

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**LOK SABHA  
UNSTARRED QUESTION NO. 1377**

**TO BE ANSWERED ON THE 30<sup>TH</sup> JULY, 2024/ SHRAVAN 8, 1946 (SAKA)**

**HIGHLIGHTS OF NEW CRIMINAL LAWS**

**1377. SHRI C M RAMESH:**

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether new criminal laws have been notified and came into force;**
- (b) the highlights of new criminal laws;**
- (c) the details of provisions which deal with giving bail to the accused; and**
- (d) the extent to which the new criminal laws help reduce overcrowding of jails in the country?**

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI BANDI SANJAY KUMAR)**

**(a)The Bharatiya Nyaya Sanhita, 2023 (BNS), the Bharatiya Nagarik Suraksha Sanhita), 2023 (BNSS), and the Bharatiya Sakshya Adhiniyam, 2023 (BSA) were notified in the Gazette of India on 25<sup>th</sup> December, 2023. The provisions of BNS, except the provision of sub-section (2) of section 106 and entry relating to section 106(2) of BNS in the first schedule of BNSS, and BSA have come into force from 1st of July, 2024.**

**(b)Highlights of the new Criminal Laws are placed at Annexure-I.**

**(c) Section 478 to 496 of BNSS contains details of the provisions relating to bail and bond.**

**(d) In order to reduce overcrowding of jails, following provisions have been made in the BNS, 2023 and BNSS, 2023:**

- (i) In section 290 of BNSS, plea bargaining has been made time bound and application can be made within 30 days from date of framing of charge. Further, section 293 of BNSS provides that where the accused is first-time offender and has not been convicted of any offence in the past, the Court may sentence such accused person to one-fourth/one-sixth of punishment prescribed for such offence.**
- (ii) The maximum period for which undertrial prisoner can be detained has been prescribed in the section 479 of BNSS, 2023. It has been provided that where a person is a first-time offender (who has never been convicted of any offence in the past), he shall be released on bond by the Court, if he has undergone detention for the period extending up to one-third of the maximum period of imprisonment specified for such offence under that law. Further, it shall be the duty of the Superintendent of Jail to make an application to the Court in this regard.**
- (iii) For the first time, Community Service has been introduced as one of the punishments in section 4 of BNS, 2023.**

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**Highlights of New Criminal Laws**

**The new criminal laws mark a significant step towards empowering Indian citizens. These laws aim to create a more accessible, supportive, and efficient justice system for everyone. The following are key provisions of the new criminal laws, highlighting the impact on individual rights and protections:**

- 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: Victims will 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: Arrest details will now be prominently displayed within police stations and district headquarters, allowing families and friends of the arrested person easy access to important information.**

**vi. 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. 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.

**vii. Fast-Track Investigations:** The new laws prioritized the investigations for offences against women and children, ensuring timely completion within two months of recording information.

**viii. 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.

**ix. Free Medical Treatment for Victims:** The new laws guarantee 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.

**x. Electronic Summons:** Summons can now be served electronically, expediting legal processes, reducing paperwork, and ensuring efficient communication between all parties involved.

- xi. Statements by Woman Magistrate: For certain offences against woman, statements of the victim are to be recorded, as far as practicable, by a woman Magistrate and in her absence, by a male Magistrate in the presence of a woman to ensure sensitivity and fairness, creating a supportive environment for victims.**
- xii. 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.**
- xiii. Limited Adjournments: Courts grant a maximum of two adjournments to avoid unnecessary delays in case hearings, ensuring timely justice delivery.**
- xiv. Witness Protection Scheme: The new laws mandates all State Government to implement Witness Protection Scheme to ensure the safety and cooperation of witnesses, enhancing the credibility and effectiveness of legal proceedings.**
- xv. Gender Inclusivity: The definition of “gender” now includes transgender individuals, promoting inclusivity and equality.**
- xvi. 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.**
- xvii. Audio-Video Recording of Statements: 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.**

**xviii. 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.**

**xix. Offences Against Women and Children: A new chapter has been added in BNS specifically to address offences against women and children, ensuring focused protection and justice.**

**xx. Gender-Neutral Offences: Various offences against women and children have been made gender-neutral in BNS, covering all victims and perpetrators regardless of gender.**

**xxi. Community service: The new laws introduce community service for minor offences promoting personal growth and social responsibility of an individual. Under community service, the offenders get the chance to positively contribute to society, learn from their mistakes, and build stronger community bonds.**

**xxii. Aligned Fines for Offences: Under new laws, the fines imposed for certain crimes have been aligned with the severity of the offences, ensuring fair and proportional punishment, deterring future offences, and maintaining public trust in the legal system.**

**xxiii. Simplified Legal Processes: The legal processes have been simplified to make them easier to understand and follow, ensuring fair and accessible justice.**

**xxiv. Faster and Fair Resolution: The new laws promises a faster and fair resolution of cases, instilling confidence in the legal system.**

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