

# Peace Justice and Strong Institutions: Assessing Sustainable Development Goal 16 in the Context of Criminal Administration of Justice in India

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## Abstract

Criminal Administration of Justice in India has the same objective as identified in SDG 16 i.e. mitigating the above abnormalities through the application of Bharatiya Nya Samhita 2023 (**BNS 2023**) and **Bharatiya Nagarik uraksha Sanhita 2023 (BNSS 2023)** replacing Indian Penal Code 1860 and procedural law. A deep exploration into the inner knots of Sustainable Development Goal 16 (hereafter referred to as **SDG 16**) reveals the fact that the objective of **SDG 16** veers around: ‘Organized Crimes which *inter alia* includes Cyber Crimes’;

- a. “Cross Border Violence”;
- b. “Economic corruption” and;
- c. “Interpersonal Conflicts”;

and Criminal Procedure Code 1973 respectively. The present research article has assessed **BNS 2023** and **BNSS 2023**

for finding out how far these laws have complied to **SDG 16**. The article has applied the research methodology of Comparative Legal Analysis (CLA) and Contrastive Legal Parameters (CLP) for the study. The article has also considered the Conceptual Legal Framework (CLF) of International Protocols of UNO for the validation of the conclusion of the study. The article has found legal underpinnings and cross currents that vouchsafe the need of stronger judicial institutions for ensuring essential criminal justice in India in the light of SDG 16.

**Keywords:** Peace; Justice; Strong Institutions; SDG 16; Criminal; Administration; Justice; India;

## Introduction

Sustainable Development Goals have centered on two key principles namely Strong Government Institutions and ‘equitable Justice’. A critical study of these two key principles of Sustainable Development Goals are the only focus of this research paper. A deep exploration into the inner knots of Sustainable Development Goal 16 (hereafter referred to as **SDG 16**) reveals the fact that the objective of **SDG 16** veers around: Organized Crimes which *inter alia* includes Cyber Crimes”; “Cross Border Violence”; “Economic corruption” and; “Interpersonal Conflicts” [1], Coincidentally, Criminal Administration of Justice in India has the same objective i.e. mitigating the above

abnormalities through the application of Bharatiya Nya Samhita 2023 (**BNS 2023**) and **Bharatiya Nagarik Suraksha Sanhita 2023** (Hereafter mentioned as **BNSS 2023**) w.e.f. July 12, 2024, replacing Indian Penal Code

1860 and procedural guidelines of Criminal Procedure Code 1973 respectively. The present research article has assessed **Bharatiya**

**Nyay Samhita (hereafter mentioned as BNS 2023)** and **BNSS 2023** for finding out how far these laws have complied to **SDG 16**. The article has applied the research methodology of Comparative Legal Analysis (CLA) and

Contrastive Legal Parameters[2] (CLP) for the study. The article has also considered the Conceptual Legal Framework (CLF) of

International Protocols of UNO for the validation of the conclusion of the study. The article has found legal underpinings and Indian Evidence Act 1872 has also been replaced by Bharatiya Sakshya Adhiniyam (w.e.f. July 12, 2024) cross currents that vouchsafe the need of stronger judicial institutions for ensuring essential criminal justice in India in the light of SDG 16. [5]

## Headings

The present Research Article has followed the following progress scheme. After **Introduction** it has followed documentation regarding

Administration of Criminal Justice in India, Conceptual Novelty of Bharatiya Nya Samhita 2023 (BNS 2023), Conceptual Novelty of Bhartiya Nagrik Suraksha Sanhita 2023 (BNSS 2023), Conceptual Novelty of Bharatiya Sakshya Adhiniyam, Control upon Organized Crimes under SDG 16 [4] and Conclusion.

## Administration of Criminal Justice in India

Administration of Justice as laid in Kamandiyak's Nitisara, and and

Bhratrhari's Nitishatakam, ancient treatises on statesmanship and important moral and cethical laws for right governance of the kingdom. The present article has delimited itself in favour of Criminal Administration of Justice. Let us have a Synoptic table

to display major works in this field:

Dates	Treatises and Authors	Specialities
4th-3rd BCE	Nitisara by Sukra	Provision for King's rule and punishment of the offenders;
1220 A D	Nitichandrika Annambhatta	Details of Offences and reformative works required under the king;
1350 AD	Niti Ratnakara by Chandeshvara	Best practices for good governance;
1600 AD	Niti Mayukha by Bhatta Nilakantha	An anthology of all criminal offences and prescribed punishments;
1625 AD	Niti Prakash by Mitra Mishra	Civil and Criminal offences have been defined and

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**Table 1: Criminal Administration of Justice**

### Conceptual Novelty of Bharatiya Nya Samhita 2023 (BNS 2023)

Bharatiya Nya Samhita 2023[1] (BNS 2023) came into effect from July 1, 2024 replacing the old IPC of 1860. Unlike IPC, BNS 2023

has emphasized on maintaining good Governance on the basis of Constitutional guidelines of India. The focus is on maintaining

internal order not on punitive principles but on value -based reformation of culpability if found anywhere in India. The old definitions and provisions related to crimes and their respective punishments have been reviewed critically and filtered in the light of modern day needs of digitized India. For example, old colonial laws of ‘treason’ and ‘treasonary activities have been deleted. At the same time few other activities like “mob lynching” Sec.103 (b) and “Digital Media (Sec.2 (39). Thus BNS 2023 has expanded and introduced needful changes in favor of the modern legal situation of globalized India.[4]

### Conceptual Novelty of Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS 2023)

Bharatiya Nagarik Suraksha Sanhita 2023 [2] (BNSS 2023) has replaced the old law Criminal Procedure Code of 1972 so that BNS 2023 can go hand in hand with the procedural law of India. Electronic evidence has got the

status of primary document (Section 2 (e)). Most of the sections Have been consolidated in favor of maintaining time coherence and cohesion in regard to BNS 2023 and BNSS 2023. Electronic records need to be

certified as authentic under Section 65. Thus BSA 2023[3] has expanded and introduced needful changes in favor of the modern legal situation of globalized India.[5]

### Control upon Organized Crimes under SDG 16

Critical Judgement of SDG 16 reveals the foci closely connected to BNS 2023 BNSS 2023[2] and BSA 2023 as listed below:

Sl. No.	SDG 16 Key Principles	Relevant Criminal Laws
1	Peaceful and Inclusive society	BNSS 2023[2] BNS 2023[1]
2	Freedom from Violence	BNS Section 103 Mob Lynching Organized Crime Sections 111 & 112
3	Integrated effort of Government Civil Society and Community	BNSS 2023 [2]and BSA 2023 [3]
4	Socio -Economic Development through Protection of Women's Rights	BNS 2023 BNSS 2023 BSA 2023[3]
5	Equal Access to Justice	BNSS 2023[2]

**Table 3: Criminal Administration of Peace Keeping**

### Conceptual Novelty of Bharatiya Sakshya Adhiniyam (BSA 2023)

The primary objective of **BSA 2023** [3] is to consolidate the changes adopted Provisionally in Indian Evidence Act (henceforth referred to as IEA 1873) dealing with different aspects of the same subject matters such as the clubbing of different provisions concerning ‘admissions before police’ and ‘admissions in custody under a statutory Broad or Section. The Act pleads for uniform interpretation and application of similar standards to the same subject matters. and bringing experts of electronic evidence at par with other experts for determining relevant facts. However, the effect of certain provisions particularly relating to confessions [6] and production of documents is required to be examined and tested in greater detail given the nature of the intended change. Cyril Amarchand Mangaldas - Cyril Shroff, Ankoosh Mehta, Faraz Alam Sagar, Kapil Arora, Sara Sundaram, Nikhil Varshney, Srinivas Chatti, Rinke I Singh, Darshan Patankar, Sangram Parab, Nitya Ravichandran, Stuti Bhargava, Aman Siwach and Arunima Phadke

### Conclusion

Sustainable Development Goals of UNO have centered on two key principles namely ‘Strong Governmental Institutions’ and ‘non variable equitable Justice’. A critical study of these two key principles of Sustainable Development Goals were the only focus of this research paper. [8] The researchers found that **Bharatiya Nya Samhita 2023 (BNS 2023)** and **Bharatiya Nagarik Suraksha Sanhita 2023 (NSS 2023B)** have been critically judged in context of SDG 16 and the key principles of UNO for ensuring all round peace and the establishment of a just society.

All the new Criminal laws have got a direct connection to UNO Sustainable Development Goals in general and SDG 16 in particular.

Since the time of Ottoman Roman Empire to the dismemberment of Communist USSR in the 1990s, it has been proved that strong

gubernatorial control may result in popular reactions if the government decision is in disfavor of the principle of ‘equitable justice’. [7]

‘Organized Crimes’ include Cyber Terrorism, Cyber Crimes Gang Operations, Economic and Socio-political corruptions, and social insecurity and the fear of massacre and sabotage of Public Properties. **BNS 2023** and **NSS 2023** are clear indication that India is

following SDG 16 in toto by fostering “just and equitable justice” through re-establishing sovereign status by virtue of administration of Justice under a stronger gubernatorial network of an independent judiciary.

India has revamped Criminal Administration of Justice by establishing three digital

Jail Administration, Online hearing of cases directly from the Trial Court,

and by updating all the provisions in favor of electronic evidences.

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