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TRANSFORMATION OF IPC INTO BNS: UNENDING COLONIAL LEGACY

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INTRODUCTION:

The transformation of the Indian Penal Code (IPC) into the Bharatiya Nyaya Sanhita (BNS) not only serves as a legal reform but also symbolizes the ongoing decolonization of India's legal framework. The IPC, drafted in 1860 during British colonial rule, prioritized the interests of the colonial government, focusing heavily on state authority and suppressing dissent. Even after India achieved political independence in 1947, the IPC remained a fundamental element of the nation's criminal justice system for many years. However, as India evolved into a democratic republic, the pressing need for a modernized and reformed criminal justice system became increasingly evident. The Bharatiya Nyaya Sanhita (BNS), introduced in 2023, is viewed as a significant step towards decolonizing India's criminal legislation by providing a new framework that aligns with the country's constitutional principles, democratic values, and current societal needs. While the shift from the IPC to the BNS signifies a notable break from colonial traditions, it simultaneously underscores how the remnants of colonialism continue to influence India's criminal justice system. Despite numerous amendments, the IPC still embodied various colonial ideologies, particularly an emphasis on state authority, the curtailment of political dissent, and the adoption of punitive measures to regulate society. In contrast, the BNS seeks to redefine criminal law by focusing on victim-centered justice, human rights, and procedural improvements, moving away from the state-centric approach upheld by the IPC. Nevertheless, this transition is not entirely devoid of the lingering effects of the colonial period, and some concepts and legislations within the BNS still reflect its predecessor. This ongoing tension between reform and heritage raises the question of whether the BNS can truly sever ties with the colonial past or if this transformation remains an incomplete endeavor in legal decolonization. This essay analyzes the shift from the IPC to the BNS, with a specific focus on efforts to decolonize the legal system, the persistent impacts of colonial legacies, and the significant challenges India faces in establishing a contemporary and democratic criminal justice framework. The discussion will delve into the complex factors shaping the current legal reform movement in postcolonial India by examining the historical context of the IPC, the motivations behind the introduction of the BNS, and the implications of this transformation.

HISTORICAL CONTEXT OF THE IPC:

The Indian Penal Code (IPC), established in 1860, is a crucial legal document in the history of India. It was introduced during the British colonial era under the leadership of Lord Macaulay, who was given the responsibility of creating a unified criminal law framework for India. Prior to the IPC, India's criminal law consisted of a mix of local statutes, customary practices, and religious codes, which varied

widely among different regions and communities. These laws were often capricious, inconsistent, and challenging to enforce, resulting in a disjointed legal system. The colonial authorities recognized the necessity for a standardized set of laws that would serve their imperial objectives by maintaining order, repressing dissent, and controlling the diverse populace of the subcontinent. Consequently, the IPC was crafted to establish a centralized

criminal justice system, based on principles of British common law but tailored to the Indian context. The purpose of this law was to reflect the imperial priorities of population control and the preservation of British authority rather than to safeguard individual rights or ensure justice for the wider community.

The IPC was founded on the British concept of a state-centered legal framework, placing a strong emphasis on state sovereignty and the punishment of criminal behavior, as opposed to restorative or rehabilitative justice. Many of its clauses, including those concerning sedition, public order, and organized crime, were intended to stifle political opposition and manage social movements, highlighting the British apprehension about uprisings and challenges to their authority. The sedition law (Section 124A), in particular, became a well-known instrument of political suppression, utilized by the British to silence Indian nationalists and freedom fighters. Its application against notable figures like Bal Gangadhar Tilak and Mahatma Gandhi during India's struggle for independence stands as one of the most significant legacies of the colonial era. These laws served not merely as tools for law enforcement but also as political instruments aimed at quelling dissent and ensuring imperial control.

The IPC further institutionalized various social hierarchies that existed during the colonial period, reflected in its treatment of different social groups. For instance, the laws concerning morality and public decency often aligned with British colonial concerns about upholding social order through strict moral standards. Such laws were employed to regulate behaviors deemed inappropriate by the colonial authority, particularly those that challenged colonial values or the established order. The IPC was also influenced by the Victorian moral framework that shaped British society, which resulted in the criminalization of actions perceived as threats to British concepts of propriety and social order. These values were imposed on Indian society, neglecting the

diverse cultural norms and traditions present in various regions of the subcontinent.

After India achieved independence in 1947, the Indian Penal Code (IPC) continued to form the foundation of the criminal justice system. As the nation aimed to create a new identity as a democratic republic, the IPC's colonial origins persisted, prompting debates about its relevance in a post-colonial setting. The Indian government made numerous amendments to the IPC after independence to better reflect modern ideals and Indian values. Nonetheless, many provisions within the IPC still echoed colonial-era priorities, such as a focus on state control, the criminalization of dissent, and a lack of regard for individual rights. In this light, the IPC became emblematic of India's colonial heritage, limiting the country's ability to genuinely redefine its legal and judicial frameworks independent of colonial influence.

The necessity to decolonize the Indian criminal justice system led to the establishment of the Bharatiya Nyaya Sanhita (BNS) in 2023, intended to supplant the IPC and other outdated colonial statutes with a more Indian-centric framework that aligns with democratic ideals, human rights, and contemporary legal practices. The shift from the IPC to the BNS is motivated by the aim to distance the legal system from the colonial legacies that have historically functioned as tools for social control rather than mechanisms for justice. The BNS aspires to reform the criminal justice system by concentrating on aspects like victim compensation, procedural fairness, and safeguarding fundamental rights, while discarding provisions that have been historically utilized to stifle dissent and marginalize vulnerable communities.

In conclusion, the historical background of the IPC illustrates how it was designed to further the imperial goals of the British colonial government, maintaining order through punitive actions and social regulation. Despite amendments made post-independence, the colonial legacy of the IPC continued to pose a

significant obstacle for the development of India's criminal justice system. The Bharatiya Nyaya Sanhita (BNS) aims to reshape the criminal law into a more just and democratic framework, consistent with India's contemporary constitutional values and more attuned to the needs of its populace.

POST-INDEPENDENCE AND LEGACY:

- Even with these advancements, the shift from the IPC to the BNS is fraught with complexities. The remnants of colonial legacies are not entirely eliminated in this transition, and certain concepts and terminologies from the colonial era continue to appear in the BNS, often raising concerns among critics who argue that the reform process remains unfinished. For example, although sedition has been abolished, elements related to public order and state security still give the government extensive authority to impose limitations on civil liberties under the pretext of preserving national security. These sections, though intended to tackle new challenges like terrorism and organized crime, mirror the colonial model of militarized governance and state domination. Additionally, the authoritarian undertone of particular laws, such as those concerning preventive detention and police powers, recalls the colonial-era regulations that were employed to control and intimidate populations. The preservation of these provisions brings up questions regarding whether the BNS genuinely departs from the colonial perspective of prioritizing state sovereignty over individual freedoms. Moreover, despite the BNS introducing procedural reforms like time-bound trials and fast-track courts, concerns linger that the system still tends to favour the state over individuals, particularly among marginalized groups.

- In conclusion, moving from the IPC to the BNS signifies an important milestone in India's efforts to decolonize its legal framework. Nevertheless, the transformation of legacies is an ongoing journey that requires not only legal reforms but also a reevaluation of the dynamics

between the state, law enforcement, and individuals. While the BNS implements notable reforms and aligns more closely with democratic principles, its capacity to fully eliminate the colonial legacies ingrained in the IPC remains uncertain. The reform initiative must proceed, ensuring that upcoming legal modifications not only tackle provisions from the colonial period but also confront the systemic inequalities and biases that persist within the criminal justice framework. Only then can India aspire to establish a truly decolonized, fair, and effective criminal justice system that meets the needs of its diverse population.

RATIONALE BEHIND THE TRANSITION TO BNS:

- The shift from the Indian Penal Code (IPC) of 1860 to the Bharatiya Nyaya Sanhita (BNS), which was enacted in 2023, marks a major change in India's criminal justice system, motivated by the need to decolonize and modernize legal structures. The IPC, developed during British colonial rule, faced criticism for its outdated language, Eurocentric focus, and insufficient responsiveness to current socio-legal contexts (Singh, 2020). The rationale for replacing it with the BNS is rooted in the desire for a justice system that better reflects the principles of the Indian Constitution, is more accessible to the general populace, and is capable of addressing contemporary forms of crime such as cybercrime and terrorism (Ministry of Home Affairs, 2023). The BNS aims to simplify legal procedures, improve efficiency, and prioritize the rights of victims while incorporating traditional legal principles and focusing on the needs of citizens (Baruah, 2023). Thus, this transition highlights a broader initiative to build a criminal justice framework that is not only efficient and fair but also embodies India's distinct legal identity.

- A further important reason for the transition to the BNS is the necessity to tackle systemic inefficiencies within the Indian criminal justice system, which has historically been burdened by delays, backlogs, and unequal access to justice. Despite numerous

amendments over the years, the IPC failed to adequately resolve issues surrounding judicial delays and the inefficient administration of justice, leading to overcrowded prisons, extended pre-trial detentions, and an accumulation of unresolved cases. The BNS introduces multiple procedural changes aimed at hastening legal processes, such as time-bound investigations, designated trial timelines, and the creation of fast-track courts to ensure that serious cases like sexual offenses and terrorism are handled more efficiently. This emphasis on speed and effectiveness seeks to lessen the pressure on the judiciary, improve justice access, and boost public trust in the legal system.

Moreover, the BNS recognizes the evolving nature of crime in the digital era and addresses the increase in cybercrime, terrorism, and organized crime, which the IPC did not sufficiently address. By integrating contemporary legal provisions for managing digital evidence and cyber offenses, the BNS aspires to ensure that the criminal justice system remains pertinent and effective in facing new challenges.

KEY STRUCTURAL CHANGES IN BNS:

The shift from the Indian Penal Code (IPC), established in 1860, to the Bharatiya Nyaya Sanhita (BNS), 2023, showcases important structural changes that embody both functional modernization and decolonial goals. The IPC consisted of 23 chapters and 511 sections, whereas the BNS has restructured these into 20 chapters and 358 sections, aiming to streamline overlapping provisions and eliminate outdated or redundant laws (Ministry of Home Affairs, 2023). This reduction is not just numerical; it is strategic, as the BNS prioritizes thematic clarity and coherence. Offenses are now classified in a more contemporary manner—such as substituting “offenses against the state” with “offenses against the sovereignty, unity, and integrity of India”—to align more closely with constitutional language and modern sensibilities.

The BNS also introduces new categories of offenses that were missing in the IPC, including terrorism, mob lynching, and crimes against women that involve modern technology (Baruah, 2023). On the procedural front, the BNS establishes fixed timelines for investigations and trials, a feature not present in the IPC, to address judicial delays. Another significant structural change is the incorporation of community service as a form of punishment, marking a transition toward restorative justice, as opposed to the predominantly retributive approach of the IPC. Additionally, the BNS abolishes several colonial remnants like sedition (Section 124A of IPC), while outdated terms such as “cognizable” and “non-cognizable” have been substituted with more accessible language for citizens (Singh, 2020). These structural changes signify a conscious effort to craft a criminal code that is more straightforward, contemporary, efficient in procedure, and culturally rooted in the Indian legal heritage.

ADDRESSING COLONIAL TERMINOLOGY AND CONCEPTS:

One of the primary aims behind the establishment of the Bharatiya Nyaya Sanhita (BNS) was to thoroughly eradicate colonial-era terminology and legal concepts that are ingrained in the Indian Penal Code (IPC) of 1860. Crafted by British officials for imperial rule, the IPC featured language and stipulations that often contradicted Indian cultural and constitutional norms. The BNS substitutes outdated, Eurocentric expressions with terminology that embodies Indian sovereignty and legal principles—for example, swapping the phrase “offenses against the state” with “offenses against the sovereignty, unity, and integrity of India,” which aligns more closely with the Indian Constitution’s Preamble and Article 19(2) (Ministry of Home Affairs, 2023). Likewise, the BNS discards terms such as “cognizable” and “non-cognizable,” instead using more accessible descriptions like “serious” and “non-serious” offenses. Most significantly, the sedition law contained in Section 124A of the IPC—a provision that has faced widespread criticism

as a colonial instrument for stifling dissent—has been eliminated, illustrating India’s transition toward a more democratic legal framework (Singh, 2020). These alterations indicate not just a reform in language but a more profound philosophical shift away from the punitive colonial mindset towards a justice system grounded in constitutional values, citizen rights, and restorative principles.

Nevertheless, while the BNS makes considerable efforts to eradicate colonial language and concepts, some legal terminologies and structural aspects remain. For example, phrases such as “public order,” “organized crime,” and “security of the state” still bear similarities to their colonial-era meanings, bestowing substantial discretionary powers to the state. Though these provisions have been modernized in some respects, they retain the potential for misuse, allowing for vague and extensive interpretations of what constitutes a threat to national security. These aspects reflect the colonial emphasis on state-centric control rather than protecting the rights and freedoms of individuals. The persistence of these concepts raises concerns that the law may still favor state security over individual liberties, a characteristic of the colonial legal framework. This is particularly clear in the militarization of criminal justice processes and the employment of preventive detention laws, which echo the repressive tools of the colonial era. While the BNS seeks to narrow the application of these provisions, the inherently ambiguous and broad nature of such concepts keeps the possibility open for ongoing misuse and overreach by law enforcement entities.

REPEAL AND MODIFICATION OF CONTROVERSIAL SECTIONS:

A significant aspect of the Bharatiya Nyaya Sanhita (BNS), 2023, is the repeal and modification of various contentious sections of the Indian Penal Code (IPC), many of which have faced criticism due to their colonial origins, lack of clarity, and misalignment with contemporary constitutional values. Chief

among these changes is the abolition of Section 124A of the IPC, which made sedition a criminal offense. This law, initially enacted by the British to suppress dissent during their colonial governance, was frequently used post-independence to stifle political opposition and free expression, attracting ongoing condemnation from civil liberties advocates and the courts (Singh, 2020).

The BNS substitutes this provision with a more specifically defined crime: “acts endangering the sovereignty, unity and integrity of India,” which ensures better adherence to democratic principles and legal protections (Ministry of Home Affairs, 2023). Another significant reform is the elimination of Section 377 of the IPC, which prohibited consensual homosexual relationships—a section that had been partially invalidated by the Supreme Court in *Navtej Singh Johar v. Union of India* (2018) and is now completely removed from the new code. Furthermore, obsolete or ambiguous clauses, including those pertaining to “unnatural offenses” and colonial morality standards, have been discarded or updated. The BNS also introduces new crimes such as mob lynching and organized crime, thus addressing contemporary risks that were not acknowledged in the IPC. Collectively, these reforms signify a deliberate attempt to eliminate laws that have historically facilitated misuse and to create a penal system rooted in constitutional ethics, human rights, and societal relevance.

PERSISTING COLONIAL LEGACIES IN BNS:

Despite the progressive measures introduced by the Bharatiya Nyaya Sanhita (BNS), 2023, aimed at reforming India’s criminal justice system, colonial remnants still linger in its framework, terminology, and foundational philosophy, showcasing the lasting impact of the Indian Penal Code (IPC) of 1860. Although the BNS endeavors to eliminate obsolete colonial laws, it retains certain authoritarian characteristics that reflect the colonial mindset of the British, especially in how it categorizes crimes and the

discretionary powers assigned to state entities. One prominent illustration is the preservation of broad provisions concerning “security of the state,” “public order,” and “organized crime.” Even though the language may be updated, these provisions continue to confer extensive authority on law enforcement bodies and the judiciary, allowing for arbitrary interpretations that can be utilized to suppress dissent and limit individual liberties. The ongoing existence of military jurisdiction in specific offenses, particularly those involving the armed forces, further entrenches the militarized governance approach that was a hallmark of British colonial rule. While the BNS aims to modernize legal standards, the retention of such provisions reveals the stagnation in India’s legal framework, where significant transformations in the state–individual relationship progress slowly and incompletely. These provisions frequently neglect to tackle the power disparity between the state and marginalized groups, reminiscent of how the British used law to dominate and control populations, especially during periods of unrest or political opposition. Critics contend that the militarization of law enforcement and the persistence of preventive detention statutes in the BNS signify a failure to emancipate from the colonial legacy of state–driven oppression, thereby reinforcing a control–centric system instead of one oriented toward justice, rehabilitation, and human rights.

Adding to the complexity of completely decolonizing Indian criminal law, the BNS still incorporates procedural aspects that were initially instituted to exert control over a subdued populace during colonial times. The dependence on punitive justice as the foundation of the criminal justice system, rather than emphasizing restorative or rehabilitative justice, remains a critical issue. In this regard, the BNS reflects the IPC’s focus on punishment as the main approach to addressing criminal acts, disregarding the socio–economic factors that contribute to criminal behavior. Although the BNS introduces measures like plea bargaining, fast-track courts, and victim

compensation provisions, these reforms tend to be mostly procedural and do little to rectify the entrenched structural inequalities of the Indian legal framework. For example, the retention of severe penalties for non-violent offenses, particularly those pertaining to moral and public decency laws, continues to illustrate the colonial-era perspective on social regulation through punitive means. The absence of sufficient checks on police authority, combined with the lack of comprehensive mechanisms for police accountability, ensures that the law still possesses the same potential for power abuses that marked colonial law enforcement. Furthermore, the failure to dismantle caste-based prejudices within the criminal justice system perpetuates systemic disparities that have origins dating back to the colonial period. The discriminatory practices initially imposed by British rule are still evident in the unequal treatment of marginalized communities, particularly Dalits, Adivasis, and other vulnerable groups. In summary, while the BNS represents a movement towards a more Indian-centric legal framework, its inability to fully confront the underlying issues of criminality, such as economic disparities, caste discrimination, and institutionalized biases, highlights how deeply rooted colonial legacies remain within India’s criminal justice system.

ENHANCEMENTS IN PROCEDURAL ASPECTS:

- Among the most notable changes in the Bharatiya Nyaya Sanhita (BNS), 2023, is the focus on improving procedural efficiency, aiming to tackle the persistent problems of judicial delays and backlogs that have affected the Indian criminal justice system under the Indian Penal Code (IPC). A key procedural improvement is the implementation of strict deadlines for the completion of investigations, trials, and appeals, a feature largely missing from the IPC. The BNS stipulates that investigations in serious offense cases must be finalized within 60 days, while trials should be concluded within six months, with

extensions allowed only in exceptional circumstances. This approach addresses the long-standing delays in criminal proceedings, which often lead to prolonged pretrial detention and diminish public confidence in the judicial system. The code also establishes time-bound appeal processes, mandating that courts prioritize cases involving vulnerable populations, including women, children, and marginalized communities. Additionally, the BNS suggests the creation of fast-track courts for the adjudication of serious crimes such as sexual offenses, terrorism, and organized crime, aiming to ensure prompt justice. This emphasis on timely processes reflects a broader dedication to procedural fairness, consistent with the principle of swift justice enshrined in the Indian Constitution. Such reforms are anticipated to considerably lessen case backlogs and enhance the efficiency of the judicial system, addressing one of the foremost challenges within India's legal structure.

- Furthermore, the BNS presents procedural safeguards aimed at improving accessibility and equity for citizens, particularly given the increasing significance of technology in criminal investigations and trials. A central procedural advancement is the acknowledgment of digital evidence as admissible in legal proceedings, which has become ever more pertinent in an age of cybercrime and online offenses. The BNS recognizes that criminal behaviors have adapted to technological progress, thus offering comprehensive guidelines concerning the management, admissibility, and validation of electronic records. Moreover, the code incorporates clearer provisions for the protection of witnesses, marking a significant advance in

ensuring the safety of witnesses, particularly in high-profile cases where intimidation is a risk. The BNS also includes provisions for plea bargaining, which, although not entirely novel in Indian law, has been further extended to promote the resolution of minor offenses and lessen the burden on courts. This reform facilitates negotiated settlements, allowing an accused individual to plead guilty in exchange for a lesser sentence, thereby reducing court congestion and enabling quicker resolutions. These enhancements in procedural dimensions aim to create a legal process that is more inclusive, transparent, and responsive to modern demands, while protecting the rights of both the accused and the victim. By adopting contemporary legal practices, the BNS aspires to establish a more effective and flexible criminal justice system that aligns with both the evolving technological landscape and the principles of fairness and accessibility in Indian law.

CRITICAL PERSPECTIVES ON BNS:

- The Bharatiya Nyaya Sanhita (BNS), 2023, signifies a major reform in India's criminal justice framework; however, a variety of critical viewpoints have surfaced regarding its efficacy, inclusiveness, and adherence to constitutional principles. Detractors contend that while the BNS strives to decolonize Indian criminal legislation by eliminating provisions rooted in colonialism, it concurrently preserves certain contentious aspects that may obstruct its potential for transformation. A primary concern is the continuation of broadly and vaguely defined terms in the BNS, which could bestow excessive discretionary authority upon law enforcement agencies and the judiciary. For example, the terms relating to "public order," "security of the state," and

“organized crime” are frequently criticized for their lack of clarity, which could result in arbitrary interpretations and the misuse of power, as seen with prior regulations such as the Unlawful Activities (Prevention) Act (UAPA) (Baruah, 2023).

- Such phrasing may perpetuate the targeting of marginalized communities, activists, and political dissenters under the pretext of national security, reflecting the same patterns of state control that characterized the colonial era. Furthermore, the militarization of law enforcement, which includes provisions for the ongoing application of military jurisdiction in specific offenses, raises alarms about the consolidation of power and the diminishment of civilian oversight in the criminal justice system. Another prominent criticism is the narrow scope of reforms aimed at addressing the fundamental causes of crime, including social and economic disparities as well as systemic injustices. While the BNS introduces progressive features such as victim compensation, plea bargaining, and fast-track courts, critics argue that the legislation remains fundamentally punitive rather than rehabilitative, focusing on retribution instead of restorative justice. Even though it incorporates restorative elements like community service, these are often perceived as supplementary rather than integral to the BNS’s overall structure.
- Additionally, while the law emphasizes the incorporation of technological advancements into criminal investigations—such as the admissibility of digital evidence, which is essential in the modern era—this has triggered concerns regarding privacy and surveillance, especially given India’s lack of comprehensive data protection regulations. Critics assert that an

overreliance on technology could infringe upon individual rights and lead to the disproportionate targeting of specific communities, particularly in regions lacking access to legal resources or technological proficiency. Moreover, despite the BNS’s efforts to eliminate colonial-era clauses, it does not adequately confront the socio-cultural dynamics that continue to influence law enforcement practices in India. Problems such as police violence, gender discrimination, and caste-based bias endure, and critics argue that the BNS does not provide sufficient checks on police authority or ensure adequate accountability within law enforcement organizations. The failure to introduce reforms that directly address institutional biases within police and judicial systems raises questions about the BNS’s ability to genuinely deliver justice for marginalized populations. Furthermore, although the law aims to hasten trials and enhance procedural efficiency, there are worries regarding the practical execution of these reforms.

- Challenges such as the underfunding of the judiciary, inadequate training for law enforcement personnel, and insufficient infrastructure to facilitate swift trials may hinder the intended outcomes of these procedural changes, continuing the cycle of delays and inefficiencies. Lastly, some researchers highlight the limited consultation process undertaken during the BNS’s drafting as a concern, alleging that the law may have been influenced by elite interests rather than genuinely reflecting the views of civil society, grassroots organizations, or marginalized groups. This deficiency in inclusiveness when shaping the law could impede its acceptance and effectiveness in addressing the complex and diverse needs of India’s populace. Thus, while the BNS represents a bold

attempt at legal reform, its critics argue that the law, despite its progressive rhetoric, fails to fully address the structural inequalities embedded in India's criminal justice system, leaving significant gaps in its pursuit of justice and equality.

CONCLUSION:

The shift from the Indian Penal Code (IPC) to the Bharatiya Nyaya Sanhita (BNS), while broadly recognized as a necessary reform, warrants a critical evaluation in light of India's ongoing battle with its colonial past. The IPC, created in 1860 during British colonial dominance, reflected the governing and controlling interests of the colonial state, prioritizing the preservation of state power over individual rights. Following independence, various governments sought to modify the IPC to fit India's sovereign context through incremental amendments. Nonetheless, the core framework and legal terminology of the IPC continued to be entrenched in colonial ideologies, especially regarding the classification of crimes, procedural inflexibilities, and reliance on centralized authority. The BNS, which was put forward in 2023, aims to remedy many of these shortcomings by removing outdated sections and aligning the legal framework with modern requirements. Importantly, the BNS abolishes clauses like Section 124A (sedition), which had been habitually misapplied to stifle political opposition, and introduces victim-oriented reforms such as expedited trials and plea bargaining, designed to enhance efficiency and the delivery of justice. These changes signify an effort to update India's criminal legislation by tackling the pressing issues of judicial backlog and the emergence of new criminal activities like cybercrime and terrorism.

However, in spite of these improvements, the BNS cannot entirely escape the colonial legacy that continues to influence its design. Certain procedural aspects of the BNS still reflect authoritarian tendencies reminiscent of the IPC's colonial origins, including the militarization of law enforcement and the discretionary powers granted to police and judiciary. For instance, provisions related to preventive detention, emergency powers, and broadly defined national security offenses could potentially be utilized to suppress political dissent, echoing practices associated with colonial control over civil liberties.

Additionally, the BNS's dependence on centralized decision-making and its emphasis on punitive measures still reflect the colonial focus on retribution rather than restorative or rehabilitative justice. Moreover, while the BNS does remove certain colonial-era provisions, it also introduces new classifications of crime, such as organized crime, which might, in actual implementation, replicate the overreach and misuse of authority that characterized the IPC under British rule. Thus, even though the BNS represents progress, its inability to thoroughly transform the basic dynamic between the state and individuals, alongside its failure to fully dismantle colonial mechanisms of control, indicates that the transition from the IPC to the BNS is more of an evolutionary change than a complete rupture from the lingering colonial legacy. The BNS, launched in 2023, aims to tackle many of these shortcomings by removing outdated regulations and aligning the law with modern requirements. Importantly, the BNS abolishes clauses like Section 124A (sedition), which has been frequently misused to stifle political opposition, and introduces reforms

focused on victims, including expedited trials and plea bargaining, intended to enhance efficiency and the delivery of justice. These changes represent an effort to update India's criminal law by confronting the pressing issues of judicial delays and the emergence of new types of crime, including cybercrime and terrorism. Nevertheless, in spite of these improvements, the BNS cannot completely detach itself from the colonial legacy that still influences its framework. The procedural structure of the BNS continues to incorporate certain authoritarian features that echo the colonial origins of the IPC, such as the militarization of law enforcement and the discretionary powers granted to the police and judiciary. For example, aspects pertaining to preventive detention, emergency powers, and broadly defined national security offenses could potentially be employed for political repression, reminiscent of the patterns of colonial control over dissent and civil liberties.

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