Bharatiya Sakshya Bill, 2023

Why in news?

Recently, Bharatiya Sakshya Bill 2023 was introduced in the Lok Sabha to replace the Indian Evidence Act, 1872.

What is Indian Evidence Act, 1872?

> *Lord Thomas Babington Macaulay is said to be the chief architect of codification of criminal laws in India.*

- **Origin -** The Imperial Legislative Council passed the Indian Evidence Act in 1872, which established the guidelines for admissible evidence in Indian courts.
- **Aim-** To bring together the principles and procedures governing the admissibility of evidence that a court might use to determine the facts of a case during trial.
- **Evidence-** The term "evidence" refers to something that tries to *confirm or refute the truth or falsity of a fact*.
- Evidence offers direction to the court and helps in meeting the ends of justice.
- It is a crucial piece of legislation that regulates the admissibility, relevancy, and trustworthiness of evidence submitted in Indian courts.
- **Elements**-
    - General rules of evidence
    - Relevancy of facts
    - Production and effect of evidence

What are the key features of the bill?

- **Aim-** To consolidate and provide for general rules and principles of evidence for fair trial.
- To modernize India's legal framework and make it more efficient, transparent, and responsive to the needs of the 21st century.
- **Repeal-** It repeals 5 existing provisions of the Evidence Act, modifies 23 provisions, and adds 1 new provision.
- The bill proposes amendments to 23 Sections and contains 170 Sections in total.
- **Electronic records-** The Bill permits the admissibility of an electronic or digital record as evidence (*legal validity* as documentary evidence).
- **Secondary evidence-** It has been expanded to include the following
    - Copies made from the original by mechanical processes
    - Copies made from counterparts of documents
    - Oral accounts of document contents provided by a witness who has seen it.

- **Rules**- It prescribes precise and uniform rules for dealing with evidence during the trial of cases.

What is the significance of the Bill?

- **Equitable treatment** - The shift towards acknowledging electronic records as evidence aligns with the technological landscape and ensures equitable treatment of all forms of evidence.
- **Enhance efficiency-** The introduction of a matching hash value for original records adds a layer of authenticity to secondary evidence, enhancing its credibility.
- **Justice-** It fortifies the principles of justice and fairness by amending and refining sections that had become obsolete or inadequate.
- **Fairness** - Uniform rule ensures that evidence is handled consistently and fairly across various proceedings.

Committees for Reform of Criminal Laws
• **Malimath Committee-** It was formed in 2003 to bring reforms in the criminal justice system. • It recommended that the victim should be allowed to participate in cases involving serious crimes and also be given adequate compensation. • **Justice Verma Panel-** It was formed to ensure quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. It submitted its report in 2013. • **Ranbir Singh Committee**- It was formed in 2020 to review 3 codes of criminal law - Indian Penal Code (IPC), 1860 - Code of Criminal Procedure (CrPC), 1973 and - Indian Evidence Act, 1872.

References

1. The Hindu- Explained new bill to overhaul criminal laws
2. PIB- Criminal Justice bill
3. Live Mint- Key provisions of the bill

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