



Madhya Pradesh Launches TWARIT Platform

Why in News?

The Madhya Pradesh High Court has introduced a digital platform named **TWARIT (Transmission of Warrants, Summons, and Reports by Information Technology)** to streamline the transmission of warrants and summons. **This platform also allows judges to monitor case statuses online efficiently.**

Key Points

- The platform aims to replace the **traditional paper-based system**, making legal proceedings faster and more efficient.
 - By implementing this initiative the **judicial process becomes more transparent**, reduces delays, and saves time for law enforcement agencies, courts, and the public.
- This system is expected to improve the overall efficiency of the **justice delivery mechanism**, especially in handling large volumes of legal cases.
 - The system allows for the **electronic delivery of legal documents**, including **court summons** and **arrest warrants**, to the concerned individuals or parties.

Note: A review meeting was also held at the office of the Union Minister of Home and Cooperation, in New Delhi, regarding the **implementation of three new criminal laws** (**Bharatiya Nyaya Sanhita, 2023**, **Bharatiya Sakshya Act, 2023**, **Bharatiya Sakshya Act, 2023**) in the state.

- The meeting reviewed the implementation and current status of provisions related to **police, jail, court, prosecution, and forensic services.**

New Criminal Laws

- **Objective:**
 - The new laws aim to **replace colonial-era punishments** with a **justice-focused approach, integrating technological advancements** in police investigations and court procedures.
- **New Offences:**
 - New offences include **terrorism, mob lynching, organized crime**, and enhanced punishments for crimes against women and children.

BHARATIYA NYAYA SANHITA (BNS), 2023

BNS 2023 replaced Indian Penal Code 1860, incorporating 358 sections (511 in IPC), maintaining most of the IPC provisions, introducing new offences, eliminating court- struck-down offences, and enhancing penalties for various offences.

New Offences

- **Promise to Marry:** Criminalising “deceitful” promises to marry
- **Mob Lynching:** Codify offences linked to mob lynching and hate-crime murders
- Ordinary criminal law now covers **Organized Crime** and **Terrorism**, including a broader scope for terror financing in BNS compared to UAPA
- **Attempt to Suicide:** Criminalises attempts to commit suicide with intent to compel or restrain any public servant from discharging official duty
- **Community Service:** Added as possible form of punishment

Deletions

- **Unnatural Sexual Offences:** Section 377 of the IPC, which criminalised homosexuality among other “unnatural” sexual activities repealed completely
- **Adultery:** Offence of adultery omitted in consonance of apex court judgement
- **Thugs:** Section 310 of IPC fully omitted
- **Gender Neutrality:** Some laws dealing with children modified to bring gender neutrality

Other Modifications

- **Fake News:** Criminalisation of publishing false and misleading information
- **Sedition:** Introduced under a new name ‘deshdroh’ with wider definition
- **Mandatory Minimum Sentence:** In several provisions, mandatory minimum sentences prescribed which may limit scope for judicial discretion
- **Damage to Public Property:** Carry a graded fine (i.e. fine corresponding to the amount of damage caused)
- **Death by Negligence:** Elevates punishment for causing death by negligence from two to five years (for doctors - 2 yrs imprisonment)

Key Issues

- **Criminal Responsibility Age Discrepancy:** Criminal responsibility starts at seven, extendable to 12 based on maturity, potentially conflicting with global recommendations
- **Inconsistencies in Child Offense Definitions:** It sets child age below 18, but age criteria for offenses like rape differ, causing inconsistency
- **Retention of IPC Provisions on Rape and Sexual Harassment:** Maintains IPC provisions on rape and sexual harassment, omitting **Justice Verma Committee's 2013** suggestions for gender-neutral rape and recognizing marital rape as an offense.



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BHARATIYA SAKSHYA ACT, 2023 ↙

The Bharatiya Sakshya Act, 2023 has 170 sections, altering 24, adding two, and repealing six of 167 sections of the Indian Evidence Act 1872.

Retained Provisions -

- Parties involved in a legal proceeding can only present admissible evidence
- Court accepts proven facts if evidence supports reasonable action in the given circumstances
- Police confessions generally inadmissible unless recorded by a Magistrate

Key Changes -

- Electronic records hold equivalent legal status to traditional paper documents
 - Electronic records encompassing data stored in memory and communication devices
- Allows oral evidence to be given electronically
 - Electronic records are categorised as secondary evidence
- A joint trial means trying more than one person for the same crime
 - A trial of multiple persons, where an accused has not responded to an arrest warrant, will be treated as a joint trial

Key Issues -

→ Electronic Records:

- Concerns regarding tampering of electronic records during the search, seizure and investigation process
- Usually, Electronic records must be authenticated by a certificate to be admissible as documents
 - The Act classifies electronic evidence as documents (which may not need certification), creating a contradiction

→ Exclusion of Suggestion of SC and Law Commission

- Concerns about duress and torture as Act kept a rule allowing information from someone in police custody to be used if it's directly related to a discovered fact
- Exclusion of the presumption of police responsibility for injuries to someone in custody



BHARATIYA NAGARIK SURAKSHA SANHITA (BNSS), 2023

BNSS replaces CrPC 1973 and consists of 531 sections with 177 sections revised, 9 new sections added, and 14 sections repealed.



Key Provisions

- **Hierarchy of Courts:** Eliminated distinction and role of Metropolitan Magistrates
- **Mandated Use of Electronic Mode:** At stages of investigation, inquiry, and trial
- **Detention of Undertrials:** Restriction on release on personal bond for accused persons (a) charged with life imprisonment or (b) facing multiple proceedings
- **Alternative to Arrest:** An accused doesn't have to be arrested; instead, the police can take a security bond for their appearance before a Judicial Magistrate
- **Community Service Defined:** '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'
- **Substitution of Terminology:** "Mental illness" replaced by "unsoundness of mind" in majority of provisions
- **Documentation Protocols:** Searches with/without warrants require mandatory audio-video documentation with recorded material promptly submitted to Magistrate
- **Timelines for Procedures:** Prescribes timelines for various procedures
 - E.g. Issuing verdict within 30 days post-argument
- **Medical Examination:** Can be requested by any police officer in certain cases
- **Sample Collection:** Magistrate can compel individuals to submit signature specimens, handwriting samples etc. even if they haven't been arrested
- **Forensic Investigation:** Mandated for offences punishable with ≥ 7 years of imprisonment
- **New Procedures w.r.t. FIR Registration:**
 - After filing a **Zero FIR**, relevant police station must transfer it to the jurisdictionally appropriate station for further investigation
 - **FIRs can be electronically registered**, and the information will be officially recorded upon the person's signature within 3 days
- **Rights of Victim/Informant:**
 - Police after filing charge sheet obligated to supply police report and other documents to victim
 - Witness protection scheme to be laid down by State Governments



Key Issues

- **Permitted 15 days of police custody** within initial 40 or 60 days
- **Doesn't mandate investigating officer to provide reasons** when seeking police custody
- **Allows use of handcuffs during arrests**, contradicting SC rulings and NHRC guidelines
- Scope of **mandatory bail limited** in case of multiple charges
- **Limits plea bargaining in India** to sentence bargaining
- Restricting bail, and limiting scope for plea bargaining could **deter decongesting of prisons**
- **Power to seize property expanded** to immovable property apart from movable property
- Several provisions **overlap** with existing laws
- **BNSS retains CrPC provisions** related to public order, raising the question of whether laws governing trial procedure and public order maintenance should be unified or treated separately, considering their distinct functions



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