

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 2960**

TO BE ANSWERED ON THE 26TH MARCH, 2025/ CHITRA 5, 1947 (SAKA)

BHARATIYA NYAYA SANHITA IN PLACE OF INDIAN PENAL CODE

2960 # DR. DINESH SHARMA:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the reasons behind the need to implement Bharatiya Nyaya Sanhita in place of the Indian Penal Code;

(b) whether any special provisions have been made in Bharatiya Nyaya Sanhita for strict action in case of crimes against women; and

(c) if so, the details thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS

(SHRI BANDI SANJAY KUMAR)

(a) The Law Commission of India in its various Reports had recommended section-specific amendments in the criminal laws. Also, Committees like Bezbaruah Committee, Vishwanathan Committee, Malimath Committee, Madhawa Menon Committee, etc. made recommendations for section-specific amendments in the criminal laws and general reforms in criminal justice system.

The Department-related Parliamentary Standing Committee on Home Affairs, in its 111th(2005), 128th(2006) and 146th(2010) Reports, recommended for a comprehensive review of the Criminal Justice System

of the country by introducing a comprehensive legislation in Parliament rather than bringing about piece-meal amendments in respective Acts.

Accordingly, the Ministry of Home Affairs had undertaken the comprehensive review of criminal laws i.e. the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872 with a view to provide accessible and affordable justice to all and create a legal structure which is citizen centric. The above three Acts have been repealed and replaced by three new laws namely, the Bharatiya Nyaya Sanhita (BNS), 2023, the Bharatiya Nagarika Suraksha Sanhita (BNSS), 2023 and the Bharatiya Sakshya Adhinyam (BSA), 2023 respectively.

(b) and (c): In the Bharatiya Nyaya Sanhita (BNS), 2023, for the first time, the provisions relating to crime against woman and child have been given precedence and placed under one Chapter. Strict punishments up to death sentence have been provided for the offences against women. Punishment for gang rape of a woman below the age of 18 years is life imprisonment till remainder of the convict's natural life or death. A new offence for having sexual intercourse on false promise of marriage, employment, promotion or by concealing identity, etc. has also been incorporated in BNS. Main provisions related to protection of woman in the new Criminal Laws are given in Annexure.

Provisions for protection of Women and Children

- i. Offences against woman and child have been given precedence over all other offences in a new Chapter-V of BNS.**

- ii. Various offences against women and children have been made gender-neutral in BNS, covering all victims and perpetrators regardless of gender.**

- iii. In BNS, the age differential for minor victims of gang rape has been done away with. Earlier different punishments were prescribed for gang rape on a girl below the age of 16 years and 12 years. This provision has been modified and now gang rape on a woman below the age of eighteen years is punishable with imprisonment of life or death.**

- iv. Women have been recognized as an adult member of family who can receive summons on behalf of the person summoned. The earlier reference to 'some adult male member' has been replaced with 'some adult member'.**

- v. In order to provide more protection to the victim and enforce transparency in investigation related to an offence of rape, the statement of the victim shall be recorded through audio video means by police.**

- vi. For certain offences against woman, statement of the victim is to be recorded, as far as practicable, by a woman Magistrate and in her absence a male Magistrate in the presence of a woman to ensure sensitivity and fairness, creating a supportive environment for victims.**

- vii. Medical practitioners are mandated to send the medical report of a victim of rape to the investigating officer within 7 days.**

- viii. It is provided that no male person under the age of fifteen years or above the age of 60 years (65 years earlier) or a woman or a mentally or physically disabled person or a person with acute illness shall be required to attend at any place other than the place in which such male person or woman resides. In cases where such a person is willing to attend the police station, they may be allowed to do so.**

- ix. The new laws provide for free first-aid or medical treatment to victims of crimes against women and children at all hospitals. This provision ensures immediate access to essential medical care, prioritizing the well-being and recovery of victims during challenging times.**
