Revised Criminal Reform Bill

Why in news?

The Centre withdraws all three criminal law Bills and introduces new set of draft legislations.

Why the criminal Bills are revised?

- In August 2023, three Bills were introduced in Lok Sabha.

Introduced bills	Replaced
Bharatiya Nyaya Sanhita Bill, 2023 (BNSB)	Indian Penal Code (IPC), 1860
Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)	Criminal Procedure Code (CrPC), 1973
Bharatiya Sakshya Bill, 2023 (BSB)	Indian Evidence Act 1872

- **Aim**- To overhaul the existing criminal laws and make them more contemporary and comprehensive.
- The three Bills were referred to the standing committee, they proposed key changes to the Bills.
- Subsequently, the centre revamped criminal law Bills.

What were the revised reform Bills key changes?

About	First draft of the Bill	Revised Bills
Handcuffs	• It was introduced to prevent the escape of individuals accused of serious offences. • To ensure the safety of police officers and staff during arrests.	• The term economic offences has been removed from handcuff provision. • The use of handcuffs is extended to the persons who are produced before the court.

Mercy petitions	• It allowed convicts undergoing death sentences or their legal heirs or relatives to file mercy petitions. • The convict sentenced to death, or their legal heir or relative, can file a mercy petition to the Governor within 30 days after the jail authorities inform them about the disposal of their petition. • If the Governor rejects it, they can appeal to the President within 60 days. • The President's order is final and cannot be challenged in any court. • It also allowed them to submit their plea to the Home Department of the Centre or the state government before approaching the Governor or the President.	• It deleted the provision that allowed mercy petitions to be forwarded to the Home Department of the state government or the Centre for review. • It is based on the committee's suggestion that the judicial functions should not be left with Executive's discretion.
Preventive detention	• It allowed police officers to detain or remove persons resisting to conform to any direction given by them and taken them to Judicial Magistrate. • In petty cases release them "when the occasion is past".	• It adds a time limit to this provision. • It says that the person detained may be taken to magistrate or in petty cases be released as soon as possible within 24 hours. • Judicial magistrate is replaced b Magistrate.
Community service	• It has included community service as a penal measure for offences like attempting suicide, restraining exercise of lawful power theft, defamation of public functionaries, and appearing in public places while intoxicated and causing annoyance. • There is no clear cut definition for community service.	• It defines community service to mean work which the Court may order a convict to perform as a form of punishment that benefits the community, for which he shall not be entitled to any remuneration. • It also adds community service as punishment for unlawfully engaging public servants in trade and non-appearance in response to a proclamation
Terrorism	• It expanded the definition of terrorism beyond the Unlawful Activities (Prevention) Act, 1967 (UAPA). • It included non-violent speech and acts that could intimidate, disturb or destabilise the public order or the political, economic, or social structures of the country as terrorism.	• It removed the broad and vague definition of terrorism. • It adopted the existing definition of UAPA 1967. • UAPA defines terrorism as any act that threatens or strikes terror in the people or the sovereignty of India or any foreign country.

Mental unsoundness	• It used the term "mental illness" to replace the concept of "mental unsoundness" in the existing laws, without acknowledging the difference between them. • It could have serious implications for the rights and liabilities of persons with mental health issues.	• The error has been corrected and restored the concept of mental unsoundness. • The government has recognised the importance and ensuring consistency with the existing laws and the Mental Healthcare Act, 2017.

References

1. Indian Express- Revised criminal reform bills
2. Wire- 2nd avatar criminal law bills

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