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The New Criminal Laws: Just a Break from the Colonial Past or A Vision for a Citizen-Friendly Future?

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The legal fraternity is in a state of chaos after the Indian Parliament passed the three new criminal bills, which will come into effect from July 01, 2024. The new criminal laws- the Bharatiya Nyaya (Second) Sanhita 2023 (BNS)¹, the Bharatiya Nagrik Suraksha Sanhita 2023 (BNSS)², and the Bharatiya Sakshya Adhinyam 2023 (BSA)³ aim to replace the century-old laws- Indian Penal Code 1860⁴, The Code of Criminal Procedure 1973⁵, and the Indian Evidence Act 1872⁶ respectively. The Union Minister of India, Mr. Amit Shah, said that for the first time, changes have been made in the three laws governing the nearly 150-year-old criminal justice system, concerning Indianness, the Indian Constitution, and the people of India⁷. He has time and again reiterated that the new criminal laws aim at deviating from the colonial-era paradigms. This paper seeks to understand if the new laws are merely a way to break from the colonial past or hold something good for the future as well. The author tries to explain the historical development of the old laws along with exploring the objectives of the new ones. The paper analyzes the

¹ Bharatiya Nyaya Sanhita 2023

² Bharatiya Nagarik Suraksha Sanhita 2023

³ Bharatiya Sakshya Adhinyam 2023

⁴ Indian Penal Code 1860

⁵ Code of Criminal Procedure 1973

⁶ Indian Evidence Act 1872

⁷ Ministry of Home Affairs, 'Union Home Minister and Minister of Cooperation, Shri Amit Shah replied to the discussion on the Bharatiya Nyaya (Second) Sanhita, 2023, the Bharatiya Nagarik Suraksha (Second) Sanhita, 2023 and the Bharatiya Sakshya (Second) Bill, 2023 in the Lok Sabha today, the house passed the bills after discussion' (PIB Delhi, 20 December 2023) <<https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1988913#>> accessed 08 April 2024

loopholes in the new laws while also praising some of the improvements made in these laws to make the justice system more citizen-friendly.

Keywords: *punishment, justice, colonial influence, citizen-centric, police powers.*

INTRODUCTION

In a significant development towards the modernization of India's criminal justice system, the Parliament passed the three new criminal laws, whose stated aim is the 'decolonization of our justice system⁸'. Though these laws were unanimously approved and passed by both the Lok Sabha and the Rajya Sabha, a major controversy arose concerning their names. The priority given to Sanskritized Hindi in the title of the laws offended the non-Hindi speaking population and questions are being raised if the central government is unofficially regarding Hindi as the official language of the land. Moreover, the names are unfamiliar to and difficult to pronounce for more than half of the population including many legal practitioners.

This makes it unacceptable to many, despite the contents of the laws being in English. The critics have regarded the changes in the title as unnecessary and violative of Article 348⁹ of the Indian Constitution. The article provides that the authoritative texts of all the acts passed by Parliament or the State Legislatures shall be in the English language. Therefore, the title of the Acts being in Hindi goes against the embargo placed by Article¹⁰.

The response to this controversy has been the fact that only the title is in Sanskrit, the rest all the text is in English. Moreover, the change in the names also alters the point and purpose of these laws. The focus has now shifted from punishment (as represented by 'Penal' in IPC) to justice

⁸ Konina Mandal, 'Colonial to citizen-centric: Revamping India's criminal justice system' *The Sunday Guardian* (31 December 2023) <<https://sundayguardianlive.com/business/colonial-to-citizen-centric-revamping-indias-criminal-justice-system>> accessed 08 April 2024

⁹ Constitution of India 1949, art 348

¹⁰ Sriram Panchu et. al., 'Criminal law Bills renaming is needless meddling' *The Hindu* (21 August 2023) <<https://www.thehindu.com/opinion/lead/criminal-law-bills-renaming-is-needless-meddling/article67217167.ece>> accessed 11 April 2024

(as symbolized by the word 'Nyaya' in BNS). It shows a reformative approach to the laws that form the bedrock of the Indian criminal justice system.

Apart from the name, a lot has changed in these foundational laws. To analyze these changes and understand their efficacy, it is essential to first understand the history of the British-era laws and the problems associated with them. Only after that, we can understand the need and the vision of the new laws.

HISTORY OF THE BRITISH-ERA LAWS

The process of Law Reform in India is not new and has been ongoing for over 300 years. When the British took hold of India, there were diversified laws for the different provinces in the country. The conflict between these laws created difficulties in the administration of the country as a whole¹¹. The Charter Act of 1833¹², passed by the British Parliament, marked a significant milestone by consolidating legislative power under a single entity, namely, the Governor-General in Council, who was made responsible for enacting laws for the nation.

The 1833 statute¹³ established the creation of a Law Commission tasked with periodic inquiries into the legal framework and judicial system across British territories in India, issuing reports accordingly. Following this enactment and subsequent legislation, Law Commissions were established in 1834, 1853, 1861, and 1879. While the inaugural and final commissions operated within India, the second and third conducted their proceedings in England. Notably, none of the Commissioners were Indian, and English law served as the reference point¹⁴.

Under the direction of the Government's orders dated June 15, 1835, the Indian Law Commission, comprising T. B. Macaulay, J. M. Macleod, G. W. Anderson, and F. Millett as Commissioners, presented the (Draft) Penal Code to the Governor-General in Council on May 2, 1837. The problem with these Commissioners was that they struggled to adequately address

¹¹ Atul Chandra Patra, 'A Historical Introduction To The Indian Penal Code' (1961) 3(3) Journal of the Indian Law Institute <<https://www.studocu.com/in/document/the-wb-national-university-of-juridical-sciences/public-international-law-and-human-rights/an-historical-introduction-to-the-indian-penal-code/24432551>> accessed 08 March 2024

¹² Government of India Act 1833

¹³ *Ibid*

¹⁴ Ministry of Home Affairs (n 7)

the Indian customs, traditions, laws, and institutions. They even opposed modifications proposed by the Government of India to the Draft Bills they had prepared. However, since the substantive civil law and the law of procedure were dark and confused, the immediate enactment of the code was delayed until 1860. Additionally, the illness of two members, threw the work on Macaulay and this draft of I.P.C¹⁵ was mainly the work of Lord Macaulay. Thus the draft code became law in 1860 and continued as the Indian Penal Code¹⁶ till date.

Apart from the Penal Code, the first law commission drafted the Limitation Law in 1842¹⁷, and a Scheme of Pleadings and Procedure in 1848. Thereafter, the other three law commissions contributed a great deal to enrich the Indian Statute Book with a large variety of legislation on the pattern of the then-prevailing English Laws adapted to Indian conditions¹⁸. Notable among these legislations are the Indian Code of Civil Procedure¹⁹, the Indian Contract Act²⁰, the Indian Evidence Act, the Transfer of Property Act²¹, and others, all stemming from the efforts of the initial four Law Commissions.

Similarly, the origin of the Code of Criminal Procedure²² dates back to the British colonial period, with the first CrPC being introduced in 1861. Initially modelled after the British legal framework, its suitability for the Indian context was questioned, leading to numerous amendments over time to address its inadequacies. In 1973, the current CrPC came into effect, replacing the preceding version from 1898. The development of this new code took into account the suggestions put forth by both the Law Commission and the Sarkaria Commission²³, with the primary objective to streamline the criminal trial process and guarantee equitable and expeditious justice for the accused.

¹⁵ Indian Penal Code 1860

¹⁶ *Ibid*

¹⁷ The Limitation Law 1859

¹⁸ 'Early Beginnings' (*Law Commission of India*) <<https://lawcommissionofindia.nic.in/about-department/early-begginnings/#>> accessed 12 Apr 2024

¹⁹ Code of Civil Procedure 1908

²⁰ Indian Contract Act 1872

²¹ Transfer of Property Act 1882

²² Code of Criminal Procedure 1973

²³ 'Understanding the CrPC: A Comprehensive Guide to Criminal Procedure Code' (*Faster Capital*, 02 June 2024) <<https://fastercapital.com/content/Understanding-the-CrPC--A-Comprehensive-Guide-to-Criminal-Procedure-Code.html#History-and-evolution-of-the-CrPC>> last accessed 17 May 2024

Thus, the historical development of both the IPC and the CrPC reflects the colonial legacy of British rule. No doubt that these laws were a result of their effort to create a unified legal system for a diverse nation, the laws are now outdated and regressive.

PROBLEMS WITH THE PRE-EXISTING LAWS

The IPC, CrPC, and other colonial-era laws were implemented not just to unify India's legal system but also to aid the British in achieving their real motive of conquering the subcontinent. The British wanted to exploit India's resources and Indian people to maximize their profits, for which they tried and executed everything possible. The laws were drafted in a manner that the colonial rulers could suppress any revolt that arose against them. Thus the laws were biased in the favor of the government and went against the interests of the common man. This problem persisted in Independent India to date, since the IPC criminalized draconian laws such as sedition.

Additionally, even after more than 75 years of independence, there are more than 400 mentions of the term 'British Crown' in these laws, which symbolize colonial slavery. Such terms as the 'empire', and the 'crown' depict that India hasn't yet been able to free itself from colonial bondage. These laws are also not gender-neutral and have complicated structures.

Setting aside all these technical issues in the laws, a major setback that can't be ignored is that these laws are more than a century old. A lot has changed in the world since then - socially, economically, and technologically. Many new crimes have evolved, which couldn't have been perceived within the ambit of the old laws. These new-age crimes include cybercrimes such as hacking, phishing, and online fraud, along with traditionally accepted crimes such as torture against homosexuals. Moreover, society has also changed in the sense that certain practices that were earlier considered illegal are no longer considered to be crimes. All these societal changes further accentuate the need to bring new laws.

THE BHARATIYA NYAYA SANHITA

Just like the IPC, the BNS defines the crimes and prescribes punishments for them. It also contains measures to protect victims of crimes and ensure the speedy trial of cases. The BNS will consist of 358 sections, with modifications made to 175 sections, the addition of 8 new sections, and the repeal of 22 sections.

Provision for Sedition – Repealed

Section 124A of IPC²⁴, which outlined Sedition as an offence, has been repealed. It penalized any person whose acts brought into hatred or contempt, or excited disaffection towards the Government established by law in India. The BNS now penalizes the following:

- (i) Inciting secession, armed rebellion, or subversive activities;
- (ii) Promoting separatist sentiments;
- (iii) Endangering the sovereignty or unity and integrity of India.²⁵

This change is essential as it now clearly defines the acts that come under the ambit of penalization and not just loosely criminalize criticism against the government. An official said the new law would be known as ‘deshdroh’ (treason) and not ‘rajdroh’, which referred to the British crown. On the contrary, some critics say that this provision is just another way of putting up the law of sedition, and hence no major change has occurred.

Whether or not there is a difference between these laws depends upon the functioning and the usage of these laws, and not merely the text. It can, thus, be believed that this change in provisions is subject to the implementation and nothing definite can be predicted right now.

Addition of ‘Community Service’ as a Punishment

The BNS introduces community service as a form of punishment. It applies this penalty to petty offences such as theft of property valued at less than Rs. 5,000, attempting suicide with the intent to obstruct a public servant, appearing in public while intoxicated and causing a disturbance,

²⁴ Indian Penal Code 1860, s 124A

²⁵ Bharatiya Nyaya Sanhita 2023, s 152

and making defamatory statements. This is a positive step in making the Indian Law System more reformatory and citizen-friendly, rather than focusing on punishment. However, a major setback is that the BNS does not specify the nature of community service or how it will be administered.

New crimes have been added -

The BNS has retained many crimes listed in the IPC such as murder, abetment to suicide, assault, and causing grievous hurt. Apart from these, many new crimes have been added such as organized crime, terrorism, and murder or grievous hurt by a group on certain grounds.

Organized Crime:²⁶ The BNS defines organized crime as any continuing activity that is unlawful in nature and harms society. It includes offences such as kidnapping, extortion, contract killing, land grabbing, financial scams, human trafficking, and cybercrime carried out on behalf of a crime syndicate. The maximum punishment prescribed is death or life imprisonment. Some states like Maharashtra, Karnataka, Gujarat, Uttar Pradesh, Haryana, and Rajasthan already have specialized laws to address organized crimes. Adding organized crime as an offence in the BNS addresses a gap since these crimes can occur across all states, including those without specific legislation. However, this also results in a duplication of laws in states that already have such special provisions. Moreover, despite the move to expand the range of crimes and ensure clarity, the BNS fails to define and explain the scope of cybercrimes. This may lead to unnecessary confusion while administering and may leave many acts out of the purview of cybercrimes.

Terrorism: Currently, acts of terrorism are covered under the Unlawful Activities (Prevention) Act, 1967²⁷ (UAPA). Now, the BNS also adds terrorism as an offence²⁸ and uses the same definition as in the UAPA. However, this definition of terrorism is very broad. By categorizing the intention to disturb public order as a terrorist act, a wide spectrum of offences could be deemed acts of terrorism. This includes everything from armed insurrection and warfare against

²⁶ Bharatiya Nyaya Sanhita 2023, s 111

²⁷ The Unlawful Activities (Prevention) Act 1967

²⁸ Bharatiya Nyaya Sanhita 2023, s 113

the state to rioting and mob violence. Under the BNS, terrorist acts also encompass activities aimed at intimidating the general public. Thus, amendments need to be made to resolve these ambiguities and ensure that mere protests are not classified as terrorist acts.

Mob Lynching: The BNS classifies murder or grievous harm inflicted by five or more individuals on specific grounds, such as race, caste, sex, language, or personal belief, as an offence²⁹. The penalty for such a murder ranges from a minimum of seven years imprisonment to life imprisonment or the death penalty. Though it is an essential step to protect the vulnerable groups concerning the recent incidents of mob lynching, it lacks a few important points. The Bill specifies identity markers such as caste and language but does not specify religion³⁰, which may be an important determinant of mass-scale violence and riots. Moreover, this offence carries the same intent and consequences as murder, which is already addressed in the IPC. However, the minimum penalty for murder committed by a group on these specified grounds is less severe than the penalty for standard murder, which is death or life imprisonment. The reasoning behind the discrepancy in penalties is unclear and needs addressing.

Exceptions for people with ‘Mental Illness’

The IPC³¹ specified that any act committed by a person of unsound mind is not to be considered an offence. The BNS retains this provision but replaces the term ‘unsound mind’ with ‘mental illness,’ as defined by the Mental Healthcare Act, 2017 (MHA). According to the act, mental illness is a substantial disorder of thinking, orientation, or memory that grossly impairs the capacity to recognize reality³². This definition explicitly excludes mental retardation or incomplete development of the mind. Applying this definition to exempt someone from criminal responsibility might prevent individuals with mental retardation from receiving protection from prosecution. The MHA also defines mental illness to include substance abuse, such as alcohol and drug misuse. Therefore, if someone commits an offence while intoxicated, they may claim the defence of mental illness. This defence might be applicable even if the

²⁹ Bharatiya Nyaya Sanhita 2023, s 117

³⁰ Ministry of Home Affairs, ‘The Bharatiya Nyaya Sanhita 2023’ (*PRS Legislative Research India*) <<https://prsindia.org/billtrack/the-bharatiya-nyaya-sanhita-2023>> accessed 24 May 2024

³¹ *Ibid*

³² Mental Healthcare Act 2017, s 2(s)

individual voluntarily consumed alcohol or drugs. This scenario contrasts with the usual defence of intoxication as outlined in the IPC, which typically excuses acts committed under involuntary intoxication from criminal responsibility.

Thus, the definition of ‘mental illness’ creates new problems in the administration as it may lead to punishing some innocent people while also setting free some guilty minds. It is recommended that the term be reversed to ‘unsound minds’, to avoid such discrepancies.

Provision for Unnatural Offences – Repealed

Section 377 of the IPC³³ defined and criminalized Unnatural Offences as ‘intercourse against the order of nature against any man, woman or animal’. It included practices such as un-consensual same-sex intercourse, necrophilia, and bestiality. Bestiality is the act of sexual intercourse between a human and an animal, while necrophilia is characterized by engaging in sexual acts with a deceased body. The BNS does not retain this section and hence, neglects the rights of homosexuals, animals, and deceased bodies. It is a step forced backwards in the struggle for equality and the fight against discrimination³⁴. To prevent the violation of the right to equality, it is highly recommended that the provision for unnatural offences be reintroduced in the new criminal laws.

Rape of a man – Not an offence

One of the most serious criminal acts in society is rape, which is now addressed under Section 63 of the act³⁵. However, the definition of rape, as provided in the BNS, states that only a man can commit this heinous crime, overlooking the fact that a woman can also commit rape. This eventually implies that the rape of a man is not an offence and that men cannot protect their right to privacy of their bodies.

³³ Indian Penal Code 1860, s 377

³⁴ Ashim Nanda and Archana Gupta, ‘Critical Analysis Of The Bharatiya Nyaya Sanhita Bill 2023 With Special Regard To Laws Concerning Rape And Unnatural Offences’ (2023) 2(1) Panjab University Law Magazine <<https://maglaw.puchd.ac.in/index.php/maglaw/article/view/111>> accessed 24 May 2024

³⁵ The Bharatiya Nyaya Sanhita 2023, s 63

Apart from the rape of men, another aspect of rape that is left to be criminalized is Marital Rape. No doubt that it is a highly controversial topic, yet there have been no steps taken to criminalize marital rape and secure the rights of married individuals. It is high time that we recognize how grave this one practice can be on the physical, mental, and emotional health of the victims and include marital rape under the scope of punishable sexual offences.

Despite the many efforts to make the BNS more inclusive and equal for all, it has failed to answer many queries and emerging controversies. It has left many loopholes in the criminal justice system and thus, has left room for debates and discussions, suggestions and amendments.

THE BHARATIYA NAGRIK SURAKSHA SANHITA

Although the Bharatiya Nagarik Suraksha (Second) Sanhita 2023 may appear as a revamped version of existing laws, it is essential to underscore its core objective: akin to its predecessor, it governs the procedures of investigation, arrest, prosecution, and bail in cases of offences.

Provision for Zero FIR

One of the most remarkable features of the BNSS is the introduction of the provision of Zero FIR. A Zero FIR refers to a First Information Report (FIR) filed by the police for a cognizable offence, regardless of jurisdiction. While Section 154 of the CrPC³⁶ previously allowed for the registration of FIRs, it did not expressly address Zero FIRs. However, under the BNSS, specifically in Section 173(1)³⁷, it explicitly states that any information disclosing the commission of a cognizable offence can be reported to the police, 'irrespective of the area where the offence is committed'³⁸, whether orally or through electronic means.

In many instances, the police refuse to register an FIR, citing a lack of jurisdiction, and the helpless victims or complainants have to run from pillar to post to get an FIR registered³⁹. The inclusion of provisions for Zero FIR in the BNSS guarantees that no ordinary citizen encounters

³⁶ Code of Criminal Procedure 1973, s 154

³⁷ Bharatiya Nagarik Suraksha Sanhita 2023, s 173(1)

³⁸ *Ibid*

³⁹ Vaibhav Chadha, 'New criminal laws: An era of accountability, transparency and justice' (*First Post*, 02 March 2024) <<https://www.firstpost.com/opinion/new-criminal-laws-an-era-of-accountability-transparency-and-justice-13744274.html>> accessed 24 May 2024

obstacles in having an FIR registered. This is, thus, a positive step in aiding the victims of crime and making the Indian Criminal Justice system more citizen-friendly.

Forensic Investigation

Under BNSS, forensic investigation⁴⁰ is compulsory for crimes carrying a minimum punishment of seven years imprisonment. In such instances, forensic specialists will have to visit the crime scenes to gather forensic evidence. Additionally, it stipulates that the process of collecting evidence must be video recorded. Should a State lack forensic facilities, it is required to utilize such facilities in another state.

This marks a significant stride towards enhancing transparency and accountability in evidence collection by investigative agencies. The integration of technology and forensics into investigations represents a positive advancement in modernizing India's criminal justice system. Furthermore, it enables the utilization of scientific technologies, thereby enhancing the quality of evidence and safeguarding the rights of both the accused and victims.

Specified Timelines for Procedures

The BNSS establishes strict deadlines for various legal processes. For example, it mandates that medical practitioners examining rape victims must submit their reports to the investigating officer within seven days⁴¹. Other specified timelines include:

- delivering a judgment within 30 days of the completion of arguments (extendable up to 45 days)⁴²,
- informing the victim of the investigation's progress within 90 days⁴³, and
- framing charges by a sessions court within 60 days from the first hearing on such charges⁴⁴.

⁴⁰ Bharatiya Nagarik Suraksha Sanhita 2023, s 176(3)

⁴¹ Bharatiya Nagarik Suraksha Sanhita 2023, s 184(6)

⁴² Bharatiya Nagarik Suraksha Sanhita 2023, s 258(1)

⁴³ Bharatiya Nagarik Suraksha Sanhita 2023, s 193(3)(h)(ii)

⁴⁴ Bharatiya Nagarik Suraksha Sanhita 2023, s 251(1)(b)

This is a beneficial measure to expedite the judicial process, punish the guilty, and provide relief to the victim. Additionally, it paves the way for a society in which justice is served early; therefore, it is one of the most appreciable changes made in the new laws.

Expansion of the powers of the police

One of the most criticized provisions of the BNSS is the expansion of the powers of the police, as a result of which the rights and freedoms of the common people are endangered.

The Constitution and the CrPC prohibit detaining someone in police custody for more than 24 hours without judicial oversight. A Magistrate can extend this period up to 15 days if the investigation cannot be completed within 24 hours. Further extensions for judicial custody beyond 15 days are permissible if the Magistrate is convinced there are sufficient grounds, but total detention cannot exceed 60 or 90 days, depending on the offence. However, The BNSS modifies this procedure by allowing the police custody of 15 days to be authorized in whole or in parts at any time within the first 40 or 60 days of the 60 or 90 days total detention period. This modification could result in bail being denied during this period if the police argue that they need to take the individual back into police custody.

Apart from drawing out the powers of custody, the BNSS⁴⁵ also lays down the use of handcuffs for the arrest of a habitual offender or a person who is accused of committing heinous crimes. This provision violates the guidelines issued by the National Human Rights Commission and the Supreme Court's orders. In the case of *Prem Shankar Shukla v Delhi Administration*⁴⁶, the Court emphasized that the routine use of handcuffs should be avoided, as this practice is inhumane and violative of Article 21 of the Constitution⁴⁷.

Since these provisions give unlimited powers to the police to decide the fate of the case, these are not citizen-friendly and hence, require re-consideration and modification.

⁴⁵ Bharatiya Nagarik Suraksha Sanhita 2023

⁴⁶ *Prem Shankar Shukla v Delhi Administration* (1980) 3 SCC 526

⁴⁷ Constitution of India 1948, art 21

New provision for search and seizure by the police

A new provision has been added to the BNSS in the form of Section 105⁴⁸, which allows the police to search any place or take in possession any property that is allegedly involved in the crime. This search and seizure must be electronically recorded by the concerned police officer and must be forwarded in time to the District Magistrate. It is an instrumental measure to improve the quality of police investigations in the country and can be considered a successful change as well as a favourable point in this debate about the new laws.

THE BHARATIYA SAKSHYA ADHINIYAM

The Bharatiya Sakshya Adhinyam marks a crucial step in transforming the rules for evidence presentation within the Indian legal system. This legislation is carefully designed to revolutionize how evidence is obtained, preserved, and presented in court proceedings. Though it retains many provisions from the Indian Evidence Act, it seeks to usher in a new era of clarity and convenience.

Recognition of Electronic Evidence

The BSA brings in the most anticipated change to meet the requirements of this sophisticated world. The act now acknowledges the 'electronic and digital records' as legitimate documents under the primary evidence. The scope of 'documents' has been broadened and modernized to include server logs, emails, locational evidence, voicemail messages stored on digital devices, information stored in semiconductor memory, and more. This forward-looking approach recognizes the necessity of adapting legal norms to the digital age, eliminating past disparities, and ensuring a more equitable treatment of evidence⁴⁹. It also speeds up the investigation and trial procedures.

Despite all things good in this electronic change in the evidence act, one loophole that can still be figured out is the credibility of the digital records presented. The Supreme Court had once

⁴⁸ The Bharatiya Nagarik Suraksha Sanhita 2023, s 105

⁴⁹ Arshdeep Singh and Saloni Sharma, 'Revamping The British Era Laws: Ipc, Crpc And Evidence Act' (2023) 5(4) Indian Journal of Law and Legal Research

<<https://hcommons.org/deposits/objects/hc:59090/datastreams/CONTENT/content>> accessed 26 May 2024

expressed its concern over the digital documents and had said that these pieces of evidence can be tampered with. If a trial is completely based on electronic records, without any adequate safeguards, it can lead to distortion of justice. Not all electronic evidence can be taken into consideration without proper checks. Therefore, a standardized certification of such records is required.

CONCLUSION

Although the current reinterpretation of criminal laws may have its flaws, it is a valuable step in the right direction. The changes in the British-era laws were needed more than they seemed, and the BNS, BNSS and BSA have served the ultimate aim. Yes, they are full of loopholes; Yes, they require many suggestive changes; Yes, they do not encompass many of the prospective provisions, yet they hold the potential to be a game-changer in the Indian Criminal Justice System. The government could have added many more provisions, but it still can make those amendments. As it is said, something is better than nothing. These laws surely bring hope to evolve with the dynamic nature of society. Despite the prevailing negativity around the efficiency of these laws, they have stood upright in encouraging the use of technology, ensuring accountability, and enabling ease in the Indian legal, police, and investigation system.

After the drafting, debates, discussions, and passing of these bills, the next essential step is the proper implementation of the New Criminal Laws. It is imperative that everyone, from the government to the judiciary, from the lawyers to the police officers, from the law students to the common citizens, contribute their part to make these new laws a success. These acts are now a reality and we all need to work on making this reality a shining example of progress and reformative justice.