



Impact Of Bhartiya Nagrik Suraksha Sanhita (BNSS) On Police Procedures And Investigations

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Introduction

Towards the end of 2023, the Indian government took a daring initiative to reform the criminal justice process by proposing the Bhartiya Nagrik Suraksha Sanhita (BNSS), a new law to replace the colonial-aged Draft Code of Criminal Procedure (CrPC), 1973. This landmark legislation reform is a turning point in criminal investigation and police procedures in India. The BNSS aims to reorient the Criminal Procedure with the constitutional goals of justice, fairness, disclosure, and efficiency to the extent that such can be achieved in light of the historical legacy that the CrPC holds insofar as it was used as an instrument for colonial control and dominion over the State. This transformation is at the heart of criminal investigations, with police being the primary executing agency. The BNSS at 20: Exploring the Effects of the BNSS on Police Processes and Investigative Practices of Modernisation, Accountability, Digitisation and Victim-Centric Reforms [The 21st Anniversary of the BNSS Special Collection]

Towards Modern Policing: A Digital Leap

A second area of transformational impact via the BNSS is its use of a fixed time frame within which investigations are to be completed. The BNSS requires investigations to be completed within ninety days for offences punishable with less than seven years and within one hundred and eighty days for serious offences, unlike the CrPC under which flexible timelines led to delay and pendency. This reform creates a sense of urgency and discipline in police investigations that must be (but too often are not) taken seriously and carried out with efficiency.

Moreover, judicial supervision during investigations has been made more pronounced. This will be supported by a new requirement for police officers to give regular updates to the magistrate on the progress of the cases. It helps prevent negligent investigations or investigations carried out for political purposes to be rendered as a mere formality — and adds much-needed accountability to the process. It also prescribes timelines within which cases should be initiated and completed in a court of law, so that police delays do not result in prolonged court proceedings. Collectively, these provisions point towards movement from a rather lax system to more efficient and agile justice delivery system.

Reforming Arrest Procedures and Preventing Misuse of Power

One of the most powerful weapon in police hands is the power to arrest which has also been most misused. Previous regime was notorious for preventive and random arrests especially in petty cases to intimidate or harass individuals. The BNSS identifies this fault and sets out specific guidelines to arrest. In offences punishable with less than three years' imprisonment, it requires that the police: "write down detailed reasons justifying the necessity of arrest." The police have been instructed to provide a notice of appearance, instead of making an arrest, when there is not a need to do so.

That means using less of a system based upon control — and more based upon civil liberties and due process. Sanhita also stipulates periodic medical examination of arrested persons and lays down the guidelines for the monitoring of physical and mental health of the persons in custody. Such measures not only protect the rights of the accused, but also protect the police from the shadow of custodial violence and misconduct. Hence, not just the discretion, but also the validity of arrests are now exposed to judicial and procedural scrutiny, enabling a landmark evolution of criminal jurisprudence.

Promoting Scientific and Forensic Investigations

Indian policing has faced age-old criticism regarding its excessive dependence on confessions/custodial statements and subjective evidence. The BNSS rightly advocates a massive swing towards scientific and forensic investigation in response to this. If it is an indictable offence punishable by seven years or more, a forensic examination is a requirement. This comprises not only DNA evidence, fingerprints, ballistics, and other types of physical evidence, but also any statistics or other scientific basis for proof of crime.

It is impossible to overstate the significance of this change. The BNSS aims to remove human error, bias and coercion from the black box of human investigation by bringing forensic science from the periphery into the center of the process. This dependance on scientific proof is likely to increase the amount of convictions and decrease the amount wrongful prosecutions. It also encourages professionalism in the police, which needs to train officers to handle evidence, coordinate with laboratories, and use new technologies.

Victim-Centric Reforms in Policing

A prominent but under acknowledged aspect of the BNSS is its emphasis on victims' rights — as very little attention was paid to victims' rights in the CrPC. The Sanhita guarantees that victims stay informed about the investigations and are given the opportunity to be meaningfully involved in the process of criminal justice. Keeping victims informed and feeling in the loop and supported, especially in sensitive crimes such as sexual offences or domestic violence, often leaves further truths and allegations to be figured out and processed by if not insensitive then procedural police who may alienate the victim further. The BNSS aims to fill that gap by placing the rights of these people on the "same footing" in law and ensuring that police officers treat them with compassion and professionalism.

And, the police now have to conceal the identity of victims and witnesses, especially in cases pertaining to women, children and sections, where she has to be identified. Even victims statement can be recorded via video conferencing which is good as the uncomfortable one does not want to appear in court or even police station against the accused to say their part. Not only these provisions help in reporting of the crimes, but they also ensures that the victims do not back out from the cases due to fear and social pressure. These reforms, combined together, enable the BNSS to adopt a more humane and inclusive mode of policing.

Checks, Oversight and Professionalisation of Police Work

Under the BNSS, police departments are provided with different tools that boost transparency while also holding them to a higher standard of ethics. Apart from judicial scrutiny, the investigating officers are expected to closely collaborate with public prosecutors right from the beginning of the investigation. This assures that chargesheets are drafted legally tight and that evidence is gathered timely and legally to be prosecutable. But this also alleviates friction between the investigative and prosecutorial arms, thereby facilitating better functioning of the criminal justice system as a whole.

The Sanhita also promotes the use of digital logs, video recording and audit trails for every step of the investigation to strengthen accountability. These are digital files which can be examined in courts to determine if the police acted according to the prescription of law. This both increases police legitimacy, but also protects against political meddling, and departmental corruption. Likewise, a changing skillset necessitated by modern tools and new victim- and service-oriented roles suggest that training and sensitisation programs will likely become a constant feature of police service.

Challenges in Implementation

The BNSS lays out a high-level vision but it is the implementation of the BNSS which will determine its success. There's inadequate digital infrastructure, such as computers, forensic labs and internet connectivity -- especially at rural police stations. Without proper funding and logistical backing, though, digitisation and will remain goals on paper rather than scientific police work. Likewise, it is an enormous institutional capacity building exercise to train police personnel to work within the new legal and technological standards.

The second challenge is to change the culture of policing in India. The police is so deep-rooted in the colonial mindset of the citizenry being a subject rather than a stakeholder. The shift to a rights-based and victim-focused model of investigation will of course need capacity-building and training, but also policy leadership, legal reforms, and civil society involvement. Third, the fear of misuse of new power particularly of tracking search and digital access should be covered with robust and powerful data protection laws and autonomous bodies to monitor.

Conclusion

The *Bhartiya Nagrik Suraksha Sanhita, 2023*, is a historic opportunity to redefine the relationship between the police and the public. By incorporating modern technology, time-bound procedures, scientific investigation methods, and a focus on victims' rights, the Sanhita marks a decisive move towards a more just and efficient criminal justice system. It brings accountability and transparency to police procedures while promoting professionalism and respect for human dignity.

Yet, the transformation envisioned by the BNSS cannot be achieved through legislation alone. It requires investment in infrastructure, training of personnel, and the active participation of stakeholders across the legal, administrative, and civil society spectrum. Only then can the full potential of the BNSS be realised, ensuring that police investigations in India become instruments of justice rather than oppression. As the country steps into a new legal era, the police must not merely enforce the law—they must embody its principles.