



# Madhya Pradesh Launches TWARIT Platform

## Why in News?

The Madhya Pradesh High Court has introduced a digital platform named **TWARIT (Transmission of Warrants, Summons, and Reports by Information Technology)** to streamline the transmission of warrants and summons. **This platform also allows judges to monitor case statuses online efficiently.**

## Key Points

- The platform aims to replace the **traditional paper-based system**, making legal proceedings faster and more efficient.
  - By implementing this initiative the **judicial process becomes more transparent**, reduces delays, and saves time for law enforcement agencies, courts, and the public.
- This system is expected to improve the overall efficiency of the **justice delivery mechanism**, especially in handling large volumes of legal cases.
  - The system allows for the **electronic delivery of legal documents**, including **court summons** and **arrest warrants**, to the concerned individuals or parties.
- A review meeting was also held at the office of the Union Minister of Home and Cooperation, in New Delhi, regarding the **implementation of three new criminal laws (Bharatiya Nyaya Sanhita, 2023, Bharatiya Sakshya Act, 2023, Bharatiya Sakshya Act, 2023)** in the state.
  - The meeting reviewed the implementation and current status of provisions related to **police, jail, court, prosecution, and forensic services.**

## New Criminal Laws

- **Objective:**
  - The new laws aim to **replace colonial-era punishments** with a **justice-focused approach, integrating technological advancements** in police investigations and court procedures.
- **New Offences:**
  - New offences include **terrorism, mob lynching, organized crime**, and enhanced punishments for crimes against women and children.

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# 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 SAKSHYA ACT, 2023 ↙

*The Bharatiya Sakshya Act, 2023 has 170 sections, altering 24, adding two, and repealing six of 167 sections of the Indian Evidence Act 1872.*

## Retained Provisions -

- ⌚ Parties involved in a legal proceeding can only present admissible evidence
- ⌚ Court accepts proven facts if evidence supports reasonable action in the given circumstances
- ⌚ Police confessions generally inadmissible unless recorded by a Magistrate

## Key Changes -

- ⌚ Electronic records hold equivalent legal status to traditional paper documents
  - ⌚ Electronic records encompassing data stored in memory and communication devices
- ⌚ Allows oral evidence to be given electronically
  - ⌚ Electronic records are categorised as secondary evidence
- ⌚ A joint trial means trying more than one person for the same crime
  - ⌚ A trial of multiple persons, where an accused has not responded to an arrest warrant, will be treated as a joint trial

## Key Issues -

- ⌚ **Electronic Records:**
  - ⌚ Concerns regarding tampering of electronic records during the search, seizure and investigation process
  - ⌚ Usually, Electronic records must be authenticated by a certificate to be admissible as documents
    - ⌚ The Act classifies electronic evidence as documents (which may not need certification), creating a contradiction
- ⌚ **Exclusion of Suggestion of SC and Law Commission**
  - ⌚ Concerns about duress and torture as Act kept a rule allowing information from someone in police custody to be used if it's directly related to a discovered fact
  - ⌚ Exclusion of the presumption of police responsibility for injuries to someone in custody



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# 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  $\geq 7$  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



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