



Bihar Man Files FIR Against Political Leader | Bihar | 23 Jan 2025

Why in News?

A Bihar resident has **filed a case against a political party leader**, accusing him of causing financial loss.

Key Points

- The complainant, reportedly a milk vendor, approached the local court, **alleging that a political rally led by a political leader disrupted his business operations.**
- The complainant, however, has asserted **his right to seek compensation** for the inconvenience caused by the rally.
 - The incident underscores the growing trend of citizens seeking legal redress for grievances stemming from political events, **reflecting a larger debate on balancing political expression with public convenience.**
- A resident of Sonupur village is seeking the trial of the political leader under various sections of the **Bharatiya Nyaya Sanhita (BNS), 2023**, including **Section 152**, which deals with **sedition**.
 - Section 152 of the BNS **criminalises any act of exciting secession, armed rebellion, and subversive activities.**
 - It also criminalises acts encouraging **feelings of separatism** or **endangering the sovereignty, unity, and integrity of India.**

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BHARATIYA NYAYA SANHITA (BNS), 2023

BNS 2023 replaced Indian Penal Code 1860, incorporating 358 sections (511 in IPC), maintaining most of the IPC provisions, introducing new offences, eliminating court- struck-down offences, and enhancing penalties for various offences.

New Offences

- **Promise to Marry:** Criminalising “deceitful” promises to marry
- **Mob Lynching:** Codify offences linked to mob lynching and hate-crime murders
- Ordinary criminal law now covers **Organized Crime** and **Terrorism**, including a broader scope for terror financing in BNS compared to UAPA
- **Attempt to Suicide:** Criminalises attempts to commit suicide with intent to compel or restrain any public servant from discharging official duty
- **Community Service:** Added as possible form of punishment

Deletions

- **Unnatural Sexual Offences:** Section 377 of the IPC, which criminalised homosexuality among other “unnatural” sexual activities repealed completely
- **Adultery:** Offence of adultery omitted in consonance of apex court judgement
- **Thugs:** Section 310 of IPC fully omitted
- **Gender Neutrality:** Some laws dealing with children modified to bring gender neutrality

Other Modifications

- **Fake News:** Criminalisation of publishing false and misleading information
- **Sedition:** Introduced under a new name ‘deshdroh’ with wider definition
- **Mandatory Minimum Sentence:** In several provisions, mandatory minimum sentences prescribed which may limit scope for judicial discretion
- **Damage to Public Property:** Carry a graded fine (i.e. fine corresponding to the amount of damage caused)
- **Death by Negligence:** Elevates punishment for causing death by negligence from two to five years (for doctors - 2 yrs imprisonment)

Key Issues

- **Criminal Responsibility Age Discrepancy:** Criminal responsibility starts at seven, extendable to 12 based on maturity, potentially conflicting with global recommendations
- **Inconsistencies in Child Offense Definitions:** It sets child age below 18, but age criteria for offenses like rape differ, causing inconsistency
- **Retention of IPC Provisions on Rape and Sexual Harassment:** Maintains IPC provisions on rape and sexual harassment, omitting **Justice Verma Committee's 2013** suggestions for gender-neutral rape and recognizing marital rape as an offense.