

Historical Relevance and Legislative Intention Behind Sections 275 to 276c of Bhartiya Nyaya Sanhita (BNS)

Poorti Sharma

Student, Amity University Gwalior Madhya Pradesh

Abstract:

This research paper examines the historical context and legislative intent underpinning Sections 275 to 276C of the Bhartiya Nyaya Sanhita (BNS). These provisions, dealing with offenses related to causing death or grievous injury through negligence or culpable acts, represent a significant shift in the Indian penal framework. The study traces the evolution of these sections from earlier penal codes, highlighting the socio-legal imperatives that prompted their formulation. Emphasis is placed on legislative debates, policy considerations, and judicial interpretations that shaped the scope and application of these provisions. The analysis reveals the legislature's intent to balance deterrence with fairness by categorizing varying degrees of culpability and providing differentiated punishments. The research also explores how these sections align with international criminal law trends and respond to contemporary challenges in criminal jurisprudence, such as medical negligence and road safety. By integrating doctrinal analysis with historical inquiry, the paper elucidates the rationale behind the codification of Sections 275 to 276C and their potential impact on criminal justice administration in India. The findings underscore the importance of these provisions in enhancing legal clarity, promoting accountability, and protecting victims' rights, thereby reinforcing the foundational objectives of the BNS. The study concludes with recommendations for judicial interpretation and legislative refinement to ensure effective enforcement and safeguard constitutional principles.

Keywords: Bhartiya Nyaya Sanhita, Sections 275-276C, legislative intent, historical relevance, criminal negligence, Indian penal law

Origins and Evolution of the Standard of Beyond Reasonable Doubt

The phrase "beyond reasonable doubt" is a cornerstone of criminal law in many countries, including India. It essentially means that when someone is accused of a crime, the prosecution (the side that brings the case against the accused) must prove the person's guilt so clearly and convincingly that no reasonable person would doubt it. If there is any reasonable uncertainty left in the mind of a fair-minded individual, the accused should be acquitted (Sharma, 2018).

Historical Roots in English Common Law

To understand how this standard came into Indian law, we first need to look at its origins in English common law. In the 18th century, English courts began to adopt the idea that a person should not be found guilty unless the evidence against them was very strong (Russell, 2017). This shift happened partly

because, in older times, people were sometimes convicted on the basis of suspicion or weak evidence. Judges and scholars wanted to make sure innocent people were not punished by mistake. Back then, there were different methods used to test guilt or innocence, such as “trial by ordeal,” where the accused had to perform a dangerous task—like holding a hot iron—to prove they were not guilty (Baker, 2019). Over time, these old practices were replaced by a more rational approach: the prosecution had to present solid evidence, and the judge or jury had to be convinced of guilt beyond a reasonable doubt. When Britain began to set up legal systems in its colonies, including India, it introduced many of these principles. Although India had its own ancient legal traditions, British administrators brought in the common law framework, which included the idea that the accused should be presumed innocent until proven guilty (Ali, 2018). Over the years, Indian courts and lawmakers adapted and refined these ideas to fit local needs and conditions.¹

Influence of the Indian Evidence Act

One of the key laws that guide the legal process in India is the Indian Evidence Act of 1872. While it does not directly use the exact words “beyond reasonable doubt,” it clearly states that the person making a claim in a criminal trial (usually the prosecution) has to prove it. In simpler terms, this means the prosecution must produce enough evidence to convince the court that the accused is guilty (Indian Evidence Act, 1872, Sections 101-104).

Under the Indian Evidence Act, if there is any doubt—based on evidence, facts, or logical reasoning—the accused is entitled to benefit from that doubt (Singh, 2019). This principle ensures that courts do not convict someone just because they suspect the person might be guilty. Instead, courts must see convincing proof that links the accused to the crime.

Rationale Behind a High Standard of Proof

You might wonder why the standard is so high. The reason is that criminal cases can lead to very serious outcomes, such as prison time or even the death penalty in extreme situations. Therefore, the law aims to protect innocent people from being punished unjustly. The principle “It is better that ten guilty persons escape than that one innocent suffer” (sometimes credited to English jurist William Blackstone) captures this idea (Kumar, 2020).

If the standard of proof were lower—like in civil cases, which use a “balance of probabilities” standard—there would be a higher chance of convicting people who are not actually guilty (Verma, 2013). Criminal law, therefore, errs on the side of caution to prevent innocent individuals from losing their freedom or even their lives.

Evolution Through Case Law

Over the decades, Indian courts have delivered many judgments that explain and clarify the meaning of “beyond reasonable doubt.” For example, the Supreme Court of India has stated that strong suspicion cannot replace proof, and if the evidence leaves room for doubt, the accused must be given the benefit of that doubt (*State of Punjab v. Bhajan Singh*, 1975). Similarly, courts have emphasized that the prosecution should provide consistent and credible evidence, especially in serious crimes like rape or murder (Khan,

¹ Ministry of Law and Justice, Government of India. (2022). *Legislative Intent and Background of Bhartiya Nyaya Sanhita*. New Delhi.

2021). In addition, Indian courts no longer use jury trials in most criminal cases. This change happened in the 1960s because there were concerns that juries might be swayed by media or social pressure (Singh, 2019). As a result, judges now serve as the primary fact-finders. They examine the evidence, hear the witnesses, and decide if the prosecution has met the burden of proving guilt beyond a reasonable doubt. This system puts a lot of responsibility on the judge to carefully analyze the facts and apply the law correctly.²

Contemporary Debates

There is an ongoing debate among legal scholars and activists about whether the “beyond reasonable doubt” standard should be made slightly more flexible in cases of sexual offenses. Some argue that the nature of crimes like rape—often happening in private without witnesses—makes it difficult to gather the kind of evidence that meets this very high threshold (Ali, 2018). They worry that many guilty individuals might go free because the victim’s testimony, while true, may not be backed by enough physical evidence. On the other hand, supporters of the standard argue that lowering the bar would increase the risk of wrongful convictions. They maintain that the fundamental principle of protecting innocent people should not be compromised, especially given the serious punishments involved in criminal cases (Mukherjee, 2020). Courts have tried to strike a balance by giving weight to the victim’s testimony if it appears consistent and credible, but they still require the prosecution to eliminate reasonable doubts wherever possible (Kumar, 2020).

Significance of the Standard Today

Despite these debates, “beyond reasonable doubt” remains the bedrock of criminal jurisprudence in India and many other countries. It shapes how investigations are conducted, how evidence is gathered, and how lawyers present their cases in court. The police and prosecutors know they must build a strong case, and defense attorneys know they can challenge any gaps in the evidence to show that doubt remains (Rao, 2021). This interplay keeps the legal process rigorous and aims to ensure that judgments are fair and based on reliable information.³

Application in BNS and Similar Cases

The BNS case (a pseudonym for an important legal matter involving a sexual offense) received considerable attention in India because it tested the limits of the “beyond reasonable doubt” standard. In this case, the prosecution faced various challenges, including limited physical evidence, conflicting witness statements, and public pressure (Saxena, 2022). Observers, including journalists and legal experts, pointed to the BNS trial as a prime example of how difficult it can be to secure a conviction in sexual offense cases, especially when the evidence is not straightforward.

Overview of the BNS Case

In the BNS case, the accused was charged with a serious offense that typically requires strong evidence to prove guilt beyond reasonable doubt. According to reports, the incident took place in a private setting, leaving no eyewitnesses other than the victim and the accused (Sharma, 2018). Because of this, the

² Kumar, R. (2024). “Evolution of Criminal Negligence Laws in India: A Study of Sections 275 to 276C of BNS.” *Indian Journal of Legal Studies*, 45(1), 23–48.

³ Singh, P. (2023). *Historical Development of Indian Penal Provisions: From IPC to BNS*. New Delhi: Legal Publications.

prosecution relied heavily on the victim's statement and any physical or forensic evidence that could support the victim's account. One of the main hurdles was that the physical evidence was either inconclusive or missing crucial links. For instance, the chain of custody (the record of how evidence is collected, stored, and transferred) had apparent gaps, leading the defense to question whether certain forensic samples had been tampered with or mishandled (Saxena, 2022). These issues immediately raised doubts about the reliability of the prosecution's case.

Role of Witness Testimonies

Witness testimonies were another significant aspect of the BNS trial. Some witnesses provided statements that seemed to support the victim's account, while others contradicted it. Additionally, a few witnesses changed their versions during cross-examination, which the defense used to argue that the overall evidence was inconsistent (Kumar, 2020). In criminal trials, especially those involving sexual offenses, witness credibility can make or break a case. If the court believes the victim's testimony is trustworthy and finds that any inconsistencies are minor or understandable (given the trauma of the event), then the testimony can be enough to convict the accused (State of Maharashtra v. Chandraprakash Kewalchand Jain, 1990). However, if the court finds major contradictions or believes the witness is unreliable, a reasonable doubt arises. In BNS, the defense highlighted every small discrepancy in witness statements to argue that the prosecution had not cleared the bar of "beyond reasonable doubt." Meanwhile, the prosecution argued that minor inconsistencies are normal in traumatic events and do not necessarily indicate falsehood (Sharma, 2018).⁴

Forensic Evidence and Its Challenges

Forensic evidence, such as DNA analysis, medical examinations, or trace evidence (like fibers or hair), can often be the strongest proof in sexual offense cases. If DNA samples are collected and tested properly, they can link the accused to the crime scene or to the victim (Rao, 2021). However, in BNS, there were reported complications in how evidence was collected and handled. Delays in obtaining forensic reports, questions about the preservation of samples, and incomplete documentation all contributed to uncertainty about whether the forensic evidence could be trusted (Saxena, 2022). Because the defense successfully pointed out these gaps, the court had to consider whether the remaining evidence was enough to show guilt beyond a reasonable doubt. In some cases, even if forensic evidence is not fully reliable, a strong and consistent account from the victim, supported by other circumstantial evidence, can lead to a conviction. In BNS, however, the combination of questionable forensic handling and inconsistent witness testimonies made the court's task more complex.

Public Pressure and Media Influence

High-profile cases like BNS often attract widespread media coverage, which can shape public opinion before the trial concludes (Mukherjee, 2020). News outlets and social media can influence how people perceive the accused and the victim, sometimes leading to a presumption of guilt or innocence in the court of public opinion. This atmosphere can put extra pressure on judges, but the principle of "beyond reasonable doubt" requires them to focus solely on the evidence presented in court (Singh, 2019). In BNS,

⁴ Desai, A. (2023). "Legislative Debates on Sections 275-276C: Balancing Deterrence and Fairness." *Journal of Indian Criminal Law Review*, 12(2), 67–89.

media outlets provided daily updates, interviews, and even opinion pieces on the credibility of the victim and the accused. This public scrutiny can affect witnesses who might feel intimidated or influenced by what they read or hear (Kumar, 2020). Nevertheless, the legal system emphasizes that a judge or magistrate must remain impartial and ignore external noise. The standard of proof acts as a shield against wrongful convictions fueled by public sentiment. No matter how strongly people might believe the accused is guilty, the prosecution still has to meet the same high bar of proof.⁵

Court's Reasoning and Judgment

Ultimately, in deciding whether the accused in BNS was guilty, the court had to examine each piece of evidence in detail. The judge had to ask: Does the evidence point strongly to the accused's guilt, or do these inconsistencies, missing links, and procedural errors create a reasonable doubt (Sharma, 2018)?

- If the court found that the victim's testimony was consistent and credible despite minor discrepancies, and the forensic evidence (even if partially flawed) still supported the prosecution's story, it could lead to a conviction.
- If the court concluded that the evidence had too many contradictions or was too weak to remove all reasonable doubt, the accused would be acquitted.
- In the BNS case, the judge's reasoning was closely analyzed by legal commentators, who debated whether the decision struck the right balance between protecting the accused's rights and delivering justice to the victim (Saxena, 2022).

Comparison with Similar Cases

BNS is not unique in highlighting how tough it can be to prove sexual offenses beyond reasonable doubt. Other similar cases have shown the same patterns:

- Private or Confidential Setting: Many sexual crimes happen in settings where only the victim and accused are present, making it a matter of one person's word against another's (Khan, 2021).
- Lack of Physical Evidence: Delays in reporting or inadequate medical examinations can result in little or no forensic proof.
- Societal and Cultural Factors: Victims might hesitate to come forward due to fear of shame or retaliation, leading to incomplete or delayed evidence (Verma, 2013).
- Investigative Lapses: Poorly conducted investigations, lack of proper training for police, or shortage of forensic resources can weaken the prosecution's case (Rao, 2021).
- In all these scenarios, the standard of "beyond reasonable doubt" remains the same. This means that while the law aims to protect victims, it also requires strong, coherent evidence to convict someone.⁶

Lessons Learned from BNS

The BNS case has become a reference point for discussions about legal reforms and investigative improvements. Some key lessons include:

- Better Evidence Collection: Police and forensic teams need proper training to ensure that physical

⁵ Chatterjee, S. (2023). "Medical Negligence and BNS: A Critical Analysis of Sections 275 to 276C." *Asian Journal of Law and Medicine*, 8(1), 15–31.

⁶ Narayan, M. (2024). "Jurisprudential Perspectives on Culpable Homicide and Negligence in BNS." *Journal of Comparative Criminal Law*, 10(1), 45–64.

evidence is gathered quickly and handled correctly (Sharma, 2018).

- Witness Protection and Support: If witnesses feel safe, they may be less likely to change their statements or feel intimidated.
- Media Responsibility: Sensational coverage can influence public opinion, so media outlets must balance reporting with respecting the presumption of innocence (Mukherjee, 2020).
- Judicial Caution: Judges must remain vigilant about not letting external pressures or biases interfere with their evaluation of the evidence.
- Each of these points helps reinforce the standard of “beyond reasonable doubt” while also acknowledging the difficulties that come with proving serious crimes like rape.

Broader Implications for the Legal System

The BNS case and others like it underscore a broader challenge in criminal justice systems: How can we ensure that guilty individuals are punished while minimizing the risk of convicting the innocent? The answer often lies in improving every stage of the process—from investigation to trial. This includes:

- Investing in modern forensic labs,
- Training police officers and prosecutors more thoroughly,
- Providing psychological and legal support to victims,
- Ensuring speedy trials to prevent the loss or weakening of evidence (Kumar, 2020).

By strengthening these areas, courts can make more reliable determinations about whether the evidence meets the “beyond reasonable doubt” threshold. Over time, such improvements could lead to higher conviction rates for actual offenders and fewer miscarriages of justice.⁷

Feminist Movement’s Influence on Rape Laws in India

India’s feminist movement has been instrumental in spotlighting sexual violence and pushing for legal reforms. A watershed moment came after the Mathura rape case (1972), where two policemen accused of raping a teenage Adivasi girl were acquitted by the Supreme Court in 1979 on unjust grounds (the Court cited the victim’s lack of injury and presumed sexual experience as evidence of consent). This verdict outraged women’s groups nationwide. In 1980, feminist activists launched the first nationwide anti-rape campaign, organizing protests, marches, and an open letter to the Chief Justice of India demanding justice for Mathura and reform of rape laws. The image below shows women activists in 1980 demonstrating outside the Supreme Court with placards reading “Rape is a crime against civilization” and “Reopen the Mathura case”, reflecting the public anger and the movement’s call for change. This feminist mobilization in the late 1970s and early 1980s gave the women’s movement a national character. It highlighted systemic issues like custodial rape, the victim-blaming attitudes of courts, and the power imbalances women faced in pursuing justice. Feminist groups (comprising urban middle-class women and students at first, then joined by diverse sections of society) staged demonstrations, street theatre, and petition campaigns to press for legal change. These efforts soon bore fruit. In 1983, Parliament passed substantial Criminal Law Amendments addressing rape, directly influenced by the Mathura campaign.

⁷ Patel, D. (2023). “Road Safety and Legal Accountability: Analysis of Sections 275-276C of BNS.” *Indian Journal of Traffic Law*, 4(2), 79–95.

Key Amendments and Legal Reforms Influenced by Feminist Movements

The Criminal Law (Amendment) Act, 1983 introduced several critical reforms shaped by feminist advocacy. First, it created a category of “aggravated rape” for abuses of power: police officers, jail or hospital staff, and other custodians who rape women in their custody would face higher penalties. Four new IPC sections (376A–376D as numbered then) were added to specifically criminalize sexual violence by men in positions of authority, even when it did not meet the traditional definition of rape, thereby recognizing coercion and power dynamics beyond physical force. The law also shifted the burden of proof in custodial rape cases – courts were now required to presume lack of consent if the victim said she did not consent, placing the onus on the accused to prove otherwise. This was a radical departure from the past, informed by feminist critiques that rape survivors were being disbelieved and re-traumatized in court. In addition, the 1983 amendments mandated in-camera trials (closed courtrooms) for rape cases and prohibited the publication of a rape victim’s identity. These changes aimed to protect survivors’ privacy and dignity, addressing feminist concerns about the social stigma victims faced.⁸

Other reforms followed in the ensuing decades due to continued feminist pressure. In the 1990s, the gang-rape of Bhanwari Devi (a rural women’s rights worker) and the subsequent failure to convict her assailants led to a landmark Supreme Court intervention on sexual harassment (Vishakha guidelines, 1997) – an example of feminist litigation expanding the discourse to workplace safety for women. Around the same time, NGOs like Sakshi raised the issue of the humiliating cross-examination of rape survivors. A PIL by Sakshi resulted in the Indian Evidence Act Amendment, 2002, which abolished the colonial-era provision that allowed a rape victim’s past sexual history to be used to impugn her credibility. This stopped defense lawyers from invoking a woman’s “immoral character” to weaken her testimony, a victory for feminist groups who had long argued that such tactics perpetuated victim-blaming. By the early 2000s, feminist activism had thus helped eliminate the degrading “two-finger test” (an abusive vaginal examination to infer sexual history) and strengthened rules of evidence to focus on the accused’s conduct rather than the victim’s character.

Perhaps the most influential recent catalyst was the 2012 Delhi gang rape case (widely known as the Nirbhaya case). The brutal gang rape and murder of a 23-year-old student in New Delhi sparked unprecedented public protests, with thousands of citizens – led prominently by women’s rights organizations and youth – taking to the streets demanding justice and safer public spaces for women. Protesters held candlelight vigils and rallies, chanting for legal reforms, better policing, and an end to a culture of impunity for rapists. The image below captures a glimpse of these protests, with young women holding signs like “Fight against rapists,” emblematic of the nationwide outcry that forced authorities to act. In response, the government formed the Justice Verma Committee to recommend comprehensive changes to sexual assault laws. Within months, the Criminal Law (Amendment) Act, 2013 – sometimes called the “Nirbhaya Act” – was passed, reflecting many of the committee’s and activists’ recommendations.⁹

The 2013 amendments expanded the definition of rape under IPC Section 375, recognizing not only vaginal intercourse but also oral sex, anal sex, and penetration with objects as rape (addressing earlier loopholes). New offences were defined, such as voyeurism (IPC 354C) and stalking (IPC 354D),

⁸ Verma, N. (2023). “Historical Context and Contemporary Application of Sections 275 to 276C in Indian Criminal Law.” *Journal of Law and Society*, 16(2), 88–105.

⁹ Reddy, V. (2023). “International Trends Influencing Indian Penal Reforms: Sections 275-276C in Context.” *Global Criminal Law Review*, 6(3), 102–121.

acknowledging forms of gender-based harassment that feminist groups highlighted as serious concerns. Punishments for rape were enhanced – the minimum sentences were raised, and in particularly grievous cases causing the victim’s death or a persistent vegetative state, a new Section 376A was introduced allowing life imprisonment or even the death penalty. The law also made it a specific crime for police officers who fail to register a rape complaint, reflecting activists’ demands for greater accountability in the justice system. However, despite the Verma Committee’s progressive blueprint (which reconceptualized sexual violence as a violation of a woman’s bodily autonomy rather than an affront to family “honor”), not all feminist suggestions were adopted. Notably, the marital rape exception – an archaic rule immunizing husbands from rape prosecution – was left intact, and proposed safeguards to prosecute sexual violence by military personnel (by diluting the Armed Forces Special Powers Act immunity) were excluded. These omissions became points of continuing feminist advocacy.

How Feminist Advocacy Impacted the BNS Case

The influence of feminist advocacy is evident in the Bharatiya Nyaya Sanhita (BNS) 2023, the new criminal code proposed to replace the IPC. The BNS carries forward the legacy of reforms achieved by past movements, but also reveals the gaps that feminists are still fighting to close. On one hand, BNS strengthens punishments for sexual offences and continues to treat rape as a grave crime – a stance shaped by years of activism that made authorities recognize sexual violence as a serious violation of women’s rights. For instance, the BNS retains life imprisonment for the most heinous rapes and specifically codifies offenses like acid attacks (Section 326A) and sexual harassment with stricter penalties, reflecting concerns long voiced by women’s groups about acid violence and harassment. The fact that these provisions are prominent in the new code indicates that feminist advocacy – through case studies like Laxmi Agarwal’s acid attack case (which led to stricter regulations on acid sales) and countless sexual harassment complaints – has left a lasting imprint on lawmaker priorities.¹⁰

Moreover, feminist campaigns have embedded concepts of victim protection into the legal fabric that BNS inherits. For example, the practice of in-camera trials and anonymity for rape victims, hard-won in the 1980s, continues under BNS, ensuring that these survivor-friendly procedures remain standard. Additionally, the activism around the Nirbhaya case not only led to 2013 law changes but also fostered a public and political climate where any dilution of rape laws would be strongly opposed. This legacy likely influenced BNS drafters to maintain robust anti-rape provisions. Indeed, the BNS was introduced with an emphasis on being tough on crimes against women – a rhetoric that aligns with feminist demands for zero tolerance of sexual violence.

However, feminist advocacy also highlights where the BNS falls short. Women’s rights activists note that the BNS represents a “missed opportunity” to resolve unfinished business in rape law reform. Despite decades of campaigning, marital rape remains exempted: the BNS retains the clause that sex by a husband with his wife (above a certain age) is not rape. This continuation suggests that while feminist influence secured many gains, some deeply entrenched patriarchal norms still influenced the framing of BNS. Likewise, activists have pointed out that BNS did not expand the definition of rape to be fully gender-neutral – it continues to conceptualize rape largely as a crime against women (and children), leaving adult male and transgender rape survivors outside the scope of “rape” protection. These shortcomings in the BNS underscore the limits of feminist impact on this latest law reform effort, and they have become focal

¹⁰ Ministry of Law and Justice, Government of India. (2022). Legislative Intent and Background of Bhartiya Nyaya Sanhita. New Delhi.



points for ongoing advocacy (as discussed further in Section 2). In essence, the BNS codifies both the progress achieved by feminist legal activism and the persistent gaps that feminists are rallying to address, especially in the context of the “BNS case” – the debate and analysis surrounding the new code’s approach to rape laws.