

# Union Government to amend IPC and CrPC Provisions

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## **[GS Paper 2 - Polity and Indian Constitution]**

The center has begun the process of amendments aimed at making comprehensive changes to the Indian Penal Code, the Code of Criminal Procedure, and the Indian Evidence Act.

The Union Minister of State for Home said that a committee had been set up under the chairpersonship of the Vice-Chancellor of National Law University, to suggest reforms in the criminal laws.

### **Recommendations for Reforms**

1. The department-related Parliamentary Standing Committee on Home Affairs in its 146th report had recommended that there is a need for a comprehensive review of the criminal justice system of the country.
2. The Parliamentary Standing Committee in its 111th and 128th reports had also stressed upon the need to reform and rationalize the criminal law of the country by introducing a comprehensive legislation in Parliament rather than bringing about piecemeal amendments in respective acts.

## What are IPC and CrPC?

- Indian Penal Code, 1860 (IPC) and the Criminal Procedure Code, 1974 (CrPC) are the laws that govern criminal law in India.
- IPC is the principal criminal code of India that defines crimes and provides punishments for almost all kinds of criminal and actionable wrongs. CrPC is the procedural law that provides a detailed procedure for punishments under penal laws.
- The Indian Penal Code is the official criminal code of the Republic of India. It is a complete code intended to cover all aspects of criminal law. It came into force in 1862 in all British Presidencies, although it did not apply to the Princely states, which had their own courts and legal systems.
- Criminal Procedure Code (CrPC) is the primary legislation regarding the procedural aspects of criminal law. It also contains certain provisions that are not strictly procedural in nature which include provisions pertaining to the prevention of nuisance (Section 133) and Maintenance of Wife and Children (Sections 125-128). The Code contains 484 sections spread along 37 chapters, along with 2 schedules and 56 forms.

## Need For Reforms

- IPC and CrPC provisions require a thorough revision to meet the needs of the 21st century. In 1860, the IPC was certainly ahead of the times but has been unable to keep pace since then.
- Macaulay had himself favoured regular revision of the code whenever gaps or ambiguities were found or experienced.
- Even though the IPC has been haphazardly amended more than 75 times, no comprehensive revision has been undertaken in spite of the 42nd report of the law commission in 1971 recommending it — the amendment bills of 1971 and 1978 lapsed due to the dissolution of the Lok Sabha.
- Most amendments have been ad hoc and reactive, in response to immediate circumstances like the 2013 amendment after the Delhi gangrape case.

## Provisions that has become problematic over the years

1. The Sedition Law inserted in 1898 needs a serious reconsideration and be molded as per the prevailing situations in the country.

2. The offence of blasphemy should have no place in a liberal democracy and, therefore, there is a need to repeal Section 295A, which was inserted in 1927.
3. Under Section 149 on unlawful assembly, the principle of constructive liability is pushed to unduly harsh lengths.
4. Sexual offences under the code reveal patriarchal values and Victorian morality. It gives no legal protection to secure a similar monopoly over the husband's sexuality.