

AS INTRODUCED IN THE RAJYA SABHA
ON THE 13TH MARCH, 2026

Bill No. I of 2026

THE BHARATIYA NYAYA SANHITA (AMENDMENT)
BILL, 2026

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BILL

to amend the Bharatiya Nyaya Sanhita, 2023.

BE it enacted by Parliament in the Seventy-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Bharatiya Nyaya Sanhita (Amendment) Act, 2026.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and
commencement.

Insertion of new section 24A.

Enhanced punishment for specific offences committed under voluntary intoxication.

2. After section 24 of the Bharatiya Nyaya Sanhita, 2023, the following section shall be inserted, namely:—

45 of 2023.

“24A. Whoever commits any offence punishable under sections 100, 101, 103, 104, 105, 109, 110, 111, 113, 117, 118, 119, 120, 121, 124, 140 or 143 of this Sanhita while in a state of voluntary intoxication, shall be punished as follows, namely: 5

(a) where the offence is punishable with death or imprisonment for life, shall also be liable to a fine which shall not be less than five lakh rupees;

(b) where the offence is punishable with imprisonment for life, such imprisonment shall mean imprisonment for the remainder of the natural life of the offender, and the offender shall also be liable to a fine which shall not be less than three lakh rupees; and 10

(c) in all other case, with imprisonment for a term which may extend to one and one-half times the maximum term of imprisonment provided for that offence, and shall also be liable to a fine which may extend to twice the maximum amount of fine provided for that offence. 15

Explanation. – For the removal of doubts, it is hereby declared that the enhanced punishment provided under this section shall be in addition to, and not in derogation of, any other provision of this Sanhita providing for punishment for the specific offence.” 20

STATEMENT OF OBJECTS AND REASONS

Alcohol and drug abuse significantly contributes to criminal activities and violence by lowering inhibitions, impairing judgment and increasing aggression. Crimes like rash driving, domestic violence and abuse of children and the elderly are often linked to substance consumption, with around 40 per cent of violent offenders being under the influence of alcohol at the time of their crime. According to the Ministry of Social Justice and Empowerment's recently released report on the "National Survey on Extent and Pattern of Substance Use in India" (2019), 16 crore people (14.6 per cent.) in India between the age of 10 and 75 years are current users of alcohol, and out of them, 5.2 per cent are alcohol dependents. About 3.1 crore individuals (2.8 per cent) are cannabis users, and 72 lakh (0.66 per cent) people suffer from cannabis problems. It is estimated that about 8.5 lakh people are injecting drugs (PWID - people who inject drugs).

Furthermore, the relationship between the defence of intoxication and the offences where intoxication is an element of the offences must be carefully considered. Many times, far from providing a defence, the intoxication of the accused is an element of the offence. Where intoxication is self-induced or voluntary, in general, it is not an excuse for criminal misconduct. But, where it is, self-induced intoxication as a defence presents certain unique problems for criminal law. At one extreme, there is a stance that no person should be convicted of an offence requiring *mens rea* if the accused didn't have the required intent for the offence. At the other extreme, there lies a stance that posits that where a person lacks the requisite state of mind because of voluntary or self-induced intoxication, that person should gain no benefit. Somewhere between these two extremes lies the stance that even while a person may be acquitted of the principal offence, they should nevertheless be convicted on the basis that the act of becoming intoxicated, in itself, accounts for the crime or fault element of the offence.

With drug menace occurring at the previously mentioned scale in India, cases of heinous crimes committed under the influence of intoxication are sure to rise. Additionally, research shows a strong correlation between alcoholism and rising criminal behavior among Indians. This highlights the need for effective legal interventions. It is crucial for Indian criminal law to achieve the following twin objectives when it comes to heinous crimes committed under the influence of voluntary intoxication - (a) to deter youth and other citizens from consuming intoxicating substances, especially drugs, and (b) to prevent errors of judgment when it comes to the minutiae of the relationship between the defence of intoxication and the heinous offences where intoxication is an element of the offences. These twin objectives can be sought to be achieved by enhancing the quantum and severity of punishments for heinous offences committed under the influence of intoxication which is voluntary or self-induced.

This Bill seeks to effectuate the same through amendments in the Bharatiya Nyaya Sanhita, 2023.

JEBI MATHER HISHAM.

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(Shrimati Jebi Mather Hisham, M.P.)