Ethics & Morality · GS - IV

The soul of the new law, Bharatiya Nyaya Sanhita (BNS) is Justice, Equality and Impartiality based on Indian culture and ethos. Discuss this in the light of major shift from a doctrine of punishment to justice in the present judicial system.

EXAM YEAR	PAPER	SUBJECT
2024	GS - IV	Ethics & Morality

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Bharatiya Nyaya Sanhita, justice, equality, impartiality, victim-centric justice, punishment, rehabilitation, community service, constitutional morality

Model Answer

Introduction

The Bharatiya Nyaya Sanhita, 2023 replaced the Indian Penal Code, 1860 as the principal substantive criminal law. Its framework reflects an attempt to modernise criminal justice and place greater emphasis on victims, social justice and contemporary offences.

Body

Shift towards Justice: A justice-oriented system seeks not merely to punish offenders but also to protect victims, uphold rights, deter crime and facilitate rehabilitation where appropriate.

The BNS introduces **community service** as a form of punishment for specified offences, indicating movement beyond incarceration as the sole response to wrongdoing.

It also reorganises criminal provisions and introduces provisions dealing with contemporary forms of crime. The emphasis on offences affecting women, children and vulnerable groups reflects the objective of substantive protection.

Equality and impartiality require that criminal law apply uniformly irrespective of status, wealth, political influence or social identity. At the same time, constitutional safeguards require fair procedure and protection against arbitrary state action.

A justice-oriented system must therefore balance punishment, deterrence, victim protection, rehabilitation and rights of the accused.

Conclusion

The broader objective of criminal-law reform should be a system where punishment serves **justice, deterrence, victim protection and social rehabilitation**, while constitutional rights, equality before law and impartial adjudication remain its foundations.

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