
NEW ACT 'BHARATIYA NAGARIK SURAKSHA SANHITA, 2023 (BNSS)' IN CONTEXT OF POLICE POWERS

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Bharatiya Nagrik Suraksha Sanhita (BNSS) of 2023 replaces the Code of Criminal Procedure of 1973, marking a watershed moment in India's criminal justice system. It targets public safety and order. It emphasizes the importance of technology in monitoring and preventing crimes against women, such as the deployment of surveillance and emergency response systems. BNSS changes arrest processes and detention policies with the goal of increasing openness, accountability, and protecting individual freedoms. It redefines India's arrest processes with an emphasis on increasing openness, accountability, and protecting individual rights. It seeks to modernize and streamline the arrest process by addressing long-standing concerns such as wrongful detention, a lack of court control, and the misuse of arrest authorities.

Section 173(1) of the BNSS allows a police officer to get information about cognizable offenses using electronic means. The police report or chargesheet can be given online before the Magistrate. Audio-video techniques can be utilized to record and examine witness statements. Furthermore, such technology may be utilized to ensure the appearance of the accused in court. Section 64(2) of the BNSS enables the serving of summons carrying the court's seal by electronic means within State Government norms. To encourage improved record-keeping, Section 64 requires police stations and courts to preserve a register that includes the person issued with summonses' address, email address, and phone number.

BNSS 2023 is intended to replace the CrPC by implementing a more efficient and simplified legal process. This new code removes 30 current CrPC provisions and adds 45 new ones, increasing the total number of sections in the BNSS to 531. BNSS aims to expedite the judicial process by addressing concerns such as case backlogs, poor conviction rates, the need for technology integration, and delays in justice delivery. The primary goal of the BNSS is to safeguard persons against procedural abuse by filling inadequacies in the present criminal justice system.

BNSS offers fundamental improvements to the criminal investigative process, with the goal of improving efficiency, accountability, and fairness in the treatment of both victims and accused individuals. Major modifications have been implemented in police search operations under Section 185 of the BNSS. It is urged that police personnel document the grounds for the search in the 'case notebook' and also create video and audio records of the procedure. The aim for this provision is to create an open and accountable procedure to guarantee that police searches are conducted for legitimate reasons and without abuse of authority. Aside from this, the BNSS

requires that copies of records created during the search be forwarded to the nearest Magistrate within 48 hours after the search. The application in this respect is insufficient under Section 165 of the CrPC. The time gap in this case guarantees that thorough scrutiny occurs and that the Magistrate is kept aware of the police's activities in order to maintain accountability, as well as the rights of the individual being searched.

Section 193(8) requires the investigating police officer to give copies of the chargesheet and other related documents to the Magistrate and the accused within a reasonable period. The introduction of computerized ways for filing reports has made the procedure much easier, quicker, and more accessible. In addition, BNSS adds a provision under Section 193(9) requiring additional investigation to be completed within 90 days after filing the chargesheet. This clause aims to shorten judicial delays and strengthen the accountability of law enforcement authorities.

Section 187 BNSS establishes a maximum duration of 15 days for obtaining police custody. This clause permits police officers to request detention in parts during the first 40 or 60 days of custody while still giving flexibility; this will avoid extended detentions without proper court scrutiny. Section 480 ensures the protection of the accused's rights by stating that a necessity for further police detention lasting more than 15 days cannot be used as a legal reason to refuse bail.

Section 172 of the BNSS offers police officers additional authority to hold or send away rebellious elements who defy or reject police orders. In minor instances, the individual may be freed within 24 hours, but the section authorizes the police to maintain and enforce discipline throughout investigations. Giving police the authority to hold troublesome individuals who intend to disrupt the investigative process allows law enforcement to act quickly to ensure public safety.

The BNSS provisions offer significant modifications to criminal investigative systems. Specific measures in the discussion provide improved openness, accountability, and justice, while also protecting the rights of victims, public officials, and accused individuals. The purpose of the modernization process is to ensure that investigating agencies' power does not forfeit efficiency in order to preserve individual rights. This highlights the BNSS's advancement in the growth of India's criminal justice system, stressing fairness, due process, and the use of new technology to help in the investigative process.

Though BNSS modernizes India's criminal system and strengthens police authority, but its successful implementation confronts several hurdles. First, technological and infrastructure limits impede compliance with regulations like as electronic FIRs, digital evidence collecting, and video-recorded interrogations, particularly in rural regions with little resources. Second, many BNSS elements, such as preventative detention and search powers, are ambiguously written, potentially allowing for discretionary misuse and needing judicial clarification. Third, police officers need considerable training to adapt to procedural changes and digital workflows; nevertheless, capacity-building initiatives are insufficient. Institutional opposition inhibits the implementation of new



procedures, since officers used to the CrPC may be hesitant to follow BNSS regulations. Fourth, while the Act establishes accountability measures such as mandated documenting of arrests and searches, monitoring organizations frequently lack resources and power, limiting the actual implementation of these protections. Fifth, public trust in law enforcement is critical for collaboration; but, worries about the possible misuse of enhanced powers, particularly in preventative detention and monitoring, can weaken trust. Sixth, judicial delays and differing interpretations of BNSS regulations may result in inconsistent enforcement, while inadequate budget allocation for infrastructure and staff impedes successful implementation. Addressing these difficulties would need concerted reforms such as infrastructural enhancements, thorough training, increased monitoring, and public participation. Ensuring that these measures achieve the BNSS's goal of combining effective enforcement with people's rights and constitutional guarantees.

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is a significant step forward in India's criminal justice system by codifying police authority while emphasizing citizen rights and procedural protections. While BNSS adheres to international standards such as the UN Guidelines on the Role of Police, the European Convention on Human Rights, and the UK Police and Criminal Evidence Act 1984, there are still gaps in judicial oversight, technological infrastructure, public engagement, and protection of vulnerable groups. Addressing these gaps via capacity building, digital integration, increased accountability, and citizen involvement is critical to ensuring effective and transparent law enforcement. Finally, BNSS offers a framework for contemporary, rights-compliant law enforcement in India. With careful execution and changes, it is possible to build a balanced framework that promotes efficiency, accountability, and public confidence, establishing a standard for police in a democratic society. BNSS is an essential step in improving India's criminal justice system. Its efforts to strengthen and defend citizen rights through rules for transparency and redressal can assist form an accountable, just, and responsive system. The use of BNSS concepts of law enforcement fairness, equity, and respect for human rights has the potential to transform India's conception and delivery of criminal justice.