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भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, New Delhi - 110 002

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The BCI acknowledges the positive features embedded in the three Acts – Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Sanhita, passed by the Indian Parliament, on 21st December, 2023, which thereupon received Presidential assent on 25th December, 2023 and was published in the official gazette on the same day. These criminal law aims to replace the existing body of criminal laws in India. The date on which the laws will come into effect has not yet been notified by the Government.

The BCI appreciates removing Colonial and outdated criminal laws, such as the sedition section, which fosters a more inclusive and democratic legal environment by respecting freedom of expression.

The BCI recognises the introduction of provisions addressing contemporary challenges, including the categorization of mob lynching as a separate offense, encompassing hate crimes based on race, caste, community, sex, language, or place of birth. Effective implementation and victim support will be critical. Sensitivity training for police and judiciary could help ensure unbiased and trauma-informed handling of such cases.

The BCI notes and appreciates the government's decision to refrain from reintroducing adultery as a gender-neutral offense, aligning with the principles of equality and non-discrimination.

Understanding the need for a comprehensive legal framework, the Bar Council of India acknowledges the improvements regarding the registration of FIRs by police officers regardless of the offense's location.

The BCI commends the emphasis on utilizing forensic methods in investigations and incorporating videography in searches and seizures, contributing to the enhancement of evidence collection and legal processes. Over-reliance on forensic evidence also needs safeguards against misuse. Investigative skills and witness/victim protection remain core.

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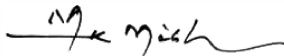
While considering concerns raised during the legislative process, the Bar Council of India appreciates the dedication to a thorough examination by the Parliamentary Standing Committee, ensuring scrutiny and refinement of the legal codes.

However, recognizing the importance of ongoing dialogue and refinement in legal procedures, the Bar Council of India encourages continuous discussions to address any ambiguities, such as the clarification on the permissible duration of police custody beyond the 15-day limit.

Asserting that the legislative process is an ongoing endeavor, the Bar Council of India urges the government to remain open to constructive feedback and amendments that further strengthen the legal framework.

The Bar Council of India commends the Hon'ble Prime Minister and Hon'ble Home Minister for their leadership in ushering in a progressive era of criminal justice reform. Their commitment to removing colonial and outdated laws, fostering inclusivity, addressing contemporary challenges, and engaging in thorough legislative scrutiny reflects a dedication to justice and a resilient legal framework for India's future. The BCI appreciates their leadership.

It is hereby resolved that the Bar Council of India, in its commitment to justice, supports the enactment of the three Acts, understanding their positive contributions, while advocating for a continual dialogue to refine and improve the criminal justice system in India.



(Manan Kumar Mishra)
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