

INDEX

S. No.	Title of FAQs	Page No.
1.	New Criminal Laws, 2024 Related FAQs	1
2.	Myth Vs Truth (New Criminal Laws, 2024) Related FAQs	6
3.	Crime Related FAQs	10
4.	FIR / NC / Complaint / Cognizance Related FAQs	13
5.	Arrest / Bail Related FAQs	15
6.	POCSO Related FAQs	17
7.	Motor Vehicle Act, 1988 (Amended 2019) Related FAQs	24
8.	Inner Line Permit Chungchang FAQs	29

New Criminal Laws, 2024 Related FAQs

1. How is the new BNS is different from IPC for crimes against the State “DESHDROH”?

While IPC Section 124A deals with acts “against the Government,” BNS Section 152 shifts the focus to actions endangering the “sovereignty, unity, and integrity of India.” Colonial interests replaced by needs of the democratic interests in Swatantra Bharat (Independent India). Criticism of the Government policies and actions are not punished under the new law. The requirement of ‘intent’ in law further raises the threshold for applicability of the provision.

2. What is the punishment if I am the First-Time Offender?

Multiple considerations have been introduced through several sections for first-time offenders including:

- Introducing non-custodial punishment such as community service, and counselling for eligible individuals, fostering personal growth and societal reintegration through the legal framework.
- First-time offenders are to be given relaxed punishment (one-fourth and one-sixth of stipulated punishment) in plea bargaining.
- First time under-trial offender is given statutory bail after completion of one-third period of the maximum punishment prescribed.

3. Has Mob-Lynching been defined in New Criminal Laws? What is the punishment for it?

Section 103(2) of BNS addresses offence related to mob lynching, stating that when a group of five or more persons acting in concert commits murder on the grounds of race, caste or community, sex, place of birth, language, personal belief or any other similar ground, each member of such group shall be punished with death or with imprisonment for life as stipulated under ‘Punishment for Murder’, and shall also be liable to a fine as deemed appropriate.

4. How the New Criminal Laws does cracks down on Organized crimes?

Dedicated sections (Sec 111 & 112) have been introduced in Bharatiya Nyaya Sanhita (BNS) 2023 to combat organized crime, ensuring no room for unlawful activities orchestrated by syndicates, which pose a grave threat to the internal security of the country.

5. What is Community Service in the New Criminal Laws?

The introduction of community service for minor offences marks a groundbreaking approach in India's legal system. Minor Offences include:

- Involvement of public servants in illegal trade.
- Non-appearance in response to a proclamation.
- Attempt to commit suicide to influence legal authority.
- First conviction of petty theft involving property valued below ₹5,000.
- Public misconduct by a drunken person.
- Defamation

Community service can be awarded for the benefit of various groups in need, including children, the elderly, people with disabilities, and language learners. Additionally, it can be used to provide help to animals in shelters or can contribute to the improvement of public places such as local parks, historic sites, scenic areas, and more.

6. How does the BNS deals with the menace of Snatching?

Section 304 has marked snatching as a distinct crime with up to 3 years of imprisonment and a fine as decided by the court.

7. How is Technology incorporated in BNSS?

- Section 105 of BNSS 2023 introduces procedures for videography of search and seizure, including preparing lists of seized items and witness signatures. The records are presented immediately before magistrates to ensure transparency in evidence collection and discouraging fabrication of evidence.
- The new laws retain provisions for mandatory videography of police statements and audio-video recordings for vulnerable victims with physical or mental disabilities.

8. How will the New Criminal Laws prevent Over-crowding in jails?

- First-time offenders who have never been convicted of any offence in the past, can now be released on bail after serving one-third of the prescribed maximum sentence.
- The responsibility of applying for bail now rests with the Jail Superintendent of the prison where the accused is lodged.

9. How does the New criminal Laws promote Victim-Centric Approach?

- The institutionalization of Zero-FIRs and the introduction of e-FIRs enhance accessibility, allowing victims to report crime anywhere irrespective of the crime location.
- It grants victims the authority to obtain a free copy of the FIR. The law also provides obligatory measures to keep victims informed about the progress of investigations within 90 days.
- It also incorporates provisions dedicated to providing victims with crucial information at various stages of investigation and trial.

10.If I am a witness to a crime, how does the new law ensure my safety?

Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 mandates every State Government under Section 398 to prepare and notify a Witness Protection Scheme (WPS) to shield witnesses from threats and intimidation.

11.How does the New Criminal Laws uphold the safety of Women and Children?

- **Stringent Punishment for Offenders:** Enhanced punishment for offenders involved in heinous acts against women and children.
- **Victim-centric Approach:** New provisions ensure victims are heard before withdrawal of any case, thus recognizing them as stakeholders in the legal process.
- **Section 95 of BNS** penalises the exploitation of children, punishing those who hire/engage/ employ children for criminal activities.
- **Gender Neutrality and e-FIR:** Various offences against woman and child have been made gender neutral in terms of both the victim and the perpetrator.

12.How will the BNSS help in faster settlement of case properties?

- **Preparation of Statement:** The process begins with preparation of a statement by the Magistrate describing the property.
- **Photography/Videography:** The process followed with the thorough documentation of the case property through photographs and videos.
- **Admissible Evidence:** These records become admissible evidence in legal proceedings, strengthening your case.
- **Swift Decision:** The court or magistrate takes prompt action within 30 days for the disposition of the case property.

13.What is the punishment for Acid-Attack?

“Acid” includes any substance which has acidic or corrosive character or burning nature that is capable of causing bodily injury. Punishment with

imprisonment of either description for a term which shall not be less than 10 years but which may extend to imprisonment for life, and with fine.

14. How does the New Criminal Laws deal with Human-Trafficking?

BNS 2023 has a victim-centric approach to women and child trafficking. It has been made a part of organized crime which includes trafficking of a person or human trafficking for prostitution or ransom.

- The act of buying a child for prostitution has been dealt with enhanced punishment with mandatory minimum punishment of 7 years extendable to 14 years.
- The offence of importation of persons from foreign country is made gender-neutral. It covers the importation of both boys under 18 years and girls under 21 years for the purpose of forced or seduced sexual exploitation.
- Beggary has been added in the expression 'exploitation' for the purpose of human trafficking.

15. What are the procedural safeguards for women while making an arrest?

- While making an arrest of a woman, the police officer cannot touch her arrest unless the police officer is a female.
- No arrest after sunset and before sunrise.
- Whenever it is necessary to cause a female to be searched, the same shall be done by another female.
- Medical examination of a female is to be examined it has to be done only by or under the supervision of a female registered medical practitioner.
- Statements of a woman is to be recorded by a woman magistrate, and in her absence, by a male magistrate in the presence of a woman.
- Statements of a woman is to be recorded by a woman magistrate, and in her absence, by a male magistrate in the presence of a woman.
- Immediate treatment of women victims, free of cost.

16. What is the punishment for Gang-Rape of a minor?

Section 70(2) of BNS provides death penalty for gang rape of woman under 18 years of age.

17. Can the trial be conducted by the Judicial magistrate in absence of the accused?

Yes, Section 356 of the BNSS mandates the court to proceed with the trial and also pronounce the judgement in absentia when a person declared as a proclaimed offender has absconded to evade trial, and there is no immediate prospect of arresting him.

18. Is there any time-line for declaring a judgement?

Yes, Criminal court have to declare judgments within 45 days post the trial's conclusion.

MYTH VS TRUTH (NEW CRIMINAL LAWS, 2024)

Related FAQs

Myth ✖

The new criminal laws threaten individual freedom and aim to establish a police state.

Truth ✔

- **Safeguards against misuse:** The new laws incorporate safeguards to prevent misuse of power, emphasising accountability and transparency in law enforcement actions, instilling confidence in the justice system.
- **Transparency and accountability:** The new provision for audio-video recording of search and seizure operations ensures transparency, fostering police accountability and safeguarding individual rights.
- **Accessibility and convenience:** Introduction of e-FIR provision enhances accessibility, allows individuals to lodge complaints from anywhere, thereby reducing barriers and ensuring timely legal remedies.
- **Preserving personal liberty:** The provisions requiring unnecessary arrests have been removed. The denial of bail only on the ground of extended police custody beyond first 15 days is not allowed.
- **Jurisdictional flexibility:** Provision of Zero FIR eliminates jurisdictional constraints, enabling individuals to file complaints at any police station, thereby expediting the legal process and improving citizen-friendliness.
- **Oversight mechanisms and accountability:** Strict oversight mechanisms, including mandatory recording of arrests and of evidence collection, act as preventive measures against potential police excesses, ensuring adherence to legal procedures and protection of citizens.
- **Protection of fundamental rights:** The laws prioritise the protection of fundamental rights, including the right to free speech and to assemble peacefully allaying concerns of arbitrary suppression of dissent.

Myth ✖

The new criminal laws are mere repackaging of existing draconian provisions.

Truth ✔

The new laws enshrine the concept of justice embedded in our Constitution to improve the criminal justice system of the country. While the old laws were British legacies which were introduced by the colonial masters to enforce and strengthen their rule in India, the new laws are citizen centric, victim centric and sensitive to offences against women and children, introducing new offences, such as 'deshdroh',

terrorist acts, mob lynchings, organised crimes, petty organised crimes, snatchings, etc.

- **Repeal of sedition:** The colonial legacy related to the sedition section in the IPC has been removed in the Bharatiya Nyaya Sanhita (BNS) 2023. The repeal of erstwhile Section 124A (sedition) is a positive step, addressing concerns of misuse against dissenters and critics of the Government.

Gender-neutral provisions

- The new laws incorporate gender-neutral language, promoting inclusivity and equality in the legal framework.
- **Mental health terminology:** Replacing the term 'insanity', 'lunatic' and 'idiot' with 'unsound mind' and 'mental retardation' with 'intellectual disability' in the legal language demonstrates a more modern and sensitive approach to mental health.
- **Time-bound prosecution for civil servants:** Providing time-bound approval for prosecuting erring civil servants ensures a more efficient legal process, fostering accountability and preventing undue delays in addressing allegations of misconduct.
- **Community service for criminal defamation:** Shifting from imprisonment to community service for criminal defamation aligns with modern approaches to justice, emphasising rehabilitation and societal contribution over punitive measures.

Myth ×

The extension of police custody from 15 to 90 days in the new criminal laws is a shocking provision that will enable police torture.

Truth ✓

Section 187 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 lays down the procedure when investigation is not completed within 24-hours.

The period of police custody is restricted to 15 days like before. Under BNSS, police custody may be taken in parts or in whole within a period of 40/60 days out of the total period of 60/90 days as applicable.

The court's discretion in granting police custody is retained as earlier.

Further, police custody beyond the first 15 days shall not be an impediment to grant bail to the accused, if he is otherwise eligible for bail.

Myth ✖

Sedition is gone, but appears as “Deshdroh” in Bharatiya Nyaya Sanhita (BNS) 2023.

Truth ✔

The colonial legacy related to the sedition section in the IPC has been removed in the Bharatiya Nyaya Sanhita (BNS) 2023. The new laws enshrine the concept of justice embedded in our Constitution to improve the criminal justice system of the country. The old laws were British legacies which were introduced by the colonial masters to enforce and strengthen their colonial administration in India.

- **Clarity in definitions (BNS Section 152):** Bharatiya Nyaya Sanhita (BNS) 2023 brings clarity by explicitly defining “deshdroh” as actions endangering the “sovereignty, unity, and integrity of India.” This replaces colonial-era language with terminologies more aligned with the democratic interests and identifies such acts as a crime against the country, not the Government.
- **Expanding scope for comprehensive protection (BNS Section 152):** Unlike IPC Section 124A, Bharatiya Nyaya Sanhita (BNS) 2023 Section 152 goes beyond criminalising expressions causing hatred towards the Government. It punishes acts such as armed rebellion, subversive activities, and separatist activities, thus providing a comprehensive approach to protect the nation’s integrity.
- **Inclusion of democratic values:** Bharatiya Nyaya Sanhita (BNS) 2023 introduces the element of ‘intent’ in the definition of treason, allowing for a more nuanced understanding. This inclusion safeguards freedom of speech and expression by distinguishing between deliberate threats to the nation and genuine expressions of opinion.

Myth ✖

Harsh punishment of 10 years of imprisonment with ₹10 lakh fine in hit-and-run cases under the Bharatiya Nyaya Sanhita (BNS)2023.

Truth ✔

To enhance road safety and justice for victims, the new laws introduces intensified penalties to curb the rising incidents of hit-and-run accidents under section 106(1), 106(2) of the Bharatiya Nyaya Sanhita (BNS) 2023.

The law provides gradation of punishment in hit and run cases. The amount of fine being ₹10 lakh is completely false. The enhanced punishment of 10 years is for those who escapes without reporting the hit-and-run case. The offence is still bailable, triable by the Magistrate Court under section 106(1).

The Ministry of Home Affairs, Government of India, has taken note of the concerns raised by truckers regarding the provision of 10 years imprisonment and fines under Section 106 (2) of the Bharatiya Nyaya Sanhita (BNS) 2023.

Following detailed discussions with representatives of the All India Motor Transport Congress, it has been clarified that these new laws and provisions have not been implemented yet. The decision to invoke Section 106(2) will only be taken after consultation with the All India Motor Transport Congress.

Crime Related FAQs

1. What is cognizable Offence?

As per Bharatiya Nagarik Suraksha Sanhita, the offences are divided into two categories; one Cognizable (Section 2(1)(g)) and the other Non-cognizable (Section 2(1)(o)). Police is empowered to register the FIR and investigate only the cognizable offences. Police can arrest an accused involved in cognizable crime without the warrant from the Court.

2. What is Non-cognizable Offence?

The category of offences as per BNSS in which Police can neither register the FIR nor can investigate or effect arrest without the express permission or directions from the court are known as Non-cognizable offences (Section 2(1)(o)). These mostly include minor offences such as abusing each other, minor scuffles without injuries etc.

3. What is First Information Report (FIR)?

As per Section 173 of BNSS, report pertaining to occurrence of a cognizable offence, received at the Police Station is called First Information Report (FIR), popularly known as FIR.

4. What to do if the Police Station refuses to register the FIR?

As per Section 173(4) of BNSS, if the Police Station refuses to register FIR, substance of the information in writing can be sent by post to the SP of the concerned district. He, if satisfied that the information discloses the commission of a cognizable offence, shall get the FIR registered and investigated.

5. What the Police Station does with a complaint pertaining to Non-cognizable offence?

As per Section 174 of BNSS, Police Station is required to record an abstract of such complaint in the General Diary and advise the complainant to file the complaint in the concerned court as police is not empowered to initiate action in such matters without the directions of the court. A copy of the entry made in the General Diary may be provided to the complainant free of cost.

6. Is the complainant entitled to a free copy of the FIR?

Yes, definitely. As per BNSS Section 173(2) it is mandatory on the part of police to provide a copy of the FIR, free of cost to the complainant or the victim.

7. Are any kind of fee or charges to be paid for getting the injured medically examined or for putting up challan in the court?

No, the entire investigation of the case, including the medical examination of the injured and submitting challan in the court, is part of Government duty for which no charges are levied by the govt. If any demand for money is made at any stage of investigation, a complaint should immediately be made to the senior police officers.

8. What is a Bailable offence?

In bailable offences (Section 2(1)(c) of BNSS), the accused can claim bail as a matter of right. Police is supposed to release such an accused on bail if he is prepared to give bail at any time while he is in the custody of a Police Officer.

9. What is a Non-Bailable offence?

In non-bailable offences (Section 2(1)(c) of BNSS), the accused is not entitled to bail as a matter of right. Police invariably does not take bail in such cases and only the Court grants bail. The list of bailable and non-bailable offences is given in the first schedule of the BNSS.

10. Can Police call someone for investigation even if granted anticipatory bail by the court?

Yes, certainly. The court only forbids the arrest but does not prevent police from calling the accused for investigation. Intact, invariably it is one of the conditions of the anticipatory bail that the accused shall make himself available for investigation as and when required by the investigating officer. Refusal to do so may entitle the investigating officer to move the court for cancellation of anticipatory bail. In case the investigating officer finds that a criminal case is made out against an accused granted anticipatory bail by the court, he will not arrest him but will release him on bail, even if the offence is Non-Bailable.

11. Is it an offence to register/lodge false FIR?

Yes. Lodging of a false FIR/complaint is punishable under BNS. Such an informant / complainant can be proceeded against under section 217 of BNS or under section 248 of BNS by the police. Private person against whom false FIR/complaint has been lodged can also file complaint in the court for the offence of defamation.

12. Why Police does not remove encroachments from public lands when complained about it?

Police is not empowered to remove encroachments from public lands under any law. The job of the police is to provide police assistance for maintaining law and order when sought by such agencies.

13. What is preventive arrest?

Police is empowered to arrest a person when it is satisfied that doing so is essential in order to prevent occurrence of a cognizable offence example Sec 126/170 of BNSS. Police can also make preventive arrests under special Laws.

FIR / NC / Complaint / Cognizance Related FAQs

1. What is an F.I.R.?

F.I.R. means First Information Report, made to police, about commission of a cognizable offence, In effect, it amounts to putting law in to motion by giving information relating to the commission of a cognizable offence to an officer in charge of a police station, (which shall be reduced into writing and read over to the informant) and shall be signed by the person giving such information. It is mandatory to give a copy of the first information report (as recorded by police) to the complainant or informant free of cost.

2. How do I lodge F.I.R.?

The informant/ complainant can lodge his complaint at any/nearest police station irrespective of the jurisdiction (Zero- FIR) and report to officer in-charge/ station house officer about commission of a cognizable offence. In case information is given on telephone, the informant / complainant should subsequently go to the police station within 3 days of giving the complaint for registration of F.I.R.

3. What is a cognizable case or What is cognizable offence?

A cognizable case means a case in which a police officer may, in accordance with the First Schedule of BNSS, 2024, or under any other law for the time being in force, arrest without warrant.

4. What is the meaning of the term 'taking cognizance'?

The term 'taking cognizance' has not been defined in Bharatiya Nagarik Suraksha Sanhita. When any Magistrate takes cognizance under Section 210 (1) of BNSS., he must not only have applied his mind to the contents of the petition, but he must have done so for the purpose of proceeding in a particular way as per procedure prescribed in the BNSS., and there after sending the complaint for further enquiry. A magistrate can also order investigations under section 175(3) of BNSS.

5. What is a Non cognizable offence?

Non cognizable offence means in which a police officer has no authority to arrest without warrant.

6. How do I lodge a NC complaint?

Information about such offences is to be given in a similar manner as explained under F.I.R.. The officer in-charge would reduce the complaint in writing (about commission of Non cognizable offence) and give a copy thereof to the complainant

free of cost. No police officer can investigate a non-cognizable case unless he obtains prior permission of a Magistrate having power to try such case.

7. What is meant by a 'complaint'?

Complaint means any allegation made orally or in writing to a Magistrate, with a view to his taking action under the BNSS, that some person (whether known or unknown), has committed an offence.

8. What is meant by public place?

Public place includes (and means) the foreshore, the precincts of every public building or monument, and all place accessible to the public for drawing water, washing or bathing or for the purpose of recreation. { B.P.Act 1951, sec 2(13) }

Arrest / Bail Related FAQs

1. What is an 'Arrest'?

Arrest means the taking, seizing, or detaining of the person of another, either by touching, or putting hands on him, or by any act which indicates an intention to take him into custody, and subjects the person arrested to the actual control and will of the person making the arrest. Chapter V and Section 35 to 62 of BNSS 2024, deals with Arrest of Persons.

- As per section 35 (1) of BNSS, any police officer may, without an order from a Magistrate and without a warrant, arrest any person,
 - who has been concerned in any cognizable offence, or a reasonable complaint has been made, or credible information has been received or a reasonable suspicion exists; or
 - who has in his possession of any implement of house breaking; or
 - who has been proclaimed as an offender or
 - in whose possession anything is found which may reasonably be suspected to be stolen property; or
 - who obstructs a police officer while in the execution of his lawful duty, or who has escaped, or attempts to escape, from lawful custody;
 - Reasonably suspected of being a deserter from any of the Armed Forces.

- As per Section 39 of BNSS., any person who, in the presence of a police officer, has committed or has been accused of committing a non-cognizable offence, refuses on demand of such officer to give his name and residence, can be arrested.
- As per Section 47 of BNSS, person arrested without warrant has to be informed about the grounds of his arrest and about his entitlement regarding bail.
- As per Section 51 of BNSS, when a person is arrested and if there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of an offence, it shall be lawful for a registered medical practitioner, acting at the request of a police officer not below the rank of sub-inspector (and for any person acting in good faith in his aid and his direction), to make such an examination of a person arrested as is reasonably necessary, and to use such force as is reasonably necessary for that purpose.
- When a person of a female is to be examined under this section, the examination shall be made only by, or under the supervision of, a female registered medical practitioner.

As per Section 57 of BNSS, A police officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained

as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case or before the officer in-charge of a police station.

- As per Section 58 of BNSS, No police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 187 of BNSS, exceed 24 hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court.
- As per Section 170 of BNSS., a person can also be arrested to prevent commission of cognizable offences.

2. What is meant by "Bailable / Non-bailable offences"?

1. Under the BNSS (first schedule), offences have been classified as 'bailable' and 'non-bailable' offences.
2. In the case of bailable offences, it is binding upon the investigating officer to grant bail. However, in case of a non-bailable offence, the police cannot grant bail and bail can be granted by a Judicial Magistrate/Judge only.
3. In the case of a non-bailable offence, the Investigating Officer must produce the accused before the Judicial Magistrate / Judge concerned within 24 hours of his arrest. At that time, the accused has a right to apply for bail.

POCSO Related FAQs

Children, being the most vulnerable section of the society, are more susceptible to physical, sexual and psychological abuse. The Government of India has taken a significant initiative to address the issue of sexual offences against children by enacting a special law “The Protection of Children from Sexual Offences Act, 2012 (POCSO Act, 2012)” which provides for stringent punishment to perpetrators.

1. What are the objectives of enacting Protection of Children from Sexual Offences (POCSO) Act, 2012?

The objectives of enacting the POCSO Act, 2012 are to protect the children from various types of sexual offences and to establish Special Court for providing speedy disposal of cases.

2. Who is defined as a child under POCSO Act, 2012?

POCSO Act defines child as any person below 18 years of age. (Section 2)

3. What are the various types of sexual offences under POCSO Act, 2012?

There are five types of sexual offences against children under POCSO Act. These are: penetrative sexual assault; aggravated penetrative sexual assault; sexual assault; aggravated sexual assault; and sexual harassment; (Sections 3, 5, 7, 9 & 11)

4. Whether abetment of an offence or an attempt to commit an offence is punishable?

Yes. Abetment of an offence or an attempt to commit an offence is also punishable under the Act. (Section 16)

5. Whether a person repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means is sexual harassment?

Yes. Repeated or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means is sexual harassment and is punishable under POCSO Act (Section 11).

6. Whether using a child for pornographic purposes is punishable?

Yes. Using a child for pornographic purposes such as representation of the sexual organ of a child, usage of a child engaged in real or stimulated sexual acts, the

indecent or obscene representation of a child is an offence under POCSO Act and is punishable (Section 13).

7. What punishments can be inflicted for the commission or abetment of commission of sexual offences?

i. Penetrative Sexual Assault: Imprisonment of seven years extendable to life imprisonment and fine (Section 4).

ii. Aggravated Penetrative Sexual Assault: Rigorous imprisonment of ten years extendable to life imprisonment and fine (Section 6).

iii. Sexual Assault: Imprisonment of three years extendable to five years and fine (Section 8).

iv. Aggravated Sexual Assault: Imprisonment of five years extendable to seven years and fine (Section 10).

v. Sexual Harassment: Imprisonment up to three years and fine (Section 12).

8. Is sexual offence against a boy covered under the POCSO Act?

Yes, sexual offence against a boy also covered under POCSO Act. The Act does not distinguish between boy and girl.

9. What is CWC?

Child Welfare Committee (CWC), a statutory body under Juvenile Justice (Care and Protection of Children) Act, 2000, is a competent authority to deal with children in need of care and protection (CNCP) and provide for their proper care, treatment, protection, development and rehabilitation.

10. What is a SJPU?

Special Juvenile Police Unit (SJPU) is a statutory body under the Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 consisting of a Juvenile or Child Welfare Officer not below the rank of a Police Inspector and two Social Workers one of whom shall be a woman, who has experience in working with children.

11. What is the role of CWC under POCSO Rule?

The CWC upon receipt of a report from the SJPU or the Local Police regarding sexual offence against a child shall act in accordance with the powers given under the JJ Act, 2000 as amended in 2006.

- i. To determine within three days as to whether a child should be taken out of the custody of his family or shared household and placed in a children's home or shelter home.
- ii. Take into account the opinion or preference of the child along with the best interests of the child while making this determination.
- iii. Provide a support person to assist the child during the investigation and trial of the case with the consent of the child or the child's parent/guardian/other person in whom the child has trust or confidence.

12. Who has been assigned the responsibility of the monitoring of implementation of the POCSO Act?

The responsibility of monitoring the implementation of the POCSO Act has been assigned to the National Commission for Protection of Child Rights (NCPCR) at the national level and the State Commission for Protection of Child Rights (SCPCR) at the State Levels, constituted respectively under section 3 and section 17 of the Commissions for Protection of Child Rights Act, 2005 (Section 44).

13. What is Special Court?

A Special Court is a court to be set up under section 28 of the POCSO Act for providing speedy trial and to try the case in a child friendly atmosphere. To try the offences under POCSO Act, the State Government shall in consultation with the Chief Justice of the High Court designate for each district a Court of Session to be a Special Court (Section 28).

14. What are the roles of Special Court under POCSO Act during the trial?

During the trial the Special Court must take the following measures:

- i. Create a child friendly atmosphere by allowing a family member, a guardian, a friend or a relative in whom the child has trust and confidence, to be present.
- ii. Permits frequent breaks for the child.
- iii. The child is not called repeatedly in the court to testify.
- iv. Aggressive questioning and character assassination of the child are not permitted.
- v. The dignity of the child is maintained.
- vi. The identity of the child is not disclosed (Section 33).

15. What procedure the Special Court will follow during trials of cases?

The Special Court shall try cases in camera in the presence of parents of the child or any other person in who the child has trust or confidence (Section 37).

16. Whether the Special Court can award compensation to the victims?

Yes, the Special Court may award compensation to the victim on its own motion or on an application filed by or on behalf of the victim. The Special Court may also pass an order for interim compensation to meet the immediate needs of the child for relief or rehabilitation (Rule 7).

17. Who shall pay the compensation and within what times the compensation to be paid?

The State Government shall pay the compensation to the victim, within 30 days from the receipt of such order, from the Victims Compensation Fund or any other scheme or fund established by the State Government (Rule 7).

18. If there is an apprehension of commission of an offence under POCSO Act, to whom the matter is to be informed?

If there is any apprehension of the commission of an offence under the POCSO Act, the same may be informed either to the SJPU or Local Police (Section 19).

19. Who can provide information or make complaint?

Any person including the child can inform or make a complaint if there is an apprehension of commission of offence under POCSO Act.

20. What are the responsibilities of SJPU/Local police if the commission or the apprehension of the commission of an offence is informed?

In such case the SJPU or Local Police shall record such information in writing and shall make an entry in the book to be kept by the police. Such information shall also be read over to the informant.

If a child gives such information the same shall be recorded in a simple language understandable to the child (Section 19).

21. What will the SJPU/Local Police do if it is satisfied that the child against whom the offence has been committed is in need of care and protection?

In such case SJPU or the Local Police, shall produce the child before the concerned Child Welfare Committee within 24 hours of receipt of report (Rule 4).

22. Whether there is an obligation on the part of the media, hotel, lodge, hospital and club personnel to report to SJPU or Local Police?

Yes, the media/hotel/lodge/hospital/club personnel have an obligation to report to the SJPU or Local Police if she/he/they come across any material or object which is sexually exploitative of the child (Section 20).

23. Whether a person shall be punished if she/he fails to report the matter to the SJPU or Local Police?

Yes, the POCSO Act, 2012 provides for a punishment for failure to inform the SJPU or Local Police or record a case if she/he/they come across any material or object which is sexually exploitative of the child. Punishment for such failure is either imprisonment up to six months or with fine or both (Section 21).

24. Is there any punishment for making false complaint or providing false information against any person?

Yes. If a person makes a false complaint or provides false information against any other person, she/he shall be punished with imprisonment up to six months or with fine or with both (Section 22).

25. Whether the statement of the child can be recorded in the police station?

No. Under no circumstances the statement of a child can be recorded in the police station.

26. Where shall the statement of the child be recorded?

The statement of the child shall be recorded at his residence or at a place of his choice or at such other place where he ordinarily resides, as far as possible, by a woman' officer not below the rank of a sub inspector. While recording the statement of the child, the police officer shall not be in uniform (Section 24).

27. Can the Magistrate record the statement of the child in the absence of any other person?

No, the Magistrate shall not record the statement of the child in the absence of any other person.

28. How can the statement of the child be recorded by the Magistrate?

The Magistrate shall record the statement of the child in the presence of his/her parents or any other person in whom the child has a trust or confidence. The Magistrate may take the assistance of a qualified and experienced interpreter or translator (Section 25).

29. If the victim is a girl child, whether a male doctor can conduct medical examination of the victim?

No. If the victim is a girl child, a male doctor shall not conduct medical examination of the victim. Such medical examination shall be conducted by a lady doctor in the presence of her parents or any person in whom the child has trust or confidence (Section 27).

30. Is there any time limit for completion of trial in the Special Court?

Yes. The Special Court shall complete the trial within a period of one year from the date of taking cognizance of the offence (Section 35).

31. Is there any special provision for recording of statement of a child who has mental or physical disability?

Yes. The POCSO Act provides for the special provision for recording of evidence of a child who has mental or physical disability. The Magistrate may take the assistance of a special educator or a person familiar with the manner of communication of the child (Section 26).

32. Whether the child has the right to take the assistance of a legal practitioner?

Yes, the child has a right to take the assistance of a legal practitioner. If the parents or guardian of the child is unable to afford a legal counsel, the Legal Services Authority shall provide a lawyer (Section 40).

33. Who has been given the responsibility of making public awareness regarding the provisions of the Act?

The Central and State Governments have been given the responsibility of making public awareness regarding the provisions of the Act through television, radio, print media etc (Section 43).

34. Whether the media has been barred from disclosing the identity of the victim?

Yes. The POCSO Act has barred the media from disclosing the identity of the victim including his/her name, address, family details, photograph, school, neighborhood etc (Section 23).

35. Is there any punishment for disclosing the identity of a victim without the permission of the Special Court?

Yes. If a person discloses the identity of a child, she/he shall be punished with imprisonment up to six months extendable to one year or with fine or with both (Section 23).

36. Whether medical examination of a victim can be conducted without registering the complaint/FIR?

Yes. The medical examination of a victim can be conducted even if the complaint or FIR has not been registered. The medical examination shall be conducted as per section 184 of the Bharatiya Nagarik Suraksha Sanhita, 2024.

37. Whether same procedure will be followed if a child commits any offence under this Act?

No. If a child commits an offence under the POCSO Act she/he shall be punished under the Juvenile Justice (Care and Protection of Children) Act 2000 as Amended in 2006.

38. Is there any time period for recording the evidence of a child in the Special Court?

Yes. The Special Court shall record the evidence of a child within a period of thirty days from the date of taking cognizance of such offence. If a delay is made in recording evidence, such delay shall be recorded in writing (Section 35).

39. On whom the burden of proof lies in the Special Court?

The burden of proof lies with the person against whom a complaint regarding sexual offence is made (Section 29).

40. Against whom a complaint can be made under POCSO Act?

A complaint can be made against a person who commits or like to commit offences under POCSO Act.

Motor Vehicle Act, 1988 (Amended 2019) Related FAQs

1. What do you understand by seizure of your vehicle documents?

This is the process of recording a prima-facie offence by the enforcement agencies for violations of the Motor Vehicle Act and the rules made there under. Seizure List is a document prepared by the enforcement agency for this purpose.

2. Under what circumstances case may be lodged against your vehicle?

Enforcement wing deploys its teams for checking compliance of legal provisions by the vehicle owners / drivers in terms of the Motor Vehicle Act, 1988 and the Rules made there under. You may be stopped by one of these teams. You may be asked to produce the following documents:

1. Driving License.
2. Registration Certificate.
3. Insurance certificate.
4. Pollution under control certificate.
5. Permits (for commercial vehicles only).
6. Certificate of fitness (for commercial vehicles only).
7. Road Tax Receipt.
8. Any other related document.

If you are not carrying the above-mentioned documents or found violating any of the Rules / Regulations, a case may be registered against you and your documents and even the vehicle may also be seized depending upon the violation of sections of the M V Act 1988, The Central Motor Vehicles Rules, 1989, the West Bengal Motor Vehicle Rules 1989, The West Bengal Motor Vehicles Tax Act, 1979 and The West Bengal Additional Tax & One-time Tax on Motor Vehicles Act, 1989.

3. Can your vehicle be seized by the enforcement wing?

Yes. Seizure of vehicle means impounding of a vehicle by the enforcement agencies for offences committed under the Motor Vehicle Act and rules made there under and also for non-payment of taxes. The seized vehicle is released only after all the government dues and custodial fees, if any, are paid.

4. What happens when a case is lodged against your vehicle?

Seizure list will be issued to you containing some of the following details:

- The authority before which you are required to appear.
- Date by which to appear.
- Prima facie details of offences committed.
- Name and address of offender.
- Signature of the seizing officer.
- Details of documents retained.
- Time and place of occurrence, etc.

5. How can you get the case disposed of?

You have two options:

a. BY COMPOUNDING

By appearing and applying in writing before the compounding authority and depositing the notified amount.

b. IN THE COURT

You have the choice for disposal in the Court having jurisdiction.

6. How will you get your impounded documents released?

- i. From the court, if the case is to be disposed of in the court.
- ii. From Compounding Authority / I. O., when the case is compounded.

7. How will you get your impounded vehicle released?

After payment of the fines you will be given a vehicle release order and you will have to approach the custodian with that and pay the custodial fees, wherever necessary, to secure release of the seized vehicle.

Some major Motor Vehicle Offences

OFFENCE IN BRIEF	VIOLATION	PENAL
Without Driving License: Driver	s. 3	s. 181
Without Driving License: Owner	s. 5	s. 180
Without Registration	s. 39	s. 192
Without Certificate of Fitness	s. 56	s. 192
Without Permit	s. 66	s. 192A
Violation Speed Limit	s. 112	s. 184
Overloading of vehicles	s. 113	s. 194
Restriction of use of certain vehicles in certain areas	s. 115	s. 177
Non compliance of Traffic Signs	s. 119	s. 177
Carry more than 1 pillion for 2 wheelers	s. 128	s. 177
Driving Without Helmets	s. 129 / wbr 297	s. 177
Without Insurance	s. 146	s. 196
Disobedience of orders, etc.	x	s. 179
Driving at excessive speed	x	s. 183
Driving dangerously	x	s. 184
Driving when drunk or drugged	x	s. 185
Driving when unfit to drive either mentally or physically	x	s. 186
Racing or trials of speed on public road	x	s. 189
Improper display of Registration number	cr 50	s. 177
Improper size of letters & numerals of registration number	cr 51	s. 177
Auto Emission (Pollution Control norms)	cr 115	s. 190(2)
Without payment of Tax	s. 3	s. 18(7)

The new MV Act, 2019 brought significant changes to the original MV Act, 1988 with higher penalties for many of the offences. Below is a table showcasing the differences in penalties in the old and new MV Act.

VIOLATION	New fine as per MV Act, 2019	Old fine as per MV Act, 1988
Riding or driving without a DL	Rs. 5,000 as penalty and/or community service	Rs. 500
Riding or driving without vehicle registration	First offence: Rs. 5,000 - Second offence: Rs. 10,000	-
Riding or driving when intoxicated	First offence: Rs. 10,000 and/or imprisonment of 6 months - Second offence: Rs. 15,000 and/or imprisonment of 2 years	Rs. 2,000
Racing or speeding	First offence: Rs. 5,000 and/or imprisonment of 3 months - Second offence: Rs. 10,000 and/or imprisonment up to 1 year or community service	Rs. 500
Overspeeding	Light Motor Vehicle (LMV): Rs. 2,000 - Medium/Heavy Passenger Vehicle: Rs. 2,000 to Rs. 4,000 along with licence seizure	Rs. 400
Riding or driving without insurance	First offence: Rs. 2,000 and/or imprisonment of 3 months and/or community service - Second offence: Rs. 4,000 and/or imprisonment of 3 months and/or community service	Rs. 1,000
Not wearing a seatbelt while driving	Rs. 1,000 and the possibility of community service	Rs. 100
Not wearing a helmet while riding (rider and pillion)	Rs. 1,000 and/or licence disqualification and the possibility of 3 months of community service	Rs. 100
Road regulation violations	Rs. 500 to Rs. 1,000	Rs. 100
Using a mobile phone while riding or driving	Rs. 5,000	Rs. 1,000

Dangerous riding or driving	First offence: Rs. 1,000 to Rs. 5,000 and/or imprisonment of 6 months to 12 months and the possibility of licence seizure - Second offence: Rs. 10,000 and/or imprisonment of 2 years and the possibility of licence seizure	Rs. 100 to Rs. 300
Overloading a two-wheeler	Rs. 2000, licence disqualification and the possibility of community service for 3 months	Rs. 100
Riding or driving even after disqualification	Rs. 10,000 and the possibility of community service	Rs. 500
Not obeying orders given by authorities	Rs. 2,000	Rs. 500
Oversized vehicle	Rs. 5,000 to Rs. 10,000 and the possibility of community service	-
Blowing horn in a silent zone	First offence: Rs. 2,000 - Second offence: Rs. 4,000	-
Overloading a heavy goods vehicle	Rs. 20,000 and Rs. 2,000 per extra tonne and the possibility of community service	Rs. 2,000 and Rs. 1,000 per extra tonne
An enforcing authority committing an offence	Double the penalty (depends on the type of traffic violation)	-
Juvenile violations	Rs. 25,000 and/or imprisonment up to 3 years for vehicle owners or guardians. Juvenile can't get a DL until the age of 25 years	-
Not letting emergency vehicles pass, such as fire engines, ambulances, etc.	Rs. 10,000, and the possibility of community service	Rs. 500

Inner Line Permit Chungchang FAQs

1. ILP hi eng nge? Khawi state-ah nge hman a nih?

ILP chu Inner Line Permit tihna a ni a. Mizoram khua leh tui nihna nei lo, in leh lo ram nei lo hnam dang (non-tribal/ non- Mizo indigenous resident) Mizoram chhungah hnathawka a awm dawnin pek thin a ni. Entirnan, cement work, shop helper, collecting Betelnut, WRC Work, etc. hnathawk tura Mizoram rawn luh tum hnam dangin ILP hi an neih a ngai.

2. ILP nei turin fee pek ngai a awm em?

ILP nei turin heng fee hi pek a ngai. A rate hi kum 2020-a Mizoram sawrkar Home Department tihchhuah a ni.

i. Application form fee	Rs 150
ii. Temporary ILP (7 days validity)	Rs 150
iii. Regular ILP (6 Months validity)	Rs 2000
iv. 2 Years ILP validity	Rs 20000
v. Temporary Stay Permit (30 days)	Rs 200
vi. Security deposit at call for regular ILP	Rs 2000
vii. Security deposit at call for 2 years ILP	Rs 20000

3. Mizoram lut tur hnam dangin eng ILP nge neih ngai? Engtia dil tur nge?

Hnam dang (non-tribal/ non- Mizo) Mizoram lut tur chu Mizoram luh dawna Check point, Kanhmun, Bairabi, Lengpui leh Vairengte-ah te a lo luh veleh ni 7 chhung atan Temporary ILP a lak a ngai a, Mizoramah eng vang pawha a cham chhunzawm duh a nih chuan hun tiam (7 days validity) ral hmain a awmna district-a DC Office atangin Regular ILP a siam ngei tur a ni.

4. ILP dil nan eng document nge ngai?

ILP dil tura document ngai chu heng hi a ni:-

- a. Voter ID Card Xerox Copy –1 (attested)
- b. Passport Size Photo copy - 4

c. Line Pass (Kanhmun/Bairabi/Vairengte/Lengpui Airport atanga pekchhuah)

Tin, sponsor-tu document - Voter ID Card xerox copy 1 (attested) leh Passport size photo - 4 thehluh a ngai bawk.

5. Tunge ILP sponsor thei? Mi pakhatin mi engzatnge a sponsor theih? Fee pek ngai engzat nge?

Hnam dang (non-tribal/ non- Mizo) te chu a chhawrtu tur dik tak khawtual mi(local person) in a sponsor thei a, mi pakhatin mi sawm (10) thleng sponsor theih a ni. Fee pek ngai zat chu Sl. No 2-ah tarlan a ni.

6. ILP hi engtianga rei nge a dam? Renew theih a ni em? Engtianga renew tur nge?

ILP chi hrang hrang dam rei zawng hetiang hi a ni.

1. Temporary ILP ni 7 (sarih)

2. Regular ILP hi kum khat leh a chanve chung a dam a, thlaruk ral hmain renew theih a ni. Regular ILP 6 month validity hi tum hnih thlaruk danah renew theih a ni.

7. Hnam dang tute nge Mizoramah ILP nei lova khawsa thei?

Heng mite hi ILP nei lovin Mizoramah an khawsa thei:

a) Sawrkar hnathawk Officer.

b) Mizo District (Mizoram State ni ta) a khua leh tui/ indigenous.

c) Mizoram mi leh sa ni lo, Mizo pasal nei.

d) Security force mi leh sa, leh an chhungte Mizorama an thawh chhungin.

e) State leh Central sawrkara regular leh permanent-a thawkte bakah an chhungte Mizorama an thawh chhungin.

f) State leh Central sawrkara thawk pension tawh, Mizoram mi leh sa nupui pasala nei a, Mizorama cheng nghet bakah a chhungte.

g) Govt Advocate leh Defence panel a sawrkar advocate bakah an chhungte Mizorama an thawh chhungin.

h) Sawrkar undertaking leh corporation a regular leh permanent-a thawk bakah an chhungte, Mizorama an thawh chhungin

i) Mimal leh group emaw, sawrkar undertaking-in sawrkar thil pawimawh bik ti tura a sawm. Sponsor-tu department hian home Department atangin

Exemption Certificate an lak a ngai thung.

8. Mizoram hun rei lote chhung cham turin Temporary ILP a neih theih em? Engtia dil tur nge? Fee engzatnge ngai?

Mizorama hun rei lote chhung cham turin Temporary ILP 7 Days Validity neih hi a tawk a, hemi huam chin bak an cham chhunzawm zel dawn a nih chuan an awmna District-a DC office-ah renew dil tur a ni. Hun rei lote chhung cham tur tan chuan Mizoram an rawn luh tirha check point an paltlang remchang ber Office-ah (Kanhmun /Bairabi/ Vairengte/Lengpui Airport) Temporary ILP lak tur a ni. Fee ngai zat hi Rs150 a ni.

9. ILP Sponsor-tuin dan dik lo hmangin hnam dang sponsor se, a chungah eng hremna nge lek theih?

ILP Sponsor-tu reng rengin BEFR Act, 1873, chu chu kum 1930 a siam that tak emaw, dan ding lai a bawhchhiat emaw, ILP kaihnawihah thudik lo(wrong information) a hriattir emaw chuan hrem theih a ni a, hnam dang a sponsor mi pakhat zelah Rs 1000 atanga Rs 2000 thleng chawitir theih a ni.

10. Hnam dang a ILP thi tawh, Mizorama la khawsa zui zel awm se, a chungah hremna lekkawh theih a ni em?

Eng vang pawha hnam dang (non-tribal/ non- Mizo) Mizoram chhungah a awm chuan ILP nung/dam (Valid) a nei ngei ngei tur a ni a, chu chu a nei lo a nih chuan man theih a ni a, Law & Judicial Department hriatpuina leh hmalaknain a awmna nghet state-ah thawn haw tur a ni. Hemi atana/thawn hawna senso leh fine dang zawng zawng pawh aman a chawi vek tur a ni.