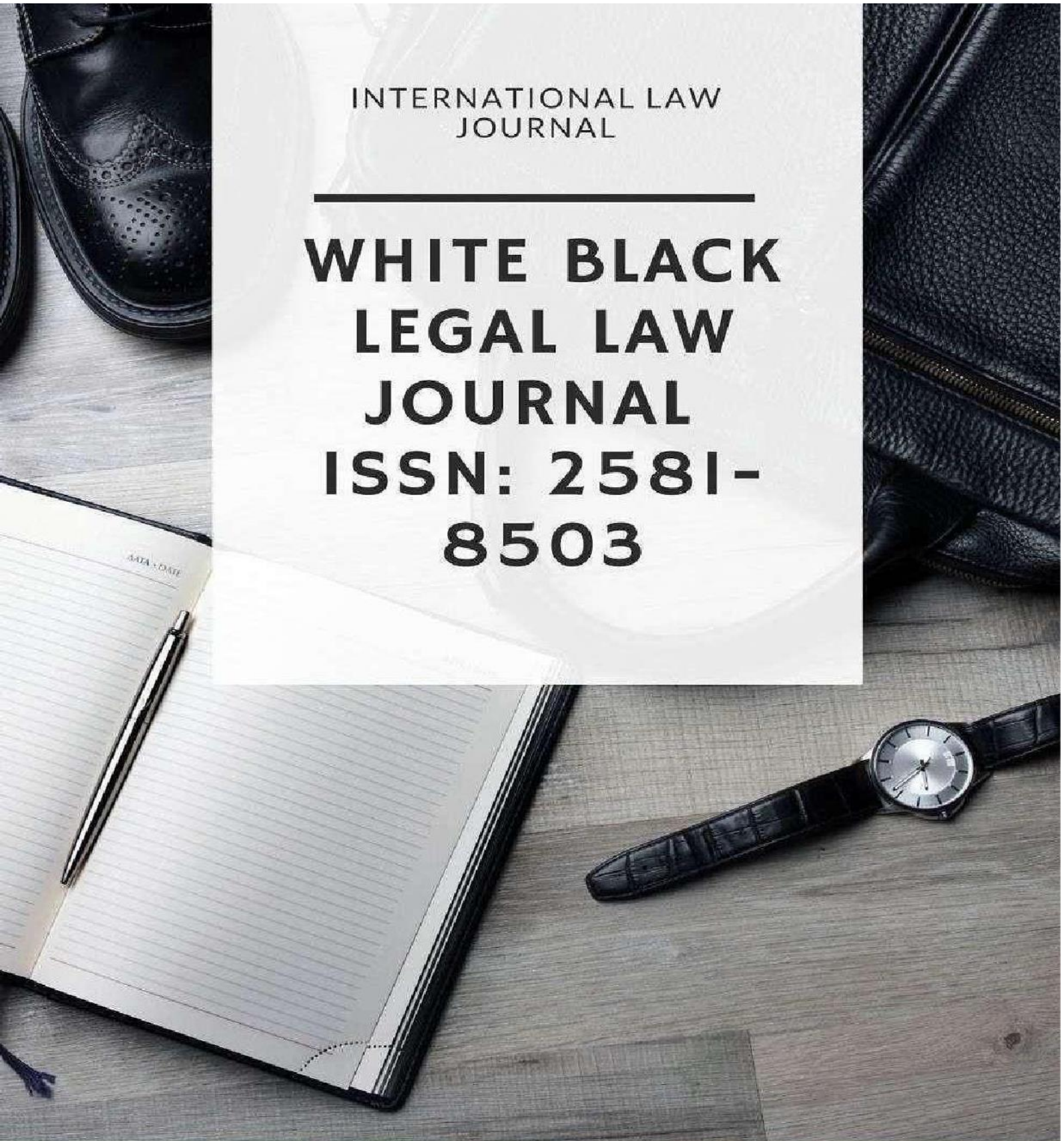




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BHARATIYA NYAYA SANHITA, 2023 AND THE TRANSFORMATION OF CRIMINAL JUSTICE IN INDIA

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Abstract

The enactment of the Bharatiya Nyaya Sanhita, 2023 (BNS) represents one of the most significant developments in India's substantive criminal law since independence. Replacing the Indian Penal Code, 1860 (IPC), the BNS seeks to reorganise the framework of criminal offences in accordance with contemporary social realities, technological developments, constitutional values and emerging forms of criminality. The Sanhita came into force on 1 July 2024, except section 106(2), pursuant to the Central Government's notification dated 23 February 2024. The legislation retains a substantial portion of the IPC framework while introducing important changes, including community service as a punishment, specific offences relating to organised crime and terrorism, an offence concerning sexual intercourse through deceitful means, a distinct offence of snatching, provisions addressing mob violence, and a new formulation dealing with acts endangering the sovereignty, unity and integrity of India.

This chapter critically examines the BNS as an instrument of criminal justice transformation. It analyses the transition from the IPC to the BNS, the philosophy underlying the new legislation, major substantive changes, protection of women and children, recognition of organised and technological crime, changes relating to offences against the State, sentencing reforms and the relationship between criminal law and constitutional values. The chapter also evaluates concerns relating to vagueness, proportionality, overlapping offences, implementation capacity and the possibility of excessive criminalisation. It argues that the BNS should not be assessed merely by its replacement of colonial terminology; its real contribution to social transformation will depend upon constitutional interpretation, institutional capacity,

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fair investigation, judicial oversight, victim protection and effective implementation. The BNS therefore constitutes an important statutory foundation for reform, but its success as an instrument of social transformation ultimately depends upon how its provisions are interpreted and administered within India's constitutional democracy.

Keywords: Bharatiya Nyaya Sanhita, Indian Penal Code, Criminal Justice Reform, Social Transformation, Organised Crime, Terrorism, Gender Justice, Constitutionalism.

Introduction

Criminal law occupies a central position in the relationship between the State, the individual and society. It determines which conduct is considered sufficiently harmful to attract penal consequences and establishes the normative boundaries of acceptable social behaviour. Consequently, changes in criminal law frequently reflect broader transformations in social values, technology, political structures and constitutional principles.

For more than 160 years, the principal substantive criminal law of India was the Indian Penal Code, 1860. Although the IPC underwent numerous amendments and judicial reinterpretations, its basic structure remained substantially intact. The changing nature of crime, technological advancement, expansion of organised criminal networks, cybercrime, terrorism, new forms of financial fraud and evolving understandings of individual dignity generated demands for a comprehensive reconsideration of the criminal law framework.

Against this background, Parliament enacted the Bharatiya Nyaya Sanhita, 2023. The Act received presidential assent on 25 December 2023 and is formally Act No 45 of 2023. India Code records its enforcement date as 1 July 2024.³ The Ministry of Home Affairs describes the BNS as one component of a wider restructuring of India's criminal justice system alongside the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) and the Bharatiya Sakshya Adhiniyam, 2023 (BSA).

The BNS is therefore not an isolated legislative development. The BNS primarily deals with substantive criminal offences and punishments; the BNSS restructures criminal procedure; and the BSA modernises the law relating to evidence. Together, the three statutes seek to create a contemporary criminal justice architecture.

The transformation contemplated by the BNS can be understood at several levels. First, it attempts to replace an inherited colonial penal framework with legislation enacted by the Indian Parliament in the constitutional era. Secondly, it incorporates new categories of offences that were not expressly recognised in the IPC. Thirdly, it modifies the treatment of certain traditional offences. Fourthly, it introduces community service into the formal range of punishments. Finally, it reorganises offences against women and children into a dedicated chapter, demonstrating the legislative importance assigned to vulnerable groups.

However, legislative replacement by itself cannot guarantee social transformation. Criminal justice depends upon police institutions, prosecution, courts, forensic capacity, legal aid, prisons, victim-support systems and public awareness. A modern statute administered through outdated institutional practices may produce limited transformation. Thus, the BNS must be examined not simply as a new criminal code but as an instrument whose effectiveness depends upon its constitutional and institutional environment.⁴

Historical Background: From the IPC to the BNS

The Indian Penal Code was drafted under the chairmanship of Thomas Babington Macaulay and enacted in 1860. It became the principal general penal statute of British India. After independence, the Constitution of India transformed the normative foundation of Indian criminal law by introducing fundamental rights, equality, liberty, dignity and judicial review. Nevertheless, the IPC continued to regulate criminal conduct. Over time, Parliament amended individual provisions and constitutional courts substantially modified the interpretation of several offences.

Judicial decisions transformed the application of criminal law in areas such as personal liberty, sexual autonomy, privacy, equality and freedom of expression. For example, in *Navtej Singh Johar v Union of India*,⁵ the Supreme Court declared the application of section 377 IPC to consensual same-sex relations between adults unconstitutional. In *Joseph Shine v Union of India*,⁶ the Court struck down the offence of adultery under section 497 IPC on constitutional grounds, holding that the provision was incompatible with dignity, equality and individual

⁴ The Impact of Bharatiya Nyaya Sanhita, 2023 On Indian Criminal Jurisprudence: A Critical Analysis
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⁵ AIR 2018 SC 4321

⁶ AIR 2018 SC 4898

autonomy.

These decisions demonstrate that criminal law cannot remain isolated from constitutional transformation. A provision originally designed in a nineteenth-century social context may become inconsistent with twenty-first-century constitutional values. The BNS responds partly to this historical development. It removes certain offences that had already been judicially invalidated or rendered constitutionally ineffective. The Parliamentary Standing Committee noted that the BNS retained much of the IPC while introducing significant modifications.

The legislative transition therefore represents both continuity and change. The BNS does not completely discard the conceptual structure of the IPC. Many familiar offences remain substantially preserved, but they are reorganised, renumbered and supplemented by new offences and punishments.

This combination of continuity and transformation is important. Criminal law must preserve legal certainty and institutional familiarity while simultaneously responding to new forms of criminality. Excessive legislative disruption can create uncertainty, whereas insufficient reform can leave emerging social harms inadequately addressed.

Objectives and Legislative Philosophy of the BNS

The BNS may broadly be understood as pursuing five objectives.

1.Modernisation of Criminal Law

The first objective is to update substantive criminal law in response to contemporary forms of crime. Organised crime, terrorism, cyber-enabled criminal activity and identity-based violence require legislative responses that were not expressly contemplated by the nineteenth-century IPC.

2.Victim-Centric Criminal Justice

The BNS strengthens the statutory treatment of offences against women and children. For the first time within the principal penal code, offences against women and children are systematically placed together under Chapter V.⁷ This structural arrangement symbolises the

⁷ Bhartiya Nyaya Sanhita,2023

importance of vulnerable victims within the criminal justice system.

3. Recognition of Emerging Criminality

The BNS expressly recognises organised crime, petty organised crime and terrorist acts. These offences reflect the transformation of criminal activity from isolated individual conduct towards networked, technologically assisted and financially motivated criminal enterprises.

4. Diversification of Punishment

The introduction of community service under section 4 represents an important shift from an exclusively incarceration-oriented model. The BNS recognises imprisonment, fine, forfeiture of property and community service among the forms of punishment.

5. Constitutional and National Security Concerns

The BNS replaces the IPC's sedition provision with section 152⁸, titled 'Act endangering sovereignty, unity and integrity of India'. The new provision expressly includes electronic communication and financial means within its ambit. The provision attempts to address contemporary threats while preserving an exception for lawful criticism of governmental measures.

Major Structural Changes under the BNS

The BNS contains twenty chapters and substantially reorganises the classification of offences. The major categories include offences against women and children, offences affecting the human body, offences against the State, offences relating to organised crime and terrorism, offences against public tranquillity, offences relating to property, and offences involving documents and electronic records.

The restructuring has practical significance. Clear classification can facilitate interpretation, legal education and judicial administration. However, renumbering also creates transitional challenges because decades of case law under the IPC must now be mapped onto the corresponding BNS provisions.

A significant portion of established criminal law doctrine will continue to influence BNS

⁸ Bharatiya Nyaya Sanhita, 2023

interpretation where statutory language remains substantially similar. Judicial precedents concerning mens rea, causation, common intention, criminal conspiracy, attempt, private defence and general exceptions will therefore continue to have relevance, subject to the exact language of the new provisions. The transition consequently requires careful judicial interpretation. Courts must avoid mechanically importing IPC jurisprudence where the statutory language has materially changed, while also avoiding unnecessary abandonment of well-established principles of criminal law.⁹

1. Community Service as a New Form of Punishment

One of the notable innovations of the BNS is the recognition of community service as a punishment. Section 4 includes community service within the recognised punishments under the Sanhita. Community service reflects an important principle of modern penology: punishment need not always mean incarceration. For relatively minor offences, community-based sanctions may achieve deterrence, accountability and rehabilitation without exposing offenders to the harmful effects of imprisonment.

The approach is particularly relevant in a country where prison overcrowding and undertrial detention remain significant criminal justice concerns. A proportionate non-custodial punishment may permit courts to distinguish between serious offenders and persons responsible for comparatively minor wrongdoing. The BNS also provides community service in specified minor offences. For example, in certain first-time theft cases involving property valued below ₹5,000, restoration of the property or its value may result in community service. This provision demonstrates a potentially transformative philosophy. Instead of treating every offender through the same punitive model, criminal justice may increasingly adopt differentiated sentencing. Nevertheless, community service raises practical questions. The legislation must be accompanied by clear administrative rules specifying the nature, duration, supervision and monitoring of community service. The Standing Committee had observed that the legislation did not sufficiently clarify what community service entails.

Therefore, the success of community service depends on implementation. Without institutional mechanisms, it could become inconsistent or symbolic. With appropriate supervision, however, it may strengthen restorative and rehabilitative dimensions of criminal justice.

⁹ Key Changes in the Bharatiya Nyaya Sanhita, 2023 Available at <https://www.drishtijudiciary.com/to-the-point/bharatiya-nyaya-sanhita-&-indian-penal-code/key-changes-in-the-bharatiya-nyaya-sanhita-2023>

Protection of Women and Children

The BNS creates a separate Chapter V dealing with offences against women and children¹⁰. It includes sexual offences, offences relating to criminal force against women, marriage-related offences, miscarriage and offences against children. This structural consolidation reflects the increasing importance of gender-sensitive criminal justice.

6.1 Sexual Offences

Sections 63 to 71 deal with rape and related offences¹¹. The legislation retains stringent punishment for rape and provides enhanced consequences in aggravated circumstances. Gang rape under section 70 carries a minimum punishment of twenty years, extendable to imprisonment for the remainder of the offender's natural life; where the victim is below eighteen years, the provision permits life imprisonment for the remainder of natural life or death.

The law also protects the identity of victims under section 72, continuing the principle that victims of sexual offences should not be subjected to secondary victimisation through disclosure of their identities.

6.2 Sexual Intercourse through Deceitful Means

Section 69 introduces an offence of sexual intercourse by employing deceitful means, including a false promise of marriage without intention to fulfil it, false promises of employment or promotion, or sexual intercourse following suppression of identity.

This provision attempts to address conduct that may exploit a person's consent through deception. However, it requires careful judicial interpretation because criminal law must distinguish between genuine deception existing at the inception of conduct and subsequent failure to fulfil a promise. The distinction is essential for protecting both victims and the accused. Criminal liability should be based on legally provable deception rather than the mere failure of a relationship or promise.

6.3 Gender Justice and Constitutional Values

The BNS must be interpreted alongside Articles 14, 15 and 21 of the Constitution. The constitutional principles of equality, dignity, privacy and bodily autonomy provide the

¹⁰ Bhartiya Nyaya Sanhita, 2023

¹¹ Chapter V, Bhartiya Nyaya Sanhita, 2023

normative framework for understanding sexual offences.¹²

The Supreme Court's decisions in *Suchita Srivastava v Chandigarh Administration*¹³, *Justice KS Puttaswamy (Retd) v Union of India*¹⁴ and *Joseph Shine*¹⁵ demonstrate the increasing constitutional importance of autonomy and dignity.

The BNS can contribute to gender justice when its provisions are implemented through victim-sensitive investigation, speedy trial, effective legal aid and protection against intimidation.

Organised Crime and Petty Organised Crime

One of the most significant developments under the BNS is the statutory recognition of organised crime. The IPC did not contain a comprehensive general offence of organised crime. Several States addressed organised criminal activity through special legislation. For example, Maharashtra enacted the Maharashtra Control of Organised Crime Act, 1999.

The BNS now incorporates organised crime into the principal national penal framework.¹⁶ PRS notes that the provision covers continuing unlawful activity including kidnapping, extortion, contract killing, land grabbing, financial scams and cybercrime undertaken for material or financial benefit by individuals or crime syndicates. The inclusion of organised crime reflects the changing structure of criminality. Modern criminal networks may operate across State boundaries and may utilise sophisticated technology, financial systems and international connections.

Petty organised crime is another important development. It seeks to address repeated and coordinated lower-level criminal activities. While the objective is understandable, statutory expressions such as activities causing general feelings of insecurity require careful interpretation to prevent excessive or arbitrary criminalisation.¹⁷

Terrorism and Criminal Law

The BNS also incorporates terrorism as a substantive offence. Earlier, terrorism was primarily addressed through special legislation such as the Unlawful Activities (Prevention) Act,

¹² Constitution of India

¹³ AIR 2008 SC 582

¹⁴ AIR 2017 SC 4161

¹⁵ AIR 2018 SC 4898

¹⁶ Section 111, Bhartiya Nyaya Sanhita, 2023

¹⁷ Section 112, Bhartiya Nyaya Sanhita, 2023

1967. The inclusion of terrorist acts in the BNS reflects the gravity and complexity of terrorism as a threat to national security and public order.

At the same time, terrorism provisions necessarily require precision. Criminal law must distinguish between legitimate political dissent, protest, advocacy and genuinely violent or coercive conduct intended to threaten national security. The constitutional protection of freedom of speech under Article 19(1)(a) and reasonable restrictions under Article 19(2) provide an essential interpretive framework.

The Standing Committee welcomed the introduction of a specific terrorism provision but also identified the need for clarity in certain expressions. The challenge is therefore to construct an effective counter-terrorism framework while ensuring that vague terminology does not result in disproportionate restrictions on civil liberties.

Mob Violence and Identity-Based Violence

The BNS introduces a significant provision concerning murder committed by a group of five or more persons on specified identity-related grounds. The offence addresses murder committed on grounds including race, caste or community, sex, place of birth, language or personal belief. This provision is important in the context of mob violence and identity-based attacks.¹⁸

Traditional criminal law often punished the individual act of murder but did not necessarily capture the broader social dimension of collective identity-based violence. The BNS recognises that criminal conduct may be motivated by discriminatory group identity. The provision therefore has a potential social-transformative function: it communicates that collective violence motivated by identity is especially harmful to constitutional equality and social cohesion.

Nevertheless, effective enforcement will depend upon proper investigation of motive, identification of participants, collection of digital and forensic evidence and protection of witnesses.

¹⁸ Section 103(2), Bhartiya Nyaya Sanhita, 2023

Offences Against the State: From Sedition to Sovereignty

One of the most publicly debated changes concerns the replacement of the IPC offence of sedition. Section 124A IPC criminalised bringing or attempting to bring the Government into hatred or contempt or exciting disaffection towards the Government. The provision had been subject to extensive constitutional debate.

In *Kedar Nath Singh v State of Bihar*,¹⁹ the Supreme Court restricted its application to acts involving intention or tendency to create disorder or disturbance of law and order. Later constitutional developments concerning freedom of speech and political criticism further intensified debate about sedition.

The BNS does not reproduce section 124A IPC. Instead, section 152 criminalises acts that purposely or knowingly, through words, signs, visible representation, electronic communication, financial means or otherwise, excite or attempt to excite secession, armed rebellion or subversive activities, encourage separatist activities, or endanger India's sovereignty, unity and integrity. Importantly, the section contains an explanation providing that lawful criticism of government measures intended to secure their alteration does not constitute an offence where it does not excite or attempt to excite the specified activities.

The change is conceptually significant. It shifts the statutory emphasis from 'disaffection towards Government' to threats to sovereignty, unity and integrity.

However, constitutional safeguards remain essential. The terms 'subversive activities' and 'separatist activities' must be interpreted narrowly enough to prevent legitimate dissent from being criminalised. Democracy requires space for criticism of government. Social transformation itself frequently occurs through protest, advocacy, criticism and peaceful disagreement. Therefore, criminal law protecting national integrity must coexist with constitutional freedom.

New Offence of Snatching

The BNS separately recognises snatching under section 304. It defines snatching as theft where the offender suddenly, quickly or forcibly seizes, secures, grabs or takes away movable

¹⁹ AIR 1962 SC 955

property from a person or their possession. The offence carries imprisonment of up to three years and fine. The creation of a specific offence reflects an attempt to respond to common forms of street crime that may not fit neatly within traditional categories of theft or robbery.

Legislative recognition of such conduct can improve classification and sentencing consistency. It also demonstrates the broader philosophy of the BNS: criminal law should respond to the actual forms in which crime occurs in contemporary society.

Hit-and-Run and Negligent Driving: A Controversial Area

The BNS initially contained a stringent provision concerning death caused by rash and negligent driving followed by escape from the scene without reporting the incident. The provision generated substantial public and stakeholder concern. The Standing Committee recorded concerns regarding expressions such as 'escaping from the scene' and failure to report to a police officer or Magistrate, identifying possible ambiguity in the drafting.²⁰

The episode demonstrates an important principle of criminal law reform: severity of punishment cannot substitute for clarity. Criminal statutes must satisfy the principle of legality. Citizens should be able to understand what conduct attracts criminal liability. Ambiguous provisions can produce inconsistent enforcement and excessive discretion.

Technology and the Transformation of Criminality

Contemporary crime increasingly involves digital technology. Cyber fraud, identity theft, digital extortion, online harassment, financial scams and technology-assisted organised crime have transformed the criminal landscape. The BNS responds to technological developments in several provisions. Section 152, for example, expressly includes electronic communication and financial means. Organised crime provisions also recognise cybercrime as a potential component of continuing unlawful activity.²¹

The substantive criminal law framework must, however, operate alongside the BSA and BNSS. Digital evidence requires reliable procedures concerning collection, preservation, authentication and presentation before courts. The BSA is therefore particularly significant

²⁰ Section 106, Bhartiya Nyaya Sanhita, 2023

²¹ <https://www.esyacentre.org/perspectives/2024/7/31/the-new-criminal-laws-and-their-interface-with-technology>

because substantive criminalisation without evidentiary capacity cannot produce effective prosecution. Similarly, the BNSS provides procedural mechanisms designed to modernise investigation and trial. The Ministry of Home Affairs has reported that implementation of the three new criminal laws has involved digital applications, training and capacity-building measures.

While the updated criminal laws are necessary to keep pace with the technical evolution of crimes, they also raise concerns about potential overreach. These concerns can be addressed by framing definitions to avoid misuse or misinterpretation of penal provisions. Thus, unambiguous laws and robust evidence authentication procedures will be crucial to balance democratic considerations with the need to penalize criminal activity.

Constitutionalism, Critical Concerns and Transformative Potential of the Bharatiya Nyaya Sanhita (BNS)

The Bharatiya Nyaya Sanhita, 2023 (BNS) functions within the constitutional framework of India. Its provisions must therefore be interpreted and enforced consistently with the Fundamental Rights guaranteed by the Constitution. Criminal law cannot operate independently of constitutional principles; rather, constitutionalism must guide its interpretation, application and implementation.

Article 14: Equality Before Law - Article 14 requires criminal laws to operate fairly, equally and rationally. Any classification between offences, offenders or categories of conduct must be founded on an intelligible basis and must bear a reasonable relationship to the objective sought to be achieved. Arbitrary or discriminatory criminalisation may be subject to constitutional scrutiny.

Article 19: Freedom of Speech and Expression - Certain provisions of the BNS have implications for freedom of speech and expression. In particular, **Section 152**, which deals with acts endangering the sovereignty, unity and integrity of India, must be interpreted in harmony with Article 19(1)(a) and the permissible reasonable restrictions under Article 19(2). A constitutional balance must be maintained between national security and legitimate democratic dissent.

Article 20: Protection Against Retrospective Criminalisation - Article 20(1) embodies the fundamental principle against retrospective criminal liability. No person can be convicted for an act that was not an offence at the time it was committed, nor can a greater penalty be imposed retrospectively. This principle remains central to the rule of law and criminal justice.

Article 21: Life and Personal Liberty - Investigation, arrest, prosecution and punishment under the BNS must satisfy the requirements of fairness, reasonableness and procedural justice. Article 21 has been progressively interpreted by the Supreme Court to encompass dignity, privacy and procedural safeguards.

In **Maneka Gandhi v. Union of India**,²² the Supreme Court significantly expanded the scope of Article 21 by holding that a procedure affecting personal liberty must be fair, just and reasonable. Consequently, the BNS must be administered through a **constitutional lens rather than merely a textual lens**.

Critical Concerns and Challenges

Although the BNS seeks to modernise India's criminal law framework, its implementation raises several important legal and institutional concerns.

Excessive Criminalisation - The expansion or creation of criminal offences may result in over-criminalisation if legislative boundaries are not carefully defined. Criminal law should ordinarily remain a measure of last resort and should be used primarily against conduct causing sufficiently serious social harm.

Vagueness and the Principle of Legality - Certain expressions, including references to “**subversive activities**” and aspects of organised and petty organised crime, may require judicial clarification. Criminal provisions should be sufficiently precise to enable citizens to understand what conduct is prohibited. Excessively vague provisions may raise concerns under the principle of legality and constitutional protections.

Overlapping Criminal Laws - The BNS operates alongside several special criminal statutes dealing with subjects such as terrorism, organised crime and other specialised offences. Courts

²² AIR 1978 SC 597

and investigating agencies will therefore need to carefully determine the relationship between general and special laws and avoid conflicting or duplicative application.²³

BNS as an Instrument of Social Transformation

Law becomes an instrument of social transformation when it does more than punish individual wrongdoing and contributes to changes in social behaviour, institutional practices and relationships of power.

The BNS has the potential to contribute to social transformation in several ways:

1. **Protection of Women and Children:** Stronger criminal-law responses can reinforce constitutional commitments to gender equality and protection of vulnerable groups.
2. **Addressing Identity-Based Violence:** Recognition of certain forms of group-based violence can strengthen commitments to equality, dignity and social harmony.
3. **Combating Organised Crime:** Organised-crime provisions can enhance the State's capacity to address sophisticated and structured criminal networks.
4. **Addressing Terrorism:** Specific recognition of contemporary threats can strengthen the legal response to activities affecting national security.
5. **Community Service:** The introduction of community service as a form of punishment reflects a more rehabilitative and reformatory approach to sentencing in appropriate cases.
6. **Responding to Digital Society:** Recognition of technological and digital dimensions of criminal conduct can make criminal law more responsive to contemporary forms of wrongdoing.

However, criminal law alone cannot eliminate deeply rooted social problems. Gender-based violence is influenced by patriarchy, economic inequality and social attitudes. Caste-based violence cannot be eradicated merely through penal provisions, while cybercrime requires digital literacy and robust cybersecurity infrastructure. Similarly, organised crime requires economic, institutional and governance-related interventions.

Therefore, the BNS should be regarded as **one component of a broader social transformation framework**, rather than a complete solution to social problems.

²³ A Critical Study on The Advantages and Challenges in Implementing the Three New Indian Criminal Laws (2023), Indian Journal of Law and Legal Research Volume VII Issue II | ISSN: 2582-8878

Institutional Reforms Necessary for Effective Implementation

Legislative reform alone cannot ensure the success of the BNS. Its transformative potential can be realised only when statutory changes are accompanied by comprehensive institutional reforms.

Police Reform - Police personnel should receive continuous training in:

- newly introduced offences;
- digital evidence collection;
- forensic investigation;
- cybercrime investigation; and
- victim-sensitive procedures.

Prosecutorial Reform - Public prosecutors must develop a clear understanding of the revised statutory framework and acquire specialised expertise in areas such as cybercrime, organised crime, terrorism and gender-based offences.

Strengthening Forensic Infrastructure - The increasing significance of scientific and digital evidence requires modern forensic laboratories, trained forensic experts and adequate technological infrastructure. Scientific investigation should become an integral component of criminal justice.

Judicial Training - Judges require structured and continuous training concerning the interpretation of new BNS provisions and their relationship with the **Bharatiya Nagarik Suraksha Sanhita (BNSS)** and the **Bharatiya Sakshya Adhiniyam (BSA)**.

Strengthening Legal Aid - Legal-aid institutions must ensure that accused persons, victims and vulnerable groups understand their rights and remedies under the new criminal justice framework. Effective legal aid is essential for ensuring substantive access to justice.

Public Legal Awareness - Citizens should be informed about significant changes introduced by the BNS. Legal reform cannot achieve its intended objectives if citizens, police personnel and legal professionals continue to rely exclusively on the terminology and assumptions of the former IPC framework.

Conclusion

The Bharatiya Nyaya Sanhita, 2023 represents a significant step in the transformation of India's substantive criminal law. By replacing the Indian Penal Code, the BNS seeks to respond to contemporary forms of criminality while incorporating constitutional values, technological developments and changing social realities. Its recognition of organised crime, terrorism, mob violence, snatching, digital dimensions of crime and community service demonstrate an attempt to make criminal law more responsive to present-day challenges. The separate treatment of offences against women and children also reflects a stronger emphasis on the protection of vulnerable sections of society.

However, the effectiveness of the BNS cannot be measured merely by the number of new offences or the replacement of colonial terminology. Its real significance will depend upon the manner in which its provisions are interpreted and implemented within India's constitutional democracy. Principles of equality, liberty, dignity, privacy, proportionality and fair procedure must remain central to criminal justice. Provisions capable of affecting fundamental freedoms must receive careful judicial scrutiny so that legitimate dissent and individual autonomy are not unnecessarily restricted.

The BNS also demonstrates that legislation alone cannot bring about social transformation. Effective police investigation, professional prosecution, modern forensic infrastructure, judicial training, accessible legal aid and public awareness are equally essential.

Ultimately, the BNS should be viewed not simply as a replacement for the IPC but as a statutory foundation for a **modern, constitutional, victim-sensitive and socially responsive criminal justice system**. Its success will depend upon achieving a careful balance between social security and individual liberty, punishment and rehabilitation, and State authority and constitutional rights.