



ISSN: 2583-7753

LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

[ISSN: 2583-7753]

Volume 4 | Issue 1

2026

DOI: <https://doi.org/10.70183/lijdlr.2026.v04.12>

© 2026 LawFoyer International Journal of Doctrinal Legal Research

Follow this and additional research works at: www.lijdlr.com

Under the Platform of LawFoyer – www.lawfoyer.in

After careful consideration, the editorial board of LawFoyer International Journal of Doctrinal Legal Research has decided to publish this submission as part of the publication.

In case of any suggestions or complaints, kindly contact (info.lijdlr@gmail.com)

To submit your Manuscript for Publication in the LawFoyer International Journal of Doctrinal Legal Research, To submit your Manuscript [Click here](#)

RECASTING CRIMINAL PROCEDURE UNDER THE BNSS: EFFICIENCY OR EROSION OF DUE PROCESS?

Prapti Rajeev¹ & Srisha B.R.²

I. ABSTRACT

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is a significant shift in India's criminal procedure by replacing the Code of Criminal Procedure, 1973. The BNSS, with the objective of providing efficiency, transparency, and speedy justice, brings with it digital procedures, rigid timelines, and increased powers of investigation. Though these reforms guarantee modernization and efficiency in criminal trials, they also form the subject of serious concerns about the erosion of procedural safeguards and constitutional entitlements of fair trial and liberty of an individual. This study identifies the conflict between administrative convenience and safeguarding basic rights, determining whether the new system actually delivers justice or sacrifices due process in the name of speed. Using a comparative and analytical approach, the analysis assesses critical provisions on arrest, detention, and evidence troloupe, raising the issue of the scope of judicial oversight in the new system. The analysis ends by arguing that the success of the BNSS is not just a matter of procedural reforms but of their loyal implementation within the constitutional framework to ensure that efficiency strengthens, not weakens, the precepts of fairness, accountability, and the rule of law.

II. KEYWORDS

Bharatiya Nagarik Suraksha Sanhita (BNSS), Criminal Procedure Reform, Due Process, Efficiency and Justice, Constitutional Safeguards.

III. INTRODUCTION

The enactment of the BNSS, 2023, marks one of the most significant restructurings of India's criminal procedure framework in the post-independence era. Replacing the Code of Criminal Procedure, 1973, after nearly five decades of operation, the BNSS

¹ B.A.LL. B, 4th year, Christ Academy Institute of Law, Bengaluru (India). Email: praptirajeev@gmail.com

² B.A.LL. B, 4th year, Christ Academy Institute of Law, Bengaluru (India). Email: srishagowda198@gmail.com

responds to persistent concerns regarding mounting case backlogs, investigative delays, technological inadequacies, and the perceived colonial legacy of procedural law. It seeks to align criminal procedure with contemporary socio-digital realities while enhancing efficiency and institutional accountability.

Among its notable reforms are provisions for electronic filing, videoconferencing in trials, and structured timelines for investigation and adjudication. Significantly, Section 193 of the BNSS prescribes that a charge sheet must ordinarily be filed within 60 days where the offence is punishable with imprisonment up to ten years, and within 90 days where the offence is punishable with death, life imprisonment, or imprisonment of ten years or more. Such calibrated timelines aim to reduce investigative stagnation while preserving procedural discipline.

However, the transition from the CrPC to the BNSS has generated intense debate among scholars, practitioners, and civil liberties advocates. Critics argue that an emphasis on administrative efficiency and expanded investigative powers may risk diluting foundational due process guarantees, including protection against arbitrary arrest and the right to a fair trial.

Against this backdrop, the present paper examines whether the BNSS represents genuine procedural modernization or a subtle recalibration that privileges speed over safeguards. The discussion proceeds by first outlining the conceptual shift underlying the reform, then analysing key procedural changes and their constitutional implications, and finally evaluating whether the new framework strikes a sustainable balance between efficiency, judicial oversight, and the protection of individual rights.

A. Statement of the Problem

The Bharatiya Nagarik Suraksha Sanhita (BNSS) of 2023 was enacted to update India's criminal procedure and rectify long-standing problems of delay and inefficiency in the justice process. Although the aims seem to be progressive, the compromise of constitutional protections has been raised as a concern in the process. The emphasis on speed, digitization, and increased police powers can unintentionally undermine the values of fairness, accountability, and judicial control that constitute the cornerstone of due process.

This gives rise to a burning question does the BNSS actually reform criminal justice, or does it privilege administrative ease over individual rights? The issue is to find a balance between procedural convenience and safeguarding of civil liberties. Lacking proper checks and proper implementation, the new provisions also run the risk of turning delivery of justice into a mechanistic process that could debilitate the very guarantees they were aimed to bolster.

B. Objectives of the Study

1. To examine the central procedural reforms brought about by the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, and how they affect the efficiency of the criminal justice system.
2. To analyse whether the BNSS maintains constitutional canons of due process, impartiality, and safeguard of personal rights in the process of delivering speedy justice.
3. To assess the balance between administrative expediency and judicial responsibility in the application of the BNSS within the Indian constitution.

C. Research Questions

1. Does the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, enhance the efficiency of the criminal justice system without compromising the principles of due process and fair trial?
2. To what extent do the procedural reforms under the BNSS strike a balance between administrative convenience, judicial oversight, and the protection of individual rights?

D. Hypothesis

Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, improves efficiency in criminal trials with digitization and fixed timeframes but can compromise due process protection unless implemented effectively. The research is based on the notion that its success lies in striking a balance between administrative efficiency and safeguarding individual rights, promoting justice and accountability in the system.

E. Research Methodology

The research is largely based on secondary sources to examine the influence of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, on Indian criminal procedure. Some of the main sources are the language of the BNSS itself, legislative discussions, and governmental reports on criminal justice reform, and they reveal insight into the statute's aims and structure. Books and legal commentaries regarding criminal procedure, constitutional law, and due process provide academic views regarding procedural protections and reforms. Peer-reviewed journal articles and research studies present critical appraisals of digitization, efficiency, and comparative approaches in criminal justice systems. Judicial interpretations and landmark case laws provide assessments of the real-world application of procedural protections and accused persons' rights. Further, online law databases like SCC Online, Manupatra, and JSTOR, as well as law commission reports, white papers, and related media reports, are incorporated to enrich scholarly discourse and identify the current issues relating to the BNSS.

IV. BHARATIYA NAGARIK SURAKSHA SANHITA (BNSS), 2023, DO STREAMLINE THE CRIMINAL JUSTICE SYSTEM WITHOUT COMPROMISING THE TENETS OF DUE PROCESS AND TRIAL BY FAIR MEANS?

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeks to address long-standing structural deficiencies in India's criminal justice system, particularly investigative delay and procedural backlog. Through digitization, structured timelines, and procedural rationalization, the BNSS aims to enhance institutional efficiency while retaining constitutional safeguards. Provisions for electronic filing of complaints, videoconferencing for witness examination, and regulated investigation periods signify a shift toward a technology-enabled and time-disciplined framework.

A central reform relates to the filing of police reports (charge sheets). Under Section 193(3) of the BNSS, 2023, read with Section 187, the investigation must ordinarily be completed and the charge sheet filed within 60 days where the offence is punishable

with imprisonment of less than ten years, and within 90 days where the offence is punishable with death, life imprisonment, or imprisonment of ten years or more. This graded structure replaces generalized references to a uniform ninety-day period and introduces calibrated procedural discipline.

It is important to clarify that the 180-day period does not relate to the filing of the charge sheet. Rather, under Section 232 of the BNSS, it concerns the timeline within which a Magistrate is to commit a case triable by the Court of Session after taking cognizance. Similarly, Section 392 of the BNSS prescribes timelines for the pronouncement of judgment after completion of trial. These provisions collectively reflect the legislature's intent to impose accountability at multiple procedural stages, not merely at the investigation stage.

While these time-bound mechanisms are designed to curb stagnation, concerns persist regarding their practical implications. A rigid emphasis on procedural speed, if not accompanied by adequate judicial supervision, may risk compromising safeguards against arbitrary arrest, prolonged detention, or incomplete investigation. The constitutional guarantees under Articles 21 and 22 require that expedition must not eclipse fairness.

Accordingly, the effectiveness of the BNSS in streamlining criminal justice without eroding due process depends upon careful implementation, judicial vigilance, and adherence to statutory safeguards. When interpreted harmoniously with constitutional mandates, the time-bound framework has the potential to enhance efficiency without sacrificing the foundational principles of fairness, accountability, and rule of law.

V. THE PROCEDURAL REFORMS UNDER THE BNSS STRIKE A BALANCE BETWEEN ADMINISTRATIVE CONVENIENCE, JUDICIAL SUPERVISION, AND SAFEGUARDING INDIVIDUAL RIGHTS?

The procedural amendments under the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seek to maintain a balance between administrative efficiency, judicial scrutiny,

and safeguarding individual rights. The BNSS provides organized timeframes for investigation and trial, digital filing of pleadings and documents, and facilities for video-hybrid hearings with an objective to minimize delays and enhance accessibility to justice³. Such administrative facilitations are intended to rationalize the criminal justice system and make it more responsive to contemporary needs.

But judicial monitoring and protection of individual rights remain a preeminent issue. The BNSS is nevertheless giving police authorities greater investigating powers, but judicial sanction and monitoring are built into important provisions to avoid misuse. Provisions governing arrest, detention, and seizure of evidence, for example, must conform to constitutional protection under Articles 21⁴ and 22⁵ so that expediency does not come at the cost of basic rights.

Indian constitutional jurisprudence reinforces the need to balance efficiency with liberty. In *Joginder Kumar v State of UP* (1994) 4 SCC 260⁶, the Supreme Court held that arrest cannot be routine or mechanical and must satisfy the requirement of necessity, thereby underscoring judicial control over police powers. Similarly, in *Kartar Singh v State of Punjab* (1994) 3 SCC 569⁷, the Court emphasized that even in matters involving stringent penal statutes, procedural safeguards and constitutional protections cannot be diluted. These precedents affirm that administrative efficiency in criminal procedure must operate within the boundaries of due process and judicial oversight.

Therefore, although BNSS promotes administrative ease, its efficiency lies in strong enforcement of judicial controls and compliance with constitutional protection. The process reforms can attain harmonious equilibrium if recent aids and timelines run within the process of legal accountability and safeguarding personal rights so that accelerated justice does not degrade basic liberties.

³ National Judicial Data Grid. Pending cases Statistics. NJDG Portal. Available from: <https://njdg.ecourts.gov.in/>

⁴ Article 21, Constitution of India.

⁵ Article 22, Constitution of India.

⁶ *Joginder Kumar v State of UP* (1994) 4 SCC 260.

⁷ *Kartar Singh v State of Punjab* (1994) 3 SCC 569.

VI. HISTORY OF BNSS

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is a landmark reform of India's criminal justice system, which seeks to replace the colonial legacy Code of Criminal Procedure, 1973. The impetus for reform came from three decades of procedural delays, backlogs in cases⁸, and problems in guaranteeing speedy justice. In recent years, various commissions and panels, such as the Malimath Committee (2003) and the Law Commission of India, proposed substantive reforms to rationalize criminal procedures, enhance police accountability, and integrate technological development in the judicial system. The BNSS was proposed to meet these ends with an emphasis on efficiency, transparency, and IT integration while balancing the accused's rights against the needs of a contemporary investigative system. It brings in institutionalized timeframes for inquiry and trial, provision for computer-based documentation, and expanded powers for the police subject to judicial scrutiny. The BNSS is therefore the culmination of decades of deliberation and legislative travail in overhauling criminal procedure in India in an effort to balance administrative expediency with constitutional protection.

VII. IMPACT ON DUE PROCESS

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, though aimed at greater efficiency, has wide-ranging consequences for due process and the protection of individual rights. By enshrining stringent investigation and trial timelines, computerized proceedings, and enhanced police investigative powers, the BNSS can potentially make criminal trials more efficient. Yet these changes also pose risks to protecting constitutional safeguards, specifically the right to personal liberty, a fair trial, and against arbitrary arrest or detention.⁹

The BNSS includes safeguards of procedure like judicial supervision, formalized arrest and detention arrangements, and provisions for guaranteeing transparency in the collection of evidence. The safeguards are aimed at avoiding abuse of authority

⁸ Law Commission of India. 245th Report on Arrears and Backlog in Courts. 2014

⁹ <https://theamikusrqiae.com/an-analysis-of-the-bharatiya-nagarik-suraksha-sanhita-2023/>

while maintaining efficiency¹⁰. However, their efficacy relies on effective practical deployment. Absent proper training, supervision, and sensitization of police officials and court officers, there is a chance that procedural urgency may turn the principles of justice and fairness upside down.

Generally, whereas the BNSS initiate mechanisms that can withstand due process, maintain a balance between efficiency and protection of rights is finicky. The success of each piece of legislation in maintaining individual freedoms relies on frequent judicial oversight, accountability of powers, and adherence to constitutional principles, ensuring that modernization of criminal procedures does not incur the cost of core rights.

VIII. COMPARATIVE PERSPECTIVE

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, can be equated with both the earlier Code of Criminal Procedure, 1973, and criminal procedure frameworks in other countries to assess its effectiveness. Analysed to the CrPC, the BNSS emphasizes digitization, fixed timelines, and structured processes, which aim to reduce setbacks and improve case management. In contrast to the CrPC, which was based on a manual process and discretionary time frame, the BNSS aims at a technology-based and systematic approach to justice fulfill.

Around the world, criminal justice reforms in nations such as the United Kingdom and Singapore have all centered on being efficient through digital courts, case management systems, and transparent procedural structures, while ensuring robust judicial oversight. Here, the BNSS embodies international trends in criminal procedure modernization but has to be fitted into India's specific socio-legal context. The comparative perspective indicates that although the BNSS is congruent with international best practice in procedural efficiency, success depends on the protection of due process and effective implementation.

¹⁰ Sathe SP. *Judicial Activism in India: Transgressing Borders and Enforcing Limits*. Oxford University Press; 2002.

1. Time-bound Procedures for speedier justice: Simplifying and accelerating criminal investigations and trials is one of the BNSS's main pledges. Under the BNSS, time-bound procedures are structured at multiple stages of the criminal process. As discussed earlier, Section 193(3) prescribes a graded timeline for filing of the police report (charge sheet), depending on the gravity of the offence. With respect to pronouncement of judgment, Section 392(1) of the BNSS, 2023 mandates that judgment shall be delivered “not later than forty-five days” from the date of termination of the trial.

More specifically, in trials before a Court of Session, Section 258 of the BNSS requires that judgment ordinarily be pronounced within thirty days from the completion of arguments, extendable up to forty-five days for reasons to be recorded in writing. These provisions reflect a calibrated attempt to balance expedition with procedural transparency and judicial accountability.

From a comparative standpoint, similar efficiency-oriented reforms can be observed in other common law jurisdictions. In the United Kingdom, the Criminal Procedure Rules 2020 emphasize active judicial case management, early disclosure obligations, and strict timetabling to prevent undue delay, while maintaining robust protections under Article 6 of the European Convention on Human Rights, which guarantees the right to a fair trial. Likewise, Singapore’s Criminal Procedure Code 2010 incorporates structured pre-trial conferences, mandatory disclosure regimes, and streamlined committal procedures, designed to reduce delay without compromising the accused’s right to counsel and procedural fairness.

These comparative experiences demonstrate that procedural efficiency and rights protection are not mutually exclusive; rather, their compatibility depends upon institutional safeguards, judicial oversight, and reasoned flexibility within statutory timelines. The BNSS, when read alongside Sections 392 and 258, reflects a similar model imposing disciplined timelines while preserving judicial discretion and recorded reasons for extension.

2. **Victim-centric reforms:** Victim rights and involvement in criminal proceedings are given more weight by the BNSS. In some types of offenses¹¹, victims can now be heard during the bail hearing stage, which is a more considerate approach that takes into account how the crime affects the person who was wronged. Additionally, the requirement that victims receive case updates via digital platforms represents a move toward participatory justice, which was mainly lacking from the CrPC's framework.
3. **Community Policing and Preventive Powers:** The expansion of preventive policing authority is a more contentious area of change. Provisions for preventive detention, dispersing illegal gatherings, and enforcing public order through executive magistrates are all maintained by the BNSS and, in certain places, expanded. Detractors claim that these clauses could be abused and that they don't always match the constitutional guarantees of due process and liberty.¹²
4. **Provision for Zero FIR and Uniform FIR Registration:** The codification of the Zero FIR principle, which permits FIRs to be filed in any police station, regardless of jurisdiction, is one welcome clarification¹³. The CrPC did not specifically acknowledge this flexibility, despite the fact that courts had previously upheld this doctrine. This crucial victim-friendly measure is formalized by the BNSS.

IX. KEY FINDINGS

Research into the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, identifies a number of key findings on its effect on the criminal justice system. Secondly, the BNSS radically improves procedural efficiency. In setting electronic documentation, e-filing, and video hearings, the law minimizes dependence on paper documentation and slows down delays produced by clumsy manual processes. Timelines for investigation, trial, and adjudication guarantee that cases run like clockwork,

¹¹ BNSS, 2023, s.481

¹² Amnesty International India, "Preventive Detention and Abuse of Law", 2020

¹³ BNSS, 2023, s.173(3); see also *Lalita Kumari V. Govt. of U.P.*, (2014) 2 SCC 1.

resolving one of the Indian criminal justice system's long-standing problems: backlogs of outstanding cases.

Secondly, the BNSS attempts to balance administrative expediency and legal protection. As it extends increased power to law enforcement authorities, it also installs mechanisms for judicial oversight and check, so that process hastening doesn't compromise fairness. Arrest, detention, and evidence gathering provisions mirror a systematic process that aims to avoid arbitrariness but also speed up procedures.

Third, the research discovers that although the BNSS brings in technological and procedural reforms, the success of these initiatives hinges significantly on implementation. Training of police officials, sufficient infrastructure, and sensitization of judicial officers and litigants are essential to delivering desired outcomes. In the absence of adequate working support, gains in efficiency could be minimal, and procedural oversights could undermine individual rights.

Lastly, the BNSS indicates a larger move towards modernization in criminal law, a signal that India is serious about accessing justice and doing it in a timelier manner. The most salient finding is that procedural reform, where it is supported by constitutional protections and judicial checks, can make the criminal justice system more efficient overall, as long as plausible implementation challenges are skilfully managed.

X. SUGGESTIONS AND RECOMMENDATIONS

For the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to achieve its reformative objectives without compromising constitutional guarantees, implementation must be supported by structural readiness, judicial vigilance, and continuous institutional evaluation.

- 1. Strengthening Implementation Infrastructure:** The success of digitization under the BNSS depends upon robust and uniform digital infrastructure across all states and districts. Secure platforms for e-filing, virtual hearings, and digital evidence management must be operational nationwide. Capacity-building

initiatives should be conducted to train judges, prosecutors, and police officers in the effective use of technological tools introduced under the new framework.

2. **Enhancing Judicial Oversight and Accountability:** Expanded investigative powers under the BNSS necessitate strengthened judicial supervision. Institutional mechanisms for independent monitoring of arrests, detention, search, and seizure should be operationalized. Judicial authorization must remain mandatory for significant coercive measures, and periodic judicial review of investigations should be ensured to prevent misuse of authority.
3. **Safeguarding Due Process and Fundamental Rights:** Expedition must not override the guarantees under Articles 21 and 22 of the Constitution. Clear statutory guidelines governing arrest, detention, and digital evidence handling must be strictly enforced. With increasing reliance on technology, compliance with the Digital Personal Data Protection Act, 2023, is essential to prevent misuse of personal data collected during investigations. Legal aid services must also be digitally integrated to ensure meaningful access to representation, particularly for marginalized groups.
4. **Alignment with Constitutional and International Standards:** The procedural framework under the BNSS should remain consistent with India's constitutional commitments and its obligations under international instruments such as the International Covenant on Civil and Political Rights (ICCPR), particularly concerning liberty and fair trial rights. Comparative lessons from jurisdictions like the United Kingdom and Singapore demonstrate that efficiency can coexist with rights protection when judicial oversight is institutionally embedded.
5. **Technology with Human Oversight and Inclusivity:** Technological integration must complement, not substitute, judicial discretion. Standardized protocols for authentication of digital evidence and strong cybersecurity safeguards are essential to maintain the credibility of electronic proceedings. Accessibility measures, including multilingual platforms and disability-friendly interfaces, should be incorporated to prevent digital exclusion, particularly in rural and semi-urban regions.

Through these calibrated measures, the BNSS can establish a sustainable equilibrium between procedural efficiency, constitutional fidelity, and public confidence in the criminal justice system.

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, needs to be implemented with structural readiness, judicial vigilance, and ongoing evaluation in order to fully fulfill its goal of revolutionizing India's criminal justice system. Strengthening the implementation infrastructure is the most important prerequisite. The availability of strong digital platforms that can facilitate e-filing, virtual hearings, and digital evidence management is crucial to the BNSS's success. To prevent regional disparities, all states and districts must have the same digital infrastructure. Initiatives to increase capacity that instruct judges, prosecutors, and police officers in the real-world use of new digital and procedural tools must be implemented in addition to this.

Improving judicial accountability and oversight is equally important. Without adequate judicial oversight, the BNSS's expanded investigative powers could be abused. Therefore, in order to supervise arrests, detentions, and searches, institutional mechanisms for independent monitoring must be put in place. All significant police operations, such as prolonged detention and electronic monitoring, should continue to require judicial approval. It is possible to guarantee that the accused's constitutional rights are not compromised in the name of efficiency by having magistrates and sessions judges periodically review investigations. Additionally, this kind of oversight will increase public confidence in the new procedural system's integrity and fairness.

The foundation of criminal justice reform must continue to be the defense of fundamental rights and due process. Although the BNSS aims to expedite trials, the accused's rights to a fair trial, legal counsel and protection from arbitrary detention must not be jeopardized. Upholding Articles 21 and 22 of the Constitution requires codified protections in the form of precise guidelines controlling arrest, detention, and the handling of digital evidence. Data privacy laws must be strictly enforced in accordance with the Digital Personal Data Protection Act, 2023, given the growing dependence on technology, in order to stop the misuse of personal data gathered during investigations. For marginalized people to effectively access legal

representation and take part in proceedings, legal aid mechanisms must also be incorporated into the digital framework.

It is also crucial to align the BNSS with international and constitutional norms. The procedure must be in accordance with India's commitments under the International Covenant on Civil and Political Rights (ICCPR), specifically Articles 9 and 14, which protect the rights to liberty and a fair trial. When backed by unambiguous legal protections, comparative experiences from countries like Singapore and the United Kingdom demonstrate that strong judicial oversight and procedural efficiency can coexist. To make sure that modernization upholds rather than compromises the principles of justice and liberty, the Indian legal system must contextually adjust these teachings.

Last but not least, strong human oversight must go hand in hand with technology integration under the BNSS. While digital case management systems and artificial intelligence tools can speed up administrative tasks, judicial discretion should always come first. To preserve the legitimacy of electronic proceedings, standardized procedures for the authentication of digital evidence and robust cybersecurity measures are essential. Accessibility and inclusivity must also be given top priority; digital portals and procedural forms should be accessible to people with disabilities and available in regional languages. In order to guarantee that reforms are implemented at the local level, the advantages of digitization should be extended beyond urban areas to district courts and rural areas.

XI. CONCLUSION

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is an historic initiative to modernize and rationalize India's criminal justice system. Through the use of digitization, timelines of fixed duration, electronic documentation, and video-enabled proceedings, the BNSS seeks to overcome old inefficiencies and delays that have long bedevilled criminal trials. These procedural reforms hold great promise for improving the speed and accessibility of justice, increasing the responsiveness of the system to the needs of citizens, and clearing up the backlog of outstanding cases.

On the other hand, the BNSS poses fundamental questions regarding the safeguard of fundamental rights and the due process. Although the law vests wider powers in investigation agencies and gives more importance to administrative expediency, it also enshrines mechanisms for judicial check, systematized procedures, and preventing arbitrariness in action. The balance between efficiency and equity continues to be the key to effective implementation of the BNSS. The research discovers that the success of such reforms relies not just on the legal provisions alone but also on administrative realities like infrastructure, training, awareness, and ongoing monitoring.

The research points out that modernization and efficiency do not have to be incompatible with constitutional protection. If enacted with care, the BNSS can ensure a balanced reconciliation of administrative convenience and individual rights, enhancing the criminal justice system's effectiveness and legitimacy. Finally, the BNSS reflects India's determination to reform criminal procedure and uphold the precepts of fairness, accountability, and rule of law. By addressing procedural delays without eroding protections, it has the potential to transform the criminal justice landscape in a manner that benefits the state, judiciary, and citizens alike.

XII. REFERENCES

1. Bharatiya Nagarik Suraksha Sanhita 2023 (Act 46 of 2023).
2. Code of Criminal Procedure 1973 (repealed).
3. Constitution of India 1950.
4. Digital Personal Data Protection Act 2023.
5. Law Commission of India, *177th Report on Law Relating to Arrest* (2001).
6. Law Commission of India, *239th Report on Expeditious Investigation and Trial of*
7. *Criminal Cases Against Influential Public Servants* (2012).
8. Law Commission of India, *277th Report on Wrongful Prosecution (Miscarriage of Justice): Legal Remedies* (2018).
9. Committee on Reforms of Criminal Justice System (Malimath Committee), *Report of the Committee on Reforms of the Criminal Justice System* (Government of India 2003).

10. Durga Das Basu, *Commentary on the Constitution of India* (9th edn, LexisNexis 2020).
11. RV Kelkar and KN Chandrasekharan Pillai, *Lectures on Criminal Procedure* (8th edn, Eastern Book Company 2023).
12. SS Bedi, 'The New Criminal Justice Codes: Reform, Rhetoric, and Reality' (2024) 14(2) *Indian Journal of Law and Justice* 45–67.
13. Ananya Shome, 'Digitalization and Due Process in Indian Criminal Law: A Critical Evaluation of BNSS, 2023' (2024) 16(1) *NUJS Law Review* 1–28.
14. Vidhi Centre for Legal Policy, *Analysis of the Bharatiya Nagarik Suraksha Sanhita, 2023: Efficiency vs Rights* (2024) <https://vidhilegalpolicy.in> accessed 15 February 2026.