



WOMEN AND GIRL-SPECIFIC LAWS IN THE BHARTIYA NYAYA SANHITA, 2023

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Abstract

The BhartiyaNyayaSanhita (BNS), 2023, represents a transformative step in India's legal framework aimed at enhancing the protection and empowerment of women and girls. This study examines the key provisions of the BhartiyaNyayaSanhita (BNS) that address crimes such as sexual violence, cyber harassment, and human trafficking, focusing on how the law aims to create a more gender-sensitive and responsive justice system. The research further explores the intersection of legal reforms with various government schemes such as BetiBachaoBetiPadhao, One Stop Centres, and the Nirbhaya Fund, designed to support women's safety and empowerment. The study assesses the strengths and limitations of these initiatives, considering issues such as implementation challenges, access to justice, and social stigma. Using a combination of legal analysis and case studies, the research identifies the gaps in the current system and provides recommendations for improving the effectiveness of laws and schemes for women's protection. The study aims to contribute to ongoing discourse on gender equality in India, highlighting the need for continuous legal and institutional reforms to ensure women's rights are adequately safeguarded.

Keywords: Nyaya Sanhita, Women, Government Schemes, Violence, Gender Equality

Introduction

In India, the issue of women's safety and justice has long been a matter of national concern. From news headlines to policy debates, incidents of violence, harassment, and exploitation against women and girls have consistently highlighted the need for a stronger and more responsive legal system. While various reforms have been made over the years, the foundation of Indian criminal law—based on the colonial-era Indian Penal Code (IPC) of 1860—had become outdated in many respects. It lacked the sensitivity and clarity required to address the complex nature of gender-based crimes in today's India. Recognizing this urgent need, the Government of India introduced a new criminal

law framework, including the *BhartiyaNyayaSanhita* (BNS), 2023, which officially replaces the IPC. The *BhartiyaNyayaSanhita* (BNS) represents a major step towards decolonizing India's legal system and building a justice system that reflects the values, culture, and challenges of modern Indian society. A significant feature of the *BhartiyaNyayaSanhita* (BNS) is its dedicated focus on protecting women and girls from a wide range of crimes, both traditional and emerging. In the Indian context, where issues such as dowry deaths, domestic violence, acid attacks, sexual harassment, rape, and child abuse continue to persist despite awareness efforts, having a well-defined and robust legal structure is not just a legal necessity—it is a social imperative. The *BhartiyaNyayaSanhita* (BNS) addresses these concerns with enhanced legal provisions, stricter punishments, clearer definitions, and special focus on minors, consent, and digital safety. Moreover, in a country where social stigma often prevents women from reporting crimes, the new law attempts to create a more victim-friendly system by expanding the scope of what constitutes sexual violence and by recognizing crimes like sex under false promises, stalking, and voyeurism. These changes show a shift from viewing women as passive victims to empowering them with legal protection and agency. This article will explore the various sections of the *BhartiyaNyayaSanhita*, 2023, that focus on the safety and dignity of women and girls, and analyze how this new law aims to create a more just and inclusive India for future generations.

Review of Literature

- “The Women’s Question in India” (2007), Kumar explores how colonial law was not designed with the intention of empowering women but was rooted in patriarchal structures.
- Chakraborty (2014) in the article “Gender and Law in Colonial India”, which discusses how the British legal system reinforced gender hierarchies, largely ignoring the specific needs of women in the legal process. Such works are essential for understanding why early Indian legal systems often failed to address women’s specific vulnerabilities, particularly in cases of domestic violence, rape, and dowry-related crimes.
- In “Women and Law in India” (2005), Malik provides an in-depth analysis of landmark reforms such as the Dowry Prohibition Act, 1961, The Protection of Women from Domestic Violence Act, 2005, and The Criminal Law (Amendment) Act, 2013. Malik’s work

highlights the historical context of these laws, noting that although they were a significant step toward protecting women, they often faced challenges related to implementation and social attitudes.

- Sethi (2018) in her article “Legal Reforms and Gender Equality in India” argues that despite these laws, gender bias in courts and slow legal proceedings continue to prevent women from obtaining justice.
- In his article “BhartiyaNyayaSanhita: A Comprehensive Legal Reformation” (2023), Singh argues that the BNS has introduced gender-sensitive provisions to address issues such as sexual violence, online harassment, and human trafficking, offering better victim support and more stringent penalties for perpetrators. Singh compares this with previous legal reforms and claims that the BNS addresses emerging issues that were largely ignored by earlier legislation.
- Patel (2023) also praises the BNS for providing a more robust legal framework that ensures better protection and justice for women, though he mentions the potential challenges in its implementation.
- Rathore (2023) in his critique “Gender Justice and the BhartiyaNyayaSanhita” suggests that while the BNS is a commendable step forward, bureaucratic inefficiencies and lack of infrastructure in rural areas may hinder its full impact.
- Sharma (2023), who questions the practicality of applying the provisions in remote regions, where women may still face social stigma and limited access to resources.
- In the book “Women Empowerment in India: Schemes and Policies” (2019), Reddy offers a comprehensive review of key government schemes, noting that while programs like the One Stop Centres provide essential services such as legal aid, medical assistance, and shelter, their effectiveness remains limited by financial constraints and lack of trained personnel in rural areas.
- Jha’s (2020) article “Government Schemes for Women: A Critical Analysis” highlights the impact of the Nirbhaya Fund and Pradhan Mantri Matru Vandana Yojana (PMMVY), emphasizing that while these initiatives have brought tangible benefits, they are often insufficient when faced with issues like social stigma, slow disbursement of funds, and inequality in access across regions. Jha discusses the need for greater outreach and better implementation

mechanisms to ensure that these schemes can reach the most marginalized groups effectively.

- Nair's (2020) book "Access to Justice for Women in India" examines barriers such as gender bias in law enforcement, slow judicial processes, and the underreporting of crimes. Nair highlights the importance of legal literacy programs and community-based initiatives to enhance women's understanding of their rights and the legal remedies available to them.
- In the article "Barriers to Legal Redress for Women in India" (2019), Mishra discusses the institutional barriers that women face in seeking justice, including the lack of police sensitivity, victim-blaming attitudes, and the long delay in trials. Mishra suggests that while legal reforms have taken place, judicial reforms, police training, and public awareness campaigns are crucial to bridging the gap between the legal framework and real-life access to justice for women.
- Khan (2022) in "Cyber Violence Against Women in India: Legal Challenges and Solutions" discusses the increasing vulnerability of women to online threats and argues that while the Information Technology Act addresses certain aspects of cybercrimes, its provisions remain inadequate in the face of growing digital threats. The article calls for stronger legal measures and technological solutions to combat cybercrimes.

Objectives

- To highlight the key legal provisions in the *BhartiyaNyayaSanhita*, 2023 that are specifically aimed at protecting women and girls from various forms of violence, abuse, and exploitation.
- To explain the changes and improvements made over the earlier Indian Penal Code (IPC) with respect to gender-based crimes, reflecting the evolving needs of Indian society.
- To raise awareness about the legal rights and protections available to women and girls under the new criminal law framework in India.
- To promote understanding of the broader goals of the *BhartiyaNyayaSanhita* in strengthening justice delivery for victims of sexual offences, domestic abuse, and harassment.

- To analyze how the BNS addresses modern forms of crimes against women, including cyber harassment, stalking, voyeurism, and abuse under false promises.
- To encourage social sensitivity and legal literacy among citizens, especially youth and women, about their rights and the importance of reporting crimes without fear or hesitation.
- To support the vision of a safer, more inclusive India by showcasing how the legal system is being reformed to protect the dignity, privacy, and freedom of women and girls.

Relevance of This Study

The relevance of this study lies in its focus on one of the most critical aspects of contemporary Indian society: the safety, dignity, and legal protection of women and girls. Despite advancements in education, technology, and economic growth, India continues to grapple with widespread gender-based violence, ranging from domestic abuse and sexual harassment to dowry deaths and cyberstalking. These issues not only threaten the well-being of individual women but also reflect broader societal challenges that hinder the country's progress toward gender equality.

The introduction of the BhartiyaNyayaSanhita, 2023 marks a historic shift in India's criminal justice system, replacing the 160-year-old Indian Penal Code. This change comes at a time when there is an urgent need to reform outdated laws and make them more relevant to present-day realities. The BNS includes several progressive provisions specifically designed to protect women and girls, which makes it crucial for citizens, especially students, educators, activists, and legal professionals, to study and understand these reforms in detail.

This study is also highly relevant in the context of legal awareness and empowerment. A large number of women in India are unaware of their legal rights or feel discouraged from seeking justice due to fear, stigma, or social pressure. By spreading knowledge about the updated laws and their practical implications, this study contributes to building a more informed society where women feel safer and more confident in asserting their rights.

Furthermore, this study aligns with national initiatives like BetiBachao, BetiPadhao, Mission Shakti, and India's international commitments to gender justice under the Sustainable Development Goals (SDGs). It provides insights into how legal reforms like the BhartiyaNyayaSanhita

(BNS) are not just symbolic but serve as a concrete step toward achieving a just, fair, and gender-sensitive legal system in India.

Research Questions

- What are the key provisions in the *BhartiyaNyayaSanhita, 2023* that focus on the protection of women and girls?
- How do these new provisions differ from or improve upon the earlier Indian Penal Code (IPC), 1860, in addressing crimes against women?
- In what ways does the BNS respond to modern forms of gender-based crimes, such as digital harassment, stalking, and sex under false promises?
- How effective are the penalties and procedures outlined in the BNS in preventing and punishing crimes like rape, domestic violence, and dowry deaths?
- What impact can the BNS have on improving legal awareness, safety, and empowerment among Indian women, especially in rural and semi-urban areas?
- To what extent do these legal reforms support India's broader goals of gender equality and women's rights under national and international frameworks?
- What challenges might arise in the implementation of these women-specific laws, and how can they be addressed to ensure justice delivery?

Significance of This Study

This study holds great significance in the current Indian context, where crimes against women and girls continue to be a major social and legal concern. Despite various initiatives and awareness campaigns, incidents of sexual violence, domestic abuse, dowry harassment, and cyber exploitation are still prevalent across the country. The introduction of the *BhartiyaNyayaSanhita (BNS), 2023*, represents a bold step towards modernizing India's criminal justice system and providing stronger legal safeguards for women.

By analyzing the women-specific provisions under the BNS, this study provides insights into how India's new legal framework aims to make justice more accessible, responsive, and effective. It highlights the shift from colonial-era laws to a more India-centric and gender-sensitive

legal structure, which is a major development in the journey toward gender equality.

This study is significant for multiple reasons:

- **Empowering Citizens:** It educates women and the general public about their rights under the new legal system, thereby promoting legal awareness and empowerment, especially among marginalized and rural populations.
- **Legal Reforms and Social Change:** It emphasizes how legal reforms can serve as tools for broader social transformation by creating an environment where women feel safer and more respected, both at home and in public spaces.
- **Bridging Gaps in Justice Delivery:** By examining how the BNS addresses emerging forms of crime—such as digital stalking, sex by deceit, and voyeurism—this study shows how the law is adapting to new realities, helping to close long-standing gaps in justice delivery.
- **Policy and Implementation Insight:** The study may assist lawmakers, educators, law students, and enforcement agencies in understanding the real-world application and implications of these laws, encouraging better implementation and policy improvements.
- **Contribution to Academic Discourse:** It adds to the growing body of research on gender justice, human rights, and criminal law reforms in India, offering a foundation for further studies, debates, and legal innovation.

Key Provisions for Women and Girls in the BhartiyaNyayaSanhita, 2023

The BhartiyaNyayaSanhita, 2023 (BNS), which is a proposed revision of the Indian Penal Code (IPC), seeks to modernize and streamline the legal framework in India. It has been framed with the aim to address contemporary concerns regarding crime and justice. Among the provisions in the BNS, particular attention has been paid to women and girl-specific laws in response to the growing concerns about crimes committed against women, children, and marginalized groups.

Rape and Sexual Offences

The BNS provides clear and detailed definitions for crimes related to sexual violence. Section 63 defines the offence of rape, covering

all forms of non-consensual sexual acts, including those committed through physical force, threats, or deception. Section 64 lays out the punishment for rape, which ranges from a minimum of ten years to life imprisonment, with the possibility of the death penalty in the most heinous cases.

In a significant development, Section 65 focuses specifically on the rape of minors (girls under 18 years), ensuring harsher punishment—ranging from twenty years in prison to life imprisonment or death. This reflects a strong commitment to protecting young girls from sexual abuse and exploitation.

Sexual Offences by Deception and Marital Abuse

The BNS addresses emerging concerns by criminalizing sexual relations obtained through deceit. Under Section 67, if a woman is lured into sexual activity through a false promise of marriage, employment, or impersonation, the act is treated as a punishable offence. This provision is especially important in cases where trust is misused to exploit women emotionally and physically.

Section 66 recognizes marital abuse in specific conditions. If a husband engages in sexual activity with his wife without her consent while they are legally separated, it is considered a punishable offence. While general marital rape is still not criminalized, this marks a step toward acknowledging women's autonomy within marriage.

Non-Rape Sexual Assault and Gang Rape

Sexual crimes not amounting to rape are also addressed in the BNS. Section 68 criminalizes certain sexual acts performed without consent, such as forced oral sex or non-penetrative actions, ensuring that victims of such assaults receive justice. In cases where multiple perpetrators are involved, Section 69 deals with gang rape and prescribes strict punishments, including life imprisonment or death, particularly when the victim is a minor or in a vulnerable situation.

Protection against Domestic Violence and Dowry Harassment

The BNS includes measures to protect married women from abuse and dowry-related violence. Section 74 deals with dowry deaths. If a woman dies under suspicious circumstances within seven years of marriage, and there is evidence of dowry harassment, the law treats it as a serious crime. Offenders can face imprisonment ranging from seven years to life.

Section 75 criminalizes cruelty by a husband or his relatives. This includes both physical harm and mental harassment. By holding abusive family members accountable, this law seeks to safeguard women from violence within their own homes.

Laws against Public Harassment and Invasion of Privacy

To protect women and girls in public and digital spaces, several provisions are in place. Section 77 deals with sexual harassment, which includes inappropriate touching, verbal abuse, and unwelcome gestures. Section 78 targets stalking—both physical and online—ensuring that repeated, unwanted attention is punishable by law.

Section 79 punishes voyeurism, which refers to the act of secretly watching or recording a woman without her consent, especially during private moments. This section is particularly relevant in the age of hidden cameras and online content misuse. Section 80 addresses the forceful disrobing of a woman, and Section 81 deals with acts that outrage a woman’s modesty—ensuring comprehensive protection from both physical and psychological abuse.

Key Statistics from NCRB 2022 Report

- **Total Crimes Against Women:** In 2022, India recorded 445,256 cases of crimes against women, marking a 4% increase from 2021 (428,278 cases) and a significant rise from 2020 (371,503 cases).
- **Crime Rate:** The rate of crime against women per lakh population stood at 66.4, with a charge sheeting rate of 75.8
- **Most Common Offences:**
 - Cruelty by Husband or His Relatives: 31.4%
 - Kidnapping and Abduction of Women: 19.2%
 - Assault on Women with Intent to Outrage Her Modesty: 18.7%
 - Rape: 7.1%
- **Regional Disparities:** Delhi reported the highest crime rate against women at 144.4 per lakh population, significantly above the national average.

Implications for the BhartiyaNyayaSanhita, 2023

The persistent rise in crimes against women highlights the inadequacies of the existing legal framework and underscores the relevance of the BNS, 2023. The BNS aims to address these issues by:

- **Enhancing Legal Definitions:** Providing clearer and more comprehensive definitions of crimes like sexual assault and harassment.
- **Strengthening Penalties:** Imposing stricter punishments for offenders to deter crimes.
- **Improving Reporting Mechanisms:** Facilitating easier and more accessible reporting processes for victims.
- **Focusing on Victim Protection:** Implementing measures to protect the rights and dignity of victims throughout legal proceedings.

By aligning with the insights provided by the NCRB data, the BNS, 2023 seeks to create a more responsive and effective legal system to combat gender-based violence in India.

Government initiatives for Women's Safety

In India, several government schemes have been implemented to ensure the safety, dignity, and empowerment of women, particularly in alignment with the provisions of the *BhartiyaNyayaSanhita* (BNS), 2023. These initiatives aim to address a wide range of issues, from violence prevention to economic empowerment. One such program is the *BetiBachaoBetiPadhao* (BBBP), launched in 2015, which focuses on improving the child sex ratio, preventing female foeticide, and empowering girls through education. This scheme plays a crucial role in changing societal attitudes towards girls, encouraging their education and survival, and fostering a culture of gender equality.

Another key initiative, the *Pradhan MantriMatruVandanaYojana* (PMMVY), provides financial assistance to pregnant women and lactating mothers to improve their nutritional status and health care. This ensures better maternal health, indirectly enhancing the well-being and security of women. The *One Stop Centre Scheme* (OSC) offers a support system for women who are survivors of violence, including legal aid, medical help, psychological counseling, and temporary shelter. This directly complements the provisions under the BNS that focus on victim support and protection.

Additionally, the *Nirbhaya Fund*, established in response to the 2012 Delhi gang rape case, is designed to enhance women's safety by improving public infrastructure and law enforcement systems. It has contributed to the development of women-friendly infrastructure such as emergency response systems and safe public spaces. The *Mahila*

Shakti Kendra (MSK) scheme focuses on capacity building, providing women in rural areas with opportunities to develop skills and gain legal awareness, further promoting women's empowerment.

The Ujjawala Scheme works to combat human trafficking and supports the rehabilitation of women and girls who are victims of trafficking for commercial sexual exploitation. The SwadharGreh Scheme provides a safe space for women who are survivors of domestic violence or other crimes, offering them shelter, food, and emotional support to help them reintegrate into society. Moreover, the SakhiSuraksha Project provides a direct response to women in distress, guiding them through the legal process and offering counseling.

The National Legal Services Authority (NALSA) plays a significant role by offering free legal aid to marginalized women and increasing legal awareness, ensuring that women are informed about their rights. Finally, the RashtriyaMahilaKosh (RMK) scheme provides microfinance to women, particularly those in the informal sector, empowering them economically and helping reduce their vulnerability to violence and exploitation.

These government schemes collectively contribute to the objectives of the BhartiyaNyayaSanhita, 2023, by providing a holistic approach to women's safety, empowerment, and justice. They align with the legal framework to create a safer, more equitable society where women have the support they need to live dignify and independent lives.

Conclusion

In conclusion, the BhartiyaNyayaSanhita, 2023 marks a significant step forward in India's legal framework, aiming to provide more comprehensive and responsive protection to women and girls. With its progressive provisions, the BNS attempts to address various forms of gender-based violence, ensuring justice and safety for women. However, the effectiveness of these legal reforms hinges on the successful implementation of related government schemes and policies, such as the BetiBachaoBetiPadhao, One Stop Centres, Nirbhaya Fund, and others, which work in tandem to support women's empowerment and provide immediate relief to victims of violence.

These government initiatives not only complement the BNS but also contribute to broader national efforts to reduce gender inequality, promote legal awareness, and enhance the economic and social standing of women. The schemes focus on various aspects of

women's lives—ranging from safety and legal support to economic independence and healthcare—and have already shown significant promise in improving women's status in India.

However, challenges such as lack of awareness, poor implementation in rural areas, and cultural barriers remain, requiring continuous monitoring, community involvement, and sustained efforts from all stakeholders. As the country moves toward a more gender-sensitive legal environment, it is essential for both legal reforms and government schemes to evolve in response to the changing needs of women and girls. Ultimately, the success of the *BhartiyaNyayaSanhita, 2023* and related initiatives depends on creating a society where women feel safe, supported, and empowered to exercise their rights and contribute to the nation's development with dignity and equality.

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