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HAS INDIA TRULY DECOLONISED ITS LAWS? **STATUTORY REPLACEMENT VERSUS** **STRUCTURAL INSTITUTIONAL REFORM**

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Abstract

This article examines whether independent India has genuinely decolonized its legal system or merely replaced the names and nomenclature of colonial statutes. By examining the British imperial legal foundations—built under the Police Act of 1861 and the Indian Penal Code of 1860 to maximize state authority and public containment—this paper highlights the historical imbalance between state power and individual liberty. It highlights the Constitution of India as a powerful, transformative text that completely inverted this dynamic, elevating individuals from passive colonial subjects to sovereign, rights-bearing citizens protected by Articles 14, 19, 21, and 32.

Evaluating the criminal law overhauls that commenced on 1 July 2024—the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhinyam (BSA)—this study argues that statutory replacement alone cannot achieve genuine decolonisation. While these reforms modernize legal processes and introduce digital frameworks, they maintain broad state-centric coercive powers. Ultimately, this article concludes that true decolonisation is an ongoing project. It must not be measured by changing statutory text, but by enforcing deep institutional accountability, protecting individual dignity, ensuring fair procedure, and transforming top-down bureaucratic reflexes to actively protect sovereign citizens from state overreach.

1. Introduction: Understanding Legal Decolonisation

When India gained independence, it didn't just inherit a free country; it also inherited a colonial legal system. This legal inheritance means that the laws, courts, and police systems built by British rulers to control the population remained firmly in place. The British system systematically replaced India's local, community-based ways of settling disputes with a centralized, rigid courtroom setup designed to protect the interest of the Empire rather than the

rights of ordinary citizens.¹

There is a massive difference between political independence and true legal independence. Winning the right to govern ourselves in 1947 was a crucial first step, but it did not automatically free our legal thinking or institutions from colonial habits. True legal independence means changing the very mindset of our courts and laws so they serve the people, not the state. This leaves us with a central question: has India truly transformed its legal system, or has it just replaced old colonial laws with newer versions?²

This essay argues that while India has made important progress through landmark judgments and updated laws, genuine decolonisation requires much deeper institutional and constitutional reform. Simply changing the names of old laws is not enough; we must fix the deep-rooted structural issues that still make the legal system feel distant, expensive, and alien to the average Indian citizen.

2. Colonial Foundations of the Indian Legal System

2.1 The Colonial Purpose of Law in British India

The British Empire did not design the legal system in India to deliver justice; it designed it to maintain colonial authority, public order, and administrative control. Imperial law functioned primarily as a tool of state power. Codified statutes, such as the Indian Penal Code of 1860 and the Police Act of 1861, were specifically engineered to suppress dissent, secure financial revenue, and prevent any rebellion that could threaten British rule. By replacing diverse local traditions with a rigid, centralized penal system, the colonial state effectively monopolized violence and localized authority under the guise of the "rule of law."³

This objective shaped a highly unequal relationship between the colonial State and the Indian population. The British administration did not view Indians as participants in a democratic society, but rather as subjects to be managed and policed. The legal architecture was deliberately transactional and adversarial, designed to extract resources while keeping the native population submissive. Because the laws were written in English and deeply rooted in European legal traditions, the formal courts became alien, expensive, and intimidating arenas that ordinary Indians could neither understand nor navigate without elite intermediaries.⁴

This shows the clear divide between controlling a public and shielding its rights. A rights-based

¹ UPENDRA BAXI, THE CRISIS OF THE INDIAN LEGAL SYSTEM 42–45 (1982).

² M.P. JAIN, OUTLINES OF INDIAN LEGAL HISTORY 211 (7th ed. 2014).

³ BAXI, *supra* note 1, at 58–61.

⁴ JAIN, *supra* note 2, at 284–289.

legal system exists to protect individual freedoms and hold the government accountable. In sharp contrast, British colonial governance used law to enforce compliance and insulate the state from accountability. The state prioritized administrative efficiency and political survival over human dignity. Consequently, the legal apparatus was never meant to empower the people; its sole purpose was to keep the population organized, predictable, and firmly under imperial control.

2.2 Major Colonial-Era Legal Institutions and Laws

To understand the core of India's legal inheritance, we must look at the specific laws built to secure British rule. The Indian Penal Code (IPC) of 1860 served as the bedrock of criminal liability. Written by Thomas Babington Macaulay, its purpose was to replace regional religious laws with a single, uniform code. However, its true goal was to make the Indian population predictable and manageable, prioritizing the safety of the British state over individual liberty.

⁵To enforce this code, the Police Act of 1861 was passed right after the 1857 mutiny. It created a police force designed not to protect communities, but to act as a militarised surveillance tool to crush local dissent and keep the public living in fear.

The machinery of the courtroom was managed through strict procedural laws. The Code of Criminal Procedure (CrPC) of 1898 gave immense, unchecked power to district magistrates and police officers, ensuring that state control could be enforced quickly without bothersome checks and balances. ⁶Alongside it, the Indian Evidence Act of 1872 introduced strict Western rules of proof. While this supposedly modernized the courts, it actually made the legal process alien to ordinary Indians, making justice an expensive privilege that required English-speaking lawyers.

Perhaps the clearest example of law as a political weapon was Sedition under Section 124A of the IPC. Added in 1870, this law targeted anyone who dared to voice dissatisfaction against the British government. It was openly used to lock up freedom fighters like Bal Gangadhar Tilak and Mahatma Gandhi. The law did not care about truth or justice; it cared only about silencing criticism. Together, these laws formed a tight net of legal control, creating an institutional mindset where the state was always protected at the cost of the people.⁷

⁵ Thomas Babington Macaulay, Works of Lord Macaulay, in 11 THE WORKS OF LORD MACAULAY 124–128 (Longmans, Green, and Co. 1898).

⁶ RADHIKA SINGHA, A DESPOTISM OF LAW: CRIME AND JUSTICE IN EARLY COLONIAL INDIA 35–39 (1998).

⁷ K.M. Sharma, The Judicial System and the Law in India, 24 AM. J. COMP. L. 641, 645–648 (1976).

2.3 Colonial Legacy in Policing and Criminal Justice

India's modern police and criminal justice systems still heavily reflect their British colonial roots. The British built centralised police structures under a military-style command chain. This setup was never intended to handle local, everyday crime or help communities. Instead, its primary focus was the maintenance of public order. The police operated as an occupying force whose main job was to protect the state from its own people, insulate the government from public anger, and break up political protests.

To keep the population submissive, colonial rulers granted wide discretionary powers to law-enforcement authorities. Police officers and executive magistrates were given broad permissions to arrest people without warrants, ban public gatherings, and use force with very little accountability. This heavy-handed approach survived long after 1947. Because the police retained these sweeping powers without a matching system of independent checks and balances, the everyday culture of policing remained top-down, authoritarian, and highly prone to abuse.⁸

This created a severe historical imbalance between State power and individual liberty that India still wrestles with today. In a healthy democracy, the law protects the citizen's freedoms from government overreach. However, the colonial criminal justice system did the exact opposite: it weaponised the state's power to shrink individual liberties. Because India adopted these institutions mostly intact, the legal system inherited a deeply rooted bias where state security and administrative convenience are almost always prioritized over the fundamental rights and dignity of the ordinary citizen.

3. Constitutionalism as a Break from Colonial Rule

3.1 The Constitution as a Transformative Legal Document

The adoption of the Constitution of India established it as the supreme law of the land, signaling a massive shift in the country's legal landscape. This moment marked the official transition of millions from colonial subjects to rights-bearing citizens.⁹ Instead of answering to an imperial power that used laws to extract wealth and control the public, the people became the ultimate source of political sovereignty. The legal system was no longer meant to simply enforce obedience; its new mandate was to protect individual freedoms.

This transformation flipped the purpose of state institutions on its head, anchoring them in

⁸ COMMONWEALTH HUMAN RIGHTS INITIATIVE, POLICE ACCOUNTABILITY: TOO IMPORTANT TO NEGLECT, TOO URGENT TO DELAY 12–15 (2005).

⁹ GRANVILLE AUSTIN, THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION 50–52 (1966).

equality, liberty, dignity, and democratic accountability. Colonial governance was fundamentally top-down and immune to public criticism. The Constitution changed this by requiring all government actions to be transparent and answerable to the citizens. By placing human dignity at the center of the legal system, it took a bold stand against the discriminatory social hierarchies of the past and the oppressive methods of British rule, setting a new moral compass for Indian democracy.

3.2 Fundamental Rights and Judicial Review

To ensure these promises were more than just words on paper, the Constitution introduced a robust framework of Fundamental Rights backed by the power of Judicial Review. Article 14 guarantees equality before the law, directly challenging the colonial practice of granting special legal immunities to ruling elites. Article 19 protects core fundamental freedoms, such as the right to speak freely and assemble peacefully—the very actions the British actively criminalised. Meanwhile, Article 21 safeguards life and personal liberty, ensuring the state cannot lock people up or take their lives arbitrarily. If these rights are ever violated, Article 32 empowers citizens to go straight to the Supreme Court for constitutional remedies, Ambedkar viewed Article 32 (the Right to Constitutional Remedies) as the ultimate life force of the Constitution.

For the first few decades after independence, the courts took a narrow view of these protections. In early cases like *A.K. Gopalan v. State of Madras* (1950), the Supreme Court ruled that if a law was passed properly by Parliament, the courts could not question whether it was fair.¹⁰ However, the landmark cases of *Maneka Gandhi v. Union of India* (1978) completely broke away from this colonial-era mindset.¹¹

The Supreme Court overruled its older perspective, declaring that any state procedure depriving a person of life or liberty cannot just be legally valid—it must also be fair, just, and reasonable. By deciding that Articles 14, 19, and 21 work together as an interconnected shield, the court successfully imported the global concept of substantive "due process" into India.¹² This historic shift gave the judiciary the teeth to strike down arbitrary, oppressive laws, turning the Constitution into a truly active safeguard for human rights against government overreach.

¹⁰ *Gopalan v. State of Madras*, AIR 1950 SC 27.

¹¹ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

¹² UPENDRA BAXI, *COURAGE, CRAFT AND COMMUNITY: THE SUPREME COURT IN THE MID-EIGHTIES* 12–15 (1985).

3.3 The Continuing Tension Between State Authority and Individual Liberty

Despite the grand promises of the Constitution, India's legal reality is defined by an ongoing clash between constitutional safeguards and broad State powers. While the Constitution grants citizens vital fundamental rights, it also includes clauses that allow the government to restrict those very freedoms¹³. Provisions for preventive detention, emergency powers, and "reasonable restrictions" on free speech frequently give the government a handy legal excuse to act with heavy-handed authority. This creates a difficult paradox: the supreme law of the land promises to protect individual liberties, yet it simultaneously arms the state with tools that look remarkably like the ones used by British rulers to keep the public in check.

Because of this built-in tension, the survival of Indian democracy depends entirely on the importance of independent courts and effective remedies. Without a fearless and unbiased judiciary, fundamental rights become empty words. The courts must act as a crucial shield, using their powers under Article 32 and Article 226 to step in when the government overreaches. When the judiciary hesitates to challenge state actions—or delays hearing urgent liberty cases—ordinary citizens are left completely unprotected against police high-handedness and aggressive state machinery.

This reality raises a difficult question: have constitutional guarantees fully transformed inherited institutions? The short answer is no. While the Supreme Court has delivered brilliant, progressive judgments that champion human rights, the everyday institutions that citizens actually encounter—like local police stations and lower courts—remain deeply set in their old colonial ways. The daily operations of the criminal justice system are still slow, expensive, and heavily weighted in favor of state authority. This institutional stubbornness shows that writing a transformative constitution is only half the battle; the harder task is forcing inherited, century-old bureaucracies to actually respect the dignity of the citizens they are supposed to serve.

4. Criminal Law Reforms: Decolonisation or Legal Continuity?

4.1 Introduction of the New Criminal Laws

The biggest test of India's legal decolonisation occurred with the introduction of three new criminal codes designed to completely replace the bedrock of British colonial policing and justice. The Bharatiya Nyaya Sanhita, 2023 (BNS) was brought in to replace the Indian Penal Code of 1860; the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) took over from the Code

¹³ ABHINAV CHANDRACHUD, REPUBLIC OF RHETORIC: FREE SPEECH AND THE CONSTITUTION OF INDIA 82–86 (2017).
GAUTAM BHATIA, THE TRANSFORMATIVE CONSTITUTION:

of Criminal Procedure of 1973 (which itself was an updated version of the 1898 colonial code); and the Bharatiya Sakshya Adhiniyam, 2023 (BSA) replaced the Indian Evidence Act of 1872. Following an official government notification, these three acts officially commenced on 1 July 2024, signaling what lawmakers called a historic shift away from India's colonial legal past. The central goal behind these overhauls was to strip away the lingering spirit of British imperial rule. The government argued that while colonial-era laws were built to punish subjects and protect the British Crown, the new codes were specifically written to deliver justice and safeguard the rights of Indian citizens. For example, the laws modernized the system by introducing digital evidence rules, creating stricter timelines for trials, and introducing community service as a punishment for minor crimes. Most notably, the laws claimed to end the infamous colonial crime of sedition by removing Section 124A of the old IPC, a change meant to show that the independent state would no longer treat political dissent as treason. However, a closer look at these codes shows a deep tension between rhetorical decolonisation and actual legal continuity. Critics and legal experts argue that while the names of the laws have changed, the state-first mindset remains largely untouched. For instance, even though the word "sedition" was dropped, the BNS introduced Section 152, which penalises acts threatening the "sovereignty, unity, and integrity of India." This new clause uses broad language that can easily be used to target political critics, much like the old law. Furthermore, the BNSS expanded police custody limits from the traditional 15 days up to 60 or 90 days under certain conditions. This expansion grants law enforcement even wider discretionary powers, shifting the balance further toward state authority. Instead of creating a new system, the reforms simply renumbered and repackaged the existing colonial laws. This continuity suggests that while the laws have been updated to suit modern technology, the structural imbalance between state power and individual liberty remains firmly in place.

4.2 Significant Changes and Their Constitutional Importance

The implementation of the new code introduces concrete statutory changes that modify the framework of criminal liability and justice administration. Under the reorganization and revision of criminal offences, the Bharatiya Nyaya Sanhita (BNS) consolidates individual provisions, reducing the overall statutory landscape to 358 sections compared to the 511 sections of the old IPC. It formally introduces new categories of crimes, integrating provisions targeting "organised crime" (Section 111) and "petty organised crime" (Section 112).¹⁴

¹⁴ The Bharatiya Nyaya Sanhita, 2023, §§ 111, 112, No. 45 of 2023, India Code.

Crucially, changes to criminal procedure and investigation under the Bharatiya Nagarik Suraksha Sanhita (BNSS) codify specific algorithmic safeguards, such as making the registration of a "Zero FIR" mandatory regardless of jurisdictional boundaries. It also prescribes fixed statutory timelines for filing charge sheets and pronouncing judgments.

The most profound shift occurs in the recognition of electronic and digital evidence under the Bharatiya Sakshya Adhiniyam (BSA). The BSA redefines the concept of documents to heavily incorporate "audio-video electronic" records and "electronic communication", granting them the status of primary evidence under specific conditions¹⁵. Furthermore, Section 105 of the BNSS mandates that search and seizure procedures must preferably be recorded via audio-video electronic means.¹⁶

These new provisions concerning offences and criminal justice administration also mark a philosophical evolution by adding "community service" as a recognized form of non-custodial punishment for minor infractions. This marks an effort to ground statutory criminal law within modern constitutional standards of rehabilitation and efficiency.

4.3 Continuity Behind the New Legal Framework

Despite structural adjustments, a close statutory reading reveals an enduring institutional continuity, questioning whether inherited policing and investigative structures have fundamentally changed. The BNSS continues the colonial approach of combining active police investigation guidelines with broad regulations for "maintaining public order". This layout keeps the police positioned as a tool for public containment rather than an agency solely dedicated to solving crime.

The continuing scope of coercive State powers is clearly seen in Section 187 of the BNSS. This provision expands the permissible duration of police custody from the strict 15-day limit under the old CrPC up to a flexible 60 or 90 days. This expansion broadens the state's discretionary windows for detention without trial.

Consequently, it remains highly debated whether procedural changes adequately protect accused persons and vulnerable communities. The retention of low thresholds for criminal responsibility—such as keeping the minimum age of criminal intent at seven years—stands out against modern international human rights benchmarks.

This friction underscores the distinct gap between replacing legislation and changing institutional culture. Simply updating statutory phrasing does not automatically erase the

¹⁵ The Bharatiya Sakshya Adhiniyam, 2023, § 2, No. 47 of 2023, India Code.

¹⁶ The Bharatiya Nagarik Suraksha Sanhita, 2023, § 105, No. 46 of 2023, India Code.

deeply ingrained, top-down bureaucratic reflexes of law enforcement. Without targeted administrative accountability, the everyday practice of policing retains its historical bias toward state-first convenience over individual liberties.

4.4 A Critical Assessment of the Reforms

A critical assessment of the reforms requires avoiding simple labels; these codes are neither entirely colonial nor completely decolonised. It is essential to acknowledge genuine improvements: the codification of digital records updates the courts for the 21st century, mandatory forensics under the BNSS strengthens investigative accuracy, and introducing community service injects a long-overdue restorative element into sentencing.

However, we must also identify limitations and implementation challenges. The ambitious statutory timelines introduced by the BNSS run directly into reality: severe structural backlogs, understaffed police forces, untrained personnel, and a glaring lack of advanced forensic labs across various states.

Ultimately, these reforms must be evaluated against constitutional standards of fairness, proportionality, and accountability. By embedding sweeping search mechanisms and broad definitions of national security threat parameters, parts of the new framework risk colliding with the strict guardrails of "fair, just, and reasonable procedure" established under Article 21. The true legacy of the 2024 overhaul will not be determined by the updated nomenclature of its bills, but rather by whether its real-world implementation moves the needle away from bureaucratic state control and closer to protecting individual citizen dignity.

5. The Colonial Mindset in Contemporary Indian Law

The survival of colonial habits remains deeply visible in how everyday law enforcement operates across India, constantly highlighting the vital need for strict safeguards against arbitrary arrest and custodial abuse. Because the police force was originally engineered by British rulers to intimidate populations and secure state authority rather than protect communities, the culture of using physical force as a primary tool of investigation remains entrenched within many local departments. To curb these systematic abuses, the Supreme Court delivered its landmark judgment in *D.K. Basu v. State of West Bengal* in 1997, laying down mandatory guidelines for arrests. These guidelines required arresting officers to wear clear identification tags, prepare an official arrest memo witnessed by a family member, and

ensure regular medical examinations for the accused.¹⁷ While these rules provided vital legal protection on paper, achieving genuine police accountability, transparency, and the implementation of real administrative reform remains a massive uphill battle. Police forces frequently bypass these rules by relying on systemic reporting delays and a lack of independent oversight to shield themselves from consequences, proving that true institutional decolonisation cannot happen until police metrics shift from enforcing state dominance to actively protecting community rights.

This top-down approach is further reinforced by the constitutional framework under Article 22, which explicitly permits preventive detention by allowing the state to lock individuals up without trial simply to prevent future offenses. This provision triggers a constant tension between national security demands and personal liberty. While the state argues that sweeping laws like the Unlawful Activities Prevention Act are necessary to combat modern security threats, these exceptional powers frequently look like a direct continuation of colonial-era tactics used to lock up political dissidents. Consequently, serious concerns persist over whether these exceptional powers are subject to adequate safeguards and proper judicial scrutiny. When courts defer too heavily to the state's security claims or delay hearing bail applications for months, the constitutional protection of personal liberty is severely compromised, showing that without strict, proactive judicial oversight, emergency-style powers inevitably swallow up everyday democratic freedoms.

Furthermore, systemic inefficiencies create profound structural inequalities, as seen in the crushing delays in criminal trials and the immense burden placed on undertrial prisoners. Millions of individuals languish in overcrowded jails for years before their trials even finish, effectively serving sentences for crimes they have not yet been convicted of committing. While access to legal representation and legal aid under Article 39A is a clear constitutional mandate, the system fails to deliver on this promise equally because poverty and social disadvantage affect meaningful access to justice in a devastating way. Wealthy individuals can easily navigate complex courtroom procedures by hiring elite legal teams, whereas poor, marginalized, and tribal communities are left entirely at the mercy of an underfunded, overburdened legal aid apparatus.

To complete the journey from colonial subjects to constitutional citizens, India must fundamentally transform the psychological relationship between the state and the people. There is an urgent need for public institutions to treat citizens as active rights-holders rather than

¹⁷ D.K.Basu v. State of W.B., (1997) 1 S.C.C. 416.

passive recipients of administrative orders or targets of state suspicion. This transformation requires more than just changing statutory text; it demands an unwavering commitment to judicial independence, institutional accountability, and a deep respect for human dignity. The judiciary must consistently act as a bold check on executive overreach, ensuring that every interaction within the legal system—from the local police station to the apex court—upholds the foundational promise of human dignity.

6. The Way Forward: Towards Genuine Decolonisation

6.1 Reforming Police and Criminal Justice Institutions

Achieving true legal decolonisation requires moving beyond mere statutory updates to execute fundamental institutional overhauls, beginning with implementing police reforms and independent accountability mechanisms. For decades, the structural blueprint of Indian policing has remained anchored to the colonial philosophy of the Police Act of 1861, prioritizing public containment over public service. To dismantle this legacy, states must fully implement the Supreme Court's landmark directives in *Prakash Singh v. Union of India*, specifically by separating law-and-order duties from active criminal investigations and establishing functional Police Complaints Authorities staffed by independent civilian oversight members.

Furthermore, strengthening safeguards against arbitrary arrest and custodial abuse demands strict institutional compliance with the *D.K. Basu* protocols alongside transparent, real-time digital logging of all police detentions. Rather than relying on coercive custodial interrogation techniques—a clear hangover from colonial methods—the system must prioritize improving forensic capacity, investigation, and prosecution. While the *Bharatiya Nagarik Suraksha Sanhita* (BNSS) mandates forensic collection for serious offenses, this procedural requirement will falter without significant state investment in independent, well-staffed forensic laboratories and autonomous public prosecution departments capable of operating free from political interference.

6.3 Democratizing Lawmaking and Legal Education

True legal decolonisation requires a shift in how laws are conceived and taught, beginning with the institutionalization of wider public consultation before major legislative changes. Colonial lawmaking was an exercise in imperial decree, designed to impose rules from above without public consensus. In contrast, a democratized legislative process must actively engage civil society, regional bodies, and marginalized communities through multi-lingual feedback portals

and open parliamentary hearings.

This democratic spirit must extend into the academy by critically reviewing inherited legal terminology, assumptions, and institutional practices. For generations, Indian legal education has relied heavily on Eurocentric legal epistemologies, teaching students to revere procedural technicalities over substantive justice. Decolonising this space means encouraging constitutional literacy and critical legal scholarship that deconstructs the power dynamics embedded in our laws. By training the next generation of lawyers, judges, and citizens to view the law as an instrument for social empowerment rather than bureaucratic containment, India can slowly dismantle the psychological deference to colonial authority that still lingers in its courtrooms.

6.4 Building an Indian Constitutional Jurisprudence

The ultimate phase of decolonisation lies in developing legal principles responsive to India's social realities. A truly indigenous jurisprudence cannot merely copy Western liberal frameworks; it must address the unique challenges of caste stratification, economic disparities, and diverse community pluralisms that define the subcontinent. This requires courts to craft remedies and interpret rights in ways that actively account for structural disadvantages, making the abstract promises of the Constitution lived realities for vulnerable groups.

Crucially, this process involves drawing on Indian constitutional values while engaging with comparative law, blending universal human rights benchmarks with local concepts of social justice, fraternity, and community harmony. However, building an authentic jurisprudence requires a nuanced approach, explicitly avoiding the assumption that everything inherited from the colonial period is necessarily defective. A blanket rejection of all inherited structures risks collapsing valuable institutional stability, common law consistency, and procedural predictability. The objective of legal decolonisation is not to blindly destroy the past, but to critically filter inherited frameworks—retaining institutional stability while radically changing the underlying ethos from state-centric coercion to citizen-centric dignity.

7. Conclusion: Has Independent India Done Enough?

To answer the central question of this essay: no, independent India has not yet done enough to achieve complete legal decolonisation. While the country has taken massive strides by establishing the Constitution of India as its supreme law, shifting the status of millions from colonial subjects to rights-bearing citizens, the structural architecture of the state remains deeply compromised. Post-independence judicial breakthroughs, such as the procedural

protections expanded in Maneka Gandhi, successfully introduced universal benchmarks of equality and liberty. However, the recent introduction of the BNS, BNSS, and BSA highlights a critical reality: statutory replacement alone cannot complete decolonisation.

Merely updating the names, numbers, and vocabulary of penal codes does not erase the top-down, authoritarian habits embedded within public institutions. True decolonisation cannot be achieved without a radical overhaul of the daily legal environment, which requires enforcing strict institutional accountability, protecting individual dignity, ensuring fair procedure, and expanding equal access to justice for marginalized communities. Ultimately, genuine decolonisation must not be measured by the geographical origins or titles of our statutes, but by how effectively the law limits coercive state power and defends the sovereign citizen against systemic overreach.

