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Parliamentary panel on Home Affairs withholds draft report on Bills replacing criminal laws

Opposition members protest the speed at which the committee reviewed the Bills; they also rue the lack of consultations with stakeholders outside Delhi; dissent notes filed by three MPs so far

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The Parliamentary Standing Committee on Home Affairs postponed its adoption of a draft report on three Bills seeking to replace the existing criminal laws, after pressure from the Opposition seeking more time to examine it. According to sources, the English version of the draft report was circulated just last week and the Hindi version was sent to members of the Parliamentary panel only on Thursday evening, just hours before the adoption of the report was slated at Friday's meeting of the panel.



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According to sources, three members — Congress MPs Adhir Ranjan Chowdhary and Digvijay Singh, along with Dravida Munnetra Kazhagam MP N.R. Elango — have so far filed dissent notes. They are demanding several changes in the Bharatiya Nyaya Sanhita, 2023 that will replace the Indian Penal Code, and the Bharatiya Nagarik Suraksha Sanhita, 2023 that will replace the Criminal Procedure Code (CrPC). More dissent notes are expected to follow.

Draft report accepts Hindi names

One of the key points of contention, the Hindi nomenclature of the Bills, has not been accepted in the draft reports circulated so far. The panel's report on the Bharatiya Nagarik Suraksha Sanhita, 2023, states that since the text of the Bill is in English, it does not violate the provisions of Article 348 of the Constitution, which says that the language to be used in the Supreme Court and High Courts as well as for Acts, Bills, and other legal documents shall be English.

The panel's draft report has accepted a host of suggestions on the Bharatiya Sakshya, 2023 that is meant to replace the Indian Evidence Act; there is unanimity on that portion of the draft report.

The panel began its consultations on the three bills on August 24, with a presentation by Home Secretary Ajay Kumar Bhalla. Including Friday's meeting, it has held 12 meetings on the three Bills. According to Opposition members, this is highly inadequate, considering the scale and scope of the Bills.

'Stop bulldozing Bills'

According to sources, a few minutes after Friday's meeting began, the panel's chairman and BJP MP Brijlal told the members that the draft reports slated to be adopted at the meeting as per the circulated agenda would be withheld. However, he did not state the reason for doing so, members said.

This drew sharp criticism from the two Trinamool Congress MPs Derek O' Brien and Kakoli Ghosh Dastidar, who pointed out that they had come to Delhi, leaving Lakshmi Puja which is on October 28, in order to attend the meeting. In fact, the TMC, in a letter on to Mr. Brijlal on Friday morning, demanded that the committee seek an extension of at least three months to submit its report on the Bills. The party urged the panel to "stop bulldozing these Bills for short-term electoral gains." Hurrying through the Bills would amount to mocking the process of "legislative scrutiny", the two MPs said.

Earlier, Congress MP P. Chidambaram had also written to the committee, asking for more time and increased consultations.

Consultations beyond Delhi

Speaking at Friday's meeting, Mr. Elango raised three key points, according to the sources. The Bills, he said, need extensive consultations with the governments and stakeholders in the States. He once again reiterated his criticism of the Hindi nomenclature of the Bills, which he said was exclusionary for a large section of the country. The Bills are largely a copy of the existing codes which could have been amended instead of bringing in new legislation, he added.

The panel has scheduled its next meeting for November 6, giving the members another week to review the draft report and submit their suggestions. A BJP member said that the committee was of the view that the draft report should be ready in time for the Winter Session of Parliament.



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