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 news 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 crimal 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 applica tion 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 jus tice 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 an forensic science laboratories (FSLs) expert.

What are the impediments in the implementing the laws?

- **Lack of Direct Access to Courts** - Th 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.
- **Deplication 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

