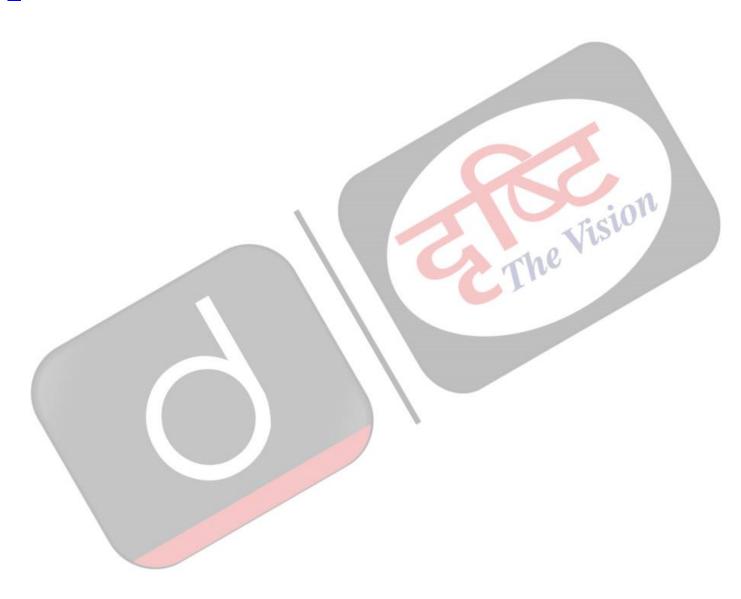


Bharatiya Nagarik Suraksha Sanhita, 2023

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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BNSS replaces CrPC 1973 and consists of 531 sections with 177 sections revised, 9 new sections added, and 14 sections repealed.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 ≥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
- (a) 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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