

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary  
Peer Reviewed

[www.ijlra.com](http://www.ijlra.com)

## DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner what sever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

## EDITORIALTEAM

### EDITORS

#### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



#### **Dr. Namita Jain**



*Head & Associate Professor*

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC-NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*

*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrish Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019*

## Mrs.S.Kalpana

Assistant professor of Law

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law,Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN- 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# **COMPARATIVE STUDY OF INDIAN PENAL CODE (IPC) AND BHARATIYA NYAYA SANHITA (BNS) 2023**

AUTHORED BY - NIKITA FULSINGH PUROHIT, MEET PATHAK,  
JEFFIN SANTOSH, ANKIT KHANDELWAL & UTSAV PATEL

Course: LLB 2nd Year

College: Haveli Institute of Legal Studies & Research

## **Abstract**

The Indian Penal Code (IPC), enacted in 1860 during British colonial rule, served as the cornerstone of India's criminal justice system for more than 160 years. However, with the evolving needs of society, growing complexities of crime, and demand for modernization, the IPC was often criticized as outdated and inadequate. To address these concerns, the Government of India introduced the Bharatiya Nyaya Sanhita (BNS), 2023, a comprehensive reform intended to replace the IPC. This research paper undertakes a comparative analysis of IPC and BNS with the objective of understanding the structural changes, introduction of new offences, sentencing reforms, and modernization of language. The paper also highlights the advantages of BNS, such as simplification, inclusion of contemporary crimes like terrorism and mob lynching, and enhanced provisions for speedy justice. At the same time, it critically examines the challenges of transition and implementation. The study concludes that while BNS marks a significant step towards reforming Indian criminal law, its success will depend on practical execution and judicial interpretation.

**Keywords:** IPC, Bharatiya Nyaya Sanhita, Criminal Law Reform, Comparative Analysis, Indian Legal System

## **Introduction**

Criminal law forms the backbone of any nation's legal system, ensuring justice, social order, and protection of rights. In India, the Indian Penal Code (IPC), drafted by Lord Macaulay in 1860, functioned as the primary criminal code for over a century and a half. Despite its wide applicability, the IPC faced criticism for being colonial in nature, outdated in language, and often insufficient to deal with modern crimes such as cybercrime, terrorism, and mob lynching. Recognizing these limitations, the Government of India introduced the Bharatiya Nyaya

Sanhita (BNS), 2023, as part of broader criminal law reforms to replace the IPC. The BNS aims to simplify language, reduce ambiguities, introduce new offences, and align criminal law with contemporary needs.

This research paper seeks to analyze the similarities and differences between IPC and BNS, focusing on structural reforms, newly added provisions, punishments, and procedural changes. It also evaluates the practical benefits and challenges associated with the transition from IPC to BNS. By doing so, the paper aims to contribute to the academic discussion surrounding the effectiveness of these reforms and their potential to reshape India's criminal justice system.

### **Historical Background**

The Indian Penal Code (IPC) was drafted in 1860 and came into effect in 1862. It was one of the most comprehensive criminal codes of its time, covering a wide range of offences and punishments. However, it was created under colonial governance, and many of its provisions reflected British interests rather than Indian realities.

Over the years, the IPC was amended multiple times, but its core structure remained unchanged. Its language, often complex and archaic, made it difficult for laypersons to understand. Additionally, it did not account for crimes that emerged in modern society, such as cybercrimes, financial frauds, terrorism, and organized crimes.

The Bharatiya Nyaya Sanhita (BNS), 2023, was introduced to address these gaps. By replacing the IPC, it marks one of the most significant criminal law reforms in independent India. The BNS is not merely an amendment but a complete restructuring of criminal law in line with present-day needs.

### **Comparative Analysis between IPC and BNS**

1. **Structural Reforms:** The IPC had 511 sections, whereas the BNS has 358 sections, indicating consolidation and simplification.
2. **Language:** The BNS uses simpler and gender-neutral terms, unlike the colonial language of the IPC.
3. **New Offences:** The BNS introduces specific provisions for terrorism, organized crime, mob lynching, and crimes against women and children.

4. **Punishments:** Certain punishments have been made stricter under BNS, particularly for sexual offences and crimes against the state.
5. **Procedural Improvements:** The BNS emphasizes speedy trials, technology use, and protection of victims' rights.

### **Advantages of BNS**

1. **Modernization of Criminal Law:** BNS addresses crimes relevant to today's context.
2. **Simplification:** Reduction in sections and easier language improve accessibility.
3. **Gender Neutrality:** Reflects equality before the law.
4. **Victim-Centric Approach:** Ensures better protection and remedies for victims.
5. **Enhanced Punishments:** Acts as a deterrent against serious crimes.

### **Challenges and Concerns**

1. **Implementation:** Transition from IPC to BNS requires massive awareness and training for police, judiciary, and lawyers.
2. **Overlap:** Some provisions of IPC and BNS remain similar, creating confusion.
3. **Ambiguities:** Critics argue that certain definitions in BNS are still vague and subject to interpretation.
4. **Resistance to Change:** Practitioners familiar with IPC may initially resist the shift.
5. **Resource Constraints:** Effective implementation requires significant resources, including digital infrastructure.

### **Judicial and Academic Opinions**

Legal scholars have welcomed the introduction of BNS, seeing it as a step towards decolonization of Indian criminal law. However, they caution that true reform will depend on consistent interpretation by the judiciary and smooth adaptation by legal practitioners. Judges have emphasized the need for training programs to familiarize stakeholders with the new provisions.

### **Conclusion**

The replacement of IPC with BNS is a landmark moment in the history of Indian criminal law. While the IPC served its purpose for over 160 years, it became outdated in addressing modern challenges. The BNS offers simplification, modernization, and a more victim-centric approach,



making it a progressive step towards justice. However, its true effectiveness will depend on practical implementation, judicial interpretation, and the ability of the legal system to adapt to change. Thus, BNS is both a continuity of the past and a gateway to the future of criminal law in India.

### References

1. Indian Penal Code, 1860.
2. Bharatiya Nyaya Sanhita, 2023.
3. Government of India, Ministry of Home Affairs – Criminal Law Reform Reports.
4. K.D. Gaur, Textbook on Indian Penal Code.
5. Law Commission of India Reports on Criminal Law Reforms.
6. Various journal articles on IPC vs. BNS comparative studies.

