A Comprehensive Jurisprudential Comparative Analysis of the Bharatiya Nyaya Sanhita, 2023 and the Indian Penal Code, 1860

The evolution of India's penal landscape reached a definitive milestone with the enactment of the Bharatiya Nyaya Sanhita, 2023 (BNS), which officially seeks to replace the Indian Penal Code, 1860 (IPC), a cornerstone of the British colonial legal legacy for over sixteen decades. This transition represents a shift from a "Penal Code," which historically emphasized the imposition of punishment to maintain imperial order, to a "Justice Code" (Nyaya Sanhita), aiming to align criminal law with the socio-economic and cultural realities of modern India. The IPC, drafted by Lord Macaulay, was rooted in the common law and utilitarian principles of the nineteenth century, often criticized for its archaic nomenclature and focus on the vertical relationship between the state and its subjects. In contrast, the BNS identifies as a victim-centric and restorative framework, attempting to decolonize legal terminology while integrating contemporary crimes such as cybercrimes and organized syndicate activities that were previously absent from the substantive general law.

Mapping the Critical Transitions in Definitions

The linguistic shifts in Section 2 are often intended to replace "denotative" language with "definitive" language. For example, where the IPC used the word "denotes" (which could be illustrative), the BNS frequently uses "means" (which is exhaustive), thereby tightening the statutory interpretation.

Term	IPC Section	BNS Section	Summary of Qualitative Change
Act and Omission	33	2(1) and 2(25)	Bifurcated into separate subsections for technical precision.
Child	New	2(3)	Uniformly defined as any person below the age of eighteen years.
Court	20	2(5)	"Court of Justice" replaced by "Court"; illustrations simplified.
Document	29 and 29A	2(8)	Merged; explicitly includes electronic and digital records.
Gender	8	2(10)	Expanded to include "transgender" alongside male and female.
Judge	19	2(16)	Simplified definition; numerical paragraphs used for clarity.
Man and Woman	10	2(19) and 2(35)	Separated into two distinct subsections.