Practice Directions, Schedules and Forms for the

National Sentencing Guidelines, 2026

for the structured sentencing of adult offenders and organisations

Sentencing must be reasoned,
transparent and consistent,
yet sensitive to the individual
circumstances of each case.

One statutory range, five quintiles



Schedule I scores the case; Schedule II places the sentence in a quintile;
Annexure A carries Forms PSC, PSC(A) and S.

Text for adoption by High Court Practice Direction under Article 227 of the Constitution read with section 529 of the Bharatiya Nagarik Suraksha Sanhita, 2023, or by directions under Article 142. On such adoption Parts I to IV, Schedule I, Annexure A and Schedule II take effect as directions; Parts V and VI take effect on enactment (section 1(4)).

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PROPOSED NATIONAL SENTENCING GUIDELINES, 2026

STATEMENT OF OBJECTS AND REASONS

1. The Indian Penal Code and, now, the Bharatiya Nyaya Sanhita, 2023 prescribe offences with maximum and, in some cases, minimum punishments, but do not provide statutory guidance to courts on how to select the most appropriate sentence within the permissible range, having regard to offence seriousness, aggravating and mitigating circumstances, and offender characteristics. This has resulted in inconsistency and unpredictability in sentencing across the country, as noted by various expert Committees and by the Hon'ble Supreme Court of India in several decisions.

2. The Malimath Committee on Reforms of the Criminal Justice System (2003) and the Madhava Menon Committee on the Draft National Policy on Criminal Justice (2007) highlighted the wide and unguided discretion presently enjoyed by courts in awarding sentences, and recommended the establishment of a permanent statutory body to frame sentencing guidelines, the revision of outdated fines, and the increased use of alternatives to imprisonment. These recommendations remain highly relevant in the context of the transition to the Bharatiya Nyaya Sanhita and the Bharatiya Nagarik Suraksha Sanhita.

3. Several judicial pronouncements have repeatedly expressed concern over the absence of a coherent sentencing policy, the anomalies in the quantum of sentences for similar offences, and the need to take into account proportionality, victim-rights, societal interests, and the prospects of rehabilitation while determining punishment. The judiciary has emphasised that sentencing must be reasoned, transparent, and consistent, yet sensitive to the individual circumstances of each case.
4. Comparative experience, particularly the Sentencing Council for England and Wales and the General Sentencing Guidelines 2019 under the Coroners and Justice Act 2009, and similar frameworks in other jurisdictions, shows that

structured sentencing guidelines can promote consistency, transparency and rationality in sentencing without unduly fettering judicial discretion. These systems commonly employ explicit harm and culpability assessments, aggravating and mitigating factors, and staged decision-making processes, all of which are compatible with an independent judiciary.

5. Research studies have further revealed arbitrariness and disproportionality in the prescription of punishments across statutes, over-reliance on imprisonment, and severe under-utilisation of community sanctions, probation, compensation and other non-custodial and restorative measures, despite statutory provisions for such alternatives. Concerns regarding prison overcrowding, fiscal and human-rights impacts of excessive custodial sentencing, and the need for a rational and measured use of criminal law have also been underscored by policy papers and government reports.

6. It is also considered necessary that the sentencing framework expressly recognise early plea of guilty, plea-bargaining, approver-type cooperation, and faithful assistance to investigation or prosecution as mitigating circumstances, and grant appropriate reductions in sentence where such conduct is genuine and of demonstrable value. Conversely, the framework must also recognise obstruction of justice, fabrication or destruction of evidence, intimidation of witnesses, absconding, false implication and perjury as aggravating circumstances, and ensure that such conduct is not unduly rewarded.

7. The promotion of bona fide plea-bargaining and truth-based cooperation, combined with principled deterrence of obstruction of justice and related offences, is expected to reduce avoidable trial pendency, conserve judicial time, and improve the efficiency and fairness of the criminal justice system. By encouraging early resolution of cases and discouraging dilatory or obstructive behaviour, the sentencing structure contributes directly to the expeditious disposal of criminal causes. Comparative research confirms that the availability

of plea bargaining in law does not ensure its use. A peer-reviewed study of 174 jurisdictions published in 2025 found that among the jurisdictions permitting the procedure its use ranged from almost none to nearly all convictions, and that India, whose procedure has been in force since 2006, recorded one of the lowest shares of convictions by plea among the 52 jurisdictions measured (Paolini, Kantorowicz-Reznichenko and Voigt, Journal of Empirical Legal Studies, 2025). A structured and accessible procedure, under which an accused can know in advance what a plea is worth, is accordingly preferred to reliance on the enabling provisions alone.

8. In view of the foregoing, it is considered necessary to enact a comprehensive framework, the Sentencing Guidelines, 2026, providing for the establishment of an independent Sentencing Authority, empowered to frame definitive sentencing guidelines for courts; to prescribe an overarching general guideline to be applied in all cases, particularly where no offence-specific guideline exists; and to require courts to have due regard to such guidelines, while retaining limited, reasoned discretion to depart in the interests of justice.

9. The proposed guidelines accordingly seek to—

    A. establish a Sentencing Authority with judicial and non-judicial members, entrusted with the preparation, publication and periodic revision of sentencing guidelines;

    B. provide for the preparation, publication, revision and application of statutory guidelines, including the General Sentencing Guideline;

    C. introduce a general sentencing guideline based on a structured ten-step methodology, including a structured score method, harm-culpability assessment, and quintile-based sentencing bands (Q1–Q5);

D. enhance the use of non-custodial and restorative sanctions, such as community service, probation, restitution and compensation, in appropriate cases;

E. promote plea-bargaining, early guilty pleas, and cooperation with investigation and prosecution, while deterring obstruction of justice and related conduct, through appropriate identification of mitigating and aggravating factors; and

F. ensure that sentencing decisions are reasoned, data-informed, and subject to principled appellate and revisional oversight, including in cases involving life imprisonment and the death penalty.

10. The guidelines also provide for the periodic review of sentencing guidelines and sentencing data, and for the integration of future judicial developments and empirical evidence into the guideline framework, thereby creating a dynamic, evidence-based and responsive sentencing policy for India. By combining structured methodology with judicial discretion, the Guidelines seek to promote proportionality, consistency, fairness and public confidence in the administration of criminal justice, while contributing to the reduction of avoidable pendency in criminal courts.

11. The Sentencing Guidelines, 2026 accordingly seek to achieve the above objects through a statutory framework that complements the Bharatiya Nyaya Sanhita, 2023 and the Bharatiya Nagarik Suraksha Sanhita, 2023.

THE SENTENCING GUIDELINES, 2026

In recent years, the administration of criminal justice has been confronted with increasing complexity in the nature of offences, wide disparities in sentencing practices, and the absence of a structured framework guiding judicial discretion. The lack of uniform sentencing principles has, in many cases, led to inconsistency, unpredictability and diminished public confidence in the fairness and transparency of the system.

In the determination of punishment, it is essential that courts are guided by clear, rational and objective standards which ensure that similarly situated offenders receive proportionate and consistent sentences. A principled sentencing framework must balance the gravity of harm, the culpability of the offender, and the broader objectives of deterrence, rehabilitation and protection of society. It is therefore necessary to establish a structured sentencing policy that promotes uniformity while preserving judicial discretion within defined limits. Such a framework would enable courts to arrive at reasoned and proportionate outcomes, enhance transparency in sentencing decisions, and strengthen the credibility of the criminal justice system. Accordingly, it has become imperative to introduce a comprehensive and uniform sentencing guideline framework, incorporating objective criteria and a calibrated system for determining sentencing ranges, to ensure consistency, fairness and accountability across the country.

PART I

1. Short title, extent and commencement

(1) These Guidelines may be called the Sentencing Guidelines, 2026.

(2) They extend to the whole of India.

(3) They shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of these Guidelines.

(4) Where these Guidelines are adopted by a High Court by Practice Direction under Article 227 of the Constitution read with section 529 of the Bharatiya Nagarik Suraksha Sanhita, or by directions of the Supreme

Court under Article 142 of the Constitution, Parts I to IV, Schedule I, Schedule II and Annexure A shall have effect as directions of that court from the date it appoints; Parts V and VI shall have effect only upon enactment by Parliament, and until then the functions of the Sentencing Authority under clauses (i), (iv) and (vii) of section 18(1)(a) shall be discharged by a Sentencing Committee constituted by the court issuing the directions.

2. Definitions

(1) In these Guidelines, unless the context otherwise requires—

(a) **"Bharatiya Nyaya Sanhita"** means the Bharatiya Nyaya Sanhita, 2023 (No. 45 of 2023), as amended from time to time;

(b) **"Bharatiya Nagarik Suraksha Sanhita"** means the Bharatiya Nagarik Suraksha Sanhita, 2023 (No. 46 of 2023), as amended from time to time;

(c) **"court"** means a criminal court competent to try an offence and pass sentence under the Bharatiya Nyaya Sanhita or under any other law for the time being in force;

(d) **"Guideline"** means a sentencing guideline set out in the Schedules to these Guidelines;

(e) **"offence-specific guideline"** means a sentencing guideline which applies to particular offences or classes of offences as specified therein;

(f) **"general guideline"** means the General Sentencing Guideline contained in Schedule I;

(g) **"statutory range"** means the minimum and maximum punishment prescribed by the applicable substantive law;

(h) **"Sentencing Authority"** means the body established under Part VI for the formulation and review of sentencing guidelines;

(i) **"Provisional Sentencing Calculation"** means the calculation recorded in Forms PSC and PSC(A) of Annexure A under Rule 14 of Schedule I;

(j) **"Provisional Sentence Indication"** means the written indication given by the court under Rule 14(4) of Schedule I before any plea of guilt is recorded, which does not bind the court that passes sentence, save that, once confirmed and acted upon under Rule 14(4)(d), the indicated sentence is the ceiling of the sentence that may be passed[1];

(k) **"reformative finding"** means the finding recorded by the court under Rule 14(2)(a) of Schedule I that the conditions specified in that clause are established;

(l) **"Litigation Conduct Record"** means the electronic record maintained under Rule 14(5)(a) of Schedule I;

(m) **"Annexure A"** means the Forms annexed to these Guidelines, namely Form PSC (Sentencing Score Form), Form PSC(A) (Individual Scoring Sheet and Accused's Election) and Form S (Magistrate's Oath Certificate and Caution).

(2) Words and expressions used but not defined in these Guidelines and defined in the Bharatiya Nyaya Sanhita or the Bharatiya Nagarik Suraksha Sanhita shall have the meanings respectively assigned to them in those enactments.

3. Quintiles -based sentencing framework

(1) **Application of Quintile structure.—** Every court shall, while determining the appropriate sentence within the statutory range prescribed under the applicable law, apply a Quintiles-based sentencing framework in accordance with this section and the Guidelines.

(2) **Computation of range.—** For the purposes of this section—

(a) where no minimum punishment is prescribed, the minimum shall be deemed to be zero;

(b) where the punishment prescribed is imprisonment for life, such punishment shall be the statutory maximum for the offence.

[1] Consequential on new Rule 14(4)(d). The definition stated without qualification that the indication does not bind the court that passes sentence. The accused could therefore plead guilty and still receive a heavier sentence than the one indicated, so the reward for an early truthful plea could not be known in advance. This is the uncertainty the Guidelines are meant to remove.

(3) **Division into Quintiles.—** The statutory range so determined shall be divided into five equal parts, namely—

(a) Quintile 1 (Q1), being the lowest Quintile;

(b) Quintile 2 (Q2), being the lower-middle Quintile;

(c) Quintile 3 (Q3), being the middle Quintile;

(d) Quintile 4 (Q4), being the upper-middle Quintile; and

(e) Quintile 5 (Q5), being the highest Quintile.

(4) **Determination of applicable Quintile.—** The court shall determine the appropriate Quintile having regard to—

(a) the degree of harm caused or intended;

(b) the level of culpability of the offender; and

(c) the presence of aggravating and mitigating circumstances.

(5) **Effect of Quintile determination.—** The Quintile so determined shall indicate the appropriate sentencing band within the statutory limits, and the court shall ordinarily impose a sentence within such Quintile unless, for reasons to be recorded in writing, a departure is considered necessary in the interests of justice.

PART II

4. Application of Guidelines and relationship with other laws

(1) Subject to the provisions of these Guidelines and any other law for the time being in force, the Guidelines contained in the Schedules shall apply to the sentencing of offences—

(a) under the Bharatiya Nyaya Sanhita; and

(b) under any other law which creates a criminal offence and under which a court in India is empowered to pass a sentence.

(2) The provisions of these Guidelines shall be in addition to, and not in derogation of—

(a) the provisions of the Bharatiya Nyaya Sanhita;

(b) the provisions of the Bharatiya Nagarik Suraksha Sanhita relating to trial, bail, compensation, probation and other procedural or ancillary matters; and

(c) any other law for the time being in force which prescribes mandatory minimum sentences, maximum sentences, special sentencing procedures or restrictions.

(3) In the event of any inconsistency between the sentence authorised by the applicable substantive law and any indicative range or band under the Guidelines, the sentence authorised by such substantive law shall prevail.

5. General Sentencing Guideline to apply in all cases

(1) Every court shall have due regard to the General Sentencing Guideline set out in Schedule I while passing sentence upon—

(a) any person who has attained the age of eighteen years and is convicted of an offence; and

(b) any company, firm, body corporate, or association of individuals convicted of an offence.

(2) The Guideline shall apply to all offences under the Bharatiya Nyaya Sanhita and under any other law for the time being in force, save where an offence-specific guideline expressly provides otherwise.

(3) Nothing in this section shall be construed as authorising any court—

(a) to impose a sentence in excess of the maximum, or below the minimum, prescribed by law; or

(b) to disregard any special sentencing provision, including a mandatory minimum or enhanced punishment, contained in any law for the time being in force.

6. Mandatory consideration and recording of reasons

(1) In every case where sentence is passed—

(a) the court shall consider the relevant Guideline or Guidelines; and

(b) the order on sentence shall record that such Guideline or Guidelines have been considered.

(2) Every sentencing order shall, as far as practicable, state—

(a) the assessment of harm and culpability;

(b) the Quintile (Q1–Q5) determined under section 3;

(c) the principal aggravating and mitigating factors taken into account;

(d) any reduction granted on account of assistance or plea of guilty, and the approximate extent thereof, including any Provisional Sentence Indication given and whether the sentence departs from it;

(e) the application of the totality principle;

(f) the reasons for any departure from the applicable Quintile;

(g) whether the reformative finding under Rule 14(2)(a) of Schedule I was made, and the conditions found; and

(h) any finding under Rule 14(5)(d) of Schedule I of deliberate falsehood or obstruction by the offender, and the material on which it rests.

(3) Every sentencing court shall expressly consider and record its application of the Guideline in accordance with these Guidelines:

Provided that where any Guideline is not complied with, the sentence shall be liable to be set aside or modified by the appellate or revisional court, unless the court records reasons why such non-compliance was necessary in the interests of justice.

PART III

7. Interaction with provisions of the Bharatiya Nyaya Sanhita, 2023

(1) Nothing contained in these Guidelines shall be construed as—

(a) altering, amending or affecting the ingredients, definitions or classifications of offences under the Bharatiya Nyaya Sanhita; or

(b) affecting the operation of any provision relating to general exceptions, abetment, attempt, joint liability or other matters governed by the said Sanhita.

(2) For the purposes of determining harm, culpability and the appropriate Quintile under these Guidelines and the Schedules, the court shall have due regard to—

(a) the nature and gravity of the offence as defined in the relevant provisions of the Bharatiya Nyaya Sanhita; and

(b) any statutory aggravating or mitigating circumstances expressly recognised therein, including enhanced punishment for specified classes of victims or circumstances.

8. Interaction with provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 and other procedural law

(1) The application of the Guidelines shall be subject to the provisions of the Bharatiya Nagarik Suraksha Sanhita and any other law for the time being in force relating to—

(a) procedure at the stage of conviction and sentence;

(b) pre-sentence reports, victim-impact statements, and psychiatric or other expert reports;

(c) set-off of pre-trial detention, remission, commutation, probation and parole;

(d) compensation to victims and other ancillary or consequential orders; and

(e) the recording of statements under section 183, and complaints under sections 215 and 379, of the Bharatiya Nagarik Suraksha Sanhita.

(2) In determining compensation, community service, probation, admonition or other non-custodial measures, the court shall—

(a) have regard to the provisions of the Bharatiya Nagarik Suraksha Sanhita and any applicable victim compensation scheme; and

(b) be guided by the principles set out in Schedule I.

(3) Nothing in these Guidelines or the Schedules authorises any court to take cognizance of an offence under Chapter XIV of the Bharatiya Nyaya Sanhita otherwise than in accordance with section 215 of the Bharatiya Nagarik Suraksha Sanhita, or creates any obligation enforceable otherwise than under that Chapter read with sections 215 and 379 of the Bharatiya Nagarik Suraksha Sanhita.

PART IV

9. Sentencing of Organisations

(1) Where the offender is a company, firm, body corporate or association of individuals, the court shall, for the purposes of these Guidelines —

(a) assess harm and culpability with reference to organisational fault, corporate gain and systemic risk, in accordance with Schedule I; and

(b) determine the appropriate Quintile and calibrate fines or other financial penalties so as to—

(i) Remove any economic benefit derived from the offence;

(ii) Achieve effective deterrence; and

(iii) Avoid disproportionate adverse impact on innocent stakeholders, employees or creditors.

(2) Where authorised by any law for the time being in force, the court may, in addition to financial penalties, consider—

(a) compliance or remedial orders;

(b) monitoring or reporting obligations; and

(c) publication of conviction or other appropriate orders, having regard to the nature and gravity of the offence.

10. Appellate and revisional scrutiny

(1) While exercising appellate, revisional or confirmation jurisdiction in relation to sentence, the High Court or any other competent court shall have due regard to—

(a) the applicable Guideline or Guidelines;

(b) the determination of harm, culpability and Quintile by the court below; and

(c) the reasons recorded in accordance with section 6.

(2) Where the sentence of death has been imposed by a court of first instance —

(a) the reference for confirmation, and any appeal or review, shall be dealt with in accordance with the applicable procedural law; and

(b) the appellate or confirmation court shall examine not only the conviction but also the application of Schedule I, including the determination that the case falls within the "rarest of rare" category.

PART V

11. Power to issue directions and provide training

(1) The Central Government may, in consultation with the Supreme Court, take such measures as may be necessary to—

(a) ensure effective dissemination of the Guidelines to all criminal courts; and

(b) promote training and capacity-building of judges, prosecutors and other stakeholders in the application of the Guidelines.

(2) Nothing in this section shall be construed as conferring upon the Central Government any power to amend, modify or annul any provision of the Schedules.

12. Power to amend Schedules

(1) The Central Government may, by notification in the Official Gazette, and with the prior approval of Parliament by resolution, amend, substitute or add to any Schedule to these Guidelines, after taking into account the recommendations of the Sentencing Authority made under section 20:

Provided that no such amendment shall have the effect of authorising any sentence in excess of that provided under the applicable substantive law.

(2) Every notification issued under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament.

13. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against any court, judge or other person for anything which is in good faith done or intended to be done in pursuance of these Guidelines.

14. Savings and transitional provisions

(1) Nothing in these Guidelines shall affect the validity of any sentence finally determined before the commencement of these Guidelines.

(2) Sentencing proceedings pending on the date of commencement of these Guidelines may, as far as practicable, be conducted having regard to the Guidelines, without invalidating any step already taken.

(3) Any reference in any law or instrument to "sentencing guidelines" shall, unless the context otherwise requires, be construed as a reference to the Guidelines contained herein.

15. Schedules

(1) The Schedules to these Guidelines shall form part of these Guidelines and shall have effect accordingly.

(2) Without prejudice to the generality of sub-section (1), the Schedules shall comprise—

(a) **Schedule I** – General Sentencing Guideline (Adult Individuals and Organisations);

(b) **Schedule II – Reference Table of Sentencing Quintiles;**

(c) Annexure A, comprising Form PSC, Form PSC(A) and Form S[2]; and

(d) such further Schedules as may be added in accordance with section 12.

PART VI

SENTENCING AUTHORITY

16. Establishment, composition and status of the Sentencing Authority

(1) The Central Government, in consultation with the Supreme Court of India, shall, by notification in the Official Gazette, establish a body to be called the "Sentencing Authority", which shall be a statutory body for the purposes of these Guidelines.

(2) Notwithstanding anything in these Guidelines or in any other law, the Sentencing Authority shall be a body corporate by the name so notified,

[2] Erratum. Forms I and I-A were renumbered Form PSC and Form PSC(A) in the amendment of 19 October 2026. This clause was missed; it now matches section 2 and Annexure A.

with perpetual succession and a common seal, and shall have power, subject to the provisions of these Guidelines,—

(a) to formulate, review and revise sentencing guidelines, including the Schedules hereto;

(b) to promote uniformity and transparency in sentencing practices across the country; and

(c) to advise the courts, legislature and other stakeholders on matters relating to sentencing policy.

(3) The Sentencing Authority shall function in accordance with the principles enshrined in—

(a) Articles 21 and 38 of the Constitution of India;

(b) the objects and reasons of these Guidelines; and

(c) the general principles of legality, proportionality, individualisation, deterrence, rehabilitation, reparation and protection of society set out in Schedule I.

17. Composition of the Authority

(1) The Sentencing Authority shall consist of the following members, namely: —

(a) Chairperson, who shall be a former Judge of the Supreme Court or a former Chief Justice of a High Court;

(b) not more than two serving or retired Judges of the High Court;

(c) not more than two members representing the prosecution, to be drawn from the office of the Director of Public Prosecutions or the Director General of Prosecution at the State or Union level, as may be notified;

(d) not more than two members with expertise in penology, criminology or social sciences;

(e) One member representing the Ministry of Law and Justice, who shall be an officer of the level of Joint Secretary or above; and

(f) Two eminent citizens, provided that such eminent citizens shall possess demonstrated expertise in criminal justice reform, victim rights, penology, or social rehabilitation, and shall hold office for a non-renewable term of three years.

(2) The members referred to in clauses (b), (c), (d), (e) and (f) shall be appointed in such manner and for such terms and conditions of service as may be prescribed by regulations made under these Guidelines.

(3) The Chairperson and the majority of the members shall be persons with proven experience in criminal justice, sentencing policy, or penology.

(4) In the appointment of members under clause (d), the Central Government shall ensure that at least one member possesses demonstrable expertise in the application of mathematical or economic game-theoretic models to evaluate the impact of sentencing policies on judicial efficiency, plea-bargaining rates, and witness cooperation.

18. Functions and powers of the Sentencing Authority

(1) The Sentencing Authority shall have the following functions:

(a) To prepare, publish and periodically update the sentencing guidelines, including the Schedules annexed to these Guidelines, having regard to:

(i) Monitoring compliance and adherence to these Guidelines, including the preparation of reports on judicial deviations for institutional review;

(ii) Designing and implementing comprehensive training and sensitisation programmes for the judiciary, prosecution, and legal practitioners;

(iii) Overseeing the digital transformation of sentencing procedures, including the development of automated scoring tools and secure electronic filing systems, the Litigation Conduct Record and the electronic Opportunity to Correct communication under Rule 14(5) and (6) of Schedule I;

(iv) Establishing robust systems for the collection, analysis, and public reporting of sentencing statistics and case-level data;

(v) Applying game-theoretic modelling and empirical analysis to optimise institutional incentives, particularly in the areas of plea-bargaining, witness cooperation, and the reduction of trial pendency, drawing on the data captured in the Litigation Conduct Record;

(vi) Recommending amendments to substantive and procedural laws, including the Bharatiya Nyaya Sanhita, 2023 and the Bharatiya Nagarik Suraksha Sanhita, 2023; and

(vii) Evaluating trends in judicial decisions and sentencing patterns to ensure the continued relevance and efficacy of the Guidelines.

(b) To recommend the addition, modification or deletion of Schedules to these Guidelines;

(c) To conduct or commission research on sentencing disparities, imprisonment patterns, the impact of non-custodial measures, and the effectiveness of sentencing in achieving deterrence;

(d) To develop and publish model forms, checklists, and practice notes to standardise the recording of scores, aggravating and mitigating factors, and judicial reasons for departure;

(e) To recommend the review, consolidation or rationalisation of statutory punishments to ensure national proportionality and certainty in sentencing; and

(f) To facilitate a structured process for receiving representations from courts, the bar, victims' groups, and other stakeholders regarding the implementation and impact of the Schedules.

(2) The Sentencing Authority may issue practice notes, explanatory material, and technical guidance on the application of the Schedules, which shall be advisory and shall not override the provisions of these Guidelines or the parent substantive law.

19. **Powers to obtain information and hold consultations**

(1) For the effective discharge of its functions, the Sentencing Authority may:

(a) Mandate any court, police authority, prosecution agency, prison administration, or any other criminal justice agency to furnish such information, data, statistics, or reports as it may specify;

(b) Organise public consultations, expert-group meetings, thematic workshops, and stakeholder dialogues; and

(c) Constitute committees, panels, or task forces—comprising judges, prosecutors, defence counsel, academics, and domain experts—to provide targeted recommendations.

(2) Subject to the rules of privilege and existing statutory restrictions on disclosure, information received under this section shall be treated as confidential and utilised exclusively for the purpose of policy formulation and guideline revision.

20. Procedure for recommending amendments to Schedules

(1) The Authority may, of its own motion or upon reference from the Central Government, the Supreme Court, or any High Court, prepare a draft amendment to any Schedule.

(2) No amendment shall be recommended unless the Authority has:

(a) Conducted a rigorous internal review, supported by empirical data, case-law analysis, and stakeholder feedback; and

(b) Published a draft version for public comment and provided a reasonable opportunity for objections and representations.

(3) Upon consideration of public input, the Authority shall submit its final recommendation to the Central Government, accompanied by a comprehensive Statement of Reasons and an Impact Assessment, including an analysis of the proposal's effect on judicial pendency and administrative costs.

(4) The Central Government shall, before initiating the amendment process under Section 12, lay the Authority's recommendation and the Impact Assessment before each House of Parliament, along with an explanatory memorandum on the anticipated effects on sentencing practices.

21. Annual report and accountability

(1) The Sentencing Authority shall submit an annual report to the Central Government and the Supreme Court on—

(a) the implementation and impact of the Guidelines, including Schedule I;

(b) any significant disparities or anomalies observed in sentencing practices; and

(c) such recommendations, if any, for legislative or policy measures as may appear appropriate.

(2) The annual report, or an abridged version thereof, shall, as far as may be, be made available to the public and to all criminal courts in India.

(3) The Authority shall be subject to general financial oversight of the Comptroller and Auditor General of India and shall comply with such accounting and audit requirements as may be prescribed.

22. Independence and neutrality

While functioning in an advisory capacity, the Sentencing Authority shall be independent of any executive or political influence in the formulation or review of sentencing guidelines.

23. Transitional provisions relating to the Authority

(1) The Sentencing Authority shall be deemed to have been constituted on the date notified by the Central Government under sub-section (1) of section 16.

(2) Until such time as the Authority is established, the Central Government may, in consultation with the Supreme Court, continue to issue notifications modifying the Schedules under section 12, in accordance with the existing framework.

24. Interpretation and savings

(1) Where any guideline, rule or form issued by the Sentencing Authority under these Guidelines is inconsistent with—

(a) a provision of these Guidelines; or

(b) any special sentencing provision in any other law, including the Bharatiya Nyaya Sanhita, 2023, the statutory provision shall prevail over the guideline.

(2) No guideline issued by the Authority shall be construed as altering, amending or affecting the ingredients, definitions or classifications of offences under the Bharatiya Nyaya Sanhita or any other law.

SCHEDULE I

(See sections 3, 5 and 6)

GENERAL SENTENCING GUIDELINE

(ADULT INDIVIDUALS AND ORGANISATIONS)

PART I: PRELIMINARY

1. Status, scope and application

(1) This Guideline shall apply to—

(a) all offenders who have attained the age of eighteen years at the time of conviction;

(b) all organisations, including companies, firms, bodies corporate and associations of persons, whether incorporated or not, convicted of offences under the Bharatiya Nyaya Sanhita, 2023 or under any other law for the time being in force.

(2) This Guideline shall—

(a) apply in all cases where no offence-specific guideline is applicable; and

(b) supplement any offence-specific guideline, to the extent that it is not inconsistent therewith.

(3) Nothing contained in this Guideline shall be construed as authorising any court—

(a) to impose a sentence exceeding the maximum prescribed by law; or

(b) to impose a sentence below any mandatory minimum prescribed by law.

2. Guiding principles of sentencing

(1) In determining the appropriate sentence, the court shall be guided by the following principles, namely:—

(a) proportionality between the seriousness of the offence and the sentence imposed;

(b) consistency in sentencing for similar offences and offenders;

(c) transparency and reasoned decision-making;

(d) individualisation of sentence having regard to the circumstances of the offender; and

(e) promotion of deterrence, rehabilitation, reparation and protection of society.

(2) The seriousness of the offence shall be determined through the structured assessment mechanism provided in this Guideline to ensure a rational and transparent evaluation of aggravating and mitigating circumstances, thereby promoting early resolution of disputes, witness cooperation, and efficient administration of justice to reduce trial pendency.

PART II: SENTENCING METHODOLOGY

3. Sequential steps in sentencing

(1) The court shall, while determining sentence, adopt a structured methodology comprising the following sequential steps:—

(a) determination of the seriousness of the offence in accordance with Part III;

(b) identification of the appropriate sentencing band or quintile indicated by such determination;

(c) identification of the starting point within such band or quintile;

(d) adjustment of the sentence within the band having regard to aggravating and mitigating factors recognised by this Guideline, subject to Rules 10 and 11;

(e) consideration of reductions for plea of guilty or cooperation with investigation and prosecution;

(f) application of the totality principle in cases involving multiple offences, including, where necessary to reflect distinct criminality, the imposition of consecutive sentences;

(g) consideration of compensation, restitution and other ancillary or non-custodial measures;

(h) ensuring that the sentence remains within the statutory range;

(i) finalisation of the sentence; and

(j) recording of reasons in accordance with Rule 18.

(2) The steps specified in sub-rule (1) shall be applied in a cumulative and sequential manner, and no step shall be omitted unless expressly justified in the order on sentence.

PART III: DETERMINATION OF SERIOUSNESS

4. Structured score method

(1) For the purpose of determining seriousness, the court shall apply a structured score method in accordance with this Part.

(2) The structured score method shall begin from a neutral baseline representing a typical case falling at the midpoint of the statutory punishment range, as defined in the relevant provisions of the Bharatiya Nyaya Sanhita, 2023 and the parent Guidelines.

(3) Subject to Rule 5, the Base Score for every offence shall be 5 points.

(4) The court shall then increase or decrease such score having regard to the presence of relevant aggravating and mitigating factors specified in this Guideline.

(5) The Final Score so determined shall reflect the overall seriousness of the offence and shall be recorded expressly in the sentencing order, together with the corresponding quintile (Q1–Q5) under the parent Guidelines.

5. Aggravating score factors

(1) The court may increase the Base Score for the presence of one or more of the following aggravating factors by up to 2 points each, namely: —

(a) Prior conviction or habitual offending—

(i) 1 point, where there is one prior conviction for an imprisonable offence and fewer than three years have elapsed since completion of sentence;

(ii) 2 points, where there are two or more prior convictions, or a prior conviction for an offence of the same category or involving violence, dishonesty, or breach of trust;

(b) Obstruction of justice, concealment of the offence, or evasion of process—

(i) 1 point, where there is reactive concealment after the act, without advance planning;

(ii) 2 points, where there is active or premeditated obstruction, including perjury, false implication, destruction of evidence, fabrication of evidence, intimidation of witnesses, absconding under section 209 of the Bharatiya Nyaya Sanhita, 2023, or comparable conduct:

Provided that this factor shall be applied only on the court's own recorded finding, made on the material before it, and shall never be founded on the accused's refusal to answer or false answer under section 351 of the Bharatiya Nagarik Suraksha Sanhita, 2023, on a confession or retracted confession under section 183 thereof, on the Written Basis of Plea or any Form marked under Rule 14(4), or on the denial of the charge or the exercise of the right to trial; a witness's independent false evidence shall never be scored against the offender; and the conduct scorable under this clause is confined to false evidence given on oath under section 353 of that Sanhita, a false sworn affidavit or declaration, fabricating false evidence within section 228 read with section 229 of the Bharatiya Nyaya Sanhita, 2023, an offence under section 209, 232, 238, 241 or 248 thereof, or abetment of an offence under section 229 thereof;

(c) Premeditation or significant planning—

(i) 1 point, where there is identifiable prior thought or preparation beyond impulse;

(ii) 2 points, where there is sustained, coordinated, or sophisticated planning;

(d) Either one of the following—

(i) Repeated acts, brutality, or serious violence—

(A) 1 point, where force or repetition falls within the upper range of the ordinary case;

(B) 2 points, where the violence is sustained, cruel, torturous, or causes prolonged suffering; or

(ii) Severe harm, including death, serious bodily injury, grave psychological injury, or very high financial loss—

(A) 1 point, where the harm falls within the range ordinarily contemplated by the offence;

(B) 2 points, where the harm materially exceeds that range;

(e) Significant economic, institutional, or systemic impact—

(i) 1 point, where the impact is material but contained in scope;

(ii) 2 points, where the impact is large-scale, cascading, or affects public institutions, markets, or the administration of justice;

(f) Either one of the following—

(i) Vulnerability of the victim or plurality of victims—

(A) 1 point, where a vulnerable victim is targeted or the number of victims is between two and five;

(B) 2 points, where multiple vulnerability factors are present, or the number of victims is six or more; or

(ii) Abuse of authority, fiduciary position, or position of trust—

(A) 1 point, where the abuse is opportunistic or isolated;

(B) 2 points, where the abuse is systematic, repeated, or linked to institutional responsibility.

6. Mitigating score factors

(1) The court may decrease the Base Score for the presence of one or more of the following mitigating factors by up to 2 points each, namely:—

(a) Absence of prior conviction and demonstrable law-abiding conduct

(i) 1 point, where there is no prior conviction for any imprisonable offence together with otherwise stable conduct, employment, education, or family responsibility;

(ii) 2 points, where there is no prior conviction and a long demonstrable period of lawful conduct, strong community standing, or verified reformative background;

(b) Peripheral or minor role in the commission of the offence—

(i) 1 point, where participation is secondary or limited;

(ii) 2 points, where the role is merely incidental, minimal, or easily separable from the principal act;

(c) Restitution, compensation, or meaningful reparation—

(i) 1 point, where there is partial restitution, attempted repayment, apology accompanied by material reparation, or measurable efforts to reduce the harm caused;

(ii) 2 points, where there is full restitution, complete repayment, prompt compensation, or substantial repair of the harm voluntarily made before sentencing;

Cooperation with investigation or prosecution—

(i) 1 point, where there is limited but genuine cooperation;

(ii) 2 points, where there is full and timely cooperation materially aiding detection, recovery, or conviction;

Explanation.—A party to a criminal conspiracy under section 61 of the Bharatiya Nyaya Sanhita, 2023 who, before the offence which is its object is committed, withdraws from the conspiracy and reports it to a police officer or Magistrate, shall be treated as having rendered full and timely cooperation under this clause; and where the report prevents the

commission of that offence, the limit in Rule 7(3) shall not apply to the reduction made on that account, and the court shall record its reasons.[3]

(e) Provocation, emotional disturbance, or situational pressure—

(i) 1 point, where some provocation or emotional disturbance partly reduces culpability but falls short of a complete defence;

(ii) 2 points, where substantial provocation, grave emotional disturbance, sudden fight, or comparable situational pressure significantly reduces self-control, though not enough to negate liability;

(f) Demonstrable remorse accompanied by corrective conduct—

(i) 1 point, where remorse, apology, or visible regret is supported by some corrective conduct;

(ii) 2 points, where remorse is genuine and sustained and is accompanied by voluntary surrender, acceptance of responsibility, or affirmative corrective conduct;

(g) Youth, advanced age, illness, or diminished personal capacity—

(i) 1 point, where youth, old age, illness, mental health difficulty, cognitive limitation, or comparable personal condition partly reduces blameworthiness;

(ii) 2 points, where such condition materially affects judgment, resilience, or culpability; and

(h) Strong prospects of reform and rehabilitation—

(i) 1 point, where there are some indicators of reform, including family support, employment, education, or stable living arrangements;

[3] New. A conspiracy holds while each member expects the others to stay silent. At present a conspirator who withdraws and reports the plot before it is carried out gains nothing from the sentencing law, so staying in costs him nothing. This Explanation gives him an exit at every stage and makes it more valuable the earlier he takes it. It works only on sentence. Full immunity where the report prevents the offence needs legislation and stays in the Bill track (Amendment Schedule, item C3/D3).

(ii) 2 points, where prospects of rehabilitation are strong and verified by conduct, background, institutional reports, or other reliable material.

(2) Early plea bargaining and structured resolution of the case.—

(a) 2 points, where the offender pleads guilty, whether under Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 or to the charge as framed under section 252, 264, 269(3) or 275 thereof, after the first hearing at which he is asked to plead but before the closure of the prosecution evidence, resulting in some saving of judicial time and witness inconvenience;

(b) 4 points, where the offender pleads guilty, whether under Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 or to the charge as framed under section 252, 264, 269(3) or 275 thereof, at the first hearing at which he is asked to plead, and the court records the reformative finding under Rule 14(2)(a) that the plea is truthful and voluntary, that the offender has expressed remorse, that he has no previous conviction for an offence in the same Chapter of the Bharatiya Nyaya Sanhita, 2023, and that no trial is required on any contested fact:

Provided that any reduction under this sub-rule shall be applied in addition to other mitigating factors, but the court shall ensure that the Final Score does not fall below 0 in accordance with Rule 7(2); and provided further that where any condition of the reformative finding is not established, the court shall apply such lesser reduction under this sub rule as it considers just and shall record its reasons, and shall not found a finding that a plea is untruthful on the accused's answers, or refusal to answer, under section 351 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Explanation - The reduction under this sub rule is a mitigating assessment of the offender and is applied at the scoring stage; the reduction under Rule 13(3) is for the stage at which the plea is entered and is applied separately from, and after, this sub rule, in accordance with Rule 14(2)(d). The two count different facts and Rule 7(4) is not infringed.

(3) In applying mitigating factors, the court shall have due regard to the facts of the case and shall not assign a reduction on grounds already otherwise reflected in the classification of the offence or in any statutory provision.

(4) Mitigating factors shall be assessed on the basis of reliable material, including antecedents, conduct, social background, pre-sentence material, proof of restitution, medical record, or any other relevant material lawfully before the court.

7. Calculation and safeguards

(1) The Final Score shall be calculated by adding the total aggravating adjustments to the Base Score and deducting the total mitigating adjustments therefrom.

(2) The Final Score shall ordinarily not be less than 0 and shall not exceed 10.

Explanation - For the avoidance of doubt, cases falling in Quintile 1 (Q1) may, where justified by the mitigating factors, attract a Final Score of 0, and the corresponding sentence may range from no punishment to the lower end of the statutory range, subject to the applicable substantive law.

(3) The total upward or downward adjustment from the Base Score under Rules 5(1) and 6(1), excluding any adjustment under Rule 6(2), shall ordinarily not exceed 4 points, unless exceptional reasons are recorded in writing.

(4) Where multiple factors overlap, the court shall apply only the most appropriate factor, or such combination of factors as is sufficient to reflect the true seriousness of the case, and shall avoid duplication in assessment.

PART IV: MAPPING OF SERIOUSNESS TO SENTENCE

8. Statutory anchoring of sentence

(1) The sentence shall in every case remain within the limits prescribed by the applicable substantive law, including the Bharatiya Nyaya Sanhita, 2023 and any other law for the time being in force.

(2) Where no minimum punishment is prescribed, the minimum shall, for the purposes of computation under this Guideline, be treated as zero.

(3) Where the punishment prescribed includes imprisonment for life, the court shall treat life imprisonment as the statutory maximum for the offence and shall not convert it into any fixed term merely for the purposes of computation under this Guideline.

(4) For the avoidance of doubt, nothing in this Guideline shall authorise any court to exceed the statutory range defined by Section 3 of the parent Guidelines.

9. Indicative Quintile mapping

(1) After determining the Final Score, the court shall identify the indicative quintile or sentencing band as follows:—

Final Score	Quintile	Indicative Seriousness
0 to 2	Q1	Lower seriousness
>2 to 4	Q2	Below-average seriousness
>4 to 6	Q3	Average seriousness
>6 to 8	Q4	Above-average seriousness
>8 to 10	Q5	High seriousness

In cases falling within Q5, plea-based reductions shall be constrained in accordance with Rule 13(7).

(2) The identified quintile shall guide the placement of the sentence within the available statutory range and shall provide the presumptive band for the starting point, consistent with the quintile-based framework in section 3 of the parent Guideline.

(3) The court may round the sentence to the nearest practical unit, including days, months, or years, as the nature of the punishment may require.

Illustration

(a) An offence is punishable with imprisonment for a term which may extend to seven years and a fine. There is no statutory minimum. The Final Score is determined to be 5.5, falling in Q3. Indication – Q3 in Part A of Schedule II (maximum 7 years) is 2.8 to 4.2 years. The court

ordinarily imposes a sentence within this range and may move within it having regard to the precise Final Score.

(b) An offence is punishable with imprisonment for a term which shall not be less than three years but which may extend to ten years. The Final Score is determined to be 7.5, falling in Q4. Indication – Q4 in Part B of Schedule II (3 years to 10 years) is 7.2 to 8.6 years. The court ordinarily imposes a sentence within this range.

10. Starting point, adjustment and departure

(1) The sentence indicated by the applicable quintile shall ordinarily constitute the starting point for final determination, in accordance with section 3 and section 6 of the parent Guidelines.

(2) The court may adjust such sentence, within the bounds of the applicable law, having regard to—

(a) factors recognised by this Guideline;

(b) the circumstances of the offender; and

(c) the interests of justice.

(3) Departure from the sentence indicated by the structured score method may be made only where strict application would result in manifest injustice, or where statutory intent otherwise requires, and in every such case the reasons for departure shall be expressly recorded and, where practicable, quantified.

PART V: OVERRIDES AND ADDITIONAL ADJUSTMENTS

11. Structured overrides

(1) Notwithstanding anything contained in Rules 4 to 10, the court may depart from the ordinary scoring outcome only where one or more of the following circumstances is established on the record:—

(a) Multiple deaths, torture, terrorist activity, or murder accompanied by exceptional cruelty;

(b) Repeat violent or sexual offending proved by two or more prior convictions of a similar kind;

(c) Provocation of such gravity as materially reducing culpability, though not amounting to a complete defence;

(d) Diminished responsibility of a substantial degree supported by medical, psychiatric, or other reliable material; or

(e) a negligence-based offence accompanied by aggravating features so exceptional that the ordinary ceiling would understate the seriousness of the case.

(2) Where this Rule is invoked, the court shall identify the precise circumstance relied upon, explain why the ordinary scoring outcome is inadequate, and state the extent of the resulting adjustment.

(3) Nothing in this Rule shall authorise the court to disregard any mandatory statutory minimum or maximum punishment.

12. Assistance to authorities

(1) Where the offender has rendered substantial assistance to the investigation or prosecution of the offence or any related offence, the court may grant a reduction in sentence, in accordance with section 6 and the principles of assistance specified in the parent Guidelines.

(2) No such reduction shall ordinarily be granted unless the assistance is placed before the court through—

(a) a written submission of the prosecution; or

(b) other reliable material recorded on the proceedings and disclosed to the offender, subject to lawful claims of privilege or protection.

(3) The reduction under this Rule shall ordinarily not exceed one-third of the sentence otherwise determined, and its extent shall depend upon—

(a) the truthfulness, completeness, and timeliness of the assistance, assessed, where the offender has been examined as a witness after a tender of pardon under section 343 of the Bharatiya Nagarik Suraksha Sanhita, 2023, on the record made under Rule 14(6)(g);

(b) the significance of the assistance to detection, recovery, disruption, or conviction; and

(c) the degree of risk or prejudice assumed by the offender in rendering such assistance.

(4) Where the existence, truthfulness, or value of the alleged assistance is disputed, the court shall determine the matter on the basis of material lawfully placed on record and shall record brief reasons for accepting or rejecting the claim.

(5) For the avoidance of doubt, the court shall not grant any reduction under this Rule in a manner inconsistent with any statutory restriction on leniency, pardon, witness-protection or other special procedures, and any such reduction shall be expressly recorded in the sentencing order together with the stage-wise assessment under the structured score method.

(6) Where the Public Prosecutor certifies in writing, or the court on the material on record is itself satisfied, that the assistance rendered was truthful, complete and of substantial value, the reduction under this Rule shall not be less than one-sixth of the sentence otherwise determined, unless the court, after hearing the offender, records reasons for finding the certificate unsupported by that material.[4]

(7) On the application of the offender, made before the assistance is rendered in full, and on the written proposal of the Public Prosecutor stating the assistance to be rendered, the court may give a written Cooperation Indication stating the reduction that will be granted under this Rule if the assistance is rendered as proposed; and where it is so rendered, the reduction granted shall not be less than that indicated. The application, the proposal and the indication shall be marked "Provisional, not part of the record of trial, Rule 12(7)" and kept in a sealed cover until the offender is examined as a witness, when the indication shall be disclosed to every accused against whom he gives evidence; and clause (c) of Rule 14(4) shall apply to the application, mutatis mutandis.[5]

[4] New: a floor. Sub-rule (3) caps the credit for assistance at one-third but guarantees none. A co-accused deciding whether to turn State's evidence cannot count on anything, while the risk he runs from his associates is certain. A floor, open only on a certificate or the court's own finding, makes the credit something he can rely on. One-sixth is half the existing ceiling, which leaves the court room to grade the credit above the floor.

[5] New: a cooperation indication, built like the Provisional Sentence Indication. The offender learns the price of his assistance before he gives it, and the promise binds once he performs. Disclosing the indication to the co-accused when the cooperator testifies lets the defence cross-examine on the bargain. Credibility is protected by disclosure, not by tightening the corroboration rule (Amendment Schedule, item C5/D5). The approver's pardon under sections 343

(8) Every application under sub-rule (7), and every written offer of assistance made by an accused to the Public Prosecutor or the investigating officer and forwarded to the court, shall be entered in the Litigation Conduct Record with the time of its entry; and where two or more persons concerned in the same offence offer assistance, the court shall ordinarily grant the larger reduction to the person whose offer was entered first, unless a later offer is of materially greater value.[6]

(9) The reduction under this Rule depends on the truthfulness and completeness of the assistance, assessed on the material on record including any corroboration; and it shall not be refused or reduced by reason only that a person against whom the offender has given evidence is acquitted.[7]

13. Plea of guilty

(1) Where an offender pleads guilty, whether to the charge as framed under section 252, 264, 269(3) or 275 of the Bharatiya Nagarik Suraksha Sanhita, 2023 or pursuant to Chapter XXIII thereof, the court may grant a reduction in sentence having regard to the stage at which such plea is entered, in accordance with section 6 of the parent Guidelines.

(2) Where an offender enters into a lawful plea-bargaining arrangement in accordance with the applicable procedural law, the consequences of such plea for the structured score shall be determined under Rule 6(2) read with Rule 14(2), and the stage-based reduction under sub-rule (3) shall be applied thereafter, separately from and after the reduction under Rule 6(2), in accordance with Rule 14(2)(d).

(3) Without prejudice to the generality of sub-rule (1), the reduction may ordinarily be as follows:—

to 345 of the Sanhita is not affected.

[6] New: a first-in-time marker, as in cartel leniency programmes (for example the Competition Commission of India's lesser-penalty regulations). When the first to come forward earns the larger credit, every conspirator fears being second, and the pact of silence breaks from the inside. Recording the entry time on the Litigation Conduct Record means no one can backdate an offer later.

[7] New. Section 138 of the Bharatiya Sakshya Adhiniyam, 2023 permits a conviction on the corroborated testimony of an accomplice. The Indian Evidence Act, s. 133, had said "uncorroborated"; the word was changed on the Standing Committee's advice to match illustration (b) to s. 119(1). A truthful cooperator may therefore testify fully and the co-accused may still be acquitted for want of independent evidence. If credit followed the verdict, the cooperator would carry the risk of the State's weak evidence. Checked against the enacted BSA text (Gazette).

(a) where the plea of guilty is entered at the first hearing at which the accused is asked to plead, a reduction not exceeding one-third of the sentence;

(b) where the plea of guilty is entered after that hearing but before the closure of the prosecution evidence, a reduction not exceeding one-quarter of the sentence; and

(c) where the plea of guilty is entered after the closure of the prosecution evidence, a reduction not exceeding one-tenth of the sentence.

(4) The extent of reduction shall be determined having regard to all relevant circumstances, including—

(a) the stage of proceedings;

(b) the conduct of the offender;

(c) the saving of judicial time;

(d) the effect on victims and witnesses; and

(e) the interests of justice.

(5) Where, in accordance with law, the offender becomes a prosecution witness or otherwise gives evidence materially assisting the prosecution[8] of one or more co-offenders, the court may, in addition to, or independent of, any reduction under sub-rules (1) to (3) or under Rule 12, grant an appropriate further reduction, which shall ordinarily not exceed one-third of the sentence, and for which reasons shall be recorded; such evidence is given on oath after the caution in Rule 14(6)(g).

(6) No reduction under this Rule shall be granted in a manner inconsistent with any statutory restriction or special procedure governing pardon, tender of evidence, plea bargaining, or witness protection.

(7) Notwithstanding anything contained in this Rule or in Rule 6(2), no reduction on account of plea of guilty or plea-bargaining shall ordinarily be granted where the Final Score falls within Quintile 5 (Q5), that is, where the Final Score is above 8, unless a specific statutory provision expressly permits such reduction and the court records special reasons for doing so.

[8] Consequential on new Rule 12(9). The further reduction for a co-offender who gives evidence depended on the conviction of the others, the outcome Rule 12(9) now separates from the credit.

14. Harmonised application to plea bargaining and to direct pleas of guilty; victim hearing; reformative placement; provisional indication; electronic safe harbour routing; caution and record of statements under section 183

(1) Parity of calculation. Every court shall apply the Provisional Sentencing Calculation (Forms PSC and PSC(A) of Annexure A) uniformly, whether the plea is disposed of under Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 (sections 289 to 300) or is a plea of guilty to the charge as framed entered under section 252, 264, 269(3) or 275 of the Sanhita (section 275 as applied to summary trials by section 284); and, where Chapter XXIII does not apply by reason of section 289, to the direct plea alone. Nothing in this Rule requires a court to accept a plea of guilty, or to pass the sentence indicated in Form PSC(A); the court shall record reasons where it departs from that indication.

(2) Reformative placement on an early truthful plea.

(a) Where an offender pleads guilty to the charge as framed at the first hearing at which he is asked to plead, and the court is satisfied on the record that

(i) the plea is truthful and voluntary,

(ii) the offender has expressed remorse,

(iii) the offender has no previous conviction for the same offence or an offence of the same nature, that is, an offence in the same Chapter of the Bharatiya Nyaya Sanhita, 2023, and

(iv) no trial is required on any contested fact, the court shall record that the reformative factor is established and shall apply the reduction under Rule 6(2)(b), placing the offender in Quintile 1, or at the statutory minimum where a mandatory minimum is prescribed and the case is not disposed of under section 293 of the Sanhita.

(b) Where any of conditions (i) to (iv) is not met, the court shall apply such lesser reduction under Rule 6(2) as it considers just and shall record its reasons. The court shall not found a finding that a plea is untruthful on the accused's answers, or refusal to answer, under section 351 of the Sanhita.

(c) Where the plea is entered after that hearing but before the closure of the prosecution evidence, the court shall apply the reduction under Rule 6(2)(a).

(d) The reduction under Rule 13(3) is for the stage at which the plea is entered and is applied separately from, and after, any reduction under this sub rule.

(e) In every case placed in Quintile 1 under clause (a), the court shall consider release under section 401 of the Sanhita or sections 3 or 4 of the Probation of Offenders Act, 1958 (section 12 of which removes disqualification attaching to the conviction), community service under section 4 of the Bharatiya Nyaya Sanhita, 2023, and restitution to the victim.

(f) Nothing in this sub rule requires the consent of the victim to the sentence passed on a plea to the charge as framed; the victim's consent is required only where the charge is altered or reduced in consequence of the plea.

(g) Conditions (i) and (iii) of clause (a) shall be supported by the Declaration of Antecedents sworn by the accused in Item B4 of Form PSC(A) Part B. Where that declaration is found to be false before sentence, the reformative finding under clause (a) stands withdrawn and the court shall record its reasons; where sentence has already been passed, the inadequacy of the sentence is a matter for the State under section 418 of the Sanhita; in either case the court may proceed under section 379 in respect of the declaration.

(h) Where the accused is in custody, no request under sub-rule (4) shall be entertained until (i) counsel of the accused's choice or legal-aid counsel assigned by the District Legal Services Authority has met the accused, and (ii) the court has considered and recorded its order on release on bail or under section 479 of the Sanhita.

(3) Victim hearing. Upon the filing of Form PSC(A) and a request for a Provisional Sentence Indication, the court shall notify and hear the victim on

(a) the identity of the offender,

(b) the factual basis of the charge and the Prosecutor's Charge Integrity Certificate, and

(c) the Victim Impact Statement and the compensation and restitution to be fixed under the Sanhita; and shall record the victim's objection, if any, to the sentence as a relevant consideration: Provided that where the victim joins in a mutually satisfactory disposition, the court shall proceed under sections 292 and 293 of the Sanhita; and where the victim does not, the application under Chapter XXIII stands closed under section 292 and the court shall thereupon proceed under section 252, 264, 269(3) or 275 and apply this Schedule.

(4) Provisional indication and rollback.

(a) Every Form PSC, Form PSC(A), Written Basis of Plea and request for a Provisional Sentence Indication shall be marked "Provisional, not part of the record of trial, Rule 14(4)".

(b) On the request of the accused made before any plea of guilt is recorded, the court shall give a written Provisional Sentence Indication on Form PSC(A), valid for fifteen days, and shall inform the accused that the indication does not bind the court that passes sentence until it is confirmed and acted upon under clause (d). The plea of guilt and conviction shall be recorded only after the court confirms the indicated sentence and the accused accepts it.

(c) Where the court declines to confirm the indicated band, or the disposition fails before conviction is recorded, the accused may withdraw the request; the Form and all connected papers shall then be removed from the record of trial, placed in a sealed cover, and shall not be referred to by any party or the court, and the case shall, where practicable, be transferred to another presiding officer under section 447 or 448 of the Sanhita. Section 299 of the Sanhita applies by analogy, and section 22 of the Bharatiya Sakshya Adhiniyam, 2023 governs any statement made in response to the indication.

(d) Where the court has confirmed the indicated sentence and the plea of guilt and conviction have been recorded on it, the sentence passed shall not exceed the indicated sentence, unless the Declaration of

Antecedents in Item B4 of Form PSC(A) Part B, or other material furnished by or on behalf of the accused on which the indication was given, is found to have been false or materially incomplete; in which case the court shall record its reasons, and the accused may withdraw the plea, whereupon clause (c) shall apply. Subject to clause (e), nothing in this clause affects the powers of the High Court in appeal under section 418 of the Sanhita or in revision.[9]

(e) Where sentence has been passed on a plea recorded after the court confirmed a Provisional Sentence Indication under clause (b), no court in appeal or revision shall enhance that sentence by acting on the plea. A court which finds the sentence unlawful or inadequate shall set aside the conviction and sentence and remit the case for trial from the stage at which the plea was recorded, and clause (c) shall apply to the papers. This clause does not apply where the indication was obtained by a Declaration of Antecedents found to be false under Rule 14(2)(g).

(5) Electronic safe harbour routing under sections 215 and 379.

(a) Every court on the eCourts platform shall maintain a Litigation Conduct Record. Where a prima facie material contradiction or false statement appears on the record, including a contradiction between a statement recorded on oath under section 183 of the Sanhita and a sworn deposition at trial, any party, the Public Prosecutor or the Registry may cause an electronic Opportunity to Correct communication to issue from the Registry, served electronically and explained in the deponent's vernacular through the District Legal Services Authority where required. The communication shall state that no court has formed any opinion on the matter. The Record shall also carry, for every accused and case at the plea notice: whether the notice is the first; custody status and time already served; whether the accused is a first-time offender; other cases pending against the

[9] New: certainty of the plea discount, the central change in this revision. Under clause (b) the indication "does not bind the court that passes sentence", so an accused weighing an early truthful plea against a trial cannot know what the plea will earn. A promise the court may break buys no truth. Once the court has confirmed the indication and recorded the plea on it, the indicated sentence becomes a ceiling. Before confirmation the court's discretion is untouched, and the false-antecedents exception keeps Rule 14(2)(g). Compare the binding indication in England and Wales, *R v Goodyear* [2005] EWCA Crim 888. The clause governs the court's own procedure on a plea, so a Practice Direction can make it, and it leaves the statutory appeal and revision powers intact.

accused; whether counsel is private, legal-aid or absent; the result of any application under this Rule (completed, closed on the victim's refusal, declined by the court, or withdrawn) with the reason; and the minutes of bench time taken by each hearing.

(b) Where the maker unconditionally withdraws or corrects the statement within fifteen days, the Registry shall close the record and the court may treat the correction as a material consideration against expediency under section 379(1).

(c) Where the maker does not, the Registry shall place the dossier before the presiding judge of the court in relation to whose proceeding the statement was made, who may record a brief order of prima facie satisfaction under section 379(1) that a complaint is expedient in the interests of justice; whereupon the officer of the court authorised in writing under section 215(1)(b) read with section 379(3)(b) shall sign and transmit the complaint to the Magistrate having jurisdiction under section 382. Where the falsehood lies in one of two mutually contradictory sworn statements, the earlier recorded under section 183 and the later given at trial, the trial court before which the later statement is given is competent under section 379(1) to make the complaint in respect of both, the earlier statement having been made in relation to the proceeding in that court (section 2(1)(m) of the Sanhita read with Explanation 2 to section 229 of the Bharatiya Nyaya Sanhita, 2023), and the complaint may be framed in the alternative under section 244 of the Sanhita; the court to which the trial court is subordinate under section 215(4) acts under section 379(2) only where the trial court has neither made a complaint nor rejected an application for one. For offences under sections 206 to 223 (excluding section 209) of the Bharatiya Nyaya Sanhita, 2023, the dossier shall instead be forwarded to the public servant concerned, whose complaint under section 215(1)(a) is in his discretion.

(d) No aggravation under Rule 5(1)(b) shall be recorded on the basis of a communication or complaint under this sub rule unless the trial court records its own finding of deliberate falsehood or obstruction by the offender, or that the offender procured a witness's false evidence; a

witness's independent false evidence is dealt with under section 379 against the witness and is never scored against the offender. No such finding shall be founded on the accused's refusal to answer or false answer under section 351 of the Sanhita, on a confession or retracted confession under section 183, or on the Written Basis of Plea; a finding of falsehood by the offender shall be confined to false evidence given on oath under section 353 of the Sanhita, a false sworn affidavit or declaration, fabricating false evidence within section 228 read with section 229 of the Bharatiya Nyaya Sanhita, 2023, or an offence under section 232, 238, 241 or 248 thereof, or abetment of an offence under section 229 thereof.

(6) Caution and record of statements under section 183.

(a) Before recording a statement, other than a confession, under section 183 of the Sanhita, the Magistrate shall administer oath or affirmation under section 183(5), save where, for reasons recorded, the Magistrate considers oath inappropriate having regard to the age or condition of the deponent, and shall explain to the deponent, in a language he understands and through the District Legal Services Authority where required, that the statement is evidence in a judicial proceeding within section 2(1)(m) of the Sanhita read with Explanation 2 to section 229 of the Bharatiya Nyaya Sanhita, 2023; that he is bound under section 8 of the Oaths Act, 1969 to state the truth; that a deliberately false statement is punishable under sections 229 to 231 of the Bharatiya Nyaya Sanhita, 2023; that a sworn statement at trial contradicting this statement may found a charge in the alternative under section 244 of the Sanhita; and that a complaint for any such offence is made by the court under sections 215 and 379 of the Sanhita after the opportunity to correct provided in sub rule (5). Where no oath is administered, the Magistrate shall so record in Form S and the explanation shall be confined to the duty to state the truth and the opportunity to correct.

(b) The Magistrate shall append a certificate in Form S that the oath was administered and the caution was given and understood, and shall invite the deponent to sign the acknowledgment in Form S. Refusal

to sign shall be recorded in Form S and shall not prevent or delay the recording of the statement.

(c) The statement and Form S shall be uploaded to the Litigation Conduct Record maintained under sub rule (5)(a) together with the e Sakshya hash of any audio video recording, and the Record shall alert the trial court when a witness who made such a statement is listed for examination. Where the offence is punishable with imprisonment for seven years or more, or the deponent or the Public Prosecutor reports a threat, the court shall refer the witness for assessment under the Witness Protection Scheme notified by the State Government under section 398 of the Sanhita.[10]

(d) Where a sworn deposition at trial contradicts, on a material particular, a statement recorded on oath under this sub rule, other than a confession, the Opportunity to Correct communication under sub rule (5)(a) shall issue with both documents attached, and any complaint shall be routed under sub rule (5)(c).

(e) Where the deponent is a person to whom section 183(6) of the Sanhita applies, the Magistrate shall administer the oath as the law requires and shall complete only Part A and item 11 of Form S; no caution under clause (a) shall be given, no acknowledgment under clause (b) shall be sought, and no communication under sub rule (5) (a) shall issue to the deponent on the Registry's own motion; any contradiction between such a statement and the deponent's evidence at trial is for the trial court under section 379 in the ordinary way.

(f) Nothing in this sub rule applies to a confession, to the examination of the accused under section 351 of the Sanhita, or to any statement of the accused in Form PSC, Form PSC(A) or a Written Basis of Plea; and nothing in this sub rule creates any obligation enforceable otherwise than under Chapter XIV of the Bharatiya Nyaya Sanhita, 2023 read with sections 215 and 379 of the Sanhita.

[10] New. Mahender Chawla v. Union of India (2018) found threats and intimidation to be the main reason witnesses turn hostile. Clause (a) now makes a lie on oath costly, but a frightened witness still faces a worse choice than a lying one unless protection reaches him. The alert in this clause already tells the court when such a witness is listed for examination. The referral adds one step at that point and uses the State scheme that section 398 requires.

(g) The caution in clause (a) may be given, in neutral terms and without any comment on the election, to an accused who elects to give evidence as a witness for the defence under section 353 of the Sanhita, and to a person examined as a witness after a tender of pardon under section 343 or 344[11]; a complaint in respect of such a person is governed by section 345[12] of the Sanhita.

15. Totality principle

(1) Where an offender is convicted of two or more offences, or is already subject to an existing sentence, the court shall ensure that the aggregate sentence is just and proportionate to the overall criminality involved, in accordance with section 6 of the parent Guidelines.

(2) In applying the totality principle, the court shall have regard to—

(a) the entirety of the offending behaviour;

(b) the need to avoid a sentence that is excessive or disproportionate; and

(c) the desirability of directing sentences to run consecutively, and not merely concurrently, where such direction is necessary to reflect distinct offences, separate victims, separate transactions, or separate dimensions of criminality.

(3) In cases involving obstruction of justice, fabrication of evidence, false implication, perjury, or comparable conduct affecting the administration of justice, the court may make such order as is expressly authorised by the applicable law relating to compensation, costs, restitution, or recovery, and shall not award legal or investigative costs except to the extent permitted by statute.

[11] Pardon may be tendered by the Magistrate under section 343, or after commitment by the court of trial under section 344. The caution should reach an approver in either case.

[12] Erratum. Section 344 of the Sanhita only empowers the court of trial to tender a pardon. An approver who has wilfully concealed anything essential or given false evidence is tried under section 345: by its second proviso to sub-section (1), the prosecution for giving false evidence needs the sanction of the High Court, and sections 215 and 379 do not apply. Checked against the enacted BNSS (Gazette, 25 December 2023).

16. Compensation and restorative measures

(1) The court shall, in appropriate cases, consider the making of orders for—

(a) compensation to victims;

(b) restitution of property or monetary loss;

(c) community service; and

(d) probation or other non-custodial measures.

(2) In determining whether to make such orders, the court shall have regard to —

(a) the nature and extent of harm suffered by the victim;

(b) the means and circumstances of the offender; and

(c) the provisions of any applicable law relating to compensation, probation, or restorative measures.

17. Sentencing of Organisations

(1) Where the offender is an organisation, the court shall assess seriousness having regard to—

(a) the extent of organisational fault;

(b) the degree of management involvement, connivance, consent, or systemic failure;

(c) the economic or other benefit derived from the offence; and

(d) the actual or potential impact of the offending on the public, market, institution, or regulatory system.

(2) Subject to the limits prescribed by the applicable law, the court shall impose a financial penalty or other sanction sufficient—

(a) to remove, so far as practicable, any economic benefit derived from the commission of the offence;

(b) to secure effective deterrence; and

(c) to remain proportionate, having regard to the impact on innocent stakeholders, employees, and creditors.

(3) In determining the amount of fine, the court may have regard to—

(a) the turnover, revenue, or financial capacity of the organisation;

(b) the duration and scale of the offending;

(c) prior regulatory or criminal misconduct;

(d) compliance failures and post-offence remediation; and

(e) the need to avoid unjust enrichment and to promote future compliance.

18. Duty to record reasons

(1) Every sentencing order shall record, in a clear and structured manner—

(a) the Base Score;

(b) the aggravating and mitigating factors applied;

(c) the Final Score;

(d) the quintile (Q1–Q5) identified;

(e) any reduction, override, adjustment, or departure applied;

(f) the final sentence imposed, together with reasons therefor, in accordance with section 6 of the parent Guidelines;

(g) the reformative finding under Rule 14(2)(a), if made, and the conditions found;

(h) any Provisional Sentence Indication given under Rule 14(4) or Cooperation Indication given under Rule 12(7)[13] and any departure from it, with reasons; and

(i) any finding under Rule 14(5)(d) of deliberate falsehood or obstruction by the offender, and the material on which it rests.

(2) Where the court departs from the sentence ordinarily indicated by this Guideline, it shall record specific reasons justifying such departure, including, where applicable, any reference to the structured override provisions, totality considerations, or statutory obligations.

[13] Consequential on new Rule 12(7). The sentencing order records a cooperation indication and any departure from it, as it does a sentence indication.

***

ANNEXURE A

(See sections 2, 6 and 15, and Rules 14 and 18 of Schedule I)

FORMS: SENTENCING SCORE FORM, INDIVIDUAL SCORING SHEET AND ACCUSED'S ELECTION, AND MAGISTRATE'S OATH CERTIFICATE

FORM PSC

(to be printed after filling online)

[See sub-rule (5) of Rule 4, read with Rules 5, 6, 7, 9, 11 and 14 and Schedule II]

SENTENCING SCORE FORM

(Part A filed by the Public Prosecutor with the charge sheet under section 193 BNSS and placed before the court at the first hearing at which the accused is asked to plead; the accused's election, request for Provisional Sentence Indication and Declaration of Antecedents are filed in Form PSC(A) Part B)

PROVISIONAL, NOT PART OF THE RECORD OF TRIAL, RULE 14(4) (BNSS s. 299 by analogy; BSA s. 22). If no plea is recorded, or the request for a Provisional Sentence Indication is withdrawn before conviction, this Form and all connected papers are removed from the record of trial, placed in a sealed cover, and not referred to.

PART A — PARTICULARS OF THE CASE

1. FIR No. and date		2. Police Station / District	
3. Court / Sessions Division		4. Date of filing of charge-sheet	
5. Public Prosecutor (name & designation)		6. Bar Council Reg. No.	

PART B — PARTICULARS OF THE ACCUSED

7. The Public Prosecutor doth hereby file this Form in respect of the accused person particularised below. **A separate Annexure in Form PSC(A) is enclosed in respect of each offence-section invoked against the said accused.**

(i) Name of accused (with father's/spouse's name)		(ii) Age, gender, occupation	
(iii) Permanent address		(iv) Address for service	

8. Whether the said accused has a previous conviction for the same offence or an offence of the same nature, that is, an offence in the same Chapter of the Bharatiya Nyaya Sanhita, 2023 [Rule 14(2)(a)(iii) of Schedule I; to be verified against the Declaration of Antecedents in Item B4 of Form PSC(A) Part B]:

☐	None in the same Chapter of the BNS [reformative finding under Rule 14(2)(a) available]	☐	Yes (specify): _____ lesser reduction under Rule 14(2)(b); reasons to be recorded

PART C — SCHEDULE OF OFFENCES INVOKED AGAINST THE SAID ACCUSED

9. The offences alleged against the said accused, the statutory range of punishment, and the corresponding Annexure in Form PSC(A), are as follows:

Sl. No.	Section & Statute	Brief description	Statutory min.	Statutory max.	Annex. No.

PART D — PLEA STATUS AND ELECTION UNDER RULE 14

[Rule 14(1) and (3) of Schedule I, read with Chapter XXIII (sections 289 to 300) and sections 252, 264, 269(3) and 275 of the BNSS, 2023 as they stand. Chapter XXIII is unavailable where section 289 applies; the plea to the charge as framed is then the only route.]

10. Plea status [mark only one]; the date of the first hearing at which the accused was asked to plead shall be stated alongside:

☐	**(a)**	No election under Rule 14; matter proceeds to trial.
☐	**(b)**	Track 1: application under section 290 BNSS (Chapter XXIII not excluded by section 289); stage: [ ] first hearing at which the accused was asked to plead / [ ] after that hearing, before closure of prosecution evidence.
☐	**(c)**	Track 2: election to plead guilty to the charge as framed under section 252 / 264 / 269(3) / 275 BNSS, with request for Provisional Sentence Indication under Rule 14(4) (Form PSC(A) Part B filed on _____).
☐	**(d)**	Victim hearing under Rule 14(3) held on _____: identity and factual basis confirmed [ ]; compensation / restitution fixed at Rs. _____; victim [ ] joined a mutually satisfactory disposition (ss. 292, 293 BNSS) / [ ] did not join; objection to sentence, if any, recorded.

11. Status of the said application:

☐	Pending	☐	Accepted by Court (date _____)	☐	Rejected (date_____) Reasons recorded separately

PART E — TOTAL ANNEXURES ENCLOSED

12. Total number of Annexures (in Form PSC(A)) enclosed herewith — one in respect of each offence-section listed in Part C: ☐

PART F — VERIFICATION

13. I, the Public Prosecutor named in item 5, do hereby solemnly affirm that the contents hereof and of every Annexure are true, based on materials on record, and that the scoring reflects the calibration thresholds under Rules 5(1) and 6(1).

Place:	**Date:**	**Signature of Public Prosecutor:**	**Designation & Bar Reg. No.:**

FORM PSC(A)

ANNEXURE TO FORM PSC

PROVISIONAL, NOT PART OF THE RECORD OF TRIAL, RULE 14(4) (BNSS s. 299 by analogy; BSA s. 22). Part A (Parts I to VII below) is filed by the Public Prosecutor; Part B (Accused's Election and Declaration of Antecedents) is filed by the accused.

[See Rules 5, 6, 9 and 14; to be filed in respect of each offence-section listed in Part C of Form PSC, the accused being the person particularised in Part B thereof]

SENTENCING SCORE — INDIVIDUAL SCORING SHEET

Annexure No.:		**of total enclosed:**	
Name of accused:		**BNS / Act, Section:**	
Offence in brief:		**Stat. min / max:**	

I. AGGRAVATING FACTORS — Rule 5(1)

Mark one of '0', '1' or '2' per factor, having regard to the calibration thresholds in Rule 5(1).

Factor	0	1	2	Score	Brief facts in support (mandatory if 1 or 2)
(a) Prior conviction or habitual offending	☐	☐	☐		
(b) Obstruction of justice, concealment of the offence, or evasion of process	☐	☐	☐		
(c) Premeditation or significant planning	☐	☐	☐		
(d) either (i) or (ii); not both (i) Repeated acts, brutality, or serious violence — (ii) Severe harm — death, serious bodily injury, grave psychological injury, or very high financial loss	☐	☐	☐		
(e) Significant economic, institutional, or systemic impact	☐	☐	☐		
(f) either (i) or (ii); not both (i) Vulnerability of the victim or plurality of victims — (ii) Abuse of authority, fiduciary position, or position of trust	☐	☐	☐		
Aggravating subtotal — sum of items (a) to (f), with only one of (d)(i)/(d)(ii) and one of (f)(i)/(f)(ii) to be counted [Rule 5(1)]:					

II. MITIGATING FACTORS — Rule 6(1) read with sub-rule (4)

Mark one of '0', '1' or '2' per factor, having regard to the calibration thresholds in Rule 6(1).

Factor	0	1	2	Score	Brief facts in support (mandatory if 1 or 2)
(a) Absence of prior conviction and demonstrable law-abiding conduct	☐	☐	☐		
(b) Peripheral or minor role in the commission of the offence	☐	☐	☐		
(c) Restitution, compensation, or meaningful reparation	☐	☐	☐		
(d) Cooperation with investigation or prosecution	☐	☐	☐		
(e) Provocation, emotional disturbance, or situational pressure	☐	☐	☐		
(f) Demonstrable remorse accompanied by corrective conduct	☐	☐	☐		
(g) Youth, advanced age, illness, or diminished personal capacity	☐	☐	☐		
(h) Strong prospects of reform and rehabilitation	☐	☐	☐		
Mitigating subtotal — sum of items (a) to (h):					

II-A. PLEA ADJUSTMENT AND REFORMATIVE FINDING, Rule 6(2) read with Rule 14(2) of Schedule I

[Mark only one. The points below are deducted in addition to the mitigating factors in Part II and carried into the mitigating subtotal, subject to the Final Score not falling below 0 (Rule 7(2)). They apply to a plea under Chapter XXIII BNSS and to a plea to the charge as framed alike (Rule 14(1)). The stage based reduction under Rule 13(3) is applied later and separately (Rule 14(2)(d)).]

	Stage of plea and reformative finding (mark only one)	Points (Rule 6(2))
☐	(a) Plea entered after the first hearing at which the accused was asked to plead but before closure of the prosecution evidence [Rule 6(2)(a); Rule 14(2)(c)]	**2**
☐	(b) Plea entered at the first hearing at which the accused was asked to plead, and reformative finding recorded under Rule 14(2)(a): (i) truthful and voluntary [ ]; (ii) remorse expressed [ ]; (iii) no previous conviction in the same Chapter of the BNS (Item B4) [ ]; (iv) no contested fact requiring trial [ ]. Where any condition is not met, lesser reduction under Rule 14(2)(b) with reasons: ____ points.	**4**
	Plea adjustment — points carried into the mitigating subtotal (Part II)	

III. STRUCTURED OVERRIDES — RULE 11(1)

The court may depart from the ordinary scoring outcome only where one or more of the following circumstances is established on the record. The precise circumstance relied upon, the reasons why the ordinary scoring is inadequate, and the extent of the resulting adjustment shall be recorded in writing [Rule 11(2)]. No statutory minimum or maximum may be exceeded thereby [Rule 11(3)].

	Clause	Description	Adjustment / reasons
☐	**11(1)(a)**	Multiple deaths, torture, terrorist activity, or murder accompanied by exceptional cruelty	
☐	**11(1)(b)**	Repeat violent or sexual offending proved by two or more prior convictions of a similar kind	
☐	**11(1)(c)**	Provocation of such gravity as materially reducing culpability, though not amounting to a complete defence	
☐	**11(1)(d)**	Diminished responsibility of a substantial degree supported by medical, psychiatric, or other reliable material	
☐	**11(1)(e)**	Negligence-based offence accompanied by aggravating features so exceptional that the ordinary ceiling would understate the seriousness of the case	

IV. COMPUTATION OF FINAL SCORE — Rule 7

Base (Rule 4(3))	+ Aggravating subtotal	– Mitigating subtotal	± Rule 11 adjustment	= FINAL SCORE (0–10)
5				

V. QUINTILE PLACEMENT — Rule 9(1)

☐ Q1 (0–2)	☐ Q2 (>2–4)	☐ Q3 (>4–6)	☐ Q4 (>6–8)	☐ Q5 (>8–10)
Lenient	*Below median*	*Moderate (default)*	*Strict (Life ceiling)*	*Maximum / Exemplary*

Note. — Q5 denotes the upper fifth of the permissible range and does not, of itself, import the death penalty. The death penalty is to be considered only where the offence so prescribes, and only in the rarest of cases as provided in clause (a) of sub-rule (1) of Rule 11. In all other cases falling within Q5, the upper fifth of the permissible imprisonment range applies.

VI. INDICATIVE SENTENCE RANGE (from Schedule II)

Indicative range corresponding to Q-band marked above:	

VI-A. STATUTORY CAP OR FLOOR: Section 293 BNSS (Chapter XXIII) or statutory minimum (plea to the charge as framed) [Rule 14(2)]

[To be filled by reference to Part D of Form PSC. Where the case is disposed of under section 293 BNSS, the punishment shall not exceed the applicable cap; where the plea is to the charge as framed, the sentence cannot go below any statutory minimum (Rule 14(2)(a)).]

(i)	Stage and track at which the plea is disposed of (mark only one):	Q band, cap or floor (computed) for this offence
☐	(a) Stage 1 (first hearing at which the accused was asked to plead): Rule 14(2)(a) conditions recorded; reduction under Rule 6(2)(b) → Q1; plus up to one third under Rule 13(3)(a) [or, where disposed of under s. 293 BNSS: no minimum prescribed, one sixth (first time offender) or one fourth of the maximum (cl. (d)); minimum prescribed, one fourth (first time offender) or one half of the minimum (cl. (c))]	Q1 band: _____ Net sentence: _____
☐	(b) Stage 2 (after that hearing, before closure of prosecution evidence): reduction under Rule 6(2)(a) → Q2; plus up to one fourth under Rule 13(3)(b) [or, where disposed of under s. 293 BNSS: no minimum prescribed, one sixth (first time offender) or one fourth of the maximum (cl. (d)); minimum prescribed, one fourth (first time offender) or one half of the minimum (cl. (c))]	Q2 band: _____ Net sentence: _____
☐	(c) Statutory mandatory minimum (Part B of Schedule II): plea to the charge as framed under ss. 252/264/269(3)/275 BNSS is anchored at the statutory minimum floor; if disposed of under s. 293(c) BNSS, one fourth of the minimum (first time offender) or one half of the minimum	Floor / cap: _____
☐	(d) Late plea (after closure of prosecution evidence): up to one tenth under Rule 13(3)(c); capped in Q5 cases (Final Score above 8) under Rule 13(7); or not applicable	Net sentence: _____

VII. VERIFICATION

I solemnly affirm that the scoring herein is based on the materials on record and the calibration thresholds in Rules 5(1) and 6(1), and that no relevant factor has been omitted or wrongly applied.

Place:	Date:	Signature of Public Prosecutor	Designation & Bar Reg. No.:

PART B — ACCUSED'S ELECTION, REQUEST FOR PROVISIONAL SENTENCE INDICATION AND DECLARATION OF ANTECEDENTS

[Rule 14(2)(g) and 14(4) of Schedule I; to be filed once by the accused and annexed to the first Annexure in Form PSC(A); marked Provisional under Rule 14(4). Items B1 to B3 are not on oath; Item B4 is sworn.]

B1. ELECTION [mark only one]

☐	**(a)**	Application under section 290 BNSS (Chapter XXIII), Chapter XXIII not being excluded by section 289.
☐	**(b)**	Plea of guilty to the charge as framed under section 252 / 264 / 269(3) / 275 BNSS, in respect of Annexure(s) No. _____.

B2. REQUEST FOR PROVISIONAL SENTENCE INDICATION — Rule 14(4)

☐	**(i)**	I request a written Provisional Sentence Indication on this Form before any plea is recorded.
☐	**(ii)**	I have been informed that the indication does not bind the court that passes sentence until the court confirms it and my plea is recorded on it, after which the sentence passed shall not exceed it [Rule 14(4)(d)][14], that it is valid for fifteen days, and that if the court declines to confirm the indicated band I may withdraw this request and this Form will be removed to a sealed cover under Rule 14(4)(c).
☐	**(iii)**	In my own words, the indicated sentence means: _____. I understand that I may withdraw this request if the court does not confirm the indication.

Date of request:		**Indication given on:**	
Indicated Q band / sentence:		**Accepted by accused on:**	

B3. WRITTEN BASIS OF PLEA [not on oath; Provisional under Rule 14(4)]

B4. DECLARATION OF ANTECEDENTS — Rule 14(2)(a)(i) and (iii), Rule 14(2)(g); section 236 BNS

I, _____, son / daughter of _____, aged ____, the accused in _____, solemnly affirm and declare as follows:

1.	I am the person named in the charge sheet and no other person is pleading in my place.
2.	I have no previous conviction for the offence charged or for any offence in Chapter ____ of the Bharatiya Nyaya Sanhita, 2023: ☐ None ☐ Yes, the following previous conviction(s): _____
3.	No promise, inducement or threat has been made to me in connection with my election under this Form other than the written Provisional Sentence Indication, which I have been told does not bind the court that passes sentence until it is confirmed and my plea is recorded on it [Rule 14(4)(d)][15].
4.	I make this declaration knowing that it is receivable as evidence and that a false statement in it is punishable under sections 229 and 236 of the Bharatiya Nyaya Sanhita, 2023.
Note	This declaration does not contain, and shall not be read as containing, any admission as to the facts constituting the offence charged, which are addressed only in Item B3. It is made voluntarily to support my election and is not an examination under section 351 of the Bharatiya Nagarik Suraksha Sanhita, 2023; no question in it has been put to me by the court.

Sworn / affirmed before the Court on:		**Signature of accused:**	
Signature of counsel:		**Signature and seal of the Court:**	

Explanatory note. Item B4 is the only part of Form PSC(A) in which the accused is on oath. It mirrors the affidavit required of the accused by section 290(2) BNSS on the Chapter XXIII track and the admission of previous conviction under section 259 BNSS. Paragraphs 1 to 3 are collateral facts verifiable from the charge sheet, the conviction register and the court's own indication; they do not touch the facts of the

[14] Consequential on Rule 14(4)(d): the accused is told of the ceiling.

[15] Consequential on Rule 14(4)(d).

offence, so the Rule 14(4) seal over Item B3, section 22 of the Bharatiya Sakshya Adhiniyam, 2023 and Article 21 are undisturbed. If Part B is rolled back under Rule 14(4)(c), Item B4 goes into the sealed cover with the rest of Part B; the court's power under section 379 in respect of a false declaration survives the rollback because that complaint concerns the declaration, not the plea. On the Chapter XXIII track no complaint under section 379 is founded on the affidavit under section 290(2); a false affidavit there results in the court proceeding under section 290(4) and the application failing.

FORM S

MAGISTRATE'S OATH CERTIFICATE AND CAUTION, AND DEPONENT'S ACKNOWLEDGMENT

[Rule 14(6) of Schedule I; section 183(5) BNSS; section 8, Oaths Act, 1969. Not applicable to a confession, to the examination of the accused under section 351 BNSS, or to any statement of the accused in Form PSC or Form PSC(A).] For a deponent to whom section 183(6) BNSS applies, only Part A and item 11 are completed (Rule 14(6)(e)).

PART A — PARTICULARS

1. Case / FIR No.		**2. Police Station / District**	
3. Court of		**4. Name of deponent**	
5. Age		**6. Father's / Mother's name**	
7. Language in which the caution was explained		**8. Explained through DLSA / support person**	☐ Yes ☐ No
9. Deponent to whom section 183(6) BNSS applies	☐ Yes ☐ No	**10. Audio video recorded**	☐ Yes ☐ No

PART B — MAGISTRATE'S CERTIFICATE [Rule 14(6)(a) and (b)]

11. Oath [mark only one]:

☐	**(a)**	I have administered oath / affirmation to the deponent under section 183(5) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
☐	**(b)**	No oath was administered, for the following reason recorded under Rule 14(6)(a): _____

12. Before recording the statement I explained to the deponent, in the language stated in item 7, that:

☐	**(i)**	the statement is evidence in a judicial proceeding (section 2(1)(m) BNSS read with Explanation 2 to section 229 BNS);
☐	**(ii)**	the deponent is bound under section 8 of the Oaths Act, 1969 to state the truth;
☐	**(iii)**	a deliberately false statement is punishable under sections 229 to 231 of the Bharatiya Nyaya Sanhita, 2023, read with Explanation 2 to section 229 [omit where no oath was administered];
☐	**(iv)**	if the deponent later states on oath at trial something contradicting this statement on a material particular, the deponent may be charged in the alternative under section 244 of the Sanhita [omit where no oath was administered];
☐	**(v)**	any complaint is made by the court under sections 215 and 379 of the Sanhita, and the deponent will first receive an opportunity to correct or withdraw the statement within fifteen days under Rule 14(5) of the National Sentencing Guidelines, 2026.

13. Satisfaction and acknowledgment:

☐	**(a)**	I am satisfied that the deponent understood the matters in item 12.
☐	**(b)**	The deponent signed the acknowledgment in Part C.
☐	**(c)**	The deponent declined to sign the acknowledgment; the statement was recorded nonetheless [Rule 14(6)(b)].

Signature and seal of Magistrate:		**Date:**	
Time:		**Place:**	

PART C — DEPONENT'S ACKNOWLEDGMENT

14. The matters in Part B were explained to me in _____ (language) and I understood them. I understand that I have given my statement on oath and that I am bound to state the truth.

Signature / thumb impression of deponent:		**Date:**	
Signature of DLSA counsel / support person (where applicable):		**Name and designation:**	

PART D — RECORD [Rule 14(6)(c)]

15. Uploaded to Litigation Conduct Record	☐ Yes	**16. e Sakshya hash (if audio video recorded)**	

17. Record ID		**18. Linked to witness list of trial**	☐ Yes

SCHEDULE II

(See section 3 of the Guidelines and Rules 8 and 9(1) of Schedule I)

REFERENCE TABLE OF SENTENCING QUINTILES

for offences under the Bharatiya Nyaya Sanhita, 2023

1. This Schedule sets out, for each offence under the Bharatiya Nyaya Sanhita, 2023 punishable with imprisonment, the statutory minimum and maximum punishment and the five sentencing quintiles (Q1–Q5) computed in accordance with section 3 of the Guidelines and Rule 9(1) of Schedule I. Q3 is the default starting band; the court moves upward or downward by reference to the Final Score under Rules 4 to 7 of Schedule I.

2. Where the punishment prescribed is, or includes, imprisonment for life, imprisonment for life itself constitutes the highest quintile (Q5) and is not converted into a fixed term [section 3(2)(b)]. Where the section prescribes a fixed term as an alternative to life ("life or X years"), Q1–Q4 divide the range up to that fixed term into four equal bands. ‡ Where the section prescribes a continuous range extending to life ("not less than X years but which may extend to imprisonment for life"), Q1–Q4 have been computed, as a working convention pending express provision, over the range up to twenty years, and Q5 comprises any longer fixed term and imprisonment for life. Where the minimum is twenty years and the range extends to life, Q1 to Q4 coincide with the twenty year statutory minimum and Q5 is imprisonment for life.

3. † The death penalty is confined to Q5, only where prescribed by the section, and only in the rarest of rare cases in accordance with Rule 11(1)(a) of Schedule I.

4. Abbreviations: 'yr' = year(s); 'mo' = month(s); 'd' = day(s); 'R.I.' = rigorous imprisonment; 'Life' = imprisonment for life; '(nat.)' = remainder of natural life; '—' in the Min. column = no statutory minimum; '—' in the quintile columns = banding inapplicable (fine-only, derivative or special punishment). Fines prescribed by the Sanhita apply in addition and are not separately banded.

5. This Schedule is for reference only and does not supersede the express text of any section of the Bharatiya Nyaya Sanhita, 2023, of the Guidelines or of Schedule I. In case of conflict, the substantive law prevails [section 4(3)].

PART A — GENERAL LOOKUP TABLE: OFFENCES WITH NO STATUTORY MINIMUM

(Applicable to any offence, under the Bharatiya Nyaya Sanhita, 2023 or any other law, by reference to the maximum punishment prescribed. Where no minimum is prescribed, the minimum is taken as zero [section 3(2)(a); Rule 8(2)].)

Statutory range	Q1	Q2	Q3 (default)	Q4	Q5
1 month	0 – 6 d	6 d – 12 d	12 d – 18 d	18 d – 24 d	24 d – 1 mo
3 months	0 – 18 d	18 d – 1.2 mo	1.2 mo – 1.8 mo	1.8 mo – 2.4 mo	2.4 mo – 3 mo
6 months	0 – 1.2 mo	1.2 mo – 2.4 mo	2.4 mo – 3.6 mo	3.6 mo – 4.8 mo	4.8 mo – 6 mo
1 year	0 – 2.4 mo	2.4 mo – 4.8 mo	4.8 mo – 7.2 mo	7.2 mo – 9.6 mo	9.6 mo – 1 yr
2 years	0 – 4.8 mo	4.8 mo – 9.6 mo	9.6 mo – 1.2 yr	1.2 yr – 1.6 yr	1.6 yr – 2 yr
3 years	0 – 7.2 mo	7.2 mo – 1.2 yr	1.2 yr – 1.8 yr	1.8 yr – 2.4 yr	2.4 yr – 3 yr
5 years	0 – 1 yr	1 yr – 2 yr	2 yr – 3 yr	3 yr – 4 yr	4 yr – 5 yr
7 years	0 – 1.4 yr	1.4 yr – 2.8 yr	2.8 yr – 4.2 yr	4.2 yr – 5.6 yr	5.6 yr – 7 yr
10 years	0 – 2 yr	2 yr – 4 yr	4 yr – 6 yr	6 yr – 8 yr	8 yr – 10 yr
14 years	0 – 2.8 yr	2.8 yr – 5.6 yr	5.6 yr – 8.4 yr	8.4 yr – 11.2 yr	11.2 yr – 14 yr
Life or 7 years	0 – 1.75 yr	1.75 yr – 3.5 yr	3.5 yr – 5.25 yr	5.25 yr – 7 yr	Life imp.
Life or 10 years	0 – 2.5 yr	2.5 yr – 5 yr	5 yr – 7.5 yr	7.5 yr – 10 yr	Life imp.
Life or 14 years	0 – 3.5 yr	3.5 yr – 7 yr	7 yr – 10.5 yr	10.5 yr – 14 yr	Life imp.
Imprisonment which may extend to life	0 – 5 yr	5 yr – 10 yr	10 yr – 15 yr	15 yr – 20 yr	above 20 yr – Life‡

PART B — GENERAL LOOKUP TABLE: OFFENCES WITH A STATUTORY MINIMUM

(Applicable to any offence, under the Bharatiya Nyaya Sanhita, 2023 or any other law, by reference to the statutory minimum and maximum. For ranges not set out here, the bands are computed on the same principles.)

Statutory range	Q1	Q2	Q3 (default)	Q4	Q5
6 months – 2 years	6 mo – 9.6 mo	9.6 mo – 1.1 yr	1.1 yr – 1.4 yr	1.4 yr – 1.7 yr	1.7 yr – 2 yr
1 – 3 years	1 yr – 1.4 yr	1.4 yr – 1.8 yr	1.8 yr – 2.2 yr	2.2 yr – 2.6 yr	2.6 yr – 3 yr
1 – 5 years	1 yr – 1.8 yr	1.8 yr – 2.6 yr	2.6 yr – 3.4 yr	3.4 yr – 4.2 yr	4.2 yr – 5 yr
1 – 7 years	1 yr – 2.2 yr	2.2 yr – 3.4 yr	3.4 yr – 4.6 yr	4.6 yr – 5.8 yr	5.8 yr – 7 yr
2 – 7 years	2 yr – 3 yr	3 yr – 4 yr	4 yr – 5 yr	5 yr – 6 yr	6 yr – 7 yr
3 – 7 years	3 yr – 3.8 yr	3.8 yr – 4.6 yr	4.6 yr – 5.4 yr	5.4 yr – 6.2 yr	6.2 yr – 7 yr

Statutory range	Q1	Q2	Q3 (default)	Q4	Q5
3 – 10 years	3 yr – 4.4 yr	4.4 yr – 5.8 yr	5.8 yr – 7.2 yr	7.2 yr – 8.6 yr	8.6 yr – 10 yr
5 – 7 years	5 yr – 5.4 yr	5.4 yr – 5.8 yr	5.8 yr – 6.2 yr	6.2 yr – 6.6 yr	6.6 yr – 7 yr
5 – 10 years	5 yr – 6 yr	6 yr – 7 yr	7 yr – 8 yr	8 yr – 9 yr	9 yr – 10 yr
7 – 10 years	7 yr – 7.6 yr	7.6 yr – 8.2 yr	8.2 yr – 8.8 yr	8.8 yr – 9.4 yr	9.4 yr – 10 yr
7 – 14 years	7 yr – 8.4 yr	8.4 yr – 9.8 yr	9.8 yr – 11.2 yr	11.2 yr – 12.6 yr	12.6 yr – 14 yr
10 – 14 years	10 yr – 10.8 yr	10.8 yr – 11.6 yr	11.6 yr – 12.4 yr	12.4 yr – 13.2 yr	13.2 yr – 14 yr
5 years – life	5 yr – 8.75 yr	8.75 yr – 12.5 yr	12.5 yr – 16.25 yr	16.25 yr – 20 yr	above 20 yr – Life‡
7 years – life	7 yr – 10.25 yr	10.25 yr – 13.5 yr	13.5 yr – 16.75 yr	16.75 yr – 20 yr	above 20 yr – Life‡
10 years – life	10 yr – 12.5 yr	12.5 yr – 15 yr	15 yr – 17.5 yr	17.5 yr – 20 yr	above 20 yr – Life‡
14 years – life	14 yr – 15.5 yr	15.5 yr – 17 yr	17 yr – 18.5 yr	18.5 yr – 20 yr	above 20 yr – Life‡
20 years – life	20 yr R.I. (statutory minimum)	20 yr R.I. (statutory minimum)	20 yr R.I. (statutory minimum)	20 yr R.I. (statutory minimum)	Life (remainder of natural life)
Minimum life (death also prescribed)	Life imp.	Life imp.	Life imp.	Life imp.	Death†

Schedule II — Sentencing Quintiles (BNS, 2023) · v2.2 (20-07-2026)

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this volume

The text for adoption by High Court Practice Direction under the existing Acts: Schedule I (the General Sentencing Guideline), Annexure A (Forms PSC, PSC(A) and S) and Schedule II (quintile tables for every offence under the Bharatiya Nyaya Sanhita, 2023).

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Team Satyug is a volunteer-led movement working to make India's courts faster and more truthful: through sentencing guidelines, a working plea-bargaining system and a law against false statements. Guided by "Absolute Satvik Karm", we work in the open, for public impact rather than personal credit, drawing on the time and expertise of lawyers, researchers and professionals who share that aim.

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