BLOGS

Three New Criminal Laws Come Into Force from July 1 Across the Nation

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On July 1, 2024, India implemented three significant new criminal laws, marking a historic overhaul of its legal framework. These laws—the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA)—replace colonial-era statutes, addressing modern societal challenges and legal practices.

Bharatiya Nyaya Sanhita (BNS)

The Bharatiya Nyaya Sanhita (BNS) replaces the Indian Penal Code (IPC), which had been in force for 163 years. This new law introduces several key changes:

1. Community Service: Section 4 of the BNS introduces community service as a form of punishment, though the specifics of the service are yet to be defined. This reflects a shift towards rehabilitation over incarceration for certain offences.
2. Sexual Offences: The BNS enforces stricter penalties for sexual offences, including up to ten years of imprisonment for deceitful sexual acts, such as false promises of marriage. This aims to protect individuals from fraudulent and coercive relationships.
3. Organised Crime: The BNS covers a wide range of organised criminal activities, including kidnapping, extortion, human trafficking, and cyber-crimes. It imposes severe penalties on individuals and groups involved in these crimes, reflecting a zero-tolerance approach.
4. Mob Lynching: The BNS addresses mob lynching explicitly, imposing life imprisonment or death penalties for mob-related murders motivated by race, caste, community, or other discriminatory factors. This is a significant step towards curbing communal violence and ensuring justice for victims.
5. National Security: Acts threatening national security are rigorously defined and penalized, with a focus on activities that endanger the unity, integrity, sovereignty, or economic security of India.

Bharatiya Nagarik Suraksha Sanhita (BNSS)

Replacing the Criminal Procedure Code (CrPC) of 1973, the BNSS brings several procedural reforms aimed at expediting and streamlining the criminal justice process:

1. Bail for Under-trial Prisoners: First-time offenders can now get bail after serving one-third of their maximum sentence, except for cases involving life imprisonment or multiple charges. This aims to reduce the number of under-trial prisoners languishing in jails.
2. Mandatory Forensic Investigation: For offences punishable by at least seven years of imprisonment, forensic investigation is mandatory. This ensures that forensic evidence is collected and recorded accurately, bolstering the integrity of the criminal investigation process.
3. Timelines for Legal Procedures: The BNSS mandates specific timelines for various legal procedures to expedite justice delivery. For example, medical practitioners must submit reports on rape victims within seven days, and judgments must be delivered within 30 to 60 days of the completion of arguments.
4. Victim Rights: The BNSS ensures that victims are informed of the progress of investigations within 90 days, enhancing transparency and accountability in the justice system.

Bharatiya Sakshya Adhiniyam (BSA)

The Bharatiya Sakshya Adhiniyam (BSA), replacing the Indian Evidence Act, modernizes the rules concerning evidence, particularly electronic evidence:

1. Electronic Evidence: The BSA introduces new detailed formats for disclosing electronic records and expands the definition of secondary evidence. This aims to address the increasing prevalence of digital evidence in criminal cases.
2. Written Admissions: Recognized as secondary evidence, the BSA closes previous legal loopholes, ensuring a more comprehensive approach to evidence admissibility.

Criticism and Challenges

Despite the progressive changes, these new laws have not been without criticism:

1. Lack of Specifics on Community Service: Critics argue that the lack of details on what constitutes community service could lead to inconsistent implementation and potential misuse.
2. Overhaul Versus Amendment: Some legal experts suggest that many changes could have been achieved through amendments rather than entirely new legislation. This view posits that renumbering and restructuring existing provisions might have sufficed, saving resources and reducing confusion.
3. Drafting Errors and Ambiguities: Legal scholars have pointed out drafting errors and misplaced provisos in the new laws, which could lead to confusion in their application. These errors need to be addressed promptly to ensure the laws function as intended.
4. Implementation and Public Awareness: The success of these new laws depends heavily on their implementation and public awareness. The government has committed to a comprehensive educational campaign to inform the public about these changes. However, ensuring that law enforcement agencies and the judiciary are adequately trained and equipped to handle the new provisions remains a significant challenge.

Major Changes via New Criminal Laws

The new criminal laws, effective from July 1, 2024, aim to create a more accessible, supportive, and efficient justice system. Citizens can now report incidents online and file FIRs at any police station.

Investigations for offences against women and children are prioritized, with a mandate to complete them within two months of recording the information. This aims to provide swift justice and protection for vulnerable groups.

Forensic experts must visit crime scenes for serious offences to collect and preserve evidence. This ensures a higher standard of investigation and strengthens the prosecution’s case.

Summons can now be served electronically, expediting legal processes, reducing paperwork, and ensuring efficient communication between all parties involved.

How to Understand New Criminal Laws?

Extensive training programs are underway for police and investigative authorities to ensure seamless adoption of the new criminal laws. Public engagement efforts are actively ongoing

through news bulletins, programs, and prominent social media platforms such as Doordarshan and Akashvani.

Simultaneously, awareness campaigns, interactive sessions, and dedicated websites play a crucial role in informing and involving the public. Educational institutions are presently integrating course modules focused on the new laws, enhancing public awareness and comprehension.

In a significant move towards technological advancement, the National Crime Records Bureau (NCRB) has recently implemented 23 functional enhancements to the Crime and Criminal Tracking Networks and Systems (CCTNS).

This initiative includes providing technical support to states and union territories, ensuring a smooth transition to the updated system. These efforts are reinforcing the effectiveness of the laws by modernizing investigation, trial, and court proceedings nationwide.

Ministry of Home Affairs, Govt of India is organising Awareness Programme on New Criminal Laws from 1 July to 15 July 2024. Register Now!