

June 28, 2024

To,

Prime Minister Shri Narendra Modi, New Delhi

Leader of the Opposition (LOP) Shri Rahul Gandhi, New Delhi

President of Supreme Court Bar Association (SCBA) Shri Kapil Sibal, New Delhi

Sub: Appeal from Citizens and Civil Society Organisations to stay the implementation of the New Criminal Laws and ensure elaborate Parliamentary Debate on the Proposed Changes as also detailed Consultations with State-Holders and Experts

Dear Sirs,

Greetings.

On July 1 three new criminal laws, namely, 'Bharatiya Nagarik Suraksha Sanhita, 2023', 'Bharatiya Nyaya Sanhita, 2023', and 'Bharatiya Sakshya Adhiniyam, 2023' are slated to come into force.

We would wish to point out that these three laws were hurriedly pushed through Parliament on 20th December 2023 without a debate when 146 Members of Parliament (MPs) were suspended from the House.

Our **major concern** is that the amendments made in the then existing laws are such that they are mostly draconian in nature. Moreover, they have been passed without any deliberations, something that is anathema to a functioning constitutional democracy. They deal exclusively with matters of life and liberty and criminal harm that can be caused to an individual in other multiple and various ways. They also (adversely affect) deal with civil liberties of citizens more particularly in the matter of **freedom of speech, right to assembly, right to associate, right to demonstrate, and their other civil rights, which can be criminalized** as part of the law-and-order provisions of these three laws. The new laws in fact violate the principles of **Liberty, Equality and Non-Discrimination enshrined in the Constitution of India.**

Essentially, these new criminal laws would **equip the government with adequate power to hollow out our democracy and transform India into a fascist state** – should the government choose to deploy the new laws to their fullest extent. **The proposed new laws would enable the government to dramatically scale up arrest, detention, prosecution and imprisonment of law-abiding democratic opponents, dissidents and activists.**

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Some of the chilling features of the new Criminal Code that require special attention are:

- (1) the criminalisation of legitimate, lawful, non-violent democratic speech or actions as ‘terrorism’;
- (2) the broadening of the offence of sedition in a new and more vicious avatar (what could be called “sedition-plus”);
- (3) the expansion of the potential for “selective prosecution” — targeted, politically-biased prosecution of ideological and political opponents;
- (4) the criminalisation of a common mode of political protest against government through fasting;
- (5) encouraging the use of force against any assembly of persons;
- (6) exponentially enhancing ‘police raj’ by criminalising “resisting, refusing, ignoring or disregarding to conform to any direction given by [a police officer]”;
- (7) enhancing handcuffing;
- (8) maximising police custody during investigation;
- (9) making the recording of a FIR discretionary for the police;
- (10) compelling all persons (even those not accused of any crime) to provide their biometrics to the government; and
- (11) shielding of some of the Sangh Parivar’s activities.

It is this impending threat to the democratic structure of this nation that has compelled us to seek your immediate intervention to **stay the implementation of these questionable laws until their implications are thoroughly re-examined by a team of legal experts and debated on the floor of the Indian Parliament. As we are sure your esteemed selves are aware the West Bengal and Madras Bar Associations have also expressed great concern at the manner in which these laws have been passed and their content.**

We urge that every step is taken to ensure that, until re-examination and debate, all three laws are stayed from implementation on July 1, 2024.

Signature campaign launched in Mumbai on June 28, 2024.

