

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 1989**

**TO BE ANSWERED ON THE 17TH DECEMBER, 2025/ AGRAHAYANA 26, 1947
(SAKA)**

NEW CRIMINAL LAWS

1989 # SHRI BABURAM NISHAD:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the new criminal laws liberate people from a colonial mindset;**
- (b) if so, the details thereof; and**
- (c) whether the new criminal laws focus on justice rather than punishment, if so, the details thereof?**

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS

(SHRI BANDI SANJAY KUMAR)

(a) to (b): After extensive consultation with all stakeholders, the Government of India has replaced colonial-era Criminal Laws, namely the Indian Penal Code (IPC), 1860, the Code of Criminal Procedure (CrPC), 1973 and the India Evidence Act (IEA), 1872 with the Bharatiya Nyaya Sanhita (BNS), 2023, the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 and the Bharatiya Sakshya Adhiniyam (BSA), 2023 respectively. These new Criminal Laws have come into force from 1st July, 2024.

These new laws replace outdated colonial era legal structures and have citizen-centric/ victim oriented provisions and technology-enabled justice system. Certain substantial reforms in the new Criminal Laws that indicate a shift from colonial mindset are as follows: -

- i. The BNSS, 2023 has replaced outdated and offensive terms like “lunatic person” and “person of unsound mind” with phrases like “person with mental illness” or “having intellectual disability”.**

- ii. In BSA, 2023, obsolete colonial terms such as “Parliament of the United Kingdom”, “London Gazette”, “Her Majesty’s Government”, and others have been deleted as irrelevant. Further, archaic terms such as ‘Vakil’, ‘Pleader’, and ‘Barrister’ have been replaced with the unified term ‘Advocate’ to better align with current legal practice.**

- iii. The section relating to sedition which had colonial origins has been deleted and replaced with section 152 of BNS, 2023, which makes acts endangering sovereignty, unity and integrity of India a punishable offence.**

- iv. The new laws introduce several fundamental reforms aimed at modernizing and streamlining criminal procedure, with a strong focus on accessibility, transparency and efficiency. These reforms represent a significant shift towards a more citizen-centric, accessible and efficient justice system.**

- v. The new laws have victim centric provisions and give precedence to protection of women and children.**

- vi. To significantly improve speed, efficiency and transparency in judicial process, focused attention has been given to the use of modern technology and forensics. Also, timelines have been prescribed for faster and fair resolution of cases, instilling confidence in the legal system.**

The details of provisions of the new Criminal Laws that focus on justice rather than punishment are given in Annexure.

Annexure

(A)Victim Centric Provisions

- i. Report Incidents Online:** A person may now report incidents by electronic communication, without the need to physically visit a police station. This allows for easier and quicker reporting, facilitating prompt action by the police.
- ii. File FIR at Any Police Station:** With the introduction of Zero FIR, a person can file a First Information Report (FIR) at any police station, regardless of jurisdiction. This eliminates delays in initiating legal proceedings and ensures immediate reporting of the offence.
- iii. Free Copy of FIR:** Victim is entitled to receive a free copy of the FIR, ensuring their participation in the legal process.
- iv. Right to Inform Upon Arrest:** In the event of an arrest, the individual has the right to inform a person of his choice about their situation. This will ensure immediate support and assistance to the arrested individual.

v. **Display of Arrest Information:** Every police station and district must now have a designated police officer not below the rank of ASI and the information of all arrested individuals shall now be prominently displayed in every police station. This safeguards the right of the accused persons and mitigates instances of custodial violence and illegal detention by police.

vi. **Progress Updates to Victims:** Victims are entitled to get update on the progress of their case within 90 days. This provision keeps victims informed and involved in the legal process, enhancing transparency and trust.

vii. **Supply of police report and other documents:** Both the accused and the victim are entitled to receive copies of the FIR, police report/chargesheet, statements, confessions and other documents within 14 days.

viii. **Witness Protection Scheme:** The new laws mandate all State Governments to implement Witness Protection Scheme to ensure the safety and security of witnesses, enhancing the credibility and effectiveness of legal proceedings.

ix. **Exemption from going to police station: Women, persons below 15 years, persons above 60 years, and those with disabilities or acute illness are exempt from attending police stations.**

x. **It is mandated that victim be heard before withdrawal from prosecution in Section 360 of BNSS. The statutory recognition of the right of the victim to be heard is a significant example of a *nyaya* centric approach to criminal justice system. By mandatorily hearing the victim in proceedings regarding withdrawal of cases, the justice system becomes more responsive to the needs and concerns of those directly affected by crime.**

(B) Provisions for protection of Woman and Child

i. **Offences against woman and child have been given precedence over all other offences in a new Chapter-V of BNS, 2023.**

ii. **In BNS, 2023 the age differential for minor victims of gang rape has been done away with. Earlier different punishments were prescribed for gang rape on a girl below the age of 16 years and 12 years. This provision has been modified and now gang rape on a woman below**

the age of eighteen years is punishable with imprisonment of life or death.

- iii. Women have been recognized as an adult member of family who can receive summons on behalf of the person summoned. The earlier reference to 'some adult male member' has been replaced with 'some adult member'.**
- iv. In order to provide more protection to the victim and enforce transparency in investigation related to an offence of rape, the statement of the victim shall be recorded through audio video means by police.**
- v. For certain offences against woman, statement of the victim is to be recorded, as far as practicable, by a woman Magistrate and in her absence a male Magistrate in the presence of a woman to ensure sensitivity and fairness, creating a supportive environment for victims.**
- vi. Medical practitioners are mandated to send the medical report of a victim of rape to the investigating officer within 7 days.**

vii. **It is provided that no male person under the age of fifteen years or above the age of 60 years (65 years earlier) or a woman or a mentally or physically disabled person or a person with acute illness shall be required to attend at any place other than the place in which such male person or woman resides. In cases where such a person is willing to attend the police station, they may be allowed to do so.**

viii. **The new laws provide for free first-aid or medical treatment to victims of crimes against women and children at all hospitals. This provision ensures immediate access to essential medical care, prioritizing the well-being and recovery of victims during challenging times.**

ix. **The act of hiring, employing or engaging a child to commit an offence, is made a punishable offence under section 95 of Bharatiya Nyaya Sanhita 2023, which entails punishment of imprisonment of minimum seven years, extendable to ten years. This provision aims to deter gangs or groups from employing/hiring children for committing offence.**

(C) Provisions relating to use of Technology and Forensics

- i. To significantly improve the speed, efficiency and transparency of the judicial process, applications like e-Summons, e-Sakshya and Nyaya-Shruti (VC) have been developed. The e-Summon facilitates delivery of summons through electronic means. The e-Sakshya enables lawful, scientific and tamper-proof collection, preservation and electronic submission of digital evidence thus ensuring authenticity and reducing delays. Nyaya-Shruti (VC) facilitates virtual appearance of accused persons, witnesses, police officials, prosecutors, scientific experts, prisoners etc. through video conferencing.**

- ii. Forensic Evidence Collection and videography: To strengthen the case and investigations, it has become mandatory for forensic experts to visit crime scenes for serious offences and collect evidence in offences which are punishable for 7 years or more. Additionally, the process of evidence collection at the crime scene will be mandatorily videographed to prevent tampering of evidence. This dual approach significantly enhances the quality and reliability of investigations and contributes to a fair administration of justice.**

- iii. **Electronic Summons:** Summons can now be served electronically, expediting legal processes, reducing paperwork, and ensuring efficient communication between all parties involved.
- iv. **All proceedings in Electronic Mode:** By conducting all legal proceedings electronically, the new laws offer convenience to victims, witnesses and accused, thereby streamlining and expediting the entire legal process.

(D) Timelines

- i. **Faster and Fair Resolution:** The new laws promise a faster and fair resolution of cases, instilling confidence in the legal system. Crucial stages of investigation and trial like - preliminary enquiry (to be completed in 14 days), further investigation (to be completed in 90 days), supply of document to the victim and accused (within 14 days), commitment of a case for trial (within 90 days), filing of discharge applications (within 60 days), framing of charges (within 60 days), pronouncement of judgment (within 45 days) and filing of mercy petitions (30 days before Governor and 60 days before President) - have been streamlined and to be completed within stipulated time period.

- ii. **Fast-Track Investigations:** The new laws prioritized the investigations for offences against women and children, ensuring timely completion within two months of recording information.
- iii. **Limited Adjournments:** Courts can grant a maximum of two adjournments to avoid unnecessary delays in case hearings, ensuring timely justice delivery.

(E) Reformative Approach

- i. **Community service:** The new laws introduce community service for minor offences. The offenders get the chance to positively contribute to society, learn from their mistakes and build stronger community bonds.
- ii. **Expansion of the ambit of summary trial:** The ambit of summary trial has now been expanded to include more offences ensuring expeditious disposal of cases.

(F) New Offences

- i. **New offences addressing terrorist act, act endangering, sovereignty, unity and integrity of India, mob lynching, snatching, organized crime, petty organized crime etc. have been added.**

ii. In case of petty theft, first-time offenders are punished only with community service, where the value of the stolen property is less than Rs. 5000 and where such value is returned, or such property is restored.

(G) Trial in absentia

A new provision of trial in absentia for persons declared as proclaimed offenders allows the Court to proceed with the trial and pronounce the verdict in the absence of the accused. This provision ensures that justice is neither delayed nor denied.

(H) Plea bargaining

In order to provide scope for plea bargaining, a person accused of an offence may file an application for plea bargaining within a period of 30 days from the date of framing of Charge in the Court. If the Court is satisfied regarding the prayer of the accused, it shall provide a time not exceeding 60 days to the Public Prosecutor, or the complainant of the case and the accused, to work out a mutually satisfactory disposition of the case which may include giving compensation to the accused. A time period of 60 days has been prescribed for the Court to decide such application. The earlier CrPC did not have any time-line for such Plea bargaining.