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**Indigenous Knowledge, Social Justice and Gender Norms: Tracing  
Continuities in the *Bharatiya Nyaya Sanhita*, 2023**

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**Abstract**

The Bharatiya Nyaya Sanhita (BNS), 2023, represents a significant effort to reform India's criminal justice system by integrating contemporary legal principles with insights drawn from India's Traditional Knowledge Systems (TKS). This paper explores the continuities between indigenous ethical, social, and gender norms and the provisions of the BNS, highlighting the ways in which historical practices of justice, community governance, and gender protection inform modern statutory frameworks. Using a conceptual and textual analysis, the study examines normative ethics, family and gender relations, community dispute resolution, and moral-legal duties embedded in TKS, tracing their reflections in the BNS's gender-sensitive and restorative provisions. It also addresses debates surrounding selective engagement with traditional knowledge, feminist critiques, and the need to harmonise indigenous norms with constitutional equality. The paper concludes that while TKS enrich contemporary legal discourse, they must be interpreted as sources of guidance rather than substitutes for constitutional values, offering pathways toward a more socially just, gender-equitable, and culturally grounded legal system.

**Keywords:** indigenous knowledge, traditional knowledge systems, social justice, gender norms, Bharatiya Nyaya Sanhita, decolonisation of law, restorative justice

## Introduction

India's criminal justice system has long reflected the institutional and ideological legacy of colonial rule, particularly through the Indian Penal Code (IPC) of 1860. Scholars have repeatedly argued that while the IPC provided a structured legal framework for a newly independent nation, its philosophical foundations were rooted more in British administrative concerns than in India's own civilisational perspectives on justice and social order (Baxi, 2010; Banerjee, 2019). In recent decades, the growing recognition of this colonial imprint has generated a sustained call for reforms that align criminal law with contemporary social realities and indigenous ethical traditions (Sen, 2021).

The enactment of the *Bharatiya Nyaya Sanhita* (BNS), 2023 can be understood within this wider reformist discourse. By replacing the colonial IPC, the BNS represents an important attempt to reframe criminal law in a manner that resonates with indigenous moral frameworks, cultural norms, and community-based notions of justice (Government of India, 2023). Its introduction signals a deliberate shift toward decolonising legal structures and reintegrating elements of India's traditional knowledge systems—such as community dispute-resolution mechanisms, moral-ethical codes embedded in dharmic literature, and gendered responsibilities recognised in diverse indigenous societies (Sharma, 2018).

At the same time, indigenous traditions related to gender present a nuanced and sometimes contradictory picture. Classical texts, oral traditions, and customary systems offer examples of women's agency, participation, and protection, but they also contain hierarchical elements that have been critically examined by feminist scholars (Chakravarti, 2000; Kelkar, 2020). This complexity raises a fundamental question for contemporary legal reform: To what extent can traditional knowledge systems inform modern gender justice, and where must reinterpretation or reform be applied? The BNS, 2023 provides an appropriate entry point for revisiting these debates, especially in relation to women's rights, bodily autonomy, dignity, and protection from violence.

In this context, the present paper seeks to examine how indigenous knowledge, social justice principles, and gender norms intersect with the provisions of the *Bharatiya Nyaya Sanhita*, 2023. The primary objective is to trace continuities and departures between traditional justice frameworks and contemporary gender-related legal norms. A secondary aim is to explore how culturally embedded ideas such as *dharma*, communal responsibility, and notions of dignity

contribute to evolving interpretations of gender justice within a modern constitutional framework.

Methodologically, the study employs a combination of textual analysis of legal documents, conceptual engagement with traditional knowledge sources, and comparative reading of pre-colonial, colonial, and post-colonial justice philosophies. This triangulated approach enables a balanced understanding of the intellectual linkages between India's cultural heritage and its current efforts to build a more gender-responsive justice system. The intention is to critically connect tradition with contemporary legal reform, without idealising or rejecting either framework outright.

### **Conceptual Framework**

**Indigeneity Beyond Ethnicity:** In the Indian context, indigeneity is not confined to a single ethnic origin. Instead, it reflects a long civilisational continuum shaped by inherited ecological knowledge, community norms, and everyday practices (Baviskar, 2005; Xaxa, 1999). Unlike regions marked by settler-colonial histories, India's indigenous identity represents a mosaic of groups—Adivasis, pastoralists, forest-dependent communities, and caste-based occupational groups—who maintain place-based wisdom through oral, ritual, and practical traditions (Shah, 2010). These systems remain dynamic and continue to influence contemporary discussions on culture, law, and gender justice.

**Indian Social Philosophy and Moral Worldviews:** Indian social thought draws on concepts such as *dharma* (duty), *nyaya* (justice), and *samaj* (community) that articulated society as an interconnected moral order (Sen, 2009). Gender roles, familial responsibilities, and ethical conduct developed within this relational worldview. While modern legal frameworks separate law from morality, indigenous traditions historically perceived justice as a holistic pursuit aimed at social harmony. This background helps contextualise how contemporary legal reforms, including the Bharatiya Nyaya Sanhita (2023), resonate with longstanding cultural narratives rather than simply replacing colonial laws.

**Oral Traditions and Community Governance:** For centuries, governance within Indian communities functioned through oral traditions, folk norms, and decentralised assemblies. Institutions such as village councils and *Nyaya Panchayats* operated on principles of collective dialogue, restitution, and reconciliation (Guha, 1999). Elders interpreted customary norms related to marriage, inheritance, and conflict resolution. These frameworks emphasised

restorative modes of justice—ideas that surface today in discussions on mediation, victim-centric justice, and efficient adjudication.

**Traditional Knowledge Systems (TKS):** Traditional Knowledge Systems represent community-generated intellectual and ethical resources shaped through lived experience rather than formal codification (Agrawal, 1995). They continue to guide practices related to social behaviour, welfare, and conflict management.

**Normative Ethics:** Rooted in *dharma*, TKS articulate ethical expectations concerning social duties and everyday conduct (Parpola, 2015). These moral norms still inform contemporary debates about dignity, autonomy, and gender justice.

**Family and Gender Relations:** Families functioned as key sites for transmitting knowledge across generations. Although patriarchal norms existed, many indigenous traditions recognised women as essential knowledge-holders in areas such as healing, agriculture, ritual practice, and oral history (Boserup, 1970). These insights contribute to present-day discussions on women's agency within indigenous contexts.

**Community-based Dispute Resolution:** Dispute resolution within traditional settings relied on negotiation, mediation, and restorative approaches rather than adversarial processes (Nirmal, 2004). The emphasis on relationship repair and social cohesion parallels the current legal focus on reconciliation-oriented mechanisms.

**Legal–Ethical Duties (*Dharma*):** Indigenous thought treated legal and ethical duties as intertwined. Responsibilities toward vulnerable groups—women, elders, children—were embedded in notions of justice framed through *dharma*. These ideas continue to influence interpretations of laws addressing dignity and gender-based harm, including provisions within the BNS.

### **Traditional and Modern Perspectives**

*Nyaya, Dharma, and Niti:* Classical Indian ideas conceptualised justice through *nyaya* (fair procedure), *dharma* (moral order), and *niti* (ethical governance) (Sen, 2009). Together, they offered a holistic model integrating social, moral, and procedural concerns.

**Moral Justice and Procedural Justice:** Indigenous mechanisms prioritised moral and restorative justice, while contemporary legal structures privilege procedural certainty. Current reforms

attempt to balance these perspectives by integrating dignity and protection with procedural efficiency.

Ambedkarite, Feminist, and Constitutional Approaches: Modern readings of justice draw on Ambedkar's emphasis on equality and anti-caste ethics (Ambedkar, 1946), feminist critiques of patriarchal norms (Menon, 2004), and the constitutional vision of liberty and dignity (Bhatia, 2016). These frameworks provide critical tools for evaluating indigenous norms and situating the BNS within broader discourses on social and gender justice.

### **Indigenous Knowledge and Traditional Norms Related to Gender**

Indigenous gender norms in India have emerged from several layers of cultural and intellectual traditions. These include early Vedic thought, Dharmashastric jurisprudence, Buddhist and Jain ethics, medieval Bhakti movements, and diverse customary practices followed by Adivasi and regional communities. Together, these traditions form a complex knowledge base that still shapes contemporary conversations on gender rights and social justice.

### **Vedic and Classical Traditions**

**Women in Education and Public Life:** Early Vedic literature provides notable examples of women participating in intellectual and public discourses, challenging the perception that women were entirely excluded from knowledge production. The *Brihadaranyaka Upanishad* mentions Gargi Vachaknavi, who posed philosophical questions to the sage Yajnavalkya in a formal assembly, and Maitreyi, who actively sought spiritual knowledge under his guidance (Olivelle, 1998). These narratives indicate that, although access to education and public debate was not universal, women could engage in scholarly reasoning and were socially recognised for their intellectual contributions (Chakravarti, 2006; Dalal, 2014). Such examples underscore the nuanced roles women held in early Indian society, highlighting the coexistence of opportunity and structural limitations.

**Gender Roles in a Dharma-Based Society:** Classical Indian society was organised around the concept of *dharma*, understood as a set of moral and social duties regulating both personal and collective life. Family structures, gender responsibilities, and ethical conduct were interlinked within this framework. While patriarchal norms often defined authority and inheritance, the dharmic tradition also emphasised reciprocal obligations, care, and ethical treatment within households (Kane, 1974). In this moral universe, rights and duties were

inseparable, creating an early conceptual foundation for justice and social order, including gender relations.

**Smritis and Shastras:** Manusmriti and Gender Hierarchy: Among the Dharmashastras, the *Manusmriti* remains particularly influential in shaping notions of social order and gender relations. It prescribes a hierarchical framework in which women were generally under male guardianship but also recognised their ritual, domestic, and familial roles (Doniger & Smith, 1991). While the text institutionalises patriarchal norms, it reflects the socio-political realities of its period rather than a universal, unchanging code.

**Yajnavalkya Smriti and Women's Rights:** The *Yajnavalkya Smriti* provides more detailed guidance on issues such as inheritance, *stridhana* (women's property), and widow rights, often interpreted as comparatively favourable to women's legal entitlements (Kane, 1974). These provisions influenced subsequent commentaries and colonial legal codifications, laying a foundation for property-related rights for women in later centuries.

**Arthashastra and Protection of Women:** Kautilya's *Arthashastra* addresses governance and legal regulation, prescribing explicit penalties for sexual violence, domestic abuse, and harassment, demonstrating early recognition of women's bodily rights and safety as matters of state responsibility (Kangle, 1960). The text also acknowledges women's participation in economic and trade activities, suggesting that normative frameworks did not universally marginalise women but recognised their social and economic agency.

**Mitākṣarā and Dayabhāga:** Medieval Hindu law was further shaped by the *Mitākṣarā* and *Dayabhāga* schools, particularly regarding inheritance and property rights. The *Mitākṣarā* system, dominant in most of India, generally restricted women's claims within joint family structures. In contrast, the *Dayabhāga* school, prevalent in Bengal, granted widows and other female members relatively broader property rights (Derrett, 1968). These traditions significantly influenced subsequent legal reforms, including modern property laws and gender justice measures.

**Buddhist, Jain, and Bhakti Traditions:** Egalitarian Ethical Traditions: Buddhism and Jainism introduced strong ethical principles such as non-violence and moral equality. Early Buddhist records describe women joining monastic life as *bhikkhunis*, with figures like Mahapajapati Gotami shaping the early Sangha (Gombrich, 2006). Jain traditions also

recognised women's capacity for spiritual advancement, despite doctrinal variations across sects (Jaini, 1991).

**Women in Religious and Social Spaces:** Texts such as the *Therigatha* reveal women's intellectual and spiritual agency in the Buddhist world. Medieval Bhakti movements further expanded this space. Poets such as Mirabai, Andal, and Lal Ded questioned social hierarchies and expressed a devotional voice that challenged patriarchal structures (Hawley, 2015). These traditions provided alternative frameworks for thinking about dignity, autonomy, and gendered agency.

### **Indigenous and Folk Traditions**

**Matrilineal Traditions:** Matrilineal systems in Meghalaya—among the Khasi, Jaintia, and Garo—place inheritance and lineage through women, especially the youngest daughter (*khatduh*), who traditionally inherits ancestral property (Nongbri, 2003). Kerala's Nair community historically followed *marumakkathayam*, another matrilineal system where women held significant household authority (Gough, 1952). These traditions show that indigenous gender norms were far from uniform.

**Adivasi Communities and Collective Norms:** Adivasi societies such as the Santhal, Munda, and Oraon organise social life around shared responsibilities and communal decision-making. Women often play visible roles in agriculture, rituals, and sometimes local councils, demonstrating forms of autonomy shaped by collective social structures (Shah, 2010).

**Customary Rights and Communal Justice:** Customary justice bodies—village councils, clan groups, or *panchs*—tend to focus on reconciliation rather than punitive action. In many communities, women's ritual knowledge and influence in family or land-related matters contribute to local governance, even if formal participation varies (Xaxa, 1999). These practices highlight indigenous ideals of balance, harmony, and negotiated justice.

### **Historical Evolution of Justice Systems in India**

The Indian justice system has evolved over millennia, shaped by social, cultural, political, and philosophical transformations. In the pre-colonial period, justice was largely community-oriented, with local governance institutions such as Panchayats and village councils (*sabhas* and *samitis*) functioning as primary arbiters of disputes (Karve, 1965; Mukherjee, 1999). These decentralized structures relied on dialogue, consensus-building, and restorative measures to

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maintain social harmony. Punishment was often secondary to reconciliation, and decisions were guided by locally recognised ethical and moral norms, reflecting an integrated approach to social and legal order.

The arrival of British colonial rule introduced a dramatic shift in the administration of justice. The Indian Penal Code (IPC) of 1860 and other Anglo-Indian statutes imposed a highly centralized, uniform, and codified legal framework (Singha, 2000). This colonial system prioritized punitive measures and procedural rigidity, often disregarding the flexible, context-specific, and morally embedded frameworks of pre-colonial governance. Indigenous knowledge systems, which emphasized communal responsibility, relational ethics, and social rehabilitation, were systematically marginalised. The colonial legal model also enforced Western conceptions of law and order, creating a dichotomy between formal state law and local customary practices.

Following India's independence in 1947, the Constitution of India established a rights-based legal framework, embedding principles of equality, dignity, liberty, and social justice as core constitutional values (Austin, 1966). Over time, criminal law and procedural reforms increasingly reflected these normative commitments. Courts and legislatures began to recognise the importance of human rights, gender justice, and protection of vulnerable populations, bridging some gaps left by colonial legal structures.

In recent decades, the discourse on decolonising Indian law has gained momentum. Legal scholars and reformers argue for integrating indigenous principles, community-based justice models, and culturally grounded perspectives within the formal legal framework (Bhatia, 2016). This approach emphasises victim-centric justice, restorative practices, and flexibility in adjudication while maintaining procedural fairness. The Bharatiya Nyaya Sanhita (BNS), 2023, represents a contemporary manifestation of this effort. By acknowledging India's traditional knowledge systems and normative ethics, the BNS seeks to harmonize procedural efficiency with moral and social considerations, particularly in matters related to gender justice, social equity, and community welfare.

Overall, the evolution of justice in India reflects a trajectory from decentralized, morally grounded practices to colonial codification, followed by constitutional reforms and modern efforts at decolonisation. Understanding this historical continuum is essential for evaluating

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contemporary legal innovations like the BNS and their potential to integrate indigenous wisdom with constitutional mandates.

### **The Bharatiya Nyaya Sanhita, 2023: A Thematic Overview**

**Rationale Behind the New Criminal Code:** The *Bharatiya Nyaya Sanhita* (BNS), 2023, represents a landmark shift in India's criminal law framework, replacing the Indian Penal Code of 1860, a product of colonial governance designed primarily to maintain administrative control rather than promote social justice (Bhatia, 2020). The reform embodies a deliberate effort to decolonise India's criminal law and align it with national values, indigenous ethical frameworks, and the constitutional vision of justice.

The BNS draws on India's civilisational ethos, integrating normative principles from traditional knowledge systems (TKS), such as the relational nature of wrongdoing, the ethical responsibilities of the community, and the balance between rights and duties (Sen, 2009). Unlike the colonial legal system, which was primarily punitive and hierarchical, the BNS emphasises restorative and rehabilitative justice, aiming to reconcile offenders with the community while safeguarding victims' rights.

**Modernisation and Procedural Efficiency:** Another central goal of the BNS is the modernisation of legal procedures. The code introduces clearer and more precise definitions of offences, streamlines trial procedures, and strengthens mechanisms for victim protection (Government of India, 2023). These reforms are particularly relevant in cases of gender-based violence, harassment, trafficking, and exploitation, where delayed justice and procedural complexity have historically impeded effective protection. By promoting timely and victim-centric adjudication, the BNS attempts to make the legal system more responsive to contemporary social realities.

**Integration of Social and Ethical Norms:** The BNS also reflects a philosophical shift towards integrating social ethics into legal practice. Drawing inspiration from traditional Indian thought, the code emphasises principles such as *maan-maryada* (dignity), communal well-being, and social harmony. Offences are framed not merely as violations of law but as breaches of ethical and social order, reinforcing a moral dimension alongside the legal one. This approach resonates with indigenous governance traditions, such as Nyaya Panchayats and community assemblies, which historically combined legal adjudication with moral instruction and conflict resolution.

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Focus on Gender Justice and Vulnerable Groups: A significant feature of the BNS is its explicit focus on gender justice. The code includes robust protections against cruelty, sexual violence, trafficking, stalking, and harassment. Special attention is given to women, children, and other vulnerable groups, reflecting both constitutional imperatives and traditional ethical concerns for protection and dignity (Government of India, 2023). By combining procedural efficiency with moral-ethical considerations, the BNS seeks to bridge the gap between indigenous knowledge systems and contemporary legal practice, ensuring that justice is both accessible and culturally resonant.

The *Bharatiya Nyaya Sanhita, 2023*, represents a convergence of tradition and modernity. It retains the moral and social wisdom embedded in India's indigenous systems while addressing the practical requirements of contemporary criminal justice. By doing so, it provides a framework for a justice system that is procedurally robust, ethically grounded, and sensitive to gender and community concerns.

### **Gender-Related Legal Provisions**

The BNS introduces several gender-related provisions that aim to strengthen protection, address emerging forms of violence, and reinforce a victim-centred approach. Retaining core offences such as cruelty, sexual assault, and trafficking, the new code expands definitions and penalties to respond more effectively to physical, psychological, and economic harms faced by women (Kumar, 2024). Offences such as harassment, stalking, voyeurism, and acts that outrage dignity have been articulated in more detail, reflecting the need to address both overt and subtle forms of gendered violence in contemporary society.

The law also reinforces protections for vulnerable groups, including women and children, through enhanced penalties and clearer procedural safeguards. Provisions relating to custodial violence, exploitation, and trafficking are framed to ensure stronger accountability. Additionally, the BNS emphasises improvements in procedural justice—such as faster trials, streamlined investigation processes, and mechanisms oriented toward restitution and victim participation. These elements mirror indigenous approaches that historically valued speed, accessibility, and the restoration of dignity within community settings (Karve, 1965; Nirmal, 2004). The gender-related reforms in the BNS illustrate an attempt to blend constitutional commitments to equality with culturally grounded principles of protection and social balance, marking a move toward a more responsive and humane justice system.

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## **Tracing Continuities: Traditional Knowledge Systems and the Bharatiya Nyaya Sanhita, 2023**

**Normative Continuities:** The Bharatiya Nyaya Sanhita (BNS), 2023, reflects enduring principles derived from India's Traditional Knowledge Systems (TKS). Central to both is the emphasis on dignity (*maan-maryada*), which underpins social and legal interactions (Sen, 2009). TKS historically valued bodily autonomy, protection from harm, and the moral responsibilities of communities, principles echoed in the BNS through provisions safeguarding women and other vulnerable groups. The modern code frames these ethical imperatives within formal legal structures, ensuring that communal and individual obligations coexist alongside procedural enforcement (Bhatia, 2016).

### **Institutional Continuities**

The *Bharatiya Nyaya Sanhita* (BNS), 2023, retains key features of community-oriented governance that echo the historical Panchayati and Nyaya Panchayat systems. These indigenous institutions emphasised decentralised decision-making, prompt dispute resolution, and the use of mediation to restore social harmony (Karve, 1965; Nirmal, 2004). The BNS reflects these principles by promoting localised and participatory mechanisms within the broader formal justice framework.

By integrating community norms and culturally grounded practices, the law recognises the importance of relational ethics, consensus-building, and restorative justice. For example, procedural provisions encourage dialogue, reconciliation, and involvement of local stakeholders, thereby maintaining social cohesion while ensuring that legal standards are upheld. This approach demonstrates an intentional continuity between traditional governance structures and contemporary statutory mechanisms, highlighting a legal philosophy that values both efficiency and social legitimacy.

### **Gender Norms and Their Modern Expression**

Traditional Indian gender norms, as expressed through *stri-dharma*, focused on the protection, ethical conduct, and social responsibilities of both men and women within family and community contexts (Boserup, 1970). These principles emphasised moral duties and relational responsibilities, aiming to preserve social harmony and the dignity of women.

The *Bharatiya Nyaya Sanhita* (BNS), 2023, retains these foundational concerns but reframes them in a contemporary rights-based approach. By incorporating constitutional values and

feminist insights, the BNS prioritises gender equality, personal autonomy, and the empowerment of women while maintaining the protective intent of traditional norms (Menon, 2004).

This transformation reflects a continuity rather than a rupture: historical ethical concepts are adapted to modern legal standards, ensuring that indigenous wisdom informs contemporary frameworks for justice and social equity. In this way, the BNS demonstrates that traditional norms can evolve into progressive legal provisions without losing their cultural and moral grounding.

### **Points of Convergence**

The interface between Traditional Knowledge Systems (TKS) and the *Bharatiya Nyaya Sanhita* (BNS), 2023, reveals several significant alignments. Both frameworks uphold zero tolerance for violence against women, prioritise social order, and treat justice as encompassing both moral and legal dimensions (Sen, 2009; Bhatia, 2016).

This alignment demonstrates that long-standing normative and institutional principles can meaningfully shape contemporary legal reforms. By integrating community ethics, restorative practices, and protection-oriented norms with modern rights-based standards, the BNS exemplifies a hybrid legal approach. It blends historical wisdom with constitutional imperatives, illustrating how traditional knowledge can inform effective, socially grounded, and equitable legislation in the present day.

### **Gaps, Debates, and Contemporary Concerns**

Although the *Bharatiya Nyaya Sanhita* (BNS), 2023, seeks to incorporate elements of Indigenous Knowledge Systems (IKS), several critical debates and gaps persist. Scholars have noted that selective engagement with traditional knowledge may risk idealising historical practices, potentially obscuring their limitations and context-specific constraints (Baviskar, 2005; Shah, 2010). Indigenous norms, while rich in ethical and restorative insights, often coexist with patriarchal structures that may conflict with constitutional guarantees of equality and modern feminist principles (Menon, 2004).

Feminist critiques further emphasise that certain customary practices historically restricted women's autonomy, inheritance rights, and participation in decision-making. These critiques underscore the importance of critically assessing traditional norms rather than uncritically reviving them within modern legal frameworks (Boserup, 1970; Nirmal, 2004). Additionally,

invoking indigeneity in law raises broader concerns about social hierarchies: privileging the norms of some communities over others can inadvertently marginalise subgroups within indigenous populations. Legal codifications often reflect selective representation, leaving certain regional or cultural practices underrepresented or excluded (Xaxa, 1999).

Addressing these gaps requires a careful balance. Legal reforms must draw on the ethical, restorative, and community-oriented wisdom of traditional knowledge while simultaneously upholding constitutional mandates, gender justice, and social inclusivity. This approach ensures that indigenous principles inform contemporary justice not as rigid prescriptions but as adaptable frameworks that reinforce rights, equality, and cultural sensitivity in modern law.

### **Implications for Social Justice and Gender Equality**

The Bharatiya Nyaya Sanhita (BNS), 2023, carries significant implications for advancing social justice and gender equality in India. First, it contributes to the decolonisation of legal epistemology by moving away from colonial-era frameworks and incorporating principles derived from indigenous knowledge systems (Bhatia, 2016). By emphasising relational ethics, community responsibility, and restorative approaches, the code foregrounds a distinctly Indian perspective on justice that complements formal legal structures.

Second, the BNS offers a pathway to reconfigure gender justice through civilisational lenses. Traditional norms such as *maan-maryada* and protection-oriented duties are adapted into a rights-based framework that prioritises bodily autonomy, protection from violence, and equal access to legal remedies, bridging historical ethical practices with contemporary constitutional values (Sen, 2009; Menon, 2004).

Third, there is potential for integrating Traditional Knowledge Systems (TKS) into modern legal pedagogy. Incorporating indigenous norms, dispute-resolution practices, and moral-ethical reasoning into law curricula can foster a deeper understanding of justice as both moral and procedural, enriching the education of future jurists and policymakers (Karve, 1965; Nirmal, 2004).

Finally, the BNS has practical implications for policymaking, the judiciary, and social movements. Policymakers may draw upon the TKS-informed provisions to design context-sensitive, culturally grounded legal interventions, while courts can employ these norms to interpret laws in ways that reflect both procedural fairness and social ethics. Social movements

advocating gender justice and community rights can also leverage these frameworks to articulate claims that resonate with indigenous as well as constitutional principles. Collectively, these developments indicate a holistic, culturally informed approach to justice that aligns legal reform with ethical, social, and gendered concerns.

### **Conclusion**

This study has traced the continuities between India's Traditional Knowledge Systems (TKS) and the Bharatiya Nyaya Sanhita (BNS), 2023, highlighting the ways in which indigenous principles continue to inform contemporary approaches to social justice and gender equality. By examining normative, institutional, and gendered frameworks, it is evident that TKS provide valuable ethical and procedural insights—emphasising dignity, community responsibility, and restorative practices—that resonate with modern legal reforms.

The BNS illustrates a careful balance between tradition and modernity: it draws on centuries-old ethical and governance principles while embedding them within a constitutional, rights-based framework. Indigenous knowledge serves as a source of guidance, enriching contemporary law without replacing the foundational values of equality, liberty, and dignity enshrined in the Indian Constitution (Austin, 1966; Bhatia, 2016).

In conclusion, the integration of TKS into modern legislation, judicial interpretation, and policymaking offers a promising pathway toward a justice system that is culturally informed, socially responsive, and gender equitable. By recognising the ethical and communal dimensions of justice alongside procedural and constitutional imperatives, India can advance a legal framework that is both historically grounded and forward-looking, fostering a more just and inclusive society.

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