



## LexCognito

*This issue of LexCognito, which in Latin means 'awareness about law', seeks to provide you an insight into significant legal and regulatory developments that have taken place very recently in India.*

---

**Date: 29 August 2023**

---

### **India to rewrite its Criminal Laws**

India is taking steps to repeal criminal laws existing since pre-independence era. These laws have been amended many times with the changing times, but the Government feels that the time has now come to rewrite these laws to overhaul the criminal justice system.

#### **Existing Laws proposed to be Repealed:**

Indian Penal Code 1860  
Code of Criminal Procedure 1898  
Evidence Act 1872

#### **New Laws proposed to be enacted:**

Bharatiya Nyaya Sanhita Bill 2023  
Bharatiya Nagarik Suraksha Sanchita Bill 2023  
Bharatiya Sakshya Bill 2023

As the name suggests, the objective of the law will be to render justice and not punish. What it essentially needed is speedy justice, fair trial of the accused, adequate compensation for the victim.

When we aim at tracing the origin of a message on social media platforms to combat menace created by fake news, etc., there is of course no reason as to why one police station should not be connected with the other. Therefore, the new laws will allow registration of FIR (First Information Report) at any police station. This is indeed very progressive and aims at putting an end to mental trauma which a victim undergoes running from one police station to another for registering complaint.

There is a saying that '*Justice delayed is Justice denied*'. Therefore, the proposed laws aim at providing speedy justice to the victims as fast as within 3 years. There will be strict timelines for the police to apprise progress on the investigation (90 days), filing charge sheet (180 days) and for the judiciary to give judgement (30 days from beginning of arguments). The parties will be restrained from taking adjournments for more than two occasions. These progressive changes are required because when there is delay in rendering justice, we often feel that the system has become a defendant's paradise.

The fact is there is no justice if the guilty is not punished in time or if the innocent is kept under trial for years and years before acquittal by the court resulting in a much bigger punishment.

India certainly doesn't need sedition law as it exists in the current form because they were enacted before independence to kill the voice of freedom fighters against foreign rule. At the

same time, we genuinely need to combat present day crimes endangering sovereignty, unity and integrity of India. Therefore, the definition of sedition will be changed to make it relevant in the present times, and punishment will be increased.

The new laws aim at protecting fundamental rights of the citizens for their overall development.

These laws were enacted in 19th century and the new age crimes which have emerged with time will also be codified in the new laws such as cybercrimes, snatching, fake promise to marry, question paper leak, etc.

The requirement of community service as a punishment will be imposed for petty crimes like small theft, etc. This will be done aiming at reformation and rehabilitation of the criminal mind-set. There will also be no arrest for non-cognizable offences and for elderly people for petty crimes. There will be capital punishment for mob lynching.

An attempt has also been made to make certain offences gender-neutral, but there is still a long way to go.

The proposal is good, but the journey is not going to be easy. It will bring along many challenges going forward such as handling pending cases, implementing changes throughout the country at each level and many more.

---

[Join us on Whatsapp](#)

---

## **PUBLICATIONS**

[\(Click here to view full list of our publications\)](#)

---

### **Significant Judgments of our team**

[Delhi High Court upheld appointment of independent arbitrator - found appointment procedure under GCC \(un-amended Clause 64\) not sustainable](#)

[Company Court clears Insolvency Resolution Plan framed by Creditors themselves](#)

[Delhi High Court on Disqualification of Directors U/S 164\(2\) of the Companies Act 2013](#)

---



## **Chambers of Rajan & Indraneel**

E-mail: [rajan.gupta@chrilegal.com](mailto:rajan.gupta@chrilegal.com)

Mobile: +91 9810404086

**Delhi Address:** G-68 LGF, East of Kailash, New Delhi - 110065, India.

E-mail: [yinita.sahitya@chrilegal.com](mailto:yinita.sahitya@chrilegal.com)

Mobile: +91 9650188649

**Bengaluru Address:** 106, South Block, Anand Alpine, Opp. Vajramuni Farm, Anjanapura Township, Bengaluru, Karnataka-560108, India.

---

### **About us**

Chambers of Rajan & Indraneel is a premier full service law firm headquartered at New Delhi, India and also having presence at Bengaluru. The Firm represents amalgamation of vast experiences and practices of its founder, partners and other professionals. Rajan D Gupta is a rank holder Chartered Accountant turned Corporate Lawyer. He is also a licensed Insolvency Resolution Professional. He has been associated with internationally renowned big law firms in past and has held senior level positions in firms like PwC, Fox Mandal, Khaitan & Co. and SRGR Law, etc. before starting the Firm.

We have a team of experienced Lawyers, Chartered Accountants, Company Secretaries and Insolvency Resolution Professionals with access to network of high quality experienced lawyers in all major commercial cities of India.

The Firm offers a wide range of expert legal services in the areas of corporate and commercial laws and specializes in representing major foreign and domestic corporations with diverse business interests in India. The Firm is professionally equipped to handle large sized and complex corporate transactions like Mergers & Acquisitions, Corporate Restructuring, Joint Ventures, Inbound & Outbound Investments, Private Equity and Venture Capital Investment Transactions, Real Estate Transactions, Infrastructure Projects, Project Finance, Power Projects, Non-Conventional Energy Projects, Highways & Road Projects and Corporate Taxation as well as GST, etc. The Firm also offers proven capabilities in litigation and dispute resolution practice areas, especially in handling international and domestic arbitrations as well as litigation in Supreme Court, various High Courts of India and various judicial and quasi-judicial tribunals/forums including at National Client Law Tribunal, Appellate Tribunals, Tax Tribunals, Competition Commission, Electricity Tribunal, Telecom Disputes Tribunal, Designated Authorities and other adjudicatory bodies.

---

## **DISCLAIMER**

*This newsletter contains general information available in public domain at the time of its preparation. It is intended as a general news update and is not intended to be comprehensive nor to provide specific business, financial, investment, legal, tax or other professional advice or opinion or services. This newsletter is not a substitute for such professional advice or services, and it should not be acted on or relied upon or used as a basis for any decision or action that may affect you or your business. Before making any decision or taking any action that may affect you or your business, you should consult a qualified professional adviser and refer to the source pronouncement/documents on which this business alert is based. It is also expressly clarified that this newsletter is neither a solicitation nor an invitation of any sort whatsoever or a source of advertising from our firm or any of its partners or lawyers or other professionals to create any adviser-client relationship. Whilst every effort has been made to ensure the accuracy of the information contained in this news alert, this cannot be guaranteed, and neither our firm nor any related person/entity shall have any liability to any person or entity that relies on the information contained in this publication. Any such reliance is solely at the user's risk.*