

India's Criminal Justice System

Freedom from Shackles of Colonialism



The Union Government has abolished the old criminal laws. The intention behind this move is to provide convenience to people. It was essential for us to break the shackles of colonialism by removing the regressive colonial laws.

Shri Narendra Modi
Prime Minister

Bureau

While addressing the nation from the ramparts of the Red Fort on August 15, Prime Minister Shri Narendra Modi said that a nation burdened by a colonial legacy must commit itself to the 'Panch Pran' (five pledges). One of these pledges was the elimination of all remnants of colonial servitude.

Keeping the Prime Minister's vision in mind during the 'Amrit Kaal' of Independence, the country



Speedy Justice

- Maximum three years timeframe for dispensing justice, eliminating prolonged waiting for justice.
- Timeline has been added in 45 sections.
- If a complaint is given electronically, the e-FIR is to be registered within three days.
- The medical examination report for rape cases must be submitted within seven days.
- Charges to be framed within 60 days from the commencement of the first hearing on charge.
- Prosecution proceedings against declared offenders in absentia should be initiated after completion of 90 days from the date of framing of the charge.
- Judgments required to be delivered within 45 days after the conclusion of the trial
- Sanction for prosecution, supply of documents, committal proceeding, filing of discharge petitions, framing of charges, pronouncement of judgment and filing of mercy petitions has been mandated to be completed within stipulated timelines.
- No more than two adjournments are allowed to be given in criminal proceeding.
- Use of technology for issuance and service of summons and deposition of evidence before court removes unnecessary delay and cost attached to court proceedings.

Focus on Justice, not Punishment

Provision of community service as a mode of punishment for six offences.

In accordance with Indian philosophy of justice.

Provision of community services for theft of property worth less than ₹5,000.

Built upon the inherent concept of justice deeply rooted in our civilisation and culture, the new laws aim to deliver justice to the citizens of the country.

In contrast to the earlier focus of solely punishing the guilty, the term 'justice' is now approached with a broader perspective, encompassing both the victim and the culprit.

Enhance the accessibility, availability, and convenience of the criminal justice system.

A more transparent process, reinforcing the commitment to justice.

Victim rights are expanded throughout the process and the definition of victim has been detached from accused centric approach.

Witness Protection has been explicitly enunciated in the new law to bolster justice delivery by protecting the witness to depose evidence without any fear, threat, favour or inducement.

took a golden step. Three laws governing the country's criminal justice system were repealed and three new laws were enacted by the Parliament in December 2023.

Breaking the psychological shackles of colonialism, the Bharatiya Nyaya Sanhita (BNS) 2023, the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 and the Bharatiya Sakshya Adhinyam (BSA) 2023 replaced the Indian Penal Code (IPC), the Code of Criminal Procedure (CrPC) and the Indian Evidence Act (IEA) respectively. The purpose of the new laws is to protect and reinforce the concept of justice rooted in our civilisation.

Prime Minister Shri Modi, during his speech on Independence Day, also said that the country stood at a

Now, a new era will begin in India's criminal justice system, which will be entirely indigenous. It will operate according to laws made by India, for India and by the Indian Parliament.

Shri Amit Shah
Union Home Minister and
Minister of Cooperation



Addressing Offences against Women & Children

- There are 37 sections addressing crimes against women and children, including 4 new provisions and various amendments.
- The offence against woman and child have been consolidated under a new Chapter-V of the Bharatiya Nyaya Sanhita, 2023.
- Gang-rape with girl under 18 years of age is made punishable with life imprisonment or death.
- Engaging in sexual activity under false promise or disguised identity is now considered a criminal act.
- Voyeurism and assault in order to disrobe a woman have been made gender neutral from the accused's perspective to include person of any gender.
- An adult female family member can now be served summons in place of the person summoned who cannot be traced.
- Medical practitioners are mandated to send the medical report of a victim of rape to the investigating officer within seven days.
- For sexual offences, a woman Magistrate shall record the statement of the victim, and where a woman Magistrate is not available, the statement shall be recorded in the presence of a woman.
- Hiring, employing or engaging child for committing any crime is made punishable.
- Offence of kidnapping, buying and selling of child introduces uniform age for both girl and boy.
- The offence of procurement of minor girl and the offence of importation of girl from foreign country have been made gender neutral to include both girl and boy child.

junction between a thousand years of slavery and a thousand years of a new and energised nation. "Now, we neither have to pause nor live in doubt", he said. The three laws are a fulfilment of the Prime Minister's resolution.

The laws made by the British before Independence, reflected a punitive mindset. Now, the new laws reflect a sense of justice by eliminating the imprints of the dark patches of colonial mindset.

The purpose of the three laws is not to punish, but to deliver justice. In our Indian thought system, justice is essentially an umbrella term. The word 'justice' encapsulates a comprehensive idea that includes both the victim, who has suffered the harm as well as the perpetrator.

The new laws mark the culmination of 'Azadi ka Amrit Mahotsav' and signify the dawn of 'Amrit Kaal', a time to forge a truly Independent India. After discussions in

Directorate of Prosecution

Decisions were made in alignment with Prime Minister Shri Narendra Modi's vision to eradicate corruption from the justice system.

The provision of a Director of Prosecution is now essential at both State and district levels.

BNSS Section 20 establishes the Directorate of Prosecution, outlining the eligibility, functions, and powers of various authorities.

Prescribed duties and responsibilities for prosecution officers at different levels aim to ensure optimal coordination.

The provision allows for the potential establishment of a District Directorate of Prosecution, subject to the State Government's discretion, accompanied by revised criteria for appointing the Director of Prosecution, Deputy Director of Prosecution and Assistant Director of Prosecution.

The authorities at the district level of prosecution are assigned the duty to expedite the investigation process and decide on the feasibility of filing of appeals.

Trial in Absentia

The court will commence trial in absentia against proclaimed offenders after 90 days from the framing of charges to expedite the legal proceedings.

Trial in absentia has been introduced to address the cases of persons declared as proclaimed offenders.

The trial in absentia framework encompasses the entire judicial process—extending from the presentation of evidence to the final judgment and determination of appropriate punishment.

Fair trial is ensured by providing legal representation to the proclaimed offender at the State expense as well as by allowing the absconding individual to examine the evidence in case he appears during the trial.

At the Rajya Sabha on the proposed laws, the Union Home Minister and Minister of Cooperation, Shri Amit Shah, said that discussions, consultations and deliberations for changes in these laws had been underway since August 2019. "It is not just the names of the laws that have been changed, but there has been a fundamental transformation in their objectives," he said.

Responding to queries that many are questioning

Use of Technology

- A justice system of unparalleled modernity is envisioned, incorporating all emerging technologies of the next 100 years.
- Comprehensive digitalisation of all stages to be implemented, spanning from e-FIR to police investigations to court proceedings.
- Digitalisation to include e-records, zero- FIR, e-FIR, summons, notices, and submission of documents and trials.
- Victims to receive information within 90 days through electronic means.
- Forensic procedures mandatory in cases with a punishment of seven years or more.
- Mandatory audio-video recording to cover the entire process of search and seizure.
- e-Bayan will be introduced for the electronic statement of rape victims, and e-Appearance will facilitate the presence of witnesses, accused, experts and victims through electronic means.
- Audio-video recordings of processes and proceedings will be presented in court as evidence.



Boosting Forensics

Promotion of scientific methods in investigation.

Infrastructure in States/UTs to be ready in five years.

Building labs at various places to strengthen the forensic infrastructure.

In all offences carrying a punishment of seven years or more, the new laws mandate collection of forensic evidence.

The target of achieving 90% conviction rate has been set.

Provisions Related to Reclassification of Courts

Uniform justice system throughout the country.

Speedy delivery of justice as well as coordination in the justice system, with introduction of timelines.

Decision within 45 days after completion of arguments.

The elimination of positions such as third class Judicial Magistrate, Metropolitan Magistrate and Assistant Sessions Judge has led to reclassification, resulting in four distinct categories of judges.

The revised classifications include Judicial Magistrate of the first class (inclusive of Chief Judicial Magistrate or Additional Chief Judicial Magistrate), Judicial Magistrate of the second class, Sessions Judge, which includes Additional Sessions Judge, and Executive Magistrate.

The limit of imposing fine by a Magistrate has been increased to maximum of ₹50,000.

These two classes of Magistrates have also been empowered to impose community service as a form of sentence.

Police report can be accepted without the accused person being arrested and presented in Court.

Magistrates are empowered to direct any person to give their handwriting, fingerprints and voice samples without necessitating their arrest.

the need for the new laws, Shri Shah said that such people do not understand the meaning of 'Swaraj'. "Swaraj does not only mean 'self-governance'. The word 'Swa' is not just connected to 'governance'. Swaraj also means advancing 'Swadharma' and 'Swabhasha', by promoting 'Sanskriti' and establishing 'Swashasan'. Mahatma Gandhi did not fight only to free us from British rule", he said.

The Home Minister further said, "Since 2014, Prime Minister Modi Ji has worked to awaken the great soul of this country that has become the reason for India's monumental rise in every field."

Earlier, while introducing the three bills in the Lok Sabha on August 11, Shri Shah said that from 1860 to 2023, the criminal justice system of India continued to be operated on the basis of laws made by the British Parliament, but now those three laws would be replaced by imbibing the Indian soul, which would bring about a major change in our criminal justice system.

Shri Shah said that a total of 313 changes have been made in the old laws, which would bring a widespread change in the criminal justice system. For instance, he pointed out that now victims would be able to get justice within a stipulated time of three years. He informed that special care has been taken for provisions dealing with crimes against women and

Mob-lynching

- Mob-lynching has been defined for the first time.
- Murder/serious injury motivated by race, caste, community, gender, place of birth, language etc. under mob-lynching.
- Provision of seven years of imprisonment for causing serious injury.
- Life imprisonment/death for causing mob-lynching.

children to ensure that criminals in such cases are punished properly. Provisions have also been made to prevent the police from misusing their powers.

"On one hand, the law on sedition has been repealed, and on the other, provisions have been made to punish heinous crimes such as deceiving woman,

mob-lynching, organised crimes and terrorism”, Shri Shah said. He added, “Now, these three laws will be established in place of the old ones, embodying the Indian spirit, which will bring a significant change in our criminal justice system”.

It is worth mentioning that the process behind the creation of these laws has been quite extensive. In order to customise the laws for the present times, the Union Government wrote letters in August 2019 to all the judges of the Supreme Court, chief justices of High Courts and law universities across the country. In 2020, letters were sent to Members of Parliament, Chief Ministers, Governors, Lieutenant Governors and Administrators of Union Territories. Furthermore, 18 States, 6 Union Territories, the Supreme Court, 16 High Courts, 5 judicial academies, 22 law universities, around 270 MLAs and the public have given their suggestions on these new laws. The Union Home Minister himself was present in as many as 158 consultation meetings.

Speaking about the new laws, Union Home Minister Shri Shah said that everyone was familiar with the menace of terrorism, but there was no definition of terrorism as such. “Now, the situation is bound to change. For the first time, crimes such as armed rebellion, destructive activities, secessionism and challenges to India’s unity, sovereignty and integrity

Organised Crime

- Eliminate inter-state gangs, and inter-state gangs associated with terrorists.
- An additional provision addressing organised crime is incorporated into the new laws, marking the first definition of organised crime in Bharatiya Nyaya Sanhita.
- The law now penalises illegal activities conducted by syndicates, encompassing offences such as land grabbing, contract killing, economic offences, cyber crimes, trafficking in human, drugs, weapons.
- Various aspects of organised crime have also been penalised such as abetment, conspiracy, attempt, membership, harbouring or concealing an offender and possessing property derived from organised criminal activity.
- The newly introduced offence of ‘petty organised crime’ encompasses activities of theft, snatching, cheating, unauthorised selling of tickets and public examination question papers, unauthorised gambling and betting, etc. by any gang or group.
- Cross-border crimes.
 - Defrauding public at large or banking/ financial institutions are punishable.
 - Possession of property derived or obtained from organised crime is an offence.

Victim-centric

Victim gets a chance to express his/her views.

Right to Information and Right to Compensation for loss.

Zero-FIR has been institutionalised, now an FIR can be filed anywhere.

Victim entitled to a copy of the FIR and possess the right to be informed about the progress of the investigation within 90 days.

The accused-centric approach in defining the term ‘victim’ has been removed in the new law.

Victim entitled to receive police documents.

Victim's right to participation has been recognised at the stage of withdrawal of prosecution.

have been defined. There is also a provision to confiscate properties of people who resort to such crimes”, he said.

Notably, a historic decision has been made regarding trials in absentia. A trial can now be conducted to pronounce a sentence in the absence of the fugitive, no matter wherever in the world he/she has absconded to. Such persons would have to come to the refuge of Indian laws and courts to



appeal against the sentence. The provision of using advanced technologies has also been incorporated in the new laws. The definition of documents has been expanded to include electronic or digital records, e-mails, server logs, computers, smartphones, laptops, text messages, websites, locational evidence, mails and messages available on devices, which can be used in the courts. A provision has also been made to digitise the entire process from FIR to case diary, case diary to chargesheet and from chargesheet to judgement. Earlier, video conferencing was allowed for the accused in place of physical appearance in the court. But now the entire trial, including cross examination, may be done through video conferencing. The examination of complainant and witnesses, investigation and recording of evidence in trials and entire appellate proceedings will now be possible digitally.

Similarly, audio-visual recording has been made mandatory at the time of search and seizure, which will be part of the case,

Sedition Decriminalised

- The offence of sedition, considered one of the most potent tools of colonial suppression, has been abolished.
- Stringent penalties have been introduced for anti-national activities.
- Activities against the sovereignty and integrity of India can now result in imprisonment for up to seven years or life.
- The IPC did not mention 'intent or purpose', but the new law includes 'intent' in the definition of treason, providing safeguards for freedom of speech and expression.
- Mere showing disaffection to the Government or contempt/hatred towards the Government is no longer a criminal act under the new law.

Accountability of the Police

Mandatory videography during search and seizure.

Provision for maintaining records of arrested persons at every police station-level has been introduced.

For imprisonment less than three years, and if the arrested person is above 60 years or infirm, prior permission of an officer of Dy SP rank or above is mandatory.

Over 20 sections have been introduced to enhance police accountability in arrest, search, seizure and investigation.

The provision for a preliminary inquiry has been introduced for the first time.

In non-cognisable cases, the daily diary report of all such cases to be forwarded to the Magistrate fortnightly.

thereby saving innocent citizens from being implicated. No chargesheet will be valid without such recordings by the police, Shri Shah added.

Noting that the conviction rate is often quite low due to the absence of proper evidence, provisions have been introduced to mandatorily use forensic science tools. An important provision has been made where the forensic team needs to visit the scene of crime compulsorily for offences that are punishable for seven years of imprisonment or more. This move will enable the police to gather scientific evidence, after which the chances of acquittal of culprits in courts will be significantly reduced. The Union Home Minister also said that there would be three mobile forensic science laboratories in every district.

In cases of sexual violence, radical changes have been incorporated in the new laws. Recording the



Terrorism

For the first time, a terrorist act has been defined clearly and made a punishable offence.

A terrorist act is punishable with death sentence or life imprisonment.

Activities such as damage or destruction of property, disruption of supply of essential services, damage to monetary stability of India, and destruction of any property in India or abroad used for defence of India are covered in terrorist act.

Acts such as organising camps for imparting training in terrorist act, recruiting any person for commission of terrorist act, and being member of terrorist organisation made punishable.

Possessing property derived or obtained from terrorist act is made punishable.

A New Approach to Appreciation of Evidence

The Bharatiya Sakshya Adhiniyam, 2023, has expanded the definition of documents to include electronic or digital records, emails, server logs, and documents available on computers, messages and locations on smartphones or laptops, websites as evidence.

Considering electronic and digital records as primary evidence, emphasising proper custody, storage, transmission, and broadcast.

More types of secondary evidence, including oral and written confessions and expert testimony, have been added for documents that cannot be easily verified by the court.

The legal acceptability, validity, and enforceability of electronic or digital records as evidence have been established.

Electronic record being presented in court as secondary evidence now requires an additional certificate of an expert to establish its veracity.

The scope of primary evidence has been significantly expanded to include various forms of stored, transmitted, transferred or broadcast electronic records.



Expediting the Judicial Process



- Mandatory summary trials are now required for minor and less serious cases.
- Magistrates are empowered to conduct summary trials in cases that involve imprisonment up to three years.
- Decisions regarding sanction for prosecution against civil servants must be made within 120 days.
- A timeline has been set for initiating criminal proceedings, proceedings before a magistrate, framing of charges, plea bargaining, appointment of public prosecutors, trial, bail, judgment, sentencing, and mercy petitions, etc.
- As many as 45 sections have been added with timelines to enable speedy delivery of justice.
- e-FIR must be placed on record within three days by a person filing a complaint through electronic communication.
- After the conclusion of a trial in any criminal court, the pronouncement of the judgment will not take more than 45 days.
- Discharge provision has been introduced in summon cases.
- Timeline has been prescribed for making discharge application, charge framing, etc.

statement of the victim in cases of sexual violence has been made mandatory.

For the first time, a provision has been made to criminalise sexual intercourse on the basis of false promises of marriage, employment and promotion. In all cases of gang-rape, a provision of 20 years of life imprisonment has been made. In the case of gang-rape of girls below 18 years of age, the provision of death penalty has also been included. Statements of rape victims are, as far as possible, to be recorded by a lady Judicial Magistrate.

The police will be required to provide the status of the investigation within 90 days at the initial stage to the victim. Without hearing the victim, no case by the Prosecutor can be withdrawn, thus protecting the rights of the victims.

For the first time, community service is being introduced as a form of punishment under the new laws. The scope of summary trials has also been expanded for minor cases. Now, crimes carrying a sentence of up to three years imprisonment will be included in summary trials. This single provision will result in resolving over 40% of cases in the courts itself.

Courts will now be obligated to issue a notice to the accused and frame charges within 60 days. The judge will have to deliver the verdict within 45 days of completing the arguments, ensuring that decisions are not kept pending for years. Further, the verdict must be made available online within seven days.

Under the new laws, while conducting trials against Government employees or police officers, the Government must decide on giving sanction for prosecution within 120 days; otherwise, it will be deemed as permitted and the trial will commence.

The appearance of the former officials in the court will not be required and the successor-in-office may appear before the court.

Undertrial Prisoners

- The maximum period of detention for a first-time offender has been reduced.
- A person who has committed a crime for the first time and has served 'one-third of the maximum imprisonment' will be released on bail by the court.
- In such cases, the Jail Superintendent must immediately apply in writing to the court, for bail.
- Release on bail will not be available for undertrial prisoners in cases carrying life imprisonment or death sentence.

Witness Protection

- Provisions of witness protection have been included in the new laws.
- The core of the new laws is the protection of Constitutional rights of citizens as well as their human rights.
- Mandates the preparation and notification of a witness protection scheme by every State.
- A Witness Protection Scheme serves as a safeguarding mechanism, fostering an environment where witnesses can contribute to the legal process devoid of fear or duress.
- The duly approved Witness Protection Scheme 2018 by the hon'ble Supreme Court in Mahendra Chawla vs Union of India provides a comprehensive framework for the States.
- State Governments to prepare and notify Witness Protection Scheme to ensure safety of witnesses.

Measures against Declared Criminals

In instances involving imprisonment of 10 years or more, life imprisonment, or the death penalty, the absconder can be declared as a proclaimed offender.

The recent legislation introduces a new provision allowing the attachment and confiscation of assets located outside India in cases involving proclaimed offenders.

In-absentia trial is introduced to proceed against proclaimed offenders.

Community Service as Punishment

- Community punishment for minor crimes in accordance with Indian philosophy of justice.
- Community services included in six crimes.
- Provision of community services for thefts of property worth less than ₹5,000.

In addition, a new provision of attachment of properties of proclaimed offenders has been added. A new provision of different types of harsh punishments against inter-state gangs and organised crimes has also been included in the new laws.

For mob lynching cases, life imprisonment and death penalty have been included. Also, the new

laws have provision for punishment in mobile phone or chain-snatching cases.

The Union Home Minister said that in the old laws, there was provision for punishment of seven years imprisonment in both the cases of grave injury and minor injury. Under the new laws, provision has been made for punishment of 10 years or life imprisonment in cases of permanent disability or if the victim is left in a vegetative state. The punishment for offences against children has been increased from seven years to 10 years. There were many cases where sentences were pardoned for various reasons, but under the new laws, death penalty can only be changed to life imprisonment, life imprisonment to a minimum of seven years jail and sentences carrying seven years imprisonment to a minimum of three years in jail, but no culprit will be spared.

It is noteworthy that on October 15, Prime Minister Shri Modi, while addressing the inaugural session of the All India Conference of Law Ministers and Law Secretaries, had highlighted the importance of a reliable and swift justice system to create a healthy and confident society in a developing country such as India. The justice system and various processes and traditions within every society are evolving according to the needs of the time. When justice is seen to be served, the trust of the citizens in constitutional institutions is strengthened and when justice is delivered, that trust is solidified. ■

Removing Colonial Imprints

Framed in the 19th Century, the old laws were enacted to fortify and uphold British dominance. They were debated in the British Parliament and not in India. When the old criminal laws were made no Indian leaders were consulted.

The essence of the new laws is centred on safeguarding the rights granted to Indian citizens by the Constitution of India. Crafted with the spirit of Indian ethos, these three laws are poised to bring about a significant transformation in our criminal justice system. The three old laws, tainted by the spectre of colonialism, were originally imposed by the British Parliament and were merely adopted by India after Independence.

The old criminal laws used terms such as Parliament of the United Kingdom, Notification by the Crown Representative, London Gazette, Possession of His Majesty, Jury, Her Majesty, Privy Council, Court



of Justice, United Kingdom of Great Britain and Ireland, Queen's Printer, Commonwealth, Her Majesty's Dominions, etc. They have been removed in the new laws. Traditional legal titles such as 'barrister', 'pleader' and 'vakil' have been updated to 'advocate'.

Additionally, outdated terminologies such as 'metropolitan area' has been discarded. Terms considered derogatory or demeaning such as 'idiot', 'lunatic' and 'mental retardation', have been updated to more respectful terms such as 'intellectual disability' and 'unsound mind', aligning with the Mental Healthcare Act, 2017. These changes signify the shedding of the British legacy, removing the symbols of colonial subjugation.

Promoting Technology

The new laws promote digitalisation and emphasise e-FIRs.

Police officers must provide information to victims through digital means within 90 days.

Promoting forensics, mandatory visits to crime scenes, and mandatory videography for collecting evidence in cases with sentences of seven years or more.

The entire process of police search or seizure of any property must be videographed through electronic devices.

Statements of rape victims to be recorded in audio-video mode.

Appearance before court can be done by the use of audio-video electronic means.

Audio-video recording of all search and seizure processes.

Use of audio-video conferencing modes for deposition of evidence by the accused, victim, and witnesses.

Leveraging technology for service of summons and electronic supply of documents.

Search & Seizure

The procedure of search and seizure by the police will rely on technology. The entire process of searching or acquiring evidence will be videographed through electronic devices. The records will be sent to the magistrate without any delay.

Disposal of Property

Since a large number of case properties are lying in police stations, new provisions have been made for their swift disposal. After creating a description of the property by the court or magistrate and photographing/videographing of such property, they can be used as evidence in any investigation, inquiry, trial, or other proceedings. Orders will be given for the disposal, destruction, confiscation or delivery of the said property within 30 days of taking photographs/videos.

Books Throw Light on New Criminal Laws

A few publication groups took initiative to disseminate information about the three new criminal laws to the public in a short span of time. Union Home Minister and Minister of Cooperation, Shri Amit Shah, praised the publication firms for presenting books on the three new criminal laws to him. On social media platform X (formerly Twitter), he said that the books threw light on the new laws in clear and lucid language. The books highlight the Union Government's approach and focus on fair and quick justice delivery system. The books include user-friendly comparative references for easy understanding of the new provisions in comparison to the old laws. There was a concern that understanding the new laws would take a lot of time after their enactment, but that is not the case. The new laws have been drafted in simple and easy language so that they can be understood without difficulty.



New Criminal Laws: Salient Features



- The Bharatiya Nyaya Sanhita (BNS) 2023, replacing IPC, has 358 sections instead of the earlier 511 sections, 175 sections have been changed, 10 new sections have been added and 19 sections repealed.
- The Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, which replaced CrPC, has 531 sections, 177 sections have been modified, 9 provisions added and 11 sections have been deleted.
- The Bharatiya Sakshya Adhinyam (BSA) 2023, which replaced the Indian Evidence Act, 1872, has 170 sections instead of the earlier 167. As many as 23 sections have been changed, 2 new section has been added and 11 sections have been repealed.
- The entire process—from first information report to case diary, from case diary to chargesheet, and from chargesheet to the delivery of justice—will be digitised.
- The presence of a forensic team at the crime scene for offences with a punishment of seven years imprisonment or more has been made mandatory, providing the police with scientific evidence that will greatly reduce the likelihood of the accused being acquitted in court.
- In cases of sexual violence, video recording of the victim's statement is now required.
- Police will give the status of the investigation within 90 days to the victim.
- A time limit of 90 days is fixed for filing supplementary chargesheet during trial and depending on the situation, the court can further give permission for 90 more days.
- The scope of summary trials in minor cases has been expanded, it now includes offences with up to three years of imprisonment. This provision alone will eliminate over 40% of cases in the courts.
- Provision of the death penalty has been included in cases involving gang-rape of girls under 18 years of age, and provisions for life imprisonment and death penalty have been made for mob-lynching cases.

India's Criminal Justice System to Outshine Global Standards



Prior to the formulation of the new criminal laws, the Union Government had successfully connected 16,733 police stations through online platforms, all managed by a unified software.

Bureau

The Union Home Minister and Minister of Cooperation, Shri Amit Shah, spoke about the new criminal laws at the Cyber Operation and Security Centre in Chandigarh on December 22.

Shri Shah emphasised that under the leadership of Prime Minister Shri Narendra Modi, the country's Parliament has passed three significant bills poised to bring about transformative changes in the nation's

criminal justice system. He underscored the need for the justice system to align with the spirit of the Constitution of India and adapt to contemporary technology. He stressed the importance of creating essential infrastructure to facilitate this adaptation, ensuring that the entire country's justice system, from connectivity to hardware, is well-equipped.

According to the Union Home Minister, these laws establish the foundation for a comprehensive and foolproof judicial system, interconnecting key

components such as police stations, courts, jails, forensic laboratories, prosecutors' offices and secretariats. He asserted that the full implementation of these laws would streamline the resolution of criminal cases across the country, ensuring that the whole process does not exceed three years.

Shri Shah highlighted that extensive consultations were conducted with various stakeholders, followed by the submission of the proposed legislation to the Home Ministry committee. Subsequently, incorporating the suggested amendments, comprehensive laws were formulated and presented in the Parliament.

The Union Home Minister said that under the leadership of Prime Minister Shri Modi, India is dedicated to steer its criminal justice system based on indigenous principles. He emphasised the readiness of India's criminal justice system to make a leap from the 19th Century directly into the 21st Century.

Shri Shah asserted that upon the enactment of these laws, India's criminal justice system would emerge as the most modern in the world. He outlined plans for infrastructure, software development, human resources training and complete computerisation of courts by December 2024 in all the Union Territories for the implementation of the three laws. He mentioned that the Modi Government had already initiated this process through Crime and Criminal Tracking Network and System (CCTNS) and Interoperable Criminal Justice System (ICJS). He announced the development of a detailed time-bound programme to prepare the Union Territory (UT) Chandigarh as a pilot, for the full implementation of these laws.

The Union Home Minister specified a time-bound programme for the elimination of terrorism and organised crime, the establishment of the Directorate of Prosecution and addressing loopholes in CCTNS and ICJS. He further indicated that meetings would be held in all the Union Territories before January 31, 2024, and by December 22, 2024, all Union Territories would be fully prepared for the

The Union Home Minister and Minister of Cooperation, Shri Amit Shah, said that under the leadership of Prime Minister Shri Narendra Modi, India is committed to running its criminal justice system with Indian ideas and ethos. India's criminal justice system is also ready to take a leap from the 19th Century to the 21st Century. He said that after the implementation of these laws, our criminal justice system will become the most modern in the world.



Before the end of December 2024, there will be the establishment of infrastructure, software deployment, human resources training and the comprehensive computerisation of courts to facilitate the implementation of these three laws across all UTs.

Shri Amit Shah, Union Home Minister and Minister of Cooperation

implementation of the three new laws.

Shri Shah noted that prior to the formulation of these laws, the Modi Government had successfully connected 16,733 police stations through online platforms, all managed by a unified software. He highlighted that 22,000 courts across the nation had transitioned into e-courts, managing data of two crore prisoners through e-prison, over one crore prosecutions through e-prosecution and processing 17 cases via e-forensic. ■