


# Bhartiya Nyaya Sanhita (BNS) 2023:

1. Electronic and digital records are included in the definition of document.
2. The definition of movable property is widened to included property of every description.

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3. Reorganisation of offences are made wherein similar provisions have been clubbed together.
  4. Removes Sedition as an Offence.
  5. Defines Terrorism and organized crime as new offence.
  6. Defines a child as a person below the age of 18
  7. All 3 incomplete categories of offences i.e. Attempt, Abetment & Conspiracy are brought together in one Chapter (i.e Chapter IV) which were earlier in different chapter.
  8. Definition of child is introduced as a persons below the age 18.

9. Mob Lynching, Organised Crime and Petty Organised Crime have been made separate offences in BNS.
10. Assault or use of criminal force to women which intent to disrobe her u/s 76 of BNS and Voyeurism u/s77 of BNS has been made Gender neutral.
11. The offence of mischief in section 324 of BNS has been expanded and causing loss or damage to any property including the property of Government or Local Authority has been made punishable offence with imprisonment extendable up to one year, or with fine, or with both.

# Bhartiya Nagrik Suraksha Sanhita (BNSS) 2023

- The BNSS mostly preserves the provisions of the existing CrPC, however, it aims to simplify the criminal procedure, reduce trial duration, enhance investigatory powers of the police, implement timelines for procedure, etc.
- Section 2, introduces and defines the “electronic communication” and “audio-video electronic means” for various procedures on the usage of electronic mode for all trials and proceedings.
- Section 105 of the BNSS makes the videography of search and seizure, and the signing of it by the witness mandatory.
- Section 107 provides for conducting trials and pronouncing judgments ex parte against absconding offenders evading trial.
- Section 173 provides for registering First Information Report (FIR) electronically, signed by the person giving it within three days.
- Section 176 mandates forensic investigation for offences punishable with imprisonment of 7 years or more.

- Section 63 introduces technology compatibility for issuance and service of summons.
- Section 66 introduce gender neutrality and women have been included as an adult member of the family for the purpose of service of summons on behalf of the person summoned.
- Section 185 mandates the audio-video recording of a search without a warrant.
- Section 258 mandates that a judgment of acquittal or conviction must be passed within 30 days from the completion of arguments, that is extendable only by 45 days for specific reasons.
- Section 293 adopts a lenient and rehabilitative approach in plea bargaining cases
- Section 346 provides that a trial or inquiry shall be on a daily basis.
- Section 360 provides that before withdrawal of prosecution the victim must be afforded an opportunity to be heard before the Court.
- Section 530 of BNSS also provides for all trials, inquiries and proceedings held in electronic modes.

# Bharatiya Sakshya Adhiniyam (BSA) 2023:



- The new Act on law of evidence has been named as “Bharatiya Sakshya Adhiniyam (BSA), 2023” which has replaced the Indian Evidence Act, 1872.
- The definition of “documents” in Section 2(1)(d) has been expanded to include an electronic or digital record on emails, server logs, documents on computers, laptop or smartphone, messages, websites, cloud, locational evidence and voice mail messages stored on digital devices.
- Similarly, the definition of ‘evidence’ in Section 2(1)(e) has been expanded to include any information given electronically. This will permit the appearance of witnesses, accused, experts and victims to depose their evidence through electronic means.
- Coercion’ has been added to Section 22 as one of the acts causing a confession to become irrelevant.
- In Section 39, the scope of an expert has been expanded to include persons especially skilled in ‘any other field’. Earlier the experts on foreign Law, Science, Arts, hand writing and finger print were included.
- An Explanation has been added to Section 24 that clarifies that in a case when multiple people are tried jointly, if the accused who has absconded or who failed to comply with the proclamation issued against him under Bharatiya Nagarik Suraksha Sanhita, is absent during the trial, the trial will be conducted as a joint trial.
- Section 52 of BSA enables the Courts to take judicial notice of laws having extra-territorial operations, international treaty, agreement or convention with countries or decisions made at international associations or other bodies; seals of Tribunals, State Legislatures and the territory of India.
- The under section 58 secondary evidence also includes oral admissions, written admission and evidence provided by a person who is still in examining technical or voluminous documents.