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A Comparative Study Between Indian Penal Code, 1860 and Bharatiya Naya Sanhita, 2023

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ABSTRACT

Criminal law of India, Indian Penal Code, 1860 was replaced by Bharatiya Naya Sanhita, 2023. IPC was passed in colonial period by British government as per the contemporary society. But the complication is that the requirement of 1860 is not same in present society. Though basic crimes like crime against human body, some of crime related to women are same but in case crime against women there are new insertion of sections and amendments. In case of crime against property Theft was crime in 1860 and it is also crime present law. But definition and scope of theft expanded under Bharatiya Naya Sanhita as because offender uses new kind of tricks for escapism from IPC. To stop this escapism from law scope and definition of theft expanded under Bharatiya Naya Sanhita crime is only to strong implementation of law public awareness regarding crime punishment and compensation.

Keywords: Indian penal code (ipc), 1860, Bharatiya Naya Sanhita, 2023, omission, amendment, insertion.

I. INTRODUCTION

Law has so many branches but the most important two branches are Civil law and Criminal law. Civil law deals with civil wrong which deals with personal right. Whereas crime is a wrong not only against person but also against the society. Hence criminal has significant impact on the society. It has social impact on regular life of people belongs to that society. Crime indicates intentional violation of primary or personal rights of a person which rights are provided and protected by law. It is a kind of threat to causing harm towards society. Those acts or activities are considered as crime which are forbidden by existing penal law. In pre-British period legal and justice proving system is completely controlled by kings of states of Mughal empire, Maratha empire and Rajput empire. Each of the empire had their own administration, legal and justice system. Due to different kind of laws in different states it was difficult to maintain the law and order of whole country. British government passed Indian Penal code, 1860 which was applied to whole India except Jammu and Kashmir. After independence India had continued with that criminal law (Indian Penal Code, 1860). As per the need of changes of society Indian

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Penal code amended several times by government of India. Due to the changing nature of crime new criminal law was recommended by significant agencies with vital changes. After that government of India has decided to replace Indian Penal code, 1860 with Bhartiya Naya Sanhita, 2023 to protect the citizens from new type of crime.

II. HISTORICAL BACKGROUND OF INDIAN PENAL CODE, 1860

British empire was established in India and after that total administration taken over by British before that administration controlled by Mughal, Marathas and Rajput. All the kings of Mughal, Maratha and Rajput defeated by British. But the India is country of multiculture and multi religion. States of India ruled by different laws and each of them have different justice system. British government understood that This type of confusing legal system can be ended only by implementing a uniform criminal law for whole country. To reduce the difficulty of application of criminal law to all over India. British government passed Indian Penal Code, 1860 which was applied to every state of India except Jammu and Kashmir. Criminal law. I.P.C originally consist of 23 chapters and 511 sections. Chapter V-A, IX-A, XX-A and some number of sections had been inserted by various Amendment time to time as per the demand of society and changing nature of crime².

(A) Historical Background of Bharatiya Naya Sanhita, 2023:

When British came to India that time Indian legal system controlled by Mohammedan laws which had replaced Hindu laws. Mohammedan law was continued till the enactment of Indian Penal Code (1860). Reforms in British period done through the regulations and Act by presidency courts of Calcutta, Madras, Bombay and central government ruled by British. Society is changing and nature of crime is also changing. So IPC is not enough for current society. As per the need of current society various recommendations made by significant agencies. To keep in mind the current nature of crime and protection of common people from crime Bhartiya Naya Sanhita, 2023 got presidential assent on 25th December 2023. This legislation replaces the colonial criminal law Indian Penal Code which passed By British government in British India. it was attempt to brought countries criminal law.³

(B) Key Changes Acquainted in Bhartiya Naya Sanhita, 2023:

Bhartiya Naya Sanhita, 2023 is revised form of criminal law for current India.

Territorial Changes: Indian Penal Code, 1860 was applied to all the states except state of

² K.D. GAUR; A TEXTBOOK ON The INDIAN PENAL CODE; Universal Law Publishing Co. PVT. Ltd; reprint-2006; p-1-2.

³ KD Gaur; Textbook on THE BHARATIYA NAYA SANHITA, 2023; Universal LexisNexis; 9th edition; p-4

Jammu and Kashmir. But Bhartiya Naya Sanhita now applied to whole country including state of Jammu and Kashmir.

Reorganization: Indian Penal code had 511 sections and Bhartiya Naya Sanhita, has only 358 sections. Chapters and offences against Women and Children, murder have given importance whereas the offences against Women and Children which disputed through out in the past e.g. Indian Penal Code, 1860, have brought together in Bhartiya Naya Sanhita, 2023 offences against Women and Children have combined under chapter-V. Offences against human body are also consolidated in chapter VI.

Key Changes on Offences Against Women and Children have been given priority:

Chapter-V Sec63-99 of BNS deals with offence which includes sexual offence also related to women, children. In BNS this chapter renovated to cover completely all relevant offences against women and child. This chapter decided to women and child to provide protection and justice of personal rights of women and child provided by law. New offence inserted by BNS under sec.69 having sexual intercourse by dishonest means or by making a false promise of marriage to woman without any intention to fulfilling it shall be punished with imprisonment for a term that may extend to ten years with fine. Offence of voyeurism introduced under BNS sec.77 as gender neutral. New section related to child exploitation sec.95 of BNS provides punishment which may extended to 10 years for hiring, employing or engaging a child for commission of crime is a kind of child exploitation. Previously under sec.366A of IPC procuring a minor girl child under 18 years.⁴ Whereas, Sec. 96 of BNS has enlarged the scope of procuring child for illicit intercourse. The word child includes both female and male minor. It is also a gender-neutral protection provided by BNS. Discriminatory provision in case of punishment for gang rape (12 years and 16 years of age has been omitted and now a uniform punishment life imprisonment and death penalty for committing rape of women under the age of 18 years provides under sec.72 of BNS.⁵

Key Changes on Offences against State: Offence of sedition under 124(A) IPC has been deleted in BNS. Whereas, New section 152 has been introduced in BNS. Sec. 152 deals with acts endangering sovereignty and integrity of India provided purposely by intentionally by words either by spoken or written by signs or by visible representation, or by electronic communication or by use of financial means promote armed rebellion or encourages sentiment of separation activities or endanger sovereignty, unity and integrity of India shall be punished

⁴ The Bhartiya Nyaya Sanhita, 2023; BARE ACT with Short Notes; Universal Lexis Nexis; p-II

⁵ KD Gaur; Textbook On THE BHARATIYA NAYA SANHITA, 2023; Universal Lexis Nexis; 9th edition; p-7

with imprisonment for life or with imprisonment which may extend 7 years and shall also be liable to fine. At present this section is also known as Deshdroh.⁶ New section has been introduced in BNS as Terrorist Act under section 113 of BNS provides that whoever does any act with intention to threaten the sovereignty, unity and integrity of nation or threaten national security, economic security of India or with intent to terror attack in the people or or any section of people of India or in any foreign country.⁷

By using explosives including bombs, dynamite, inflammable material, firearms or through harmful chemicals, poisonous or noxious gases which may cause death, injury to any person which may cause damage, demolition or causing harm of property;

Or creating disturbance to supplies or essential services to the life of the common people in India or any foreign country; intimidate by criminal force or to show of criminal force or attempts to cause death of any public functionary; or

Detains, kidnaps or abducts any person and terrifying to kill or injure such person or does any other activity to compel the government of India.⁸

If the act causes death of any person, be punished with death or imprisonment for life and shall be liable to fine⁹.

In case of other cases shall be punished with imprisonment for five years which may extend to imprisonment for life.¹⁰

Key Changes on Offences Against Property: One of the most harmful offences against property is theft. Scope of theft is enhanced under Bhartiya Naya Sanhita, 2023 has been inserted theft and forms of theft under sec.303,304,305. A sec 303 provided that whoever intending to take away any movable property belongs to any one's possession dishonestly without the consent of that person taking away of that property is theft.¹¹

According to Explanation 5 of this section term consent mentioned under this section indicates to express or implied or may be given by person in possession or by authorised person express or implied consent¹²

Anything which is attached to the earth is not a movable property and is not subject to theft. But if any part of that the immovable property is chop off than that part of the chop off part is

⁶ <https://www.lexisnexis.in/blogs/bharatiya-nyaya-sanhita-2023/> (Retrieved on 28.02.25 at 7.36 p.m.)

⁷ The Bhartiya Nyaya Sanhita, 2023; BARE ACT with Short Notes; Universal Lexis Nexis; p-52

⁸ The Bhartiya Nyaya Sanhita, 2023; BARE ACT with Short Notes; Universal Lexis Nexis; p-52

⁹ Sec-113 (2) (a); Bhartiya Naya Sanhita; 2023.

¹⁰ Sec-113 (2) (b); Bhartiya Naya Sanhita; 2023.

¹¹ KD Gaur; Textbook On THE BHARATIYA NAYA SANHITA, 2023; Universal LexisNexis; 9th edition; p-9

¹² Sec.303, Explanation 5; Bhartiya; Naya Sanhita; 2023

capable of being theft.¹³

According to explanation 2 if the chop off part of the immovable property taking away by someone then it will be considered as theft.¹⁴

If a person removing an obstacle which was there to protect or prevent separating something from any other thing with in intention to moving it.¹⁵

If any person intentionally trained any animal and send that animal to move or take way something from the owner of that thing; if that animal had done this handed over that stolen to that person who send that animal for stolen purpose, is a theft under BNS.¹⁶

If snatching done with intention to commit theft, when the offender instantly or speedily or by force takes away any moveable property from the possession of person with intention to theft;¹⁷

Shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.¹⁸

According to sec.305 of Bhartiya Naya Sanhita,2023 definition of theft includes theft of any means of transport, theft of idols or icons or from any place of worship and theft of property belongs to government or government authorities.

Shall be punished with imprisonment for a term which may extended to 7 years and shall also be liable to fine.¹⁹

Offence of mischief sec324 Of BNS provided that if anyone intend to cause or knowing that he is causing or likely to cause wrongful loss or damage to public or to any person or causing destruction of any property.²⁰ property belongs to government, local government authority.²¹

Key Changes on offences against human body: Changes on voluntarily causing in grievous hurt section 117 has been introduced in Bhartiya Naya Sanhita,2023. It provides that if any one voluntarily causes hurt, if the hurt which the person intends to cause or knows himself to belikely to cause is grievous hurt and if the hurt which he causes is grievous hurt, is said voluntarily causes grievous hurt.²²

¹³ The Bhartiya Nyaya Sanhita,2023; BARE ACT with Short Notes; Universal Lexis Nexis; p-106

¹⁴ The Bhartiya Nyaya Sanhita,2023; BARE ACT with Short Notes; Universal Lexis Nexis; p-106

¹⁵ Sec.303 Explanation 3; Bhartiya Naya Sanhita;2023

¹⁶ The Bhartiya Nyaya Sanhita,2023; BARE ACT with Short Notes; Universal Lexis Nexis; p-106

¹⁷ Sec,304(1); Bhartiya Naya Sanhita;2023

¹⁸ Sec,304(2); Bhartiya Naya Sanhita;2023

¹⁹ The Bhartiya Nyaya Sanhita,2023; BARE ACT with Short Notes; Universal Lexis Nexis; p-110

²⁰ The Bhartiya Nyaya Sanhita,2023; BARE ACT with Short Notes; Universal Lexis Nexis; p-120

²¹ KD Gaur; Textbook On THE BHARATIYA NAYA SANHITA,2023; Universal LexisNexis; 9th edition; p-9

²² The Bhartiya Nyaya Sanhita,2023; BARE ACT with Short Notes; Universal Lexis Nexis; p-54

Whoever voluntarily causing grievous hurt shall be punished with imprisonment which may extent to 10 years and shall liable to fine.²³.

Mob lynching introduced under sec.103(2) of BNS. Sec.103(2) provided that when group of five or more persons unanimously committed murder on the ground of race, caste or community, sex, language, place of birth or due to personal belief or any ground each member of such group shall be punished imprisonment for life and shall also liable to fine.²⁴

Changes on Punishment process: Under Bhartiya Naya Sanhita we can see application of reformatory theory in punishment process.

Sec.303 (2) provided that who commits theft shall be punished with imprisonment for a term which may extend to 3 years or with fine. In case where the value of stolen property is less than five thousand rupees and if that person convicted for first time, shall be instructed to return or restoration of the stolen property, shall be punished with community service.²⁵

Other Changes: 1. BNS abolishes punishment for attempt to suicide. New sec.226 inserted under BNS sec.226 provided that if anyone attempt to commit suicide with intention to restrain a public servant from performing his lawful duties shall be punished with simple imprisonment which may extend to 1 year.

1. In case of negligent driving in public way and put at risk to human life sec .279 of IPC provides imprisonment for six month and fine of 1000 R.S or both. Sec. 106 (2) provides punishment for death by rash and negligent deriving 10 years imprisonment and with fine.
2. under BNS dec.2(3) defines term child. Child means a person below the age of 18 years. Ssec.2(10) term gender includes male, female and transgender.
3. Terms under Indian Penal code like lunatic, insane, idiotic have changed to person of unsound mind, suffering with mental illness under BNS.
4. Under sec.304 of BNS inserted snatching with intention to commit theft as a new offence.
5. unnatural offences have been removed under Bhartiya Naya Sanhita.
6. terrorist acts under sec.113 of BNS I has been introduced as new offence.
7. organised crime under sec.111 of BNS is also a newly added offence.

²³ Sec.119(2) ; Bhartiya Naya Sanhita;2023

²⁴ Sec.103(2), Bhartiya Naya Sanhita;2023

²⁵ The Bhartiya Nyaya Sanhita,2023; BARE ACT with Short Notes; Universal Lexis Nexis-108

8. offence of adultery has been removed from BNS as because this offence was decriminalised by supreme court in the year of 2018.

Bhartiya Naya Sanhita replaces Indian Penal code with necessary changes as per present Indian society.

Key Changes on Punishment Theory: BNS has different approach towards making legal process regarding punishment more reformatory. Reformatory theory of punishment process such as community service. Community service is a newly inserted punishment under BNS approaching towards rehabilitation or reformation. According to section 303 for first time offender committing theft value of 5000 R.S. Community service is provided as penalty. Sec.303(2) provided if someone commits theft shall be punished with imprisonment for a term of 3 years or with fine. In case of 2nd or subsequent conviction of any offence under this section shall be punished with 5 years' imprisonment. But if the value of stolen property is less than 5000 R.S. and the person convicted for the first time shall be imposed the return of the value of property or restoration of the stolen property, shall be punished with community service.²⁶

Repealed provisions of Indian Penal Code from Bhartiya Naya Sanhita: Some provisions of Indian Penal Code, 2023 Bharatiya Naya Sanhita repealed under Bhartiya Naya Sanhita, 2023. BNS has been brought some changes in criminal law. Indian Penal code passed by British government in 1860, needs of Indian society was changed and nature of crime is not same. Whereas the need of society some changes has been brought to BNS, 2023. Some provisions are inserted as per changing demand of society, some provisions which are no more needed in present society are repealed from BNS Section 377 of Indian Penal Code, 1860 provided punishment against unnatural intercourse.

In *Navtej Singh V. Union of India* (2018 INSC790); It was held that sec.377 of Indian penal code on unconstitutional to the extent it criminalised same sex relations between with assent of adults. It applies to every citizen including LGBT community. To protect the fundamental rights of citizens of LGBT community. Sec. 377 of Indian Penal Code, 1860 was law of colonial period of India, intercourse against the order of nature is criminalised which was interpreted to include homo sexual activity.²⁷

A five judges' bench of supreme court observed that sec.377 to the provides for homo sexual

²⁶ KD Gaur; Textbook on THE BHARATIYA NAYA SANHITA, 2023; Universal LexisNexis; 9th edition; p-10

²⁷ *Navtej Singh Johar vs. Union of India* - South Asian Translaw Database - Section 377 (2020) South Asian Translaw Database. Available at: <https://translaw.clpr.org.in/case-law/navtej-singh-johar-vs-union-of-india-section-377/> (Accessed: 25 April 2025).

relation between adults.

It was also held that criminalization of homo sexuality erratic, irrational and violative of article, 14, 15, 19 and 21 of constitution of India. Constitution guaranteed equality, non-discrimination, freedom of expression, right to personal liberty, right to privacy. These are protected fundamental rights for every citizen of India.²⁸ Court finally observed and mentioned that sec. 377 of IPC will be remained valid for cases involving non-consensual acts or homo sexual acts done with minor.²⁹

But due to changing nature and mindset of society new criminal Law of India Bhartiya Naya Sanhita, 2023 has been repealed that provision.

In *Joseph Shine V. Union of India* (2019)³ SCC39, AIR2018 SC489: Bench of chief justice Dipak Misra, justice D. Y Chandrachud and justice Malhotra decided the case where constitutionality of section 497 of Indian Penal Code, 1860 was challenged. Also, the question raised, it is that criminalising adultery is discriminatory in nature and violative of fundamental rights and it also promotes gender inequality and providing discrimination in the name of law.³⁰

As per section 497 of IPC that man is criminal who had sexual intercourse with another man's wife but women are exempted. However, this section provided the idea that woman is a property of her husband her sexual freedom desire is under the control of her husband. Her desire and opinion is matter regarding her own sexual life.³¹

This law of adultery sec. 497 of IPC violates article-14 (right to equality), 15 (prohibition of discrimination on the ground of sex), 21 (right to life and personal liberty)

Criminalising adultery directly violates right to privacy under article 21 of constitution of India.

With due respect of this judgement of honourable supreme court and realising the mind set of modern society new criminal of India Bhartiya Naya Sanhita; 2023 has been omitted discriminatory provision of adultery.³² Section 18 of IPC defines India excluding Jammu and Kashmir that definition of India repealed from current criminal law Bhartiya Naya Sanhita, 2023. Section 20 definition of court of justice has been omitted because king empower

²⁸ AIR 2018 SUPREME COURT 4321

²⁹ *Navtej Singh Johar vs. Union of India* - South Asian Translaw Database - Section 377 (2020) South Asian Translaw Database. Available at: <https://translaw.clpr.org.in/case-law/navtej-singh-johar-vs-union-of-india-section-377/> (Accessed: 25 April 2025).

³⁰ [2018] 11 S.C.R. 765

³¹ *Decriminalisation of adultery* (2023) Supreme Court Observer. Available at: <https://www.scobserver.in/cases/joseph-shine-v-union-of-india-decriminalisation-of-adultery-background/> (Accessed: 25 April 2025).

³² *The Bharatiya Nyaya (second) sanhita, 2023* (2025) PRS Legislative Research. Available at: <https://prsindia.org/billtrack/the-bharatiya-nyaya-second-sanhita-2023> (Accessed: 25 April 2025).

a administrative personnel to act as as judge to solve the case. But in INDIA judges are appointed through proper legal process as prescribed by existing law no administrative personnel appointed as judge. Definition section u/s 50 IPC abolished from BNS due to some structural changes in legal system. Provision for punishment for attempt to suicide under sec.309 has been omitted. Provisions related to offence of thug repealed from BNS.³³ Offence of sedition under section 124 of IPC repealed from BNS. Construction of reference to transportation (sec 53A) omitted from BNS. Punishment for knowingly carrying arms in any procession or organising, or holding or taking part in any mass drill or mass training with arms (sec 153AA IPC) has been removed from BNS. Offences related to counterfeit coins (sec. 236, 237, 238) has been omitted from BNS. Offence related to weights and measures (sec- 264-267 of IPC) has been eliminated from BNS. Provision related lurking house tress-pass by night u/s 444 of IPC has been removed from BNS.³⁴ Sec fraudulently or dishonestly diminishing weigh or altering composition of Indian coin (sec.247 IPC) has been removed from BNS.³⁵ Sec.366A of IPC procurement of minor girl has been eliminated from BNS. Ssec,376DA, punishment for gang rape of woman under 16 years of age, 376DB punishment for gang rape under 12 years of age both the sections have been removed from BNS.³⁶

Victim Of Crime and Justice: Crime influences and causes harm to number of victims who suffered social physical and emotional wounds which immediate assistance by providing them to easy access to justice. Providing relief to the victim comes under the theory of victimology. Victimology is a scientific study of victimisation including relation between victim and offender and also includes inter connection between victim and criminal justice system.³⁷ Victimology provides some rights of victim. According to Declaration of the basic principles of justice for victims of crime and abuse of power, 1985;

Victim of crime includes any person who individually or collectively has suffered harm including physical or mental injury, emotional suffering, economic loss substantial harm of his /her fundamental rights through any act or omission which are in violation of existing criminal laws of state.³⁸

³³ The Bhartiya Nyaya Sanhita,2023; BARE ACT with Short Notes; Universal Lexis Nexis; p-86

³⁴ Legallyin.com (2024) *Which offences of IPC are repealed in the BNS?*, Your Source for Clear, Concise Legal Guidance. Available at: <https://legallyin.com/which-offences-of-ipc-are-repealed-in-the-bns/> (Accessed: 25 April 2025).

³⁵ KD Gaur; Textbook On THE BHARATIYA NAYA SANHITA,2023; Universal LexisNexis; 9th edition**n; P-1512

³⁶ KD Gaur; Textbook On THE BHARATIYA NAYA SANHITA,2023; Universal LexisNexis; 9th edition-1518

³⁷ Criminology, Penology with Victimology; Prof. N.V. Paranjape; Central Law Publications; edition 16th; P-725

³⁸ (No date) *Declaration of basic principles of justice for victims of crime and abuse of Power* | Ohchr. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims->

Theory of Victimology: Previously theory of victimology was about victims own contribution for the crime which was committed to him/her and that crime is responsible for his/ her victimization. Hence maximum of criminologist had refused to accept this old this old theory victim's engagement on his/her own damage. Marvin Wolfgang American criminologist and sociologist had opposed the theory of victim's contribution for crime which causes harm to the victim. According new theory to support victim is more necessary instead of blaming them. After realization of significant impact of wrong concept of victimology United Nations General Assembly in 1985 recognise "Declaration of basic principles of justice for victims of crime and abuse power",1985." This deceleration provides rights of the victims³⁹

- a) Right to access to justice and fair treatment: Basic and the most significant right of the victim is to access justice and to get fair treatment. Victim has right to access justice with dignity and with compassionate treatment. Try to cause rectification of damage caused due to crime and to furnish remedy to victim or to his/her family for that criminal act or activities. Victim or the family of victim needs speedy trail and speedy disposal of case to secure justice.⁴⁰
- b) Right to Assistance: It is the essential right of every victim or his/her family to get proper assistance to get justice. Assistance as per the requirement on various grounds like medical, legal, psychological, financial or social assistance must be provided by, government, voluntarily by person or social organization or by any particular community, if necessary, then by indigenous community also can provide assistance as per requirement. Proper assistance of police service is one of the unavoidable assistances to get justice.⁴¹
- c) Right to restitution: Right restitution is a mandatory in the process of getting justice. If the any of the damage caused to victim due to crime possible for restitution, then the victim or victim's family must be provided restitution. Providing required facilities to the victim or victim's family and dependents. Replacement of community facilities and repayment of expense which causes due to commission of crime in case of displacement of family or community and transportation charges. Other relevant expenses like medical, financial restitution should be provided to victim himself/ herself or to his/ her family.

crime-and-abuse (Accessed: 24 April 2025).

³⁹ KD Gaur; Textbook On THE BHARATIYA NAYA SANHITA,2023; Universal LexisNexis; 9th edition; p-1936

⁴⁰ Criminology, Penology with Victimology; Prof. N.V. Paranjape; Central Law Publications; edition 16th; P-727

⁴¹ Criminology, Penology with Victimology; Prof. N.V. Paranjape; Central Law Publications; edition 16th; P-729

- d) Right to Compensation: Compensatory Jurisprudence is there under article 21 and 32 of constitution of India. It is fundamental right of victim under article 21 of constitution. In *Nikawati Behera v. State of Orrisa*, AIR1993 SC1960; SC awarded compensation in case of custodial death and state is responsible for violation of fundamental right. Rupees 1.59000 awarded to victim as financial compensation shall be payable to victim of victims who suffered bodily injury and any part of bodily disability caused to physical or mental health of the victim of custodial torture.⁴² recognise “Declaration of basic principles of justice for victims of crime and abuse power”,1985.” Recommended for establishment of National Fund for Compensation of Victims⁴³.

Maxim “nulla poena sine lege” means there is no punishment without law. It is a formula of law and justice. This legal formula is similar with principles of natural justice. principles of natural justice are on one should be punished unheard means principle of hear both sides before judging. Next principle is no should be the judge of his own case. (nemo judex in causa Sua). That means principle of no bias. Reasoned decision is another essential principle of natural justice. Decision of judge should be based on valid legal grounds and morality. This is popularly known as speaking orders. These principles are there to protect individuals from arbitrary actions and protect from partial judgment. Victims can get justice through application of principles of natural justice.⁴⁴

III. CONCLUSION

Above comparative of Indian Penal Code,1860 and Bhartiya Naya Sanhita,2023 makes it clear to us that law is dynamic as per the demand and changing needs of the society law should be changed or reformed needs of the society of 1860 and need of the present society is not same not only this nature crime has also changed in present society. Crime like thug is irreverent because robbery kidnaping, murder all are protected under other sections of BNS. But cybercrime was not there not very much relevant to the present society though there is a separate law cybercrime but basic criminal law of the country must have to provided protection from cybercrime to the people and should provide punishment to the cyber criminals. Criminal Law of India replaced from Indian Penal Code,1860 to Bhartiya Naya Sanhita,2023 with some new insertion, omission and with some amendments there is also application of new punishment theory which includes providing community service as punishment for some specific offences.

⁴²Constitutional Law of India; Prof, Narendra Kumar; Allahabad Law Agency; p-337

⁴³ Criminology, Penology with Victimology; Prof. N.V. Paranjape; Central Law Publications; edition 16th; P-729

⁴⁴ KD Gaur; Textbook On THE BHARATIYA NAYA SANHITA,2023; Universal LexisNexis; 9th edition**n; P-1435

Few amendments, omissions and newly added provisions are recommended by judgment of supreme court or some are recommended either by law commission of India or by other law agencies, by parliamentary committee. But only brought changes in criminal law of the country cannot stop or reduce the crime rate in India. Reduction of crime rate is only possible fast of all we need corruption free police service and corruption and politics free investigation of a crime. Police should provide service according law not by political influence. Next thing which we need for reduction of crime is government policies through which public awareness will be increased regarding crime and punishment. People should know about their legally protected rights. In violation of those rights a crime committed to him/her or to them. Citizens of India they must about their fundamental rights which are guaranteed by constitution. If rights of citizens or any other people within the territory of India must aware about their legally protected rights, Therefore , in in violation of those rights by anyone according Indian criminal law which crime was committed to him/her or to them, t people should aware about that. People should aware regarding the punishment of crime which was committed to him/ her or to them. Which kind of crime committed to them that also must be understandable by common people of India. Through various advanced government policies make people aware regarding rights in violation rights crime commits to them and also about the punishment of offender and right of compensation of the victim. Law and government policy can reduce crime rate but cannot stop the crime. completely end of crime is not possible. But Social change can drastically reduce crime rate in society.
