

**A STUDY ON AWARENESS OF BHARATIYA NYAYA SANHITHA, 2023 –
AN OVERVIEW**

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ABSTRACT:

BHARATIYA NYAYA SANHITHA, 2023 has been implemented on 1 st July 2024 replacing the Indian Penal Code, 1860. The Bill has been named BharatiyaNyayaSanhita in order to bring about Indianization of British Laws. The BNS retains most of the offences from the IPC. It has introduced a new form of punishment which is given legal status -Community service for the first time.

The Research Study examines the extent of awareness of BharatiyaNyayaSanhitha, 2023 among the citizens and also to analyse the effect of responses given by the citizens towards BNS, 2023. The primary source of information in the study is the Primary Data. The data is collected by executing a structured online Questionnaire with a hypothesis that there is no relationship between the gender of the respondent and the perceptions with regards to awareness to BNS and the analysis found that the hypothesis is accepted.

The Introduction of the BNS is a positive decision to reinvent the IPC in a manner that fits the current social landscape. Only the enforcement of this law will not help to protect the rights of Indian citizens but also careful implementation and continuous monitoring is the need of the hour. The primary motto must be to bring about awareness and educate the citizens towards the BNS and its criminal proceedings against crime. At the same time, efforts need to be taken by the Legal Bodies and Educational Institutions; especially the Institutions of Law that should come forward in designing various programs to spread awareness among Indian citizens both at micro and macro level. As a whole, the BNS of 2023 is a comprehensive legal framework that is in tune with society's evolving needs and commitment to Justice.

INTRODUCTION:

The BharatiyaNyayaSanhita, 2023 (BNS) was introduced in the Lok Sabha on 12th December 2023, passed by the Lok Sabha on 20th December, 2023 and passed by the Rajya Sabha on 21st December, 2023. It was enacted on 25th December, 2023 replacing the Indian Penal Code, 1860 (IPC) as the new Penal Code of the Country. 1st July 2024 is appointed for implementation of the BNS, 2023.

The three new laws BharatiyaNyayaSanhita, BharatiyaNagarikSurakshaSanhita and the BharatiyaSakshyaAdhiniyam have come into effect from July 1st, 2024.

The Chief Justice of India has hailed the 3 new laws and called it as a “watershed moment”. To put forth the Government's perspective, Dr. Rajiv Mani Secretary, Department of Legal Affairs, Ministry of Law and Justice has said “The existing Criminal Laws which trace their origin to the colonial era need to come out and define the State – Citizen Relationship not based on colonial prejudices and practices but on the principles of access of justice to all. The 3 laws have hence been enacted to overhaul the criminal justice system in the country to make it citizen – centric.” The idea behind replacing aged criminal laws is to

1. Strengthen law and order
2. Simplify legal procedure so that ease of living is ensured to a common man
3. Address the technological advancement

OBJECTIVES OF THE STUDY:

1. To examine the extent of awareness of BNS, 2023 among the Indian citizens
2. To analyse the effect of responses given by the citizens towards BNS, 2023

SCOPE OF THE STUDY:

1. To provide an overview of the BNS, 2023

2. To create an awareness among the Indian Citizens regarding the replacement of the IPC, 1860 with the BNS, 2023
3. The Survey is restricted to a sample of 154 respondents only

METHODOLOGY:

The primary source of information in this research study is the Primary Data. The data is collected by executing a structured online Questionnaire to two hundred respondents by convenient sample. The available information on internet regarding the BNS, 2023 has been extensively used to complete the paper. All the available Journals, Articles, Papers provided necessary information to the author in finalizing the paper.

BHARATIYA NYAYA SANHITA (BNS) :

The Bill has been named BharatiyaNyayaSanhita in order to bring about Indianization of British Laws, sending a message to the people regarding the shift from ‘punishment as a core’ to “Justice as a core”. Some of the main features of the bill being -

- There are 20 chapters under the BNS
- The chapters and offences against women and children, murder have been given precedence. Also, the offences against women and children which were scattered throughout the IPC, 1860 have been brought together and have been consolidated under chapter V.
- The offences affecting the human body are also brought up in the order and placed after the chapter on offences against women and children.
- BNS has been streamlined and it now consists of only 358 sections as opposed to 511 sections in IPC, 1860.

HIGHLIGHTS OF THE BILL:

1. The BNS retains most of the offences from the IPC.
2. It has introduced a new form of punishment which is given legal status - Community service for the first time. Objective is to reduce the burden on jails and is a step towards reformative justice. Community Service as a punishment is only for petty offences and is given in the BNS only under 6 offences as a means of punishment.
3. Sedition is no longer an offence. Instead there is a new offence for acts endangering the sovereignty, unity and integrity of India
4. The BNS adds terrorism as an offence.
5. Organized crime has been added as an offence. It includes crimes such as kidnapping, extortion and cyber-crime committed on behalf of a crime syndicate. Petty organized crime is also an offence now.
6. Murder by a group of 5 or more persons on grounds of certain identity markers such as caste, language or personal belief will be an offence with penalty life imprisonment or death and with a fine.

FOCUS AREAS:

1. **Modernization and clarity:** Update laws to reflect contemporary norms and values, ensuring clarity and understanding.
2. **Victim Centric Approach:** Strengthen provisions for victim rights and access to justice including support system and compensation
3. **Rehabilitation:** Emphasis on rehabilitative justice and reintegration, promoting alternative sentencing for non-violent offences
4. **Technology Integration:** Streamline legal processes with technology, improving investigation techniques and evidence collection

5. **Public Awareness and Education:** Inform citizens about their rights and responsibilities within the criminal justice system
6. **Consultation and Stakeholder Involvement:** Encourage participation from stakeholders for inclusivity and diverse perspectives

SURVEY ANALYSIS:

In order to understand and examine the awareness among people regarding the implementation of BharatiyaNyayaSanhitha and to analyse the effect of responses given by the citizens towards BNS, 2023 a structured questionnaire was executed to 200 respondents out of which 154 only responded. The collected data was analyzed with the help of SPSS package. Percentages and Chi square test were used for testing the hypothesis. The sample consisted of 35 male and 119 female respondents. The study is undertaken with a hypothesis that there is no relationship between the gender of the respondent and the perceptions with regards to awareness to BNS. Chi - square test is executed and at 5% level of significance the hypothesis is accepted or rejected.

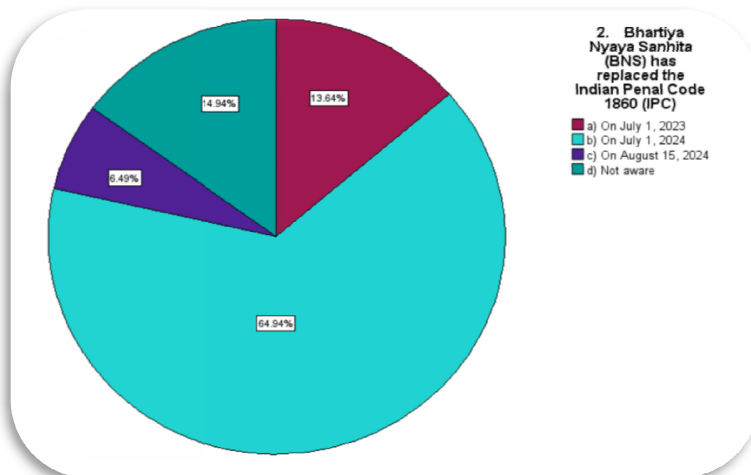
1) **Gender Vs. Awareness of the date of replacement of BNS:**

Gender /Awareness	On 1 st July,2023	On 1 st July 2024	On 15 th August 2024	Don't Know	Total
Female	17	77	8	17	119
%	11%	50%	5.2%	11.0%	77.3%
Male	4	23	2	6	35
%	2.6%	14.9%	1.3%	3.9%	22.7%
Total	21	100	10	23	154
%	13.6%	64.9%	6.5%	14.9%	100%
Chi-Square Test: .949					

From the table below it is clear that 64.9% of the respondents were aware of the date of replacement of BNS to Indian Penal Code on 1st July, 2024. Around 35% of the respondents either were not aware or were not with the correct answer. From the Chi-square test, value at 5% level of significance is .949. As the value is greater than .05 it is clear that there is norelationship between gender and the perceptions of the respondents with regards to awareness of the date of replacement of BNS.

Table No.1
Gender Vs. Awareness of the date of replacement of BNS

Source: Primary Data



2) Gender Vs. Awareness of BNS replacing Indian Penal Code 1860:

From the table below it is clear that 81.8% of the respondents were aware of BNS replacing Indian Penal Code 1860. Around 18.2% of the respondents either were not aware or were not with the correct answer. From the Chi-square test, value at 5% level of significance is .492. As the value is greater than .05 it is clear that there is no relationship between gender and the perceptions of the respondents with regards to awareness of BNS replacing Indian Penal Code 1860.

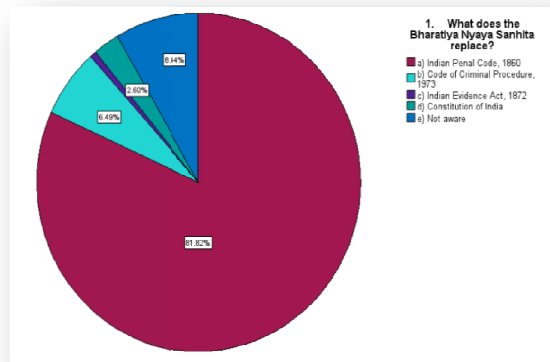
Table 2

Gender/Awareness	Indian Penal Code,1860	Code of Criminal Procedure,1973	Indian Evidence Act 1872	Constitution of India	Not Aware	Total
Female	98	9	1	2	9	119
%	63.6%	5.8%	0.6%	1.3%	5.8%	77.3%
Male	28	1	0	2	4	35
%	18.2%	0.6%	0.0%	1.3%	2.6%	22.7%
Total	126	10	1	4	13	154
%	81.8%	6.5%	0.6%	2.6%	8.4%	100%

Chi-Square Test: .492

Gender Vs. Awareness of BNS replacing Indian Penal Code 1860

Source: Primary Data



3) Gender Vs. Awareness of BharatiyaNyayaSanhita differing from the Indian Penal Code

From the table below it is clear that 55.2% of the respondents were aware of BNS differing from Indian Penal Code 1860. Around 44.8% of the respondents either were not aware or were not with the correct answer. From the Chi-square test, value at 5% level of significance is .870. As the value is greater than .05 it is clear that there is no relationship between gender and the perceptions of the respondents with regards to awareness of BNS differing from Indian Penal Code.

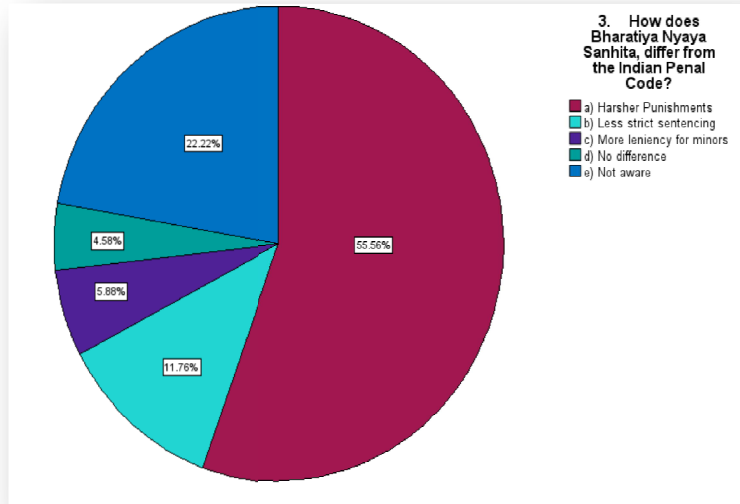
Table 3

Gender Vs. Awareness of BNS differing from the Indian Penal Code

Gender/Awareness	Harsher Punishments	Less strict sentencing	More leniency for minors	No difference	Not Aware	Total
Female	63	14	8	6	27	119

%	40.9%	9.1%	5.2%	3.9%	17.5%	77.3%
Male	22	4	1	1	7	35
%	14.3%	2.6%	0.6%	0.6%	4.5%	22.7%
Total	85	18	9	7	34	154
%	55.2%	11.7%	5.8%	4.5%	22.1%	100.0%
Chi-Square Test: .870						

Source:Primary Data



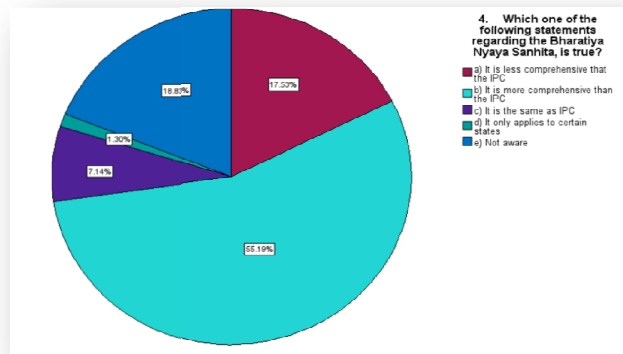
4) **Gender Vs. Awareness of which of the Statements regarding BharatiyaNyayaSanhita, is true?**

From the table below it is clear that 55.2% of the respondents were aware of the true statement on BNS. Around 44.8% of the respondents either were not aware or were not with the correct answer. From the Chi-square test, value at 5% level of significance is .637. As the value is greater than .05 it is clear that there is no relationship between gender and the perceptions of the respondents with regards to awareness of the true statement on BNS.

Table 4
Gender Vs. Awareness of which of the Statements regarding BNS, is true?

Gender/Awareness	Less comprehensive than IPC	More Comprehensive than IPC	Same as IPC	It only applies to certain states	Not aware	Total
Female	22	63	10	2	22	119
%	14.3%	40.9%	6.5%	1.3%	14.3%	77.3%
Male	5	22	1	0	7	35
%	3.2%	14.3%	0.6%	0.0%	4.5%	22.7%
Total	27	85	11	2	29	154
%	17.5%	55.2%	7.1%	1.3%	18.8%	100.0%
Chi-Square Test: .637						

Source:Primary Data



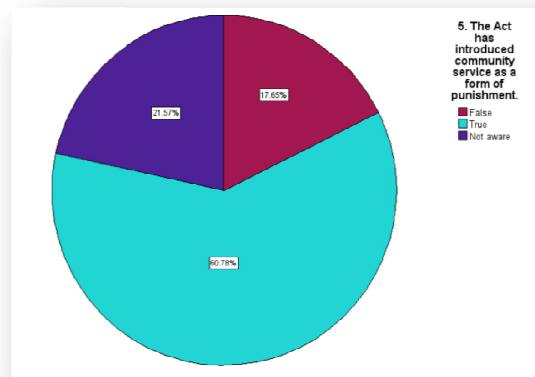
5) **Gender Vs Awareness of the introduction of community service as an act of punishment**
From the table below it is clear that 60.4% of the respondents were aware of the introduction of community service as an act of punishment. Around 39.6% of the respondents either were not aware or were not with the correct answer. From the Chi-square test, value at 5% level of significance is .046. As the value is lesser than .05 it is clear that there is a relationship between gender and the perceptions of the respondents with regards to awareness of the introduction of community service as an act of punishment.

Table 5
Gender Vs Awareness of the introduction of community service as an act of punishment

Gender/Awareness	False	True	Not Aware	Total
Female	20	78	20	119
%	13.0%	50.6%	13.0%	77.3%
Male	7	15	13	35
%	4.5%	9.7%	8.4%	22.7%
Total	27	93	33	154
%	17.5%	60.4%	21.4%	100.0%

Chi-Square Test: .046

Source:Primary Data



6) **Gender Vs. Awareness of BNS with an aim at contemporary issues, increasing penalties for serious crimes, and removing outdated provisions**

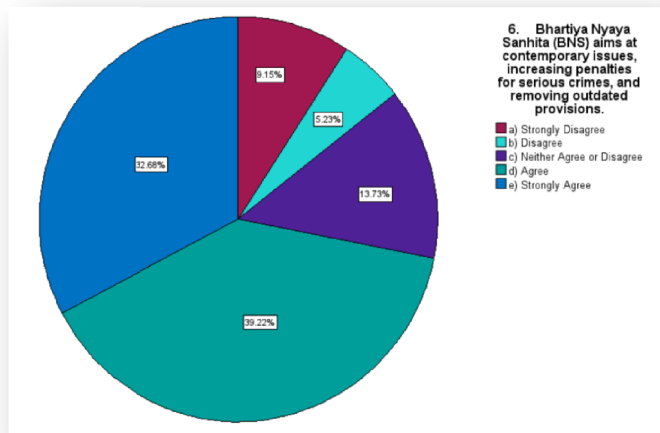
From the table below it is clear that 39% of the respondents were aware of the BNS with an aim at contemporary issues, increasing penalties for serious crimes, and removing outdated provisions. Around 61% of the respondents either were not aware or were not with the correct answer. From the Chi-square test, value at 5% level of significance is .141. As the value is greater than .05 it is clear that there is no relationship between gender and the perceptions of the respondents with regards to awareness of BNS with an aim at contemporary issues, increasing penalties for serious crimes, and removing outdated provisions.

Table 6
Gender Vs. Awareness of BNS with an aim at contemporary issues, increasing penalties for serious crimes, and removing outdated provisions

Gender/Awareness	Strongly Disagree	Disagree	Neither Agree or Disagree	Agree	Strongly Agree	Total
Female	13	6	19	44	37	119
%	8.4%	3.9%	12.3%	28.6%	24.0%	77.3%
Male	1	2	2	16	13	35
%	0.6%	1.3%	1.3%	10.4%	8.4%	22.7%
Total	14	8	21	60	50	154
%	9.1%	5.2%	13.6%	39%	32.5%	100.0%

Chi-Square Test: .141

Source: Primary Data



SUGGESTIONS & CONCLUSION :

SUGGESTIONS:

BNS has been the most awaited Bill to be passed and as the IPC was outdated especially with respect to the criminal proceedings; BNS is indeed a Bill to be welcomed. At the same time, efforts need to be taken by the Legal Bodies and Educational Institutions; especially the Institutions of Law that should come forward in designing various programs to spread awareness among Indian citizens at the micro level and the world at the macro level. At the same time, the curriculum in such Institutions needs to be redesigned and updated to the present BharatiyaNyayaSanhitha, 2023.

WAY FORWARD:

The Chief Justice of India has stated that “while the three criminal laws create provisions which are synchronized to our times, there is a need for creation of adequate infrastructure for all stakeholders to derive benefit from these laws fully. He highlighted the creation of digital court infrastructure to create technologically equipped court systems for efficient case management for all.

CONCLUSION:

The Introduction of the BNS is a positive decision to reinvent the IPC in a manner that fits the current social landscape. It has made various significant changes, removing laws that have colonial roots, which is archaic and also certain provisions that hold no credible ground in today’s legal scenario. It rightfully promotes principles like gender neutrality; however, it does seem to fall short of properly incorporating them. Only the enforcement of this law will not help to protect the rights of Indian citizens but also careful implementation and continuous monitoring is the need of the hour. The primary motto must be to bring about awareness and educate the citizens towards the BNS and its criminal proceedings against crime. As a whole, the BNS of 2023 is a comprehensive legal framework that is in tune with society’s evolving needs and commitment to Justice.

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