



PROF. VAGESHWARI DESWAL AND ADV. SAURABH KANSAL, *BHARATIYA NYAYA SANHITA 2023: LAW & PRACTICE* (1ST EDN, TAXMANN, 2024), PP. I-138+ 902, PRICE INR 2595/-, ISBN : 978-93-57788-74-8,

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The enactment of the Bharatiya Nyaya Sanhita (BNS) 2023, Bharatiya Nagarik Suruksha Sanhita (BNSS) 2023, and the Bharatiya Shakshya Adhiniyam (BSA) 2023 marks one of the most substantial legislative transformations in the history of Indian criminal law. These three new legislations, coming into force on 1st July 2024, replaced the Indian Penal Code (IPC) 1860, the Code of Criminal Procedure (CrPC) 1973, and the Indian Evidence Act (IEA) 1872, respectively. This transition from the colonial-era penal framework to the newly enacted criminal law regime has generated significant concerns within the Indian legal fraternity. Courts, practitioners, academics, and students alike are presently confronted with the difficult task of navigating a transformed statutory landscape while simultaneously maintaining continuity with more than a century-old jurisprudence developed under the earlier criminal law framework. Concerns have particularly been raised regarding the restructuring and renumbering of offences, the introduction of new provisions, and modifications of statutory language, all of which are likely to create substantial interpretive and implementation challenges during the transition to the new regime. The enactment of the new criminal laws has consequently created a pressing need for interpretive guidance that bridges the old and new frameworks.

It is within this transitional moment that Prof. Vageshwari Deswal and Adv. Saurabh Kansal's *Bharatiya Nyaya Sanhita 2023: Law & Practice* emerges as one of the earliest comprehensive doctrinal commentaries on the new substantive criminal law in India. The timing of the work itself deserves notice. Published in April 2024, nearly three months before the three new criminal laws came into force, the commentary on the substantive law appeared at a moment when a question loomed over the legal fraternity: how was one expected to meaningfully

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engage with the new criminal law framework in the absence of any structured reference material? In many ways, the book responds directly to that uncertainty.

Spread across twenty chapters, the book broadly follows the thematic structure and sequence adopted under the BNS 2023 itself. The architecture of the commentary reflects the collaboration between an academic and a practising litigator, a feature that substantially strengthens the work both pedagogically and practically. The academic orientation of the book is visible in its systematic organization and doctrinal engagement with individual provisions, while the influence of courtroom experience is equally evident in its reference-oriented design. The result is a commentary that succeeds simultaneously as a pedagogical resource and a practical reference tool for the courtroom use. The editorial sensibility becomes apparent from the opening pages of the text itself. Before engaging with the substantive discussion of the provisions under the BNS, the authors provide a series of carefully well-organized comparative and reference tables intended to assist readers in navigating the transition from the IPC, 1860 to the BNS, 2023.

The commentary begins with a comparative table mapping the provisions of the IPC, 1860, to their corresponding sections under the BNS, 2023. This is followed by a reverse-comparative table charting the BNS provisions against their corresponding IPC provisions, using the new section numbers adopted under the BNS. Together, these tables enable readers to quickly identify corresponding provisions across both statutes. The next two tables separately identify the newly introduced provisions under the BNS, as well as provisions from the IPC that are omitted or repealed under the new law. Another particularly useful feature is the inclusion of a dedicated alphabetical index of keywords and concepts under the BNS, which substantially enhances the accessibility and reference value of the text. The book also includes a consolidated list of cases referred to throughout the commentary, enabling readers to efficiently trace the judicial precedents relied on in the discussion of individual provisions and doctrinal principles. The utility of these structural features cannot be overstated in the present transitional context. By systematically correlating the earlier and the newly enacted law, the book significantly reduces the navigational burden for readers stemming from the restructuring and renumbering of offences under the BNS, 2023.

Having equipped readers with comparative and reference tools, the book then turns to a substantive engagement with the provisions under the BNS, 2023. One of the most

commendable strengths of the commentary is its analytical approach, which meticulously evaluates each provision in detail. Each section is introduced by a discussion of the statutory provision, its essential ingredients, meaning, and interpretation, followed by a structured analysis incorporating relevant judicial precedents on its constituent elements. This method allows for a comprehensive understanding of the implications and nuances associated with each element, facilitating a deeper insight into the overall context and significance of the subject matter. Further, such engagement with precedent is particularly valuable because early adjudication under the BNS will inevitably depend upon interpretive borrowing from established IPC until an independent body of BNS-specific case law gradually develops. The commentary further identifies the classification of offences, including whether they are cognizable or non-cognizable, bailable or non-bailable, and the court by which they are triable. This integrated approach helps readers to engage simultaneously with doctrinal, procedural, and practical dimensions of each provision under the BNS.

Importantly, the book moves beyond a bare exposition of statutory provisions. Across the substantive chapters, the authors consistently engage with ambiguities and implementation gaps likely to emerge within the new criminal law landscape. The authors identify areas where legislative reform remains underdeveloped or operationally uncertain. The analytical depth of the work becomes evident from the very outset. The discussion concerning 'community service' as a newly introduced form of punishment under the new criminal law framework is illustrative in this regard. Instead of confining the discussion to the textual contours of the provision alone, the authors engage with extracts from the 246th Parliamentary Standing Committee discussions and identify unresolved ambiguities within the legislation itself. The authors note that while the Committee had recommended definitional clarity regarding the scope and implementation of community service, the enacted framework leaves several practical questions unanswered, including issues concerning supervision and procedural administration. Importantly, the commentary also directs readers to the corresponding provision in the Bharatiya Nagarik Suraksha Sanhita, 2023, which provides some guidance on the nature of community service while simultaneously acknowledging the absence of a comprehensive framework governing its execution. The discussion is further strengthened by the systematic identification of the various provisions under the BNS that prescribe community service as a punishment. Thus, the work does not merely describe the law as enacted, but also foregrounds the institutional and procedural uncertainties surrounding its implementation throughout the text.

Overall, the book constitutes a timely and significant contribution to the emerging literature on the BNS, 2023. Rather than approaching the BNS as an entirely detached legislative beginning, the book recognizes that the practical administration of criminal law in India will, at least for the foreseeable future, continue to depend substantially upon principles evolved under IPC jurisprudence. By assessing provisions individually, the commentary enhances clarity and provides readers with a structured framework for analysis. The work accordingly performs an important transitional function: it seeks not merely to explain the new statute, but to mediate continuity between two legal frameworks occupying the same doctrinal space. For this reason, this pioneering book is likely to remain an influential reference work during the formative years of BNS Interpretation and the gradual consolidation of jurisprudence under the new framework.