

Home Secretary at press meet
Three new laws to expedite justice system



Three newly formulated laws i.e. Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS) and Bharatiya Sakshya Adhinyam (BSA) shall come into force from July 1, 2024. The objective behind formulating these new laws is – to modernize the system of criminal justice, to expedite the process of justice and ensure protection of the affected party. Today at the state secretariat secretary of the home department Dr. Pradip Kumar Chakraborty informed this during a press meet. Highlighting various aspects of the new laws the home secretary Dr. Chakraborty said, the criminal laws have been reformed by giving priority to eradication of crimes against women, child and people of all strata of society. The Bharatiya Nyaya Sanhita has replaced the Indian Penal Code – 1860, Bharatiya Nagarik Suraksha Sanhita has replaced the Code of Criminal Procedure - 1973 and Bharatiya Sakshya Adhinyam has replaced the Indian Evidence Act – 1872. It is noteworthy that instead of 511 Sections of the Indian Penal Code now Bharatiya Nyaya Sanhita has 358 Sections only. Moreover, system of community service has been incorporated as way of punishment for six types of crimes. And seven new subjects of crime have been added to the Bharatiya Nyaya Sanhita – 2023.

Further highlighting the aspects of the new laws the home secretary said, as per Section 173 of the new criminal law, a citizen can now lodge an FIR in any police station other than the stipulated jurisdiction. The new law also has provision of e-FIR.

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As per Section-530 of Bharatiya Nagarik Suraksha Sanhita (BNSS), all trials, investigation and proceedings can be done in electronic mode. Electronic remote representation of witness has been given credence under the new law. The electronic statements will be considered as effective as written statements. The new law empowers the police to attach any property earned through criminal or unlawful means. For petty offences arrest may be exempted especially in case of disabled or aged persons. Progress of the investigation has to be disseminated to the litigant within 90 days of lodging of the complaint. Similarly, within 60 days of filing chargesheet, trial or legal proceedings have to be started. On completion of hearing, within 45 days verdict has to be announced. Copy of the verdict shall be uploaded on the portal within seven days of the announcement of the same. As per Section 65 (2) of BNSS, death sentence can be given to the perpetrators of rape involving girls less than 12 years of age. For offences that attract less than 3 years term, arrest cannot be made without the permission of an official lower than the rank of DSP. Under the new criminal laws top priority has been given to the protection of witness.

At the press meet the home secretary also informed, in order to enforce the three new laws, so far 2,347 personnel of police, home (jail), law, health and family welfare departments, prosecution and State Forensic Science Laboratory have been trained online and offline for their skill development. In addition, 282 police personnel have received training on the modified CCTNS Application. Infrastructural development, IT related upgradation, new recruitment, Rules/ SOP formulation etc. will be effected in a phased manner as per requirement. The district level police officers have continued to carry out awareness programmes to make the common people aware about the new laws.

Responding to the questions of the media persons, law secretary Sanjoy Bhattacharya informed, the pending cases will be dealt with as per the old laws. The new laws will be applied to the incidents taking place from July 1, 2024. The State Legal Services Authority is also running awareness programmes to educate the public about the new laws. The press meet was also attended by IG L. Darlong.
