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## Comparative Study of Indian Penal Code 1860 and Bhartiya Nyay Sanhita 2024

### Introduction to the Comparative Study:

The purpose of this study is to compare and analyse the Indian Penal Code 1860 (IPC) with the proposed Bhartiya Nyay Sanhita 2024 (BNS). The Indian Penal Code 1860 is the official criminal code of the Republic of India, which was inherited from British India after independence, and it has been in use since 1862. The Bharatiya Nyaya Sanhita 2024 is a draft code that is intended to replace the IPC. It was introduced in the Lok Sabha in August 2023. This study will provide an overview of both codes, highlight key provisions, and discuss the differences, impact, and challenges associated with the implementation of the BNS.

The Comparative Study delves into a critical analysis of the Indian Penal Code of 1860 and the proposed Bhartiya Nyay Sanhita 2024, aiming to highlight the evolution and potential impact of the new legal framework on the Indian criminal justice system.

### Background of Indian Penal Code 1860

The Indian Penal Code of 1860, enacted during British colonial rule, serves as the cornerstone of criminal law in India. It reflects the societal norms and legal principles prevalent during that era, shaping the foundation of the country's criminal justice system.

The Indian Penal Code of 1860 was created based on the recommendations of the first Law Commission of India, which was chaired by Lord Thomas Babington Macaulay in 1834. The code was designed to cover all aspects of criminal law and came into effect on January 1, 1862. It contains 23 chapters and 511 sections, each providing punishment for specific

crimes. The IPC was drafted to be a comprehensive penal code for India and has been amended several times since its enactment.

## **Overview of Bhartiya Nyay Sanhita 2024**

The Bharatiya Nyaya Sanhita 2024 is a proposed code that was introduced in the Lok Sabha by the Union Government in August 2023. The main objective of the BNS is to replace the Indian Penal Code 1860 with a new set of laws. The BNS includes various changes to the IPC, such as modifications to definitions, punishments, defences, and provisions related to sexual offenses and kidnapping. Additionally, the BNS introduces new offenses that are not covered under the IPC, such as those related to organized crime and terrorism.

Bhartiya Nyay Sanhita 2024 represents a significant legislative proposal aimed at modernizing and reforming the existing legal framework. It seeks to address contemporary challenges and align with evolving societal values and international legal standards.

## **Key Provisions in the Indian Penal Code 1860**

The Indian Penal Code 1860 comprises several important sections that deal with various aspects of criminal law. Some of these sections include general explanations, punishments, abetment, criminal conspiracy, offenses against the state, offenses by or relating to public servants, and false evidence. The IPC also covers contempts of lawful authority, offenses relating to coin and government stamps, and offenses against public justice.

The Indian Penal Code of 1860 encompasses a wide array of criminal offences, penalties, and procedures. Key provisions include definitions of crimes, punishments, and principles of liability, providing a comprehensive framework for addressing criminal behaviour.

## **Fundamental Principles of Bhartiya Nyay Sanhita 2024**

The Bharatiya Nyaya Sanhita 2024 is a criminal code that is based on the principles of justice, fairness, and equality. It aims to provide a comprehensive and inclusive legal framework that addresses the needs of a modern society. The BNS is guided by some fundamental principles, such as the protection of children's rights, the promotion of gender equality, and the prevention of organized crime and terrorism.

Bhartiya Nyay Sanhita 2024 is guided by fundamental principles such as equity, justice, and fairness. It emphasizes the protection of individual rights, due process, and the promotion of a more efficient and transparent criminal justice system.

Comparative Analysis of Criminal Justice Provisions

### **Comparative analysis of the criminal justice provisions**

A comparative analysis between the criminal justice provisions in the Indian Penal Code of 1860 and the Bhartiya Nyay Sanhita of 2024 shows variations in their approach to criminal law and justice. The Bhartiya Nyay Sanhita has made changes to the IPC, including modifications to definitions, punishments, defenses, and provisions related to sexual offenses and kidnapping. Moreover, the BNS has introduced new offenses that were not previously covered by the IPC, such as those related to organized crime and terrorism. A comparative analysis between the criminal justice provisions in the Indian Penal Code of 1860 and the Bhartiya Nyay Sanhita of 2024 shows variations in their approach to criminal law and justice. The Bhartiya Nyay Sanhita has made changes to the IPC, including modifications to definitions, punishments, defences, and provisions related to sexual offenses and kidnapping. Moreover, the BNS has introduced new offenses that were not previously covered by the IPC, such as those related to organized crime and terrorism.

Both legal frameworks reveal significant differences in terms of scope, definitions, and penalties. Bhartiya Nyay Sanhita 2024 introduces new offences, modifies existing laws, and incorporates modern legal concepts to enhance the effectiveness of the criminal justice system.

### **Differences in Punitive Measures and Sentencing**

One of the key areas of divergence between the Indian Penal Code of 1860 and Bhartiya Nyay Sanhita 2024 lies in punitive measures and sentencing. The new legal framework may

introduce alternative sentencing options, rehabilitative measures, and stricter penalties for certain offences, reflecting a shift towards a more progressive and balanced approach to criminal justice.

The Bharatiya Nyaya Sanhita 2024 has brought about changes to the punitive measures and sentencing provisions in the Indian Penal Code 1860. The main objective of the BNS is to provide a more comprehensive and inclusive criminal code that caters to the needs of modern society. Some of the differences in punitive measures and sentencing include modifications to provisions related to sexual offenses and kidnapping, as well as the introduction of new offenses that were not covered under the IPC. The Bharatiya Nyaya Sanhita 2024 introduces changes to the punitive measures and sentencing provisions in the Indian Penal Code 1860. The BNS aims to provide a more comprehensive and inclusive criminal code that addresses the needs of a modern society. Some of the differences in punitive measures and sentencing include modifications to the provisions related to sexual offenses and kidnapping, as well as the introduction of new offenses not covered under the IPC.

### **Impact on Law Enforcement and Judicial Procedures**

The Bhartiya Nyaya Sanhita 2024 is expected to bring significant changes to law enforcement and judicial procedures in India. It introduces modifications to the Indian Penal Code 1860, which will require adaptation from law enforcement agencies and the judiciary. The effectiveness of the implementation process and the stakeholders' willingness to adapt to the new code will determine the impact of the BNS on law enforcement and judicial procedures. However, there may be challenges in implementing the Bhartiya Nyaya Sanhita 2024.

The implementation of Bhartiya Nyay Sanhita 2024 is expected to have a profound impact on law enforcement practices and judicial procedures. It may necessitate training programs for law enforcement officials, changes in investigative techniques, and adaptations in court processes to ensure compliance with the new legal provisions.

### **Challenges in Implementing Bhartiya Nyay Sanhita 2024**

Despite its potential benefits, the implementation of Bhartiya Nyay Sanhita 2024 is likely to face challenges such as resistance to change, resource constraints, and the need for capacity

building within the legal system. Addressing these challenges will be crucial to the successful adoption and enforcement of the new legal framework.

The successful implementation of the Bhartiya Nyaya Sanhita 2024 is anticipated to encounter numerous challenges such as opposition from stakeholders, dearth of resources, and the necessity for training and capacity building. The effectiveness of the BNS implementation will rely on the government's capability to tackle these obstacles and ensure that the new code is executed proficiently. The implementation of the Bhartiya Nyaya Sanhita 2024 is expected to face several challenges, including resistance from stakeholders, lack of resources, and the need for training and capacity building. The success of the BNS implementation will depend on the ability of the government to address these challenges and ensure that the new code is implemented effectively.

### **Conclusion and Recommendations for Legal Reform**

In summary, the comparative analysis of the Indian Penal Code 1860 and the Bhartiya Nyaya Sanhita 2024 reveals both similarities and differences between the two codes. The BNS introduces several changes to the IPC, including modifications to definitions, punishments, defenses, and provisions relating to sexual offenses and kidnapping. Additionally, the BNS incorporates new offenses that are not covered in the IPC, such as organized crime and terrorism. The implementation of the BNS is likely to face various challenges, and it is vital to address these challenges to ensure the successful adoption of the new code. The proposed legal reform recommendations include effective communication, training, and capacity building, as well as the development of a comprehensive implementation plan.

The comparative study highlights the significance of transitioning from the Indian Penal Code of 1860 to Bhartiya Nyaya Sanhita 2024 in response to evolving societal needs and legal standards. To ensure successful legal reform, it is essential to engage stakeholders, address implementation challenges, and continuously evaluate and refine the new legal framework to uphold justice and the rule of law in India.