

Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 repeals Code of Criminal Procedure (CrPC), 1973

New Terms or Provisions Introduced in the BNSS, 2023

New Terms/Provisions	Meaning
Audio-video electronic means	Section 2(1)(a): Includes use of any communication device for the purposes of video conferencing, recording of processes of identification, search and seizure or evidence, transmission of electronic communication and for such other purposes and by such other means as the State Government may, by rules provide.
Bail	Section 2(1)(b): Release of a person accused of or suspected of commission of an offence from the custody of law upon certain conditions imposed by an officer or Court on execution by such person of a bond or a bail bond.
Bail Bond	Section 2(1)(d): An undertaking for release with surety.
Bond	Section 2(1)(e): A personal bond or an undertaking for release without surety.



New Terms/Provisions	Meaning
<p>Electronic communication</p>	<p>Section 2(1)(i): Communication of any written, verbal, pictorial information or video content transmitted or transferred (whether from one person to another or from one device to another or from a person to a device or from a device to a person) by means of an electronic device including a telephone, mobile phone, or other wireless telecommunication device, or a computer, or audio-video player or camera or any other electronic device or electronic form as may be specified by notification, by the Central Government.</p>
<p>Recording of search and seizure through audio-video electronic means</p>	<p>Section 105: The process of conducting search of a place or taking possession of any property, article or thing under this Chapter or under section 185, including preparation of the list of all things seized in the course of such search and seizure and signing of such list by witnesses, shall be recorded through any audio-video electronic means preferably mobile phone and the police officer shall without delay forward such recording to the District Magistrate, Sub-divisional Magistrate or Judicial Magistrate of the first class.</p>
<p>Persons bound to conform to lawful directions of police</p>	<p>Section 172: (1) All persons shall be bound to conform to the lawful directions of a police officer given in fulfillment of any of his duty under this Chapter. (2) A police officer may detain or remove any person resisting, refusing, ignoring or disregarding to conform to any direction given by him under sub-section (1) and may either take such person before a Magistrate or, in petty cases, release him as soon as possible within a period of twenty-four hours.</p>



New Terms/Provisions	Meaning
<p>Witness protection scheme</p>	<p>Section 398: Every State Government shall prepare and notify a Witness Protection Scheme for the State with a view to ensure protection of the witnesses.</p>
<p>Mercy petition in death sentence cases</p>	<p>Section 472: (1) A convict under the sentence of death or his legal heir or any other relative may, if he has not already submitted a petition for mercy, file a mercy petition before the President of India under article 72 or the Governor of the State under article 161 of the Constitution within a period of thirty days from the date on which the Superintendent of the jail,-- (i) informs him about the dismissal of the appeal, review or special leave to appeal by the Supreme Court; or (ii) informs him about the date of confirmation of the sentence of death by the High Court and the time allowed to file an appeal or special leave in the Supreme Court has expired. (2) The petition under sub-section (1) may, initially be made to the Governor and on its rejection or disposal by the Governor, the petition shall be made to the President within a period of sixty days from the date of rejection or disposal of such petition. (3) The Superintendent of the jail or officer in charge of the jail shall ensure, that every convict, in case there are more than one convict in a case, also files the mercy petition within a period of sixty days and on non-receipt of such petition from the other convicts, Superintendent of the jail shall send the names, addresses, copy of the record of the case and all other details of the case to the Central Government or the State Government for consideration along with the said mercy petition.</p>



New Terms/Provisions	Meaning
<p>Mercy petition in death sentence cases</p>	<p>(4) The Central Government shall, on receipt of the mercy petition seek the comments of the State Government and consider the petition along with the records of the case and make recommendations to the President in this behalf, as expeditiously as possible, within a period of sixty days from the date of receipt of comments of the State Government and records from Superintendent of the Jail.</p> <p>(5) The President may, consider, decide and dispose of the mercy petition and, in case there are more than one convict in a case, the petitions shall be decided by the President together in the interests of justice.</p> <p>(6) Upon receipt of the order of the President on the mercy petition, the Central Government shall within forty-eight hours, communicate the same to the Home Department of the State Government and the Superintendent of the jail or officer in charge of the jail.</p> <p>(7) No appeal shall lie in any Court against the order of the President or of the Governor made under article 72 or article 161 of the Constitution and it shall be final, and any question as to the arriving of the decision by the President or the Governor shall not be inquired into in any Court.</p>
<p>Trial and proceedings to be held in electronic mode</p>	<p>Section 530: All trials, inquires and proceedings under this Sanhita, including--</p> <p>(i) issuance, service and execution of summons and warrant;</p> <p>(ii) examination of complainant and witnesses;</p> <p>(iii) recording of evidence in inquiries and trials; and</p> <p>(iv) all appellate proceedings or any other proceeding, may be held in electronic mode, by use of electronic communication or use of audio-video electronic means.</p>

