

Indian Penal Code to Bharatiya Nyaya Sanhita: Complete Conversion Guide with Explanations

Prepared for Legal Practitioners

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Executive Summary

The Bharatiya Nyaya Sanhita (BNS), 2023, replaced the Indian Penal Code (IPC), 1860, effective July 1, 2024. This comprehensive guide provides IPC section summaries, corresponding BNS sections, and detailed explanations of key changes. The BNS modernizes India's criminal law framework by reducing sections from 511 to 358, introducing new offences like organized crime, terrorism, and mob lynching, while removing colonial-era provisions[1][2].

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Part I: Overview of Bharatiya Nyaya Sanhita 2023

1.1 Legislative Background

The Bharatiya Nyaya Sanhita, 2023, represents a fundamental transformation of India's criminal law system. Enacted to replace the colonial-era Indian Penal Code of 1860, the BNS aims to decolonize criminal law, simplify legal language, and address contemporary crimes not adequately covered under the IPC[1][6].

Key Legislative Features:

- Total Sections: 358 (reduced from IPC's 511 sections)
- Total Chapters: 20 chapters organizing offences coherently
- Commencement Date: July 1, 2024
- Language: Simplified, modern, gender-neutral terminology
- Focus: Contemporary crimes including cybercrime, terrorism, organized crime

1.2 Philosophy and Objectives

The BNS shifts focus from retributive colonial justice to restorative and rehabilitative approaches while maintaining deterrence. Key philosophical changes include:

1. **Modernization:** Removal of archaic language and colonial terminology
2. **Digitalization:** Recognition of electronic records and cyber offences
3. **Victim-centric:** Enhanced protections for women, children, and vulnerable groups
4. **Community Justice:** Introduction of community service as punishment
5. **Organized Crime:** Dedicated provisions for syndicate crimes
6. **National Security:** Reframed sedition provisions focusing on sovereignty

Part II: Structural Comparison - IPC vs BNS

Aspect	IPC 1860	BNS 2023
Total Sections	511	358
Total Chapters	23	20
Language Style	Archaic, colonial	Modern, simplified
Digital Crimes	Scattered/inadequate	Dedicated provisions
Gender Neutrality	Limited	Enhanced
Organized Crime	Not specifically addressed	Comprehensive provisions
Terrorism	Limited provisions	Explicit offence defined
Sedition	Section 124A (retained)	Removed; sovereignty offences added
Community Service	Not available	Introduced as punishment
Mob Lynching	Not specifically defined	Criminalized with severe punishment

Table 1: Comparative Overview of IPC and BNS

2.1 Consolidation and Reorganization

The BNS achieves greater efficiency through consolidation. Several IPC provisions that were scattered across multiple sections have been unified. For example:

- IPC Sections 1, 2, 3, 4, and 5 are consolidated into BNS Section 1 with subsections
- IPC Sections 29 and 29A (Document definitions) merged into BNS Section 2(8)
- Definition provisions restructured for clarity and logical flow

Part III: Major New Offences Introduced in BNS

3.1 Organized Crime (BNS Section 111)

Definition: Organized crime includes continuing unlawful activities by individuals, singly or jointly, as members of an organized crime syndicate, to commit offences such as[6]:

- Kidnapping, robbery, vehicle theft, extortion
- Land grabbing, contract killings
- Economic offences
- Cyber crimes committed by organized syndicates

Punishment: Imprisonment ranging from 5 years to life, with mandatory fine provisions.

Petty Organized Crime: Introduced as separate offence with lesser punishment (1-7 years imprisonment).

Significance: This is entirely new. The IPC did not have specific provisions addressing organized crime syndicates operating systematically[2][6].

3.2 Terrorism (BNS Section 113)

Definition: Acts intended to threaten the unity, integrity, security, or sovereignty of India, or to strike terror in people through[6]:

- Use of bombs, explosives, inflammable substances
- Firearms or lethal weapons
- Hazardous substances causing death, injury, or property damage
- Actions intended to disrupt essential services

Punishment: Death penalty or life imprisonment with mandatory fine.

Significance: While terrorism-related provisions existed in special laws (UAPA), BNS explicitly defines and criminalizes terrorism in the principal criminal code[1][6].

3.3 Mob Lynching (BNS Section 103(2))

Definition: Murder or grievous hurt committed by a group of five or more persons acting in concert on grounds of[6][7]:

- Race, caste, or community
- Sex, place of birth, language
- Personal belief or any other ground

Punishment for Murder:

- Minimum: 7 years imprisonment
- Maximum: Life imprisonment or death penalty
- Each member of the group liable

Punishment for Grievous Hurt: Imprisonment for 7 years extendable to 10 years with fine.

Significance: Mob lynching was not specifically defined as an offence under the IPC. This provision addresses the contemporary social evil of vigilante violence[2][6].

3.4 Hit and Run (BNS Section 106(2))

Enhanced Provision: When a person causes death by rash or negligent driving and flees without reporting to police or magistrate[9]:

Punishment:

- Imprisonment up to 10 years (enhanced from IPC Section 304A's 2 years)
- Mandatory fine

Significance: Addresses the serious problem of drivers fleeing accident scenes, causing denial of medical aid to victims[7][9].

3.5 Secessionist Activities (BNS Section 152)

Replaces Sedition: Instead of IPC Section 124A (Sedition), BNS criminalizes[6]:

- Exciting or attempting to excite secession, armed rebellion, or subversive activities
- Encouraging separatist activities
- Endangering sovereignty or unity and integrity of India

Punishment: Life imprisonment or imprisonment up to 7 years with fine.

Significance: Removes the controversial "sedition" offence while retaining provisions to protect national sovereignty and integrity[1] [6].

Part IV: Complete IPC to BNS Section Conversion Table

4.1 General Principles and Definitions

IPC Section	BNS Section	Subject
1-5	1 (subsections)	Title, extent, commencement
6	2	Definitions
7-27	2 (subsections)	Various definitions
29, 29A	2(8)	Document (includes digital records)
40	2(9)	Offence
45A	2(10)	Harbour
52	3	Punishment
53	4	Punishments under BNS
54	5(a)	Commutation of death sentence
55	5(b)	Commutation of life imprisonment
57	6	Fractions of terms of punishment
60	7	Sentence in certain cases

Table 2: General Provisions: IPC to BNS Conversion

4.2 Offences Against the Human Body

IPC Section	BNS Section	Offence
299	100	Culpable homicide
300	101	Murder
302	103	Punishment for murder
304	105	Culpable homicide not amounting to murder
304A	106	Causing death by negligence
304B	80	Dowry death
306	108	Abetment of suicide
307	109	Attempt to murder
308	110	Attempt to commit culpable homicide
320	112	Grievous hurt
321	113	Voluntarily causing hurt
323	115	Punishment for voluntarily causing hurt
324	117	Voluntarily causing hurt by dangerous weapons
325	118	Voluntarily causing grievous hurt
326	119	Grievous hurt by dangerous weapons
326A	124	Acid attack
326B	125	Attempt to throw acid

Table 3: Offences Against Human Body: IPC to BNS Conversion

4.3 Sexual Offences

IPC Section	BNS Section	Offence
354	74	Assault with intent to outrage modesty
354A	75	Sexual harassment
354B	76	Assault with intent to disrobe
354C	77	Voyeurism
354D	78	Stalking
375	63	Rape
376	64	Punishment for rape
376A	65	Punishment for rape causing death
376AB	66	Rape of woman under 12 years
376B	67	Intercourse by husband with wife during separation
376C	68	Sexual intercourse by authority
376D	70(1)	Gang rape
376DA	70(2)	Gang rape on woman under 16 years
376E	71	Punishment for repeat offenders

Table 4: Sexual Offences: IPC to BNS Conversion

4.4 Offences Against Property

IPC Section	BNS Section	Offence
378	303	Theft
379	303(2)	Punishment for theft
380	304	Theft in dwelling house
381	305	Theft by clerk or servant
382	309	Theft after preparation for hurt
383	308	Extortion
384	308(2)	Punishment for extortion
386	310	Extortion by threat of death or grievous hurt
392	309	Robbery
393	309(2)	Attempt to commit robbery
395	310	Dacoity
396	310(3)	Dacoity with murder
399	311	Preparation to commit dacoity
400	312	Being member of gang of dacoits
411	316	Dishonestly receiving stolen property
415	318	Cheating
420	318(4)	Cheating and dishonestly inducing delivery

Table 5: Property Offences: IPC to BNS Conversion

4.5 Offences Against Public Tranquility

IPC Section	BNS Section	Offence
141	189	Unlawful assembly
143	191	Being member of unlawful assembly
144	192	Joining unlawful assembly armed with deadly weapon
147	191(2)	Rioting
148	192	Rioting, armed with deadly weapon
149	191(3)	Offence by member of unlawful assembly
153A	196	Promoting enmity between groups
153B	197	Imputations prejudicial to national integration
295A	299	Deliberate acts to outrage religious feelings

Table 6: Public Tranquility Offences: IPC to BNS Conversion

4.6 Offences Against the State

IPC Section	BNS Section	Offence
121	147	Waging war against Government of India
121A	147(2)	Conspiracy to wage war
122	148	Collecting arms with intention to wage war
123	149	Concealing with intent to facilitate waging war
124A	Removed	Sedition (replaced by Section 152)
-	152	Acts endangering sovereignty (New)
-	113	Terrorism (New)

Table 7: State Offences: IPC to BNS Conversion

4.7 Offences Relating to Public Servants

IPC Section	BNS Section	Offence
166	198	Public servant disobeying law
167	199	Public servant framing incorrect document
186	132	Obstructing public servant
188	223	Disobedience to order by public servant
353	121	Assault to deter public servant

Table 8: Public Servant Related Offences: IPC to BNS Conversion

Part V: Detailed Explanations of Key Changes

5.1 Definitions and Interpretation

BNS Section 2(8) - Document

IPC Provision: Sections 29 and 29A defined "document" and "electronic record" separately.

BNS Change: Consolidated definition now states: "Document means any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter, **and includes electronic and digital record**" [14].

Significance: Recognizes modern digital documentation as primary evidence, not secondary. Eliminates need for separate electronic record provisions throughout the code.

BNS Section 2(19) and 2(35) - Man and Woman

IPC Provision: Section 10 defined both terms together.

BNS Change: Separated into distinct subsections for clarity. The word "denotes" replaced with "means" for stronger definitional clarity[14].

Significance: Improved legislative drafting, though criticism remains that gender definitions are binary and don't recognize transgender identities adequately.

5.2 Enhanced Punishments

BNS Section 64 - Rape Punishment

IPC Section 376: Imprisonment not less than 7 years, extendable to 10 years or life imprisonment.

BNS Change: Maintains minimum 7 years but clarifies enhanced punishment structures:

- Rape of woman under 16 years: Minimum 20 years to life imprisonment
- Gang rape: Life imprisonment (whole natural life) or death penalty

Significance: Stronger deterrence for heinous sexual offences, especially crimes against minors[5][7].

BNS Section 70(2) - Gang Rape of Minor Under 16

IPC Provision: Section 376DA provided life imprisonment.

BNS Change: **Death penalty** explicitly provided for gang rape of girls under 16 years[9].

Significance: Supreme deterrent for most heinous sexual crimes against children.

BNS Section 99 - Buying Minor for Prostitution

IPC Section 373: Punishment of imprisonment up to 10 years.

BNS Change: **Minimum mandatory punishment of 7 years**, upper limit extended to **14 years**[1].

Significance: Stronger protection for children against trafficking and sexual exploitation.

5.3 Procedural and Substantive Changes

BNS Section 106 - Death by Negligence and Hit-and-Run

IPC Section 304A: Causing death by rash or negligent act - imprisonment up to 2 years with fine.

BNS Changes:

- Section 106(1): Death by negligence - imprisonment up to 5 years with fine
- Section 106(2): **Hit and run** - if person flees without reporting, imprisonment up to **10 years** with fine[9]

Significance: Addresses critical road safety concern. Fleeing accident scenes now carries severe punishment, incentivizing responsible behavior and victim assistance.

BNS Section 152 - Acts Endangering Sovereignty

IPC Section 124A: Sedition - whoever brings or attempts to bring into hatred or contempt the Government established by law.

BNS Changes: Section removed. Replaced with specific offences[1][6]:

- Exciting or attempting to excite secession
- Armed rebellion or subversive activities
- Encouraging separatist feelings
- Endangering sovereignty, unity, and integrity of India
- Through words, signs, visible representation, electronic communication, or financial means

Punishment: Life imprisonment or imprisonment up to 7 years with fine.

Significance: Addresses Supreme Court concerns about misuse of sedition law. Focuses on actual threats to national sovereignty rather than criticism of government policies. Narrower scope protects freedom of speech while addressing genuine security threats.

BNS Section 111 - Organized Crime

IPC Provision: None specifically addressing organized crime.

BNS Definition: Continuing unlawful activity by individual or organized crime syndicate involving[2][6]:

- Kidnapping for ransom
- Robbery, vehicle theft, extortion, land grabbing
- Contract killing
- Economic offences
- Cyber crimes by syndicates

Punishment:

- Imprisonment: 5 years to life
- Death penalty for murder during organized crime
- Mandatory fine provisions

Petty Organized Crime: Imprisonment from 1 to 7 years.

Significance: Fills major legislative gap. IPC dealt with individual criminal acts but not systematic, syndicate-based criminal enterprises. Enables comprehensive prosecution of mafia-style operations.

5.4 Community Service as Punishment

BNS Section 4 - Punishments

IPC Section 53: Listed five types of punishments - death, life imprisonment, imprisonment, forfeiture of property, and fine.

BNS Change: Adds **community service** as sixth category of punishment[7][10].

Application: Can be imposed for petty offences instead of or in addition to fine.

Significance: Introduces restorative justice element. Allows courts to impose socially productive penalties for minor offences. However,

BNS does not clearly define what constitutes "community service," leaving implementation to executive rules[7].

5.5 Offences Against Women and Children

BNS Section 80 - Dowry Death

IPC Section 304B: Dowry death provisions.

BNS Change: Retained with clarified language and procedural improvements. Punishment remains imprisonment not less than 7 years, extendable to life imprisonment.

Significance: Continues strong stance against dowry-related violence with improved prosecutorial framework.

BNS Section 87 - Attempt to Commit Suicide to Force Marriage

IPC Section 309: Attempt to commit suicide was a crime.

BNS Change: Decriminalized suicide attempts generally, but **criminalizes attempting suicide to compel or restrain person from marrying** or to force marriage[9].

Significance: Recognizes mental health concerns while addressing coercive tactics in marriage contexts.

Part VI: Removal of Colonial and Outdated Provisions

6.1 Sections Completely Removed

IPC Section 124A - Sedition: Removed and replaced with sovereignty offences (BNS Section 152)[1][6].

IPC Section 309 - Attempt to Commit Suicide: Decriminalized, recognizing mental health concerns[6][9].

IPC Section 377 - Unnatural Offences: Removed following Supreme Court's decriminalization of consensual homosexual acts[9].

IPC Section 497 - Adultery: Removed following Supreme Court's 2018 judgment declaring it unconstitutional[6].

6.2 Reframed Provisions

Several colonial-era provisions have been reframed with modern language and contemporary application:

- Provisions relating to "The Queen" or British sovereignty updated to "President of India"
- Archaic legal terminology replaced with plain language
- Gender-specific provisions made more neutral where appropriate
- References to obsolete crimes (counterfeiting Queen's coin) removed

Part VII: Critical Analysis and Practical Implications

7.1 Strengths of BNS

1. **Modernization:** Addresses contemporary crimes like cybercrime, terrorism, organized crime
2. **Consolidation:** Reduced sections improve accessibility and reduce redundancy
3. **Victim Protection:** Enhanced provisions for women, children, vulnerable groups
4. **Deterrence:** Increased punishments for heinous offences
5. **Digital Recognition:** Electronic records integrated throughout
6. **Decolonization:** Removes colonial terminology and outdated provisions

7.2 Concerns and Criticisms

1. **Gender Binary:** Continues male-female binary; doesn't adequately address transgender persons or recognize male rape victims
2. **Community Service:** Not clearly defined, leaving implementation uncertain

3. **Hasty Implementation:** Limited consultation period raised procedural concerns
4. **Marital Rape:** Exception for marital rape continues (though narrowed)
5. **Definitional Gaps:** Some new provisions (organized crime, terrorism) may face interpretational challenges
6. **Death Penalty:** Expanded use of capital punishment raises human rights concerns

7.3 Practical Implications for Legal Practice

For Advocates in High Courts:

- **Reference Updates:** All citations must now use BNS sections; IPC references obsolete
- **Precedent Application:** Supreme Court and High Court judgments on IPC sections remain persuasive authority for corresponding BNS provisions
- **Transitional Cases:** Cases filed under IPC but continuing under BNS require careful section mapping
- **Drafting:** All new FIRs, charge sheets, petitions must cite BNS sections
- **Client Education:** Clients familiar with IPC terminology need guidance on new provisions

Conversion Tools: Several online converters now available (MakeMyDraft, Legal Desk AI) for quick IPC-to-BNS section mapping[8][14].

Part VIII: Important IPC-BNS Conversions for Daily Practice

8.1 Most Frequently Used Sections

IPC	BNS	Offence	Key Change
302	103	Murder	Mob lynching added as 103(2)
304A	106	Death by negligence	Hit-and-run as 106(2), enhanced punishment
307	109	Attempt to murder	No substantive change
323	115	Simple hurt	No substantive change
324	117	Hurt by weapon	No substantive change
325	118	Grievous hurt	No substantive change
326	119	GH by weapon	No substantive change
375	63	Rape	Definition refined
376	64	Rape punishment	Enhanced minimum sentences
377	Removed	Unnatural offences	Decriminalized consensual acts
378	303	Theft	No substantive change
379	303(2)	Theft punishment	No substantive change
392	309	Robbery	No substantive change
420	318(4)	Cheating	No substantive change
498A	84	Cruelty to wife	No substantive change

Table 9: High-Frequency Section Conversions

8.2 Consumer Court and Civil Litigation Relevant Sections

IPC	BNS	Application in Consumer Cases
415-420	318-318(4)	Cheating, fraud in service delivery
463-468	335-340	Forgery of documents, certificates
406	315	Criminal breach of trust by service providers
166	198	Public servant dereliction (insurance cases)

Table 10: Consumer Law Relevant Sections

Part IX: Transition and Implementation Guidelines

9.1 Application to Pending Cases

General Rule: Offences committed before July 1, 2024, continue to be governed by IPC unless BNS provides more beneficial provisions.

Section Mapping: Courts required to apply corresponding BNS provisions in judgments even for IPC-charged cases.

Precedents: All Supreme Court and High Court judgments interpreting IPC provisions remain applicable to corresponding BNS provisions unless superseded by legislative changes.

9.2 Documentation Standards

FIRs and Complaints: Must cite BNS sections for all post-July 1, 2024 offences.

Charge Sheets: Prosecution must frame charges under BNS provisions.

Petitions and Applications: All writ petitions, revisions, appeals must reference BNS sections.

Citations in Orders: Courts must use BNS section numbers in all orders and judgments.

Conclusion

The Bharatiya Nyaya Sanhita, 2023, represents a historic transformation of India's criminal law framework. By modernizing language, introducing contemporary offences, enhancing protections for vulnerable groups, and removing colonial-era provisions, the BNS aims to create a more responsive, victim-centric, and culturally appropriate criminal justice system[1][2][6].

For legal practitioners, particularly in High Courts like Punjab and Haryana, thorough familiarity with section conversions and substantive changes is essential. While the structural reorganization requires adjustment, the underlying legal principles largely remain consistent with IPC jurisprudence, ensuring continuity in legal practice.

This guide serves as a comprehensive reference for navigating the IPC-to-BNS transition, with emphasis on practical application in daily legal practice, consumer litigation, and High Court proceedings.

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