

Lok Sabha Passes 3 Criminal Law Bills

Why In News

- Lok Sabha passed the **Bharatiya Nyaya (Second) Sanhita**, the **Bharatiya Nagarik Suraksha (Second) Sanhita** and the **Bharatiya Sakshya (Second) Bill** in the absence of 97 opposition MPs who are under suspension.
- The bills aim to replace the Indian Penal Code (IPC), the Code of Criminal Procedure (CrPC) and the Indian Evidence Act.



Three Criminal Law Bills

- Presenting the bills, Union Home Minister Amit Shah said they focused on “Indianness, the Indian Constitution and the well-being of the people”. He said the British-era laws were aimed at protecting foreign rulers, while the new bills were people centric.

Centre seeks to overhaul British-era criminal laws

Govt. says the overhaul of the British-era codes will make the criminal justice system citizen-friendly. Key changes: @avijeet_writes
 IPC, CrPC and Evidence Act to be amended; other proposals include death for mob lynching; 10-year jail for physical relations on the false promise of marriage; repeal of section on sedition

Vijaita Singh
NEW DELHI

Union Home Minister Amit Shah on Friday introduced three Bills in the Lok Sabha to repeal the British-era Indian Penal Code (IPC), the Indian Evidence Act (IEA), and the Code of Criminal Procedure (CrPC).

The **Bharatiya Nyaya Sanhita Bill, 2023**, which replaces the IPC, prescribes capital punishment as the maximum sentence for mob lynching and suggests 10-year imprisonment for sexual intercourse with women on the false promise of marriage. The Bill, however, states that “sexual intercourse by a man with his own wife, the wife not being under 18 years of age, is not rape”.

Mr. Shah said the sec-

A legacy goes

Govt. says the overhaul of the British-era codes will make the criminal justice system citizen-friendly. Key changes:

Indian Penal Code, 1860 will be replaced by Bharatiya Nyaya Sanhita (BNS)

Criminal Procedure Act, 1973 will be replaced by Bharatiya Nagarik Suraksha Sanhita (BNSS)

Indian Evidence Act, 1872 will be replaced by Bharatiya Sakshya Sanhita (BS)

Govt. says section law has been repealed, but Section 152 of the BNS deals with the offence. It does not use term ‘sedition’ but describes the offence as “endangering sovereignty, unity and integrity of India”.

tion on sedition has been repealed. “The Bill for the first time defines terrorism and offences such as separatism, armed rebellion against the government, challenging the sovereignty of the country, which were earlier mentioned under different provisions

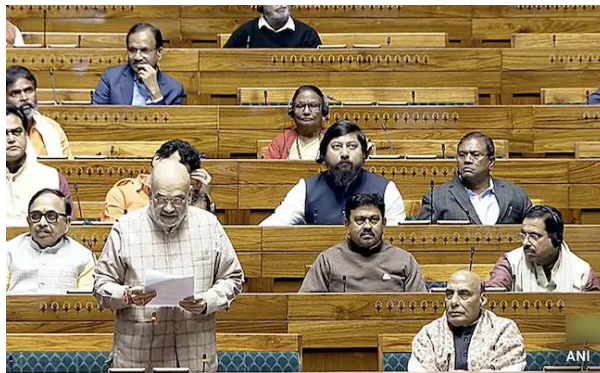
of law,” he said. The Bill proposes 313 amendments that will bring revolutionary changes to the criminal justice system, Mr. Shah said. The Minister introduced the Bharatiya Nyaya Sanhita (BNS) Bill, 2023; Bharatiya Nagarik Suraksha Sanhi-

Tamil Nadu CM objects to Hindi names of Bills

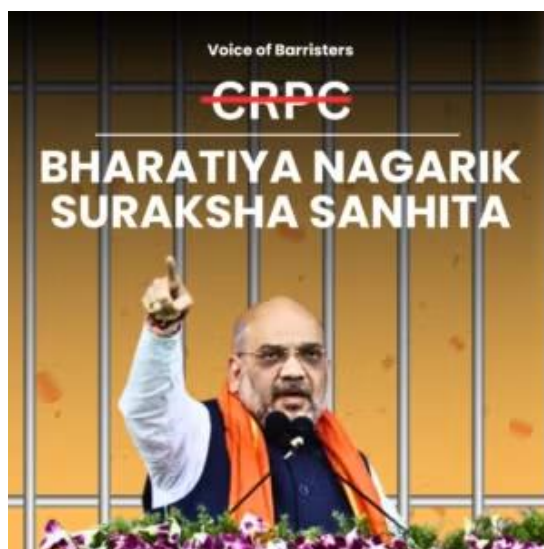
CHENNAI Tamil Nadu CM M.K. Stalin described the introduction of three Bills with Hindi names as “linguistic imperialism.” From the anti-Hindi agitations to safeguarding our linguistic identity, we have withstood the storm of Hindi imposition before, and we shall do it again,” he said. » PAGE 8

ta (BNSS) Bill, 2023; and Bharatiya Sakshya (BS) Bill, 2023, that will replace the IPC, 1860; Criminal Procedure Act, 1973; and the Indian Evidence Act, 1872, respectively.

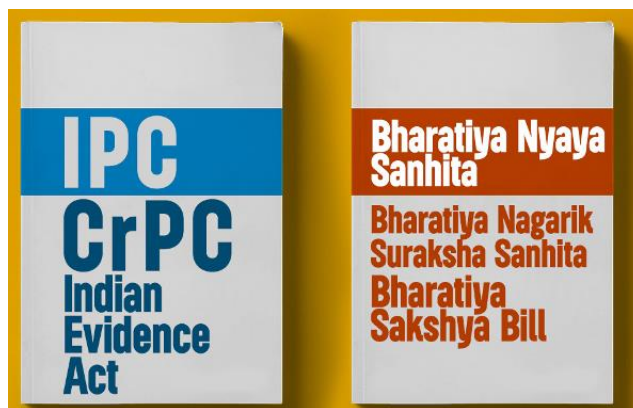
- The three bills to reform criminal laws were **first introduced in Lok Sabha** on August 11 during the monsoon session of Parliament as Bharatiya Nyaya Sanhita, the Bharatiya Nagarik Suraksha Sanhita and the Bharatiya Sakshya Bill, 2023. will replace the Indian Penal Code of 1860, Code of Criminal Procedure (CrPC) of 1973 and Indian Evidence Act, of 1872.
- They were subsequently referred to a department-related **Parliamentary Standing Committee** on Home Affairs headed by **Brij Lal** for further examination which submitted its reports on November 10.



- Pertinently, instead of amending the bills as per the committee's suggestions, the Central government on August 11 chose to withdraw the bills.
- the government reintroduced the latest iteration of the bills.
- Sharing details of the changes made in **the criminal justice laws**, the **CrPC** had 484 sections, now the **Bharatiya Nagarik Suraksha** (Second) Sanhita, 2023 will have 531 sections; 177 sections have been changed; 9 new sections and 39 sub-sections have been included; 44 new explanations have been added; timelines have been added in 35 sections; and 14 sections have been repealed.



- He said the **IPC had 511 sections**, and the **Bharatiya Nyaya (Second) Sanhita** will have 358 sections; 31 new offences have been included in the purview of the new law; the imprisonment period has been increased for 41 offences; penalty has been hiked in 82 offences; compulsory minimum punishment has been introduced in 25 offences; community service has been added as a penalty for 6 offences; and 19 sections have been repealed.

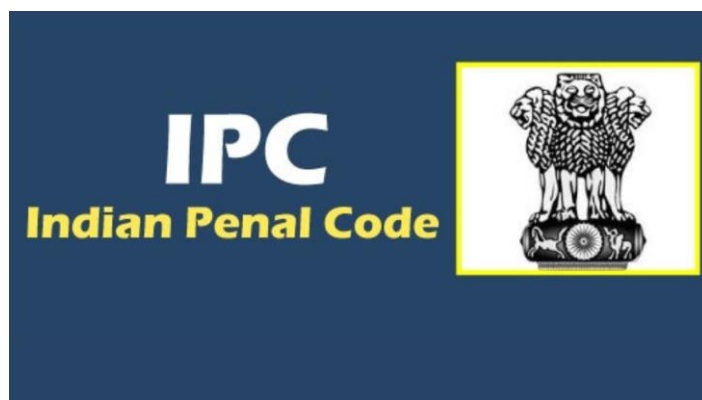


- The **Bharatiya Sakshya (Second) Bill, 2023** has 170 sections as compared to 167 sections in the Indian Evidence Act; 24 sections have been changed; two new sections have been added; and six sections have been repealed, Shah said.
- Notably, although the **offence of 'sedition'**, which was kept in abeyance by the Supreme Court, has not been retained, a very similar provision has been added to the proposed legislation. Section 152 punishes acts 'endangering sovereignty, unity and integrity of India.



- **'Piloting the Bills**, Union Home Minister Amit Shah said these are aimed at indigenising laws originally enacted by the British.
- According to the government, **three specific provisions** that have been symbols of colonial imprint in the IPC – sedition, criminalisation of homosexuality and adultery – have been repealed.

- The fine print, however, shows that the offence of sedition, currently rendered inoperable by a Supreme Court order, has had a name change from 'rajdroh' to 'deshdroh'.



- IPC, which deals with a majority of criminal offences, was brought by the British in 1860. It was adopted by the Indian government after Independence and has been amended around 77 times,
- The three bills include key changes that deal with offences of terrorism and acts against the State, enable the registration of e-FIRs, factor in corruption in election processes, and make electronic evidence a form of primary proof.



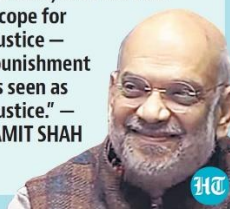
Understanding the 3 bills

Indian Penal Code (IPC), 1860	Code of Criminal Procedure (CrPC), 1973	Indian Evidence Act, 1872
↓ REPLACED BY	↓ REPLACED BY	↓ REPLACED BY
Bharatiya Nyaya Sanhita (second) Bill, 2023	Bharatiya Nagarik Suraksha (second) Sanhita, 2023	Bharatiya Sakshya (second) Bill, 2023
It will have 358 sections (instead of 511 sections in IPC)	It will have 531 sections (instead of 484 sections in CrPC)	It will have 170 sections (instead of 166 sections in IEA)

What the laws seek to do

- Introduce changes dealing with offences of terrorism and acts against the State
- Allow the registration of e-FIRs
- Factor in corruption in the election processes
- Make electronic evidence a form of primary proof
- Separately define crimes like mob lynching for the first time
- Include detailed provisions and enhanced punishment for crimes against women and children

"The new laws have been framed keeping in mind three basic principles -- civil liberty of citizens, human rights and equality. Some are unable to visualise this. The current (British) laws have no scope for justice -- punishment is seen as justice." — AMIT SHAH



- Crimes such as **mob lynching** have been **separately** defined for the first time, with detailed provisions and enhanced punishment for crimes against women and children.



- They also **set time limits for certain processes** – charge sheets need to be filed within 90 days (a court may grant a maximum of a 90-day extension on an agency's request) and a magistrate has to take cognisance in 14 days, and criminalise acts such as mob lynching, while also decriminalising medical negligence allegations against doctors.

What Does Opposition Says

- Opposing the Bills, AIMIM's Asaduddin Owaisi said, "These three criminal Bills are themselves felonious. Instead of preventing crimes, they are an **attempt to give legal cover to the government's crimes.**"



- "The reality is that there is no greater punishment for the poor, the Dalits and Muslims in this country than their very lives. If we wanted to reform the laws,

then we should have removed those provisions which allow the government and the police to act as they will. The maximum number of undertrials in the country today are **Muslims, Dalits and tribals,**” he said.

- Harsimrat Kaur Badal of the SAD said the police were getting such powers from these laws that no police force should have.



- “These are Bills which everybody should be allowed to discuss... but only the ruling party is here,” she said.
- She also raised the issue of **Balwant Singh Rajoana** who is on the death row for the assassination of Beant Singh.
- “**Rajoana has been in jail for the past 28 years.** For the past 12 years, his mercy petition has been pending. No decision has been taken. The court asks the government to take a decision and the government does not do so. Now the new law says besides his family no one can apply. What will happen to those who have no family,” she said.

