

Bharatiya Nyaya Sanhita (BNS), 2023,

**Topic:
Offences Against Women and Children under
BNS, 2023**

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Course: BALLB
Semester: 4th**



Synopsis

1.Introduction

2.objective

3.Historical evolution of law

Constitutional safeguard (article 14,15 & 21)

**4.Offence against women under Bhartiya nyaya
sanhita, 2023**

5.Case study

**6 Offence against children under Bhartiya nyaya
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7.Case

**8.Role of special laws in protection of women and
child**

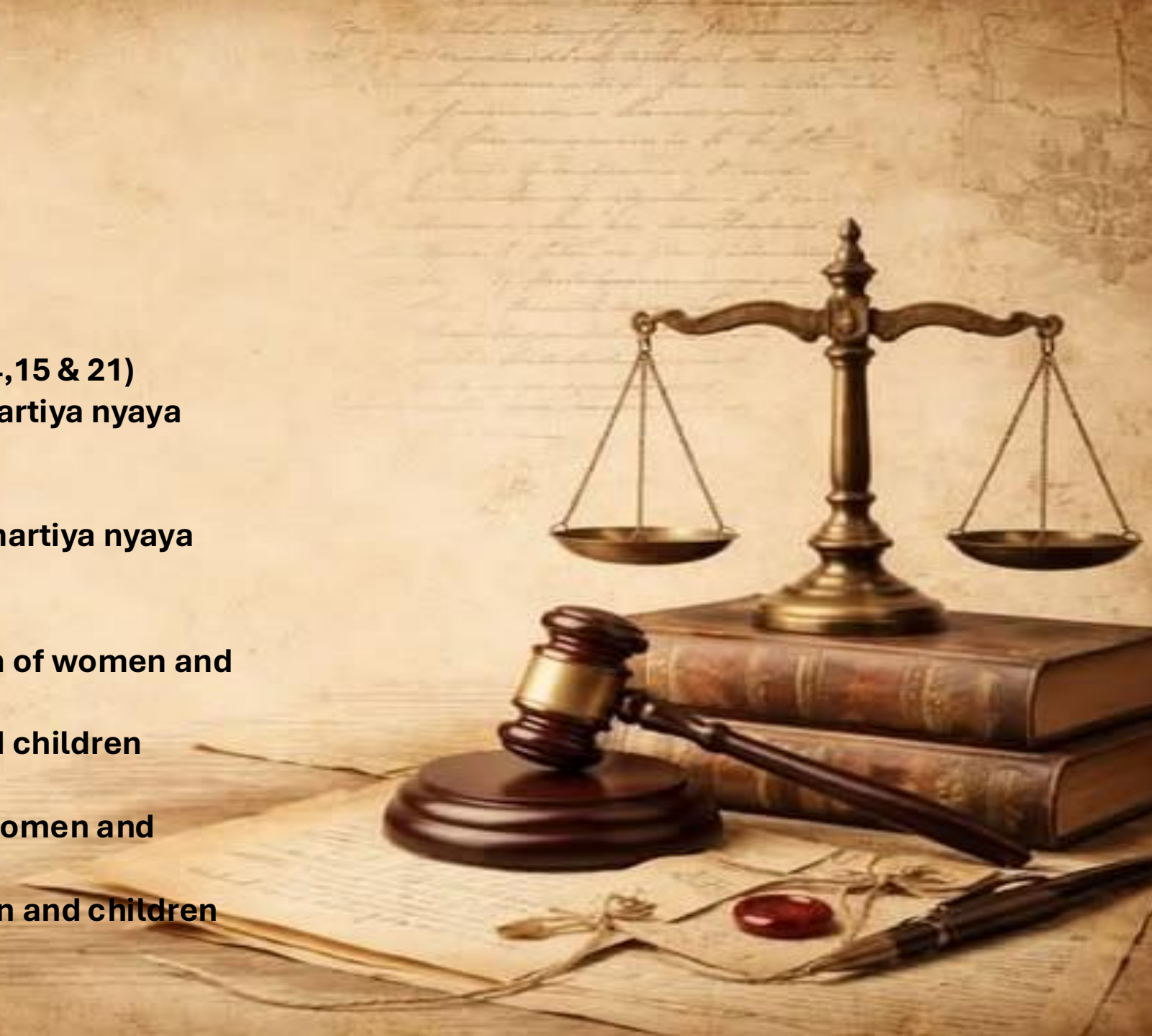
9.Cyber crimes against women and children

10. Cooperative ratio chart

**11. Challenges in offence against women and
children**

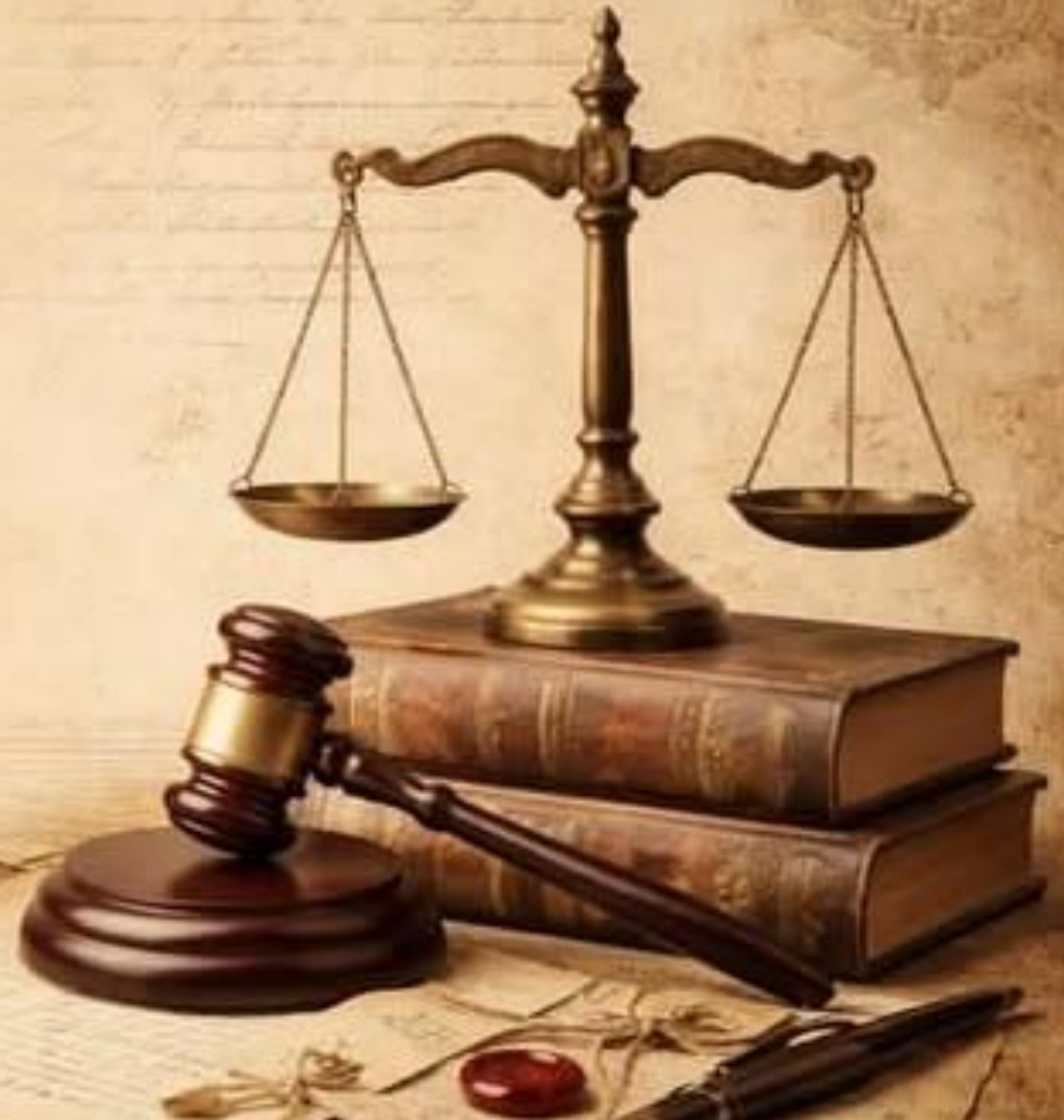
12. Issues in offence against women and children

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Introduction

- ◆ **The Bharatiya Nyaya Sanhita, 2023 is the new criminal law replacing the Indian Penal Code, 1860.**
- ◆ **It provides protection to women and children as vulnerable sections of society.**
- ◆ **These offences include sexual crimes, trafficking, abuse, and exploitation.**
- ◆ **Such crimes violate human dignity and fundamental rights.**
- ◆ **The law ensures stricter punishment and victim protection.**
- ◆ **It aims to create a safe and just society.**



Objectives

- ◆ To analyze provisions of the Bharatiya Nyaya Sanhita, 2023 on offences against women and children.
- ◆ To understand types of crimes like sexual offences, trafficking, and abuse.
- ◆ To examine changes from the Indian Penal Code, 1860 to BNS, 2023.
- ◆ To evaluate effectiveness in ensuring safety and justice.
- ◆ To study the victim-centric approach.
- ◆ To analyze the role of strict punishments.
- ◆ To understand coordination with the Protection of Children from Sexual Offences Act, 2012.
- ◆ To identify implementation challenges.
- ◆ To suggest measures for protection and awareness.
- ◆ To promote a safe and just society.



Historical Evolution Of Law

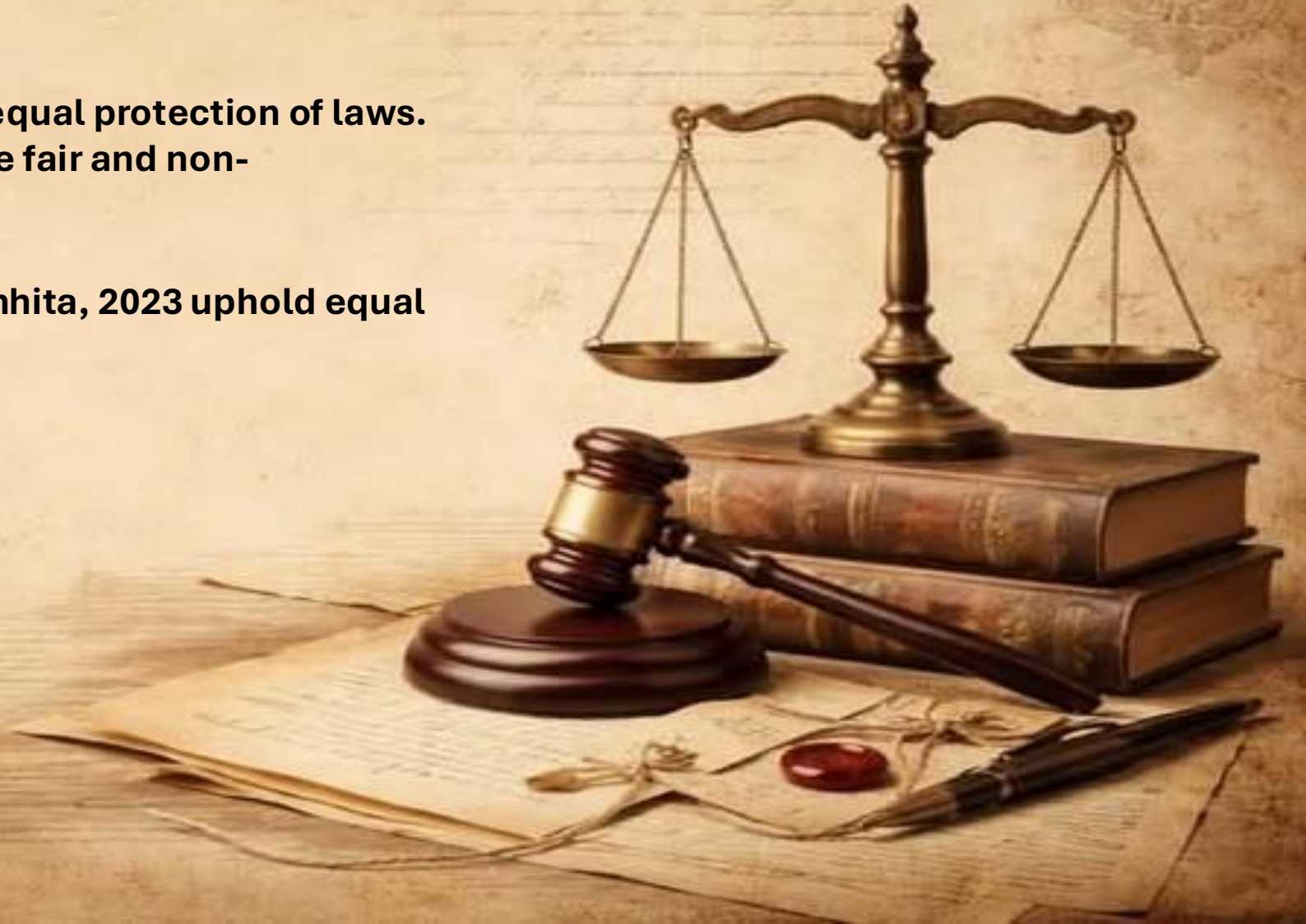
- ◆ **Early Criminal Law Governed By The Indian Penal Code, 1860.**
- ◆ **IPC Provisions Became Outdated With Changing Social Conditions.**
- ◆ **Rise In Crimes Against Women And Children Demanded Legal Reforms.**
- ◆ **Influence Of Judicial Pronouncements And Social Movements.**
- ◆ **Introduction Of Stricter Laws Like Protection Of Children From Sexual Offences Act, 2012.**
- ◆ **Need For Modern, Victim-Centric Criminal Law.**
- ◆ **Enactment Of The Bharatiya Nyaya Sanhita, 2023 Replacing IPC.**
- ◆ **Focus Shifted To Gender Justice And Child Protection.**



Constitutional Safeguards (Articles 14, 15 & 21) in Context of Offences Against Women & Children

1. Article 14 – Right to Equality

- ◆ Ensures equality before law and equal protection of laws.
- ◆ Women and children must receive fair and non-discriminatory justice.
- ◆ Laws like the Bharatiya Nyaya Sanhita, 2023 uphold equal protection against offences.

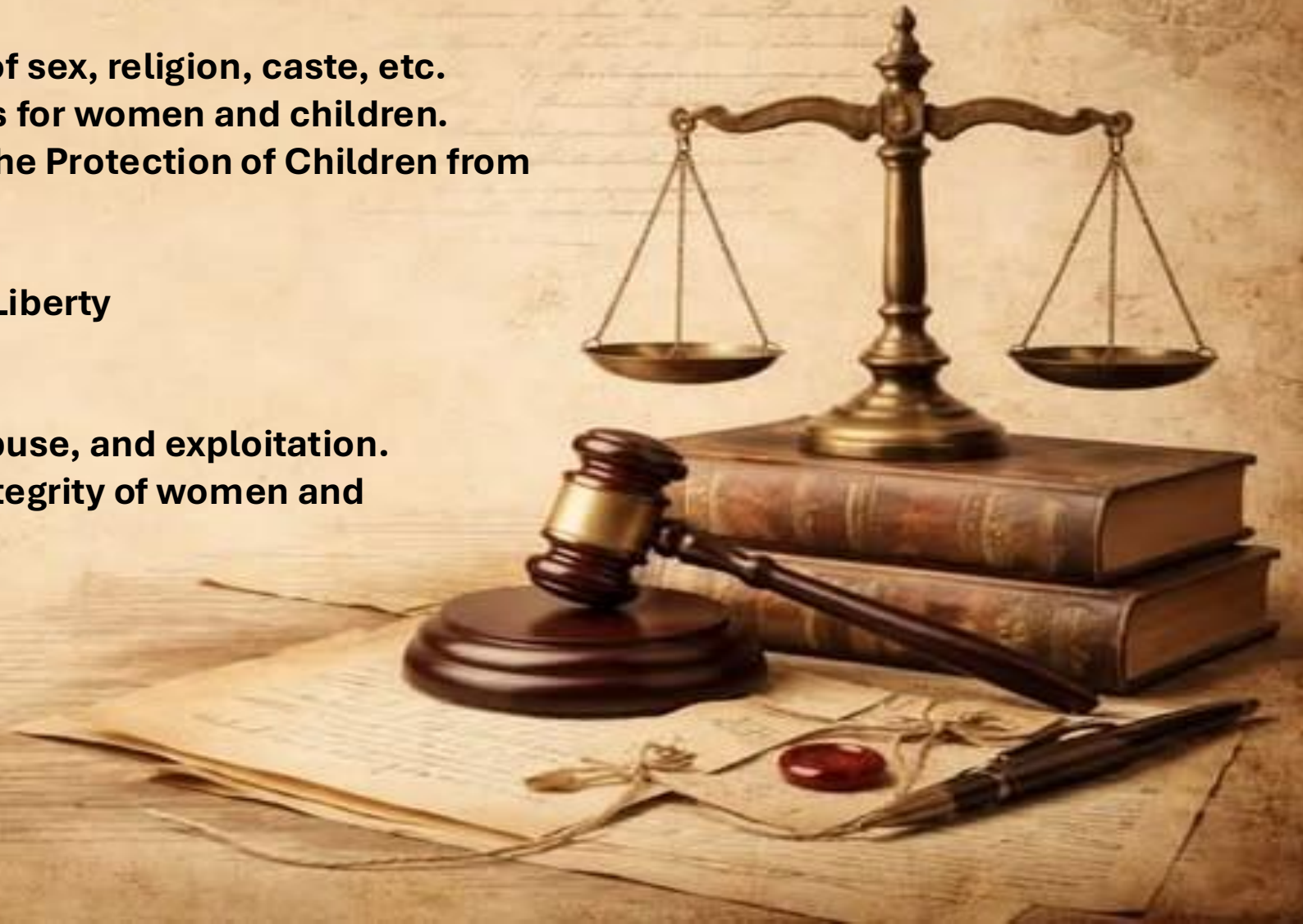


2. Article 15 – Prohibition of Discrimination

- ◆ Prohibits discrimination on grounds of sex, religion, caste, etc.
- ◆ Article 15(3) allows special provisions for women and children.
- ◆ Enables laws for protection such as the Protection of Children from Sexual Offences Act, 2012.

3. Article 21 – Right to Life and Personal Liberty

- ◆ Guarantees right to life with dignity.
- ◆ Includes protection from violence, abuse, and exploitation.
- ◆ Ensures privacy, safety, and bodily integrity of women and children.



Offences Against Women under Bharatiya Nyaya Sanhita, 2023

1. Rape (Sections 63 & 64)

- ◆ Section 63 – Defines rape (absence of consent)
- ◆ Section 64 – Punishment
- ◆ Sexual act without consent
- ◆ Punishment: Minimum 10 years to life imprisonment

2. Gang Rape (Section 70)

- ◆ Rape by two or more persons
- ◆ More serious offence
- ◆ Punishment: 20 years to life imprisonment or death

3. Sexual Harassment (Section 75)

- ◆ Unwelcome physical contact, remarks, advances
- ◆ Protects dignity of women
- ◆ Punishment: Up to 3 years imprisonment + fine



4. Voyeurism (Section 76)

- ◆ Watching or recording private acts without consent
- ◆ Includes sharing images/videos
- ◆ Punishment:
- ◆ First offence: 1–3 years
- ◆ Repeat: 3–7 years

5. Stalking (Section 77)

- ◆ Repeated following or contacting
- ◆ Includes online stalking
- ◆ Punishment:
- ◆ First offence: Up to 3 years
- ◆ Repeat: Up to 5 years

6. Dowry Death (Section 80)

- ◆ Death due to dowry harassment
- ◆ Linked with cruelty after marriage
- ◆ Punishment: Minimum 7 years
To life imprisonment



7. Cruelty by Husband/Relatives (Section 85)

- ◆ Physical or mental cruelty
- ◆ Domestic violence covered
- ◆ Punishment: Up to 3 years + fine

8. Acid Attack (Section 124)

- ◆ Causing injury using acid
- ◆ Leads to permanent damage
- ◆ Punishment: Minimum 10 years to life imprisonment

9. Trafficking of Women (Section 143)

- ◆ Selling/transporting for exploitation
- ◆ Includes forced labour/sexual exploitation
- ◆ Punishment: 7 years to life imprisonment



Case Study: Nirbhaya Case (2012)

◆ Facts of the Case

A young woman was brutally gang-raped in Delhi (2012). She was assaulted, tortured, and later died due to injuries. The case shocked the entire nation and led to legal reforms.

◆ Relevant Offences (Now under BNS, 2023)

👉 Section 63 & 64 (Rape)

Sexual assault without consent

👉 Section 70 (Gang Rape)

Multiple offenders involved

👉 Section 124 (Grievous injury/Acid-like brutality)

Severe physical harm and brutality

👉 Section 143 (Trafficking concept analogy)

Shows organized nature of crime

👉 Section 75–77 (Sexual harassment, stalking – broader context)

Reflects unsafe environment for women

◆ Punishment

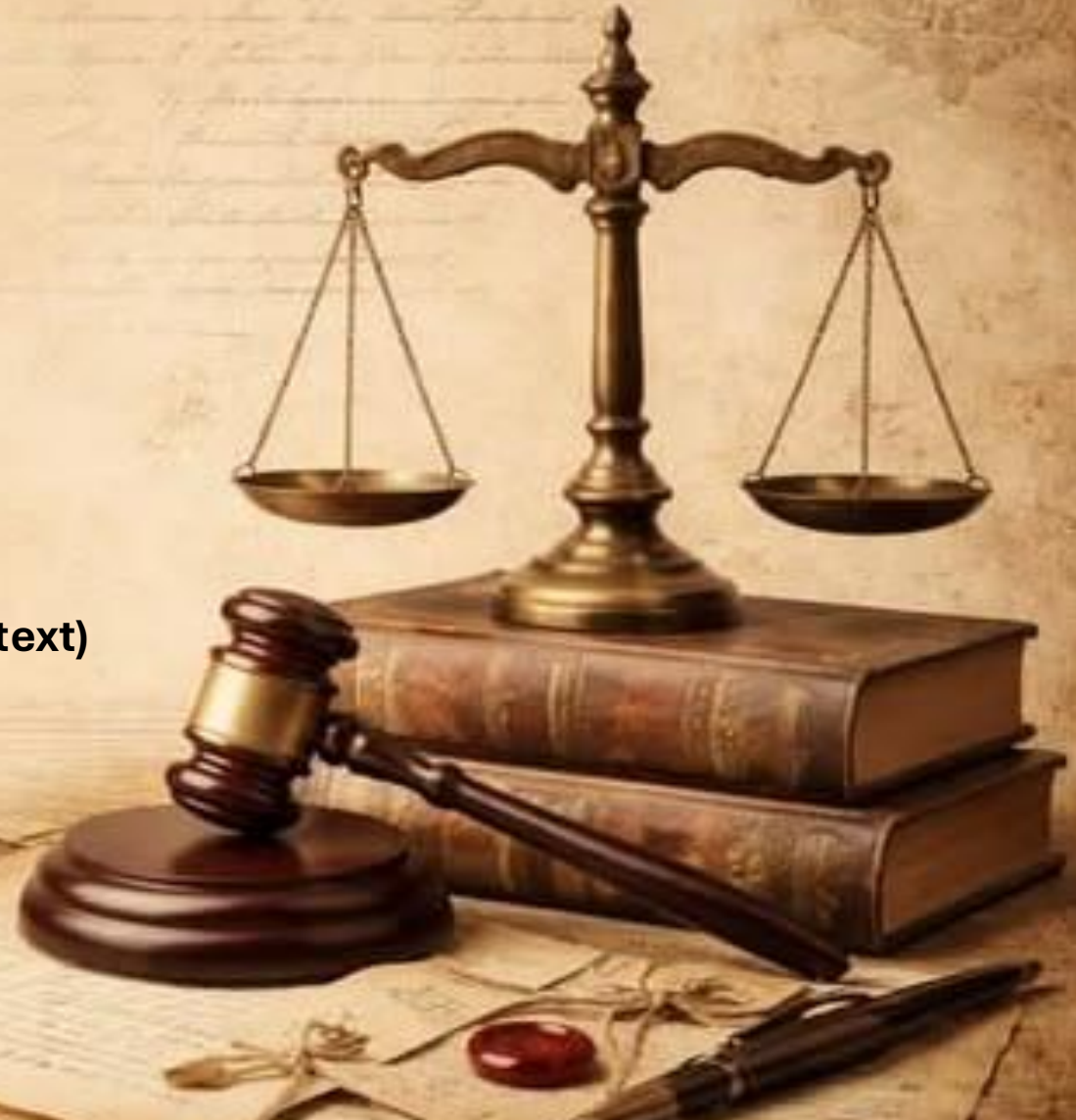
Accused were awarded death penalty (rarest of rare case)

◆ Importance of Case

Led to stricter rape laws in India

Strengthened protection for women

Influenced modern law like Bharatiya Nyaya Sanhita, 2023



Offences Against Children under Bharatiya Nyaya Sanhita, 2023

1. Kidnapping (Sections 137–139)

Taking a minor without consent of guardian

👉 **Against will of lawful guardian**

👉 **Punishment: Up to 7 years + fine**

2. Procurement of Minor Girl (Section 96)

Inducing a minor girl for illicit intercourse

👉 **Exploitation of minor**

👉 **Punishment: Up to 10 years + fine**

3. Importation of Girl (Section 97)

Bringing minor girl from another country/state for exploitation

👉 **Trafficking-related offence**

👉 **Punishment: Up to 10 years + fine**



4. Selling Minor for Prostitution (Section 98)

Selling or disposing minor for illegal purposes

👉 **Sexual exploitation**

👉 **Punishment: Up to 10 years + fine**

Buying Minor for Prostitution (Section 99)

Buying minor for immoral activities

👉 **Demand-side offence**

👉 **Punishment: Up to 10 years + fine**

6. Trafficking of Children (Section 143)

Recruitment/transport of child for exploitation

👉 **Includes forced labour, slavery**

👉 **Punishment: 10 years to life imprisonment**

7. Abandonment of Child (Section 93)

Leaving a child without care

👉 **Endangers life of child**

👉 **Punishment: Up to 7 years + fine**

8. Sexual Offences Against Children

Covered under BNS + special law

👉 **Protection of Children from Sexual Offences Act, 2012**

👉 **Punishment: 3 years to life / death (depending on offence)**



Case Study: Bachpan Bachao Andolan v. Union of India(2013)

◆ Facts of the Case

NGO Bachpan Bachao Andolan exposed large-scale child trafficking and child labour.

Children were kidnapped, transported, and forced into labour and exploitation.

The matter was taken to the Supreme Court for protection of child rights.

◆ Relevant Offences (Matching BNS Sections)

👉 Sections 137–139 (Kidnapping)

Children taken away from guardians

👉 Section 143 (Trafficking of Children)

Transport and exploitation of minors

👉 Sections 98–99 (Selling/Buying Minor)

Children sold for labour and exploitation

👉 Section 96 (Procuration of Minor)

Inducing minors for illegal purposes

👉 Section 93 (Abandonment/Neglect)

Lack of care and protection

👉 POCSO Link – Sexual exploitation cases

Protection of Children from Sexual Offences Act, 2012



Judgment / Outcome

Supreme Court issued strict guidelines to prevent child trafficking and labour

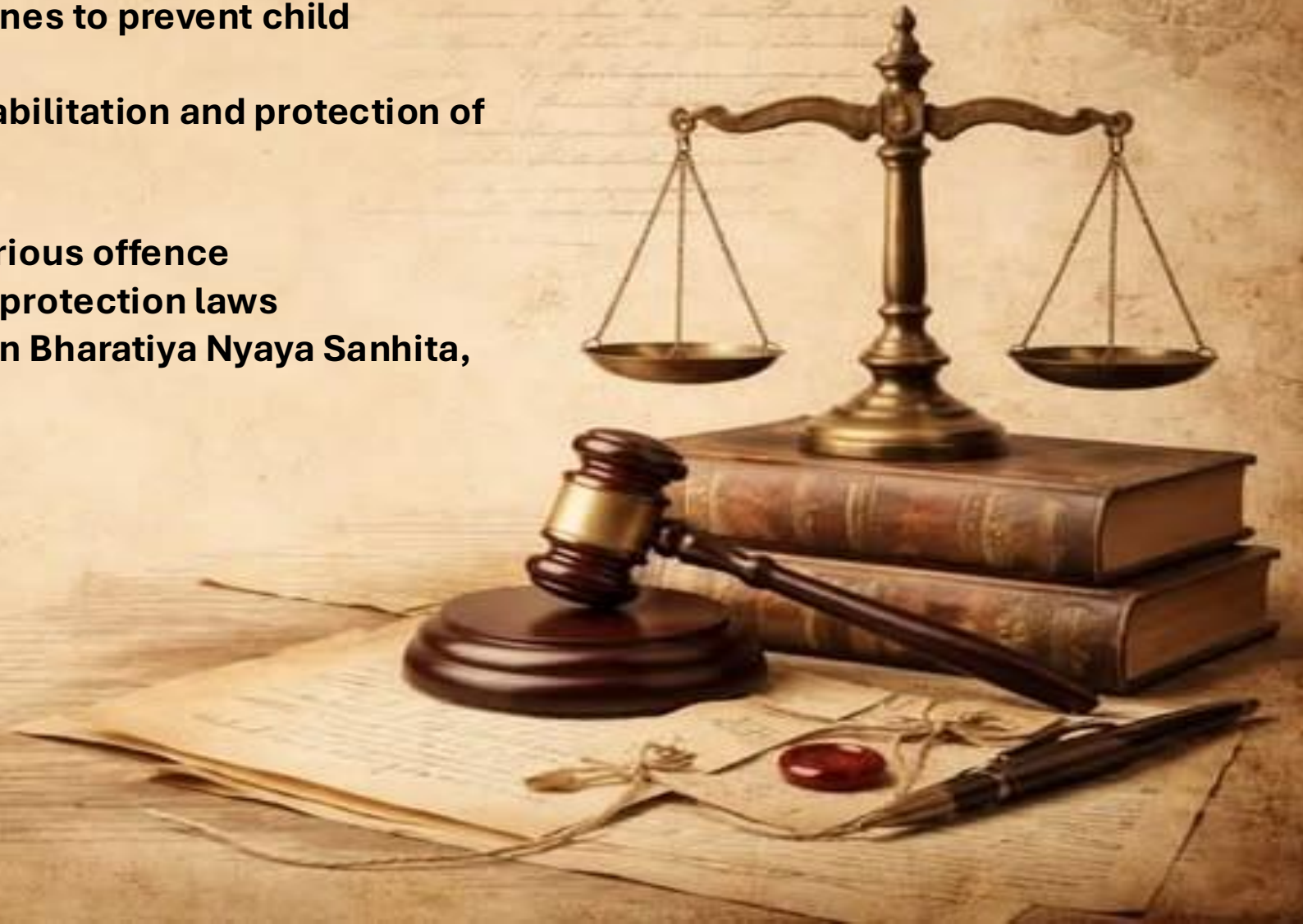
Directed government to ensure rehabilitation and protection of children

◆ Importance of Case

Recognized child trafficking as a serious offence

Strengthened enforcement of child protection laws

Supports provisions now reflected in Bharatiya Nyaya Sanhita, 2023



Role of Special Laws in Protection of Women and Children

1. Supplement to General Law

- ◆ Work with Bharatiya Nyaya Sanhita, 2023
- ◆ Give more clear and specific rules

2. Protection of Children

- ◆ Protection of Children from Sexual Offences Act, 2012 protects children from sexual abuse
- ◆ Provides child-friendly process and strict punishment

3. Protection of Women

- ◆ Sexual Harassment of Women at Workplace Act, 2013 ensures safety at workplace
- ◆ Protects dignity of women

4. Victim-Centred Approach

- ◆ Focus on victim's privacy, respect, and compensation

5. Speedy Justice

- ◆ Special courts help in quick decisions

6. Strict Punishment

- ◆ Strong punishment to reduce crimes

7. Awareness & Prevention

- ◆ Helps people know their rights
- ◆ Prevent crimes through awareness



Cyber Crimes Against Women and Children

1. Meaning

- ◆ Crimes committed through internet or digital devices
- ◆ Women and children are more vulnerable targets

2. Types of Cyber Crimes

Against Women:

- ◆ Cyber stalking
- ◆ Online harassment
- ◆ Image morphing
- ◆ Revenge porn

Against Children:

- ◆ Online grooming
- ◆ Child pornography
- ◆ Cyber bullying
- ◆ Identity theft



3. Legal Framework

- ◆ Bharatiya Nyaya Sanhita, 2023 – stalking, harassment
- ◆ Information Technology Act, 2000 – cyber offences
- ◆ Protection of Children from Sexual Offences Act, 2012 – child protection

4. Impact

- ◆ Mental stress and trauma
- ◆ Loss of privacy and dignity
- ◆ Fear and insecurity

5. Prevention

- ◆ Digital awareness
- ◆ Strong privacy settings
- ◆ Avoid sharing personal data
- ◆ Report cyber crimes



Role of Society and Media in Preventing Offences Against Women and Children

1. Awareness and Education

- ◆ Society and media spread awareness about rights and laws
- ◆ Educate people about safety and prevention of crimes

2. Changing Social Attitudes

- ◆ Promote gender equality and respect
- ◆ Help in removing stereotypes and discrimination

3. Reporting and Exposure

- ◆ Media highlights cases of crime and injustice
- ◆ Helps in bringing offenders to light and ensuring accountability



4. Support to Victims

- ◆ Society should provide emotional and social support
- ◆ Media can create sympathy and public support for victims

5. Promoting Legal Awareness

- ◆ Inform people about laws like the Bharatiya Nyaya Sanhita, 2023
- ◆ Encourage victims to report offences

6. Responsible Media Reporting

- ◆ Media must protect identity and dignity of victims
- ◆ Avoid sensationalism and ensure ethical reporting

7. Preventive Role

- ◆ Campaigns and programs to prevent crimes
- ◆ Encourage safe online and offline behaviour



Comparative Analysis of Offences

● India 🇮🇳

- Women: ~66 per lakh
 - Children: ~37 per lakh
- Underreporting, social stigma*

● Brazil 🇧🇷

- Women: ~1 in 4
 - Children: ~1 in 5
- High violence, weak enforcement*

● South Africa 🇿🇦

- Women: ~1 in 3
 - Children: ~1 in 3
- Very high crime rates*

● USA 🇺🇸

- Women: ~1 in 5
 - Children: ~1 in 7
- High awareness & reporting*

● Global 🌍

- Women: ~1 in 3
 - Children: ~1 in 8
- Worldwide issue*

● Brazil 🇧🇷

- Women: ~1 in 4
 - Children: ~1 in 5
- High violence, weak enforcement*

● South Africa 🇿🇦

- Women: ~1 in 3
 - Children: ~1 in 3
- Very high crime rates*

● Bangladesh 🇧🇩

- Women: ~1 in 2
 - Children: ~1 in 4
- Social inequality, low reporting*

● UK 🇬🇧

- Women: ~1 in 12
 - Children: ~1 in 6
- Strong legal system*

● Global 🌍

- Women: ~1 in 3
 - Children: ~1 in 8
- Worldwide issue*



Challenges in Offences Against Women & Children

1. Underreporting (Hidden Criminality)

- ◆ Majority of cases remain unreported due to fear, stigma, and social pressure

2. Delay in Justice Delivery

- ◆ Prolonged trials reduce victim confidence in the legal system

3. Implementation Gap

- ◆ Strong laws like Bharatiya Nyaya Sanhita, 2023 exist but
- ◆ Weak enforcement at ground level

4. Lack of Legal Awareness

- ◆ Victims unaware of rights, remedies, and reporting mechanisms

5. Weak Institutional Support

- ◆ Inadequate police training, forensic facilities, and victim support systems

6. Witness Protection Failure

- ◆ Threats and intimidation lead to hostile witnesses and low conviction

7. Cybercrime Complexity

- ◆ Increasing online exploitation, grooming, and digital abuse
- ◆ Law enforcement struggles to keep pace with technology



Issues in Offences Against Women & Children

1. Secondary Victimization

- ◆ Victims face harassment during investigation and trial process

2. Patriarchal Social Structure

- ◆ Deep-rooted mindset leads to victim-blaming and normalization of violence

3. Intersectional Inequality

- ◆ Women and children from marginalized groups face higher vulnerability

4. Psychological Impact Ignored

- ◆ Lack of focus on mental trauma, rehabilitation, and counseling

5. Misuse of Legal Provisions

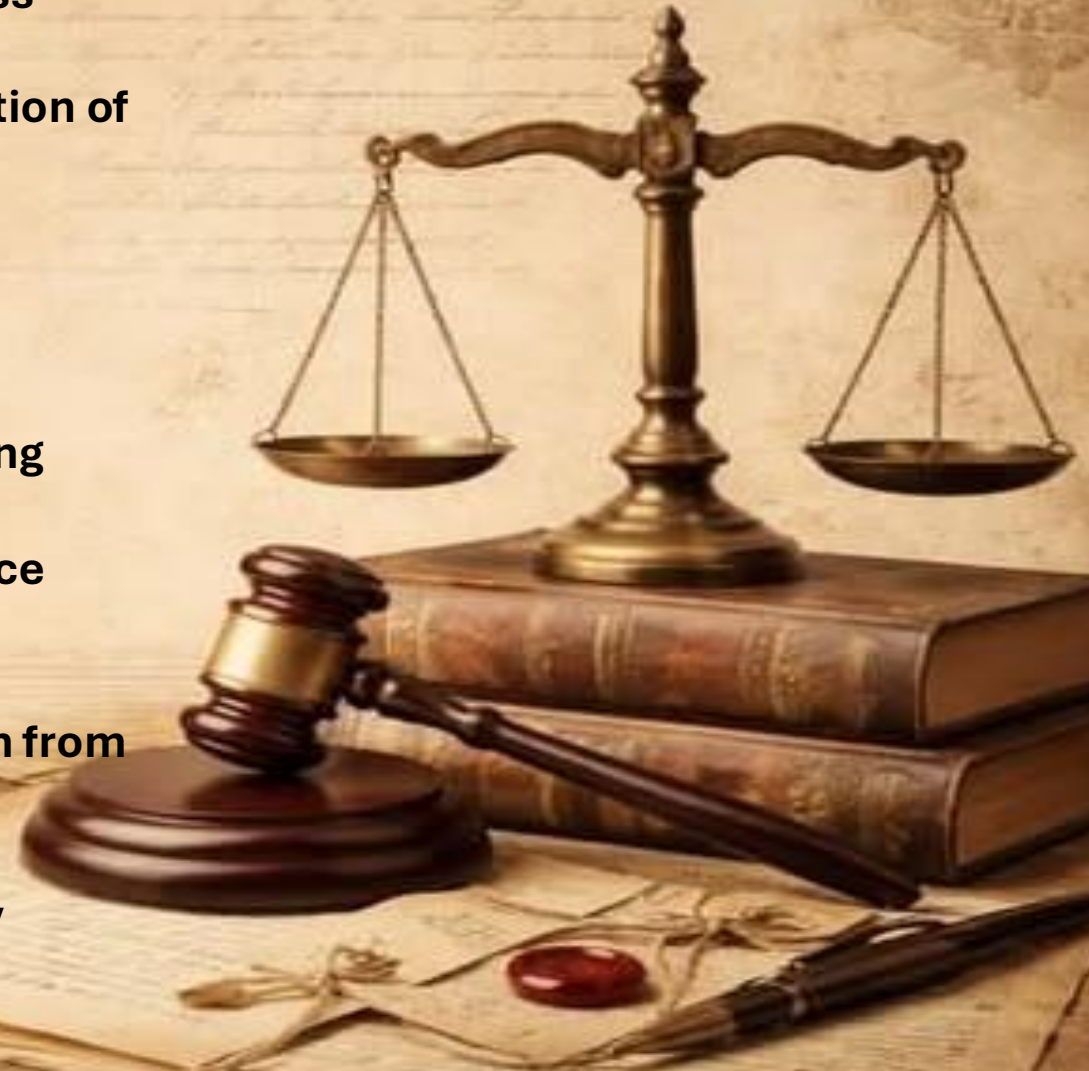
- ◆ Allegations of false or exaggerated cases affect genuine justice delivery

6. Poor Coordination of Laws

- ◆ Weak integration with special laws like Protection of Children from Sexual Offences Act, 2012

7. Media Sensationalism

- ◆ Irresponsible reporting may violate victim privacy and dignity





Thank you!