



Central Detective Training Institute (BPR&D), Jaipur

**One day Special Training on New Criminal Laws
at Gujarat Judicial Academy, Ahmedabad
on 14.06.2025**

Proceedings of the event

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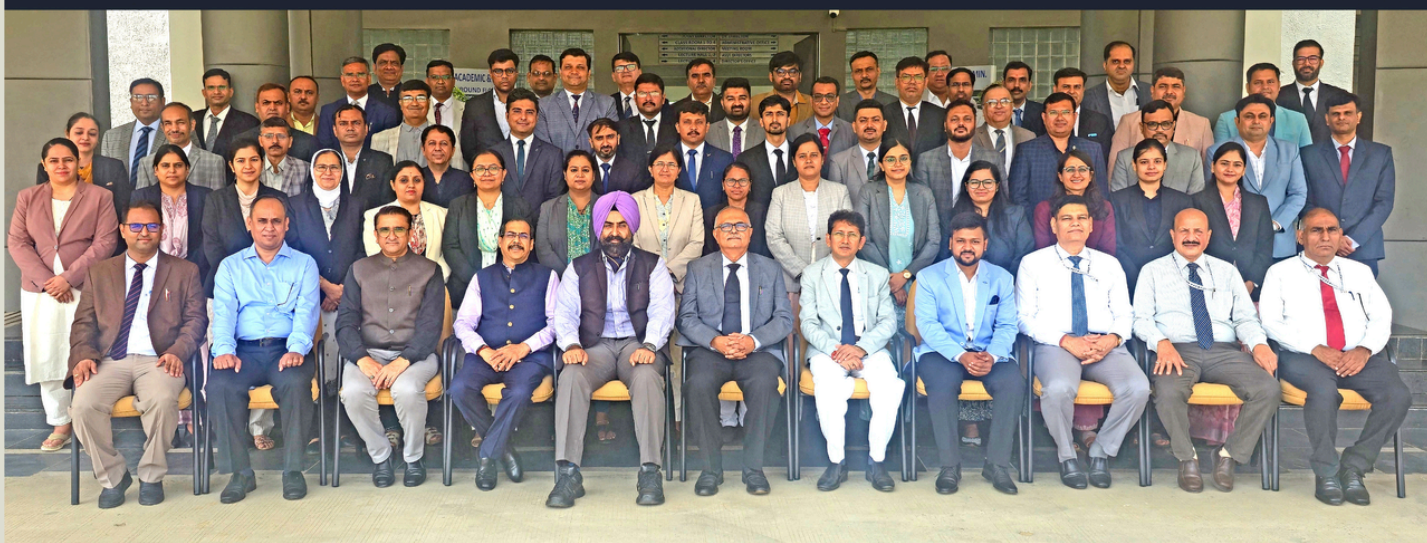
ACADEMIC AND ADMINISTRATIVE BUILDING



"One-day Workshop on New Criminal Laws" for Judicial Officers of Gujarat State, in collaboration with Central Detective Training Institute ("CDTI"), Jaipur on 14.06.2025

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Promoting Good Practices and Standards



Inaugural Session

The one-day workshop on the New Criminal Laws—Bhartiya Nyaya Sanhita (BNS), Bhartiya Nagrik Suraksha Sanhita (BNSS) and Bhartiya Sakshya Adhiniyam (BSA)—was inaugurated on 14th June 2025 at the Gujarat State Judicial Academy (GSJA), Gandhinagar.

Introductory Address

Shri Rohen K Chudawala, Director, GSJA, opened the workshop by warmly welcoming the dignitaries and participants. In his address, he emphasized the critical need for the judiciary to internalize the spirit and structural changes of the new criminal codes. He also outlined the objectives of the workshop, including a deeper understanding of legal shifts and the practical implications for judicial officers.



Address by Director, CDTI Jaipur

Dr Amandeep Singh Kapoor, Director, Central Detective Training Institute (CDTI), Jaipur, addressed the audience on the collaborative vision of CDTI and GSJA in sensitizing the judiciary towards the practical enforcement of the new laws. He highlighted the importance of inter-institutional training and the role of investigative agencies in complementing the judiciary.

Keynote Address by Hon'ble Justice Bhargav D. Karia

Hon'ble Justice Bhargav D. Karia, in his keynote address, underscored the philosophical underpinnings of the legal reforms, drawing attention to their alignment with modern justice needs. He applauded the initiative of organizing such academic engagements and encouraged all participants to critically engage with the content of the new statutes.



Promoting Good Practices and Standards



First Technical Session

Understanding Nuances of New Criminal Laws without Forgetting the Philosophy of Jurisprudence

Speaker: Shri D. C. Jain, IPS (Retd.), Ex-Special Director, CBI

Focus: Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023

The inaugural technical session was conducted by **Shri D. C. Jain**, a distinguished former IPS officer and ex-Special Director of the Central Bureau of Investigation (CBI). His session provided an analytical exposition of the Bhartiya Nagrik Suraksha Sanhita (BNSS)—the statute that replaces the Code of Criminal Procedure, 1973.

Key Themes and Objectives Highlighted

1. Justice-Oriented Reforms:

Shri Jain began by framing the BNSS as a shift from a punishment-centric to justice-centric legal system, emphasizing fairness to the victim, accused, and society.

2. Victim-Centric Provisions:

Recognition of victims' rights without requiring the formal charging of the accused. Empowerment through e-FIR and Zero FIR provisions.

3. Use of Technology and Modern Tools:

Integration of audio-video recordings during investigation procedures.

Electronic service of summons, filing of FIRs, and digital signatures introduced.

Emphasis on cyber evidence, e-communication, and electronic mode of trials.



Major Procedural Innovations in BNSS

1. Registration of FIRs (Section 173 BNSS / Sec. 154 CrPC):

- Zero FIR and e-FIR legitimized.
- Preliminary enquiry allowed before FIR registration for offences punishable with 3–7 years.
- Time-bound procedures and oversight introduced.

2. Power of Arrest (Section 35 BNSS / Sec. 41 CrPC):

- Arrests for offences up to 7 years require recorded reasons.
- Introduction of notice of appearance before arrest.
- Prior approval of DSP needed to arrest elderly or infirm persons.

3. Use of Handcuffs (Section 43(3) BNSS / Sec. 46 CrPC):

- Conditional use permitted for specified grave offences such as terrorism, murder, and rape.
- Aims to balance civil liberties with police discretion in high-risk scenarios.

4. Search and Seizure (Section 105 BNSS / Sec. 165 CrPC):

- Mandatory audio-video recording of all search and seizure procedures.
- Recordings to be submitted to a Magistrate promptly.

5. Directorate of Prosecution (Section 20 BNSS / Sec. 25A CrPC):

- Multi-tier prosecution oversight introduced with clear mandates for monitoring cases based on severity of punishment.

Judicial and Trial Reforms

1. Concurrent vs. Consecutive Sentencing (Sec. 25 BNSS / Sec. 31 CrPC):

- Courts must decide based on the gravity of offences; maximum consecutive sentence extended to 20 years from 14.

2. Digital Summons (Sec. 63–71 BNSS):

- Courts may serve summons via email or digital methods with proper seal/signature. Considered valid once acknowledged.



3. Attachment of Property of Proclaimed Offenders (Sec. 84 & 107 BNSS):

- Assets, even abroad, can be attached, forfeited, or distributed to victims post-declaration of accused as proclaimed offender.

Timelines and Expedited Trials

- Stringent deadlines for all trial stages: FIR to charge framing, trial conclusion, and appeal stages.
- Limit on adjournments: No more than two adjournments allowed unless unavoidable.
- Digitization of Trials: Courts empowered to conduct proceedings entirely in electronic mode (Sec. 530 BNSS).

Focus on Forensic and Scientific Investigation (Section 176 BNSS):

- Mandatory forensic evidence collection for serious crimes (7+ years punishment).
- Videography of forensic visits encouraged.

Conclusion by Shri D. C. Jain:

- Shri Jain concluded by reiterating that BNSS aims to foster accountability, transparency, and swiftness in the criminal justice system. He urged judicial officers to treat BNSS not merely as a procedural shift but as a philosophical reorientation towards justice that includes victims' rights, digital adaptation, and national sovereignty



Second Technical Session

Topic: What Has Come Along and What Has Been Left Behind: Major Changes Summarised in the Bhartiya Nyaya Sanhita (BNS), 2023:- Speaker: Dr. Rajiv Soni, Principal, University Law College, University of Rajasthan, Jaipur

Introduction and Background

Dr. Rajeev Soni began the session by tracing the historical evolution of the Bharatiya Nyaya Sanhita (BNS), 2023, which replaces the colonial-era Indian Penal Code (IPC), 1860. He outlined the extensive consultation process initiated in September 2019, which culminated in the enactment of BNS on 25th December 2023, and its enforcement from 1st July 2024.

Key Structural and Substantive Reforms in BNS.

1. Legislative Overhaul

- 28 provisions deleted, many due to redundancy or colonial context.
- 20 new provisions added, of which 9 introduce new offences.
- 83 offences see enhanced fines, and 33 offences have stricter imprisonment terms.
- 6 offences introduce community service as a form of punishment (e.g., theft under ₹5,000, public misconduct, defamation).

Major Thematic Changes in BNS

2. Victim and Gender Neutrality

- Terms like “man” replaced with “whoever” (e.g., voyeurism and disrobing offences under Sections 76 & 77).
- Lynching included under Section 103(2), introducing murder by a group (≥ 5 persons) on discriminatory grounds.
- Sexual offences and trafficking now gender-neutral and inclusive of male and transgender victims.



3. Enhanced Protection for Children and Women

- Section 69 penalizes deceitful sexual intercourse through false promises of marriage.
- Section 95 criminalizes hiring or using a child for crime or pornography, with punishment of 3–10 years.
- Age of marital consent raised to 18 years, aligning with POCSO Act, closing the earlier IPC loophole for marital rape exemption under 15 years.

4. Technology and Digital Integration

- Digital and electronic records recognized under the definition of "document".
- Electronic means of incitement or crimes (cyber sedition, fake news) covered under Sections 152 and 197.
- Snatching, cheating, and petty crimes involving ATMs or cyber tools included under "petty organized crime".

5. New and Revised Offences

- Organized Crime (Section 111): Defines structured criminal syndicates and prescribes a minimum of 5 years to life imprisonment, with fines starting from ₹5 lakh.
- Terrorist Acts (Section 113): Broadens scope to include economic security, digital sabotage, and damage to India's unity, punishable with death or life imprisonment.
- Causing death by negligence (Section 106): General punishment extended from 2 to 5 years, with a 2-year cap for medical professionals.
- Procurement, trafficking, kidnapping provisions have been made gender-neutral and updated to reflect modern exploitative tactics including beggary and organ trade.



6. Definitional and Jurisdictional Changes

- Uniform definitions of terms like "child", "movable property", "India", "public servant", and "document".
- Archaic references like “British India”, “lunatic”, “Queen”, “justice of the peace” have been removed.
- Introduction of Sections 48 & 226 on abetment from abroad and suicide to restrain public authority.

7. Progressive Additions and Notable Reintroductions

- Revival of Section 303 IPC (struck down in *Mithu v. State of Punjab*) as Section 104 BNS: Punishment for life convicts committing murder —imprisonment for remainder of natural life or death.
- Introduction of Section 112 for Petty Organised Crime and Section 304 for Snatching.

8. Repeal, Savings & Transitional Provisions

- BNS formally repeals IPC via Section 358, but protects:
- Ongoing trials
- Penalties incurred
- Rights and liabilities
- Any action already taken under IPC

Concluding Remarks by Dr. Rajeev Soni

Dr. Soni emphasized that the Bharatiya Nyaya Sanhita is not merely a renaming exercise, but a restructuring aimed at making criminal law more relevant, just, inclusive, and indigenous. He urged the judiciary to deeply understand the new philosophical lens of justice and the spirit of societal reform reflected in these provisions.



Third Technical Session

Topic: Bhartiya Sakshya Adhiniyam and Its Application in Cyber Crime Cases: A New Era of Digital Evidence:

Speaker: Sh. Adarsh Singhal Advocate, Rajasthan High Court & Cyber Law Expert Founder – School of Cyber

Introduction

Shri Adarsh Singhal opened his session by stating that the Bhartiya Sakshya Adhiniyam (BSA), 2023 replaces the Indian Evidence Act, 1872, marking a significant transition from colonial jurisprudence to a framework adapted for the digital age. He emphasized the law's relevance in tackling contemporary cyber threats—such as phishing, deepfakes, online fraud, and blockchain-based crimes—through a structured recognition of electronic evidence.

Key Objectives of the BSA (2023)

- Modernize evidentiary law to deal with digital records.
- Ensure equal admissibility of electronic records as paper documents.
- Provide presumptions regarding secure electronic records and digital signatures.
- Empower courts to handle cyber crime trials effectively with digital tools.

Cyber Law and Digital Evidence: Key Takeaways

1. Legal Equivalence of Digital Evidence (Section 61)

- Electronic records such as emails, WhatsApp chats, server logs, PDFs, and CCTV footage have the same legal validity as physical documents if certified under due process.

2. Certification Requirement (Section 63 – Replaces Sec. 65B of IEA)

- To admit digital records as secondary evidence, a Certificate of Authenticity must be provided, outlining:
 - Device details
 - Data integrity confirmation
 - Method of creation



- Identity of the certifying authority
- Without this certificate, the evidence is inadmissible—unless the original device is submitted in court.

Landmark Judicial Precedents Explained

Shri Singhal illustrated the practical evolution of electronic evidence admissibility through significant case laws:

1. Anvar P.V. v. P.K. Basheer (2014)

- Established the mandatory requirement of a Section 65B certificate.
- Electronic evidence without this is inadmissible.

2. Shafhi Mohammad v. State of HP (2018)

- Relaxed the certificate rule if the party does not control the device.
- Later overruled by the Supreme Court in...

3. Arjun Panditrao Khotkar v. Kailash Kushanrao (2020)

- Reaffirmed that 65B certificate is compulsory unless primary source is produced.
- Courts can order production under CrPC Section 91 or Evidence Act Section 165.

4. Tomaso Bruno v. State of U.P. (2015)

- Non-production of CCTV footage seen as suppression of best evidence.
- Courts expect available digital evidence to be produced.

5. Kerala High Court – Umer Ali v. State of Kerala (2025)

- Held that forensic reports (CrPC 293) cannot substitute a valid certificate.
- Admitted failure to file certificate resulted in miscarriage of justice.

Key Presumptions under BSA

- Section 86: Presumption of secure electronic record—assumed unaltered if marked secure (e.g., DigiLocker, Blockchain).
- Section 87: Presumption of secure digital signature—assumed genuine unless proven otherwise.
- These provisions are crucial in authenticating documents in online contracts, e-auctions, fintech cases, and email frauds



Practical Challenges in Cyber Crime Prosecution

Shri Singhal provided a realistic view of current bottlenecks:

- Delay in data seizure or improper handling → leads to hash mismatch.
- Lack of technical knowledge among investigators.
- MLAT delays in acquiring data from global tech companies.
- Deepfake videos and fake screenshots being used as fabricated evidence.
- Challenges in obtaining valid 63 certificates from foreign platforms like Meta, Google.

Case Illustration: Phishing via Fake SBI Website

- Accused cloned SBI netbanking login page.
- Over 200 users defrauded; data siphoned via mule accounts.
- Evidence admitted under Section 63 with valid certificate.
- Google logs obtained via MLAT supported prosecution.
- Account freeze order upheld due to strong digital trail.

Digital Chain of Custody

- The speaker emphasized that digital evidence must maintain integrity, just like physical evidence. Key steps:
- Time-stamped seizure
- Hashing (MD5/SHA256)
- Transfer logs
- Secure storage in tamper-proof media
- Any gap in this chain may lead to inadmissibility or weaken evidentiary value.

Role of Digital Forensics and Expert Witnesses

Digital forensic experts play a vital role in:

- Verifying data origin
- Detecting manipulation
- Explaining metadata to judges

Under BSA, their role is essential for authenticity validation.



Alignment with International Practice

India's BSA now aligns with:

- UK Evidence Act (electronic originals)
- Singapore Evidence Act (secure records)
- US Federal Rules (metadata admissibility)

This makes cross-border investigations, MLAT requests, and crypto tracing more globally coherent.

Conclusion by Shri Adarsh Singhal

Shri Singhal concluded that BSA is a forward-looking reform that places India on the global map of digital-ready justice systems. He called on the judiciary to:

- Demand strict compliance with certificate procedures.
- Equip themselves with basic cyber forensics awareness.
- Ensure preservation and presentation of digital records to uphold truth.

He described BSA as "**Justice through Digital Precision**"

Conclusion & Vote of Thanks

The workshop concluded with a feedback session and vote of thanks by Sh Arjun Nandi Deputy Director GSJA and Arun Machya Vice Principal CDTI. Participants appreciated the rich content and interactive discussions. The event served as a significant step towards readiness for implementing the new criminal laws across the judicial machinery of Gujarat