

DEFINITIONS



Term	Section	Act	Definition
Bailable/Non-Bailable Offence	2(c)	BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 (BNSS)	“bailable offence” means an offence which is shown as bailable in the First Schedule, or which is made bailable by any other law for the time being in force; and “non-bailable offence” means any other offence
Cognizable offence	2(g)	BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 (BNSS)	“cognizable offence” means an offence for which, and “cognizable case” means a case in which, a police officer may, in accordance with the First Schedule or under any other law for the time being in force, arrest without warrant

Complaint	2(h)	BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 (BNSS)	“complaint” means any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Sanhita, that some person, whether known or unknown, has committed an offence, but does not include a police report. <i>Explanation.</i>--A report made by a police officer in a case which discloses, after investigation, the commission of a non-cognizable offence shall be deemed to be a complaint; and the police officer by whom such report is made shall be deemed to be the complainant
Non-Cognizable offence	2(o)	BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 (BNSS)	“non-cognizable offence” means an offence for which, and “non-cognizable case” means a case in which, a police officer has no authority to arrest without warrant

Offence	2(q)	BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 (BNSS)	“offence” means any act or omission made punishable by any law for the time being in force and includes any act in respect of which a complaint may be made under section 20 of the Cattle Trespass Act, 1871 (1 of 1871)
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**Schedule 1 (Part II) of the BHARATIYA NAGARIK SURAKSHA
SANHITA, 2023 (BNSS), (Central)**

CLASSIFICATION OF OFFENCES AGAINST OTHER LAWS

Offence	Cognizable or non- cognizable	Bailable or Non- Bailable	By what court Triable
1	2	3	4
If punishable with death, imprisonment for life, or imprisonment for more than 7 years.	Cognizable	Non-bailable.	Court of Session.
If punishable with imprisonment for 3 years and upwards but not more than 7 years.	Cognizable	Non-bailable.	Magistrate of the first class.
If punishable with imprisonment for less than 3 years or with fine only.	Non-Cognizable	Bailable	Any Magistrate

AADHAAR (TARGETED DELIVERY OF FINANCIAL AND OTHER SUBSIDIES, BENEFITS AND SERVICES) ACT, 2016 (Central)

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non- Bailable	Power of Investigation	Triable By	Locus Standi to File Complaint
Section 34	Penalty for impersonation at time of enrolment ¹ [Whoever impersonates or attempts to impersonate another person, whether dead or alive, real or imaginary, by providing any false demographic information or biometric information, shall be punishable with	imprisonment for a term which may extend to three years or with a fine which may extend to ten thousand rupees or with both]	Cognizable	Non-Bailable	a police officer not below the rank of Inspector of Police shall investigate any offence under this Act. (Section 45)	No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate shall try any offence punishable under this Act. [Section 47 (2)]	No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the Authority or any officer or person authorised by it: Provided that the court may, on a complaint made by an Aadhaar number holder or individual take cognizance of any offence punishable under section 34 or 35 or 36 or 37 or 40 or section 41. [Section 47 (1)]

1 Enforced w.e.f. 12.09.2016 vide Notification No. SO 2927(E), dated 12.09.2016.

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non- Bailable	Power of Investigation	Triable By	Locus Standi to File Complaint
Section 35	Penalty for impersonation of Aadhaar number holder by changing demographic information or biometric information ¹[Whoever, with the intention of causing harm or mischief to an Aadhaar number holder, or with the intention of appropriating the identity of an Aadhaar number holder changes or attempts to change any demographic information or biometric information of an Aadhaar number holder by impersonating or attempting to impersonate another person, dead or alive, real or imaginary, shall be punishable with	imprisonment for a term which may extend to three years and shall also be liable to a fine which may extend to ten thousand rupees.]	As above	As above	As above	As Above	As above

1 Enforced w.e.f. 12.09.2016 vide Notification No. SO 2927(E), dated 12.09.2016.

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non- Bailable	Power of Investigation	Triable By	Locus Standi to File Complaint
Section 36	Penalty for impersonation [¹ Whoever, not being authorised to collect identity information under the provisions of this Act, by words, conduct or demeanour pretends that he is authorised to do so, shall be punishable with	imprisonment for a term which may extend to three years or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.]	As above	As above	As above	As above	As above
Section 37	Penalty for disclosing identity information [¹ Whoever, intentionally discloses, transmits, copies or otherwise disseminates any identity information collected in the course of enrolment or authentication to any person not authorised under this Act or regulations made thereunder or in contravention of any agreement or arrangement entered into pursuant to the provisions of this Act, shall be punishable with	imprisonment for a term which may extend to three years or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.]	As above	As above	As above	As above	As above

1 Enforced w.e.f. 12.09.2016 vide Notification No. SO 2927(E), dated 12.09.2016.

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non- Bailable	Power of Investigation	Triable By	Locus Standi to File Complaint
Section 38	Penalty for unauthorised access to the Central Identities Data Repository ¹[Whoever, not being authorised by the Authority, intentionally,-- (a) accesses or secures access to the Central Identities Data Repository; (b) downloads, copies or extracts any data from the Central Identities Data Repository or stored in any removable storage medium; (c) introduces or causes to be introduced any virus or other computer contaminant in the Central Identities Data Repository; (d) damages or causes to be damaged the data in the Central Identities Data Repository;	imprisonment for a term which may extend to ² [ten years] and shall also be liable to a fine which shall not be less than ten lakh rupees.	As above	As above	As above	Court of Session	No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the Authority or any officer or person authorised by it. [Section 47(1)]

1 Enforced w.e.f. 12.09.2016 vide Notification No. SO 2927(E), dated 12.09.2016.

2 Substituted for "three years" by the Aadhaar and Other Laws (Amdt.) Act, 2019 (14 of 2019), dt. 23-7-2019, w.e.f. 25-7-2019 vide SO 2649(E), dt. 25-7-2019.

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non- Bailable	Power of Investigation	Triable By	Locus Standi to File Complaint
	(e) disrupts or causes disruption of the access to the Central Identities Data Repository; (f) denies or causes a denial of access to any person who is authorised to access the Central Identities Data Repository; (g) reveals any information in contravention of sub-section (5) of section 28, or shares, uses or displays information in contravention of section 29 or assists any person in any of the aforementioned acts; (h) destroys, deletes or alters any information stored in any removable storage media or in the Central Identities Data Repository or diminishes its value or utility or affects it injuriously by any means; or						

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non- Bailable	Power of Investigation	Triable By	Locus Standi to File Complaint
	(i) steals, conceals, destroys or alters or causes any person to steal, conceal, destroy or alter any computer source code used by the Authority with an intention to cause damage, shall be punishable with <i>Explanation</i> .-- For the purposes of this section, the expressions "computer contaminant", "computer virus" and "damage" shall have the meanings respectively assigned to them in the <i>Explanation</i> to section 43 of the Information Technology Act, 2000 (21 of 2000), and the expression "computer source code" shall have the meaning assigned to it in the <i>Explanation</i> to section 65 of the said Act.]						

1 Substituted for "three year", by the Aadhaar and Other Laws (Amdt.) Act, 2019 (14 of 2019), dt. 23-7-2019, w.e.f. 25-7-2019 vide SO 2649(E), dt. 25-7-2019.

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non- Bailable	Power of Investigation	Triable By	Locus Standi to File Complaint
Section 39	Penalty for tampering with data in Central Identities Data Repository ¹ [Whoever, not being authorised by the Authority, uses or tampers with the data in the Central Identities Data Repository or in any removable storage medium with the intent of modifying information relating to Aadhaar number holder or discovering any information thereof, shall be punishable with	imprisonment for a term which may extend to ² [ten years] and shall also be liable to a fine which may extend to ten thousand rupees.	As above	As above	As above	Court of Session	As above

¹ Enforced w.e.f. 12.09.2016 vide Notification No. SO 2927(E), dated 12.09.2016.

² Substituted for "three year", by the Aadhaar and Other Laws (Amdt.) Act, 2019 (14 of 2019), dt. 23-7-2019, w.e.f. 25-7-2019 vide SO 2649(E), dt. 25-7-2019.

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non- Bailable	Power of Investigation	Triable By	Locus Standi to File Complaint
Section 40	^{1,2} [Penalty for unauthorised use by requesting entity or offline verification-seeking entity Whoever, — (a) being a requesting entity, uses the identity information of an individual in contravention of sub-section (2) of section 8; or (b) being an offline verification-seeking entity, uses the identity information of an individual in contravention of sub-section (2) of section 8A, shall be punishable with	imprisonment which may extend to three years or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.]	As above	As above	As above	No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate shall try any offence punishable under this Act. [Section 47(2)]	No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the Authority or any officer or person authorised by it: ³ [Provided that the court may, on a complaint made by an Aadhaar number holder or individual take cognizance of any offence punishable under section 34 or 35 or 36 or 37 or 40 or section 41.] [Section 47(1)]

1 Enforced w.e.f. 12.09.2016 vide Notification No. SO 2927(E), dated 12.09.2016.

2 Substituted by the Aadhaar and Other Laws (Amdt.) Act, 2019 (14 of 2019), dt. 23-7-2019, w.e.f. 25-7-2019 vide SO 2649(E), dt. 25-7-2019. Prior to substitution, section 40 read as under:

"40. Penalty for unauthorised use by requesting entity. Whoever, being a requesting entity, uses the identity information of an individual in contravention of sub-section (3) of section 8, shall be punishable with imprisonment which may extend to three years or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both."

3 Inserted, ibid.

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non- Bailable	Power of Investigation	Triable By	Locus Standi to File Complaint
Section 41	Penalty for non-compliance with intimation requirements ¹ [Whoever, being an enrolling agency or a requesting entity, fails to comply with the requirements of sub-section (2) of section 3 or sub-section (3) of section 8, shall be	² [liable to penalty which may extend to one lakh rupees, or in the case of a company, with a penalty which may extend to ten lakh rupees.]]	Non-Cognizable	Bailable	As above	As above	As above
Section 42	General penalty ³ [Whoever commits an offence under this Act or any rules or regulations made thereunder for which no specific penalty is provided elsewhere than this section, shall be punishable with	imprisonment for a term which may extend to ⁴ [three years] or with a fine which may extend to twenty-five thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees, or with both.	Cognizable	Non-Bailable	As Above	As Above	No court shall take cognizance of any offence punishable under this Act, save on a complaint made by the Authority or any officer or person authorised by it. [Section 47(1)]

1 Enforced w.e.f. 12.09.2016 vide Notification No. SO 2927(E), dated 12.09.2016.

2 Substituted by Jan Vishwas (Amendment of Provisions) Act, 2023, w.e.f. 30.11.2023, vide Notification No. SO4746(E), dated 31.10.2023, for the following:-
“punishable with imprisonment which may extend to one year or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.”

3 Enforced w.e.f. 12.09.2016 vide Notification No. SO2927(E), dated 12.09.2016.

4 Substituted for “one year”, by the Aadhaar and Other Laws (Amdt.) Act, 2019 (14 of 2019), dt. 23-7-2019, w.e.f. 25-7-2019 vide SO 2649(E), dt. 25-7-2019.

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non- Bailable	Power of Investigation	Triable By	Locus Standi to File Complaint
Section 43	Offences by companies 1[(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.	be guilty of the offence and shall be liable to be proceeded against and punished accordingly.	As per offence committed	As per offence committed	As above	As per offence committed	As per offence committed

1 Enforced w.e.f. 12.09.2016 vide Notification No. SO2927(E), dated 12.09.2016.

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non- Bailable	Power of Investigation	Triable By	Locus Standi to File Complaint
	(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to <i>Explanation.</i>— For the purposes of this section — (a) “company” means any body corporate and includes a firm or other association of individuals; and (b) “director”, in relation to a firm, means a partner in the firm.]						

ACTUARIES ACT, 2006 (Central)

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non-Bailable	Triable By	Locus Standi to File Complaint
Section 37	Penalty for falsely claiming to be a member, etc. Subject to the provisions of section 10, any person who,-- (a) not being a member of the Institute,-- (i) represents that he is a member of the Institute in any of the manners mentioned in section 7; or (ii) uses the designation "Actuary"; or (iii) uses the letters "AIAI" or "FIAI" after his name; or (iv) practices the profession of an Actuary; or (b) being a member of the Institute, but not having a certificate of practice, represents that he is in practice, or practices as an Actuary, shall be punishable	on first conviction with fine which may extend to one lakh rupees, and on any subsequent conviction with imprisonment which may extend to one year, or with fine which may extend to two lakh rupees, or with both.	Non-Cognizable	Bailable	Any Magistrate	No person shall be prosecuted under this Act except on a complaint made by or under the order of the Council or of the Central Government. (<i>Section 42</i>)

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non-Bailable	Triable By	Locus Standi to File Complaint
Section 38	Penalty for using name of Institution, awarding degrees of actuarial science, etc. (1) Save as otherwise provided in this Act, no person shall — (a) use a name or a common seal which is identical with the name or the common seal of the Institute or so nearly resembles it so as to deceive or as is likely to deceive the public; or (b) award any degree, diploma or certificate or bestow any designation which indicates or purports to indicate the position or attainment of any qualification or competence in actuary-ship similar to that of a member of the Institute; or	fine, which may extend on first conviction to fifty thousand rupees and on any subsequent conviction with imprisonment which may extend to one year, or, with fine which may extend to one lakh rupees, or with both.	As above	As above	As above	As above

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non-Bailable	Triable By	Locus Standi to File Complaint
	(c) seek to regulate in any manner whatsoever the profession of Actuaries. (2) Any person contravening the provisions of sub-section (1) shall, without prejudice to any other proceedings, which may be taken against him, be punishable with fine, which may extend on first conviction to fifty thousand rupees and on any subsequent conviction with imprisonment which may extend to one year, or, with fine which may extend to one lakh rupees, or with both. (3) Nothing contained in this section shall apply to any University or other institution established by law or to any body affiliated to the Institute.					

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non-Bailable	Triable By	Locus Standi to File Complaint
Section 39	Companies not to engage in actuarial practice (1) No company, whether incorporated in India or elsewhere, shall practice as Actuaries. (2) Any company contravening the provisions of sub-section (1) shall be punishable	on first conviction with fine which may extend to ten thousand rupees, and on any subsequent conviction with fine which may extend to twenty-five thousand rupees.	As above	As above	As above	As above
Section 40	Unqualified person not to sign documents (1) No person other than a fellow member of the Institute shall sign any document on behalf of an Actuary in practice or a firm of such Actuaries in his or its professional capacity. (2) Any person contravening the provisions of sub-section (1) shall, without prejudice to any other proceedings which may be taken against him, be punishable	on first conviction with fine which may extend to fifty thousand rupees, and on any subsequent conviction with imprisonment which may extend to one year, or with fine which may extend to one lakh rupees, or with both.	As above	As above	As Above	As Above

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non-Bailable	Triable By	Locus Standi to File Complaint
Section 41	Offences by companies (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.	as per offence committed	As above	As above	As above	As above

Section	Offence	Punishment	Cognizable/ Non-Cognizable offence	Bailable/ Non-Bailable	Triable By	Locus Standi to File Complaint
	(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. <i>Explanation.</i>--For the purposes of this section-- (a) "company" means any body corporate and includes a firm or other association of individuals; and (b) "director", in relation to a firm, means a partner in the firm.					