

Justice That Puts Victims First: New Protections for Women and Children in the BNS

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Abstract

The **Bharatiya Nyaya Sanhita (BNS)** marks a transformative shift in India's criminal justice system, moving away from the colonial-era **Indian Penal Code (IPC)** towards a **victim-centric** legal framework. This research examines the structural and substantive changes introduced by the BNS, specifically focusing on the enhanced protections for **women and children**. Key reforms include the prioritization of offenses against these vulnerable groups, the integration of **digital evidence**, mandated video recording of search and seizure operations, and the creation of a **dedicated chapter for crimes against children**.

While the BNS seeks to accelerate judicial processes and increase conviction rates for crimes such as sexual assault and dowry-related offenses, its ultimate success is contingent upon addressing significant **implementation hurdles**. These include the need for massive capacity building, technological standardization across diverse regions, and a fundamental cultural shift within law enforcement and the judiciary toward greater sensitivity. The study concludes that while the BNS provides a robust legislative shield, its effectiveness depends on the state's commitment to providing the necessary training and infrastructure to turn these "prose" promises into a lived reality for victims.

Keywords: Bharatiya Nyaya Sanhita (BNS), Victim-Centric Justice, Women's Safety, Child Protection, Speedy Trials, Digital Evidence, Organized Crime, Restorative Justice, Implementation Hurdles

I. Introduction:

India's legal system is an elaborate system that regulates civil and criminal issues through a series of codified laws. The legal landscape of India is undergoing a monumental transformation with the planned replacement of its core criminal laws. (Zolvit, 2024). At the heart of this shift is the **Bharatiya Nyaya Sanhita (BNS)**, a new criminal code set to supplant the 163-year-old **Indian Penal Code (IPC)**. The Indian penal code has been the cornerstone of criminal law in India for a long time, classifying crimes and stipulating punishments. This shift isn't just an exercise in

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nomenclature; it represents a declared philosophical departure from a colonial-era system that was primarily punitive and focused on State authority, toward a model that the government frames as being rooted in **Indian values and justice for the victim**.

The IPC, established in 1860, was fundamentally a tool of colonial governance designed to maintain law and order through fear and punishment (Ahmad & Sharma, 2023). Its structure and procedures often resulted in a secondary role for the victim, whose testimony was merely a piece of evidence in a contest between the State and the accused. The BNS seeks to reverse this paradigm.

II . The Framework of Victim-Centricity in Modern Law

A "**Victim-Centric**" justice system is one where the laws, procedures, and support mechanisms are designed to prioritize the rights, needs, and well-being of the person who suffered the crime (United Nations, n.d.-a). The BNS operationalizes its victim-centric philosophy by focusing on three transformative pillars of judicial reform. First, it seeks to **enhance procedural efficiency**, implementing stricter timelines to mitigate the psychological and emotional trauma often caused by protracted legal battles. Beyond procedural speed, the code **broadens the scope of victim support**, establishing more robust mechanisms for compensation and rehabilitation to ensure that justice extends beyond the courtroom. Finally, the framework seeks to **democratize the judicial process** by guaranteeing victims a more significant voice and active participation, shifting their role from mere witnesses to central stakeholders in the pursuit of justice. We must critically assess whether the BNS truly achieves this lofty goal, especially for two of the most vulnerable and historically underserved groups under the criminal justice umbrella: **women and children**.

III . Research Objectives and Scope

This paper will systematically examine the new provisions within the BNS to ascertain if they effectively translate the victim-centric philosophy into tangible legal benefits. Our goal is to check the new BNS rules and see if they really make justice **faster, fairer, and more focused on the needs of women and children** than the old IPC ever could.

IV. Research Methodology

The present study utilizes a **qualitative and doctrinal research methodology** to evaluate the transition from the Indian Penal Code (IPC), 1860, to the Bharatiya

Nyaya Sanhita (BNS), 2023. By adopting a **descriptive and analytical research design**, the study systematically maps the new provisions of the BNS against the erstwhile colonial framework to determine the extent to which a "victim-centric" objective has been achieved. The data collection is strictly centered on **secondary sources**, involving a rigorous review of primary legal texts, including the BNS and the Bharatiya Nagarik Suraksha Sanhita (BNSS), alongside supplementary documents such as Law Commission reports, Parliamentary Standing Committee findings, and official notifications from the Ministry of Home Affairs.

The analytical framework of this paper is grounded in the principles of **Victimology and Restorative Justice**, focusing specifically on three critical benchmarks: procedural efficacy, substantive legal protections, and institutional readiness. A **comparative statutory approach** is employed to identify granular shifts in sentencing, the inclusion of modern offense categories like organized crime, and the integration of digital evidence. While the study offers a comprehensive evaluation of legislative intent, it acknowledges a primary limitation: the current lack of long-term empirical data and judicial precedents, as the BNS represents a recent and ongoing overhaul of the Indian criminal justice system. Consequently, the findings are based on the theoretical strengths and practical challenges inherent in the new code's architecture.

V. Stronger Legal Shields for Women

Crimes against women ,ranging from sexual assault and domestic violence to dowry-related offenses have long been a critical challenge for India's legal system, often marked by low conviction rates and significant procedural delays (Times of India, 2025). The BNS introduces several structural and substantive changes aimed at bolstering legal protections for women(Choudhary & Gupta, 2024).

New Priority for Women's Safety

The new code structurally places **crimes against women and children as a top priority** (Press Information Bureau [PIB], 2024). By dedicating specific, prominent chapters to these offenses, the BNS aims to make it harder for police and courts to ignore or delay these cases. The legal structure itself signals a zero-tolerance approach, which is intended to impact police training, resource allocation, and investigative urgency.

Modernizing Sexual Assault Laws

The BNS retains the core prohibition against rape and sexual violence but introduces several procedural and evidentiary changes aimed at improving the efficiency and sensitivity of the trial process (PRS Legislative Research, 2023).

- **Digital Evidence:** The new law attempts to make courts more adaptable to **technology**, explicitly facilitating the use and acceptance of digital evidence, which is crucial in modern sexual assault cases where communication records, location data, or digital images can be pivotal.
- **Mandatory Video Recording:** In a move to improve transparency and reduce the potential for coercion, the BNS mandates the **video recording of search and seizure** operations in specific cases (Chourasia, n.d.).
- **Time-bound Justice:** The new code emphasizes **speedy trials** by imposing stricter timelines for the completion of investigations and subsequent court proceedings in serious offenses, including those against women, aiming to prevent the victim from being perpetually trapped in the legal process.

The Problem of Dowry

The BNS tackles the persistent issues of **dowry death** and **marital cruelty** (the erstwhile Sections 304B and 498A of the IPC) (Times of India, 2025). These sections have historically suffered from low conviction rates, often due to poor investigation or procedural weaknesses.

- **Clarity on Cruelty:** The BNS provisions for 'cruelty by husband or his relatives' maintain the essential protection, recognizing that emotional, mental, and physical abuse within a marriage constitutes a serious crime (Testbook, n.d.). The effectiveness, however, will hinge on whether the new law offers better **investigative tools** and mandates a more sensitive, **victim-centric police response** to complaints of marital abuse.
- **Fighting Dowry Abuse:** A critical benchmark for the BNS will be its ability to streamline how evidence is handled in dowry cases, effectively removing the technical barriers that previously hindered convictions. The real-world measure of success will be a demonstrable **increase in the quality of investigation** into 'suspicious' deaths of women within seven years of marriage.

Fighting Organized Crime

While not solely focused on women, the BNS includes provisions to help police better tackle organized crime. This is relevant to women's safety as it directly impacts crimes like **human trafficking** and organized sex rackets, which disproportionately affect women and girls. By utilizing more **modern and stricter legal tools** for organized criminal activities, the BNS aims to disrupt the criminal networks that exploit women, adding a strategic enforcement layer to the protective laws. (PIB, 2025).

VI .Better Safeguards for Children

The most significant legislative step toward a victim-focused system for minors is the structural change within the BNS itself, signaling a clear national priority for the protection of children.

A Dedicated Chapter for Children

The **Bharatiya Nyaya Sanhita is the first criminal code to have a separate, dedicated chapter just for crimes against children.** This strategic placement elevates the legal seriousness attached to these offenses. This dedicated approach ensures that crimes like child abuse, neglect, and exploitation are viewed through a specialized lens, requiring specific training and sensitivity from law enforcement and the judiciary. (Patil & Pofale, n.d.). It reinforces existing specialized laws like the **Protection of Children from Sexual Offences (POCSO) Act, 2012.**

Faster Justice for Kids

The traumatic and prolonged nature of the judicial process can often re-victimize a child. Analyzing the new rules, the BNS demands **speedy trials** for crimes against children. By setting a clearer, shorter framework for investigation and trial completion, the law aims to ensure that child victims do not have to wait years for a case to finish, allowing them to begin their recovery and reintegration sooner. This procedural speed is crucial, especially when the child's recollection and emotional state are highly sensitive to delays.

Protecting Education

The BNS reinforces other critical social legislation, specifically providing **harsher punishment for people who violate children's rights to be educated.** This is done by strengthening the rules against **child labour** and neglect, linking the

criminal code directly to a child's right to an education under broader social laws (Patil & Pofale, n.d.). This inter-sectoral approach recognizes that the denial of education through forced labour or exploitation is a severe criminal offense, thereby using the criminal justice system as a powerful deterrent against social malpractices that jeopardize a child's future.

VII. Real-World Challenges and the Future

Passing a law is a necessary first step, but its true impact lies in its effective implementation. The BNS, despite its progressive intent, faces enormous **practical hurdles** that will determine whether its victim-centric vision becomes a reality.

Training and Tools

A new law is only as good as the people enforcing it. The transition from the IPC to the BNS requires a **massive, concerted effort to train all the police, judges, and lawyers** across the country—the very agents of the system (Mishra & Singh, 2024). This training is not just about learning new section numbers; it's about fundamentally reorienting their mindset to a victim-centric approach, emphasizing sensitivity, procedural speed, and evidence collection. This challenge is compounded by the need to set up and standardize the **necessary technology**, such as digital evidence tools and mandatory video recording infrastructure, across a nation with vast regional and resource disparities.

Metrics for Evaluating Systemic Success

The ultimate efficacy of the Bharatiya Nyaya Sanhita (BNS) will not be determined by the sheer volume of litigation or administrative activity, but rather by the tangible improvement in the lived experience of the victims it aims to protect. A successful implementation must be evidenced by a multifaceted rise in judicial standards, beginning with the accessibility of high-quality legal aid and robust compensation schemes, particularly for women and children from marginalized backgrounds. Furthermore, the legislative transition must yield a measurable increase in conviction rates, which would serve as a critical indicator of enhanced investigative rigor and more effective prosecution. Beyond these statistical benchmarks, the true revolution lies in the realization of restorative justice ensuring that procedural mandates effectively minimize re-traumatization and transform the courtroom into a space of sensitivity rather than intimidation. Ultimately, the BNS will only fulfill its promise when it transcends the traditional focus on punitive retribution and

successfully fosters a pervasive legal culture rooted in the dignity and fundamental rights of the survivor.

VIII . Conclusion

The Bharatiya Nyaya Sanhita represents a pivotal shift in India's legal landscape. By addressing gaps in the IPC and focusing on modern issues such as cybercrime, hate speech, and victim rights, it paves the way for a more efficient and just criminal justice system. While challenges in implementation exist, the long-term benefits promise a fairer society aligned with contemporary needs

The **Bharatiya Nyaya Sanhita (BNS)** represents a significant, long-overdue legislative effort to shift India's criminal justice system away from its punitive, colonial legacy toward a **victim-focused system**, with particular emphasis on **women and children** (Nanda, n.d.) Key elements such as a dedicated chapter for child-related offenses, procedural mandates for faster trials, modernization of evidence collection, and placing crimes against women as a national priority demonstrate a clear legislative intent to create a fairer and more supportive justice framework.

The Verdict

While the Bharatiya Nyaya Sanhita (BNS) stands as a profound legislative commitment to social justice redefining the legal narrative from "crimes against the State" to "injustices against the individual" it currently remains a revolution in prose rather than practice. For this framework to transcend its status as a high-minded promise, the transition from paper to the pavement requires three critical interventions. First, a massive scale of **capacity building** is essential; the central and state governments must move beyond rhetoric by injecting the financial and logistical capital necessary to modernize every police station and court through extensive training and technological upgrades.

Second, the code's theoretical protections must be anchored by **robust budgetary support**, creating a decentralized infrastructure that delivers tangible psychological, medical, and legal aid at the grassroots level. Finally, and perhaps most crucially, the system must undergo a **fundamental cultural shift**. Legislation alone cannot erase systemic apathy or deep-seated biases; instead, the judiciary and law enforcement must undergo an attitudinal transformation that prioritizes sensitivity and victim urgency. The BNS has forged the shield, but its true power depends entirely on whether the State and society possess the conviction to wield it effectively. Only

through this rigorous implementation will the promise of "Victim-First Justice" become a lived reality for the citizens of India.

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