



**PRIMER**

**ON**

**NEW CRIMINAL LAWS**

**WEST BENGAL JUDICIAL ACADEMY**



**PRIMER**  
**ON**  
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**West Bengal Judicial Academy**



**T. S. Sivagnanam**  
**Chief Justice**



**High Court at Calcutta**

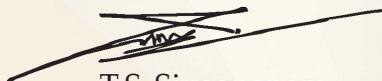
## **FOREWORD**

*PRIMER, a handbook on the comparative study of the Indian Penal Code, 1860 with Bharatiya Nyaya Sanhita; Code of Criminal Procedure, 1973 with Bharatiya Nagarik Suraksha Sanhita; and Indian Evidence Act, 1872 with Bharatiya Sakshya Adhinyam has been succinctly crafted by Brother Justice Joymalya Bagchi, the Chairperson of the West Bengal Judicial Academy with His team with their tireless efforts and dedication and brought this publication which, to my mind, is a must for every judge and other stakeholders to acquaint themselves with the new laws and their nuances in administration of justice. It would be a prized possession.*

*These three new Criminal Laws would not only repeal the old laws but would herald much needed changes in the punitive and procedural laws. These laws aim at simplification of the legal complexities by streamlining provisions relating to offences and penalties. These laws endeavor to ensure speedy justice in conformity with constitutional and democratic aspirations using technology and forensic science in the investigation of crime. Bharatiya Nagarik Suraksha Sanhita specifies timelines for investigation, trial and pronouncement of judgments. Bharatiya Sakshya Adhinyam provide that the evidence shall include any information given electronically, which would permit appearance of witnesses, accused, experts and victims through electronic means. Such electronic and digital evidence shall be admissible as evidence having the same legal effect, validity and enforceability as any other document. Another important aspect of these changes is*

*that the laws under Bharatiya Nyaya Sanhita have been made gender neutral, as far as practicable.*

*I convey my heartiest congratulations to Hon'ble Justice Joymalya Bagchi, Chairperson of the West Bengal Judicial Academy, and each and every member associated with publication of this handbook, PRIMER.*



T.S. Sivagnanam

Chief Justice

Dated : 19<sup>th</sup> June, 2024

## **ACKNOWLEDGMENT**

The Academy humbly acknowledges the continuous support, guidance and encouragement from its Patron-in-Chief, the Hon'ble The Chief Justice in bringing out the publication. The Academy is grateful for the valuable inputs from the Hon'ble Chairman, Hon'ble Members of the Committee for West Bengal Judicial Academy and other Hon'ble Judges of the Calcutta High Court in formulating the scheme of the Primer.

The Academy respectfully acknowledges the contribution of Professor Dr. N.K. Chakrabarti, Vice Chancellor, West Bengal National University of Juridical Sciences in agreeing to review the draft and make suggestions with regard to its content.

Had it not been for the tireless efforts of the Director, Additional Director, Administrative Officer, other office bearers of the Academy, the Registrar General and other Registrars of High Court at Calcutta, the publication would have never seen the light of the day. The Academy acknowledges their valuable contribution.

The Academy gratefully recognizes the painstaking efforts taken by Ms. Arjita Mukherjee, Academic Fellow, West Bengal National University of Juridical Sciences and Ms. Anushka Chaturvedi, Law Clerk-cum-Research Assistant to the Hon'ble Justice Joymalya Bagchi in preparing the primer.

Academy is also grateful to Saraswaty Press Ltd. for the printing and publication of the primer.



## INTRODUCTION

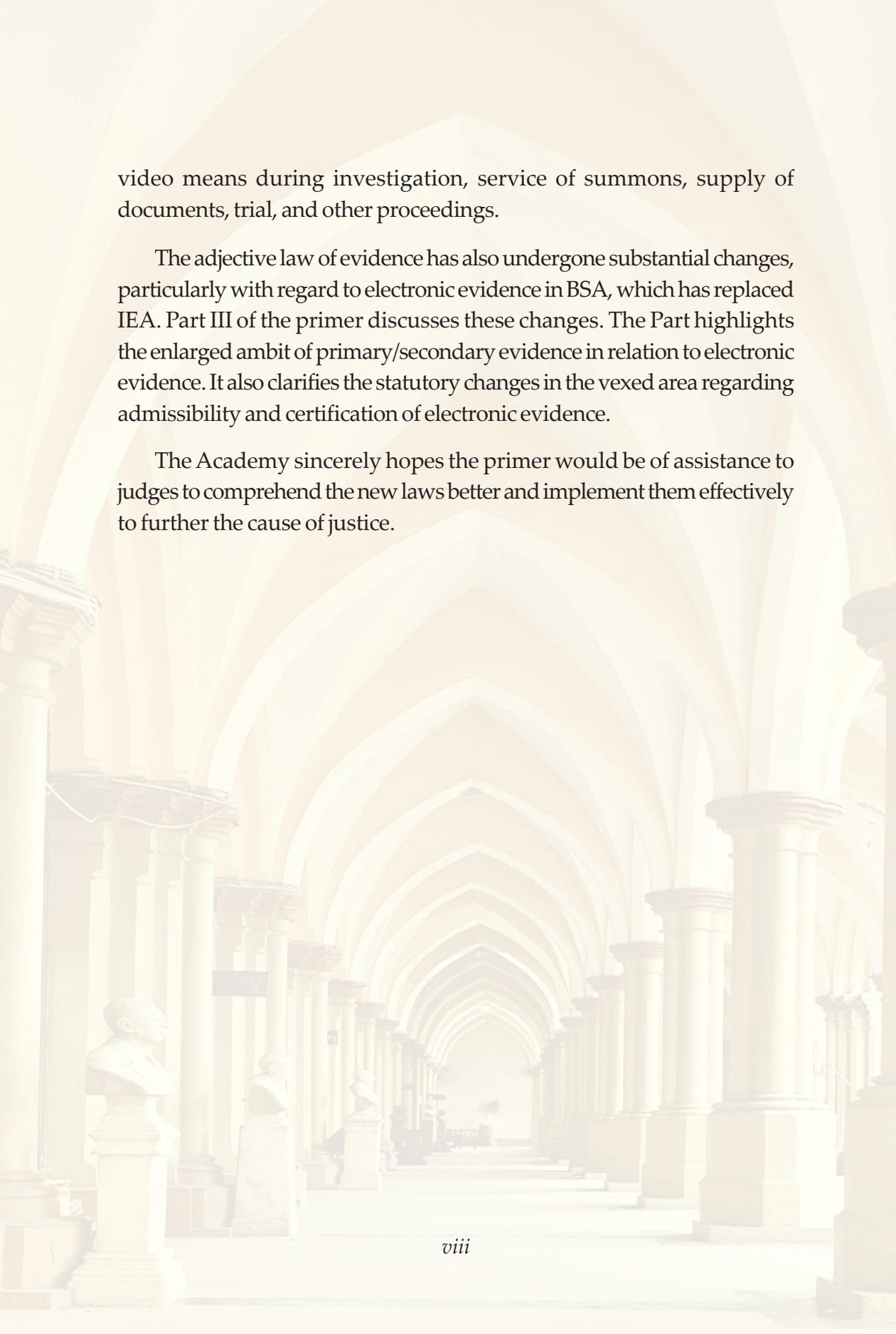
India is at the cusp of a seminal change in administration of criminal justice. The triumvirate of laws, namely, Indian Penal Code (IPC), 1860, Code of Criminal Procedure (CrPC), 1973 and Indian Evidence Act (IEA), 1872 which formed the backbone of the criminal justice system since colonial times are being replaced by Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS) and Bharatiya Sakshya Adhiniyam (BSA) respectively and will come into effect on and from 1<sup>st</sup> July, 2024.

The transformative change in the legislative landscape requires judges and other stakeholders to acquaint themselves with the new laws and their nuances in administration of justice. To address this need, West Bengal Judicial Academy has brought out this publication for judges.

The primer on new criminal laws is a convenient handbook which would serve as a reference material to judges in their day-to-day adjudication. The primer is divided into three parts.

Part I deals with BNS, which replaces IPC. This Part highlights the fundamental changes in BNS which address the evolving nature of crime in society. To give a few examples, offences against women and children have been clubbed together and given chronological precedence, presumably to emphasize their relevance in combating crime. Organized crime (which was already an offence under various State laws) and other new offences like mob lynching, snatching, terrorist act, etc., have also been made punishable under the general law.

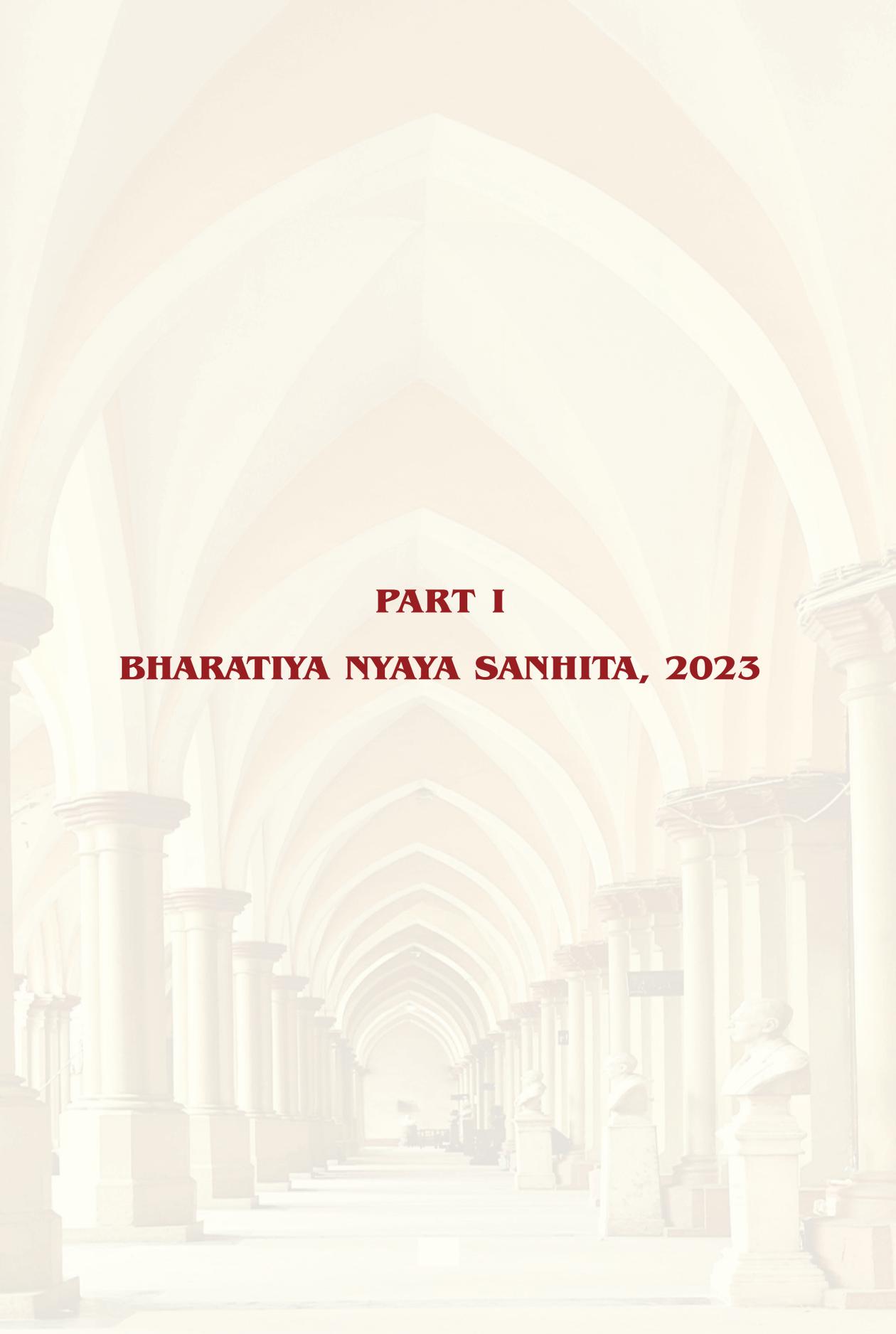
Part II deals with BNSS, which replaces CrPC. The primary emphases in the new procedural law are on timely justice and use of development in forensic science and electronic communication in investigation and prosecution of offenders. These changes provide for well-defined timelines at each stage of the criminal proceeding and a much-needed statutory recognition of use of forensic tools, electronic communication, use of audio-



video means during investigation, service of summons, supply of documents, trial, and other proceedings.

The adjective law of evidence has also undergone substantial changes, particularly with regard to electronic evidence in BSA, which has replaced IEA. Part III of the primer discusses these changes. The Part highlights the enlarged ambit of primary/secondary evidence in relation to electronic evidence. It also clarifies the statutory changes in the vexed area regarding admissibility and certification of electronic evidence.

The Academy sincerely hopes the primer would be of assistance to judges to comprehend the new laws better and implement them effectively to further the cause of justice.



**PART I**  
**BHARATIYA NYAYA SANHITA, 2023**



## **BHARATIYA NYAYA SANHITA, 2023**

### **⇒ Highlights in the Statement of Objects and Reasons are :—**

- Simplification of the legal complexities by streamlining provisions relating to offences and penalties.
- Community service for petty offences has been introduced. Fines and punishments for various offences have also been suitably enhanced.
- Offences against women and children have been given chronological precedence.
- Some offences have been made gender neutral.
- New offences like terrorist acts, organised crime, petty organised crime and other offences against the State have been introduced along with deterrent punishments.

### **⇒ Salient Changes in the Bharatiya Nyaya Sanhita, 2023 vis-a-vis Indian Penal Code, 1860 :—**

#### **Scheme**

- The Bharatiya Nyaya Sanhita consisting of 358 sections is a streamlined version of the Indian Penal Code which consisted of 511 sections. The scheme of the Bharatiya Nyaya Sanhita is as follows:—

<b>Chapters</b>	<b>Sections covered</b>	<b>Contents of the Chapter</b>
Chapter I	1-3	Preliminary: The short title with commencement and application, definitions and general explanations (sections 8 to 52A of IPC has been included under various sub-sections of section 2 and 3)
Chapter II	4-13	Punishments
Chapter III	14-44	General Exceptions
Chapter IV	45-62	Abetment, Criminal Conspiracy and Attempt
Chapter V	63-99	Offences against Woman and Child

Chapters	Sections covered	Contents of the Chapter
Chapter VI	100-146	Offences against human body
Chapter VII	147-158	Offences against State
Chapter VIII	159-168	Offences relating to the Army, Navy and Air Force
Chapter IX	169-177	Offences relating to Elections
Chapter X	178-188	Offences relating to coin, currency notes, bank notes and government stamps
Chapter XI	189-197	Offences against the public tranquillity
Chapter XII	198-205	Offences relating to public servants
Chapter XIII	206-226	Contempt of the lawful authority of public servants
Chapter XIV	227-269	False evidence and offences against public justice
Chapter XV	270-297	Offences affecting public health, safety, convenience, decency and morals
Chapter XVI	298-302	Offences relating to religion
Chapter XVII	303-334	Offences against property
Chapter XVIII	335-350	Offences relating to documents and property marks
Chapter XIX	351-357	Criminal Intimidation, Insult, Annoyance, Defamation, etc.
Chapter XX	358	Repeal and Savings

### Definition

- A progressive change has been brought about in **section 2(10) BNS**, wherein while defining the term “**gender**”, it has been stated that the pronoun “he” and its derivatives are used for any person, whether male, female or *transgender*.
- “**Child**” has been defined under **section 2(3) BNS**.
- Moveable property under **section 2(21) BNS** is no longer confined to "Corporeal Property" but includes "incorporeal property" also.

- Archaic words such as : “Queen”, “British India”, “Servant of Government”, “India”, “Government of India” have been deleted.

### Punishment

- A new form of punishment, namely “**Community service**” [section 4(f) BNS] may be awarded under the Sanhita for the following offences:—

Section 202	Public servant engaging in trade
Section 209	Non-appearance in response to a proclamation
Section 226	Attempt to commit suicide to compel or restraint exercise of lawful power
Section 303(2)	Theft value less than ₹5000
Section 355	Appearing in public place under intoxication
Section 356	Defamation

- **Community service** has been defined as ‘Court ordered work that benefits the community, and which is not entitled to any remuneration’ [*Explanation to section 23 of the Bharatiya Nagarik Suraksha Sanhita*]. In *State through PS Lodha Colony, New Delhi v. Sanjeev Nanda*<sup>1</sup> (BMW Hit and Run case) Supreme Court directed community service under **Article 142** of the Constitution of India as a reformatory measure along with payment of compensation instead of enhancing the sentence.
- It may be relevant to note under **section 18(c) of the Juvenile Justice (Care and Protection of Children) Act, 2015** a juvenile may be directed to undertake Community Service as a penalty.

### Abetment from abroad

- A **new offence** has been added under **section 48 BNS** which punishes any person (including a foreigner) who while being outside India abets the commission of an offence in India.

### Offences against woman and child

- One of the unique features of the Sanhita is the incorporation of **Offences against Woman and Child** into a separate chapter, i.e., Chapter V which has been given **chronological precedence over Offences against Human Body and all other major offences.**

<sup>1</sup>(2012) 8 SCC 450

- Definition of **Rape** under **section 375 IPC** is more or less replicated under **section 63 BNS**, save and except a modification in **Exception 2** whereby the exception is made applicable to sexual intercourse/ acts between a man with his wife, provided she is **18 years** or above. [This change makes the statute in sync with the law declared by the Supreme Court in the *Independent Thought v. Union of India and another.*<sup>2]</sup>
- **A separate offence under section 69 BNS** has been incorporated, which penalizes sexual intercourse by employing deceitful means (false promise of employment or promotion, inducement or marrying after suppressing identity) or by making promise to marry without intention of fulfilling the same. This offence overlaps with the offence of rape, i.e., sexual intercourse without consent where consent is vitiated by misconception of fact (section 63 r/w 28 BNS).
- In some offences, the **gender of the offender is no longer relevant.**

<b>Section 76 BNS (Assault or Criminal Force to woman with intent to disrobe)</b>	The word <b>“Any man”</b> (as was used in corresponding sections 354B and 354C IPC) has been <b>replaced with “Whoever”</b> , thereby creating liability of any person irrespective of their gender.
<b>Section 77 BNS (Voyeurism)</b>	

- In some offences, the **gender of the victim is no longer relevant.**

<b>Section 96 BNS (Procuration of child)</b>	Section 366A and 366B IPC penalized procurement of <b>minor girl</b> and importation of <b>girl</b> from foreign country respectively. The BNS offences make the victim gender-neutral.
<b>Section 141 BNS (Importation of girl or boy from foreign country)</b>	

- **Section 95 BNS** creates a **new offence** which penalizes **hiring, employing or engaging a child to commit an offence.**
- **Unnatural Offences** [section 377 IPC] have been **deleted.** This deletion not only decriminalizes consensual sexual intercourse/ acts [declared unconstitutional in *Navtej Singh Johar and ors v. Union of India*<sup>3]</sup> but downgrades non-consensual sexual intercourse/acts not defined as rape under section 63 of BNS as lesser offences (e.g. hurt, grievous hurt, etc.).

<sup>2</sup>(2017) 10 SCC 800

<sup>3</sup>(2018) 10 SCC 1

- **Adultery** [declared unconstitutional in *Joseph Shine v. Union of India*<sup>4</sup>] has been deleted.

### Offences against human body

- In the offence of Murder, a sub-category, namely **Mob-lynching** has been introduced. Mob-lynching occurs when a group of five or more persons act in concert to commit murder on the ground of race, caste or community, sex, place of birth, language, personal belief or any other similar ground. Punishment for each member of such group is equivalent to murder [section 103 BNS]. This introduction is in response to directions given by the Supreme Court to combat Mob-lynching in *Tehseen S. Poonawalla v. Union of India and others*.<sup>5</sup>
- For **Causing death by negligence**, separate punishments for different categories of negligence have been curated as follows:—
  - ✓ **Causing death by negligence by any person other than a registered medical practitioner** under **section 106(1) BNS** – Imprisonment of either description may extend to **5 years** and fine.
  - ✓ **Causing death by negligence by a registered medical practitioner** under **section 106(1) BNS**– Imprisonment of either description may extend to **2 years** and fine.
  - ✓ **Causing death by rash and negligent driving and escaping without reporting it** to a police officer or a Magistrate soon after the incident [Hit and Run cases] under **section 106(2) BNS**– Imprisonment of either description may extend to **10 years** and fine. *[Not notified]*
- **Attempt to commit suicide** under section 309 IPC has been **deleted** in the Sanhita keeping in mind the directions of the Supreme Court in *Aruna Ramachandra Shanbaug v. Union of India and others*<sup>6</sup> and **section 115 of the Mental Healthcare Act, 2017**. However, a **new offence** has been added under **section 226 of BNS**, which penalizes attempt to commit suicide to compel or restrain official duty.
- A **new offence**, i.e., **Organized crime** involving continuing criminal activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offence,

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<sup>4</sup>(2019) 3 SCC 39

<sup>5</sup>(2018) 9 SCC 501

<sup>6</sup>(2011) 4 SCC 454

cybercrimes, trafficking of persons, drugs, weapons or illicit goods or services by two or more persons is made punishable under **section 111 BNS**.

- Similarly, **another offence**, namely **Petty organized crime** involving continuing criminal activity including theft, snatching, cheating, unauthorized selling of tickets, unauthorized betting or gambling, selling of public examination question papers etc. by two or more persons has been made punishable under **section 112 BNS**.
- In addition to the Special Law, i.e., Unlawful Activities (Prevention) Act, 1967, **Terrorist Act** [Similar to section 15, UAPA] is also made punishable under **section 113 BNS**. Explanation to the provision clarifies that the officer not below the rank of Superintendent of Police shall decide whether to register the case under this section or under UAPA.
- Separate provisions have been introduced under **section 117(3)/(4) BNS** for **grievous hurt resulting in persistent vegetative state or permanent disability** and in cases of **mob lynching**.
- **Beggary** has been introduced as a form of exploitation for trafficking under **section 143 BNS**.

### Offences against State

- **Sedition** under section 124A IPC has been **deleted**. However, **section 152 BNS** has been added as a **new offence** which punishes secession and separatist activities, armed rebellion, subversive activities, or any act which **endangers sovereignty or unity and integrity of India**.
- Act of making or publishing **false or misleading information** which has tendency to jeopardise the **sovereignty, unity, integrity or security of India** has been added as a **new offence** under **section 197(1)(d) BNS**.

### Offences against Property

- **Snatching (section 304 BNS)** has been added as a **new form of Theft** where the property is quickly or forcibly seized or grabbed. This offence may be attracted in cases where theft is accompanied by use of criminal force but does not transcend to robbery.
- **Lurking house trespass by night (section 444 IPC)** and **House-breaking by night (section 446 IPC)** have been **deleted**.

## NEW OFFENCES

- MOB LYNCHING
- TERRORIST ACTS
- ORGANISED CRIME
- PETTY ORGANISED CRIME
- SNATCHING
- HIRING, EMPLOYING OR ENGAGING A CHILD TO COMMIT AN OFFENCE
- SEXUAL INTERCOURSE BY EMPLOYING DECEITFUL MEANS
- ACT ENDANGERING SOVEREIGNTY, UNITY AND INTEGRITY OF INDIA
- ABETTING COMMISSION OF ANY OFFENCE IN INDIA WHILE BEING OUTSIDE INDIA

## REPEALED OFFENCES

- UNNATURAL OFFENCES
- ADULTERY
- ATTEMPT TO COMMIT SUICIDE\*
- SEDITION\*\*
- LURKING HOUSE TRESPASS BY NIGHT
- HOUSEBREAKING BY NIGHT

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\*Cognate offence-section 226 BNS

\*\*Cognate offence-section 152 BNS

## Major Changes in Punishments in BNS Versus IPC

OFFENCE	BNS	IPC
Abetting commission of offence by public or more than 10 persons [section 57 BNS]	7 years with fine	3 years or fine or both
Punishment for Rape [section 64(1) BNS]	Minimum 10 years	Minimum 7 years
Buying child for purposes of prostitution [section 99 BNS]	7-14 years and fine	May extend to 10 years and fine
Punishment for culpable homicide not amounting to murder [section 105 BNS]	Life Imprisonment or 5-10 years and fine [If act done with the intention of causing death, or of causing such bodily injury as is likely to cause death]  May extend to 10 years with fine [act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.]	Life Imprisonment or may extend upto 10 years and fine [If act done with the intention of causing death, or of causing such bodily injury as is likely to cause death]  May extend to 10 years or fine or both [act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.]
Causing death by negligence [section 106(1) BNS]	May extend to 5 years and fine [In case of registered medical practitioner, it shall remain 2 years and fine]	May extend to 2 years or fine or both
Voluntary causing hurt or grievous hurt to deter a public servant from his duty [section 121(1) BNS]	May extend to 5 years or fine or both	May extend to 3 years or fine or both

OFFENCE	BNS	IPC
Voluntary causing hurt or grievous hurt on provocation [section 122(2) BNS]	May extend to 5 years or fine (maximum ₹10,000) or both	May extend to 4 years or fine (maximum ₹2,000) or both
Wrongful confinement for 3 days or more [section 127(3) BNS]	May extend to 3 years or fine (maximum ₹10,000) or both	May extend to 2 years or fine or both
Exploitation of a trafficked person [section 144(1) BNS]	5-10 years and fine	5-7 years and fine
Rioting armed with deadly weapon [section 191(3) BNS]	5 years or fine or both	3 years or fine or both
Adulteration of drugs [section 276 BNS]	1 year or fine (maximum ₹5000) or both	6 months fine (maximum ₹1000) or both
Criminal breach of trust [section 316(2) BNS]	5 years or fine or both	3 years or fine or both
Cheating [section 318(2) BNS]	3 years or fine or both	1 year or fine or both
Cheating with the knowledge to cause wrongful loss [section 318(3) BNS]	5 years or fine or both	3 years or fine or both
Dishonest or fraudulent removal or concealment of property [section 323 BNS]	3 years or fine or both	2 years or fine or both
Mischief [section 324(2) BNS]	6 months or fine or both	3 months or fine or both

- Introduction of **mandatory minimum sentence** has been done in certain offences under **BNS**, which are as follows:—

OFFENCE
S. 95- Hiring, employing or engaging a child to commit an offence.
S. 99- Buying Child for Purposes of Prostitution, etc.
S. 105- Punishment for Culpable Homicide Not Amounting to Murder [if act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death]
S. 111(2)(b)- Organised Crime.
S. 111(3)- Abetting, attempting etc. of an Organised Crime.
S. 111(4)- Being a member of Organised Crime.
S. 111(5)- Harboursing a member of Organised Crime.
S. 111(6)- Possessing property derived from Organised Crime.
S. 111(7)- Possession of property on behalf of member of Organised Crime.
S. 112(2)- Petty Organised Crime.
S. 113(2)(b)- Terrorist Act.
S. 113(3)- Abetting, attempting etc. of Terrorist Act.
S. 113(4)- Organising a camp for Terrorist Act.
S. 113(6)- Harboursing any person who has committed any terrorist Act.
S. 117(3)- Voluntarily Causing Grievous Hurt resulting in permanent vegetative state
S. 118(2)- Voluntarily Causing Hurt or Grievous Hurt by Dangerous Weapons or Means.
S. 121(2)- Voluntarily Causing Hurt or Grievous Hurt to Deter Public Servant from His Duty.
S. 139(1)- Kidnapping or Maiming a Child for Purposes of Begging.
S. 139(2)- Kidnapping or Maiming a Child for Purposes of Begging.
S. 204- Personating A Public Servant
S. 303(2)- Theft.
S. 310(3)- Dacoity.
S. 314- Dishonest Misappropriation of Property
S. 320- Dishonest or Fraudulent Removal or Concealment of Property to Prevent Distribution Among Creditors.

## COMPARATIVE CHART OF BNS VIS-À-VIS IPC WITH COMMENTS

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
1(1), 1(2)	Short title, commencement, and application	1	Title and extent of operation of the Code	No change
1(3)	Short title, commencement, and application	2	Punishment of offences committed within India	No change
1(4)	Short title, commencement, and application	3	Punishment of offences committed beyond, but which by law may be tried within, India	No change
1(5)	Short title, commencement, and application	4	Extension of Code to extra-territorial offences	<b>A new offence has been added under section 48 which punishes any person (including a foreigner) who while being outside India abets the commission of an offence in India.</b>
1(6)	Short title, commencement, and application	5	Certain laws not to be affected by this Act	No change
		6	Definitions in the Code to be under- stood subject to exceptions	No change
-----	-----	13	Definition of "Queen"	<b>Deleted</b>
-----	-----	14	Servant of Government	<b>Deleted</b>
-----	-----	15	Definition of "British India"	<b>Deleted</b>
-----	-----	16	Definition of "Government of India"	<b>Deleted</b>
-----	-----	18	India	<b>Deleted</b>

**Addition**
 **Deletion**
 **Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
_____	_____	50	“Section”	<b>Deleted</b>
2(1) 3(4)	“Act” General Explanations	32	Words referring to acts include illegal omissions	No change
2(1) 2(25)	“Act” “Omission”	33	“Act”, “Omission”	No change
2(2)	“animal”	47	“Animal”	No change
2(3)	“child”	_____	_____	<b>New Provision</b>
2(4)	“Counterfeit”	28	“Counterfeit”	No change
2(5)	“Court”	20	“Court of Justice”	<b>Court of Justice has been renamed as Court.</b>
2(6)	“Death”	46	“Death”	No change
2(7)	“Dishonestly”	24	“Dishonestly”	No change
2(8)	“Document”	29	“Document”	No change
2(9)	“Fraudulently”	25	“Fraudulently”	No change
2(10)	“Gender”	8	Gender	<b>Transgender has been included</b>
2(11)	“good faith”	52	“Good faith”	No change
2(12)	“Government”	17	Government	No change
2(13)	“harbour”	52A	“Harbour”	No change
2(14)	“injury”	44	“Injury”	No change
2(15)	“illegal” and “legally bound to do”	43	“illegal” and “legally bound to do”	No change
2(16)	“Judge”	19	“Judge”	No change
2(17)	“Life”	45	“Life”	No change
2(18)	“Local law”	42	“Local law”	No change
2(19) 2(35)	“Man” “Woman”	10	“Man”, “Woman”	Separate provisions made.
2(20)	“Month” / “Year”	49	“Year” / “Month”	No change
2(21)	“Movable Property”	22	“Movable Property”	<b>Altered provision</b> <b>Moveable property now includes both corporeal incorporeal property</b>



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
2(22)	"Number"	9	Number	No change
2(23)	"Oath"	51	"Oath"	No change
2(24)	"Offence"	40	"Offence"	No change
2(26)	"Person"	11	Person	No change
2(27)	"Public"	12	Public	No change
2(28)	"Public Servant"	21	"Public Servant"	No change
2(29)	"Reason to believe"	26	"Reason to believe"	No change
2(30)	"Special law"	41	"Special law"	No change
2(31)	"Valuable security"	30	"Valuable security"	No change
2(32)	"Vessel"	48	"Vessel"	No change
2(33)	"Voluntarily"	39	"Voluntarily"	No change
2(34)	"Will"	31	"A will"	No change
2(36)	"Wrongful gain"	23,	"Wrongful gain"	Separate provisions made.
2(37)	"Wrongful loss"	para 1	"Wrongful loss"	
2(38)	"Gaining wrongfully", "Losing wrongfully"	23, para 2 para 3	"Gaining wrongfully", "Losing wrongfully"	
2(39)	Words and expressions	29A	"Electronic record"	The interpretation clause has been made more general.
3(1)	General Explanations	6	Definitions in the Code to be understood subject to exceptions.	No change
3(2)	General Explanations	7	Sense of expression once explained	No change
3(3)	General Explanations	27	Property in possession of wife, clerk or servant	No change
3(4)	General Explanations	32	Words referring to acts include illegal omissions.	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
3(5)	General Explanations and expressions	34	Acts done by several persons in furtherance of common intention	No change
3(6)	General Explanations	35	When such an act is criminal by reason of its being done with a criminal knowledge or intention	No change
3(7)	General Explanations	36	Effect caused partly by act and partly by omission	No change
3(8)	General Explanations	37	Co-operation by doing one of several acts constituting an offence	No change
3(9)	General Explanations	38	Persons concerned in Criminal Act may be guilty of different offences	No change
4	Punishments	53	Punishments	A new form of punishment has been introduced, which is "Community service".
-----	-----	53A	Construction of reference to transportation	Deleted
5	Commutation of sentence	54	Commutation of sentence of death	Provisions have been clubbed together.
Explanation to 5		55	Commutation of sentence of imprisonment for life	
		55A	Definition of "Appropriate Government"	
-----	-----	56	Sentence of Europeans and Americans to penal servitude, proviso as to sentence for	Deleted



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
			term exceeding ten years but not for life	
6	Fractions of terms of punishment	57	Fractions of terms of punishment	No change
-----	-----	58	Offenders sentenced to transportation how dealt with until transported	<b>Deleted</b>
-----	-----	59	Transportation instead of imprisonment	<b>Deleted</b>
7	Sentence may be (in certain cases of imprisonment) wholly or partly rigorous or simple	60	Sentence may be (in certain cases of imprisonment) wholly or partly rigorous or simple	No change
-----	-----	61	Sentence of forfeiture of property	<b>Deleted</b>
-----	-----	62	Forfeiture of property, in respect of offenders punishable with death. Transportation or imprisonment	<b>Deleted</b>
8	Amount of fine, liability in default of payment of fine, etc.	63	Amount of fine	<b>Imprisonment in default of community service has been added.</b>
		64	Sentence of imprisonment for non-payment of fine	
8(3)		65	Limit to imprisonment for non-payment of fine, when imprisonment and fine awardable	



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
8(4)/8(5)		66	Description of imprisonment for non-payment of fine	
8(6)		67	Imprisonment for non-payment of fine when offence punishable with fine only	
8(6)		68	Imprisonment to terminate on payment of fine	
8(6)		69	Termination of imprisonment on payment of proportional part of fine	
8(7)		70	Fine leviable within six years, or during imprisonment - Death not to discharge property from liability	
9	Limit of punishment of offence made up of several offences	71	Limit of punishment of offence made up of several offences	No change
10	Punishment of person guilty of one of several offences, the judgment stating that it is doubtful of which	72	Punishment of person guilty of one of several offences, the judgment stating that it is doubtful of which	No change
11	Solitary confinement	73	Solitary confinement	No change
12	Limit of solitary confinement	74	Limit of solitary confinement	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
13	Enhanced punishment for certain offences after previous conviction	75	Enhanced punishment for certain offences under Chapter XII or Chapter XVII after previous conviction	No change
14	Act done by a person bound, or by mistake of fact believing himself bound, by law	76	Act done by a person bound, or by mistake of fact believing himself bound, by law	No change
15	Act of Judge when acting judicially	77	Act of Judge when acting judicially	No change
16	Act done pursuant to the judgment or order of Court	78	Act done pursuant to the judgment or order of Court	No change
17	Act done by a person justified, or by mistake of fact believing himself justified, by law	79	Act done by a person justified, or by mistake of fact believing himself justified, by law	No change
18	Accident in doing a lawful act	80	Accident in doing a lawful act	No change
19	Act likely to cause harm, but done without criminal intent, and to prevent other harm	81	Act likely to cause harm, but done without criminal intent, and to prevent other harm	No change
20	Act of a child under seven years of age	82	Act of a child under seven years of age	No change
21	Act of a child above seven and under twelve years of age of immature understanding	83	Act of a child above seven and under twelve of immature understanding	No change
22	Act of a person of unsound mind	84	Act of a person of unsound mind	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
23	Act of a person incapable of judgment by reason of intoxication caused against his will	85	Act of a person incapable of judgment by reason of intoxication caused against his will	No change
24	Offence requiring a particular intent or knowledge committed by one who is intoxicated	86	Offence requiring a particular intent or knowledge committed by one who is intoxicated	No change
25	Act not intended and not known to be likely to cause death or grievous hurt, done by consent	87	Act not intended and not known to be likely to cause death or grievous hurt, done by consent	No change
26	Act not intended to cause death, done by consent in good faith for person's benefit	88	Act not intended to cause death, done by consent in good faith for person's benefit	No change
27	Act done in good faith for benefit of child or person of unsound mind by or by consent of guardian	89	Act done in good faith for benefit of child or insane person by or by consent of guardian	No change
28	Consent known to be given under fear or misconception	90	Consent known to be given under fear or misconception	No change
29	Exclusion of acts which are offences independently of harm caused	91	Exclusion of acts which are offences independently of harm caused	No change
30	Act done in good faith for benefit of a person without consent	92	Act done in good faith for benefit of a person without consent	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
31	Communication made in good faith	93	Communication made in good faith	No change
32	Act to which a person compelled by threats	94	Act to which a person compelled by threats	No change
33	Act causing slight harm	95	Act causing slight harm	No change
34	Things done in private defence	96	Things done in private defence	No change
35	Right of private defence of the body and of property	97	Right of private defence of the body and of property	No change
36	Right of private defence against the act of a person of unsound mind	98	Right of private defence against the act of a person of unsound mind, etc.	No change
37	Acts against which there is no right of private defence	99	Acts against which there is no right of private defence	No change
38	When the right of private defence of the body extends to causing death	100	When the right of private defence of the body extends to causing death	No change
39	When such right extends to causing any harm other than death	101	When such right extends to causing any harm other than death	No change
40	Commencement and continuance of the right of private defence of the body	102	Commencement and continuance of the right of private defence of the body	No change
41	When the right of private defence of property extends to causing death	103	When the right of private defence of property extends to causing death	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
42	When such right extends to causing any harm other than death	104	When such right extends to causing any harm other than death	No change
43	Commencement and continuance of the right of private defence of property	105	Commencement and continuance of the right of private defence of property	No change
44	Right of private defence against deadly assault when there is risk of harm to innocent person	106	Right of private defence against deadly assault when there is risk of harm to innocent person	No change
45	Abetment of a thing	107	Abetment of a thing	No change
46	Abettor	108	Abettor	No change
47	Abetment in India of offences outside India	108A	Abetment in India of offences outside India	No change
48	Abetment outside India for offence in India	----	----	<b>New Provision</b>
49	Punishment of abetment if act abetted is committed in consequence and where no express provision is made for its punishment	109	Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment	No change
50	Punishment of abetment if person abetted does act with different intention from that of abettor	110	Punishment of abetment if person abetted does act with a different intention from that of abettor	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
51	Liability of abettor when one act abetted and different act done	111	Liability of abettor when one act abetted and different act done	No change
52	Abettor when liable to cumulative punishment for act abetted and for act done	112	Abettor when liable to cumulative punishment for act abetted and for act done	No change
53	Liability of abettor for an effect caused by the act abetted different from that intended by the abettor	113	Liability of abettor for an effect caused by the act abetted different from that intended by the abettor	No change
54	Abettor present when offence is committed	114	Abettor present when offence is committed	No change
55	Abetment of offence punishable with death or imprisonment for life	115	Abetment of offence punishable with death or imprisonment for life - if offence not committed	No change
56	Abetment of offence punishable with imprisonment	116	Abetment of offence punishable with imprisonment - if offence be not committed	No change
57	Abetting commission of offence by the public or by more than ten persons	117	Abetting commission of offence by the public or by more than ten persons	Minor change
58	Concealing design to commit offence punishable with death or imprisonment for life	118	Concealing design to commit offence punishable with death or imprisonment for life	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
59	Public servant concealing design to commit offence which it is his duty to prevent	119	Public servant concealing design to commit offence which it is his duty to prevent	No change
60	Concealing design to commit offence punishable with imprisonment	120	Concealing design to commit offence punishable with imprisonment	No change
61(1)	Criminal Conspiracy	120A	Definition of Criminal Conspiracy	No change
61(2)	Criminal Conspiracy	120B	Punishment of Criminal conspiracy	
62	Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment	511	Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment	No change
63	Rape	375	Rape	<b>Exception 2</b> has been modified and made applicable to sexual intercourse/acts between a man with his wife, provided she is <b>18 years</b> or above
64	Punishment for rape	376 (1)/(2)	Punishment for rape	Minor change
65(1)	Punishment of rape in certain cases	376(3)	Punishment for rape	No change
65(2)	Punishment of rape in certain cases	376AB	Punishment of rape on woman under twelve years of age	No change
66	Punishment for causing death or resulting in persistent vegetative state of victim	376A	Punishment for causing death or resulting in persistent vegetative state of victim	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
67	Sexual intercourse by husband upon his wife during separation.	376B	Sexual intercourse by husband upon his wife during separation.	No change
68	Sexual intercourse by a person in authority	376C	Sexual intercourse by a person in authority	No change
69	Sexual intercourse by employing deceitful means, etc.			<b>New provision</b> <b>Penalizes Sexual intercourse by employing deceitful means (false promise of employment or promotion, inducement or marrying after suppressing identity) or by making promise to marry without intention of fulfilling the same.</b>
70	Gang Rape	376 376DA 376DB	Gang Rape Punishment for gang rape on woman under sixteen years of age Punishment for gang rape on woman under twelve years of age	Provisions have been clubbed together.
71	Punishment for repeat offenders.	376E	Punishment for repeat offenders.	No change
-----	-----	377	Unnatural Offences	<b>Deleted</b>
72	Disclosure of identity of victim of certain offences, etc	228A	Disclosure of identity of victim of certain offences, etc	Earlier provision has been bifurcated into two separate provisions.



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
73	Printing or publishing any matter relating to Court proceedings without permission.			
74	Assault or use of criminal force to woman with intent to outrage her modesty	354	Assault or use of criminal force to woman with intent to outrage her modesty	No change
75	Sexual harassment	354A	Sexual harassment and punishment for sexual harassment	No change
76	Assault or use of criminal force to woman with intent to disrobe	354B	Assault or use of criminal force to woman with intent to disrobe	<b>Offender has been made gender neutral.</b>
77	Voyeurism	354C	Voyeurism	<b>Offender has been made gender neutral.</b>
78	Stalking	354D	Stalking	No change
79	Word, gesture or act intended to insult modesty of a woman	509	Word, gesture or act intended to insult modesty of a woman	<b>Minor change</b>  <b>The words 'in any form' has been added, expanding the scope of the provision.</b>
80	Dowry death	304B	Dowry death	No change
81	Cohabitation caused by man deceitfully inducing belief of lawful marriage	493	Cohabitation caused by man deceitfully inducing belief of lawful marriage	No change
82	Marrying again during lifetime of husband or wife	494	Marrying again during lifetime of husband or wife	Provisions have been clubbed into one section.
		495	Same offence with concealment of former marriage from person with whom subsequent marriage is contracted	



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
83	Marriage ceremony fraudulently gone through without lawful marriage.	496	Marriage ceremony fraudulently gone through without lawful marriage.	No change
		497	Adultery	<b>Deleted</b>
84	Enticing or taking away or detaining with criminal intent a married woman	498	Enticing or taking away or detaining with criminal intent a married woman	No change
85	Husband or relative of husband of a woman subjecting her to cruelty	498A	Husband or relative of husband of a woman subjecting her to cruelty	The provision has been split into two separate sections.
86	Cruelty defined	498A Explanation		
87	Kidnapping, abducting or inducing woman to compel her marriage, etc.	366	Kidnapping, abducting or inducing woman to compel her marriage, etc.	No change
88	Causing miscarriage	312	Causing miscarriage	No change
89	Causing miscarriage without woman's consent	313	Causing miscarriage without woman's consent	No change
90	Death caused by act done with intent to cause miscarriage	314	Death caused by act done with intent to cause miscarriage	No change
91	Act done with intent to prevent child being born alive or to cause to die after birth	315	Act done with intent to prevent child being born alive or to cause to die after birth	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
92	Causing death of quick unborn child by act amounting to culpable homicide	316	Causing death of quick unborn child by act amounting to culpable homicide	No change
93	Exposure and abandonment of child under twelve years of age, by parent or person having care of it	317	Exposure and abandonment of child under twelve years of age, by parent or person having care of it	No change
94	Concealment of birth by secret disposal of dead body	318	Concealment of birth by secret disposal of dead body	No change
95	Hiring, employing or engaging a child to commit an offence.			<b>New Provision</b>
96	Procuration of child	366A	Procuration of minor girl	<b>Victim has been made gender neutral.</b>
97	Kidnapping or abducting child under ten years of age with intent to steal from its person	369	Kidnapping or abducting child under ten years of age with intent to steal from its person	No change
98	Selling child for purposes of prostitution, etc.	372	Selling minor for purposes of prostitution, etc.	The word 'minor' has been replaced by 'child'.
99	Buying child for purposes of prostitution, etc.	373	Buying minor for purposes of prostitution, etc.	The word 'minor' has been replaced by 'child'.
100	Culpable homicide	299	Culpable homicide	No change
101	Murder	300	Murder	No change
102	Culpable homicide by causing death of person other than person whose death was intended	301	Culpable homicide by causing death of person other than person whose death was intended	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
103(1)	Punishment for murder	302	Punishment for murder	No change
103(2)	Punishment for murder [Mob Lynching]	-----	-----	<b>New Provision pertaining to Mob Lynching</b>
104	Punishment for murder by life-convict	303	Punishment for murder by life-convict	<b>Minor change</b>
105	Punishment for culpable homicide not amounting to murder	304	Punishment for culpable homicide not amounting to murder	<b>Minor change</b>
106(1)	Causing death by negligence	304A	Causing death by negligence	<b>Altered Provision</b>  Punishment enhanced upto <b>5 years</b> and fine and in case of <b>medical practitioner imprisonment may extend to 2 years</b> and fine.
106(2)	Causing death by negligence	-----	-----	<b>New Provision [NOT NOTIFIED]</b>  In case of death by rash and negligent driving of vehicle not amounting to culpable homicide and escaping without immediately reporting it to a police/Magistrate, imprisonment may extend to 10 years and fine.
107	Abetment of suicide of child or person of unsound mind	305	Abetment of suicide of child or insane person	<b>The term insane person altered to unsound mind.</b>
108	Abetment of suicide	306	Abetment of suicide	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
109	Attempt to murder	307	Attempt to murder	No change
110	Attempt to commit culpable homicide	308	Attempt to commit culpable homicide	No change
----	----	309	Attempt to commit suicide	<b>Deleted</b> <b>Cognate Offence-Section 226 BNS</b>
111	Organised crime	----	----	<b>New Provision</b> 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.
112	Petty organised crime	----	----	<b>New Provision</b> Theft, snatching, cheating, unauthorised selling of tickets, unauthorised betting or gambling, selling of public examination question papers or any other similar criminal act petty organised crime if committed by more than two persons.
113	Terrorist act	----	----	<b>New Provision</b> Similar to section 15, UAPA. <b>Superintendent of Police shall decide whether to register the case under this section or under the UAPA.</b>



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
114	Hurt	319	Hurt	No change
115(1)	Voluntarily causing hurt	321	Voluntarily causing hurt	The provisions have been clubbed under one section.
115(2)		323	Punishment for Voluntarily causing hurt	
116	Grievous hurt	320	Grievous hurt	<b>Altered Provision</b> The time period of 20 days in clause "eight" is altered to 15 days.
117(1)	Voluntarily causing grievous hurt	322	Voluntarily causing grievous hurt	The provisions have been clubbed under one section.
117(2)		325	Punishment for voluntarily causing grievous hurt	
<b>117 (3)/(4)</b>	Voluntarily causing grievous hurt	----	----	<b>New Sub-section</b>  <b>Relating to grievous hurt causing vegetative state through permanent disability or through mob lynching.</b>
118(1)	Voluntarily causing hurt or grievous hurt by dangerous weapons or means	324	Voluntarily causing hurt by dangerous weapons or means.	The provisions have been clubbed under one section.
118(2)		326	Voluntarily causing grievous hurt by dangerous weapons or means.	
119(1)	Voluntarily causing hurt or grievous hurt to extort property, or to constrain to an illegal act.	327	Voluntarily causing hurt to extort property, or to constrain to an illegal act.	The provisions have been clubbed under one section.



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
119(2)		329	Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.	
120(1)	Voluntarily causing hurt or grievous hurt to extort confession, or to compel restoration of property	330	Voluntarily causing hurt to extort confession, or to compel restoration of property	The provisions have been clubbed under one section.
120(2)		331	Voluntarily causing grievous hurt to extort confession, or to compel restoration of property	
121(1)	Voluntarily causing hurt or grievous hurt to deter public servant from his duty	332	Voluntarily causing hurt to deter public servant from his duty.	The provisions have been clubbed under one section.
121(2)		333	Voluntarily causing grievous hurt to deter public servant from his duty.	
122(1)	Voluntarily causing hurt or grievous hurt on provocation	334	Voluntarily causing hurt on provocation	The provisions have been clubbed under one section.
122(2)		335	Voluntarily causing grievous hurt on provocation	



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
123	Causing hurt by means of poison, etc., with intent to commit an offence	328	Causing hurt by means of poison, etc., with intent to commit an offence	No change
124(1)	Voluntarily causing grievous hurt by use of acid, etc.	326A	Voluntarily causing grievous hurt by use of acid, etc.	The provisions have been clubbed under one section.
124(2)		326B	Voluntarily throwing or attempting to throw acid	
125	Act endangering life or personal safety of other	336	Act endangering life or personal safety of others	The provisions have been clubbed under one section.
		337	Causing hurt by act endangering life or personal safety of others	
		338	Causing grievous hurt by act endangering life or personal safety of others	
126(1)	Wrongful restraint	339	Wrongful restraint	The provisions have been clubbed under one section.
126(2)		341	Punishment for wrongful restraint	
127(1)	Wrongful confinement	340	Wrongful confinement	The provisions have been clubbed under one section.
127(2)		342	Punishment for wrongful confinement	
127(3)		343	Wrongful confinement for three or more days	



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
127(4)		344	Wrongful confinement for ten or more days	
127(5)		345	Wrongful confinement of person for whose liberation writ has been issued	
127(6)		346	Wrongful confinement in secret	
127(7)		347	Wrongful confinement to extort property, or constrain to illegal act	
127(8)		348	Wrongful confinement to extort confession, or compel restoration of property	
128	Force	349	Force	No change
129	Criminal force	350	Criminal force	No change
130	Assault	351	Assault	No change
131	Punishment for assault or criminal force otherwise than on grave provocation	352	Punishment for assault or criminal force otherwise than on grave provocation	Minor change
132	Assault or criminal force to deter public servant from discharge of his duty	353	Assault or criminal force to deter public servant from discharge of his duty	No change
133	Assault or criminal force with intent to dishonour person, otherwise than on grave provocation	355	Assault or criminal force with intent to dishonour person, otherwise than on grave provocation	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
134	Assault or criminal force in attempt to commit theft of property carried by a person	356	Assault or criminal force in attempt to commit theft of property carried by a person	
135	Assault or criminal force in attempt wrongfully to confine a person	357	Assault or criminal force in attempt wrongfully to confine a person	Minor change
136	Assault or criminal force on grave provocation	358	Assault or criminal force on grave provocation	Minor change
137(1)	Kidnapping	359	Kidnapping	Altered Provision
137(1)(a)		360	Kidnapping from India	
137(1)(b)		361	Kidnapping from lawful guardianship	In Section 361 IPC, age difference on the basis of gender has been removed by use of the word 'child'
137(2)		363	Punishment for kidnapping	
138	Abduction	362	Abduction	No change
139	Kidnapping or maiming a child for purposes of begging	363A	Kidnapping or maiming a minor for purposes of begging	Minor change
140(1)	Kidnapping or abducting in order to murder or for ransom, etc.	364	Kidnapping or abducting in order to murder	The provisions have been clubbed under one section.
140(2)		364A	Kidnapping for ransom, etc.	
140(3)		365	Kidnapping or abducting with intent secretly and wrongfully to confine person	



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
140(4)		367	Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc	
141	Importation of girl or boy from foreign country	366B	Importation of girl From foreign country	Victim has been made gender neutral.
142	Wrongfully concealing or keeping in confinement, kidnapped or abducted person	368	Wrongfully concealing or keeping in confinement, kidnapped or abducted person	No change
143	Trafficking of person	370	Trafficking of person	Beggary has been introduced as a form of exploitation in trafficking.
144	Exploitation of a trafficked person	370A	Exploitation of a trafficked person	Minor change
145	Habitually dealing in slaves	371	Habitually dealing in slaves	No change
146	Unlawful compulsory labour	374	Unlawful compulsory labour	No change
147	Waging, or attempting to wage war, or abetting waging of war, against Government of India	121	Waging, or attempting to wage war, or abetting waging of war, against Government of India	No change
148	Conspiracy to commit offences punishable by section 147	121A	Conspiracy to commit offences punishable by section 121	No change
149	Collecting arms, etc., with intention of waging war against Government of India	122	Collecting arms, etc., with intention of waging war against Government of India	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
150	Concealing with intent to facilitate design to wage war	123	Concealing with intent to facilitate design to wage war	No change
151	Assaulting President, Governor, etc., with intent to compel or restrain exercise of any lawful power	124	Assaulting President, Governor, etc., with intent to compel or restrain exercise of any lawful power	No change
152	Act endangering sovereignty, unity and integrity of India	---	---	<b>New Provision</b>
---	---	124A	Sedition	<b>Deleted</b>
153	Waging war against Government of any foreign State at peace with Government of India	125	Waging war against any Asiatic Power in alliance with the Government of India	<b>Asiatic power, etc. removed</b>
154	Committing depredation on territories of foreign State at peace with Government of India	126	Committing depredation on territories of power at peace with Government of India.	<b>Minor change in terminology.</b>
155	Receiving property taken by war or depredation mentioned in sections 153 and 154	127	Receiving property taken by war or depredation mentioned in sections 125 and 126	No change
156	Public servant voluntarily allowing prisoner of State or war to escape	128	Public servant voluntarily allowing prisoner of State or war to escape	No change

**Addition**
 **Deletion**
 **Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
157	Public servant negligently suffering such prisoner to escape	129	Public servant negligently suffering such prisoner to escape	No change
158	Aiding escape of, rescuing or harbouring such prisoner	130	Aiding escape of, rescuing or harbouring such prisoner	No change
159	Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty	131	Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty	No change
160	Abetment of mutiny, if mutiny is committed in consequence thereof	132	Abetment of mutiny, if mutiny is committed in consequence thereof	No change
161	Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office	133	Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office	No change
162	Abetment of such assault, if assault committed	134	Abetment of such assault, if the assault is committed.	No change
163	Abetment of desertion of soldier, sailor or airman	135	Abetment of desertion of soldier, sailor or airman	No change
164	Harbouring deserter	136	Harbouring deserter	No change
165	Deserter concealed on board merchant vessel through negligence of master	137	Deserter concealed on board merchant vessel through negligence of master	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
166	Abetment of act of insubordination by soldier, sailor or airman	138	Abetment of act of insubordination by soldier, sailor or airman	No change
167	Persons subject to certain Acts	139	Persons subject to certain Acts	No change
168	Wearing garb or carrying token used by soldier, sailor or airman	140	Wearing garb or carrying token used by soldier, sailor or airman	No change
169	Candidate, electoral right defined	171A	Candidate, electoral right defined	No change
170	Bribery	171B	Bribery	No change
171	Undue influence at elections	171C	Undue influence at elections	No change
172	Personation at elections	171D	Personation at elections	No change
173	Punishment for bribery	171E	Punishment for bribery	No change
174	Punishment for undue influence or personation at an election	171F	Punishment for undue influence or personation at an election	No change
175	False statement in connection with an election	171G	False statement in connection with an election	No change
176	Illegal payments in connection with an election	171H	Illegal payments in connection with an election	No change
177	Failure to keep election accounts	171I	Failure to keep election accounts	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
178	Counterfeiting coin, Government stamps, currency-notes or bank-notes	230	“Coin” defined	The provisions have been clubbed under one section
		231	Counterfeiting coin	
		232	Counterfeiting Indian coin	
		246	Fraudulently or dishonestly diminishing weight or altering composition of coin	
		247	Fraudulently or dishonestly diminishing weight or altering composition of Indian coin	
		248	Altering appearance of coin with intent that it shall pass as coin of different description	
		249	Altering appearance of Indian coin with intent that it shall pass as coin of different description	
		255	Counterfeiting Government Stamps	
		489A	Counterfeiting currency-notes or bank-notes	



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
179	Using as genuine, forged or counterfeit coin, Government stamp, currency-notes or bank-notes	239	Delivery of coin, possessed with knowledge that it is counterfeit	The provisions have been clubbed under one section.
		240	Delivery of Indian coin, possessed with knowledge that it is counterfeit	
		241	Delivery of coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit	
		250	Delivery of coin, possessed with knowledge that it is altered	
		251	Delivery of Indian coin, possessed with knowledge that it is altered	
		254	Delivery of coin as genuine which, when first possessed, the deliverer did not know to be altered	
		258	Sale of counterfeit Government stamp	



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
		260	Using as genuine a government stamp known to be counterfeit	
		489B	Using as genuine, forged or counterfeit currency-notes or bank-notes	
180	Possession of forged or counterfeit coin, Government stamp, currency-notes or bank-notes	242	Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof	The provisions have been clubbed under one section.
		243	Possession of Indian coin by person who knew it to be counterfeit when he became possessed thereof	
		252	Possession of coin by person who knew it to be altered when he became possessed thereof	
		253	Possession of Indian coin by person who knew it to be altered when he became possessed thereof	
		259	Having possession of counterfeit Government stamp	



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
		489C	Possession of forged or counterfeit currency-notes or bank-notes	
181	Making or possessing instruments or materials for forging or counterfeiting coin, Government stamp, currency-notes or bank-notes	233	Making or selling instrument for counterfeiting coin	The provisions have been clubbed under one section.
		234	Making or selling instrument for counterfeiting Indian coin	
		235	Possession of instrument or material for the purpose of using the same for counterfeiting coin	
		256	Having possession of instrument or material for counterfeiting Government stamp	
		257	Making or selling instrument for counterfeiting Government stamp	
		489D	Making or possessing instruments or materials for forging or counterfeiting currency-notes or bank-notes	



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
182	Making or using documents resembling currency-notes or bank-notes	489E 489E	Making or using documents resembling currency-notes or bank-notes	No change
183	Effacing writing from substance bearing Government stamp, or removing from document a stamp used for it, with intent to cause loss to Government	261	Effacing writing from substance bearing Government stamp, or removing from document a stamp used for it, with intent to cause loss to Government	No change
184	Using Government stamp known to have been before used	262	Using Government stamp known to have been before used	No change
185	Erasure of mark denoting that stamp has been used	263	Erasure of mark denoting that stamp has been used	No change
186	Prohibition of fictitious stamps	263A	Prohibition of fictitious stamps	No change
187	Person employed in mint causing coin to be of different weight or composition from that fixed by law	244	Person employed in mint causing coin to be of different weight or composition from that fixed by law	No change
188	Unlawfully taking coining instrument from mint	245	Unlawfully taking coining instrument from mint	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
189(1)	Unlawful Assembly	141	Unlawful Assembly	The provisions have been clubbed under one section.
189(2)		142	Being member of unlawful assembly	
189(2)	143	Punishment		
189(3)	145	Joining or continuing in unlawful assembly, knowing it has been commanded to disperse		
189(4)	144	Joining unlawful assembly armed with deadly weapon		
189(5)	151	Knowingly joining or continuing in assembly of five or more persons after it has been commanded to disperse		
189(6)	150	Hiring, or conniving at hiring, of persons to join unlawful assembly		
189(7)	157	Harbouring persons hired for an unlawful assembly		
189(8)/(9)	158	Being hired to take part in an unlawful assembly or riot		



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
190	Every member of unlawful assembly guilty of offence committed in prosecution of common object	149	Every member of unlawful assembly guilty of offence committed in prosecution of common object.	No change
191(1)	Rioting	146	Rioting	Minor change
191(2)		147	Punishment for rioting	
191(3)		148	Rioting, armed with deadly weapon	
192	Wantonly giving provocation with intent to cause riot-if rioting be committed; if not committed.	153	Wantonly giving provocation with intent to cause riot-if rioting be committed; if not committed.	No change
193(1)	Liability of owner, occupier, etc., of land on which an unlawful assembly or riot takes place	154	Owner or occupier of land on which an unlawful assembly is held	The provisions have been clubbed under one section.
193(2)		155	Liability of person for whose benefit riot is committed	
193(3)		156	Liability of agent of owner or occupier for whose benefit riot is committed	
194(1)	Affray	159	Affray	The provisions have been clubbed under one section.
194(2)		160	Punishment for committing affray	



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
195(1)	Assaulting or obstructing public servant when suppressing riot, etc.	152	Assaulting or obstructing public servant when suppressing riot, etc.	<b>New Sub-Section</b>
195(2)		-----	-----	
196	Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony	153A	Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony	No change
197	Imputations, assertions prejudicial to national integration	153B	Imputations, assertions prejudicial to national integration.	<b>New Sub-Section</b>
197 (1)(d)		-----	-----	
198	Public servant disobeying law, with intent to cause injury to any person	166	Public servant disobeying law, with intent to cause injury to any person	No change
199	Public servant disobeying direction under law	166A	Public servant disobeying direction under law	No change
200	Punishment for nontreatment of victim	166B	Punishment for nontreatment of victim	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
201	Public servant framing an incorrect document with intent to cause injury	167	Public servant framing an incorrect document with intent to cause injury	No change
202	Public servant unlawfully engaging in trade	168	Public servant unlawfully engaging in trade	Minor change
203	Public servant unlawfully buying or bidding for property	169	Public servant unlawfully buying or bidding for property	No change
204	Personating a public servant	170	Personating a public servant	Minor change
205	Wearing garb or carrying token used by public servant with fraudulent intent	171	Wearing garb or carrying token used by public servant with fraudulent intent	No change
206	Absconding to avoid service of summons or other proceeding	172	Absconding to avoid service of summons or other proceeding	No change
207	Preventing service of summons or other proceeding, or preventing publication thereof	173	Preventing service of summons or other proceeding, or preventing publication thereof	No change
208	Non-attendance in obedience to an order from public servant	174	Non-attendance in obedience to an order from public servant	No change



**Addition**

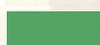


**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
209	Nonappearance in response to a proclamation under section 84 of Bharatiya Nagarik Suraksha Sanhita, 2023	174A	Non-appearance in response to a proclamation under section 82 of Act 2 of 1974	Minor change
210	Omission to produce document or electronic record to public servant by person legally bound to produce it	175	Omission to produce document or electronic record to public servant by person legally bound to produce it	No change
211	Omission to give notice or information to public servant by person legally bound to give it	176	Omission to give notice or information to public servant by person legally bound to give it	No change
212	Furnishing false information	177	Furnishing false information	No change
213	Refusing oath or affirmation when duly required by public servant to make it	178	Refusing oath or affirmation when duly required by public servant to make it	No change
214	Refusing to answer public servant authorised to question	179	Refusing to answer public servant authorised to question	No change
215	Refusing to sign statement	180	Refusing to sign statement	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
216	False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation	181	False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation	No change
217	False information, with intent to cause public servant to use his lawful power to injury of another person	182	False information, with intent to cause public servant to use his lawful power to injury of another person	No change
218	Resistance to taking of property by lawful authority of a public servant	183	Resistance to taking of property by lawful authority of a public servant	No change
219	Obstructing sale of property offered for sale by authority of public servant	184	Obstructing sale of property offered for sale by authority of public servant	No change
220	Illegal purchase or bid for property offered for sale by authority of public servant	185	Illegal purchase or bid for property offered for sale by authority of public servant	No change
221	Obstructing public servant in discharge of public functions	186	Obstructing public servant in discharge of public functions	No change
222	Omission to assist public servant when bound by law to give assistance	187	Omission to assist public servant when bound by law to give assistance	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
223	Disobedience to order duly promulgated by public servant	188	Disobedience to order duly promulgated by public servant	No change
224	Threat of injury to public servant	189	Threat of injury to public servant	No change
225	Threat of injury to induce person to refrain from applying for protection to public servant	190	Threat of injury to induce person to refrain from applying for protection to public servant	No change
226	Attempt to commit suicide to compel or restrain exercise of lawful power	---	---	<b>New Provision</b>
227	Giving false evidence	191	Giving false evidence	No change
228	Fabricating false evidence	192	Fabricating false evidence	No change
229	Punishment for false evidence	193	Punishment for false evidence	No change
230	Giving or fabricating false evidence with intent to procure conviction of capital offence	194	Giving or fabricating false evidence with intent to procure conviction of capital offence	No change
231	Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment	195	Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
232	Threatening any person to give false evidence	195A	Threatening any person to give false evidence	No change
233	Using evidence known to be false	196	Using evidence known to be false	No change
234	Issuing or signing false certificate	197	Issuing or signing false certificate	No change
235	Using as true a certificate known to be false	198	Using as true a certificate known to be false	No change
236	False statement made in declaration which is by law receivable as evidence	199	False statement made in declaration which is by law receivable as evidence	No change
237	Using as true such declaration knowing it to be false	200	Using as true such declaration knowing it to be false	No change
238	Causing disappearance of evidence of offence, or giving false information to screen offender	201	Causing disappearance of evidence of offence, or giving false information to screen offender	No change
239	Intentional omission to give information of offence by person bound to inform	202	Intentional omission to give information of offence by person bound to inform	No change
240	Giving false information respecting an offence committed	203	Giving false information respecting an offence committed	No change
241	Destruction of document or electronic record to prevent its production as evidence	204	Destruction of document or electronic record to prevent its production as evidence	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
242	False personation for purpose of act or proceeding in suit or prosecution	205	False personation for purpose of act or proceeding in suit or prosecution	No change
243	Fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution	206	Fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution	No change
244	Fraudulent claim to property to prevent its seizure as forfeited or in execution	207	Fraudulent claim to property to prevent its seizure as forfeited or in execution	No change
245	Fraudulently suffering decree for sum not due	208	Fraudulently suffering decree for sum not due	No change
246	Dishonestly making false claim in Court	209	Dishonestly making false claim in Court	No change
247	Fraudulently obtaining decree for sum not due	210	Fraudulently obtaining decree for sum not due	No change
248	False charge of offence made with intent to injure	211	False charge of offence made with intent to injure	No change
249	Harbouring offender	212	Harbouring offender	No change
250	Taking gift, etc., to screen an offender from punishment	213	Taking gift, etc., to screen an offender from punishment	No change
251	Offering gift or restoration of property in consideration of screening offender	214	Offering gift or restoration of property in consideration of screening offender	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
252	Taking gift to help to recover stolen property, etc.	215	Taking gift to help to recover stolen property, etc.	No change
253	Harbouring offender who has escaped from custody or whose apprehension has been ordered	216	Harbouring offender who has escaped from custody or whose apprehension has been ordered	No change
254	Penalty for harbouring robbers or dacoits	216A	Penalty for harbouring robbers or dacoits	No change
255	Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture	217	Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture	No change
256	Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture	218	Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture	No change
257	Public servant in judicial proceeding corruptly making report, etc., contrary to law	219	Public servant in judicial proceeding corruptly making report, etc., contrary to law	No change
258	Commitment for trial or confinement by person having authority who knows that he is acting contrary to law	220	Commitment for trial or confinement by person having authority who knows that he is acting contrary to law	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
259	Intentional omission to apprehend on part of public servant bound to apprehend	221	Intentional omission to apprehend on part of public servant bound to apprehend	No change
260	Intentional omission to apprehend on part of public servant bound to apprehend person under sentence or lawfully committed	222	Intentional omission to apprehend on part of public servant bound to apprehend person under sentence or lawfully committed	No change
261	Escape from confinement or custody negligently suffered by public servant	223	Escape from confinement or custody negligently suffered by public servant	No change
262	Resistance or obstruction by a person to his lawful apprehension	224	Resistance or obstruction by a person to his lawful apprehension	No change
263	Resistance or obstruction to lawful apprehension of another person	225	Resistance or obstruction to lawful apprehension of another person	No change
264	Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise provided for	225A	Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise provided for	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
265	Resistance or obstruction to lawful apprehension or escape or rescue in cases not otherwise provided for	225B	Resistance or obstruction to lawful apprehension or escape or rescue in cases not otherwise provided for	No change
266	Violation of condition of remission of punishment	227	Violation of condition of remission of punishment	No change
267	Intentional insult or interruption to public servant sitting in judicial proceeding	288	Intentional insult or interruption to public servant sitting in judicial proceeding	No change
268	Personation of assessor	229	Personation of a juror or assessor	The word 'juror' has been omitted.
269	Failure by person released on bail bond or bond to appear in Court	229A	Failure by person released on bail bond or bond to appear in Court	No change
270	Public nuisance	268	Public nuisance	No change
271	Negligent act likely to spread infection of disease dangerous to life	269	Negligent act likely to spread infection of disease dangerous to life	No change
272	Malignant act likely to spread infection of disease dangerous to life	270	Malignant act likely to spread infection of disease dangerous to life	No change
273	Disobedience to quarantine rule	271	Disobedience to quarantine rule	No change
274	Adulteration of food or drink intended for sale	272	Adulteration of food or drink intended for sale	Minor change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
275	Sale of noxious food or drink	273	Sale of noxious food or drink	No change
276	Adulteration of drugs	274	Adulteration of drugs	Minor change
277	Sale of adulterated drugs	275	Sale of adulterated drugs	No change
278	Sale of drug as a different drug or preparation	276	Sale of drug as a different drug or preparation	No change
279	Fouling water of public spring or reservoir	277	Fouling water of public spring or reservoir	No change
280	Making atmosphere noxious to health	278	Making atmosphere noxious to health	No change
281	Rash driving or riding on a public way	279	Rash driving or riding on a public way	No change
282	Rash navigation of vessel	280	Rash navigation of vessel	No change
283	Exhibition of false light, mark or buoy	281	Exhibition of false light, mark or buoy	No change
284	Conveying person by water for hire in unsafe or overloaded vessel	282	Conveying person by water for hire in unsafe or overloaded vessel	No change
285	Danger or obstruction in public way or line of navigation	283	Danger or obstruction in public way or line of navigation	No change
286	Negligent conduct with respect to poisonous substance	284	Negligent conduct with respect to poisonous substance	No change

**Addition**
 **Deletion**
 **Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
287	Negligent conduct with respect to fire or combustible matter	285	Negligent conduct with respect to fire or combustible matter	No change
288	Negligent conduct with respect to explosive substance	286	Negligent conduct with respect to explosive substance	No change
289	Negligent conduct with respect to machinery	287	Negligent conduct with respect to machinery	No change
290	Negligent conduct with respect to pulling down, repairing or constructing buildings, etc	288	Negligent conduct with respect to pulling down or repairing buildings	The provision is now applicable in case of negligent conduct in constructing buildings as well.
291	Negligent conduct with respect to animal	289	Negligent conduct with respect to animal	No change
292	Punishment for public nuisance in cases not otherwise provided for	290	Punishment for public nuisance in cases not otherwise provided for	No change
293	Continuance of nuisance after injunction to discontinue	291	Continuance of nuisance after injunction to discontinue	No change
294	Sale, etc., of obscene books, etc	292	Sale, etc., of obscene books, etc	No change
295	Sale, etc., of obscene objects to child	293	Sale, etc., of obscene objects to young person	Young person has been replaced with child.
296	Obscene acts and songs	294	Obscene acts and songs	No change
297	Keeping lottery office	294A	Keeping lottery office	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
298	Injuring or defiling place of worship with intent to insult religion of any class	295	Injuring or defiling place of worship with intent to insult religion of any class	No change
299	Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs	295A	Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs	No change
300	Disturbing religious assembly	296	Disturbing religious assembly	No change
301	Trespassing on burial places, etc	297	Trespassing on burial places, etc	No change
302	Uttering words, etc., with deliberate intent to wound religious feelings of any person	298	Uttering words, etc., with deliberate intent to wound religious feelings of any person	No change
303(1)	Theft	378	Theft	Two provisions have been clubbed.
303(2)		379	Punishment for Theft	
304	Snatching	---	---	<b>New Provision</b> <b>Theft committed suddenly/ quickly or forcibly seizing/ grabbing immovable property from victim.</b>
305	Theft in a dwelling house, or means of transportation or place of worship, etc.	380	Theft in a dwelling house, etc.	The scope of the offence has been widened to include theft in means of transportation and place of worship.



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
306	Theft by clerk or servant of property in possession of master	381	Theft by clerk or servant of property in possession of master	No change
307	Theft after preparation made for causing death, hurt or restraint in order to committing of theft	382	Theft after preparation made for causing death, hurt or restraint in order to committing of theft	No change
308	Extortion	383-389	Extortion, Punishment, and Aggravated forms	All the forms of extortion have been clubbed under one section under various sub-sections.
309(1)/(2)/(3)	Robbery	390	Robbery	Provisions clubbed together.
309(4)		392	Punishment for Robbery	
309(5)		393	Attempt to Robbery	
309(6)		394	Voluntarily causing hurt in committing robbery	
310(1)	Dacoity	391	Dacoity	Provisions clubbed together.
310(2)		395	Punishment for Dacoity	
310(3)		396	Dacoity with murder	
310(4)		399	Making preparation to commit dacoity	
310(5)		402	Assembling for purpose of committing dacoity	
310(6)		400	Punishment for belonging to gang of dacoits	



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
311	Robbery, or dacoity, with attempt to cause death or grievous hurt	397	Robbery, or dacoity, with attempt to cause death or grievous hurt	No change
312	Attempt to commit robbery or dacoity when armed with deadly weapon	398	Attempt to commit robbery or dacoity when armed with deadly weapon	No change
313	Punishment for belonging to gang of robbers, etc.	401	Punishment for belonging to gang of thieves	The word 'thieves' altered to 'robbers'.
314	Dishonest misappropriation of property	403	Dishonest misappropriation of property	Minor change
315	Dishonest misappropriation of property possessed by deceased person at the time of his death	404	Dishonest misappropriation of property possessed by deceased person at the time of his death	No change
316	Criminal Breach of trust	405-409	Criminal Breach of Trust, Punishment, and Aggravated forms.	Provisions combined under one section.
317	Stolen Property	410-414	Stolen Property and various related provisions	Proceeds of cheating included under Stolen Property.
318	Cheating	415, 417, 418, 420	Cheating, Punishment and related provisions	Minor change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
319	Cheating by personation	416, 419	Cheating by personation, and punishment	No change
320-323	Of fraudulent deeds and dispositions of property	421-424	Of fraudulent deeds and dispositions of property	Minor change
324(1)	Mischief	425	Mischief	Minor change in 324(1) and (2) with regard to value of property damaged. New Sub-section relating to loss or damage of property belonging to Government/ Local Authority.
324(2)		426	Punishment for mischief	
324(3)		---	---	
324(4)/(5)		427	Mischief causing damage to the amount of fifty rupees	
324(6)		440	Mischief committed after preparation made for causing death or hurt	
325	Mischief by killing or maiming animal	428	Mischief by killing or maiming animal of the value of ten rupees	Value of animal not relevant.
		429	Mischief by killing or maiming cattle, etc., of any value or any animal of the value of fifty rupees	
326, 327, 328	Mischief by various means and Punishments	430-439	Mischief by various means and Punishments	Value of property not relevant.



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
329	Criminal Trespass and House Trespass and Punishments	441-442, 447-448	Criminal Trespass, House Trespass and Punishments of each	Provisions clubbed under one section.
330(1)	House Trespass and House breaking	443	Lurking house trespass	Provisions clubbed under one section.
330(2)		445	House Breaking	
----	----	444	Lurking house trespass by night	<b>Deleted</b>
		446	House-breaking by night	
331	Punishment for house-trespass or house breaking	453, 456, 454, 457, 455, 458, 459	Punishments for different types of house trespass and house breaking, and aggravated forms	No change
332	House trespass in order to commit offence	449 450 451	House-trespass in order to commit offence punishable with death, imprisonment for life or imprisonment	Provisions have been clubbed.
333	House-trespass alter preparation for hurt, assault or wrongful restraint	452	House-trespass alter preparation for hurt, assault or wrongful restraint	No change
334	Dishonestly breaking open receptacle containing property	461	Dishonestly breaking open receptacle containing property	Provisions have been clubbed.

**Addition**
 **Deletion**
 **Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
		462	Punishment for same offence when committed by person entrusted with custody	
335	Making false document	464	Making false document	No change
336(1)	Forgery	463	Forgery	No change
336(2)		465	Punishment for forgery	
336(3)		468	Forgery for Purpose of cheating	
336(4)		469	Forgery for purpose of harming reputation	
337-341  341 (3)/(4)	Various forms of forgery, aggravated forms	466-467, 474, 470-473  -----	Various forms of forgery, aggravated forms  -----	Two new sub-sections
342	Counterfeiting device or mark used for authenticating documents described in section 338, or possessing counterfeit marked material	475-476	Counterfeiting device or mark used for authenticating documents described in section 467 and those not described in section 467, or possessing counterfeit marked material	Provisions have been clubbed.
343	Fraudulent cancellation, destruction, etc., of will, authority to adopt, or valuable security	477	Fraudulent cancellation, destruction, etc., of will, authority to adopt, or valuable security	No change
344	Falsification of accounts	477A	Falsification of accounts	No change



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
345	Property mark	479	Property mark	Provisions have been clubbed.
		481	Using a false property mark	
		482	Punishment for using a false property mark	
346	Tampering with property mark with intent to cause injury	489	Tampering with property mark with intent to cause injury	No change
347	Counterfeiting a property mark	483	Counterfeiting a property mark used by another	No change
		484	Counterfeiting a mark used by a public servant	
348	Making or possession of any instrument for counterfeiting a property mark	485	Making or possession of any instrument for counterfeiting a property mark	No change
349	Selling goods marked with a counterfeit property mark	486	Selling goods marked with a counterfeit property mark	No change
350	Making a false mark upon any receptacle containing goods	487	Making a false mark upon any receptacle containing goods	No change
		488	Punishment for making use of any such false mark	
351(1)	Criminal Intimidation	503	Criminal Intimidation	No change
351(2)/(3)		506	Punishment for Criminal Intimidation	
351(4)		507	Criminal Intimidation by anonymous communication	



**Addition**



**Deletion**



**Alteration**

Bharatiya Nyaya Sanhita, 2023		The Indian Penal Code, 1860		Comment
Section	Heading	Section	Heading	
352	Intentional insult with intent to provoke breach of peace	504	Intentional insult with intent to provoke breach of peace	No change
353	Statements conducing to public mischief	505	Statements conducing to public mischief	No change
354	Act caused by inducing person to believe that he will be rendered an object of Divine displeasure	508	Act caused by inducing person to believe that he will be rendered an object of Divine displeasure	No change
355	Misconduct in public by a drunken person	510	Misconduct in public by a drunken person	Minor change
356(1)	Defamation	499	Defamation	Provisions have been clubbed under one section.
356(2)		500	Punishment for defamation	
356(3)		501	Printing or engraving matter known to be defamatory	
356(4)		502	Sale of printed or engraved substance containing defamatory matter	
357	Breach of contract to attend on and supply wants of helpless person	491	Breach of contract to attend on and supply wants of helpless person	No change
358	Repeal and savings	---	---	IPC repealed but pending proceedings shall continue under the repealed law.



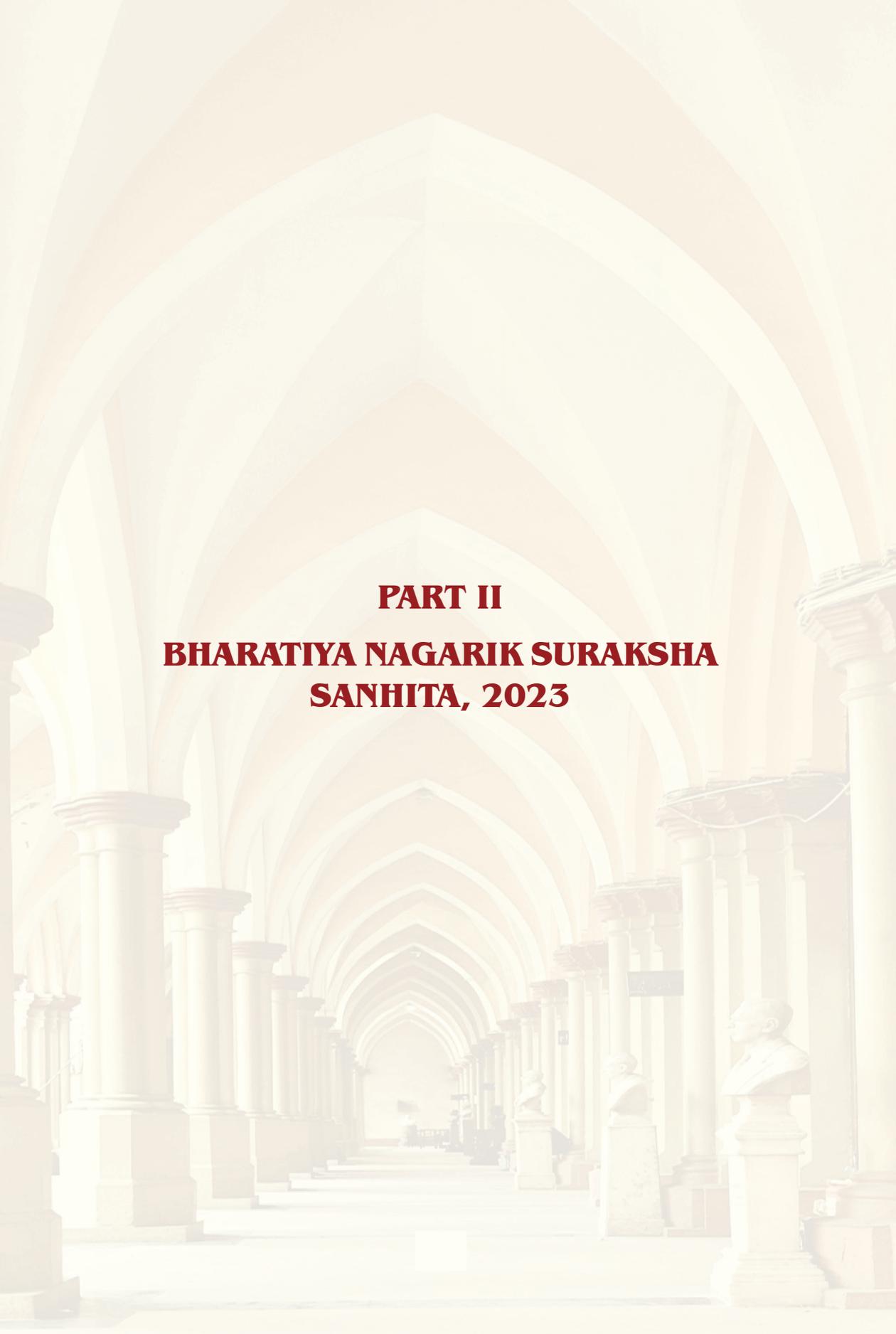
**Addition**



**Deletion**



**Alteration**



**PART II**  
**BHARATIYA NAGARIK SURAKSHA**  
**SANHITA, 2023**



# **BHARATIYA NAGARIK SURAKSHA SANHITA, 2023**

## ⇒ **Highlights in the Statement of Objects and Reasons are :—**

- Ensuring speedy justice in conformity with constitutional and democratic aspirations.
- Use of technology and forensic science in the investigation of crime.
- Using electronic communication for furnishing and lodging of information, service of summons, etc.
- Specification of timelines for investigation, trial and pronouncement of judgments.
- Supplying of copy of FIR to victim and to provide information about the progress of investigation by digital means also.
- Opportunity of being heard shall be given to victims before withdrawal of the case by the Government in cases where punishment is 7 years or more.
- Mandatory summary trial in case of petty offences.
- Provision of examining the accused through audio video electronic means like video conferencing.
- Hierarchy of criminal courts has also been streamlined.

## ⇒ **Salient Changes in the Bharatiya Nagarik Suraksha Sanhita, 2023 vis-a-vis the Code of Criminal Procedure, 1973 :—**

### **Definition**

- The following words (not defined in CrPC) have been defined in BNS :
  - ✓ **Audio-video-electronic means** – section 2(1)(a)
  - ✓ **Bail** – section 2(1)(b)
  - ✓ **Bail bond** – section 2(1)(c)
  - ✓ **Bond** – section 2(1)(e)
  - ✓ **Electronic communication** – section 2(1)(i)

### **Constitution of Criminal Courts and Offices**

- The posts of Metropolitan Magistrate and Assistant Sessions Judge have been deleted from the class of Courts.
- Under **section 15 BNS**, the State Government is authorized to appoint any police officer not below the rank of Superintendent of Police or equivalent as a **Special Executive Magistrate** in addition to an Executive Magistrate.

## Power of Courts

- **Section 23 BNSS** enhanced the power of Magistrate of 1st class to impose fine from ₹10,000 to ₹50,000 and the Magistrate of 2nd class from ₹5,000 to ₹10,000. These two classes of Magistrates have also been empowered to award **community service** as a form of punishment. Community service has been defined as 'Court ordered work that benefits the community, and which is not entitled to any remuneration [Explanation to section 23].
- **Section 25 BNSS** states in case of concurrent running of sentences in a trial, the maximum period of imprisonment shall not exceed 20 years (instead of 14 years in section 31 CrPC).

## Prosecution authorities

- Directorate of Prosecution in the State shall comprise of a Director of Prosecution assisted by Deputy Directors of Prosecution.
- In addition, thereto, Directorate of Prosecution shall be set up in each district. The Directorate shall be headed by Deputy Director of Prosecution and assisted by Assistant Directors of Prosecution.
- **The powers and functions of these authorities are :—**
  - ✓ Director of Prosecution shall be responsible for giving opinions on filing appeals and monitoring cases involving offences punishable with 10 years or more/life imprisonment/death.
  - ✓ The Deputy Director of prosecution shall examine police report and monitor the cases involving offences punishable for 7 to 10 years.
  - ✓ The Assistant Director of Prosecution shall monitor cases involving offences punishable for less than 7 years.

## Arrest and Remand

- **Section 35(7) BNSS** safeguards 'aged (above 60 years) or infirm' persons against arrest for offences punishable for less than 3 years. In such cases, no arrest shall be made without prior permission of DSP.
- **Section 37 BNSS** provides for a **District Police Control Room** manned by ASI with a electronic display board displaying relevant information (e.g., name, address, nature of offence etc.) of the arrestee.
- **Section 43(3) BNSS** allows **handcuffing** in **heinous crimes** and for **repeat/habitual offenders**.

- **Section 40 BNSS** mandates the arrestee to be produced before the police within **6 hours** if the arrest is made by a **private person**.
- **Section 190 BNSS** mandates that if the accused is **not arrested**, the police officer shall **take security** from such person for his **appearance** before the Judicial Magistrate. The provision is in accordance with the directions of Supreme Court in *Siddharth v. State of Uttar Pradesh and another*<sup>7</sup> reiterated in *Satender Kumar Antil v. Central Bureau of Investigation and another*<sup>8</sup>.
- **Section 187(2) BNSS** states that **police custody** may be sought for a **maximum period of 15 days** but in a staggered manner, if necessary, within 40/60 days of detention as the case may be.
- **Section 187(3)(i)** prescribes **maximum period of detention of 90 days** for offences punishable with death or imprisonment with life, inter alia, for a term of 10 years or more instead of imprisonment for a term not less than 10 years.
- **Section 51(3) BNSS** mandates the registered medical practitioner shall, without any delay, forward the examination report to the investigating officer.

### Process to compel appearance

- Various technology-oriented changes that have been introduced pertaining to **summons** :-
  - ✓ As per **section 63 BNSS**, **summons bearing court seals/digital signature** may be issued through **electronic communication**.
  - ✓ **Section 64 BNSS** mandates maintaining of register at police station with information of persons (address, phone number and email) to be summoned.
  - ✓ As per **section 66 BNSS**, summons may be served upon **any 'adult member of the family'** irrespective of gender.
  - ✓ As per **section 70 BNSS**, service of **summons through electronic means** shall be considered as good service.

### Reciprocal Arrangements for Assistance in certain matters and procedure for Attachment and Forfeiture of Property

- BNSS confers **power upon Magistrate** (akin to PMLA Act) to **attach property** identified as '**proceeds of crime**' [section 111(c) BNSS] and also dispose of such property even ex-parte.

<sup>7</sup>(2022) 1 SCC 676

<sup>8</sup>(2022) 10 SCC 51

## Maintenance/Security Proceedings

- **Section 145 BNSS** empowers parents to file cases where they reside.
- Section 144A CrPC concerning security proceedings has been deleted.

## First Information Report (FIR)

- **Section 173(1) BNSS** provides for filing of **Zero FIR** in light of the observations in *Satvinder Kaur vs. State (Govt. of NCT of Delhi and another)*<sup>9</sup>. This provision permits lodging of information through *electronic communication (e-FIR)* provided the informant signs the records within 3 days.
- **Section 173(2) BNSS** introduces the **right of the victim** to get free of cost, **a copy of FIR**.
- **Section 173(4) BNSS** provides for making an application to the Magistrate in the event FIR is not registered even after intervention of the Superintendent of Police.

## Investigation

- Scope of section 91 CrPC has been enlarged. In addition to production of any document, **section 94 BNSS** empowers a Court/officer-in-charge of a police station to direct a party to produce electronic communication including communication devices likely to contain digital evidence.
- Following the judgment in *Lalita Kumari v. Government of Uttar Pradesh and others.*<sup>10</sup>, **section 173(3) BNSS** gives statutory recognition to '**preliminary enquiry**' in cases **punishable with 3 years or more but less than 7 years**. Timeline to complete such preliminary enquiry is fixed as 14 days and shall be conducted only with the prior permission of the officer not below the rank of DSP. Registration of FIR with regard to such offences shall also be with permission of DSP.
- **Section 105 BNSS** mandates videography of search and seizure including preparation of seizure list signed by witnesses. The provision gives statutory recognition to the directions of the

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<sup>9</sup>(1999) 8 SCC 728

<sup>10</sup>(2014) 2 SCC 1

Supreme Court in *Shafhi Mohammad v. State of Himachal Pradesh*<sup>11</sup>, reiterated in *Paramvir Singh Saini v. Baljit Singh and others*.<sup>12</sup>.

- **Section 175(3) BNSS** provides in case of **cognizable offence** the Magistrate may direct investigation on an application accompanied by an affidavit (as per direction in *Priyanka Srivastava and another v. State of Uttar Pradesh and others*<sup>13</sup>) and upon consideration of report submitted by police.
- **Section 174 BNSS** provides in case of non-cognizable offence the police officer apart from referring the complainant to the **Magistrate shall also forward the daily diary report** of such cases to him.
- **In serious cases, section 175(1) BNSS** empowers the SP, after considering the nature and gravity of the offence, to **depute an officer at the rank of DSP** to conduct the investigation.
- **Section 176(3) BNSS** mandates that in cases involving offences punishable for 7 years or more forensic experts shall visit the crime scene to **collect forensic evidence, i.e., trace evidence**.
- **Section 183(6)(a) BNSS** states that the statement recorded by magistrate of a witness in offences punishable with 10 years or life or death may be treated as his examination in chief if witness is temporarily/ permanently mentally/ physically disabled.
- As per **section 184 BNSS**, medical examination report shall be forwarded to investigating officer within 7 days.
- **Section 193(3)(ii) BNSS** mandates police officer to supply report to victim/informant within 90 days regarding progress of investigation by any means including through electronic means.
- **Section 193(3)(i)(i)** provides that the sequence of custody in case of electronic device has to be provided to Magistrate in the report.
- Proviso to **section 193(9) BNSS** states during trial, further investigation may be undertaken only with permission of court. Such further investigation is to be completed within 90 days or within such period as may be extended by the court.
- **Proviso to section 193(8) BNSS** allows supply of police report and accompanying documents to accused via electronic communication.
- **Section 349 BNSS** provides that voice samples can be demanded from accused without necessitating his arrest.

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<sup>11</sup>(2018) 5 SCC 311

<sup>12</sup>(2021) 1 SCC 184

<sup>13</sup>(2015) 6 SCC 287

## Jurisdiction of the Criminal Courts in Inquiry and Trial

- As per **section 202 BNSS**, in case of any offence including cheating by means of electronic communication, **place of trial** shall be the place where the communication is sent/received.
- **Section 208 BNSS** provides if offence is **committed outside India**, the place of trial shall be where the accused is found or where the offence is registered in India.

### Complaints to Magistrates

- **Section 193(8) BNSS** provides for supply of documents to accused through electronic means. As per **section 230 BNSS**, such supply shall be made within 14 days from date of production/appearance of the accused.
- **Section 232 BNSS** mandates **commitment** to be made **within 90 days** from the date on which Magistrate takes cognizance.
- **Section 223 BNSS** states that at the time of taking cognizance **opportunity of hearing** is to be granted to accused.

### Conditions requisite for initiation of proceedings

- **Section 175(4) BNSS** provides no cognizance shall be taken against a public servant where offence is committed in discharge of his official duty until Magistrate receives views of the public servant accused of the crime and a report from his superior.
- As per **section 218 BNSS**, if prior sanction of Government is necessary for prosecution of Judges and Public servants, the appropriate Government shall take a decision within a period of 120 days from date of receipt of request for sanction and in case it fails to do so, sanction shall be deemed to have been accorded by such Government.

### Trial of Cases

- **Sessions Cases**
  - ✓ Timeline to file discharge petition (**section 250 BNSS**) shall be **60 days** from date of commitment.
  - ✓ Timeline for framing of charge (**sections 251 BNSS**) shall be **60 days** from date of first hearing. Charge shall be read over to accused through **physical or audio-video means**. [**section 251(2) BNSS**].
  - ✓ Examination of **witness** may be through **audio-video means** (**section 254 BNSS**).

- **Warrant Case**
  - ✓ Timeline for filing discharge petition (**section 262 BNSS**) shall be **60 days** from the date of supply of police report and other documents.
  - ✓ Timeline for Framing of charge (**section 263 BNSS**) shall be **60 days** from date of first hearing.
  - ✓ Both **prosecution and defence** may examine **through audio-video electronic means** their witnesses at a designated place notified by State Government (**sections 265 and 266 BNSS**).
  - ✓ As per **section 269(7) BNSS**, in warrant cases instituted otherwise than police report, if attendance of witnesses cannot be procured for cross examination, it shall be deemed such witness has not been examined and prosecution case shall be proceeded on the basis of materials on record.
  - ✓ As per **section 272 BNSS**, Magistrate shall give **30 days'** time to the complainant to be present before discharging the accused.
- **Summons Case**
  - ✓ As per **section 274 BNSS**, **Magistrate is empowered to discharge** the accused in a summons case if accusation appears groundless.
  - ✓ Examination of **witness** may be through **audio-video means** (**section 277 BNSS**).
- **Summary Trial**
  - ✓ **Section 283 BNSS mandates summary trial** for petty and less serious offences enumerated therein.
- **General Provisions**
  - ✓ As per **section 346 BNSS**, **not more than two adjournments** shall be granted to a party when circumstances are beyond his control and upon consideration of objection of the other party. In this section, the word 'Magistrate' used in corresponding section 309 CrPC is replaced by the word 'Court'. It means even a Sessions Court cannot remand the accused to custody for a term exceeding 15 days at a time.
  - ✓ **Section 84 BNSS** provides absconding accused charged with an offence punishable with 10 years or more shall be declared as a proclaimed offender.
  - ✓ **Section 356(1) BNSS** provides **trial may proceed against a proclaimed offender in absentia** and judgment may be pronounced. This provision has been incorporated in view of directions in *Hussain and another vs Union of India*<sup>14</sup>.

<sup>14</sup>(2017) 5 SCC 702

## Plea Bargaining

- **Section 290 BNSS** provides that application for **plea bargaining** may be filed by accused within **30 days of framing of charge** and within **60 days** a **mutually satisfactory disposition** is to be worked out between the public prosecutor/complainant and the accused.
- As per **section 293 BNSS**, the court may impose a sentence equal to **one-fourth** of the minimum sentence prescribed in law for **first time offender with no criminal antecedent**. This latitude was not available to the court under section 265E CrPC.

## Evidence in Inquiries and Trials

- **Section 308 BNSS** permits accused to be examined through **audio-video** means. In such cases, his signature is to be obtained within 72 hours (**section 316 BNSS**).
- **Section 330 BNSS** prescribes a 30-day timeline to challenge genuineness of any document which may be relaxed at the discretion of the court.

### Reports of certain Government scientific experts

- **Section 329(g) BNSS** empowers the Government to notify 'any other scientific expert' as 'Government scientific expert' enabling private persons to be notified as Government scientific expert.

## Bail Provisions

- **Delay in Trial**
  - ✓ **Section 479 BNSS** provides bail may be granted for **first-time offender** who has undergone detention for **one-third of maximum period** of imprisonment prescribed in law. In other cases, detention undergone should be **half of the maximum period**.
  - ✓ Superintendent of Jail has been made responsible for making an application to Court in writing for release of person on bail in case one-half or one-third (as the case may be) period of imprisonment has been completed.
- **Bail shall not be denied in certain cases**
  - ✓ **Proviso to section 480 BNSS** lays down in case of **non-bailable offences**, bail shall not be denied to an accused on the ground that he may be required to be identified by

witnesses during investigation or his police custody will be required beyond 15 days, provided he is otherwise entitled to bail and gives an undertaking that he shall comply with such directions as may be given by the court.

### Withdrawal of Prosecution

- As per **section 360 BNSS**, no prosecution shall be withdrawn without giving opportunity of hearing to victim.

### Witness Protection

- As per **section 398 BNSS**, State Government shall notify a witness protection scheme. The provision translates directions in *Mahender Chawla and others v. Union of India and others*<sup>15</sup> as statutory mandate.

### Delivery of Judgment

- **Summons Case**
  - ✓ **Section 258 BNSS provides judgment** in a **summons case** shall be delivered within 30 days extendable up to 45 days (for reasons to be recorded in writing) from the date of conclusion of argument.
- **Other Criminal Trials**
  - ✓ **Section 392(1) BNSS** states that judgment in every criminal trial to be pronounced not later than 45 days after the termination of trial.
  - ✓ As per **Proviso to section 392(4) BNSS**, judgment shall be uploaded within 7 days.
  - ✓ As per **section 392(5)**, accused may be produced before court through audio-video means to hear the judgment.

### Mercy petition

- **Section 472 BNSS** prescribes time frame of 30 days for filing of mercy petition before the Governor and 60 days before the President.

### Miscellaneous Provision

- As per **section 530 BNSS**, trial and proceedings may be held in **electronic mode**.

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<sup>15</sup>(2019) 14 SCC 615

## NEW TIMELINES AT A GLANCE

Sl No.	Section	Description	Timeline
1.	19(3)	Appointment to the post of Assistant Public Prosecutor by the District Magistrate	After giving 14 days' notice to the State Government
2.	40	Production of arrestee before police in case of arrest by a private person	Within 6 hours
3.	107(2)	Show cause notice period for a person to appear before any Magistrate/Court before attachment of property alleged to be 'proceeds of crime'	14 days
4.	107(7)	Distribution of 'proceeds of crime' from attached/seized property by District Magistrate be made	Within 60 days
5.	173(1)(ii)	Lodging of e-FIR	It is to be signed by the informant within 3 days
6.	173(3)	Completion of 'Preliminary enquiry'	Within 14 days
7.	174(1)(ii)	Police to forward daily diary reports to Magistrate	Once in 14 days
8.	184(6)	Forwarding of medical report to the investigating officer	Within 7 days
9.	185(5)	In case of search by police officer copies of record to be sent to the nearest Magistrate	Not later than 48 hours
10.	193(3)(ii)	Supply of report to victim/ informant relating to progress of investigation	Within 90 days
11.	193(9)	Completion of further investigation	Within 90 days or as extended by court
12.	194(2)	Forwarding of Inquest report to the District Magistrate or sub-divisional Magistrate	Within 24 hours
13.	218(1)	Granting of sanction in prosecution of judges and public servants	Within 120 days
14.	230	Supply of documents to accused	Within 14 days from the date of production

SI No.	Section	Description	Timeline
15.	232	Commitment to be made	Within 90 days from the date on which Magistrate takes cognizance
16.	250(1)	Time to file discharge petition in sessions case	Within 60 days from date of commitment
17.	251	Timeline for framing of charge in sessions case	Within 60 days from the date of first hearing
18.	258(1)	Delivery of judgment in a summons case	Within 30 days extendable to 45 days from conclusion of argument
19.	262	Timeline for discharge petition in warrant case	Within 60 days from date of supply of police report
20.	263(1)	Timeline for framing of charge warrant case	Within 60 days from the date of first hearing
21.	272	Time given to complainant to be present before discharging the accused	Within 30 days
22.	279	In case of non-appearance or death of complainant time given by Magistrate to him for being present before acquitting the accused	Within 30 days
23.	290(1)	Application for plea bargaining to be filed by accused	Within 30 days from framing of charge and within 60 days a mutually satisfactory disposition is to be worked out
24.	316	Time within which signature of an accused who is examined through electronic communication is to be obtained	Within 72 hours
25.	330(1)	Timeline to challenge genuineness of any document	Within 30 days until court relaxes the time

Sl No.	Section	Description	Timeline
26.	356(1)	Commencement of in absentia trial	After 90 days have lapsed from framing of charge
27.	356(2)(i)	Execution of two consecutive arrest warrants	30 days
28.	356(2)(ii)	Publication of notice in a newspaper to proclaimed offender to appear before court	Within 30 days
29.	392(1)	Delivery of judgment in criminal trial	Within 45 days after termination of trial
30.	392(4)	Uploading the judgment	Within 7 days
31.	472(1) & (2)	Filing of mercy petition before Governor and President	Within 30 and 60 days respectively
32.	472(6)	Central Government to communicate the President's order on mercy petition to Home Department of State and Superintendent of Jail	Within 48 hours of receipt of order from the President
33.	497(2)	The court or the Magistrate shall prepare a statement of the property	Within 14 days from production of property
34.	514(2)	Bar to take cognizance after lapse of limitation period for certain offences	<ul style="list-style-type: none"> <li>● 6 months-offences punishable with fine</li> <li>● 1 year for offences punishable with 1 year of imprisonment</li> <li>● 3 years for offences punishable for more than 1 but less than 3 years.</li> </ul>

## COMPARATIVE CHART OF BNSS VIS-À-VIS CrPC WITH COMMENTS

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
1	Short title, extent and commencement	1	Short title, extent and commencement	No change
2	Definition	2	Definition	<p><b>Following definitions have been included: -</b></p> <ul style="list-style-type: none"> <li>● Audio – video electronic means – S. 2(1)(a)</li> <li>● Bail – S. 2(1)(b)</li> <li>● Bail bond – S. 2(1)(c)</li> <li>● Bond – S. 2(1)(e)</li> <li>● Electronic communication – S. 2(1)(i)</li> </ul> <p><b>Explanation added: Provisions of a Special Act regarding investigation inconsistent with BNSS shall prevail over BNSS.</b></p>
3	Construction of references	3	Construction of references	No change
4	Trial of offences under Bhartiya Nyaya Sanhita, 2023 and other laws	4	Trial of offences under the Indian Penal Code and other laws	No change
5	Saving	5	Saving	No change
6	Classes of Criminal Courts	6	Classes of Criminal Courts	<b>Metropolitan Magistrate/Metropolitan Area abolished.</b>
7	Territorial divisions	7	Territorial divisions	No change
8	Court of Session	9	Court of Session	<b>Assistant Sessions Judge abolished.</b>

**Addition**
 **Deletion**
 **Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
9	Courts of Judicial Magistrates	11	Courts of Judicial Magistrates	No change
10	Chief Judicial Magistrate and Additional Chief Judicial Magistrate, etc	12	Chief Judicial Magistrate and Additional Chief Judicial Magistrate, etc	No change
11	Special Judicial Magistrates	13	Special Judicial Magistrates	No change
12	Local jurisdiction of Judicial Magistrates	14	Local Jurisdiction of Judicial Magistrates	No change
13	Subordination of Judicial Magistrates	15	Subordination of Judicial Magistrates	No change
14	Executive Magistrates	20	Executive Magistrates	No change
15	Special Executive Magistrates	21	Special Executive Magistrates	Any police officer not below rank of Superintendent of Police may be appointed as <b>Special Executive Magistrate</b> in addition to an Executive Magistrate.
16	Local Jurisdiction of Executive Magistrates	22	Local Jurisdiction of Executive Magistrates	No change
17	Subordination of Executive Magistrates	23	Subordination of Executive Magistrates	No change
18	Public Prosecutors	24	Public Prosecutors	<b>Public Prosecutor/ Additional Public Prosecutors for NCT of Delhi shall be appointed by Central Government after consultation with Delhi High Court.</b>



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
19	Assistant Public Prosecutors	25	Assistant Public Prosecutors	<b>Where no Assistant Public Prosecutor is available, DM may make appointment after giving a 14 day notice to the State Government.</b>
20	Directorate of Prosecution	25-A	Directorate of Prosecution	<ul style="list-style-type: none"> <li>• <b>Directorate of Prosecution in the State be supplemented by setting up Directorate of Prosecution in each district.</b></li> <li>• Powers of Director of Prosecution, Deputy Director of Prosecution and Assistant Director of Prosecution delineated. <b>[section 20(7)/(8)/(9)]</b></li> </ul>
21	Courts by which offences are triable	26	Courts by which offences are triable	No change
22	Sentences which High Courts and Sessions Judges may pass	28	Sentences which High Courts and Sessions Judges may pass	No change
23	Sentences which Magistrates may pass	29	Sentences which Magistrates may pass	<b>Power of Magistrate 1<sup>st</sup> Class to impose fine enhanced from ₹ 10,000 to ₹ 50,000 and that of 2<sup>nd</sup> class increased from ₹ 5,000 to ₹ 10,000.</b> Magistrates empowered to impose <b>community service</b> as a form of sentence.



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
24	Sentence of imprisonment in default of fine	30	Sentence of imprisonment in default of fine	No change
25	Sentence in cases of conviction of several offences at one trial	31	Sentence in cases of conviction of several offences at one trial	<b>In concurrent running of sentences, maximum period of imprisonment increased from 14 to 20 years.</b>
26	Mode of conferring powers	32	Mode of conferring powers	No change
27	Powers of officers appointed	33	Powers of officers appointed	No change
28	Withdrawal of powers	34	Withdrawal of powers	No change
29	Powers of Judges and Magistrates exercisable by their successors-in-office	35	Powers of Judges and Magistrates exercisable by their successors-in-office	No change
30	Powers of superior officers of police	36	Powers of superior officers of police	No change
31	Public when to assist Magistrates and police	37	Public when to assist Magistrates and police	No change
32	Aid to person, other than police officer, executing warrant	38	Aid to person, other than police officer, executing warrant	No change
33	Public to give information of certain offences	39	Public to give information of certain offences	No change
34	Duty of officers employed in connection with the affairs of a village to make certain report	40	Duty of officers employed in connection with the affairs of a village to make certain report	<b>The expression proclaimed offender shall extend to persons accused of an offence punishable with imprisonment for 10 years/life/death.</b>



**Addition**



**Deletion**



**Alteration**

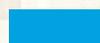
The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
35	When police may arrest without warrant	41	When police may arrest without warrant	<b>No arrest of aged (above 60 years) or infirm person accused of offence punishable for less than 3 years without prior permission of DSP.</b>
36	Procedure of arrest and duties of officer making arrest	41-B	Procedure of arrest and duties of officer making arrest	<b>In the event memo of arrest is not attested by a family member, information of arrest may be given to any other person named by arrestee.</b> Previously, it was required to be given to a relative or friend only.
37	Designated Police Officer	-----	-----	<b>New Provisions</b>  <b>Provides for a District Police Control Room manned by ASI and electronic display board displaying relevant information (name, address, nature of offence etc.) of the arrestee.</b>
38	Right of arrested person to meet an advocate of his choice during interrogation	41-D	Right of arrested person to meet an advocate of his choice during interrogation	No change
39	Arrest on refusal to give name and residence	42	Arrest on refusal to give name and residence	<b>The person arrested can be released on bond or bail bond only.</b> Previously, it was only by executing a bond, with or without sureties.
40	Arrest by private person and procedure on such arrest	43	Arrest by private person and procedure on such arrest	<b>Mandates arrestee to be produced before the police within 6 hours of arrest.</b>



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
41	Arrest by Magistrate	44	Arrest by Magistrate	No change
42	Protection of members of the Armed Forces from arrest	45	Protection of members of the Armed Forces from arrest	No change
43	Arrest how made	46	Arrest how made	<b>Handcuffing in heinous crimes and for repeat/habitual offenders.</b>
44	Search of place entered by person sought to be arrested	47	Search of place entered by person sought to be arrested	No change
45	Pursuit of offenders into other jurisdictions	48	Pursuit of offenders into other jurisdictions	No change
46	No unnecessary restraint	49	No unnecessary restraint	No change
47	Person arrested to be informed of grounds of arrest and of right to bail	50	Person arrested to be informed of grounds of arrest and of right to bail	No change
48	Obligation of person making arrest to inform about the arrest, etc., to relative or friend	50-A	Obligation of person making arrest to inform about the arrest, etc., to a nominated person	<b>Information of arrest to be given to designated police officer in the district also.</b>
49	Search of arrested person	51	Search of arrested person	No change
50	Power to seize offensive weapons	52	Power to seize offensive weapons	<b>Seizure to be made immediately after arrest.</b>
51	Examination of accused by medical practitioner at request of police officer	53	Examination of accused by medical practitioner at the request of police officer	<b>Medical report to be sent without delay to investigating officer.</b>



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
52	Examination of person accused of rape by medical practitioner	53-A	Examination of person accused of rape by medical practitioner	No change
53	Examination of person accused of rape by medical practitioner	54	Examination of arrested person by medical officer	<b>More than one medical examination, if necessary, is prescribed.</b>
54	Identification of person arrested	54-A	Identification of person arrested	<b>Identification to be recorded by any audio-video means.</b>
55	Procedure when police officer deposes subordinate to arrest without warrant	55	Procedure when police officer deposes subordinate to arrest without warrant	No change
56	Health and safety of arrested person	55-A	Health and safety of arrested person	No change
57	Person arrested to be taken before Magistrate or officer-in-charge of police station	56	Person arrested to be taken before Magistrate or officer-in-charge of police station	No change
58	Person arrested not to be detained more than twenty-four hours	57	Person arrested not to be detained more than twenty-four hours	<b>Accused to be produced before nearest Magistrate (as per section 187 BNSS) whether having jurisdiction to try the case or not.</b>
59	Police to report apprehensions	58	Police to report apprehension	No change
60	Discharge of person apprehended	59	Discharge of person apprehended	No change
61	Power, on escape, to pursue and retake	60	Power, on escape, to pursue and retake	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
62	Arrest to be made strictly according to the Sanhita	60-A	Arrest to be made strictly according to the Code	No change
63	Form of summons	61	Form of summons	<b>Summons bearing court seals/ digital signature may be issued through electronic communication.</b>
64	Summons how served	62	Summons how served	<b>Mandates maintaining of register at police station with information of persons (address, phone number and email) to be summoned.</b>
65	Service of summons on corporate bodies, firms, and societies	63	Service of summons on corporate bodies and societies	<b>Service of summons on a firm/ association of individuals may be effected by serving on any partner.</b>
66	Service when persons summoned cannot be found	64	Service when persons summoned cannot be found	<b>Summons may be served upon any 'adult member of the family' irrespective of gender.</b>
67	Procedure when service cannot be effected as before provided	65	Procedure when service cannot be effected as before provided	No change
68	Service on Government servant	66	Service on Government Servant	No change
69	Service of summons outside local limits	67	Service of summons outside local limits	No change
70	Proof of service in such cases and when serving officer not present	68	Proof of service in such cases and when serving officer, not present	<b>Service of summons through electronic means shall be considered as good service.</b>



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
71	Service of summons on witness	69	Service of summons on witness by post	Summons may be sent by electronic means simultaneously with other means.
72	Form of warrant of arrest and duration	70	Form of warrant of arrest and duration	No change
73	Power to direct security to be taken	71	Power to direct security to be taken	No change
74	Warrants to whom directed	72	Warrants to whom directed	No change
75	Warrant may be directed to any person	73	Warrant may be directed to any person	No change
76	Warrant directed to police officer	74	Warrant directed to police officer	No change
77	Notification of substance of warrant	75	Notification of substance of warrant	No change
78	Person arrested to be brought before Court without delay	76	Person arrested to be brought before Court without delay	No change
79	Where warrant may be executed	77	Where warrant may be executed	No change
80	Warrant forwarded for execution outside jurisdiction	78	Warrant forwarded for execution outside jurisdiction	No change
81	Warrant directed to police officer for execution outside jurisdiction	79	Warrant directed to police officer for execution outside jurisdiction	No change
82	Procedure on arrest of person against whom warrant issued	80	Procedure of arrest of person against whom warrant issued	Information of arrest and place of holding to be given to the designated police officer in the district.



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
83	Procedure by Magistrate before whom such person arrested is brought	81	Procedure by Magistrate before whom such person arrested is brought	No change
84	Proclamation for person absconding	82	Proclamation for person absconding	An absconding person shall be declared as a proclaimed offender if the offence is punishable with imprisonment for 10 years or more. Previously, to declare someone to be a proclaimed offender, 19 offences were listed. Now there is no offence specific approach, rather a punishment specific approach.
85	Attachment of property of person absconding	83	Attachment of property of person absconding	No change
86	Identification and attachment of property of proclaimed person	-----	-----	<b>New Provision</b> <b>Identification, attachment and forfeiture of property belonging to a proclaimed person.</b>
87	Claims and objections to attachment	84	Claims and objections to attachment	No change
88	Release, sale and restoration of attached property	85	Release, sale and restoration of attached property	No change
89	Appeal from order rejecting application for restoration of attached property	86	Appeal from order rejecting application for restoration of attached property	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
90	Issue of warrant in lieu of, or in addition to, summons	87	Issue of warrant in lieu of, or in addition to, summons	No change
91	Power to take bond or bail bond for appearance	88	Power to take bond for appearance	<b>The person arrested can be released on bond or bail bond only.</b> Previously, it was only by executing a bond, with or without sureties.
92	Arrest on breach of bond or bail bond for appearance	89	Arrest on breach of bond for appearance	<b>The person arrested can be released on bond or bail bond only.</b> Previously, it was only by executing a bond, with or without sureties.
93	Provisions of this Chapter generally applicable to summons and warrants of arrest	90	Provisions of this Chapter generally applicable to summons and warrants of arrest	No change
94	Summons to produce document or other thing	91	Summons to produce document or other thing	<b>In addition to production of any document, Court/ police officer may production of electronic communication including devices.</b>
95	Procedure as to letters	92	Procedure as to letters and telegrams	<b>Reference to telegraph authority omitted.</b>
96	When search-warrant may be issued	93	When search warrant may be issued	No change
97	Search of place suspected to contain stolen property, forged documents, etc.	94	Search of place suspected to contain stolen property, forged documents, etc.	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
98	Power to declare certain publications forfeited and to issue search-warrants for the same	95	Power to declare certain publications forfeited and to issue search-warrants for the same	No change
99	Application to High Court to set aside declaration of forfeiture	96	Application to High Court to set aside declaration of forfeiture	No change
100	Search for persons wrongfully confined	97	Search for persons wrongfully confined	No change
101	Power to compel restoration of abducted females	98	Power to compel restoration of abducted females	No change
102	Direction, etc., of search-warrants	99	Direction, etc., of search-warrants	No change
103	Persons in charge of closed place to allow search	100	Persons in charge of closed place to allow search	No change
104	Disposal of things found in search beyond jurisdiction	101	Disposal of things found in search beyond jurisdiction	No change
105	Recording of search and seizure through audio-video electronic means	----	----	<b>New Provision</b> <b>Videography of search and seizure mandatory.</b>
106	Power of police officer to seize certain property	102	Power of police officer to seize certain property.	No change
107	Attachment, forfeiture or restoration of property	----	----	<b>New Provision</b>
108	Magistrate may direct search in his presence	103	Magistrate may direct search in his presence	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
109	Power to impound document, etc., produced	104	Power to impound document etc., produced	No change
110	Reciprocal arrangements regarding processes	105	Reciprocal arrangements regarding processes	No change
111	Definitions	105-A	Definitions	Magistrate empowered to attach and dispose of proceeds of crime.
112	Letter of request to competent authority for investigation in a country or place outside India	166-A	Letter of request to competent authority for investigation in a country or place outside India	No change
113	Letter of request from a country or place outside India to a Court or an authority for investigation in India	166-B	Letter of request from a country or place outside India to a Court or an authority for investigation in India	No change
114	Assistance in securing transfer of persons	105-B	Assistance in securing transfer of persons	No change
115	Assistance in relation to orders of attachment or forfeiture of property	105-C	Assistance in relation to orders of attachment or forfeiture of property	No change
116	Identifying unlawfully acquired property	105-D	Identifying unlawfully acquired property	No change
117	Seizure or attachment of property	105-E	Seizure or attachment of property	No change
118	Management of properties seized or forfeited under this Chapter	105-F	Management of properties seized or forfeited under this Chapter	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
119	Notice of forfeiture of property	105-G	Notice of forfeiture of property	No change
120	Forfeiture of property in certain cases	105-H	Forfeiture of property in certain cases	No change
121	Fine in lieu of forfeiture	105-I	Fine in lieu of forfeiture	No change
122	Certain transfers to be null and void	105-J	Certain transfers to be null and void	No change
123	Procedure in respect of letter of request	105-K	Procedure in respect of letter of request	No change
124	Application of this Chapter	105-L	Application of this Chapter	No change
125	Security for keeping the peace on conviction	106	Security for keeping the peace on conviction	No change
126	Security for keeping the peace in other cases	107	Security for keeping the peace in other cases	No change
127	Security for good behaviour from persons disseminating certain matters	108	Security for good behaviour from persons disseminating seditious matters	No change
128	Security for good behaviour from suspected persons	109	Security for good behaviour from suspected persons	No change
129	Security for good behaviour from habitual offenders	110	Security for good behaviour from habitual offenders	Reference to repealed Acts omitted.
130	Order to be made	111	Order to be made	The expression 'character and class' is replaced by 'sufficiency and fitness' of sureties.
131	Procedure in respect of person present in Court	112	Procedure in respect of person present in Court	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
132	Summons or warrant in case of person not so present	113	Summons or warrant in case of person not so present	No change
133	Copy of order to accompany summons or warrant	114	Copy of order to accompany summons or warrant	No change
134	Power to dispense with personal attendance	115	Power to dispense with personal attendance	No change
135	Inquiry as to truth of information	116	Inquiry as to truth of information	No change
136	Order to give security	117	Order to give security	No change
137	Discharge of person informed against	118	Discharge of person informed against	No change
138	Commencement of period for which security is required	119	Commencement of period for which security is required	No change
139	Contents of bond	120	Contents of bond	No change
140	Power to reject sureties	121	Power to reject sureties	No change
141	Imprisonment in default of security	122	Imprisonment in default of security	No change
142	Power to release persons imprisoned for failing to give security	123	Power to release persons imprisoned for failing to give security	No change
143	Security for unexpired period of bond	124	Security for unexpired period of bond	No change
144	Order for maintenance of wives, children and parents	125	Order for maintenance of wives, children and parents	No change
145	Procedure	126	Procedure	Parents can file cases where they reside.
146	Alteration in allowance	127	Alteration in allowance	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
147	Enforcement of order of maintenance	128	Enforcement of order of maintenance	No change
148	Dispersal of assembly by use of civil force	129	Dispersal of assembly by use of civil force	<b>Any male person replaced by any person.</b>
149	Use of armed forces to disperse assembly	130	Use of armed forces to disperse assembly	<b>Power to be exercised by District Magistrate or his delegatee Executive Magistrate and not by Executive Magistrate acting in independent capacity.</b>
150	Power of certain armed force officers to disperse assembly	131	Power of certain armed force officers to disperse assembly	No change
151	Protection against prosecution for acts done under sections 148, 149 and 150	132	Protection against Prosecution for acts done under preceding sections.	No change
152	Conditional order for removal of nuisance	133	Conditional order for removal of nuisance	<b>Minor change</b>
153	Service or notification of order	134	Service or notification of order	No change
154	Person to whom order is addressed to obey or show cause	135	Person to whom order is addressed to obey or show cause	<b>Show-cause may be submitted through audio-video means.</b>



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
155	Penalty for failure to comply with 154	136	Consequences of his failing to do so	No change
156	Procedure where existence of public right is denied	137	Procedure where existence of public right is denied	No change
157	Procedure where person against whom order is made under 152 appears to show cause	138	Procedure where he appears to show cause	<b>Inquiry to be completed within 90 days which may be extended to a maximum of 120 days.</b>
158	Power of Magistrate to direct local investigation and examination of an expert	139	Power of Magistrate to direct local investigation and examination of an expert	No change
159	Power of Magistrate to furnish written instructions, etc	140	Power of Magistrate to furnish written instructions, etc	No change
160	Procedure on order being made absolute and consequences of disobedience	141	Procedure on order being made absolute and consequences of disobedience	No change
161	Injunction pending inquiry	142	Injunction pending inquiry	No change
162	Magistrate may prohibit repetition or continuance of public nuisance	143	Magistrate may prohibit repetition or continuance of public nuisance	<b>Deputy Commissioner of Police has also been empowered.</b>
163	Power to issue order in urgent cases of nuisance or apprehended danger	144	Power to issue order in urgent cases of nuisance or apprehended danger	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
164	Procedure where dispute concerning land or water is likely to cause breach of peace	145	Procedure where dispute concerning land or water is likely to cause breach of peace	No change
165	Power to attach subject of dispute and to appoint receiver	146	Power to attach subject of dispute and to appoint receiver	No change
166	Dispute concerning right of use of land or water	147	Dispute concerning right of use of land or water	No change
167	Local inquiry	148	Local inquiry	No change
168	Police to prevent cognizable offences	149	Police to prevent cognizable offences	No change
169	Information of design to commit cognizable offences	150	Information of design to commit cognizable offences	No change
170	Arrest to prevent the commission of cognizable offences	151	Arrest to prevent the commission of cognizable offences	No change
171	Prevention of injury to public property	152	Prevention of injury to public property	No change
172	Persons bound to conform to lawful directions of police	---	---	<b>New Provision</b>
173	Information in cognizable cases	154	Information in cognizable cases	<ul style="list-style-type: none"> <li>● <b>Zero FIR may be filed.</b></li> <li>● <b>Information may be lodged through electronic communication (e-FIR).</b></li> </ul>



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
				<ul style="list-style-type: none"> <li>● <b>Right of the victim to get, free of cost, the copy of FIR recognised.</b></li> <li>● <b>Preliminary enquiry prescribed in offences punishable with 3 years or more but less than 7 years with prior permission of DSP. Enquiry to be completed within 14 days. In such cases, FIR shall be registered with prior permission of DSP.</b></li> <li>● <b>In the event FIR is not registered even after intervention of SP, application may be made before Magistrate.</b></li> </ul>
174	Information as to non- cognizable cases and investigation of such cases	155	Information as to non- cognizable cases and investigation of such cases	<b>Apart from referring the complaint to Magistrate, police officer shall also forward daily diary report to Magistrate.</b>
175	Police officer's power to investigate cognizable case	156	Police officer's power to investigate cognizable case	● <b>In serious cases SP empowered (considering the nature and gravity of the offence) to depute DSP rank officer to conduct the investigation.</b>



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
				<ul style="list-style-type: none"> <li>In cognizable offence, Magistrate may direct investigation on application accompanied by affidavit and upon considering police report.</li> <li>No cognizance against public servant where offence is committed in discharge of official duty until Magistrate receives views of the public servant accused of the crime and a report from his superior.</li> </ul>
176	Procedure for investigation	157	Procedure for investigation	In cases involving offences punishable for 7 years or more forensic experts shall visit crime scene to collect forensic evidence, i.e., trace evidence.
177	Report how submitted	158	Report how submitted	No change
178	Power to hold investigation or preliminary inquiry	159	Power to hold investigation or preliminary inquiry	No change
179	Police officer's power to require attendance of witnesses	160	Police officer's power to require attendance of witnesses	Exemption also extended to persons with acute illness.



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
180	Examination of witnesses by police	161	Examination of witnesses by police	No change
181	Statements to police and use thereof	162	Statements to police not to be signed: Use of statements in evidence	No change
182	No inducement to be offered	163	No inducement to be offered	No change
183	Recording of confessions and statements	164	Recording of confessions and statements	<b>Statement recorded by Magistrate of a witness in offences punishable with 10 years/ life/ death may be treated as his examination in chief if witness is temporarily/ permanently mentally/ physically disabled.</b>
184	Medical examination of victim of rape	164-A	Medical examination of the victim of rape	<b>Medical examination report to be forwarded to investigating officer within 7 days.</b>
185	Search by police officer	165	Search by police officer	<b>Search to be recorded through audio-video electronic means preferably mobile phone. Copies of records regarding search to be sent to Magistrate not later than 48 hours.</b>
186	When officer in charge of police station may require another to issue search - warrant	166	When officer in charge of police station may require another to issue search - warrant	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
187	Procedure when investigation cannot be completed in twenty-four hours	167	Procedure when investigation cannot be completed in twenty-four hours	<p><b>Police Custody may be sought for a maximum period of 15 days (in a staggered manner) within 40/ 60 days of detention as the case may be.</b></p> <p><b>Section 187(3)(i) prescribes maximum period of detention of 90 days for offences punishable with death or imprisonment with life, inter alia, for a term of 10 years or more instead of imprisonment for a term not less than 10 years.</b></p>
188	Report of investigation by subordinate police officer	168	Report of investigation by subordinate police officer	No change
189	Release of accused when evidence deficient	169	Release of accused when evidence deficient	No change
190	Cases to be sent to Magistrate, when evidence is sufficient	170	Cases to be sent to Magistrate when evidence is sufficient	<b>If the person has not been arrested, the police officer shall take security from such person for his appearance before the Judicial Magistrate.</b>
191	Complainant and witnesses not to be required to accompany police officer and not to be subjected to restraint	171	Complainant and witnesses not to be required to accompany police officer and not to be subjected to restraint	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
192	Diary of proceedings in investigation	172	Diary of proceedings in investigation	No change
193	Report of police officer on completion of investigation	173	Report of police officer on completion of investigation	<ul style="list-style-type: none"> <li>● <b>Police officer to supply report to victim/informant within 90 days regarding progress of investigation through electronic means.</b></li> <li>● <b>Investigation may be undertaken only with permission of court. Investigation to be completed within 90 days or within such period as may be extended by the court.</b></li> <li>● <b>Supply of police report and accompanying documents to accused via electronic communication. Such supply to be made within 14 days from date of production/ appearance of the accused.</b></li> </ul>
194	Police to enquire and report on suicide, etc	174	Police to enquire and report on suicide, etc.	<b>Inquest Report to be sent to DM/ SDM within twenty-four hours.</b>



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
195	Power to summon persons	175	Power to summon persons	<b>Altered Provision</b> A proviso is added which exempts a male person under 15 years or above 60 years or a woman or a mentally/physically disabled person or a person with acute illness from attending any place other than his place of residence.
196	Inquiry by Magistrate into cause of death	176	Inquiry by Magistrate into cause of death	No change
197	Ordinary place of inquiry and trial	177	Ordinary place of inquiry and trial	No change
198	Place of inquiry or trial	178	Place of inquiry or trial	No change
199	Offence triable where act is done or consequence ensues	179	Offence triable where act is done or consequence ensues	No change
200	Place of trial where act is an offence by reason of relation to other offence	180	Place of trial where act is offence by reason of relation to other offence	No change
201	Place of trial in case of certain offences	181	Place of trial in case of certain offences	No change
202	Offences committed by means of electronic communications, letters, etc	182	Offences committed by letters, etc.	<b>Place of trial in case of offence through electronic communication shall be the place where the communication is sent/received.</b>



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
203	Offence committed on journey or voyage	183	Offence committed on journey or voyage	No change
204	Place of trial for offences tri-able together	184	Place of trial for offences tri-able together	No change
205	Power to order cases to be tried in different sessions divisions	185	Power to order cases to be tried in different sessions divisions	No change
206	High Court to decide, in case of doubt, district where inquiry or trial shall take place	186	High Court to decide, in case of doubt, district where inquiry or trial shall take place	No change
207	Power to issue summons or warrant for offence committed beyond local jurisdiction	187	Power to issue summons or warrant for offence committed beyond local jurisdiction	No change
208	Offence committed outside India	188	Offence committed outside India	If the offence is committed outside India, the place of trial shall be where the accused is found/ or where the offence is registered in India.
209	Receipt of evidence relating to offences committed outside India	189	Receipt of evidence relating to offences committed out side India	The words 'either in physical form or electronic form' are included.
210	Cognizance of offences by Magistrate	190	Cognizance of offences by Magistrates	Complaint may also be filed by a person authorised under any Special Law.



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
211	Transfer on application of the accused	191	Transfer on application of the accused	No change
212	Making over of cases to Magistrates	192	Making over of cases to Magistrates	No change
213	Cognizance of offences by Courts of Session	193	Cognizance of offences by Courts of Session	No change
214	Additional Sessions Judges to try cases made over to them	194	Additional and Assistant Sessions Judges to try cases made over to them	No change
215	Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence	195	Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence	Minor change
216	Procedure for witnesses in case of threatening, etc	195-A	Procedure for witnesses in case of threatening, etc.	No change
217	Prosecution for offences against the State and for criminal conspiracy to commit such offence	196	Prosecution for offences against the State and for criminal conspiracy to commit such offence	No change
218	Prosecution of Judges and public servants	197	Prosecution of Judges and public servants	Sanction to be granted within 120 days failing which it shall be deemed to have been granted.



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
219	Prosecution for offences against marriage	198	Prosecution for offences against marriage	The word 'lunatic' is replaced by the expression 'of unsound mind or having intellectual disability requiring higher support needs'.
220	Prosecution of offences under section 85 of the Bhartiya Nyaya Sanhita, 2023	198-A	Prosecution of offences under section 498A of the Indian Penal Code	No change
221	Cognizance of offence	198-B	Cognizance of offence	No change
222	Prosecution for defamation	199	Prosecution for defamation	The word 'lunatic' is replaced by the expression 'of unsound mind or having intellectual disability requiring higher support needs'.
223	Examination of complainant	200	Examination of complainant	At the time of taking cognizance opportunity of hearing is to be granted to accused.
224	Procedure by Magistrate not competent to take cognizance of case	201	Procedure by Magistrate not competent to take cognizance of the case	No change
225	Postponement of issue of process	202	Postponement of issue of process	No change
226	Dismissal of complaint	203	Dismissal of complaint	No change
227	Issue of process	204	Issue of process	Summons or warrant may be issued by electronic means also.



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
228	Magistrate may dispense with personal attendance of accused	205	Magistrate may dispense with personal attendance of accused	No change
229	Special summons in cases of petty offence	206	Special summons in cases of petty offence	The expression 'petty offence' means offence punishable only with fine not exceeding ₹5000. Previously the limit was ₹1000.
230	Supply to the accused of copy of police report and other documents	207	Supply to the accused of copy of police report and other documents	Documents to be supplied free of cost to accused without delay (within 14 days from production/appearance). Documents to be given to victim. Supply of documents by <b>electronic means</b> is permitted.
231	Supply of copies of statements and documents to accused in other cases triable by Court of Session	208	Supply of copies of statements and documents to accused in other cases triable by Court of Session	Supply of documents by <b>electronic means</b> is permitted.
232	Commitment of case to Court of Session when offence is triable exclusively by it	209	Commitment of case to Court of Session when offence is triable exclusively by it	Commitment to be made within <b>90 days</b> from date of taking cognizance.
233	Procedure to be followed when there is a complaint case and police investigation in respect of the same offence	210	Procedure to be followed when there is a complaint case and police investigation in respect of the same offence	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
234	Contents of charge	211	Contents of charge	No change
235	Particulars as to time, place and person	212	Particulars as to time, place and person	No change
236	When manner of committing offence must be stated	213	When manner of committing offence must be stated	No change
237	Words in charge taken in sense of law under which offence is punishable	214	Words in charge taken in sense of law under which offence is punishable	No change
238	Effect of errors	215	Effect of errors	No change
239	Court may alter charge	216	Court may alter charge	No change
240	Recall of witnesses when charge altered	217	Recall of witnesses when charge altered	No change
241	Separate charges for distinct offences	218	Separate charges for distinct offences	No change
242	Offences of same kind within year may be charged together	219	Three offences of same kind within year may be charged	No change
243	Trial for more than one offence	220	Trial for more than one offence	No change
244	Where it is doubtful what offence has been committed	221	Where it is doubtful what offence has been committed	No change
245	When offence proved included in offence charged	222	When offence proved included in offence charged	No change
246	What persons may be charged jointly	223	What persons may be charged jointly	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
247	Withdrawal of remaining charges on conviction on one of several charges	224	Withdrawal of remaining charges on conviction on one of several charges	No change
248	Trial to be conducted by Public Prosecutor	225	Trial to be conducted by Public Prosecutor	No change
249	Opening case for prosecution	226	Opening case for prosecution	No change
250	Discharge	227	Discharge	<b>Application for discharge to be made within 60 days from commitment.</b>
251	Framing of charge	228	Framing of charge	<b>Timeline for Framing of charge shall be 60 days from date of first hearing. Charge shall be read over to the accused through physical or audio-video means.</b>
252	Conviction on plea of guilty	229	Conviction on plea of guilty	No change
253	Date for prosecution evidence	230	Date for prosecution evidence	No change
254	Evidence for prosecution	231	Evidence for prosecution	<b>Allows the examination of witness through audio-video means.</b>
255	Acquittal	232	Acquittal	No change
256	Entering upon defence	233	Entering upon defence	No change
257	Arguments	234	Arguments	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
258	Judgment of acquittal or conviction	235	Judgment of acquittal or conviction	<b>Judgment in a summons case to be delivered within 30 days extendable up to 45 days (for reasons to be recorded in writing) from date of conclusion of argument.</b>
259	Previous conviction	236	Previous conviction	No change
260	Procedure in cases instituted under sub-section (2) of 222	237	Procedure in cases instituted under 199 (2)	<b>Minor change in compensation amount.</b>
261	Compliance with 230	238	Compliance with 207	No change
262	When accused shall be discharged	239	When accused shall be discharged	<b>Accused may apply for discharge within 60 days from the date of supply of police report and other documents.</b>
263	Framing of charge	240	Framing of charge	<b>Timeline for Framing of charge shall be 60 days from date of first hearing.</b>
264	Conviction on plea of guilty	241	Conviction on plea of guilty	No change
265	Evidence for prosecution	242	Evidence for prosecution	<b>Prosecution may examine witnesses through audio-video electronic means at a designated place notified by state Government.</b>
266	Evidence for defence	243	Evidence for defence	<b>Defence may examine witnesses through audio-video electronic means at a designated place notified by state Government.</b>



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
267	Evidence for prosecution	244	Evidence for prosecution	No change
268	When accused shall be discharged	245	When accused shall be discharged	No change
269	Procedure where accused is not discharged	246	Procedure where accused is not discharged	<b>In warrant cases instituted otherwise than police report, if attendance of witnesses cannot be procured for cross examination, it shall be deemed such witness has not been examined and prosecution case shall be proceeded on the basis of materials on record.</b>
270	Evidence for defence	247	Evidence for defence	No change
271	Acquittal or conviction	248	Acquittal or conviction	No change
272	Absence of complainant	249	Absence of complainant	<b>Magistrate shall give a 30 day timeline to the complainant to be present before discharging the accused.</b>
273	Compensation for accusation without reasonable cause	250	Compensation for accusation without reasonable cause	No change
274	Substance of accusation to be stated	251	Substance of accusation to be stated	<b>Magistrate empowered to discharge accused in a summons case if accusation appears groundless.</b>
275	Conviction on plea of guilty	252	Conviction on plea of guilty	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
276	Conviction on plea of guilty in absence of accused in petty cases	253	Conviction on plea of guilty in absence of accused in petty cases	No change
277	Procedure when not convicted	254	Procedure when not convicted	No change
278	Acquittal or conviction	255	Acquittal or conviction	No change
279	Non-appearance or death of complainant	256	Non-appearance or death of complainant	<b>Magistrate shall give 30 days' time to the complainant to be present before acquitting the accused.</b>
280	Withdrawal of complaint	257	Withdrawal of complaint	No change
281	Power to stop proceedings in certain cases	258	Power to stop proceedings in certain cases	No change
282	Power of Court to convert summons-cases into warrant-cases	259	Power of Court to convert summons-cases into warrant-cases	No change
283	Power to try summarily	260	Power to try summarily	<b>Mandates summary trial for petty and less serious offences.</b>
284	Summary trial by Magistrate of the second class	261	Summary trial by Magistrate of the second class	No change
285	Procedure for summary trials	262	Procedure for summary trials	No change
286	Record in summary trials	263	Record in summary trials	No change
287	Judgment in cases tried summarily	264	Judgment in cases tried summarily	No change
288	Language of record and judgment	265	Language of record and judgment	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
289	Application of the Chapter	265-A	Application of the Chapter	No change
290	Application for plea bargaining	265-B	Application for plea bargaining	<b>Application for plea bargaining may be filed by accused within 30 days of framing of charge and within 60 days a mutually satisfactory disposition is to be worked out between the public prosecutor/ complainant and the accused.</b>
291	Guidelines for mutually satisfactory disposition	265-C	Guidelines for mutually satisfactory disposition	No change
292	Report of the mutually satisfactory disposition to be submitted before Court	265-D	Report of the mutually satisfactory disposition to be submitted before Court	No change
293	Disposal of case	265-E	Disposal of the case	<b>The court may impose a sentence equal to one-fourth of the minimum sentence prescribed in law for first time offender with no criminal antecedent.</b>
294	Judgment of Court	265-F	Judgment of the Court	No change
295	Finality of judgment	265-G	Finality of the judgment	No change
296	Power of Court in plea bargaining	265-H	Power of the Court in plea bargaining	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
297	Period of detention undergone by the accused to be set off against sentence of imprisonment	265-I	Period of detention undergone by the accused to be set off against the sentence of imprisonment	No change
298	Savings	265-J	Savings	No change
299	Statements of accused not to be used	265-K	Statements of accused not to be used	No change
300	Non-application of the Chapter	265-L	Non-application of the Chapter	No change
301	Definitions	266	Definitions	No change
302	Power to require attendance of prisoners	267	Power to require attendance of prisoners	No change
303	Power of State Government or Central Government to exclude certain persons from operation of section 302	268	Power of State Government to exclude certain persons from operation of section 267	Power conferred on Central Government also.
304	Officer-in-charge of prison to abstain from carrying out order in certain contingencies	269	Officer-in-charge of prison to abstain from carrying out order in certain contingencies	No change
305	Prisoner to be brought to Court in custody	270	Prisoner to be brought to Court in custody	No change
306	Power to issue commission for examination of witness in prison	271	Power to issue commission for examination of witness in prison	No change
307	Language of Courts	272	Language of Courts	No change

Addition
  Deletion
  Alteration

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
308	Evidence to be taken in presence of accused	273	Evidence to be taken in presence of accused	Accused permitted to be examined through audio-video means.
309	Record in summons-cases and inquiries	274	Record in summons-cases and inquiries	No change
310	Record in warrant-cases	275	Record in warrant-cases	No change
311	Record in trial before Court of Session	276	Record in trial before Court of Session	No change
312	Language of record of evidence	277	Language of record of evidence	No change
313	Procedure in regard to such evidence when completed	278	Procedure in regard to such evidence when completed	No change
314	Interpretation of evidence to accused or his advocate	279	Interpretation of evidence to accused or his pleader	No change
315	Remarks respecting demeanour of witness	280	Remarks respecting demeanour of witness	No change
316	Record of examination of accused	281	Record of examination of accused	If accused is examined by audio-video means, his signature is to be obtained within 72 hours
317	Interpreter to be bound to interpret truthfully	282	Interpreter to be bound to interpret truthfully	No change
318	Record in High Court	283	Record in High Court	No change
319	When attendance of witness may be dispensed with and commission issued	284	When attendance of witness may be dispensed with and commission issued	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
320	Commission to whom to be issued	285	Commission to whom to be issued	No change
321	Execution of commissions	286	Execution of commissions	No change
322	Parties may examine witnesses	287	Parties may examine witnesses	No change
323	Return of commission	288	Return of commission	No change
324	Adjournment of proceeding	289	Adjournment of proceeding	No change
325	Execution of foreign commissions	290	Execution of foreign commissions	No change
326	Deposition of medical witness	291	Deposition of medical witness	No change
327	Identification report of Magistrate	291-A	Identification report of Magistrate	No change
328	Evidence of officers of the Mint	292	Evidence of officers of the Mint	No change
329	Reports of certain Government scientific experts	293	Reports of certain Government scientific experts	<b>Section 329(g) empowers the Government to notify 'any other scientific expert' as 'Government Scientific expert' enabling private persons to be notified as Government scientific expert.</b>
330	No formal proof of certain documents	294	No formal proof of certain documents	<b>30 day timeline to challenge genuineness of any document which may be relaxed at the discretion of the court.</b>
331	Affidavit in proof of conduct of public servants	295	Affidavit in proof of conduct of public servants	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
332	Evidence of formal character on affidavit	296	Evidence of formal character on affidavit	No change
333	Authorities before whom affidavits may be sworn	297	Authorities before whom affidavits may be sworn	No change
334	Previous conviction or acquittal how proved	298	Previous conviction or acquittal how proved	No change
335	Record of evidence in absence of accused	299	Record of evidence in absence of accused	No change
336	Evidence of public servants, experts, police officers in certain cases	-----	-----	<b>New Provision</b>  Document prepared by public servant/ medical expert/ medical officer may be proved by his successor in office. He shall not be examined unless the document is disputed. His examination may be allowed through audio-video electronic means.
337	Person once convicted or acquitted not to be tried for same offence	300	Person once convicted or acquitted not to be tried for same offence	No change
338	Appearance by Public Prosecutors	301	Appearance by Public Prosecutors	No change
339	Permission to conduct prosecution	302	Permission to conduct prosecution	No change
340	Right of person against whom proceedings are instituted to be defended	303	Right of person against whom proceedings are instituted to be defended	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
341	Legal aid to accused at State expense in certain cases	304	Legal aid to accused at State expense in certain cases	No change
342	Procedure when corporation or registered society is an accused	305	Procedure when corporation or registered society is an accused	No change
343	Tender of pardon to accomplice	306	Tender of pardon to accomplice	No change
344	Power to direct tender of pardon	307	Power to direct tender of pardon	No change
345	Trial of person not complying with conditions of pardon	308	Trial of person not complying with conditions of pardon	No change
346	Power to postpone or adjourn proceedings	309	Power to postpone or adjourn proceedings	<b>Not more than two adjournments shall be granted to a party when circumstances are beyond his control and upon consideration of objection of the other party.</b>
347	Local inspection	310	Local inspection	No change
348	Power to summon material witness, or examine person present	311	Power to summon material witness, or examine person present	No change
349	Power of Magistrate to order person to give specimen signatures or handwriting etc.	311-A	Power of Magistrate to order person to give specimen signatures or handwriting	<b>The scope of specimens has been expanded to include finger impressions and voice samples. Such samples may be obtained from accused without necessitating his arrest.</b>
350	Expenses of complainants and witnesses	312	Expenses of complainants and witnesses	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
351	Power to examine the accused	313	Power to examine the accused	No change
352	Oral arguments and memorandum of arguments	314	Oral arguments and memorandum of arguments	No change
353	Accused person to be competent witness	315	Accused person to be competent witness	No change
354	No influence to be used to induce disclosure	316	No influence to be used to induce disclosure	No change
355	Provision for inquiries and trial being held in the absence of accused in certain cases	317	Provision for inquiries and trial being held in the absence of accused in certain cases	Attendance of the accused shall include attendance through audio-video electronic means.
356	Inquiry, trial or judgment in absentia of proclaimed offender	-----	-----	<b>New Provision</b>  Trial may proceed against a proclaimed offender in absentia and judgment may be pronounced.
357	Procedure where accused does not understand proceedings	318	Procedure where accused does not understand proceedings	No change
358	Power to proceed against other persons appearing to be guilty of offence	319	Power to proceed against other persons appearing to be guilty of offence	No change
359	Compounding of offences	320	Compounding of offences	No change
360	Withdrawal from prosecution	321	Withdrawal from prosecution	<b>No prosecution shall be withdrawn without giving opportunity of hearing to victim.</b>  The expression 'Delhi Police Establishment Act' replaced by 'Any Central Act'.



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
361	Procedure in cases which Magistrate cannot dispose of	322	Procedure in cases which Magistrate cannot dispose of	No change
362	Procedure when after commencement of inquiry or trial, Magistrate finds case should be committed.	323	Procedure when, after commencement of inquiry or trial, Magistrate finds case should be committed	No change
363	Trial of persons previously convicted of offences against coinage, stamp-law or property.	324	Trial of persons previously convicted of offences against coinage, stamp-law or property	No change
364	Procedure when Magistrate cannot pass sentence sufficiently severe	325	Procedure when Magistrate cannot pass sentence sufficiently severe	No change
365	Conviction or commitment on evidence partly recorded by one Magistrate and partly by another	326	Conviction or commitment on evidence partly recorded by one Judge or Magistrate and partly by another	No change
366	Court to be open	327	Court to be open	<b>Inquiry into and trial of rape and offences against woman and child shall be conducted in camera.</b>
367	Procedure in case of accused being person of unsound mind	328	Procedure in case of accused being lunatic	<b>The word 'lunatic' is replaced by the word 'of unsound mind'.</b>
368	Procedure in case of person of unsound mind tried before Court	329	Procedure in case of person of unsound mind tried before Court	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
369	Release of person of unsound mind pending investigation or trial	330	Release of person of unsound mind pending investigation or trial	No change
370	Resumption of inquiry or trial	331	Resumption of inquiry or trial	No change
371	Procedure on accused appearing before Magistrate or Court	332	Procedure on accused appearing before Magistrate or Court	No change
372	When accused appears to have been of sound mind	333	When accused appears to have been of sound mind	No change
373	Judgment of acquittal on ground of unsoundness of mind	334	Judgment of acquittal on ground of unsoundness of mind	No change
374	Person acquitted on ground of unsoundness of mind to be detained in safe custody	335	Person acquitted on such ground to be detained in safe custody	No change
375	Power of State Government to empower officer-in-charge to discharge	336	Power of State Government to empower officer-in-charge to discharge	No change
376	Procedure where prisoner of unsound mind is reported capable of making his defence	337	Procedure where lunatic prisoner is reported capable of making his defence	The word 'lunatic' is replaced by the word 'of unsound mind'.
377	Procedure where person detained is declared fit to be released	338	Procedure where lunatic detained is declared fit to be released	The word 'lunatic' is replaced by the word 'of unsound mind'.



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
378	Delivery of person of unsound mind to care of relative or friend	339	Delivery of lunatic to care of relative or friend	The word 'lunatic' is replaced by the word 'of unsound mind'.
379	Procedure in cases mentioned in section 215	340	Procedure in cases mentioned in section 195	No change
380	Appeal	341	Appeal	No change
381	Power to order costs	342	Power to order costs	No change
382	Procedure of Magistrate taking cognizance	343	Procedure of Magistrate taking cognizance	No change
383	Summary procedure for trial for giving false evidence	344	Summary procedure for trial for giving false evidence	Maximum fine for giving false evidence increased from ₹500 to ₹1000.
384	Procedure in certain cases of contempt	345	Procedure in certain cases of contempt	Maximum fine for Contempt cases enumerated increased from ₹200 to ₹1000.
385	Procedure where Court considers that case should not be dealt with under section 384	346	Procedure where Court considers that case should not be dealt with under section 345	No change
386	When Registrar or Sub-Registrar to be deemed a Civil Court	347	When Registrar or Sub-Registrar to be deemed a Civil Court	No change
387	Discharge of offender on submission of apology	348	Discharge of offender on submission of apology	No change
388	Imprisonment or committal of person refusing to answer or produce document.	349	Imprisonment or committal of person refusing to answer or produce document	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
389	Summary procedure for punishment for non-attendance by a witness in obedience to summons	350	Summary procedure for punishment for non-attendance by a witness in obedience to summons	Maximum fine for non-attendance of witness without just excuse increased from ₹100 to ₹500.
390	Appeals from convictions under s 383, 384, 388 and 389	351	Appeals from convictions under s 344, 345, 349 and 350	No change
391	Certain Judges and Magistrates not to try certain offences when committed before themselves	352	Certain Judges and Magistrates not to try certain offences when committed before themselves	No change
392	Judgment	353	Judgment	Judgment in every criminal trial to be pronounced not later than 45 days after the termination of trial. Judgment shall be uploaded within 7 days. Accused may be produced before court through audio- video means to hear the judgment.
393	Language and contents of judgment	354	Language and contents of judgment	No change
394	Order for notifying address of previously convicted offender	356	Order for notifying address of previously convicted offender	No change
395	Order to pay compensation	357	Order to pay compensation	No change
396	Victim compensation scheme	357-A	Victim compensation scheme	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
397	Treatment of victims	357-C	Treatment of victims	Hospitals shall provide first-aid/ immediate medical treatment to victims in POCSO cases.
398	Witness protection scheme	----	----	<b>New Provision</b>  Every State Government shall prepare and notify a Witness Protection Scheme.
399	Compensation to persons groundlessly arrested	358	Compensation to persons groundlessly arrested	No change
400	Order to pay costs in non-cognizable cases	359	Order to pay costs in non-cognizable cases	No change
401	Order to release on probation of good conduct or after admonition	360	Order to release on probation of good conduct or after admonition	No change
402	Special reasons to be recorded in certain cases	361	Special reasons to be recorded in certain cases	No change
403	Court not to alter judgment	362	Court not to alter judgment	No change
404	Copy of judgment to be given to the accused and other persons	363	Copy of judgment to be given to the accused and other persons	Government shall also be provided a certified copy of judgment/ order/ deposition/ record free of cost on prayer of prosecuting officer.
405	Judgment when to be translated	364	Judgment when to be translated	No change
406	Court of Session to send copy of finding and sentence to District Magistrate	365	Court of Session to send copy of finding and sentence to District Magistrate	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
407	Sentence of death to be submitted by Court of Session for confirmation	366	Sentence of death to be submitted by Court of Session for confirmation	Minor change.
408	Power to direct further inquiry to be made or additional evidence to be taken	367	Power to direct further inquiry to be made or additional evidence to be taken	No change
409	Power of High Court to confirm sentence or annul conviction	368	Power of High Court to confirm sentence or annul conviction	No change
410	Confirmation or new sentence to be signed by two Judges	369	Confirmation or new sentence to be signed by two Judges	No change
411	Procedure in case of difference of opinion	370	Procedure in case of difference of opinion	No change
412	Procedure in cases submitted to High Court for confirmation	371	Procedure in cases submitted to High Court for confirmation	Upon confirmation of sentence of death, High Court shall send copy of the order physically or through electronic means.
413	No appeal to lie unless otherwise provided	372	No appeal to lie unless otherwise provided	No change
414	Appeal from orders requiring security or refusal to accept or rejecting surety for keeping peace or good behaviour	373	Appeal from orders requiring security or refusal to accept or rejecting surety for keeping peace or good behaviour	No change
415	Appeals from convictions	374	Appeals from	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
416	No appeal in certain cases when accused pleads guilty	375	No appeal in certain cases when accused pleads guilty	No change
417	No appeal in petty cases	376	No appeal in petty cases	No appeal in petty case where High Court passes only a sentence of imprisonment for a term not exceeding 3 months. Previously, no appeal was permitted for cases where the imprisonment term was not exceeding 6 months.
418	Appeal by the State Government against sentence	377	Appeal by the State Government against sentence	The expression 'Delhi Police Establishment Act' replaced by 'Any Central Act'.
419	Appeal in case of acquittal	378	Appeal in case of acquittal	The expression 'Delhi Police Establishment Act' replaced by 'Any Central Act'.
420	Appeal against conviction by High Court in certain cases	379	Appeal against conviction by High Court in certain cases	No change
421	Special right of appeal in certain cases	380	Special right of appeal in certain cases	No change
422	Appeal to Court of Session how heard	381	Appeal to Court of Session how heard	No change
423	Petition of appeal	382	Petition of appeal	No change
424	Procedure when appellant in jail	383	Procedure when appellant in jail	No change
425	Summary dismissal of appeal	384	Summary dismissal of appeal	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
426	Procedure for hearing appeals not dismissed summarily	385	Procedure for hearing appeals not dismissed summarily	No change
427	Powers of the Appellate Court	386	Powers of the Appellate Court	No change
428	Judgments of Subordinate Appellate Court	387	Judgments of subordinate Appellate Court	No change
429	Order of High Court on appeal to be certified to lower Court	388	Order of High Court on appeal to be certified to lower Court	No change
430	Suspension of sentence pending the appeal; release of appellant on bail	389	Suspension of sentence pending the appeal; release of appellant on bail	No change
431	Arrest of accused in appeal from acquittal	390	Arrest of accused in appeal from acquittal	No change
432	Appellate Court may take further evidence or direct it to be taken	391	Appellate Court may take further evidence or direct it to be taken	No change
433	Procedure where Judges of Court of Appeal are equally divided	392	Procedure where Judges of Court of Appeal are equally divided	No change
434	Finality of judgments and orders on appeal	393	Finality of judgments and orders on appeal	No change
435	Abatement of appeals	394	Abatement of appeals	No change
436	Reference to High Court	395	Reference to High Court	No change
437	Disposal of case according to decision of High Court	396	Disposal of case according to decision of High Court	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
438	Calling for records to exercise powers of revision	397	Calling for records to exercise powers of revision	No change
439	Power to order inquiry	398	Power to order inquiry	No change
440	Sessions Judge's powers of revision	399	Sessions Judge's powers of revision	No change
441	Power of Additional Sessions Judge	400	Power of Additional Sessions Judge	No change
442	High Court's powers of revision	401	High Court's powers of revision	No change
443	Power of High Court to withdraw or transfer revision cases	402	Power of High Court to withdraw or transfer revision cases	No change
444	Option of Court to hear parties	403	Option of Court to hear parties	No change
445	High Court's order to be certified to lower Court	405	High Court's order to be certified to lower Court	No change
446	Power of Supreme Court to transfer cases and appeals	406	Power of Supreme Court to transfer cases and appeals	If Supreme Court opines that the application for transfer of a case/ appeal is frivolous/ vexatious, compensation of such sum (as per the appropriate circumstances of the case) may be granted to any person who opposed the application. Previously, the sum was mentioned to be not exceeding ₹1000.
447	Power of High Court to transfer cases and appeals	407	Power of High Court to transfer cases and appeals	If High Court opines that the application for transfer of a case/ appeal is frivolous/ vexatious, compensation of such



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
				sum (as per the appropriate circumstances of the case) may be granted to any person who opposed the application. Previously, the sum was mentioned to be not exceeding ₹1000.
448	Power of Sessions Judge to transfer cases and appeals	408	Power of Sessions Judge to transfer cases and appeals	If Sessions Judge opines that the application for transfer of a case/ appeal is frivolous/ vexatious, compensation not exceeding ₹10,000 may be granted to any person who opposed the application. Previously, the sum was mentioned to be not exceeding ₹250.
449	Withdrawal of cases and appeals by Sessions Judges	409	Withdrawal of cases and appeals by Sessions Judges	No change
450	Withdrawal of cases by Judicial Magistrates	410	Withdrawal of cases by Judicial Magistrates	No change
451	Making over or withdrawal of cases by Executive Magistrates	411	Making over or withdrawal of cases by Executive Magistrates	No change
452	Reasons to be recorded	412	Reasons to be recorded	No change
453	Execution of order passed under 409	413	Execution of order passed under 368	No change
454	Execution of sentence of death passed by High Court	414	Execution of sentence of death passed by High Court	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
455	Postponement of execution of sentence of death in case of appeal to Supreme Court	415	Postponement of execution of sentence of death in case of appeal to Supreme Court	No change
456	Communication of sentence of death on pregnant woman	416	Postponement of capital sentence on pregnant woman	No change
457	Power to appoint place of imprisonment	417	Power to appoint place of imprisonment	No change
458	Execution of sentence of imprisonment	418	Execution of sentence of imprisonment	No change
459	Direction of warrant for execution	419	Direction of warrant for execution	No change
460	Warrant with whom to be lodged	420	Warrant with whom to be lodged	No change
461	Warrant for levy of fine	421	Warrant for levy of fine	No change
462	Effect of such warrant	422	Effect of such warrant	No change
463	Warrant for levy of fine issued by a Court in any territory to which this Sanhita does not extend	423	Warrant for levy of fine issued by a Court in any territory to which this Code does not extend	No change
464	Suspension of execution of sentence of imprisonment	424	Suspension of execution of sentence of imprisonment	No change
465	Who may issue warrant	425	Who may issue warrant	No change

**Addition**
 **Deletion**
 **Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
466	Sentence on escaped convict when to take effect	426	Sentence on escaped convict when to take effect	No change
467	Sentence on offender already sentenced for another offence	427	Sentence on offender already sentenced for another offence	No change
468	Period of detention under-gone by accused to be set off against sentence of imprisonment	428	Period of detention under-gone by the accused to be set off against the sentence of imprisonment	No change
469	Saving	429	Saving	No change
470	Return of warrant on execution of sentence	430	Return of warrant on execution of sentence	No change
471	Money ordered to be paid recoverable as a fine	431	Money ordered to be paid recoverable as a fine	No change
472	Mercy Petition in death sentence cases	---	---	<b>New Provision</b>  Prescribes time frame of 30 days for filing of mercy petition before the Governor and 60 days before the President.
473	Power to suspend or remit sentences	432	Power to suspend or remit sentences	No change
474	Power to commute sentence	433	Power to commute sentence	<b>Death Sentence may be commuted for imprisonment for life.</b> (Previously death sentence could be commuted for any other punishment subject to Section 433A CrPC) <b>Life Imprisonment may be commuted for imprisonment for not less than 7 years.</b>



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
				<p>(Previously Life imprisonment could be commuted for imprisonment not exceeding 14 years or fine subject to section 433A CrPC)</p> <p><b>Sentence of 7 years or more may be commuted for imprisonment for not less than 3 years.</b> (New Provision)</p> <p><b>Sentence of less than 7 years may be commuted for fine.</b> (New Provision)</p> <p><b>Rigorous imprisonment may be commuted for simple imprisonment for any term for which the person might have been sentenced.</b> (Previously such sentence could also be commuted for fine)</p> <p><b>A sentence of simple imprisonment may be commuted for fine.</b> (Deleted)</p>
475	Restriction on powers of remission or commutation in certain cases	433-A	Restriction on powers of remission or commutation in certain cases	No change
476	Concurrent power of Central Government in case of death sentences	434	Concurrent power of Central Government in case of death sentences	No change
477	State Government to act after concurrence with Central Government in certain cases	435	State Government to act after consultation with Central Government in certain cases	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
478	In what cases bail to be taken	436	In what cases bail to be taken	No change
479	Maximum period for which an undertrial prisoner can be detained	436-A	Maximum period for which an undertrial prisoner can be detained	<p><b>Bail may be granted for first-time offender who has undergone detention for one-third of maximum period of imprisonment prescribed in law. In other cases, detention undergone should be half of the maximum period.</b></p> <p><b>Superintendent of Jail has been made responsible for making an application to Court in writing for release of person on bail in case one-half or one-third (as the case may be) period of imprisonment has been completed.</b></p> <p><b>If investigation, inquiry or trial in more than one offence or in multiple cases are pending against a person, bail shall not be granted.</b></p>
480	When bail may be taken in case of non-bailable offence	437	When bail may be taken in case of non-bailable offence	<b>In case of non-bailable offences, bail shall not be denied to an accused on the ground that he may be required to be identified by witnesses during investigation or</b>



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
				his police custody will be required beyond 15 days, provided he is otherwise entitled to bail and gives an undertaking that he shall comply with such directions as may be given by the court.
481	Bail to require accused to appear before next appellate Court	437-A	Bail to require accused to appear before next appellate Court	No change
482	Direction for grant of bail to person apprehending arrest	438	Direction for grant of bail to person apprehending arrest	No change
483	Special powers of High Court or Court of Session regarding bail	439	Special powers of High Court or Court of Session regarding bail	No change
484	Amount of bond and reduction thereof	440	Amount of bond and reduction thereof	No change
485	Bond of accused and sureties	441	Bond of accused and sureties	No change
486	Declaration by sureties	441-A	Declaration by sureties	No change
487	Discharge from custody	442	Discharge from custody	No change
488	Power to order sufficient bail when that first taken is in-sufficient	443	Power to order sufficient bail when that first taken is in-sufficient	No change
489	Discharge of sureties	444	Discharge of sureties	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
490	Deposit instead of recognizance	445	Deposit instead of recognizance	No change
491	Procedure when bond has been forfeited	446	Procedure when bond has been forfeited	No change
492	Cancellation of bond and bail bond	446-A	Cancellation of bond and bail-bond	No change
493	Procedure in case of insolvency or death of surety or when a bond is forfeited	447	Procedure in case of insolvency or death of surety or when a bond is forfeited	No change
494	Bond required from child	448	Bond required from minor	No change
495	Appeal from orders under section 491	449	Appeal from orders under section 446	No change
496	Power to direct levy of amount due on certain recognizances	450	Power to direct levy of amount due on certain recognizances	No change
497	Order for custody and disposal of property pending trial in certain cases	451	Order for custody and disposal of property pending trial in certain cases	<p><b>'Any court', i.e., a Court of Sessions to whom case is committed or a Special Court which takes cognizance directly may also pass order for custody and disposal of property pending trial.</b></p> <p><b>Timeline for preparing statement (of property with description) stipulated to be 14 days. Magistrate shall ensure photograph/ videograph of property via mobile phone/ electronic media are taken.</b></p>



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
498	Order for disposal of property at conclusion of trial	452	Order for disposal of property at conclusion of trial	'Any court', i.e., a Court of Sessions to whom case is committed or a Special Court which takes cognizance directly may also pass order for disposal/ destruction/ confiscation/delivery of property/document in its custody during conclusion of trial.
499	Payment to innocent purchaser of money found on accused	453	Payment to innocent purchaser of money found on accused	No change
500	Appeal against orders under section 498 or 499	454	Appeal against orders under section 452 or 453	No change
501	Destruction of libellous and other matter	455	Destruction of libellous and other matter	No change
502	Power to restore possession of immovable property	456	Power to restore possession of immovable property	No change
503	Procedure by police upon seizure of property	457	Procedure by police upon seizure of property	No change
504	Procedure where no claimant appears within six months	458	Procedure where no claimant appears within six months	No change
505	Power to sell perishable property	459	Power to sell perishable property	If Magistrate opines that the property is perishable or value of property is less than



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
				₹10,000, he may direct it to be sold. (Previously, Magistrate could direct the sale of perishable property or property of value less than ₹500 only.)
506	Irregularities which do not vitiate proceedings	460	Irregularities which do not vitiate proceedings	No change
507	Irregularities which vitiate proceedings	461	Irregularities which vitiate proceedings	No change
508	Proceedings in wrong place	462	Proceedings in wrong place	No change
509	Non-compliance with provisions of section 183 or 316	463	Non-compliance with provisions of sections 164 or 281	No change
510	Effect of omission to frame, or absence of, or error in, charge	464	Effect of omission to frame, or absence of, or error in, charge	No change
511	Finding or sentence when reversible by reason of error, omission or irregularity	465	Finding or sentence when reversible by reason of error, omission or irregularity	No change
512	Defect or error not to make attachment unlawful	466	Defect or error not to make attachment unlawful	No change
513	Definitions	467	Definitions	No change
514	Bar to taking cognizance after lapse of the period of limitation	468	Bar to taking cognizance after lapse of the period of limitation	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
515	Commencement of the period of limitation	469	Commencement of the period of limitation	No change
516	Exclusion of time in certain cases	470	Exclusion of time in certain cases	No change
517	Exclusion of date on which Court is closed	471	Exclusion of date on which Court is closed	No change
518	Continuing offence	472	Continuing offence	No change
519	Extension of period of limitation in certain cases	473	Extension of period of limitation in certain cases	No change
520	Trials before High Courts	474	Trials before High Courts	No change
521	Delivery to commanding officers of persons liable to be tried by Court-martial	475	Delivery to commanding officers of persons liable to be tried by Court-martial	No change
522	Forms	476	Forms	No change
523	Power of High Court to make rules	477	Power of High Court to make rules	No change
524	Power to alter functions allocated to Executive Magistrate in certain cases	478	Power to alter functions allocated to Executive Magistrates in certain cases	No change
525	Case in which Judge or Magistrate is personally interested	479	Case in which Judge or Magistrate is personally interested	No change
526	Practicing advocate not to sit as Magistrate in certain Courts	480	Practising pleader not to sit as Magistrate in certain Courts	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Nagarik Suraksha Sanhita, 2023		Code of Criminal Procedure, 1973		Changes
Section	Heading	Section	Heading	
527	Public servant concerned in sale not to purchase or bid for property	481	Public servant concerned in sale not to purchase or bid for property	No change
528	Saving of inherent powers of High Court	482	Saving of inherent powers of High Court	No change
529	Duty of High Court to exercise continuous superintendence over Courts	483	Duty of High Court to exercise continuous superintendence over Courts of Judicial Magistrates	<p><b>High Court may exercise superintendence over Courts of Sessions as well as Courts of Judicial Magistrates to ensure that there is an expeditious and proper disposal of cases.</b></p> <p><b>Previously High Court could exercise superintendence only over the Courts of Judicial Magistrates.</b></p>
530	Trial and proceedings to be held in electronic mode	-----	-----	<p><b>New Provision</b></p> <p><b>Trial and proceedings may be held in electronic mode.</b></p>
531	Repeal and savings	484		<b>CrPC repealed but pending proceedings shall continue under the repealed law.</b>



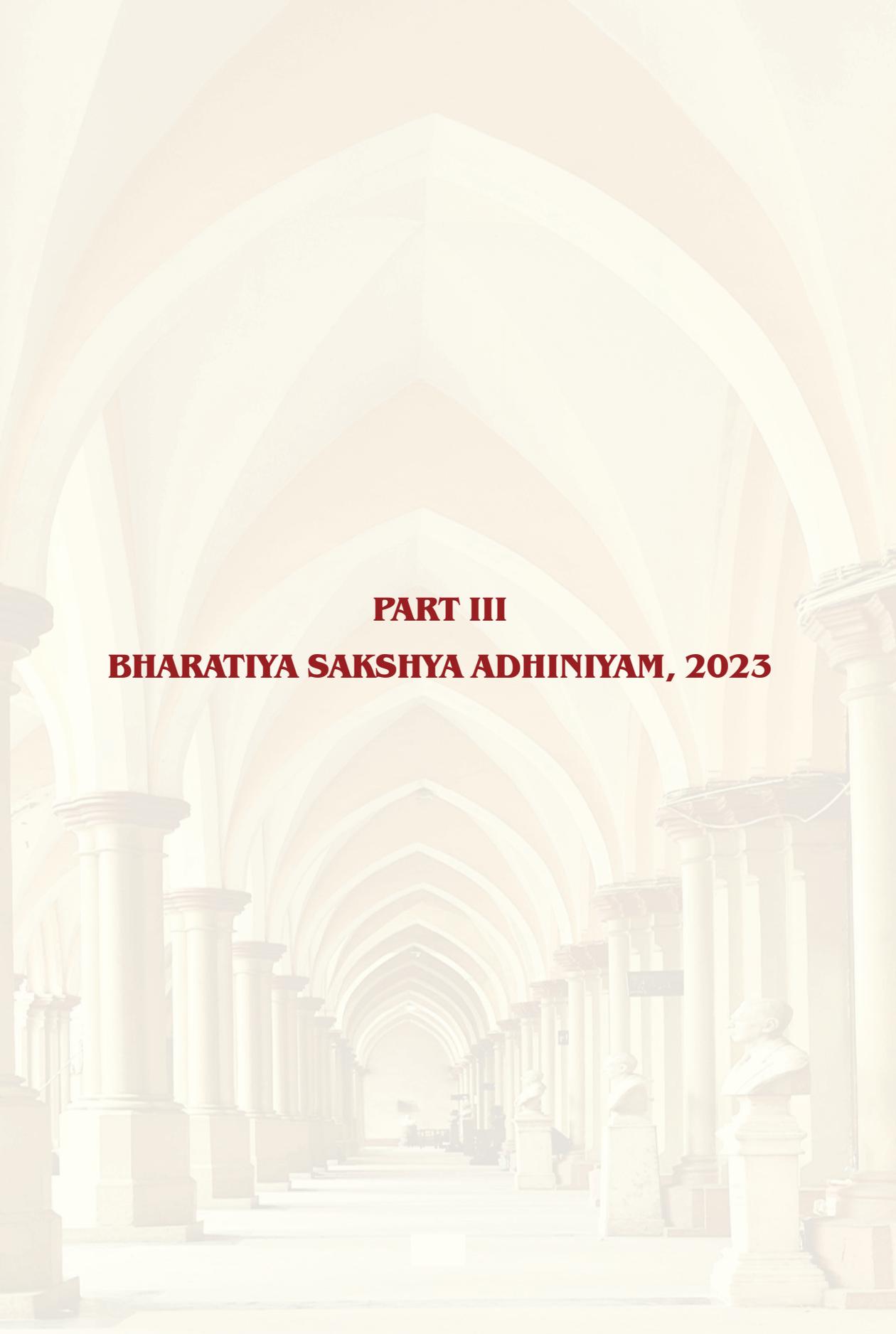
**Addition**



**Deletion**



**Alteration**



**PART III**  
**BHARATIYA SAKSHYA ADHINIYAM, 2023**



## **BHARATIYA SAKSHYA ADHINIYAM, 2023**

### **⇒ Highlights in the Statement of Objects and Reasons are :—**

- Consolidates and provides for general rules and principles of evidence.
- The word 'Evidence' shall include any information given electronically. This would permit appearance of witnesses, accused, experts and victims through electronic means.
- Electronic and digital records shall be admissible as documentary evidence and have the same legal effect, validity and enforceability as any other document.
- The scope of secondary evidence has been expanded to include copies made from original through mechanical processes, copies made from or compared with the original, counterparts of documents as against the parties who did not execute them and oral accounts of the contents of a document given by some person who has himself seen it and giving matching hash value of original record will be admissible as proof of secondary evidence.
- The Adhiniyam seeks to put limits on the facts which are admissible and its certification as such in the courts. It introduces more precise and uniform rules of practice of courts in dealing with facts and circumstances of the case by means of evidence.

### **⇒ Salient Changes in the Bharatiya Sakshya Adhiniyam, 2023 vis-a-vis the Indian Evidence Act, 1872 :—**

#### **Deletion of certain words and expressions**

- The dated expressions 'Parliament of the United Kingdom', 'Provincial Act', 'notification by the Crown Representative', 'London Gazette', 'any Dominion, colony or possession of his Majesty', 'Jury', 'Lahore', 'United Kingdom of Great Britain and Ireland', 'Commonwealth,' 'Her Majesty or by the Privy Council,' 'Her Majesty's Government,' 'copies or extracts contained in the London Gazette, or purporting to be printed by the Queen's Printer', 'possession of the British Crown,' 'Court of Justice in England', 'Her Majesty's Dominions', 'Barrister' have been **deleted as they are no longer relevant.**

- The words '**Vakil**', '**Pleader**', '**Barrister**' and '**Attorney**' have been replaced with the word '**Advocate**'.

### Short title, application and commencement

- The Act is made applicable to all Courts-martial proceedings. Previously, Courts-martial convened under the Army Act, the Naval Discipline Act or the Indian Navy (Discipline) Act, or the Air Force Act were excluded.

### Definition

- The definition of '**documents**' under **section 2(1)(d) BSA** has been expanded to include **electronic and digital records**. Electronic record has been defined under **section 2(1)(t) of Information Technology Act, 2000 (IT Act)**.
- The definition of '**evidence**' under **section 2(1)(e) BSA** has been expanded to include **statements given electronically**. This would permit the appearance of witnesses, accused, experts and victims to depose their evidence through electronic means. It also establishes '**digital records**' as **documentary evidence**. Electronically provided information shall be treated on par with traditional in-person statements, considering the challenges of in-person presence.
- **Under section 2(2) BSA, all words and expressions** not defined herein have been given the same meaning as defined under the IT Act, BNSS and BNS. The section is comprehensive and covers all words / expressions in these statutes instead of a few expressions defined in the IT Act.

### Relevancy of Facts

- Under **section 4 BSA**, the principle of *res gestae* is made applicable both to **fact in issue and relevant fact** instead of fact in issue only.
- Under section 24 IEA, confession was irrelevant if given under inducement, threat or promise only. In **section 22 BSA**, '**coercion**' has been added as a new **ground rendering confession irrelevant**.

- An **Explanation has been added to section 24 BSA** which clarifies that in a case where a proclaimed offender is tried in absentia (under section 356 BNSS) jointly with other accused, confession of one accused may be used against others including the proclaimed offender.
- **Official gazette in digital/electronic form is made admissible under section 31 BSA.**
- **Use of law books in digital/electronic form is made admissible under section 32 BSA.**
- Under **section 35 BSA**, a final judgment, order or decree of **Tribunal** is relevant. Previously the relevancy was only of final judgment, order or decree of competent court.
- Under **section 39 BSA**, the **scope of an expert** has been expanded to include persons especially **skilled in 'any other field'** along with the previously defined skills under section 45 IEA.

### Facts which need not be proved

- **Facts of which Court shall take judicial notice under section 52 BSA** has been modified.

### Documentary Evidence

- **The ambit of Primary Evidence under section 57 BSA** has been expanded to include the following :
  - ✓ Digital electronic record created or stored simultaneously or sequentially in multiple files, each file is primary evidence.
  - ✓ Electronic record produced from proper custody if not disputed.
  - ✓ Video recording simultaneously stored, broadcasted and transmitted to another device. Each of its stored recording is primary evidence.
  - ✓ Electronic record automatically stored in a multiple storage space in a computer resource. Each automated storage is primary evidence.

- The ambit of **Secondary evidence** has been expanded in **section 58 BSA** to include the following :—
  - ✓ oral admissions;
  - ✓ written admissions, and
  - ✓ evidence provided by a person who is skilled in examining certain documents, which being technical or voluminous cannot be conveniently examined.
- **Digital or Electronic records have the same legal effect, validity and enforceability** as any other document as per **section 61 BSA**.
- **Section 63 BSA** includes **electronic records copied in semiconductor memory in addition to optical or magnetic media** as provided in IEA. It also enlarges the ambit of the provision by covering electronic records **produced by any communication device or otherwise stored, recorded or copied in any electronic form (e.g., DVR, Flash Drive, CD/ DVD, Server, Cloud, etc.)**, and not produced by a computer only, as was the case in IEA. Thus, the scope of devices through which electronic or digital records can be sourced as evidence has been enlarged.
- **Section 63 BSA** outlines the requirements for submitting certificates which have been appended in **“THE SCHEDULE”**. Earlier, a certificate signed by a person in charge of the computer or management of relevant activities was sufficient. As per this provision, in addition to a certificate signed by the person in charge of computer or communication device, another certificate (as provided in the Schedule to BSA) duly signed by an expert must be submitted. The certificate shall contain details such as the kind of device, model, serial number, colour, hash value, etc. The expert’s certificate ensures authenticity of electronic record admitted in evidence. **Who is an expert is not defined** in the section. **Section 79A, IT Act** defines ‘Examiner of electronic evidence’ as an expert. In addition thereto, **section 39 BSA** permits opinion of persons specially skilled in ‘any other field’ which may include electronic evidence as expert evidence.

## Estoppel

- As per **section 122 BSA**, no tenant of immovable property, or person claiming through such tenant, shall, during the continuance of the tenancy **or any time thereafter**, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immovable property. The expression “or any time thereafter” has been added.

## Of Witnesses

- The word “lunacy” has been replaced by “mental illness” under **section 124 BSA**.
- Under **section 138 BSA**, an **accomplice** shall be a competent witness against an accused person and a **conviction is not illegal if it proceeds upon the corroborated** testimony of an accomplice. This removes the inconsistency with illustration (b) in section 114 IEA (presently **section 119 BSA**).

## Privileged communication

- **Section 165 BSA** disallows any court to demand production of any communication between ministers and President of India.

## COMPARATIVE CHART OF BSA VIS-À-VIS IEA WITH COMMENTS

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
1	Short Title, application and commencement	1	Short Title, application and commencement	The Act is made applicable to all Court-martial proceedings. Previously, Courts-martial convened under the Army Act, the Naval Discipline Act or the Indian Navy (Discipline) Act, or the Air Force Act were excluded.
—	—	2	Repeal of Enactments	Deleted
2	Definitions	3	Interpretation Clause	Document u/s 2(1)(d) includes electronic and digital records.
		4	May presume, Shall presume, Conclusive proof	Evidence u/s 2(1)(e) includes statements given electronically.
				All words/ expressions not defined herein has been given the same meaning as defined under the Information Technology Act, 2000, BNSS and BNS. The section is comprehensive and covers all words / expressions in these statutes instead of a few expressions defined in IT Act.
3	Evidence may be given of facts in issue and relevant facts	5	Evidence may be given of facts in issue and relevant facts	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
4	Relevancy of facts forming part of same transaction	6	Relevancy of facts forming part of same transaction	The principle of <i>res gestae</i> is made applicable both to <b>fact in issue and relevant fact</b> instead of fact in issue only.
5	Facts which are the occasion, cause or effect of facts in issue or relevant facts	7	Facts which are the occasion, cause or effect of facts in issue	Minor change
6	Motive, preparation and previous or subsequent conduct	8	Motive, preparation and previous or subsequent conduct	No change
7	Facts necessary to explain or introduce fact in issue or relevant facts	9	Facts necessary to explain or introduce relevant facts	Minor change
8	Things said or done by conspirator in reference to common design	10	Things said or done by conspirator in reference to common design	No change
9	When facts not otherwise relevant become relevant	11	When facts not otherwise relevant become relevant	No change
10	Facts tending to enable Court to determine amount are relevant in suits for damages	12	In suits for damages, facts tending to enable Court to determine amount are relevant	No change
11	Facts relevant when right or custom is in question	13	Facts relevant when right or custom is in question	No change



Addition



Deletion



Alteration

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
12	Facts showing existence of state of mind, or of body or bodily feeling	14	Facts showing existence of state of mind, or of body or bodily feeling	No change
13	Facts bearing on question whether act was accidental or intentional	15	Facts bearing on question whether act was accidental or intentional	No change
14	Existence of course of business when relevant	16	Existence of course of business when relevant	No change
15	Admission defined	17	Admission defined	No change
16	Admission by party to proceeding or his agent	18	Admission by party to proceeding or his agent	No change
17	Admissions by persons whose position must be proved as against party to suit	19	Admissions by persons whose position must be proved as against party to suit	No change
18	Admissions by persons expressly referred to by party to suit	20	Admissions by persons expressly referred to by party to suit	No change
19	Proof of admissions against persons making them, and by or on their behalf	21	Proof of admissions against persons making them, and by or on their behalf	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
20	When oral admissions as to contents of documents are relevant	22  22A	When oral admissions as to contents of documents are relevant  When oral admissions as to contents of electronic records are relevant	Both provisions are clubbed into one provision because definition of document already includes electronic records.
21	Admissions in civil cases when relevant	23	Admissions in civil cases when relevant	The words 'Barrister', 'Pleader', 'Attorney', 'Vakil' have been deleted.
22	Confession caused by inducement, threat or promise, when irrelevant in criminal proceeding	24  28  29	Confession caused by inducement, threat or promise, when irrelevant in criminal proceeding  Confession made after removal of impression caused by inducement, threat or promise, relevant  Confession otherwise relevant not to become irrelevant because of promise of secrecy, etc.	All three provisions have been clubbed. Sections 28 and 29 of IEA are added as Provisos.  'Coercion' has been added as a new ground rendering confession irrelevant.



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
23	Confession to police officer	25	Confession to police officer not to be proved	All three provisions have been clubbed.  Explanation of the term Magistrate deleted.
		26	Confession by accused while in custody of Police not to be proved against him	
		27	How much of information received from accused may be proved	
24	Consideration of proved confession affecting person making it and others jointly under trial for same offence	30	Consideration of proved confession affecting person making it and others jointly under trial for same offence	Explanation added which clarifies in a case where a proclaimed offender is tried in absentia (under section 356 BNSS) jointly with other accused, confession of one accused may be used against others including the proclaimed offender.
25	Admissions not conclusive proof, but may estop	31	Admissions not conclusive proof, but may estop	No change
26	Cases in which statement of relevant fact by person who is dead or cannot be found, etc., is relevant	32	Cases in which statement of relevant fact by person who is dead or cannot be found, etc., is relevant	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
27	Relevancy of certain evidence for proving, in subsequent proceeding, the truth of facts therein stated	33	Relevancy of certain evidence for proving, in subsequent proceeding, the truth of facts therein stated	No change
28	Entries in books of account when relevant	34	Entries in books of account including those maintained in an electronic form when relevant	No change
29	Relevancy of entry in public record or an electronic record made in performance of duty	35	Relevancy of entry in public record or an electronic record made in performance of duty	No change
30	Relevancy of statements in maps, charts and plans	36	Relevancy of statements in maps, charts and plans	No change
31	Relevancy of statement as to fact of public nature, contained in certain Acts or notifications	37	Relevancy of statement as to fact of public nature, contained in certain Acts or notifications	<p>The dated expressions 'Parliament of United Kingdom', 'Provincial Act', 'Crown Representative', 'Dominion', 'London Gazette' have been deleted.</p> <p>Official gazette in digital/electronic form is admissible.</p>
32	Relevancy of statements as to any law contained in law books including electronic or digital form	38	Relevancy of statements as to any law contained in law books	Use of law books in digital / electronic form is admissible.



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
33	What evidence to be given when statement forms part of a conversation, document, electronic record, book or series of letters or papers	39	What evidence to be given when statement forms part of a conversation, document, electronic record, book or series of letters or papers	No change
34	Previous judgments relevant to bar a second suit or trial	40	Previous judgments relevant to bar a second suit or trial	No change
35	Relevancy of certain judgments in probate, etc., jurisdiction	41	Relevancy of certain judgments in probate, etc., jurisdiction	A final judgment, order or decree of <b>Tribunal</b> is relevant. Previously the relevancy was only of final judgment, order or decree of competent court.
36	Relevancy and effect of judgments, orders or decrees, other than those mentioned in section 35	42	Relevancy and effect of judgments, orders or decrees, other than those mentioned in section 41	No change
37	Judgments, etc., other than those mentioned in sections 34, 35 and 36 when relevant	43	Judgments, etc., other than those mentioned in sections 40 to 42, when relevant	No change
38	Fraud or collusion in obtaining judgment, or incompetency of Court, may be proved	44	Fraud or collusion in obtaining judgment, or incompetency of Court, may be proved	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
39(1)	Opinions of experts	45	Opinions of experts	Along with the fields of foreign law, science or art, etc., experts from <b>any other field</b> have been included. Provisions have been clubbed.
39(2)		45A	Opinion of Examiner of Electronic Evidence	
40	Facts bearing upon opinions of experts	46	Facts bearing upon opinions of experts	No change
41(1)	Opinion as to hand-writing and digital signature, when relevant	47	Opinion as to handwriting, when relevant	Provisions have been clubbed.
41(2)		47A	Opinion as to electronic signature when relevant	
42	Opinion as to existence of general custom or right, when relevant	48	Opinion as to existence of general custom or right, when relevant	No change
43	Opinion as to usages, tenets, etc., when relevant	49	Opinion as to usages, tenets, etc., when relevant	No change
44	Opinion on relationship, when relevant	50	Opinion on relationship, when relevant	No change
45	Grounds of opinion, when relevant	51	Grounds of opinion, when relevant	No change
46	In civil cases character to prove conduct imputed, irrelevant	52	In civil cases character to prove conduct imputed, irrelevant	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
47	In criminal cases previous good character relevant	53	In criminal cases previous good character relevant	No change
48	Evidence of character or previous sexual experience not relevant in certain cases	53A	Evidence of character or previous sexual experience not relevant in certain cases	No change
49	Previous bad character not relevant, except in reply	54	Previous bad character not relevant, except in reply	No change
50	Character as affecting damages	55	Character as affecting damages	No change
51	Fact judicially noticeable need not be proved	56	Fact judicially noticeable need not be proved	No change
52	Facts of which Court shall take judicial notice	57	Facts of which Court must take judicial notice	<p>The Court shall take judicial notice of the following facts: [Certain facts have been added, while others have been deleted]</p> <p><b>Addition:</b></p> <ul style="list-style-type: none"> <li>● Laws having extra-territorial operation;</li> <li>● International treaty, agreement or convention with country or countries by India, or decisions made by India at international associations or other bodies;</li> </ul>



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
				<ul style="list-style-type: none"> <li>● The seals of Courts of Admiralty and Maritime Jurisdiction, Notaries Public, and all seals which any person is authorised to use by the Constitution, or by an Act of Parliament or State Legislatures, or Regulations having the force of law in India;</li> </ul> <p><b>Deletion:</b></p> <ul style="list-style-type: none"> <li>● All public Acts passed or hereafter to be passed by Parliament of the United Kingdom, and all local and personal Acts directed by Parliament of the United Kingdom to be judicially noticed;</li> <li>● Articles of War for the Indian Army, Navy or Air Force</li> <li>● The course of proceeding of Parliament of the United Kingdom.</li> <li>● Everything pertaining to English Courts, attorney, pleader, proctor, vakil deleted.</li> </ul>



Addition



Deletion



Alteration

The Bharatiya Sakshya Adhinyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
53	Facts admitted need not be proved	58	Facts admitted need not be proved	No change
54	Proof of facts by oral evidence	59	Proof of facts by oral evidence	No change
55	Oral evidence must be direct	60	Oral evidence must be direct	No change
56	Proof of contents of documents	61	Proof of contents of documents	No change
57	Primary Evidence	62	Primary evidence	<p><b>The ambit of Primary Evidence expanded to include the following :-</b></p> <ul style="list-style-type: none"> <li>• Digital electronic record created or stored simultaneously or sequentially in multiple files, each file is primary evidence.</li> <li>• Electronic record produced from proper custody if not disputed.</li> <li>• Video recording simultaneously stored, broadcasted and transmitted to another device. Each of its stored recording is primary evidence.</li> <li>• Electronic record automatically stored in a multiple storage space in a computer resource. Each automated storage is primary evidence.</li> </ul>



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
58	Secondary Evidence	63	Secondary Evidence	<p>The ambit of Secondary evidence expanded to include the following:</p> <ul style="list-style-type: none"> <li>oral admissions;</li> <li>written admissions, and</li> <li>evidence provided by a person who is skilled in examining certain documents, which being technical or voluminous cannot be conveniently examined.</li> </ul>
59	Proof of documents by primary evidence	64	Proof of documents by primary evidence	No change
60	Cases in which secondary evidence relating to documents may be given	65	Cases in which secondary evidence relating to documents may be given	No change
61	Electronic or digital record	—	—	<p><b>New Provision</b></p> <p>Digital or Electronic records have the same legal effect, validity and enforceability as any other document.</p>
62	Special provisions as to evidence relating to electronic record	65A	Special provisions as to evidence relating to electronic record	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
63	Admissibility of electronic records	65B	Admissibility of electronic records	<ul style="list-style-type: none"> <li>● <b>Electronic records copied in semiconductor memory shall be considered in addition to optical or magnetic media.</b></li> <li>● Electronic records produced by <b>any communication device or otherwise stored, recorded or copied in any electronic form (e.g., DVR, Flash Drive, CD/ DVD, Server, Cloud, etc.), and not produced by a computer only</b>, as was the case in IEA shall be considered.</li> <li>● <b>Computers or communication devices can be: -</b> <ul style="list-style-type: none"> <li>✓ in standalone mode; or</li> <li>✓ on a computer system; or</li> <li>✓ on a computer network; or</li> <li>✓ on a computer resource enabling information creation or providing information processing and storage; or</li> </ul> </li> </ul>



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
THE SCHEDULE	THE SCHEDULE  [Proforma of the two Certificates in Part A and B]			<ul style="list-style-type: none"> <li>✓ through an intermediary</li> <li>• Certificates to be submitted along with electronic record at each instance for admission.</li> <li>• Earlier, a single certificate signed by a person-in-charge of the computer or management of relevant activities was sufficient. As per this provision, in addition to a certificate signed by the person-in-charge of computer or communication device, another certificate as provided in the Schedule to BSA duly signed by an expert must be submitted. The certificate shall contain details such as the kind of device, model, serial number, colour, hash value, etc.</li> <li>• The expert's certificate ensures authenticity of electronic record admitted in evidence. Who is an</li> </ul>



Addition



Deletion



Alteration

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
				<b>expert</b> is not defined in the section. Section 79A, IT Act defines 'Examiner of electronic evidence' as an expert. In addition thereto, section 39 BSA permits opinion of persons specially skilled in 'any other field' which may include electronic evidence as expert evidence.
64	Rules as to notice to produce	66	Rules as to notice to produce	The expression "attorney or pleader" has been deleted.
65	Proof of signature and handwriting of person alleged to have signed or written document produced	67	Proof of signature and handwriting of person alleged to have signed or written document produced	No change
66	Proof as to electronic signature	67A	Proof as to electronic signature	No change
67	Proof of execution of document required by law to be attested	68	Proof of execution of document required by law to be attested	No change
68	Proof where no attesting witness found	69	Proof where no attesting witness found	The expression 'or if the document purports to have been executed in the United Kingdom' deleted.



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
69	Admission of execution by party to attested document	70	Admission of execution by party to attested document	No change
70	Proof when attesting witness denies the execution	71	Proof when attesting witness denies the execution	No change
71	Proof of document not required by law to be attested	72	Proof of document not required by law to be attested	No change
72	Comparison of signature, writing or seal with others admitted or proved	73	Comparison of signature, writing or seal with others admitted or proved	No change
73	Proof as to verification of digital signature	73A	Proof as to verification of digital signature	No change
74	Public and Private Documents	74 75	Public Documents Private Documents	<b>The words 'Commonwealth documents' have been deleted from the definition of public documents.</b>  Documents kept in Union Territories have been added along with States as public documents.
75	Certified copies of public documents	76	Certified copies of public documents	No change
76	Proof of documents by production of certified copies	77	Proof of documents by production of certified copies	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
77	Proof of other official documents	78	Proof of other official documents	<ul style="list-style-type: none"> <li>• Acts, orders, notifications in Union territory administration have been added along with Central Government, State Government, etc as public documents that may be proved.</li> <li>• Proclamations, orders or Regulations issued by the President of India or the Governor of a State or the Administrator or Lieutenant Governor of a Union territory, by copies or extracts contained in the Official Gazette may be proved.</li> <li>• Proclamations, orders or regulations issued by Her Majesty or by the Privy Council, or by any department of Her Majesty's Government, — by copies or extracts contained in the London Gazette, or purporting to be printed by the Queen's Printer; <b>[Deleted]</b></li> <li>• The expression "Crown Representative" has been <b>deleted</b>.</li> </ul>



Addition



Deletion



Alteration

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
78	Presumption as to genuineness of certified copies	79	Presumption as to genuineness of certified copies	No change
79	Presumption as to documents produced as record of evidence, etc.	80	Presumption as to documents produced as record of evidence	No change
80	Presumption as to Gazettes, newspapers, and other documents	81	Presumption as to Gazettes, newspapers, private Acts of Parliament and other documents	<p>The dated expressions 'London Gazette' 'Government Gazette of any colony', 'dependency or possession of the British Crown' or 'copy of a private Act of Parliament of the United Kingdom printed by the Queen's Printer' deleted.</p> <p>Documents to which presumption under this section applies shall be treated to be produced from 'proper custody' if it is proved that such document has a legitimate origin.</p>
81	Presumption as to Gazettes in electro-nic or digital record	81A	Presumption as to Gazettes in electronic forms	Electronic records to which presumption under this section applies shall be treated to be produced from 'proper custody' if it is proved that such electronic record has a legitimate origin.



Addition



Deletion



Alteration

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
—	—	82	Presumption as to document admissible in England without proof of seal or signature	Deleted
82	Presumption as to maps or plans made by authority of Government	83	Presumption as to maps or plans made by authority of Government	No change
83	Presumption as to collections of laws and reports of decisions	84	Presumption as to collections of laws and reports of decisions	No change
84	Presumption as to powers-of-attorney	85	Presumption as to powers-of-attorney	No change
85	Presumption as to electronic agreements	85A	Presumption as to electronic agreements	The words 'or digital signature' have been included along with electronic signature.
86	Presumption as to electronic records and electronic signatures	85B	Presumption as to electronic records and electronic signatures	No change
87	Presumption as to Electronic Signature Certificates	85C	Presumption as to Electronic Signature Certificates	No change
88	Presumption as to certified copies of foreign judicial records	86	Presumption as to certified copies of foreign judicial records	The dated expression 'Her Majesty' deleted.
89	Presumption as to books, maps and charts	87	Presumption as to books, maps and charts	No change



Addition



Deletion



Alteration

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
---	---	88	Presumption as to telegraphic messages	<b>Deleted</b>
90	Presumption as to electronic messages	88A	Presumption as to electronic messages	No change
91	Presumption as to due execution, etc., of documents not produced	89	Presumption as to due execution, etc., of documents not produced	No change
92	Presumption as to documents thirty years old	90	Presumption as to documents thirty years old	Documents to which presumption under this section applies shall be treated to be produced from 'proper custody' if it is proved that such document has a legitimate origin.
93	Presumption as to electronic records five years old	90A	Presumption as to electronic records five years old	Electronic records to which presumption under this section applies shall be treated to be produced from 'proper custody' if it is proved that such electronic record has a legitimate origin.
94	Evidence of terms of contracts, grants and other dispositions of property reduced to form of document	91	Evidence of terms of contracts, grants and other dispositions of property reduced to form of document	No change
95	Exclusion of evidence of oral agreement	92	Exclusion of evidence of oral agreement	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
96	Exclusion of evidence to explain or amend ambiguous document	93	Exclusion of evidence to explain or amend ambiguous document	No change
97	Exclusion of evidence against application of document to existing facts	94	Exclusion of evidence against application of document to existing facts	No change
98	Evidence as to document unmeaning reference to existing facts	95	Evidence as to document unmeaning reference to existing facts	No change
99	Evidence as to application of language which can apply to one only of several persons	96	Evidence as to application of language which can apply to one only of several persons	No change
100	Evidence as to application of language to one of two sets of facts, to neither of which the whole correctly applies	97	Evidence as to application of language to one of two sets of facts, to neither of which the whole correctly applies	No change
101	Evidence as to meaning of illegible characters, etc.	98	Evidence as to meaning of illegible characters, etc.	No change
102	Who may give evidence of agreement varying terms of document	99	Who may give evidence of agreement varying terms of document	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
103	Saving of provisions of Indian Succession Act relating to Wills	100	Saving of provisions of Indian Succession Act relating to Wills	No change
104	Burden of proof	101	Burden of proof	No change
105	On whom burden of proof lies	102	On whom burden of proof lies	No change
106	Burden of proof as to particular fact	103	Burden of proof as to particular fact	No change
107	Burden of proving fact to be proved to make evidence admissible	104	Burden of proving fact to be proved to make evidence admissible	No change
108	Burden of proving that case of accused comes within exceptions	105	Burden of proving that case of accused comes within exceptions	No change
109	Burden of proving fact especially within knowledge	106	Burden of proving fact especially within knowledge	No change
110	Burden of proving death of person known to have been alive within thirty years	107	Burden of proving death of person known to have been alive within thirty years	No change
111	Burden of proving that person is alive who has not been heard of for seven years	108	Burden of proving that person is alive who has not been heard of for seven years	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
112	Burden of proof as to relationship in the cases of partners, landlord and tenant, principal and agent	109	Burden of proof as to relationship in the cases of partners, landlord and tenant, principal and agent	No change
113	Burden of proof as to ownership	110	Burden of proof as to ownership	No change
114	Proof of good faith in transactions where one party is in relation of active confidence	111	Proof of good faith in transactions where one party is in relation of active confidence	No change
115	Presumption as to certain offences	111A	Presumption as to certain offences	No change
116	Birth during marriage, conclusive proof of legitimacy	112	Birth during marriage, conclusive proof of legitimacy	No change
---	---	113	Proof of cession of territory	<b>Deleted</b>
117	Presumption as to abetment of suicide by a married woman	113A	Presumption as to abetment of suicide by a married woman	No change
118	Presumption as to dowry death	113B	Presumption as to dowry death	No change
119	Court may presume existence of certain facts	114	Court may presume existence of certain facts	No change
120	Presumption as to absence of consent in certain prosecution for rape	114A	Presumption as to absence of consent in certain prosecution for rape	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
121	Estoppel	115	Estoppel	No change
122	Estoppel of tenants and of licensee of person in possession	116	Estoppel of tenant; and of licensee of person in possession	No tenant of immovable property, or person claiming through such tenant, shall, during the continuance of the tenancy or any time thereafter, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immovable property. The expression "or any time thereafter" has been added.
123	Estoppel of acceptor of bill of exchange, bailee or licensee	117	Estoppel of acceptor of bill of exchange, bailee or licensee	No change
124	Who may testify	118	Who may testify	The word "lunatic" has been replaced by "person of unsound mind".
125	Witness unable to communicate verbally	119	Witness unable to communicate verbally	No change
126	Competency of husband and wife as witnesses in certain cases	120	Competency of husband and wife as witnesses in certain cases	No change
127	Judges and Magistrates	121	Judges and Magistrates	No change
128	Communications during marriage	122	Communications during marriage	No change
129	Evidence as to affairs of State	123	Evidence as to affairs of State	No change
130	Official communications	124	Official communications	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
131	Information as to commission of offences	125	Information as to commission of offences	No change
132	Professional communications	126 127	Professional communications Section 126 to apply to interpreters, etc.	The words 'Barrister', 'Attorney', 'Pleader', 'Vakil' deleted.
133	Privilege not waived by volunteering evidence	128	Privilege not waived by volunteering evidence	The words 'Barrister', 'Attorney', 'Pleader', 'Vakil' deleted.
134	Confidential communication with legal advisers	129	Confidential communication with legal advisers	No change
135	Production of title-deeds of witness not a party	130	Production of title-deeds of witness not a party	No change
136	Production of documents or electronic records which another person, having possession, would refuse to produce	131	Production of documents or electronic records which another person, having possession, could refuse to produce	No change
137	Witness not excused from answering on ground that answer will criminate	132	Witness not excused from answering on ground that answer will criminate	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
138	Accomplice	133	Accomplice	An <b>accomplice</b> shall be a competent witness against an accused person; and a conviction is not illegal if it proceeds upon the <b>corroborated testimony</b> of an accomplice. This removes the inconsistency with illustration (b) in section 114 IEA (presently section 119 BSA).
139	Number of witnesses	134	Number of witnesses	No change
140	Order of production and examination of witnesses	135	Order of production and examination of witnesses	No change
141	Judge to decide as to admissibility of evidence	136	Judge to decide as to admissibility of evidence	No change
142	Examination of witnesses	137	Examination-in-chief	No change
143	Order of examinations	138	Order of examinations	No change
144	Cross-examination of person called to produce a document	139	Cross-examination of person called to produce a document	No change
145	Witnesses to character	140	Witnesses to character	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
146	Leading questions	141 142 143	Leading questions When they must not be asked When they may be asked.	All the three provisions pertaining to leading questions have been clubbed.
147	Evidence as to matters in writing	144	Evidence as to matters in writing	No change
148	Cross-examination as to previous statements in writing	145	Cross-examination as to previous statements in writing	No change
149	Questions lawful in cross-examination	146	Questions lawful in cross-examination	No change
150	When witness to be compelled to answer	147	When witness to be compelled to answer	No change
151	Court to decide when question shall be asked and when witness compelled to answer	148	Court to decide when question shall be asked and when witness compelled to answer	No change
152	Question not to be asked without reasonable grounds	149	Question not to be asked without reasonable grounds	No change
153	Procedure of Court in case of question being asked without reasonable grounds	150	Procedure of Court in case of question being asked without reasonable grounds	The words 'Barrister', 'Attorney', 'Pleader', 'Vakil' deleted.
154	Indecent and scandalous questions	151	Indecent and scandalous questions	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhiniyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
155	Questions intended to insult or annoy	152	Questions intended to insult or annoy	No change
156	Exclusion of evidence to contradict answers to questions testing veracity	153	Exclusion of evidence to contradict answers to questions testing veracity	No change
157	Question by party to his own witness	154	Question by party to his own witness	No change
158	Impeaching credit of witness	155	Impeaching credit of witness	No change
159	Questions tending to corroborate evidence of relevant fact, admissible	156	Questions tending to corroborate evidence of relevant fact, admissible	No change
160	Former statements of witness may be proved to corroborate later testimony as to same fact	157	Former statements of witness may be proved to corroborate later testimony as to same fact	No change
161	What matters may be proved in connection with proved statement relevant under section 26 or 27	158	What matters may be proved in connection with proved statement relevant under section 32 or 33	No change
162	Refreshing memory	159	Refreshing memory	No change
163	Testimony to facts stated in document mentioned in section 162	160	Testimony to facts stated in document mentioned in section 159	No change



**Addition**



**Deletion**



**Alteration**

The Bharatiya Sakshya Adhinyam, 2023		The Indian Evidence Act, 1872		Comment
Section	Heading	Section	Heading	
165	Production of documents	162	Production of documents	<b>Courts not allowed to demand production of any communication between ministers and President of India.</b>
166	Giving, as evidence, of document called for and produced on notice	163	Giving, as evidence, of document called for and produced on notice	No change
167	Using, as evidence, of document production of which was refused on notice	164	Using, as evidence, of document production of which was refused on notice	No change
168	Judge's power to put questions or order production	165	Judge's power to put questions or order production	No change
----	-----	166	Power of jury or assessors to put questions	<b>Deleted</b>
169	No new trial for improper admission or rejection of evidence	167	No new trial for improper admission or rejection of evidence	No change
170	Repeal and Savings	----	-----	<b>IEA repealed but pending proceedings shall continue under the repealed law.</b>



**Addition**



**Deletion**



**Alteration**



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