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CRIMINAL PROCEDURE AND INVESTIGATION IN INDIA: EVALUATING THE ROLES OF POLICE, PROSECUTION AND DEFENCE

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ABSTRACT

The Criminal Justice System in India has gone through an extensive transformation with the introduction of the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS) and the Bharatiya Sakshya Adhiniyam (BSA), which are intended to replace the colonial-style legal framework that governed Substantive Criminal Law, Criminal Procedure Law, and Evidence Law. These new laws seek to modernise how the criminal justice system is administered i.e., Trial mostly by improving the efficiency and transparency of the criminal justice system, and by making full use of technology in different phases of criminal investigation and standards of evidence during criminal procedure cases. Even though these reforms have been well received they are still dependent upon the coordinated action of three parties the police the prosecutor and the defendant to operate effectively. This research paper will assess if the new laws have instituted effective measures to provide fair and efficient criminal procedures and investigations in India, with an emphasis on the BNSS.

As the principal law enforcement agency in the country, the police are an integral component of the criminal justice process. The police maintain law and order, register crimes, collect evidence, and identify accused persons through investigative techniques. The effectiveness of the police, and therefore the quality and integrity of their investigations, will have a direct effect on the results of criminal trials. As the representative of the State, the prosecutor will present the case against an accused person to the court and ensure that justice is delivered to all parties in an impartial manner. In addition to presenting cases, the prosecutor also acts as the bridge between the investigative phase conducted by the police and the adjudicative phase (conducted

by the judge) of the criminal justice system.

INTRODUCTION

The Criminal Justice System in India has seen a radical change as a direct result of the implementation of the Bharatiya Nyaya Sanhita (BNS) (Indian Justice Code), the Bharatiya Nagarik Suraksha Sanhita (BNSS) (Indian Citizen Safety Code) and the Bharatiya Sakshya Adhiniyam (BSA) (Indian Evidence Act). All three codes sunset the colonial era of how the criminal law of India operates (Substantively), how it is enforced (Criminal procedure), and how evidence is adjudicated (Evidence). As part of this transformation, the codes aim to modernise the administration of criminal justice by improving the efficiency of the criminal justice system, enhancing the transparency of the system, and introducing technology into the criminal justice process as relates to how investigations are conducted and how trials are run (particularly in terms of dealing with digital evidence and managing the delivery of justice). As such, this transformation not only represents a substantial legislative overhaul of the existing criminal justice system, but also attempts to align the criminal justice system with modern societal realities and technological advancement.

While reforming this system is a step forward as it relates to the manner in which criminal justice is administered, the effectiveness of this system will still rely upon the successful coordination of the three key partners within the criminal justice system, namely the police, the prosecution and the defence. This study will evaluate whether the new legal framework, particularly the BNSS, is effective and has established a framework to ensure fair, efficient, and accountable criminal procedure and investigation in India.

As the primary law enforcement agency in India, the role of the police in providing law and order, registering offences, gathering evidence and conducting investigations to identify suspects, is critical to the proper functioning of the criminal justice system. The effectiveness, impartiality and legality of the police investigation is paramount to the successful delivery of justice to an accused person and to the successful prosecution of that person when prosecuted.

KEYWORDS

Indian Constitution, Criminal Justice System in India, Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), Bharatiya Sakshya Adhiniyam (BSA), Rights of Accused, Victim Rights Justice Delivery System.

RESEARCH METHODOLOGY:

The following doctrinal research methodology will mainly be based on the analysis of existing literature, laws, policies, and real-life cases related to criminal procedure and investigation and the roles of police, prosecution and defence in India. This study employs a qualitative research approach, combining desk research with case studies. It is second-hand information, which already exists, and the researcher collects and analyses it from someone else. This will involve information from books, Articles, journals, websites, newspapers, magazines, and other sources.

EVOLUTION OF CRIMINAL PROCEDURE IN INDIA

The evolution of criminal procedure in India reflects a gradual transition from colonial control to a rights-based, modern legal framework. During the British period, criminal procedure was primarily governed by statutes such as the Code of Criminal Procedure, 1898, which was designed to maintain administrative control rather than ensure justice for individuals. The system was largely authoritarian in nature, giving wide powers to the police while offering limited safeguards to the accused. The emphasis was on maintaining law and order in a colonial setting, rather than protecting civil liberties or ensuring fair trial standards.

After independence in 1947, the need to align criminal procedure with the values of the Constitution became evident. This led to the enactment of the Code of Criminal Procedure, which replaced the 1898 Code and introduced significant reforms. The 1973 Code emphasized fair trial, procedural safeguards, and judicial oversight, reflecting constitutional principles such as the right to life and personal liberty under Article 21 of Indian Constitution . It incorporated provisions relating to legal aid, rights of the accused, bail reforms, and separation of judiciary from executive functions. Over time, judicial interpretations by the Supreme Court of India further expanded procedural fairness, ensuring that investigation and trial processes adhered to due process standards.

Despite these developments, challenges such as delays in investigation, low conviction rates, custodial violence, and procedural inefficiencies persisted. The rapid growth of technology and new forms of crime, including cyber offences and organized crime, exposed the limitations of the existing procedural framework. Additionally, concerns regarding lack of coordination between investigative agencies and prosecution, as well as inadequate use of scientific methods

in investigation, highlighted the need for comprehensive reform.

In response to these challenges, India introduced a new set of criminal laws in 2023, marking a significant shift in the evolution of criminal procedure. The Bharatiya Nagarik Suraksha Sanhita (BNSS) replaces the CrPC, while working in conjunction with the Bharatiya Nyaya Sanhita (BNS) and the Bharatiya Sakshya Adhiniyam (BSA). These laws aim to create a more efficient, transparent, and technology-driven criminal justice system. Key reforms include the use of electronic communication in investigation and trial, time-bound procedures, enhanced focus on forensic evidence, and improved victim participation.

Thus, the evolution of criminal procedure in India demonstrates a continuous effort to balance state authority with individual rights, moving from a colonial framework to a more progressive, citizen-centric approach. However, the true success of these reforms depends not only on legislative changes but also on their effective implementation in practice.

LEGAL FRAMEWORK GOVERNING CRIMINAL PROCEDURE IN INDIA

The legal framework governing criminal procedure in India has recently undergone a comprehensive transformation with the enactment of the Bharatiya Nagarik Suraksha Sanhita (BNSS), which replaces the earlier Code of Criminal Procedure, 1973. This framework operates in close coordination with the Bharatiya Nyaya Sanhita (BNS), which defines criminal offences and punishments, and the Bharatiya Sakshya Adhiniyam (BSA), which governs the rules relating to evidence. Together, these three statutes form the backbone of the modern criminal justice system in India, ensuring that crimes are investigated, prosecuted, and adjudicated in a structured and legally sound manner.

The BNSS lays down the procedural machinery of the criminal justice process. It provides detailed provisions relating to the registration of First Information Reports (FIRs), investigation by police authorities, powers of arrest, search and seizure, filing of charge sheets, conduct of trials, and delivery of judgments. It also introduces reforms aimed at improving efficiency, such as time-bound investigation, use of electronic communication, and incorporation of technology in court proceedings. These provisions are intended to reduce delays and enhance transparency in the administration of justice.

The BNS complements the procedural law by defining various offences and prescribing corresponding punishments. It reflects a shift towards addressing contemporary crimes, including organized crime and cyber offences, thereby aligning substantive criminal law with present-day realities. Meanwhile, the BSA regulates the admissibility, relevance, and evaluation of evidence, with a notable emphasis on digital and electronic evidence. This is particularly significant in modern investigations, where technological evidence plays a crucial role in establishing guilt or innocence.

In addition to statutory provisions, the Constitution of India serves as the foundation of the criminal procedural framework by guaranteeing fundamental rights such as protection against arbitrary arrest, the right to a fair trial, and the right to life and personal liberty. Judicial interpretations by the Supreme Court of India and various High Courts have further strengthened these protections, ensuring that procedural laws are applied in a manner consistent with constitutional values.

Overall, the legal framework governing criminal procedure in India represents a shift towards a more modern, efficient, and rights-oriented system. However, its effectiveness ultimately depends on proper implementation, institutional coordination, and adherence to the principles of fairness and justice at every stage of the criminal process.

ROLE OF POLICE IN CRIMINAL INVESTIGATION

Registration of fir and Initiation of Investigation:

The role of the police in criminal investigation begins with the registration of the First Information Report (FIR), which is the first formal step in setting the criminal law in motion. Under the Bharatiya Nagarik Suraksha Sanhita (BNSS), the police are legally obligated to register an FIR in cases involving cognizable offences. This requirement ensures that complaints are officially documented and that the investigative process begins without undue delay. The FIR serves as the foundation of the entire case, as it records the basic facts of the alleged offence. Any delay, refusal, or manipulation in registering an FIR can seriously undermine justice by allowing evidence to disappear or be tampered with. Therefore, prompt and accurate registration is essential for maintaining the integrity of the criminal justice system.

Collection and Preservation of Evidence:

One of the most crucial functions of the police is the systematic collection and preservation of evidence. This includes visiting the crime scene, securing it from contamination, collecting physical objects, recording witness statements, and obtaining documentary and digital evidence. With advancements in technology, the role of digital evidence has become increasingly significant, requiring the police to adopt scientific methods and forensic techniques. The collected evidence must meet the standards of admissibility under the Bharatiya Sakshya Adhiniyam (BSA). Any lapse in the chain of custody or mishandling of evidence can weaken the prosecution's case and may lead to acquittal. Thus, professionalism, training, and attention to detail are essential in this stage.

Powers of Arrest, Search, and Seizure:

The police are vested with significant powers to ensure effective investigation, including the authority to arrest suspects, conduct searches, and seize relevant materials. These powers are necessary to prevent the accused from absconding, to secure evidence, and to maintain public order. However, these powers are not absolute and must be exercised in accordance with legal provisions and constitutional safeguards. Arbitrary or excessive use of power can lead to violations of fundamental rights and erode public trust in the system. Therefore, the exercise of such powers must be guided by principles of legality, necessity, and proportionality.

Interrogation and Examination of Witnesses:

Interrogation of suspects and examination of witnesses are essential components of investigation. Through this process, the police attempt to reconstruct the sequence of events and establish the facts of the case. It is important that interrogation is conducted in a lawful and ethical manner, without coercion, torture, or undue pressure. Statements obtained through illegal means not only violate human rights but are also inadmissible in court. The credibility of the investigation largely depends on the fairness and transparency of this process.

Filing of Charge Sheet and Final Report:

Upon completion of the investigation, the police are required to submit a final report or charge sheet before the competent court. This document contains details of the offence, the identity of the accused, the evidence collected, and the conclusions drawn by the investigating officer. The charge sheet forms the basis on which the prosecution builds its case during trial. A well-prepared charge sheet strengthens the prosecution's position, while a poorly prepared one can

weaken the case and benefit the accused. Thus, this stage represents the culmination of the investigative process.

Use of Technology and Forensic Science:

Modern criminal investigations increasingly rely on technology and forensic science. The BNSS encourages the use of electronic records, digital communication, and scientific methods to improve the efficiency and accuracy of investigations. Techniques such as DNA analysis, cyber forensics, and surveillance tools have enhanced the ability of the police to detect and prove offences. However, the effective use of technology requires proper infrastructure, training, and safeguards to prevent misuse.

Challenges and Issues in Police Investigation:

Despite their critical role, the police face numerous challenges that affect the quality of investigations. These include lack of adequate resources, insufficient training, heavy workload, political interference, and public pressure. Allegations of custodial violence, corruption, and misuse of authority further undermine the credibility of the police. Additionally, delays in investigation and poor coordination with other agencies often result in inefficiencies within the criminal justice system.

Importance of Fair and Impartial Investigation:

A fair and impartial investigation is the cornerstone of justice. The police must act objectively, without bias or external influence, ensuring that both the rights of the accused and the interests of society are protected. An unfair investigation can lead to wrongful convictions or acquittals, thereby defeating the purpose of justice. Strengthening accountability mechanisms, improving training, and ensuring independence from external pressures are essential to enhance the effectiveness of police investigations.

INVESTIGATION PROCESS UNDER BNSS

Registration of FIR and Commencement of Investigation:

The investigation process under the Bharatiya Nagarik Suraksha Sanhita (BNSS) begins with the registration of a First Information Report (FIR) in cases involving cognizable offences. The BNSS emphasizes prompt registration, including provisions for electronic filing of FIRs, thereby improving accessibility and transparency. This stage is crucial as it formally sets the

criminal law in motion and ensures that the complaint is officially recorded. Any delay at this stage can adversely affect the investigation by leading to loss of evidence or distortion of facts.

Collection of Evidence and Crime Scene Investigation:

Once the FIR is registered, the police proceed to collect evidence by visiting the crime scene, securing it, and gathering relevant materials. This includes physical, documentary, and digital evidence, along with recording statements of witnesses. The BNSS encourages the use of scientific and forensic techniques, reflecting a shift towards evidence-based investigation. Proper handling and preservation of evidence are essential to maintain its integrity and admissibility during trial.

Powers of Arrest, Search, and Seizure:

During the investigation, the police are empowered to arrest suspects, conduct searches, and seize materials relevant to the case. These powers are necessary to prevent the accused from absconding and to secure crucial evidence. However, the BNSS also provides safeguards to ensure that such powers are exercised within legal limits and in compliance with constitutional protections, thereby preventing misuse and protecting individual rights.

Use of Technology and Forensic Methods:

A significant feature of the BNSS is the integration of technology into the investigation process. The use of digital tools, electronic communication, and forensic science—such as DNA analysis and cyber forensics—enhances the efficiency and accuracy of investigations. This modern approach reduces dependence on oral evidence and strengthens the reliability of findings.

Recording of Statements and Documentation:

The BNSS places importance on the proper recording of statements of witnesses and accused persons. In certain cases, audio-video recording is encouraged to ensure transparency and prevent coercion. Accurate documentation of every step of the investigation helps maintain accountability and strengthens the credibility of the case.

Time-bound Investigation:

To address delays in the criminal justice system, the BNSS introduces provisions for time-bound investigation, especially in serious offences. This ensures that investigations are

completed within a reasonable period, thereby facilitating timely justice and reducing case backlog.

Filing of Charge Sheet:

Upon completion of the investigation, the police submit a final report or charge sheet before the court. This document includes details of the offence, evidence collected, and the conclusions drawn by the investigating officer. It forms the basis for the prosecution to initiate trial proceedings and is a critical link between investigation and adjudication.

ROLE OF PROSECUTION IN CRIMINAL JUSTICE

Position and Function of the Prosecution:

The prosecution plays a pivotal role in the criminal justice system as the representative of the State. Its primary duty is not merely to secure a conviction, but to ensure that justice is done in a fair and impartial manner. Under the framework of the Bharatiya Nagarik Suraksha Sanhita (BNSS), the prosecution acts as an essential link between the investigative process carried out by the police and the adjudicative function of the courts. It presents the case against the accused and assists the court in arriving at a just decision.

Role in Pre-Trial Stage:

At the pre-trial stage, the prosecution examines the police report or charge sheet and evaluates whether sufficient evidence exists to proceed with the case. It may advise the investigating agency on legal aspects and ensure that the evidence collected complies with procedural and evidentiary requirements. This stage is crucial because a weak or incomplete case can lead to failure of justice at a later stage.

Presentation of Case During Trial:

During the trial, the prosecution is responsible for presenting the case before the court by producing evidence, examining witnesses, and establishing the guilt of the accused beyond reasonable doubt. It must rely on the evidentiary standards laid down under the Bharatiya Sakshya Adhiniyam (BSA). The prosecutor conducts examination-in-chief, cross-examination of defence witnesses, and submits arguments to support the case. The effectiveness of the prosecution directly influences the outcome of the trial.

Duty to Ensure Fairness and Justice:

Unlike a private litigant, the prosecutor has a duty to act fairly and objectively. The goal is not to win the case at any cost but to ensure that justice is served. This includes disclosing relevant evidence, even if it is favourable to the accused, and avoiding suppression or manipulation of facts. The prosecution must maintain a balance between protecting the interests of society and safeguarding the rights of the accused.

Relationship with Police:

The prosecution works closely with the police, as it relies on the investigation conducted by them. However, it is essential that the prosecution maintains a degree of independence to objectively assess the evidence and avoid blindly supporting flawed investigations. A lack of independence can lead to bias and undermine the fairness of the trial.

Challenges Faced by Prosecution:

The prosecution faces several challenges, including heavy workload, lack of resources, inadequate training, and dependency on police investigations. Delays in the judicial process and poor coordination with investigative agencies can further weaken the effectiveness of prosecution. These issues often result in low conviction rates and affect public confidence in the justice system.

Importance of Prosecutorial Independence:

For a fair criminal justice system, the prosecution must function independently and free from external pressures, including political influence. Strengthening prosecutorial autonomy and accountability is essential to ensure that decisions are made based on legal merits rather than external considerations.

ROLE OF DEFENCE IN CRIMINAL TRIALS

Position and Importance of the Defence:

The defence constitutes a fundamental pillar of the criminal justice system, ensuring that the rights of the accused are protected throughout the trial process. In an adversarial system like India's, the defence acts as a counterbalance to the power of the State, represented by the prosecution. The role of the defence is grounded in the principle that every accused person is presumed innocent until proven guilty, and it is the duty of the defence to ensure that this

principle is meaningfully upheld.

Right to Legal Representation:

One of the most important aspects of the defence is the right to legal representation. Every accused person has the right to be defended by a legal practitioner of their choice, and in cases where the accused cannot afford a lawyer, legal aid is provided under laws such as the Legal Services Authorities Act. This ensures that access to justice is not denied on the basis of economic disadvantage and that all individuals receive a fair opportunity to defend themselves.

Protection of Rights of the Accused:

The defence plays a crucial role in safeguarding the fundamental rights of the accused, particularly the right to a fair trial, protection against self-incrimination, and protection from arbitrary arrest and detention. By closely scrutinizing the actions of the police and prosecution, the defence ensures that procedural safeguards under the Bharatiya Nagarik Suraksha Sanhita (BNSS) are followed and that any violation of rights is brought to the attention of the court.

Challenging the Prosecution's Case:

A key function of the defence is to challenge the evidence and arguments presented by the prosecution. This is done through cross-examination of prosecution witnesses, questioning the credibility and reliability of evidence, and highlighting inconsistencies in the case. The defence may also present its own evidence and witnesses to create reasonable doubt in the mind of the court. The objective is not necessarily to prove innocence, but to ensure that the prosecution fails to establish guilt beyond reasonable doubt.

Ensuring Due Process and Fair Trial:

The defence ensures that the trial is conducted in accordance with established legal procedures and principles of natural justice. It monitors whether the investigation and trial processes comply with legal standards and raises objections when there are irregularities. This helps in maintaining the integrity of the judicial process and prevents miscarriage of justice.

Role in Bail and Pre-Trial Proceedings:

The defence also plays a significant role during pre-trial stages, particularly in matters relating to bail. It presents arguments to secure the release of the accused, emphasizing factors such as lack of evidence, personal circumstances, and the principle that detention should not be

punitive before conviction. Effective representation at this stage can have a significant impact on the rights and liberty of the accused.

Challenges Faced by the Defence:

Despite its importance, the defence often faces challenges such as unequal access to quality legal representation, especially for economically weaker sections. Overburdened legal aid systems, delays in trial, and limited resources can affect the effectiveness of defence counsel. These challenges may lead to inequality in the justice system, where not all accused persons are able to defend themselves adequately.

RIGHTS OF THE ACCUSED AND VICTIM

The criminal justice system in India seeks to maintain a delicate balance between the rights of the accused and the rights of the victim. While the accused is entitled to constitutional and procedural safeguards to ensure a fair trial, the victim is also recognized as an important stakeholder whose rights must be protected. Modern criminal law, especially under the Bharatiya Nagarik Suraksha Sanhita (BNSS), reflects a shift towards a more balanced and inclusive approach that accommodates both interests.

Rights of the Accused:

The rights of the accused are fundamental to ensuring fairness in the criminal justice process. One of the most important principles is the presumption of innocence, which means that an accused person is considered innocent until proven guilty beyond reasonable doubt. The accused has the right to be informed of the charges, the right to legal representation, and the right to remain silent to avoid self-incrimination. Constitutional protections under Articles 20 and 21 safeguard the accused from arbitrary punishment and ensure that no person is deprived of liberty without due process. Additionally, the accused has the right to a fair and speedy trial, the right to cross-examine witnesses, and the right to present evidence in defence.

The accused is also protected against unlawful arrest and detention. They must be produced before a magistrate within a specified time and are entitled to seek bail depending on the nature of the offence. These safeguards are crucial in preventing misuse of power by investigative authorities and ensuring that justice is not compromised.

Rights of the Victim:

Traditionally, the criminal justice system focused more on the accused, but recent developments have increasingly recognized the rights of victims. Victims have the right to be informed about the progress of the case, to participate in certain stages of the proceedings, and to be treated with dignity and respect. The BNSS introduces provisions aimed at strengthening victim participation and ensuring that their voices are heard in the justice process.

One of the significant rights of victims is the right to compensation and rehabilitation, which may be awarded by the court in appropriate cases. Victims are also entitled to protection against intimidation or harassment, especially in sensitive cases. The legal framework aims to ensure that victims are not re-victimized during investigation and trial.

Balancing the Rights of Accused and Victim:

The criminal justice system must strike a careful balance between protecting the rights of the accused and ensuring justice for the victim. While safeguarding the accused from wrongful conviction is essential, it is equally important to ensure that victims receive timely justice and adequate support. An imbalance in either direction can undermine the credibility of the system.

CHALLENGES IN CRIMINAL PROCEDURE AND INVESTIGATION

The effectiveness of the criminal justice system in India largely depends on how efficiently criminal procedure and investigation are carried out. Despite reforms introduced through the Bharatiya Nagarik Suraksha Sanhita (BNSS), Bharatiya Nyaya Sanhita (BNS), and Bharatiya Sakshya Adhiniyam (BSA), several challenges continue to hinder the proper functioning of the system. These challenges create a gap between the legal framework and its practical implementation, ultimately affecting the delivery of justice.

Delay in Investigation and Trial:

One of the most significant issues is the delay in investigation and trial. Overburdened courts, shortage of judicial officers, and procedural complexities often result in prolonged proceedings. Delays not only affect the rights of the accused, particularly the right to a speedy trial, but also deny timely justice to victims, thereby reducing public confidence in the system.

Investigative Deficiencies:

The quality of police investigation remains a major concern. Issues such as inadequate training,

lack of scientific methods, improper evidence collection, and failure to follow procedural safeguards weaken the prosecution's case. In many instances, poor investigation leads to low conviction rates and miscarriage of justice.

Lack of Coordination between Police and Prosecution:

Effective criminal justice administration requires close coordination between the police and the prosecution. However, lack of communication and cooperation between these agencies often results in inconsistencies in the case, weak presentation of evidence, and procedural lapses during trial. This disconnect undermines the overall effectiveness of the system.

Overburdened System and Resource Constraints:

The criminal justice system faces serious resource constraints, including shortage of police personnel, forensic experts, and infrastructure. Heavy workload and inadequate facilities affect the efficiency of investigations and delay the disposal of cases. Limited access to modern technology further aggravates the problem.

Misuse of Power and Human Rights Violations:

There are concerns regarding misuse of police powers, including arbitrary arrests, custodial violence, and coercive interrogation methods. Such practices not only violate fundamental rights but also affect the credibility of the investigation. Ensuring accountability and adherence to legal safeguards remains a major challenge.

Inequality in Access to Legal Representation:

Access to quality legal representation is not uniform, especially for economically weaker sections. While legal aid mechanisms exist, their effectiveness is often limited due to lack of awareness and resources. This creates inequality in the justice system, where some individuals are unable to defend themselves adequately.

Technological and Forensic Limitations:

Although modern laws emphasize the use of technology and forensic science, their implementation is still uneven. Lack of proper training, infrastructure, and expertise in handling digital evidence limits the effectiveness of technologically driven investigations.

IMPACT OF TECHNOLOGY ON CRIMINAL INVESTIGATION

The rapid advancement of technology has significantly transformed the process of criminal investigation in India, making it more efficient, accurate, and evidence-driven. With the introduction of modern legal frameworks such as the Bharatiya Nagarik Suraksha Sanhita (BNSS) and the Bharatiya Sakshya Adhiniyam (BSA), there is a greater emphasis on the integration of digital tools and scientific methods in investigation. Technology has not only improved the ability of law enforcement agencies to detect and prevent crime but has also enhanced the reliability of evidence presented in courts.

Use of Digital and Electronic Evidence:

One of the most important impacts of technology is the increased reliance on digital and electronic evidence. Emails, mobile data, CCTV footage, social media records, and call detail records have become crucial in establishing facts in criminal cases. The BSA provides legal recognition to such forms of evidence, ensuring their admissibility in court. This shift has strengthened investigations by providing objective and verifiable proof.

Forensic Science and Scientific Investigation:

Technological advancements have greatly improved the use of forensic science in criminal investigations. Techniques such as DNA analysis, fingerprint identification, ballistic examination, and cyber forensics help in accurately linking the accused to the crime. These scientific methods reduce dependence on oral testimony and confessions, thereby minimizing the chances of wrongful convictions.

Use of Surveillance and Data Analysis:

Modern investigation increasingly relies on surveillance technologies such as CCTV cameras, GPS tracking, and facial recognition systems. Data analytics and artificial intelligence are also being used to identify patterns, predict criminal behaviour, and track suspects. These tools enhance the ability of the police to prevent and solve crimes more effectively.

Digitalization of Criminal Procedure:

The BNSS promotes the use of electronic communication and digital platforms in various stages of criminal procedure, including filing of FIRs, recording of statements, and case management. Online documentation and video conferencing have improved transparency,

reduced delays, and made the system more accessible.

Challenges and Concerns:

Despite its advantages, the use of technology in criminal investigation also raises certain challenges. Issues such as lack of technical expertise, inadequate infrastructure, and improper handling of digital evidence can affect the quality of investigation. Additionally, concerns related to privacy, data protection, and misuse of surveillance technologies must be addressed to prevent violation of individual rights.

GAPS AND CHALLENGES

Despite the progressive transformation of India's criminal justice system through the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA), several structural and practical gaps continue to exist in the functioning of criminal procedure and investigation. These challenges affect the coordination between police, prosecution, and defence, thereby limiting the effectiveness of the reforms.

Gap between Law and Implementation:

One of the most significant challenges is the gap between legislative intent and ground-level implementation. While the new laws emphasize efficiency, transparency, and technological integration, their actual execution remains inconsistent. Many provisions, such as time-bound investigations and digital procedures, are not uniformly followed due to administrative and infrastructural limitations.

Institutional Coordination Issues:

The criminal justice system depends heavily on coordination between the police, prosecution, and defence. However, in practice, there is often a lack of effective communication and cooperation among these actors. The prosecution tends to rely excessively on police investigations, while the defence is sometimes brought into the process at a later stage, affecting the overall balance of justice.

Quality of Investigation:

Although the BNSS promotes scientific and evidence-based investigation, there are still deficiencies in investigative practices, including improper evidence collection, lack of forensic

support, and failure to follow procedural safeguards. These issues weaken the prosecution's case and may lead to acquittals, even in serious offences.

Prosecutorial Independence and Efficiency:

Another critical gap is the limited independence of the prosecution. In many cases, prosecutors function in close alignment with the police, which may compromise their objectivity. Additionally, heavy workload, lack of training, and inadequate resources affect the efficiency and effectiveness of prosecution.

Inequality in Defence Representation:

Access to quality legal representation remains uneven, particularly for economically weaker sections. Although legal aid mechanisms exist, their practical effectiveness is limited. This creates a disparity where not all accused persons are able to adequately defend themselves, thereby affecting the fairness of trials.

Technological and Infrastructure Limitations:

While the new legal framework emphasizes the use of technology, there are significant gaps in infrastructure, training, and digital literacy among law enforcement agencies. Inadequate forensic facilities and improper handling of digital evidence reduce the potential benefits of technological advancements.

Human Rights Concerns:

Despite constitutional safeguards, issues such as custodial violence, arbitrary arrests, and coercive interrogation methods continue to be reported. These practices highlight a gap between legal protections and actual enforcement, raising concerns about accountability within the system.

Delay and Case Backlog:

Even with provisions for time-bound procedures, delays in investigation and trial persist due to overburdened courts, shortage of personnel, and procedural inefficiencies. This undermines the objective of speedy justice and affects both the accused and victims.

RECOMMENDATIONS AND REFORMS

Strengthening Police Investigation and Accountability:

There is an urgent need to improve the quality of police investigation under the Bharatiya Nagarik Suraksha Sanhita (BNSS). This can be achieved by providing specialized training in forensic science, cybercrime investigation, and evidence handling. Establishing independent oversight mechanisms to monitor police conduct will help prevent misuse of power, custodial violence, and arbitrary arrests. Additionally, separating the law and order wing from the investigation wing can enhance professionalism and efficiency in investigations.

Enhancing Use of Forensic and Technological Tools:

To ensure effective implementation of the Bharatiya Sakshya Adhiniyam (BSA), there must be significant investment in forensic infrastructure, including well-equipped laboratories and trained personnel. Standard protocols for collection, preservation, and presentation of digital evidence should be developed and strictly followed. The integration of technology such as AI, data analytics, and digital case management systems should be expanded across all levels of investigation.

Ensuring Prosecutorial Independence and Efficiency:

The prosecution system must be strengthened to function independently and effectively. Measures should be taken to reduce dependency on police investigations and ensure that prosecutors critically evaluate evidence before proceeding to trial. Adequate training, better remuneration, and manageable workload for public prosecutors will improve the quality of prosecution and enhance conviction rates.

Improving Coordination among Criminal Justice Agencies:

Lack of coordination between police, prosecution, and judiciary often leads to inefficiencies. Establishing institutional mechanisms for regular communication and coordination among these agencies will help in streamlining the criminal justice process. Integrated digital platforms can facilitate real-time sharing of information and reduce procedural delays.

Strengthening Legal Aid and Defence System:

Access to quality legal representation must be ensured for all accused persons, especially those from economically weaker sections. The implementation of the Legal Services Authorities Act

should be strengthened by improving awareness, increasing funding, and enhancing the quality of legal aid services. Introducing a public defender system can further ensure effective and timely legal representation.

Addressing Delays and Judicial Backlog:

To tackle delays in investigation and trial, there is a need for time-bound procedures, fast-track courts, and increased judicial capacity. The use of technology such as video conferencing and e-courts can help expedite proceedings and reduce backlog. Simplification of procedural requirements can also contribute to faster disposal of cases.

Protection of Human Rights and Constitutional Safeguards:

Strict adherence to constitutional safeguards must be ensured at all stages of criminal procedure. Mechanisms should be established to address complaints of human rights violations promptly. Sensitization programs for police and prosecutors can promote a rights-based approach in handling criminal cases.

Victim-CentricReforms:

Greater emphasis should be placed on protecting the rights of victims by ensuring timely compensation, rehabilitation, and participation in the justice process. Support systems such as victim counselling, witness protection programs, and legal assistance should be strengthened to prevent re-victimization.

Uniform Implementation of Laws:

Although the Bharatiya Nyaya Sanhita (BNS), BNSS, and BSA provide a modern legal framework, their implementation varies across regions. Ensuring uniform application of these laws through proper guidelines, training, and monitoring is essential for consistency in justice delivery.

CONCLUSION

In conclusion, the transformation of India's criminal justice system through the introduction of the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA) marks a significant shift from a colonial, control-oriented framework to a more modern, rights-based, and technology-driven system. These reforms aim

to enhance efficiency, transparency, and accountability in criminal procedure and investigation, while also adapting to contemporary challenges such as cybercrime and digital evidence. However, as this study demonstrates, the success of these legislative changes ultimately depends not on the laws alone, but on their effective implementation in practice.

The functioning of the three core pillars—the police, prosecution, and defence—remains central to the administration of justice. The police, as the primary investigative agency, must ensure that investigations are conducted professionally, impartially, and in accordance with legal and constitutional safeguards. Any deficiency at this stage can weaken the entire case. The prosecution, acting as the representative of the State, must function with independence and fairness, ensuring that justice is pursued rather than mere conviction. At the same time, the defence plays a critical role in protecting the rights of the accused and maintaining the balance of the adversarial system by upholding due process and the presumption of innocence.

Despite progressive reforms, persistent challenges such as delays in investigation and trial, lack of coordination between institutions, inadequate use of forensic and technological tools, and inequality in access to legal representation continue to affect the effectiveness of the system. The integration of technology has undoubtedly improved investigation processes, but it also introduces concerns relating to privacy, data protection, and uneven implementation across regions.

Therefore, it can be concluded that a truly effective criminal justice system requires more than legislative reform it demands institutional integrity, professional competence, coordination among agencies, and a strong commitment to constitutional values. A balanced approach that safeguards the rights of both the accused and the victim, while ensuring timely and fair justice, is essential. Only through consistent implementation, accountability, and continuous reform can the criminal justice system in India achieve its ultimate goal of delivering justice that is not only efficient but also fair, humane, and accessible to all.