
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

**BNSS AND PREVENTIVE JUSTICE: A SOCIO-POLITICAL STUDY OF
CRIME CONTROL IN INDIA**- Tripti Sharma¹**Abstract**

The Bharatiya Nagarik Suraksha Sanhita (BNSS), enacted in 2023, represents a major reform in India's criminal justice system by replacing the colonial-era Code of Criminal Procedure, 1973. The legislation seeks to modernize criminal procedures through preventive policing, technological integration, and victim-oriented justice mechanisms. Its provisions include preventive actions to maintain public order, electronic filing of complaints, digital evidence collection, and measures aimed at increasing efficiency, transparency, and accountability within the justice system.

From a socio-political perspective, the BNSS reflects a shift toward proactive crime prevention rather than reactive law enforcement. While these reforms have the potential to improve public safety and trust in legal institutions, their effectiveness depends on fair implementation, institutional accountability, and protection against misuse of state power. Challenges such as social inequality, political influence, and discriminatory enforcement may affect the practical application of preventive provisions.

Constitution as Grundnorm

The Constitution of India serves as the foundational framework guiding the BNSS. Fundamental rights guaranteed under Articles 14, 19, 21, and 22 ensure that preventive policing and criminal justice measures operate within constitutional limits. Equality before law, freedom of expression and movement, protection of personal liberty, and safeguards against arbitrary detention form the constitutional boundaries within which the BNSS must function. Any preventive action taken under the code must satisfy the principles of fairness, proportionality, and due process.

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The concept of the Constitution as the “Grundnorm,” inspired by Hans Kelsen’s Pure Theory of Law, further reinforces the supremacy of constitutional values in the legal system. As the highest legal norm, the Constitution provides legitimacy to all subordinate laws, including the BNSS. Consequently, the validity and effectiveness of the BNSS depend on its consistency with constitutional principles and democratic ideals. Ultimately, the BNSS represents an attempt to balance security, justice, and individual rights in a rapidly evolving legal and social environment.

Sociological Perspective on Crime Prevention in the BNSS

The Bharatiya Nagarik Suraksha Sanhita (BNSS), introduced in 2023, aims to strengthen crime prevention by granting greater powers to law enforcement agencies and incorporating modern mechanisms such as surveillance, preventive detention, e-FIRs, and digital investigation procedures. From a sociological perspective, these reforms raise important concerns regarding the balance between public safety and individual freedom. While preventive policing may help reduce crime and maintain social order, excessive state control can create fear, mistrust, and restrictions on civil liberties. Increased surveillance and broader police powers may lead people to feel constantly monitored, discouraging free expression, peaceful assembly, and public participation. There is also concern that such powers may disproportionately affect marginalized communities, including economically weaker groups, minorities, and socially disadvantaged sections, thereby deepening existing inequalities within society.

The implementation of preventive measures under the BNSS may significantly influence the relationship between citizens and law enforcement authorities. Public trust is essential for effective policing, but aggressive surveillance or arbitrary detention can create fear and resentment among communities. When individuals or groups are repeatedly treated as potential threats, social stigma and alienation may develop, weakening cooperation between citizens and the police. Therefore, a people-oriented approach, such as community policing and transparent law enforcement practices, becomes necessary to ensure fairness and accountability.

The BNSS also has important implications for women and vulnerable individuals. Provisions such as Zero FIR and e-FIR can improve access to justice by making it easier to report crimes like domestic violence and harassment. However, without adequate safeguards and accountability mechanisms, expanded police powers may also increase the risk of misuse and

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misconduct. This highlights the need for a gender-sensitive and rights-based approach in implementing preventive laws.

Ultimately, the sociological impact of the BNSS depends on how effectively it balances security with constitutional freedoms and human dignity. Crime prevention cannot rely solely on surveillance and punishment; it must also address broader social issues such as poverty, unemployment, inequality, and lack of education, which often contribute to criminal behaviour. A fair and democratic criminal justice system must combine preventive measures with transparency, judicial oversight, rehabilitation, and protection of civil liberties. True public safety is achieved not only through stronger policing but also through justice, equality, and public trust in the legal system.

BNSS as a Public Policy Tool

The Bharatiya Nagarik Suraksha Sanhita (BNSS) represents a significant shift in India's criminal justice and public policy framework by focusing on preventive policing and proactive crime control. Unlike traditional approaches that respond to crimes after they occur, the BNSS promotes preventive measures such as intelligence-based policing, surveillance, and preventive arrests to reduce potential threats before they escalate. This reflects a global trend in governance where technology, data analysis, and coordinated law enforcement are increasingly used to strengthen public security and improve administrative efficiency. At the same time, the BNSS highlights the growing role of public policy in balancing crime prevention with the protection of constitutional rights and democratic values.

The BNSS seeks to modernize law enforcement by reducing delays in criminal proceedings, improving coordination among agencies, and integrating digital technologies such as electronic FIRs, CCTV monitoring, digital evidence systems, and virtual procedures. These reforms have the potential to make investigations more transparent and efficient while supporting India's broader digital governance initiatives. However, increased dependence on surveillance and data collection also raises concerns about privacy, state overreach, and misuse of authority. Without proper safeguards, preventive policing can lead to arbitrary detention, excessive monitoring, and unequal treatment of marginalized communities.

From a public policy perspective, the BNSS demonstrates both opportunities and challenges. While preventive measures may contribute to public safety and stronger governance, they may also affect civil liberties if implemented without accountability and judicial oversight. Preventive detention and expanded police powers can become controversial if they are used

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unfairly or selectively. Therefore, the effectiveness of the BNSS depends on maintaining transparency, protecting human rights, and ensuring that law enforcement actions remain within constitutional limits.

The policy also highlights the importance of addressing the social causes of crime rather than relying only on policing and punishment. Long-term crime prevention requires investment in education, employment opportunities, rehabilitation programs, mental health support, and social welfare measures. Without these broader reforms, preventive laws alone may fail to reduce crime and could disproportionately impact vulnerable sections of society. Public trust is equally important, as citizens are more likely to cooperate with legal institutions when they believe the system is fair, impartial, and accountable.

The successful implementation of the BNSS therefore requires proper training of police officers, strong judicial supervision, independent review mechanisms, and public awareness regarding the scope and purpose of preventive laws. Ultimately, the BNSS is more than a procedural legal reform; it is a test of India's ability to balance security, justice, and civil liberties within a democratic framework. Its long-term success will depend on whether it strengthens public confidence in governance while protecting individual rights and constitutional values.

Affect of BNSS on India's Foreign Policy

The Bharatiya Nagarik Suraksha Sanhita (BNSS) is an important reform in India's criminal justice system that focuses on preventive policing, intelligence-sharing, and modernization of law enforcement. Although it is a domestic law, its impact extends beyond national boundaries because issues such as terrorism, cybercrime, human trafficking, and organized crime require international cooperation. By strengthening preventive measures, surveillance systems, and intelligence mechanisms, the BNSS supports India's efforts to improve internal security and contribute to global crime prevention initiatives. Its provisions align with international frameworks such as the United Nations Convention Against Transnational Organized Crime (UNTOC), Interpol cooperation, and counterterrorism partnerships with countries like the United States, France, and Israel.

The BNSS also strengthens India's regional security role by improving cooperation with neighbouring countries such as Bangladesh, Nepal, and Sri Lanka in areas like border security, anti-trafficking operations, and intelligence-sharing. Stronger domestic policing enhances India's credibility as a reliable security partner and supports its strategic and

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diplomatic relations with other nations. At the same time, certain provisions related to preventive detention and surveillance may raise concerns regarding civil liberties and human rights. Similar laws in India have previously faced criticism from international human rights organizations, and misuse of preventive powers under the BNSS could affect India's democratic image and diplomatic relations with countries that prioritize human rights protections.

Therefore, the effectiveness of the BNSS depends on maintaining a balance between national security and individual freedoms. Proper judicial oversight, transparency, and accountability are necessary to ensure that preventive measures are not misused. Ultimately, the BNSS is not only a legal reform for crime prevention but also a reflection of India's evolving security diplomacy and global position. Its long-term impact will depend on how successfully India combines effective law enforcement with constitutional values, human rights, and international cooperation.

Psychological Perspective on Crime Prevention under BNSS

The Bharatiya Nagarik Suraksha Sanhita (BNSS) is an important reform aimed at strengthening India's criminal justice system through preventive policing, modernization, and public safety measures. Along with legal enforcement, the BNSS also reflects several psychological ideas related to criminal behaviour and crime prevention. Understanding the mental, social, and environmental causes of crime helps in creating more effective preventive strategies and promoting a safer society.

Deterrence Theory

One of the key objectives of the BNSS is to discourage criminal activity through strict legal consequences and preventive policing. Deterrence theory suggests that individuals are less likely to commit crimes when they believe punishment will be certain, immediate, and severe. Preventive arrests, surveillance, and stronger law enforcement measures under the BNSS aim to create fear of legal consequences and reduce criminal behaviour. However, punishment alone may not always be effective, as excessive force or harsh penalties can increase resentment and repeat offences if rehabilitation is ignored.

Social Control Theory

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Social control theory explains that people are less likely to engage in crime when they maintain strong relationships with family, schools, communities, and social institutions. The BNSS can support crime prevention by encouraging community policing, neighbourhood cooperation, and public participation in maintaining law and order. Strong social bonds increase trust between citizens and authorities, reducing the likelihood of antisocial behaviour and strengthening social harmony.

Cognitive Behavioural Theory and Rehabilitation

The BNSS also recognizes the importance of rehabilitation in preventing future crimes. Cognitive behavioural approaches focus on changing harmful thinking patterns that influence criminal actions. Many offenders justify their behaviour or fail to understand its impact on others. Counselling, behavioural therapy, and rehabilitation programs can help individuals develop self-control, empathy, and responsible decision-making skills. Combining punishment with rehabilitation creates a more balanced and humane justice system.

Routine Activities Theory

Routine activities theory states that crime occurs when a motivated offender, a suitable target, and lack of supervision come together. The BNSS supports preventive strategies that reduce opportunities for crime through increased surveillance, community monitoring, and improved security measures. Better lighting, public monitoring systems, and active community participation can reduce crimes such as theft, assault, and vandalism by increasing the risk of detection.

Fear of Crime and Public Psychology

Crime affects not only victims but also the psychological well-being of society. Fear of crime can lead to anxiety, social isolation, and reduced public participation. The BNSS seeks to improve public confidence through visible law enforcement, preventive policing, and awareness programs. A safer environment helps communities feel more secure and encourages social interaction and cooperation.

Environmental Psychology and Crime Prevention

Environmental psychology highlights how physical surroundings influence human behaviour. Crime Prevention Through Environmental Design (CPTED) focuses on creating safer public spaces through urban planning, surveillance, access control, and proper lighting. The BNSS

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can support these measures by encouraging safer infrastructure and community-centred development to reduce criminal opportunities.

Social Learning Theory

Social learning theory explains that criminal behaviour is often learned through family, peers, and social surroundings. Individuals living in crime-prone environments may imitate harmful behaviour if it is normalized or rewarded. The BNSS can reduce this risk by promoting educational programs, mentorship, skill development, and positive social engagement for vulnerable youth and communities.

Psychological Profiling and Early Intervention

The BNSS may also benefit from psychological assessment and early intervention strategies. Identifying individuals at risk due to trauma, substance abuse, mental health issues, or social instability can help authorities provide counselling, rehabilitation, and support before criminal behaviour develops. Early intervention reduces long-term crime and supports social welfare.

Empowerment Theory

Empowerment theory suggests that people are less likely to engage in crime when they have access to education, employment, social support, and opportunities for personal growth. The BNSS can contribute to crime prevention by encouraging policies that strengthen communities and improve living conditions. Empowered individuals are more likely to make positive choices and participate responsibly in society.

The BNSS represents a modern approach to crime prevention that combines legal enforcement with preventive and rehabilitative measures. Psychological theories help explain the causes of criminal behaviour and offer valuable strategies for reducing crime through social support, rehabilitation, environmental safety, and community participation. The success of the BNSS depends on balancing security with justice, protecting constitutional rights, and ensuring that preventive powers are used fairly and responsibly. By integrating psychological understanding with legal reforms, the BNSS can contribute to a safer, more inclusive, and more effective criminal justice system in India.

CONCLUSION

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The Bharatiya Nagarik Suraksha Sanhita (BNSS) is a comprehensive legal framework designed to modernize India's criminal justice system. It aims to prevent crime, enhance governance efficiency, and strengthen national security. By focusing on preventive policing, the BNSS seeks to address potential criminal activities before they escalate, aligning with global shifts towards proactive crime control.

The BNSS not only modernizes legal procedures but also integrates technology into the criminal justice system, enhancing transparency and reducing delays. It emphasizes victim support and restorative justice, ensuring fair treatment for vulnerable individuals and promoting rehabilitation. The code also establishes a hierarchical structure for the police force, empowering them to take preventive actions while ensuring accountability and respect for citizens' rights. However, the effectiveness of the BNSS in crime prevention is subject to socio-political factors. Concerns about the misuse of preventive measures, potential restrictions on civil liberties, and the need for judicial oversight and public trust are critical considerations. The BNSS must navigate the balance between security and individual rights, ensuring that its implementation does not disproportionately affect marginalized communities or suppress legitimate dissent.

Psychological perspectives offer valuable insights into crime prevention within the BNSS framework. By understanding the psychological factors that contribute to criminal behavior, the BNSS can enhance its strategies through measures such as deterrence, social control, cognitive-behavioral therapy, and situational crime prevention. Addressing the psychological impact of crime, including fear and social disengagement, is crucial for promoting community safety and resilience. The BNSS also has implications for India's foreign policy. Its emphasis on preventive policing and intelligence-sharing aligns with global counterterrorism efforts and enhances India's role as a security provider. However, concerns about human rights and civil liberties may affect India's diplomatic relations and international standing. Balancing domestic security with human rights considerations is crucial for India to maintain its global image as a responsible and democratic nation.

In conclusion, the BNSS represents a significant shift in India's approach to crime control, with a focus on prevention, modernization, and international cooperation. Its effectiveness will depend on addressing socio-political challenges, integrating psychological insights, and upholding constitutional values. By ensuring transparency, accountability, and a balanced

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approach to security and justice, India can leverage the BNSS to create a safer, more equitable, and just society.



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