

## Revised Criminal Reform Bill

### Why in news?

The Centre withdraws all three criminal law Bills and introduces new set of draft legislations.

### Why the criminal Bills are revised?

- In August 2023, three Bills were introduced in Lok Sabha.

Introduced bills	Replaced
<a href="#">Bharatiya Nyaya Sanhita Bill, 2023</a> (BNSB)	Indian Penal Code (IPC), 1860
<a href="#">Bharatiya Nagarik Suraksha Sanhita, 2023</a> (BNSS)	Criminal Procedure Code (CrPC), 1973
<a href="#">Bharatiya Sakshya Bill, 2023</a> (BSB)	Indian Evidence Act 1872

- **Aim-** To overhaul the existing criminal laws and make them more contemporary and comprehensive.
- The three Bills were referred to the standing committee, they proposed key changes to the Bills.
- Subsequently, the centre revamped criminal law Bills.

### What were the revised reform Bills key changes?

About	First draft of the Bill	Revised Bills
<b>Handcuffs</b>	<ul style="list-style-type: none"> <li>• It was introduced to prevent the escape of individuals accused of serious offences.</li> <li>• To ensure the safety of police officers and staff during arrests.</li> </ul>	<ul style="list-style-type: none"> <li>• The term economic offences has been removed from handcuff provision.</li> <li>• The use of handcuffs is extended to the persons who are produced before the court.</li> </ul>

<b>Mercy petitions</b>	<ul style="list-style-type: none"> <li>• It allowed convicts undergoing death sentences or their legal heirs or relatives to file mercy petitions.</li> <li>• The convict sentenced to death, or their legal heir or relative, can file a mercy petition to the Governor within 30 days after the jail authorities inform them about the disposal of their petition.</li> <li>• If the Governor rejects it, they can appeal to the President within 60 days.</li> <li>• The President's order is final and cannot be challenged in any court.</li> <li>• It also allowed them to submit their plea to the Home Department of the Centre or the state government before approaching the Governor or the President.</li> </ul>	<ul style="list-style-type: none"> <li>• It deleted the provision that allowed mercy petitions to be forwarded to the Home Department of the state government or the Centre for review.</li> <li>• It is based on the committee's suggestion that the judicial functions should not be left with Executive's discretion.</li> </ul>
<b>Preventive detention</b>	<ul style="list-style-type: none"> <li>• It allowed police officers to detain or remove persons resisting to conform to any direction given by them and taken them to Judicial Magistrate.</li> <li>• In petty cases release them "when the occasion is past".</li> </ul>	<ul style="list-style-type: none"> <li>• It adds a time limit to this provision.</li> <li>• It says that the person detained may be taken to magistrate or in petty cases be released as soon as possible within 24 hours.</li> <li>• Judicial magistrate is replaced by Magistrate.</li> </ul>
<b>Community service</b>	<ul style="list-style-type: none"> <li>• It has included community service as a penal measure for offences like attempting suicide, restraining exercise of lawful power theft, defamation of public functionaries, and appearing in public places while intoxicated and causing annoyance.</li> <li>• There is no clear cut definition for community service.</li> </ul>	<ul style="list-style-type: none"> <li>• It defines community service to mean work which the Court may order a convict to perform as a form of punishment that benefits the community, for which he shall not be entitled to any remuneration.</li> <li>• It also adds community service as punishment for unlawfully engaging public servants in trade and non-appearance in response to a proclamation</li> </ul>
<b>Terrorism</b>	<ul style="list-style-type: none"> <li>• It expanded the definition of terrorism beyond the Unlawful Activities (Prevention) Act, 1967 (UAPA).</li> <li>• It included non-violent speech and acts that could intimidate, disturb or destabilise the public order or the political, economic, or social structures of the country as terrorism.</li> </ul>	<ul style="list-style-type: none"> <li>• It removed the broad and vague definition of terrorism.</li> <li>• It adopted the existing definition of UAPA 1967.</li> <li>• UAPA defines terrorism as any act that threatens or strikes terror in the people or the sovereignty of India or any foreign country.</li> </ul>

<b>Mental unsoundness</b>	<ul style="list-style-type: none"> <li>• It used the term "mental illness" to replace the concept of "mental unsoundness" in the existing laws, without acknowledging the difference between them.</li> <li>• It could have serious implications for the rights and liabilities of persons with mental health issues.</li> </ul>	<ul style="list-style-type: none"> <li>• The error has been corrected and restored the concept of mental unsoundness.</li> <li>• The government has recognised the importance and ensuring consistency with the existing laws and the Mental Healthcare Act, 2017.</li> </ul>
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## References

1. [Indian Express- Revised criminal reform bills](#)
2. [Wire- 2<sup>nd</sup> avatar criminal law bills](#)

