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LEGISLATION TRACKER

Bharatiya Nagarik Suraksha Sanhita, 2023

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SUBJECTS COVERED

POLITY

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ACT NUMBER	YEAR ENACTED	REPLACES
Act No. 46 of 2023	2023	Code of Criminal Procedure, 1973 (Act No. 2 of 1974)

KEY PROVISIONS

- 1 Section 173 — FIR filing mandatory with e-FIR facility; zero FIR accepted at any police station
- 2 Section 176 — Mandatory forensic investigation for offences punishable with 7+ years
- 3 Section 187 — Police must update victim on case progress within 90 days
- 4 Section 356 — Trial in absentia of proclaimed offenders; Section 530 — all proceedings may be conducted electronically via audio-video means
- 5 Section 479 — Detention of undertrials capped; first-time offenders released on bond after one-third of maximum sentence; others after one-half
- 6 Section 289-300 — Plea bargaining provisions expanded; applications within 30 days of charge framing; first-time offenders may get one-fourth or one-sixth of prescribed punishment
- 7 Section 530 — All proceedings (summons, examination, evidence, appeals) may be conducted in electronic mode via audio-video means

BACKGROUND

The Bharatiya Nagarik Suraksha Sanhita (BNSS) was enacted to replace the Code of Criminal Procedure (CrPC), 1973, which itself had replaced the 1898 CrPC inherited from the British colonial administration. The CrPC governed the procedural framework for investigation, inquiry, and trial of criminal cases in India. Despite amendments over the decades, the procedural structure remained largely colonial in character, prioritising state convenience over citizen rights and speed of justice delivery.

The BNSS Bill was introduced in the Lok Sabha on August 11, 2023, received Presidential assent on December 25, 2023, and came into force on July 1, 2024. It is the procedural counterpart to the Bharatiya Nyaya Sanhita (BNS, substantive criminal law) and the Bharatiya Sakshya Adhinyam (BSA, evidence law). Together, these three statutes constitute the most comprehensive overhaul of India's criminal justice system since independence.

The BNSS contains 531 sections (compared to 484 in CrPC). It introduces mandatory timelines for investigations and trials, mandates the use of technology (e-FIR, video conferencing, electronic records), and strengthens victims' rights. Notably, it introduces the concept of "deemed bail" and imposes strict timelines on chargesheet filing.

KEY CONCEPTS

- **Zero FIR (Section 173):** An FIR can be registered at any police station regardless of jurisdiction. The FIR is then transferred to the relevant police station within 15 days. This removes the jurisdictional excuse often used by police to refuse complaints.
- **Mandatory forensic investigation (Section 176):** For all offences punishable with 7 years or more imprisonment, a forensic expert must visit the crime scene. Audio-video recording of the process is mandatory. This is aimed at reducing reliance on confessions and improving evidence quality.
- **Electronic proceedings (Section 530):** All proceedings — issuance and service of summons/warrants, examination of complainants and witnesses, recording of evidence in inquiries and trials, and all appellate proceedings — may be conducted in electronic mode via audio-video electronic means. This is designed to reduce trial delays and improve accessibility.
- **Trial in absentia (Section 356):** A new provision allowing trial to proceed in absentia of proclaimed offenders who evade trial, subject to specific conditions including a 90-day waiting period from framing of charge and adequate notification.
- **Victim's right to information (Section 187):** The police officer must inform the victim or informant about the progress of the investigation within 90 days of filing the FIR. This codifies a right previously only available through RTI applications.
- **Undertrial detention cap (Section 479):** First-time offenders who have never been convicted of any offence cannot be detained for more than one-third of the maximum sentence prescribed for the offence. For other offenders (excluding death penalty cases), the cap is one-half. This addresses the chronic problem of undertrials languishing in jail longer than their potential sentence.
- **Summary trials expansion (Section 530):** Summary trials — shorter, faster proceedings — are now available for offences punishable with up to 3 years (expanded from 2 years under CrPC). This aims to reduce pendency.

IMPORTANT PROVISIONS

- **Section 173 — Information in Cognizable Cases (FIR):** Every person has the right to file a complaint at any police station (zero FIR). The complaint can be given orally, in writing, or by electronic communication. The officer must provide a free copy of the FIR to the informant.

- **Section 176 — Forensic Investigation:** In cases punishable with 7+ years, a forensic expert shall visit the crime scene and collect forensic evidence. The entire process must be videographed on a mobile phone or any other electronic device. Failure to do so is a procedural violation that can be raised at trial.
- **Section 187 — Progress Report to Victim:** The officer-in-charge must inform the victim about the progress of the investigation within 90 days. This is a mandatory duty, not discretionary.
- **Section 530 — Electronic Proceedings:** Courts may conduct all proceedings (summons, examination, evidence recording, appeals) via audio-video electronic means. Evidence, statements, and even judgments can be produced and stored digitally. Courts must maintain electronic records as the primary record.
- **Section 479 — Undertrial Detention Cap:** The accused shall be released on bond when detention exceeds one-third (for first-time offenders who have never been convicted) or one-half (for others) of the maximum sentence. This does not apply to offences punishable with death.
- **Section 187(3) — Chargesheet Timeline:** The police must file a chargesheet (police report) within 90 days for offences punishable with death, life imprisonment, or imprisonment of 10 years or more, and within 60 days for other offences. If not filed within this period, the accused acquires an indefeasible right to default bail — the Magistrate must release the accused on bail regardless of the seriousness of the charges.

LANDMARK JUDGMENTS

- **Hussainara Khaton v. Home Secretary, State of Bihar (1979):** The Supreme Court held that speedy trial is a fundamental right under Article 21. The BNSS codifies timelines for investigation, chargesheet, and trial to give effect to this principle.
- **Arnesh Kumar v. State of Bihar (2014):** The Supreme Court directed that police officers must not automatically arrest in cases where the offence is punishable with up to 7 years. BNSS Section 35 incorporates guidelines on arrests, requiring reasons for arrest to be recorded.
- **Shri Gurbaksh Singh Sibbia v. State of Punjab (1980):** Established principles for anticipatory bail. BNSS Section 482 retains anticipatory bail provisions with procedural clarity.
- **Maneka Gandhi v. Union of India (1978):** Expanded the meaning of Article 21 (personal liberty) to include fair procedure. The BNSS's mandatory forensic investigation, electronic trials, and victim rights provisions flow from this expansive interpretation.

RECENT AMENDMENTS / DEVELOPMENTS

- **July 1, 2024:** BNSS came into force. All new criminal proceedings initiated from this date follow BNSS procedures. Pending cases under CrPC continue under the old procedures.

- **E-FIR implementation:** As of early 2025, several states including Uttar Pradesh, Maharashtra, and Tamil Nadu have implemented online FIR portals linked to BNSS Section 173.
- **Supreme Court on Section 175(4) (January 2026):** The Supreme Court held that complaints against public servants under BNSS Section 175(4) must be in writing with an affidavit — they cannot be oral. The Court read Section 175(4) harmoniously with sub-section (3) and clarified it is not a standalone provision.
- **Supreme Court on Section 223 (2025):** The Supreme Court described BNSS Section 223 (examination of complainant) — which requires the accused to be given an opportunity to be heard before the Magistrate takes cognizance of a complaint — as “a very salutary provision to avoid unnecessary prosecutions,” contrasting it with the old CrPC which did not mandate such an opportunity.
- **Preliminary Inquiry Ambiguity:** A key conceptual challenge noted by courts and legal scholars: if information already discloses a cognizable offence, what additional threshold must be met to conclude a prima facie case exists? Neither does BNSS define “prima facie case” nor does it explain how it differs from the existence of information disclosing a cognizable offence. This has led to inconsistent application across states.
- **Infrastructure challenges:** Many rural police stations and lower courts still lack the electronic infrastructure required for mandatory videography, e-FIR, and electronic trials. Courts have observed that summons could not be served properly due to incomplete implementation of the Inter-operable Criminal Justice System (ICJS). The Ministry of Home Affairs allocated Rs 1,500 crore for technological upgradation of police stations.
- **Training programs:** The National Police Academy (NPA) at Hyderabad and the National Judicial Academy at Bhopal have conducted training programs for over 10,000 police officers and 5,000 judicial officers on BNSS procedures.

UPSC RELEVANCE

*BNSS section numbers for key procedures (Section 173 FIR/zero FIR, Section 176 forensic investigation, Section 187 chargesheet timelines, Section 479 undertrial detention cap, Section 530 electronic proceedings, Section 356 trial in absentia); mandatory forensic investigation threshold (7 years); date of enforcement (July 1, 2024). **Mains GS-2:** Criminal justice reform and speedy trial; technology in justice delivery; victims' rights; police reforms; undertrial crisis in India (over 75% of prison population are undertrials); federalism — police and public order are State List subjects (Entry 1, 2 of List II) but criminal procedure is Concurrent List (Entry 1, List III). **Interview:** “Can technology-mandated procedural reforms succeed in India when many courts and police stations still lack basic digital infrastructure?”*

RELATED TERMS

[Criminal Justice Reform](#)[Zero Fir](#)



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