

## Bharatiya Sakshya Bill, 2023

### Why in news?

Recently, Bharatiya Sakshya Bill 2023 was introduced in the Lok Sabha to replace the Indian Evidence Act, 1872.

### What is Indian Evidence Act, 1872?

*Lord Thomas Babington Macaulay is said to be the chief architect of codification of criminal laws in India.*

- **Origin** - The Imperial Legislative Council passed the Indian Evidence Act in 1872, which established the guidelines for admissible evidence in Indian courts.
- **Aim**- To bring together the principles and procedures governing the admissibility of evidence that a court might use to determine the facts of a case during trial.
- **Evidence**- The term “evidence” refers to something that tries to confirm or refute the truth or falsity of a fact.
- Evidence offers direction to the court and helps in meeting the ends of justice.
- It is a crucial piece of legislation that regulates the admissibility, relevancy, and trustworthiness of evidence submitted in Indian courts.
- **Elements**-
  - General rules of evidence
  - Relevancy of facts
  - Production and effect of evidence

### What are the key features of the bill?

- **Aim**- To consolidate and provide for general rules and principles of evidence for fair trial.
- To modernize India’s legal framework and make it more efficient, transparent, and responsive to the needs of the 21st century.
- **Repeal**- It repeals 5 existing provisions of the Evidence Act, modifies 23 provisions, and adds 1 new provision.
- The bill proposes amendments to 23 Sections and contains 170 Sections in total.
- **Electronic records**- The Bill permits the admissibility of an electronic or digital record as evidence (legal validity as documentary evidence).
- **Secondary evidence**- It has been expanded to include the following
  - Copies made from the original by mechanical processes
  - Copies made from counterparts of documents
  - Oral accounts of document contents provided by a witness who has seen it.

- **Rules**- It prescribes precise and uniform rules for dealing with evidence during the trial of cases.

### What is the significance of the Bill?

- **Equitable treatment** - The shift towards acknowledging electronic records as evidence aligns with the technological landscape and ensures equitable treatment of all forms of evidence.
- **Enhance efficiency**- The introduction of a matching hash value for original records adds a layer of authenticity to secondary evidence, enhancing its credibility.
- **Justice**- It fortifies the principles of justice and fairness by amending and refining sections that had become obsolete or inadequate.
- **Fairness** - Uniform rule ensures that evidence is handled consistently and fairly across various proceedings.

### Committees for Reform of Criminal Laws

- **Malimath Committee**- It was formed in 2003 to bring reforms in the criminal justice system.
  - It recommended that the victim should be allowed to participate in cases involving serious crimes and also be given adequate compensation.
- **Justice Verma Panel**- It was formed to ensure quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. It submitted its report in 2013.
- **Ranbir Singh Committee**- It was formed in 2020 to review 3 codes of criminal law
  - Indian Penal Code (IPC), 1860
  - Code of Criminal Procedure (CrPC), 1973 and
  - Indian Evidence Act, 1872.

### References

1. [The Hindu- Explained new bill to overhaul criminal laws](#)
2. [PIB- Criminal Justice bill](#)
3. [Live Mint- Key provisions of the bill](#)