

UNION HOME MINISTER AND MINISTER OF COOPERATION SHRI AMIT SHAH ADDRESSES THE VALEDICTORY SESSION OF THE INTERNATIONAL LAWYERS CONFERENCE 2023 ORGANIZED BY THE BAR COUNCIL OF INDIA AT THE VIGYAN BHAWAN IN NEW DELHI, TODAY

Relevant for: Developmental Issues | Topic: Government policies & interventions for development in various Sectors and issues arising out of their design & implementation incl. Housing

Union Home Minister and Minister of Cooperation Shri Amit Shah addresses the valedictory session of the International Lawyers Conference 2023 organized by the Bar Council of India at the Vigyan Bhawan in New Delhi, today. Several dignitaries, including Union Minister Shri Bhupendra Yadav, were present on this occasion.



In his address, Shri Amit Shah said that the conference has been organized at a very important and appropriate time as the year marks the completion of 75 years of the making of our Constitution, and in the current year, the Indian Parliament is also working towards making significant amendments to the three main laws of our criminal justice system- IPC, CrPC, and Evidence Act. He said that Prime Minister Shri Narendra Modi has initiated India's commitment to realize the concept of Women-led Development before the entire world through the G 20 Summit, and recently, the Parliament has passed the law ensuring the participation of 33% women in the Lok Sabha and state legislatures to make this vision a reality.

Union Home Minister said that under the leadership of Prime Minister Shri Narendra Modi, India has positioned itself at the forefront in various sectors globally, during the past 9 years. He said that India has successfully improved its global ranking from 11th to 5th place in the world's

economy, in the past 9 years. He said that under Shri Narendra Modi's leadership, India is taking the lead in addressing global challenges such as global warming, terrorism and narco-terrorism etc. Shri Shah emphasized that in such times, it is essential for our justice system to be aware of global changes, align itself accordingly, reaffirm the fundamental principles of Indianness within our legal system, and make efforts to lead the world in this direction.



Shri Amit Shah said that justice is the force that ensures balance, and for this reason, the framers of our Constitution consciously made a decision to keep it separate. He said that a balance is essential between justice and all forms of power for the creation of a just society. He added that in the past 9 years, India has made efforts to redraft or create new laws for various sectors according to contemporary needs. Shri Shah said that under the leadership of Prime Minister Modi in the last 9 years, the Indian government has made changes to many laws, such as the Arbitration Law, Mediation Law, and the Jan Vishwas Bill, which are helping reduce the burden on the judiciary. He added that the Jan Vishwas Bill has helped eliminate more than 300 sections of Criminal Liability from over 300 laws, and thus transforming them into Civil Liability. Shri Shah said that as a result of these efforts, people have been instilled with a new kind of confidence. He added that the Insolvency & Bankruptcy Act has worked towards aligning our evolving economy with the global standards. He said that one should prepare well and keep an open mind to correct the errors in the laws. Shri Shah added that it is crucial for any government, parliament, or law-making agency to understand that a law is not final in its form and it should be amended based on the issues that arise with time and its implementation. He said that the purpose of making laws is to establish an efficient system, and not to establish the supremacy of those who make the laws. He added that the new laws of Social Security Code and the Data Protection Bill are to work towards bringing significant changes within their respective domains and help align with international standards.

Union Home Minister and Minister of Cooperation said that the three new criminal laws being developed under the Criminal Justice System are of utmost importance and are being introduced with entirely new perspectives and systems after almost 150 years of the enactment of the old laws. He added that along with these three initiatives of the Modi government, three administrative initiatives have also been taken to create a conducive ecosystem. Firstly, the third

phase of E-Court has recently been approved by the Cabinet at a cost of Rs. 7,000 crore, secondly, Rs. 3,500 crore have been approved for Integrated Criminal Justice System (ICJS), and thirdly, to embrace new technology in the Indian Penal Code (IPC), Criminal Procedure Code (CrPC), and Evidence Act. Shri Shah said that if we combine these three laws and three new systems, then we will be able to eliminate the complaint of delay in justice in our Criminal Justice System, within a decade. He said that in these three new codes, we will not see any colonial influence, and they will resonate with the essence of Indian soil. He added that at the core of these three new criminal laws is the protection of the constitutional rights, human rights, and the self-defence of our citizens.



Shri Amit Shah said that in our present system there is huge delay in getting justice, it is more difficult for the poor to get justice and the conviction rate is very less due to which there is overcrowding in jails and the number of under trials is very high. He said that instead of 511 sections of the Indian Penal Code, there will be 356 sections in the Bharatiya Nyaya Sanhita, whereby an effort has been made to streamline all these systems. Shri Shah added that similarly, in place of the 487 sections in the CrPC, there will be 533 sections in the Bharatiya Nagarik Suraksha Sanhita, and instead of the 167 sections in the Indian Evidence Act, the Bharatiya Sakshya Adhinyam with 170 sections has been introduced. He said that the purpose of the old laws was to strengthen the British rule and to give strength to the system to run the government well, its purpose was to punish, not to do justice. Shri Shah said that the purpose of three new criminal laws brought by the Modi government is not to punish but to provide justice to every citizen.

Union Home Minister said that justice is a kind of umbrella term. When we say justice, that word is used for a very large community and it includes the concerns of both the accused and the plaintiff. Shri Shah said that justice and punishment have been explained very well in our Indian justice system, punishment in itself is not a perfect concept, but justice in itself is a perfect concept. He said that three new proposed criminal laws have also made a lot of changes in the structure of the court. In the existing criminal justice system, there is a provision for seven different types of magistrates across the country, but now we will find only four types of judges in the criminal justice system. He said that the process has been rationalized, deadlines have also

been fixed and the number of adjournments has also been fixed. Summary trial has been made wider, in cases where the punishment is up to 3 years, the police will have to compulsorily file challan before the court within 60 days of the first hearing and after filing of the charge sheet not more than 90 days will be available for further investigation under this Act. Along with this, the time for filing discharge application before framing of charges has also been set to 60 days, after that discharge application cannot be filed. After completion of the arguments, the judge will have to give the order within 30 days, which can be extend up to a maximum of 30 days. Shri Shah said that in cases of the prosecution of a civil servant, permission is not granted for a long time, but we have made a provision that if the permission is not received within 120 days, then the permission will be considered granted and the prosecution will start.

Shri Amit Shah said that in these new criminal laws there is a provision to prosecute the criminals even in their absence, later they can challenge it in the High Court and go for trial again in lower court. He said that the Modi government has also made many provisions in the laws to promote technology. He said that the definition of documents has been expanded to include electronic, digital records, messages available on digital devices, summons and warrants served through all types of electronic means from SMS to email will now be considered legally valid. Shri Shah said that the examination of the complainant and witnesses will be done online, recording of evidence will also be done online and we are also conducting the entire appellate proceedings online as per law. For this purpose, electronic registers would be kept in all police stations and courts, all these provisions will also now come in the rules in a rational manner. He said that we are going to make the report and visit of Forensic Science Lab compulsory for investigation of crimes involving punishment of 7 years or more. Due to scientific evidence, we will now be able to increase conviction rate and the prosecution will be strengthened.

Union Home Minister said that to take it forward smoothly, the Ministry of Home is working on the concept of Inter Operable Criminal Justice System (ICJS) since 2018. He said that work under phase one has been completed, the work of making 98% of the police stations of the country online under Crime and Criminal Tracking Network & Systems (CCTNS) and making all the legacy data online has been completed. Now a provision of Rs 3500 crore has been made to move forward in the direction of E-Prosecution, E-Prison, E-Forensics and E-Court. He said that till now more than 32 crore data items have been made online, more than 14 crore data items of CIS for lower courts have also been made online, data of 2 crore prisoners and more than one crore prosecutions has also been made online. Apart from this, more than 17 lakh forensic data items have also been made online.

Shri Amit Shah said that Modi government has allocated about Rs 7000 crore for E-Courts. He said that when the technical upgradation of the courts and prosecution agencies is done, then all these systems will be connected through ICGS. Shri Shah said that these three criminal laws are an effort to make our justice process citizen centric by making radical changes for a long time. He said that Prime Minister Shri Narendra Modi ji believes that any law can be made good only when stakeholder consultation is done wholeheartedly.

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