

Regarding amendment of Section 35(3) of Bhartiya Nagarik Suraksha Sanhita-laid

SHRI RAMASAHAYAM RAGHURAM REDDY (KHAMMAM): I wish to draw the attention of the Government to Section 35(3) of the Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023, which mandates that police must issue a pre-arrest notice in all cognizable offences punishable up to 7 years, including serious non-bailable cases like Section 498A under IPC. This provision, though intended to prevent misuse, is resulting in injustice to genuine victims, especially women and children. It allows the accused time to threaten victims, destroy evidence, and evade arrest. Even after the 14-day preliminary inquiry under Section 173(3), no immediate action is taken, denying timely protection to victims of domestic violence, dowry harassment, and cyber crimes. The Supreme Court in *Arnesh Kumar v. State of Bihar* cautioned against automatic arrests, but never intended blanket immunity for offenders. I urge the Government to amend Section 35(3) to: 1. Exclude cases involving women, children, and public safety. 2. Allow police to produce the accused before a Magistrate without delay. 3. Permit notice to be served immediately upon complaint in such cases. Justice delayed is justice denied. This amendment is vital to protect victims and uphold rule of law.