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## Reform or Rebranding? Evaluating the Transformation of India's Criminal Laws

Srijita Chakraborty<sup>a</sup> Priyanjana Chowdhury<sup>b</sup> Swarariti Das<sup>c</sup>

<sup>a</sup>Sister Nivedita University, West Bengal, India <sup>b</sup>Sister Nivedita University, West Bengal, India

<sup>c</sup>Sister Nivedita University, West Bengal, India

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*The supreme objective of this article is to figure out whether reforms or revisions of laws are superficial or if they actually carry a certain weightage in the legal arena of a country, something only individuals with a keen sense of understanding of the subject can grasp and interpret. For millennia, laws have shown us their transient characteristics. Since the inscription of the first laws on clay tablets and papyrus sheets, it has been documented time and again that law is a living instrument. It is dynamic and evolves alongside society. With major economic, political, sociological and ideological changes in society, the need to update outdated laws arises. This leads us to our topic of discussion, the distinction between old laws and new laws, especially those reformed in the 21st Century. The major reason for the reformation, revision or amendment of laws has been social transformation. Societies undergo constant change. From technology to ideologies, everything is both a direct consequence and a factor in change for society. Previously, old laws were changed, reformed, or revised at the whim of the conqueror or monarch, and sometimes even at the whim of his ministers. The rationale behind such a change was to ensure his dominance and power over his subjects and maintain stability within the kingdom. But with the emergence of colonialism and capitalism came a paradigm shift. The law became complicated. The law, simultaneously, served the needs of the colonialists and ensured peace, justice and modern-industrial moral standards. Colonial law dethroned legal statutes created by the previous conquerors or monarchs, enforcing their own structural and legal statutes. Followed by the scrapping of those colonial laws to break free from the colonial shackles, this article revolves around the*

*importance of the new criminal laws of India. It also raises the question of whether these new criminal laws are essential or just the Indianisation of the act. It also dives deep into the debate on the essentiality of new criminal laws, or whether it is a mere wastage of time of the Parliament.*

**Keywords:** *revision, reform, amendment, criminal laws.*

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## INTRODUCTION

The criminal laws that were introduced in India by the British East India Company in the 1850s aimed to bring a codified criminal law system to India. But the initial introduction of the laws was simply a codification of the already existing English laws, which were later amended by the British Government to suit the Indian environment better. However, these laws were highly favourable towards the Englishmen; thus, after independence, these laws were heavily amended to remove the British bias and fit the nature of independent India. In 1973, the Code of Criminal Procedure was amended and redrafted to make it more relevant to the Indian criminal demography. From the 1950s to the 2020s, several amendments were made within the act and the codes, to modernise them and keep the acts updated with the several technological and societal changes. Finally, in 2023, these criminal acts were overhauled and the Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and the Bharatiya Sakshya Adhiniyam.

## PARLIAMENT AND PROCESS

“The final cause of law is the welfare of the society”, as rightly said by Benjamin Cardozo, hints at the very fact that law plays a role of paramount importance in society and its people. Society and law have been co-existing since time immemorial, which has evolved with the advancement of time, changing social, political, economic and certain other changing circumstances, but the aim for making laws is the only constant that has stayed, i.e. the protection and welfare of the people of a country. Without law, society would descend into disorder.<sup>1</sup>

Legislation serves as one of the most significant instruments of governance, which establishes rights, duties, regulates conduct, and defines the power and limitations of authorities and

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<sup>1</sup> Gauri Saxena, ‘How does a bill become a law’ (*iPleaders*, 27 August 2022) <<https://blog.iplayers.in/how-does-a-bill-become-a-law/>> accessed 15 February 2026

individuals of a country. In a constitutional democracy like India, the power of law-making is vested in Parliament.

In India, every proposed legislation is introduced in the form of a Bill first. A Bill in Parliament is a drafted legislative proposal presented before the legislature for enactment or approval as a law. It is the preliminary form of a legislative text. When a Bill is presented in Parliament, it includes the proposed text, clauses, detailed provisions and schedules of a potential Act of Parliament. However, this draft does not become enforceable law automatically. For this draft proposal to become a binding law or to acquire the status of an Act of Parliament, it must pass through several stages, including reading, debate, and voting in both Houses of Parliament (Lok Sabha and Rajya Sabha, in India). And then, after being approved by both Houses, it must finally receive the assent of the President to make it a binding law. If the bill fails or gets rejected at any stage or is not approved by both Houses, it does not attain legal force and hence does not become a law. This highlights the tediously long process of passing an act.

In the case of the Indian legal system, it is a hybrid structure combining elements of the civil laws, common law, personal and religious laws, judicial precedents, etc. Moreover, many statutes enacted during the colonial era, specifically under British rule, continue to influence the present legal system of India, while simultaneously being modified to cater to the requirements and welfare of the masses of independent India.

### **WHAT DID THE NEW LAWS BRING TO THE TABLE?**

India, much like every other country, has seen its laws transition from one form to another. For clarity of the topic, we shall discuss the comparison between old and new laws in India by considering the distinction between the recently revised laws and their prior counterparts.

In 2023, three bills were introduced in the Parliament, namely, the Bharatiya Nyaya Sanhita Bill, the Bharatiya Nagarik Suraksha Sanhita Bill and the Bharatiya Sakshya Bill.<sup>2</sup> According to Prime Minister Narendra Modi and Home Minister Amit Shah, the ultimate motive of these bills was

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<sup>2</sup> ‘Three newly enacted criminal laws to come into effect from July 1’ *The Hindu* (24 February 2024) <<https://www.thehindu.com/news/national/three-newly-enacted-criminal-laws-to-come-into-effect-from-july-1/article67881602.ece>> accessed 17 February 2026

to free India from the colonial slavery it was still invisibly tethered to.<sup>3</sup> The bills centred around the protection of the citizens and the proper administration of justice.

**Bharatiya Nyaya Sanhita 2023:** On 1st July 2024, the Bharatiya Nyaya Sanhita came into force. It overthrew the colonial-based Indian Penal Code, 1860, intending to modernise India's criminal justice system. The Sanhita leans more towards a compensatory and protective nature than a punitive one. It houses 358 sections organised into 20 chapters. This Code consolidated the 511 sections of the repealed Indian Penal Code, 1860, whilst adding new and modified punishments and offences. Some of such modifications include:<sup>4</sup>

- Replacement of archaic language, colonial references and outdated terms with inclusive language
- Inclusion of community service as a punishment for minor offences<sup>5</sup>
- Commission of offences via electronic means<sup>6</sup>
- Removal and replacement of the colonial concept of sedition<sup>7</sup>
- The distinction between snatching and theft as an offence<sup>8</sup>
- Introduction of new offences of organised crime and petty organised crime<sup>9</sup>
- Introduction of specific punishment for mob lynching<sup>10</sup>
- Introduction of the offence of sexual intercourse, not amounting to rape, by deceitful means<sup>11</sup>

The Bharatiya Nyaya Sanhita, 2023, brought a more justice-oriented and victim-centric transformation in Indian criminal jurisprudence, something which the Indian Penal Code, 1860,

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<sup>3</sup> 'Union Home Minister and Minister of Cooperation, Shri Amit Shah introduces the Bhartiya Nyaya Sanhita Bill 2023, the Bharatiya Nagarik Suraksha Sanhita Bill, 2023 and the Bharatiya Sakshya Bill, 2023 in the Lok Sabha, today' (PIB, 11 August 2023) <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=1947941&reg=3&lang=2>> accessed 17 February 2026

<sup>4</sup> Saurabh Bindal and Pranav Mathur, 'Changes Brought Forth by the Bharatiya Nyaya Sanhita, 2023' (Fox Mandal, 04 July 2024) <<https://foxmandal.in/changes-brought-forth-by-the-bharatiya-nyaya-sanhita-2023/>> accessed 17 February 2026

<sup>5</sup> Bharatiya Nyaya Sanhita 2023, s 4(f)

<sup>6</sup> *Ibid* s 2(8)

<sup>7</sup> *Ibid* s 152

<sup>8</sup> *Ibid* s 304

<sup>9</sup> *Ibid* s 111

<sup>10</sup> *Ibid* s 103(2)

<sup>11</sup> *Ibid* s 69

lacked. However, certain areas are left overlooked by the lawmakers, leaving an aftertaste of ambiguity within the code.

**Bharatiya Nagarik Suraksha Sanhita, 2023:** The successor to the Code of Criminal Procedure, 1973, the Bharatiya Nagarik Suraksha Sanhita, 2023 came into force on 1st July, 2024. It aimed to modernise the criminal procedures and make them more efficient and scientific. The changing Indian society and economy required an updated Code of Criminal Procedure, which the Bharatiya Nagarik Suraksha Sanhita aimed to provide. The Sanhita houses certain required procedural additions within its pages. While the Code of Criminal Procedure consisted of 37 chapters, 484 sections and 2 Schedules, the Bharatiya Nagarik Suraksha Sanhita, 2023 consists of 39 Chapters, 531 Sections, and 2 schedules. Key features of the procedural law include:<sup>12</sup>

- A victim-centric approach, emphasising efficiency, proper application of justice, and accountability in the justice system
- Electronic serving of summons, including the image of the Court's seal to ensure legal validity<sup>13</sup>
- The ability of the investigation officer to call any person deemed to be a witness to the case<sup>14</sup>
- Mandatory forensic investigation at the scene of the crime of offences punishable with a minimum of 7 years of imprisonment<sup>15</sup>
- Statutory power to use handcuffs<sup>16</sup>
- Mandatory summary trial<sup>17</sup>
- Removal of the provision dealing with the power to prohibit the carriage of arms in procession
- Deletion of courts of metropolitan magistrates
- Deletion of the definition of metropolitan areas.

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<sup>12</sup> 'Bharatiya Nagarik Suraksha Sanhita: A Paradigm Shift from Procedural Code to Nagarik Suraksha' (*LexisNexis India*, 08 October 2025) <https://www.lexisnexis.com/blogs/in-legal/b/law/posts/bharatiya-nagarik-suraksha-sanhita-paradigm-shift-from-procedural-code-to-nagarik-suraksha> > accessed 17 February 2026

<sup>13</sup> Bharatiya Nagarik Suraksha Sanhita 2023, s 530

<sup>14</sup> *Ibid* s 179

<sup>15</sup> *Ibid* s 176(3)

<sup>16</sup> *Ibid* s 43(3)

<sup>17</sup> *Ibid* s 283

Although the Bharatiya Nagarik Suraksha Sanhita, 2023, brought vital modifications in the criminal procedural law of India, the revision of the entire law seemed unnecessary. The revised code skipped some important nuances and turned a blind eye to the challenges left unresolved in the code, much like its substantive counterpart.

**Bharatiya Sakshya Adhinyam, 2023:** In 1872, James Fitzjames Stephen drafted the Indian Evidence Act, and in 2023, it was replaced by the Bharatiya Sakshya Adhinyam. Much like its colonial counterpart, the act addresses the admission and evaluation of evidence in both civil and criminal courts. But the new act's broader objective is to Indianise and update India's evidentiary framework.<sup>18</sup>

Changes brought by the Bharatiya Sakshya Adhinyam include:

- Widened scope of general applicability<sup>19</sup>
- The definition of evidence has been expanded to include electronic information<sup>20</sup>
- Widening of the scope of primary<sup>21</sup> and secondary evidence<sup>22</sup>
- The limitation of courts in requiring any communication between the Ministers and the President of India<sup>23</sup>
- Digital record produced from proper custody as primary evidence<sup>24</sup>

All these modifications brought forth by the Parliament seem valuable on the surface. If dug deeper, these changes seem lacklustre compared to all the untouched opportunities to actually improve the law.<sup>25</sup>

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<sup>18</sup> Amaresh Patel, 'Decoding Bharatiya Sakshya Adhinyam, 2023: Comparative Insights & Study with Indian Evidence Act, 1872' (*LexisNexis India*, 09 October 2025) <<https://www.lexisnexis.com/blogs/in-legal/b/law/posts/decoding-bharatiya-sakshya-adhinyam-2023-comparative-insights-study-with-indian-evidence-act-1872>> accessed 17 February 2026

<sup>19</sup> Bharatiya Sakshya Adhinyam 2023, s 1(2)

<sup>20</sup> *Ibid* s 2(e)

<sup>21</sup> *Ibid* s 57

<sup>22</sup> *Ibid* s 58

<sup>23</sup> *Ibid* s 165

<sup>24</sup> *Ibid* s 57

<sup>25</sup> Pranav Verma, 'UNMASKING THE RHETORIC OF REFORM – THE BHARATIYA SAKSHYA ADHINIYAM 2023 IN CONTEXT' (2025) 36(1) National Law School of India Review <[https://repository.nls.ac.in/nlsir/vol36/iss1/2?utm\\_source=repository.nls.ac.in%2Fnlisr%2Fvol36%2Fiss1%2F2&utm\\_medium=PDF&utm\\_campaign=PDFCoverPages](https://repository.nls.ac.in/nlsir/vol36/iss1/2?utm_source=repository.nls.ac.in%2Fnlisr%2Fvol36%2Fiss1%2F2&utm_medium=PDF&utm_campaign=PDFCoverPages)> accessed 25 February 2026

The new laws of “New India” were introduced with an extravagant promise to free the people of this land from the lingering invisible shackles of the British, 75 years after bidding them adieu. According to Shri Amit Shah, our Home Minister, the three old laws were filled with signs of slavery, and urgently needed to be updated to fit modern India.

In the haste to Indianise the Colonial-era laws, the Parliament ironically forgot to bring forth practical changes in the codes and the act. The garb of the Indianised names of the act and the codes was so loud that the actual soul was left inconsistent. Barring certain new provisions, every other change seems superficial. Most changes in all three laws are mere renumbering of the provisions.

Due to the perfunctory nature of the new laws, questions regarding gender-neutrality, domestic abuse, decriminalisation of offences, conductive proof of legitimacy, amongst many others, within the codes and the act, have been raised by the common people. Had the lawmakers focused on the actual subject matter, instead of repackaging old wine in a new bottle, a simple amendment (a minor alteration made to a law or contract to update or correct specific clauses without disturbing the overall structure)<sup>26</sup> in the sections would have done the deed.

### **THE SHIFT FROM IPC TO BNS: A NECESSITY OR A FALLACY?**

The Bharatiya Nyaya Sanhita, 2023 (BNS) retains much from the Indian Penal Code, 1860, with a few provisions changing, hence creating a comprehensive and organised version of the IPC. Hence, these changes, if made in the IPC itself, would have saved a lot of time and labour. The few new provisions relating to organised crimes and women’s safety, and importantly, modern technological crimes, could have been inserted into the IPC itself with the help of amendments in order to save time instead of an entire new act.<sup>27</sup> The laws which are not relevant to the growing society must be repealed from the act. Moreover, the so-called “overhaul” of the criminal law consists of only a negligible number of changes brought about; there are only 24 sections removed and 23 new sections introduced. The establishment of new acts and their

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<sup>26</sup> ‘Amendment | Definition & Facts’ (*Britannica*) <<https://www.britannica.com/topic/amendment>> accessed 25 February 2026

<sup>27</sup> 'Evolution of the IPC: Significant Amendments and Their Context' (*Social Work Institute*, 02 April 2025) <[https://socialwork.institute/criminal-justice/ipc-evolution-amendments-context/#google\\_vignette](https://socialwork.institute/criminal-justice/ipc-evolution-amendments-context/#google_vignette)> accessed 18 February 2026

application also delays the process of justice due to widespread confusion and chaos, which is caused by the implementation of the new law and the slow withdrawal of the old laws.

### **EFFECTIVENESS OF LAWS ON THE INDIAN MASSES**

The objective to establish a comprehensive law which is organised and specific in its nature is to improve conviction rates and ensure justice is served effectively and equally among all Indians. With new laws put forward by the Parliament, the issue of abiding by the laws and the seamless working of the laws is not solved. The original challenge is to implement these laws strictly for certain offences happening in the country to set examples of the consequences faced by an offender once convicted. So, the new laws must also be implemented accordingly for better conviction rates and justice served to everyone regardless of their political, social and economic stance. There are multiple provisions which stand ineffective in the new laws. The factor of abiding is still something which is to be brought upon the Indian laws.

### **MANIPULATION IN THE CREATION OF LAWS SUPPORTING POLITICAL BIAS.**

The advent of the act itself is considered problematic, as it was brought about amidst a crisis that is regarded as the arbitrary passing of the law. The context of the passing of the new laws was during December 2023, the time when 144 members of the opposition from both houses were suspended. Additionally, the new law was passed within minutes without proper deliberations and discussions. The new laws were sent to the Parliamentary Standing Committee, but without taking into consideration the dissenting voices.

Another instance of political bias is the replacement of Section 124A of the IPC sedition laws with a more stringent one. Section 152 of the new law deals with “Acts endangering the sovereignty, unity and integrity of India”.<sup>28</sup> This has opened spots for wider interpretations and is considered a loophole, as whatever right to dissent was present is now recognised as “anti-national” in nature. Any sort of disagreement can be termed as anti-national, and that impacts the fundamental right, which is the right to freedom of speech and expression. With increased severity in specific contexts, the BNS stands as the new criminal law with innumerable loopholes.

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<sup>28</sup> Bharatiya Nyaya Sanhita 2023, s 152

## **TECHNOLOGY AND DIGITISATION MYTHS, ALONG WITH OTHER GAPS IN BNSS**

It was promised that the new laws would focus on the digitisation of everything from FIR to Judgment. This might sound astoundingly advanced and call for transparency, but with it comes several drawbacks. This has presented the people with no technology and internet access with severe discrimination; these people will be marginalised with disadvantage. This is a challenge as 100% connectivity is a distant dream.

Moreover, the concentration on forensic sciences has increased; it is claimed by the Home Minister that every crime scene will be visited mandatorily by a forensic team. But the forensic practices like handwriting analysis are questioned for their scientific validity, and they leave too much room for subjective interpretations and ultimately potential manipulation of the evidence by authorities.

Another is the non-registration of FIR; it is no longer mandatory for the police to file an FIR. This makes the filing of FIR difficult for the marginalised sections. Section 173(3) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) shall make the registration of an FIR discretionary for an offence where the punishment ranges from 3 to 7 years.<sup>29</sup> Till 2014, the police officials were not bound to register an FIR. This led to a lot of corruption, but the landmark judgment of *Lalita Kumari v State of UP 2014*, in which the apex court declared that the police must file an FIR if someone reports a serious crime. This judgment laid the foundation to counter abuse and bribery by the police to report an FIR. Now, section 173(3) of the BNSS gives the station house officer the authority to choose to file the FIR or not, which again leaves gaps for bribery and abuse of power, as it happened before the judgment of *Lalita Kumari v State of UP 2014*.<sup>30</sup>

The FIR, also known as the First Information Report, is recognised to be the truth due to its spontaneity. The information derived after a span of a few days can be doctored by the police or any other person. Hence, this provision is highly questioned and criticised as part of the new criminal laws.

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<sup>29</sup> Bharatiya Nagarik Suraksha Sanhita 2023, s 173(3)

<sup>30</sup> *Lalita Kumari v Govt of UP and Ors (2014) 2 SCC 1*

## **AN EMPIRICAL ATTEMPT**

A quantitative approach has been taken to understand the opinions of the common folk on the topic, “Reform or Rebranding? Evaluating the Transformation of India’s Criminal Laws.”

A social survey technique has been utilised as the quantitative research methodology. The responses to the survey questions for this project have been obtained by administering a questionnaire that consists of socio-demographic and closed-ended questions.

The questionnaire consists of 16 questions. For this article, non-probability sampling and convenience sampling have been used. The sample size for this survey is 36. The socio-demographic background of the survey presents:

- 91.67% of the sample size is females, while 8.33% are males.
- 100% of the age demography is youth-oriented, i.e., between 15-25 years of age.
- 83.33% of individuals are high school graduates, while 16.67% are undergraduates with a Bachelor’s Degree
- The majority of the sample population, i.e., 75%, come from a legal background, with the rest 25% do not.

### **Analysis of the Rational Questions:**

When asked about the sample population’s awareness regarding the recent reforms in Indian laws, namely the Bharatiya Nyaya Sanhita, 2023, Bharatiya Nagarik Suraksha Sanhita, 2023 and the Bharatiya Sakshya Adhinyam, 2023, a whopping 83.33% of the population expressed awareness, while 16.67% did not.

50% of the sample population stated that social media is their primary source of information about legal reforms. 22.22% stated their primary source of information to be news media, another 22.22% stated theirs to be academic sources, 2.78% stated theirs to be government gazettes and publications, while 1 individual chose another option but preferred not to disclose their source of information.

When asked whether Indian laws need reformation, 38.89% strongly agreed, 55.56% agreed, while 5.56% decided to remain neutral. No individual showed any form of disagreement.

80.56% of the sample size believe that laws should only be reformed when and if necessary. 16.67% prefer laws to be reformed often, while 1 individual believes that laws should be reformed more than often.

14.67% of the population believes that Indian laws require reformation due to societal changes, 22.27% believe that laws should be reformed to update outdated colonial version of laws, 13.89% believes that the reformation of laws is simple a political propaganda by the ruling party, 8.33% believes that reforms are made to prevent judicial delays, while 5.56% believe technological changes to be the actual reason. Only 1 individual believes that laws are reformed to stay updated with the global standards.

50% of the sample size believes that reforms positively impact the Indian society and judicial system, while 5.56% believe in the exact opposite. 44.44% believe that the positive impact only partially benefits us.

33.33% of the survey population agrees that the reformed or revised laws are at par with the requirements of the changing Indian society, while 27.78% show a stronger assent. 30.56% are neutral, 5.56% disagree, and 2.78% strongly disagree.

A major chunk, 91.67%, do not think that rebranding laws is a waste of time for the Parliament, while 8.33% went against the opinion of the majority. 72.22% of the respondents agree that frequent revisions and reforms create confusion and instability, while 27.78% disagrees. Finally, 91.67% of the respondents agreed that amendments are preferred over reforms and revisions to initiate changes in any law. 8.33% disagreed.

## **ANALYSIS**

After analysing the responses of all the respondents, it can be clearly concluded that the majority of the respondents believe that reforms and revisions of laws are vital and much required and that they are not a waste of time for the Parliament. But the majority also believes that although frequent reforms are required, they can also create a sense of confusion and instability amongst the citizens. Thus, they prefer amendments over complete revisions and reforms of laws. Amendments update and improve the laws without completely replacing them.

While the responses do show a contradiction in their various answers, there is no point of contention regarding the need to update laws. The respondents believe that updated laws are required to keep up with societal, global and technological changes. While some do believe the change to be initiated by political propaganda, the majority also believes that such changes positively impact us to an extent.

All individuals, irrespective of the fact whether they belong to a legal background or not, do show certain awareness regarding the revision of laws and present their strong opinions and arguments as first-hand consumers of those same laws.

## **CONCLUSION**

The Parliament has devoted a lot of its precious time to the so-called “overhaul” of the new criminal laws. As per knowledge, the Parliament goes into session for an average of 55 days per year, which is a minimal number of days for a functional body of that importance. The current procedural framework of the Indian Parliament has been plagued by disruption and ignorance, and borderline unaccountability. All these have contributed to a limited structure and attention towards public issues. This has led to a perception of disconnection, which has dishearteningly declined public trust in the Parliament. The Parliament was created for the addressal of the contemporary issues, vulnerability of people and for drafting laws accordingly. The overhaul has turned out to be a retention of the pre-existing framework of the old criminal laws, with minimal insertion of new provisions and replacement of a few. This entire process could have been omitted simply through amendments; thus, this revision is regarded as a waste of time and as a mere rebranding of the criminal laws.