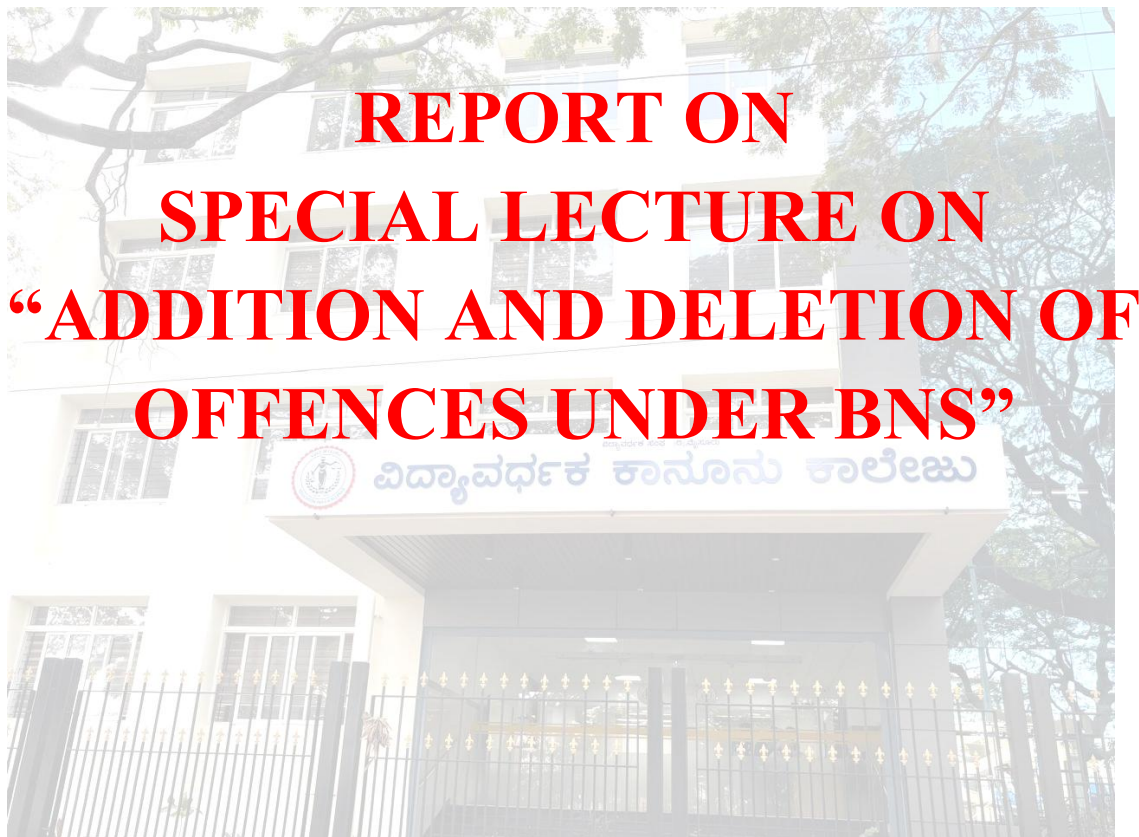




Vidyavardhaka Sangha (R.) Mysuru
VIDYAVARDHAKA LAW COLLEGE
Sheshadri Iyer Road, Mysore – 570001



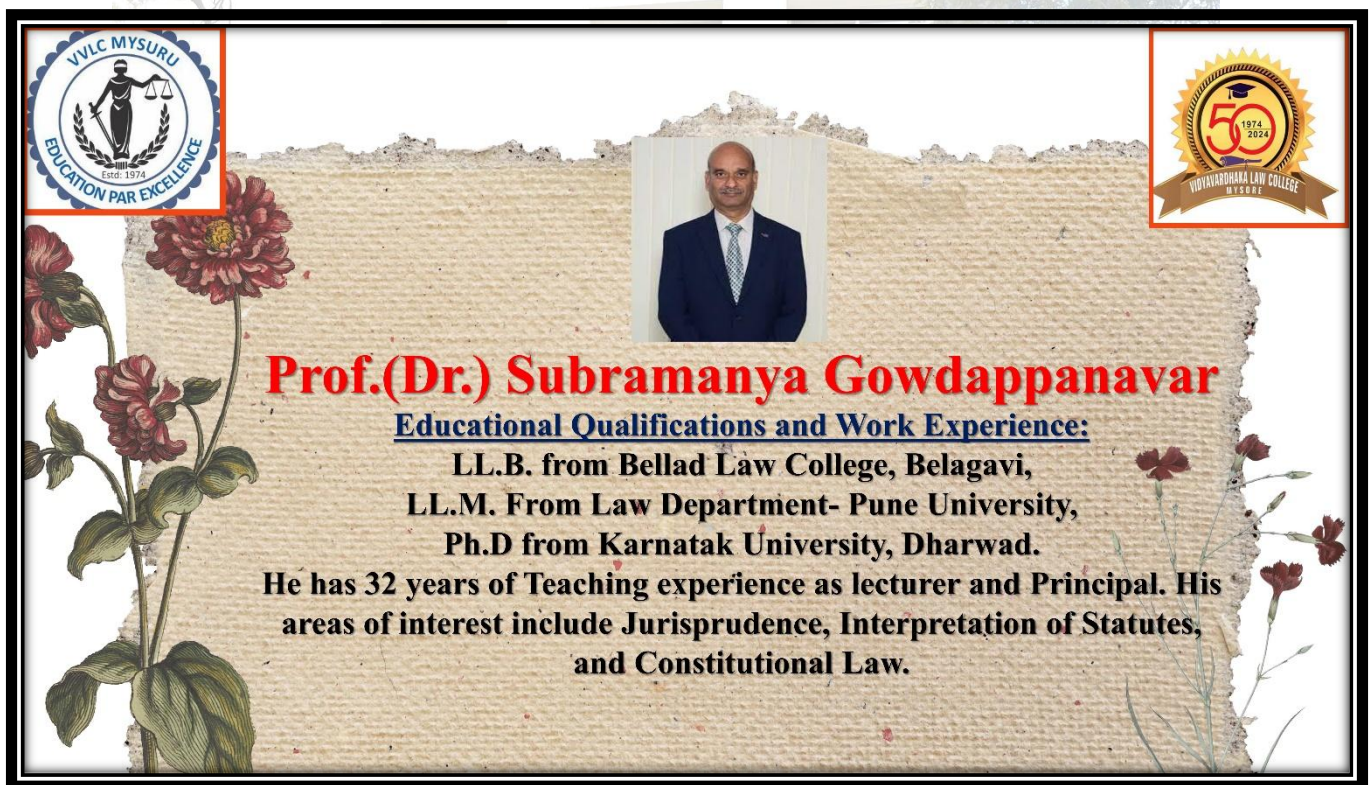
REPORTED BY: Dr. CHANDRASHEKARA K L

Date: 27th MARCH 2025

REPORT OF THE SPECIAL LECTURE ENTITLED

“ADDITION & DELETION OF OFFENCES UNDER BNS, 2023”

Dr. Deepu P., Principal, VVLC, Mysuru gave brief introduction to “**ADDITION & DELETION OF OFFENCES UNDER BNS, 2023**” and welcomed the Chief Guest. The special lecture was formally started with the invocation song, sung by Afrin Taj, First year LL.B. student of VVLC, Mysuru. Dr. K.L. Chandrashekhara, Assistant Professor of Law, the Course Teacher of BNS and Coordinator, Human Rights Committee, VVLC, Mysuru delivered a brief keynote on the importance of “**Addition & Deletion of Offences Under BNS, 2023**”. The important highlights of the special lecture delivered by Prof. (Dr.) Subramanya Gowdappanavar, Professor, K.L.E. Society’s Law College, Bengaluru is given below:



Prof.(Dr.) Subramanya Gowdappanavar
Educational Qualifications and Work Experience:
LL.B. from Bellad Law College, Belagavi,
LL.M. From Law Department- Pune University,
Ph.D from Karnatak University, Dharwad.
He has 32 years of Teaching experience as lecturer and Principal. His
areas of interest include Jurisprudence, Interpretation of Statutes,
and Constitutional Law.

The Bharatiya Nyaya Sanhita, 2023 (“BNS”) was enacted on December 25, 2023, repealing and replacing the Indian Penal Code, 1860 (“IPC”) as the new penal code of the country.

The IPC has now after nearly 150 years been re-enacted with the stated objective of repealing colonial laws and “streamlining provisions relating to offences and penalties”. Amongst others, the BNS aims

to give precedence to offences against women and children and offences against State. It introduces community service as a punishment for petty offences. The BNS also brings about changes to fines and punishments for various offences.

This article provides a broad overview and analyses some of the key changes made to the penal code of the country.



Prof. (Dr.) Subramanya Gowdappanavar, Professor, K.L.E. Society's Law College, Bengaluru delivering special lecture entitled "Addition & Deletion of Offences Under BNS, 2023"

KEY FEATURES OF BNS

Of offences against property

Dishonest misappropriation of property (Section 314)

BNS now provides for a minimum punishment of six months for dishonest misappropriation of property. Further, the offence is now punishable with imprisonment along with fine as opposed to imprisonment or fine or both under IPC. The emphasis on imprisonment has gone up in this context.

Criminal Breach of Trust (Section 316)

Criminal breach of trust as provided under Sections 406 – 409 of IPC have been clubbed in one provision

under Section 316. Further, Criminal Breach of Trust is now punishable with imprisonment which may extend to a term of five years instead of three years under IPC.



Prof. (Dr.) Subramanya Gowdappanavar, Professor, K.L.E. Society's Law College, Bengaluru delivering special lecture entitled "Addition & Deletion of Offences Under BNS, 2023"

Cheating (Section 318)

Similarly, all forms of cheating under IPC in Sections 417, 418 and 420 have been clubbed into a single provision i.e., Section 318 of the BNS. The punishment for cheating has been increased to imprisonment which may extend to three years as opposed to one year under IPC. For offence of “cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect” i.e., a more egregious form of cheating, the punishment has been increased to imprisonment which may extend to five years as against three years under IPC.



Students of VVLC, listening to Special Lecture.

Organised crime

The definition of organised crime under the provision is vague and unclear and uses catch-all phrases, which leaves room for unfettered discretion and arbitrariness on the part of the investigating agencies

to prosecute persons based on these vague and undefined terms. For example, the definition uses terms such as land grabbing, contract killing, cybercrimes etc., which are not defined anywhere in the Sanhita. Additionally, it uses “economic offence”. Economic offence is couched in vague terms using overbroad phrases such as “hawala transaction” and “mass-marketing fraud” which otherwise have not been defined anywhere in the BNS or other statutes, potentially adding to further confusion.

Pertinently, “hawala transactions” as understood are prohibited under the Foreign Exchange Management Act, 1999, however, are not criminal offences under the said Act. Similarly, “mass-marketing fraud” are also covered under Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

Similarly, Section 112 defines petty organised crime. The definition of petty organised crime also uses extremely vague and subjective terms such as “trick theft”, “pick pocketing”, “card skimming”, “unauthorised selling of tickets”, etc. It also makes punishable “any other similar criminal act”. Thus, the ambit of the offence remains patently unclear leaving ample space for discretion of investigating authorities in prosecuting persons.

Introduction of “organised crime” as an offence under a central statute while the same continues to be an offence under separate state statutes may create jurisdictional problems between different agencies. Although, in view of Article 254 of the Constitution, in case of repugnancy, the BNS will prevail.

Causing death by negligence (Section 106)

The offence of causing death by negligence has undergone a significant change under the BNS. The punishment for causing death by rash and negligent act has been increased to imprisonment which may extend to five years and with fine. Earlier such an offence was punishable with two years or with fine or both under IPC.



Students of VVLC, listening to Special Lecture.

Mob Lynching

In view of the increasing cases of mob-lynching and hate crimes in the country, the BNS now specifically provides for punishment of murder in cases of mob-lynching. The provision states that where a group of five or more acting in concert commits murder on grounds of race, caste or community, sex, place of birth, language, personal belief or any other similar ground then each member of such group shall be punished with death or with imprisonment for life, and shall also be liable to fine.

Deletion of offences

The BNS in line with the judgment of the Supreme Court in *Navtej Singh Johar v. Union of India, (2018) 10 SCC 1* has deleted the offence under Section 377 of IPC. This is a welcome decision in line with human dignity.

The offence of attempt to commit suicide, as found under Section 309 of the IPC, has also been omitted in the BNS. This is a progressive omission that views attempt of commit suicide as a mental healthcare crisis, as opposed to a crime.

The Supreme Court in *Joseph Shine v. Union of India*, (2019) 3 SCC 39, had struck down the offence of adultery, noting it to be archaic, arbitrary, and paternalistic. Despite the recommendation of the Parliamentary Standing Committee Report to re-introduce adultery in the penal code, applicable to both men and women, BNS omits adultery as an offence.

Overlap with Unlawful Activities (Prevention) Act, 1967

Offences Relating to Terrorism

A “terrorist act” is a new offence defined under the BNS. It is relevant to note that the offence relating to terrorism has been included under the chapter dealing with offence affecting human body. Traditionally, it has been found in chapter dealing with offence against state.

The offence of committing a terrorist act overlaps with the UAPA which already defines and provides for the offence of terrorist act. The definition of a terrorist act under BNS exactly mirrors the definition of terrorist act under the UAPA. Therefore, it is unclear why the new offence of terrorist act has been provided for in the BNS. This is especially since UAPA is a special statute enacted for providing a more effective mechanism for prevention of inter alia terrorist activities.

Dr. K.L. Chandrashekhara, Coordinator of the program delivered vote of thanks. The programme is concluded by National Anthem.

Dr. K.L. CHANDRASHEKHARA

Assistant Professor

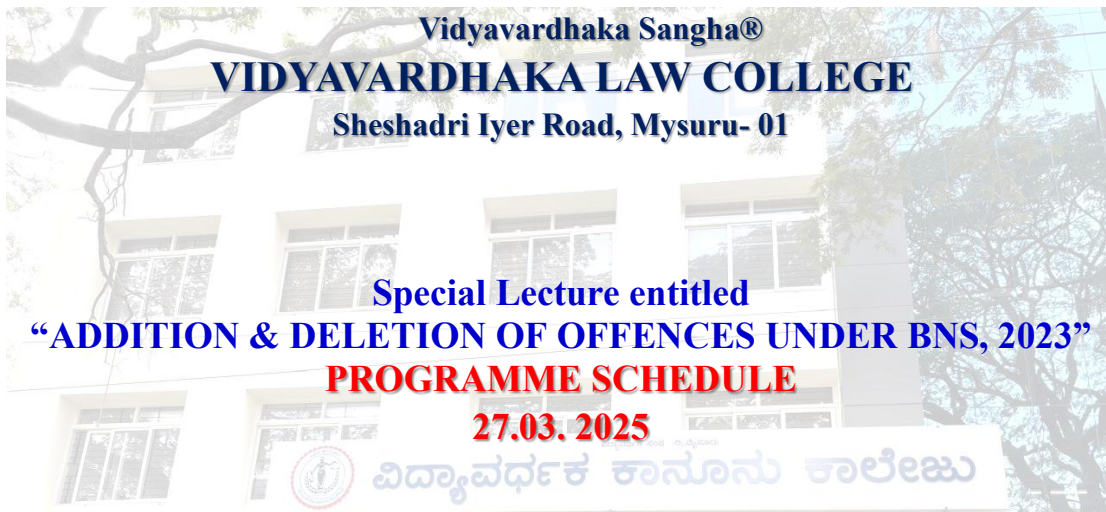
Coordinator

Human Rights Committee

Vidyavardhaka Law College

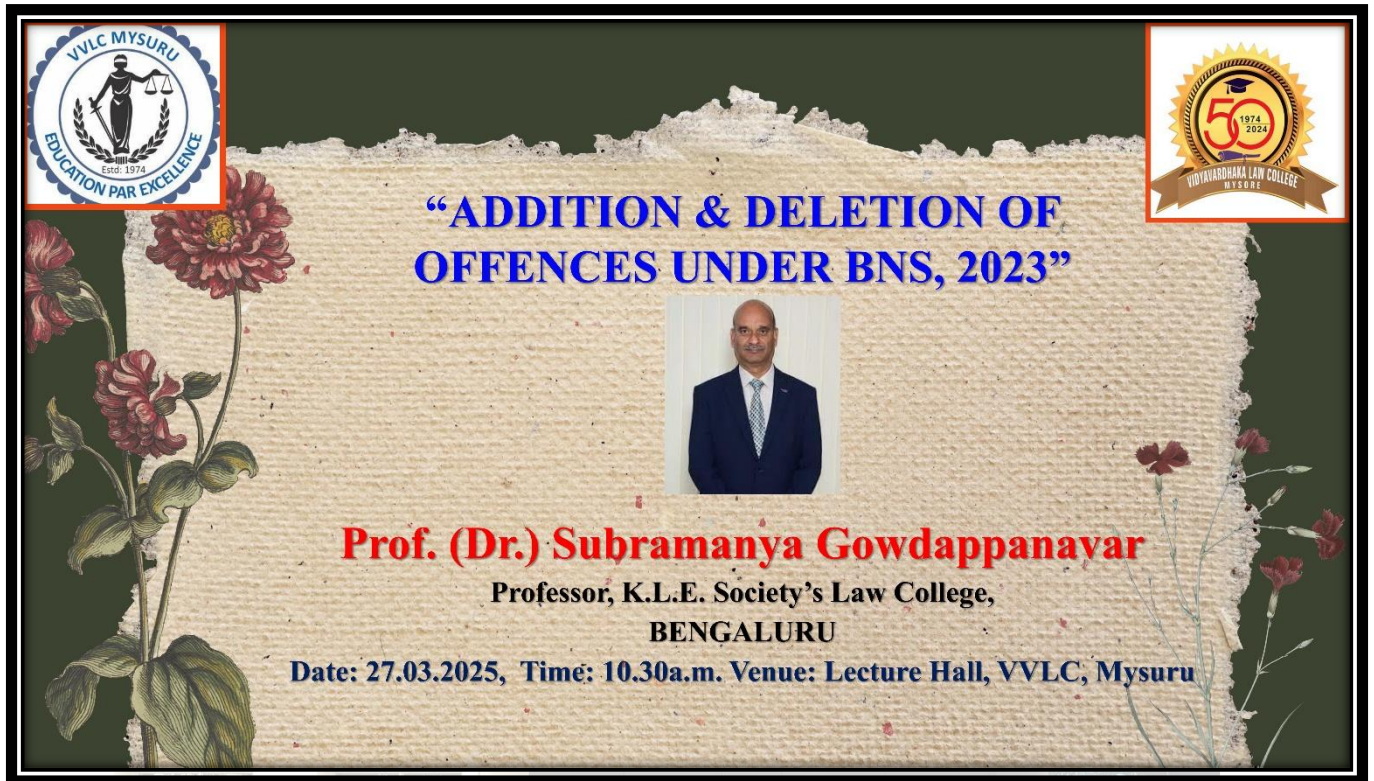
Sheshadri Iyer Road

MYSURU -570001.



Sl. No.	ACTIVITIES	LEAD INSTRUCTOR/PERFORMER
1.	Welcome Speech	Dr. Deepu P., Principal, VVLC, Mysuru
2.	Significance of the Programme	Dr.K.L.Chandrashekhara Programme Coordinator, VVLC, Mysuru
3.	Invocation Song	Afrin Taj, First Year LL.B. Student, VVLC, Mysuru
4.	Special Lecture	Prof. (Dr.) Subramanya Gowdappanavar Professor, K.L.E. Society's Law College, BENGALURU
5.	Vote of Thanks	Dr. K.L. Chandrashekhara Programme Coordinator, VVLC, Mysuru

PROGRAMME INVITE



The invite features a central title in blue serif font: "ADDITION & DELETION OF OFFENCES UNDER BNS, 2023". Below the title is a portrait of Prof. (Dr.) Subramanya Gowdappanavar, a man in a dark suit and tie. The background is a textured, light brown surface with red flowers on the left and right sides. In the top left corner is the VVLC Mysuru logo, which includes a scale of justice and the text "VVLC MYSURU", "EDUCATION PAR EXCELLENCE", and "Est'd: 1974". In the top right corner is a 50th anniversary logo for Vidyavardhana Law College, Mysore, with the text "50", "1974", "2024", and "VIDYAVARDHANA LAW COLLEGE MYSORE". At the bottom, the date, time, and venue are listed in blue serif font.

**“ADDITION & DELETION OF
OFFENCES UNDER BNS, 2023”**

Prof. (Dr.) Subramanya Gowdappanavar
Professor, K.L.E. Society’s Law College,
BENGALURU

Date: 27.03.2025, Time: 10.30a.m. Venue: Lecture Hall, VVLC, Mysuru

