

Manuscript ID:
TIJCMBLIR-2026-030247

Volume: 3

Issue: 2

Month: April

Year: 2026

E-ISSN: 3065-9191

Submitted: 18 Mar 2026

Revised: 22 Mar 2026

Accepted: 20 April 2026

Published: 30 April 2026

Address for correspondence:

Dr. Anil Vats
Maharishi Markandeshwar
Deemed to be University,
Mullana, Ambala
Email: vatsanil11@gmail.com

DOI: [10.5281/zenodo.19626187](https://doi.org/10.5281/zenodo.19626187)

DOI Link:

<https://doi.org/10.5281/zenodo.19626187>



Creative Commons (CC BY-NC-SA 4.0):

This is an open access journal, and articles are distributed under the terms of the Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International Public License, which allows others to remix, tweak, and build upon the work noncommercially, as long as appropriate credit is given and the new creations are licensed under the identical terms.

Reforming Criminal Justice in India: A Critical Examination of the Bharatiya Nyaya Sanhita, 2023

Dr. Anil Vats

Maharishi Markandeshwar Deemed to be University, Mullana, Ambala

Abstract

The reform of criminal law in India through the introduction of the Bharatiya Nyaya Sanhita, 2023, marks a significant shift from the colonial legal framework established under the Indian Penal Code, 1860. This study critically examines the objectives, key features, and implications of the new criminal law regime within the broader context of criminal justice reform in India. Adopting a doctrinal and analytical approach, the paper explores the historical evolution of criminal law, the rationale behind the 2023 reforms, and the structural and substantive changes introduced by the BNS. The study highlights that the new legislation aims to modernize the legal system by incorporating provisions for emerging crimes, promoting victim-centric justice, simplifying legal language, and integrating technology in investigation and adjudication processes. A comparative analysis reveals both continuity and change, as the BNS retains certain foundational principles of the earlier framework while introducing notable reforms in areas such as sentencing, organization of offenses, and recognition of new-age crimes. However, the paper also identifies key challenges, including ambiguity in certain provisions, concerns regarding expanded state power, and significant implementation constraints related to institutional capacity and infrastructure. The findings suggest that while the BNS represents a progressive step toward reform, its effectiveness will depend on balanced implementation, judicial oversight, and adherence to constitutional values. The study concludes that the success of these reforms lies not merely in legislative change but in their practical execution and long-term impact on justice delivery, human rights, and governance.

Keywords: Criminal Justice Reform, Bharatiya Nyaya Sanhita, 2023, Indian Penal Code, 1860, Victim-Centric Justice, Legal Modernization

Introduction

The criminal justice system of India has historically been rooted in colonial legal frameworks, most notably the Indian Penal Code, 1860, which was enacted during British rule. While the IPC has served as the backbone of criminal law for over a century, it has increasingly been criticized for its outdated provisions, colonial orientation, and inability to address emerging forms of crime in a rapidly evolving society (Bajpai, 2023). With advancements in technology, changes in social structures, and the rise of organized and transnational crimes, the need for comprehensive reform in India's criminal justice system has become more urgent than ever. In response to these challenges, the Government of India introduced the Bharatiya Nyaya Sanhita, 2023 (BNS) as part of a broader overhaul of criminal laws, replacing the IPC. This reform is complemented by the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023, collectively aiming to modernize India's criminal justice system. The introduction of these laws signifies a paradigm shift from a colonial punitive model to a more justice-oriented and citizen-centric legal framework (Government of India, 2023).

The BNS seeks to address several critical gaps in the existing legal system by introducing new categories of offenses such as organized crime, terrorism, and mob lynching, while also emphasizing victim rights and the incorporation of technological advancements in investigation and evidence collection. Additionally, it introduces progressive elements such as community service as a form of punishment and attempts to simplify legal language to enhance accessibility (PRS Legislative Research, 2023). These changes indicate a significant attempt to align India's criminal law with contemporary socio-economic realities and global legal standards. However, despite its progressive intent, the Bharatiya Nyaya Sanhita, 2023 has also attracted considerable debate among legal scholars, practitioners, and civil society. Critics argue that certain provisions may lead to ambiguity, potential misuse of state power, and continuity of colonial-era legal principles under a new nomenclature (Mehta, 2024). Furthermore, questions remain regarding the practical implementation of these reforms,

How to Cite this Article:

Vats, A. (2026). Reforming Criminal Justice in India: A Critical Examination of the Bharatiya Nyaya Sanhita, 2023. *The International Journal of Commerce Management and Business Law in International Research*, 3(2), 249–257. <https://doi.org/10.5281/zenodo.19626187>

particularly in terms of institutional capacity, judicial infrastructure, and law enforcement preparedness. Against this backdrop, the present study aims to critically examine the Bharatiya Nyaya Sanhita, 2023 in the context of criminal justice reform in India. The study seeks to analyze whether the BNS represents a transformative shift in India's legal system or merely a reconfiguration of existing laws. It also explores the broader implications of these reforms for justice delivery, human rights, and governance.

Historical Evolution of Criminal Law in India and Review of Literature

The development of criminal law in India is deeply rooted in its colonial past, with the Indian Penal Code, 1860 serving as the foundational legal framework. Drafted under the leadership of Thomas Babington Macaulay, the IPC was designed to establish a uniform system of criminal justice across British India. While the code was considered progressive for its time due to its codified and structured approach, it primarily reflected colonial priorities, focusing on maintaining order and control rather than ensuring justice in a democratic and rights-based society (Singh, 2022). Over the decades, the IPC underwent several amendments to adapt to changing socio-legal conditions; however, many of its provisions continued to reflect outdated moral and social values. Scholars have pointed out that the rigidity of the colonial framework limited the law's responsiveness to contemporary challenges such as cybercrime, financial fraud, and organized criminal networks (Kumar & Bhatia, 2021). Moreover, the persistence of archaic provisions and language created barriers to accessibility and understanding for ordinary citizens, thereby undermining the principle of legal inclusivity.

The post-independence period witnessed growing calls for reform, particularly in light of constitutional values such as justice, equality, and liberty enshrined in the Indian Constitution. The Constitution of India significantly influenced the interpretation and application of criminal law, leading to judicial activism and progressive rulings. However, despite judicial interventions, the structural limitations of the colonial legal framework remained largely intact (Chandra, 2020). Recent literature highlights that globalization, technological advancement, and changing patterns of crime have exposed significant gaps in India's traditional criminal justice system. For instance, the rise of cybercrime and digital fraud has necessitated legal provisions that go beyond the scope of conventional criminal law (Sharma & Gupta, 2023). Similarly, the increasing incidence of organized crime and terrorism has required a more robust and specialized legal response, which the IPC was not originally designed to address.

In response to these evolving challenges, various expert committees and commissions have recommended comprehensive reforms to India's criminal laws. The Law Commission of India has played a crucial role in reviewing criminal legislation and suggesting amendments to align it with contemporary needs. Reports from the Commission

have consistently emphasized the need for simplification, modernization, and the incorporation of victim-centric approaches within the criminal justice system (Law Commission of India, 2020). The introduction of the Bharatiya Nyaya Sanhita, 2023 represents a culmination of these reform efforts. Existing literature suggests that the BNS aims to address long-standing criticisms of the IPC by restructuring offenses, redefining punishments, and incorporating provisions for modern crimes. According to Verma (2024), the BNS attempts to strike a balance between deterrence and restorative justice by introducing alternative forms of punishment such as community service.

However, scholarly opinions remain divided regarding the extent to which the new legislation departs from its colonial predecessor. Some researchers argue that while the BNS introduces new terminology and reorganizes provisions, it retains many core principles of the IPC, thereby limiting its transformative potential (Iyer, 2024). Others contend that even incremental reforms can significantly improve the efficiency and effectiveness of the criminal justice system if implemented properly (Rao, 2023). Thus, the existing body of literature underscores both the necessity and complexity of criminal law reform in India. While there is broad consensus on the need for modernization, debates continue regarding the depth and direction of these reforms. This study contributes to the ongoing discourse by critically examining whether the Bharatiya Nyaya Sanhita, 2023 represents a substantive shift in India's criminal justice paradigm or a continuation of its historical legacy.

Overview of Criminal Law Reforms in India (2023)

The year 2023 marks a transformative phase in India's legal history with the introduction of comprehensive reforms aimed at overhauling the colonial-era criminal justice framework. The Government of India enacted three major legislations: the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Bharatiya Sakshya Adhinyam, 2023. These statutes collectively replace the longstanding Indian Penal Code, 1860, the Code of Criminal Procedure, 1973, and the Indian Evidence Act, 1872, respectively, thereby signaling a paradigm shift in India's approach to criminal law.

The primary objective of these reforms is to modernize the criminal justice system by making it more efficient, transparent, and responsive to contemporary societal needs. According to Bansal (2023), the reforms aim to move away from a purely punitive framework toward a justice-oriented system that emphasizes victim rights, accountability, and timely delivery of justice. This shift reflects an effort to align India's legal framework with constitutional values and international best practices in criminal jurisprudence.

One of the central features of the 2023 reforms is the emphasis on procedural efficiency and time-bound justice. The Bharatiya Nagarik Suraksha Sanhita introduces provisions for faster investigation

and trial processes, including mandatory timelines for filing charge sheets and delivering judgments. Additionally, it promotes the use of technology in criminal proceedings, such as electronic FIR registration, digital case management, and video conferencing for trials (Kapoor, 2024). These measures are expected to reduce judicial backlog and enhance accessibility to justice.

The Bharatiya Sakshya Adhiniyam, 2023 further strengthens the role of technology by explicitly recognizing electronic and digital evidence as admissible in courts. This is particularly significant in the context of rising cybercrimes and digital transactions, where traditional forms of evidence are often insufficient. The law also seeks to streamline evidentiary procedures and reduce ambiguities that previously led to delays in trials (Menon, 2023). Another important dimension of the reforms is the redefinition and expansion of criminal offenses under the Bharatiya Nyaya Sanhita, 2023. The legislation introduces new categories of crimes, including organized crime, terrorism, and offenses against the state, reflecting the changing nature of criminal activities in a globalized world. It also revises penalties and introduces alternative forms of punishment, such as community service, thereby incorporating elements of restorative justice (Saxena, 2024).

Despite these advancements, the reforms have generated significant debate regarding their implications for civil liberties and federal governance. Critics argue that certain provisions may grant excessive powers to law enforcement agencies, potentially leading to misuse and infringement of individual rights (Nair, 2024). Furthermore, concerns have been raised about the preparedness of institutions to effectively implement these changes, particularly in terms of infrastructure, training, and digital capacity. Overall, the 2023 criminal law reforms represent a comprehensive attempt to reimagine India's criminal justice system. While they introduce several progressive measures aimed at modernization and efficiency, their success will largely depend on effective implementation and the ability to balance state authority with the protection of fundamental rights.

Key Features of the Bharatiya Nyaya Sanhita, 2023

The Bharatiya Nyaya Sanhita, 2023 introduces several significant changes aimed at modernizing India's criminal law framework. These reforms reflect an effort to make the legal system more responsive, accessible, and aligned with contemporary socio-economic realities. The key features of the legislation are discussed below.

1. Structural Reorganization and Simplification

One of the most notable aspects of the Bharatiya Nyaya Sanhita is the restructuring of provisions inherited from the Indian Penal Code, 1860. The BNS reorganizes offenses into a more logical and systematic framework, reducing redundancy and improving coherence. Legal language has been simplified to enhance clarity and accessibility,

thereby enabling better understanding among legal practitioners as well as the general public. According to Deshpande (2023), this restructuring aims to make criminal law more user-friendly and reduce interpretational ambiguities that often lead to prolonged litigation.

2. Introduction of New Categories of Offences

The BNS expands the scope of criminal law by introducing new offenses that reflect emerging threats in modern society. These include organized crime, terrorism, mob lynching, and crimes against the sovereignty and integrity of India. Such provisions address gaps in the earlier legal framework, which lacked specific recognition of these evolving forms of criminal activity. As noted by Kulkarni (2024), the inclusion of these offenses demonstrates a shift toward a more proactive and preventive approach in criminal law.

3. Changes in Punishment and Sentencing Framework

Another important feature of the BNS is the revision of punishment structures. The law introduces alternative forms of punishment such as community service for minor offenses, marking a departure from purely punitive approaches. At the same time, it prescribes stricter penalties for serious crimes, including enhanced punishments for offenses against women and children. This dual approach reflects a balance between deterrence and rehabilitation (Mukherjee, 2023). Furthermore, the BNS emphasizes proportionality in sentencing, ensuring that punishments are aligned with the severity and nature of the offense. This is expected to promote fairness and consistency in judicial decision-making.

4. Gender Justice and Protection of Vulnerable Groups

The Bharatiya Nyaya Sanhita incorporates several provisions aimed at strengthening gender justice and protecting vulnerable sections of society. It expands the definition of certain offenses and introduces stricter penalties for crimes such as sexual violence and exploitation. Additionally, it criminalizes deceitful sexual relationships under false promises, addressing a contentious issue in contemporary legal discourse. According to Banerjee (2024), these provisions reflect an attempt to make criminal law more sensitive to gender-based violence and societal inequalities. However, debates continue regarding the interpretation and potential misuse of some of these provisions.

5. Integration of Technology and Forensic Evidence

Recognizing the growing role of technology in crime and investigation, the BNS places significant emphasis on the use of forensic and digital evidence. It encourages scientific methods of investigation and aligns with the broader reforms introduced in procedural and evidentiary

laws. This integration is expected to enhance the accuracy and reliability of criminal investigations. Shukla (2023) argues that the emphasis on forensic evidence marks a shift toward evidence-based justice, reducing dependence on confessions and witness testimonies, which are often prone to manipulation.

6. Focus on Victim-Centric Justice

A key philosophical shift in the BNS is its focus on victim-centric justice. The law recognizes the rights and interests of victims more explicitly, aiming to ensure timely justice and adequate protection. This includes provisions for compensation, protection, and participation in the justice process. As highlighted by Thomas (2024), this shift reflects global trends in criminal jurisprudence, where victims are no longer seen as passive participants but as central stakeholders in the justice system.

7. Removal and Modification of Obsolete Provisions

The BNS also removes or modifies several outdated provisions that were inconsistent with modern legal and constitutional values. By eliminating archaic offenses and revising definitions, the law seeks to align itself with contemporary societal norms and judicial interpretations. This process of legal rationalization, as noted by Reddy (2023), is essential for ensuring that criminal law remains relevant and effective in addressing present-day challenges.

Comparative Analysis: Indian Penal Code, 1860 vs. Bharatiya Nyaya Sanhita, 2023

The transition from the Indian Penal Code, 1860 to the Bharatiya Nyaya Sanhita, 2023 represents a significant shift in India's criminal law framework. While the BNS retains several foundational principles of the IPC, it also introduces structural, conceptual, and substantive changes aimed at aligning the law with contemporary realities. This section provides a comparative analysis of the two legal frameworks.

1. Philosophical Shift: Colonial Control vs. Justice-Oriented Approach

The IPC was primarily designed as an instrument of colonial governance, focusing on maintaining public order and authority. In contrast, the BNS emphasizes a justice-oriented approach that seeks to balance deterrence with rehabilitation and victim rights. BNS reflects a normative shift toward democratic accountability and citizen-centric justice, although its practical realization remains subject to debate.

2. Structural and Organizational Differences

The BNS reorganizes and rationalizes provisions that were scattered and, at times, redundant in the IPC. It reduces complexity by grouping similar offenses together and streamlining definitions. This structural clarity is expected to improve legal interpretation and application. Sharma

(2024) observes that the reclassification of offenses under the BNS enhances coherence and reduces duplication, thereby making the law more accessible to both legal professionals and the public.

3. Treatment of Offences Against the State

One of the most debated changes is the replacement of the colonial-era sedition provision under the IPC with new provisions addressing acts that endanger the sovereignty, unity, and integrity of India. While the BNS removes the explicit term "sedition," it introduces broader language that may encompass similar conduct. According to Qureshi (2025), this shift raises important questions about the balance between national security and freedom of expression, as the scope of the new provisions may still allow for expansive interpretation.

4. Inclusion of New-Age Crimes

The IPC lacked specific provisions for emerging forms of crime such as organized criminal networks and mob lynching. The BNS addresses these gaps by explicitly defining and penalizing such offenses. This reflects a more adaptive legal framework capable of responding to evolving criminal patterns. Mehra (2024) argues that the inclusion of these offenses demonstrates the law's responsiveness to contemporary socio-political challenges, particularly in the context of rising collective violence and transnational crime.

5. Sentencing and Punishment Reforms

The BNS introduces significant changes in sentencing by incorporating alternative forms of punishment, including community service, while also enhancing penalties for serious offenses. In contrast, the IPC largely relied on imprisonment and fines as primary forms of punishment. According to Dutta (2023), this shift indicates a move toward restorative justice principles, although the effectiveness of such measures will depend on judicial discretion and implementation mechanisms.

6. Decriminalization and Rationalization of Offences

Several obsolete and redundant provisions present in the IPC have been removed or modified in the BNS. This includes the elimination of offenses that are no longer relevant in modern society or have been invalidated by judicial decisions.

Nanda (2024) highlights that this process of decriminalization contributes to reducing the burden on the criminal justice system and aligns the law with contemporary constitutional values.

7. Comparative Summary Table

To better understand the structural and conceptual differences between the Indian Penal Code, 1860 and the Bharatiya Nyaya Sanhita, 2023, a comparative summary is presented below.

Table 5.1: Key Differences between IPC, 1860, and BNS, 2023

Aspect	Indian Penal Code, 1860	Bharatiya Nyaya Sanhita, 2023
Philosophy	Colonial, order-focused	Justice-oriented, citizen-centric
Structure	Complex, fragmented	Simplified, reorganized
State Offences	Sedition explicitly defined	Broader sovereignty-related provisions
New Crimes	Limited scope	Includes organized crime, mob lynching
Punishment	Imprisonment, fines	Includes community service
Relevance	Outdated in parts	Modern and adaptive

The comparison highlights a clear shift from a colonial, punitive framework toward a modern, justice-oriented legal system, although certain elements of continuity remain evident.

Critical Evaluation of the Bharatiya Nyaya Sanhita, 2023

The Bharatiya Nyaya Sanhita, 2023 has been widely regarded as a landmark reform in India's criminal justice system. However, like any major legislative overhaul, it has generated both appreciation and criticism. This section critically evaluates the strengths, limitations, and broader implications of the new legal framework.

- **Strengths of the Bharatiya Nyaya Sanhita, 2023**

The Bharatiya Nyaya Sanhita, 2023 introduces several progressive features aimed at modernizing and strengthening India's criminal justice system. These strengths reflect a shift toward a more inclusive, efficient, and responsive legal framework that aligns with contemporary societal and global legal developments.

- **Modernization and Relevance**

One of the most significant strengths of the BNS is its attempt to modernize criminal law in line with contemporary societal and technological developments. By incorporating provisions for organized crime, terrorism, and digital offenses, the law addresses gaps that existed in earlier legislation. According to Joshi (2024), the BNS reflects a forward-looking approach that aligns criminal law with present-day realities, thereby enhancing its practical relevance.

- **Victim-Centric Approach**

The BNS marks a shift toward recognizing the rights and interests of victims within the criminal justice process. It emphasizes timely justice, protection, and participation of victims, thereby moving beyond the traditional offender-centric model. Singh and Kaur (2024) argue that this shift strengthens public trust in the legal system and aligns with global trends in victimology.

- **Simplification and Accessibility**

The simplification of legal language and restructuring of provisions make the law more accessible to non-specialists. This is particularly important in a diverse country like India, where legal awareness varies significantly. As noted by Pillai (2023), greater accessibility can enhance legal literacy and promote more effective enforcement of the law.

- **Incorporation of Restorative Justice Elements**

The introduction of alternative forms of punishment, such as community service, reflects

an effort to incorporate restorative justice principles. This approach seeks to rehabilitate offenders while also addressing the harm caused to victims and society. Menon and Das (2024) highlight that such measures can reduce recidivism and contribute to a more humane criminal justice system.

Challenges and Criticisms

Despite its progressive objectives, the Bharatiya Nyaya Sanhita, 2023 has attracted significant criticism from legal scholars and practitioners. These concerns highlight issues related to ambiguity, potential misuse of provisions, and practical challenges in implementation, raising important questions about the effectiveness and fairness of the reform.

- **Ambiguity and Scope for Misinterpretation**

Despite its efforts at simplification, certain provisions of the BNS have been criticized for being vague or overly broad. This ambiguity may lead to inconsistent interpretation and application by law enforcement agencies and courts. According to Khan (2025), unclear definitions of certain offenses could increase the risk of arbitrary enforcement.

- **Concerns Regarding State Power**

A major criticism of the BNS relates to the expansion of state authority, particularly in provisions dealing with national security and public order. Critics argue that these provisions may be used to suppress dissent and limit fundamental freedoms. Roy (2024) emphasizes that maintaining a balance between security and civil liberties remains a key challenge in the implementation of the new law.

- **Implementation Constraints**

The success of the BNS largely depends on effective implementation, which requires adequate institutional capacity, infrastructure, and training. India's criminal justice system already faces challenges such as judicial backlog, shortage of personnel, and limited technological resources. Verghese (2023) notes that without addressing these structural issues, the intended benefits of the reforms may not be fully realized.

- **Continuity vs. Transformation Debate**

Another important critique is that the BNS may not represent a complete departure from the colonial legal framework but rather a reorganization of existing provisions. While new offenses and terminologies have been introduced, many core principles remain unchanged. According to Bhattacharya (2024), this raises questions about whether the reform is truly transformative or largely symbolic.

Broader Implications for Criminal Justice

The introduction of the BNS has significant implications for various stakeholders within the criminal justice system. For law enforcement agencies, it necessitates training and adaptation to new legal provisions. For the judiciary, it requires reinterpretation and consistent application of the law. For citizens, it offers the potential for more accessible and responsive justice, albeit with certain risks. Ibrahim (2024) argues that the long-term impact of the BNS will depend on how effectively it balances efficiency, fairness, and accountability. If implemented properly, it has the potential to enhance the legitimacy and effectiveness of India's criminal justice system.

Impact on the Criminal Justice System

The implementation of the Bharatiya Nyaya Sanhita, 2023, along with its companion legislations, is expected to have far-reaching implications for the functioning of India's criminal justice system. These reforms influence multiple dimensions, including policing, judicial processes, access to justice, and the protection of fundamental rights. This section examines these impacts in detail.

○ Impact on Police Investigation and Law Enforcement

One of the primary objectives of the new criminal laws is to enhance the efficiency and effectiveness of police investigations. The emphasis on scientific methods, forensic evidence, and digital tools is expected to improve the quality of investigations and reduce reliance on confessions. According to Yadav (2024), the integration of technology in investigation processes can lead to more accurate evidence collection and minimize procedural delays. However, this shift also necessitates substantial investment in training and infrastructure, particularly in rural and under-resourced areas. Without adequate capacity-building, the benefits of these reforms may remain unevenly distributed.

○ Judicial Efficiency and Reduction of Case Backlog

India's judiciary has long been burdened by a significant backlog of cases, which undermines timely justice delivery. The new criminal law framework aims to address this issue by introducing streamlined procedures, time-bound trials, and greater use of digital platforms. Sharma and Iqbal (2025) argue that these procedural reforms have the potential to significantly reduce delays and improve case disposal rates. However, they also caution that structural challenges such as judicial vacancies and administrative inefficiencies must be addressed simultaneously to achieve meaningful outcomes.

○ Access to Justice and Inclusivity

The reforms introduced under the new legal framework aim to make the justice system more accessible and inclusive. Simplified legal language, digital processes, and victim-centric

provisions are expected to enhance public engagement with the legal system. Kaur (2024) notes that improved accessibility can empower marginalized communities by enabling them to better understand and exercise their legal rights. However, the digitalization of legal processes may also create barriers for individuals lacking technological literacy or access to digital resources, highlighting the need for inclusive implementation strategies.

○ Human Rights and Civil Liberties

While the reforms aim to strengthen law enforcement and national security, they also raise important concerns regarding the protection of fundamental rights. The expansion of certain state powers and the broad definition of specific offenses may have implications for civil liberties. According to Fernandes (2024), the challenge lies in ensuring that enhanced enforcement mechanisms do not lead to the erosion of individual freedoms. Judicial oversight and constitutional safeguards will play a critical role in maintaining this balance.

○ Institutional and Administrative Implications

The successful implementation of the new criminal laws requires coordinated efforts across various institutions, including the police, judiciary, and administrative bodies. This involves not only legal adaptation but also organizational restructuring and capacity enhancement. Ramanathan (2023) emphasizes that institutional readiness is a key determinant of reform success. Adequate funding, training programs, and technological upgrades are essential to ensure that the intended benefits of the reforms are realized.

○ Societal Impact and Public Perception

The effectiveness of criminal law reforms is also influenced by public perception and societal acceptance. A legal system that is perceived as fair, efficient, and transparent is more likely to gain public trust and cooperation. Ali (2024) suggests that the victim-centric and modernization aspects of the reforms may enhance public confidence in the justice system. However, concerns regarding potential misuse of legal provisions could undermine this trust if not addressed through accountability mechanisms.

Policy and Practical Implications

The introduction of the Bharatiya Nyaya Sanhita, 2023 and related criminal law reforms carries significant implications for policymakers, law enforcement agencies, judicial institutions, and society at large. The effectiveness of these reforms will depend not only on legislative intent but also on the development of appropriate policies and practical strategies for implementation.

1. Implications for Policymakers

For policymakers, the new criminal law framework necessitates the formulation of supportive policies that ensure smooth and effective implementation. This includes allocating adequate financial resources,

developing infrastructure, and establishing monitoring mechanisms to evaluate the performance of the reforms. According to Srivastava (2024), policy coherence and coordination between central and state governments are essential to avoid inconsistencies in implementation. Given India's federal structure, uniform adoption of reforms requires collaborative governance and continuous policy evaluation.

2. Implications for Law Enforcement Agencies

The reforms demand a transformation in policing practices, particularly with the integration of technology and forensic science. Law enforcement agencies must adopt modern investigative techniques and adhere to standardized procedures to ensure transparency and accountability. Chauhan (2023) emphasizes that capacity-building initiatives, including specialized training programs and skill development, are critical for enabling police personnel to effectively implement the new provisions. Additionally, investments in forensic laboratories and digital infrastructure are necessary to support evidence-based investigations.

3. Implications for the Judiciary

The judiciary plays a central role in interpreting and enforcing the new criminal laws. Judges must adapt to revised legal provisions, new categories of offenses, and evolving evidentiary standards. Raghavan (2024) notes that judicial training and continuous legal education are essential to ensure consistency in the application of the law. Furthermore, the adoption of digital tools such as e-courts and virtual hearings can enhance efficiency and reduce delays in case disposal.

4. Implications for Legal Practitioners

Legal professionals, including advocates and prosecutors, must update their knowledge and skills to effectively navigate the new legal framework. This includes understanding revised definitions, procedural changes, and technological aspects of evidence. Meenakshi (2023) highlights that legal education institutions and professional bodies should incorporate updated curricula and training modules to prepare practitioners for the evolving legal landscape.

5. Implications for Society and Citizens

From a societal perspective, the reforms aim to create a more accessible, transparent, and responsive criminal justice system. Simplified legal language and victim-centric provisions can empower citizens and enhance their engagement with the legal system. However, as Verma (2025) points out, public awareness campaigns are necessary to educate citizens about their rights and responsibilities under the new laws. Without adequate awareness, the potential benefits of the reforms may not be fully realized.

6. Need for Monitoring and Evaluation Mechanisms

A crucial aspect of policy implementation is the establishment of robust monitoring and evaluation frameworks. These mechanisms can help assess the effectiveness of reforms, identify challenges, and facilitate timely corrective measures. Ishwaran (2024) argues that data-driven evaluation, including the use of performance indicators and feedback systems, is essential for ensuring accountability and continuous improvement in the criminal justice system.

Conclusion

The transformation of India's criminal justice system through the introduction of the Bharatiya Nyaya Sanhita, 2023 represents a pivotal moment in the country's legal evolution. Moving beyond the colonial legacy of the Indian Penal Code, 1860, the new framework seeks to address contemporary challenges by incorporating modern legal principles, technological advancements, and a more inclusive approach to justice. This study has demonstrated that the BNS introduces several progressive reforms, including the recognition of emerging crimes, emphasis on victim rights, simplification of legal provisions, and adoption of alternative sentencing mechanisms. These developments reflect a conscious effort to align India's criminal law with evolving socio-economic realities and global standards. At the same time, the comparative analysis reveals that the reform is not entirely transformative, as it retains certain structural and conceptual elements of its predecessor. The critical evaluation further underscores the complexities associated with the new legal framework. Issues such as ambiguity in provisions, potential misuse of expanded state powers, and challenges related to institutional capacity highlight the need for cautious and balanced implementation. The success of the reforms will depend on effective coordination among stakeholders, including policymakers, law enforcement agencies, the judiciary, and civil society. Moreover, the impact of the BNS on the criminal justice system extends beyond legal provisions to broader concerns of accessibility, efficiency, and protection of fundamental rights. Ensuring that these reforms enhance public trust and uphold constitutional values will be essential for their long-term sustainability. In conclusion, while the Bharatiya Nyaya Sanhita, 2023 offers a promising framework for reforming India's criminal justice system, its true significance will be determined by its practical application and continuous evaluation. A holistic approach that combines legal reform with institutional strengthening, policy support, and public awareness is necessary to achieve meaningful and enduring transformation in the administration of justice.

Acknowledgment

I would like to express my sincere gratitude to all those who have contributed to the successful completion of this study on "*Reforming Criminal*

Justice in India: A Critical Examination of the Bharatiya Nyaya Sanhita, 2023."

First and foremost, I extend my heartfelt thanks to my guide/mentor for their invaluable guidance, constant encouragement, and insightful suggestions throughout the course of this work. Their expertise and support played a crucial role in shaping my understanding of the subject.

I am also grateful to my teachers and academic institution for providing the necessary resources and a stimulating environment for research and learning. Their continuous support has been instrumental in the completion of this project.

I would like to acknowledge the authors, researchers, and legal experts whose works have greatly contributed to my analysis and understanding of the evolving framework of criminal justice in India.

Finally, I extend my deepest appreciation to my family and friends for their unwavering support, patience, and motivation throughout this endeavor.

Financial support and sponsorship

Nil.

Conflicts of interest

The authors declare that there are no conflicts of interest regarding the publication of this paper

References

1. Ali, S. (2024). Public trust and criminal justice reforms in India. *Journal of Legal Sociology*, 6(1), 88–105.
2. Bajpai, A. (2023). *Reforming criminal law in India: Challenges and prospects*. Oxford University Press.
3. Banerjee, S. (2024). Gender justice and criminal law reforms in India. *Journal of Gender and Law*, 14(1), 66–84.
4. Bansal, P. (2023). Criminal law reforms in India: A new era of justice delivery. *Journal of Legal Policy and Reform*, 6(2), 89–105.
5. Bhattacharya, L. (2024). Reform or relabeling? An analysis of India's new criminal code. *Journal of South Asian Legal Studies*, 9(1), 72–90.
6. Chandra, S. (2020). *Criminal justice and constitutional values in India*. Cambridge University Press.
7. Chauhan, V. (2023). Police reforms and capacity building in India's criminal justice system. *Indian Journal of Police Studies*, 15(2), 70–88.
8. Deshpande, A. (2023). Simplification of criminal law: An analysis of new legislative reforms in India. *Indian Legal Reform Journal*, 5(2), 90–108.
9. Dutta, S. (2023). Rethinking punishment: Sentencing reforms in India's new criminal laws. *Indian Criminal Law Review*, 7(1), 88–106.
10. Fernandes, R. (2024). Criminal law reforms and human rights: Emerging challenges in India. *International Human Rights Law Journal*, 13(2), 120–138.
11. Government of India. (2023). *The Bharatiya Nyaya Sanhita, 2023*. Ministry of Home Affairs. <https://www.mha.gov.in>
12. Ibrahim, M. (2024). Criminal justice reforms and institutional capacity in India. *Asian Journal of Public Law*, 6(2), 130–148.
13. Ishwaran, K. (2024). Monitoring legal reforms: A framework for evaluation and accountability. *Policy and Governance Review*, 10(1), 55–73.
14. Iyer, V. (2024). Continuity and change in India's new criminal laws. *Journal of Indian Legal Studies*, 12(1), 78–95.
15. Joshi, R. (2024). Modern criminal law and emerging challenges in India. *Indian Journal of Criminal Jurisprudence*, 11(3), 95–113.
16. Kapoor, R. (2024). Digital transformation in India's criminal procedure: An analysis of new reforms. *Indian Journal of Law and Technology*, 11(1), 21–40.
17. Kaur, J. (2024). Access to justice in a digital era: Opportunities and challenges. *Indian Journal of Socio-Legal Studies*, 9(1), 44–62.
18. Khan, A. (2025). Legal ambiguity and enforcement challenges in new criminal legislation. *Journal of Law and Policy Analysis*, 8(1), 40–58.
19. Kulkarni, P. (2024). Emerging crimes and legal responses: A study of India's new criminal code. *Journal of Contemporary Criminal Law*, 12(1), 33–52.
20. Kumar, R., & Bhatia, A. (2021). Colonial legacy and modern challenges in Indian criminal law. *Asian Journal of Law and Society*, 8(2), 233–250.
21. Law Commission of India. (2020). *Report on reform of criminal laws*. Government of India.
22. Meenakshi, R. (2023). Legal education and professional adaptation in a changing legal environment. *Journal of Legal Education India*, 6(3), 101–119.
23. Mehra, A. (2024). Addressing collective violence: Legal innovations in India's criminal law reforms. *Journal of Law and Social Change*, 9(3), 60–79.
24. Mehta, R. (2024). Criminal law reforms in India: Continuity or change? *Indian Law Review*, 8(1), 45–62.
25. Menon, A. (2023). Evidentiary reforms and the recognition of digital evidence in India. *Journal of Evidence Law*, 9(3), 145–162.
26. Menon, V., & Das, S. (2024). Restorative justice in India: Scope and limitations. *International Journal of Criminal Justice Sciences*, 19(1), 25–44.
27. Mukherjee, D. (2023). Sentencing reforms and the philosophy of punishment in India. *Criminal Justice Review India*, 8(3), 120–138.
28. Nair, S. (2024). Civil liberties and criminal law reforms: A critical perspective. *Human Rights Law Review India*, 7(1), 55–73.
29. Nanda, R. (2024). Decriminalization and legal efficiency: Evaluating India's new penal framework. *Law and Governance Review*, 8(2), 115–132.
30. Pillai, G. (2023). Legal accessibility and public understanding of law in India. *Law and Society Journal India*, 7(2), 101–118.

31. PRS Legislative Research. (2023). *The Bharatiya Nyaya Sanhita, 2023: Key features and analysis*.
32. Qureshi, F. (2025). Sedition, sovereignty, and free speech: A critical analysis of India's new legal provisions. *Constitutional Law Studies*, 13(1), 25–47.
33. Raghavan, S. (2024). Judicial preparedness and reform in India's criminal justice system. *Indian Journal of Judicial Studies*, 9(2), 84–102.
34. Ramanathan, V. (2023). Institutional readiness and legal reform in India. *Public Administration and Law Review*, 8(3), 97–115.
35. Rao, P. (2023). Modernizing criminal justice in India: Opportunities and challenges. *Indian Journal of Public Policy*, 9(3), 112–130.
36. Reddy, K. (2023). Decriminalization and legal modernization in India. *Law and Society Review India*, 6(2), 75–93.
37. Roy, T. (2024). National security and civil liberties in contemporary India. *Human Rights and Law Review*, 12(2), 85–104.
38. Saxena, V. (2024). Redefining crime and punishment under the Bharatiya Nyaya Sanhita. *Contemporary Law Review*, 5(2), 101–120.
39. Sharma, D., & Gupta, N. (2023). Cybercrime and legal preparedness in India. *International Journal of Cyber Law*, 5(2), 55–70.
40. Sharma, N., & Iqbal, F. (2025). Judicial reforms and case backlog in India: A critical analysis. *Journal of Judicial Administration*, 11(2), 55–73.
41. Sharma, P. (2024). Structural reforms in Indian criminal law: A comparative study of IPC and BNS. *Indian Journal of Legal Studies*, 10(2), 50–68.
42. Shukla, R. (2023). Forensic science and criminal justice: The changing landscape in India. *International Journal of Forensic Law*, 4(1), 15–29.
43. Singh, H., & Kaur, P. (2024). Victim rights and criminal justice reforms in India. *Journal of Victimology and Justice*, 5(1), 55–73.
44. Singh, M. (2022). Evolution of criminal law in India: A historical perspective. *Journal of Legal History*, 15(4), 201–219.
45. Srivastava, P. (2024). Policy coordination in federal systems: Lessons for India's legal reforms. *Public Policy Review India*, 11(1), 33–52.
46. Thomas, E. (2024). Victim-centric justice: Trends and challenges in modern criminal law. *Global Journal of Criminal Justice*, 10(2), 101–119.
47. Verghese, J. (2023). Challenges in implementing criminal law reforms in India. *Indian Journal of Legal Administration*, 10(1), 60–78.
48. Verma, A. (2025). Public awareness and legal literacy in India: Challenges and opportunities. *Journal of Law and Society*, 8(1), 60–78.
49. Verma, K. (2024). Bharatiya Nyaya Sanhita: A step toward reform or symbolic change? *Indian Law Journal*, 10(2), 34–52.
50. Yadav, P. (2024). Policing in the digital age: Implications of new criminal laws in India. *Indian Police Journal*, 71(1), 22–39.