



THE BHARATIYA NAGARIK SURAKSHA SANHITA 2023

Middle Stage
Classes VI to VIII



September 2024
Bhadrapada 1946

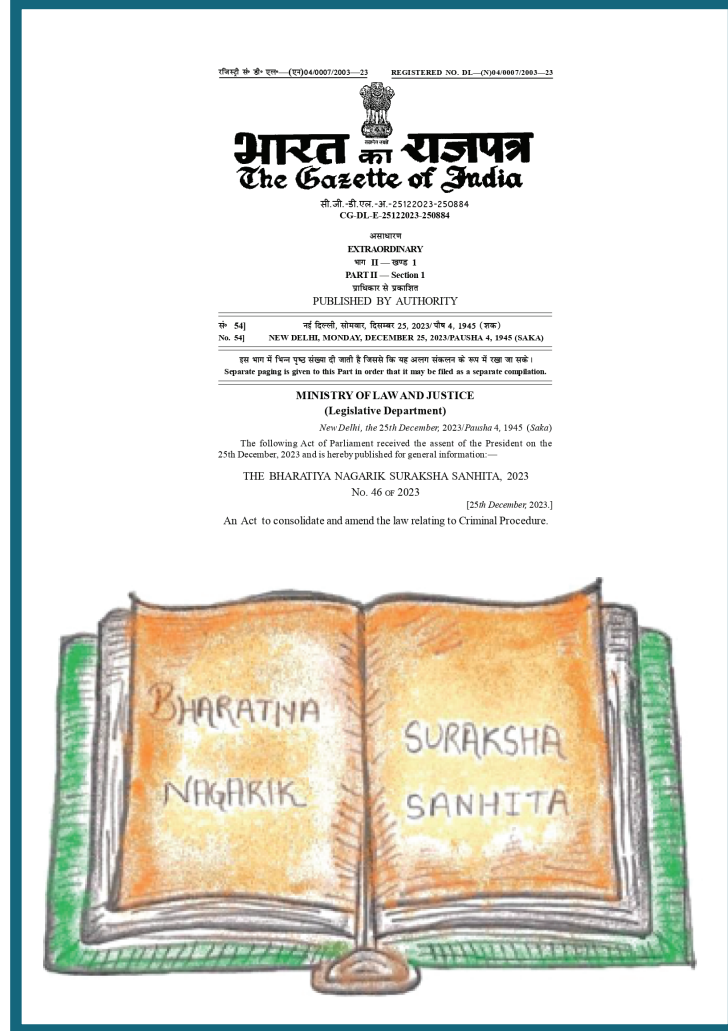
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THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023



Middle Stage
Classes VI to VII

विद्यया ऽ मृतमश्नुते



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NCERT

राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद्
NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING



Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023



Learning outcomes



After going through this module, you will be able to:

- understand the Bharatiya Nagarik Suraksha Sanhita
- explore how it empowers the citizens of the country
- examine the procedures that help in providing safety and security to all the citizens
- access and collect more materials related to the BNSS
- develop creative ways of preparing materials on the new criminal laws
- discuss with your peers how it is victim-centric

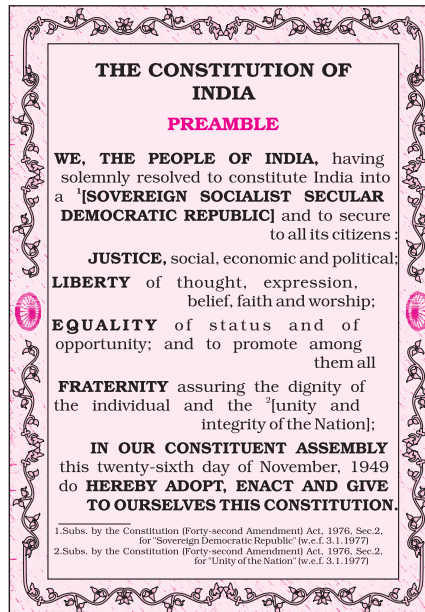
Introduction

You must have studied about democracy in your earlier classes. One of the important themes that you are familiar with is the Fundamental Rights and Fundamental Duties. While Fundamental Rights are justiciable. The Fundamental Duties are non-justiciable. The Fundamental duties commit citizens to abide by the Constitution and respect its ideals and institutions. We need laws to exercise our fundamental rights in a free and fair manner without impinging on the rights of others. Laws are set of rules that are made and implemented by government institutions to regulate individual behaviours and social conduct. It is concerned with the customs, practices, and rules of conduct of a community that are binding on all. They also ensure that the victims of crime receive justice and the criminals receive penalty for acts of crime they commit. Laws promote human rights, fair trail and transparency in governance. They help in achieving the goals and objectives of the Preamble to the Constitution in practice, particularly with regard to justice — social, economic and political. You must have read about



our Preamble to the Constitution. Let us recall the same.

Laws protect us from all forms of discrimination, injustice, inequality, violence and attempt to ensure safety and security to all the citizens of the country. This new criminal law, the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 has been enacted to provide effective ways for investigation of crimes, arrest of the accused, court hearings and punishing the wrongdoers. This is done to prevent further occurrence of crimes that are committed in different spaces such as home, neighbourhood, school, public transport and in all places of recreations and cyberspaces. You must have read

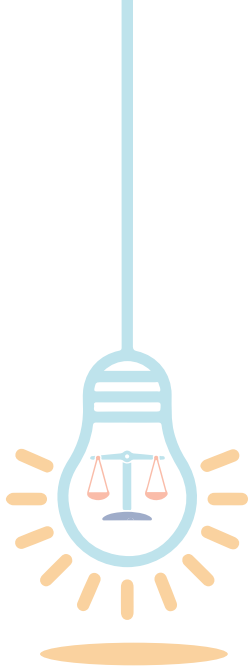


about them on different social media platforms and shared the same with your family members. As a student you must have experienced or witnessed some crimes, such as bullying, snatching of valuables, quarrels over various reasons which sometimes lead to violent fights, etc. The others could include jostling, stealing, use of abusive language and many more.

Reflect and think how they are handled from your experience. Let us begin with the schools located in your vicinity. Some suggestive recaps that you may like to recall are given below. You may add more to this list based on your experiences.

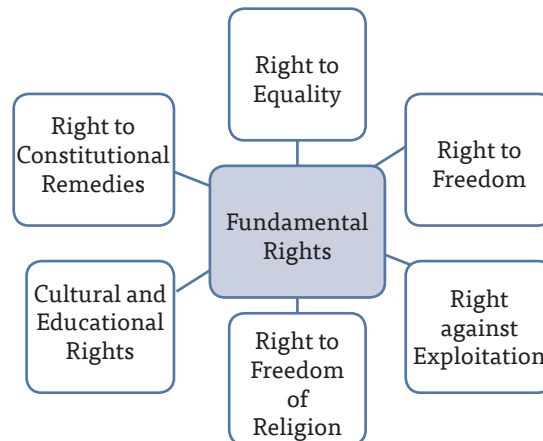
- The School Principal takes up the matter with the teachers and parents.
- Teachers handle misbehaviour and violence with the help of class monitors.
- Issues of indiscipline are discussed in the Parent Teacher Meeting and other similar events.
- Punishment is given depending on the nature of violence committed.
- Preventive measures like discussing good thoughts and messages of eminent persons are part of the school assembly.
- Children are made to work in teams for different activities so that they get to know each other and value each others' contributions.





This new criminal law is a step in this direction. You must have read in the newspaper or on social media sites that the enactment of these laws is a needed initiative that attempts to address all forms of violence and promotes well-being of all citizens of the country. It aims to change India's criminal justice system by having a fair, transparent and faster investigation and trial procedures. BNSS focuses on justice and rehabilitation or reformation, and hence it is different from the colonial laws that had emphasised broadly on penalty or punishments. What makes it crucial is that it has taken into consideration the challenges of contemporary society, such as emergence of new forms of crime which you may have come across like cybercrime, terrorism, mob lynching and organised crimes.

We can share the details of this law with our near and dear ones to make them aware, confident, safe and secure. The BNSS aims at protecting the fundamental rights and dignity of citizens.



Did you know that the BNSS has a history? If you are a social science student, you will be interested in knowing the same. Let us know some facts.

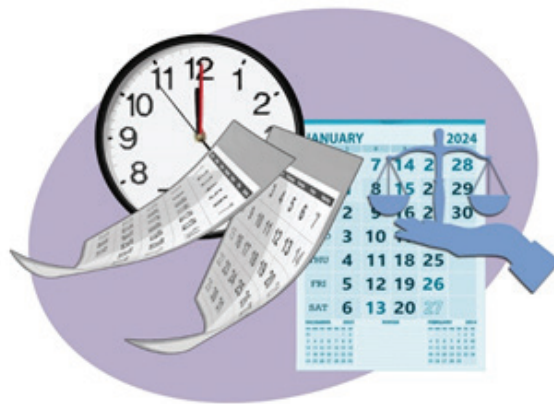
The Code of Criminal Procedure (CrPC) was first passed in 1861 to address the problem of multiplicity of legal system in India. In 1973, this Act was replaced by the existing CrPC and changes like anticipatory bail were introduced. It was amended in 2005 to add changes such as provisions for plea bargaining and rights of arrested persons. The 2013 amendment, driven by the Nirbhaya case, introduced stricter laws against sexual violence, expedited trial processes and enhanced victim protection measures. The 2018 amendment further strengthened these provisions by increasing penalties for sexual offences and incorporating more comprehensive measures for the protection of children, including the establishment of fast-track courts for such cases.



Did you know why it was passed?

This Sanhita has been introduced to streamline and simplify processes for attainment of justice. It aims to use modern technology for ensuring transparency and efficiency in police investigation and court procedures. It aims at addressing some of the offences that you may have read earlier such as cybercrimes, terrorism, organised crimes and many more. The BNSS helps to ensure timely delivery of justice.

The BNSS, 2023, the successor to Code of Criminal Procedure, 1973, aims at speedy justice delivery by effectively tackling problems like pending cases in courts, limited use of technology in the legal system, investigation delays, etc. While further exploring the BNSS, you will note that it has increased the punishment for crime against women and child. For the first time, a pioneering method has been implemented to bring about changes regarding crimes. Instead of awarding penalties for crimes, in some cases, 'community service' has been focused upon to strengthen reformatory processes aimed at bringing a change in the attitude of the person.



Timely Delivery of Justice

The new law has introduced community service as an alternative form of punishment for crimes related to lodging a fake complaint of defamation, attempting to commit suicide, failing to appear in court summons and public servant involved in illegal trade.



Information of an offence can be sent electronically with the help of an e-mail.

Zero FIR allows victim to report incidents electronically from anywhere. It needs to be signed in three days to be converted into a full-fledged FIR (Section 173 of BNSS).

Progress Report should be provided by the Investigating Officer to the victim within 90 days.

During search and seizure, the police officers need to record evidence using phone or camera by taking photos and videos. The photos are then sent to local Magistrate for verification and to ensure that everything has been done according to law.

Rights of the arrested person

- When a police officer arrests someone, they must have an ID showing their name and rank.
- The person being arrested has the right to request for a lawyer.
- A woman should be arrested by a female police officer unless there are extreme circumstances.
- Handcuffs may be used during arrest for serious offences or with habitual offenders.
- The arrested person must be told why they are being arrested and about their right to get bail if the offence allows it.
- The police must inform a relative or a person chosen by the arrested person about the arrest and where they are being held.
- The arrested person should be examined by a medical representative.
- If the arrested person is female, a female medical representative should do the examination.
- Anyone arrested without a warrant must be taken to the Magistrate within 24 hours.

Report of the Police Officer on completion of investigation

The police officer in charge of investigating a case must submit their investigation report (chargesheet) within the specified time, ensuring no unnecessary delays. For offences against women under Bharatiya Nagarik Suraksha Sanhita 2023 or the Protection of Children from Sexual Offences Act 2012, this investigation should be completed within 60 days from the date of recording the information. This report includes details of the investigation conducted, evidence collected, and is forwarded to the Officer in charge of the Police Station. Additionally, a copy of the report is provided to the accused as a matter of right.

Procedures ensuring timely delivery of justice





Let us understand this process through a case study. Let us begin by identifying the theft of car of Mr. A. He has to now report this incident as a victim. Let us follow the procedure of electronic reporting:





- i. Mr. A will report the incident of the theft of his car through electronic submission. He can do this via a mobile phone or computer.
- ii. He needs to ensure that the information has to be sent through electronic means. He should not forget that his signature is important and that too it has to be signed within three days.
- iii. After recording the information related to the theft, the police will provide a free copy of FIR to Mr. A.
- iv. If police officer refuses to register a FIR in case of theft of the car, an application can be made to the Superintendent of police or the Magistrate.

Activity: You may, as an aware citizen, collect more information on the crimes occurring in your neighbourhood.

Moving on in our journey to understand the BNSS, let us understand the key features of BNSS.

	Key Features	Explanation
1	Detention of the undertrials 	The BNSS adds that this provision will not apply in the following circumstances: (a) Offences punishable by life imprisonment. (b) Persons against whom proceedings are pending in more than one offence.
2	Medical examination 	The BNSS provides that any police officer can request such an examination.



Key Features	Explanation
<p>3 Forensic investigation</p> 	<p>The BNSS mandates forensic investigation for offences punishable with at least 7 years of imprisonment. Forensic experts will visit crime scenes to collect forensic evidence and record the process on a mobile phone or any other electronic device.</p> <p>If a State does not have forensics facility, it will utilise such facility in another State.</p>
<p>4 Signatures and finger impressions</p> 	<p>The BNSS expands this to include finger impressions and voice samples; it allows these samples to be collected from a person who has not been arrested.</p>
<p>5 Witness protection</p> 	<p>Witnesses are crucial in delivering justice as they provide valuable information to the court. To ensure their safety and protect them from potential harm or intimidation, the BNSS has introduced a '<i>Witness Protection Scheme</i>'. The State Governments have been given the responsibility to draft and notify such a scheme.</p>
<p>6 Designated police officer</p> 	<p>A police officer of at least Assistant Sub-Inspector rank will be assigned in each district and police station. Their responsibility will be to keep a record of the names, addresses, and charges against all arrested individuals. This information will be prominently displayed, possibly digitally, in every police station and at the district headquarters.</p>



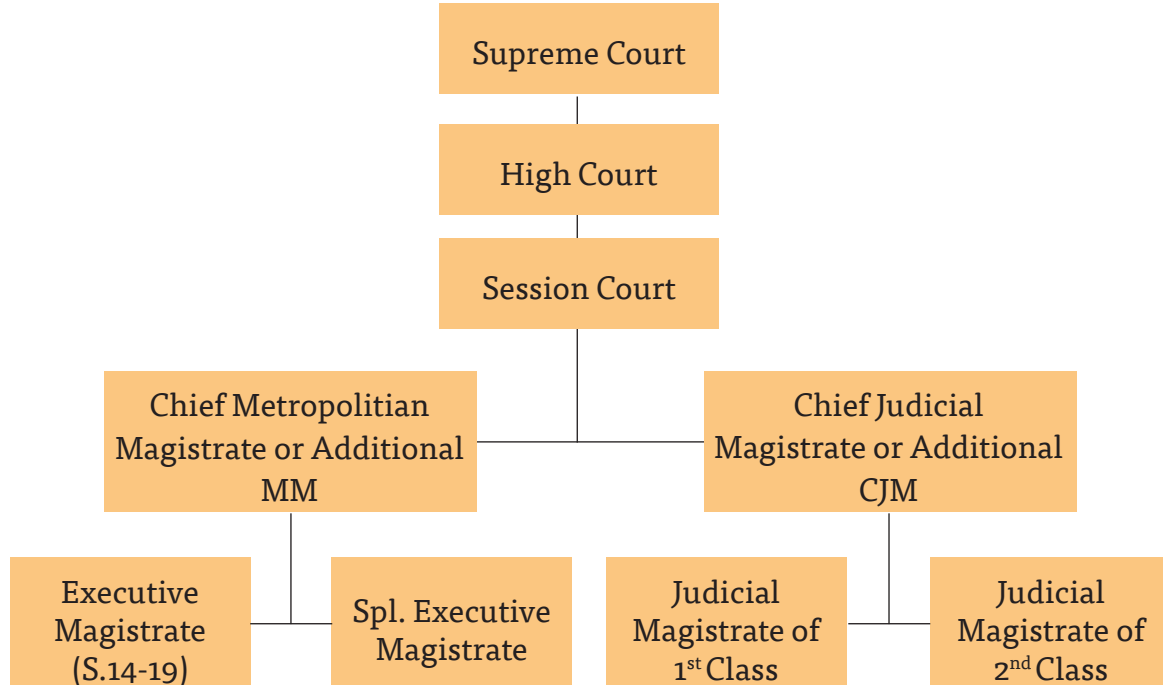
Key Features	Explanation
<p>7 Definitions of Audio-video electronic means and electronic communication</p> 	<p>In BNSS 2023, new definitions have been introduced to clarify certain terms. 'Audio-video electronic means' now includes the use of any communication device for video conferencing, recording processes such as identification, search and seizure, or evidence, transmitting electronic communication, and other purposes as determined by State Government rules. 'Electronic communication' refers to the transmission or transfer of written, verbal, pictorial information or video content through electronic devices like telephones, mobile phones, computers, audio-video players, cameras or any other specified electronic forms as notified by the Central Government.</p>
<p>8 Trial and proceedings to be held in electronic mode</p> 	<p>BNSS enables all the legal proceedings to be conducted electronically. This includes issuing, serving, and executing summons and warrants, examining complainants and witnesses, recording evidence in inquiries and trials, and conducting appellate or other proceedings through electronic communication or audio-video electronic means.</p>
<p>9 Electronic serving of summons</p> 	<p>Under the BNSS 2023, summons can be served electronically, either in an encrypted format or through any other electronic communication method. The electronic summons must include the image of the Court's seal or a digital signature, ensuring their authenticity and legal validity.</p>
<p>10 Victim-centric approach</p> 	<p>The victim-centric approach in the new laws places a strong emphasis on enhancing the efficiency, fairness and accountability of the justice system. It acknowledges victims as essential stakeholders in criminal proceedings, granting them participatory rights and an expanded right to information. These reforms prioritise the needs and rights of victims, aiming to make them central figures in the criminal justice system with unprecedented rights and opportunities.</p>



Activity: Now let us engage with some terms:

S.No.	Terms	Meaning
1.	Offences	
2.	Cognisable	
3.	Non-cognisable	
4.	Warrant	
5.	Bailable	
6.	Non-bailable	
7.	FIR	
8.	Zero FIR	

You may add more terms to this table.



Hierarchy of Courts for the Adjudication of Criminal Matters



Activity

1. See the chart given on the previous page and you may reflect on the following from your experiences. Write about the structure of courts in India from the lower to the highest level.
2. Write the Year of Establishment and name of the Chief Justice of the following High Courts.

S.No.	High Court	Year of Establishment	Chief Justice
1.	Jammu and Kashmir High Court		
2.	Calcutta High Court		
3.	Delhi High Court		
4.	Bombay High Court		
5.	Allahabad High Court		

Activity: Prepare charts, posters and collages on BNSS.



Quiz

1. When was the Bharatiya Nagarik Suraksha Sanhita introduced in India?

- (a) 11th August 2023
- (b) 13th September 2023
- (c) 20th December 2023
- (d) 1st August 2023

(Answer: c)

2. What is the full form of FIR?

- (a) Final Investigation Report
- (b) First Information Report
- (c) Forensic Investigation Record
- (d) First Investigation Record

(Answer: b)

3. What is the purpose of this new criminal law?

- (a) To provide better education
- (b) To keep people safe and ensure justice
- (c) To develop infrastructure
- (d) To promote economic growth

(Answer: b)

4. What does e-FIR stand for?

- (a) Electronic First Information Report
- (b) Electronic Forensic Investigation Record
- (c) Enhanced First Investigation Record
- (d) Electronic Final Investigation Report

(Answer: a)

5. What does Zero FIR mean?

- (a) FIR with zero charges
- (b) FIR with zero offences
- (c) FIR with zero evidence
- (d) FIR that can be filed at any police station

(Answer: d)



6. What is a cognisable offence under the Bharatiya Nagarik Suraksha Sanhita?

- (a) An offence where the police can arrest without a warrant
- (b) An offence where the police cannot arrest without a warrant
- (c) An offence related to threatening
- (d) An offence related to violence

(Answer: a)

7. What does non-cognisable offence stand for in BNSS?

- (a) An offence where the police requires a warrant
- (b) An offence where the police doesn't require a warrant
- (c) An offence that deals with theft
- (d) An offence related to assault

(Answer: a)

8. What is a warrant?

- (a) An official from the government
- (b) A certificate from the government
- (c) A writ or order issued by some authority
- (d) A request from the lawyer

(Answer: c)

9. Which new law replaced CrPC, 1973?

- (a) The Bharatiya Nyaya Sanhita
- (b) The Bharatiya Nagarik Suraksha Sanhita
- (c) The Bharatiya Sakshya Adhinyam
- (d) The Bharatiya Nagarik Sanhita

(Answer: b)

10. Who can execute a warrant?

- (a) Lawyer
- (b) Journalist
- (c) Police Officer
- (d) Any citizen

(Answer: c)



Message to Parents

As an aware parent, we need to update ourself on the new criminal laws. These laws are for our own betterment for ensuring security and safety for ourselves and others. Explain the laws to your children and neighbours in simple language so that there is more awareness about its salient provisions. As parents, we need to think of preventive measures so that our children are nurtured in an environment of peace and harmony. Be watchful of your child's behavioural patterns and attitude.



References

The gazette of India, The Bharatiya Nagarik Suraksha Sanhita, 2023, No. 46 of 2023, New-Delhi, December 25, 2023.









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