1 YEAR OF IMPLEMENTATION OF BNS: ANALYSING THE TRANSFORMATION OF CRIMINAL LAW, ITS MISUSE AND SUGGESTIONS

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ABSTRACT

The Criminal Law System is an integral facet of the well-being and state of a society. India, historically a diverse land, was governed by fragmented laws until the arrival of the British. The uniform law originated through the 1st Law Commission headed by Lord Macaulay in 1833. These laws served the intended or necessary purpose for the period of nearly one and a half centuries, but the obscurities that lie within them with respect to changing times made it inevitable for the introduction or substitution of new laws. This led to the introduction of three new criminal laws, namely Bhartiya Nyaya Sanhita, Bhartiya Nagarik Suraksha Sanhita, and Bhartiya Sakshya Adhiniyam, that were presented as the modern Indian laws catering to the peculiarities of our soil, and in contrast with the colonial mindset. With the enactment, BNS Brought multifold changes aimed to address the deficiencies in the previous enactment, primarily in the case of offences such as snatching, sexual intercourse on false pretext of marriage, organised crime, terrorist acts, acts endangering the sovereignty and integrity of India, and other reforms such as the introduction of community service and stipulation of minimum sentences in particular cases. While the initial sentiments were high, the actual implementation could serve as the means of providing a clear picture of the accomplishments and failures of the intended goals. This piece critically analyses the major reforms or shifts brought by the BNS in the light of practical implications after the completion of one year after its enactment.

Keywords: Bhartiya Nyaya Sanhita, Indian Penal Code, BNS vs IPC

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INTRODUCTION

"*Criminal law embodies the collective conscience of a society, shaping norms and preserving justice.*"

Law and society share a reciprocating relationship in which both rely on each other for equilibrium and suitable functioning.[2] The legal system aims to set down rules and guidelines that could effectively regulate societal behaviour. The beliefs, values, norms, and changes in society often shape the prevalent law and legal system. Such changes were seen in the Indian Criminal Justice System through a complete makeover by the introduction of three new criminal laws, namely Bhartiya Nyaya Sanhita (BNS), Bhartiya Nagarik Suraksha Sanhita (BNSS), and Bhartiya Sakshya Adhiniyam (BSA). The first piece of this radical transformation arrived with by introduction of three criminal bills in the Lok Sabha in August 2023, which were referred to the Department-related Parliamentary Standing Committee on Home Affairs for consideration after widespread opposition, and the redrafted version was introduced in December 2023 and became the law after assent by the President on 25 December 2023. The initial intent was towards the realisation of justice, which was absent in previous laws, with laws imbibing the Indian soul. Additionally, the focus was on the scrapping of colonial identity (slavery) in line with one of the five pranas of PM Modi within Azadi ka Amrit Mahotsav.[3] Since their inception on 1st July 2024, they have been termed as one of the most significant reforms of the 21st century.[4] The main objective for such a complete overhaul was attached to the removal of colonial identity, being in line with the growing advancements in the digital age, and adopting laws possessing the fragrance of Indian soil and culture of our justice. These changes sought to address the unchartered territories in its substantive part, while aimed to fill lacuna hampering the speedy realization of justice. Law, however great in form, is never judged from a piece of paper; it must see the law in motion. Bhartiya Nyaya Sanhita is the primary substantive criminal law in India, replacing the Indian Penal Code enacted in 1862. With the passage of a year from

[2] Suman Kumari, From Chaos to Order: The Role of Law in Society, 4 *Indian J. Integr. Res. L.* (2024), https://ijirl.com/wp-content/uploads/2024/04/FROM-CHAOS-TO-ORDER-THE-ROLE-OF-LAW-IN-SOCIETY.pdf.

[3] PIB Delhi, Union Home Minister Introduces Criminal Law Bills in Lok Sabha, *Press Info. Bureau* (Nov. 2, 2025), https://www.pib.gov.in/PressReleasePage.aspx?PRID=1947941.

[4] TOI News Desk, Biggest Reforms: Union Minister Shah Says Purpose of New Laws Is Justice, *Times of India* (Nov. 1, 2025), https://timesofindia.indiatimes.com/india/biggest-reforms-union-minister-shah-says-purpose-of-new-laws-to-give-justice-to-people/articleshow/112267037.cms.

the date of the enactment of the Bhartiya Nyaya Sanhita, it has become convenient to analyse the pros and cons of such changes in the law through a comprehensive and detailed study.

CRITICAL ANALYSIS OF MAJOR REFORMS AND IMPLEMENTATION

Community Service

One of the most highlighted new additions was the insertion of community service as one of the forms of punishment under Section 4(f) of BNS.[5] Also referred to as community payback or compensatory service, it is a means of non-custodial restorative justice that involves doing unpaid work as a means of showing sincerity towards society and making a case for reintegration into society[6]. This includes services such as cleaning, religious service, assistance in education, medical facilities, and other similar charity works.

Initially commenced as a measure to deter idleness, the community service formally gained prominence with the "Wootton Report" in England, and since then, it has been part of sentencing frameworks in the Western legal system, comprising the UK, the US, and various parts of Europe. Its successful application as an alternative to imprisonment in non-violent offences led to its acceptance in global criminal legal systems. In India, this concept was echoed by the IPC (Amendment) Bill 1978 and subsequent reports by the Indian Jail Committee (1980-83), the Malimath Committee, and the 156th Law Commission Report, but never put into implementation.[7] Its only use is found in section 18(1) (c) of the Juvenile Justice Act, 2015, permitting community service for children with a conflict with the law.

Even in the absence of any statutory mechanism, the Indian courts regularly voiced for innovative solutions such as *community service as a facilitator of the reintegration of convicts back to civil society*.[8] It appears as a favourable alternative to custodial imprisonment, fines, or penalties in case of non-violent offenders by imbibing both restorative and rehabilitative justice in a nation like India, where overcrowding of prisons is an important feature of the criminal

[5] *Bharatiya Nyaya Sanhita*, No. 45 of 2023, § 4, Acts of Parliament, 2023 (India).
[6] Juhi Newar & Akanksha Singh, Community Service as an Alternative to Punishment: A Legal Study, 3 *The Academic* (2025).
[7] Fauzia Shakil, Community Service Under the BNS: An Incomplete Yet Promising Penological Advancement, *LiveLaw* (Nov. 1, 2025), https://www.livelaw.in/articles/community-service-under-bhartiya-nyaya-sanhita-262322.
[8] *Vipul v. State of Uttar Pradesh*, Crim. Appeal No. 1161/2022 (India).

justice system.[9] It can be an effective way to imbibe a sense of accountability and accountability in the convict, while also benefiting the community.[10]

Community service is not defined in BNS rather its application provisions have been detailed, which are: s 202 [*Public servant unlawfully engaging in trade*], s 209 [*Non-appearance in court in response to a proclamation under Section 84 of BNSS*], s 226 [*Attempt to commit suicide to compel or restrain exercise of lawful power*], s 303(2) [*Theft of property valued less than Rs 5000 by first time offender and the property is returned or value restored*], s 355 [*Misconduct in public by a drunken person*] and s 356(2) [*Defamation*]. Its nature has been expressed in the Explanation to section 23 of BNSS as "*work which the Court may order a convict to perform as a form of punishment that benefits the community, for which he shall not be entitled to any remuneration*."[11] While the statutory intent touts community service as a form of punishment that benefits the community, ambiguities exist as to what qualifies as "work that benefits society" or what kind of work is valid or admissible for such purpose. There is no ascertainment as to the mode, time period, and supervision of the execution of the sentence. This legislative lacuna keeps the door ajar for multiple interpretations and arbitrary usage of power that might lead to injustice in some cases.

India, being a country with a vast population, faces many limitations and challenges to its implementation. Lack of a concrete structural framework for the execution of community service casts obscurities regarding its effectiveness in the Indian criminal system, where its potential misuse can drive its use as a "get *out of jail free*" card. This was reflected in the *Pune Porsche case,* where the minor accused was sentenced to community service as part of his punishment for running over two persons. The lack of clarity in legal provisions sometimes leads to inconsistent implementation.[12] A dedicated infrastructure, resource allocation, training, and supervision mechanism has to be installed for proper implementation, but the same has not been developed as of yet at the grassroots level. Enforcement of such punishments can be a gruelling task in task in rural areas where public awareness is not fully updated.[13] Additionally, the discretion provided

[9] Report on Prisons in India, *S3WAAS* (Nov. 1, 2025), https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2024/11/2024110677.pdf.
[10] *Rajesh v. State of Chhattisgarh*, 2021 SCC OnLine Chh 441 (India).
[11] *Bharatiya Nyaya Sanhita*, No. 46 of 2023, § 4, Acts of Parliament, 2023 (India).
[12] Law Comm'n of India, *273rd Report on Reform of Criminal Laws* (2018).
[13] Nat'l Inst. of Criminology & Forensic Sci., *Challenges in the Implementation of Community Service in India* (2020).

to judges in such sentencing also casts certain doubts regarding its uniform application. Due to inherent discretion, some judges may even prefer traditional custodial punishment due to a lack of proper legal provisions.[14]

Only a few states, such as Haryana, West Bengal, Assam, etc, have formulated community services guidelines. Recently, the Delhi Government has rolled out new guidelines for community services in cases involving minor offences through cleaning and other auxiliary work in hospitals, roadsides, public parks, public libraries etc, but these guidelines did not alter the discretion of judges in sentencing.[15] While the probation officer is entrusted with supervision in West Bengal guidelines, the Haryana notification nominates several officers as designated officers for supervision according to the workplace where work is carried out. The duration of work and eligibility for granting are also different in such states, raising concerns of uniformity and increased discretion in granting such punishment. Inconsistent sentencing is also a serious impediment to effective implementation. Courts passed such sentencing in the form of cleaning hospital premises, assisting in traffic management, serving help in religious premises, helping at child care institutions, but the duration and basis of the selection for a particular kind of work is not uniform.[16]

To efficiently negate the problem of overcrowding of prisoners, the implementation has to be on a large scale in a robust and structured manner. Reference could be made to the corresponding framework in nations like the UK, wherein the exact scope, nature, and period of Community payback is defined, and supervisory measures have also been adopted.[17] A coordinated approach must be taken across the judiciary, law enforcement, and community organizations to fulfil the statutory objective. Non-governmental organizations must be included as important stakeholders that could bridge the gap between the government and the public.

MOB LYNCHING

[14] Nat'l L. Univ. Delhi, *Judicial Attitudes Towards Alternative Sentencing in India*, Shodhganga (Nov. 1, 2025), https://shodhganga.inflibnet.ac.in/handle/10603/355330.

[15] Clean Streets, Restore Parks, Bind Books: Delhi Rolls Out Community Service, *Economic Times* (Nov. 1, 2025), https://economictimes.indiatimes.com/news/india/clean-streets-restore-parks-bind-books-delhi-rolls-out-community-service-for-minor-offenders/articleshow/121670862.cms.

[16] Vijay Raghavan & Saugata Hazra, Making Community Service Under the BNS Effective, *Hindustan Times* (Nov. 2, 2025), https://www.hindustantimes.com/opinion/making-community-service-under-the-bns-effective-101760885165776.html.

[17] Community Sentences, *Gov.uk* (Nov. 1, 2025), https://www.gov.uk/community-sentences/community-payback.

It is defined as a form of violence in which a mob, under the pretext of self-authorised administering justice without any authority or trial, executes a presumed offender, often after inflicting severe physical harm.[18] It has been categorised as a grave violation of human rights and a blot on society. Delayed police and judicial response, added with society's acceptance, normalises such conduct, leading to implicit acceptance on the part of the public, making it easier to commit.[19] Causes for mob lynching could range from collective psychology, political agenda, misinformation, societal factors, to administrative failure. Most infamous cases were reportedly arising with respect to rumours of cow slaughter, accusations of love jihad, and suspicions of a child-lifting gang, which were particularly targeted towards individuals belonging to marginalized communities.[20] Due to challenges such as group intent, sense of impunity, mob lynching has remained a harder crime to prosecute.[21] It has been considered as a direct attack on constitutional ideas of equality (Article 14) and right to fair trial and due process (Article 21). It jeopardises the rights of religious minorities, Dalits, and tribal communities at risk.

The previous enactment had no specific provisions tailored to such crimes; provisions such as unlawful assembly, rioting, and murder were complexly invoked. Due to such a legislative lacuna, there was under reporting, delayed prosecution and a lack of confidence in the criminal system by the public.[22] One breakthrough in this regard came in the case of *Tahseen S. Poonawalla vs Union of India*[23], in which the court has described mob lynching as a "horrendous act of monocracy" and provided guidelines for the centre as well as states/UT to formulate laws tailored to deal with such a crime. The provisions contained in BNS are generally attributed to these guidelines within the legislative framework. BNS specifically makes a provision for addressing mob lynching as a crime against human body under section 103(2) punishing every member of a group of 5 or more persons a murder by who had participated in concert in commission of a murder on basis of race, caste, community, sex, place of birth, language,

[18] SOP on Mob Lynching Under BNSS, *Police PY*, https://police.py.gov.in/SOP%20on%20Mob%20Lynching%20under%20BNSS.pdf.
[19] Ramesh Kumar Singh, Analytical Approach to the Offence of Mob Lynching Under BNS, 3 *Airo Int'l J. Peer-Reviewed Multidisciplinary* (2025), https://www.airo.co.in/publications/42311-paper-03-analytical-approach-to-the-offence-.pdf.
[20] Hunted: India's Lynch Files, *The Quint* (Nov. 1, 2025), https://www.thequint.com/quintlab/lynching-in-india/.
[21] Tamheed & S.F. Nomani, Mob Lynching: The Path Towards Anarchy, 3 *Indian J.L. & Legal Res.* 1 (2021).
[22] Ramesh Kumar Singh, Analytical Approach to the Offence of Mob Lynching Under BNS, 3 *Airo Int'l J. Peer-Reviewed Multidisciplinary* (2025), https://www.airo.co.in/publications/42311-paper-03-analytical-approach-to-the-offence-.pdf.
[23] *Tahseen S. Poonawalla v. Union of India*, (2018) 9 SCC 501 (India).

personal belief or any other similar ground, with Death or Life Imprisonment. It has been made a cognisable and non-bailable offence and non-compoundable in nature, making it a crime of intimidation and physical abuse. The harsh punishment also seeks to increase effectiveness and discourage its attempt.

These statutory provisions sound efficient, but this is *very hard to implement*[24]. Issues such as police bias, witness intimidation, and judicial delays often hinder prosecution in such cases. There has to be a focused approach on the alleviation of the root causes of such a crime, such as prejudices, the spread of misinformation, the propagation of propaganda, administrative failure, etc.[25] A major concern regarding this is the sheer disbelief in which the mob presumes itself to grant justice to society by punishing the presumed offender. One of the major concerns lies in the identification of the actual quantity of individuals taking part which is not easy to determine due to its use in public places.[26] Disclosure of such lynching is often discovered through the social media but turning such videos into digitally admissible evidence is very hectic task involving a long procedure of proper certification and authentication.[27] Additionally, there is a lack of reliable witnesses as they hesitate in disclosing their identities thus exposing themselves to social mockery. Political interference is also a concern in mob lynching cases, as the evidence of several cases reveals the passive behaviour of police personnel in the investigation procedure, dropping of charges, and channelling out certain individuals from the group.[28]

The international practices prevalent in the US, South Africa, Kenya, etc., provide a clear framework regarding mob lynching as a more serious crime, inviting strict consequences and emphasising the importance of institutions of state in preventing them. Keeping them in mind, the Indian system requires specific guidelines, a centralised reporting system, an efficient investigation procedure, infrastructure for forensic and digital evidence, training for police and prosecutors, and an adequate rehabilitative and restorative framework. The authorities must spread public awareness regarding the illegality and inhumanity of mob lynching. Without a plan

[24] Y. Naik, The Bharatiya Nyaya Sanhita: A Critical Examination of India's New Penal Code, SSRN (Nov. 1, 2025), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4884622.
[25] Komal Dhaka, 7 *Int'l J. Pol. Sci. & Governance* 95–97 (2025), https://doi.org/10.33545/26646021.2025.v7.i3b.467.
[26] V Kumar, Comparison Between Old and New Criminal Law in India, 35 *Supremo Amicus* 1 (2024).
[27] M.S. Hanspal, Navigating Legal Changes in BNS, BNSS, and BSA: A New Era for Women's Safety, *Int'l J. L. Sci. Innov.* (2024).
[28] F Vasudeva-Barkdull, Articulating Lynching in India, 38 *Int'l J. Pol. Cult. & Soc.* 111–38 (2025).

to address legal, social, and administrative aspects, the law could stay just as a symbolic provision instead of bringing about any real changes.[29]

OFFENCE OF SEXUAL INTERCOURSE ON FALSE PRETEXT OF MARRIAGE

Section 69, criminalizing sexual intercourse on false pretext of marriage, was welcomed as a progressive amendment with respect to the uncharted territory of sexual gratification on false promise of marriage, which was previously dealt with a combination of Section 376 read with the provision of misconception of fact under Section 90 IPC. Since its enactment, this provision has started a wave of cases founded on allegations of sexual intercourse on false pretext of marriage.[30] It makes punishable sexual intercourse by a person who has employed deceitful means or a promise to marry a woman without any intent of abiding by the same, for the purpose of obtaining the consent of the woman, with imprisonment for a maximum term of 10 years. It explicitly differentiates it as a case not amounting to rape due to the presence of an element of consent. The term "deceitful means" has been elaborated to include false promises for employment, promotion, or inducement, or marrying after suppression of identity. With the passage of time, this provision became one of the most misused legal provisions, somewhat like the provision for Cruelty under section 498A of the Indian Penal Code, through its utilization as a weapon for vengeance, even in cases where the court noted that relationship was voluntary.[31] This is regarded as prejudicial towards men, making it easy to invoke and even harder to rebut. While there are particular situations requiring address, its gross misuse is alarming.

Dealing with the continuing trend of misuse of such a provision, the Supreme Court in *Biswajyoti Chatterjee vs. State of West Bengal and Anr*[32], observed that a growing tendency could be seen in which the frequent breakdown of a relationship leads to the initiation of criminal proceedings. Every relationship in which there is a probability of marriage cannot be used to initiate proceedings in respect of an offence under section 69. Such proceedings clearly amount to an abuse of the process of law. The recent judicial decisions have refrained from prosecuting a person making a promise when the cases involved a long consensual relationship without

[29] I Nellist, New Criminal Laws Threaten Free Speech, *Green Left* (Nov. 1, 2025), https://www.greenleft.org.au/2024/1410/world/india-new-criminal-laws-threaten-free-speech-right-protest.
[30] R.K. Vij, Section 69 of the BNS Is Redundant, *The Hindu* (Nov.1, 2025), https://www.thehindu.com/opinion/op-ed/section-69-of-the-bharatiya-nyaya-sanhita-is-redundant/article69478060.ece.
[31] *Chandrakant Jalchhatri v. State of Chhattisgarh*, 2024 SCC OnLine Chh 12486 (India).
[32] *Biswajyoti Chatterjee v. State of W.B.*, 2025 SCC OnLine SC 741 (India).

protest[33], and filing a case was soon after the end of the relationship as a tool for vengeance.[34] The relief has been restricted to clear cases of false promise of marriage displaying clear intent and deception. This provision is also discriminatory by prescribing a statutory limitation of application confined only to women as victims. This shortcoming results in stereotypes and prejudice against men as offenders and the exclusion of male victims. This also erodes relief to members of the LGBTQ+ community in cases fulfilling the conditions of section 69, even after the decriminalization of consensual sexual intercourse. The court has refrained from providing relief to transgender individuals under this section only on account of the exclusion of the complaint from the ambit of females.[35]

In a society like ours, valuing purity and virginity, such a provision will be prejudicial to every accused, even in the case of consensual sexual intercourse before marriage. This amplifies the scope of mala fide allegations, particularly in the case of the breakdown of a relationship. In circumstances when the family of the woman becomes aware of such a consensual relationship, it is probable that the proceedings are instituted against the partner under the section that constitutes a grave misuse. Critics have alleged this provision to be violative of fundamental rights of equality, freedom, and privacy due to its nature being an unjust, restricted, and prejudiced adjudication of matters of sexual offences. Additionally, this provision overlaps with section 63 (rape under a misconception of fact) and section 68 (coerced sexual intercourse by use of a fiduciary relationship, power, or authority).[36]

While the courts have differentiated false promise and breach of promise based on the preliminary intent of the accused, the statutory provisions do not account for circumstances that would determine whether the promise was false or simply a breach. It fails to provide safeguards to a consensual relationship, thus exposing mostly men to prosecution on the allegation of false promise. For proper implementation, clarity must be brought in its scope, application, and position with respect to overlaps with other provisions. Judicial and administrative changes are needed to effectively diminish the chances of misuse.

SECTION 152 AND THE DILEMMA OF SEDITION REIGNITED

[33] *Mahesh Damu Khare v. State of Maharashtra*, 2024 INSC 897 (India).
[34] *Prem Netam v. State of Chhattisgarh*, 2024 SCC OnLine Chh 10471 (India).
[35] *Bhupesh Thakur v. State of Himachal Pradesh*, 2024 SCC OnLine HP 4513 (India).
[36] S.M. Aamir Ali, Anuska Vashist & Anuttama Ghose, Bharatiya Nyaya Sanhita and the False Promise to Marry, 49 *Econ. & Pol. Wkly* (2024), https://www.epw.in/journal/2024/18/commentary/bharatiya-nyaya-sanhita-and-false-promise-marry.html.

The Law on sedition under Section 124A of the Indian Penal Code 1860 was a century-old law in India, enacted with the object of suppressing political dissent. It was regarded as a magic wand in the government's hands for curtailing the liberty of individuals in the name of a threat to the government established by law. Regarding the regular misuse and concerns as to constitutionality, the Apex Court in *S.G. Vombatkere v. Union of India*[37], forbade registration of FIRs under the provision. Keeping that in mind, the lawmakers removed the express provision of sedition from the new penal law, i.e., Bhartiya Nyaya Sanhita, but added a new provision punishing acts endangering the sovereignty, integrity, and unity of India. Section 152 of BNS punishes acts which are aimed at exciting secession, armed rebellion, or subversive activities, or endangering the sovereignty, unity, or integrity of India with imprisonment for life or with imprisonment which may extend to seven years.

It has been applied in cases such as reporting during India-Pak hostilities[38], video against the government[39], supporting Pakistan[40], etc, which shows its use by the government to suppress adverse comments in the name of protection of the broad horizons of sovereignty, integrity, and unity of India. In *Foundation for Independent Journalism v. Union of India*, the court held that mere political dissent cannot endanger sovereignty.[41]

In *Tejender Pal Singh v. State of Rajasthan*[42], the Rajasthan High Court had noted that section 152, in the absence of clear safeguards, could be used to crack down on the freedom of speech of individuals upon opinions deemed adverse to national unity. Sedition law must be seen as a shield for national security, not a sword against political dissent. Invocation of such a provision requires invoking a clear connection between the speech and the likelihood of rebellion.

In comparison to sedition under Section 124A IPC, the new provision has a stringent punishment with a broader scope, and inclusion of electronic communication and financial means. The substitution may blur the line between criticism of the government and criticism of the nation,

[37] *S.G. Vombatkere v. Union of India,* Writ Petition (C) 682/2021 (India).
[38] Siddharth Varadarajan, S.152 BNS: Supreme Court Extends Protection to The Wire Editor, *Law Beat* (Nov. 1, 2025), https://lawbeat.in/top-stories/s152-bns-supreme-court-extends-protection-to-the-wire-editor-siddharth-varadarajan-1518574.
[39] Debby Jain, Journalist Abhisar Sharma Moves Supreme Court Challenging Assam Police FIR, *LiveLaw* (Nov. 1, 2025), https://www.livelaw.in/top-stories/supreme-court-journalist-abhisar-sharma-plea-against-assam-police-fir-section-152-bns-sedition-communal-politics-3000-bighas-land-allotment-302063.
[40] Sparsh Upadhyay, Supporting Pakistan Doesn't Attract S.152 BNS: Allahabad HC, *LiveLaw* (Nov. 1, 2025), https://www.livelaw.in/high-court/allahabad-high-court/allahabad-high-court-supporting-pakistan-incident-india-doesnt-attract-152-bns-endangering-sovereignty-unity-297160.
[41] *Foundation for Independent Journalism v. Union of India*, Writ Petition (Crim.) 316/2025 (India).
[42] *Tejender Pal Singh v. State of Rajasthan*, 2024 LiveLaw (Raj) 413 (India).

inviting a wider range of potentially lawful expression to fall under the scope of sedition.[43] Lack of clarity in the scope of acts that "endanger the sovereignty, unity, and integrity of India" risks labelling criticism of government policies as "endangering unity." Also, the term knowingly is not attached with any kind of mala fide intent, so the prosecution can be initiated in simple cases. The nature of the offence as cognizable and non-bailable could have chilling implications on the free speech of individuals.[44] For proper enforcement, clear guidelines defining the statutory elements, safeguards for protecting innocent opinions, and ensuring that the procedure is not applied to make political gains.

ORGANISED CRIMES

These refer to a species of crime that is institutionalized in approach, forming a chain in which criminals plan, participate, and commit illegal activities. Instead of being individualised, such crimes adopt a syndicate or gang model for operations. Some of the notable illustrations of organised crimes are drug trafficking, money laundering, smuggling, and human trafficking, which can be observed in almost every nation. It is considered a dangerous issue impacting the nation on security, legal, social, and economic frontiers. Its infiltration into mainstream political and business arenas is highly alarming.

The Indian Penal Code 1860 had no express provisions dealing with organised crimes, so it sought to address its complexities through the intersection of various provisions founded on group liability (common intent & common object), abetment, and criminal conspiracy. So, the BNS enacted innovative provisions in the form of Section 111 (Organised crime) and Section 112 (Petty organised crime) for uniform application across the nation. Section 111 covers the scope the scope of *continuing unlawful activities including kidnapping, extortion, contract killing, economic offences, cyber-crimes, trafficking in people, drugs, illicit goods, services, weapons, trafficking for prosecution or ransom* which are done by a *group of individuals* acting in concert singly or jointly, either as a member of an organised crime syndicate or on behalf of such *syndicate*, by use of *violence, threat of violence, intimidation, coercion, corruption or related activities or other unlawful means* to obtain direct or indirect, *material benefit* including a

[43] Janav Arun, The Boundless 'India': Why Section 152 May Silence More Than Section 124A, *Const. L. Soc'y NLUO* (Nov. 1, 2025), https://clsnluo.com/2025/03/06/the-boundless-india-why-section-152-may-silence-more-than-section-124a/.

[44] Shivam Jadaun, Section 152 BNS: Sedition 2.0 in the Age of National Security?, *Bar& Bench* (Nov.1, 2025), https://www.barandbench.com/columns/section-152-bns-sedition-20-in-the-age-of-national-security.

financial benefit. Additionally, a mandatory condition in form of filing of one or more than one charge-sheets within the preceding period of ten years and Court has taken cognizance of such an offence, has been imposed to be considered as an organized crime.

Harsh punishments (extending to Death or Life Imprisonment) and fines have been imposed for persons affecting commission, attempt, or conspiracy, providing assistance, aid, or harbouring, concealing any member or being any such member of an organised crime syndicate. The definition of continuing unlawful activity has been given in detail, outlining in terms of the nature of crime, frequency, and essential elements, making it certain and effective. The inclusion of cybercrimes in this definition showcases the modern criminal law framework updated with the speedy advancements in technology and society.

These provisions overlap with the special law, such as the Unlawful Activities (Prevention) Act, 1967, and laws regulating organized crime in states such as the Maharashtra Control of Organised Crime Act, 1999, and the Gujarat Control of Terrorism and Organised Crime Act, 2015. The presence of parallel procedures and mechanisms to try similar offences could enhance the complexity and delays in the proceedings. However, even as a central law, BNS does not contain specific rules as to procedure, provision for special courts, which are found in such regional acts.

The courts have interpreted the fight against organized crime as a crucial aspect of maintaining law and order, but also warned against the misuse and infringement of rights of individuals.[45] The statutory standards have to be complied in order to take cognizance of such an offence.[46] It is a serious crime so it requires a prima-facie case for invocation.[47] In a nation like India where criminalization of politics is a serious issue, issues like organised crime make their way into the landscape of the nation. This could deteriorate public trust in government institutions and weaken the rule of law. Addressing these issues requires a commitment to transparency, accountability, and strong anti-corruption measures within governance structures. Independent investigations, stricter regulations on political funding, and judicial reforms are critical in reducing political interference and corruption. Engagement and education are essential strategies in the fight. Public awareness campaigns and community engagement initiatives can play a critical role in preventing crime. Special focus should be placed on vulnerable groups, such as

[45] *Suraj Singh @ Noni v. State of Punjab*, 2024 LiveLaw (PH) 279 (India).
[46] *Aamir Bashir Magray v. Union Territory of J&K*, 2025 LiveLaw (JKL) 288 (India).
[47] *Avinash v. State of Karnataka*, 2025 LiveLaw (Kar) 109 (India).

children, the elderly, and those with limited digital literacy. Collaboration between government, civil society, and private organizations can strengthen this engagement, fostering a culture of shared responsibility in combating organized crime.

PETTY ORGANISED CRIMES

These are crimes that are organised in nature and consist of such illegal activities that could not be attributed to any particular serious crime. Such crimes had no mention in any of the previous criminal enactments in India. Section 112 deals with crimes that are associated with the *imparting general feelings of insecurity* among citizens, resulting from offences such as various kinds of theft, such as domestic and business theft, organised pick pocketing, snatching, card skimming, or illegal selling of tickets and selling of public examination question papers, and such other common forms of organised crime. A prerequisite for such offense is the presence of criminal groups or gangs for commission, including a mobile organised group. Such offences are punishable with imprisonment for a term not less than a year and not extending beyond 7 years. It can be considered as a forward step in addressing small crimes that often go unnoticed, but the level of effectiveness can only be seen in the future when it is subjected to practicalities and judicial scrutiny.

CONCLUSION

The enactment of three criminal laws marks an important event in Indian legal history. The new laws are seemingly modern in nature, catering to the technicalities of the 21st century and addressing the unaddressed horizons of previous criminal enactments. The new provisions as to community service, mob lynching, organised crime, acts endangering sovereignty, unity, and integrity of India, and sexual intercourse on false pretext of marriage are some of the most significant modifications that represent the innovation in the new statute. While the initial sentiments have been high, the actual implementation has not provided any groundbreaking results. Nearly every kind of change requires active monitoring, proper implementation, and certain amendments for realizing the statutory objective. The lawmakers, government, and authorities must make efforts to ensure that the complete overhaul of laws does not bring out the same situation encountered with previous laws. The BNS has the potential to revolutionize the Indian Criminal justice system by building just, efficient, and suitable legal systems that effectively address the deficiencies of the previous enactment, the present scenario, and securing a bright future for justice in India.