

Old Wine In New Bottle – IPC, CRPC & Evidence Act

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Abstract- Recently Indian government brought a few changes in laws which are Indian penal code , criminal procedure code and also evidence act. The provisions which are amended by this government, we would discuss here and study in this research paper.

In this paper, we would also study what do we need to do more in order for make it more beneficiary as compare to these laws are amended by this government.

As per new amendments , these laws are to be known as “ The Bharatiya Nyay Sanhita Bill , 2023 which was known as IPC ,1860 previously and The Bharatiya Nagarik Suraksha Sanhita Bill , 2023 (CRPC 1898) and one more that is The Bharatiya Sakshya Bill ,2023 (Indian Evidence Act)

Key Words: The Bharatiya Nyay Sanhita , Bharatiya Nagarik Suraksha Sanhita , Bharatiya Sakshya Sanhita etc.

Introduction.

Recently the union home minister introduced three Bills in loksabha that aim to repeal and replace the Indian penal code , criminal procedure code and Indian evidence act , which were enacted by British Government.

When we talk about Indian penal code which was enacted and drafted in 1860 in wake of the first law commission established in 1834 under the charter act of 1833.

Code of criminal procedure (CrPC) provides procedure for administrating criminal law in India. It was enacted in 1973 and became effective on 1st April 1974.

The Evidence Act , passed in India by the Imperial Legislative Council in 1872 , during the British raj – contained the admissibility of evidence in this Indian courts of law.

Main Features Of Bharatiya Nyay Sanhita Bill , 2023.

1) The bill which would be defined terrorism and offenses such as SEPARATISM, ARMED REBELLION against the givery, challenging the sovereignty of the country, which were earlier mentioned in the different provisions of Indian penal code.

Critical Thinking :- When we talk about sovereignty, we have to understand the constitution is supreme and constitutional laws are supreme.

Sovereignty is not all about suppression of the voice of the depressed people, it's all about equality, liberty of thoughts and liberal governance and also fair treatment of the minor and socially depressed people.

2) Another thing is, the abridged of sedition section in this code , which was actually criticised since British Government.

3) For mob lynching there is a prescribed maximum sentence is capital punishment.

4) It has proposed 10 years imprisonment for sexual intercourse with women in false promise of marriage , which would be common form of deception and exploitation.

Critical Thinking :- First Thing we have to understand the false promise of marriage, what kinds of promises are to be considered as false promises of marriage. What if in case women left the boy after getting married and got well position? Is it right to life and personal liberty? There are many cases in urban areas where the sexually exploited a boys and forced a boys to get married with her by putting an allegations that the boy has cheated her and gave a fake promised to get married with her and sexually exploited.

The law should be in favour of any gender or not gender biased. It should be equally applicable for all citizens of India.

5) The bill , fixed maximum limit of 180 days to file a change sheet which would be helping out in criminal justice system for criminal trail and also prevent indefinite delays.

6) Also introduce the community services as a form of punishments for specific crimes – help in reforming offenders and reducing overcrowding in prisons.

What does actually India need to change in Indian Penal Code (IPC) ?.

Section 497 – Adultery.

Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be wife of another man , without the consent or connivance of that man.

The punishment for this kind of crime is 5 years imprisonment or fine or both.

Later on the supreme court of India made Adultery as decriminalised and free from the Punishment. It should be added that the offence not only compounded by husband but compounded by wife. However supreme court has deleted this section but at the same time this section should be adamant with this new code but the gender biasedness should be removed and it should be criminalised act for husband as well as wife both in the case of adultery.

Section 498 , 498 (A B C D E)

Section 498 – enticing or taking away or detaining with criminal intent a married women.

Section 498 A – Husband or relative of husband of a woman subjecting her to cruelty.

Whoever , being the husband or the relative of the husband of a woman , subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall be liable to fine.

Offences.

A) Punishment for subjecting a married woman to cruelty – Non Cognizable, which is also non bailable and trial by first class Magistrate.

B) If information of offence is given to SHO by aggrieved or her relative by blood marriage or adoption or by notified public servant – Cognizable Offence, which is also non bailable and first class Magistrate would trial this case. Here I would say however this offense is non Cognizable and non bailable but proper investigation is required before arresting the suspected people and if the people got arrested then the proper investigation and collective of the evidences are required , until/unless the court will not sentence these accused people till then the proper fair treatment should be given and one more thing , if the victim filed a false allegations and complaint then the victims are liable to get a punishment the same.

This provision of the punishment for victim in case of false allegations on her in laws should be added in this section.

There was one case in which 35 years old woman filed a complaint against her 78 years old mother in laws for mental torturing under section 498 A. So we do believe that 78 years old women , who is unable to walk and giving the mental torture to 35 years old woman ? After investigation it was apparently seen that the case in which that women filed a false allegations on her mother in law who is 78 years old woman.

Another case, when I visited sabarmati central jail Ahmedabad, I found one person who is behind the bar since 20 years in the crime of which he was not involved and he was not physical present when the crime had happened. When his wife , committed suicide by set a fire on her body and he died in this. Her relative lodge complaint against her in laws for their cruelty and motivate that woman to commit suicide by asking dowry or other form of money or gifts. After investigation, there was found that the husband was not involved in this act as well as his family members, but that woman committed suicide due to her extra marital affair , which actually came into light by her mother in law and in a fear of revelation of her extra marital affair, she committed suicide. In this case , that was died at the spot and not able to record her statement or dying declaration before the authority. In this case the statements of her relatives were considered as prime record and on the basis their statements the particular sentences were granted to the husband and in laws.

Here I would have to say that the proper investigation and fair trial is required. As per one statement , it has said “ If thousand of criminals are left from the sentence then no worries but one innocent should not be punished”.

Here we required several amendments in this section , however this government has attempted to bring a change in it.

Section – 499 – Defamation.

Whoever by words either spoken or intended to be read or by signs or by visible representations , makes or publishes any imputation concerning any person intending to harm or knowing or having reason to believe that such reputation will harm , the reputation of such person is said except in the case hereinafter expected , to defame that person.

Under this section the publication of truth as sufficient justification is available under exception (1) to section 499 provided it is made for the public good.

The publication of the truth in the welfare of society but at the same time if we are publishing the person life or content which is related with personal life or social life of the Person with a motive to destroy the reputation of the person even if there is no harm of the society or there is nothing related with the public welfare then the publishing the truth of the personal life of the particular person is killing the right to privacy and personal liberty this should be liable under the Defamation and breaching of right to life and Personal liberty (Article 21 of Indian constitution).

Section 501 – Printing Or Engraving matter known to be defamatory.

Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years or fine or with both. In this case, the print media doesn't have any rights to publish the person's life in the newspaper in order to get a publicity or get damaged the image to the particular person.

If against a private person, the person so defamed.

There should be required the amendments in this provision which is all about to not publish anything's which is related with the right to privacy.

Section – 55 & 55 A.**Section 55 – commutation of the sentence of imprisonment for life.**

Sentence shall be passed, the appropriate government may, without the consent of the offender, commute the punishment for imprisonment of either description for a term not exceeding fourteen years.

Section 55A – Definition of appropriate government.

In the case where the sentence is a sentence of death or is for an offence against any law relating to a matter to which the executive power of the union extends, the central government and

In cases where the sentence (whether of death or not) is for an offence against any law relating to a matter to which the executive power of the state extends, the government of the state which the offender is sentenced.

Here what do we need to change in this section? The primary amendment required which is the commutation of the sentence without prior informed to the sentencee is not right practice at least prior acknowledgement is required with that sentencee before the commutation of the sentence.

Section 82 – Act of child under seven years of age.

Nothing is an offence which is done by a child Under seven years of age.

Section 83 – Act of child above 7 years and under 12 with a immature mind.

Recently, a pair of boys aged 10 and 11 have attempted rape of an eight years old girl. Both boys who can't be naked for legal reasons, were acquitted of two charges of rape at the end of what the judge called an "Extremely Difficult" trail in today's scenario.

Another case in which 11 years old boy booked for raping 4 years old girl in Dehradun.

As per section 82 if the acts which are performed by child above 7 years and under 12 years not considered as offence then it's very dangerous for the society. The specific criteria should be set by the appropriate law making body and the criteria which are included...

- 1) Depend on the amount of the injury of the victims
- 2) Proper medical examination both victims and accused.
- 3) Sexual intercourse is here to be noted.
- 4) Psychological test of the accused is most important.
- 5) The compensation is most important, which should be given to the victims and immediately shifted her at the better place.
- 6) However the child is below 12 and immature, but the punishment is there, punishment is something like altering the behaviour of the accused child.
- 7) Should set a specific criteria for measuring the maturity level of the child.

Section 84 – Act aid a person of unsound mind.

Nothing as an offence if the unsound mind person committed.

Here we need to amend to set an criteria regarding fully unsound mind or partially unsound mind. Proper psychological test and examination is required to testify whether the person is fully unsound mind or partially unsound mind.

In surendranagar district of Gujarat state, there is one 20 years old person who is unsound mind and behave very unstable, he always teased one girl in his society and running behind and ask her to accept her proposal and get married with him. Day and night he was running behind that girl and one day girl's family filed police complaint against that person but however he got released without getting any charges because he has having the unsound mind certificate which is issued by government of India.

Section 85 – Act of a person incapable of judgement by a reason of intoxication caused against his will.

Nothing is an offence which is done by a person who, at the time of doing it, is by a reason of intoxication, capable of knowing the nature of an act or either wrongful act.

This provision should be amended and the person who is consumed intoxicated substance and narcoactive substance and committed an criminal acts then it should be punished but here we need a proper investigation about the level of consciousness and also the amount to the narcotic or toxic substances which the person has consumed. These above criteria or the requirements must be satisfied before null and void any act which is committed in the state of alcoholic or psychoactive substances.

Section – 97 – Right Defence of the body and of the property.

Every person has a right , subject to restrictions contained in section 99 to defend..

- 1) His own body, and the boys of any other person against any offence affecting the human body.
- 2) The property, whether moveable or immovable, of himself or if any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass or which is an attempt to commit theft , robbery , mischief or criminal trespass.

Section 98 – Right to private defence against the act of a person of unsound mind etc.

Section – 99 – Acts Against which there is no right of private defence.

Section 100 – when the right of private defence of the body extends to causing death.

Section 120 A – Definition Of Criminal Conspiracy.

When two or more persons agree to do or cause to be done....

- 1) An illegal act or
- 2) An act which is not illegal by illegal means such an agreement is designated a criminal conspiracy.

Here we need to define the type of agreement and define the actual amount of the offence and also consequences of the particular offence.

The agreement between two person and both engagement or only one party engagement but both are equally liable to get punishment if in case of death then life time imprisonment or rigorous punishments for a terms of 2 years or upward. Hereby we must have to define the engagement of both person in the criminal conspiracy and also liability of the punishment.

Section 141 – Unlawful Assembly.

There should be common criminal objective , if an assembly of five or more persons are involved....

=> To resist the execution of any law or of any legal process or.

=> To commit any mischief or criminal trespass or other process or

In this section , primary we need to define the resisting the execution of law or any legal process is against the government? If then the acts should be defined more precisely....

Unlawful Assembly should be defined as.....

- 1) With weapons and violence occurred due course of the assembly.
- 2) There should not be harmed public property and also individual.

Each and every person has a right to resist the laws and raise a voice for the amendment of law but the resistance must be peaceful and without violence.

Section 211 – False Charge Of Offence made with intent to injury.

Whoever , with intent to cause injury to any person , institute or causes to be instituted any criminal proceedings against that person , or falsely charged any person with having committed an offence , knowing that there is no just or lawful ground for such proceeding or charge against that person.

Classification.

- A) False charge of offence made with intent to injury – 2 years or fine or both.
- B) If offence charged be punishable with imprisonment for 7 years or upwards – 7 years + fine.
- C) If offence charged be capital or punishable with imprisonment for life – 7 years + fine.

In this case , the compensation part should be added of the person on whom the false charges are being alleged.

Section 299 & 300.

These sections for Culpable Homicide and murder is also a question of the debate.

There is a thin line between Culpable Homicide and murder, the legislative must have to define the thin line and intention of the accused before execution of the action which is resulted as murder.

Legislature must have to merge these two sections in one and punishments should be defined rather than keeping both sections separate because this is very ambiguous and raising the level of confusion to define whether that is Culpable Homicide or Murder.

My suggestion for this sections , there should be one section for murder. But the intention should be defined in the section.

- 1) If there is no criminal intention and the person's action lead someone's death then this should be punished lesser than murder.
- 2) If there is clear cut intention of killing someone by action and someone died by his/her action then it should be considered as murder and liable to get a punishment same for murder under section 300.

Sections – 354 C – Voyeurism & 354 D – Stalking.

Section 354 C.

Voyeurism does means any man who watches or capture the image of a woman engaging in a private in a private act in circumstances where she would usually have to expectation of not being observed either by the perpetrators or by any other person.

There is confusion in this section where mention victim consents to the capture of the image or any act but not to their dissemination to third persons and where such image or act is disseminated such dissemination shall be considered an offence under this section.

It's very difficult to identify whether the victims has given a consent or not for taking a picture. But strictly prohibited to show these captured pictures to third party then it's clear cut offence. There is stringent punishment as compare to capture the picture of the woman without consent why ? There should be equal punishment for both to hold the picture with consent or without consent to disseminate the captured pictures to third person is punishable offence.

This offence should be included under compoundable offence and both consequent should be non bailable offence.

Section 354 D – Stalking.

Any man who...

- A) Follow a woman and contacts or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman or.
- B) Monitors the uses by a woman of the internet , email or any other form of electronic communication commits the offence of stalking.

Section 374 -Unlawful Compulsory Labour.

Any person to labour against the will of that person , shall be punished with imprisonment of either description for a term.

This is included in the list of non compoundable offence and also consider Cognizable Offence and Punishment for this offence is 1 year and it's bailable offence.

This section should make stringent , which should be added some harsh punishments.

Section 376 B – Sexual Intercourse By Husband Upon His Wife During Separation.

Whoever has sexual intercourse with his own wife , who is living separately , whether under a decree of separation or otherwise ,without her consent , shall be punished with imprisonment of either description for a term which shall not be less than two years but which may extend to 7 years and shall also be liable to fine.

Here , we have to define the decree of separation and type of separation and the separation by an agreement or by court (Judicial Separation).

Section 377 – Unnatural Sex.

Whoever voluntarily has carnal intercourse against the order of nature with any man , woman or animal.

Punishment – imprisonment for life or 10 years + fine

In 2018 , supreme had partly struck down this section , extent of decriminalising the same sex relation between consenting adults.

Hereby , we must have to define the consent's of the same sex person while having a sexual Intercourse with same person.

This section has deleted with new amendment by this ruling government but what if in the case when same sex person having unnatural sex without consent of partner ? This section should be amended rather than deleted.

Main Features Of Bharatiya Nagrik Suraksha Sanhita.

It promotes the use of technology for trails , appeals and recording Depositions , allowing video – conferencing for proceeding.

Video recording of statement of survivors of the sexual violence compulsory – preserving evidence and preventing coercion or manipulation.

Police must inform about the status of complaint in 90 days (Enhance the accountability and transparency)

Section 41 A Of the CRPC will be renumbered as section 35. This change includes an address safeguard , stipulating that no arrest can be made without prior approval from an officer at least at the rank of Deputy Superintendent Of Police (DSP) – punishable by less than 3 years or for individual above 60 years.

Police consult the victim before withdrawing a case punishable by 7 years or more.

Absconding criminals to be tried in absentia by court and sentenced too.

This new act , empowered the magistrate to take cognizance of offenses based on electronic records such as emails , SMSs , Whatsapp messages etc – facilitate collection and verification.

Mercy petition in death sentence cases to be filed within **30 days** to the Governor and within 30 days to the Governor and within **60 days** to the president.

Criminal Procedure Code 1873

Section 24 – Provisions For Public Prosecutor.

For every high court the central government or the state government shall , after consultation with the high court, appoint a public prosecutor and may also appoint one or more additional public prosecutor.

Section 25 – Assistant Public Prosecutors.

Section 25 A – Directorate Of Prosecution.

State government may establish a Directorate Of Prosecution consisting of a Director of Prosecution and as many Deputy Directors Of Prosecution.

10 years practices as an advocate is require for to be public prosecutor.

Appointment made with the concurrence of the chief justice of the high court.

Administration control of the directorate of Prosecution is under home department in the state.

Deputy Director of Prosecution is as subordinate to the director of Prosecution.

There are public prosecutor, additional public prosecutor and also special public prosecutor.

State government is notified the areas for the power of the Prosecution of the directorate of the Prosecution.

Suggestion :-

In this section directorate of Prosecution and also public prosecutors are appointed and jurisdiction has decided by state government. Here I would suggest , the jurisdiction should be decided and alter only by supreme court. Three should be applied the separation of powers hence there should not be interfered the legislative in the judiciary.

Section 41 – when police may arrest without warrant.

The satisfaction of the Police is required most that means the police can arrest any one who is under suspect. There is raised the chance of corruption.

There should be set some criteria for arresting anyone without warrant and if court found that the police officers were arrested someone for person benefits then court of law should have some provision to punish those police officers who have misused their powers.

Section 102 – Power Of Police Officer to seize certain property.

Any police officer may seize any property which may be alleged of suspected to have been stolen or which may be found under circumstances which create suspicion of the commission of any offence.

Suggestion – This section should be amended because the amendment which should directly be based on the power of the police and police is deciding to seize the property of the person or accused. If police found as seized the property wrongfully then it should be added new provision to punish those police officers who are misused their powers.

Section 117 – Order to give security.

If , upon such inquiry , it's proved that it is necessary for keeping the peace or maintaining good behaviour as the case may be , that the person in respect of whom the inquiry is made should execute a bond , with or without sureties , the magistrate shall make an order.

Suggestion.

Set certain criteria.

- 1) Nature different form
- 2) Amount larger than
- 3) Period longer than

Amount of every bond shall be fixed with due regards to the circumstances of the case and not be excessive.

Hereby it should be specified what are those circumstances in which the bond of securities are issued. And ultimate power is given to magistrate in their context , so Magistrate may or may not fear and favour of any person and issue the bond of security so this provision should be amended.

Section 130 – Use of armed forces to disperse assembly.

This is section is most important, the armed force is misused not for public security but for other purpose.

In this provision it has clearly mentioned that the armed forces should not be used in the special circumstances which is not other than public security.

The executive magistrate has all the power who is present may cause it to be dispersed by the armed force.

Section 131 – power of certain armed force officers to disperse assembly.

When the public security is manifestly endangered by any such assembly and no executive magistrate can be communicated with, any commissioned or gazetted officer of the armed forces may disperse such assembly with the help of the armed forces under his command and may arrest and confine any person forming part of it, in order to disperse such Assembly.

Suggestion.

In this provision, we have to decide the criteria of the disturbance of the public peace and call for armed force for the peaceful assembly. If the violence is there and if it would be out of control then the violence will be subsidised by armed force but at the same time armed force was used even if there was a peaceful assembly. Peaceful assembly is the fundamental rights of each and every citizens of India.

The main features of Bharatiya Sakshya Bill.

The bill defined electronic evidence as any information generated or transmitted by any device or system that is capable of being stored or retrieved by any means.

Specific criteria for admissibility of the electronic evidence such as authenticity, integrity, reliability etc – prevent misuse or tampering of digital data.

Provides for special provisions for admissibility of DNA evidence such as consent, chain of custody etc – enhanced accuracy and reliability of biological evidence.

Recognises expert opinion as a form of evidence such as medical opinion, handwriting analysis etc – establishing facts or circumstances relevant to a case.

Introduces the presumption of innocence as a fundamental principles of criminal justice system – every person accused of an offence is presumed to be innocent until proven guilty beyond reasonable doubt.

What do we actually need to amend in Indian evidence act ?**Section 14 – Facts Showing Existence Of State Of Mind Or Of Body Or Bodily Feeling.**

Facts showing the existence of any state of mind such as Intention, knowledge, good faith, negligence, rashness, I will or good will towards any particular person or showing the existence of any state of body or bodily feeling, are relevant when the existence of any such state of mind or body or bodily feeling, is Issue or relevant.

Illustration.

A is accused of receiving stolen goods knowing them to be stolen, it is proved that he was in possession of a particular stolen article.

The fact that at the same time, he was in possession of many other stolen articles is relevant as tending to show that he knew each and all of the articles off which he was in possession to be stolen.

Suggestion :-

The actual intention of the person must have examined before the court of law. The factors affecting the stolen goods or article, the court should determined and if the evidences whether in the favour of that person or against that person, the actual intention of that person is prior most important and court must have to consider actual intention before the court of law.

Section -17.

An admission is a statement (oral or documentary or contained in electronic form) which suggests any inference as to any fact in issue or relevant fact and which is made of the persons and under the circumstances, hereinafter mentioned.

Suggestion :- The admissibility of the statement whether oral statement or In the form of documents or in the form of electronic. The circumstances are to be considered and here actual intention of the person should be considered in the court of law.

Section 22A – When oral admission as to contents of electronic records are relevant.

Oral admission as to the contents of electronic records are not relevant, unless the genuineness of the electronic records produced is in question.

Suggestion :-

There should be defined and modify the criteria for the testimony of the evidences whether genuine or not.

Section 45 – Opinion Of Experts.

When the court has to form an opinion upon a point of foreign law or of science or art or as to identify of handwriting or finger print impressions, the opinions upon that points of persons specially skilled in such foreign law, science or art (or in question as to identify of handwriting or finger impressions) are relevant facts.

Such a persons are called experts.

- A) The question is, whether the death of A was caused by poison.
 B) The question is, whether A, at the time of doing a certain act, was by reason of unsoundness of mind, incapable of knowing the nature of the act or that he was doing what was either wrong or contrary to the laws.
 C) The question is, whether a certain document was written by A, another document is produced which is proved or admitted to have been written by A

Suggestion :-

There is mentioned about the qualifications and work experiences of the experts but at the same time. The social behaviour of the expert and also moral, values and character should be considered before consider that officer in the list of expert or scientific officer.

Section 55 – Character Of Affecting Damages.

In civil cases, the fact that the character of any person is such as to affect the amount of damages which he ought to receive, is relevant.

Suggestion.

The characters of the accused and also victims both should be considered here for the collateral damages. There should certain observation and on the basis of the history of the particular person.

Section 59 – Proof Of Facts by oral evidence.

All facts, except the (contents of documents or electronic records), may be proved by oral evidence.

Suggestion.

The genuineness of the records or the evidences should be proven by the court of law whether these are oral or written, it doesn't matter.

Section 61 & 62 & 63.

Proof of content of documents, primary evidence and secondary evidence.

Suggestion.

Both are classified on the basis of the sources. The primary evidences is from main source or primary source and secondary evidences from secondary or alternative sources. Hereby we need to examine the genuineness of the sources and one more thing is to understand the testimony of the witnesses from which we are getting primary evidences.

Section – 85 C – Presumption As To Digital Signature Certificate.

The court shall presume, unless contrary is proved, that the information listed in a digital signature certificate is correct, except for information specified as subscriber information which has not been verified, if the certificate was accepted by the subscriber.

Suggestion.

All the certificates which are signed digitally be examined by the court of law with an expert team or scientific officers about the genuineness of the certificates within the prescribed time.

Section 100 – Burden Of Proof.**Section 101, 102, 103, 104, 105, 106, 107, 108, 109, 110 & 111.**

Whoever desires any court to give judgement as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist.

When a person is bound to prove the existence of any facts, it is said that he burden of proof lies in that person.

Illustration.

A desires a court to give judgement that he is entitled to certain land in the possession of B, by reason of facts which he asserts and which B denies, to be true.

A must prove the existence of those facts.

Suggestion :-

Each party has to prove its allegations. If in the case sometime, not proper investigation or misled by police or manipulation of the evidences then one party if failed to prove in court with a proper evidences then sometime the culprits could be released in the court of law. Hence judiciary must have to set an inquiry committee in order to prove that.

The burden of proof should not be lied only on complaining authority ,the proper both side examinations are required in the court of law.

The burden of proof is varied in the case of civil and criminal. The main principle is that a person who claims reliefs or any such orders or judgements from court , the burden of proof falls on that person unless the law specifically requires the other person to prove the fact's existence or lead evidence.

In such cases the electronic form of evidences then it should be proven the authenticity of such electronic evidences which are produced before the court of law.

Section 151. Estoppel.

When one person has , by his declaration, act or omission , intentionally causes or permitted another person to believe a thing to be true and to act upon such belief , neither he nor his representative shall be allowed , in at suit or proceeding between himself and such person or his representative, to deny the truth of that thing.

Illustration.

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards become the property Of A , and A seeks to set aside the sale on the ground that , at the time the sale , he had not title. He must not be allowed to prove his want to title.

Suggestion.

In this case , court must have to call the expert team to testify the mental stability of the particular person whose statement is varied. Proper psychological examination is required in this manner.

Section 119 – Dumb Witnesses.

A witness who is unable to speak may give his evidence in any other manner in which he can make it intelligible , as by writing or by signs , but such writing must be written and the signs made in open court. Evidence so given shall be deemed to be oral evidence.

Suggestion :-

In case of dumb witness , court need to conduct medical examination of the dumb witness before presenting in the court of law because court of law will be witnessed the dumb person as witness and record his or her statement and court must have to fix certain sign languages and for that the expert team is required to decode the sign language in the court of law while witnessing and recording the statement of the witness in the court of law.

Author Review.

When we talk about the change which are recently brought by this government , there is nothing new this government has amended. There is something like put off old clothes and put on new clothes . In other words we can say that old content with new coverage page and name.

They need to amend many things many sections but they and amend few things which are not worthy and for these kinds of minute change , they don't have to change the name of the acts.

In this paper, we have already mentioned about actual changes, the legislative has to do but in real there is nothing new whatever the legislative has made.

We can say that “ Old Wine In New Bottle”

Conclusion.

Recently the government of India has amended many sections of IPC , CRPC and also evidence act. The government should have to remove most out dated provisions from Indian penal code , criminal procedure code and also evidence act but the government only renamed all the code and renumbered the most of the sections rather than what they actually have to do in IPC , CRPC and also evidence act. It would be better if the government amended those sections which are analysed by author in this research paper.

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