

July - 2024

Newsletter



TOPICS COVERED:

1. New Criminal Law Codes:
 - a. Bharatiya Nyaya Sanhita, 2023 - Indian Judicial Code
 - b. Bharatiya Nagarik Suraksha Sanhita, 2023 - Indian Civil Protection Code
 - c. Bharatiya Sakshya Adhinyam, 2023 - Indian Evidence Act
2. June Month Statutory Updates
3. Compliance Calendar July-2024

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INTRODUCTION

The Parliament is dedicated to delivering swift and accessible justice to all citizens as envisioned in the Constitution and democratic principles. The Parliament has introduced new criminal laws - Bharatiya Nyaya Sanhita 2023, Bharatiya Nagarik Suraksha Sanhita 2023, Bharatiya Sakshya Adhiniyam 2023 - is a step forward in replacing outdated laws from the British era. This move not only aims to provide speedy justice but also but also showcases a dedicated effort to harmonize with the ethos of the Constitution of India.

MAJOR REFORMS IN EACH ENACTMENT

BHARATIYA NYAYA SANHITA, 2023 [BNS, 2023] - INDIAN JUDICIAL CODE

The Parliament is committed to ensuring swift justice for all citizens, as outlined in the Bharatiya Nyaya Sanhita, 2023. This comprehensive legal reform aims to update and refocus the existing Indian Penal Code, 1860. The new Sanhita introduces a more subtle approach to offenses, particularly those that threaten the sovereignty, unity, and integrity of India. Additionally, it addresses modern challenges such as terrorism and organized crime, distinguishing between major and minor offenses and prescribing stricter penalties.

The Bharatiya Nyaya Sanhita, 2023 (BNS) represents a necessary evolution of India's criminal laws, with a particular focus on meeting the needs of our democratic society. The maxim "Justice delayed is justice denied" emphasizes the urgent need to improve our justice delivery system. Delays caused by complex legal procedures, high case backlogs, low conviction rates, and insufficient use of technology and forensics have a severe impact, especially on the underprivileged.

Given these challenges, a citizen-centric criminal procedure is crucial. The BNS marks a significant step in modernizing India's criminal law and addressing the country's pressing issues. This reform aims to move away from punitive approaches, embracing instead a restorative and rehabilitative model. With a strong emphasis on human rights and dignity, the Sanhita is designed to be citizen-centric and transformative for the criminal justice system



Key Reforms Include:

- ⚖️ Offences against the body
- ⚖️ Death caused by Negligence
- ⚖️ Sexual offences against women
- ⚖️ Sedition
- ⚖️ Terrorism: Terrorism includes an act that intends to
- ⚖️ Mob lynching
- ⚖️ Community service: has been added as a form of punishment. (Sections 202, 209, 226, proviso to Section 303(2), 355 & 356(2)).
- ⚖️ Removal of provision for 'Adultery'
- ⚖️ Removal of provision for 'Unnatural offences'

OBJECTIVES FOR THE IMPLEMENTATION OF BNS

- i. The implementation of BNS is poised to enhance the efficiency and effectiveness of the criminal justice system by reducing delays, minimizing caseloads, eradicating backlogs, and combating corrupt practices. By promoting transparency, fostering accountability, and upholding professionalism, BNS aims to elevate the standard of justice administration and enhance its credibility.
- ii. By proactively addressing crimes that disrupt societal harmony and order, BNS will help create an environment of peace and harmony. By delving into the root causes of criminal behavior, it will tackle societal disparities and injustices, addressing the underlying factors of criminality.
- iii. In line with constitutional values and principles, BNS aims to replace the Indian Penal Code, 1860, with a broader focus on victims and inclusivity in offences, particularly those affecting children and women. The new Sanhita emphasizes gender neutrality and incorporates various petty offences, thereby strengthening the rule of law and promoting democracy in India.
- iv. This legislation represents a comprehensive and transformative approach to the criminal justice system, promising extensive benefits for the nation's legal and social landscape.



BHARATIYA NAGARIK SURAKSHA SANHITA, 2023: [BNSS,2023] INDIAN CIVIL PROTECTION CODE



The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) aims to revamp the current Criminal Laws of the Country. With decades of democratic experience, it is essential to comprehensively review our criminal laws, including the Code for Criminal Procedure, 1973, and align them with the current needs and aspirations of the citizens.

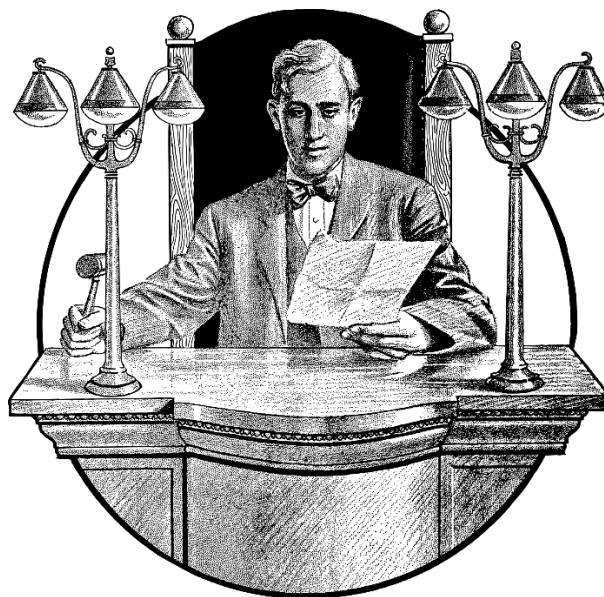
The BNSS aims to enhance the legal system in several ways. It consolidates and simplifies existing laws, strengthens the rights of the accused, and improves the efficiency of the Criminal Justice System by streamlining procedures and reducing delays. These changes will contribute to a fairer and more effective legal process for all involved.

Key Reforms Include:

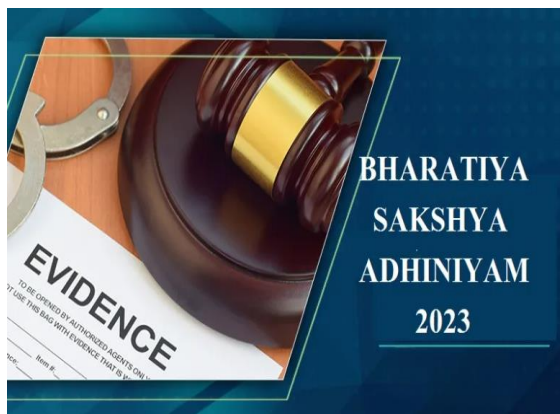
- ⚖ Detention of under-trials
- ⚖ NOT APPLICABLE TO CRIMES Punishable by death. (Section 479).
This provision will also not apply to:
 - offences punishable by life imprisonment, and
 - anyone charged with more than one offence
- ⚖ Trials in electronic mode
- ⚖ Medical examination of accused
- ⚖ Forensic investigation
- ⚖ Signatures and finger impressions
- ⚖ Other deadlines include:
 - Rendering a decision within 30 days of the conclusion of arguments (extendable up to 60 days);
 - Informing the victim of the progress of the investigation within 90 days, and
 - Framing of charges by a sessions court within 60 days of the first hearing on such charges (Secn 258 and 392).
- ⚖ Other deadlines include:
 - Trial in absence of offender
 - A proclaimed offender
 - First Information Report
 - Concept of 'Preliminary inquiry' introduced
 - Zero FIR
 - Overarching powers conferred for attachment and forfeiture of property
 - Transparency in recording of search and seizure
 - Changes in procedure relating to police custody
 - Rights of victims and witnesses
 - Use of technology
 - E-FIR
 - Cognizable cases
 - Mercy petitions
 - Sanction to prosecute
 - Samples without arrest
 - Power of police to detain or remove any person

OBJECTIVES FOR THE IMPLEMENTATION OF BNSS

1. The Bharatiya Nagarik Suraksha Sanhita, 2023, aims to modernize our criminal justice system. By establishing deadlines for investigations, it seeks to ensure that justice is delivered in a timely manner, making it more accessible and responsive to the needs of our citizens. The new provisions replace outdated language with a more people-friendly approach, reflecting a commitment to a compassionate and humane system.
2. In cases involving serious crimes, the proposed legislation underscores the importance of a mandatory visit by the forensic team. This strategic provision aims to strengthen the investigative process by ensuring that a specialized team conducts an on-site examination to gather crucial evidence.
3. The new Sanhita strives to improve the thoroughness and accuracy of criminal investigations, ultimately contributing to a stronger legal framework aligned with modern standards of justice.
4. These proposed changes can be seen as a much-needed remedy to enhance the functioning of the criminal justice system. However, their effectiveness will depend on how these provisions are implemented and adhered to in both letter and spirit.



BHARATIYA SAKSHYA ADHINIYAM, 2023[BSA, 2023]-INDIAN EVIDENCE ACT



The Bharatiya Sakshya Adhinyam, 2023, acknowledges the increasing influence of technology in legal proceedings. In today's legal landscape, where technology is crucial, this law defines electronic evidence as any information generated or transmitted by a device or system capable of storage or retrieval. This comprehensive definition encompasses a wide range of digital data, such as emails, text messages, and multimedia files

It recognizes the diverse forms of evidence relevant to modern cases, emphasizing factors such as authenticity and integrity. These technologically friendly provisions are essential to uphold the credibility of electronic information presented in court, ensuring that technological advancements do not compromise the reliability of legal proceedings.

The law also includes special provisions for the admissibility of DNA evidence and the acceptance of expert opinions as evidence, strengthening the commitment to a modern and effective legal framework that ensures fair and speedy trials.



The Bharatiya Sakshya Adhiniyam, 2023 marks a significant step towards updating the country's Evidence Laws in line with the needs of contemporary society. Recognizing the need for a comprehensive review of our criminal laws, including the

Evidence Act, 1872, after seven decades of Indian democracy, this law aims to adapt them according to current requirements. The law of evidence, falling under "adjective law", determines the procedures and methods by which substantive or procedural laws are put into operation. The existing law fails to address the technological advancements that have occurred in the country over the past few decades.

Bharatiya Sakshya Adhiniyam, 2023 is set to bring about a fundamental shift away from punitive and retributive practices within the realm of criminal justice, embracing instead a restorative and rehabilitative approach. This transformation will be founded on human rights, honoring the dignity and entitlements of all individuals involved in the criminal justice system. The Sakshya Adhiniyam is focused on being citizen-centric, aiming to meet the needs and aspirations of the people.

Key Reforms Include:

Documentary evidence

- Oral evidence
- Admissibility of Electronic or Digital Records as Evidence
- Secondary evidence

The New Adhiniyam expands secondary evidence to include;

- oral and written admissions, and
- the testimony of a person who has examined the document and is skilled in the examination of documents
- Joint trials

OBJECTIVE FOR THE IMPLEMENTATION OF BSA

The newly proposed Sakshya Adhiniyam, 2023 brings in significant advantages compared to the outdated Indian Evidence Act, 1872. It embraces modern technology and is more open to electronic evidence, widening the scope of admissibility of such evidence. The Act also reflects a stronger Indian identity by replacing terms related to the British monarchy with more culturally relevant ones.

Additionally, the Act shows sensitivity towards mental health by replacing the term 'lunatic' with 'person suffering from mental illnesses', reflecting the advancements of our society. The outdated Act has become obsolete and contains references that are no longer relevant in the current Indian context. Repealing these archaic references will allow India to emphasize its sovereignty and move forward in tune with modern times.

The Bharatiya Sakshya Adhiniyam, 2023 (BSA) ensures that our legal system is well-equipped to handle cases involving digital/electronic evidence. It offers a comprehensive framework for law enforcement agencies and the judiciary to effectively deal with digital evidence of all kinds. The updated definition of evidence allows witnesses, accused individuals, and experts to present their evidence digitally, reducing the need for physical presence and addressing overcrowding in judicial forums.

Conclusion

Historically, criminal laws primarily served British interests and focused on punishment. Today, three modern legislations signify a significant legal transformation, reflecting a commitment to justice that aligns with society's changing needs. These legislative advancements position India on the path to a more equitable, accessible, and evolved legal framework. Emphasizing fair, speedy, evidence-based trials for "**ease of justice**," these laws mark the beginning of legal reform, pointing towards a future where justice is not only served but is also inclusive and reflective of our nation's dynamic ethos...

Monthly Statutory Updates in June – 2024

Reserve Bank of India

- ✚ Amendment to Master Direction - Reserve Bank of India (Interest Rate on Deposits) Directions, 2016.
- ✚ International Trade Settlement in Indian Rupees (INR) – Opening of additional Current Account for settlement of trade transactions
- ✚ Amendment of List of Schedule Banks

SECURITY EXCHANGE BOARD OF INDIA

- ✚ Enhancement of operational efficiency and Risk Reduction-Pay-out of securities directly to client demat account
- ✚ SEBI relaxes the timelines for Disclosure of Material Changes by Foreign Portfolio Investors.

Timeline for intimation and submission of documents:

Particulars	Type-I Material Change	Type-II Material Change
Intimation of change to DDP and / or SEBI	Seven working days of the change	Thirty days of the change
Submission of supporting documents (if any)	Thirty days of the change	Thirty days of the change

- ♣ Framework of “Financial Disincentives for Surveillance Related Lapses” at Market Infrastructure Institutions
- ♣ Uploading of KYC information by KYC Registration Agencies (KRAs) to Central KYC Records Registry (CKYCRR)
- ♣ Doing away with freezing of Demat Accounts and Mutual Fund Folios for existing investors
- ♣ Modification in Framework for offer for Sale (OFS) of Shares to Employees through Stock Exchange Mechanism
- ♣ Modification in duration for Call auction in pre-open session for Initial Public Offer (IPO) and Relisted scrips
- ♣ System Audit of Professional Clearing Members (PCMs)
- ♣ Statutory Committees at Market Infrastructure Institutions (MIIs)
- ♣ Participation by Non-Resident Indians (NRIs), Overseas Citizens of India (OCIs) and Resident Indian (RI) individuals in SEBI registered FPIs based in International Financial Services Centers in India.
- ♣ Facility for Basic Services Demat Account (BSDA) for Financial Inclusion and Ease of Investing

Ministry Of Corporate Affairs

The Ministry of Corporate Affairs is launching third set of Company Forms covering 9 forms MSME, BEN-2, MGT-6, IEPF-1, IEPF-1A, IEPF-2, IEPF-4, IEPF-5, IEPF-5 are getting launched on V3 portal on 15th July 2024 at 12:00 AM.

Goods and Services Tax

The first GST Council meeting took place on June 22, 2024, at New Delhi.

Few Key takeaways are:

<i>GST Council on Railway Services</i>	<i>Uniform GST on Solar Cookers</i>
<i>GST Exempted on Hostel Accommodation</i>	<i>Uniform GST on Sprinklers</i>
<i>Uniform 12% GST on Milk Cans</i>	<i>GST Exemption for Extra Neutral Alcohol (ENA)</i>
<i>Reduction of GST on Carton Boxes</i>	<i>GST for Petrol and Diesel</i>

Changes in GST Rates for Goods after 53rd GST Council Meeting

Goods:

S. No	List of Goods	New GST Rates as per June 2024
1	Aircraft parts, components, testing equipment, tools, and toolkits.	5%
2	Parts of Poultry Keeping Machinery	12%
3	Extra Neutral Alcohol used for human consumption	12%
4	IGST on imports of specified items for defense forces	Exempt
5	IGST on imports of research equipment and buoys under RAMA	Exempt
6	All types of milk cans regardless of the use	12%
7	All types of carton boxes and cases	12%
8	All types of sprinklers	12%
9	All types of solar cookers	12%
10	Supply of aerated beverages and energy drinks to authorized customers by Unit Run Canteens under Ministry of Defence	Compensation Cess is exempt
11	Imports in SEZ-by-SEZ Unit/ developers for authorized operations	Compensation Cess is exempt
12	IGST on Imports of technical documentation for AK-203 rifle kits for Indian Defence forces.	Exempt

Services:

S. No	List of Services	New GST Rates as per June 2024
1	Services provided by Indian Railways to the general public, namely, sale of platform tickets, facility of retiring rooms/waiting rooms, cloak room services and battery-operated car services.	Exempt
2	Services provided by Special Purpose Vehicles (SPV) to Indian Railways	Exempt
3	Outside Hostel Accommodation Service for Students and Working Professionals under certain conditions.	Exempt

FEMA			
Compliance details	Form	Applicability	Due Date
Annual Return on Foreign Liabilities and Assets under FEMA	On FLAIR Portal of RBI	Entities which have received FDI and/or made overseas investments (extended due date)	7/31/2024
External Commercial Borrowings (ECB) - FEMA	Form ECB-2	All Companies having ECB	7/7/2024

SEBI LODR Regulations			
Compliance details	Form	Applicability	Due Date
Regulation 13(3)	Statement of Investor complaints.	All Listed Entity	7/21/2024
Regulation 27 (2)	Corporate Governance	All Listed Entity, other than (a) the listed entity having equity paid up capital upto Rs. 10.00 Cr & net worth upto Rs. 25.00 Cr, as on the last date of the previous FY (b) the listed entity listed on the SME Exchange.	7/21/2024
Regulation 31(1) (b)	Shareholding Pattern.	All Listed Entity	7/21/2024

SEBI(DP) Regulations, 2018			
Compliance details	Form	Applicability	Due Date
Regulation 76 of	Reconciliation of Share Capital Audit Report		7/30/2024

Labour Laws			
Compliance details	Form	Applicability	Due Date
State Professional Tax (PT)	Form V	Entities registered with PT	7/10/2024
PF Payment	Monthly ECR	Entities registered with PF Authorities	7/15/2024
ESI Payment	Monthly ECR	Entities registered with ESIC Authorities	7/15/2024
Quarterly Return by employer having ten or more employees to the inspector	Form XXVII	Rule 33	7/10/2024

INCOME TAX			
Compliance details	Form	Applicability	Due Date
TDS Deposit	Challan 281	Non-government deductors	7/7/2024
TDS returns	Form 24Q/26Q/27Q	All Tax deductors	7/31/2024
TCS returns		All Tax collectors	7/15/2024
Income tax return	Respective ITR's	for all assessee other than (a) corporate-assessee or (b) non-corporate assessee (whose books of account are required to be audited) or (c) partner of a firm whose accounts are required to be audited	7/31/2024

GST			
Compliance details	Form	Applicability	Due Date
Return of outward supplies of taxable goods and/or services	GSTR 1	GST Taxpayers who have not opted for QRMP scheme	7/11/2024
Return of outward supplies of taxable goods and/or services	GSTR 1	GST Taxpayers who opted for QRMP scheme -Optional	7/13/2024
Summary Return of Outward and Inward Supplies along with payment of Tax	GSTR 3B	GST Taxpayers who have not opted for QRMP scheme	7/20/2024
GST Challan Payment if no sufficient ITC		GST Taxpayers who opted for QRMP scheme and not having sufficient ITC	7/25/2024
Summary Return of Outward taxable supplies and tax payable	GSTR 5 & 5A	Non Resident GST Taxpayers	7/20/2024
Return for details of ITC received and distribution	GSTR 6	Input Service Distributors	7/13/2024
Return for TDS under GST	GSTR 7	Government Authorities	7/10/2024
Return for Details of Supplies and the amount of tax collector	GSTR 8	E-commerce Operator	7/10/2024
Return for details of goods and services purchased in India	GSTR-11	Taxpayer claiming Refund & having UIN	7/28/2024
Summary Return of Outward and Inward Supplies along with payment of Tax	CMP-08	Composition taxpayers	7/18/2024