



Awareness Programs on New Criminal Laws

Why in News?

Recently, Haryana Chief Secretary announced that **awareness campaigns** are scheduled to take place **in all 378 police stations and prisons** in the state **on 1st July, 2024**.

- These programs intend to inform the public about the three new Criminal Laws: [Bharatiya Nyaya Sanhita 2023](#), [Bharatiya Nagrik Suraksha Sanhita 2023](#), and [Bharatiya Sakshya Adhinyam 2023](#).

Key Points

- The Chief Secretary emphasized the measures taken for the successful implementation of these laws.
 - Around 40,000 police personnel, including Investigating Officers (IOs), have undergone **training at various State training centers**.
 - **300 Judicial Officers from Haryana** have been **trained on the updated Criminal Laws** at the Chandigarh Judicial Academy.
 - An **online training** initiative was conducted **for IAS and HCS Officers** by the [Haryana Institute of Public Administration \(HIPA\), Gurugram](#), with the purpose of acquainting officers with the details of the new legislation.
- Every prison in the state is **furnished with sufficient technological tools**, including approximately 300 computers.
 - To facilitate virtual court hearings, 149 **video conferencing setups** have been put in place in jails and court buildings, and an additional 178 systems will be acquired.
 - All Jail Superintendents in the State have been directed to initiate a targeted **awareness campaign for inmates, their families, visitors, and prison personnel on the new Criminal Laws**.
 - **Handy booklets illustrating the latest sections and procedures under these laws** have been produced for distribution among employees in the field.

//

BHARATIYA NYAYA SANHITA (BNS), 2023

BNS 2023 replaced Indian Penal Code 1860, incorporating 358 sections (511 in IPC), maintaining most of the IPC provisions, introducing new offences, eliminating court- struck-down offences, and enhancing penalties for various offences.

New Offences

- **Promise to Marry:** Criminalising “deceitful” promises to marry
- **Mob Lynching:** Codify offences linked to mob lynching and hate-crime murders
- Ordinary criminal law now covers **Organized Crime** and **Terrorism**, including a broader scope for terror financing in BNS compared to UAPA
- **Attempt to Suicide:** Criminalises attempts to commit suicide with intent to compel or restrain any public servant from discharging official duty
- **Community Service:** Added as possible form of punishment

Deletions

- **Unnatural Sexual Offences:** Section 377 of the IPC, which criminalised homosexuality among other “unnatural” sexual activities repealed completely
- **Adultery:** Offence of adultery omitted in consonance of apex court judgement
- **Thugs:** Section 310 of IPC fully omitted
- **Gender Neutrality:** Some laws dealing with children modified to bring gender neutrality

Other Modifications

- **Fake News:** Criminalisation of publishing false and misleading information
- **Sedition:** Introduced under a new name ‘deshdroh’ with wider definition
- **Mandatory Minimum Sentence:** In several provisions, mandatory minimum sentences prescribed which may limit scope for judicial discretion
- **Damage to Public Property:** Carry a graded fine (i.e. fine corresponding to the amount of damage caused)
- **Death by Negligence:** Elevates punishment for causing death by negligence from two to five years (for doctors - 2 yrs imprisonment)

Key Issues

- **Criminal Responsibility Age Discrepancy:** Criminal responsibility starts at seven, extendable to 12 based on maturity, potentially conflicting with global recommendations
- **Inconsistencies in Child Offense Definitions:** It sets child age below 18, but age criteria for offenses like rape differ, causing inconsistency
- **Retention of IPC Provisions on Rape and Sexual Harassment:** Maintains IPC provisions on rape and sexual harassment, omitting **Justice Verma Committee's 2013** suggestions for gender-neutral rape and recognizing marital rape as an offense.

BHARATIYA NAGARIK SURAKSHA SANHITA (BNSS), 2023

BNSS replaces CrPC 1973 and consists of 531 sections with 177 sections revised, 9 new sections added, and 14 sections repealed.

Key Provisions

- ↳ **Hierarchy of Courts:** Eliminated distinction and role of Metropolitan Magistrates
- ↳ **Mandated Use of Electronic Mode:** At stages of investigation, inquiry, and trial
- ↳ **Detention of Undertrials:** Restriction on release on personal bond for accused persons (a) charged with life imprisonment or (b) facing multiple proceedings
- ↳ **Alternative to Arrest:** An accused doesn't have to be arrested; instead, the police can take a security bond for their appearance before a Judicial Magistrate
- ↳ **Community Service Defined:** 'Work which the Court may order a convict to perform as a form of punishment that benefits the community, for which he shall not be entitled to any remuneration'
- ↳ **Substitution of Terminology:** "Mental illness" replaced by "unsoundness of mind" in majority of provisions
- ↳ **Documentation Protocols:** Searches with/without warrants require mandatory audio-video documentation with recorded material promptly submitted to Magistrate
- ↳ **Timelines for Procedures:** Prescribes timelines for various procedures
 - E.g. Issuing verdict within 30 days post-argument
- ↳ **Medical Examination:** Can be requested by any police officer in certain cases
- ↳ **Sample Collection:** Magistrate can compel individuals to submit signature specimens, handwriting samples etc. even if they haven't been arrested
- ↳ **Forensic Investigation:** Mandated for offences punishable with ≥ 7 years of imprisonment
- ↳ **New Procedures w.r.t. FIR Registration:**
 - After filing a **Zero FIR**, relevant police station must transfer it to the jurisdictionally appropriate station for further investigation
 - **FIRs can be electronically registered**, and the information will be officially recorded upon the person's signature within 3 days
- ↳ **Rights of Victim/Informant:**
 - Police after filing charge sheet obligated to supply police report and other documents to victim
 - Witness protection scheme to be laid down by State Governments

Key Issues

- ↳ **Permitted 15 days of police custody** within initial 40 or 60 days
- ↳ **Doesn't mandate investigating officer to provide reasons** when seeking police custody
- ↳ **Allows use of handcuffs during arrests**, contradicting SC rulings and NHRC guidelines
- ↳ Scope of **mandatory bail limited** in case of multiple charges
- ↳ **Limits plea bargaining in India** to sentence bargaining
- ↳ Restricting bail, and limiting scope for plea bargaining could **deter decongesting of prisons**
- ↳ **Power to seize property expanded** to immovable property apart from movable property
- ↳ Several provisions **overlap** with existing laws
- ↳ **BNSS retains CrPC provisions** related to public order, raising the question of whether laws governing trial procedure and public order maintenance should be unified or treated separately, considering their distinct functions



Drishti IAS