

# COMPARATIVE ANALYSIS OF INDIAN PENAL CODE AND BHARATIYE NYAYE SANHITA

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## ABSTRACT

In 2020, the Ministry of Home Affairs of India has appointed former Vice-Chancellor of National Law University, Delhi, Prof. This committee was tasked with amending the Indian Penal Code (IPC), the legal system that existed for over 160 years. After extensive discussions and deliberations, the committee submitted its recommendations to the Home Ministry in January 2023. These recommendations led to the enactment of the Indian Judicial Code Act, 2023. The objective of the BNS Act is to provide a criminal justice system in India with a proper... the modern social needs and values. One of its main objectives is to simplify legal interpretations, making them clear and relevant in today's context. This includes updating outdated terms and concepts that are incompatible with modern legal and social understanding. In addition, the BNS Act has introduced new penalties such as community service to reduce reliance on imprisonment and deal effectively with minor offenses. Finally, the Indian Penal Code, 2023 represents a comprehensive effort to India Criminal Code will. It reflects a shift towards an inclusive and functional modern legal system that better meets the needs of modern Indian society.

**Keywords:** Indian Penal Code (IPC), Indian Judicial, Amendments, criminal justice system, BNS

## Introduction

In the 76 years since independence from British rule, India has made tremendous progress. Meanwhile, the more than 160-year-old Indian Penal Code (IPC) has faced criticism for outdated provisions and colonial purposes. In the past, the IPC still retains laws such as sedition, reflecting its repressive roots. There is now an urgent need to amend the law by transferring the power of the ruler to the people. Over the years, committees have been formed to reform the Indian criminal justice system. The Vohra Committee in 1993 recommended amendments to address political mistakes and anti-social elements. The Malimath Committee in 2003 proposed a new category of offenses known as 'social welfare offences' for minor offences, which could be dealt with by lenient punishment or community service. Law commissions and committees have called for the IPC is not updated to reflect social change.

On August 11, 2023, Home Minister Amit Shah introduced three important bills in Parliament to amend the Indian Criminal Code.

1. The Indian Judicial Code Act 2023, replaces the Indian Penal Code
2. The Indian Public Safety Act Act 2023, amends the Code of Criminal Procedure (CrPC) of the.
3. The Indian Certificate Act 2023, which repealed the Indian Certificate Act which This new law aims to change the legal system of the colonial era and establish a system that incorporates the sentiments of Indian citizens and protects their rights

## History of IPC

Many provisions of the Indian Penal Code (IPC) are out of date and need substantial amendment to reflect modern values and norms of modern life. Despite numerous reports and advocacy efforts, the IPC still does not

criminalize marital rape. This oversight fails to protect the rights and dignity of individual spouses, it creates the harmful impression that consent in marriage is irrelevant. Updating the IPC to criminalize marital rape is necessary to create individual liberty protect and promote gender equality. The IPC also needs to become more gender neutral, updating its language and policies to reflect inclusivity and recognize the rights of both men and women. The decriminalization of Section 377 on homosexuality was a major step towards the recognition of LGBTQ+ rights. However, further amendments are needed to ensure that the IPC fully protects these rights and incorporates modern standards of equality and non-discrimination.

- Sedition laws originally designed to protect the British government from opponents during the colonial era have been misused to suppress dissent in modern times. This law caught on journalists, workers, students and scholars who criticized the government, preventing the freedom of speech and democratic speech that should be done, which is basic to freedom of expression. It is also important for the protection of rights.

- Moreover, the IPC needs a new framework to deal with contemporary issues such as game fixing in sport, which undermines the integrity of sporting competitions and can have significant economic and social consequences.
- Also, the torture and death in custody are gross violations of human rights that require clear legal mechanisms to ensure accountability and justice for victims. The death penalty is a contentious issue, and debate continues over its moral and ethical implications. Some argue for its abolition, viewing it as inhumane and incompatible with modern human rights standards. Policies on the death penalty must be re-examined to reflect changing approaches to justice and human rights.

**Comparative analysis**

Basis	IPC	BNS
<b>Structure of the New Law</b>	The IPC, which was subdivided into 26 chapters with 576 sections, has been restructured into 19 chapters with 356	under the BNS Law 2023. Notably, 175 provisions have been revised, 22 provisions deleted, and 8 new sections added.
<b>Sedition Law</b>	<b>Section 124A:</b> Defined sedition as an act that incites hatred or contempt against the government.	BNS Section 150: Eliminates the term "sedition" but includes provisions against armed rebellion or activities threatening national unity and sovereignty. The punishment extends to life imprisonment or 7 years, as opposed to the IPC's life imprisonment and a possible 3-year extension.
<b>Criminal Conspiracy</b>	<b>IPC Section 120:</b> Defined criminal conspiracy with separate provisions for definition and punishment.	<b>BNS Section 61:</b> Combines the definition and punishment in a single section, simplifying the legal text without

		changing the essence of the offense.
<b>Cheating</b>	<b>IPC Section 420:</b> Defined cheating with a maximum sentence of 7 years.	<b>BNS Section 316:</b> Defines cheating more precisely, with varying degrees of punishment based on the severity of the harm caused, ranging from 3 to 7 years.
<b>Marital Rape</b>	Does not recognize marital rape as an offense.	Continues this omission but adds new sections addressing sexual offenses against women and children.
<b>Disclosure of Victim Identity</b>	<b>IPC Chapter II:</b> Covered offenses related to false evidence.	<b>BNS:</b> Relocates the provision to the chapter on offenses against women, emphasizing the protection of victim identity.

**Other major changes**

The Indian Judicial Code Act, 2023 brings about transformational changes in the Indian criminal justice landscape including ongoing reforms aimed at modernizing and enhancing legal protection, the community service of the BNS Act comes as a way of dealing with petty crimes, emphasis on petty crimes Criminal imprisonment Section 101(2) applies specifically

to mass murder, and prescribes severe penalties including ho is life imprisonment or death for group murder depending on race, religion, other factors and lifestyle to be used to address the present case

- Reflecting modern values, BNS removes old sections on unnatural sex and adultery, in line with the Supreme Court’s position on these issues.
- Another reform proposal includes the adoption of gender-neutral language that provides greater protections for both sexes, including religion as a specific basis for recognition of organized crime, reward systems for power it is in strong measures to ensure the fair prosecution of criminals, witness protection measures and victims To also provide that created.

**Limitations**

The Bharatiya Nyay Sanhita Law 2023, though a bold step towards updating India’s criminal justice system, has some significant shortcomings that need to be addressed. For instance, even though the term "sedition" has been removed, the new law’s vague language could still be used to stifle political dissent, which is worrying for a democratic society. The segregation of religion as a basis for organized crime is another key oversight, especially in a country where religious conflict can lead to violence and does not provide sufficiently clear protections for transgender people, leaving them vulnerable were not properly represented among the victims. There is also a danger that the provision on spurious marriage commitments could be abused, especially in interreligious relationships, creating the wrong narrative these concerns highlight the need for them further changes to ensure that the new laws truly reflect modern values and affirm the protection of the rights among all citizens.



### Conclusion

As India evolves, so must its legal systems. Ongoing review and amendment will be necessary to ensure that new laws better serve justice and the public interest. India's progress over the last 76 years calls for a legal system that reflects its modern values and democratic principles, and the IPC is updated to incorporate these provisions and amendments to create a legal system that carries modern values in, it protects individual rights and ensures that justice is essential to modern rights. As IPC is a product of its time, our legal system must evolve to meet the needs and values of modern India. Historical background of Indian Penal Code, whose colonial era provisions emphasize urgent reforms like Sedition Act Committees and Commissions long advocate reform by eating political mistakes, minor infractions and social improvements deal with Indian Judiciary Act 2023 Indian Civil Defense Act and Indian Evidence Act do so. But the real determinant of their success will depend on continued reform and commitment to the rights and freedoms of all Indians.

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