

INDIA'S NEW CRIMINAL LAWS: REFORM, MODERNIZATION OR MERE BRANDING?

INTRODUCTION

India's criminal system witnessed one of the most significant changes in its legal reforms in recent history, with the introduction of the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA). These new legislations replaced the old laws, namely the Indian Penal Code (IPC), the Code of Civil Procedure, and the Indian Evidence Act, to modernise the country's criminal justice framework. The reforms aim to incorporate technological advancements, ensure the speedy delivery of justice, and strengthen victim-centric approaches. And remove the orthodox ancient influences from Indian criminal law.

However, the introduction of these laws has given rise to several debates between the legal practitioners and the civil society regarding their practical implementation, constitutional validity and the high impact on the civil liberties. The government, in the meantime, has presented these reforms as a transformative step towards efficient justice delivery, criticism that argue that certain provisions may lead to ambiguity and expanded state powers.

This blog seeks to analyse the major changes introduced under BNS, BNSS, and BSA, while it will also examine their implications, challenges, and the broader impact they may have on India's criminal justice system.

BACKGROUND OF REFORMS

India's criminal system was previously governed by three major legislations: the Indian Penal Code, the Code of Civil Procedure, and the Evidence Act. While these colonial era law formed the foundation of criminal jurisprudence in India for several decades, they were previously originated for the administrative interest of the British government rather than the needs of an independent democratic nation. Over some time, there were many social and technological changes. Economic developments that exposed several limitations within these laws, thereby creating an urgent demand for more comprehensive criminal law reforms.

With the rise of some serious crimes such as cybercrime, organised crime, digital evidence, financial fraud, and technology-driven offences, the existing legal framework was increasingly viewed as outdated and inadequate to address modern challenges effectively. Additionally, concerns regarding delayed justice, long trials, low conviction rates, and complexities made a rise, and the need for a more efficient and victim-centric criminal justice system was needed. The government of India created and introduced the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA) with the modern approach and objective to tackle these problems more efficiently and hassle-free.

CHANGES UNDER BNS

New Offences Introduced under BNS:

➤ **TERRORIST ACT (SECTION 113 OF BNS)**

The provision of the terrorist act has been incorporated in the BNS 2023, which was not present in the IPC 1860. Under BNS, the terrorist act is mentioned in section 113 of the BNS. A terrorist act means the act done to threaten the unity, integrity, sovereignty, security or economic security of India or any foreign country by striking terror in the people. Punishment includes death or life imprisonment, and a fine in case of death.

➤ **SEDITION (SECTION 152 OF BNS)**

Section 152 of the BNS states that, "whoever, purposely or knowingly, by words either spoken or written, or by signs or by visible representation, or by electronic communication, or by use of financial means or otherwise, excites or attempts to excite secession or armed rebellion or subversive activities or encourages feelings of separatist activities, or endangers sovereignty or unity and integrity of India, or indulges in or commits any such act shall be punished with imprisonment for life or with imprisonment, which may extend to seven years, and shall also be liable to fine."¹

¹ Puneet Kaur, 'Major Changes Introduced in Bharatiya Nyaya Sanhita, 2023' [Legal Service India](#), accessed 12 May 2026.

➤ **ORGANISED CRIME (SECTION 111 OF BNS)**

Under the BNS section 111, organised crime has been referred to the ongoing unlawful activities like kidnapping, robberies, cybercrimes, human trafficking, etc., committed by individuals or groups of people to gain unlawful motive and financial benefits. These include violence, threats, intimidation or coercion.

➤ **MOB LYNCHING**

The Supreme Court in the case of Tahseen S. Poonawalla vs. U.O.I and Ors on 17th July 2018, the three-judge bench of Justice Dipak Mishra, D.Y Chandrachud and Ajay Mnikrao Khanwilkar addressed the issue related to cow vigilantism and lynching, and issued directions to the central and state governments to create a separate offence for lynching and provide adequate punishments.

Section 103(2) criminalises murder by a group of five or more people acting in concert on grounds of race, caste or community, sex, place of birth, language, personal belief, or any other similar grounds with a punishment of death or life imprisonment and liability to pay a fine.

Section 117(4) criminalises grievous hurt caused by a group of five or more people acting in concert on grounds of race, caste or community, sex, place of birth, language, personal belief or any other similar grounds, punishable with a term which may extend up to a term of 7 years and liability to pay a fine.²

CHANGES IN BNSS

The Bharatiya Nagarik Suraksha Sanhita introduced procedural reforms, which resulted in efficiency and improved speedy justice. It introduced provisions related to electronic FIRs, Video conferencing during court trials, digital summons, and time-bound investigations, showcasing the increasing integration of technology into criminal procedure. These reforms seek to modernise the justice delivery mechanism; however, the concern will always remain the infrastructural readiness and effective application across the country.

² Puneet Kaur, 'Major Changes Introduced in Bharatiya Nyaya Sanhita, 2023' [Legal Service India](#), accessed 12 May 2026.

CHANGES IN THE BSA

BSA also strengthens and recognises the electronic and digital evidence within the legal framework of India. Emails, CCTV footage, digital records, and electronic communication have been given higher evidentiary importance than the growing threat of cybercrimes and other technology-based crimes. While the reform enhances the adaptability to modern realities, questions regarding data authenticity and misuse of digital evidence continue to pose a challenge.

CRITICISM OF THE IMPLEMENTATION OF THREE NEW CRIMINAL LAWS

One of the primary concerns is the **ambiguity in certain newly drafted provisions**, which may lead to broad interpretation and potential misuse by law enforcement authorities. Critics argue that despite the legislative intent of reform, some provisions continue to grant wide discretionary powers to the police, which may raise concerns regarding safeguards against arbitrary action. This directly impacts constitutional protections under **Article 21 (Right to Life and Personal Liberty)** and **Article 19 (Freedom of Speech and Expression)** of the Constitution of India.³

Further, concerns have also been raised regarding the **lack of sufficient parliamentary debate and stakeholder consultation** before the enactment of these laws. Many scholars argue that such a major overhaul of the criminal justice system requires deeper legislative scrutiny, especially given its long-term impact on procedural fairness and rights of the accused.⁴

CONCLUSION

The introduction of BNS, BNSS, AND BSA marks the most significant criminal law reforms to date in independent India. The legislation attempts to reform the justice system by making it speedier and more efficient. However, the true impact of these implementations will be totally dependent on their legislative intent, but also on the fair implementation, judicial representation and compatibility with constitutional values. As India is transforming into this new legal

³ Constitution of India 1950, arts 19 and 21.

⁴ Law Commission of India, *Consultation Papers on Criminal Law Reforms* (Report No 268, 2017).

framework, balancing the delivery of justice with the protection of individual rights will remain a crucial challenge.