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New Criminal Laws of Bharat

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ABSTRACT

In this paper, we analyzing between the old and new criminal laws of India. Before the independence of India (Bharat) the government of British framed a code, to punish Indians of doing an offence. Still, the Country of India had a republic country even though Indian penal code 1860 is on force. It is only to punish the people, not to render justice. In 2020 government of India formed a committee ¹to analysis how to ament Indian penal code 1860, Criminal procedure code 1898 and Evidence act,1872.²

Keywords : Evidence, Justice, Penal code.

REPUBLIC OF INDIA

“If I find the constitution being misused, I shall be the first to burn it.” -Dr. B.R.Ambedkar.

India is a 7th largest republic country in the world. 2020 government of India formed a committee to analysis how to ament Indian penal code 1860, Criminal procedure code 1898 and Evidence act,1872. The committee was formed in the head of prof. Ranbir Singh, who is a Vice – Chancellor of National law university Delhi³, the recommendations are accepted by government and the new bill was drafted by the drafting committee in the year of 2023, then “Home minister of India” Introduces new law bill inserted of IPC, CRPC and IEA (evidence). Even without any opinion from law scholars and public, the law is on force in the date ok December -27 -2023.

According to the bill IPC is changed into Bharatiya Nyaya Sanhita, CRPC is renamed into Bharatiya Nagarik Suraksha, and Evidence act is changed into Bharatiya Sakshya. Now the bill was under the report of standing committee in parliament.⁴

About The View of New Criminal laws

Particulars	IPC as Bharatiya Nyaya Sanhita ⁵	CrPC as Bharatiya Nagarik Suraksha Sanhita ⁶	EVIDENCE ACT as Bharatiya Sakshya 2023
Removed laws	22 Sections	9 Sections	5 Sections
Changed laws	175 Sections	160 Sections	23 Sections
New sections	8 Sections	9 Sections	1 Sections
Total Section in New Bills	356 Sections Instead of 511 section	533 Sections Instead of 478 section	170 Sections Instead of 167 section

¹<https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1988913#:~:text=He%20said%20that%20now%20the,the%20country%20after%20getting%20the> last access 25-dec-2023 time :5.00 Am.

² <https://m.timesofindia.com/india/new-criminal-justice-laws-to-kick-in-only-after-3-4-months/articleshow/106301988.cms> (last Access -25/12/2023).

³ <https://www.du.ac.in/> Faculty of Law, Delhi University. Last access -26/12/2023.

⁴ <https://sansad.in/ls> Parliamentary affairs govt. of India. Last access -26/12/2023. Time :9.00Am.

⁵ Bharatiya nyaya sanhita Introduced in lok sabha (house of people). www.loksabha.gov.in

⁶ Bharatiya Nagarik Suraksha Sanhita introduced and passed in both house in Parliament www.pib.gov.in last access in 26/12/2023.Time -14.00.

IPC vs BHARATIYA NYAYA SANHITA

The present code have a total sections of 511 , but the new Sanhita brings 8 new sections and it changes into 356 section totally , Sanhita affects all administrative work of legal , because all the legal persons wants to mug up all new sections and changes in new bill. Finally Nearly 175 sections are amended. In the view of new bill regarding to IPC , clearly defined about many thing like ,citizen terrorism. And offence relating to the child and woman is fully codified under new law.

SECTION 124 and 124 A - Wrongful restraint⁷

The new law replaces a old law related to the offence against the state. Is fully changed into the Wrongful restraint. And confinement. However the new bill reloaded the desa drogha laws. during the time of British the sedation law is under the principle of raja drogha , after the republic the government of India renamed into desa drogha, now it is all are gone according to the new bill.

150 – present IPC talks about hiring or, conning a persons to join an Unlawful assembly, But, new criminal law bill (Bharatiya Nyaya Sanhita) – acts endangering the sovereignty unity and integrity of India, even the section is against to the freedom of speech and expression under the article 19 of Indian constitution,1949.

According to the new bill, section 150 whoever , the purposely of any words , spoken and written by sign or any visible representation encourages feeling of separate activities against integrity of India shall be punished under this act seven years to life prison or fine or both.

Section – 111 (New section in Bharatiya Nyaya Sanhita)⁸

Explains about the definition of terrorism means, the actions against the government of India and injury to public assembly or destroy the political, economic, or social structure of the country or create a public emergency. For this offence shall be punished under this act seven years to life prison or fine or both. It includes with in the scope of unlawful activities prevention act 1967.⁹

Section 109 and 110

It explains about the offence related to petty organization of crime with group of persons. Here the principle of punishment will take places, that the punishment of this crime is similar to all the offender that the affecting thing made to the victim, shall be punished under this act five years to life prison or fine or both. Harboring of accused person is also an offence under this act.

Section 101 (offence by group of people)

The persons had a Group five or more person commit murder on grounds of race sex religious or personal belief shall be punished under this act seven years to life prison or fine or both. Many law are consolidated under the new criminal law bill.

Gender neutral laws and women, child related law was categorized with new separate chapters, one something that one good thing is that new formulation is done, because the earlier code was scattered it was scattered now.

The offence related to women are one section, children's are in one section, assault are in one section kidnapping in separate section in the Bharatiya Nyaya Sanhita bill 2023.¹⁰

Many of the laws are in gender neutral, because the trafficking a person for use in sex trade for illicit sexual course or activities, earlier that protected only women now it protected both the gender in the country, in the name of juveniles those the age of below 18. So, in earlier majorly two offence assault or criminal force on woman intent to disrobe or clothes take off or voyeurism all it makes in gender neutral.

On this offence earlier only man could be accused, but under new code, women can be accused as per the status of particular case. now there are couple of other interesting change will be the crime against women.

Section 63 (sexual intercourse by deceitful means etc..)

New provision has been added into sexual inter course by employing deceitful means, making a promise to women to marriage without the intention of fulfilling the same, inducement or marrying after suppressing of false promise. had sexual intercourse not amounting to the offence, shall be punished with imprisonment of either term 10 years to fine or both.

⁷ Bill Introduced in Lok sabha and passed <https://www.thehindu.com/news/national/important-bills-passed-by-the-parliament-in-2023-year-in-review/article67675803.ece> last access 28-12-2023.

⁸ <https://www.thehindu.com/news/national/important-bills-passed-by-the-parliament-in-2023-year-in-review/article67675803.ece> last access in 28-12-2023 time :9:00 pm.

⁹ <https://prsindia.org/billtrack/the-unlawful-activities-prevention-amendment-bill-2019> last access -28/12/2023.

¹⁰ New criminal law amendment bill, 2023. <https://www.livelaw.in/top-stories/criminal-law-bills-ipc-crpc-evidence-act-presidential-assent-become-law-245322> last access 29-12-2023.

Section - 309 attempt to suicide and section - 377 unnatural offence are gone in the new code of criminal offence. Law of defamation of community service has been added as punishment, another interesting fact is the escaping deceiving of crime after committing a rash negligent act not amounting to culpable homicides is become an offence.

CRPC vs BHARATIYA NAGARIK SURAKSHA SANHITA

According to the criminal procedure code deals with the legality of arrest, investigation, bail, procedure Etc., it was enacted in the year of 1973 ,now it is renamed and reframed into new principle of law.

SECTION 8, 10, 16, 17, 18, 27, 144A, 153, 166AB, 197 3B, 355 those provisions are deleted in the new bill of CRPC. And Sections of 86, 105, 112, 113, 336, 356, 398, 473 are newly added in this bill.¹¹

The criminal procedure code separate of provision of punishable shall be punish on seven years to life imprisonment or death sentence.¹²

The Zero FIR citizen to lodge of first information report with Particular police station limit with no jurisdiction.

The process of FIR is maintain in the case diary of digital platform which is under the control of government

One of the interesting fact of new CRPC bill includes of the video recoding of sexual crimes victim is compulsory.

The punishments of sexual offence including of gang rape is increased into 20 years , if the victim is minor , the punishment is death sentence under new law.

Mainly the courts had a responsibility to close a charges before 60 days of charge sheet received to respective person.¹³

1.	Section 8	Metropolitan areas	New Section 86	Identification and attachment of property person
2.	Section 10	Sub courts of assistant session ¹⁴	New Section 105	Recording of search and audio video means
3.	Section 16	Courts of metropolitan magistrates	New Section 112	Letter of request to competent authority
4.	Section 17	Chief metropolitan magistrates	New Section 113	Letter of request from a country or a place, outside of India to a court for investigation in India.
5.	Section 18	Special metropolitan magistrates	New Section 336	Evidence of public servants experts police officers in certain cases.
6.	Section 27	Jurisdiction in case of juveniles	New Section 356	Inquiry trial or judgement in absentia of proclaimed offender
7.	Section 197 3B	Prosecution of Judges public servants	New Section 398	Witness petition scheme
8.	Section 355	Metropolitan Magistrates judgement ¹⁵	New Section 473	Mercy petition in death sentence cases.

CRPC / BHARATIYA NAGARIK SURAKSHA SANHITHA

EVIDENCE ACT

The evidence act not interviewed more changes in new bill , but most formally .The new proposed law expands also the definitions of “documents” incl. of electric, or digital records, e mails, servers, smart phone, computers, server logs, laptops, SMS, websites, mails messages on device.

¹¹ <https://www.indiatoday.in/india/story/rajya-sabha-passes-new-criminal-law-amendment-bills-opposition-mps-2479009-2023-12-21> last access - 29/12/2023.

¹² <https://economictimes.indiatimes.com/news/india/major-legislation-to-replace-ipc-crpc-evidence-act-among-18-bills-listed-for-winter-session-of-parliament/articleshow/105606134.cms>
Last access 29/12/2023.

¹³ <https://theleaflet.in/remand-period-under-section-167-of-crpc-starts-from-the-date-magistrate-authorises-remand-holds-supreme-court/> last access 29/12/2023.

¹⁴ Court of India https://ecourts.gov.in/ecourts_home/ sub Court in India.

¹⁵ CRPC <https://indiakanoon.org/doc/445276/> last access 29/12/2023, Time :11.30 Pm.

s.no	Section	Delected section
1	3	Term India
2	82	Presumption as to documents admissible in England without proof
3	88	Presumption as to telegraphic
4	113	Proof of cession territory
5	166	Power of jury to put questions

THE PROVISION ONLY ONE ADDED IN NEW BILL

SECTION 61- ADMISSIABILLITY OF ELECTRONIC OR DIGITAL RECORD.

LANGUAGE ISSUE

After the bill introduced in the parliament it forwarded to the standing committee. Brijilal the chairman of the committee tells “ there are more controversy” and the home secretary ajay Bhalla says that ‘ new proposed law name are in sanskrit’. However the constitution of India article 348 not mention the language Sanskrit.¹⁶

The language of 21000 people, how the law name of 140 crore people in India.

The final argue of standing committee is that new law proposal is against the consitution.

CONCLUSION

The unlawful activities – prevention act 1967¹⁷ is already in force, but new laws that the small demonstrate demands government can formed as a serious terrorism. And section 116 – 6 a places additional and unwanted powers in the hands of police. There are some supreme court cases of the handcuffing and arrest is a violation of human rights but , under the law is not a violation .In crpc the detentation of proper days 60 is increased to 90. That violates to human rights.

So the new laws all that will come and just a trouble to legal fraternity and department because, old cases have to be processed by the respected old laws and new cases should be processed in the new laws. There become a confusion and the act or law can easily changes there no problem in this , but the real challenge is to bring those executed and to get a justice work efficiently , now those bills are comes into a act , when this are gone successful to the people to render justice.

¹⁶ <https://www.bbc.com/tamil/articles/c72ynx1nrjqo> last access 30/12/2023 9.00am.

¹⁷ UAPA act <https://www.indiacode.nic.in/handle/123456789/1470> Last access :30/12/2023 1.00 Pm.