SJIF Impact Factor (2024): 8.675| ISI I.F. Value: 1.241| Journal DOI: 10.36713/epra2016 ISSN: 2455-7838(Online)
EPRA International Journal of Research and Development (IJRD)
Volume: 9 | Issue: 12 | December 2024 Peer Reviewed Journal

EVOLVING PARADIGMS IN CRIMINAL LAW: A CRITICAL STUDY OF INDIA'S LEGAL REFORMS

Mr. Sukhdev
Assistant Professor at BRCM Law College, Bahal, Bhiwani, Haryana, India

ABSTRACT
The evolution of criminal laws reflects societal shifts and the need to adapt to contemporary challenges. In India, the introduction of the Bharatiya Nyaya Sanhita (BNS), 2023, alongside the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, and the Bharatiya Sakshya Adhiniyam (BSA), 2023, marks a significant move away from colonial-era laws, particularly the Indian Penal Code (IPC), 1860. The new criminal laws are critically examined in this essay, with an emphasis on victim-centric justice and the reforms meant to address contemporary crimes. With an emphasis on proportionality in sentencing, it examines the effects of removing antiquated clauses like sedition and adding provisions for cybercrimes. The socio-legal impact and implementation challenges are also examined in the analysis. An analysis of the reforms' wider significance in creating a more inclusive and equitable criminal justice system in India is included in the article's conclusion.

KEYWORDS : *Bharatiya Nyaya Sanhita (BNS), Indian Penal Code (IPC), Criminal Law Reforms, Cybercrimes, Victim-Centric Justice*

1. INTRODUCTION

A society's capacity to adjust to shifting needs, values, and difficulties is reflected in the development of criminal laws. For more than 160 years, the Indian Penal Code (IPC), 1860, served as the cornerstone of the nation's criminal justice system. It was draughted during British colonial rule with the intention of standardizing the way justice was administered. However, it became more and more incompatible with the goals of an independent and forward-thinking country due to its colonial origins and incapacity to handle contemporary issues. In order to modernize the criminal justice system, the Indian government recognized these shortcomings and introduced the Bharatiya Nyaya Sanhita (BNS), 2023, along with related reforms. In its day, the IPC was revolutionary since it established a uniform framework for classifying offences and establishing penalties. But rather than pursuing justice, its main goal was to uphold colonial authority. During the freedom struggle, dissent was suppressed by laws like Section 124A of IPC on sedition, which targeted leaders like Mahatma Gandhi and Bal Gangadhar Tilak.[1] Although some changes were made after independence, the colonial mentality ingrained in the IPC remained. Rather than meeting the demands of a free and democratic society, many provisions—such as those pertaining to sedition and transportation for life—reflected outmoded priorities. Furthermore, the IPC was unable to keep up with new types of crimes. The 19th century was not prepared for the new problems brought about by globalization and technological advancements, such as identity theft, financial fraud, and cybercrimes. Victims were left vulnerable by this legal void, and law enforcement was ill-prepared to handle contemporary threats. Similarly, the IPC's gender-specific definitions of crimes, such as rape, did not take into account changing views of justice and gender and excluded particular victim categories. Delays in the administration of justice were also made worse by the procedural framework that accompanied the IPC. Prolonged backlogs of cases were caused by onerous procedures under the Code of Criminal Procedure (Cr.P.C.). The IPC's colonial-era English language further made it difficult for laypeople to comprehend the law and their rights. The public's disenchantment with the legal system was caused by these systemic inefficiencies, which also highlighted the necessity of extensive reforms. The introduction of the BNS is a transformative step towards addressing these challenges. It aims to decolonize the legal system, aligning it with Indian values and contemporary realities. By repealing Section 124A of IPC, the BNS emphasizes India's commitment to free speech and democracy while introducing stricter provisions for crimes against the state. The BNS is a transformative step towards addressing these challenges, as it aims to decolonize the legal system and align it with Indian values and contemporary realities. The BNS takes significant strides in addressing modern crimes, such as cyber offences, financial fraud, and terrorism. However, implementing the BNS presents challenges. Effective training for law enforcement, legal practitioners, and judges is critical to ensuring that the new provisions are applied consistently. Public awareness campaigns are also necessary to inform citizens about their rights and responsibilities under the BNS. Furthermore, aligning the BNS with existing legal frameworks is required to avoid conflicts and ensure a smooth transition. The BNS represents a new era in

[1] *K.D. Gaur, A Textbook on the Indian Penal Code, 6th ed. (Delhi: Universal Law Publishing, 2018), at 5-7.*

SJIF Impact Factor (2024): 8.675| ISI I.F. Value: 1.241| Journal DOI: 10.36713/epra2016 ISSN: 2455-7838(Online)
EPRA International Journal of Research and Development (IJRD)
Volume: 9 | Issue: 12 | December 2024 Peer Reviewed Journal

Indian criminal justice. By addressing the IPC's limitations and responding to modern realities, it reflects the goals of a progressive and inclusive democracy. Its success will be dependent on effective implementation, institutional support, and the collaborative efforts of all stakeholders. This evolution of criminal laws demonstrates India's commitment to justice, equity, and progress, laying the groundwork for a more equitable and efficient legal system.

2. HISTORICAL CONTEXT AND RATIONALE FOR REFORM

The evolution of India's criminal laws reflects the country's sociopolitical history, from colonial rule to independence. The Indian Penal Code (IPC), draughted in 1860, was one of the first attempts to standardize criminal laws throughout the diverse Indian subcontinent. While progressive for its time, the IPC primarily served the British colonial regime's interests, emphasizing law and order over substantive justice. This intent was evident in provisions such as Section 124A of IPC on sedition, which was used to suppress dissent and restrict freedoms, specifically targeting leaders of India's independence movement. Following 1947, independent India retained the IPC, with modifications to meet the needs of a sovereign nation. However, many provisions remained out of date, reflecting a colonial legacy that prioritized control over equity. Punishments like "transportation for life" and archaic language further highlighted the anachronistic[2] nature of these laws. Over time, India's changing socioeconomic landscape exposed the IPC's shortcomings in addressing current challenges. Emerging crimes such as cybercrime, financial fraud, and terrorism, combined with technological advancements, have revealed significant gaps in the current legal framework. Procedural inefficiencies exacerbated the problem. The Code of Criminal Procedure (CrPC), which accompanied the IPC, caused excessive delays in case adjudication, resulting in significant court backlogs. This denied victims timely justice and weakened public trust in the system. Furthermore, the IPC's complex language made it inaccessible to the average citizen, separating the legal system from those it was designed to protect. Recognizing these limitations, the Indian government implemented comprehensive legal reforms, including the Bharatiya Nyaya Sanhita (BNS) 2023, which will replace the IPC. These reforms seek to decolonize India's legal system by addressing colonial vestiges and aligning it with current socio-cultural and constitutional values. A major highlight of the reforms is the repeal of contentious provisions such as Section 124A of IPC, which represents a commitment to democratic freedoms and constitutional rights. The new laws also prioritize modernization, including provisions to combat emerging crimes like cyberstalking, digital fraud, and organised crime. These measures reflect a better understanding of the changing nature of criminal activity in a globalised, technologically driven world. The emphasis on victim-centric justice represents a significant shift in reforms. Provisions for victim compensation, rehabilitation, and support demonstrate a shift from punitive justice to a more restorative approach. This focus is consistent with global trends in criminal jurisprudence, emphasizing healing and restitution for those affected by crime. Efficiency in justice delivery is another pillar of the reforms. The Bharatiya Nagarik Suraksha Sanhita (BNSS), which replaces the CrPC, aims to streamline procedures and reduce delays. Measures such as simplified legal language, technological integration into investigations, and increased police accountability are intended to make the justice system more accessible and transparent. Similarly, the Bharatiya Sakshya Adhiniyam (BSA) modernizes evidentiary principles, particularly those governing digital and electronic evidence, ensuring that the legal framework remains relevant in the digital age. While these reforms are ambitious, their success is dependent on effective implementation. Adequate training for law enforcement, the judiciary, and legal practitioners is critical for a successful transition. Public awareness campaigns are also required to inform citizens about their rights and responsibilities under the new legislation. Addressing challenges like judicial backlog and infrastructural deficiencies will be critical in realising the full potential of these reforms.

3. SALIENT ATTRIBUTES OF THE REVAMPED CRIMINAL LEGISLATIONS

The introduction of Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA) signifies a transformative shift in India's criminal justice framework. These laws replace the colonial-era Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), and Indian Evidence Act, addressing their limitations while aligning with contemporary needs. The reforms prioritize modernization, inclusivity, procedural efficiency, and addressing emerging crimes, reflecting a progressive vision of justice. One distinguishing feature of these laws is their emphasis on decolonization. The IPC, while revolutionary at the time, was based on colonial control rather than justice. By replacing these statutes, the new framework reflects Indian constitutional values and societal realities. The simplification of legal language and the inclusion of modern provisions make these laws more accessible and relevant today. To address modern crimes such as cybercrime, terrorism, and organised crime, the BNS and BNSS contain specific provisions with clear definitions and penalties. For example, cyberstalking, identity theft, and digital fraud are now explicitly addressed, ensuring that the legal system keeps up with technological advances. Another watershed moment in justice reform is the emphasis on victimhood. Provisions for victim rehabilitation, compensation, and support reflect a shift towards restorative justice, which prioritizes healing and accountability. The BNSS streamlines procedural efficiency by reducing delays and increasing accountability. It promotes

[2] *Anachronistic means, "existing out of its time in history"*

SJIF Impact Factor (2024): 8.675| ISI I.F. Value: 1.241| Journal DOI: 10.36713/epra2016 ISSN: 2455-7838(Online)
EPRA International Journal of Research and Development (IJRD)
Volume: 9 | Issue: 12 | December 2024 Peer Reviewed Journal

the use of technology in investigations and trials, thereby increasing transparency and accessibility. Similarly, the BSA updates evidentiary principles by acknowledging the admissibility of digital and electronic evidence. These changes align India's legal framework with global standards, ensuring its relevance in a technologically driven world. The repeal of outdated provisions such as the sedition law and colonial penalties demonstrates the reforms' progressive intent. While punitive measures remain in place, the emphasis on rehabilitation, such as educational and vocational programs for offenders, demonstrates a more balanced approach to justice. The successful implementation of these laws is critical. Training for law enforcement, the judiciary, and legal practitioners, as well as public awareness campaigns, will help ensure a successful transition. Addressing issues such as judicial backlog and infrastructure deficiencies will be critical to their success.

4. CRITICAL ANALYSIS OF NEW CRIMINAL LAWS

The new criminal laws make several notable changes. The BNS replaces the IPC, emphasizing modernization and a victim-centered approach. Similarly, the BNSS, which will replace the CrPC, emphasizes procedural efficiency and seeks to speed up justice delivery by addressing delays and implementing simplified processes. The BSA, which replaces the Evidence Act, incorporates technological advancements and modern evidentiary principles to address new challenges in criminal trials. The reforms include the repeal of archaic provisions such as Section 124A of IPC , as well as the implementation of comprehensive measures to combat cybercrime, terrorism, and organised crime. The emphasis on restorative justice, victim compensation, and rehabilitation reflects a shift away from punitive to holistic justice.[3]

4.1 Strengths of the New Criminal Laws

4.1.1. Decolonization of Legal Framework

The decolonization of India's legal framework is one of the most significant and transformative aspects of the newly enacted criminal laws. These changes represent a significant departure from the colonial legacy of the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), and Indian Evidence Act, which were originally designed to serve the interests of the British Empire. While these statutes had historical relevance, they were primarily designed to exert control over the Indian populace, prioritizing punitive measures while ignoring India's cultural and societal diversity. Their legacy frequently clashed with the values and goals of a modern, democratic society. By replacing these laws with the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA), India has undertaken a bold step toward reclaiming its legal identity. This decolonization effort not only modernizes the framework, but also ensures that it is consistent with indigenous principles and current challenges. The new laws prioritize justice, inclusivity, and equality, reflecting the changing needs of Indian society. They want to create a judiciary that reflects India's cultural heritage while maintaining its democratic ideals. This shift represents not only a legal reform, but also a broader transformation, resulting in a system that empowers citizens and promotes social progress. This transition is more than just symbolic; it reflects an effort to make laws more relevant to today's socio-cultural and economic realities.[4]

4.1.2. Modernization and Inclusivity

The Bharatiya Nyaya Sanhita (BNS) reflects a careful balance between modernization and traditional approaches, particularly in its treatment of offenses like rape. While the law retains rape as a gender-specific crime against women, it introduces reforms that aim to foster inclusivity and provide broader protection to various segments of society. This inclusivity is evident in provisions addressing crimes against vulnerable groups such as children, the elderly, and marginalized communities, thereby expanding legal safeguards and reflecting the evolving needs of a diverse society. These efforts underscore a commitment to justice that resonates with contemporary social realities. Modernization is a hallmark of the Bharatiya Nagarik Suraksha Sanhita (BNSS), which introduces innovative mechanisms to address the growing menace of cybercrimes like phishing, identity theft, cyberstalking, and digital fraud. Such offenses, largely overlooked by older laws, are now addressed with specific provisions, ensuring the legal framework keeps pace with technological advancements. The inclusion of measures governing the admissibility of electronic evidence and digitized court procedures improves the efficiency and transparency of justice delivery. Although the lack of gender-neutral provisions in some areas is still debated, the overall emphasis on modernization and inclusivity reflects a progressive shift. These reforms are a significant step towards bringing India's criminal justice system in line with the complexities of modern society and global standards, emphasizing the importance of adapting laws to meet changing social challenges.

---

[3] *Ministry of Home Affairs, New Criminal Laws, available at https://www.mha.gov.in/en/commoncontent/new-criminal-laws (last visited on Dec. 14, 2024).*

[4] *Ministry of Home Affairs, Report on Decolonizing Legal Framework in India, (New Delhi: Government of India, 2022), available at https://mha.gov.in (last visited Dec. 14, 2024).*

SJIF Impact Factor (2024): 8.675| ISI I.F. Value: 1.241| Journal DOI: 10.36713/epra2016 ISSN: 2455-7838(Online)
EPRA International Journal of Research and Development (IJRD)
Volume: 9 | Issue: 12 | December 2024 Peer Reviewed Journal

4.1.3. Victim-Centric Approach

The incorporation of a victim-centric approach into the new criminal laws reflects a progressive shift in India's criminal justice system. By emphasizing victims' rights and rehabilitation, these provisions aim to address one of the most overlooked aspects of the justice system: ensuring that those directly affected by crimes receive adequate support and restitution. The inclusion of measures for victim compensation, psychological rehabilitation, and financial assistance is a positive step towards making the justice system more compassionate and inclusive. These initiatives not only recognize victims' suffering, but also seek to restore their dignity and sense of safety. Furthermore, this approach is consistent with global restorative justice practices that prioritize repairing the harm caused by criminal acts over punishing the offender. The reforms promote a balanced justice system that looks for holistic solutions rather than just retribution. Such measures ensure that victims feel heard, supported, and adequately compensated, resulting in a framework in which justice meets both individual and societal needs. This victim-centric perspective has the potential to increase trust in the legal system by demonstrating that the state prioritizes the well-being of those who bear the brunt of the consequences of criminal acts.

4.1.4. Streamlined Procedures

The Bharatiya Nagarik Suraksha Sanhita (BNSS) emphasizes the importance of streamlining procedures in the criminal justice system to address long-standing inefficiencies and delays. One of its key initiatives is to simplify complex legal language, making laws easier to understand for both citizens and stakeholders. By reducing ambiguities in legal provisions, the BNSS hopes to facilitate faster interpretation and application of the law, resulting in faster case resolution. Furthermore, the reforms emphasize the need for increased police accountability, recognizing law enforcement's critical role in the justice delivery process. Measures such as increased oversight and transparency in police investigations are intended to restore public trust in the system and ensure fair treatment for all parties involved. Furthermore, the BNSS emphasizes the role of technology in investigations and judicial processes. The framework aims to reduce manual errors, speed up case processing, and improve overall accessibility by incorporating tools like digital documentation, electronic filing systems, and evidence management software. These technological advancements are expected to speed up trials and investigations, ensuring that justice is not only delivered, but also perceived as efficient and equitable. These procedural reforms aim to make the criminal justice system more responsive, efficient, and citizen-friendly, addressing long-standing inefficiencies.[5]

4.1.5. Addressing Modern Crimes

The new criminal laws, particularly the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA), include provisions aimed at addressing the complexities of modern criminal activities. Crimes such as cybercrime, organised crime, and terrorism have grown in sophistication and prevalence as technology has advanced, posing significant threats to security and public order. Recognizing these challenges, including specific legal mechanisms to combat such crimes is an important step towards modernizing India's criminal justice system. Hacking, identity theft, data breaches, and online fraud are examples of cyber offences that require a nuanced legal framework as well as technical expertise to be resolved effectively. Similarly, organised crime, with its complex networks and transnational operations, necessitates strict laws aimed at dismantling such systems. The provisions addressing terrorism emphasize the critical need for legal mechanisms to counter activities that endanger national security. By incorporating these measures, the legal framework becomes more aligned with current realities, ensuring that it is prepared to deal with the changing nature of criminal behaviour. These steps show foresight in developing a system that is both reactive and proactive in addressing threats posed by technological and societal changes. Finally, this adaptation demonstrates a commitment to maintaining public trust and justice in a rapidly changing world.[6]

4.1.6. Emphasis on Digital Evidence

The Bharatiya Sakshya Adhiniyam (BSA) makes significant advances in the management and admissibility of digital and electronic evidence, reflecting the changing nature of criminal activity and investigation in the modern era. With the widespread use of technology in both personal and professional settings, digital evidence has become an important part of legal proceedings. The inclusion of specific provisions for dealing with such evidence demonstrates recognition of its growing importance in the criminal justice system. The BSA ensures compliance with current evidentiary standards by formally recognizing digital footprints—such as emails, text messages, social media activity, and metadata—as admissible evidence. This step is critical in combating increasingly technologically based crimes such as cybercrime, financial fraud, and identity theft. Furthermore, the law promotes the use of advanced investigative tools and forensic methods, increasing the efficiency and accuracy of criminal investigations. The emphasis on digital evidence not only strengthens the prosecution's case, but also assists the judiciary in making sound decisions. However, this progressive measure requires strong

[5] *S. K. Gupta, Reforms in Indian Criminal Justice System: A Critical Analysis (New Delhi: Oxford University Press, 2023), at 50-55.*
[6] *P. Kumar, Cyber Crimes and Legal Framework in India (Mumbai: Legal Horizons, 2022), at 77-80.*

SJIF Impact Factor (2024): 8.675| ISI I.F. Value: 1.241| Journal DOI: 10.36713/epra2016 ISSN: 2455-7838(Online)
EPRA International Journal of Research and Development (IJRD)
Volume: 9 | Issue: 12 | December 2024 Peer Reviewed Journal

frameworks for data integrity, privacy protection, and misuse prevention. It also emphasizes the importance of providing adequate training to law enforcement and legal professionals in order to effectively handle and present digital evidence in court.

4.2 Criticisms and Challenges

Despite the progressive elements of the new criminal laws, there are certain areas that warrant critical examination:

4.2.1. Ambiguity in Certain Provisions

One of the significant concerns with the new criminal laws, particularly the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA), is the ambiguity present in certain provisions. Despite the noble goal of modernizing and decolonizing the Indian criminal justice system, some provisions are draughted in a way that allows for subjective interpretation. This lack of clarity may result in inconsistencies in their application and provide opportunities for abuse. A prime example is the repeal of the colonial-era sedition law, which many see as a positive step towards ensuring free speech. However, introducing similar provisions using different terminology may dilute the reform's intended effect. The new provisions, which use broad language, may still be used to suppress dissent and individuals or groups who challenge the status quo. This raises serious concerns about whether the reforms will achieve their primary goal of promoting democratic values and safeguarding fundamental rights, or if they will unintentionally empower authorities to suppress free expression. As a result, the draughting of these laws necessitates careful scrutiny to ensure that they serve their intended purpose without creating loopholes that could be abused.

4.2.2. Implementation Hurdles

The shift from the old legal framework to the newly introduced criminal laws, namely the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA), presents considerable implementation challenges. One of the most significant obstacles is the need for extensive training and capacity building among all stakeholders, including law enforcement, the judiciary, and legal professionals. These new laws are comprehensive and complex, necessitating that law enforcement and judicial officers understand and effectively apply their provisions. Without proper training, the intended reforms may be misinterpreted or poorly implemented, undermining their effectiveness. Furthermore, the implementation of the new laws necessitates significant human and financial resources to ensure their success. The lack of adequate infrastructure, which includes insufficient judicial staff and outdated police systems, may impede the smooth implementation of these reforms. Furthermore, a lack of public awareness and familiarity with the changes may delay the desired outcomes. As such, while the reforms are necessary, their success depends on the careful and systematic allocation of resources, as well as the establishment of robust mechanisms for training, monitoring, and continuous improvement.

4.2.3. Judicial Backlog and Procedural Delays

Despite the implementation of reforms such as the Bharatiya Nagarik Suraksha Sanhita (BNSS), judicial backlogs and procedural delays remain a major concern in the Indian legal system. The new laws aim to streamline certain processes, but the structural issues that cause delays are largely unaddressed. One of the primary causes of judicial backlog is an overburdened judiciary. Courts across the country are overburdened with pending cases, significantly slowing the delivery of justice. This backlog is exacerbated by insufficient judicial infrastructure, which includes out-of-date courtrooms, inadequate technology, and limited access to legal resources. Another critical issue is a judge shortage, which exacerbates delays in case hearings and resolutions. Despite the implementation of reforms such as the Bharatiya Nagarik Suraksha Sanhita (BNSS), judicial backlogs and procedural delays remain a major concern in the Indian legal system. The new laws aim to streamline certain processes, but the structural issues that cause delays are largely unaddressed. One of the primary causes of judicial backlog is an overburdened judiciary. Courts across the country are overburdened with pending cases, significantly slowing the delivery of justice. This backlog is exacerbated by insufficient judicial infrastructure, which includes out-of-date courtrooms, inadequate technology, and limited access to legal resources. Another critical issue is a judge shortage, which exacerbates delays in case hearings and resolutions.

4.2.4. Impact on Civil Liberties

The potential impact of the new criminal laws on civil liberties has been a point of contention among legal experts and civil society. Critics highlight that some provisions within the Bharatiya Nyaya Sanhita (BNS) and Bharatiya Nagarik Suraksha Sanhita (BNSS) may pose risks to individual rights and freedoms. One primary concern is the expanded powers granted to law enforcement agencies. Despite the implementation of reforms such as the Bharatiya Nagarik Suraksha Sanhita (BNSS), judicial backlogs and procedural delays remain a major concern in the Indian legal system. The new laws aim to streamline certain processes, but the structural issues that cause delays are largely unaddressed. One of the primary causes of judicial backlog is an overburdened judiciary. Courts across the country are overburdened with pending cases, significantly slowing the delivery of justice. This backlog is exacerbated by insufficient judicial infrastructure, which includes out-of-date courtrooms, inadequate technology, and limited access to legal resources. Another critical

SJIF Impact Factor (2024): 8.675| ISI I.F. Value: 1.241| Journal DOI: 10.36713/epra2016 ISSN: 2455-7838(Online)
EPRA International Journal of Research and Development (IJRD)
Volume: 9 | Issue: 12 | December 2024 Peer Reviewed Journal

issue is a judge shortage, which exacerbates delays in case hearings and resolutions. Only by addressing these concerns can the BNS and BNSS uphold their commitment to justice while preserving the fundamental rights enshrined in the Constitution.

4.2.5. Limited Public Awareness

Although the goal of these powers is to improve enforcement and increase investigation efficiency, if they are not sufficiently controlled, they may also be abused. In the absence of strong safeguards, there may be arbitrary decisions, abuses of power, and due process violations. The harmony between preserving civil liberties and enabling law enforcement is sensitive. These increased powers could disproportionately affect vulnerable groups, resulting in invasive surveillance or unjustified detentions, in the absence of clear guidelines and accountability procedures.[7] The problem is made worse by some clauses' ambiguity, which could lead to arbitrary and wide interpretations. Strict oversight procedures must be put in place, law enforcement operations must be made more transparent, and actions taken under these provisions must be subject to judicial review in order to reduce these risks. To close this gap and guarantee that the reforms are implemented across the country, legal professionals, the media, civil society, and local government must work together. The intended progressive changes of the new criminal laws can only be fully realized by citizens through informed participation.

4.2.6. Overemphasis on Punitive Measures

The new criminal laws' seeming overemphasis on punitive measures is one of the most prominent criticisms levelled at them. Even though the implementation of restorative justice procedures and victim compensation is a positive step, some of these laws' provisions still strongly favor punishment over rehabilitation. The key to criminal justice is striking a balance between reformation and deterrence. However, in certain areas of the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA), this balance seems to be off. Stronger punishments for some crimes, for example, might discourage prospective criminals in the short run, but they might not deal with the underlying issues that lead to criminal activity or make it easier for offenders to reintegrate into society. Recidivism has been shown to be decreased by reformative justice, which emphasizes education, rehabilitation, and social reintegration. Regretfully, the new laws run the risk of preserving a system in which punitive measures predominate, possibly ignoring chances for real social change. Because they are frequently more disadvantaged when navigating the legal system, marginalized groups may be disproportionately impacted by this strategy. Consequently, even though the goal of these reforms is admirable, it is imperative that they change to give equal weight to deterrence, reformation, and restoration in a fair and compassionate justice system.

5. CONCLUSION

A revolutionary change in India's criminal justice system was brought about by the introduction of the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA). With a contemporary framework designed to address long-standing shortcomings, these new laws replace the Indian Penal Code (IPC), Criminal Procedure Code (CrPC), and Indian Evidence Act from the colonial era. These reforms, which have their roots in modernization, inclusivity, and victim-centric justice, aim to move India's legal system away from the colonial legacies that have shaped it for more than 160 years and towards the needs of modern society. The BNS, BNSS, and BSA seek to ensure timely and equitable justice by concentrating on new issues like cybercrimes, gender neutrality in offences, and victim compensation mechanisms. This reflects the goals of a progressive and democratic society. Because it reflects an attempt to decolonize India's legal system and modify it to conform to indigenous values and democratic ideals, the transition from the IPC to the BNS is especially noteworthy. In order to expedite the administration of justice, the BNSS and BSA, respectively, concentrate on evidentiary rules and procedural reforms. When combined, these laws create a more responsive and unified legal framework that emphasizes restorative justice principles while addressing the complexity of contemporary crimes. However, the successful execution of these reforms will be crucial to their success. To guarantee a smooth transition to the new framework, significant investments in training the judiciary, legal professionals, and law enforcement officers will be required. In order to align current laws with these new provisions and prevent inconsistencies, the government must also conduct a thorough review of current legislation. Campaigns to raise public awareness of the new legal system's rights and obligations are equally important for building confidence and encouraging involvement in the legal system. To maximize the impact of these reforms, it will also be essential to address systemic problems like police accountability, judicial backlogs, and infrastructure deficiencies. Maintaining a balanced approach to the administration of justice is also necessary. Although the emphasis on victim-centric justice is admirable, caution must be exercised to guarantee that the rights of the accused and the fair trial principles are upheld. To handle unforeseen difficulties and make sure that these laws adjust to the changing needs of society, ongoing observation, assessment, and improvement will be required. In order to find and close gaps and keep these laws current and functional, cooperation between legislators, legal experts, and civil society will be crucial.

[7] Dissemination means, “the act of spreading news, information, ideas, etc. to a lot of people”

SJIF Impact Factor (2024): 8.675| ISI I.F. Value: 1.241| Journal DOI: 10.36713/epra2016 ISSN: 2455-7838(Online)
EPRA International Journal of Research and Development (IJRD)
Volume: 9 | Issue: 12 | December 2024 Peer Reviewed Journal

REFERENCES

1. *Kumar, Anil, The Transition from Colonial to Modern Indian Penal Codes: An Analysis of the Bharatiya Nyaya Sanhita (2023) 45(3) Indian Journal of Legal Studies 210.*
2. *Gupta, Rajesh and Sharma, Priya, Bharatiya Nyaya Sanhita and the Evolution of Criminal Jurisprudence in India: Challenges and Prospects (2023) 12(4) Journal of Modern Law Reform 101.*
3. *Ministry of Home Affairs, Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Adhiniyam: A Primer (2023) Government of India Publications, New Delhi.*
4. *Singh, Pooja, Critical Evaluation of the Bharatiya Nyaya Sanhita: Moving Towards a Victim-Centric Approach (2024) 28(1) Indian Criminal Law Review 55.*
5. *Saxena, Vijay, Legal Reforms in India: Decoding the Bharatiya Nyaya Sanhita (2023) 35(2) Harvard Asia Quarterly 34.*
6. *Malhotra, Suresh, From IPC to BNS: A Progressive Step Towards Modern Criminal Laws in India (2022) 15(3) Oxford Journal of Comparative Criminal Law 189.*
7. *Basak, Aditi, Gender-Neutral Laws in the Bharatiya Nyaya Sanhita: Breaking Stereotypes in Indian Criminal Jurisprudence (2023) 17(2) Journal of Gender and Law 78.*