

THE BHARATIYA NAGARIK SURAKSHA SANHITA

(KERALA AMENDMENT) BILL, 2025

An Act to amend the Bharatiya Nagarik Suraksha Sanhita, 2023 in its application to the State of Kerala .

Preamble.- WHEREAS , it is expedient to amend the Bharatiya Nagarik Suraksha Sanhita, 2023, in its application to the State of Kerala for the purposes hereinafter appearing;

BE, it enacted in the Seventy sixth Year of the Republic of India as follows:-

1. Short title, extent and commencement.-(1) This Act may be called the Bharatiya Nagarik Suraksha Sanhita (Kerala Amendment) Act, 2025.
(2) It extends to the whole of the State of Kerala.
(3) It shall come into force at once.
2. Amendment of section 2.- In section 2 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act, 46 Of 2023) (hereinafter referred to as the principal Act), in sub-section (1), after clause (h) the following clause shall be inserted ,namely:-

“(ha) “digital record” means a document in electronic form which is created for the first time from any document other than an electronic record by any process which ensures that the exact image of the document is captured in the electronic form without loss of any of its

attributes, but does not include extracting the data alone from the document to electronic form.”.

3. **Amendment of section 3.-** In section 3 of the principal Act,in sub-section (1), for the words “in any Law”, the words “in this Sanhita or in any other Law” shall be substituted.
4. **Amendment of section 8.-** In section 8 of the Principal Act,
 - (1) in sub-section (3), after the words “Additional Sessions Judges”,the words “ and Assistant Sessions Judges” shall be inserted;
 - (2) in sub- section (5), for the words “ by an Additional Sessions Judge or if there be no Additional Sessions Judge”,the words “ by an Additional Session Judge or Assistant Sessions Judge or if there be no Additional Sessions Judge or Assistant Sessions Judge” shall be substituted;
 - (3)in sub-section (7), after the words “Additional Sessions Judges”,the words “ and Assistant Sessions Judges” shall be inseted;
 - (4)in sub- section (8), for the words “ by an Additional Sessions Judge or if there be no Additional Sessions Judge”, the words “ by an Additional Sessions Judge or Assistant Sessions Judge, or, if there be no Additional Sessions Judge or Assistant Sessions Judge” shall be substituted;
 - (5)after sub-section (8) the following sub-section shall be inserted, namely:-
“(9) All Assistant Sessions Judges shall be subordinate to the sessions judge in whose Court they exercise jurisdiction.”.

5. **Amendment of section 10.- In section 10 of the principal Act,**
 - (1) in sub-section (1), for the words “ a Judicial Magistrate of the first class”, the words “a Judicial Magistrate of the First Class on promotion or an Assistant Sessions Judge” shall be substituted;
 - (2) in sub-section (2), for the words “ any Judicial Magistrate of the first class”, the words “any judicial Magistrate of the First Class on promotion or an Assistant Sessions Judge” shall be substituted.
6. **Amendment of section 20.- In section 20 of the principal Act,-**
 - (1) in sub- section (2), in clause (a), the words “or is or has been a Sessions Judge” shall be omitted;
 - (2) in sub- section (2) , in clause (b), the words “or has been a Magistrate of the first class” shall be omitted.
7. **Amendment of section 22.- In section 22 of the principal Act, after sub-section (2), the following sub- section shall be inserted, namely:-**

“(3) An Assistant Sessions Judge may pass any sentence authorised by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding ten years.”.
8. **Amendment of section 23.- In section 23 of the principal Act,-**
 - (1) in sub- section (1), for the words “ for a term exceeding seven years”, the words “for a term exceeding ten years” shall be substituted;

(2) in sub- section (2),-

- (a) for the words “for a term not exceeding three years”, the words “for a term not exceeding five years” shall be substituted;**
- (b) for the words “not exceeding fifty thousand rupees” the words “not exceeding one lakh rupees” shall be substituted.**

(3) after sub section (3) and before the Explanation, following sub section shall be inserted, namely:-

“ (4) The State Government shall, after consultation with the High Court of Kerala, issue notification in the Official Gazette so as to specify the nature, mode, places, institutions and offices where community service can be performed and designate an officer in such Authorities concerned to monitor the community service imposed by the Court. The designated officer shall, on completion of the period of Community Service, issue a report regarding the performance of the Community Service ordered by the Court and the Court may consider such report and proceed accordingly as the Magistrate deems fit.

9. Amendment of section 43.- In section 43 of the principal Act, in sub Section (3), the following words shall be added at the end, namely:-
“or a person who is violent or shows tendency to resist the arrest or to attack police personnel or other persons.”.

10. Amendment of section 70.- In section 70 of the principal Act, in subsection (3), the words “and a copy of such summons shall be attested and kept as a proof of service of summons” shall be omitted.
11. Insertion of a new section 163A.- In the principal Act, after section 163, the following section shall be inserted namely:-

“163 A. Power to prohibit carrying arms in procession or mass drill or mass training with arms.- (1) the District Magistrate may, whenever he considers it necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, by public notice or by order, prohibit in any area within the local limits of his jurisdiction, the carrying of arms in any procession or the organizing or holding of, or taking part in, any mass drill or mass training with arms in any public place.

(2) A public notice issued or an order made under this section may be directed to a particular person or to persons belonging to any community, party or organization.

(3) No public notice issued or an order made under this section shall remain in force for more than three months from the date on which it is issued or made.

(4) The State Government may, if it considers necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, by notification, direct that a public notice issued or order made by the District Magistrate under this Section shall remain in force for such further period not exceeding six months

from the date on which such public notice or order was issued or made by the District Magistrate would have, but for such direction, expires, as it may specify in the said notification.

(5) The State Government may, subject to such control and directions as it may deem fit to impose, by general or special order, delegate its powers under sub section (4) to the District Magistrate.

Explanation.- The word “arms” shall have the same meaning assigned to it in clause (c) of section 2 of the Arms Act, 1959 (Central Act 54 of 1959).

12. Amendment of section 173.- In section 173 of the principal Act,-

(1) in sub-section(1) , -

(a) in clause (ii),for the words “within three days”, the words “digitally” shall be substituted;

(b) after the second proviso , the following proviso shall be inserted, namely:-

“provided further that if the information given to an officer relating to the commission of a cognizable offence is committed in such an area other than the local jurisdiction of the officer in charge of the police station, he shall transfer the same to the officer in charge of the police station having jurisdiction over the area where the offence has been committed, to conduct investigation.”;

- (2) in sub- section (2), the following words shall be added at the end, namely:- “or both in a case where the informant is not the victim.”;
- (3) sub- section (3) shall be omitted;
- (4) in sub-section (4), the words “failing which such aggrieved person may make an application to the Magistrate” shall be omitted.

13. Amendment of section 175.- In section 175 of the principal Act,-

- (1) for sub- section (3) the following sub section shall be substituted;

“ (3) Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information regarding a cognizable offence, may file a complaint before the Magistrate empowered under section 210. The Magistrate after considering the complaint and after making such inquiry as he thinks necessary, order such an investigation as above mentioned.”.

- (2) sub section (4) shall be omitted.

14. Amendment of section 183.- In section 183 of the principal Act, in the opening sentence of sub- section (1), for the words “Any Magistrate of the District”, the words “Any Judicial Magistrate of the District” shall be inserted.

15. Amendment of section 187.- In section 187 of the principal Act,-

- (1) in sub-section (2), the words and symbol “after taking into consideration whether such person has not been released on bail or his bail has been cancelled,” shall be omitted.

(2) in sub- section (3), for the words and symbol “The Magistrate may authorise the detention of the accused person, beyond the period of fifteen days,”, the words and symbol “The Magistrate may authorise the detention of the accused person, otherwise than in the custody of the police, beyond the period of fifteen days,”, shall be substituted;

(3) In sub section (5), in the second proviso, the words “in police station under police custody or” shall be omitted.

16. Amendment of section 193.- In section 193 of the principal Act, in sub-section (3), in clause (i), in item (ii) of sub- clause (h), the following words shall be added at the end namely:-

“or both in a case where the informant is not the victim.”.

17. Amendment of section 214.- In section 214 of the principal Act,

(1) in the heading, after the words “Additional Sessions Judges”, the words “ and Assistant Sessions Judges” shall be inserted;

(2) in the opening paragraph, after the words “ An Additional Sessions Judge” the words “and Assistant Sessions Judge” shall be inserted.

18. Amendment of section 223.- In section 223 of the principal Act,-

(1) in sub-section (1), the first proviso shall be omitted;

(2) sub-section (2) shall be omitted.

19. Amendment of section 230.- In section 230 of the principal Act,-

(1) the words and brackets, “(if represented by an Advocate)” occurring in the first para and in the second proviso shall be omitted ;

(2) after the third proviso, the following proviso shall be inserted, namely:-

“Provided also that the time limit of fourteen days prescribed for the supply of copy of police report and other documents to the accused shall not be applicable in the case of the victim.”.

20. Amendment of section 232.- In section 232 of the principal Act, in the first proviso, for the words “ from the date of taking cognizance” the words “ from the date of first appearance of the sole accused or all the accused, as the case may be,” shall be substituted.

21. Amendment of section 250.- In section 250 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) The accused may prefer an application for discharge within sixty days from the date on which he appears or is brought before the Court of Session.” .

22. Amendment of section 256.- In section 256 of the principal Act, to sub-section (1) the following proviso shall be inserted, namely:-

“ Provided that the evidence including the examination of a witness under this sub-section also may be done by audio-video electronic

means at the designated place to be notified by the State Government.”.

23. Amendment of section 283.- In section 283 of the principal Act, in sub - section (1) ,for the words “ shall try in a summary way, the words “may, if he thinks fit, try in a summary Procedure” shall be substituted.
24. Amendment of section 346.- In section 346 of the principal Act, in the first proviso to sub section (2),for the words “no Court shall remand ” the words “no Magistrate shall remand ” shall be substituted.
25. Amendment of section 349.- In section 349 of the principal Act, the first and second provisos shall be omitted.
26. Amendment of section 356.- In section 356 of the principal Act, in sub - section (7), after the existing proviso, the following proviso shall be inserted, namely:-

“Provided further that the Court may entertain an appeal after the expiry of the said period of three years, if the court is satisfied that the proclaimed offender was prevented by sufficient cause from filing the appeal within the stipulated time.”.
27. Amendment of section 360.- In section 360 of the principal Act, in the proviso, in item (ii) for the words “any Central Act” the words “any Central Investigating Agency” shall be substituted.

28. **Amendment of section 415.**- In section 415 of the principal Act, in sub-section (3), in clause (a), after the words “convicted on a trial held by”, the words “ an Assistant Sessions Judge or” shall be inserted.

29. **Amendment of section 422.**- In section 422 of the principal Act,-

(1) in the proviso to sub- section (1), for the words “by the Chief Judicial Magistrate” the words “by an Assistant Sessions Judge or a Chief Judicial Magistrate” shall be substituted;

(2) in sub- section (2), after the words “ An Additional Sessions Judge” the words and symbol “ ,Assistant Sessions Judge” shall be inserted.

30. **Amendment of THE FIRST SCHEDULE.**- In the first schedule of the Principal Act, under the heading; “1 OFFENCES UNDER THE BHARATIYA NYAYA SANHITHA”,

(1) against Section 122 (1) in column 1, in the entries under punishment in column 3, after the words “or both”, the words “or community service” shall be inserted ;

(2) against Section 125 (a) in column 1, , in the entries under punishment in column 3, after the words “or both” , the words “or community service” shall be inserted;

(3) against Section 126 (2) in column 1, in the entries under punishment in column 3, after the words “or both”, the words “or community service” shall be inserted;

(4) against Section 131 in column 1, in the entries under punishment in column 3, after the words “or both”, the words “or community service” shall be inserted;

(5) against Section 136 in column 1, in the entries under punishment in column 3, after the words “or both”, the words “or community service” shall be inserted;

(6) against Section 168 in column 1, in the entries under punishment in column 3, after the words “or both”, the words “or community service” shall be inserted;

(7) against Section 175 in column 1, in the entries under punishment in column 3, after the word “Fine”, the words “or community service” shall be inserted;

(8) against Section 176 in column 1, in the entries under punishment in column 3, after the words and figures “Fine of 10,000 rupees”, the words “or community service” shall be inserted;

(9) against Section 177 in column 1, in the entries under punishment in column 3, after the words and figures “Fine of 5,000 rupees”, the words “or community service” shall be inserted;

(10) against Section 193(1) in column 1, in the entries under punishment in column 3, after the words and figures “Fine of 1,000 rupees”, the words “or community service” shall be inserted;

- (11) against Section 193 (2) in column, in the entries under punishment in column 3, after the words "Fine", the words "or community service" shall be inserted;
- (12) against Section 193(3) in column 1, in the entries under punishment in column 3, after the words "Fine", the words "or community service" shall be inserted;
- (13) against Section 194 in column 1, in the entries under punishment in column 3, after the words "or both", the words "or community service" shall be inserted;
- (14) against Section 205 in column 1, in the entries under punishment in column 3, after the words "or both", the words "or community service" shall be inserted;
- (15) against Section 267 in column 1, in the entries under punishment in column 3, after the words "or both", the words "or community service" shall be inserted;
- (16) against Section 271 in column 1, in the entries under punishment in column 3, after the words "or both", the words "or community service" shall be inserted;
- (17) against Section 273 in column 1, in the entries under punishment in column 3, after the words "or both", the words "or community service" shall be inserted;
- (18) against Section 274 in column 1, in the entries under punishment in column 3, for the words and figures "or fine of 5000 rupees or both", the words "and fine or community service" shall be substituted;

(19) against Section 275 in column 1, in the entries under punishment in column 3, for the words and figures "or fine of 5000 rupees or both", the words "and fine or community service" shall be substituted;

(20) against Section 276 in column 1, in the entries under punishment in column 3, for the words and figures "or fine of 5000 rupees or both", the words "and fine or community service" shall be substituted;

(21) against Section 277 in column 1, in the entries under punishment in column 3, for the words and figures "or fine of 5000 rupees or both", the words "and fine or community service" shall be substituted;

(22) against Section 278 in column 1, in the entries under punishment in column 3, for the words and figures "or fine of 5000 rupees or both", the words "and fine or community service" shall be substituted;

(23) against Section 279 in column 1, in the entries under punishment in column 3, for the words and figures "or fine of 5000 rupees or both", the words "and fine or community service" shall be substituted;

(24) against Section 280 in column 1, in the entries under punishment in column 3, for the words and figures "Fine of 1000 rupees", the words "Fine or community service" shall be substituted;

(25) against Section 281 in column 1, in the entries under punishment in column 3, for the words and figures "or fine of 1000 rupees or both", the words "and fine or community service" shall be substituted;

(26) against Section 285 in column 1, in the entries under punishment in column 3, after the words and figures "Fine of 5000 rupees", the words " or community service" shall be inserted;

(27) against Section 287 in column 1, in the entries under punishment in column 3, after the words "or both ", the words " or community service" shall be inserted;

(28) against Section 288 in column 1, in the entries under punishment in column 3, after the words "or both ", the words " or community service" shall be inserted;

(29) against Section 289 in column 1, in the entries under punishment in column 3, after the words "or both ", the words " or community service" shall be inserted;

(30) against Section 290 in column 1, in the entries under punishment in column 3, after the words "or both ", the words " or community service" shall be inserted;

(31) against Section 291 in column 1, in the entries under punishment in column 3, after the words "or both ", the words " or community service" shall be inserted;

(32) against Section 292 in column 1, in the entries under punishment in column 3, for the words and figures "Fine of

1000 rupees", the words "Fine or community service" shall be substituted;

- (33) against Section 293 in column 1, in the entries under punishment in column 3, after the words "or both ", the words " or community service" shall be inserted;
- (34) against Section 297(1) in column 1, in the entries under punishment in column 3, after the words "or both ", the words " or community service" shall be inserted;
- (35) against Section 297(2) in column 1, in the entries under punishment in column 3, after the words and figures "Fine of 5000 rupees", the words " or community service" shall be inserted;
- (36) against Section 329 (3) in column 1, in the entries under punishment in column 3, after the words "or both ", the words " or community service" shall be inserted;
- (37) against Section 329(4) in column 1, in the entries under punishment in column 3, after the words "or both ", the words " or community service" shall be inserted;
- (38) against Section 357 in column 1, in the entries under punishment in column 3, after the words "or both ", the words " or community service" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Bharatiya Nagarik Suraksha Sanhita, 2023 was enacted by the Parliament so as to regulate the procedure for arrest, investigation, enquiry and trial of offences under the Bharatiya Nyaya Sanhita and other law governing criminal offences by repealing the Code of Criminal Procedure, 1973. The Sanhita provides the mechanism for conducting trials in a criminal case, procedure for registering a complaint, passing an order and filing an appeal and so one. Though the Sanhita provides effective changes reflecting landscape of technology in investigation, trial, court proceedings, service of summons and notices, audio video conferencing, electronic evidence etc. some of the existing provisions still make hurdles in the implementation, particularly in our State.

Certain major issues noticed by the Commission for which amendments made are the following, namely:-

1. It is noticed that the post of “Assistant Sessions Judges” has been omitted in this Sanhita. The entry post in the Judiciary now consists of Munsiff/ Magistrate. Consequent to integration of Sub Judges and Chief Judicial Magistrates, they became the promotion post of Munsiff/Magistrate and now that post is Assistant Sessions cum Sub Judge/Chief Judicial Magistrate. Sub Judges and Chief Judicial Magistrates include Addl.Sub Judges and

Addl.Chief Judicial Magistrates also. Omission of Assistant Sessions Judge from the purview of Court of sessions will lead to serious consequences. Hence, necessary amendments are made in sections 8,22,214, 415,422 and 449.

2. Section 10(1) of the Act states that the High Court shall appoint a Judicial Magistrate of the First Class to be the Chief Judicial Magistrate. Before integration, the Criminal Subordinate Judiciary consisted of Judicial Magistrate of the Second Class, Judicial Magistrate of the First Class and Chief Judicial Magistrate which include Additional Chief Judicial Magistrate. After integration, the present system consists of Munsiff/Magistrate, Assistant Sessions cum Sub Judge/ Chief Judicial Magistrate and District and Sessions Judges. Presently senior Assistant Sessions Judges and Sub Judges are being posted as Chief Judicial Magistrates. That being so, to regulating such a mode of posting, it would be necessary to amend sub-sections (1) and (2) of Section 10. So amendment to the above provision is made as clause 5 of the Bill.

3. The provision in Section 20 stating that a Judicial officer, who is or has been a Sessions Judge is eligible for the appointment as Director of Prosecution and a person who has been a Magistrate of the First Class is eligible for appointment as Assistant Director of Prosecution are not proper. So amendments are made to Section 20(2) (a) and (b) as clause 6 of the Bill.

4. Since the maximum limit of aggregate imprisonment provided under clause (a) of the proviso to Section 25(2) of the Act has been enhanced to 20 years from 14 years and as under clause (h) of that provision, twice the punishment which the Chief Judicial Magistrate can impose by way of aggregate sentence remains to be 14 years under Section 23(1), it is necessary to enhance the sentencing power of Chief Judicial Magistrate to ten years. It is worthy to note in this context that in our State, Assistant Sessions cum Sub Judges are posted as Chief Judicial Magistrates. Since the Chief Judicial Magistrate is given such a power, the sentencing power of the Magistrate of the First Class also requires to be enhanced up to 5 years. The fine amount prescribed in sub section (2) of Section 23 of BNSS with respect to the Magistrate of a First Class is an amount not exceeding fifty thousand rupees. By a State Amendment in the Criminal Procedure Code, the fine amount of the Magistrate of the First Class was enhanced to rupees one lakh. Moreover, in several recently enacted Criminal laws where the jurisdiction vest with Judicial Magistrate of the First Class, the punishment provides imposition of fine up to two or three lakhs. Hence the amount of fifty thousand now existing in Section 23 of Bhartiya Nagarik Suraksha Sanhita has to be enhanced to rupees one lakh.

5. Community Service is included as a mode of Punishment for certain minor offences under section 23. But there is no enabling provision for the control, supervision, guidance and compliance of Community Service ordered by the Court. So it is

appropriate to include a provision enabling the State Government to issue Gazette notification to specify the same. Hence a new provision as Sub Section (4) of Section 23 has to be incorporated. Therefore appropriate amendments to Section 23 are made as clause 8 of the Bill.

6. Section 144 A of Cr.P.C is seen omitted from the provisions of the BNSS. Section 144 A of Cr.P.C conferred power on the State Government and the District Magistrate to prohibit carrying Arms in procession or mass drill or mass training with Arms. In order to regulate the use of Arms in the aforesaid procession, mass drill or mass training such a provision is inevitable in the BNSS so as to prevent such antisocial activities. Hence a provision similar to section 144 A of Cr.P.C has to be retained in BNSS subject to modification to the explanation of sub section (5) stating the definition of "Arms" as provided under section 2 (c) of the Arms Act, 1959. Hence a new Section as 163A is made in the Bill as clause 11 of the Bill.

7. As per Section 173, every information relating to the commission of a cognizable offence can be given either orally or by electronic communication. But as per Clause (ii) of Sub Section (1), the person giving such electronic communication has to sign the same within three days of giving it. When the F.I.S. can be given by electronic communication even from distant places and even abroad, it will not be possible for such persons to come to the police station and sign the same within three days. This clause

would defeat the very purpose of including the same in the Act. The standard operating procedure issued by the Ministry of Home Affairs on e-FIR states that the informant may login to the official police e-FIR portal or police web site and may send the complaint/information to the concerned police station through any electronic communication and if the nature and gravity of the information sent to the police station through electronic communication requires immediate action/interference by police. The present sub section (3) of Section 173 is against the law settled by the Hon'ble Supreme Court in various cases. Further this provision would impede speedy administration of Justice and that would be misused by the police resulting in miscarriage of justice. So Section 173 has been amended vide clause 12 of the Bill.

8. When the police officer refuses to register F.I.R., there should be a provision for approaching the Magistrate for ventilating the grievance of the informant by filing a complaint. So amendment is required in Sub Section (3) of Section 175. In view of the amendment to sub section (4) of Section 173, a provision to file a complaint by an aggrieved person before a Magistrate empowered to order such an investigation on a refusal on the part of an officer in charge of a police station to record the information regarding a cognizable offence. Sub Section (4) of Section 175 states that any Magistrate empowered under section 210 may, upon receiving a complaint against a public servant arising in the course of discharge of his official duties order investigation subject

to receiving a report containing facts and circumstances of the incident from the officer superior to him and after consideration of the assertions made by the public servant as to the situation that led to the incident so alleged. This is totally against the procedure now being followed before Magistrates and this would work miscarriage of justice. Hence Section 175 has been amended by clause 13 of the Bill.

9. In the second proviso to sub section (5) of Section 187 it is provided that a person under police custody shall be detained only in the police station. The police custody authorised by the Magistrate for the purpose of investigation includes custodial interrogation and during such proceedings the accused may have to be taken to various places to identify persons and objects. In these circumstances, detention of accused in police station may not always be possible during police custody and the proviso needs amendment accordingly. Hence the above amendment is made vide clause 15 of the Bill.

10. Section 223 of the Act deals with the procedure to be followed while taking cognizance on a private complaint. The proviso to Sub Section (1) of Section 223 states that no cognizance of an offence shall be taken by the Magistrate without giving the accused an opportunity of being heard. This proviso creates an absolute bar against taking cognizance of an offence on a private complaint without giving the accused an opportunity of being

heard. This means that the Magistrate has to issue notice to the accused and he should be heard in the matter. This is against the very concept of taking cognizance of an offence. Cognizance is taken of an offence and not of an offender. As per Section 2(h) of the Act, a complaint can be made even against an unknown person. Affording opportunity to the accused as per the above proviso would certainly cause delay in the proceedings and would work miscarriage of justice. So the new provision introduced as per the Act which would defeat the very purpose of filing complaint before the Magistrate has to be omitted. For the same reasons stated above, Sub Section (2) of Section 223 is to be omitted. Even otherwise the decision of the Court regarding taking cognizance of an offence rest upon the contents of the complaint and not upon contents of any report being submitted by a third party with regard to an alleged offence. Therefore Section 223 is amended as per clause 18 of the Bill.

11. As per the first proviso to Section 232, the proceedings under this Section shall be completed within a period of 90 days from the date of taking cognizance. This would create confusion and amendment is made to Section 232 vide clause 20.

12. As per Section 250 of the Act, a time limit of 60 days from the date of commitment of the case under section 232 has been provided to prefer an application for discharge. As a matter of fact, such a time limit causes confusion. Hence an amendment is made to Section 250 of the Act vide clause 21 of the Bill.

13. There is no provision in the Section 256 of the Act enabling recording of evidence of defence witness by audio-video electronic means. But the second proviso to Sub Section (2) of Section 266 states that the examination of a witness under this Sub Section may be done by Audio-Video electronic means at the designated place to be notified by the State Government. Therefore a proviso has to be inserted to Sub Section (1) of Section 256 as shown in clause 22 of the Bill.

14. Section 349 states that if a Magistrate of the First Class is satisfied that it is expedient to direct any person including an accused to give specimen signature or finger impression or handwriting or voice sample, he may make an order to give his specimen signatures, finger impression unless the person has at sometime been arrested in connection with the investigation and second proviso state that for reasons to be recorded in writing the person can be directed to give such specimen without him being arrested. As a matter of fact the above provisos appear to be unnecessary and hence amendment is made for the same as clause 25 of the Bill.

15. Sub Section (7) of Section 356 provides that no appeal against convictions with respect to a proclaimed offender shall lie after the expiry of 3 years from the date of judgment. This would cause much hardship to the proclaimed offender convicted in his absentia. So instead of providing a complete bar, such an

offender should be provided with an opportunity on showing sufficient cause and therefore Sub Section (7) of Section 356 is amendment as per clause 26 of the Bill.

16. First proviso to Section 360 states that for the purpose of withdrawal of prosecution to such an offence relating to the matter related to Central Act, Executive power of the Union, etc., the Prosecutor is bound to produce the permission granted by the Central Government to withdraw from the prosecution. This Section is corresponding to Section 321 of Cr.P.C. When under Clause (2) of the first proviso to Section 360 of Bhartiya Nagarik Suraksha Sanhita, it is provided that permission granted by the Central Government is required where the offence was investigated for offences under any Central Act, the corresponding clause under section 321 of Cr.P.C. states that the offence was investigated by Delhi Special Police Establishment under the Delhi Special Police Establishment Act, 1946. It is significant to note that as per the second clause to the first proviso of Section 360, all offences which are investigated under any Central Act are brought in its purview. But such a provision was conspicuously absent in clause (2) of the proviso to Section 321 of Criminal Procedure Code. Going by Clause (2) of the first proviso to Section 360 of the Act, permission granted by the Central Government would be required for withdrawing from prosecution relating to investigation of any offence investigated under any Central Act which means that even for offences investigated by the State Police, if the Act is Central Act so even for offences under

Bharatiya Nyaya Sanhita investigated by State Police, permission granted by Central Government would be required to withdraw from prosecution. It considers that it is necessary to amend the words “any Central Act” with the words “any Central Investigating Agency”. Hence such an amendment is made to the above provision vide clause 27 of the Bill.

17. Since Community Service proposed to be included as a mode of punishment in some more minor offences in Bharatiya Nyaya Sanhita, consequential amendments are to be included for such punishments in the First Schedule of this Act and therefore adequate amendment is made as clause 30 of the Bill.

18. Government have considered the amendments proposed by the Kerala Law Reforms Commission in this regard in detail and decided to amend Bharatiya Nagarik Suraksha Sanhita, 2023 in its application to the State of Kerala .

The Bill seeks to achieve the above object.