



NATIONAL CONFERENCE ON NEW CRIMINAL LAWS

**(Bharatiya Nyaya Sanhita (BNS), 2023,
Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023
and Bharatiya Sakshya Adhinyam(BSA), 2023.)**

(Mandated by the University Grants Commission (UGC))

Themes:

- I. Emerging Technologies for Access to Justice under New Criminal Laws
- II. Strengthening Victim Centric Legal Aid and Judicial Processes under New Criminal Laws

Jointly Organized by:

School of Law, Rights & Constitutional Governance (SLRCG), &
Mumbai District Legal Services Authority, Mumbai

On:

7th December 2024, Saturday

At:

**Armaity Desai Conference Hall, Main Campus,
Tata Institute of Social Sciences (TISS), Mumbai.**

FACULTY COORDINATOR

Dr. Sonali Kusum,
Assistant Professor, SLRCG
TISS, Mumbai.

STUDENT COORDINATORS

Safiyat Naseem &
Seema Rahman,
Batch: 2024-25

About Tata Institute of Social Sciences (TISS), Mumbai



The Tata Institute of Social Sciences (TISS) was established in 1936 as the Sir Dorabji Tata Graduate School of Social Work. In 1944, it was renamed as the Tata Institute of Social Sciences. The year 1964 was an important landmark in the history of the Institute, when it was declared Deemed to be a University under Section 3 of the University Grants Commission Act (UGC), 1956.

Since its inception, the Vision of the TISS has been to be an institution of excellence in higher education that continually responds to changing social realities through the development and application of knowledge, towards creating a people-centred, ecologically sustainable and just society that promotes and protects dignity, equality, social justice and human rights for all.

About School of Law, Rights & Constitutional Governance (SLRCG), TISS, Mumbai

The SLRCG was established in June 2012 at the TISS Mumbai Campus, in pursuance of the TISS mission of creating a people-centred and just society that promotes equality, justice and human rights for all. Law, legislative reform and Human Rights have a great role in development and empowerment of societies, communities and individuals. They are effective instruments for empowering and changing the status of the disadvantaged, marginalised, discriminated and vulnerable, in India, and a strong tool for social justice. Legal education must therefore be socially relevant. The main objective of the School is to advance socially relevant legal education and promote the education of human rights.

About Maharashtra State Legal Services Authority (MLSA)



Maharashtra State Legal Services Authority (MLSA) has been constituted under Legal Services Authorities Act, 1987 (39 of 1987), which is enacted to effectuate the constitutional mandate enshrined under Article 14 and 39-A of the Constitution of India. The object is “ACCESS TO JUSTICE FOR ALL”, so that justice is not denied to citizens by reasons of economic or other disabilities.

The core value of our Constitutional philosophy, as reflects from preamble, is the dignity of individual which is an essence of human rights, demands, not merely the civil or political rights but also economic, social, cultural rights. The main objective, penchant and directions of the Legal Services Authority is to take real, practical and positive steps to ensure that there is equality and fairness for all in the justice process to fulfil the mandate of Constitution of India. It is, indeed, an enormously onerous task. The large populace cursed with poverty and illiteracy, therefore, the role of Legal Services Authority assumes great significance.

CONCEPT NOTE:

In December 2023, the Indian Parliament passed three legislative Acts: the Bharatiya Nyaya Sanhita (BNS), 2023, the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 and the Bharatiya Sakshya Adhinyam (BSA), 2023. These Acts were introduced to replace the Indian Penal Code, 1860 (IPC), the Criminal Procedure Code, 1973 (CrPC), and the Indian Evidence Act, 1872 (IEA) respectively. On December 25, 2023, these bills received Presidential assent and were officially published in the Gazette and came into effect from 1st of July 2024.

The significance of the new criminal laws lies in the large-scale technology integration in varied stages of the investigation, inquiry, and trial process before the law enforcement agencies, Courts. Besides, the inclusion of victim-centric legal aid provisions with rights-based perspectives for victims as right to information, right to participation and right to compensation.

These pathbreaking provisions are introduced for the first time under the new criminal laws, including the validity of electronic or digital records (Admissibility of an electronic or digital record, Section 61 BSA), search and seizure to be audio-video recorded by Police (Section 105 BNSS) filing of complaints through cyber technology) through e FIR (Application of Cyber or Information Communication Technology, Section 173 BNSS), and forensic technology (Procedure for investigation of crime punishable with seven years or more mandatory forensic examination in Section 176, BNSS), among other related technological aspects.

Further, the legal aid scheme is developed in order to suit the needs of victims by including welfare-oriented provisions as the victim's right to seek compensation from DLSA, SLSA, when the offender is not traced or identified, but the victim is identified and where no trial takes place. The duty of DLSA is to Support, Aid the Victim, the State or the District Legal Services Authority to alleviate the victim's suffering, and direct for immediate first-aid facility or medical benefits under BNSS. (Chapter XXVIII, Section 396 (4), (6), BNSS).

Accordingly, the Punjab & Haryana High Court, in XXX Vs. State of U.T Chandigarh and Another, 2024, the Court expounded on the background rationale of the Bharatiya Nagarik Suraksha Sanhita, 2023, so as to do away with the lacunas of the procedural Colonial Era Criminal Laws, to be replaced with a citizens centric criminal procedure involving the use of technology for time bound justice. In the recent past, Karnataka High Court has considered the application of BNSS, in, Tavaragi Rajashekhar Shiva Prasad v. State of Karnataka, 2024, (SCC OnLine Kar 67), wherein the Karnataka High Court directs the Police BNSS to issue notice, summons, communications through electronic mode (Section 35).

Themes of the National Conference:

- 1. Emerging Technologies for Access to Justice under New Criminal Laws:** e-FIR filing through the application of Cyber or Information Communication Technology (Section 173 BNSS)
- 2. Legal Recognition of Cyber Digital Evidence or Records:** Electronic or 'Electronic and digital records' is included in the definition of Document under BNSS, (Section 2(1)(a) includes 'audio-video electronic means' and 'electronic communication' (Section 2(1)(i))
- 3. Mandatory Application of Forensic Technology:** There is mandatory forensic examination and visits by forensic experts to crime scenes to collect forensic evidence in case of offenses punishable for 7 years or more. (Section 176 (3), BNSS)
- 4. Strengthening Victim Centric Legal Aid and Judicial Processes under New Criminal Laws:** Victim Centric Justice, Victim right to participation, information and compensation Victim Compensation Scheme, (Chapter XXVIII, Section 396, under BNSS).
- 5. Dynamic Role of Prosecution & Time-Bound Discharge of Duties:** The Bharatiya Nagarik Suraksha Sanhita (BNSS), provides for the setting up of a "Directorate of Prosecution" for each of the states. There is a Directorate of Prosecution (DOP) at the State and District level with the Director of Prosecution assisted by Dy. Directors and Assistant Directors shall oversee and coordinate the prosecution of criminal cases. (Section 20, BNSS).
- 6. Time Bound Court Process for Justice Delivery:** The judgment is to be pronounced by the Court within forty-five days (45) from the date of the trial's conclusion. (Section 392, BNSS)

OBJECTIVES:

- To provide a comprehensive understanding on the salient aspects of new criminal laws, such as the role of technology-enabled policing, application of Electronic Technology, Information Communication Technology, as well as Forensic Technology in the investigation of crime, police process of search- seizure, and in serving notice, summons, related procedures of court trials.
- To undertake a comparative analysis on the role and functioning of relevant stakeholders of the criminal justice system such as Legal Aid, Police, Prosecution, and Defense Lawyers under the earlier criminal law, vis a vis the three new criminal legislations focusing on the above-mentioned themes.
- To expound on the role of stakeholders of criminal justice system namely, Legal Services Authorities, Prosecutors, Defense Counsel in strengthening of the criminal justice delivery system in context of new criminal laws and overall impact on promoting victim-centric Justice within the time-bound manner in society.
- To deliberate on the challenges faced by the concerned stakeholders in determining the effect of these laws at the community level and to explore suggestions for the same.

OUTCOME:

- The participants would be able to develop a holistic and informed perspective on the new criminal laws with special reference to the aforementioned themes and towards ensuring better implementation of these laws.
- To strengthen collaborations with Mumbai District Legal Services Authority, State Government of Maharashtra, and the Bombay City Civil & Sessions Court Bar Association for organizing training, research and outreach activities etc. on the New Criminal Laws.
- The report of the conference deliberations will be submitted to the UGC Ministries of Education and (BPR& D), Ministry of Home Affairs, (GoI).

METHODOLOGY:

Participatory Methodology will be used following Technical Sessions and Presentations by Experts, through Panel Discussion Mode and Reflections from participants through Group Discussions.

PARTICIPANTS

Everyone is welcome to join.

No registration fee.

All participants will get a participation certificate.

RESOURCE PERSONS & PENALISTS

Hon'ble Ladyship, Justice Smt. Dr. Neela

Kedar Gokhale,

Judge Hon'ble High Court of Bombay, Bombay & Guardian Judge, City Civil and Session Court, Bombay.

Hon'ble Dr. Justice Shalini Phansalkar Joshi

Former Judge of the Bombay High Court, Mumbai.

Shri Anil Subramaniam

Hon'ble Principal Judge & Chairperson, DLSA, (District Legal Services Authority (DLSA), Mumbai

Mr. Ashish Gupta, DGP

Director General of Police (DGP) (Rules and Manuals), Uttar Pradesh, Police, State Government of Uttar Pradesh, Lucknow.

Shri. Brijesh Sigh, IPS,

Principal Secretary to the Chief Minister of Maharashtra, Government of Maharashtra, Additional Director General for Police, State Government of Maharashtra.

Shri Sanjay Shintre, IPS,

DIG, Maharashtra Cyber Command & Control Center (M4C), Office of Spl. IGP-Cyber (Govt. Of Maharashtra.

Dr. G.K Goswami, IPS,

Additional Director General of Police, Uttar Pradesh, Police, Founder Director, Uttar Pradesh State Institute of Forensic Sciences, State Government of Uttar Pradesh.

Adv. Ravi Jadhav

President of Bombay City Civil & Sessions Court Bar Association, Mumbai.

Shri Wajid Sheikh, Public prosecutor

from Office of Chief Public Prosecutor, City Civil & Sessions Court, Bombay.

Shri Adv. Siddharth Desai

Retainer Lawyer, DLSA Mumbai.

Mr. Vikas Kumar,

Advocate & Jail Visiting Advocate by Delhi High Court Legal Services Committee at Tihar Jail, New Delhi.

PATRON

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Safiyat Naseem & Seema Rahman
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(2024-2025)

REGISTRATION:



Scan the QR Code to Register

OR

Go to: <https://forms.gle/pkJq8KY4EuoBCimP9>

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Location:



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GLIMPSES OF SUCCESSFUL CONFERENCES ON NEW CRIMINAL LAWS

