

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
LEGISLATIVE DEPARTMENT**

LOK S A B H A

UNSTARRED QUESTION No. 80

TO BE ANSWERED ON FRIDAY, THE 2nd FEBRUARY, 2024.

Pre-Legislative Consultation Policy

80. SHRI ABHISHEK BANERJEE:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Bhartiya Nyaya Sanhita, Bhartiya Nagrik Suraksha Sanhita and the Bhartiya Sakshya Acts have underwent stakeholder consultation as mandated by the Pre-Legislative Consultation Policy; and
- (b) if so, the details thereof and if not, the reasons therefor?

A N S W E R

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS; AND MINISTER OF STATE IN THE MINISTRY OF CULTURE
(SHRI ARJUN RAM MEGHWAL)**

- (a) to (b): The Department-related Parliamentary Standing Committee on Home Affairs, in its 111th (2005), 128th (2006) and 146th (2010) Reports, recommended for a comprehensive review of the Criminal Justice System of the country by introducing a comprehensive legislation in Parliament rather than bringing about piece-meal amendments in respective Acts. Accordingly, in conformity with the constitutional and democratic

aspirations, the Ministry of Home Affairs had undertaken the comprehensive review of criminal laws (Indian Penal Code, 1860, Indian Evidence Act, 1872 and Code of Criminal Procedure, 1973) with a view to provide accessible and affordable justice to all and create a legal structure which is citizen centric. In order to seek suggestions from all stakeholders, on 07.09.2019, letters were written to all Governors, Chief Ministers, Lieutenant Governors/Administrators of States and Union Territories for their suggestions on comprehensive amendments to the criminal laws. On 06.01.2020 and 09.01.2020 suggestions were also sought from Hon'ble Chief Justice of India and Hon'ble Chief Justices of all High Courts, Bar Councils and Law Universities/Institutions. On 31.12.2021 letters were written to all Members of Parliament (both Lok Sabha and Rajya Sabha) and sought their suggestions in this regard. A Committee was also constituted under the Chairmanship of Vice Chancellor, National Law University (NLU), Delhi to examine and suggest reforms in criminal laws. The Committee had also invited suggestions from various quarters including public. The Government received inputs/suggestions from States, Union Territories, Supreme Court of India, High Courts, Judicial Academies, Law Institutions and Members of Parliament. More than 1000 Police Officers from various States, Central Police Organizations, Central Bureau of Investigation, Intelligence Bureau and Bureau of Police Research & Development also submitted their suggestions. The Committee constituted under the Chairmanship of Vice Chancellor, National Law University, Delhi, after consideration of all suggestions, extensive consultation with the stakeholders and in-depth research, submitted its report in February, 2022 containing its recommendations. The Government considered all the suggestions received from various stakeholders and after detailed examination of all these suggestions the three Bills i.e. Bharatiya Nyaya Sanhita Bill, 2023, Bharatiya Nagarik Suraksha Sanhita Bill, 2023 and Bharatiya Sakshya Bill, 2023 were introduced in Lok Sabha on 11.08.2023, to repeal and replace the Indian Penal Code, 1860, the Criminal Procedure Code, 1973 and the Indian

Evidence Act, 1872. These bills were subsequently referred to the Department-related Parliamentary Standing Committee on Home Affairs for its examination and report. Again, letters were written to all the Chief Ministers, Hon'ble Chief Justice of Supreme Court of India, Hon'ble Chief Justice of High Court and Bar Council of India on 22.08.2023 with the request to send their valuable suggestions to the Parliamentary Standing Committee on Home Affairs. The Department-related Parliamentary Standing Committee on Home Affairs held several rounds of discussions with the officers of Ministry of Home Affairs, Legislative Department, domain experts and other stakeholders. After detailed deliberations, the Department-related Parliamentary Standing Committee on Home Affairs submitted its recommendations in Report No. 246th, 247th and 248th on 10.11.2023 on the Bharatiya Nyaya Sanhita, the Bharatiya Nagarik Suraksha Sanhita and the Bharatiya Sakshya Adhiniyam, respectively. Keeping in view the recommendations of the Committee, three new Bills, namely, the Bharatiya Nyaya (Second) Sanhita Bill, 2023, to repeal the Indian Penal Code, 1860; the Bharatiya Nagarik Suraksha (Second) Sanhita 2023, to repeal the Code of Criminal Procedure, 1973; and the Bharatiya Saksha (Second) Bill, 2023, to repeal the Indian Evidence Act, 1872; were again introduced in Lok Sabha on 19.12.2023, which were passed Lok Sabha on 20.12.2023. After passing of three Bills in Rajya Sabha on 21.12.2023 and thereafter assent of the Hon'ble President of India, these were notified in the Gazette of India on 25.12.2023.”
