

REBOOTING THE CODES: THE HINDU EDITORIAL ON THE IPC, CRPC AND EVIDENCE ACT

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Few would disagree that laws require an overhaul from time to time so that they could be abreast of developments in technology and changes in society. However, it does not mean that [whole new Codes](#) be introduced and given abstruse names, when, in substance, the old laws are essentially retained. The first criticism about the Bharatiya Nyaya Sanhita (BNS, to replace the Indian Penal Code), the Bharatiya Nagarik Suraksha Sanhita (BNSS, to replace the Code of Criminal Procedure) and the Bharatiya Sakshya Bill (to replace the Indian Evidence Act) is that it is unnecessary to refer to them wholly in their Hindi names. Every law in India has an official translation in the respective official language of every State; so the need for the IPC, CrPC and Evidence Act to be referred to in their Hindi names alone is questionable. The criminal procedure law was re-enacted in 1973, and it is known as the CrPC, 1973, as distinct from its 1898 version. The objective to have Hindi names is apparently an attempt to symbolise the de-anglicisation of criminal law. However, a [preliminary scroll through the new laws](#) indicates that much of the original language is retained. It raises a doubt whether the changes are far too few to warrant their being enacted afresh, as deletions and amendments may have achieved the same purpose. It is some consolation that the 'Sanhitas' are to be scrutinised by a Parliamentary Standing Committee, as the consultation process appears inadequate.

In substance, the deletion of 'sedition' is welcome, and its apparent equivalent, the new Section 150, does not use overbroad terms such as promoting 'disaffection' against the government or bringing it into 'hatred or contempt'. It criminalises promoting secessionism, separatism and armed rebellion, but it also targets 'subversive activities' and 'endangering the sovereignty, unity and integrity of India' — terms that should not be allowed to be misused. Another potentially misusable provision is in the new Section 195 (equivalent to Section 153B IPC): it penalises making or publishing "false or misleading information jeopardising the sovereignty, unity and integrity or security of India". While 'mob lynching' and 'organised crime' are new sections, a significant omission is 'hate speech' even though defining it and punishing it have been under discussion for some years. The procedure code enables conduct of trial of proclaimed offenders in absentia. Making videography of seizures mandatory is welcome. So too the provision for deemed sanction if authorities fail to grant it within 120 days. However, the remand provisions seem to permit police custody beyond the current 15-day limit, attracting some criticism. The new laws need critical scrutiny, but not new names.

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