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Member of Parliament (Rajya Sabha)

Tamil Nadu



- Member, Parliamentary Standing Committee on Personnel, Public Grievances and Law & Justice
- Member, Members of Parliament Local Area Development Scheme (MPLADS) Committee
- Member, Parliamentary Consultative Committee on Women and Child Development

Dated: 28.06.2024

To,
Thiru Arjun Ram Meghwal
Hon'ble Union Minister for Law and Justice
Government of India, 4th Floor, 'A' Wing, Shastri Bhawan,
New Delhi- 110001,

Dear Thiru Arjun Ram Meghwal Avargal,

Vanakkam!

Subject: Stop the implementation of Bharatiya Nagarik Suraksha Sanhita, Bharatiya Nyaya Sanhita, Bharatiya Sakshya Adhiniyam until extensive consultation with all the Stakeholders and reconsider the necessity of enacting these acts- Regarding

I trust you this letter finds you well and in good health.

1. The Bharatiya Nagarik Suraksha Sanhita 2023, Bharatiya Nyaya Sanhita 2023, Bharatiya Sakshya Adhiniyam 2023 seeks to revamp the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973, the Indian Evidence Act, 1872 intending to remove certain difficulties and bring further changes for strengthening the criminal delivery justice system of this country.
2. I would like to draw your attention that whenever a Bill has been introduced in the Parliament which intends to overhaul or bring a consequential change to a substantive field of law, the Bill always has been subject to numerous Committees that involve a comprehensive consultation state wise with all the stakeholders such as State Governments, Judges, Police Authorities, Bar Council of India, State Bar Councils, Advocate Association, Bar Associations, Senior

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Advocates, Advocates, Women Lawyer Association, Eminent Jurists, Academicians and various luminaries etc.

3. The trajectory of introduction of the above three Acts viz The Bharatiya Nyaya Sanhita 2023, The Bharatiya Nagarika Suraksha Sanhita, 2023 and The Bharatiya Sakshaya, 2023 in both the houses is well known and documented. When the above three bills were introduced, they were sent to the Parliamentary Standing Committee on Home Affairs for deliberations. I gave a letter dated 24.8.2023 to the Hon'ble Chairman of the said committee and all its members seeking to undertake extensive consultation State wise with all the abovementioned stakeholders and to incorporate further provisions for reforming the criminal justice delivery system and ensure that all views are considered by the Standing Committee while issuing its recommendations to the Government.


4. The implementation of three Acts viz Bharatiya Nagarik Suraksha Sanhita Act 2023, Bharatiya Nyaya Sanhita Act 2023, and Bharatiya Sakshya Adhiniyam Act 2023, effective from 01.07.2024 will have far-reaching implications and a significant impact on every citizen of the country. Further, they will change the federal relationship and structure between the Union and the States. As you are aware that India is a Union of States, states which also speak different languages, i.e. languages other than Hindi. On the other hand, except for few words, the body of these three Acts are in English, but the title of the Acts is in Hindi which is violative of the Article 348. The Article 348 of the Constitution puts a complete embargo on a Bill having any other language in its text other than English. Therefore, the titles of these 3 Acts ought to be changed to their English translation. It appears to be like Hindi imposition on non-Hindi speaking states. I make it clear that we are not opposed to Hindi but we are opposed to imposition of Hindi on non-Hindi speaking states. The people in non-Hindi speaking states will find difficult in pronouncing and handling these three Act. At grass

root level they will not be in a position to understand the texture, character, tenor and nature of Act if the title remains in Hindi and implementation will be very difficult including filing of FIRs.

5. That, apart from removing references of colonial administration, the 3 Acts in fact do not bring a substantial change, instead they introduce new provisions which substitute the words such as "sedition" to "Acts endangering the sovereignty, unity and integrity of India"; capital punishment for mob lynching, provisions for electronic evidence etc. which need to be examined by expert bodies/commissions constituted by the Government and therefore, it is essential that the stakeholders such as the State Governments, Judges, Police Authorities, Bar Council of India, State Bar Councils, Bar Associations, Senior Advocates, Advocates, Eminent Jurists and Academicians etc. be consulted in order to bring out any further changes to the existing Indian Penal Code, CrPC and Indian Evidence Act which could bring a visible reform to criminal justice system of our nation. For a thorough examination and consideration of all inputs given by the stakeholders, it is essential that the implementation of 3 Acts be halted until extensive consultation with all the Stakeholders.
6. While examining the above 3 new Bills, it has to be considered whether we can amend the existing The Indian Penal Code, The Criminal Procedure Code and The Indian Evidence Act, either by deleting or incorporating new provisions thereby bringing actual reforms so as to make the criminal justice delivery system more efficient and user friendly instead of thrusting the old wine in a new bottle.
7. The Advocates Associations, Lawyers Associations across the country, State Bar Council's form various states, including Federations of Bar Associations of Tamil Nadu and Pondichery infact have condemned and have conducted protests over the enactment of 3 Acts hurriedly and without consulting the stake holders. Several hundreds of

Advocates Associations throughout Tamil Nadu including the Federations of Bar Associations of Tamil Nadu and Pondicherry have called for a strike today and are protesting against Union Government for implementation of these 3 Acts w.e.f 1.7.2024. The Bar Council of India has acknowledged the protest raised across the country in this regard.

8. Therefore, I request your good self to look into this matter and stop the implementation of Bharatiya Nagarik Suraksha Sanhita 2023, Bharatiya Nyaya Sanhita 2023, Bharatiya Sakshya Adhinyam 2023 w.e.f 1.7.2024, and reconsider the necessity of enacting these acts as there are no substantial changes and it is old wine in a new bottle.


28/6/2024

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