

# Decolonizing India's Criminal Laws

## Embracing Digitalization for Justice

India's legal education is on the cusp of a historic transformation. Prof (Dr) Debarati Halder, a distinguished Professor of Law at Parul Institute of Law, Parul University, brings to light the emergence of a new chapter in Indian criminal laws, an era marked by homegrown statutes and digital innovation. This transition from colonial roots towards a system tailored for modern India represents not only legal evolution but also the nation's stride towards digital sovereignty in justice.



### The Legacy of Colonial Laws

For over a century and a half, India's criminal justice system has been governed by laws introduced during the British colonial era. The Indian Penal Code of 1860, along with procedural laws from the late 19th century have served as the bedrock of India's approach to criminal behaviour, prosecution and justice. While these laws have undergone amendments to align with the nation's democratic values, remnants of colonial influence persisted until recent times.

### A Milestone in Legal Reform

One landmark departure from these antiquated legal norms was the decriminalization of Section 377 of the Indian Penal Code a move that reflected India's commitment to justice and human dignity. This repeal symbolized a broader impetus for reform, a clarion call for laws made in India and for India.

### The Advent of Bharatiya Nyay Sanhita and Digitalization

The introduction of Bharatiya Nyay Sanhita, Bharatiya Nagaraik Suraksha Sanhita, and Bharatiya Sakshya Bill marks a pivotal shift, placing emphasis on the use of digital tools for evidence collection, offense registration and online access to justice. These new bills, poised to become full fledged laws underscores the need for heightened cybersecurity and data confidentiality in an era where technology transcends borders.

## The Interplay of New Laws and Technology

As these new laws integrate into India's legal framework, they will inevitably intersect with and influence existing information and communication technology regulations, particularly the Information Technology Act, 2000 (amended in 2008). This integration heralds a significant departure from traditional methodologies and paves the way for a digitized criminal justice system.

### Law Schools at the Forefront of Change

Law schools across India are preparing to revamp their curricula to reflect these groundbreaking changes. The success of the new laws, however, hinges on the proficiency of educators trained in teaching these modern statutes and the receptiveness of students to embrace the decolonization and Indianization of legal principles.



### Conclusion: Charting the Future of Indian Criminal Law

The introduction of the new criminal laws marks a critical juncture in India's legal history. It represents a move towards reclaiming the narrative of justice and adapting it to the digital age. With law schools and legal scholars leading the charge, India is set to redefine its criminal justice landscape ensuring that laws are not only made in India but also reflect the ethos and digital aspirations of its people.



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