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Criminal Justice System In Indian Society Special Reference With Bharatiya Nyaya Samhita 2024

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Abstract

The principal formal agencies of criminal Justice are police, public prosecutor, Defense Lawyer and Judge. According to the constitution of India, police and the prison administration are the state subjects. But the supreme court of India at the federal level and high courts at the state level administer the judiciary in the entire country. The main objective of the criminal justice system is to secure the innocent and punish the guilty. In every civilized society governed by the rule of law, there is a criminal justice system in place for this system purpose. The new laws Bharatiya Nyaya Samhita 2024, Bharatiya Nagarik Suraksha Sanhita 2023, and Bharatiya Sakshya Adhiniyam 2024 are aimed to modernize the criminal justice system such as Electronic Records, Science and technologies, Forensic Examination, Videography of Crime Scenes and Digital Summons is the main focus of this study.

Key Words: BNS, Human Body Offences, Economic Offences, Property Offences, Women against Offences.

Introduction

The Indian penal code was 160 years old act. It had come into force in 1860. It has been replaced by Bharatiya Nyaya Samhita 2023. It came into force on July 1st 2024. Since 1860, Indians have been all habitual with old acts like IPC, CR.PC and I.E.A the most important change in this new act is community service. The old act has been introduced for minor punishments. Similarly for the modern society more and more digital situations there where people are using Social Media such as Whatsapp, Facebook and YouTube and all recording video calls etc.

Earlier these things were not used as evidence. Now these things can be used as evidence in the new act permits using all digital things as evidence. Similarly the Child related offences, Property Offences, Economic Offences, Human Life Offences and Human Rights Offences. Another major reform in this regard is that in the most of the offences, the minimum punishment has been decided. So that the criminal should not go completely scot free or they should not get away with paying minimum fine. So with these changes then new act is much more lenient however it is much more useful and in the dealing with the

present circumstances. The three new laws have been replaced with old criminal laws. According to Ministry of Home Affairs has set July 1st 2024 as the implementation date for new Criminal laws replacing the existing IPC, Cr.P.C and IEA. These new laws came into force on July 1st 2024.

The main aim and objective to modernize the Indian criminal justice system and include provisions for Electronic Records, Forensic Examination, Videography of Crime Scenes and Digital Summons. It came into effect from July 1st 2024. The old law composed by colonial British rulers. It was inherited from British India.

The main objectives of BNS 2023

1. To bring reforms in the existing criminal justice system.
2. To replacing the IPC 1860, CrPC 1973 and IEA 1872.
3. To allow Electronic Records, Forensic Examination, Videography of Crime Scenes and Digital information and Digital Summons.

Special Reference with Bharatiya Nyaya Samhita 2024

Bharatiya Nyaya Samhita 2023 consists of 20 parts with 385 Sections. This law is for framers, The Ministry of Law Affairs has set July 1st, 2024. The Ministry of Law Affairs gave huge thought to reform the IPC 1860 which law was composed by colonial British rulers. This law was inherited from Britishers. The old IPC 1860 has no provisions relating to the Electronic Records, Forensic Examinations, Videography of Crime Scenes and Digital Summons.

Since 2 decades the Social Media exuberance throughout the world, particularly India is a land of 140 crores population with different religions, languages and castes. Present in India 462.0 Millions has been using social media such as Whatsapp, Facebook, and YouTube. Social media has been increasing day by day throughout the country. Crime rate is also increasing day by day. So the Ministry of Affairs thought that to bring the reforms into the Criminal Justice System. A huge reform is brought into related to the BNS 2023, BNSS 2023 such as Human Life Offences, property offences, and Economic Offences and Human Rights offences.

Human body offences

Culpable Homicide : Sections 100 to 105 define the culpable Homicide and Murder. These five sections implied the Human body offences. These five Sections are cognizable offences and punishment. These sections are trail by court of sessions. Culpable Homicide, whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide. 304 of IPC replaced by section 100 of BNS 2023 Section 105 define the culpable homicide not amounting murder, shall be for a term which Shall not be less than five year but which may extend to ten years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily as is Likely to cause death or with imprisonment of either description for a from a term which may extend to ten years and with fine, if the act done with the Knowledge that it is

likely to cause death, but without any intention or cause death, or to cause such bodily injury as is likely to cause death.

Section 102 culpable homicide by causing death of person other than person whose death was intended. This section replaced by IPC 301. If a person by doing anything which he intends or knows to be likely to person, whose death he neither intends or knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

Section 103 of BNS punishment for murder whoever commits murder shall be punished with death or imprisonment for life and shall also be liable to fine. When a group of five or more persons acting in concert commits murder on the ground of race, caste or community, sex, place of birth, language, personal belief or any other similar ground each member of such group shall be punished with death or with imprisonment for life, and shall also be liable to fine.

Section 104 defines the punishment for murder by life convict. Whoever, being under sentence of imprisonment for life, commits murder, shall be punished with death or with imprisonment for life, which shall mean the remainder of that person's natural life.

Section 105 defines the punishment for culpable homicide not amounting to murder. Punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, if the 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 or with imprisonment of either description for a term which may extend to ten years and with fine, if the act is done with the knowledge that it is likely to causes death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

Section 106 causing death by negligence. This section replaced by IPC 304A of IPC 1860. This cognizable offence. This offence trail by judicial 1st class Magistrate.

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

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

Section 107 of BNS 2023 defined the Abetment suicide of child or person of unsound mind. This section is replaced by section 305 of IPC 1860. This is cognizable offence and Non-bailable offence. This offence is trail by Session's Court. If any child, any person of Unsound mind, any delirious person or any person in a state of intoxication, commits suicide, whoever abets the commission of such suicide shall be punished with death or imprisonment for life, or imprisonment for a term not exceeding ten years, and shall also be liable to fine.

Section 108 define the Abetment suicide this section replaced by 306 of IPC 1860. This offence cognizable and Non- bailable offence. This offence trail by sessions' court.

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

Section 109 defined the Attempt to murder this section replaced by IPC 307, 1860. This offence is cognizable and Non – bailable offence. This offence trail by Session's Court.

(1) Whoever does any act with such intention or Knowledge, and under guilty of Murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, and if hurt is caused to any person by such act, the offender shall be liable. Either to imprisonment for life or to such punishment as is here before mentioned.

(2) When any person offending under sub - section (1) is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death or with imprisonment for life, which shall man the remainder of that person's natural life.

Section 110 defined Attempt to culpable Homicide. This offence replaced by section 308 of IPC, 1860. This offence is cognizable and Non – bailable this offence is trail by Session's Court.

Whoever does any act with such intention or Knowledge and under such circumstances that, if he by that act caused death, he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both, and if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years or with fine, or with both.

Section 111 defined organized crime. This section is newly added to BNSS2023 this offence is not mentioned in IPC 1860. This offence is cognizable and Non- bailable this offence is trail by Court of Session.

(1) Any continuing unlawful activity including Kidnapping, Robbery , Vehicle Theft, Extortion, Landgrabbibg, Contract Killing Economic Offence, Cyber Crimes, Trafficking of Person, Drugs, Weapons or Illicit goods or Services, Human Trafficking for Prostitution or ransom, by any person or a group of persons acting in concert, singly or jointly, either as a member of an organized crime syndicate or on behalf of such syndicate, by use of violence, threat of violence, intimidation, coercion, or by any other Unlawful means to obtain direct or indirect material benefit including a financial benefit, shall constitute organized crime.

(2) Whoever commits organized crime shall if such offence has resulted in the death of any person, be punished with death or imprisonment for life, and shall also be liable to the fine which shall not be less than ten Lakh rupees.

(3) Whoever abets, attempts, conspires or knowingly facilitates the commission of an organized crime or otherwise engages in any act preparatory to an organized crime, shall be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees.

(4) Any person who is a member of an organized crime syndicate shall be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than five Lakh rupees.

(5) Whoever, intentionally, harbours or conceals any person who has committed the offence of an organized crime shall be punished with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees.

(6) Whoever possesses any property derived or obtained from the commission of an organized crime or proceeds of any organized crime or which has been acquired through the organized crime, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than two lakh rupees.

(7) If any person on behalf of a member of an organized crime syndicate is or at any time has been in possession of movable or immovable property which he cannot satisfactorily account for, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for ten years and shall also be liable to fine which shall not be less than one lakh rupees.

Section 112 defined petty organized crime (1) whoever being a member of a group or gang, either singly or jointly commits any act of theft, Snatching, Cheating, and Unauthorized Selling of tickets, Unauthorized Betting or Gambling, Selling of Public Examination Question Papers or any other similar criminal act, is said to commit petty organized crime.

Section 113 defined Terrorist act. Whoever does any act with the intent to threaten or likely to threaten the Unity, Integrity, Sovereignty, Security, or Economic Security of India or with the intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country. Terrorist act means by using bombs, dynamite or other Explosive Substance or Inflammable Substance or Firearms or other Lethal Weapons or Poisonous or Noxious Gases or Other Chemicals or by any other Substance Whether Biological, Radioactive, Nuclear or Other Wise of a Hazardous Nature or by any other means of whatever nature to cause.

Section 114 defined the Hurt. Whoever causes badly pain, disease or indrimity to any person is said to cause hurt.

Section 115 defined the voluntarily casing Hurt. Whoever does any act with the intention of thereby causing hurt to any person? Or with the Knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person is said "Voluntarily" to cause hurt. Sections 116, section 117, Section 118, Section 119 and 120 corresponding the "Hurt".

Economic offences

"Economic offences" includes Criminal Breach of Trust, Forgery, Counterfeiting of Currency Notes, Bank – Notes and Government Stamps section 316 BNS 2 defined the Criminal Breach of Trust. This section refers to the offense of Dishonestly missing property entrusted to an individual, violating the fiduciary relationship created during the transfer of property ownership. Criminal Breach to Trust is now punishable with imprisonment which may extend to a term of five years instead of 3 years Under IPC.

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.

Section 318 of BNS 2024 defined that whoever by deceiving any person, fraudulently or dishonestly induces the person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damages or harm to that person in body, mind, reputation or property, is said to cheat.

(2) Whoever cheats shall be punished with imprisonment of either description for a term which may extend to 3 years, or with fine, or with both.

(3) Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest in the transaction to which the cheating relates, he was bound, either by law, or by a legal contract, to protect, shall be punished with imprisonment of either description for a term which may extend to five years or with fine or with both

(4) whoever cheats and there by dishonesty induces the person deceived to deliver on any property to any person, or to make alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, Shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

Section 320 defined: The Dishonest or Fraudulent removal or concealment of prop- entry to prevent distribution among creditors. Whoever dishonestly or fraudulently removes, conceals, or delivers to only person, or transfers or cause to be transferred to only person without adequate consideration any property, intending thereby to prevent or Knowing it to be likely that he will hereby prevent, the distribution of that property according to law among his creditors or the creditors of any other person, shall be punished with the imprisonment of either description for a term which shall not be less than six months but which may extend to two years, or with fine, or with both.

Section 322 defined the Dishonest or fraudulent execution of deed of transfer containing false statement of consideration. Whoever dishonesty or fraudulently signs, executes or becomes a portly to any deed or instrument which reports to transfer or subject to any statement relating to the consideration for such transfer or charge, or relating to the person or persons for whose use benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to three-year or with fine, or with both. This section also implied non- cognizable offence, Bailable and trial by any Magistrate.

Section 323 defined : Dishonest or fraudulent removal or concealment of property whoever dishonestly or fraudulently conceals or removes any property of himself or any other, or dishonestly or fraudulently assists in the concealment or removal thereof, or dishonestly releases any demand or claim to which he is entitled, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine or with both. This offence also non – cognizable, Bailable and Trail by any Magistrate.

Section 324 defined : defined the Mischief whoever with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or

any such change in any property or in the situation thereof as destroys or diminishes its value or utility or affects in Injuriously commits mischief. This offence Non-Cognizable, Bailable and Trial by any Magistrate Court. This offence shall be punished with imprisonment of either description for a term which may extend to five years or with fine, or with both.

Section 329 define the criminal trespass and house trespass and section 330 House – trespass and house breaking also implied the economic crimes both are cognizable offence, Bailable and trial by Magistrate. Forgery section 336 defined the Forgery this offence is cognizable, non – bailable and trial by the 1st class Magistrate.

“Whoever commits forgery, intending that the document or electronic record forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be also be liable to fine.

Section 342 : Counterfeiting device or mark used for authenticating documents described in section 338, or possessing counterfeit marked material. This offence Non-cognizable, Bailable and Trial by 1st class Magistrate. 475 of IPC was corresponding this section. Section 343, 344, 345, 346, 347, 348, 349 corresponding the section 342 of BNS 2023.

Property Offences

The BNS 2023 consists property offences such as Theft, Extortion, Robbery, Deceit, Dishonest Misappropriation of Property, Dishonest Misappropriation of property possessed by deceased person at the time of his death. Criminal Branch of trust, Stolen Property, Cheating and Mischief.

Theft : Section 303(1) define the theft whoever, intending to take dishonestly and movable property out of the possession of any person without that person's consent, moves that property in order to taking, is said to commit theft.

This offence is bailable and trial by Magistrate. This section is corresponding provision 378&379 of IPC. This offence is cognizable offence.

Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine or with both.

Snatching : Section 304 define the snatching of in order to commit theft, the offender suddenly or quickly or forcibly seizes or secures or grabs or takes away from any person or from his possession any movable property. This offence trial by Magistrate and bailable offence. Section 303(1) 304(1), 305, 306, 307, 308 are theft offence in BNS 2023.

Extortion : Section 308 of BNS 2023 defined the extortion that “whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces person any property, or

valuable security or anything signed or sealed which may be converted into a valuable security, commits extortion.

This offence is tried by Magistrate and is a bailable offence. Whoever is committing an offence of extortion shall be punished with imprisonment of either description for a term which may extend to 7 years, and shall also be liable to fine. Corresponding provision, section 385, 386, 387, 388 and 389 of IPC, 1860.

Robbery : Section 309 of BNS 2023 defines robbery in all robbery there is either theft or extortion. Sections 390, 392, 393, and 394 of IPC corresponding provision. This is a non-bailable offence.

This offence is tried by Magistrate whoever committing robbery shall be punished with imprisonment for life or with rigorous imprisonment for a term which may extend to ten years and shall also be liable to fine.

Decoity : Section 310 of BNS 2023 defines the Decoity that when five or more persons conjointly commit or attempt to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or adding, is said to commit decoity. Sections 311, 312, 313, BNS 2023 implied the Decoity related offences. As well as section 391, 395, 396, 398, 399, 402, 400, 401 of IPC 1860 corresponding provisions.

This offence is a non-bailable offence and is tried by Court of Session, whoever commits decoity shall be punished with imprisonment for life or with rigorous imprisonment for a term which may extend to ten years.

Dishonest misappropriation of property : Section 314 of BNS 2024 defines whoever dishonestly misappropriates or converts to his own use any movable property, shall be punished with imprisonment of either description for a term which shall not be less than six months but which may extend two years and with fine.

Section 315 also explained that Dishonest Misappropriation of Property Possessed by deceased person at the time of his death.

Section 404 of IPC corresponding provision this offence is tried by Magistrate.

Criminal Breach of Trust

Section 316 of BNS defines criminal breach of Trust. Whoever, being in any manner entrusted with property or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of Law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or Willfully Suffers any other person so to do commits criminal breach of Trust who commits this offence shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to

fine. Section 409 of IPC 1860 is the corresponding provision. This offence is trail by Magistrate and bailable offence.

Stolen Property : Section 317 of BNS 2023 defined the section property. Property the possession where of has been transferred by theft or extortion or robbery or cheating, and property which has been criminal breach of trust has been committed, is designated as stolen property, whether the transfer has been made or the misappropriation or breach of Trust has been committed, within or without India, but if such property subsequently comes into the possession of a person legally entitled to the possession thereof it then ceases to be stolen property. Whoever commits stolen property shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both. This offence is trailed by Magistrate and bailable offence.

Sections 410, 411, 412, 413 and 414 of IPC 1860 is corresponding provision.

Cheating : Section 318 of BNS 2023 defines the cheating whoever by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to constant that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission cause or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to chat sections 319, 320, 321, 322, 323, and 324 of BNS 2023 deal with the cheating. This offence is trail by Magistrate and bailable section. Whoever commits cheating shall be punished with imprisonment of either description for a term which may extend to sever years, and shall also be liable to fine.

Sections 415, 417, 418, 420 of IPC are corresponding provision.

WOMAN AGAINST OFFENCES

The meaning of “exploitation” shall include any act of physical exploitation or any form of sexual Exploitation, Slavery, or practices Similar to Slavery, Servitude, Begerry or forced removal organs. The concesent of the victim is immaterial in determination of the offence of trafficking.

Whoever commits the offence of trafficking shall be punished with regorious imprisonment for a term which shall not be less the 7 years, but which may extend to 10 years, and shall also be liable to fine.

The corresponding provision section 370 of IPC, 1860. This is cognizable offence and Trailed be sessions court. A cognizable offence is defined in section 2(g) of the BNSS as an offence where a police can arrest without warrant.

Section 74 of BNS 2024 defined that Assault or of criminal force to woman with intent to outrage her modesty. Whoever assaults or uses criminal force to any woman, Intending to shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extent to five years. And shall also be liable to fine.

Correspondence provision section 354 of IPC this offence is shall be trail by any Magistrate. This offence is cognizable. The police have authority to arrest the accused without warrant.

Section 76 of BNS 2024 defined that whoever assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine.

Correspondence provision for section 354B of IPC. This offence is trail by session's court. This offence is cognizable. The police have authority to arrest the accused without a warrant. Section 375 defined that the sexual harassment.

A man committing any of the of the following acts:

1. Physically contact and advance is involving unwelcome and explicit sexual overtures or
2. A demand or request for sexual favors or
3. Showing pornography against the will of woman or
4. Making sexually colored remarks, shall be guilty of the offence of sexual harassment.

Correspondence section 354 A of IPC. This offence is cognizable and non-bailable, particularly empowering of Magistrate is to direct a warrant to any person. Any man commits this offence shall be punished with imprisonment of either description for a term which may extend to one year, or with fine or with both.

Section 78 of BNS 2024 defined "stalking". Any man who follows:

1. Follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman or
2. Monitors the use by a woman of the internet, email or any other form of electronic communication commits the offence of stalking.

Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine: and be punished on a second or subsequent conviction, with imprisonment either description for a term which may extend to five years, and shall also be liable to fine.

Correspondence section 354D of IPC. This offence Trail by any Magistrate. This offence is a cognizable offence. The police authority can arrest and take the action based on a complaint filed by victim. This offence is bailable, but non-bailable for repeat offenses.

Section 77 of BNS 2024 defined that "Voyeurism". For the purposes of this section "Private Act" includes on act of watching carried out in a place which, in the circumstances, would reasonably expected to provide privacy and where the victims genitals, posterior or breasts are exposed or covered only in Under wear; or the victim is using a lavatory; or the victim is doing a sexual act that is not of a kind ordinarily done in public.

Correspondence section of IPC 354C. this offence is trailed by any Magistrate. This offence is a cognizable offence. This police can arrest offender without warrant. One year imprisonment and up to 3 years, along with a fine. For second or subsequent offenses, the punishment increase to 3 years to 7 years. Section 79 defines that "Word, gesture or act intended to insult modesty of a woman".

Whoever intending to insult the modesty of any woman, utters any words, makes any sound or gesture, or exhibits any object in any form, intending that such word or sound shall be hears, or that gesture or object

shall be seen, by such women or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to three years, and also with fine.

Correspondence provision section 509 IPC. This offence is trail by any Magistrate court. This offence is bailable offence and cognizable offence.

Section 99 of BNS 2024 defined that “Buying Child for purposes of prostitution”, etc. whoever buys, hires or otherwise obtains possession of any child with of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such child will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for term which shall not be less than 7 years but which may extend to 14 years, and shall also be liable to fine.

Correspondence section is 373 of IPC. This offence is trail by any magistrate court. This offence is cognizable offence.

Section 93 of BNS 2024 defined that “Exposure and abandonment of child under twelve years of age, by parent or person having care of it. Corresponding section 317 of IPC. This offence is trail by any magistrate court.

Section 95 of BNS 2024 defining that Hiring, Employing or engaging a child to commit an offence. Particularly, Hiring, Employing, Engaging or using a child for sexual exploitation or pornography is covered within the meaning of this section.

Section 97 of BNS 2024 defined that “Kidnapping or abducting child under 10 years of age with intent to steal from its person. Correspondence section is 369 of IPC. This is offence is trail by sessions court. This offence is not bailable offence.

Section 96 of defined that “Procreation of child. Correspondence section of IPC 366A and trail by session judge. This offence is not bailable.

Section 92 defined that “Causing death of quick unborn child by act amounting to culpable homicide. Corresponding section of IPC is 316. This offence is trail by any magistrate court, shall be punish with imprisonment of either description for a term which may extend to 10 years, and shall be liable to fine.

CONCLUSION

In order to ensure that reformatory measures are sufficient, fair, and prepared for the future, criminal laws must adapt and keep pace with the evolving times. The recently approved legislations by the Parliament in India serve as a clear indication of a transformative shift within the justice system, ultimately strengthening public trust and confidence in the judiciary.

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