, except in the cases hereinafter excepted, to defame that person.

Explanation 1.—It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2.—It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3.—An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4.—No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

Illustrations.

(a) A says—"Z is an honest man; he never stole B's watch"; intending to cause it to be believed that Z did steal B's watch. This is defamation, unless it falls within one of the exceptions.

(b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation, unless it falls within one of the exceptions.

(c) A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's

watch. This is defamation, unless it falls within one of the exceptions.
 Exception 1.—It is not defamation to impute anything which is true concerning any person, i

BNS mapping: Section 356.

Defamation under section 356 protects reputation against imputations made or published intending to harm, or knowing or having reason to believe that they will harm, a person's reputation. Criminal defamation differs from the civil tort chiefly in sanction and public wrong character, but the underlying concern is similar: social estimation and moral standing.

The offence must be understood together with its exceptions, because criminal defamation is tightly structured. Truth alone is not enough unless publication is also for the public good. Fair comment on public conduct, merits of public questions, judicial proceedings, literary performance, censure by lawful authority, accusation to lawful authority, protection of interest, and caution in good faith are among the classic exceptions. The law therefore seeks to balance reputation with public discourse, criticism, complaint and accountability.

In exam answers, the safest method is to state the main definition and then separately explain the exceptions with illustrations. Most marks are lost when students narrate only the accusation and forget to analyse whether the impugned statement falls within an exception.

Important qualifications / exceptions: Truth for public good, fair comment on public conduct, reports of court proceedings, merits of decided cases, censure by authority, accusation to lawful authority, protection of interests, and caution in good faith are among the recognised exceptions.

12. Community Service and Sentencing under the BNS

Selected bare provision / statutory extract

Section 4 expressly recognises “community service” as one of the punishments under the BNS. This is one of the conspicuous structural departures from the IPC-era punishment chapter and should be noted whenever the syllabus asks about kinds of punishment or sentencing policy under the new code.

Because the syllabus still asks about kinds of punishment, it is worth ending with a note on sentencing philosophy. The BNS explicitly adds community service to the list of punishments. This is not a symbolic insertion. It signals that criminal justice may, in suitable lower-level offences, pursue social repair, accountability and behavioural correction without default reliance on imprisonment.

At the same time, the BNS also increases punishment severity in several serious offence categories, especially where bodily integrity, women's safety, organised criminality or national security are involved. The modern sentencing landscape therefore combines harsher treatment for grave offences with more graduated options for less severe wrongdoing.

Appendix – Quick BNS Topic Map and Revision Grid

How to use this appendix: Use the first table for quick section recall before exams. Use the second list as a probable long-answer and short-note revision sequence based on the syllabus and the question patterns visible in the question papers you shared.

Topic	Principal BNS Sections	Exam Use
Application, definitions, explanations, punishment	1–13	Foundations; short notes; sentencing
General exceptions and private defence	14–44	Problem questions and long answers
Abetment, conspiracy, attempt	45–62	Short notes and doctrinal distinctions
Rape and allied offences against women	63–79	Major long answers
Dowry death and marriage offences	80–87	Long answers; women and marriage
Culpable homicide, murder, suicide, organised crime	100–113	Core doctrinal long answer
Hurt, grievous hurt, wrongful restraint, assault	114–136	Short notes and distinctions
Kidnapping, abduction, trafficking	137–146	Distinction questions
Offences against the State	147–158	Essay and constitutional analysis
Public peace and tranquillity	189–197	Rioting, affray, unlawful assembly
Public servants	198–205	Enumerate offences / discuss category
Property offences	303–334	Distinguish theft/extortion/robbery/dacoity etc.
Defamation	356	Definition plus exceptions

Suggested priority revision order

- Distinction between crime and tort; actus reus and mens rea; stages of crime.
- General exceptions with full emphasis on right of private defence.
- Abetment, criminal conspiracy and attempt, with Abhayanand Mishra and Kehar Singh.
- Culpable homicide and murder, including exceptions; K. M. Nanavati.
- Hurt / grievous hurt; wrongful restraint / confinement; assault / criminal force; kidnapping / abduction.
- Rape, consent, custodial dimensions and Mathura case; sexual harassment, voyeurism and stalking.
- Dowry death, cruelty by husband or relatives, bigamy, marriage offences.
- Joseph Shine and Navtej Singh Johar for decriminalisation themes.
- Theft, extortion, robbery, dacoity, cheating, mischief, criminal trespass, criminal breach of trust.
- Offences by or relating to public servants; offences against the State; public tranquillity; defamation with exceptions.

Selected reference base

- Official text of the Bharatiya Nyaya Sanhita, 2023 (India Code version in force from 1 July 2024, text updated on India Code).
- Official / institutional comparative BNS–IPC section table used for quick mapping.
- Leading judgments including K. M. Nanavati, Tuka Ram (Mathura), Bachan Singh, Darshan Singh, Kehar Singh, Mobarik Ali Ahmed, Joseph Shine, Navtej Singh Johar, and Kedar Nath Singh.

This companion is designed as a study text, not as a substitute for the bare act. Before final exam writing, revise the exact statutory language of the relevant BNS sections and the ratio of the cited cases.