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White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
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- Corporate, Commercial, and Business Laws
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- International Law and Human Rights
- Environmental and Sustainable Development Law
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The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

THE DETERRENT EFFECT OF INDIAN PENAL LAWS THROUGH THE YEARS: ANALYSIS OF CRIME TRENDS WITH CHANGING LEGISLATURES

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ABSTRACT:

Countries that are peaceful, orderly, and have a safe environment enable their communities to enjoy a sense of security about life and livelihood. Safe countries allow individuals to participate in leisure and productive activities without fear, accruing substantial social and economic benefits for the state. Industry, commerce, and businesses typically prefer to be located in areas with low crime rates and, consequently, low costs associated with criminal activities (such as insurance premiums and losses from theft or damage).¹

India being a country of diversity with a strong hold on the cultural and value significant society has been often criticized by the west for often being subjected to societal atrocities involving gruesome criminal incidents on a day to day basis. Despite having the evolving legislature throughout the years, has till date lagged behind addressing the rate of crime rates.

A LEGISLATIVE OVERHAUL WITH LIMITED IMPACT:

The Indian Penal Code (IPC), 1860, has influenced India's legal system for decades. Serving as the backbone of our legal system, these laws have not handled the modern problem of new generations or the complexities of modernized India. But by changing this law, the Indian parliament came up with a new law called the **Bharatiya Nyaya Sanhita (BNS), 2023**. The IPC came into force on January 1, 1862, and was repealed on July 1, 2024—with a modern, victim-centric framework.

The BNS reorganized offenses into 20 chapters across 358 sections, introduced new crimes (e.g., organized crime, cyber-fraud, and environmental offenses), and added punishments like community service, something the IPC lacked entirely, but does the aim of handling crime in India through the BNS seem to be failing or really fulfill the purpose for which this law was

¹ Dmitry Plotnikov, "Higher Growth. Lower Crime?", International Monetary Fund Blog

made?

BNS MAY HANDLE THE MODERN PROBLEMS:

Under the Bharatiya Nyaya Sanhita (BNS), many sections are added to recognize the modern problems, like mob lynching under *Section 103(2)*, grievous hurt by a mob (*Section 117(4)*), cybercrime, the issue of organized crime (*Section 111*), cheating by personation (*Section 319*), Theft in digital form (*Section 318*), snatching (*Section 304*), and terrorist activity (*Section 113*).²

SC DIRECTIONS IN TEHSEEN POONAWALLA CASE, 2018:

In this case the Supreme Court strongly condemned mob violence by stating that no individual or group can take the law into their own hands. The SC also stated that the state has a duty to protect citizens and prevent targeted violence. The Supreme Court cited American legal precedents to reinforce that “mob justice undermines the rule of law.”³

The Supreme Court of India condemning the terrorist attack in Pahalgam, Jammu and Kashmir stated that,

*“This diabolical act of mindless violence has shaken the conscience of all and is a stark reminder of the brutality and inhumanity that terrorism unleashes.”*⁴

PETTY OFFENCES AND SIX NEW PUNISHMENT IN BNS:

Bhartiya Nyaya Sanhita (BNS) mentions a new punishment for petty offence, referring to minor crimes causing minimal harm to the community: community service, aimed at reformative justice. The punishment also reduces the workload of the courts and police and reduces overcrowding in prisons. This punishment is introduced in this new act under section 4 with the 5 old punishments, namely death, imprisonment for life, imprisonment (rigorous and simple), forfeiture of property and fine.

CYBERCRIME RATES:

For issues like cybercrime in India, which is one of the modern problems, there were no strict provisions in the Indian Penal Code; it did not explicitly address the use of digital records in

² The Bharatiya Nyaya Sanhita, 2023

³ Tehseen Poonawalla vs. Union of India, AIR 2018 SUPREME COURT 3354

⁴ Supreme Court of India | India. (n.d.). <https://www.sci.gov.in/supreme-court-of-india-condemns-the-terrorist-attack-in-pahalgam-jammu-and-kashmir/>

legal proceedings, but under the BNS, it has incorporated and added new provisions for cybercrimes and acknowledges and includes provisions for the admissibility of electronic and digital records, which reflects technological advancement.

The Central Government, through the Ministry of Home Affairs, has adopted a comprehensive approach to strengthen the cybercrime response mechanism in coordination with States and Union Territories. The **Indian Cyber Crime Coordination Centre (I4C)** serves as the central framework to address all types of cybercrimes. Under it, **seven Joint Cyber Coordination Teams (JCCTs)** have been established across key hotspots to enhance inter-state coordination. The **National Cyber Forensic Laboratory (Investigation)** in New Delhi provides early-stage forensic support, assisting State agencies in around 9,000 cases, while a second **National Cyber Forensic Laboratory (Evidence)** at Hyderabad aids in evidence preservation and analysis.

The **National Cyber Crime Reporting Portal** enables citizens to report cyber offences, and the **Citizen Financial Cyber Fraud Reporting and Management System**, with helpline **1930**, has prevented financial losses exceeding ₹1,200 crores. For capacity building, the **CyTrain MOOC platform** has trained over 76,000 police and judicial officers, and more than 24,000 LEA personnel, prosecutors, and judges have been trained under the **Cyber Crime Prevention against Women and Children (CCPWC)** scheme, which has disbursed ₹122.24 crore to States/UTs for infrastructure and training. Additionally, over **3.2 lakh SIM cards** and **49,000 IMEIs** have been blocked, and cyber hygiene awareness has been imparted to **6,000 government officials** and **23,000 NCC cadets**, reflecting a robust, multi-layered national effort against cybercrime.⁵

PRIORITY TO THE CRIME AGAINST WOMEN AND CHILDREN:

Under the BNS, the sections related to the heinous crime against women and children were put in the earlier sections, but there is no impact at ground level. Greater Noida's Nikki Bhati dowry murder case is one of the examples of showing the enforcement of the law for the benefit of the woman in modern India. On the night of August 21, 2025, a 26-year-old girl was set on fire on camera in front of her seven-year-old son by her alleged husband and her in-laws. It

⁵ (INCREASE IN CYBER CRIMES, n.d.)
<https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2003505>

becomes clear that there is no fear of law left in the minds of the people. Nikki Bhati was set on fire only because she did not fulfill the dowry demands of her husband and in-laws.⁶

This is not only a case related to the dowry death; according to the National Commission for Women, 25,743 cases were received in 2025, and as many as 17% (4,383 cases) were related to dowry-related harassment (while 24%, that is, 6,237 cases, were related to domestic violence). There were 292 complaints of the dowry death. Under Article 15(3)⁷ of the Indian Constitution, this article gives the legislature special rights to make any special provision for women and children, and the government also makes special laws for women and children, but still in this modern era, such heinous crimes are happening against women and children.

HISTORICAL OVERVIEW AND CRIMINOLOGICAL CONTEXT:

The Indian Penal Code of 1860, penned by Lord Macaulay, was never a moral compass — it was a manual for maintaining order in a colony that had just revolted. Its purpose wasn't justice; it was obedience. Drafted to keep Indians "civil," it succeeded so well that even freedom didn't set us free from it. A law written by foreigners to govern the governed outlived its masters — irony doesn't get more poetic.

Macaulay's code preached deterrence through fear, echoing Bentham's utilitarian logic that pain prevents crime. But in a country where inequality, corruption, and delays define justice, fear long lost its edge. How can punishment deter when trials drag for decades and 4.7 crore cases gather dust in courts? The Bharatiya Nyaya Sanhita (2023), with its new sections on mob lynching, cybercrime, and community service, promises reform — but renaming an old sword doesn't make it sharper. The real question isn't whether the law has changed, but whether justice finally will.

THE IMPLEMENTATION GAP: LAW ON PAPER VS JUSTICE IN PRACTICE:

India's justice system is like a grand old clock — ornate, impressive, and utterly unreliable when you need it most. The Bharatiya Nyaya Sanhita (2023) promised a new dawn, but the sun still rises on the same delays, corruption, and silence. Over 4.7 crore cases are stuck in limbo,

⁶ Dutta, A. (2025, August 30). *Noida dowry death: Nikki Bhati's trial by fire*. The Hindu.

⁷ The Constitution of India, 1950

and by the time justice arrives, even the crime has grown old enough to retire. Conviction rates for heinous crimes float below 35%, and for sexual offenses, they barely crawl past 25% — numbers that mock the idea of deterrence.

In police stations, constables double as clerks, forensic labs collect dust faster than evidence, and political power decides who gets punished. The poor serve sentences; the powerful serve statements. This isn't deterrence — it's performance art with legal costumes. The BNS gave the law a new name, but not a new heartbeat. Until justice moves faster than crime, the law will remain India's most eloquent tragedy — perfectly worded, rarely delivered.

THE ILLUSION OF DETERRENCE: CRIME TRENDS **VS. CHANGING LAWS**

India keeps polishing its laws like a rusted trophy — hoping that a little shine might hide the cracks. The Bharatiya Nyaya Sanhita (2023) arrived with fanfare, as if renaming the disease could cure it. Yet, crime grows faster than faith.

The NCRB reports over 5.3 million cases in 2023, up from 3 million in 2010 — a 75% rise in a country that claims to fear the law. Cybercrimes exploded from 5,693 in 2013 to 2.2 million in 2024. Crimes against women rose 15% in one year. If fear was truly a deterrent, India would have been a paradise by now — instead, it's a courtroom with no exits.

We respond to horror with paperwork. A woman is burned alive for dowry, and we celebrate new sections of law like national achievements. Each reform is a candle lit after the funeral — late, brief, and mostly for show. Justice here is not blind; she's exhausted, overworked, and half-deaf from the noise of promises. The illusion of deterrence is India's most tragic theatre — where every act begins with outrage and ends with forgetfulness.

FORENSICS FIRST: 48-HOUR JUSTICE PIPELINE:

Justice here doesn't collapse in court; it bleeds out at the crime scene. The sharpest weapon is the clock. While candles burn, CCTV forgets, blood dries, phones rehearse amnesia. Rename the statute, keep the delay—nothing changes. Deterrence doesn't wear robes; it wears a lab coat. Make 48 hours sacred: seal the scene, e-chain every exhibit, rush DNA + device imaging to the lab before WhatsApp writes the FIR, deploy investigation-only detectives with body-

cams and scene kits, spin up district digital-forensics pods (device imaged $\leq 12h$; CDR/OSINT by Day 2), and seat a prosecutor at Hour 48 with a bail-proof charge theory. Shield victims/witnesses in 24h—one-stop statement, video deposition, masked scheduling.

Then publish five numbers, monthly, district-wise—and tie pay to them: arrest \rightarrow chargesheet (median days), % lab results $\leq 48h$, conviction lift with early forensics, chain-of-custody breaches (target: 0), victim drop-off rate. What we measure, we make real; what we won't, we mourn.

