



## Bharatiya Nagarik Suraksha Sanhita, 2023

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# BHARATIYA NAGARIK SURAKSHA SANHITA (BNSS), 2023

BNSS replaces CrPC 1973 and consists of 531 sections with 177 sections revised, 9 new sections added, and 14 sections repealed.



## Key Provisions

- ↳ **Hierarchy of Courts:** Eliminated distinction and role of Metropolitan Magistrates
- ↳ **Mandated Use of Electronic Mode:** At stages of investigation, inquiry, and trial
- ↳ **Detention of Undertrials:** Restriction on release on personal bond for accused persons (a) charged with life imprisonment or (b) facing multiple proceedings
- ↳ **Alternative to Arrest:** An accused doesn't have to be arrested; instead, the police can take a security bond for their appearance before a Judicial Magistrate
- ↳ **Community Service Defined:** 'Work which the Court may order a convict to perform as a form of punishment that benefits the community, for which he shall not be entitled to any remuneration'
- ↳ **Substitution of Terminology:** "Mental illness" replaced by "unsoundness of mind" in majority of provisions
- ↳ **Documentation Protocols:** Searches with/without warrants require mandatory audio-video documentation with recorded material promptly submitted to Magistrate
- ↳ **Timelines for Procedures:** Prescribes timelines for various procedures
  - E.g. Issuing verdict within 30 days post-argument
- ↳ **Medical Examination:** Can be requested by any police officer in certain cases
- ↳ **Sample Collection:** Magistrate can compel individuals to submit signature specimens, handwriting samples etc. even if they haven't been arrested
- ↳ **Forensic Investigation:** Mandated for offences punishable with  $\geq 7$  years of imprisonment
- ↳ **New Procedures w.r.t. FIR Registration:**
  - After filing a **Zero FIR**, relevant police station must transfer it to the jurisdictionally appropriate station for further investigation
  - **FIRs can be electronically registered**, and the information will be officially recorded upon the person's signature within 3 days
- ↳ **Rights of Victim/Informant:**
  - Police after filing charge sheet obligated to supply police report and other documents to victim
  - Witness protection scheme to be laid down by State Governments



## Key Issues

- ↳ **Permitted 15 days of police custody** within initial 40 or 60 days
- ↳ **Doesn't mandate investigating officer to provide reasons** when seeking police custody
- ↳ **Allows use of handcuffs during arrests**, contradicting SC rulings and NHRC guidelines
- ↳ Scope of **mandatory bail limited** in case of multiple charges
- ↳ **Limits plea bargaining in India** to sentence bargaining
- ↳ Restricting bail, and limiting scope for plea bargaining could **deter decongesting of prisons**
- ↳ **Power to seize property expanded** to immovable property apart from movable property
- ↳ Several provisions **overlap** with existing laws
- ↳ **BNSS retains CrPC provisions** related to public order, raising the question of whether laws governing trial procedure and public order maintenance should be unified or treated separately, considering their distinct functions



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