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CRIME AGAINST WOMEN AND CHILDREN UNDER 'THE BHARATIYA NYAYA SANHITA, 2023'

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ABSTRACT

This paper examines the legal framework for the protection of women and children in India, focusing on key legislations such as the Indian Penal Code (IPC), the Protection of Children from Sexual Offences (POCSO) Act, and the Domestic Violence Act. It also analyzes The Bharatiya Nyaya Sanhita, 2023, as a comprehensive legal approach to combating gender-based violence and child exploitation. The paper explores the provisions, objectives, and implications of The Bharatiya Nyaya Sanhita, 2023, highlighting its role in enhancing protections for women and children. Through a review of existing literature and legal analysis, the paper provides insights into the strengths, weaknesses, and opportunities for improvement within the legal framework for the protection of women and children in India.

Keywords: Legal framework, women, children, India, Indian Penal Code, Protection of Children from Sexual Offences Act.

INTRODUCTION

The pressing need for strong legal frameworks to safeguard society's most defenseless members has been highlighted by the recent worldwide attention given to the problem of crimes perpetrated against women and children. Many pieces of legislation have been introduced in India to address this issue, with the goals of promoting gender equality and protecting children and women. 'The Bharatiya Nyaya Sanhita, 2023' is a landmark in India's legal system one example. The alarming rise in crimes committed against women and children prompted the passage of this all-encompassing bill, which aims to tackle these crimes in a multi-pronged manner by establishing legal protections, instituting preventative measures, and providing support systems. An important change in India's legal structure pertaining to crimes against women and children has been brought about by the Bharatiya Nyaya Sanhita, 2023, often known as the BNS Act. This law,

which aims to improve the protection of women and children and enhance the justice delivery system, is based on the values of human rights, fairness, and justice. The goal of the BNS Act is to make society a more secure place so that children and women are not subject to abuse or danger.

Prevention of violence against children and women is a central theme in The Bharatiya Nyaya Sanhita, 2023. The legislation requires police departments to establish specialized units to investigate and prosecute cases of child abuse and gender-based violence. These units' missions include working with local communities to combat violence, raising public awareness about the issue, and proactively detecting possible dangers.

To further guarantee prompt and decisive action against criminals, the BNS Act adds harsh punishments for those who commit crimes against women and children. Crimes labeled as "serious offenses" under this law and requiring harsh penalty include sexual assault, child marriage, trafficking, and domestic abuse. Also, the Act gives priority to the rights and well-being of women and children by providing for the expedited trial of cases involving them.

Provisions of The Bharatiya Nyaya Sanhita, 2023, seek to empower women and children and promote their socio-economic development, in line with the ideals of gender equality and child rights. In order to help victims of violence get their lives back on track and become self-sufficient, the Act requires that they be provided with support services such as counseling, rehabilitation, and vocational training.

Literature Review

"Legal Evolution in India: Transitioning from Colonial Legacies to New Frontiers- An In-depth Analysis of Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Bill in 2023

The dramatic changes in India's legal system are the subject of this research report. including the development of legal systems from those of the colonial period to those of the modern day. Focused Under the framework of the Bharatiya Nyaya Sanhita (BNS), Bharatiya In 2023, the analysis accurately predicted the passage of the Bharatiya Sakshya Bill (BSB) and the Nagarik Suraksha Sanhita (BNSS). delves into the background, reasons, and complexities of these legislative revisions. The The tale starts by delving into history, illuminating how India's judicial

system originated from colonial rule. way of life and the lingering traces of long-gone guidelines. In this context, the analysis takes place because of the rise in criminal activity and the changing character of crimes made possible by technological developments, calling for thorough revisions. The BNSS seeks to replace the antiquated Code of in this article by analyzing its essential aspects. Criminal Procedure, the BNS, which is expected to supersede the Indian Penal Code, and the BSB, which is expected to supersede law governing the admissibility of evidence. It evaluates the substantial changes in section count, the addition of of electronic data, and the pressing need to move towards collecting evidence and forensic science. A more sophisticated strategy for protecting women's and children's rights is at the heart of the legal progress. youngsters, with severe penalties for sexual crimes, multinational gangs, and organized crime. Crimes committed by females under the age of 18 now carry the death sentence, and sedition has been reinterpreted. laws demonstrate the dedication to upholding justice and the integrity of the country. On top of that, the article delves into the mechanics, highlighting the need of criminal justice IT modernization framework, the function of forensic science, or the increased responsibility of police.

The plan to reduce the backlog of cases in district courts & expedite the trial process stressing the importance of charge notification in a timely manner demonstrates a dedication to swift justice.

Legal Framework for Protection of Women and Children

Ensuring the protection, security, and well-being of women and children in India requires a strong legal framework that addresses crimes against them. Indian lawmakers have passed a number of landmark laws protecting children and women from abuse and exploitation throughout the years. Examining the provisions, breadth, and efficacy of the primary statutes— including the Domestic Violence Act, the Protection of Children from Sexual Offences (POCSO) Act, & the Indian Penal Code (IPC)—in this chapter will help to ensure that women's and children's rights are protected. The principal criminal law of India, the Indian Penal law (IPC), outlines several crimes and lays out punishments for them. The Indian Penal Code specifically addresses offenses perpetrated against children and women in many sections. As an example, rape is defined under Section 376, whereas Section 354 addresses crimes like assault and criminal force against a woman with the purpose to insult her modesty. Victims have access to legal representation and perpetrators face harsh punishments under these regulations.

The extensive nature of the crimes involving women and children that are addressed by the IPC is

one of its main strengths. Some have argued that the prohibitions are either too vague or too old to deal with modern kinds of abuse and exploitation. Delays in judicial processes, insensitivity within law enforcement, and social stigma against survivors are further obstacles to the execution of IPC rules. One of the most important pieces of legislation passed in 2012 with the goal of preventing sexual abuse and exploitation of children is the Protection of Children from Sexual Offences (POCSO) Act. Perpetrators of sexual crimes against minors are punished severely by the Act, which outlines the offenses and their different forms. As an added bonus, it safeguards juvenile victims and witnesses and calls for cases to be tried quickly.

The POCSO Act stands out because it puts the rights and welfare of child victims first, with a focus on children. To make the legal procedure easier for children, it establishes special courts and appoints specialized child-friendly prosecutors as well as workers. Survivors of sexual abuse as children are also required to get rehabilitation and counseling services under the Act.

The Bharatiya Nyaya Sanhita, 2023': A Comprehensive Legal Approach

The Bharatiya Nyaya Sanhita, 2023, is a watershed moment in India's history of child and women's rights legislation. The BNS Act was passed in an effort to address the urgent need for a comprehensive response to crimes committed against children and women. Its goals include improving safeguards for society's most vulnerable citizens and strengthening the justice delivery system. Examining the Bharatiya Nyaya Sanhita, 2023 as an all-encompassing legal strategy to fight against child exploitation and gender-based violence in India, this chapter will explore its main provisions, goals, and consequences. Protecting women and children from all kinds of abuse and exploitation is one of the many goals of the many legislative measures included in the Bharatiya Nyaya Sanhita, 2023. Sexual assault, domestic abuse, trafficking, child marriage, & other types of gender-based violence are defined under the Act, which also prescribes harsh punishments for those who commit these crimes. The BNS Act seeks to discourage would-be criminals and hold them to account by providing precise definitions of these violations and the associated penalties.

The Bharatiya Nyaya Sanhita, 2023's prevention strategies target the fundamental reasons why women and children are victims of crime. The legislation requires police departments to establish specialized units to combat child exploitation and gender-based violence. These units' missions include working with local communities to combat violence, raising public awareness about the issue, and proactively detecting possible dangers. Survivors of violence should have access to

counseling, rehabilitation, & vocational training, according to The Bharatiya Nyaya Sanhita, 2023. In order to help survivors get their lives back on track and feel like themselves again, the Act requires certain services to be provided to them. The BNS Act highlights the significance of comprehensive assistance in resolving the physical, psychological, & socio-economic effects of abuse and exploitation by placing survivors' rights and welfare first.

Ensuring a secure atmosphere free from fear and exploitation for women and children is the fundamental goal of The Bharatiya Nyaya Sanhita, 2023. Legislative provisions, preventative measures, and support mechanisms are all part of the Act's multi-pronged strategy to reach this goal. The BNS Act seeks to empower women and children in India, safeguard children, and promote gender equality by enshrining the concepts of fairness, justice, and human rights.

CONCLUSION

All parts of society must work together to solve the widespread and long-lasting problem of crimes against children and women. Legislation in India has always prioritized the safety and rights of children and women, and the country has come a long way in this regard. The legal system controlling crimes against women and children has developed throughout time to meet new problems and promote human rights values. It includes the Indian Penal Code as well as specific statutes such as the Protection of Children against Sexual Offences Act of the Domestic Violence Act. An all-encompassing legislative strategy to abolish child exploitation and gender-based violence in India is the Bharatiya Nyaya Sanhita, 2023. Embracing the ideals of equality, justice, and human rights, the BNS Act aims to reform the justice delivery system and provide safeguards for society's most vulnerable citizens. The Bharatiya Nyaya Sanhita, 2023 seeks to establish a society free of violence and exploitation for women and children via its provisions. Prevention programs, harsh punishments for perpetrators, and assistance for victims are central tenets of The Bharatiya Nyaya Sanhita, 2023. Gender equality, child protection, and social justice are the goals of the BNS Act, which aims to combat crimes against women and children in India by tackling their underlying causes and provide comprehensive help to survivors. Everybody from government agencies to law enforcement to the court to civil society groups and the general public must work together for the BNS Act to be effectively implemented. The Bharatiya Nyaya Sanhita, 2023 has substantial obstacles in the form of entrenched social prejudices, insufficient finances, and limitations in institutional ability.

A combination of legislative changes and social and cultural shifts is necessary to overcome these obstacles. A society free from violence and exploitation against women and children may be achieved in India via raising public awareness, encouraging sensitivity, and bringing together relevant stakeholders. Finally, the Bharatiya Nyaya Sanhita, 2023 represents India's commitment to safeguarding its most vulnerable citizens and respecting human rights ideals. Reiterating India's commitment to building a safer, more inclusive society for everyone, the BNS Act enshrines the ideals of equality, justice, and human rights. The goal of The Bharatiya Nyaya Sanhita, 2023, may be realized by India via collaborative action and continuous efforts; it will guarantee that women and children can live in freedom and security.

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