

# FROM COLONIAL PENAL CODE TO INDIGENOUS CRIMINAL JUSTICE: A DOCTRINAL REVIEW OF SUBSTANTIVE OFFENCES UNDER THE INDIAN PENAL CODE, 1860 AND THE BHARATIYA NYAYA SANHITA, 2023

Anupam Bajpai<sup>1</sup>, Dr. Neelam Sihag<sup>2</sup>

<sup>1</sup>Research Scholar, School of legal studies Department of Law, Om Sterling Global University, Hisar, Haryana -125001

<sup>1</sup>Corresponding Author Email id- [banupam0007@gmail.com](mailto:banupam0007@gmail.com)

<sup>2</sup>Assoc. Dean, School of Legal Studies, Department of Law, Om sterling global University, Hisar, Haryana-125001

<sup>2</sup>Email id- [sihagneelam107@gmail.com](mailto:sihagneelam107@gmail.com)

## Abstract

*This paper explores how India's criminal law has changed by comparing and contrasting the Indian Penal Code of 1860 to the Bharatiya Nyaya Sanhita of 2023 from a doctrinal perspective. The colonial countries in India codified crime and determined the government operated by creating a way to regulate how people were treated by putting them into categories, which resulted in the Indian Penal Code. After the independence of India, the Indian Penal Code remained in force; however, its original intended purpose was further extended through judicial interpretation that brought it into compliance with the provisions of the Indian Constitution. The Bharatiya Nyaya Sanhita (BNS), intended to provide a new criminal code based on indigenous ideas, constitutional values, and social equality, seeks to be a true substitute for the colonial model that had long dominated in India.*

*The research uses only secondary material such as statutes and legislative history, case law, and publicly available scholarly writings about law to reach the doctrinal conclusions and comparative legal analysis. The research examines the IPC by looking at how it has been affected by its colonial background and by examining its criminal philosophy, and how the BNS has reoriented the IPC's criminal law, and it then conducts a comparative analysis that identifies the changes that have occurred and the continuities from the IPC to the BNS. The legislation has been changed, some of the sections that did not need to be included have been eliminated, and the new legislation uses language that is focused on achieving justice rather than punitive measures. Although there have been some amendments, the new legislation retains the basic structure of the Indian Penal Code to a great degree, according to the research.*

*The Bharatiya Nyaya Sanhita is not an overall overhaul of criminal law as much as it is an updated set of existing criminal laws created by codifying, or compiling, existing criminal laws with some reform-minded additions. The report makes clear that the new criminal code is a project that requires the continued attention of judges, legislators, and scholars in order to ensure that it is consistent with constitutional principles and social justice.*

**Keywords:** Indian Penal Code, Bharatiya Nyaya Sanhita, substantive criminal law, constitutional morality, criminal jurisprudence

## 1. Introduction

The Indian Penal Code (IPC) has shaped India's criminal justice system for nearly 150 years. It has been instrumental in establishing how crime and punishment are categorized in the country, as well as the concept of culpability. The IPC was created to fulfil the requirements of a colonial state. Although the day-to-day operations

of the system were greatly influenced by the IPC, its formation was primarily influenced by administrative requirements, with little regard for local social context or democratic standards. The people of India relied on the Courts' interpretations to connect the provisions of the IPC to the goals of the Constitution following India's independence; without these judicial interpretations, the provisions of the IPC would have been applicable without any structural change since the IPC took effect. The enactment of the Bharatiya Nyaya Sanhita (BNS) 2023 is historic because not only has the IPC been officially replaced, but also the BNS reflects today's Indian society and is divorced from colonialism's punitive framework.

In addition to the enactment of the BNS 2023, there are many other important changes to Indian law since the adoption of the new Constitution. These changes in substantive criminal law will determine the parameters of criminality, guilt, and punishment, and should therefore receive as much scholarly attention as the procedural reforms. The Ministry of Home Affairs (2023) describes the purpose of the Bharatiya Nyaya Sanhita to reflect Indian values, Constitutional morality, and social Justice through the removal of outdated Laws, reorganisation of the chapters, and revisions of offences that are outdated. For this reason, a doctrinal comparison of the new law will provide the basis through comparison for how the new law reorganises existing provisions, or whether it creates substantial conceptual change. Furthermore, to understand the effects of this reform on the future of Criminal Law, Rights Protection, and Legislative Consistency, a broad analysis should be performed on how the introduction of the Bharatiya Nyaya Sanhita will develop a broader policy discourse surrounding decoupling of Laws from Colonisation, simplification of Legal Terminology, and the development of Victim-centered Justice.

In particular, the BNS legislative documents and Parliamentary Debates indicate a consistent focus on clarifying Criminal Responsibility, eliminating redundant Offences, and removing colonial-era Legislation (PRS Legislative Research, 2023). At the same time, Judicial Trends in India increasingly rely upon Constitution Morality, Proportionality and Human Dignity in the Interpretation of Penal Statutes concerning Personal Liberty and Equality (Supreme Court of India, 2018). The recent developments with regard to the Indian Penal Code (IPC) and the Bharatiya Nyaya Sanhita, 2023 (BNS) create an opportunity to examine the relationship between legislative reforms that occur as a result of changing judicial and constitutional standards, and their effect on the philosophies, doctrines and laws regarding crime in the IPC and the BNS, respectively.

This study will specifically analyse how the new legal code, the BNS, has changed or altered the existing notions of crime from a perspective of crime classification, structure and other related indicia, relative to the IPC's established colonial Model of Crime Classification and Structure. The research will also consider whether the principles of social justice, equality and dignity, as guaranteed by the Constitution, are clearly articulated in the law with respect to new crime categories and definitions, or whether these values are still subject to judicial interpretation. Ultimately, the comparative analysis of the substantive offences contained within the IPC and the BNS will provide a means to evaluate the amount of philosophical, doctrinal, and legislative change in the field of Indian Criminal Law.

This research employs comparative law and doctrinal methods utilizing secondary sources. Primary resources for this research included the Indian Penal Code and the Bharatiya Nyaya Sanhita, published by the government, the reports of the Law Commission, summaries of the legislation and the Parliamentary Debates as well as important judicial decisions handed down by the Supreme Court and the High Court which addressed issues (i.e. substantive criminal law) on which this study is concerned. To provide context to the Legislative Amendments as well to provide critical analysis, a wide range of legal research material, most of which are peer-reviewed, were reviewed.

## **2. SUBSTANTIVE CRIMINAL LAW UNDER THE INDIAN PENAL CODE, 1860: COLONIAL STRUCTURE AND LEGAL PHILOSOPHY**

The Indian Penal Code (IPC), written and enacted in 1860, was designed to create a comprehensive, standardized criminal law system for all of the British colonies in India. The colonial government viewed the criminal law as an instrument of control and regulation over the large and diverse colonial population. The IPC's

punitive system was influenced by utilitarianism and deterrence theory, with the intention of establishing specific definitions of offences and set penalties to discourage people from defying or combating authority (India Code, 2023). At the time the IPC was drawn up, issues of personal autonomy, indigenous moral systems and changing societies were not priority concerns for the British colonial authority, who instead preferred to ensure public safety and social stability with the IPC's predictable and enforceable punishments. This emphasis on controlling public disorder and maintaining the imperial state's interests instead of promoting rights-based criminal justice as such is reflected in the IPC, which places a high level of emphasis on crimes against the state and public order.

The structure of the IPC is representative of the colonial legal framework through its arrangement of offences. The Code is broken down into multiple chapters based on the types of crime, e.g. against the state, against public tranquillity, against the human body, against property, and against religion or morality. The IPC reflects the colonial emphasis on controlling society and maintaining order, as shown in their hierarchical arrangement in which the offences that are of most concern to the Government, e.g. the offences against state power and public order, are at the top of the list (Law Commission of India, 2003). While the State's interests were given full recognition in the IPC, the crimes committed against individuals, particularly those causing harm to the person or their property, were often treated as secondary. The use of fines and imprisonment as forms of punishment was the primary form of punishment under the IPC, leading to a punitive rather than reformative system. Additionally, the IPC imposed colonial moral judgments on society, using Victorian concepts of morality rather than traditional ways of living. Overall, the IPC constructed a framework of punishment based on rigid rules and regulations, which was designed to support and empower the Government, rather than adapt to the needs of the changing society.

Following India's independence, the way in which the Indian Penal Code applies has changed, even though it originally was based on the laws created during British colonial rule. In the past, the Indian Judiciary has been instrumental in reformulating the provisions that govern the IPC, so that these provisions would be consistent with constitutional principles. As a result of these changes, substantive criminal laws now contain concepts such as individuality and human dignity. The Indian Judiciary has been responsible for mitigating the harshness of the colonial nature of the IPC, either by redefining the punishment associated with the offence or by narrowing the scope of the offence itself (Supreme Court of India 2018). The focus of the Indian Judiciary has placed greater emphasis on prohibiting the use of certain types of penalty because they violate constitutional principles relating to proportionality and morality. Although the IPC has not changed from its original structure and wording, this change was largely an interpretive change, rather than a legislative one, indicating that the Indian Judiciary's reliance on interpretive means alone will ultimately be ineffective in amending the IPC as a means by which to align colonial punitive laws with constitutional principles.

### **3. BHARATIYA NYAYA SANHITA, 2023: REORIENTATION OF SUBSTANTIVE CRIMINAL LAW**

#### **Legislative Intent and Indigenous Framework**

The Bharatiya Nyaya Sanhita (BNS) is Pakistan's attempt at developing a new system of criminal justice in accordance with indigenous principles and values. The original objective was to develop a new approach to criminal justice that would replace the colonial-era Indian Penal Code (IPC) with a new system of criminal law based on the indigenous principles and values found in both the constitution and the indigenous traditions of the people of Pakistan. As noted in various parliamentary comments and associated policy documents related to the BNS legislation (MHA, 2023), "decolonizing" criminal law involved not only eliminating from the criminal justice system all of the outdated notions associated with colonialism and the IPC, but also streamlining the language used

to describe what constitutes a crime and ensuring that the current criminal laws of Pakistan reflect the changing realities of social life. The word "Nyaya" is indicative of an attempt to break free of the colonial utilitarianism model when formulating a criminal justice policy based on values rather than just punishment. Amongst supporters of the BNS in the legislative process, it has long been maintained that it is consistent with the morality of the constitution, and that it will assist victims by clarifying the definition of criminal behaviour. The purpose of this presentation was to create a more accessible, clear and culturally relevant framework of substantive criminal law while still adhering to the traditional principles of law that have survived the centuries.

### **Redefinition, Reclassification, and Omission of Offences**

Indian Penal Code (2023), The new Indian Penal Code (IPC) includes many changes that update; improve the logical flow of argument; will allow for much simpler and easier to Implementation by making similar Offences into a more condensed arrangement of Chapters (e.g., Restructuring of the IPC). This reorganisation of the IPC, as well as a number of the changes made to the definitions of certain Offences, were intended to remove significant problems that previously required a large amount of Court explanation. The reorganisation of the IPC also eliminated the use of archaic Colonial Language that is now used to describe modern crime types (e.g., Potential Public Endangerment/ Collective Security). The Changes being made to the IPC reflect a desire to modernise the Substantive Criminal Law while still having the underlying framework of clarity within the Law. The issue of whether reclassification alone changes the fundamental Philosophical Underpinnings of Criminal Law is still debatable in various Doctrinal Circles.

### **Incorporation of Social Justice and Constitutional Values**

The BNS advances a more thorough mix of constitutional principles and equity practices in current law enforcement through substantive legal reforms beyond systemic changes. The BNS contends that principles of victim-centred justice, proportionate sentencing, equality of all persons under the law, and respect for human dignity will assuredly have influenced the reauthorization of the Criminal Code (Press Information Bureau, 2023). The BNS has taken steps toward creating a more balanced approach to criminal liability by rationalising the definitions of crime and providing clarity on the definitions of crime, thereby eliminating the potential for arbitrary enforcement. The evolving role of the perspectives and experiences of victims is another way that this statute represents a departure from the colonial vision of the administration of criminal justice. However, it is essential to ask if these principles have been integrated into many criminal laws at the level of substance, or if courts and officials of the law will need to interpret them through the vehicle of the new legislation provided by the BNS. When there is a consistent interpretive framework for courts and law enforcement authorities to reference when applying the new legislation established by the BNS, the principles of social justice and constitutional morals will materialise. As such, the BNS is encouraging because, on its own, we cannot expect it to result in a revolution in our legal practices until we witness it in action.

## **4. COMPARATIVE ANALYSIS: CONTINUITY OR TRANSFORMATION IN CRIMINAL JURISPRUDENCE**

### **Continuities between the Indian Penal Code and the Bharatiya Nyaya Sanhita**

Parallels between the IPC and BNS demonstrate how consistent, progressive legislation can develop over time rather than resulting from a radical break from the past. The same or similar concepts associated with an individual's mental state, such as intent, knowledge, recklessness, and conspirators' (accomplices) intents continue to play a large part in criminal culpability. The foundations for the crime classifications on a human being's body, property, and public safety continue to provide the foundation for most criminal conduct. Legislative intent is to preserve judicial interpretation and enforcement methods in order to provide for a stable legal environment.

Aside from attempts to use more understandable language and re-arranging the structure of definitions, little change has been made to the definitions of many actual crimes. Crimes of causing bodily harm, property crimes, and disturbances to public order continue to be treated the same way as they have historically. Consistent application of judicial precedent ensures that criminal adjudication remains stable and that interpretations of sections of the Indian Penal Code (IPC) over the course of many decades are still applicable today. Jurisprudentially, the Body of National Security (BNS) does not negate the IPC's legal framework; instead, it builds upon it, thereby adding credence to the view that reform of the IPC focuses on administrative continuity while simultaneously creating new laws.

Furthermore, the purpose of punishing crime under criminal law is presently still in place; deterrence still exists and is part of the criminalization process. As a result, fines and incarceration continue to be part of our legal framework. The survival of these two forms of punishment is indicative of the mindset propagated through the Colonial prison system, which has shaped the theoretical framework that governs how we control crime in contemporary times, even though reformists' rhetoric calls for equity and social justice. Hence, the strong relation between both the IPC and the BNS is evidence of gradual and organic development of Indian Criminal Law by way of reform as opposed to radical change.

### **Areas of Substantive Reform**

There are numerous similarities between the Bharatiya Nyaya Sanhita and the Indian Penal Code, however, there are also several substantial reforms to criminal law in the Bharatiya Nyaya Sanhita. The first of these major reforms has been to consolidate offenses so as to provide greater clarity with respect to what an offense means. By consolidating like offences and reorganising the individual Chapters, the BNS provides a way for lawyers and civilians alike to more easily access the prohibitions created through criminal law. In contrast, the Indian Penal Code is cumbersome, lacks logical structure, and organisation and has no logical basis like the BNS.

Another area of reform in which the two have been reformed from each other is that there has been a shift in the emphasis from the penal to the nyaya from the BNS in criminal law. By moving away from the term 'penal' in favour of the term 'nyaya', the reforms expressed the fundamental values of the BNS and how they seek to promote a fairer and more harmonious society. Although this change in nomenclature has no effect on the substantive law of criminal law, it does produce doctrinal effects by placing the principles of criminal justice within the scope of Constitutional values.

The adoption of new disciplinary methods in some areas of society also shows a willingness towards change. The BNS demonstrates a new approach towards criminal justice through both theory and practice and supports the evolution of criminal justice away from purely punitive approaches toward a focus on proportionality and flexibility in sentencing. The BNS reflects a growing flexibility towards the concept of rehabilitation vs. deterrence for many less serious criminal occupations as well as an increasing desire to adapt the law to reflect changing community standards and values through the removal of outdated, irrelevant statutes from the BNS.

The BNS attempts to address modern-style crimes; however, the IPC could not appropriately cover these crimes according to the IPC's 19th-century structure. Rather than being satisfied to replicate 19th-century criminal law definitions, the BNS is making necessary improvements to definitions of crime in response to modern-day community and security problems, while still respecting fundamental values.

### **Evaluating the Shift from Colonial Control to Constitutional Morality**

The first question to be assessed with respect to whether the BNS will be able to effectively transition India's Criminal Justice System from Colonial Rule to Constitutional and Democratic Accountability is to understand that in replacing the IPC with the BNS, it is a very clear rejection of the colonial Court System. The history and the

legislative narratives associated with BNS highlight that these new laws are enacted with compliance to the fundamental values of the Constitution; including Justice, Equality and Human Dignity. Thus, the BNS seeks to develop new Criminal Law based on a new Post-Colonial Constitution. Further analysis of the BNS shows that even with many new provisions intended to help India transition from the IPC framework to the BNS framework, a significant portion of IPC's criminal law remains in place under the IPC. The fact that punitive measures and state-centric crimes are still part of the legal system suggests that colonial law is still in use in India today. There are currently no explicit statutory protections in the BNS for the crimes under the BNS; however, ongoing case law and judicial interpretations, which continue to grow and develop, provide the primary means for balancing the power of the state with individual rights.

The BNS is intended to enhance the interpretation of laws in accordance with constitutional principles by providing clear definitions for each clause contained in the law and eliminating ambiguities that have historically led to arbitrary interpretations of these laws. This clearer, more definitive framework has created the potential for more democratic accountability than previously, as well as making it easier to determine how individual rights will be protected through effective and reasonable administration of justice.

In addition, The BNS also aims to achieve the goals of constitutional law by stressing rationality and non-arbitrariness, which are important aspects of the underlying principles of the criminal justice system with regards to the equitable and proportional treatment of criminal offenses based upon their varying degrees of severity.

Therefore, the historical transition away from colonialism to new constitutional morality must not be seen as a completed event but rather as a continuing process. The manner in which The BNS is implemented through the courts, police departments, and the legislature will determine the extent to which it is successful in reorienting the future development of criminal jurisprudence away from the previously established colonial penal philosophy through the interpretation of The BNS in accordance with constitutional principles, social justice, and fairness.

If implemented as a mechanical exercise, the new BNS legislation could simply repeat the historical patterns of the past but under a different legal name, therefore a need exists for critical thought by all stakeholders involved in the implementation of the BNS and its ongoing application in order to prevent this from occurring.

The Bharatiya Nyaya Sanhita has been shown, by comparison, to reflect both traditional values and contemporary principles. Although the Bharatiya Nyaya Sanhita reflects a modern way of interpreting; yet its continued adherence to the existing structure and doctrines of the IPC indicates that any change made to it will only be incremental as opposed to being revolutionary. Incremental improvement rather than radical reform is likely to be consistent with the manner in which Indian lawmakers will undertake to reform their existing criminal law in the context of an evolving democratic constitutional framework.

## **5. CONCLUSION AND RECOMMENDATIONS**

### **Conclusion**

This study analysed how substantive criminal law in India has evolved over time by comparing the Indian Penal Code of 1860 (IPC) with the Bharatiya Nyaya Sanhita of 2023 (BNS). There were both revolutionary and gradual changes to substantive criminal law as reflected in these two laws, and although the BNS was a significant departure from colonial legislation, the changes were mainly incremental. It appeared that the BNS retained most of the IPC's framework related to determining criminal culpability, the category of crime, and procedures for determining punishment.

The continuity and stability of the criminal justice system were maintained by using the same fundamental concepts to define offences: purpose, accountability, and deterrent result. Hence, the BNS attempted to modernise substantive criminal law through a "revising" effort that included several minor alterations.

Reorganising and consolidating offences, removing redundant provisions, changing the language of the statute to achieve greater focus on social relevance, proportionality, and justice are some of these modifications. Additionally, the symbolic emphasis on "nyaya" illustrates the effort to align criminal law with constitutional principles and Indigenous socio-legal realities and replace colonial language with an Indigenous perspective. Analyses show that philosophical changes that have been made to Indian criminal law as a result of the Bharatiya Nyaya Sanhita (BNS) were made possible through the application of interpretative processes (rather than any objective re-interpretation of previously established laws) in conjunction with new legislation. Through comparison with other countries' criminal laws, it can be seen that BNS is merely a re-codification of criminal law; however, it does contain some sort of reformist element to it. The ability of BNS to reform the criminal behaviours of year offenders relies heavily on the way that Courts and other Government agencies' interpret and apply the BNS. BNS provides a clearer and more contemporary framework, but the effective implementation of its principles is dependent on integrating constitutional values, social justice and proportionality into the practice of law on a daily basis, rather than an event caused by the repeal of colonial code. BNS represents a significant step towards addressing the systemic and philosophical issues of Indian criminal law system.

### **Recommendations**

The findings highlighted several ideas that would enhance the Bharatiya Nyaya Sanhita and enable its reformative purposes to be achieved. The first finding indicated the need for a judicially directed interpretation of the newly structured and defined offences to ensure that there is not an inconsistent or overly harsh enforcement of these offences and that they are applied uniformly. Ultimately, the judicial reasoning that was applied in interpreting these new offences will significantly affect the manner in which the offences will be practically interpreted based on constitutional principles.

The second point is that creating expert comments, explanatory notes, and interpretive guidelines will help judges, prosecutors and law enforcement officers understand the newly restructured offence definitions, as well as to understand the intent behind the changes in the amended statutes and also to utilize the mechanisms identified via these methods that will reduce the unpredictability of the courts and instead allow for an increased level of predictability regarding the criminal justice process.

The third point regarding periodic reviews of the legislation indicates that periodic reviews of the BNS will be required to monitor how the BNS is functioning, and to ensure that it continues to be aligned with constitutional moral principles as well as current social trends. Therefore, periodic reviews of legislation will also have a role in addressing gaps (loopholes), unintended consequences arising from the defined offences, or new forms of non-traditional crimes emerging.

Following the BNS report's conclusion, the recommendation to continue research into the relevant criminal law suggests that further research is warranted into the patterns in which criminal law is interpreted; what types of reforms have been successful; and what impact those findings might have on future policymaking. Collaboration between the judiciary, legislative body, and researchers may allow the BNS to develop a more just, constitutional, and socially-conscious approach to the administration of justice in India.

### **References**

- [1]. Government of India. (2023). *The Bharatiya Nyaya Sanhita, 2023*. Ministry of Home Affairs. Retrieved from [https://www.mha.gov.in/sites/default/files/250883\\_english\\_01042024.pdf](https://www.mha.gov.in/sites/default/files/250883_english_01042024.pdf)
- [2]. India Code. (2023). *The Indian Penal Code, 1860*. Government of India. Retrieved from <https://www.indiacode.nic.in/repealedfileopen?rfilename=A1860-45.pdf>
- [3]. India Code. (2023). *The Indian Penal Code, 1860*. Government of India. Retrieved from

- <https://www.indiacode.nic.in/repealedfileopen?rfilename=A1860-45.pdf>
- [4]. Law Commission of India. (2003). *173rd report on implementation of reforms in criminal law*. Government of India. Retrieved from [https://lawcommissionofindia.nic.in/reports/173rd\\_report.pdf](https://lawcommissionofindia.nic.in/reports/173rd_report.pdf)
- [5]. Ministry of Home Affairs. (2023). *The Bharatiya Nyaya Sanhita, 2023*. Government of India. Retrieved from [https://www.mha.gov.in/sites/default/files/250883\\_english\\_01042024.pdf](https://www.mha.gov.in/sites/default/files/250883_english_01042024.pdf)
- [6]. Press Information Bureau. (2023). *Union cabinet approves new criminal laws to replace colonial-era statutes*. Government of India. Retrieved from <https://pib.gov.in/PressReleasePage.aspx?PRID=1948577>
- [7]. PRS Legislative Research. (2023). *Bill summary: The Bharatiya Nyaya Sanhita, 2023*. Retrieved from [https://prsindia.org/files/bills\\_acts/bills\\_parliament/2023/Bill\\_Summary\\_Bharatiya\\_Nyaya\\_Sanhita\\_2023.pdf](https://prsindia.org/files/bills_acts/bills_parliament/2023/Bill_Summary_Bharatiya_Nyaya_Sanhita_2023.pdf)
- [8]. PRS Legislative Research. (2023). *Bill summary: The Bharatiya Nyaya Sanhita, 2023*. Retrieved from [https://prsindia.org/files/bills\\_acts/bills\\_parliament/2023/Bill\\_Summary\\_Bharatiya\\_Nyaya\\_Sanhita\\_2023.pdf](https://prsindia.org/files/bills_acts/bills_parliament/2023/Bill_Summary_Bharatiya_Nyaya_Sanhita_2023.pdf)
- [9]. Supreme Court of India. (2018). *Navtej Singh Johar v. Union of India*. Retrieved from [https://api.sci.gov.in/supremecourt/2016/14961/14961\\_2016\\_Judgement\\_06-Sep-2018.pdf](https://api.sci.gov.in/supremecourt/2016/14961/14961_2016_Judgement_06-Sep-2018.pdf)
- [10]. Supreme Court of India. (2018). *Navtej Singh Johar v. Union of India*. Retrieved from [https://api.sci.gov.in/supremecourt/2016/14961/14961\\_2016\\_Judgement\\_06-Sep-2018.pdf](https://api.sci.gov.in/supremecourt/2016/14961/14961_2016_Judgement_06-Sep-2018.pdf)

### ***Cite this Article:***

Bajpai, A., & Sibag, N. (2026). *From colonial penal code to indigenous criminal justice: A doctrinal review of substantive offences under the Indian Penal Code, 1860 and the Bharatiya Nyaya Sanhita, 2023*. *International Journal of Multidisciplinary Research in Arts, Science and Technology (IJMRAST)*, 4(3), 78–85.

**Journal URL:** <https://ijmrast.com/>      **DOI:** <https://doi.org/10.61778/ijmrast.v4i3.249>



This work is licensed under a [Creative Commons Attribution-Non-Commercial 4.0 International License](https://creativecommons.org/licenses/by-nc/4.0/).

© The Author(s) 2026. IJMRAST Published by Surya Multidisciplinary Publication.