

# **THE CHANGING CONTOURS OF POLICE ADMINISTRATION: ANALYSING THE JOURNEY FROM THE CODE OF CRIMINAL PROCEDURE TO THE BHARATIYA NAGARIK SURAKSHA SANHITA**

*Shirsho Ghosh\**, *Mouboni Banerjee\*\**, *Gairik Sanyal\*\*\**, *Chandramouli Roy Chowdhury\*\*\*\**

## **ABSTRACT**

The introduction of the Bharatiya Nagarik Suraksha Sanhita in 2023 brought about various changes in the criminal justice mechanism. As our former procedural criminal law was replaced by BNSS, we saw changes in various aspects of investigation, inquiry and trial, and one such salient feature to change within the criminal justice system was the police administration. The first pillar of the criminal justice system is set to undergo reforms through this new law. The law is set to give additional discretionary powers to the police. Accountability upon the police will also be imposed on various occasions. The new legislation also seeks to bring in clarifications to the provisions of law upon which there were ambiguities in the CrPC. A critical analysis has to be made of all these changes targeted to the most visible arm of the State machinery, i.e. the police.

Key words: Police, criminal justice, administration, BNSS, CrPC.

## **Introduction to Police Administration:**

Police administration encompasses several components that collectively point towards the functions and the powers possessed by the police. If the actions of the police itself is put through the test of necessity and viability, there are certain aspects which may emerge as unjustified. Police Brutality is one such activity that has been discussed quite often in the recent times. Neither in law nor in police science is there a definition of police brutality that would be accepted on a large scale.<sup>1</sup> The power and the authority to use the same needs a surveillance in a world where the fundamental human rights of every person constitute a significant driving force and symbol of a Welfare State. Under these circumstances the terms

---

\* LLM Student, The West Bengal National University of Juridical Sciences, Kolkata

\*\* LLM Student, Jogesh Chandra Chaudhuri Law College, Calcutta University

\*\*\* BA LLB Student Amity University, Kolkata

\*\*\*\* BA LLB Student Amity University, Kolkata

<sup>1</sup> Budimir Babovic, "Police Brutality or Police Torture", 23*PIJPSM*374(2000).

of availability and accessibility, and punishments and rewards need to be settled. Therefore, the most vital questions for policing policy concern the relationship between structure and process, the law in the books and the law in practice, between the grant of powers and the distribution of power.<sup>2</sup>

In the recent years due to several incidents that have triggered the general public as well as the government, there has been a change in atmosphere regarding the criminal laws applicable in India. The understanding of rights and duties, power- its extent, exercise and distribution and the legible solutions to any lopsided power management has gradually evolved leading to the amendments in both substantive and procedural criminal law. The reforms that might improve the policing and the protocols should be pursued by competent actors.<sup>3</sup>

### **Changes Brought in by the Bharatiya Nagarik Suraksha Sanhita 2023:**

Major changes can be observed in the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS). The *Bail Definition*, now provided in the legislation as under section 2(1)(b) of the BNSS<sup>4</sup>, had not been explicitly reflected anywhere in the criminal law system till date. It explains bail as the release of a person accused of or suspected of commission of an offence from the custody of law upon certain conditions imposed by an officer or Court on execution by such person of a bond or a bail bond. The previous law that is the Code of Criminal Procedure, 1973 (CrPC) did not define the term 'bail', but dived into the conditions and extent of application. Bail is a manifestation of the basic human rights imbibed in a legislation. The lack of a definition makes it difficult to interpret whereas the presence of the same removes any ambiguity and tightens up its boundaries.<sup>5</sup> The Supreme Court observed in a recent judgment<sup>6</sup> that unlike in terrorism cases, under ordinary criminal law, trial courts follow the principle "*bail is the rule and jail is the exception.*"

Section 2(1)(l) of the BNSS<sup>7</sup> has added an explanation to the scope of investigation in special offences stating that where any of the provisions of a special Act are inconsistent with the provisions of this Sanhita, the provisions of the special Act shall prevail. A clarity has been provided regarding the difference in the procedures of investigation when there is a conflict

---

<sup>2</sup> Rod Morgan, "Police Power and Police Powers", 27 *HJCJ* 70 (1988).

<sup>3</sup> C. Joanna Schwartz, "Who can Police the Police?" 2016 *UCLF* 437 (2016).

<sup>4</sup> The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023).

<sup>5</sup> Satwinder Singh "The Status of Bail Jurisprudence in India" 6 *IJLMH* 1386 (2023).

<sup>6</sup> *Gurwinder Singh v. State of Punjab SLP* (Criminal) No. 10047 of 2023.

<sup>7</sup> *Supra* note 4.

between the general legislation and any specific legislation. The rationale for adding this explanation originates from the type of offence that is being investigated. The specific legislations can offer methods unique to the subject that it deals with, therefore the entire process can be away from being a generic investigation. By the virtue of Section 15<sup>8</sup> of the new legislation, the State Government may also appoint besides Executive Magistrate “any police officer not below the rank of Superintendent of Police or equivalent” to be the Special Executive Magistrate. This has widened the scope of appointments made for Special Executive Magistrate.

### **Powers and Procedures regarding Arrest:**

The aspect of arrest has undergone numerous significant amendments which can be enumerated below:

1. The provisions of arrest have been now incorporated between sections 41 and 60A of the Bharatiya Nagarik Suraksha Sanhita, 2023. Firstly, speaking of the *arrest without warrant*, the quantum of punishment was concerned there were only 2 categories- A person who is suspected of committing an offence punishable up to 7 years; AND a person suspected of committing offence punishable more than 7 years as stated under section 41 of the Code of Criminal Procedure, 1973. By the BNSS, a third criterion has been added where an offence committed is punishable with less than 3 years and the suspect is infirm or more than 60 years of age, the permission of the Deputy Superintendent is needed for making the arrest.
2. Secondly, under the *Procedure of Arrest*, previously dealt by section 41B of the CrPC, 1973, the information of arrest had to be given to “relative” or “friend” named by arrestee. The same was an established guideline delivered by the Supreme court in *Sri D.K. Basu v State of West Bengal*<sup>9</sup>. Now, besides friend or relative it may be given to “any other person” so named by the arrestee as dealt under section 36 of the BNSS. Therefore, the arrestee has a wider privilege to inform any person, facilitating the optimum use of his rights.
3. Thirdly, the *Display of Arrest and Collection of Information* (section 41C under CrPC 1973), required that at every district there shall be police control room where name

---

<sup>8</sup> *Ibid.*

<sup>9</sup> *D.K. Basu v State of West Bengal* (1997) 1 SCC 416.

and address of person arrested and police officer making the arrest shall be displayed. Control room shall collect information and maintain a database. The current law states that in every district, State Govt. shall designate an officer not below the rank of Asst. Sub-Inspector who shall be responsible for maintaining the database and display in digital mode in every police station and district headquarter (Section 37 of BNSS 2023). The change is a direction implementation of the guidelines set by the Supreme court in the DK Basu case, where the information regarding the arrest and the place of custody shall be communicated to the control room by the officer causing the arrest within 12 hours of such arrest and the same information shall be displayed by the control rooms at a conspicuous space.

4. In case of *Arrest by Private Person – referring to the Time to hand over to police*, the CrPC under section 43(1) stated that if private person made arrest, he had to handover arrestee to police without unnecessary delay. However, the new legislation has introduced a time limit of 6 hours within which the hand over has to be made in order to protect the person being arrested from wrongful detention or restraint by the individual who has made the arrest. The individual is duty bound to make the handover so that the arrestee can avail his rights and the police can takeover and exercise its duties. The scope for any unreasonable or unjustified arrest has been curbed. In this case when the handover is happening, it is no more a “re-arrest” but the police simply “takes him to custody”. This clarifies that police custody of previously arrested person is not re-arrest but only taking him in custody under section 40(2).<sup>10</sup>
5. While addressing the *manner of making the arrest* under section 43(3)<sup>11</sup>, it is observed that a specific guideline regarding handcuffs have been included. Police officer may use handcuffs while arresting a habitual or repeat offender, who has escaped from custody, who has committed:
  - Organized crime
  - Drug related crime
  - Terrorist act
  - Illegal possession of arms
  - Murder
  - Rape

---

<sup>10</sup> *Supra* note 4.

<sup>11</sup> *Ibid.*

- Acid attack
- Counterfeit of coins and currency
- Human trafficking
- Sexual offence against children
- Offence against State

The provision for handcuff was absent in the previous Act under section 46<sup>12</sup>, and led to the interpretations in cases such as *Prem Shankar Shukla v. Delhi Administration*<sup>13</sup>, where the court examined the necessity of handcuffs and held that prima facie handcuffing is inhuman and hence unreasonable and arbitrary in absence of fair procedure and objective monitoring. A similar view had been taken in *Sunil Batra v. Delhi Administration*<sup>14</sup>, where the Supreme Court held that Article 21 and 19 were being hampered and cannot be cut down by application of handcuff since it curtailed personal liberty without established procedure of law and prevented movement. Therefore, answering these issues, the current legislation of 2023 has specifically spoken of this subject.

6. After the arrest is made there was a necessity to share the *information of the arrest* under section 50 A of the CrPC. It read as whoever makes an arrest is obliged to give information to friend, relative or any other person nominated by arrestee. However, the BNSS, under section 48 requires the information about arrest to be given to a designated police officer in the district. This flows down from Article 21 and 22<sup>15</sup> which strictly prevents any person from being treated wrongfully even if it is in the interest of State and Society.
7. The next procedure is the *Power to seize offensive weapons* which did not have a clarity regarding the time of its exercise under the Code of Criminal Procedure. However, the BNSS in S. 50 states that Police officer is empowered to seize offensive weapon from arrestee immediately after the arrest is made.<sup>16</sup>
8. The Request for medical examination of accused was supposed to be made by an officer not below the rank of sub-inspector, as per the CrPC. The Bharatiya Nagarik Suraksha Sanhita, 2023 has removed such specification by stating that request can be made by 'any' police officer [S. 51(1)]. Even in case of rape accused such

---

<sup>12</sup> The Code of Criminal Procedure, 1973 (Act 2 of 1974)

<sup>13</sup> *Prem Shankar Shukla v. Delhi Administration* AIR 1980 SC 1535.

<sup>14</sup> *Sunil Batra v. Delhi Administration* AIR 1978 SC 1675.

<sup>15</sup> The Constitution of India, 1950.

<sup>16</sup> *Supra* note 4.

examination may be made on request of ‘any’ police officer [S. 52]. The replacement of the specific rank with the term *any* has encouraged speedy actions to be taken since medical procedures are sensitive, needing immediate measures. Delay in medical examination can disturb the evidence which could otherwise make or break a case. These changes have been made considering the guideline provided in the DK Basu case which states that the arrestee should be subjected to medical examination by trained doctors every 48 hours during his detention in custody by a doctor on the panel of approved doctors appointed by the Director, Health Services of the concerned state or union territory.<sup>17</sup>

9. Under section 54A of CrPC, states that if a person identifying is mentally or physically disabled such TI Parade must be video-graphed whereas in the BNSS, section 54 states that the recording of TI Parade may be made by any audio-video electronic means. (E.g. Mobile).
10. *Production of arrestee before Magistrate* under section 57 CrPC states that Arrested person must be produced before Magistrate excluding journey time, within 24 hours by the police officer but under section 58 of the BNSS, the Police detention shall not exceed 24 hours excluding the journey time to the Magistrate’s Court “whether having jurisdiction” or not. This indicates that the arrestee can be produced before any magistrate whether or not he has the jurisdiction. This saves the time in journey that would go into approaching the forum that has jurisdiction. The person is immediately produced before a magistrate so that there is no delay in the further proceedings.
11. *Arrest with warrant notification* under section 79 of the CrPC read as Police officer making arrest shall notify substance of warrant to arrestee. The BNSS provides that besides notifying the arrestee police officer making arrest up on warrant, shall forthwith give information of such arrest to the designated police officer in the district and also to such officer in the district where arrestee resides. This takes the procedure a step ahead to keep all the parties informed about the steps being taken. This ensures the principles of natural justice is maintained by means of notice.

Some of the other **procedural changes** are continued as follows:

---

<sup>17</sup> DK Basu Case Guidelines, available at <https://barnala.punjabpolice.gov.in/d-k-basu-case-guidelines/> (last visited on April 15, 2023)

1. BNSS has a specific provision dealing with the *Identification and attachment of property of proclaimed person* under section 86. It states that Police officer not below the rank of Superintendent of Police (SP) or Commissioner of Police (CP) may request the court in writing. Court may upon such request initiate proceeding for attachment and forfeiture of property belonging to proclaimed person. It clarifies this aspect even more by requiring the request to be made in writing.
2. *Recording search and seizure through audio-video electronic means* was not covered by CrPC, however, the BNSS has particularly discussed it under two sections; Search of place, seizure of property including making list and signing of such list by witnesses shall be recorded through audio-video electronic means. Police officer without delay shall forward such recording to DM, SDM or Judicial Magistrate-section 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Search by investigating officer is also mandated to be recorded by audio-video electronic means and record to be sent to Magistrate within 48 hours- section 185 of the Bharatiya Nagarik Suraksha Sanhita, 2023. This inclusion implies the fairness and the reasonable justification behind any action taken by the police or the magistrate while discharging their functions.
3. *Attachment, forfeiture, restoration of property* under section 83 of the CrPC was applicable only for person absconding, otherwise the provision was absent in general. The BNSS on the other hand the application is based upon the investigating officer's apprehension or the 'reason to believe' that any property is derived or obtained by criminal activity, he may with approval of SP or CP, make application to Court having jurisdiction to take cognizance of the case and for attachment of such property.<sup>18</sup>
4. As section 129 of the CrPC deals with *Dispersion of assembly by use of civil force*, states that the Executive magistrate or SHO or any police officer not below rank of sub-inspector may require assistance of "any male person" to disperse any assembly. Now, instead of "any male person" now the designated officials may require assistance of "any person" to disperse such assembly. Therefore, there remains no gender-based discrimination as well by means of the replacement of the phrases.
5. *Prohibition of Repeating or Continuing Public Nuisance* under section 143 of the Code of Criminal Procedure, 1973 states that the order prohibiting the repetition or

---

<sup>18</sup> *Supra* note 4.

continuance of public nuisance could be passed only by DM, SDM or other Executive Magistrate so empowered. But there has been an alteration which reads as- Besides DM, SDM and empowered Executive Magistrate, the Deputy Commissioner of Police may be empowered to pass such order by State Govt. or DM.

6. The Code of Criminal Procedure did not contain any specific provision with respect to the Binding Duty to Follow Lawful Directions of Police. However, the BNSS provides that -All persons are bound to conform to lawful directions of a police officer given in fulfilment of any of his duty with respect to the chapter on Preventive Action of Police. Any person resisting or refusing may be detained or removed. This clears the air regarding any situation where the police is refrained or restricted from carrying out the duties or the responsibilities it has at any stage of the procedures.

### **Changes brought in the Investigative Powers of the Police:**

**FIR by Electronic Communication** - Section 154 (1) of the CrPC provided for registering a complaint regarding a cognizable offence with the nearest police station either orally or in writing. There was no provision to specifically enable the communication of a complaint regarding a cognizable offence in electronic form to the police officer in charge of a police station. The 22nd Law Commission in its Report, published in 2023, recommended amendments to section 154 to provide for the registration of E-FIRs in a phased manner across the country.<sup>19</sup> The Bharatiya Nagarik Suraksha Samhita (BNSS) provides for the information relating to the commission of a cognizable offence to be given to SHO by electronic means. He shall take it on record within 3 days of receiving it by getting it signed by the informant and entering the contents in the prescribed book under section 173(1) of the said Act. For complaints outlining a cognizable offence it has been made mandatory for the police to register an FIR and if informed orally to reduce it to writing and read it over to the informant under section 173(1) of the BNSS. This is in line with the landmark judgment in *Lalita Kumari's Case*.<sup>20</sup>

**Provision of Copy of FIR to be given to the victim:** S. 154(2) of the CrPC of 1973 provided for the furnishing of a copy of the information recorded to be given forthwith, free of cost, to the informant. S.173(2) of the BNSS, 2023 requires a copy to be so given to the

---

<sup>19</sup> Law Commission of India, 282nd Report on Amendments to section 154 of the CrPC enabling online registration of FIR, 2023 (September, 2023).

<sup>20</sup> *Lalita Kumari Vs. Govt. Of U.P* (SC) 2013(4) RCR Criminal 979.

informant or the victim. Therefore, while the old legislation had provided for the handing of a copy of the FIR to the informant alone, the new legislation requires the copy to be so given to either the informant or to the victim.

**Preliminary Enquiry:** Section 173(3) of the BNSS is a new provision. It provides that “*without prejudice to the provisions contained in section 175, on receipt of information relating to the commission of any cognizable offence, which is made punishable for three years or more but less than 7 years, the officer in charge of the police station may with the prior permission from an officer not below the rank of Deputy Superintendent of Police, considering the nature and gravity of the offence -*

- 1) *Proceed to conduct preliminary enquiry to ascertain whether there exists a prima facie case for proceeding in the matter within a period of fourteen days; or*
- 2) *Proceed with investigation when there exists a prima facie case.”<sup>21</sup>*

There was no provision along these lines in section 154 of the CrPC.

This provision is a cause of concern. It gives discretionary power to the police to decide whether or not to proceed with investigation in cases punishable between 3 years to 7 years. In such cases the police may not proceed with investigation or delay the process of investigation for a number of days. These days may be crucial for investigation as the first few hours after a crime is committed are, for collection of evidence pertaining to it.<sup>22</sup>

**Complaint to SP on refusal to lodge FIR:** S. 154(3) of the CrPC 1973 provided that if an SHO refused to register an FIR, the complainant had the right to report such refusal to the SP (Superintendent of Police) by post. The SP on the other hand could direct the SHO to proceed with an investigation or could take it upon himself to proceed with the investigation of the matter if the complainant was able to satisfy the SP of the genuineness of his grievance. In the new legislation, besides making the same provision it has been expressly mentioned that if the SP does not act adequately in the opinion of the informant, he can write to the Magistrate under S. 173(4) of the BNSS.

**Daily Diary:** S. 155(1) of the CrPC provided that all non-cognizable offences reported are to be entered into the book by the SHO and refer such informant to the Magistrate. In the new legislation, it has been provided under S. 174 that besides recording and referring the

---

<sup>21</sup> S.173 (3) Bharatiya Nagarik Suraksha Sanhita, 2023

<sup>22</sup> John Barker Waite “Evidence: Police Regulations by Rules of Evidence” 42 *MLR* 679 (1944).

informant, the SHO shall every fourteen days, forward the daily report of such cases to the magistrate. This has been hailed as a significant improvement of the previous system because the police cannot investigate a non-cognizable offence without the orders of a magistrate and hence withholding such complaints from the knowledge of the magistrate beyond a certain time period only obstructs the smooth administration of justice.

**Power to investigate in cognizable cases:** Section 156 (1) of the CrPC provided that any officer in charge of a police station may, without the order of a Magistrate investigate any cognizable case in which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII of CrPC. Section 175(1) of BNSS incorporates the existing provisions in S. 156(1) of CrPC. S. 175 further provides that considering the nature and gravity of the offence, the Superintendent of Police may either himself investigate or require the deputy Superintendent of Police to investigate the Offence. This must be read, however, in light of Manoj Kumar Sharma's case where it was held that there is no absolute prohibition that a criminal case where the offence is committed beyond the local territorial jurisdiction of the court cannot be tried by the court.<sup>23</sup>

Section 156 (3) of the CrPC provided that any magistrate empowered under S. 190 of CrPC may order such an investigation as above mentioned. Sub Section (3) of Section 175 of BNSS provides that any judicial magistrate empowered under S. 210 may, after considering the application made under S.173(4) and after making such enquiries as he thinks necessary and submission made in this regard by the police officer, order such an investigation as above mentioned. The word any magistrate in section 156 (3) of the CrPC means only judicial magistrates because executive magistrates cannot direct investigation of a cognizable offence.<sup>24</sup>

**Complaint by a superior officer:** Sub-section 4 of Section 175 is a new provision. It provides that any magistrate empowered under S.210, may upon receiving a complaint against a public servant arising in course of the discharge of his official duties, take cognizance, subject to -

- a) Receiving a report containing facts and circumstances of the incident from the officer superior to him; and

---

<sup>23</sup> *Manoj Kumar Sharma v. State of Chhattisgarh* 2017 Cr. L.J. 418 (424).

<sup>24</sup> *Hari Singh V. State of U.P.* 2006 Cr. L.J. 3283.

- b) After consideration of the assertions made by the public servant as to the situation that led to the incident so alleged.

There are no provisions in S. 156 of CrPC corresponding to sub-section 4 of S. 175 of BNSS.

**Audio-video electronic data in case of recording statement of rape victim:** The second proviso to Section 176(1) of BNSS provides for the recording of the statement of a prosecutrix through any electronic medium including audio and video using a cell phone. Section 157 of the CrPC contained no provision such as the one mentioned above. The CrPC was amended to incorporate the following provision in 2009. The third proviso to section 157 said that *“recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardians or near relatives or social worker of the locality.”*<sup>25</sup> The new legislation i.e. BNSS has made a significant improvement in the law in terms of effective statement recording provisions for rape victims by allowing videographed footage of statement or even audio tapes recorded on a cell phone to be brought at par in evidentiary value and allowing for the same in general.<sup>26</sup>

**Collection of Evidence by forensic team:** There was no provision in the CrPC regarding the collection of evidence by a forensic team. The new legislation, however, provides under S. 176(3) that from such date (to be notified) upon receiving an information of offence punishable for seven years or more, SHO shall cause the forensic expert to visit the crime scene for collection of forensic evidence and also cause videography of the process.

**Exemption from attendance of witness:** S.160 of the CrPC provided that a police officer may require attendance of a witness before himself with the following exemptions. A male below 15 years of age and above 65 years of age or a woman or any person who is mentally or physically disabled shall be exempted from the strictures of attendance and their attendance shall be taken only in their place of residence. S.179 of the new legislation i.e. BNSS has extended the exemption to persons with acute illness. The second proviso to section 179(1) of BNSS further provides that if such exempted person is willing to attend the police station or at any other place within the limits of such police station, such person may be permitted so to do.

---

<sup>25</sup> Inserted by Act 5 of 2009, section 11 (small w.e.f. 31/12/2009)

<sup>26</sup> Law Commission of India, 282nd Report on Amendments to section 154 of the CrPC enabling online registration of FIR, 2023 (September, 2023).

**Time limit for submission of the medical report of a rape victim to police:** S. 164A of the CrPC provided no time limit prescription for forwarding the medical report of a rape victim to the investigating officer; the provision only mentioned “without delay” without getting into the specifics of what the reasonable time would be leaving it to the discretion of the trial court. The time limit of seven days is set within which the report must be forwarded to the investigating officer S.184. The newly inserted proviso to section 183(6)(a) of BNSS provides that such statement shall, as far as practicable be recorded by a woman Magistrate and in her absence by a male Judicial Magistrate in the presence of a woman. The second proviso to section 183(6)(a) provides that in cases relating to the offences punishable with imprisonment for ten years or more or imprisonment for life or with death, the Magistrate shall record the statement of the witness brought before him by the police officer. The fourth proviso to section 183(6)(a) provides that where the person making the statement is temporarily or permanently mentally or physically disabled, the statement made by the person, with the assistance of an interpreter or a special educator, shall be recorded through audio-video electronic means preferably cell phone instead of the existing requirement that the statement be videographed.

**Regarding security for appearance,** CrPC dictates that if there is sufficient evidence or reasonable grounds, the Station House Officer (SHO) must either forward the accused to the Magistrate or, if the offence is bailable and the accused can provide security, take security for their attendance before the Magistrate and release them (S. 170). Conversely, under BNSS, if the accused is not in custody, the police officer must take security from the accused for their appearance before the Magistrate, and the Magistrate cannot reject such security solely because the accused is not in custody (S. 190).

**Concerning the time frame for completing investigations,** CrPC sets a two-month deadline from the receipt of information for rape cases (S. 173). In contrast, BNSS extends this time-bound requirement to POCSO cases (S. 4, 6, 8, 10, and 12) (S. 193(2)). This however doesn't still explain as to why other cases of equally grievous nature, such as murder, dacoity etc. have been kept out of the ambit of fast track investigation. While there is no time limit for the police to complete investigation in such cases, a time limit is set only on rape cases and POCSO cases. Such a distinction between rape and other offences lacks a rational nexus from the outcome served.<sup>27</sup>

---

<sup>27</sup> Cates “Fast Track: Its Evolution and Future” 21 *ASLJ* 219 (1989).

**In terms of electronic communication of police reports to the Magistrate,** CrPC lacks provisions for such transmission. In contrast, BNSS permits police reports, including chargesheets, to be electronically forwarded to the Magistrate, with specific instructions regarding the custody sequence for electronic devices (S. 193(3)(i)). Thus we find incorporation of technology in the investigative procedure. It is a welcome move, wherein the police is actively taking help of ICT for efficient and faster compliance with the mandates such as that of submission of police report.<sup>28</sup>

**Information to Victim:** While CrPC does not mandate reporting the investigation's progress to the victim, BNSS requires police officers to inform the victim about the investigation's progress within 90 days of receiving the information, using various communication methods including electronic means (S. 193(3)(ii)). This has brought in a victimological development in the law. Previously victims were mute spectators during investigation and trial. They were not informed about progress of investigation or the trial. Now they will be respected as a stakeholder in the criminal justice administration.<sup>29</sup>

Another distinction lies in supplying documents to the accused. Under CrPC, the investigating police officer may choose to supply copies of documents to the accused if they find it convenient (S. 173(7)). Conversely, BNSS makes it mandatory for the investigating police officer to submit such document copies along with the police report to the Magistrate for the accused's supply (S. 193(8)).

Moreover, **regarding the enquiry and report of suicides or unnatural deaths,** CrPC requires police officers to promptly forward the enquiry report to the District Magistrate or Sub-Divisional Magistrate (S. 174). In BNSS, a specific time limit of 24 hours from receiving the information is set for sending such reports to the DM/SDM (S. 194).

Finally, **regarding the power to summon persons for investigation,** CrPC allows the police officer enquiring into unnatural deaths to summon two or more persons, who must answer questions except those incriminating themselves (S. 175). In contrast, BNSS exempts certain individuals, such as males below 15 or above 60, women, mentally or physically disabled persons, and those with acute illnesses, from being summoned to any place other than their residence (S. 195) thus giving credence to the claims of inclusivity and humanitarian approach that have been attached with the new legislations.

---

<sup>28</sup> Suhas Narhari "Role of Scientific Technology in Criminal Investigation" 2 *IJLLR* 1 (2021).

<sup>29</sup> Michael O'Connell, "Victimology: A Social Science in Waiting?" 15 *IRV* 91 (2008).

**Conclusion:**

So far as the police administration is concerned, several changes can be observed as are brought about by the BNSS. Most of these changes are meant to give either more power to different ranks of the police which the CrPC didn't vest previously, or to set police accountability by designating certain officers or setting up specific time limits by whom and within which a duty has to be discharged. The BNSS has also clarified certain ambiguities which previously prevailed in the police system. The real challenge however lies in making the police officers acquainted and accustomed with the changed set up of rules. In-service training has to be made a crucial weapon in breaking down these laws to the remotest extents of the police force.