



Prof. (Dr.) Tabrez Ahmad  
Dean, MANUU Law School

## MANUU Law School

Manuu Law School, Maulana Azad National Urdu University Hyderabad conducted the webinar on Reforming Indian Criminal Law: Analysing the Bharatiya Nyaya Sanhita Act, 2023, Bharatiya Nagarik Suraksha Sanhita Act, 2023 and Bharatiya Sakhshya Act, 2023

Speaker Mr. Vivek Wilson, Assistant Professor of Law at Maharashtra National Law University Aurangabad discussed Byaratiya Nyaya Sanhita, 2023, is a comprehensive effort to re-define and refocus the erstwhile Indian Penal Code, 1860. With several sections being amended, repealed, or added, the new Sanhita introduces a nuanced approach to offenses, penalizing actions that endanger the sovereignty, unity, and integrity of India. It also addresses contemporary challenges such as terrorism and organized crime, distinguishing between major and petty offenses and prescribing stringent penalties.

The Bharatiya Nyaya Sanhita, 2023 (BNS) is an approach towards a change in the current Criminal Laws of the Country as the experience of seven decades of Indian democracy calls for a comprehensive review of our criminal laws, including the Indian Penal Code, 1860 and adapt them in accordance with the contemporary needs and aspirations of the people. It is a renowned maxim that "Justice delayed is Justice denied" which causes unimaginable distress and hindrances to the justice delivery system for the citizens of a Country. Fast and efficient justice system is an essential component of good governance. However, delay in delivery of justice due to complex legal procedures, large pendency of cases in Courts, low conviction rates, insufficient use of technology in legal system, delays in investigation system, inadequate use of forensics are the biggest hurdles in speedy delivery of justice, which impacts the poor man adversely.

### KEY REFORMS INCLUDE :

- \* Offences against the body
- \* Death caused by Negligence
- \* Sexual offences against women
- \* Sedition
- \* Terrorism: Terrorism includes an act that intends to
- \* Mob lynching
- \* Community service :has been added as a form of punishment. (Sections 202, 209, 226, proviso to Section 303(2), 355 & 356(2)].
- \* Removal of provision for 'Adultery'
- \* Removal of provision for 'Unnatural offences'

The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) is an approach towards a change in the current Criminal Laws of the Country as the experience of several decades of Indian democracy calls for a comprehensive review of our criminal laws, including the Code for Criminal Procedure, 1973 and adapt them in accordance with the contemporary needs and aspirations of the people.

**KEY REFORMS INCLUDE :**

Detention of under-trials

Punishable by death. (Section 479).

This provision will also not apply to:

A) offences punishable by life imprisonment, and

B) anyone charged with more than one offence

\* Trials in electronic mode

\* Medical examination of accused

\* Forensic investigation

\* Signatures and finger impressions

[i] Rendering a decision within 30 days of the conclusion of arguments

(extendable up to 60 days);

[ii] Informing the victim of the progress of the investigation within 90 days, and

[iii] Framing of charges by a sessions court within 60 days of the first hearing on such charges. (Section 258 and 392).

\* Other deadlines include

\* Trial in absence of offender

\* First Information Report

\* Concept of 'Preliminary inquiry' introduced

\* Zero FIR

\* Overarching powers conferred for attachment and forfeiture of property

\* Transparency in recording of search and seizure

\* Changes in procedure relating to police custody

\* Rights of victims and witnesses

\* Use of technology

\* E-FIR

\* Cognizable cases

\* Mercy petitions

\* Sanction to prosecute

\* Samples without arrest

\* Power of police to detain or remove any person

## **THE BHARATIYA SAKSHYA ADHINIYAM :**

1. The words like 'Parliament of the United Kingdom', 'Provincial Act', 'notification by the Crown Representative', 'London Gazette', 'any Dominion, colony or possession of his Majesty, 'Jury', 'Lahore', 'United Kingdom of Great Britain and Ireland', 'Commonwealth,' 'Her Majesty or by the Privy Council,' 'Her Majesty's Government,' 'copies or extracts contained in the London Gazette, or purporting to be printed by the Queen's Printer', 'possession of the British Crown,' 'Court of Justice in England', 'Her Majesty's Dominions', 'Barrister' have thus been deleted as they are no longer relevant.
2. The words like 'Vakil', 'Pleader and 'Barrister have been replaced with the word 'Advocate'.
3. The definition of "documents" in Section 2(1)(d) has been expanded to include an electronic or digital record on emails, server logs, documents on computers, laptop or smartphone, messages, websites, cloud, locational evidence and voice mail messages stored on digital devices.
4. Sections' 62 & 63 of the Bharatiya Sakshya Adhiniyam provide a comprehensive framework for the admissibility of electronic records as evidence.
5. Section 61 brings parity in the admissibility of electronic/digital record and other documents. Now, electronic or digital records will have the same legal effect, validity and enforceability as other document.
6. Changes in Section 138 have been made to enable an accomplice to testify in court against the person accused of the crime. It clarifies that a conviction of the accused is not deemed illegal when it is based on the corroborated testimony of the accomplice. The original provision stated that conviction is not illegal merely because it proceeds upon uncorroborated testimony of an accomplice.
7. Scope of secondary evidence has been expanded in Section 58. Secondary evidence now also INCLUDES “ oral admissions, written -admissions, and evidence provided by a person who is skilled in examining certain documents, which being technical [or] voluminous cannot be conveniently examined.
8. An Explanation has been added to Section 24 that clarifies that in a case when multiple people are tried jointly, if the accused who has absconded [or] who failed to comply with the proclamation issued against him under Bharatiya Nagarik Suraksha Sanhita, 2023 is absent during the trial, the trial will be conducted as a joint trial.
9. The definition of 'evidence' in Section 2(1)(e) has been expanded to include any information given electronically.

### **KEY REFORMS INCLUDE :**

- \* Documentary evidence
- \* Oral evidence
- \* Admissibility of Electronic or Digital Records as Evidence
- \* Secondary evidence

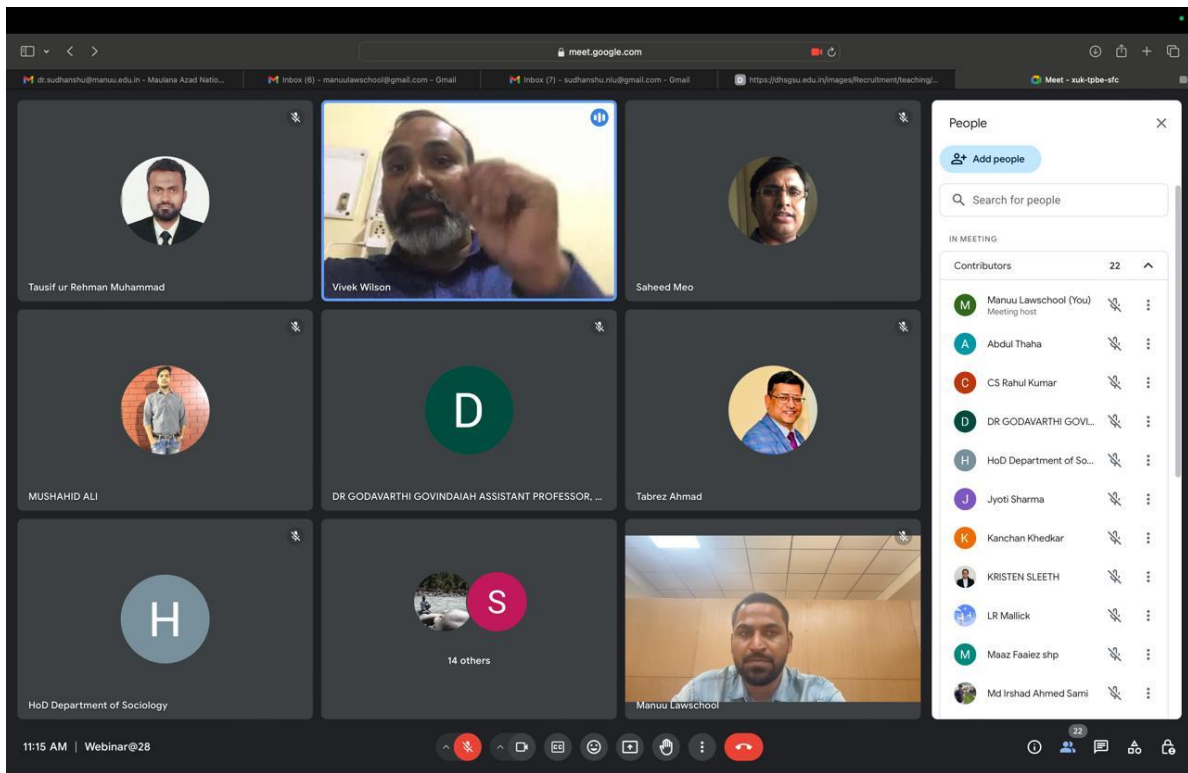
The New Adhiniyam expands secondary evidence to include;

[i] oral and written admissions, and

[ii] the testimony of a person who has examined the document and is skilled

[iii] Joint trials

Session concluded with the question & answer in which Students, Faculties participation was there. Session was so engaging all the participants, students, Faculty Members enjoyed and enhanced their knowledge.



**Programme Coordinator**  
Dr. Sudhanshu Chandra  
Assitant Professor (Academic Coordinator)

Gachibowli, Hyderabad-500 032, Telangana, India. Tel: (040), 2300----  
---@manuu.edu.in || www.manuu.edu.in  
f manuuhydoofficial t officialmanuu y imcmanuu i manuuhyd