
REFORM OR REPACKAGING? A CRITICAL STUDY OF INDIA'S NEW CRIMINAL LAWS

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ABSTRACT

The new three enactments namely Bhartiya Sakshya Adhiniyam, Bhartiya Nyaya Sahinta, Bhartiya Nagrik Suraksha Sahinta (2023) brought a shift into the Indian Criminal Justice System from colonial era laws to the Indianisation of the major Criminal Laws. These laws have been introduced to the system with the objective to modernise the Criminal Justice delivery system mainly emphasizing on the speedy trial process, fixed timelines, victim centric approach and the recognising the organised categories crimes. The proposed research paper focuses mainly on the critical analysis of the newly enacted Criminal Laws to find out that whether these said laws have constituted a change in reality or just the reframing of the old statutes namely Indian Evidence Act (1872), Code of Criminal Procedure (1973), Indian Penal code (1860). This paper adopts the doctrinal and analytical methodology to study and evaluates the key attributes of the new laws in comparison with the laws repealed respectively, focusing on structural changes, procedural restructuring, and shifts in legal philosophy. It further explores the extent to which these reforms ensures coherence, accountability, and accessibility within the Criminal justice system. Although the new laws have introduced the novelty in evidences by admitting the relevance of the electronic and digital evidences, time bound procedural requirements, the given analysis finds out that there is a substantial portion of the laws remained same to the earlier repealed laws, questioning the depth of the transformation expected by the said laws. Furthermore, concerns relating to implementation, potential abuse of increased state powers, and infrastructural limitations still exists. The paper deduces that while the new Criminal Laws are chief steps toward modernization, their effectiveness will depend on enforcement and how ready institutions are. The reforms seem to mix real innovation with continuity, rather than representing a complete change in India's Criminal Justice system.

Keywords: Bhartiya Sakshya Adhiniyam, Bhartiya Nyaya Sahinta, Bhartiya Nagrik Suraksha Sahinta, Indian Evidence Act, Code of Criminal procedure,

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Indian Penal code, Reform vs Repackaging, Victim-Centric Justice, Legal Modernization, Digital Evidence, Indian Criminal Justice System.

INTRODUCTION

In order to understand the workings of modern Criminal Law in India, one must first seek the roots of crime and its punishment in the ancient civilisation of this country. It is a misconception to consider the issue of crime and its methods of punishment as purely modern. In deed in the ancient periods too these subjects were closely related to morality and religion and governed by many laws, decrees and directions that can be found in many ancient texts, especially in the Manusmriti and the Arthashastra. All these works conceived of punishment largely with a view to uphold public order and to preserve dharma, that is, to establish what is right. It was seen as a combination of several ingredients that ancient works on law defined as, *dibhava* (deterrence), *adaipana* (inflicting due punishment) and *sanskarana* (reforming or transforming the person). Punishments varied widely from simple fines and warnings to beatings, exile, or even death depending on how serious the crime was and, importantly, who the offender was. One thing that stands out in the Manusmriti is how heavily the entire system was influenced by the caste (*varna*) hierarchy.¹ The same crime could attract very different punishments depending on the social status of the person committing it and the person affected by it. Justice wasn't equal for everyone it was shaped by your place in society rather than applying the same rules to all.

The Criminal Delivery Justice system of India has historically been rooted in pre independence legislations like the Indian Penal Code, the Code of Criminal Procedure, and the Indian Evidence Act. While these laws have undergone periodic and landmark amendments and changes, their core structure has largely remained unchanged, reflecting old notions of governance and societal regulations. With the passage of time, the increasing complexity of crimes, the changes taking place in the society and the technology, and the dynamics of the justice delivery system, have all prompted the need for a overhaul of the existing laws. Accordingly, the Government of India has enacted a new Code of Criminal Laws which it has sought to introduce to the Parliament as a part of the legislation intended to replace the colonial statutes with a more contemporary, effective and citizen friendly legal system. The new laws

¹ The Law Institute (2025, November 17). *A brief history of the Indian Penal Code: From Manu to Macaulay* available at: *A Brief History of the Indian Penal Code: From Manu to Macaulay • Law Notes by The Law. Institute* (Last Visited : March 15, 2026)

namely, Bharatiya Nyaya Sanhita, the Bharatiya Nagarik Suraksha Sanhita, and the Bharatiya Sakshya Adhiniyam are designed to achieve the object of speeding up justice delivery system, to make use of technology in investigation and trial, to ensure victim-centric approach, and to deal with the modern crimes including organized crime and cyber offences etc.

Although enacted recently, the new Criminal Laws of India have prompted much heated discussion amongst legal scholars, practitioners, and policymakers. While those in favour have praised the new laws for symbolising the much needed modernisation and decolonisation of Indian Criminal Law, their critics argue that notwithstanding the new nomenclature, substantial changes are restricted to reformulating current legislative content and reorganising existing frameworks. Concerns are being raised regarding the augmented powers of the police and resultant dangers to human rights, and the task of effectively implementing the new legislation poses considerable difficulties within the currently clogged justice system. This article investigates whether or not the new criminal laws represent substantial legislative reform, or rather embody mere legislation by circulation. Examining the extent to which changes are substantive as well as procedural, the paper evaluates the implications of the current system of Criminal law for the effective functioning of criminal justice in India. The article critiques both the ongoing elements of Criminal legislation in India as well as identifying areas of transformation within the new system of laws.

RESEARCH METHODOLOGY

The present study adopts a **Doctrinal Methodology** to examine whether the newly enacted Criminal Laws in India represent substantive reform or mere repackaging of existing legal frameworks. The research is primarily qualitative in nature and is based on a detailed analysis of statutory provisions, legal principles, and scholarly interpretations. It examines: Structural and textual changes in provisions, Introduction of new offences and procedures, practical implications on the Criminal Justice System. The research is limited to an analysis of the three newly enacted Criminal Laws and their comparison with the previous framework. It focuses on key aspects such as substantive law, procedural reforms, and evidentiary changes, along with their impact on justice delivery.

LEGISLATIVE BACKGROUND

Legislative Background of The Indian Penal Code, 1860

Since very ancient times, Criminal law in India existed in many diverse forms, from the early religious and customary law of the land to the Islamic Criminal law that existed mostly in Muslim rulers' domain and was often severely inhuman. Later, with codification of Hindu and Islamic laws on divorce in form of "Dharmashastras" or "Fatawa-e-Alamgiri" and some others, Criminal law was restricted to two main religions i.e., Hinduism and Islam. On the advent of British colonial administration, a uniform system of laws became unavoidable. It was so ordained with the Charter Act of 1833, when the first Law Commission of India was established under the chairmanship of famous British writer and administrator, Thomas Babington Macaulay. In 1837, the First Law Commission drafted the initial copy of Indian Penal Code ('The Code'), a work of great merit. Though the first draft was almost wholly English in style and content and suited to Indian conditions to the least possible extent, yet it had to undergo several major revisions because of severe criticism on the one hand and, on the other, for accommodating the same to the many new socio-legal realities of the country. The final copy of The IPC was passed and enacted by the Imperial Legislative Council on 30th April, 1860 and it came into force in all the states and provinces of British India on 1st January, 1862. The IPC of India has established itself as the most comprehensive, the most uniform and one of the most clear and effective Criminal Codes in the world by laying down all the essential ingredients of Criminal Liability including substantial list of acts and omissions which have been declared and punished as criminal. A host of exceptions were also incorporated into the legislation so as to afford due protection to the Human Rights of individuals. Inspired to a very great extent from Jeremy Bentham, the father of Modern Utilitarian School of Jurisprudence, IPC has mainly concentrated on the aspects of Deterrence, of 'rationalising punishment' etc., while creating and enacting Criminal Laws and their subsequent amendments. Most of the provisions still reflect colonial flavour and in due course of time, these have given rise to great criticism and finally culminated into framing of New Criminal Laws. The most recent of them is Bharatiya Nyaya Sanhita, 2023.

Legislative Background of The Code of Criminal Procedure, 1973

Evolution of Criminal Procedure Law in India from colonial times to present is discussed. Prior to codification, Criminal Procedure Law was governed by varied customary laws and religious laws which lacked uniformity and arbitrariness in their application. The first comprehensive codification of Criminal Procedure Law was introduced by the British in India in the year 1861 through the Code of Criminal Procedure, 1861. Subsequent revisions followed

in 1872 and 1882 to address operational difficulties. However, the most comprehensive codification of Criminal Procedure was made through the Code of Criminal Procedure, 1898 that governed the field for decades. Post-independence, there was felt need to have a modern law of procedures that were fair, efficient and meaningful. Colonial framework of the 1898 Code did not suit the post-independence constitutional values of fairness, due process and freedom. Government of India carried out revision in the field to create a modern law of procedures. Law Commission of India in its 41st Report (1969) made elaborate suggestions on various aspects of the old Code. The resultant legislation is the Code of Criminal Procedure, 1973 that came into force on April 1, 1974. The statute is designed to create balance between powers of State and rights of citizen and introduced principles of fair trial; separation of judiciary from executive and other safeguards like right to legal representation, right to be produced before magistrate etc. The Code has gone through several amendments since its enactment to make provisions on issues like victim compensation, plea bargaining, speedy trial etc. Despite these reforms, criticisms persisted regarding delays, procedural complexities, and inefficiencies, which eventually contributed to the demand for a new procedural framework leading to the enactment of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Legislative background of Indian evidence Act,1872

The law of evidence in India, like other branches of Criminal Law, evolved from a fragmented system of personal and customary laws. Prior to British codification, rules of evidence were largely derived from Hindu and Islamic legal traditions, which often varied across regions and lacked uniformity. This resulted in inconsistency and uncertainty in judicial decision-making. With the establishment of British rule, the need for a uniform and rational law of evidence became evident. At first, the rules of evidence were those applied by English courts but the laws of evidence proved to be complicated and inappropriate to Indian circumstances. Thus, there arose a requirement for simplification of law with a view to remove ambiguity and secure uniformity in all judicial decisions. The work of codification of the law of evidence was subsequently taken up by the British Government and Indian Evidence Act was enacted in 1872 with Sir James Fitzjames Stephen as a scholar and criminal jurist who undertook the task. The Act was intended to be a comprehensive and an exhaustive code that regulated the question of admissibility, relevancy and evaluation of evidence in Indian courts. This Act marked a welcome departure from all the previous systems; the law of evidence had come to stand as a secular, uniform and a logically designed edifice on the principles of

relevancy, admissibility, onus and testimony. The Act was substantially based on the English model but was greatly simplified to suit the Indian circumstances and socio-legal conditions. Time and again the Indian Evidence Act had to be amended to incorporate new technological development which has seen the advent of the law of evidence concerning to electronic evidence. But still, due to existence of British laws and concepts there had been arguments for entire amendment, ultimately to the enactment of Bharatiya Sakshya Adhiniyam, 2023.

Reasons for Replacement of Colonial Criminal Laws

1. The colonial Criminal Laws were designed to serve British interests, focusing more on control than justice. Their outdated philosophy made them incompatible with a democratic legal system.²
2. Post-1950, there was a need to harmonize Criminal laws with fundamental rights and constitutional principles. The Law Commission of India emphasized reforms to ensure fairness and justice.³
3. The Criminal Justice System in India has long been criticized for delays, backlog of cases, and procedural complexity. The existing procedural framework under CrPC was often seen as slow and ineffective in ensuring speedy justice. This inefficiency undermined public confidence in the justice system.⁴
4. The older laws were not designed to deal with emerging forms of crime such as cybercrime, organized crime, terrorism, and financial fraud. With rapid technological advancement, there was a pressing need to incorporate provisions dealing with electronic evidence and digital offences.⁵
5. Traditional laws focused more on offenders rather than victims' rights and rehabilitation. There was a growing demand for victim protection and compensation

² Government of India. (2023). *The Bharatiya Nyaya Sanhita, 2023*. <https://egazette.gov.in/WriteReadData/2023/247934.pdf> (last visited: March 20, 2026)

³ Law Commission of India. (1969). *Forty-first report on the Code of Criminal Procedure, 1898*. <https://lawcommissionofindia.nic.in/1-50/Report41.pdf> (last visited : March 21, 2026)

⁴ Law Commission of India. (2003). *185th report on review of the Indian Evidence Act, 1872*. <https://lawcommissionofindia.nic.in/reports/185threport.pdf> (last visited : March 26, 2026)

⁵ Legal Service India. *Need for reforms in Indian criminal justice system* <https://www.legalserviceindia.com/legal/article-2686-criminal-justice-reforms-in-india.html> (last visited: March 28, 2026)

mechanisms.⁶

6. The older laws contained complex language and outdated terminology. Simplification was necessary to make laws more accessible and effective.
7. Various committees and the Law Commission of India recommended comprehensive reforms. Their reports highlighted structural deficiencies in Criminal laws.⁷

OVERVIEW OF NEW INDIAN CRIMINAL LAWS

The **Bharatiya Nyaya Sanhita, 2023 (BNS)** was enacted with the view to reform the colonial Indian Penal Code, 1860 and to enact a contemporary, victim-oriented, and efficient Criminal justice system. The BNS aims to weed out obsolete provisions and introduce new ones according to the needs of the society and in accordance with Indian values. While maintaining the general principles of Criminal Law, it also includes new offences of organized crime, terrorism, and mob lynching. It brings laws closer to today's realities by making way for technology and modern forms of evidence. Also, it endeavours to deliver speedy justice, reducing delays in investigation and trial. This shift is from an offence-centric approach towards a victim-centric approach, focusing on the rights of victims and public safety. **The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)** repeals the Code of Criminal Procedure, 1973 to modernize Criminal Procedure in India. It strives to overcome deficiencies in the current Criminal Procedural Law, aiming to be a more citizen-friendly approach. The BNSS incorporates several fundamental reforms, such as making forensic investigation for severe offenses mandatory, enabling electronic filing of FIR and electronic recording of statements, setting rigid deadlines for investigation and trial for various cases to make it transparent and accountable, and safeguarding human rights by imposing constraints on police power, better provisions for arrest and bail, and reduction of undertrials. Furthermore, it gives more say to the victim, and moves towards an offender and victim-centric approach to criminal proceedings. Nevertheless, it has been doubted whether these changes would lead to substantive or just procedural reform, with skepticism remaining over their implementation. **The Bharatiya Sakshya Adhiniyam, 2023 (BSA)** replaces the Indian Evidence Act, 1872 and aims to modernize the evidentiary rules to meet new challenges in the light of technological

⁶ PRS Legislative Research. (2023). *The Bharatiya Nyaya Sanhita, 2023: Key features and analysis*. <https://prsindia.org/billtrack/the-bharatiya-nyaya-sanhita-2023> (last visited: March 31, 2026)

⁷ Law Commission of India. (Various reports). *Reports on criminal law reforms*. <https://lawcommissionofindia.nic.in/> (last visited: April 3, 2026)

advancements. It endeavours to simplify and streamline the law.

TABLE OF COMPARISON OLD v. NEW

BASIS	IPC	BNS
Enactment & Objective	Enacted in 1860 in British Era Aimed to create a uniform Criminal Code for colonial India	Enacted in 2023, Aiming at Indianisation, modernization, and making Criminal Law more victim-centric and efficient.
Structure	511 Sections under 23 chapters	358 sections , several provisions of IPC consolidated and some omitted
Terminology & Language	Uses the word “CODE” Focused on Punishing the accused.	Uses the Word “Sahinta”, attempted to make provisions simpler, clearer and gender sensitive. Focuses on imparting Justice to the victims
Colonial Offences	Contained Section 124A dealing with sedition	Section 124A formally repealed, introduced a new Section 152 offence relating to “acts endangering sovereignty, unity and integrity of India,”
New Provisions	Did not include offences relating to contemporary crimes cybercrimes, terrorism etc	Explicitly contains cybercrimes, organised crime, terrorism, mob lynching, and some expanded sexual offences, reflecting contemporary crime patterns.

BASIS	Cr.P.C.	BNSS
Nature	British era procedural law	Modern And reform oriented procedural law
Enforcement	1st April,1973	1st July,2023
Objective	To maintain law and order procedural justice following state centric approach	To provide speedy justice, transparency following victim centric approach
Structure	484 Sections	531 Sections

Use of technology	Nominal	Extensive allowing e-FIR etc
FIR registration	Recognised only offline mode	Zero FIR,E-FIR legally recognised
Arrest Provisions	Discretion given broadly to police	Arrest must be justified and recorded, more safeguards provided
Police Custody	Maximum 15 days (initial Period)	15 days custody allowed in parts within 40-60 days
Victim Rights	limited	Stronger participation, right to information and hearing
Trial in absentia	Not applicable	Allowed for proclaimed offender
Timelines	not strict	Timelines given for investigation and trial completion
Use of e-evidences	Limited recognition	Allowed (audio-video means)
Victim Compensation	Provided but limited	Strongly reaffirmed victim compensation scheme

BASIS	IEA	BSA
Nature	Colonial-era evidence law	Modern, technology-oriented law
Enforcement	1 Sep. 1872	1 July,2023
Objective	admissibility of evidence	Ensure fair, efficient & tech-enabled evidence system
Structure	167 sections	170 Sections
Philosophy	Court centric ,traditional approach followed	Digital friendly, efficiency-oriented
Electronic Evidences	Limited provisions	Comprehensive recognition of digital and electronic evidences
Definition of evidence	Oral and documentary	Included electronic and digital evidences
Relevancy of Facts	Traditional principles	Most provisions retained with minor modifications

Key Features of The New Criminal Laws

Bhartiya Nyaya Sahinta,2023

The most immediate structural change is the departure from the colonial-era hierarchy of the IPC.

The BNS moves "Offenses against the Human Body" (Chapter 6) and "Offenses against Women and Children" (Chapter 5) to the beginning of the code. In the IPC, these were preceded by offenses against the State and Property, signifying a shift from a "Crown-first" to a "Citizen-first" legal structure.

The total number of sections has been reduced from 511 (IPC) to **358**. This was achieved by merging several sections and streamlining definitions, though critics argue this is largely administrative rather than a reduction in criminalization.

These changes represent the "Reform" argument of your paper, introducing modern legal concepts into the penal framework.

Gender Neutrality for child victims: While for many of the offenses they continue to be gender specific, for some of the offenses the BNS seeks to make it gender-neutral for victims of children

Community Service: Indian Criminal Law, for the first time, introduces a new punishment called 'Community Service' for petty offenses (e.g. Petty thefts and disorderly conduct while drunk), shifting towards the concept of restorative justice.

Organised Crime and Terror: "Organised Crime" (section 111) and "Terrorism" (section 113), that was until now dealt with through separate legislations (UAPA or MCOCA) have been incorporated into the general penal code.

Mob Lynching: " Murder by a group of persons on grounds of race, caste or community" have now been dealt under Section 103(2) and carry a minimum punishment of 7 years and maximum of life or death.

BHARTIYA NAGRIK SURKSHA SAHINTA,2023

Compulsory Forensic Investigation: BNSS makes it compulsory for serious crimes(punishable

for 7 years and above) to be investigated by forensic agencies, so as to enhance the quality of evidence and convictions.⁸

Use of Technology in Criminal Procedure BNSS incorporates provisions like e-FIR, digital evidence and video conferencing, thus making Criminal Procedure transparent and efficient.⁹

Time bound investigation and trial: The Sanhita sets down a stringent timeframe for the stages of investigation and trial, so as to eliminate delay and ensure speedy justice.¹⁰

Control over police's power to arrest: Police needs to present reasons to justify arrests and prefer to issue notices for lesser offences thereby respecting personal liberty.¹¹

Easier bail: Sanhita strives to minimise detention of undertrials by liberalizing bail procedures to comply with constitutional rights.¹²

Victim-Centric Approach The BNSS enhances victim participation and ensures better communication of case progress.

Witness Protection and Evidence Recording Use of audio-video recording of statements improves reliability and protects witnesses.

Trial in Absentia Allows trial of absconding accused in their absence, reducing delays caused by fugitives.

Zero FIR and Jurisdiction Flexibility FIRs can be registered at any police station, improving access to justice.

Simplification and Modernization The law simplifies language and modernizes procedures to

⁸ PRS Legislative Research. (2023). *The Bharatiya Nagarik Suraksha Sanhita, 2023: Key features and analysis*. <https://prsindia.org/billtrack/the-bharatiya-nagarik-suraksha-sanhita-2023> (last visited: April 17,2026)

⁹ Singh S. *Transforming criminal procedure: An analysis of the Bharatiya Nagarik Suraksha Sanhita, 2023*. <https://www.ijllr.com/post/transforming-criminal-procedure-an-analysis-of-the-bharatiya-nagarik-suraksha-sanhita-2023> (last visited: April 20,2026)

¹⁰ SCC Online. (2024). *Understanding the Bharatiya Nagarik Suraksha Sanhita, 2023*. [https:// www.sconline.com/blog/post/2024/05/05/bnss-that-is-to-replace-crpc-explained-with-key-highlights/](https://www.sconline.com/blog/post/2024/05/05/bnss-that-is-to-replace-crpc-explained-with-key-highlights/) (last visited: April 22,2026)

¹¹ PRS Legislative Research. (2023). *The Bharatiya Nagarik Suraksha Sanhita, 2023: Key features and analysis*. <https://prsindia.org/billtrack/the-bharatiya-nagarik-suraksha-sanhita-2023> (last visited: April 25,2026)

¹² Abinaya, S., & Harish, J. (2024). *Decoding new criminal laws: A comparative analysis between BNSS, 2023 and CrPC, 1973*. Indian Journal of Law and Legal Research. <https://www.ijllr.com/post/decoding-new-criminal-laws-a-comparative-analysis-between-bnss-2023-and-crpc-1973> (last visited: April 27,2026)

make them more accessible.¹³

BHARTIYA SAKSHYA ADHINIYAM, 2023

Recognition of Electronic and Digital Evidence : The BSA explicitly recognizes electronic records as primary evidence, expanding admissibility in line with technological advancements.¹⁴

Expanding the notion of a 'document': Electronic and digital documents have been brought within the scope of this word to keep pace with communication technology.¹⁵

Simplifying evidential rules: The provisions concerning the relevancy of a fact and the admissibility of evidence have been streamlined so as to do away with the technical rules that burden the proceedings.

Admissibility of secondary evidence: Provision for secondary evidence has been made clearer, particularly in the case of electronic documents.¹⁶

Emphasis on efficiency of trial process: In order to bring down technicalities of procedure and improve judicial efficiency the BSA has focused on a speedy trial process

Preservation of existing scheme: Many of the rules of Indian Evidence Act, 1872, have been retained to provide continuity in the law.¹⁷

Presumption for electronic records: More stringent presumptions for authentic and original electronic documents have been put in place.

Rationalization and reorganization: Various sections have been re-organized for better understanding.

¹³ Srivastava, N. (2026). *Modernization in the new criminal code (BNSS 2023): An analytical review*. Record of Law.[https:// recordoflaw.in/modernization-in-the-new-criminal-code-bnss-2023-an-analytical-review/](https://recordoflaw.in/modernization-in-the-new-criminal-code-bnss-2023-an-analytical-review/) (last visited: April 29,2026)

¹⁴ Government of India. (2023). *The Bharatiya Sakshya Adhiniyam, 2023*.
[https:// www.indiacode.nic.in/handle/123456789/20061](https://www.indiacode.nic.in/handle/123456789/20061) (last visited: April 29,2026)

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ Saifi M.U.,*Comparative analysis of the Bharatiya Sakshya Adhiniyam, 2023 and the Indian Evidence Act, 1872*.<https://www.ijllr.com/post/comparative-analysis-of-the-bharatiya-sakshya-adhiniyam-2023-and-the-indian-evidence-act-1872> (last visited: April 30,2026)

Erasing old sections: Obsolete rules have been removed so as to suit modern day communication needs.¹⁸

Fair trial vs. Effective prosecution: A proper balance has been maintained to ensure a fair trial but also provide an effective prosecution by introducing modern evidential rules.¹⁹

REFORM v. REPACKAGING

The recent passage of the “Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita and Bharatiya Sakshya Adhiniyam, 2023” has revived one long-standing debate on whether New Criminal Laws introduced in India constitute substantive reform or simply the air freshener on colonial statutes. On the one hand, these enactments are presented by the Government as transformative, focusing on decolonisation of laws and procedures, victim-centric justice, integration of technology (to curb corruption), time bound processes and judicial orders. Key provisions like forensic investigation to be made compulsory, electronic evidence to get recognized, zero FIR and trial in absentia indicate a move towards efficiency and modernity. However, reading the code in detail shows a great deal of continuity in structure, language and core legal principles with many provisions being largely lifted from Indian Penal Code, Code of Criminal Procedure and Indian Evidence Act. Opponents argue that the new legislation, to a large extent, merely tinkers with existing legislation through re-numbering, re-wording and judicious insertions which do not remedy structural issues such as police accountability, judicial slowness and abuse by state actors. Therefore while the new laws have a few redeeming features; they are no paradigm shift and rather fall between 'genuine reform' and 'legislative packaging' rather than a whole new approach to the Criminal Justice System.

CONCLUSION

The passing of the Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita and the Bharatiya Sakshya Adhiniyam in 2023 represents a significant milestone for India's Criminal Justice System. It demonstrates a desire to move beyond outdated colonial-era laws. The laws embody several progressive changes such as the incorporation of technology,

¹⁸ *Ibid.*

¹⁹ Law Commission of India. (2003). *185th report on review of the Indian Evidence Act, 1872*. <https://lawcommissionofindia.nic.in/reports/185threport.pdf> (last visited: May 5,2026)

admissibility of electronic evidence, fixation of deadlines in proceedings, and a more victim-centric approach, reflecting a modernization of the system in keeping with modern-day society and technology. However, the same cannot be said in absolute terms. A critical study reveals that the substantive and procedural structure largely remains intact even with these additions. The existence of certain fundamental principles, framework and a multitude of provisions carried forward from the old laws reflects an incomplete transformation. Concerns with regard to implementation, institutional capacities, potential for abuse of increased state power, and the lingering issues of delays and lack of accountability are the continuing problems. Therefore, these new Criminal Laws cannot be viewed as a complete break from the past, but rather as a hybrid of reform and continuity, and its real impact will lie not just in the changed text of law, but also in the enforcement of such laws, the judicial interpretation thereof and the institutional capacities. It appears to be more an evolution than a revolution, and represents a step in the direction of a just, efficient and equitable Criminal Justice System.

SUGGESTIONS:

- Laws need proper implementation along with reformation. Government should support its agencies in implementing such laws by equipping them with sufficient infrastructure, expertise and robust monitoring mechanism.
- Though the law equips police with more power, independent bodies, clear laws on arrest and police accountability need to be ensured in order to avoid the abuse of law by the authorities.
- All judges, police officials, prosecution, forensic experts should be regularly trained and updated on all aspects of utilizing digital evidence, modern procedures, new technologies.
- Compulsory forensic investigation is one of the main changes brought about by the new law so a robust infrastructure of well-equipped forensic labs, and guaranteed availability of forensic experts across the states need to be ensured.
- For implementation of time-bound trials Government should ensure the adequate addition of courts, judges and administrative staff to dispose off the pending cases as swift as possible.

- Adequate safeguards should be enforced to ensure appropriate balance between the state's powers and individuals' fundamental rights, particularly on aspects such as arrest, detention and trial in absentia.
- Awareness of New Criminal Law and simplification of legal language would also go a long way in educating individuals about their rights and obligations under the new regime.
- The new laws must be regularly reviewed.