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EDITORIAL ANALYSIS

Digital Justice: Why Speed Must Walk With Safeguards

 THE HINDU

19 July 2026

POLITY

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CURATED & WRITTEN BY

**Bharat Choudhary**

UPSC Educator & Content Creator

 linkedin.com/in/epicbharat

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THE LIFT LINE

A criminal trial is only as trustworthy as the weakest link in its chain of evidence. India has spent two years rebuilding that chain in code and cable rather than paper, and the promise is real: fewer lost files, tamper-evident exhibits, and courts that no longer wait months for a forensic report. Yet a digital criminal justice system is a double-edged instrument. The same servers that speed a conviction can leak a citizen's most intimate data, and the same automation that reduces human error can hard-code human bias at scale. The task before the state is not to choose between efficiency and liberty, but to engineer a system where the pursuit of the first can never quietly erode the second.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

The three new criminal laws are among the most examinable governance reforms of this decade, because they touch prelims factual recall, mains analytical writing and ethics simultaneously. An aspirant who can hold both the technology and the constitutional caution in the same answer will stand apart from one who merely lists app names.

This editorial sits at the intersection of criminal procedure, e-governance and fundamental rights, which is exactly where UPSC likes to test judgement rather than memory.

GS Paper 2: Governance, transparency and accountability, e-governance applications and models, and the functioning of the judiciary and criminal justice system.

GS Paper 2 (Rights): The right to privacy as a facet of Article 21, and the due-process guarantees that condition every coercive state action.

For **Prelims**, hold the specifics: the three new codes are the **Bharatiya Nyaya Sanhita (BNS)**, the **Bharatiya Nagarik Suraksha Sanhita (BNSS)** and the **Bharatiya Sakshya Adhiniyam (BSA)**, all in force since **July 1, 2024**, replacing the IPC, CrPC and Indian Evidence Act respectively. The BNSS makes **videography of search and seizure mandatory**, requires **forensic examination for offences punishable with seven years or more**, and enables **zero-FIR** and **e-FIR**. The **eSakshya** app captures and uploads scene-of-crime and evidence recordings; the **Crime and Criminal Tracking Network and**

Systems (CCTNS) links police stations nationally; and the **Interoperable Criminal Justice System (ICJS)** connects police, courts, prisons, prosecution and forensics. The right to privacy was affirmed as a fundamental right in **K.S. Puttaswamy v. Union of India (2017)**.

For **Mains**, the argument is that technology is a tool of procedure, not a substitute for justice, and that its legitimacy depends on proportionality, purpose limitation and an auditable chain of custody.

BACKGROUND AND CONTEXT

For decades, the Indian criminal process ran on paper: handwritten case diaries, physically transported malkhana exhibits, and forensic reports that arrived long after memory had faded. Delay was structural. Evidence degraded, witnesses turned, and the gap between crime and consequence widened until **deterrence** lost meaning. The reform of 2023, operational from **July 1, 2024**, sought to close that gap by writing technology into statute rather than leaving it to administrative discretion.

The BNSS is the procedural spine of this shift. It does not merely permit digital tools; in several places it commands them. Videography of searches, forensic collection for serious offences, and time-bound electronic communication of case status are now legal obligations, not optional efficiencies. Behind the statute sits a decade of infrastructure, from CCTNS to ICJS, that finally has a legal **mandate** to match its wiring. The question is no longer whether India will digitise criminal justice, but whether it will do so in a way that a constitutional court, and a wronged citizen, can trust.

THE CORE ARGUMENT / ISSUE

The efficiency case is genuine

Digitisation attacks the two chronic diseases of Indian criminal justice: delay and evidence tampering. When a search is recorded on video and uploaded to **eSakshya** with a timestamp and geotag, the defence loses the easy argument that contraband was planted, and the prosecution gains an exhibit no clerk can misplace. **Forensic examination for seven-year-plus offences** raises the scientific floor of investigation and reduces reliance on confessions. **Zero-FIR** lets a victim register a complaint at any police station regardless of jurisdiction, and **e-FIR** removes the friction of physical presence for certain offences. Each of these is a real gain in access and integrity.

The safeguard case is equally genuine

Every one of these tools is also a data-generating machine. A single case now produces biometric records, location trails, device dumps and video that persists on state servers indefinitely. Without a purpose-limited retention policy, an audit trail for every access, and encryption at rest, the criminal justice system becomes the largest unregulated surveillance archive in the country. The **Puttaswamy** proportionality test demands that

any intrusion be legal, necessary, proportionate and accompanied by procedural safeguards. Digital evidence also raises a new integrity question: a video file or a database entry can be altered without leaving a torn edge, so the **chain of custody** must be cryptographically provable, not merely asserted by an officer.

Balancing the two

DIMENSION	EFFICIENCY GAIN	SAFEGUARD REQUIRED
Search and seizure	Mandatory videography deters planting of evidence	Tamper-proof storage, hash verification, defined access log
Forensics for serious offences	Scientific evidence over coerced confession	Adequate lab capacity, backlog control, neutral custody
CCTNS and ICJS integration	Seamless flow across police, courts, prisons	Purpose limitation, data minimisation, breach liability
eSakshya evidence app	Timestamped, geotagged, court-ready exhibits	Chain-of-custody metadata, cyber-forensic authentication
e-FIR and zero-FIR	Wider, jurisdiction-free access to justice	Verification to prevent misuse and false complaints

HOW TO THINK ABOUT THIS (ANALYTICAL FRAME)

Read this debate through the lens of **proportionality**, the frame the Supreme Court itself uses. Ask four questions of any digital tool: Is it backed by law? Does it serve a legitimate state aim? Is it the least intrusive means to that aim? And is it hedged by procedural safeguards against abuse? A tool that fails any limb is constitutionally suspect, however efficient it is.

A second frame is the distinction between **efficiency and legitimacy**. Efficiency asks how fast the system moves; legitimacy asks whether a losing party will accept the outcome as fair. Technology can raise both, but only if the citizen can see and challenge the digital evidence used against her. **Opacity** buys speed at the cost of trust, and a criminal justice system that loses public trust has failed even when its conviction rate rises.

THE DIAGRAM IN WORDS

Crime reported (zero-FIR / e-FIR) -> Videographed search and eSakshya capture -> Compulsory forensics for 7-year offences -> CCTNS + ICJS data flow across agencies -> Court trial on digital exhibits -> Guardrails: privacy (Puttaswamy), chain of custody, data protection -> Faster AND fairer justice

WAY FORWARD

- 1 **Legislate a criminal-justice data framework.** Operationalise the Digital Personal Data Protection regime for law-enforcement data with clear retention limits, purpose limitation and mandatory breach reporting, so that evidence archives do not become permanent surveillance stores.
- 2 **Make the chain of custody cryptographic.** Mandate hash-based integrity verification and immutable audit logs for every digital exhibit in **eSakshya** and CCTNS, so any tampering is detectable and defence access is auditable.
- 3 **Fund forensic capacity before mandating forensic evidence.** Expand forensic science laboratories, staff and turnaround time so the seven-year forensic mandate accelerates rather than clogs trials, and establish neutral, accredited custody of samples.
- 4 **Guarantee defence access and independent audit.** Ensure the accused can inspect and challenge digital evidence, and **empower** an independent body to audit the criminal justice databases for accuracy, bias and unauthorised access.

PYQ LINKAGE AND PRACTICE

This theme connects to past questions on e-governance as a tool of good governance, on the right to privacy after Puttaswamy, and on reforms in the criminal justice system. UPSC has repeatedly asked candidates to weigh a governance efficiency against a rights concern, which is precisely the structure this editorial demands.

Practice question: The new criminal codes embed technology into every stage of the criminal process, from FIR to forensics. Examine how this can improve the speed and integrity of justice, and discuss the safeguards needed to reconcile it with the right to privacy and due process. (15 marks, 250 words)

Sources: The Hindu, PRS Legislative Research: Bharatiya Nagarik Suraksha Sanhita, 2023, Ministry of Home Affairs

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