

The background features a stylized illustration of a classical bank building with a pediment containing the word "BANK". In front of the building stands a man in a dark suit and a top hat, holding a white briefcase. A thick, dark chain is draped across the scene, passing behind the man and the text. The entire scene is set against a solid mustard-yellow background.

# UNDERSTANDING NEW CRIMINAL LAWS FROM BANKING PERSPECTIVE

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# INTRODUCTION

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IPC,1860 REPLACED BY BHARTIYA NYAYA SANHITA, 2023.

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CR.P.C, 1973 SUBSTITUTED BY BHARTIYA NAGRIK SURAKSHA SANHITA, 2023

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INDIAN EVIDENCE ACT, 1872 CHANGED TO BHARTIYA SAKSHYA ADHINIYAM, 2023

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WILL COME INTO EFFECT FROM JULY 1, 2024.

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EMPHASIZES ON INCLUSION OF ELECTRONIC RECORDS AND DIGITISATION OF THE WHOLE PROCESS.

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OLD STATUTES WITH MINOR AMENDMENTS TO ADDRESS THE ISSUES AND NEEDS OF THE PRESENT AGE.

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ESSENTIALLY LEGISLATIVE ACCPETANCE GIVEN TO THE LAW ALREADY LAID DOWN BY THE JUDICIARY.




**BHARATIYA  
NYAYA  
SANHITA  
2023**

**COMPARISON BETWEEN  
BHARTIYA NYAYA  
SANHITA,  
2023 (BNS)  
AND  
INDIAN PENAL  
CODE,  
1860 (IPC)**

## COMPARISON

|               | INDIAN PENAL CODE,1860 | BHARTIYA NYAYA SANHITA,2023     |
|---------------|------------------------|---------------------------------|
| PROVISIONS    | 511                    | 358                             |
| ADDITIONS     |                        | 31                              |
| DELETIONS     |                        | 19                              |
| MODIFICATIONS |                        | COMMUNITY SERVICE AS PUNISHMENT |
| IMPRISONMENT  |                        | INCREASED FOR 41 SECTIONS       |
| PENALTY       |                        | HIKED FOR 82 SECTIONS           |

- ❑ IT IS MOSTLY REARRANGING AND REPACKAGING OF VARIOUS EXISTING PROVISIONS,
- ❑ WHICH HIGHLIGHTS CERTAIN OFFENCES RELEVANT TO THE BANKING INDUSTRY



## CHAPTER X (S.178-188 OF BNS) DEALS WITH OFFENCES RELATING TO COIN, CURRENCY-NOTES, BANK-NOTES AND GOVERNMENT NOTES

- PREVIOUSLY UNDER IPC, THESE PROVISIONS WERE CONTAINED IN DIFFERENT CHAPTERS I.E. XII & XVIII.
- ALL THE OFFENCES RELATED COIN, CURRENCY-NOTES, BANK NOTES AND GOVERNMENT STAMPS HAVE BEEN BROUGHT TOGETHER.
- THE MOST CONSPICUOUS CHANGE IS THE ADDITION 'COIN AND GOVERNMENT STAMPS' IN ADDITION TO CURRENCY, NOTES AND BANK NOTES.
- SCOPE OF PROSECUTION HAS BEEN WIDENED USING WORDS SUCH AS FORGED OR COUNTERFEIT/FORGED INSTRUMENTS.
- THE PUNISHMENT FOR COUNTERFEITING OR KNOWINGLY USING ANY COUNTERFEIT COIN/STAMP/CURRENCY NOTE/BANK-NOTE IS LIFE SENTENCE OR AN IMPRISONMENT UPTO 10 YEARS. (S.178 & 179)



- ❑ THE PUNISHMENT FOR IMPORT/EXPORT OF ANY COUNTERFEIT COIN HAS BEEN INCREASED TO IMPRISONMENT FOR LIFE OR 10 YEARS ALONGWITH FINE.
- ❑ EARLIER THE OFFENCES FOR COUNTERFEITING OF INDIAN COIN AND ANY COIN WERE DIFFERENTIATED, HOWEVER, NOW BOTH THE OFFENCES ARE DEALT WITH AT PAR.

# CHAPTER XIII (S. 206-226,BNS) DEALS WITH CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

- AS AN EMPLOYEE OF THE BANK, ONE IS REQUIRED TO DEAL WITH THE INSTRUCTIONS/DIRECTIVES OF VARIOUS GOVERNMENT AGENCIES AND PUBLIC SERVANTS FROM TIME TO TIME, EITHER TO DIVULGE CERTAIN INFORMATION IN RELATION TO AN ACCUSED OR FOR PRODUCTION OF CERTAIN RECORDS ETC. NON-COMPLIANCE IN THIS REGARD CAN LEAD TO CRIMINAL PROSECUTION AS CONTEMPLATED UNDER CHAPTER XIII OF BNS.
- SEC.200 PROVIDES FOR A PUNISHMENT OF 1 MONTH WHICH CAN BE EXTENDED UP TO 6 MONTHS, IF THE NOTICE WAS ISSUED, TO ATTEND A PROCEEDING IN COURT.
- SIMILARLY, SEC.210 REQUIRES A PERSON LEGALLY BOUND TO PRODUCE DOCUMENT OR ELECTRONIC RECORD TO THE PUBLIC SERVANT, AND THE OMISSION CAN LEAD TO IMPRISONMENT OF 1 MONTH OR 6 MONTHS IN CASE OF COURT PROCEEDINGS.
- FURTHER, FURNISHING FALSE INFORMATION OR REFUSING TO ANSWER PUBLIC SERVANT ARE ALSO OFFENCES UNDER THIS CHAPTER.

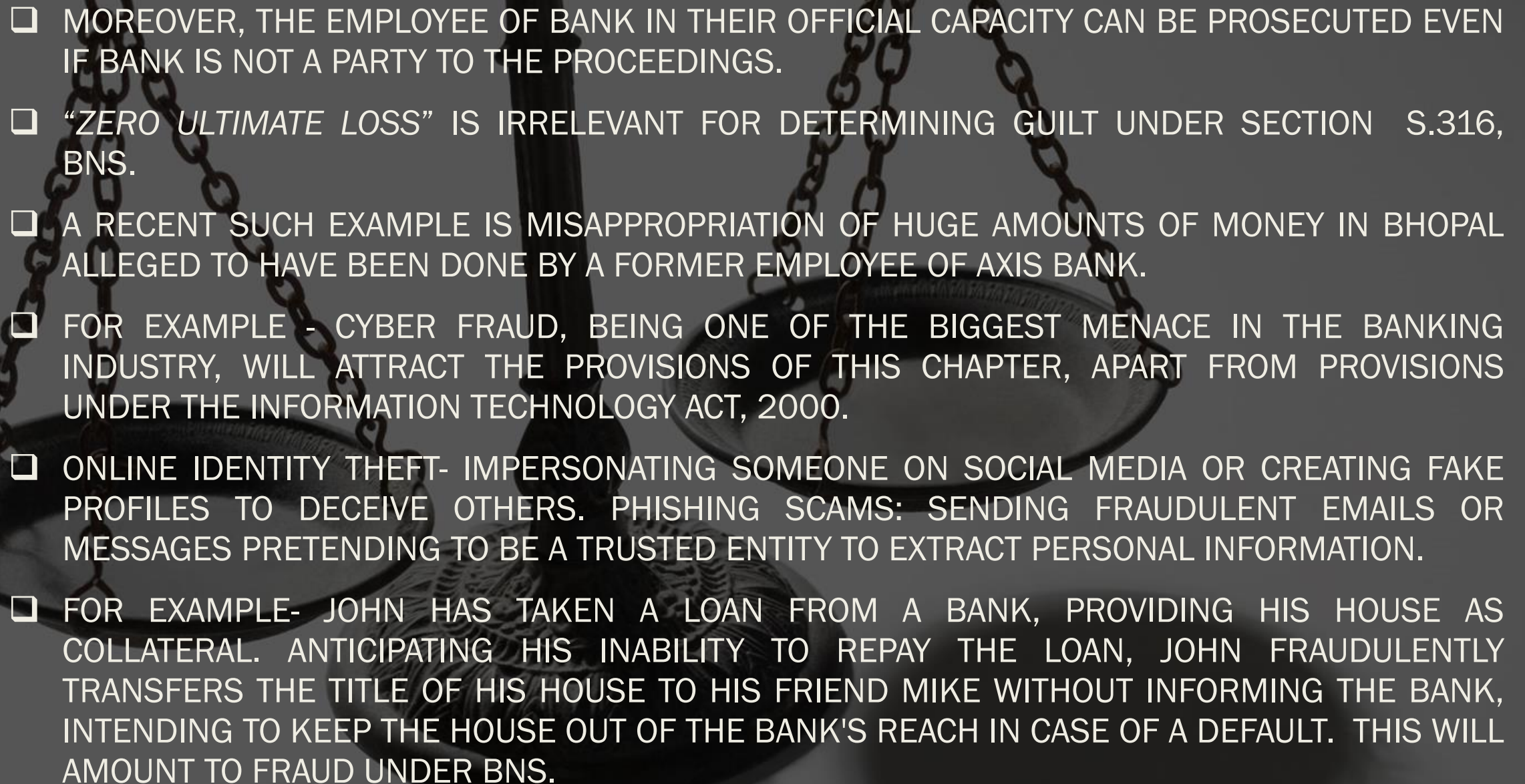




- ❑ SEC. 218 PENALISES RESISTANCE TO TAKING OF PROPERTY BY LAWFUL AUTHORITY OF PUBLIC SERVANT, SEC. 219 PRESCRIBES PUNISHMENT FOR OBSTRUCTIVE SALE OF PROPERTY OFFERED FOR SALE BY AUTHORITY OF PUBLIC SERVANT.
- ❑ SEC. 218 & 219 COME TO THE AID OF ANY SUCH BANK EMPLOYEE WHO IS TRYING TO TAKE POSSESSION OR AUCTION THE PROPERTY UNDER SARFAESI.
- ❑ S.226 PENALISES ANY ATTEMPT TO COMMIT SUICIDE WITH THE INTENT TO COMPEL OR RESTRAIN ANY PUBLIC SERVANT FROM DISCHARGING HIS OFFICIAL DUTY.

# CHAPTER XVII (S. 303-334, BNS) DEALING IN OFFENCES AGAINST PROPERTY

- ❑ THEFT, EXTORTION, ROBBERY, DACOITY, MISAPPROPRIATION, BREACH OF TRUST, FRAUD AND CHEATING ARE KEPT UNDER THE SAME HEAD “OF OFFENCES AGAINST PROPERTY” UNDER THE BNS.
- ❑ IN THE BANKING SECTOR, THE MOST COMMON OUT OF THESE OFFENCES WOULD BE
  - (1) MISAPPROPRIATION (S.314-315)
  - (2) CRIMINAL BREACH OF TRUST (S.316)
  - (3) CHEATING (S.318-319)
  - (4) FRAUD (S.320-323)
- ❑ THERE HAVE BEEN VARIOUS INSTANCES OF SUCH WRONGDOINGS EITHER BY AN EMPLOYEE OR BY A CUSTOMER OR BY A THIRD PARTY WHICH HAS EVENTUALLY LED TO LOSS OF REPUTATION AND FINANCIAL LOSS TO THE BANK. THE BANK OFFICERS AND EMPLOYEES ARE REQUIRED TO CAREFULLY CONDUCT THE DUE-DILIGENCE IN ALL SUCH TRANSACTIONS TO AVOID ANY PENAL LIABILITY IN FUTURE.

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- ❑ MOREOVER, THE EMPLOYEE OF BANK IN THEIR OFFICIAL CAPACITY CAN BE PROSECUTED EVEN IF BANK IS NOT A PARTY TO THE PROCEEDINGS.
  - ❑ “ZERO ULTIMATE LOSS” IS IRRELEVANT FOR DETERMINING GUILT UNDER SECTION S.316, BNS.
  - ❑ A RECENT SUCH EXAMPLE IS MISAPPROPRIATION OF HUGE AMOUNTS OF MONEY IN BHOPAL ALLEGED TO HAVE BEEN DONE BY A FORMER EMPLOYEE OF AXIS BANK.
  - ❑ FOR EXAMPLE - CYBER FRAUD, BEING ONE OF THE BIGGEST MENACE IN THE BANKING INDUSTRY, WILL ATTRACT THE PROVISIONS OF THIS CHAPTER, APART FROM PROVISIONS UNDER THE INFORMATION TECHNOLOGY ACT, 2000.
  - ❑ ONLINE IDENTITY THEFT- IMPERSONATING SOMEONE ON SOCIAL MEDIA OR CREATING FAKE PROFILES TO DECEIVE OTHERS. PHISHING SCAMS: SENDING FRAUDULENT EMAILS OR MESSAGES PRETENDING TO BE A TRUSTED ENTITY TO EXTRACT PERSONAL INFORMATION.
  - ❑ FOR EXAMPLE- JOHN HAS TAKEN A LOAN FROM A BANK, PROVIDING HIS HOUSE AS COLLATERAL. ANTICIPATING HIS INABILITY TO REPAY THE LOAN, JOHN FRAUDULENTLY TRANSFERS THE TITLE OF HIS HOUSE TO HIS FRIEND MIKE WITHOUT INFORMING THE BANK, INTENDING TO KEEP THE HOUSE OUT OF THE BANK'S REACH IN CASE OF A DEFAULT. THIS WILL AMOUNT TO FRAUD UNDER BNS.



## CHAPTER XVIII (S. 335-350) DEALING IN OFFENCES RELATING TO DOCUMENTS AND PROPERTY MARKS

- ❑ THE LAST CHAPTER WHICH WOULD BE RELEVANT UNDER BNS IS CHAPTER XVIII, ESSENTIALLY DEALING WITH FORGERY. IN LAYMAN TERMS FORGERY IS CREATING A FALSE DOCUMENT EITHER BY PUTTING SOMEONE ELSE'S SIGNATURE, SEALS ETC. OR PROVIDING IT AUTHENTICITY BY MAKING ANY MARK OVER IT.
- ❑ FORGERY OF A VALUABLE SECURITY CAN LAND ONE IN JAIL WITH LIFE IMPRISONMENT UNDER S.338 OF BNS.
- ❑ THIS CHAPTER ALSO INCLUDES S.344 WHICH PROVIDES A PUNISHMENT OF UPTO 7 YEARS FOR FALSIFICATION OF ACCOUNTS WITH AN INTENTION TO DEFRAUD.
- ❑ THE FORGERY IS NOT ONLY LIMITED TO DOCUMENTS BUT ALSO ELECTRONIC RECORD AND AFFIXING ELECTRONIC SIGNATURES (S.340, BNS)
- ❑ BANK EMPLOYEES ARE OBLIGATED TO ENSURE THAT THERE ARE NO BLANKS ETC. IN A LOAN APPLICATION FORM, AS IT CAN LEAD TO FORGERY.

IMAGINE A SCENARIO WHERE RAJ, AN ACCOUNTANT FOR A CONSTRUCTION COMPANY, IS ASKED BY HIS EMPLOYER TO PREPARE THE FINANCIAL STATEMENTS FOR THE YEAR. DUE TO SOME FINANCIAL MISMANAGEMENT, THE COMPANY IS FACING A LOSS. TO SECURE HIS JOB AND TO SHOW THE COMPANY IN A BETTER FINANCIAL POSITION, RAJ DECIDES TO MANIPULATE THE ACCOUNTS. HE ALTERS THE EXPENSES AND INFLATES THE REVENUE FIGURES IN THE COMPANY'S ELECTRONIC ACCOUNTING SYSTEM. BY DOING THIS, HE IS CREATING A FALSE IMPRESSION OF PROFITABILITY.

WE HAVE DEALT WITH A CASE IN THE PAST WHERE A PERSON FORGED SIGNATURES OF AN EXISTING CUSTOMER TO TRANSFER HUGE AMOUNTS OF MONEY IN ANOTHER ACCOUNT AND THEN VANISHED WITH THE MONEY. WHILE, THE CRIMINAL PROSECUTION WILL TAKE ITS OWN COURSE PROVIDED THE ACCUSED IS NABBED, THE BANK WAS SADDLED WITH THE LIABILITY TO REFUND TO THE ORIGINAL CUSTOMER THE ENTIRE AMOUNT, ALONG WITH COMPENSATION AND INTEREST.

THUS, A SERIOUS OBLIGATION IS CAST ON THE BANK EMPLOYEES TO VERIFY THE SIGNATURES AND ALSO TO ASCERTAIN THE IDENTITY OF A PERSON IN CASE OF SUSPICION. ULTIMATELY, BANK IS DEALING WITH PUBLIC MONEY, AND IS LIABLE FOR THE ACTIONS OF ITS OFFICERS.

# ORGANIZED CRIME - S.111 (NEW SECTION)

NOW ORGANIZED CRIME HAS ALSO BEEN RECOGNIZED UNDER SEC.111 OF BNS, WHICH INCLUDES ECONOMIC OFFENCES, CONTRACT KILLING, HUMAN TRAFFICKING ETC.

ECONOMIC OFFENCES INCLUDE CRIMINAL BREACH OF TRUST, FORGERY, COUNTERFEITING OF CURRENCY-NOTES, BANK-NOTES AND GOVERNMENT STAMPS, HAWALA TRANSACTION, MASS-MARKETING FRAUD OR RUNNING ANY SCHEME TO DEFRAUD SEVERAL PERSONS OR DOING ANY ACT IN ANY MANNER WITH A VIEW TO DEFRAUD ANY BANK OR FINANCIAL INSTITUTION FOR OBTAINING MONETARY BENEFITS IN ANY FORM.

ORGANIZED CRIME IS PUNISHABLE WITH 3 YEARS OF IMPRISONMENT EXTENDING UPTO LIFE IMPRISONMENT OR ONE LAKH RUPEES FINE, EXTENDING UPTO FIVE LAKH RUPEES DEPENDING UPON THE GRAVITY OF THE OFFENCE.

## KEY CHANGES BROUGHT BY BHARTIYA NYAY SANHITA, 2023 (UNRELATED TO BANKING)

- ❑ ABETMENT OF AN OFFENCE COMMITTED IN INDIA BY A PERSON OUTSIDE INDIA IS NOW AN OFFENCE UNDER S. 48 OF BNS.
- ❑ FALSE PROMISE OF MARRIAGE OR MARRYING BY SUPPRESSING IDENTITY NOW BECOME A SEPARATE OFFENCE UNDER SEC. 69, BNS.
- ❑ SNATCHING I.E. CHAIN SNATCHING OR SNATCHING OF A BAG IS NOW A SEPARATE OFFENCE UNDER S. 304, BNS



- ❑ SEDITION LAW IS OMITTED BUT A NEW FORM OF SEDITION AGAINST THE GOVERNMENT IS INTRODUCED UNDER SEC. 150.
- ❑ SEC.377, OFFENCE OF ATTEMPT TO COMMIT SUICIDE, OFFENCE OF ADULTERY FROM THE OLD IPC HAVE BEEN OMITTED.
- ❑ MORE STRINGENT PUNISHMENTS HAVE BEEN ENACTED FOR OFFENCES AGAINST WOMEN AND CHILDREN.
- ❑ MOREOVER, NEW OFFENCES HAVE BEEN INTRODUCED WITH DEALS WITH THE OFFENCE OF SEXUAL INTERCOURSE BY PERSON IN AUTHORITY.
- ❑ S.273 HAS BEEN INSERTED TO RESTRICT AND PENALIZE MOVEMENT DURING QUARANTINE PERIOD PUNISHABLE WITH IMPRISONMENT OF SIX MONTHS, OR WITH FINE, OR WITH BOTH.



**COMPARISON BETWEEN  
BHARTIYA NAGRIK  
SURAKSHA SANHITA, 2023  
(BNSS)  
AND  
CODE OF CRIMINAL  
PROCEDURE, 1973  
(CR.P.C.)**



# COMPARISON

|               | <b>CRIMINAL<br/>PROCEDURE CODE,<br/>1973</b> | <b>BHARTIYA NAGRIK<br/>SURAKSHA SANHITA,<br/>2023</b> |
|---------------|--|---|
| PROVISIONS    | 484  | 531   |
| ADDITIONS     |  | 9 SECTIONS AND 39<br>SUB-SECTIONS                     |
| DELETIONS     |  | 14  |
| MODIFICATIONS |  | 177   |
| EXPLANATIONS  |  | 44  |
| TIMELINES     |  | 35 SECTIONS   |



# ARREST BY POLICE

- ❑ UNDER S.35, BNSS ARREST IS NOT MANDATORY AT EACH INSTANCE, BUT POLICE HAS POWER TO ARREST WITHOUT WARRANT IN CERTAIN CIRCUMSTANCES SUCH AS IN CASES OF PROCLAIMED OFFENDERS OR UPON COMMITTING COGNIZABLE OFFENCE ETC.
- ❑ POLICE OFFICER IS REQUIRED TO MAKE ARREST IN PRESENCE OF AT LEAST ONE PERSON AND INFORM THE ARRESTED PERSON THAT HE HAS A RIGHT TO INFORM ONE FAMILY MEMBER/FRIEND OF SUCH ARREST, UNDER S.36.
- ❑ UNDER S. 44, BNSS POLICE HAS BEEN GIVEN ENOUGH POWER TO BREAK OPEN ANY DOOR OR WINDOW OF A PLACE TO MAKE ARREST OF ANY PERSON. MOREOVER, INDIVIDUALS RESIDING IN PLACES WHERE THERE IS REASONABLE SUSPICION THAT THE PERSON TO BE ARRESTED IS PRESENT MUST ALLOW THE POLICE FREE ACCESS.
- ❑ IF POLICE OFFICER MAKES ARREST WITHOUT WARRANT, HE IS BOUND TO GIVE ALL DETAILS OF OFFENCE TO ARRESTED PERSON AS PER SEC. 48.

# CHAPTER XIII (S.173-196)

## DEALS IN INFORMATION TO POLICE OFFICER AND THEIR POWER TO INVESTIGATE

ANY PERSON CAN GIVE INFORMATION REGARDING COMMISSION OF AN OFFENCE TO A POLICE OFFICER ORALLY OR BY ELECTRONIC MEANS AS PER S. 173.

POLICE HAS BEEN MANDATED TO REGISTER AN FIR WITHIN 3 DAYS IF IT FINDS MERIT FOR IT IN A PRELIMINARY INVESTIGATION.

CONCEPT OF ZERO FIR HAS BEEN INTRODUCED I.E. NOW A VICTIM CAN GO TO ANY POLICE STATION AND LODGE A ZERO FIR AND IT WILL HAVE TO BE COMPULSORILY TRANSFERRED TO THE CONCERNED POLICE STATION WITHIN 24 HOURS.

POLICE HAS BEEN EMPOWERED TO COMPEL ATTENDANCE OF ANY PERSON WHO IS WITHIN THE LIMITS OF HIS OWN POLICE STATION AND WHO APPEARS TO BE ACQUAINTED WITH FACTS AND CIRCUMSTANCES OF THE CASE, AS PER S.179.

- ONLY MAGISTRATES HAVE BEEN EMPOWERED TO RECORD CONFESSIONS. MOREOVER, SUCH CONFESSION HAS TO BE RECORDED BY AUDIO-VIDEO MEANS, IN PRESENCE OF THE ACCUSED'S ADVOCATE.(S.183)
- POLICE OFFICER IS REQUIRED TO MAINTAIN CASE DIARY OF PROCEEDINGS IN INVESTIGATION AS PER S.192.
- CHARGESHEET HAS TO BE FILED WITHIN 90 DAYS IN CASE OF BOTH - BAILABLE AND NON-BAILABLE OFFENCES.

# SEARCH AND SEIZURE OF PROPERTY

IN ORDER TO SUMMON ANY CORPORATE BODY/FIRM/SOCIETY, THE COURT MAY ISSUE SUMMONS BY SERVING ANY KEY MANAGERIAL PERSON OF THE ORGANIZATION SUCH AS DIRECTOR, PARTNER, SECRETARY AS PER S. 65.

POLICE HAS TO PREPARE A RECORD OF ALL THE ITEMS SEIZED DURING THE COURSE OF INVESTIGATION. UNDER THE NEW ACT, POLICE HAS BEEN EMPOWERED TO RECORD OF SEARCH AND SEIZURE THROUGH VIDEO AND ELECTRONIC MEANS, AS PER S.105.

S.106 EMPOWERS A POLICE OFFICER TO SEIZE ANY PROPERTY WHICH MAYBE SUSPECTED AS STOLEN OR FOUND UNDER SUSPICIOUS CIRCUMSTANCES. HOWEVER, IT IS NOT NECESSARY TO SEIZE ALL SUCH PROPERTY. THE PROPERTY CAN BE RELEASED ON EXECUTION OF A BOND.

AS PER SEC. 107, IF A PROPERTY IS BELIEVED TO BE PROCEEDS OF CRIME, THE COURT MAY ATTACH SUCH PROPERTY AFTER ISSUING NOTICE TO THE OWNER OF SUCH PROPERTY.

# FORENSIC EVIDENCE

IN CASE OF OFFENCES IN WHICH PUNISHMENT IS 7 YEARS OR MORE, A POLICE OFFICER IS REQUIRED TO SEND A FORENSIC EXPERT TO VISIT CRIME SCENE TO COLLECT FORENSIC EVIDENCE AND ALSO MAKE VIDEOS OF THE WHOLE PROCESS, AS PER S.176(3).

REPORTS MADE BY FORENSIC DEPARTMENT CAN BE USED AS EVIDENCE, WITHOUT CALLING SUCH OFFICER AS WITNESS, AS PER S.328.



## S.384 DEALS IN PROCEDURE FOR CERTAIN CASES OF CONTEMPT

- COURT HAS BEEN EMPOWERED TO DETAIN ANY PERSON WHO DOESN'T FOLLOW COURT ORDERS OR COMMITS ANY OFFENCE IN RELATION TO ORDERS BY PUBLIC SERVANT, AS PER S. 384.
- A BANK EMPLOYEE CAN BE CONVICTED FOR FAILING TO DE-FREEZE BANK ACCOUNTS OF AN ACCUSED IF THE SAME IS IN BREACH OF COURT ORDERS.
- THE BANKER IS NOT EXEMPTED UNDER S.94 FROM PRODUCING THE ACCOUNT BOOKS BEFORE THE POLICE.
- THE POLICE OFFICERS CONDUCTING AN INVESTIGATION MAY ALSO INSPECT THE BANKERS' BOOKS FOR THE PURPOSE OF SUCH INVESTIGATIONS.



# MAJOR CHANGES BROUGHT BY BHARTIYA NAGRIK SURAKSHA SANHITA, 2023

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TIMELINE OF 30-45 DAYS TO PRONOUNCE THE VERDICT FROM THE TIME OF CLOSURE OF ARGUMENTS (S. 258)

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AS PER S. 346, MAXIMUM OF TWO ADJOURNMENTS CAN BE GRANTED DURING THE PENDENCY OF THE TRIAL.

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AS PER S.272, THE COURT MAY DISCHARGE THE ACCUSED IF IN CASE OF A PRIVATE COMPLAINT, THE COMPLAINANT DOESN'T APPEAR FOR 30 DAYS.

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INTELLECTUAL DISABILITY HAS ALSO BEEN CONSIDERED A GROUND WHILE CONSIDERING COMPETENCE TO STAND TRIAL.

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WITNESS PROTECTION PROGRAMS CAN BE NOTIFIED BY THE STATE GOVERNMENTS.

- ❑ THE PROVISION FOR POLICE CUSTODY HAS UNDERGONE A SIGNIFICANT CHANGE. NOW UNDER SECTION 187(2) POLICE CUSTODY CAN BE SOUGHT AT ANY TIME DURING THE INITIAL 60 OR 40 DAYS DEPENDING ON THE NATURE OF OFFENCE. EARLIER, IT WAS ONLY WITHIN THE FIRST 15 DAYS FROM ARREST.
- ❑ WIDER DISCRETION HAS BEEN GIVEN TO THE COURTS FOR DECIDING ANTICIPATORY BAIL APPLICATIONS. THE GUIDING FACTORS WHICH FORMED PART OF THE EARLIER REGIME HAVE NOW BEEN TAKEN AWAY.
- ❑ A PROVISION AKIN TO PMLA HAS BEEN INTRODUCED FOR ATTACHING PROCEEDS OF CRIME. HOWEVER, THIS POWER IS NOW VESTED WITH THE POLICE AUTHORITIES ALSO, AND NOT JUST THE ENFORCEMENT DIRECTORATE.  
DEFINITION OF 'PROCEEDS OF CRIME' IS SIMILAR TO THE ONE CONTAINED IN PMLA.

# ALTERNATIVE PUNISHMENTS

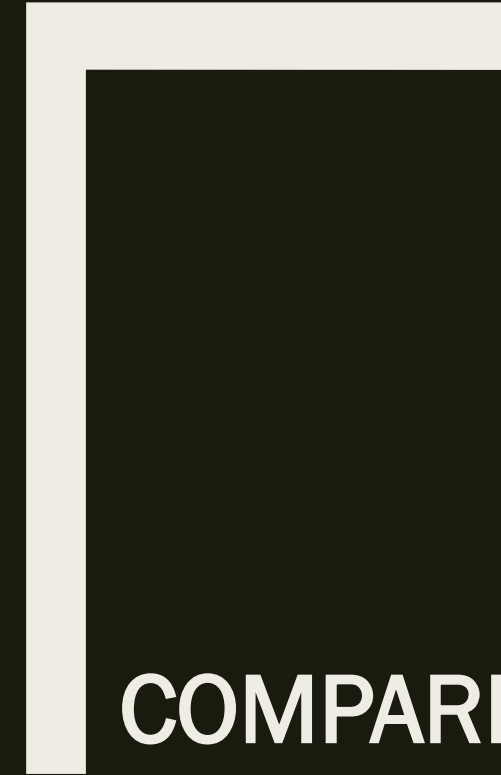
- ❑ PLEA BARGAINING - AN ACCUSED CAN NEGOTIATE WITH THE COURT FOR A LESSER PUNISHMENT THAN WHAT IS PROVIDED IN LAW BY PLEADING GUILTY TO A LESS SERIOUS OFFENCE.
- ❑ COMMUNITY SERVICE - UNDER S. 23 - JUDICIAL MAGISTRATE HAS BEEN EMPOWERED TO PASS A SENTENCE OF COMMUNITY SERVICE FOR VARIOUS PETTY OFFENCES.

**BHARATIYA  
SAKSHYA  
ADHINIYAM**

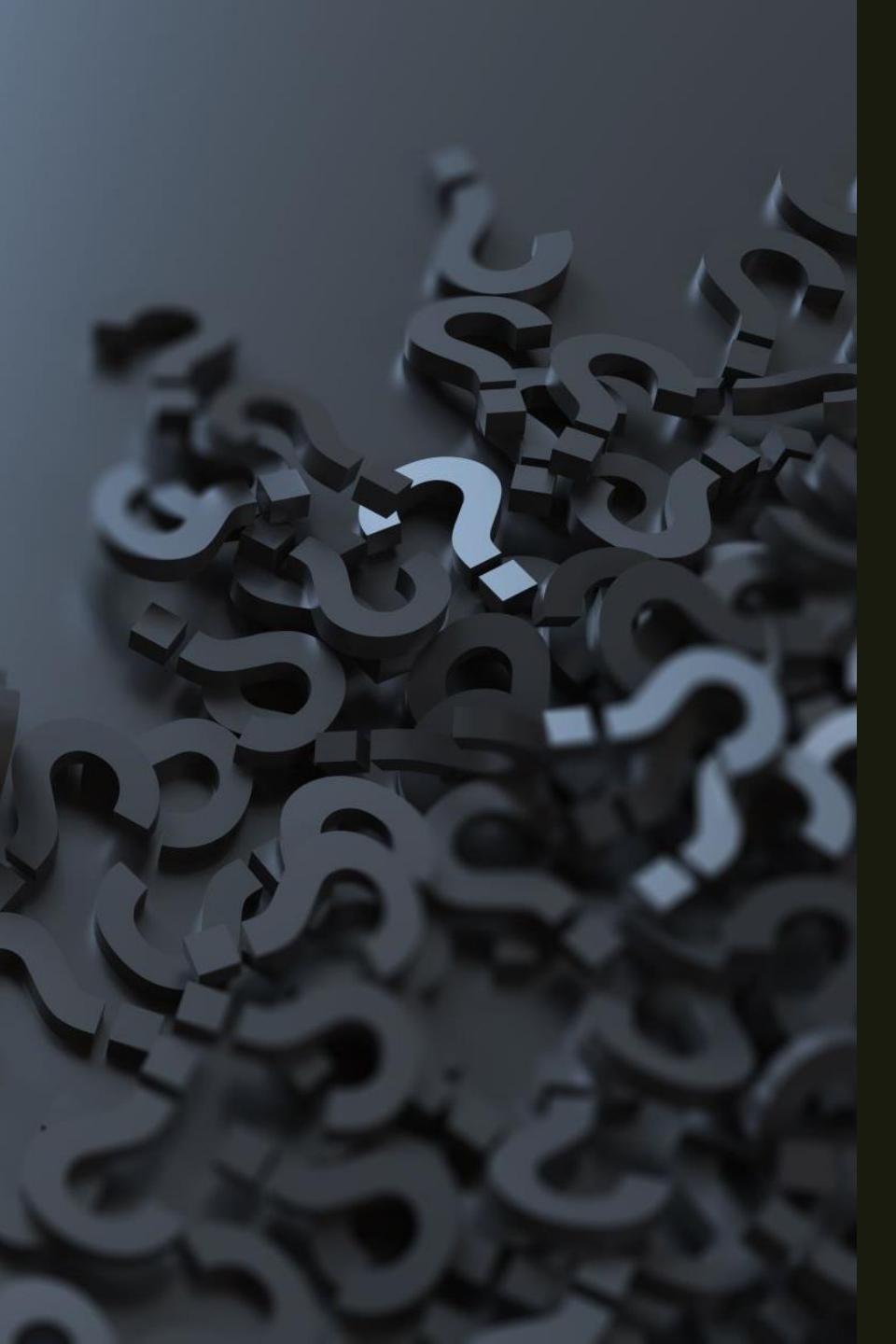
**INDIAN  
EVIDENCE  
ACT**

**COMPARISON BETWEEN  
BHARTIYA SAKSHYA  
ADHINIYAM, 2023 (BSA)  
AND  
INDIAN EVIDENCE ACT,  
1872 (IEA)**

|                      | <b>INDIAN<br/>EVIDENCE<br/>ACT, 1872</b> | <b>BHARTIYA<br/>SAKSHYA<br/>ADHINIYAM,<br/>2023</b> |
|----------------------|--|---|
| <b>PROVISIONS</b>    | <b>167</b>                               | <b>170</b>  |
| <b>ADDITIONS</b>     |  | <b>2</b>  |
| <b>DELETIONS</b>     |  | <b>6</b>  |
| <b>MODIFICATIONS</b> |  | <b>24</b>   |



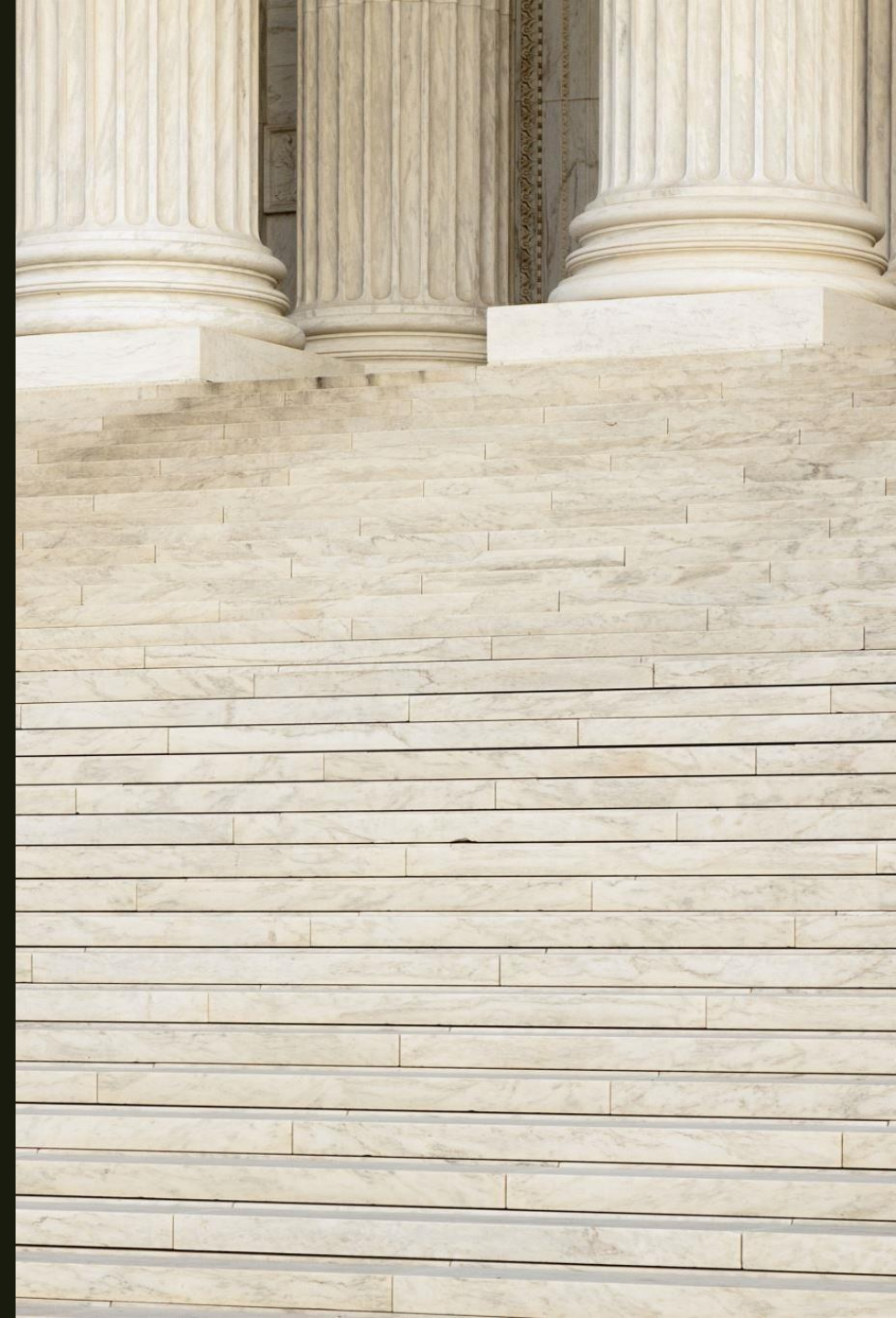
## **COMPARISON**



# NOTABLE ADDITIONS IN BHARATIYA SAKSHYA ADHINIYAM, 2023

- ❑ DIGITAL RECORDS HAVE BEEN ALSO INCLUDED IN EVIDENCE UNDER S.2.
- ❑ AS PER S.35, NOW THE JUDGEMENTS OF TRIBUNALS ARE ALSO RELEVANT FOR PURPOSES OF PROBATION AND JURISDICTION.
- ❑ S.39 NOW ALSO RECOGNIZES OPINIONS GIVEN BY EXPERTS FROM FIELDS OTHER THAN FOREIGN LAW, SCIENCE AND ART.
- ❑ THE PROVISION FOR INTRODUCING AN ELECTRONIC RECORD IS NOW WIDENED (S. 63(3)).
- ❑ OPERATORS/MANAGERS OF ELECTRONIC DEVICE SHALL ALSO HAVE THE POWER TO SIGN ON THE CERTIFICATE TO TAKE THE ELECTRONIC EVIDENCE ON RECORD.

- ❑ UNDER S.52, INTERNATIONAL TREATIES AND DECISIONS MADE BY INDIA IN INTERNATIONAL ASSOCIATIONS HAVE ALSO BEEN GIVEN RECOGNITION OF ESTABLISHED FACTS.
- ❑ ORAL ADMISSIONS, WRITTEN ADMISSION AND EVIDENCE OF ANY SKILLED PERSON WHO HAVE EXAMINED PARTICULAR SET OF DOCUMENTS HAVE ALSO BEEN INCLUDED IN THE DEFINITION OF SECONDARY EVIDENCE UNDER S. 58.





**THANK  
YOU**