



Overhauling IPC, CrPC, Evidence Act

For Prelims: Bharatiya Nyaya Sanhita Bill 2023, Bharatiya Nagrik Suraksha Sanhita Bill 2023, Bharatiya Sakshya Bill 2023, [Terrorism](#), [Armed rebellion](#), [Capital punishment](#)

For Mains: Reforms in Indian Criminal Justice System.

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Why in News?

Recently, the **Union Home Minister** introduced three bills in the **Lok Sabha** that aim to repeal and replace the **Indian Penal Code (IPC)**, the **Code of Criminal Procedure (CrPC)**, and the **Indian Evidence Act**, which were enacted during the British rule in India. The bills are:

- The **Bharatiya Nyaya Sanhita Bill, 2023**, which will replace the **IPC, 1860**
- The **Bhartiya Nagrik Suraksha Sanhita Bill, 2023**, which will replace the **CrPC, 1898**
- The **Bharatiya Sakshya Bill, 2023**, which will replace the **Evidence Act, 1872**

Note:

- **Indian Penal Code (IPC)** is the official criminal code of India drafted in 1860 in the wake of the first law commission established in **1834** under the **Charter Act of 1833**.
- **Code of Criminal Procedure (CrPC)** provides procedures for administering criminal law in India. It was enacted in 1973 and became effective on **1 April 1974**.
- The **Indian Evidence Act**, originally passed in India by the **Imperial Legislative Council in 1872**, during the **British Raj**, contains a set of rules and allied issues governing admissibility of evidence in the Indian courts of law.

What are the Main Features of the Bharatiya Nyaya Sanhita Bill, 2023?

- The bill **defines terrorism** and offenses such as **separatism**, **armed rebellion against the government**, challenging the sovereignty of the country, which were earlier mentioned under different provisions of law.
- It **repeals the offense of sedition**, which was widely criticized as a colonial relic that curbed free speech and dissent.
- It prescribes **capital punishment as the maximum sentence for mob lynching**, which has been a menace in recent years.
- It proposes **10 years imprisonment for sexual intercourse with women on false promise of marriage**, which is a common form of deception and exploitation.
- The bill introduces **community service as a form of punishment for specific crimes**, which can help in reforming offenders and reducing overcrowding in prisons.

- The bill fixes a **maximum limit of 180 days to file a [charge sheet](#)**, which can speed up the trial process and prevent indefinite delays.

What are the Main Features of the Bhartiya Nagrik Suraksha Sanhita Bill, 2023?

- It promotes the **use of technology for trials, appeals, and recording depositions**, allowing video-conferencing for proceedings.
 - The bill makes **video-recording of statement of survivors of sexual violence compulsory**, which can help in preserving evidence and preventing coercion or manipulation.
- The bill mandates that **police must inform about the status of a complaint in 90 days**, which can enhance accountability and transparency.
- **Section 41A of the CrPC will be renumbered as Section 35**. This change includes an added safeguard, stipulating that **no arrest can be made without prior approval from an officer at least at the rank of Deputy Superintendent of Police (DSP)**, especially for offenses punishable by less than **3 years or for individuals above 60 years**.
- The bill requires that **police consult the victim before withdrawing a case punishable by seven years or more**, which can ensure that justice is not compromised or denied.
- It allows absconding criminals to be **tried in-absentia by court** and sentenced too, which can deter fugitives from escaping justice.
- It empowers magistrates to take **cognizance of offenses based on electronic records such as emails, SMSs, WhatsApp messages etc.**, which can facilitate evidence collection and verification.
- Mercy petitions in death sentence cases to be filed **within 30 days to the [Governor](#) and within 60 days to the [President](#)**.
 - No appeal shall lie against the President's decision in any court.

What are the Main Features of Bharatiya Sakshya Bill, 2023?

- The bill defines **electronic evidence as any information generated or transmitted by any device or system that is capable of being stored or retrieved** by any means.
- It lays down specific criteria for **admissibility of electronic evidence such as authenticity, integrity, reliability etc.**, which can prevent misuse or tampering of digital data.
- It provides for special provisions for **admissibility of DNA evidence such as consent, chain of custody etc.**, which can enhance accuracy and reliability of biological evidence.
- It recognises **expert opinion as a form of evidence such as medical opinion, handwriting analysis etc.**, which can assist in establishing facts or circumstances relevant to a case.
- It introduces the **presumption of innocence as a fundamental principle of [criminal justice system](#)**, which means that every person accused of an offence is presumed to be innocent until proven guilty beyond reasonable doubt.