

THE BHARATIYA NYAYA SANHITA

(KERALA AMENDMENT)

BILL, 2025

An Act to amend the Bharatiya Nyaya Sanhita, 2023 in its application to the State of Kerala .

Preamble.- WHEREAS , it is expediant to amend the Bharatiya Nyaya Sanhita, 2023, in its application to the State of Kerala for the purposes hereinafter appearing;

BE, it enacted in the Seventy sixth Year of the Republic of India as follows:-

1. **Short title, extent and commencement.-** (1) This Act may be called the Bharatiya Nyaya Sanhita (Kerala Amendment) Act, 2025.

(2) It extends to the whole of the State of Kerala.

(3) It shall come in to force at once.

2. **Amendment of section 111.-** In section 111 of the Bharatiya Nyaya Sanhita, 2023 (Central Act, 45 Of 2023) (hereinafter referred to as the principal Act), in the Explanation to sub-section (1), after clause (iii),

the following clauses shall be inserted ,namely:-

“(iv) “land grabbing” means every activity of a person to occupy or attempt to occupy with or without the use of force , threat, intimidation and deceit, any land belonging to the Government , Local Self Government Institutions, Public Sector Undertakings, Religious or Charitable Institutions or any other persons , over which he has no ownership , title or physical possession, without any lawful entitlement and with a view to, illegally taking possession of such land or creating illegal tenancies, lease or licence agreements or transfer or sale or by

constructing unauthorized structures thereon for sale or hire or use or occupation of such unauthorized structures.”.

(v) “cyber-crimes” means any unlawful activity committed with the aid of computers, communication devices, digital system, network or internet as a tool or target.”.

3. Amendment of section 122.- In section 122 of the principal Act, in sub-section (1), after the words “or with both”, the words “or with community service” shall be inserted.
4. Amendment of section 125.- In section 125 of the principal Act, in clause (a), after the words “or with both”, the words “or with community service” shall be inserted.
5. Amendment of section 126.- In section 126 of the principal Act, in sub-section (2), after the words “or with both”, the words “or with community service” shall be inserted.
6. Amendment of section 131.- In section 131 of the principal Act, after the words “or with both”, the words “or with community service” shall be inserted.
7. Amendment of section 136.- In section 136 of the principal Act, after the words “or with both”, the words “or with community service” shall be inserted.
8. Amendment of section 168.- In section 168 of the principal Act, after the words “or with both”, the words “or with community service” shall be inserted.
9. Amendment of section 175.- In section 175 of the principal Act, in sub-section (1), after the words “with fine”, the words “or with community service” shall be inserted.

10. **Amendment of section 176.-** In section 176 of the principal Act, after the words “with fine which may extend to ten thousand rupees”, the words “or with community service” shall be inserted.
11. **Amendment of section 177.-** In section 177 of the principal Act, after the words “with fine which may extend to five thousand rupees”, the words “or with community service” shall be inserted.
12. **Amendment of section 193.-** In section 193 of the principal Act,-
 - (1) in sub-section (1), after the words “with fine not exceeding one thousand rupees”, the words “or with community service” shall be inserted;
 - (2) in sub-section (2), after the words “with fine”, the words “or with community service” shall be inserted;
 - (3) in sub-section (3), after the words “with fine”, the words “or with community service” shall be inserted.
13. **Amendment of section 194.-** In section 194 of the principal Act, in sub-section (2), after the words “or with both”, the words “or with community service” shall be inserted.
14. **Amendment of section 205.-** In section 205 of the principal Act, after the words “or with both”, the words “or with community service” shall be inserted.
15. **Amendment of section 267.-** In section 267 of the principal Act, after the words “or with both”, the words “or with community service” shall be inserted.
16. **Amendment of section 271.-** In section 271 of the principal Act, after the words “or with both”, the words “or with community service” shall be inserted.

17. Amendment of section 273.- In section 273 of the principal Act, after the words “or with both”, the words “or with community service” shall be inserted.
18. Amendment of section 274.- In section 274 of the principal Act, for the words “or with fine which may extend to five thousand rupees, or with both”, the words “ and shall also be liable to fine or with community service” shall be substituted.
19. Amendment of section 275.- In section 275 of the principal Act, for the words “or with fine which may extend to five thousand rupees, or with both”, the words “ and shall also be liable to fine or with community service” shall be substituted.
20. Amendment of section 277.- In section 277 of the principal Act, for the words “or with fine which may extend to five thousand rupees, or with both”, the words “ and shall also be liable to fine or with community service” shall be substituted.
21. Amendment of section 278.- In section 278 of the principal Act, for the words “or with fine which may extend to five thousand rupees, or with both”, the words “ and shall also be liable to fine or with community service” shall be substituted.
22. Amendment of section 279.- In section 279 of the principal Act, for the words “or with fine which may extend to five thousand rupees, or with both”, the words “ and shall also be liable to fine or with community service” shall be substituted.
23. Amendment of section 280.- In section 280 of the principal Act, for the words “ with fine which may extend to one thousand rupees”, the words “with fine or with community service” shall be substituted
23. Amendment of section 281.- In section 281 of the principal Act, for the words “or with fine which may extend to one thousand rupees, or with

both”, the words “ and shall also be liable to fine or with community service” shall be substituted.

24. Amendment of section 285.- In section 285 of the principal Act, after the words “with fine which may extend to five thousand rupees”, the words “or with community service” shall be inserted.
25. Amendment of section 287.- In section 287 of the principal Act, after the words “or with both”, the words “or with community service” shall be inserted.
26. Amendment of section 288.- In section 288 of the principal Act, after the words “or with both”, the words “or with community service” shall be inserted.
27. Amendment of section 289.- In section 289 of the principal Act, after the words “or with both”, the words “or with community service” shall be inserted.
28. Amendment of section 290.- In section 290 of the principal Act, after the words “or with both”, the words “or with community service” shall be inserted.
29. Amendment of section 291.- In section 291 of the principal Act, after the words “or with both”, the words “or with community service” shall be inserted.
30. Amendment of section 292.- In section 292 of the principal Act, for the words “with fine which may extend to one thousand rupees”, the words “with fine or with community service” shall be substituted.
31. Amendment of section 293.- In section 293 of the principal Act, after the words “or with both”, the words “or with community service” shall be inserted
32. Amendment of section 297.- In section 297 of the principal Act,-

(1) in sub-section (1), after the words “ or with both”, the words “or with community service” shall be inserted;

(2) in sub-section (2), after the words “with fine which may extend to five thousand rupees”, the words “or with community service” shall be inserted.

33. Amendment of section 329.- In section 329 of the principal Act,-

(1) in sub-section (3), after the words “ or with both”, the words “or with community service” shall be inserted;

(2) in sub-section (4), after the words “ or with both”, the words “or with community service” shall be inserted.

34. Amendment of section 357.- In section 357 of the principal Act, after the words “or with both”, the words “or with community service” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Bharatiya Nyaya Sanhita, 2023 was enacted by the Parliament by repealing the Indian Penal Code to streamline provisions relating to offences and punishments.

Community Service has been introduced for the first time as one of the punishment for minor offences vide Section 4 of this Sanhita. But the same has been specifically provided only for Six minor Offences like non appearance in the case of proclamation, attempt to commit suicide to compel or restraint the exercise of lawful power public servant, misconduct in public by a drunken person, defamation etc. Such an introduction of a new mode of punishment aimed at achieving social Justice as well as a beneficial message to the society is no doubt a welcome initiative.

It is better to extend the punishment of Community Service to more offences having punishment of simple imprisonment for a period not exceeding one year or fine or with both. Therefore Amendments are made to include Community Service also as a punishment in Sections 122,125,126,131,136,168,175 to 177,193,194,205,267,271,273-275,277,278 to 281,285,287 to 293,297,329 and 357. Since the fine amount provided in the offences relating to Sections 274,275,277,278 and 292 is too meager, it is also decided to reasonably enhance the fine amount. Hence, amendments are made vide clause 3 to 34 of the Bill.

Since there is no specific definition to the words “Land Grabbing and Cyber Crimes” in section 111 of Bharatiya Nyaya Sanhita, both the words are proposed to be defined in the explanation to sub-section (1) of Section 111 as clause 2 of the Bill.

Government have considered the amendments proposed by the Kerala Law Reforms Commission in this regard in detail and decided to amend Bharatiya Nyaya Sanhita, 2023 in its application to the State of Kerala .

The Bill seeks to achieve the above object.