



Comparative Analysis of the Indian Penal Code, 1860 and the Bharatiya Nyaya Sanhita, 2023 (BNS)

Rakesh Verma

J&K Forest Services.

Priya Sharma, Advocate

J&K High Court.

Corresponding Author: Dr Rakesh Verma, E-mail: rakeshforests@gmail.com

How to Cite this Article:

Verma, R. & Sharma, P. (2026). Comparative Analysis of the Indian Penal Code, 1860 and the Bharatiya Nyaya Sanhita, 2023 (BNS).

International Journal of Creative and Open Research in Engineering and Management, 2(6).

<https://doi.org/10.55041/ijcope.v2i6.409>

License:

This article is published under the terms of the Creative Commons Attribution 4.0 International License (CC BY 4.0), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author(s) and the source are credited.

© The Author(s). Published by International Journal of Creative and Open Research in Engineering and Management.



<https://doi.org/10.55041/ijcope.v2i6.409>

Abstract

The Indian criminal justice system underwent a historic transformation with the enactment of the Bharatiya Nyaya Sanhita (BNS), 2023, which repealed and replaced the Indian Penal Code (IPC), 1860—a colonial-era statute that had governed India's substantive criminal law for over 160 years. This paper presents a comprehensive comparative analysis of the IPC and the BNS, examining structural, substantive, and conceptual changes introduced by the new legislation. The analysis covers modifications in definitions, the introduction of new offences, the deletion of obsolete provisions, enhanced punishments, and the philosophical shift toward restorative justice. The paper argues that while the BNS represents a significant step toward decolonizing and modernizing India's criminal law, its success depends on effective implementation, judicial interpretation, and addressing lingering concerns regarding ambiguity, gender neutrality, and potential misuse. The transition from the IPC to the BNS reflects India's aspiration to replace colonial legal frameworks with laws rooted in contemporary Indian values and realities.

Keywords: Bharatiya Nyaya Sanhita, Indian Penal Code, Criminal Law Reform, Comparative Analysis, Restorative Justice, Decolonization



1. Introduction

1.1 Historical Context of the IPC

India's criminal justice system has long been anchored in laws established during the British colonial era. The Indian Penal Code (IPC), enacted on October 6, 1860, and coming into force on January 1, 1862, was drafted by the First Law Commission under the chairmanship of Lord Macaulay. It was a pioneering codification that consolidated the diverse and often conflicting legal systems prevalent in British India, defining crimes and prescribing appropriate punishments. For over a century and a half, the IPC served as the foundational framework for criminal law in India, undergoing numerous revisions to keep pace with changing social, economic, and technical contexts (PRS India, 2023).

Over the years, courts decriminalised certain offences such as consensual intercourse between same-sex adults, adultery, and attempt to commit suicide. Several states also amended the IPC to provide different punishments for sexual offences, selling minors for prostitution, adulteration of food and drugs, and sacrilege of religious texts (PRS India, 2023).

1.2 Rationale for the BNS

The IPC, drafted during the colonial era to serve British administrative interests, increasingly struggled to address modern challenges such as organised crime, cybercrime, terrorism, and evolving societal norms. Critics long pointed to its lack of inclusivity, outdated terminology, gender biases, and inefficiency in dealing with emerging crimes (Mukherjee, 2025).

On December 25, 2023, the Indian Parliament enacted the Bharatiya Nyaya Sanhita (BNS), 2023, repealing and replacing the IPC as the new penal code of the country. The BNS came into force on July 1, 2024, alongside the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (replacing the CrPC) and the Bharatiya Sakshya Adhiniyam (BSA), 2023 (replacing the Indian Evidence Act) (Press Information Bureau, 2023). The Bharatiya Nyaya (Second) Sanhita, 2023 was introduced on December 12, 2023, and passed by both Houses of Parliament shortly thereafter (PRS India, 2023).

1.3 Scope and Objectives

The primary rationale behind introducing the BNS was to overhaul the existing legal system, which was burdened with outdated laws, procedural bottlenecks, and significant delays in justice delivery. The government sought to evaluate and streamline the legal system to guarantee the average person's ease of living and prompt access to justice. By unifying various laws under a single code, the government aimed to promote clarity, efficiency, and accessibility in legal processes (PRS India, 2023). The BNS largely retains the provisions of the IPC, adds some new offences, removes offences that have been struck down by courts, and increases penalties for several offences (PRS India, 2023).

2. The Indian Penal Code, 1860: An Overview

2.1 Historical Context and Structure

The Indian Penal Code was enacted by the Indian Legislative Council on October 6, 1860, and came into force on January 1, 1862. It was developed in line with English criminal law and established extensive legal classifications and associated penalties for a range of offences (Mukherjee, 2025).

The IPC originally consisted of **511 sections** organized into **23 chapters**. It comprehensively covered nearly all types of offences in a single Act, including: crimes against the state; offences affecting public tranquility; offences affecting the human body; offences against property; offences relating to documents and property



marks; and offences affecting reputation. It also established general principles of criminal liability, including definitions, exceptions, and punishments.

2.2 Key Features of the IPC

The IPC had multiple interpretative sections running from **Section 6 to Section 52A**, with definitions scattered across numerous provisions. The Code defined criminal breach of trust under **Sections 405 to 409** of IPC, which dealt with the offence in separate provisions (AZB Partners, 2024).

2.3 Limitations of the IPC

Despite its enduring legacy, the IPC suffered from several limitations in the contemporary context:

1. **Colonial Legacy:** The IPC was a product of colonial rule, designed to serve British administrative needs rather than the democratic aspirations of an independent India (Jayakumar, 2025).
2. **Outdated Terminology:** The Code contained archaic references, including definitions such as "Queen," "British India," "servant of Government," and "Government of India," which had become obsolete.
3. **Inadequate Coverage of Modern Crimes:** The IPC struggled to address emerging challenges such as organised crime, cybercrime, terrorism, snatching, and mob lynching.
4. **Scattered Provisions:** Offences relating to women and children were disseminated across different chapters of the IPC, lacking coherence.
5. **Gender Biases:** The Code contained gendered language and failed to adequately protect vulnerable groups (Shrivastava & Akhter, 2024).

3. The Bharatiya Nyaya Sanhita, 2023: An Overview

3.1 Enactment and Commencement

The Bharatiya Nyaya Sanhita, 2023 (Act No. 45 of 2023) was enacted on December 25, 2023, with the long title: "An Act to consolidate and amend the provisions relating to offences and for matters connected therewith or incidental thereto". It came into force on July 1, 2024 (Press Information Bureau, 2023).

3.2 Structural Changes

The BNS consists of **358 sections** enumerated under **20 chapters**, compared to the IPC's **511 sections** in **23 chapters**. While the number of sections has been reduced, most of the reduction comes from merging or renumbering provisions rather than deleting obsolete ones (AZB Partners, 2024).

Significantly, definitions that were scattered across **Sections 6 to 52A** of the IPC have been consolidated under **two sections** in the BNS: **Section 2** on 'definitions' and **Section 3** on 'general explanations' (Vakilsearch, 2025a). This consolidation enhances clarity and accessibility.

The BNS is organized with:

- Preliminary definitions and punishments (**Sections 1-13**)
- General exceptions and private defence (**Sections 14-44**)
- Abetment and attempts (**Sections 45-62**)
- Sexual offences and crimes against women and children (**Sections 63-99**)
- Offences affecting life and hurt (**Sections 100-125**)



- Mischief and trespass (**Sections 324-334**)
- Document forgery (**Sections 335-350**)

3.3 Philosophical Foundation

The BNS emphasizes a **restorative justice model**, shifting focus from punitive measures to rehabilitation and reintegration of offenders (PRS India, 2023). This philosophical shift is reflected in the introduction of community service as a form of punishment and the victim-centric approach embedded in various provisions. The Bills seek to move towards a reformatory justice system by providing for community service instead of imprisonment; however, they mostly retain the current punitive character of the criminal justice system (PRS India, 2023).

4. Comparative Analysis: IPC vs. BNS

4.1 Structural and Definitional Changes

4.1.1 Consolidation of Definitions

One of the most significant structural changes is the consolidation of definitions. The IPC had definitions scattered across numerous sections (**Sections 6 to 52A**), whereas the BNS brings all definitions under **Section 2** and general explanations under **Section 3** (Vakilsearch, 2025a; LawRato, 2024).

Definition	IPC Position	BNS Position	Reference
Gender	Male and female only	Includes transgender	Section 2(10), BNS
Document	Traditional definition	Expanded to include electronic and digital records	Section 2(8), BNS
Public servant	Section 21	Section 2(28)	
Movable Property	Section 22	Section 2(21)	
Dishonestly	Section 24	Section 2(7)	
Fraudulently	Section 25	Section 2(9)	
Child	Not separately defined	Person below 18 years	Section 2(3), BNS
Court	Section 20 ("Court of Justice")	Simplified to "Court"	Section 2(5), BNS



Definition	IPC Position	BNS Position	Reference
Act	Not separately defined	Defined separately from "Omission"	Section 2(1), BNS

The BNS has deleted obsolete definitions such as "Queen," "British India," "servant of Government," and "Government of India". The word "corporeal" used in the IPC has been deleted, and "juryman" has been removed as the jury system no longer exists in India. "British Calendar month or year" has been changed to "Gregorian Calendar month or year" (Vakilsearch, 2025a).

4.1.2 Modernized Terminology

The definition of "document" in **Section 2(8)** of the BNS has been aligned with the definition of "document" in **clause 2(c)** of the Bharatiya Sakshya Adhiniyam, 2023. This harmonization across the three new criminal laws ensures consistency in interpretation (Vakilsearch, 2025a).

4.1.3 Punishment Provisions

The provisions of punishment, addressed in **Section 53** of the IPC, are now outlined in **Section 4** of BNS. **Section 4** of the BNS specifies six types of penalties: death, imprisonment for life, two forms of imprisonment (rigorous and simple), forfeiture of property, fines, and community service (Vakilsearch, 2025b). Section 4 posits how the different punishments can take varied forms: capital punishment, life imprisonment, severe and simple, deprivation of property or fine, and community service, developing a holistic approach for the judgments (Vakilsearch, 2025b).

4.2 New Offences Introduced in the BNS

The BNS introduces several new offences that were not adequately covered under the IPC:

New Offence	BNS Section	Significance
Organised Crime	Section 111	Addresses kidnapping, extortion, contract killing, land grabbing
Petty Organised Crime	Section 112	Targets smaller-scale organized criminal activities
Terrorist Act	Section 113	Mirrors definition under UAPA, 1967
Snatching	Section 304	Now defined as a separate crime
Sexual Intercourse by Deceitful Means	Section 69	Codifies false promise of marriage



New Offence	BNS Section	Significance
Grievous Hurt Causing Permanent Disability	Section 117(3)	Addresses severe physical harm
Hiring Child to Commit Offence	Section 95	Protects children from exploitation
Mob Lynching	Section 103(2)	Explicitly criminalized if committed by 5+ persons

4.2.1 Organised Crime (Section 111)

Section 111 of the BNS introduces the offence of 'organised crime', borrowing it largely from specialised State legislations such as the Maharashtra Control of Organised Crime Act, 1999 (MCOCA) and the Gujarat Control of Organised Crime Act, 2015 (GCOC) (AZB Partners, 2024). The provision defines organised crime as "any continuing unlawful activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offence, cyber-crimes" (Bureau of Police Research and Development, n.d.).

Organised crime syndicates are defined as groups of two or more individuals engaging in unlawful activities either individually or collectively (Vakilsearch, 2025c). Continuing unlawful activities are actions prohibited by law, punishable with at least three years of imprisonment, and involving multiple charges within ten years. **Section 111(2)(a)** provides that if organised crime causes death, the penalty is death or life imprisonment and a fine of not less than ₹10 lakh. Section 111 imposes stringent punishments for organised crime, which may include imprisonment for an extended term, monetary fines, or both (Vakilsearch, 2025c).

4.2.2 Terrorist Act (Section 113)

Section 113 of the BNS added terrorism as an offence. The revised Bill modified the definition of the crime of terrorism to entirely adopt the existing definition under **Section 15** of the Unlawful Activities (Prevention) Act, 1967 (UAPA) (PRS India, 2023). It defined terrorism as an act that intends to: (i) threaten the unity, integrity, and security of the country, (ii) intimidate the general public, or (iii) disturb public order (PRS India, 2023). The BNS2 adds terrorism as an offence, defined as an act that intends to threaten the unity, integrity, security or economic security of the country, or strike terror in the people (PRS India, 2023).

Section 113 criminalises the possession of property derived from terrorist acts. Offenders face life imprisonment and fines, and such property is subject to attachment and forfeiture (Vakilsearch, 2025d). Section 113 of the BNS provides a detailed account of what constitutes a "terrorist act," covering a wide array of activities, ranging from armed insurgencies to financing terrorism and even attempts at disrupting the sovereignty of the nation (SD Partners, 2026).

4.2.3 Mob Lynching (Section 103(2))

For the first time, the offence of mob lynching has been made punishable in **Section 103(2)** of the BNS (Ministry of Home Affairs, n.d.; Press Information Bureau, 2024). **Section 103(2)** provides that when a group of five or more persons acting in concert commits murder on the ground of race, caste, or community, the punishment is death or imprisonment for life (Press Information Bureau, 2024). Section 103(2) of BNS provides that when a group of five or more persons acting in concert commits murder on the ground of race, caste or community, sex, place of birth, language, personal belief or any other similar ground, each member of such group shall be



punished with death or with imprisonment for life, and shall also be liable to fine (Press Information Bureau, 2024).

4.2.4 Snatching (Section 304)

Section 304 of the BNS defines snatching as a distinct form of theft (Press Information Bureau, 2024). The provision states: "(1) Theft is snatching if, in order to commit theft, the offender suddenly or quickly or forcibly seizes or secures or grabs or takes away from any person or from his possession any movable property" (Press Information Bureau, 2024). **Section 304(2)** provides that "whoever commits snatching, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine" (Press Information Bureau, 2024). For an act to qualify as "Snatching," it must encompass all elements of theft, including dishonest intention, lack of consent, and the movement of the property (Bureau of Police Research and Development, n.d.).

4.2.5 Sexual Intercourse by Deceitful Means (Section 69)

Section 69 of Chapter V of the BNS pertains to sexual intercourse by employing deceitful means. It criminalises sexual intercourse achieved through deceitful means, false promises, or fraudulent representations (Shrivastava & Akhter, 2024). "Deceitful means" shall include the false promise of employment or promotion, inducement, or "marrying after suppressing identity" (SCC Online, 2026). Whoever, by deceitful means or by making promise to marry a woman without any intention of fulfilling the same, and has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine (Nikhil Kumar and Associates, 2025). The offence is serious, cognisable and non-bailable. Section 69 of the Bharatiya Nyaya Sanhita, 2023 creates a distinct offence of sexual intercourse by deceitful means, including a false promise of marriage (SCC Online, 2026).

4.3 Deleted Offences

The BNS removes several offences that were either struck down by courts or deemed obsolete:

Deleted Offence	IPC Section	Reason for Deletion
Sedition	Section 124A	Replaced with new provisions under Section 152
Adultery	Section 497	Struck down by Supreme Court in 2018
Unnatural Offences	Section 377	Struck down by Supreme Court (Navtej Singh Johar case)
Attempt to Commit Suicide	Section 309	Decriminalized

4.3.1 The Sedition Replacement

While sedition is no longer an offence under the BNS, new offences have been introduced under **Section 152** and **Section 197(1)(d)** of BNS for acts including: exciting or attempting to excite secession, armed rebellion, or subversive activities; encouraging feelings of separatist activities; endangering the sovereignty or unity and integrity of India; and false or misleading information tending to jeopardise sovereignty, unity,



integrity or security of India (Ministry of Home Affairs, n.d.; Lexology, 2024). These offences may involve exchange of words or signs, electronic communication, or use of financial means. The term of punishment under **Section 152** of BNS has been increased from 3 years to 7 years (Lexology, 2024). Despite rewording, its core effect mirrors Section 124A IPC, which is under constitutional challenge for curbing free speech (Bar and Bench, 2025). The BNS2 removes sedition as an offence; the provision on endangering the sovereignty, unity and integrity of India may have retained aspects of sedition (PRS India, 2023).

4.4 Offences Against Women and Children

A significant reform in the BNS is the consolidation of offences against women and children. While these offences were scattered across different chapters in the IPC, the BNS brings them together in **Chapter V** (Press Information Bureau, 2023). Offences against woman and child have been given precedence over all other offences in a new chapter-V of Bharatiya Nyaya Sanhita, 2023 (Press Information Bureau, 2023). This consolidation gives precedence to offences against women and children over all other offences.

Aspect	IPC Position	BNS Position
Marital Rape Exception	Exception 2 to Section 375 (wife under 15)	Wife under 18 years
Rape Definition	Section 375	Section 63
Gender of Victim	Only women	Only women (not gender-neutral)
Gender Recognition	Male/Female	Includes transgender but rape provisions not gender-neutral

The **Justice Verma Committee (2013)** recommendations such as making the offence of rape gender neutral and including marital rape as an offence have not been incorporated (PRS India, 2023). The BNS2 retains the provisions of the IPC on rape and sexual harassment; it does not consider recommendations of the Justice Verma Committee (2013) such as making the offence of rape gender neutral and including marital rape as an offence (PRS India, 2023). The BNS2 omits S. 377 of IPC which was read down by the Supreme Court; this removes rape of men and bestiality as offences (PRS India, 2023).

4.5 Punishment Reforms

4.5.1 Introduction of Community Service

One of the most innovative features of the BNS is the introduction of **community service** as a form of punishment. **Section 4(1)** of the BNS includes community service alongside traditional punishments (Vakilsearch, 2025b). Community service, or community sentencing, is an alternative form of punishment where the offender has to work without pay for the benefit of society (NLU Delhi Law Review, 2025).

Community service has been introduced as one of the punishments for minor offences in the section 4 of newly-enacted Bharatiya Nyaya Sanhita (Times of India, 2024). 'Community Service' is added as one of the punishments in Section 4 of BNS to bring a sense of reformatory restorative justice (Naik Naik, 2024). The guidelines seek to implement Section 4(f) of the Bharatiya Nyaya Sanhita (BNS)—read with Article 162 of the



Constitution—that introduces community service as a form of punishment for specific, relatively minor offences (The Print, 2025).

Community service can be imposed as a punishment in **6 petty offences**, including: attempted suicide; coercion or obstruction of a public servant's lawful duties; and minor theft upon returning stolen property. Courts may pass a sentence of imprisonment for a term not exceeding one year, a fine not exceeding ₹10,000, or both, or community service (Common Cause India, n.d.). However, there is no clarity regarding the meaning of this form of punishment and how would it be executed (Common Cause India, n.d.).

4.5.2 Enhanced Punishments

The BNS has hiked penalties and enhanced punishments for **33 offences** (AZB Partners, 2024). Key enhancements include:

Offence	IPC Punishment	BNS Punishment	Reference
Cheating	Up to 1 year	Up to 3 years	AZB Partners, 2024
Criminal Breach of Trust	Up to 3 years	Up to 5 years	AZB Partners, 2024
Causing death by rash/negligent act	Up to 2 years	Up to 5 years with fine	
Cheating with knowledge of unjust damage	Up to 3 years	Up to 5 years	AZB Partners, 2024

The fine has been increased for **83 offences** under the BNS (AZB Partners, 2024).

4.5.3 Consolidation of Criminal Breach of Trust

The BNS has clubbed all the provisions of IPC (**Sections 405 to 409**), which dealt with the offence of criminal breach of trust, into a single provision (**Section 316**), but the term of imprisonment has been changed from three years to five years (AZB Partners, 2024). Criminal breach of trust as provided under Sections 406 – 409 of IPC have been clubbed in one provision under Section 316; further, Criminal Breach of Trust is now punishable with imprisonment which may extend to a term of five years instead of three years under IPC (AZB Partners, 2024; Vakilssearch, 2025e).

4.6 Decriminalization and Reclassification

The BNS has decriminalized offences that were previously considered petty or non-violent, such as certain forms of consensual adult relationships, adultery, and minor property disputes. This shift aims to: reduce the burden on the judicial system; focus resources on more serious crimes; and align criminal law with contemporary Indian realities (PRS India, 2023).



4.7 Cybercrime and Technological Offences

Recognizing the rise of digital offenses, the BNS introduces comprehensive provisions addressing cyber harassment, online fraud, and data privacy violations. The expanded definition of "document" under **Section 2(8)** to include "electronic and digital records" acknowledges the technological realities of the 21st century (Vakilsearch, 2025a).

5. Critical Evaluation

5.1 Progressive Aspects

5.1.1 Decolonization of Criminal Law

The BNS represents a significant step toward decolonizing India's legal framework. By removing colonial-era references, obsolete definitions, and outdated offences, the BNS aligns Indian criminal law with the democratic aspirations of an independent nation (Jayakumar, 2025). The word 'Indian' in IPC has been replaced by Bharatiya and instead of 'Penal,' Nyaya meaning Justice has been preferred in the title (Jayakumar, 2025). The deletion of sedition, a colonial-era law, brings hopes to those who had long argued for such changes.

5.1.2 Modernization and Technological Integration

The BNS addresses contemporary challenges that the IPC could not adequately handle. The introduction of provisions on organised crime, terrorism, cybercrime, and snatching reflects an understanding of evolving criminal patterns (AZB Partners, 2024). The expanded definition of "document" to include electronic and digital records acknowledges the technological realities of the 21st century.

5.1.3 Victim-Centric and Restorative Approach

The philosophical shift toward restorative justice, embodied in the introduction of community service and the consolidation of offences against women and children, represents a progressive evolution (PRS India, 2023). The BNS prioritizes rehabilitation and reintegration over purely punitive measures.

5.1.4 Gender Inclusivity

The inclusion of transgender persons in the definition of "gender" under **Section 2(10)** of the BNS is a welcome step toward inclusivity (Shrivastava & Akhter, 2024). "Transgender" shall have the meaning assigned to it in clause (k) of Section 2 of the Transgender Persons (Protection of Rights) Act, 2019. The new BNS offers a potential pathway for the reformation of the legal landscape concerning gender-based offences in India (Shrivastava & Akhter, 2024).

5.1.5 Simplification and Clarity

By consolidating definitions and reorganizing the structure, the BNS aims to enhance clarity and accessibility for both legal professionals and the general public (Mohanty & Stephen, 2025). The reduction from 511 to 358 sections, while primarily achieved through consolidation, contributes to a more streamlined code.

5.2 Concerns and Criticisms

5.2.1 Ambiguity and Potential for Misuse

Several provisions in the BNS have been criticized for their vagueness. **Section 152**, which replaces sedition, has been described as having a "broad scope" that could be misused against political dissent (Bar and Bench, 2025). Section 152 of the BNS, in its current form, risks becoming a modern proxy for sedition, curbing dissent and chilling free speech (Bar and Bench, 2025). Critics argue that the new provisions on offences against the state may perpetuate colonial continuities rather than truly decolonize the law (NYU Information for Practice,



2025). The paper discusses the "legislative intent and colonial continuities," "anti-democratic tendencies" and "general critiques" addressing the debates over "patriarchal biases, problems laden within a false promise to marriage in the BNS, linguistic imperialist connotations, and the ambiguities over punishments" (NYU Information for Practice, 2025).

5.2.2 Lack of Gender Neutrality in Sexual Offences

Despite the progressive inclusion of transgender persons in the definition of gender, the BNS lacks gender neutrality in provisions relating to sexual offences. Critics argue that the law fails to protect men and transgender persons with respect to sexual offenses (Shrivastava & Akhter, 2024). This represents a significant gap in the otherwise progressive framework. The BNS2 retains the provisions of the IPC on rape and sexual harassment; it does not consider recommendations of the Justice Verma Committee (2013) such as making the offence of rape gender neutral and including marital rape as an offence (PRS India, 2023).

5.2.3 Marital Rape Exception

While the BNS has increased the age of the wife from fifteen years to eighteen years under the marital rape exception (PRS India, 2023), it has not criminalized marital rape entirely. This has been a point of criticism from women's rights activists.

5.2.4 Limited Departure from the IPC

Despite its progressive aspirations, the BNS faces criticism for its limited departure from the IPC. Many provisions are retained with minimal modification, and the reduction in sections is largely due to consolidation rather than substantive change (Mohanty & Stephen, 2025). Some critics question whether the changes were truly necessary.

5.2.5 Implementation Challenges

The success of the BNS depends on effective implementation, which requires: major training for police, judges, and lawyers; adequate infrastructure and technological capacity; and clear guidelines for the application of new provisions, particularly community service (PRS India, 2023).

5.2.6 Definitional Gaps

The definition of community service is not provided in the BNS itself (Common Cause India, n.d.). This cross-referencing with the BNSS may create confusion and inconsistency in application.

5.2.7 Overlap with Special Laws

Several offences in the BNS overlap with special laws. In many cases, both carry different penalties or provide for different procedures (PRS India, 2023). This may lead to multiple regulatory regimes, additional costs of compliance, and the possibility of levelling multiple charges (PRS India, 2023).

5.2.8 Age of Criminal Responsibility

The age of criminal responsibility is retained at seven years, extending to 12 years depending upon the maturity of the accused (PRS India, 2023). This may contravene recommendations of international conventions (PRS India, 2023).



6. Comparative Summary Table

Aspect	IPC (1860)	BNS (2023)	Reference
Sections	511	358	
Chapters	23	20	
Definitions	Scattered (Sections 6-52A)	Consolidated (Sections 2-3)	Vakilsearch, 2025a
Colonial References	Present (Queen, British India, etc.)	Largely removed	
Organised Crime	Not defined	Section 111	AZB Partners, 2024
Terrorism	Not defined	Section 113	PRS India, 2023
Community Service	Not available	Section 4	Vakilsearch, 2025b
Sedition	Section 124A	Omitted (replaced by Section 152)	Ministry of Home Affairs, n.d.
Gender Definition	Male/Female	Includes transgender	Section 2(10), BNS
Gender Neutrality	Limited	Improved but not comprehensive	Shrivastava & Akhter, 2024
Mob Lynching	Not defined	Section 103(2)	Press Information Bureau, 2024
Snatching	Not separately defined	Section 304	Press Information Bureau, 2024
Criminal Breach of Trust	Sections 405-409	Section 316	AZB Partners, 2024
Punishment for Cheating	Up to 1 year	Up to 3 years	AZB Partners, 2024



Aspect	IPC (1860)	BNS (2023)	Reference
Punishment for Criminal Breach of Trust	Up to 3 years	Up to 5 years	AZB Partners, 2024

7. Conclusion

The comparative analysis of the Indian Penal Code, 1860, and the Bharatiya Nyaya Sanhita, 2023, reveals a comprehensive effort to modernize and decolonize India's substantive criminal law. The BNS, enacted on December 25, 2023, and coming into force on July 1, 2024, replaces the colonial-era IPC with a framework designed to address contemporary challenges and reflect Indian values (Press Information Bureau, 2023).

The BNS introduces several progressive reforms: consolidation of definitions under two sections (**Sections 2-3**); inclusion of transgender persons in the definition of gender (**Section 2(10)**); introduction of new offences such as organised crime (**Section 111**), terrorism (**Section 113**), snatching (**Section 304**), and mob lynching (**Section 103(2)**); deletion of obsolete offences including sedition, adultery, and attempt to commit suicide; enhanced punishments for 33 offences; introduction of community service as a reformatory punishment (**Section 4**); and consolidation of offences against women and children in a dedicated chapter (**Chapter V**) (Press Information Bureau, 2023; AZB Partners, 2024).

However, the BNS is not without its critics. Concerns remain regarding: ambiguous provisions that could be misused (**Section 152**); lack of gender neutrality in sexual offences; limited departure from the IPC; significant implementation challenges; and overlap with special laws (PRS India, 2023; Bar and Bench, 2025).

The success of the BNS depends on effective implementation, adequate infrastructure, judicial interpretation that balances competing interests, and continued legislative refinement to address emerging concerns (PRS India, 2023). The transition from a colonial-era framework to a modern, citizen-centric system requires not just legislative change but a fundamental transformation in institutional culture and capacity.

The Bharatiya Nyaya Sanhita, 2023, represents a decisive step toward decolonizing and modernizing India's legal structure. Whether it achieves its objectives of faster, more efficient, and more just criminal justice will depend on the commitment of all stakeholders—legislators, judges, prosecutors, police, and civil society—to realizing the vision of a justice system that serves the needs of contemporary India. The BNS is not merely a replacement of the IPC; it is an aspiration for a legal framework that is truly "of the people, by the people, and for the people."

References

- AZB Partners. (2024, January 8). *Overview of the Bharatiya Nyaya Sanhita, 2023 (Penal Code)*. <https://www.azbpartners.com>
- Bar and Bench. (2025, August 7). *Section 152 BNS: Sedition 2.0 in the age of national security?* <https://www.barandbench.com>
- Bharatiya Nyaya Sanhita, 2023, Act No. 45 of 2023.
- Bureau of Police Research and Development. (n.d.). *Bharatiya Nyaya Sanhita 2023: Comparative tables*. <https://bprd.nic.in>



Common Cause India. (n.d.). *Bharatiya Nyaya Sanhita (BNS) 2023*. <https://www.commoncause.in>

Indian Penal Code, 1860, Act No. 45 of 1860.

Jayakumar, S. (2025). Offences against the State: Indian Penal Code, 1860 vs. Bharatiya Nyaya Sanhita, 2023. *International Journal of Law Management & Humanities*, 8(5). <https://ijlmh.com>

LawRato. (2024, August 1). *BNS Section 2 - Definitions*. <https://lawrato.com>

Lexology. (2024, July 17). *Changes in law pertaining to sedition, defamation and inciting religious and communal disharmony*. <https://www.lexology.com>

Ministry of Home Affairs. (n.d.). *Bharatiya Nyaya Sanhita, 2023: Key provisions*. Government of India. <https://www.mha.gov.in>

Mohanty, P., & Stephen, T. (2025). Beyond human bias: An LLM-driven comparative analysis of the Indian Penal Code (1860) and Bharatiya Nyaya Sanhita (2023). *Statute Law Review*, 46(1), hmaf014. <https://doi.org/10.1093/slr/hmaf014>

Mukherjee, S. (2025). A comparative study between Indian Penal Code, 1860 and Bharatiya Naya Sanhita, 2023. *International Journal of Law Management & Humanities*, 8(2). <https://ijlmh.com>

Naik Naik. (2024, April 3). *The new criminal laws in India: Amelioration of the justice system in India?* <https://naiknaik.com>

Nikhil Kumar and Associates. (2025, October 12). *Allahabad High Court on Section 69 of Bhartiya Nyaya Sanhita*. <https://nikhilkumaradvocate.in>

NLU Delhi Law Review. (2025, January 27). Community service under the BNS: Progress, pitfalls, and potential. *NLU Delhi Law Review*. <https://nliulawreview.nliu.ac.in>

NYU Information for Practice. (2025, September 8). *Bharatiya Nyaya Sanhita: Decolonizing criminal law or colonial continuities?* <https://ifp.nyu.edu>

Press Information Bureau. (2023, December 25). *New criminal laws notified*. Government of India. <https://www.pib.gov.in>

Press Information Bureau. (2024, December 4). *Mob lynching and snatching related provisions in new criminal laws*. Government of India. <https://www.pib.gov.in>

PRS India. (2023). *Overview of criminal law reforms*. <https://prsindia.org>

PRS India. (2023). *The Bharatiya Nyaya (Second) Sanhita, 2023*. <https://prsindia.org>

SCC Online. (2026, February 3). *Allahabad HC refuses to quash proceedings under Section 69 BNS*. <https://www.sconline.com>

SD Partners. (2026, February 10). *Terrorist Act under Section 113 of the Bharatiya Nyaya Sanhita, 2023*. <https://sdpartners.in>

Shrivastava, H., & Akhter, S. (2024). A comparative study of the Indian Penal Code and the Bharatiya Nyaya Sanhita's gender-related provisions. *Statute Law Review*, 45(2), hmae033. <https://doi.org/10.1093/slr/hmae033>

Taxmann. (2024). *Bharatiya nyaya sanhita 2023 [act no.45 of 2023 dated 25th december 2023]: With comparative study of Bhartiya nyaya sanhita 2023 & Indian penal code 1860*. Taxmann.



The Print. (2025, August 21). *Haryana pushes for reformative justice over jail time—rolls out community service for minor offences*. <https://theprint.in>

Times of India. (2024, July 3). *Clarity needed on monitoring community service compliance in Bharatiya Nyaya Sanhita*. <https://timesofindia.indiatimes.com>

Vakilsearch. (2025a, April 2). *Section 2 of BNS: Definitions*. <https://vakilsearch.com>

Vakilsearch. (2025b, April 2). *Section 4 of BNS: Punishments*. <https://vakilsearch.com>

Vakilsearch. (2025c, April 2). *BNS Section 111: Organised Crime*. <https://vakilsearch.com>

Vakilsearch. (2025d, April 2). *BNS Section 113: Terrorist Act*. <https://vakilsearch.com>

Vakilsearch. (2025e, April 2). *BNS Section 316: Criminal Breach of Trust*. <https://vakilsearch.com>