

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.
All rights reserved.**

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

**POLICE PROCEDURE AND ACCOUNTABILITY UNDER
THE BHARTIYA NAGRIK SURAKHSA SANHITA (BNSS)
2023: AN EVALUATION OF COMPLIANCE AND
IMPLEMENTATION CHALLENGES**

AUTHORED BY - ARINDAM
X Sem. STUDENT, BBA.LL.B.(H.)
AMITY LAW SCHOOL,
AMITY UNIVERSITY UTTAR PRADESH LUCKNOW CAMPUS

CO-AUTHOR - MS. ARADHANA YADAV
Assistant Professor
AMITY LAW SCHOOL (ALS)
AMITY UNIVERSITY UTTAR PRADESH LUCKNOW CAMPUS

ABSTRACT:

This dissertation looks at police procedure and accountability under the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023. The main aim is to understand whether this new law actually improves the way police powers are used in real life. The BNSS has replaced the old Code of Criminal Procedure, 1973 (CrPC) and is seen as a big change in India's criminal justice system. It talks about faster investigations, more use of technology, better involvement of victims, and clearer procedures. But the real issue is whether these changes really make the system more accountable and protect people's constitutional rights.

In this study, I have mainly focused on police powers like arrest, search, seizure, investigation, and detention. I have also looked at how these powers are limited by the Constitution, especially under Articles 14, 20, 21, and 22. Important Supreme Court cases, including D.K. Basu v. State of West Bengal, have been discussed to understand how courts control misuse of police authority.

The research is mostly based on reading and analyzing laws and judgments. I have used primary sources like the BNSS, CrPC, the Constitution of India, case laws, and Law Commission Reports. I have also referred to books and journal articles. A comparison between the BNSS

and the earlier CrPC has been done to see whether the reform is truly structural or mostly procedural.

The findings suggest that although the BNSS brings some modern changes like digital systems and fixed timelines, the overall structure of police powers and accountability is still quite similar to the old system. In my view, the success of the law depends more on proper implementation, training of officers, better infrastructure, and strong supervision rather than just changing the wording of the law. Problems like shortage of staff, weak digital facilities, political pressure, differences between states, and lack of public awareness can affect how well the law works.

In conclusion, the BNSS looks promising on paper. But for it to truly succeed, there must be proper support systems, transparency, regular checking of compliance, and strong respect for constitutional values. Otherwise, even a good law may not fully achieve what it promises.

Keywords: BNSS 2023, Police Accountability, Criminal Procedure, Constitutional Safeguards, Arrest Procedure, Judicial Oversight, Implementation Challenges, Criminal Justice Reform.

CHAPTER - 1

INTRODUCTION

1.1 INTRODUCTORY PARAGRAPH

The criminal justice system is very important in any democratic country. It helps maintain law and order and makes sure that rules are followed properly. In India, the police play a major role in this system. They are responsible for keeping peace, stopping crimes, investigating cases, and making sure criminal laws are actually enforced.

But at the same time, the way police powers are used has often been questioned. There have been issues like misuse of arrest powers, custodial violence, long detentions, and lack of proper accountability. Many times, people feel that police actions are not always fair or transparent. These problems are serious because they directly affect the rights given under Articles 14, 20, 21, and 22 of the Constitution of India. These Articles protect equality before law, fair treatment in criminal cases, and most importantly, the right to life and personal liberty.

In 2023, a new law called the Bhartiya Nagrik Suraksha Sanhita (BNSS) replaced the old Code

of Criminal Procedure, 1973 (CrPC). This is a big change in India's criminal procedure system. The BNSS aims to update the system by using technology, speeding up investigations and trials, improving victim rights, and simplifying police procedures. However, it also increases certain police powers and introduces new procedures. This creates some doubts about whether the system is fully ready for these changes and whether proper accountability measures are in place.

In this dissertation, I will study police procedure and accountability under the BNSS, 2023. The main idea is to understand whether these changes actually improve transparency and protect constitutional rights, or whether practical problems may reduce their effectiveness. I will try to look at both the legal side and the real-world challenges of implementing these new provisions.

1.2 BACKGROUND AND EVOLUTION OF CRIMINAL PROCEDURE IN INDIA

India's criminal procedure system has developed over a long period of time. It has been influenced by British rule, constitutional values after independence, and many important court decisions.

(a) Pre-Colonial and Colonial Period

Before British rule, criminal justice was mostly based on customs and local practices. There was no single uniform law across the country. When the British came, they started introducing written laws to bring uniformity. The first Code of Criminal Procedure came in 1861. Later, it was revised in 1872 and again in 1898. The 1898 Code continued for many years, even after independence, until it was replaced.

(b) Code of Criminal Procedure, 1973

In 1973, the CrPC was introduced to match the values of the Constitution and democratic principles. It tried to create a balance between police powers and judicial control. It provided safeguards regarding arrest, bail, investigation, and trial. Over time, the Supreme Court played a big role in protecting individual rights through important judgments. Many decisions helped strengthen safeguards against illegal arrest and custodial violence, especially under Article 21, which guarantees the right to life and personal liberty.

Still, even with these safeguards, many problems continued. There were cases of custodial deaths, delays in investigation, low conviction rates, political pressure on police, and lack of proper reforms. Several committees suggested that deeper structural changes were needed in the system.

(c) Introduction of BNSS, 2023

The BNSS, 2023 is a major reform in criminal procedure law. It replaces the CrPC and brings several changes. Some of its main aims are:

- Using digital methods like e-FIR and electronic records
- Fixing time limits for investigation and trial
- Giving more importance to victims
- Changing arrest-related provisions
- Increasing use of forensic science
- Improving coordination between agencies

On paper, these changes look progressive. But just changing the law is not enough. The success of these reforms depends on proper training, infrastructure, technology, and strong accountability systems. Without these, even good laws may not work effectively.

1.3 STATEMENT OF PROBLEM

The BNSS, 2023 has changed the legal framework of police procedure in India in many ways. It aims to make the system modern and efficient. However, some important concerns arise. First, when police powers increase and technology is added, there is always a risk of misuse or arbitrary action. Second, it is not fully clear whether the safeguards under BNSS are strong enough to protect constitutional rights. Third, there is a question about whether existing accountability systems are strong and effective. Lastly, different states may face different challenges while implementing these changes.

There is often a gap between what the law says and what happens in reality. This research focuses on that gap. It tries to understand whether the goals of the BNSS match its actual implementation, especially in terms of police accountability and protection of civil liberties.

1.4 OBJECTIVES OF THE RESEARCH

The main objectives of this study are:

- To study the legal provisions related to police procedure under the BNSS, 2023.
- To examine constitutional protections related to police actions.
- To analyze the accountability mechanisms under BNSS and other related laws.
- To compare BNSS with the old CrPC, 1973.
- To identify possible challenges in implementing the new law.
- To examine whether current oversight systems can prevent misuse of police powers.

- To suggest improvements for better transparency and accountability.

1.5 HYPOTHESES

This research is based on the following assumptions:

- The BNSS may improve efficiency in procedures, but it may not bring major changes in police accountability systems.
- The use of technology may increase transparency, but it can also create issues like lack of infrastructure, digital illiteracy, and data protection concerns.
- The success of BNSS reforms depends more on proper implementation and institutional strength rather than just changing the law.

1.6 RESEARCH QUESTIONS

This study tries to answer the following questions:

- What major changes has the BNSS introduced in police procedure?
- How do these changes affect constitutional rights related to arrest and detention?
- What systems are in place to ensure police accountability under BNSS?
- How effective are courts and departmental authorities in supervising police conduct?
- What practical problems may arise during implementation in different states?
- Does the BNSS really address issues like custodial violence and misuse of power?

1.7 RESEARCH METHODOLOGY

This dissertation mainly uses doctrinal and analytical research methods.

(a) Nature of Research

The research is mostly qualitative. It focuses on understanding laws, court judgments, and legal principles rather than collecting field data.

(b) Sources of Data

Primary Sources:

- Bhartiya Nagrik Suraksha Sanhita, 2023
- Code of Criminal Procedure, 1973
- Constitution of India
- Important Supreme Court and High Court judgments
- Law Commission Reports

Secondary Sources:

- Books on criminal procedure
- Journal articles
- Research papers
- Government reports
- Policy documents
- Articles on police reforms

(c) Method of Analysis

The study includes:

- Comparing BNSS with CrPC
- Studying constitutional provisions
- Analyzing important sections of the law
- Reviewing court decisions
- Evaluating policy aspects

Where necessary, examples and available data are referred to in order to understand practical challenges.

1.8 SCOPE AND LIMITATIONS OF THE STUDY

Scope

This study focuses only on police procedure and accountability under the BNSS, 2023. It mainly looks at arrest, investigation, detention, and related safeguards. It also studies constitutional and judicial control over police powers. Some comparison with the CrPC, 1973 is included for better understanding.

Limitations

Since BNSS is a new law, there are not many court judgments available yet. Practical data on its implementation is still developing. This research does not include large field surveys. Also, differences in implementation across states are discussed generally, not in full detail.

1.9 SURVEY OF LITERATURE

There is a lot of writing on criminal procedure in India, especially about police powers, arrest procedures, and judicial control. Many books and articles discuss safeguards under the CrPC and how courts have protected individual rights. Scholars often talk about the tension between state power and personal freedom.

Court judgments have played a very important role in shaping police accountability, especially in cases related to custodial violence and illegal arrest. Many studies on police reforms also highlight issues like political interference, lack of independence, and weak accountability systems.

Recent discussions about the BNSS focus on why old colonial laws were replaced, how digital processes are being introduced, and how victim rights are being strengthened. At the same time, some scholars have raised concerns about centralization of police power and practical difficulties in implementation.

Since the BNSS is new, detailed academic studies on police accountability under this law are still limited. This dissertation tries to fill that gap by analyzing the challenges of compliance and implementation under the new framework.

CHAPTER - 2

OVERVIEW OF THE BHARTIYA NAGRIK SURAKHSA SANHITA, 2023

2.1 HISTORICAL BACKGROUND: FROM CRPC, 1973 TO BNSS, 2023

For almost fifty years, India's criminal procedure was mainly controlled by the Code of Criminal Procedure, 1973 (CrPC). Even though this law replaced the older 1898 Code, many people believed that it still had a colonial style of thinking. Over time, society changed a lot. Technology improved, new types of crimes started happening, and people became more aware of their rights. But the criminal procedure law stayed mostly the same in structure.

There were regular complaints about slow investigations, delayed trials, low conviction rates, and misuse of arrest powers. Many times, people also raised concerns about lack of accountability in police actions. Courts had to step in again and again to protect basic rights, especially in cases involving arrest and custodial violence. Still, on the ground level, problems continued.

In 2023, the Government brought in the Bhartiya Nagrik Suraksha Sanhita (BNSS) to replace the CrPC. The main idea was to update the system and make it more modern and people-friendly. The new law talks about faster processes, use of technology, better protection for victims, and smoother coordination between agencies.

This change from CrPC to BNSS is not just about changing the name of the law. It is meant to bring real reforms. But honestly, whether it will actually improve the system depends on how well it is applied in real life.

2.2 MAIN STRUCTURAL CHANGES UNDER BNSS

The BNSS makes several important changes in the way criminal procedure works. These changes are supposed to make the system more efficient and clear.

One big change is the fixing of time limits for investigation and trials. The idea is to avoid unnecessary delays. Investigations and filing of charge sheets are expected to happen within set deadlines.

Another major change is the use of technology. The BNSS allows electronic summons, digital records, and even online complaints in certain cases. This could reduce paperwork and make things faster.

The law also focuses more on victims. It makes sure that victims are informed about the progress of their case and are involved at certain stages.

There are also changes in the rules about arrest. Police officers are required to record reasons for arrest. In less serious offences, alternatives to arrest are encouraged.

Overall, these structural changes are meant to make the system quicker, more transparent, and more responsive. But at the same time, they also increase the responsibility on police officers to act properly.

2.3 POLICE POWERS UNDER BNSS

Police powers are still a very important part of the new law. The police continue to register cases, investigate crimes, collect evidence, arrest accused persons, and submit reports to the court.

Under BNSS, police can still arrest without a warrant in certain serious offences. However, they cannot do it casually. They must record proper reasons for arrest and inform the person about why they are being arrested.

The police also have the power to conduct searches, seize property, question witnesses, and collect forensic evidence. The law encourages using scientific methods during investigation, which is a good step in my opinion.

Of course, these powers are necessary to maintain law and order. But at the same time, they should not be misused. There has to be a balance between authority and responsibility. The real challenge is making sure that police officers follow the law honestly and within constitutional limits.

2.4 ARREST, SEARCH AND SEIZURE PROCEDURES

Arrest is a very serious power. It directly affects a person's freedom. So the BNSS clearly lays

down rules that must be followed during arrest. The arrested person must be told the reason for arrest and must be produced before a magistrate within the required time.

The law also explains how search and seizure should be carried out. Sometimes a warrant is required, and sometimes it is not, depending on the situation. But in all cases, proper procedure must be followed. The police must prepare records and properly document the items seized.

The BNSS tries to increase accountability by insisting on proper documentation. It also aims to reduce unnecessary arrests, especially in minor cases.

Still, in real life, problems can happen. Lack of proper training or awareness can affect how these rules are followed. That is why strong monitoring and court supervision are very important.

2.5 FIR AND INVESTIGATION PROCESS

The First Information Report (FIR) is the starting point of any criminal case. Under the BNSS, there is clear importance given to registering FIRs on time. In the past, refusal to register FIRs in serious cases was a common complaint. The new law tries to reduce such issues.

The BNSS also allows certain complaints to be filed online. This can make it easier for people who may not be able to visit a police station physically.

Once the FIR is registered, the investigation begins. Police officers have to collect evidence, talk to witnesses, and complete the investigation within fixed time limits. The law encourages more use of forensic science to improve the quality of evidence.

The aim is to make investigations both fast and fair. But whether this will actually happen depends on proper facilities, manpower, and infrastructure.

2.6 TECHNOLOGY AND DIGITAL PROCESSES

One of the most noticeable features of the BNSS is the focus on technology. The law allows electronic sending of summons and notices. It also supports maintaining digital records and online procedures in certain cases.

E-FIR registration for specific offences is an important step. It can make the system more accessible and less stressful for victims.

Digital records may also reduce chances of manipulation and improve transparency. In theory, it sounds very promising.

But there are practical challenges too. Not all areas have good internet or digital facilities. Many police officers may need proper training to handle new systems. There are also concerns about data security and privacy. So technology can definitely help, but only if it is handled carefully

and responsibly.

2.7 SAFEGUARDS FOR ACCUSED AND VICTIMS

The BNSS tries to protect both the accused and the victim.

For the accused person, the law provides certain safeguards. They have the right to know why they are being arrested, the right to be presented before a magistrate within the legal time limit, and the right to get legal help. Protection against illegal detention is also important.

For victims, the law gives more importance than before. Victims are supposed to be informed about case progress. In some situations, they are allowed to participate at important stages.

The idea is to make the system more balanced, where both sides are heard and protected. But honestly, all these safeguards matter only if they are actually followed in practice.

CHAPTER - 3

POLICE PROCEDURE UNDER BNSS: LEGAL FRAMEWORK AND COMPLIANCE

3.1 CONSTITUTIONAL FRAMEWORK (ARTICLES 14, 20, 21, 22)

Police powers in India are not unlimited. They are controlled by the Constitution. No matter what the BNSS says, police officers cannot act beyond constitutional limits. Articles 14, 20, 21 and 22 are especially important when we talk about arrest and investigation.

Article 14 talks about equality before law. It simply means everyone is equal in the eyes of the law. Police cannot treat people differently because of caste, religion, political background or personal reasons. If police act in a biased or unfair way, it clearly goes against this Article.

Article 20 gives protection in criminal matters. For example, a person cannot be punished under a law that did not exist at the time of the act. A person also cannot be punished twice for the same offence. Most importantly, no one can be forced to confess or give evidence against themselves. So during investigation, police cannot use force or pressure to get a confession.

Article 21 is very important. It protects the right to life and personal liberty. Over the years, courts have expanded its meaning. It now includes fair procedure, speedy trial, legal aid, and protection from torture. So even if the BNSS allows certain procedures, those procedures must be fair and reasonable.

Article 22 gives protection at the time of arrest. It says that a person must be told why they are being arrested. They have the right to talk to a lawyer. And they must be produced before a magistrate within 24 hours.

So basically, the BNSS has to work within these constitutional rules. Police powers cannot override fundamental rights.

3.2 SAFEGUARDS IN ARREST AND DETENTION

Arrest and detention directly affect a person's freedom. Because of this, the BNSS sets certain rules that police must follow.

Police officers have to record proper reasons for arrest, especially in cases where arrest is not compulsory. The arrested person must clearly know why they are being arrested. This is not just a technical rule, it is a constitutional right.

The person must be taken before a magistrate within the legal time limit, usually within 24 hours. If the police want to keep the person in custody for longer, they need permission from the court.

The BNSS also tries to reduce unnecessary arrests, especially in minor offences. This can help in reducing overcrowding in jails and also prevent misuse of power.

But honestly, having rules on paper is one thing. Following them properly is another. If police ignore documentation or skip procedures, then these safeguards lose their meaning.

3.3 JUDICIAL OVERSIGHT AND ROLE OF MAGISTRATE

Courts play an important role in keeping a check on police powers. The magistrate is especially important at the stage of arrest and remand.

When an accused person is brought before a magistrate, the magistrate must check whether the arrest was legal. They should not just approve detention automatically. They are expected to think independently and see whether further custody is really necessary.

The BNSS continues the system of police custody and judicial custody. But the court's supervision helps prevent misuse. The magistrate can also ask about how the accused has been treated in custody.

In some cases, higher courts can also interfere if investigation is unfair or biased. So judicial control acts like a safety net. It helps in maintaining accountability in police actions.

3.4 RIGHTS OF THE ACCUSED DURING INVESTIGATION

An accused person has certain rights during investigation.

First, they have the right to remain silent. They cannot be forced to confess. Any confession taken through threat or pressure is not valid.

Second, they have the right to a lawyer. Having legal representation helps protect their rights

and ensures that police do not misuse their authority.

Third, the accused should know what allegations are made against them. Without this information, they cannot defend themselves properly.

The BNSS also talks about completing investigations within reasonable time. Long delays can violate the right to speedy trial under Article 21.

All these rights are important. Without them, investigation can easily become unfair or harsh.

3.5 CUSTODIAL SAFEGUARDS AND HUMAN RIGHTS

Custodial violence has been a serious issue in India. There have been cases of torture and even deaths in custody. Because of this, safeguards during detention are very necessary.

The BNSS requires proper recording of arrest and detention details. Medical examination of the arrested person is also required. This helps in preventing abuse.

Human rights principles say that every person, even if accused of a crime, must be treated with dignity. Article 21 protects not just life, but also dignity and protection from torture.

International human rights standards also talk about protection from cruel treatment. Even though India does not have a specific anti-torture law, courts and constitutional provisions provide some level of protection.

The real problem is not that laws are missing. The real issue is whether these safeguards are actually followed in police stations.

3.6 SUPREME COURT GUIDELINES (D.K. BASU AND OTHERS)

The Supreme Court has played a big role in protecting people from misuse of police powers. One very important case is D.K. Basu v. State of West Bengal. In this case, the Court gave clear guidelines to prevent custodial torture and illegal arrest.

Some of the main guidelines include:

- Police officers must clearly identify themselves during arrest.
- An arrest memo must be prepared and signed by witnesses.
- A friend or relative of the arrested person must be informed.
- Medical examination should be done regularly.
- The person must be produced before a magistrate within 24 hours.

These guidelines are binding and must be followed along with the law.

Other court judgments have also stressed on speedy trial, free legal aid, and fair investigation. Courts have expanded the meaning of Article 21 and strengthened procedural fairness over

time.

So, when we read the BNSS, we must also keep these judicial guidelines in mind. They provide extra protection beyond what is written in the statute.

3.7 COMPARISON WITH CRPC, 1973

If we compare the old CrPC with the new BNSS, we can see both similarities and changes. Under the CrPC, basic safeguards like production before magistrate and right to lawyer already existed. The BNSS mostly keeps these protections but tries to make procedures more structured and time-bound.

The BNSS gives more importance to documentation and use of technology. Digital records and fixed timelines are highlighted more clearly than before.

However, when it comes to basic police powers like arrest and investigation, the structure is still quite similar. The balance between power and safeguard still depends largely on constitutional interpretation and court supervision.

So, even though the BNSS modernizes certain procedures, the core constitutional principles remain the same. In the end, the real difference will be seen in how well the law is implemented.

CHAPTER - 4

POLICE ACCOUNTABILITY MECHANISMS UNDER BNSS

4.1 MEANING OF POLICE ACCOUNTABILITY

Police accountability simply means that police officers should be responsible for what they do. They have a lot of power, like arresting people, searching places, seizing property, and investigating crimes. Because of these strong powers, it becomes very important that they do not misuse them.

In a country like India, which follows democracy, no one is above the law, not even the police. They are public servants. They are supposed to work honestly and fairly. If they cross the line or misuse their authority, there must be a proper system to question them and take action.

Under the BNSS, police officers are given many procedural powers. But these powers must be used according to the Constitution and court guidelines. Accountability is not just about rules. It is also about building trust between the police and the public. If people lose trust, the whole system becomes weak.

4.2 DEPARTMENTAL ACCOUNTABILITY

One of the first ways to control police misconduct is through internal departmental action. Every police department has its own rules and discipline system. If an officer behaves wrongly, a departmental inquiry can be started.

This can lead to actions like:

- Suspension
- Internal inquiry
- Warning or fine
- Demotion or transfer
- Even dismissal in serious cases

Senior officers keep watch over junior officers. There are also vigilance units that look into complaints.

But honestly, internal action is sometimes criticized. Since the inquiry happens within the same department, people feel it may not always be fully fair. There can be bias or leniency. Still, this is the basic and first level of accountability.

The BNSS supports this process indirectly. It requires proper records, written reasons for arrest, and documentation. These records can later be checked if someone files a complaint.

4.3 JUDICIAL CONTROL AND LEGAL REMEDIES

Courts play a very strong role in controlling police misuse of power. If someone feels that their rights have been violated, they can go to court.

High Courts and the Supreme Court can use their special powers under Articles 226 and 32 of the Constitution. A person can file a writ petition if there has been illegal arrest or violation of rights.

Courts can:

- Cancel illegal FIRs
- Order independent investigation
- Grant compensation in cases of illegal detention or custodial death
- Reject evidence collected through illegal methods

During remand hearings, judges also check whether the arrest and custody are proper.

Over the years, courts have even given compensation to victims in custodial death cases. This has made police more careful. Judicial control acts like an independent check on police actions.

4.4 HUMAN RIGHTS COMMISSIONS

Human Rights Commissions also help in protecting people from police abuse. There is the National Human Rights Commission (NHRC) and also State Human Rights Commissions.

People can file complaints with these bodies if there is custodial violence, torture, or other serious misconduct.

These commissions can:

- Conduct investigations
- Ask for reports from police authorities
- Recommend compensation
- Suggest action against officers

Their decisions may not always be binding, but they carry importance. Police departments usually take them seriously.

In cases of custodial deaths, these commissions have been very active. They require that such incidents be reported and properly investigated.

Even under the BNSS, these bodies continue to act as independent watchdogs to make sure human dignity is respected.

4.5 PUBLIC COMPLAINTS AUTHORITIES

Public Complaints Authorities (PCAs) were suggested as independent bodies where people can directly complain against police officers. The idea was to create a system outside the police department.

These authorities are meant to handle serious complaints like:

- Custodial death
- Custodial rape
- Major abuse of power
- Corruption

On paper, this system looks good. It increases transparency and public trust because complaints are not handled only by police officers themselves.

But in reality, not all states have strong or properly working PCAs. Some do not have enough staff or power. Some are not fully functional.

Even though BNSS does not directly establish PCAs, proper accountability under the new law depends a lot on how well such independent bodies work.

4.6 PROBLEMS IN IMPLEMENTATION

Even though there are many accountability systems, they do not always work perfectly.

First, departmental inquiries often get delayed. Cases may go on for years without a clear decision.

Second, many people do not even know their rights or how to file complaints. Because of this, they do not approach authorities.

Third, victims may be scared. They may fear harassment or pressure if they complain against police officers.

Fourth, lack of staff and proper facilities can affect investigation into misconduct. If there is too much workload, proper procedures may not be followed.

The BNSS talks about using technology, which can help in keeping better records. But technology needs training and maintenance. Without proper support, reforms may not work as planned.

So, even if systems exist, practical problems reduce their effectiveness.

4.7 POLITICAL PRESSURE AND INSTITUTIONAL PROBLEMS

One big issue in police accountability is political interference. Sometimes police officers may face pressure from political leaders. This can affect fair investigation and disciplinary action.

If police officers are not independent, accountability becomes weak. Transfers and promotions may sometimes depend on political connections instead of merit.

There are also institutional problems like shortage of staff, heavy workload, and poor infrastructure. When officers are overworked, following every procedure strictly becomes difficult.

There is also sometimes a culture of protecting fellow officers. Strict action may not be taken against colleagues.

For accountability under BNSS to truly work, police must be independent and professional.

They should be free from political pressure. Structural reforms are needed to build public trust.

CHAPTER - 5

IMPLEMENTATION CHALLENGES AND GROUND REALITIES

The Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS) has brought many changes to the criminal procedure system. On paper, it looks modern and progressive. It talks about faster investigation, more transparency, use of technology, and better protection of rights. But honestly, a law is not

judged only by what is written in it. What really matters is how it works in real life.

In this chapter, I will discuss the real problems and ground-level issues that may affect the proper working of the BNSS.

5.1 PRACTICAL CHALLENGES IN ENFORCEMENT

One major problem is the difference between theory and practice. Even though the BNSS fixes time limits for investigation and trial, delays may still happen. Police officers already handle many cases at the same time. Because of this heavy workload, following every new rule strictly can be difficult.

The new law requires proper documentation, digital record keeping, and careful following of safeguards. All this takes time and effort. If there is too much pressure, officers may focus more on finishing cases rather than fully following procedures.

Another issue is adjustment to change. When a new law replaces an old one, people who are used to the old system may find it hard to change their working style. Old habits may continue even after new rules are introduced.

Also, the criminal justice system depends on coordination between police, prosecutors, and courts. If one part is slow, everything slows down. So even good reforms can suffer because of practical problems.

5.2 INFRASTRUCTURE AND RESOURCE PROBLEMS

For the BNSS to work properly, good infrastructure is needed. But in many areas, especially rural places, police stations do not have enough facilities.

Some common problems include:

- Not enough forensic labs
- Shortage of staff
- Overcrowded offices
- Lack of vehicles and communication tools

Without proper resources, it becomes hard to follow strict timelines or use modern investigation methods.

Money is also an important factor. Updating the system needs funds for technology, training, and equipment. If the budget is limited, the changes may remain only on paper.

So, lack of infrastructure and resources can seriously affect how well the BNSS is implemented.

5.3 TRAINING AND CAPACITY BUILDING

The BNSS introduces new rules and focuses a lot on technology. This means police officers need proper training.

If officers are not trained well:

- They may misunderstand the new provisions
- They may continue using old methods
- They may unknowingly break procedural rules

Training should not be just once. It should be continuous. There should be regular workshops and updates.

Even senior officers need proper guidance about accountability systems and digital processes. Without knowledge and awareness, compliance may remain weak.

In my opinion, training is one of the most important factors for successful implementation.

5.4 DIGITAL DIVIDE AND TECHNOLOGY ISSUES

One big feature of the BNSS is the use of technology like e-FIR, digital records, and electronic summons. This is a positive step. But it also brings new challenges.

India still has a digital gap. Big cities may have good internet and better systems. But rural areas often struggle with poor connectivity.

Some common issues are:

- Weak internet connection
- Not enough computers
- Lack of technical skills
- Risk of data leaks

If digital systems do not work properly, they may slow down the process instead of speeding it up.

There is also the issue of privacy. Digital records must be protected from misuse. Strong security systems are necessary.

So yes, technology can improve things, but only if it is supported by proper planning and security.

5.5 FEDERAL ISSUES AND DIFFERENCES BETWEEN STATES

In India, law and order is mainly handled by state governments. So, the success of the BNSS depends a lot on how different states implement it.

Some states may be well prepared and quickly adopt new procedures. Others may face financial or administrative problems.

There may be differences in:

- Availability of forensic labs
- Quality of police training
- Efficiency of police departments
- Working of Public Complaints Authorities

Because of this, implementation may not be uniform across the country.

Sometimes coordination between central and state governments can also become a challenge.

This can affect smooth implementation of the law.

5.6 CASE STUDIES AND PRACTICAL OBSERVATIONS

Since the BNSS is new, detailed data is still limited. But we can learn from past experiences under the old CrPC.

Court cases have shown that in some situations, safeguards like proper arrest procedure were not followed strictly. There have been reports of custodial violence and illegal detention.

There have also been delays in investigation and low conviction rates in many cases. This shows that legal provisions alone are not enough.

In some states, digital FIR systems have worked well in cities. But in rural areas, technical problems have slowed down the process.

These examples make it clear that changing the law is only the first step. Strong institutions and proper implementation are equally important.

5.7 EVALUATION OF COMPLIANCE

To know whether the BNSS is working properly, we need to see if police are actually following the rules.

Some signs of good compliance are:

- Proper recording of arrest
- Producing the accused before magistrate on time
- Completing investigation within set deadlines
- Using forensic methods
- Respecting the rights of both accused and victims

If these are followed regularly, then compliance can be considered good.

But heavy workload, weak supervision, and lack of accountability can reduce compliance.

Real compliance needs:

- Regular monitoring
- Independent checking systems
- Transparency
- Strong discipline within the department

If these are missing, then the goals of the BNSS may not be fully achieved.

CHAPTER - 6

CONCLUSION AND SUGGESTIONS

The Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS) has brought a big change in India's criminal procedure system. In this dissertation, I have tried to study police procedures, accountability systems, constitutional safeguards, and the real-life problems that may come up while applying this new law.

The BNSS looks modern and progressive on paper. It talks about faster processes, more transparency, and better protection of rights. But honestly, any law is successful only when it works properly in real life. In this last chapter, I will sum up the main findings and give some suggestions.

6.1 MAJOR FINDINGS

After studying the BNSS and comparing it with the old Code of Criminal Procedure, 1973 (CrPC), a few important points become clear:

Continuity with Some Changes:

The BNSS keeps most of the basic safeguards that were already there in the CrPC, especially related to arrest, detention, and court supervision. At the same time, it brings changes like fixed timelines and more digital procedures.

More Use of Technology:

The law encourages things like e-FIR, online summons, and digital records. This can make the system more transparent and faster. But it also creates worries about proper infrastructure and data safety.

Constitutional Protection Still Important:

Police procedure under the BNSS still has to follow Articles 14, 20, 21, and 22 of the Constitution. Courts continue to play a big role in protecting rights and preventing misuse of

power.

Different Layers of Accountability:

There are many ways to control police misuse — departmental action, courts, Human Rights Commissions, and Public Complaints Authorities. Together, they form a system of checks and balances.

Ground-Level Problems:

Shortage of staff, lack of training, digital gap, political pressure, and differences between states may affect how well the law is followed.

Overall, the BNSS has good intentions, but practical difficulties may slow down its proper implementation.

6.2 ANALYSIS OF HYPOTHESES

The hypotheses made in Chapter 1 can now be reviewed based on the findings.

Hypothesis 1:

The BNSS improves procedure but does not fully change accountability systems.

This seems mostly true. The law makes procedures more time-bound and structured. But the main accountability structure remains almost the same. Real change in accountability depends more on how institutions work, not just on new legal wording.

Hypothesis 2:

Technology increases transparency but also creates new issues.

This is also correct. Digital tools can make records clearer and reduce manipulation. But poor infrastructure, lack of digital knowledge, and security risks create new challenges.

Hypothesis 3:

The success of BNSS depends more on institutions than just the law itself.

This is strongly supported. Without proper training, funds, supervision, and independence, even a good law cannot work properly.

6.3 POLICY GAPS IDENTIFIED

While studying the BNSS, some gaps became visible:

- Accountability bodies exist, but they are not strongly strengthened under the new law.
- The law talks about digital systems, but detailed privacy and data protection measures are not very clear.
- Since law and order is a state subject, different states may apply the law differently.
- Political interference in police work is still a concern.

- There is not enough focus on regular monitoring and checking whether safeguards are actually followed.

These gaps can reduce the real impact of the reforms.

6.4 RECOMMENDATIONS AND REFORM MEASURES

Based on the study, some suggestions can be made:

Stronger Independent Bodies:

Public Complaints Authorities should work properly in all states and should have real power and resources.

Better Training:

Police officers should receive regular training about new rules and digital systems.

Improved Infrastructure:

More funds should be given for forensic labs, modern equipment, and better police station facilities.

Data Protection:

Strong cybersecurity systems should be created to protect digital records.

Regular Monitoring:

There should be independent audits to check whether police are following procedures properly.

Reducing Political Pressure:

Police departments should work more independently without outside interference.

Public Awareness:

People should be informed about their rights under the BNSS so they can protect themselves if needed.

If these steps are taken, the gap between law and practice can be reduced.

6.5 SCOPE FOR FUTURE RESEARCH

Since the BNSS is new, there is a lot of scope for further study.

Future research can focus on:

- Real data about arrest trends under BNSS
- Comparison of how different states implement the law
- Impact of digital systems on investigation speed
- Changes in custodial violence cases after BNSS
- How effective Public Complaints Authorities actually are

As courts start giving judgments under BNSS, future researchers can also study how judicial interpretation shapes police accountability.

6.6 CONCLUDING REMARKS

The Bhartiya Nagrik Suraksha Sanhita, 2023 is an important step toward updating India's criminal procedure system. It aims to make the system faster, more transparent, and more accountable.

But changing a law is only the first step. Real success depends on honest implementation, proper training, strong institutions, and respect for constitutional values. Police powers must always be balanced with safeguards.

In the end, the BNSS gives a good framework. But for justice to truly be delivered — and seen to be delivered — continuous effort, monitoring, and reform are necessary.

ACKNOWLEDGEMENTS

I am thankful to MS. ARADHANA YADAV, Assistant Professor, Amity Law School (ALS), Amity University, Lucknow Campus for providing his support, guidance, and assistance during the research process.

BIBLIOGRAPHY

A. BOOKS

1. K.N. Chandrasekharan Pillai, *R.V. Kelkar's Criminal Procedure* (Eastern Book Company, Lucknow, 7th edition, 2016).
2. C.K. Takwani, *Criminal Procedure* (Eastern Book Company, Lucknow, 8th edition, 2021).
3. V.N. Shukla, *Constitution of India* (Eastern Book Company, Lucknow, 13th edition, 2017).
4. M.P. Jain, *Indian Constitutional Law* (LexisNexis, Gurugram, 8th edition, 2018).
5. K.I. Vibhute, *Criminal Justice: A Human Rights Perspective of the Criminal Justice Process in India* (Eastern Book Company, Lucknow, 2004).
6. S.C. Sarkar, *Sarkar on Criminal Procedure* (LexisNexis Butterworths, Nagpur, 12th edition, 2019).

B. JOURNAL ARTICLES

1. Upendra Baxi, "The Crisis of the Indian Legal System" 26 *Journal of the Indian Law Institute* 1 (1984).
2. K. Parameswaran, "Police Accountability and Custodial Violence in India" 45 *Journal of the Indian Law Institute* 112 (2003).
3. Aparna Chandra, "Due Process and Fair Trial under Article 21" 3 *NUJS Law Review* 45 (2010).
4. Arghya Sengupta, "Reforming the Criminal Justice System in India" 5 *National Law School of India Review* 78 (2013).
5. Siddharth Narrain, "Custodial Violence and the Rule of Law" 42 *Economic and Political Weekly* 3567 (2007).

C. CASE LAWS

1. *D.K. Basu v. State of West Bengal*, AIR 1997 SC 610.
2. *Joginder Kumar v. State of Uttar Pradesh*, (1994) 4 SCC 260.
3. *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.
4. *Hussainara Khatoon v. State of Bihar*, AIR 1979 SC 1369.
5. *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273.
6. *Nilabati Behera v. State of Orissa*, (1993) 2 SCC 746.
7. *State of Punjab v. Union of India*, (1977) 3 SCC 592.

D. STATUTES

1. The Constitution of India, 1950.
2. The Code of Criminal Procedure, 1973.
3. The Bhartiya Nagrik Suraksha Sanhita, 2023.
4. The Indian Evidence Act, 1872.
5. The Protection of Human Rights Act, 1993.
6. The Police Act, 1861.

E. REPORTS

1. Law Commission of India, 154th Report on the Code of Criminal Procedure, 1973 (1996).
2. Law Commission of India, 177th Report on Law Relating to Arrest (2001).
3. Law Commission of India, 245th Report on Arrears and Backlog (2014).

4. National Police Commission Reports (1977–1981).
5. Second Administrative Reforms Commission, Fifth Report on Public Order (2007).
6. National Human Rights Commission, Annual Report (latest edition available).

F. WEBSITES

1. Ministry of Home Affairs, Government of India – www.mha.gov.in
2. Legislative Department, Government of India – www.legislative.gov.in
3. Supreme Court of India – www.sci.gov.in
4. National Human Rights Commission – www.nhrc.nic.in
5. PRS Legislative Research – www.prsindia.org
6. India Code Portal – www.indiacode.nic.in

