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The New Era of Criminal Justice in India: An Overview

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ABSTRACT

The criminal justice system in India is undergoing significant reforms aimed at modernizing and enhancing its efficiency, fairness, and responsiveness to societal needs. Recent legislative amendments, policy initiatives, and technological advancements are transforming the landscape of criminal justice in the country. The New Era of Criminal Justice in India is marked by efforts to streamline legal procedures, reduce case backlogs, and improve the accessibility of justice. Key reforms include the introduction of fast-track courts for handling specific types of cases, the digitization of court records, and the implementation of e-filing systems to expedite judicial processes. Additionally, there is a growing emphasis on protecting the rights of victims and witnesses, ensuring timely investigation and prosecution of crimes, and enhancing the capacity of law enforcement agencies through advanced training and better resources. The adoption of alternative dispute resolution mechanisms, such as mediation and plea bargaining, is also gaining momentum, providing more efficient and less adversarial means of resolving conflicts. Furthermore, the use of forensic technology and data analytics in criminal investigations is improving the accuracy and reliability of evidence. These reforms are complemented by initiatives to address systemic issues, such as corruption and human rights violations within the justice system. Overall, the New Era of Criminal Justice in India reflects a comprehensive approach to building a more transparent, accountable, and effective legal framework, aligning with global best practices while addressing the unique challenges of the Indian context. The object of the article to study the overview of the three new laws and the difference between the old la and new one. The research methodology involves secondary data from diverse sources including journals, articles, newspapers, magazines and online platforms.

Keywords*: Criminal Justice System, Judicial Processes, e-Filing Systems, Digitization of Court Record, New Era of Criminal Justice.*

I. INTRODUCTION

A revolutionary shift in the Indian legal system is inevitable due to the enactment of three new criminal legislation by Parliament in December 2023. The new laws, known as Bharatiya

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Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Adhiniyam, are replace the antiquated laws inherited from the British colonial era. Their aim is to establish a more contemporary, effective, and equitable legal system. The Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA) aim to rectify the inadequacies of the Indian Penal Code (IPC) of 1860, the Code of Criminal Procedure (CrPC) of 1973, and the Indian Evidence Act (IEA) of 1872. These laws are set to take effect on July 1, 2024. These laws demonstrate a shift from a penal system that was intended to uphold colonial rule to one that places an emphasis on efficiency, justice, and inclusivity.

(A) A New Era for Indian Criminal Laws

The reforms' chief proponent, Home Minister Amit Shah, stressed that the laws are "made by Indians for Indians and by an Indian Parliament," so bringing an end to the criminal justice systems of colonial India. The new legislations introduce several significant changes such as the removal of sedition laws, the inclusion of digital and electronic evidence, community service for minor offenses, and time-bound judicial processes. With measures like Zero FIR, online police complaint registration, electronic summons via SMS, and mandatory crime scene recording for all serious crimes, these laws seek to establish a modern justice system. In keeping with the principles of "citizen first, honor first, and justice first," the new criminal rules require police to use "data" rather than "danda" (baton).[2]

II. INTRODUCTION TO THE NEW LAWS

The three new laws in India modernizes the criminal justice system, replacing outdated colonial-era legislations with contemporary reforms. Below are the new updated three new criminal laws:

(A) The Bharatiya Nyaya Sanhita (BNS)

The 163-year-old Indian Penal Code of 1860 is replaced by the Bharatiya Nyaya Sanhita (BNS), which significantly alters the criminal justice system. The BNS comprises 358 sections, whereas the IPC has 511 parts. One of the most significant modifications is the removal of the sedition statute, although there is now a new clause that makes separatism, rebellion, secessionism, and acts against India's unity, sovereignty, and integrity illegal. Other noteworthy modifications include the implementation of the death sentence for juvenile gang

[2] Singh, J. B. (2024, June 30). How government has prepared for rollout of 3 new Criminal Laws. India Today. https://www.indiatoday.in/law/story/how-government-has-prepared-for-rollout-of-3-new-criminal-laws-2560380-2024-06-30

rape and mob lynching, as well as the first-ever use of community service as a form of punishment.

(B) The Bharatiya Nagarik Suraksha Sanhita (BNSS)

Procedural law is covered by the Bharatiya Nagarik Suraksha Sanhita (BNSS), which takes the place of the Criminal Procedure Code (CrPC) of 1973. There are 531 sections in the BNSS as opposed to 484 in the CrPC. After the arguments are concluded, it sets up a deadline for the investigation, trial and verdict all within 30 days. A new rule pertaining to the attachment of property and the proceeds of crime has been implemented, and the video recording of victims' statements of sexual assault has been required.

(C) The Bharatiya Sakshya Adhiniyam (BSA)

The Indian Evidence Act of 1872 is replaced by the Bharatiya Sakshya Adhiniyam (BSA), which also brings about modifications to the evidence-processing procedure.[3] Digital records or electronic, such as SMS, computers, emails, smartphones, server logs, laptops, webpages, and location-based evidence, are now produced and admissible in court. The digitization of all records, including case diaries, FIRs, charge sheets, and judgments, is a significant step towards modernizing the justice system. The legal effect, validity, and enforceability of digital or electronic records will be equivalent to those of paper records. [4]

III. EMPHASIS ON TECHNOLOGICAL ADVANCEMENTS

To support the implementation of these new laws, significant technological upgrades have been made. The National Crime Records Bureau (NCRB) has modified the existing Crime and Criminal Tracking Network and Systems (CCTNS) to ensure compatibility with the new laws. Additionally, the Centre for Development of Advanced Computing (C-DAC) is developing CCTNS 2.0, which features secure cloud storage, crime scene videography, and forensic evidence collection. The National Informatics Centre (NIC) has developed several apps to support the new laws, including:

- **E-Sakshaya:** Enables videography and photography of crime scenes and document onboarding.
- **Nyayashruti:** Designed for judicial hearings and electronic document onboarding.

[3] India's three new criminal laws kick in from today: What will change for you? – Firstpost
[4] criminal laws replacing IPC, CrPc to come into effect from July 1. (2024, February 24). Hindustan Times. https://www.hindustantimes.com/india-news/three-new-criminal-laws-to-come-into-effect-from-july-1-101708765833972.html#google_vignette

- **E-Summon:** Facilitates the electronic service of court summons.

These technological advancements are intended to enhance transparency, efficiency, and the effectiveness of the justice system.[5]

IV. CAPACITY BUILDING FOR EFFECTIVE IMPLEMENTATION

To ensure the effective implementation of the new laws, capacity-building initiatives have been undertaken. The Bureau of Police Research and Development (BPR&D) has developed thirteen comprehensive training modules aimed at enhancing the capabilities of various stakeholders, including prison staff, police, forensic experts, judicial officers, prosecutors. A 'Training of Trainers' (ToT) approach has been adopted, where master trainers from all States and Union Territories are involved. This initiative has resulted in over 250 training courses, webinars, and seminars being conducted, benefitting more than 400,000 officers and personnel across the country. These efforts ensure that all relevant parties are well-equipped to uphold the new laws effectively.

"The three new bills seek to establish a justice system based on Indian thinking... The three proposed criminal laws will free people from the colonial mind set and its symbols," Amit Shah.

"The motive of the Indian Penal Code was to give punishment, not justice; in place of that Bharatiya Nyaya (Second) Sanhita, 2023 will come into effect in the country after the passage from the House," Amit Shah said.[6]

Key Changes into the Three Criminal laws:

Sr. no	Bharatiya Nyaya Sanhita	Bharatiya Nagarik Suraksha Sanhita	Bharatiya Sakshya Adhiniyam
1	Definition of child introduced	Increased scope of declaring proclaimed offender.	Electronic record included in definition of 'document'
2	Transgender included in	Arrest for offences with punishment less than 3	Statements received electronically included in

[5] Singh, J. B. (2024b, June 30). How government has prepared for rollout of 3 new Criminal Laws. India Today. https://www.indiatoday.in/law/story/how-government-has-prepared-for-rollout-of-3-new-criminal-laws-2560380-2024-06-30

[6] Saha, P. (2023, December 20). Three criminal law bills passed in Lok Sabha in absence of 97 suspended MPs. India Today. https://www.indiatoday.in/law/story/criminal-law-amendment-bills-lok-sabha-the-bharatiya-nyaya-sanhita-parliament-2478390-2023-12-20

	definition of 'gender'	years with senior nod	definition of 'evidence'
3	Digital records, electronic in definition of 'document'	15 days police custody allowed in first 40/60 days	Added more standards for considering electronic records as primary evidence
4	New chapter on offence against woman and child	Introduced in-absentia trial	Legal admissibility of electronic records.
5	New chapter on 'inchoate offences' introduced	Introduced electronic FIR	Husband/wife as competent witness in proceedings against spouse
6	New offences: organised crime, terrorist act, etc.	Preliminary Inquiry in offences 3-7 years	Conviction based on corroborated accomplice testimony made legal
7	Attempt to commit suicide deleted	Bail procedures simplified	- Comprehensive certificate for electronic evidence submission
8	Community service for theft less than Rs 5,000	Early release on bail for first-time under trials	Inclusion of more kinds of secondary evidence
9		Bail in acquittal cases simplified	
10		Plea bargaining for first-time offenders	
11		Timeline prescribed for procedures	
12		For transparency in processes use of audio-	

		video means [7]	
13		Introduced witness protection scheme	
14		Expanded definition of 'victim'	
15		Introduced Limitation on adjournments	

V. IMPLEMENTATION CHALLENGES IN NEW CRIMINAL LAWS

New criminal laws marks a substantial reform effort aimed at modernizing the colonial criminal justice system. However, their effective implementation faces formidable challenges. Key obstacles include upgrading digital infrastructure for handling electronic evidence, extensive training needs for stakeholders, ensuring the legal admissibility of digital records, meeting time-bound judicial processes, enforcing compliance nationwide, and fostering public awareness and acceptance. Addressing these challenges is essential to realizing the intended improvements and ensuring seamless integration with existing systems. Achieving these goals hinges on robust coordination, resource allocation, and overcoming resistance to change across all levels of the law enforcement and judiciary.

VI. CONCLUSION

The new criminal laws Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Adhiniyam marks a significant step towards transforming India's criminal justice system. These laws aim to create a more efficient, just, and modern legal framework by addressing the inadequacies of the colonial-era laws and incorporating contemporary needs and technological advancements. With these changes, India is poised to have a criminal justice system that truly serves its citizens, prioritizing justice, inclusivity, and efficiency.

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[7] Lok Sabha passes three criminal law Bills: Here are the key changes. (2023, December 21). The Indian Express. https://indianexpress.com/article/india/criminal-law-bills-bharatiya-nyaya-sanhita-key-changes-highlights-9077165/