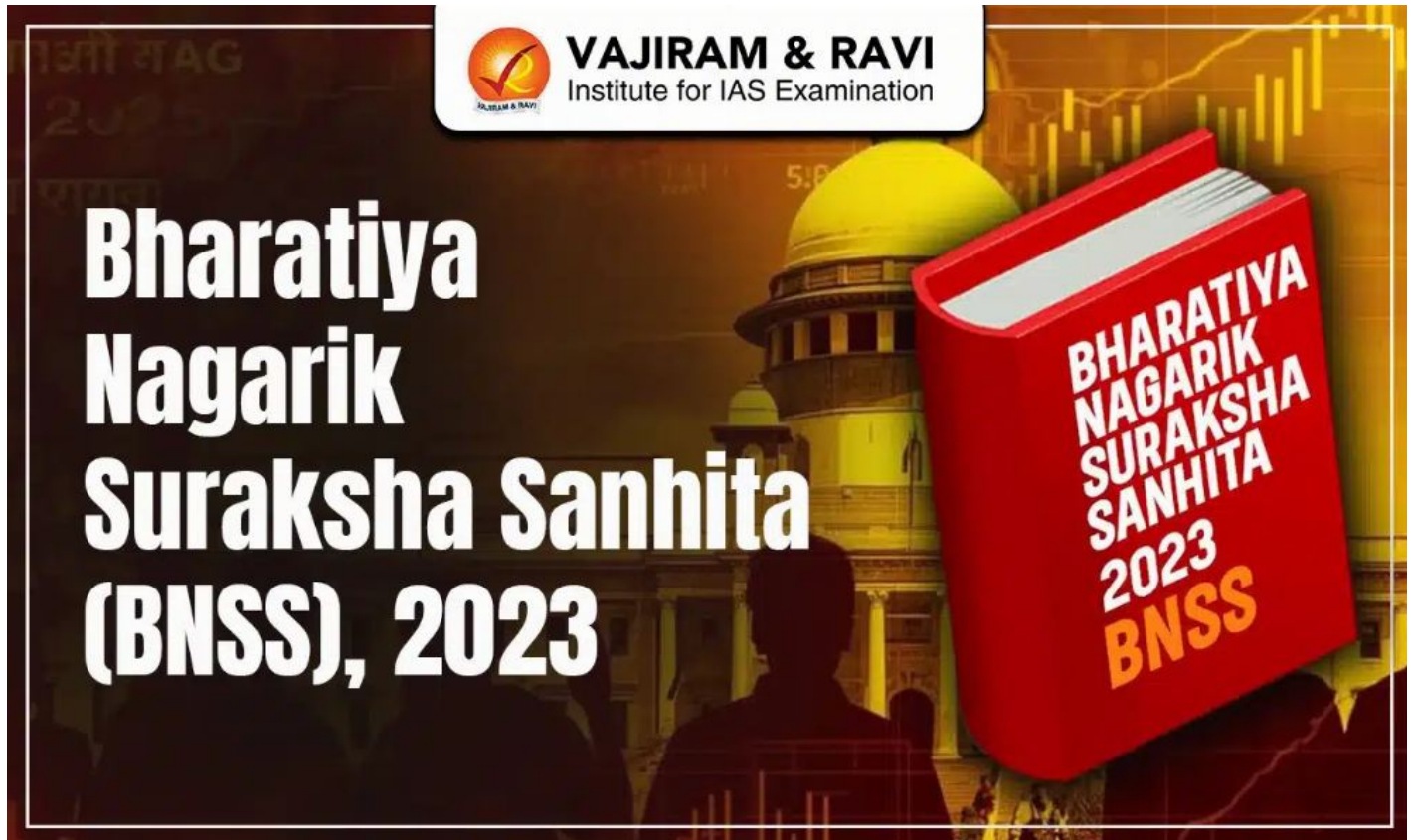


# **Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, Objectives, Provisions**

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The **Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023** is one of India's three new criminal laws that replaced the old colonial-era legislation. BNSS substitutes the **Code of Criminal Procedure (CrPC), 1973** and aims to modernize India's criminal justice system by introducing technology-driven processes, faster investigation, victim-centric mechanisms, and time-bound justice.

It came into force alongside the **Bharatiya Nyaya Sanhita (BNS), 2023** and the **Bharatiya Sakshya Adhinyam (BSA), 2023**.

## **Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 Background**

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 was introduced to replace the old CrPC, 1973, which was outdated and slow. The old law caused delays in investigations and court trials. BNSS aims to make the criminal justice system faster, simpler, and more transparent. It also focuses on protecting victims and ensuring better accountability of the police. Overall, it is designed to make justice more accessible and citizen-friendly.

# Code of Criminal Procedures CrPC, 1973 and Need for Reform

The Code of Criminal Procedures CrPC, 1973 provided the primary framework for procedure in criminal cases. While effective in its time, several challenges emerged:

## Why CrPC Needed Reforms?

- CrPC, 1973 was rooted in the colonial **CrPC 1898**, designed for control, not citizen-centric justice, even after 75 years of independence.
- Over **3.2 crore criminal cases** were pending in courts (NCRB 2022), with nearly **75%** being criminal cases, showing severe procedural delays.
- **77% of India's prison population are undertrials**, one of the highest globally, mainly due to slow investigations and trials under CrPC.
- Low conviction rates persisted: **57% overall**, but only **27% in rape cases** and **44% in murder cases**, reflecting weak procedural support for evidence and investigation.
- Cybercrimes rose by **24.4% in 2022**, but CrPC lacked strong provisions for digital evidence, online offences, and modern crime patterns.
- Over **50% of witnesses** turned hostile in serious cases, but CrPC had no comprehensive witness protection or digital recording norms.
- Police often took **60+ days** for investigations in major IPC offences due to absence of strict timelines and technology-based procedures.

## Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 Objectives

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 aims to modernize India's criminal justice system by making investigations faster, transparent, and technology-driven.

- To finish investigations and trials **faster** with fixed timelines.
- To allow **online processes** like e-FIR and digital records.
- To make **forensic tests compulsory** in serious crimes.
- To give **more rights and support to victims**.
- To ensure **police follow rules properly** with video recordings and documentation.
- To reduce **court delays and case backlog**.
- To make the justice system more **transparent, modern, and fair**.

## Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 Salient Provisions

The BNSS, 2023 introduces major changes in criminal procedures to make investigations faster, transparent, and technology-based. It focuses on digital evidence, time-bound processes, police accountability, and stronger support for victims.

- **E-FIR Facility:** Citizens can file FIRs online for many cognizable offences.
- **Zero FIR:** FIR can be registered at any police station, regardless of jurisdiction.

- **Mandatory Audio-Visual Recording:** Search, seizure, arrest, and witness statements must be recorded on camera.
- **Time-Bound Investigation:** Police must complete investigations within **180 days**, with limited extensions.
- **Time-Bound Judgments:** Courts should deliver judgments within **30 days** after the conclusion of arguments.
- **Mandatory Forensic Examination:** For crimes with a punishment of **7 years or more**, forensic tests are compulsory.
- **Community Service:** Introduced as a new form of punishment for minor offences.
- **Digital Case Records:** Chargesheets, evidence, and case files can be stored and shared electronically.
- **Trials in Absentia:** Courts can conduct trials even when a proclaimed offender is not present.
- **Extended Police Custody:** Police custody can be taken in parts up to **60 days** for serious crimes.
- **Victim Rights Strengthened:** Victims will receive regular updates on case progress and support services.
- **Witness Protection:** Encourages video recording and better measures to prevent witness intimidation.
- **Use of Technology in Courts:** Virtual hearings, online summons, and digital signatures are encouraged.
- **Public Order Measures:** Updates preventive actions like detention, surveillance, and crowd management.

## Difference Between CrPC and BNSS

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 was introduced to modernize and simplify the outdated CrPC, 1973. It focuses on faster trials, technology-driven processes, victim protection, and better police accountability.

| Difference Between CrPC and BNSS |                                             |                                                                   |
|----------------------------------|---------------------------------------------|-------------------------------------------------------------------|
| Feature                          | CrPC, 1973                                  | BNSS, 2023                                                        |
| Type of Law                      | Procedural law based on colonial-era system | Modern procedural law with citizen-friendly approach              |
| Focus                            | Police and state control                    | Citizen protection, speed, and transparency                       |
| Investigation                    | No fixed timelines                          | Investigations must be completed within 180 days                  |
| Evidence                         | Traditional paper-based                     | Digital records, audio-visual recording, forensic tests mandatory |
| Victim Rights                    | Limited provisions                          | Strong victim protection, updates, and compensation               |
| Trial Process                    | Can be slow and delayed                     | Time-bound trials, trials in absentia allowed                     |
| Police Accountability            | Minimal accountability                      | Mandatory documentation, video recording, tech use                |

|                |         |                                                        |
|----------------|---------|--------------------------------------------------------|
| Technology Use | Limited | E-FIR, digital chargesheets, online hearings supported |
|----------------|---------|--------------------------------------------------------|

## Comparison of BNSS, BNS & BSA (Three New Criminal Laws)

The three new criminal laws: Bharatiya Nagarik Suraksha Sanhita (BNSS, 2023), Bharatiya Nyaya Sanhita (BNS, 2023), and Bharatiya Sakshya Adhinyam (BSA, 2023) have replaced old colonial-era laws like CrPC, IPC, and the Indian Evidence Act. The detailed comparison is shared below.

| Comparison of BNSS, BNS & BSA (Three New Criminal Laws) |                                                           |                                                                   |                                                            |
|---------------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------|
| Feature                                                 | BNSS, 2023                                                | BNS, 2023                                                         | BSA, 2023                                                  |
| Replaces                                                | CrPC, 1973                                                | IPC, 1860                                                         | Indian Evidence Act, 1872                                  |
| Type of Law                                             | Procedural law                                            | Substantive criminal law                                          | Law on evidence                                            |
| Focus                                                   | Criminal procedure, investigation, trials                 | Defining crimes and punishments                                   | Admissibility and management of evidence                   |
| Key Features                                            | E-FIR, time-bound trials, digital evidence, victim rights | New definitions of crimes, updated punishments, community service | Digital evidence, witness testimony, modern evidence rules |
| Objective                                               | Faster, transparent, citizen-friendly justice             | Modernize offences and penalties                                  | Strengthen proof and trial processes                       |
| Use of Technology                                       | High – e-FIR, digital chargesheets, virtual hearings      | Medium – legal definitions updated                                | High – digital evidence and recording accepted             |
| Victim Rights                                           | Strongly protected, updates on cases                      | Indirect – through punishments and compensation                   | Indirect – ensures evidence supports victim claims         |

## Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 Issues

- Some provisions give **broader police powers**, raising concerns about misuse, especially since India has **195 police personnel per 1 lakh population** (BPRD 2022), below UN standard.
- Terms like “reasonable grounds” are **vague**, which may lead to **subjective interpretation** by officials.
- **Implementation challenges** exist as over **70% of police stations in rural India** lack proper digital infrastructure (MHA Report 2022).

- States may resist due to **administrative differences** and lack of trained staff for new procedures.
- High reliance on digital records raises **privacy and cybersecurity concerns**, as India still lacks a uniform data protection framework.
- **Training gaps** are significant: less than **30% of police personnel** have formal digital investigation training (NCRB 2022).
- Low **public awareness** may limit citizen use of e-FIRs and digital case tracking.
- Overemphasis on technology without human oversight may lead to errors in investigations.
- Additional documentation and digital compliance could **increase police workload** in already stretched departments.

## Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 Way Forward

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 can be effective if digital tools, proper training, and citizen awareness are strengthened.

- Improve **digital tools and internet access** in all police stations.
- Give proper **training to police, lawyers, and judges** on the new law.
- Make sure **police follow rules properly** to prevent misuse of power.
- Protect **citizens' data** and keep digital records safe.
- Provide **help and updates to victims** during investigation and trial.
- Increase **awareness among people** about e-FIRs and their rights.
- Ensure **the law is applied the same way** in all states.
- Use **technology along with human checks** to make investigations fair and accurate.

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