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Monday, Jul 01, 2024

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Curtains on old IPC, CrPC, Evidence law, new criminal codes come into effect from today

While the IPC, CrPC and Evidence Act will continue to operate for all offences committed before July 1 for all stages of litigation, the new Sanhitas will apply for offences committed after the gazette notification kicks in.

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New Delhi | Updated: July 1, 2024 09:29 IST





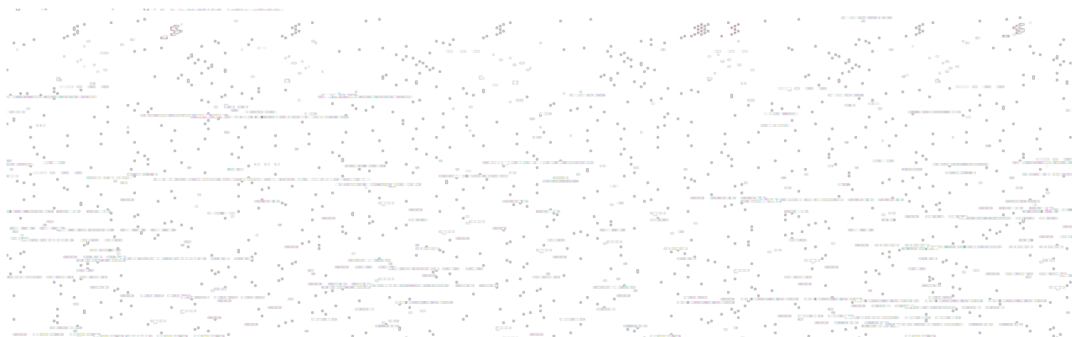
Old laws to apply to all offences before July 1 at all stages of litigation.

Effective Monday, the Bharatiya Nyaya Sanhita, the Bharatiya Nagarik Suraksha Sanhita and the Bharatiya Sakshya Adhiniyam will **replace the Indian Penal Code**, 1860, the Code of Criminal Procedure, 1973, and the Indian Evidence Act, 1872.

Together, these three laws govern the criminal justice jurisprudence — from defining penal offences, prescribing processes for investigation and evidence gathering to governing the process of a trial in court.

Among the key changes will be the introduction of new offences in the Bharatiya Nyaya Sanhita (BNS) — from making a deceitful promise to marry (up to 10 years in jail); ‘mob lynching’ on the ground of race, caste or community, sex... (life sentence or death penalty); snatching (up to 3 years in jail) to bringing in stringent anti-terror, organised crimes under its ambit.

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Under the Bharatiya Nagrik Suraksha Sanhita (BNSS), the law extends detention in police custody from the current 15-day limit under the CrPC to up to 90 days. This prolonged pre-trial detention for ordinary penal offences has raised concerns about personal liberty.

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The three laws were passed by Parliament in December through a voice vote in both Houses when many Opposition MPs were under suspension.

A week before the laws were to be rolled out, two Chief Ministers of Opposition-ruled states – [Mamata Banerjee](#) of [West Bengal](#) and M K Stalin of [Tamil Nadu](#) – had written to Union Home Minister [Amit Shah](#), seeking to defer the implementation of the laws.

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[Karnataka](#) and Tamil Nadu, objecting to the titles of the laws, cited Article 348 of the Constitution which states that legislations introduced in Parliament must be in English.

Karnataka has also raised concerns over some of the key provisions – from allowing a police officer 14 days for a preliminary investigation before registering an [FIR](#) and the total exclusion of Section 377 of the IPC which is invoked now in cases of sexual assault of a man.

In preparation for the new laws, the [Uttar Pradesh](#) government on June 25 approved the proposal to bring an ordinance to make some exceptions in the anticipatory bail provisions and bring state amendments to a host of public security laws including the UP Gangsters and Anti-social activities (Prevention) Act, 1986; the UP Control of Goondas Act, 1970; the UP Recovery of Damages to Public and Private Property Act, 2020; the UP Dacoity Affected Areas Act, 1983; the UP Special Security Force Act, 2020; and UP Prohibition of Unlawful Conversion of Religion Act, 2021.



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The MHA also issued a gazette notification for all Union Territories, assigning the powers granted to the states under the three news laws, to the Lieutenant Governors for “better discharge of duties”.

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First uploaded on: 01-07-2024 at 04:15 IST

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