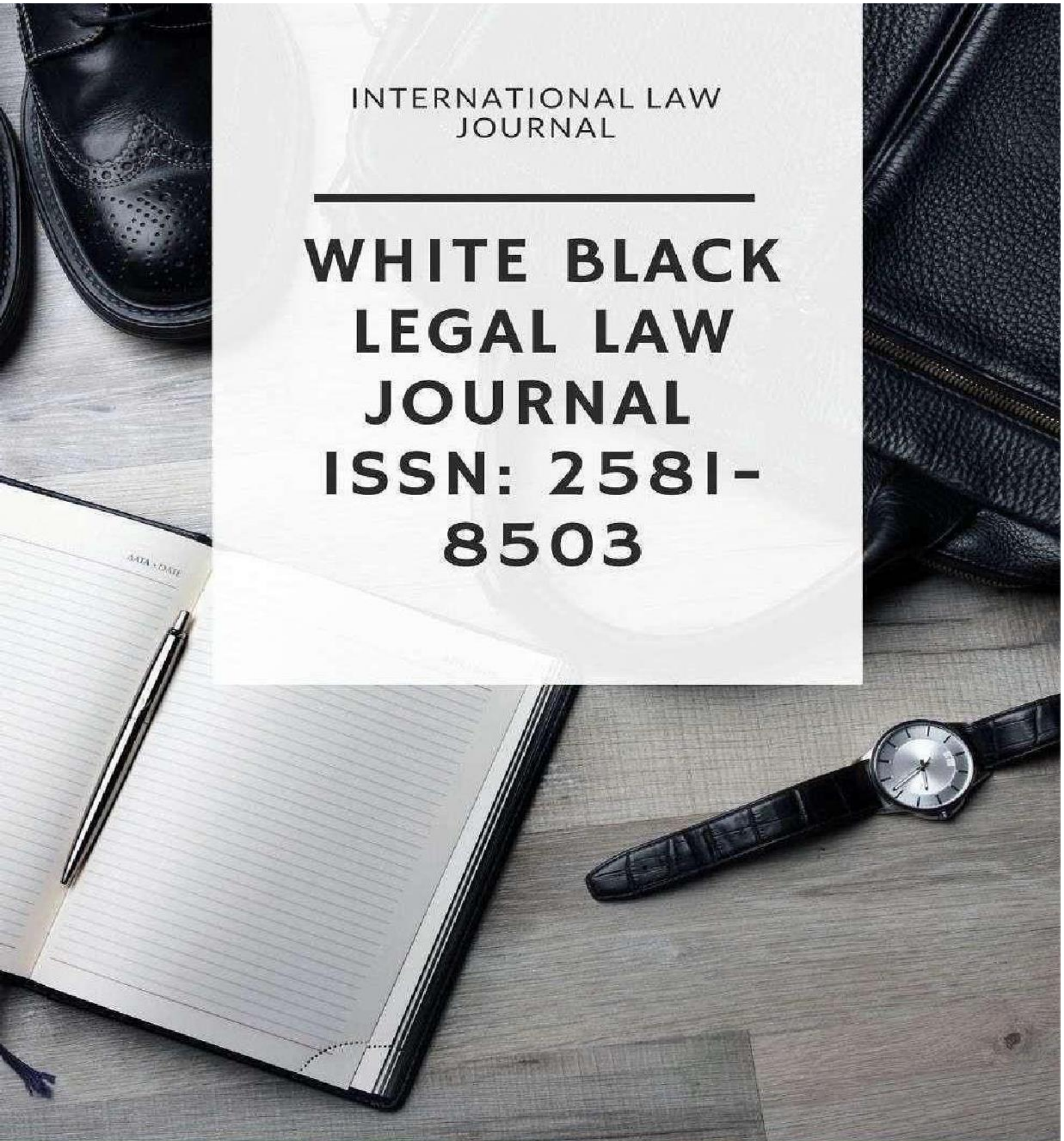




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**FROM CRIMINALISATION TO JUSTICE: A CRITICAL
ANALYSIS OF THE LEGAL FRAMEWORK GOVERNING
SEXUAL OFFENCES AGAINST WOMEN UNDER THE
BHARATIYA NYAYA SANHITA, 2023**

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ABSTRACT

Sexual violence against women remains one of the most persistent manifestations of inequality within Indian society and presents a continuing challenge to the criminal justice system. The enactment of the Bharatiya Nyaya Sanhita, 2023 marks a significant stage in the restructuring of India's substantive criminal law by replacing the Indian Penal Code, 1860 and reorganizing the legal framework dealing with offences against women and children. The BNS retains several important principles developed through judicial decisions and legislative amendments over the last several decades, while introducing or restructuring certain offences, including sexual intercourse by deceitful means, aggravated sexual offences, gang rape and offences involving repeat offenders. Yet, the replacement of the IPC by the BNS should not be understood merely as a change of statutory nomenclature. The real question is whether the new framework transforms criminalization into meaningful justice for survivors of sexual violence. This article critically examines the legal framework governing sexual offences against women under the Bharatiya Nyaya Sanhita, 2023, read with the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023. It analyses the statutory conception of rape, consent, sexual harassment, voyeurism, stalking, disrobing, assault on women, sexual intercourse obtained through deceitful means, gang rape, disclosure of the victim's identity and aggravated forms of sexual violence. Particular attention is given to the constitutional dimensions of dignity, equality, bodily autonomy and privacy under Articles 14, 15 and 21 of

the Constitution of India. The article further evaluates the continuing marital rape exception, the legal treatment of false promises to marry, the gender-specific character of several offences, evidentiary presumptions, victim protection, procedural safeguards and the danger of patriarchal stereotypes within criminal adjudication. It argues that the effectiveness of the BNS cannot be measured solely by the severity of punishment or the number of offences criminalized. Justice in sexual offence cases requires an integrated framework in which substantive criminal law, fair investigation, sensitive prosecution, reliable evidence, speedy adjudication, survivor dignity, compensation and institutional accountability operate together. The BNS therefore represents an important continuation of India's criminal-law reform, but its promise of justice ultimately depends upon constitutional interpretation, institutional implementation and a judicial culture capable of treating sexual autonomy as a matter of individual dignity rather than morality.

KEYWORDS

Sexual offences, women, Bharatiya Nyaya Sanhita, rape, consent, sexual autonomy, criminal justice, constitutional rights, gender justice, victim protection, marital rape, Bharatiya Nagarik Suraksha Sanhita, Bharatiya Sakshya Adhiniyam.

INTRODUCTION

The criminal law relating to sexual violence against women has never been merely a collection of penal provisions. It reflects the way a legal system understands the individual, the body, gender relations, consent, dignity and the legitimate limits of state power. For a long period in Indian legal history, sexual offences were approached through a framework that was deeply influenced by notions of female chastity, family honor and social morality. The gradual transformation of Indian constitutional jurisprudence, feminist scholarship, legislative reform and public consciousness has increasingly shifted the focus from the morality of a woman to her autonomy and dignity. The transition from the Indian Penal Code, 1860 to the Bharatiya Nyaya Sanhita, 2023 must therefore be examined against this longer historical movement.

The Bharatiya Nyaya Sanhita, 2023 was enacted on 25 December 2023 and came into force on 1 July 2024, replacing the Indian Penal Code as India's principal substantive criminal law. The statute describes itself as an enactment to consolidate and amend the law relating to offences and matters connected with or incidental thereto. Its provisions concerning sexual offences substantially retain the architecture developed under the IPC, including the statutory concept

of rape and several offences concerning sexual harassment, assault, and voyeurism and stalking, while introducing changes in formulation, numbering and certain substantive areas. The BNS places rape within Sections 63 onwards and contains separate provisions concerning punishment for rape, aggravated rape, gang rape, sexual intercourse by deceitful means and repeat offenders. Section 69, for example, creates an express offence where sexual intercourse obtained through deceitful means or through a promise to marry made without an intention to fulfil it, where the conduct does not amount to rape. Section 70 addresses gang rape and provides particularly severe punishment. Section 71 deals with repeat offenders, while Section 72 protects the identity of victims of specified sexual offences.

The legal significance of these provisions cannot be independently of the procedural and evidentiary framework. A woman may possess a substantive right under the BNS, but that right has little practical meaning if the complaint is not properly registered, the investigation is defective, medical examination is delayed or insensitive, electronic evidence is mishandled, the victim is repeatedly exposed to the accused, or the trial becomes an experience of secondary victimisation. The Bharatiya Nagarik Suraksha Sanhita, 2023 therefore assumes considerable importance because it governs investigation, recording of statements, medical examination, filing of police reports and trial procedure. It contains specific provisions dealing with the medical examination of a person accused of rape and the medical examination of a victim of rape, while also establishing procedural obligations concerning investigation and communication of its progress.

Similarly, the Bharatiya Sakshya Adhiniyam, 2023 has a direct bearing upon sexual offence trials. The law retains a specific evidentiary presumption concerning absence of consent in certain prosecutions for rape under Section 120. The provision demonstrates that sexual offence adjudication cannot be simply through the ordinary burden-of-proof framework because Parliament has recognized that certain circumstances require a carefully calibrated evidentiary rule.

The central argument of this article is that criminalization and justice are not synonymous. Criminalization represents the State's decision to declare certain conduct punishable. Justice, by contrast, requires much more. It requires recognition of the survivor as a rights-bearing individual, meaningful access to the criminal process, protection from intimidation, gender-sensitive investigation, evidentiary fairness, effective adjudication and an outcome that respects both the dignity of the survivor and the constitutional guarantee of a fair trial to the accused. A legal system may impose severe punishment while still failing to deliver justice if the pathway to conviction is structurally inaccessible or if the survivor treated as an object of

investigation rather than a participant with dignity.

This article consequently adopts a critical legal approach to the BNS. It examines the statutory provisions in their constitutional context and evaluates whether the new criminal code sufficiently addresses contemporary forms of sexual violence against women. The analysis also recognizes that criminal law alone cannot eliminate sexual violence. Law operates within social structures marked by unequal power, economic dependence, caste, class, family pressures and gender stereotypes. The Supreme Court has repeatedly acknowledged that violence against women is often underreported because the social and economic costs of reporting can be extremely high and because women may fear family pressure and retaliation.

HISTORICAL DEVELOPMENT OF THE LAW RELATING TO SEXUAL OFFENCES IN INDIA

The Indian Penal Code, 1860 drafted within a colonial legal environment that conceptualized sexual offences through nineteenth-century understandings of morality, gender and family. Section 375 of the IPC defined rape through specific circumstances, while Section 376 provided punishment. Other provisions addressed assault or criminal force to a woman with intent to outrage her modesty, sexual harassment, voyeurism, stalking and disrobing. Over time, however, the statutory structure repeatedly criticized for inadequately reflecting women's lived experiences.

The criminal law reforms following the Delhi gang rape of 2012 constituted one of the most significant moments in the modern development of India's sexual offence jurisprudence. The Criminal Law (Amendment) Act, 2013 substantially expanded the statutory framework by introducing or strengthening offences relating to sexual harassment, voyeurism and stalking, expanding the definition of rape and modifying the law concerning consent. The Criminal Law (Amendment) Act, 2018 subsequently strengthened punishment for rape of children and introduced further aggravated penalties.

These amendments reflected an important conceptual movement. Sexual violence came increasingly to be understood not as an offence against family honor but as an offence against the bodily integrity, autonomy and dignity of an individual. Constitutional jurisprudence reinforced this transformation. Article 21 of the Constitution, through judicial interpretation, came to protect not merely physical existence but a broad range of interests associated with dignity, privacy, decisional autonomy and personal liberty. Sexual autonomy forms part of this constitutional understanding because the ability to decide whether, when and with whom to

engage in sexual activity is fundamentally connected with individual liberty.

The Supreme Court's jurisprudence has been particularly important in removing assumptions that previously influenced sexual offence adjudication. The Court has repeatedly recognized that the testimony of a prosecutrix does not become unreliable merely because it is not supported by independent witnesses, and that the absence of injuries cannot automatically be treated as evidence of consent. The Court has also rejected approaches that evaluate a survivor's conduct or character through patriarchal assumptions.

The decision in *Aparna Bhat v. The state of Madhya Pradesh* provides a particularly significant example of this judicial transformation. The Supreme Court criticized judicial orders containing patriarchal and misogynistic assumptions and emphasized that courts should avoid stereotypes concerning women's conduct, sexual history, clothing, lifestyle or supposed notions of chastity. It expressly disapproved of conditions that could require an accused in a sexual offence case to approach the survivor or enter into a symbolic relationship with her, and emphasized that courts should not encourage compromise or marriage between the accused and the survivor as a method of resolving sexual offence allegations.

The transition to the BNS must therefore be viewed as occurring within an existing constitutional and judicial framework. The statute does not operate on a blank slate. Judicially developed principles concerning consent, dignity, evidence, victim protection and gender stereotypes remain essential to the interpretation and application of the new statutory language.

THE STATUTORY ARCHITECTURE OF SEXUAL OFFENCES UNDER THE BHARATIYA NYAYA SANHITA

The BNS retains rape as the central and most serious sexual offence against women. Section 63 defines rape, while Section 64 prescribes punishment. The basic legislative structure continues the post-2013 approach under which rape is not confined to traditional penile-vaginal intercourse. The statutory definition covers specified forms of penetration and sexual acts occurring under legally defined circumstances involving absence of consent, unwillingness, coercion, fear, misconception or other legally recognized conditions.

The importance of the statutory definition lies in its recognition that sexual violence is fundamentally about the absence of legally meaningful consent. Consent is not simply the physical absence of resistance. A woman may be physically incapable of resisting because of fear, coercion, intoxication, unconsciousness or other circumstances. Equally, a woman may submit physically while not exercising genuine autonomous choice. The legal inquiry must

therefore focus upon whether the prosecution has established the circumstances specified by the statute and whether the accused's conduct falls within the statutory definition.

The Supreme Court has repeatedly emphasized consent as a central concept of sexual autonomy. In constitutional jurisprudence concerning personal liberty, the Court has described consent as a fundamental prerequisite of an individual's exercise of sexual choice. The Court has also made clear that sexual relations must be evaluated through the perspective of individual autonomy rather than assumptions derived from social morality.

The BNS also retains the legal age of eighteen for consent in rape cases. This is consistent with the framework established following the 2013 reforms and operates alongside the Protection of Children from Sexual Offences Act, 2012. The Supreme Court has recognized that the POCSO framework treats every person below eighteen as a child and that sexual activity involving a child attracts the special statutory protection applicable to children. In *Independent Thought v. Union of India*, the Supreme Court read down the former marital rape exception insofar as it protected sexual intercourse with a wife below eighteen years of age, thereby harmonizing the IPC with the POCSO framework.

The BNS therefore represents continuity as much as change. Its rape provision should not be interpreted without reference to the constitutional jurisprudence that developed under the IPC. Where statutory language has been substantially retained, judicial principles concerning consent, credibility, delay, medical evidence and survivor dignity continue to provide essential interpretative guidance.

CONSENT AS THE CENTRAL QUESTION OF SEXUAL AUTONOMY

The concept of consent is central to the sexual offense law. Yet it remains one of the most difficult questions for courts because consent is a subjective decision that must be established through objective evidence. The law must simultaneously protect women against coercive sexual conduct and preserve the fundamental criminal law principle that an accused presumed innocent until guilt proved beyond reasonable doubt.

The challenge is particularly acute because sexual offences frequently occur in private. There may be no eyewitnesses, physical injuries may disappear or may never have existed, and the evidence may consist primarily of the survivor's testimony, surrounding circumstances, communications, medical material and electronic evidence. A rigid expectation that every rape must involve visible physical violence would therefore be legally and socially unrealistic.

The law must distinguish between consent and submission. Consent involves a voluntary and

conscious exercise of choice. Submission may occur because of fear, coercion, social pressure, emotional manipulation or a perceived inability to resist. The criminal justice system must therefore avoid equating silence with consent or if a woman, who does not physically fight back has voluntarily participated in the sexual act.

The evidentiary presumption contained in Section 120 of the Bharatiya Sakshya Adhiniyam is significant in this context. The law provides for a presumption concerning absence of consent. This does not eliminate the prosecution's overall obligation to establish the foundational facts of the offence, nor does it abolish the presumption of innocence. Rather, it represents a legislative recognition of the evidentiary difficulties associated with proving absence of consent in certain sexual offence prosecutions.

Judicial treatment of consent must nevertheless remain cautious. A presumption regarding consent cannot substitute for judicial evaluation of evidence. Courts must examine the complete factual circumstances, the conduct of the accused, the testimony of the survivor, surrounding circumstances and other legally admissible material. At the same time, the court must resist the opposite danger of demanding unrealistic forms of resistance from the survivor. The continuing relevance of *State of Punjab v. Gurmit Singh* and later Supreme Court jurisprudence lies precisely here. Sexual offences cannot be adjudicated through stereotypes about how a "real" victim behaves. The Supreme Court in *Aparna Bhat* drew attention to several such stereotypes, including the belief that a sexually active woman is inherently less credible or that the absence of physical injury establishes consent. It emphasised that such assumptions have no legitimate place in judicial decision-making.

SEXUAL INTERCOURSE THROUGH DECEITFUL MEANS AND THE NEW SECTION 69

One of the most discussed developments in the BNS is Section 69, which criminalizes sexual intercourse by employing deceitful means or by making a promise to marry a woman without an intention of fulfilling that promise, where the sexual intercourse does not amount to rape. The provision carries punishment of imprisonment up to ten years and fine. The statutory explanation includes inducement through a false promise of employment or promotion and marrying by suppressing identity within the expression "deceitful means."

The provision responds to a recurring category of cases in which the prosecution alleges that sexual intercourse occurred because the accused deliberately induced the woman through deception. Its significance lies in creating a distinct category for conduct that Parliament

considers wrongful but that does not satisfy the statutory definition of rape.

However, Section 69 also poses difficult questions of interpretation. The criminal law must distinguish between a genuinely false promise made from the beginning with no intention of fulfilling it and a relationship that subsequently fails for legitimate or unforeseen reasons. Every broken promise to marry cannot automatically become a criminal offence. Otherwise, the provision could transform relationship breakdown into criminal liability.

The Supreme Court's jurisprudence under the IPC has already developed an important distinction between a false promise made with fraudulent intention from the outset and a subsequent failure to fulfil a promise. In *Pramod Suryabhan Pawar v. State of Maharashtra*, the Court emphasized that a promise to marry must be false from its inception and must have a direct nexus with the woman's decision to engage in sexual relations for the conduct to constitute rape on the basis of misconception of fact. This reasoning remains important for interpreting the boundary between rape and the separate statutory offence created by Section 69.

Section 69 consequently presents a delicate balance. It seeks to protect women against sexual exploitation through deception, but criminal law must retain clear thresholds of culpability. The requirement of intentional deception is essential to prevent ordinary relationship failure from being converted into criminal liability. The provision should therefore be interpreted strictly, consistently with the principle of legality and the constitutional protection of personal liberty.

At the same time, the provision should not be interpreted so narrowly that deliberate exploitation through fabricated identities, false employment assurances or calculated marriage deception escapes liability. The challenge for courts will be to distinguish genuine deception from subsequent non-fulfilment without resorting to stereotypes about romantic relationships.

SEXUAL HARASSMENT UNDER THE BNS

Sexual harassment occupies an important position within the broader legal framework because sexual violence does not begin and end with rape. Section 75 of the BNS addresses sexual harassment and retains several forms of prohibited conduct, including unwelcome physical contact and advances involving explicit sexual overtures, demands or requests for sexual favors, showing pornography against the will of a woman and sexually colored remarks.

The significance of sexual harassment legislation is that it recognizes forms of sexual misconduct that may not involve physical penetration but interfere with dignity, autonomy and

equality. Workplace harassment, educational harassment, public harassment and harassment through digital communications can produce significant psychological and professional consequences.

The law must also recognize the changing environment in which sexual harassment occurs. Digital technology has transformed the ways in which women targeted. Repeated unwanted messages, circulation of sexual content, non-consensual sharing of intimate material, online surveillance and digitally facilitated stalking can cause serious harm even where the offender never physically approaches the victim.

The criminal law framework must consequently operate alongside the Information Technology Act, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and other applicable laws. Sexual harassment should not be treated exclusively as an issue of individual criminality. In institutional settings, it also raises questions concerning organizational responsibility, preventive mechanisms and access to internal remedies.

VOYEURISM AND THE CRIMINALISATION OF PRIVACY VIOLATIONS

The criminalization of voyeurism reflects a significant conceptual development in Indian law. The offence recognizes that a woman does not surrender her privacy merely because she is present in a location where another person can physically observe her. Modern sexual exploitation increasingly involves the unauthorized recording, observation or circulation of intimate acts.

Voyeurism therefore sits at the intersection of sexual autonomy, privacy and technology. The constitutional recognition of privacy in *K.S. Puttaswamy v. Union of India* strengthened the understanding that privacy is an intrinsic component of dignity and personal liberty. Sexual privacy is particularly significant because the unauthorized observation or dissemination of intimate conduct can permanently affect the victim's personal, social and professional life.

The difficulty in contemporary cases is that the harm may continue long after the original act. Once an intimate recording distributed through digital platforms, the victim may lose effective control over the material. The criminal justice system must therefore respond not only to the initial recording but also to subsequent dissemination and associated harassment where other statutory offences are attracted.

A survivor-centered legal response requires prompt preservation of electronic evidence, appropriate digital investigation and protection against further circulation. The procedural

provisions of the BNSS concerning electronic evidence and investigation therefore assume increasing importance in sexual offence cases.

STALKING AND THE EXPANSION OF PROTECTION BEYOND PHYSICAL VIOLENCE

The criminalization of stalking represents another recognition that sexual violence may involve patterns of controlling and intrusive behavior rather than a single physical assault. Persistent following, repeated attempts to contact a woman despite clear disinterest and monitoring of her electronic communications can interfere with personal liberty and create genuine fear.

The legal significance of stalking lies in its recognition of autonomy. A woman is entitled to refuse contact. Repeated pursuit after refusal cannot be romanticized merely because popular culture has historically treated persistent pursuit as evidence of affection. Criminal law has an important role in distinguishing consensual interaction from coercive intrusion.

The Supreme Court's broader jurisprudence concerning dignity and autonomy supports such an interpretation. The law cannot protect women effectively if it intervenes only after stalking has escalated into physical violence. Preventive criminalization of serious intrusive conduct is therefore an important part of a comprehensive framework.

Nevertheless, stalking provisions must also be interpreted carefully to distinguish legitimate communication from criminal persistence. The statutory exceptions and the requirement of conduct falling within the prescribed legal parameters remain important safeguards against over criminalization.

ASSAULT, DISROBING AND THE CONCEPT OF MODESTY

The BNS continues to recognize offences involving assault or criminal force against women with intent to outrage or violate their dignity. Historically, the language of "modesty" generated substantial judicial discussion. The concept has sometimes been criticized because it may appear to locate the wrong in an abstract social notion of female modesty rather than in the woman's autonomous rights.

A modern constitutional interpretation should therefore treat such provisions as protecting the bodily integrity and dignity of women rather than enforcing conventional standards of feminine behavior. The focus should be on the nature of the accused's conduct, its sexual character and its impact upon the victim's autonomy.

This shift is important because women should not be required to conform to particular standards

of dress, behavior or sexuality to receive legal protection. The Supreme Court's direction in *Aparna Bhat* against gender stereotypes provides an important interpretative principle. Courts must not permit assumptions about what constitutes a "good" or "proper" woman to influence the determination of whether an offence occurred.

GANG RAPE AND AGGRAVATED SEXUAL VIOLENCE

The BNS adopts an especially severe approach towards gang rape. Section 70 provides that where one or more persons constituting a group or acting in furtherance of common intention, each person, rape a woman treated as having committed rape. The provision prescribes rigorous imprisonment of not less than twenty years, extending to imprisonment for life, with a fine directed towards medical expenses and rehabilitation of the victim. Where the victim is under eighteen, the punishment is even harsher and may include imprisonment for life or death.

The structure of Section 70 reflects the legislature's recognition that group sexual violence produces particularly grave physical and psychological harm. It also addresses an evidentiary problem by recognizing collective criminal responsibility where individuals act as part of a group or in furtherance of common intention.

The provision nevertheless must be applied consistently with foundational criminal law principles. Each accused person's participation, common intention and statutory liability must be established according to law. The seriousness of the offence does not justify dilution of the standard of proof.

Requiring rehabilitation-oriented fines is also significant. Sexual violence can impose substantial medical, psychological and economic costs upon survivors. Criminal justice should therefore not stop at punishment. Compensation and rehabilitation form part of meaningful justice.

REPEAT OFFENDERS AND THE QUESTION OF PROPORTIONALITY

Section 71 of the BNS provides particularly severe punishment for repeat offenders convicted of specified serious sexual offences, permitting imprisonment for life for the remainder of the offender's natural life or death. The provision reflects a strong legislative policy of incapacitating persons who repeatedly commit grave sexual offences.

The provision raises a larger jurisprudential question concerning proportionality. Criminal punishment serves multiple purposes, including retribution, deterrence, incapacitation and rehabilitation. For particularly serious sexual offences, incapacitation may assume greater

significance where there is evidence of repeated offending.

At the same time, death penalty provisions in sexual offence law must remain subject to the constitutional doctrine of the "rarest of rare" cases developed by the Supreme Court. The availability of death as a statutory punishment does not mean death should automatically follow conviction. Courts must consider aggravating and mitigating circumstances and must apply constitutional safeguards governing capital punishment.

The emphasis on severe punishment should therefore be balanced with procedural fairness. A harsh statutory penalty increases rather than decreases the need for a careful and independent judicial process.

THE CONTINUING MARITAL RAPE EXCEPTION: A MAJOR CONSTITUTIONAL CONCERN

One of the most significant limitations in India's sexual offence framework remains the marital rape exception. The BNS retains an exception relating to sexual intercourse or sexual acts by a man with his own wife, where the wife is not below eighteen years of age, subject to the statutory framework.

This creates a substantial constitutional and conceptual tension. If consent is the foundation of sexual autonomy, marriage should not automatically be treated as permanent consent. Marriage is a legal relationship, not an irrevocable license to use another person's body.

The constitutional challenge particularly connected with Articles 14 and 21. Article 14 requires equality before the law, while Article 21 protects life and personal liberty. The constitutional jurisprudence on dignity and privacy has increasingly recognized that bodily autonomy is inseparable from personal liberty.

The Supreme Court's decision in *Independent Thought* is particularly important because it rejected the earlier legal distinction that effectively permitted a husband to engage in sexual intercourse with a minor wife without attracting the law of rape. The Court held that the exception, to that extent, was inconsistent with constitutional guarantees and the statutory protection of children.

The adult marital rape question, however, remains distinct. The continuing exception demonstrates that Indian criminal law has not yet fully separated the legal concept of marriage from assumptions concerning sexual entitlement. From a rights-based perspective, the more coherent approach would be to recognize that consent must be specific to the sexual act and cannot be permanently presumed from marital status.

At the same time, the criminalization of marital rape presents difficult questions concerning evidentiary standards, investigation within the private sphere and interaction with matrimonial law. These difficulties, however, should not be mistaken for an argument that bodily autonomy ceases upon marriage. The criminal law can develop appropriate evidentiary safeguards without preserving a blanket exemption from rape liability.

The continuing exception therefore represents one of the principal areas in which the BNS can be critically evaluated. The movement from criminalisation to justice remains incomplete so long as the law provides substantially different protection to married and unmarried women in circumstances involving non-consensual sexual intercourse.

THE GENDERED STRUCTURE OF THE BNS

Another important issue concerns the gender-specific construction of several sexual offences. The rape provision is framed around a male accused and a woman victim. This reflects the historical understanding of sexual violence against women and the particular vulnerability created by patriarchal structures. However, it also raises questions concerning gender neutrality and equal protection for victims whose experiences do not fit the statutory model.

A gender-specific offence may be constitutionally justified where the legislature identifies a particular social harm and designs protection for a historically vulnerable group. Article 15(3) expressly permits the State to make special provisions for women and children. Thus, protective legislation for women is not inherently inconsistent with equality.

The challenge is to ensure gender-based protection does not create invisibility for other victims of sexual violence. Sexual offences against men, transgender persons and gender-diverse persons raise serious concerns that may require protection under other provisions or legislative frameworks. A comprehensive criminal justice system should ensure that the recognition of women's vulnerability does not become a reason to deny protection to other survivors.

The BNS therefore demonstrates the continuing tension between formal neutrality and substantive equality. Treating everyone identically does not necessarily produce justice where social realities are unequal. At the same time, the law must remain responsive to all persons whose bodily autonomy has been violated.

VICTIM IDENTITY AND THE RIGHT TO PRIVACY

Section 72 of the BNS protects the identity of victims of specified sexual offences by criminalising publication of the victim's name or material that may reveal identity, subject to

statutory exceptions.

This protection is crucial because sexual offence survivors may face stigma, harassment, social exclusion and threats after the offence. Public disclosure may compound the original harm. The right to privacy therefore extends beyond the physical incident to the survivor's control over personal information.

Identity protection also demonstrates an important shift in victims' legal understanding. The victim is not merely a source of evidence for the prosecution. She possesses independent interests in dignity, privacy and security.

However, privacy protection must operate effectively in the digital environment. Traditional media restrictions are insufficient where social media users can rapidly disseminate identifying information. Effective enforcement therefore requires technological capacity, platform cooperation and prompt judicial intervention.

PROCEDURAL JUSTICE UNDER THE BHARATIYA NAGARIK SURAKSHA SANHITA

Substantive criminal law cannot deliver justice without effective procedure. The BNSS contains several provisions that are directly relevant to sexual offence cases. It provides for the examination of a person accused of rape by a medical practitioner and specifically addresses the medical examination of a victim of rape. It also contains provisions concerning registration and investigation of cognizable offences, recording of statements and completion of investigation.

The importance of these provisions lies in the reality that the first stages of a sexual offence case can substantially determine its eventual outcome. Delay in medical examination can affect evidence. Improper recording of the survivor's statement can produce contradictions that are later unfairly used against her. Failure to collect electronic communications can weaken the prosecution case. Inadequate investigation can ultimately lead to acquittal even where the underlying allegation is genuine.

The BNSS also incorporates a requirement that the investigation report in relevant sexual offence cases include the medical examination report of the woman where specified offences are involved. The framework further contemplates communication of the progress of investigation to the informant or victim within a prescribed period.

These provisions indicate a movement towards greater procedural accountability. Nevertheless, statutory procedure is meaningful only when implemented consistently. A survivor's rights

cannot depend upon the individual sensitivity of a particular police officer.

Police training is therefore central to BNS functioning. Officers investigating sexual offences must understand consent, trauma, electronic evidence, victim protection and relevant statutory provisions. Gender-sensitive investigation does not mean biased investigation. It means an investigation that is free from prejudicial assumptions while remaining objective and legally rigorous.

MEDICAL EVIDENCE AND THE DANGER OF THE TWO-FINGER TEST

Medical evidence has historically played an important role in rape cases, but medical examination has also been a source of secondary victimisation. The notorious two-finger test became emblematic of a medical approach that attempted to infer sexual history or consent from the physical characteristics of a woman's genitalia.

Modern Indian jurisprudence has decisively rejected such reasoning. A woman's previous sexual experience has no logical bearing upon whether she consented to the particular sexual act alleged in the case. The fact that a woman is sexually active cannot be treated as evidence that she consented to sexual intercourse with the accused.

Medical evidence should therefore be used to establish relevant physical facts, injuries, biological evidence and other scientifically relevant material. It should not be transformed into a moral examination of the survivor.

This distinction is fundamental. The criminal justice system investigates the accused's conduct. It should not place the survivor's character on trial.

EVIDENTIARY CHALLENGES IN SEXUAL OFFENCE TRIALS

Sexual offence trials frequently involve difficult evidentiary questions. The survivor may be the principal witness, and the accused may argue that the relationship was consensual. Delay in reporting may be highlighted as a contradiction. Communications between the parties may be produced as evidence. Medical evidence may or may not reveal physical injury. Electronic evidence may become central.

Courts must therefore apply established principles concerning appreciation of testimony without creating special rules that either automatically favour or automatically discredit the survivor.

The testimony of a survivor must be assessed according to the same fundamental standards of

credibility applied to other witnesses, but the court must also understand the specific circumstances of sexual violence. Trauma does not necessarily produce a uniform behavioural response. Some survivors may immediately report the offence, while others may remain silent because of fear, shame, family pressure, economic dependence or threats from the accused.

The Supreme Court has recognised that the social costs of reporting sexual violence can be substantial. In *Aparna Bhat*, the Court noted that women frequently encounter barriers to access to legal aid, counselling and shelters, and that patriarchal social structures and economic dependence can discourage reporting.

Delay, therefore, cannot automatically be treated as evidence of fabrication. It must be assessed in context.

Electronic evidence introduces another dimension. Modern relationships may generate extensive digital records, including messages, photographs, location information, social media communications and call records. Such evidence can corroborate or contradict testimony, but courts must ensure that it is legally admissible and properly authenticated. Digital evidence should not be accepted uncritically merely because it appears technologically sophisticated.

VICTIM-BLAMING AND JUDICIAL STEREOTYPES

One of the greatest challenges facing sexual offence jurisprudence is not the absence of law but the persistence of stereotypes. A statute may define rape in terms of consent, yet a judicial process can indirectly reintroduce notions of morality by questioning why a woman was outside at night, why she consumed alcohol, what clothing she wore, whether she had previous relationships or why she continued communicating with the accused.

Such questions may sometimes be factually relevant in particular cases, but their relevance must be distinguished from moral judgment. A woman's lifestyle does not create a legal presumption of consent.

The Supreme Court's judgment in *Aparna Bhat* is particularly instructive because it directly addressed this problem. The Court referred to stereotypes such as the belief that women are emotionally unstable, that sexually active women are less credible, that women who are alone at night invite attack, and that absence of physical injury indicates consent. It directed courts to avoid such stereotypes and stressed the need for gender sensitization within the judiciary.

This jurisprudence should guide interpretation of the BNS. Legal reform is incomplete if old stereotypes survive beneath new statutory language.

BAIL AND THE PROTECTION OF SURVIVORS

Bail proceedings are another stage at which survivors may experience secondary harm. The accused is constitutionally entitled to a fair process and bail cannot be denied merely because an allegation is serious. At the same time, courts must ensure that bail conditions do not expose the survivor to intimidation, harassment or unwanted contact.

In *Aparna Bhat*, the Supreme Court specifically criticised the imposition of a bail condition requiring an accused in a sexual harassment case to visit the complainant with a Rakhi. The Court held that conditions in sexual offence cases must not be based on patriarchal notions or permit inappropriate contact between the accused and survivor. He also said courts should not encourage compromise or marriage between the accused and the prosecutrix.

This principle has broader significance. The survivor's safety should form part of bail decision-making. Where appropriate, courts should consider restrictions on contact, threats, intimidation and interference with witnesses.

The principle does not mean that the accused loses the right to liberty. Rather, it requires courts to balance the accused's constitutional rights with the survivor's right to security and a fair process.

THE ROLE OF COMPENSATION AND REHABILITATION

Criminal justice has traditionally focused upon arrest, prosecution and punishment. For survivors of sexual violence, however, justice has another dimension. Medical treatment, psychological counselling, education, employment assistance, relocation, legal aid and financial compensation may be necessary for rebuilding one's life.

The BNS's provision concerning fines in gang rape cases expressly connects punishment with medical expenses and rehabilitation of the victim. This is a welcome recognition that justice must respond to the consequences of the offence rather than merely punish the offender.

Yet compensation should never become a substitute for prosecution. The Supreme Court in *Aparna Bhat* noted the danger of informal settlements in which financial payment by the perpetrator or his family is treated as an alternative to legal remedies. Sexual violence is not simply a private dispute capable of being resolved through monetary negotiation.

A meaningful victim compensation framework must therefore be accessible, timely and sensitive to the survivor's individual circumstances.

CRIMINALISATION VERSUS JUSTICE

The title of this article deliberately distinguishes criminalisation from justice because the two concepts represent different stages of legal response. Criminalisation asks what conduct should be prohibited and punished. Justice asks what happens after the offence occurs.

The BNS is relatively strong on the first question. It defines and punishes rape, gang rape, sexual harassment, voyeurism, stalking and other forms of sexual misconduct. It introduces a distinct offence concerning sexual intercourse through deceitful means and strengthens consequences for repeat offenders. But these provisions cannot alone guarantee justice.

Justice requires effective policing. It requires prosecutors who understand sexual offence law. It requires judges who can distinguish evidence from stereotypes. It requires medical professionals who respect survivor dignity. It requires forensic capacity capable of handling biological and electronic evidence. It requires witness protection and compensation. It requires timely trials.

The Supreme Court's observation that legal doctrines can coexist with deeply entrenched social attitudes is particularly relevant. Removing discriminatory statutory language does not automatically eliminate the social attitudes that historically supported it.

The BNS therefore represents only one component of a larger institutional structure.

CONSTITUTIONAL DIMENSIONS OF THE BNS

The constitutional validity and interpretation of sexual offence law must be examined through Articles 14, 15 and 21. Article 14 demands equality and non-arbitrariness. Article 15 prohibits discrimination on specified grounds while permitting special provisions for women and children under Article 15(3). Article 21 protects life and personal liberty and has been interpreted to include dignity, privacy and bodily autonomy.

The criminal law relating to sexual offences advances these constitutional values by protecting women from coercion and bodily intrusion. But constitutional principles also limit the State's criminal power. Punishment must be imposed by law. The accused is entitled to a fair trial. Criminal provisions must be sufficiently clear to satisfy the principle of legality. Procedural safeguards must not be discarded merely because the allegation is morally repugnant.

The constitutional approach therefore requires a dual commitment: strong protection of survivors and strong procedural fairness to accused persons. These are not contradictory objectives. A system that produces convictions through unfair procedures does not ultimately produce justice.

The Supreme Court's modern privacy jurisprudence provides a particularly powerful foundation for sexual offence law. Privacy protects decisional autonomy and bodily integrity. Sexual relations therefore belong to the sphere of personal liberty, subject to the rights of the other person. Consent becomes the constitutional bridge between privacy and criminal law.

INTERSECTIONALITY AND SEXUAL VIOLENCE

Sexual violence does not affect all women equally. Caste, class, disability, age, economic dependence, geographical location and social status may influence both vulnerability to violence and access to justice.

A woman from an economically disadvantaged background may find it difficult to travel repeatedly to court. A woman dependent upon the accused for financial support may face enormous pressure to withdraw. A disabled woman may encounter communication barriers. A woman from a marginalised social group may confront institutional prejudice in addition to the original offence.

The Supreme Court has recognised that women may experience discrimination on multiple grounds and that violence against women can be reinforced by caste, class, ability and other social realities.

The BNS implementation must therefore be sensitive to intersectionality. Formal equality is insufficient if procedural structures are practically inaccessible to particular categories of survivors.

THE RELATIONSHIP BETWEEN THE BNS AND SPECIAL CRIMINAL LAWS

The BNS does not operate in isolation. Sexual offences may also attract provisions under the Protection of Children from Sexual Offences Act, 2012, the Information Technology Act, 2000, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and other special laws depending upon the facts.

The POCSO Act is particularly important where the victim is below eighteen. Its child-centred framework differs in important respects from the adult sexual offence regime. The Supreme Court has repeatedly emphasised the special protective character of POCSO and the statutory definition of a child as a person below eighteen.

The interaction between general and special criminal laws requires prosecutors and investigators to understand which provisions apply and how they operate together. The

objective should be comprehensive protection rather than duplication or procedural confusion.

INSTITUTIONAL REFORM AS A NECESSARY COMPLEMENT

The effectiveness of the BNS ultimately depends upon institutions. Police stations require trained personnel, women-friendly reporting mechanisms, forensic resources and mechanisms for protecting complainants. Prosecutorial systems require specialised understanding of sexual offence cases. Courts require adequate infrastructure, trained staff, witness protection and technological facilities.

Judicial training is particularly important. The Supreme Court in *Aparna Bhat* stressed gender sensitisation of judges and members of the Bar and recognised the dangers of stereotypes in adjudication.

Training should not be limited to identifying sexual offences. It should include the psychology of trauma, principles of consent, constitutional equality, privacy, evidentiary appreciation, digital evidence and appropriate courtroom language.

The goal should not be to create a system that automatically believes every allegation. The goal should be to create a system that evaluates every allegation fairly, without beginning from assumptions that either discredit or glorify the survivor.

THE PROBLEM OF OVER-RELIANCE ON PUNISHMENT

The political response to sexual violence often focuses on increasing punishment. Severe punishment can serve legitimate objectives, particularly for grave offences, but punishment alone cannot prevent sexual violence.

If certainty of detection is low, increasing the maximum sentence may have limited deterrent value. If investigations are delayed or poorly conducted, severe statutory penalties may remain largely symbolic. If survivors fear reporting, the existence of a severe punishment may have little practical impact.

The criminal justice system must therefore shift some attention from severity to certainty, quality and accessibility. Effective investigation, forensic capability, witness protection and speedy trials may contribute more to deterrence than repeatedly increasing maximum penalties. This is not an argument against serious punishment. Rather, it is an argument against measuring legal effectiveness solely through the length of imprisonment or availability of the death penalty.

THE NEED FOR A SURVIVOR-CENTRED CRIMINAL JUSTICE MODEL

A survivor-centred model does not mean abandoning the rights of the accused. It means recognising that the survivor has legitimate rights throughout the criminal process. These include dignity, privacy, information, protection, legal assistance, medical care and compensation.

The survivor should not be compelled to repeatedly narrate traumatic events unnecessarily. Statements should be recorded carefully. Medical examinations should be conducted with dignity. The survivor's identity must be protected. Courts should prevent irrelevant questioning about sexual history or character where it has no legitimate evidentiary purpose.

The criminal justice process should also recognise that survivors have different responses to trauma. Some may display emotional distress; others may appear calm. Some may maintain contact with the accused because of economic dependence or fear. Some may delay reporting because they are attempting to understand what happened or because family members discourage them from approaching police.

The Supreme Court's observations concerning rape myths are particularly relevant here. The Court recognised that stereotypes concerning victim behaviour can distort judicial reasoning.

CRITICAL ASSESSMENT OF THE BNS

The BNS has several strengths. It preserves the expanded statutory understanding of rape introduced through earlier reforms. It retains specific offences relating to sexual harassment, voyeurism and stalking. It provides stringent punishment for gang rape and repeat offenders. It protects the identity of victims. It also introduces Section 69 to address sexual intercourse obtained through certain forms of deception.

Its limitations are equally significant. The continued marital rape exception remains a major concern from the perspective of bodily autonomy and constitutional equality. The gender-specific construction of rape leaves broader questions concerning sexual violence against persons outside the statutory categories. Section 69 requires careful interpretation to prevent the criminalisation of ordinary relationship breakdown while ensuring deliberate deception is effectively punished.

More importantly, the BNS does not itself solve the implementation deficit. Police practices, forensic delays, inadequate victim support, judicial stereotypes and prolonged trials cannot be eliminated simply through statutory replacement.

The real measure of reform is therefore not whether the BNS contains more severe punishment than the IPC. The real question is whether a woman who experiences sexual violence can enter the criminal justice system without losing further dignity, privacy, safety and agency.

RECOMMENDATIONS FOR STRENGTHENING THE LEGAL FRAMEWORK

The future development of sexual offence law should focus on constitutional consistency and institutional effectiveness. The marital rape exception requires renewed legislative and constitutional consideration so that marriage does not function as a permanent presumption of sexual consent. Any reform should preserve procedural safeguards while recognising the independent bodily autonomy of married women.

Section 69 requires judicial clarification to distinguish deliberate deception from ordinary failure of a romantic relationship. The mental element of the offence should remain central. Courts should examine whether the accused possessed the intention not to fulfil the promise at the relevant time and whether the deception materially induced the sexual relationship.

The investigation of sexual offences should become increasingly specialised. Investigating officers should receive continuing training concerning consent, trauma, forensic evidence, digital evidence and victim protection. Medical examination protocols should remain strictly survivor-sensitive and should never involve inquiries into sexual history for the purpose of determining consent.

Courts should continue to follow the Supreme Court's direction in *Aparna Bhat* and reject stereotypical reasoning. Judicial orders should avoid references to women's character, clothing, sexual history or social behaviour unless a particular fact has a legally recognised and genuinely material relevance.

Procedural reforms should also prioritise communication with survivors. The BNSS already contains mechanisms relating to investigation and communication of progress. These provisions should be implemented consistently so that victims are not left uncertain about the status of their own cases.

Victim compensation should be timely and practical. Rehabilitation should include psychological support, medical treatment, educational assistance and economic support where required. Such measures should be treated as components of justice, not charity.

Just like legal education must change. Law students, police officers, prosecutors, judicial officers and medical professionals should be exposed to contemporary scholarship on sexual

violence, constitutional equality and trauma-informed justice. A statutory reform cannot succeed if the institutions applying it continue to operate through outdated social assumptions.

CONCLUSION

The Bharatiya Nyaya Sanhita, 2023 marks an important stage in the continuing development of India's legal response to sexual offences against women by retaining earlier substantive reforms while reorganizing them within a new criminal law framework. Its provisions addressing rape, sexual harassment, stalking, voyeurism, gang rape, repeat offenders, sexual intercourse through deceitful means and protection of victims' identity reflect a broader recognition of sexual violence as an infringement of individual rights rather than merely a violation of social morality. However, the transition from the Indian Penal Code to the BNS does not by itself complete the process of legal reform, since meaningful justice depends upon effective investigation, sensitive medical procedures, reliable evidence, fair prosecution and timely adjudication. The constitutional principles of equality, dignity, privacy and bodily autonomy must therefore guide the interpretation and application of the new framework. The Supreme Court's jurisprudence, particularly in *Aparna Bhat* and *Independent Thought*, reinforces the need to reject patriarchal stereotypes and recognise women as autonomous rights-bearing individuals. At the same time, the continuing marital rape exception reveals an important gap in protecting adult women's sexual autonomy. Ultimately, the success of the BNS should be measured not merely by punishment, but by whether it transforms statutory protection into accessible, dignified and constitutionally grounded justice for survivors of sexual violence.

REFERENCES

- Sirohi, T., & Mehra, P. (2025). An evolutionary and comparative analysis of the legal landscape of sexual offenses against women in India. *Sexual Health & Compulsivity*, 1-28.
- Bajpai, A., Gupta, A., & Indusekhar, A. (2024). Revisiting Criminal Law Bills: An In-Depth Critical Analysis of Bharatiya Nyaya Sanhita Bill and Bharatiya Nagarik Suraksha Bill. *Statute Law Review*, 45(3), hmae043.
- Ghosh, S. (2025). A scoping review on exploring the urgency of criminalising marital rape in India. *Social Sciences & Humanities Open*, 12, 101694.

- Nanda, A., & Gupta, A. (2023). Critical analysis of the Bharatiya Nyaya Sanhita Bill 2023 with special regard to laws concerning rape and unnatural offences. Panjab University Law Magazine-Maglaw, 2(1).
- Singh, Manjari, Ridwan Arifin, Varun Chhachhar, Marina Gorbatiuc, Shobhit Pratap Singh, and Prashant Singh. "Revisiting Liberty of Woman Under Rape Laws in India with Reference to Bhartiya Nyaya Sanhita: A Critical Legal Analysis." Unnes Law Journal (2026): 83-118.
- Sethi, P. (2025). Bhartiya Nyaya Sanhita 2023: A Critical Analysis of Legal Reforms in Sexual Offences and Women's Rights in India. Issue 3 Int'l JL Mgmt. & Human., 8, 359.
- Dubey, P., & Soni, R. (2025). From Retribution to Reform: A Critical Analysis of the Bharatiya Nyaya Sanhita, 2023 and India's Criminal Law Renaissance. Issue 3 Int'l JL Mgmt. & Human., 8, 177.
- Akhil Kumar, K. S. (2023). The Bhartiya Nyaya (Second) Sanhita 2023: An Integrated Perspective-A Comprehensive Study and Analysis. Jus Corpus LJ, 4, 350.
- Kidwai, I. M., & Mishra, S. (2026). Beyond Criminalisation: Mapping Legislative and Institutional Gaps in India's Rape Laws and Evaluating Remedial Mechanisms. LawFoyer Int'l J. Doctrinal Legal Rsch., 4, 432.
- Kidwai, I. M., & Mishra, S. (2026). Beyond Criminalisation: Mapping Legislative and Institutional Gaps in India's Rape Laws and Evaluating Remedial Mechanisms. LawFoyer Int'l J. Doctrinal Legal Rsch., 4, 432.
- Kidwai, I. M., & Mishra, S. (2026). Beyond Criminalisation: Mapping Legislative and Institutional Gaps in India's Rape Laws and Evaluating Remedial Mechanisms. LawFoyer Int'l J. Doctrinal Legal Rsch., 4, 432.
- Gupta, S., & Thaorey, P. (2025). Statutory Silences: Evaluating Gender Neutrality of Rape Laws Under Bhartiya Nyaya Sanhita, 2023. Studies in Humanities and Social Sciences (SH&SS), 32(1), 186-202.
- Meghna; Khan, Shaharyar Asaf. (2024). The Evolution of Legal Protections for Women and Children in India: An Analysis of New Criminal Laws. VBCL L. Rev., 9, 257.
- Patni, K., & Dhabhai, V. (2026). From Punishment to Proportionality: A Critical Analysis of Decriminalisation of Minor Offences in India. LawFoyer Int'l J. Doctrinal Legal Rsch., 4, 2733.

- Sharma, D. (2026). Deconstructing Consent and Culpability: A Critical Evaluation of Section 69 under the Bharatiya Nyaya Sanhita, 2023. *Journal of Digital Justice and Legal Innovation*, 1(1), 42-49.
- Jaiswal, A., & Singh, S. (2025). Evolving Paradigms of Criminal Law in Contemporary India: Challenges, Reforms, and the Quest for Justice in a Digital Age. *LawFoyer Int'l J. Doctrinal Legal Rsch.*, 3, 839.
- Singh, J., & Yadav, S. (2026). From Protection to Prosecution: Mapping India's Legal Framework on Domestic Violence against Women and the Judicial Trajectory. *LawFoyer Int'l J. Doctrinal Legal Rsch.*, 4, 401.

