

Criminal Law Amendment

The Indian Criminal Code was formulated after 1947 by incorporating many sections of the British-Indian Act, which was formulated by the British colonial administration. The new law is brought in accusing earlier rulers of India of criminal colonialism. The ancestor of present rulers Savarkar supported the British colonial rule and waged struggle against them not to weaken the power of the Sangh and when arrested, apologized to British and said, if they forgive and release him from prison, he will serve the British colonialism for the rest of his life. The descendants of him are in power today. Their so-called sense of patriotism is now ignited and they understood the colonial influence on the law.

Even after 76 years of independence, the government claimed that the new law was introduced because the government realized that it was necessary to remove the colonial influence from the Indian criminal law. Apart from that, the Government did not claim that there was any defect in the existing Act. Can the colonial influence in the Indian legal system be avoided only through criminal law reform? From the Government of India Act to the Child Protection Act, India is still following the laws formulated by the British government. The Industrial Disputes Act, the Indian Railways Act, the Indian Defense Act, the Indian Telecom Act, the Indian Police Act, the Hindu Succession Act, and the Hindu Marriage Act, all sectors and departments of the country are still controlled by the state system in India. They were brought by the British government. The shameless B.J.P government at the Centre also continues to follow these laws with more brutal additions by changing the names of the old colonial laws. To identify the deceit of the government, the law needs to be analyzed in depth.

The Indian judicial system was followed by IPC, Indian Evidence Act and Indian CrPC Acts have been repealed and replaced by a new Indianized legal system. This law which affects the daily life of nearly 140 crore people of the country was passed in a completely undemocratic manner. The criminal justice system of any country is a very serious matter for its citizens. Any change in the criminal law should be subject to serious discussion and analysis by the elected House of Representatives.

The law was presented and passed in Parliament on the occasion of the suspension and expulsion of 93 opposition MPs. Through this, the law brought by the government was passed without even discussion. The new law came into effect from February 2024. We will have to wait until the implementation of the new law to know how this law that was passed

in an anti-democratic manner will affect the Indian people. This is because many sections in the Act can be interpreted as per convenience by the officials enforcing the Act.

The Indian Penal Code (IPC) of 1860 was replaced by the Bharatiya Nyaya Sanhita or "BNS".

The Indian Evidence Act, 1872 was replaced by the Bharatiya Sakshya Act (BS) and the Criminal Procedure Code (CrPC), 1973 was replaced by the Bharatiya Nagarik Suraksha Sanhita Act, 2023 as "BNSS".

All countries bring changes and amendments in the legal system. In a monarchy, the will of the king is the law. Religious laws are religious laws. When the Islamic believers came to power by overthrowing the democratic system in the countries of Iran and Afghanistan, Islamic laws were enforced in those countries. When there is a coup or revolutionary regime change in countries, it is natural to have change in the criminal laws. Law is always created when circumstances demand it or circumstances are the creator of law. If the existing law is an obstacle to the realization of the ideological goals of the ruling government, then that law should be removed and necessary new sections should be added. The ideology of the ruling party is Hindutva agenda. If the ruling party feels that many existing sections of the law are creating obstacles to convert India into Bharat and convert it into a Hindu state, it is natural that those sections are removed and necessary sections are added. But the ruling party does not have the courage to tell the people the reality. India stands on a strong democratic-secular foundation that grew through the Indian freedom struggle and under a constitution that protects it.

Decolonization and Indianisation of the legal system are an appropriate slogan to achieve that goal. Otherwise, the shortcomings of the existing legal system should be pointed out. But it has not been pointed out that there were any defects in the existing legal system. Some additions have been made to the existing laws and they have only been expanded.

In the new addition, even hunger strikes and dharna are crimes. As such, excessive powers have been given to the police. Any act that the state does not like in word, writing, news or action will be treated as a crime. In short, it is to silence disagreements, protests and objection. The new law has everything needed to eliminate fraud and keep the media at bay.

There is no doubt that Indian criminal law needs to be reformed. Many laws are outdated. The problem of overlap has been pointed out in many laws. For example, there is a separate law for adulteration of foodstuffs. There is a special law for pollution. But all these laws in the old criminal law are repeated in the new law. This results in two types of punishment for the same crime. The Indian legal system has not been able to bring back those who went abroad from India by defrauding the banks and the government. While the legal system can try and decide cases even in their absence, there is no such provision in the new law.

Apart from this, the most important problem facing the criminal law in India is the backlog of cases in the courts. According to the judicial data released in 2020, 44.84 million cases are pending in Indian courts. Majority i.e. 75% of these cases are criminal cases. How many

innocent people are killed in jails because of this. The new law does not propose any solution for this. According to the National Crime Records Bureau's 2022 estimate, there are 573,220 people in Indian jails. There are 133415 people who have been convicted and are in jail. That means more than 75% of those in prison are undertrials. If the prisoners are guilty, let them be punished. But jailing them for years as undertrials is anti-democratic and a violation of human rights. Why is this happening and what is the way to solve it was not discussed during the law reform. The people did not get what they expected from the criminal law reform. In short, the reform in law will only benefit the ruling party's ideological practice.