

**TIME AND CHANGE : ON THE
PARLIAMENTARY STANDING COMMITTEE
ON HOME AFFAIRS AND NEW CRIMINAL LAWS****The Hindu**

Paper - II (Indian Polity)

A parliamentary committee appears to be quite close to finalising its report on the three Bills seeking to replace the existing criminal laws. The Parliamentary Standing Committee on Home Affairs has postponed the adoption of the draft report, following demands from Opposition members that they be given more time to study it. The report is said to have at least three dissenting notes, mainly pertaining to the text of the Bharatiya Nyaya Sanhita, which will replace the Indian Penal Code and the Bharatiya Nagarik Suraksha Sanhita, which will come in the place of the Code of Criminal Procedure. There appears to be unanimity on the third Bill, the Bharatiya Sakshya Bill, the one in lieu of the Indian Evidence Act. Having begun its deliberations only on August 24, and having held only 12 sittings, there may be questions about the adequacy of the scrutiny. The whole point of introducing these new criminal codes was to bring about a major overhaul of a body of law deemed to be too colonial in orientation. Any meaningful study of these Bills ought to have involved wide consultations among stakeholders across the country. Ideally, the panel should hold sittings across the country and listen to lawyers and activists on the details of the various sections, besides members of the subordinate judiciary who actually work the law and procedure laid down in the codes.

The demand for more time to examine the report has emerged because the draft report was said to have been circulated in English only days before it was scheduled to be adopted, and that the Hindi version was made available only on the eve of the sitting. The panel's next meeting is scheduled for November 6. It would be unwise to treat the current deferment as nothing more than a brief interlude to give more time to panel members to study the draft report. Rather, it should be seen as an opportunity to extend the time given to the committee by a few more months. The government seems to be keen on getting the Bills introduced in Parliament and passed during the winter session. There is no reason for such haste. It might be argued that considerable sections of the new laws are mere reproductions of the old Codes and that one study by the Standing Committee may be enough before they are introduced in the legislature. However, there are areas that may require deeper scrutiny: for instance, the scope for misuse, if any, in the new definitions, the desirability of introducing new offences such as 'hate speech' and whether there is further scope for procedural reform in the criminal justice system.

What is a Parliamentary Committee?

A Parliamentary committee is a committee of Members of Parliament (MPs) who are elected or appointed from amongst the members of the house or nominated by the Speaker or Chairman. The concept of Parliamentary committees originated in the British Parliament. These committees operate

under the direction of the Speaker of Lok Sabha or Chairman of Rajya Sabha and present their findings and recommendations to the respective houses. The Parliamentary committees draw their authority from the constitution.

- ❖ **Article 105:** Powers, privileges, etc., of the houses of Parliament and of the members and committees thereof.
- ❖ **Article 118:** Each House of Parliament may make rules for regulations, subject to the provisions of this constitution, its procedure and the conduct of its business.

How are the Parliamentary committees classified?

By their nature, Parliamentary Committees in India are of two kinds:

- ❖ Standing committees are constituted for a fixed term and work continuously. There are 6 categories of standing committees: financial committees, departmental standing committees, committees to inquire, committees to scrutinize and control, committees relating to the day-to-day business of the House, and house-keeping or service committees.
- ❖ Ad hoc committees are created for a specific purpose and are dissolved after they complete their task. There are 2 categories of ad hoc committees: inquiry committees and advisory committees.

Expected Question

Que. With reference to the Indian Judicial Code Bill, 2023, consider the following statements:

1. Sedition as an offense does not exist in it.
2. Old sections have been changed in this.

Which of the statements given above is/are correct?

- (a) Only 1
- (b) Only 2
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Answer : c

Mains Expected Question & Format

Que.: 'Recently bills have been proposed by the government for radical changes in the criminal laws of India.' Discussing its main provisions, underline its relevance.

Answer Format :

- ❖ In the first part of the answer, discuss the recent proposed reforms in the criminal laws of India by the government.
- ❖ In the second part discuss the provisions of these Bills and examine their relevance.
- ❖ Finally give a conclusion giving suggestions.

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC mains examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.