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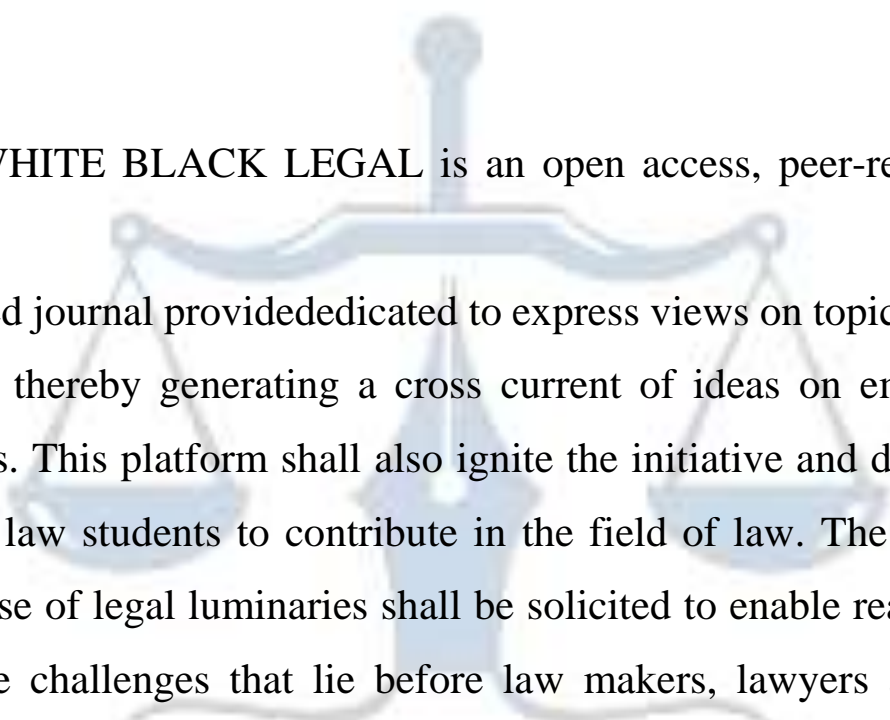


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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

THE BHARATIYA NYAYA SANHITA, 2023: A COMPARATIVE ANALYSIS OF CHANGES IN WOMEN AND CHILD RIGHTS PROTECTION

AUTHORED BY - AM AKSHAYA

ABSTRACT

This research evaluates the legal framework before 2023 as well as the recently added provisions to look at how the BNS has changed the protection of women's and children's rights. A comparative study shows that whereas child rights are strengthened by more precise definitions and procedural protections, women's rights amendments include harsher punishments for sexual offenses and human trafficking. These rights cross to show how improvements in one area can have a good impact on the other, which calls for an integrated approach to legal reform.

Implemented in December 2023, the Bharatiya Nyaya Sanhita (BNS) is a significant change in India's criminal justice system that aims to replace the antiquated Indian Penal Code (IPC) of 1860. Because it combines and modifies current legal provisions to reflect the requirements and goals of modern society, this legislative revision is especially important for the protection of women and children. In order to improve clarity and accessibility, the BNS streamlines the legal framework by lowering the number of parts from 511 to 358 and focusing on offenses against women and children under a separate chapter.

Case studies that demonstrate how new provisions are applied offer valuable insights into the real-world ramifications and difficulties encountered during implementation. Even while the BNS is progressive, there are still complaints about how well it protects rights, especially when it comes to public awareness and enforcement tactics.

Additionally, this paper draws insights from international practices that could improve domestic legislation by comparing India's legal system with international standards. In summary, even if the BNS represents a major advancement in the defense of women's and children's rights, continual assessment and modification are necessary to guarantee that these

rights are completely fulfilled. The necessity of strong implementation plans and community involvement to support these important reforms is emphasized in recommendations for next legal improvements.

INTRODUCTION

Background of Bharatiya Nyaya Sanhita

A major change to India's criminal code, the Bharatiya Nyaya Sanhita (BNS) seeks to improve and modernize the laws pertaining to crimes against women and children. The Indian Penal Code (IPC) of 1860, which has been criticized for failing to adequately address modern concerns about gender-based violence and child protection, has been replaced by this new law. The BNS streamlines legal procedures and guarantees that these important concerns receive targeted attention by combining offenses against women and children into a single chapter. The BNS demonstrates a dedication to strengthening legal protections for disadvantaged groups in society by including provisions that are consistent with international norms, such as expanding the definition of a child to cover people up to the age of 18.¹

Importance of studying the changes in Women and Child Rights Protection

It is important to comprehend the changes brought about by the BNS for a number of reasons. First of all, the legal environment pertaining to women's and children's rights is changing quickly, making it necessary to examine how new legislation may better shield these populations from abuse and exploitation. The BNS significantly advances gender-neutrality in legal definitions and protections and implements harsher penalties for major crimes like gang rape. Second, examining these modifications aids in locating any remaining legal framework gaps, guaranteeing that laws are not only passed but also successfully carried out.²

Furthermore, examining these reforms offers insight into how national laws conform to international standards, since India is a party to a number of international agreements on human rights, particularly those pertaining to women and children. Finally, by highlighting the necessity of continuous activism and reform to address systemic concerns affecting women and children in India today, this study expands to larger conversations about social justice and

¹ Kiran Bedi, Women and Children Centric changes under New laws (*The Sunday Guardian*, 14 July 2024) <<https://sundayguardianlive.com/legally-speaking/women-and-children-centric-changes-under-new-laws> > accessed on 5 November 2024

² *ibid*

equality.³

OVERVIEW OF LEGAL FRAMEWORK

Existing Legal provisions for Women and Child Rights before 2023

India had a number of laws safeguarding women's and children's rights before the Bharatiya Nyaya Sanhita (BNS) was introduced. Among the important laws were:

- **Protection of Women from Domestic Violence Act, 2005** – This act guaranteed women's rights to live in a violence-free environment by establishing legal protection against domestic abuse.
- **Dowry Prohibition Act, 1961** - The goal of the 1961 Dowry Prohibition Act was to outlaw the practice of dowries and shield women from abuse and harassment associated with dowry demands.
- **Indecent representation of Women (Prohibition) Act, 1986** - The purpose of the 1986 Indecent Representation of Women (Prohibition) Act was to stop the derogatory representation of women in advertising and the media.
- **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** - This law offered procedures for redress and created a framework for combating sexual harassment in the workplace.
- **Prohibition of Child Marriage Act, 2006** – This act sought to shield children from forced partnerships and stop child weddings.

A number of significant legislation were passed in support of children's rights:

- **Juvenile Justice (Care and Protection of Children) Act of 2015** - A framework for the care and protection of children in need and those who are in legal trouble was established
- **Protection of Children from Sexual Offences (POCSO) Act of 2012** addressed a number of child sexual abuse cases and required that trials be conducted in a way that was kid-friendly.
- **Right to Education (RTE) Act of 2009** ensured that children between the ages of 6 and 14 would receive free and mandatory education.

Despite these clauses, systemic obstacles, insufficient funding, and societal attitudes made

³(No data), 'Protection of Women and Child Rights' (Press Information Bureau, 19 July 2019) <<https://pib.gov.in/pressreleaseshare.aspx?PRID=1579546>> accessed on 5 November 2024

enforcement extremely difficult.

Introduction to Key Provisions of Bharatiya Nyaya Sanhita

In order to address the defects in the current legislation pertaining to crimes against women and children, the Bharatiya Nyaya Sanhita (BNS) was presented as a comprehensive reform. By combining transgressions into a more readable style, it seeks to modernize the legal system. Important clauses consist of:

Consolidation of Offenses: To streamline judicial procedures and guarantee targeted attention to these crimes, the BNS combines offenses against women and children into a single chapter.

Definition of a child - In accordance with international norms, the BNS defines a child as any anyone under the age of 18. The legal protections for minors are strengthened by this unified definition.

Tougher Penalties: The BNS imposes harsher penalties for major crimes like rape, including the potential death penalty in certain cases involving minors.

Improved Procedural Protections: The BNS requires that investigations and trials for crimes against women and children be completed as quickly as possible, with a two-month deadline for each.

Emphasis on Victim assistance: The new law places a strong emphasis on victim assistance systems, such as measures for legal aid and rehabilitation.

India's dedication to protecting women's and children's rights has advanced significantly with the BNS, which fills in legislative loopholes and reflects modern societal demands.⁴

CHANGES IN WOMEN RIGHTS PROTECTION PERTAINING TO BNS

Comparative Analysis of Amendments related to Women's Rights

The British-era Indian Penal Code (IPC) has been replaced with the Bharatiya Nyaya Sanhita (BNS), marking a dramatic change in the legal framework controlling women's rights in India. Important changes consist of:

Gender Neutrality: In contrast to the IPC, which frequently identified male offenders and female victims, the BNS uses gender-neutral wording for both victims and offenders in sexual offenses. Section 354B (assault with purpose to disrobe), for example, has been changed to

⁴ Vagisha Kumar, 'Justice Redefined Safeguarding Women and Children in India's New Legal era' (DPU, 6 August 2024) < <https://law.dypvp.edu.in/blogs/justice-redefined-safeguarding-women-and-children-in-indias-new-legal-era> > accessed on 4 November 2024

include "whoever" rather than "any man," indicating an effort to include all genders in legal safeguards.⁵

Improved Protections for Women: To better assist female victims, several sections have been added or changed. For instance, in an effort to foster a more encouraging atmosphere for victims during court hearings, the BNS requires that statements from female victims be recorded by a female magistrate wherever feasible. In order to ensure prompt evidence gathering, medical professionals must also submit rape medical reports within seven days.

New Offences introduced: A wider definition of force and consent is reflected in the creation of new offenses, such as "Deceitful Sexual Intercourse" under Section 69 of the BNS, which makes sexual activity based on false promises illegal.⁶

Impact Assessment of these Changes

There are several ways to evaluate how the BNS has affected women's rights:

Accessibility and Clarity of the Law:

The BNS has simplified legal requirements by grouping offenses against women and children into several chapters. For victims seeking justice, this rearrangement makes navigation easier.⁷

Critiques contend that despite these advancements, linguistic and practical discrepancies persist, which could jeopardize the intended objectives of gender neutrality.⁸

Victim Support Mechanisms:

It is anticipated that more women would come forward and report crimes without fear of additional trauma throughout the legal process as a result of the need that female magistrates handle cases involving female victims. Making this adjustment is essential to raising reporting rates and improving the victims' entire support network.

Implementation Difficulties:

In spite of these developments, there are still issues with how these laws will be put into practice. The BNS's limited success in achieving gender neutrality calls into question how well it addresses structural prejudices in the judicial system. Critics contend that although some

⁵ (No data), 'BNS makes sexual offences gender neutral; new clauses for crime against women and children' (*Deccan Herald*, 3 July 2024) <<https://www.deccanherald.com/india/bns-makes-sexual-offences-gender-neutral-new-clauses-for-crime-against-children-women-3090942>> accessed on 5 November 2024

⁶ Kiran Bedi, Women and Children Centric changes under New laws (*The Sunday Guardian*, 14 July 2024) <<https://sundayguardianlive.com/legally-speaking/women-and-children-centric-changes-under-new-laws>> accessed on 5 November 2024

⁷ ibid

⁸ Kanav Narayan Sehgal, 'The BNS: A missed opportunity for Gender Inclusivity and LGBTQ+' (*Deccan Herald*, 20 September 2023) <<https://www.deccanherald.com/opinion/the-bns-a-missed-opportunity-for-gender-inclusivity-and-lgbtq-rights-2694568>> accessed on 5 November 2024

passages show advancements, others use gendered terminology that is still prevalent and may support prejudice against women and other oppressed groups, such as LGBTQ+ people.⁹

Impact on Society:

By questioning traditional notions of gender roles in legal contexts, the BNS's emphasis on gender neutrality may have wider societal repercussions. However, the potential advantages might not be completely realized in the absence of extensive public education and awareness initiatives.

The Bharatiya Nyaya Sanhita's revisions for gender neutrality and improved protections represent a significant advancement for women's rights. However, uniform application and resolving current legal inconsistencies are necessary for these reforms to be effective. To guarantee that everyone, regardless of gender or sexual orientation, receives equal protection under the law, agitation for fundamental reforms must continue.

CHANGES IN CHILD RIGHTS PROTECTION PERTAINING TO BNS

Comparative analysis of Amendments Related to Child Rights

In order to improve protections for children, the Bharatiya Nyaya Sanhita (BNS) introduces significant reforms to the legal framework governing child rights in India. Some of the key changes include:

Consolidation of Offenses: The BNS creates a new chapter called "Offences Against Women and Children," which centralizes all related offences, making it easier to navigate legal protections for children. In contrast to the previous Indian Penal Code (IPC), where such offences were spread across multiple sections.

Gender Neutrality: The BNS substitutes "child" for gender-specific terms like "minor girl," ensuring that both male and female minors are equally protected under the law. This change is especially important when it comes to crimes like child trafficking and sexual exploitation, which can affect any child, regardless of gender.

Stricter Penalties for Sexual Offenses: The BNS imposes more severe punishments for sexual offenses against minors, such as the death penalty or life in prison for gang rape of children under the age of 18. In addition to creating a more uniform sentencing process, this is in line with the Protection of Children from Sexual Offences Act (POCSO).

Age of Consent: In keeping with a larger commitment to shielding children from sexual

⁹ (No data), 'BNS makes sexual offences gender neutral; new clauses for crime against women and children' (*Deccan Herald*, 3 July 2024) <<https://www.deccanherald.com/india/bns-makes-sexual-offences-gender-neutral-new-clauses-for-crime-against-children-women-3090942>> accessed on 5 November 2024

exploitation, married women's age of consent has been raised from 15 to 18 years old. Furthermore, measures have been put in place to handle the subtleties of consent in situations involving children.

New Offenses: To ensure accountability for those who utilize children for unlawful purposes, the BNS adds new provisions that make it illegal to hire or employ anyone under the age of 18 to commit crimes.¹⁰

Impact of these Assessment

There are various ways to evaluate the Bharatiya Nyaya Sanhita's (BNS) effect on children's rights:

Improved Legal Protections: The BNS creates a more lucid legal framework for safeguarding children's rights by combining offenses against children and using gender-neutral wording. It is anticipated that increased reporting rates and easier access to justice for victims of child abuse and exploitation will result from this clarity.

Deterrent Effect: In an effort to dissuade potential perpetrators, the BNS imposes harsh punishments, such as life in prison and the death penalty, for specific offenses against kids. However, regular enforcement and public awareness efforts about the gravity of these offenses are necessary for these deterrents to be successful.¹¹

Implementation Difficulties: In spite of these developments, there are still difficulties in putting these laws into practice. The success of these legal reforms may be hampered by problems like the stigma associated with reporting child abuse and insufficient training for law enforcement officers on how to handle such situations.

Overlap with Current Laws: The BNS and current special laws, such as POCSO, are thought to overlap, which could cause misunderstandings in court cases and different interpretations of the same punishments. Instead of making the legal environment simpler, this duplication could make it more complicated.

Public Awareness and Education: A concentrated effort must be made to inform communities about children's rights and available legal protections if the BNS's initiatives are

¹⁰ No data, 'BNS makes sexual offences gender neutral; new clauses for crime against women and children' (*Deccan Herald*, 3 July 2024) <<https://www.deccanherald.com/india/bns-makes-sexual-offences-gender-neutral-new-clauses-for-crime-against-children-women-3090942>> accessed on 5 November 2024

¹¹ Arush Bhardwaj, 'Chapter V of BNS-A new criminal law in India' (*Awashya & Partners*, 5 August 2024) <<https://www.awashyapartners.in/post/chapter-v-of-bns-a-new-criminal-law-for-india>> accessed on 5 November 2024

to be successful.¹²

By implementing extensive legal reforms targeted at justice and protection, the Bharatiya Nyaya Sanhita marks a major advancement in the advancement of children's rights. Even while it brings about important reforms that are in line with current conceptions of children's rights, successful implementation will necessitate continued efforts in public awareness, training, and resolving legal overlaps. Sustained campaigning is necessary to guarantee that these legal frameworks result in practical safeguards for every Indian child.

INTERSECTION OF WOMEN'S AND CHILD RIGHTS

The legal structure of the Bharatiya Nyaya Sanhita (BNS) clearly demonstrates the confluence of women's and children's rights, especially in Chapter V, which combines offenses against both categories. This chapter places a strong emphasis on gender-neutral terminology, acknowledging that women can commit crimes and making sure that all children, regardless of gender, are similarly protected. By substituting words like "minor girl" with "child," for instance, the BNS gives boys the same safeguards. One area's changes have a big effect on the other. Stricter punishments for sexual offenses against minors, for example, not only improve child protections but also demonstrate a larger commitment to defending women's rights, especially when women may be the targets of child exploitation. On the other hand, when women's rights are upheld—for example, by laws prohibiting dishonest sexual relations—children gain indirectly from this since they are less likely to be used and abused in social or familial settings.

In general, the BNS seeks to establish a more comprehensive strategy for safeguarding women and children, acknowledging the interdependence of their rights and the potential for changes in one to influence the other.¹³

CASE STUDIES

India's criminal justice system has undergone a substantial revision with the Bharatiya Nyaya Sanhita (BNS), which aims to modernize legal provisions and address current challenges.

¹² (No Data), 'The Bharatiya Nyaya Sanhita, 2023' (*Prs Legislative Research*, 10 November 2023) <<https://prsindia.org/billtrack/the-bharatiya-nyaya-sanhita-2023>> accessed on 5 November 2024

¹³ Pallavi Rupanagudi, 'From IPC to BNS – A closer look at legal challenges for Women and Children' (*Cecure Us*, 16 July 2024) <<https://cecureus.com/from-ipc-to-bns-a-closer-look-at-legal-changes-for-women-and-children/>> accessed on 5 November 2024

Selected case studies that demonstrate the implementation of new BNS provisions and the lessons learned from them are highlighted in this answer.

Selected Cases Illustrating New Provisions

1. Community Service for Petty Offenses Case:

Overview: Instead of being imprisoned, a first-time offender found guilty of petty theft received a community service sentence. The new provision under Section 4(f) of the BNS, which establishes community service as a legitimate punishment for small offenses, is best shown by this instance.

Knowledge Acquired: By prioritizing rehabilitation over punitive measures, this strategy seeks to lessen jail congestion. It represents a change to restorative justice, which permits criminals to make constructive contributions to their communities while completing their sentences.¹⁴

2. Mob Lynching

Case Overview: The new Section 103(2) of the BNS was utilized in a noteworthy case where a group of people were accused of mob lynching due to caste discrimination. The offenders faced harsh punishments, including life in prison.

Knowledge Acquired: In light of public concerns about hate crimes and mob violence, this case demonstrates the BNS's dedication to combating these crimes. By severely punishing organizations involved in collective violence, the clause seeks to prevent such instances in the future.¹⁵

3. Organized Crime

Overview: A gang involved in organized crime activities was prosecuted under the recently established organized crime offense in BNS. The legislation's severe penalties were enforced by the court.

Knowledge Acquired: A proactive approach against sophisticated criminal businesses is demonstrated by the legal identification of organized crime as a separate category. This clause makes it possible for law enforcement to more successfully combat intricate criminal networks.¹⁶

¹⁴ Taxmann, Top 10 changes made by Bharatiya Sanhita vis-à-vis Indian Penal Code (*Taxmann*, 28 December 2023) <<https://www.taxmann.com/post/blog/top-10-changes-made-by-bns-vis-a-vis-ipc>> accessed on 5 November 2024

¹⁵ (No Data), 'Navigating through Criminal Law Reforms: Part I: Review of Bharatiya Nyaya Sanhita, 2023' *Nishith Desai Associates* (India, 12 January 2024)

¹⁶ *ibid*

4. Provisions for Treason and Sedition Repeal

Case Overview: Using the new treason provisions found in Section 150 of the BNS, a case that had been charged under the now-repealed sedition legislation was reexamined.

Knowledge Acquired: Eliminating sedition as a crime is viewed as progressive since it encourages free expression while using treason laws to combat acts that jeopardize national integrity. This modification reflects India's changing perception on civil liberties.¹⁷

5. Cyber Offenses

Case Overview: Using the most recent BNS standards that include cyber offenses, a person accused of digital identity theft was prosecuted.

Knowledge Acquired: The legal framework's recognition of the contemporary issues brought about by digital breakthroughs is demonstrated by the inclusion of technology-related offenses. It makes it possible to respond to cybercrime with more thorough legal answers, improving victim protection.¹⁸

Insights Gained from Case Studies

- **Focus on Rehabilitation:** The goal of community service is to positively reintegrate offenders into society by emphasizing a rehabilitative approach as opposed to a simply punitive one.
- **Strengthened Legal Framework:** A strong legal framework intended to counteract growing social challenges and improve public safety is seen in new rules tackling organized crime and mob lynching.
- **Modernization of Legal Definitions:** By adding online offenses and redefining crimes like theft, BNS reflects the demands of modern society and technology.
- **Promotion of Human Rights:** By repealing antiquated crimes like sedition, a commitment to upholding civil rights is shown, even while new treason measures are implemented to preserve national security.

With its emphasis on rehabilitation and human rights, quicker procedures, and more precise definitions, the BNS is anticipated to have a substantial impact on India's criminal justice system. These instances demonstrate how the move to a more contemporary judicial system

¹⁷ Ramakrishnan Raman, 'What the introduction of BNS means to Law schools' *The Hindu* (India, 6 October 2024)

¹⁸ Saurabh Bindal, 'Changes brought forth by Bharatiya Nyaya Sanhita' (*Fox Mandal*, 4 July 2024)

< <https://www.foxmandal.in/changes-brought-forth-by-the-bharatiya-nyaya-sanhita-2023/> > accessed 5 November 2024

seeks to successfully address contemporary societal issues.

CHALLENGES AND CRITICS

Enacted in 2023, the Bharatiya Nyaya Sanhita (BNS) seeks to modernize India's criminal justice system by superseding the Indian Penal Code (IPC), which dates back to the colonial era. Although it combines several rules pertaining to women and children, there are concerns about how well it protects these marginalized populations.

Criticism and Concerns

Insufficient Incorporation of Current Legal concepts: Detractors contend that the BNS falls short in integrating long-standing legal concepts established by the Supreme Court, especially with regard to the rights and protections of women. This lapse raises questions about whether the new law adequately addresses difficulties that women and children confront today.¹⁹

Possibility of Increasing Criminalization: Although certain safeguards are meant to safeguard victims, there are concerns that more police authority may be abused or overreached, especially against underprivileged groups¹. The very safeguards meant for vulnerable groups may be compromised if police power is increased without sufficient checks.

Implementation Difficulties: The BNS's accelerated rollout has sparked questions about how prepared the legal and law enforcement systems are. The law's expected benefits might not materialize without adequate training and funding, particularly in areas with inadequate infrastructure.²⁰

Challenges faced in Implementation

There are numerous important obstacles in the way of the Bharatiya Nyaya Sanhita's implementation:

Infrastructure and Resource Limitations: A lot of jurisdictions don't have the infrastructure needed to properly support the new legal system. This includes insufficient infrastructure to manage growing caseloads and put the BNS²⁴'s required digital procedures into place.

Training and Capacity Building: To guarantee that law enforcement and judicial staff are aware of and capable of implementing the new rules, extensive training programs are urgently

¹⁹Amit Desai, 'Bharatiya Nyaya Sanhita, 2023: Impacts and Challenges' (*The Leaflet*, 26 August 2024) <<https://theleaflet.in/bharatiya-nyaya-sanhita-2023-impacts-and-challenges-part-1/>> accessed 12 November 2024

²⁰DHNS, 'New laws brings New Challenges' *Deccan Herald* (Karnataka, 2 July 2024)

needed. Due to the simultaneous operation of two parallel legal systems—cases filed before and after the BNS's implementation will be subject to separate laws—confusion could result from this training.²¹

Digital Divide: The BNS's concentration on technology runs the risk of making already-existing disparities worse. Access to technology or digital literacy may be a barrier for marginalized groups, making it more difficult for them to successfully pursue justice.

Opposition to Change: The implementation of new procedures brought about by the BNS may be hampered by institutional inertia in the legal and law enforcement sectors. It will take strategic change management to overcome this opposition.

Public Awareness and Engagement: Effective implementation of the new rules depends on making sure that the public is informed of their rights. Campaigns for public education will be required to notify people about modifications to the legal system and their rights.²²

Although the Bharatiya Nyaya Sanhita is a major step in modernizing India's laws pertaining to women's and children's rights, its effectiveness depends on resolving implementation issues and making sure that it adequately safeguards vulnerable groups without sacrificing civil liberties.

COMPARATIVE INTERNATIONAL PERSPECTIVE

Comparison with International legal standards and practices

Alignment with International Human Rights Norms: The BNS aims to uphold individual liberties and rights in accordance with international human rights norms, including those defined in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Universal Declaration of Human Rights (UDHR). These texts place a strong emphasis on protection from discrimination and equality before the law, two ideas that are likewise essential to the BNS.

Criminal Justice Reforms: To improve accessibility and efficiency, numerous nations have implemented substantial criminal justice reforms. For example, through digitization and procedural reforms, the UK has taken steps to expedite court processes and lower case backlogs. The BNS's focus on judicial efficiency aligns with these global procedures meant to speed up the legal system.

²¹ Guest, 'Bharatiya Nyay Sanhita: Beacon of Change or a cascade of Challenges?' *Financial Express* (India,18 January 2024)

²² Pawan Kumar and Kashish Jain, 'New criminal laws signal end of colonial hangover, but challenges awaits' *The New Indian Express*(India,2 July 2024)

Victim-Centric Approaches: Like frameworks in nations like Australia and Canada, where victim support services are essential to the legal system, the BNS includes provisions for victim rights. These nations have put in place extensive victim assistance programs, such as counseling and legal aid, which improve disadvantaged populations' access to the justice system.

Soft Law Mechanisms: By incorporating soft law principles found in international governance, where non-binding agreements promote state collaboration without jeopardizing sovereignty, the BNS may gain an advantage. This strategy is demonstrated by a number of international agreements that promote best practices without enforcing stringent legal requirements, enabling implementation freedom.²³

Lessons that could be learned from Global Approaches

Holistic Legal Frameworks: Nations such as Sweden and Germany have implemented holistic legal frameworks that cover a variety of social justice issues, such as child protection and gender equality. By taking a more integrated approach and taking into account overlapping issues like poverty, healthcare, and education in its legal requirements, the BNS could increase its efficacy.²⁴

Community Involvement: Effective international models place a strong emphasis on community participation in the legislative process. For example, more culturally appropriate legislation that take into account the requirements of various people have resulted from participatory initiatives in nations like New Zealand. Similar engagement tactics could help the BNS make sure it appeals to the Indian population.²⁵

Mechanisms for Monitoring and Evaluation: Establishing reliable monitoring systems is essential for determining the effects of new legislation. Norway and other nations use extensive evaluation frameworks to gauge how well their laws accomplish their goals. For the BNS, putting in place comparable procedures would promote accountability and ongoing development.

²³By Team My gov, 'Exploring India's Criminal Laws: A paradigm shift in Legal Framework' (*My Gov*, 2 September 2024) <<https://blog.mygov.in/exploring-indias-new-criminal-laws-a-paradigm-shift-in-legal-framework/>> accessed 12 Nov 2024

²⁴Dr Steve J Hoffman, 'Principles and Methods of Global epidemiology'(2022) Volume 76 Issue 9 <<https://jech.bmj.com/content/76/9/828>> accessed 12 November 2024

²⁵ Phillip Dan and Marie v Engelhardt, *Informal International Lawmaking Joost Pauwelyn (ed.) et al*(first published 2012)106 -121

Building Law Enforcement Capacity: Global examples show how crucial it is to educate law enforcement personnel on new legal frameworks in order to guarantee their successful application. Following reform, nations like South Africa have made large investments in training initiatives to guarantee that police officers are knowledgeable about and capable of enforcing new laws.²⁶

Adaptability to Change: Because societal challenges are ever-changing, legal frameworks must also be flexible. Finland and other nations that frequently examine and alter their laws in response to new social issues are examples of how the BNS can stay relevant in a setting that is changing quickly.

Even though the Bharatiya Nyaya Sanhita is a major development in Indian law, its application and efficacy can be improved by comparing it to foreign norms and taking inspiration from other cultures. Through the implementation of a more comprehensive strategy that prioritizes community involvement, flexibility, and strong oversight systems, India can guarantee that its legal reforms successfully safeguard the rights of all individuals while advancing justice and equity.²⁷

CONCLUSION

Although the Bharatiya Nyaya Sanhita is a positive step for the rights of women and children in India, its effectiveness will rely on how well it is implemented, how it is continuously assessed, and how well it adapts to changing social norms. India can make sure that its legislative reforms actually accomplish their goal of promoting justice and equality for all residents by addressing any potential flaws with well-considered proposals.

Recommendations for Legal Development

Strengthening supervision procedures: Strong supervision procedures that guarantee accountability among law enforcement authorities are crucial for preventing abuse of the law. This contains explicit rules on the use of police discretion, especially in delicate situations

²⁶Pawan Kumar and Kashish Jain, 'New criminal laws signal end of colonial hangover, but challenges awaits' *The New Indian Express*(India, 2 July 2024)

²⁷ A Power and O Tobin, "Soft Law for the Internet, Lessons from International Law", (2011) 8:1 *SCRIPTed* 32

involving women and children.²⁸

Comprehensive Training Programs: To guarantee that law enforcement and judicial officers are aware of the new BNS regulations, it is essential to implement comprehensive training programs for them. Gender sensitivity, child protection regulations, and the moral ramifications of their positions in the legal system should be the main topics of such training.²⁹

Public Awareness Campaigns: In order to fully implement the BNS, residents need to be made aware of their rights under the new legislation through the introduction of public awareness campaigns. These initiatives have the potential to empower victims, inspire them to pursue justice, and promote a legal literacy culture in local communities.

Frequent Review and Adaptation: In light of new societal demands and difficulties, the legal framework should contain clauses allowing for frequent review and adaptation. As society dynamics change, this will guarantee that the BNS continues to be applicable and successful in defending rights.

Technology Integration: Stressing the application of technology in legal procedures can improve accessibility and efficiency. The experience of victims navigating the judicial system can be greatly enhanced by creating digital platforms for reporting crimes, obtaining legal information, and offering support services³⁰.

²⁸ Akar Patel, 'India: Authorities must immediately repeal repressive criminal laws' (*Amnesty International*, 1 July 2024) <<https://www.amnesty.org/en/latest/news/2024/07/the-laws-in-their-current-form-will-be-used-as-pretext-to-violate-the-rights-of-all-those-who-dare-speak-truth-to-power/>> accessed 12 November 2024

²⁹ By Team My gov, 'Exploring India's Criminal Laws: A paradigm shift in Legal Framework' (*My Gov*, 2 September 2024) <<https://blog.mygov.in/exploring-indias-new-criminal-laws-a-paradigm-shift-in-legal-framework/>> accessed 12 Nov 2024

²⁹ Dr Steve J Hoffman, 'Principles and Methods of Global epidemiology' (2022) Volume 76 Issue 9 <<https://jech.bmj.com/content/76/9/828>> accessed 12 November 2024

³⁰ Ramakrishnan Raman, 'What the introduction of BNS means to Law schools' *The Hindu* (India, 6 October 2024)