

Revised Criminal Law Bills

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Context- After withdrawing the three previously introduced Bills, the Union Home Minister added three revised criminal regulation bills within the Lok Sabha, replacing the British-era criminal laws.

Background

- Earlier, 3 bills had been delivered within the Lok Sabha to replace the Indian Penal Code (IPC), 1860; The Code of Criminal Procedure (CrPC), 1973 and the Indian Evidence Act, 1872.
- The IPC became replaced by way of the Bharatiya Nyaya (Second) Sanhita Bill, 2023; The CrPC, 1973 is replaced through the Bharatiya Nagarik Suraksha (Second) Sanhita, 2023, while the Indian Evidence Act, 1872 is changed by way of the Bharatiya Sakshya (Second) Act, 2023.
- The new draft laws contain the modifications endorsed by means of the parliamentary committee.

Bharatiya Nyaya (Second) Sanhita Bill, 2023

- **Adopted UAPA definition of “terrorism”:** Section 113 of the revised Bill amends the definition of the offense of terrorism to fully consist of the definition in section 15 of the Unlawful Activities (Prevention) Act 1967 (UAPA).
 - Undermining the steadiness of India’s financial economy through the manufacturing, smuggling or recycling of counterfeit Indian paper cash, cash or other fabric has also been added to terrorist offences. The offense is punishable by using demise or existence imprisonment.
- **Cruelty defined:** The bill proposes to outline “cruelty” in opposition to a female with

the aid of her husband and his household, punishable by imprisonment of up to 3 years. The newly introduced section 86 defines “cruelty” as follows

- An intentional act that may reason girl suicide or purpose severe harm or danger to lifestyles, limb or fitness (whether intellectual or bodily);
- Harassing a female to force her or someone close to her to reply to an unlawful demand for property or collateral.
- **Unauthorized publication of court proceedings:** The newly introduced phase seventy three provides that folks who print or post without permission “any fabric” from a rape or intercourse crime case face two years’ imprisonment and a satisfactory.
 - The Explanation to this provision makes it clear that reviews of Supreme Court or Supreme Court choices aren’t offenses within the means of this provision.
- **Mental illness replaced via “unsoundness of mind”:** The amended invoice replaces the term “mental illness ” with “**unsoundness of mind**” in most provisions.
 - It also delivered the word ‘intellectual disability’ along with unsoundness of mind in section 367.
- **Increase in minimal sentence for ‘mob lynching’:** The amended bill gets rid of the seven-year minimal sentence and mob lynching is now punishable with the aid of homicide.
- **Petty organized crime:** The revised bill includes a greater specific definition; “Whoever, as a member of a collection or gang, on my own or together, commits theft, robbery, dishonest, unauthorized sale of tickets, unauthorized betting or gambling, sale of public examinations or other similar crime, is responsible of petty organized crime.

Bharatiya Nagarik Suraksha (Second) Sanhita, 2023

- **Community Service Defined:** The authentic bill delivered the time period “community service” as a punishment for minor crimes.
 - Section 23 of the redrafted bill defines it as “paintings which the court can also order the convict to perform as a form of social provider penalty for which he isn’t always entitled to repayment”.
 - Magistrates of the primary or second magnificence have a clean electricity to impose this sentence to sell a restorative method to minor offences.
- **Handcuffs:** This need to be limited to selected heinous crimes inclusive of rape and murder, in preference to being prolonged to human beings accused of “financial crimes”.
 - Another critical alternative is the extension of the authority of the police to use handcuffs further to the time of arrest, in addition to in the course of court lawsuits.
- **Proceedings by way of audio-visual approach:** Certain forms of court cases mentioned in the earlier draft were eliminated, such as inquests, proceedings in Courts of Session, court cases in precise instances, appeals and complaints in the Court of Appeal.
- **Preventive Detention powers:** an arrested man or woman ought to be added before a magistrate inside 24 hours or released in minor cases.

The Bharatiya Sakshya (Second) Samhita, 2023

- **Admissibility of digital proof:** Section 61 of the original bill allowed the admissibility of digital proof, emphasizing that an electronic record has the identical prison effect as a

paper record.

- This provision has now been amended to provide that section 63 applies to the admissibility of a digital record (equivalent to the evidentiary requirement below section 65B of the Indian Evidence Act).

Source: [*The Hindu*](#)