

## Performance of New Criminal Laws

Mains Syllabus: GS II - Government Policies and Interventions for Development in various sectors and Issues arising out of their Design and Implementation.

### Why in the News?

It has been a year since the British era criminal laws were replaced by the three new criminal laws on July 1, 2024.

[To know more about, Bharatiya Nyaya Sanhita Act, Click Here.](#)

[To know more about, Bharatiya Sakshya Adhiniyam, Click Here](#)

[To know more about Bharatiya Nagarik Suraksha Sanhita, Click Here.](#)

### How are the new laws being implemented?

- **Cases Filed** - According to data from the MHA, police departments have registered a total of 35,18,544 (3.5 million) FIRs under BNS between July 1 last year till June 25.
- In comparison, 35,61,279 (3.5 million) and 36,63,630 (3.6 million) FIRs were filed across the country in 2022 and 2021, respectively, according to the National Crime Records Bureau (NCRB) data.

#### Key Changes in the New Laws

- The ability to file a complaint anywhere
- Online registration of such complaints
- The issue of summons through electronic modes such as SMS
- Mandatory videography of crime scenes for all heinous crimes
- 20 years of punishment in gang rape cases (a possible death penalty if the victim is below 12 years of age)
- New crimes such as mob lynching
- Allows trial in absentia of fugitive criminals.
- Repeal archaic provisions such as homosexuality, adultery, attempt to commit suicide and sedition.
- While the term "sedition" is dropped, the new provision, found in Section 152 of the BNS, criminalizes acts that excite or attempt to excite secession, armed rebellion, or subversive activities.

- **Training of Human Resources** - MHA data suggests that out of about 20 lakh police officers in all states/UTs in the country, about 8.6 lakh have already been trained in the new laws.
- **Increase in Forensic Personnel** - Since the new laws focus heavily on collection of forensic evidence, the state forensic science laboratories (FSLs) across the country

have hired 2,649 forensic professionals on contract.

- For modernisation and upgradation of FSLs in 24 states/UTs, Rs.215.66 crore has been allocated.
- **Enhancement in Digital Infrastructure** - The capacity has been increased in the last one year for storing electronic evidence, as collecting such evidence is mandatory now in the law

### What are the pillars of the implementation of new criminal laws?

- **Inter-operable Criminal Justice System (ICJS)** - It is a national platform designed to integrate the main IT systems used by the five key pillars of the criminal justice system in India.
  - Police (CCTNS)
  - Courts (e-Courts)
  - Jails (e-Prisons)
  - Forensic Labs (e-Forensics)
  - Prosecution (e-Prosecution).
- **Upgradation of CCTNS portal** - Most first information reports (FIRs) are registered through the Crime and Criminal Tracking Network and Systems (CCTNS).
- **e-Sakshya** - It is making a big difference on the ground, for the transition to the new provisions of law.
- **Nyay Setu** - It has been introduced as a dedicated digital platform for the police to streamline operations and enhance inter-agency coordination.
- **iGOT Karamyogi** - Officials had been on board the Karamyogi portal and they were being provided extensive training.
- Hands-on training for using new applications was also imparted to all SHOs, IOs and computer operators.
- **QR codes** - They are used for property and messenger details to ensure chain of custody.

### How does e-Sakshya aid in the implementation of the new laws?

- **The eSakshya app** - It is a pivotal mobile application designed to assist police in recording and managing evidence in criminal cases.

The BNSS makes it mandatory for the IO to record certain processes using audio-video electronic means.

- This app has been developed by the National Informatics Centre (NIC) in consultation with the MHA.
- **Digitizes India's Criminal Justice System** - As part of India's broader digital transformation, this app aligns with new criminal laws aimed at modernizing the justice system.
- **Evidence Management** - The app allows police officers to record the scene of a crime, including search and seizure activities, directly from their mobile phones.
- Investigating Officers (IOs) can use it to capture pictures and videos on the spot, with

geo-coordinates and a time stamp.

- **Facilitates Uniformity in Investigation** - eSakshya plays a crucial role in ensuring uniformity in investigations across states, which is expected to enhance the conviction rate.
- **Enables Compliance with BBNS** - The app supports compliance with the Bharatiya Nagarik Suraksha Sanhita (BNSS) requirements for audiovisual recording and forensic examination in serious offenses.
- **Enhances Procedural Integrity** - IOs cannot even (unofficially) depute their subordinates to carry out an investigation in their name.
- The provision of capturing a 'selfie' by the IO has been a deterrent and is likely to improve the overall quality of an investigation.
- **Ensures Forensic Analysis** - Through the app, the IO now ensures that the scene of crime is mandatorily inspected by a forensic science laboratories (FSLs) expert.

### What are the impediments in the implementing the laws?

- **Lack of Direct Access to Courts** - The pictures and videos captured using 'e-Sakshya' are stored in the National Government Cloud (NGC) through 'Sakshya lockers'.
- The courts are yet to start directly accessing such pictures and videos through the ICJS.
- **Duplication of Work** - Many IOs make a copy through the CCTNS (which is linked to the NGC) and submit a pen drive or a similar electronic device in court, along with the final report of the case.
- **Inadequate Digital Infrastructures** - Some police stations have been given one tablet only, which is clearly not sufficient as each police station has more than one IO.
- **Use of Personal Phones** - IOs use their personal mobile phones to capture pictures and videos.
- 'e-Sakshya' can only be downloaded in mobile phones with Android version 10 and a minimum storage space of 1 GB.
- **Operational Challenges** - While each video could be of a duration of four minutes (maximum), there is no limit on the number of videos that can be taken.
- In case of a linked FIR, there is no provision to delete a picture or video that has not been recorded well.

### What lies ahead?

- Since all States and Union Territories are implementing the new laws, there is a need for feedback to review ease of implementation and carry out changes to minimise the practical problems that IOs face and also overcome the legal obstacles in courts.
- The MedLEaPR (Medico Legal Examination and Post Mortem Reports System), which is a web-based application developed by the NIC Haryana is under testing in Chhattisgarh.
- This will enable the health department to create and forward medical examination reports and post-mortem reports more quickly to the police through CCTNS.
- More resources need to be allocated for forensics and information and communication technologies.
- This will ensure that IOs do not have to use their personal gadgets for official

processes and that each district has a separate mobile FSL unit.

## References

1. [The Hindu | A year later — colonial-era laws to new criminal codes](#)
2. [Hindustan Times | One year on, how three new laws transformed legal system](#)

