

**BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY
OF THE STATE OF TAMIL NADU**

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the Tamil Nadu on 10th January, 2025 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 2 of 2025

**A Bill to amend the Bharatiya Nyaya Sanhita, 2023 and the
Bharatiya Nagarik Suraksha Sanhita, 2023 in its application to
the State of Tamil Nadu.**

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Criminal Laws (Tamil Nadu Amendment) Act, 2025.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

PART – I.

Amendments to the Bharatiya Nyaya Sanhita, 2023.

Amendment of
section 64.

2. In section 64 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the Central Act 45 of 2023),—

Central Act 45 of
2023.

(1) in sub-section (1), for the expression “shall be punished with rigorous imprisonment of either description for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine”, the expression “shall be punished with rigorous imprisonment for a term which shall not be less than fourteen years, but which may extend to rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person’s natural life, and shall also be liable to fine” shall be substituted;

(2) in sub-section (2), for the expression “shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life, and shall also be liable to fine”, the expression “shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person’s natural life, and shall also be liable to fine” shall be substituted.

3. In section 65 of the Central Act 45 of 2023,—

Amendment of
section 65.

(1) in sub-section (1), for the expression, “shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life, and shall also be liable to fine”, the expression “shall be punished with rigorous imprisonment for a term which shall not be less than twenty years but which may extend to rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person’s natural life, and shall also be liable to fine” shall be substituted;

(2) in sub-section (2), for the expression, “shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life, and with fine or with death”, the expression “shall be punished with rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person’s natural life, and with fine or with death” shall be substituted.

4. In section 66 of the Central Act 45 of 2023, for the expression “shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life, or with death”, the expression “shall be punished with rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person’s natural life, and with fine or with death” shall be substituted.

Amendment of
section 66.

5. In section 70 of the Central Act 45 of 2023,—

Amendment of
section 70.

(1) in sub-section (1), for the expression “shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life which shall mean imprisonment for the remainder of that person’s natural life, and with fine”, the expression “shall be punished with rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person’s natural life, and with fine” shall be substituted;

(2) in sub-section (2), for the expression “shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life, and with fine, or with death”, the expression “shall be punished with rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person’s natural life, and with fine or with death” shall be substituted.

6. In section 71 of the Central Act 45 of 2023, for the expression, “shall be punished with imprisonment for life which shall mean imprisonment for the remainder of that person’s natural life, or with death”, the expression “shall be punished with death or rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person’s natural life and with fine” shall be substituted.

Amendment of
section 71.

- Amendment of section 72. 7. In section 72 of the Central Act 45 of 2023, in sub-section (1), for the expression “shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine”, the expression “shall be punished with imprisonment of either description for a term which shall not be less than three years, but which may extend to five years and shall also be liable to fine” shall be substituted.
- Amendment of section 74. 8. In section 74 of the Central Act 45 of 2023, for the expression “shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine”, the expression “shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine” shall be substituted.
- Amendment of section 75. 9. In section 75 of the Central Act 45 of 2023, in sub-section (2), for the expression “shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both”, the expression “shall be punished with rigorous imprisonment for a term which may extend to five years and with fine” shall be substituted.
- Amendment of section 76. 10. In section 76 of the Central Act 45 of 2023, for the expression “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”, the expression “shall be punished with imprisonment for a term which shall not be less than five years, but which may extend to imprisonment for ten years, and shall also be liable to fine” shall be substituted.
- Amendment of section 77. 11. In section 77 of the Central Act 45 of 2023, for the expression “shall be punished on first conviction with imprisonment of either description for a term which shall not be less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, 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”, the expression “shall be punished on first conviction with imprisonment of either description for a term which shall not be less than two years, but which may extend to five years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine” shall be substituted.
- Amendment of section 78. 12. In section 78 of the Central Act 45 of 2023, in sub-section (2), for the expression “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 of either description for a term which may extend to five years, and shall also be liable to fine”, the expression “shall be punished on first conviction with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine” shall be substituted.

13. In section 124 of the Central Act 45 of 2023,—

Amendment of
section 124.

(1) in sub-section (1), for the expression “shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine”, the expression “shall be punished with rigorous imprisonment for life which shall mean rigorous imprisonment for the remainder of that person’s natural life, and with fine or with death” shall be substituted;

(2) in sub-section (2), for the expression “shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine”, the expression “shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine” shall be substituted.

PART – II.

Amendments to the Bharatiya Nagarik Suraksha Sanhita, 2023.

14. After section 128 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the Central Act 46 of 2023), the following section shall be inserted, namely:—

“128-A. Protection Order.— (1) The Executive Magistrate, may, on an application from the aggrieved person or otherwise, after obtaining report of the Investigation Officer concerned and after giving the accused an opportunity of being heard and on being prima facie satisfied that an offence punishable under section 64, section 65, section 66, section 68, section 70 or section 71 of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023), or sections 4, 6, 8, 10 or section 14 of the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012) has been committed, pass a Protection Order prohibiting the accused from attempting to communicate with the aggrieved person in any form, whatsoever, including personal or oral or written or electronic or telephonic contact or through third parties.

Insertion of section
128-A.

(2) A breach of Protection Order by the accused shall be an offence under this Act and shall be punishable with imprisonment of either description for a term which may extend to three years and with fine which may extend to one lakh rupees.”.

15. In section 346 of the Central Act 46 of 2023, in the proviso to sub-section (1), after the expression “Bharatiya Nyaya Sanhita, 2023”, the expression “or under sections 4, 6, 8, 10 or section 14 of the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012),” shall be inserted.

Amendment of
section 346.

16. In section 415 of the Central Act 46 of 2023, in sub-section (4), after the expression “Bharatiya Nyaya Sanhita, 2023”, the expression “or under sections 4, 6, 8, 10 or section 14 of the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012)” shall be inserted.

Amendment of
section 415.

Amendment of
section 430.

17. In section 430 of the Central Act 46 of 2023, after sub-section (4), the following sub-section shall be added, namely:—

“(5) Notwithstanding anything contained in this section, pending any appeal by a person convicted under section 64, section 65, section 66, section 68, section 70 or section 71 of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023) or under sections 4, 6, 8, 10 or section 14 of the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012), the Appellate Court shall not order the suspension of execution of sentence other than the death sentence and of the order appealed against and shall not release the convicted person before the expiry of six months from the date of filing of appeal as provided for under sub-section (4) of section 415.”.

Amendment of
section 480.

18. In section 480 of the Central Act 46 of 2023, in sub-section (1), after the fourth proviso, the following proviso shall be added, namely:—

“Provided also that no person shall, if the offence alleged to have been committed by him is punishable under section 64, section 65, section 66, section 68, section 70 or section 71 of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023) or under sections 4, 6, 8, 10 or section 14 of the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012), be released on bail by the Court under this sub-section in cases where the Public Prosecutor opposes his release on bail unless the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.”.

Amendment of
section 482.

19. In section 482 of the Central Act 46 of 2023, in sub-section (4), for the expression “section 65 and sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023”, the expression “section 64, section 65, section 66, section 68, section 70 or section 71 of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023) or under sections 4, 6, 8, 10 or section 14 of the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012)” shall be substituted.

Amendment of
section 483.

20. In section 483 of the Central Act 46 of 2023,—

(1) in sub-section (1),—

(a) in the second proviso, for the expression “section 65 or sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023”, the expression “section 64, section 65, section 66, section 68, section 70 or section 71 of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023) or under sections 4, 6, 8, 10 or section 14 of the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012)” shall be substituted; Central Act 46 of 2023.

(b) after the second proviso, the following proviso shall be added, namely:—

“Provided also that no person accused of an offence punishable under section 64, section 65, section 66, section 68, section 70 or section 71 of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023) or under sections 4, 6, 8, 10 or section 14 of the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012), be released on bail by the High Court or the Court of Session under this sub-section in cases where the Public Prosecutor opposes his release on bail unless the High Court or the Court of Session is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.”.

(2) in sub-section (2), for the expression “section 65 or sub-section (2) of section 70 of the Bharatiya Nyaya Sanhita, 2023”, the expression “section 64, section 65, section 66, section 68, section 70 or section 71 of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023) or under sections 4, 6, 8, 10 or section 14 of the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012)” shall be substituted.

21. In THE FIRST SCHEDULE to the Central Act 46 of 2023, under the heading “I.— OFFENCES UNDER THE BHARATIYA NYAYA SANHITA”, for the entries relating to sections 64(1), 64(2), 65(1), 65(2), 66, 70(1), 70(2), 71, 72(1), 74, 75(2), 76, 77, 78(2), 124(1) and 124(2), the following entries shall respectively be substituted, namely:—

Amendment of
First Schedule.

Section	Offence	Punishment	Cognizable or Non-cognizable.	Bailable or Non-bailable.	By what Court triable.
(1)	(2)	(3)	(4)	(5)	(6)
"64(1)	Rape.	Rigorous imprisonment for not less than fourteen years but which may extend to rigorous imprisonment for life which shall mean rigorous imprisonment for the remainder of that person's natural life, and fine.	Cognizable.	Non-bailable.	Court of Session.
64(2)	Rape by a police officer or a public servant or member of armed forces or a person being on the management or on the staff of a jail, remand home or other place of custody or women's or children's institution or by a person on the management or on the staff of a hospital, and rape committed by a person in a position of trust or authority towards the person raped or by a near relative of the person raped.	Rigorous imprisonment for not less than twenty years but which may extend to rigorous imprisonment for life which shall mean rigorous imprisonment for the remainder of that person's natural life, and fine.	Cognizable.	Non-bailable.	Court of Session.
65 (1)	Persons committing offence of rape on a woman under sixteen years of age.	Rigorous imprisonment for not less than twenty years but which may extend to rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person's natural life, and fine.	Cognizable.	Non-bailable.	Court of Session.
65(2)	Persons committing offence of rape on a woman under twelve years of age.	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person's natural life, and fine or death.	Cognizable.	Non-bailable.	Court of Session.

Section	Offence	Punishment	Cognizable or Non-cognizable.	Bailable or Non-bailable.	By what Court triable.
(1)	(2)	(3)	(4)	(5)	(6)
66	Person committing an offence of rape and inflicting injury which causes death or causes the woman to be in a persistent vegetative state.	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person's natural life, and fine or death	Cognizable.	Non-bailable.	Court of Session.
70(1)	Gang rape.	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person's natural life, and fine.	Cognizable.	Non-bailable.	Court of Session.
70(2)	Gang rape on a woman under eighteen years of age.	Rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person's natural life, and fine or death	Cognizable.	Non-bailable.	Court of Session.
71	Repeat offenders.	Death or rigorous imprisonment for life, which shall mean rigorous imprisonment for the remainder of that person's natural life, and fine	Cognizable.	Non-bailable.	Court of Session.
72(1)	Disclosure of identity of the victim of certain offences, etc.	Imprisonment of either description for not less than three years, but which may extend to five years and fine.	Cognizable.	Non-bailable.	Court of Session.
74	Assault or use of criminal force to woman with intent to outrage her modesty.	Imprisonment of either description for not less than three years, but which may extend to five years and fine.	Cognizable	Non-bailable.	Court of Session.
75(2)	Sexual harassment and punishment for sexual harassment specified in clause (i) or clause (ii) or clause (iii) of sub-section (1).	Rigorous imprisonment with five years, and fine.	Cognizable.	Non-bailable.	Court of Session.
76	Assault or use of criminal force to woman with intent to disrobe.	Imprisonment for not less than five years, but which may extend to ten years, and fine.	Cognizable.	Non-bailable.	Court of Session.

Section	Offence	Punishment	Cognizable or Non-cognizable.	Bailable or Non-bailable.	By what Court triable.
(1)	(2)	(3)	(4)	(5)	(6)
77	Voyeurism.	Imprisonment of either description for not less than two years, but which may extend to five years, and fine.	Cognizable.	Non-bailable.	Court of Session.
	Second or subsequent conviction.	Imprisonment of either description for not less than five years, but which may extend to ten years, and fine.	Cognizable.	Non-bailable.	Court of Session.
78(2)	Stalking.	Imprisonment upto five years, and fine.	Cognizable.	Non-bailable.	Court of Session.
	Second or subsequent conviction.	Imprisonment upto seven years, and fine.	Cognizable.	Non-bailable.	Court of Session.
124(1)	Voluntarily causing grievous hurt by use of acid, etc.	Rigorous imprisonment for life which shall mean rigorous imprisonment for the remainder of that person's natural life, and fine or death.	Cognizable.	Non-bailable.	Court of Session.
124(2)	Voluntarily throwing or attempting to throw acid.	Imprisonment of either description for not less than ten years but which may extend to imprisonment for life, and fine.	Cognizable.	Non-bailable.	Court of Session.”.

STATEMENT OF OBJECTS AND REASONS

The Government is fully committed to the protection, welfare and well being of women and children and therefore they have been accorded the highest priority by this State.

2. 41 percent of all working women in factories in India are employed in this State. Further, the State has a high female enrolment in both school and higher education. Pursuant to the State's unwavering commitment to ensure safety of its citizens, particularly women and children, and to ensure that heinous acts of rape and sexual offences against women and children are met with the full force of the law, it has become necessary to provide deterrent punishment for the perpetrators of atrocities against the women and children. Hence, the State Government firmly believes that enhancing the quantum of punishments for the offences committed against women and children in Bharatiya Nyaya Sanhita, 2023 and also amending certain provisions relating to bail in the Bharatiya Nagarik Suraksha Sanhita, 2023 by prescribing more stringent provisions for such offences will certainly deter such deplorable acts and ensure that the perpetrators face exemplary and severe consequences for their crimes.

3. To give effect to the above, the Government have decided to amend the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023) and the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023) suitably for the purpose.

4. The Bill seeks to give effect to the above decision.

M.K. STALIN,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 1(3) of the Bill authorises the Government to issue notification for the purpose specified therein.

2. The power delegated is normal and not of an exceptional character.

M.K. STALIN,
Chief Minister.

Secretariat,
Chennai-600 009,
10th January 2025.

K. SRINIVASAN,
Principal Secretary.