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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

TECHNOLOGICAL ADVANCEMENTS IN THE BHARTIYA NAGARIK SURAKSHA SANHITA, 2023 – A STEP TOWARDS DIGITAL JUSTICE?

AUTHORED BY - SANSKAR SINGH¹

ABSTRACT

The colonial CrPC, 1973 is replaced by the historic technology-driven Bhartiya Nagarik Suraksha Sanhita, 2023, which leads India's criminal justice system into the digital age. These include video conferencing, digital statement recording, electronic summons, and electronic admissibility of evidence. The reforms are a step towards digital justice in the pursuit of increased efficiency and transparency. But there are issues like equal access, cybersecurity, data privacy, and digital infrastructure. This study examines critically whether these modifications represent a real shift towards digital justice or merely a change in the criminal justice system's procedures.

KEYWORDS: Electronic FIR (e-FIR), Videography in Criminal Procedures, Remote Testimony, Video Conferencing, Hearings, Digital Record-Keeping, Electronic Summons/Warrants, Online Complaint Portals, Digital Case Management, Forensic Technology, CCTNS (Crime and Criminal Tracking Network and Systems), ICJS (Inter-Operable Criminal Justice System).

INTRODUCTION

India's criminal justice system, which is based on colonial-era law, has been criticized for being outdated, process-oriented, and incapable of coping with the challenges of a quick-paced, digital age. Despite being an improvement over earlier models, the 1973 Code of Criminal Procedure (CrPC) has not been able to adequately address issues such as victim-centric justice,

¹BA.LLB, School of Law Justice and Governance, Gautam Buddha University, Greater Noida sanskarsingh2609@gmail.com. The Aim of the research is to depict India's endeavour to modernize criminal procedure and integrate digital aids into the system of justice.

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digital evidence, cybercrime, and slow judicial processes. The architecture of criminal law needed to be rethought considering the development of digital technologies and the increasing demands for citizen-centric governance. The Government of India listened and presented three fresh bills in 2023 to substitute the Indian Penal Code, the CrPC, and the Indian Evidence Act — as an integrated reform package. Of these, the Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023, is at the core of procedural reform and highly embraces technology to update the justice system.

The goals of the BNSS are to: -

- 1. Digitalize and streamline criminal procedures.***
- 2. Increase productivity and reduce pendency.***
- 3. Boost victim and witness protection measures.***
- 4. Encourage better collaboration between the judiciary and law enforcement***
- 5. Use digital channels to promote transparency and accountability***

It signifies a paradigm shift away from manual, paper-based, and in-person criminal procedures and towards digital evidence management, web-based communication tools, and electronic documentation. These reforms are intended not only to increase the operational efficiency of legal institutions but also to render justice quicker, less expensive, and more accessible to common citizens.

Defining Digital Justice in the Indian Context

The vision of digital justice is part of the larger vision of making justice systems more accessible, efficient, transparent, and inclusive through digital technologies. In a nation as diverse and vast as India, the application of digital transformation in governance to the delivery of justice has the potential to revolutionise several public services. Digital justice is not only a technological advancement but also a democratic necessity in India, where millions of people suffer from social injustices, infrastructure barriers, and systemic delays.

Digital justice is the application of information and communication technology (ICT) in the delivery of justice. This includes digital case filing, virtual court proceedings, online availability of court records, electronic management of evidence, AI-driven legal analysis, to online legal aid platforms.

It seeks to eliminate tangible barriers to justice, lessen human involvement in fundamental legal processes, save money and time, improve accountability and transparency, and encourage

public involvement in the legal system. The objective is to improve the justice system's agility, usability, and fairness, especially for people who have historically been marginalised due to social, linguistic, economic, or geographic factors.

Why Is Digital Justice Crucial for India?

Several persistent issues plague India's justice delivery system: -

- *Over 5 crore cases are still pending at all judicial levels.*
- *The lack of judges, prosecutors, and legal infrastructure.*
- *Trial hearings, arrests, and summonses are delayed.*
- *Rural and marginalised communities have a lack of knowledge about their rights and procedures.*

By allowing rural litigants to access court proceedings from their locations, enabling police and prosecutors to electronically gather and store evidence, helping victims and witnesses to testify securely and safely, and more, digital justice can close the gap between the justice system and the average citizen. delivering legal documents quickly via digital portals, messaging apps, and email. By democratising access to legal remedies and reducing the need for physical infrastructure, digital justice can, in a sense, level the playing field.

TECHNOLOGICAL INNOVATIONS IN THE BNSS, 2023

The Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) marks a turning point in the evolution of India's criminal justice system. With the nation marching towards becoming a digitally empowered nation, reforms in law also need to keep pace, aligning to accept and build upon technological advancements. BNSS is a product of such a shift in approach—an effort at making criminal justice more transparent, efficient, and people-friendly through the incremental deployment of technology.

Introduction of e-FIR and Online Complaint Registration

Among the signature improvements in the BNSS is the electronic filing of First Information Reports (FIRs). The traditional method of filing an FIR involved a visit to the police station, which has frequently been characterized by delay, inaccessibility, and even police indifference. Electronic filing of FIRs allows citizens to remotely report cognizable offenses from anywhere using online platforms or authorized applications.

Women, the elderly, people with disabilities, and residents of rural or isolated areas should pay special attention to this evolution. By reducing the physical and psychological impediments to filing criminal cases, e-FIRs enable citizens to become more active stakeholders in the justice system.

Besides, e-FIRs also ensure that the complaint content is recorded verbatim without omission or modification, thereby maintaining its authenticity and reducing tampering. This step builds confidence in the legal process and provides a faster and more responsible response from the police machinery.

Compulsory Videography of Major Processes

The BNSS also includes a groundbreaking requirement that crucial stages of the criminal investigation process be videotaped. For example, audio-visual recording is required for search and seizure operations, arrest processes, and victim examinations in sensitive cases, including cases involving sexual violence.

This innovation aims to preserve procedural integrity, reduce complaints of coercion or misconduct, and enhance the quality of the evidence used in investigation steps. It is a preventative measure for procedural justice and police accountability. These recordings can be used as direct evidence in court, reducing the need for oral testimony that is prone to bias, intimidation, or the whims of memory. Additionally, videography makes legal proceedings more transparent and effectively deters rights violations during police operations.

Video Conferencing for Court Proceedings

All stages of the legal process—investigation, inquiry, trial, and appeal—are permitted to use video conferencing technology under the BNSS. This is not just an innovation occasioned by the disruptions of the COVID-19 pandemic but a visionary reform to put remote delivery of justice on a permanent footing. Accused persons can attend before the magistrate through video links, particularly for remand proceedings, under this provision. Witnesses can give evidence remotely, thereby minimizing their inconvenience and avoiding intimidation. Judicial officers can also conduct hearings without being present in courtrooms and thereby enhance the efficiency and jurisdiction of the judiciary.

Use of video conferencing can be very useful in high-profile or sensitive cases where

stakeholders' physical appearance could present security or logistical difficulties. The reform also substantially alleviates the hardship of undertrial prisoners who are constantly being ferried from jail to court.

Electronic Summons, Warrants, and Notices

BNSS recognizes the chronic delays that continually afflict the criminal justice system because of inefficiency in the transmission of legal notices. The reform allows for the electronic transmission and service of judicial notices, including summonses, warrants, and notices.

In addition to avoiding manual errors and facilitating dispatch and receipt tracking, this electronic transmission guarantees faster and auditable delivery. This innovation helps to speed up case hearings and improve stakeholder compliance by reducing procedural delays.

Electronic Case Diaries and Record Keeping

Another technological advancement under the BNSS is the keeping of electronic case diaries and records by investigating officers. Case diaries used to be handwritten, prone to tampering, loss, or degradation. By allowing digital record-keeping, BNSS not just enhances the dependability and security of the data but also makes it easily accessible and sharable for approved agencies. Communication and cooperation between the police, courts, and forensic units are enhanced by interoperability with central databases such as the Crime and Criminal Tracking Network and Systems (CCTNS).

Inter-agency coordination is facilitated, redundancies are removed, and better-informed decisions are made thanks to this immediate access to case data. Further, electronic records provide better archiving and retrieval in appellate or review hearings.

Electronic Management of Evidence

With the growing trend of cybercrime and technology offences, the management of digital evidence has emerged as a pillar of contemporary criminal investigations. Electronic records can be seized, preserved, and presented as admissible evidence in court according to specific protocols established by BNSS.

Evidence from computers, smartphones, emails, social media, surveillance equipment, and cloud computing is all included. For digital evidence to be reliable, proper chain-of-custody

protocols are required. Provisions in BNSS stipulate the need to get electronic evidence taken, preserved, and analysed under forensically compliant processes to safeguard it against pollution or modification. This breakthrough facilitates law enforcers in more effective interrogation of sophisticated computer crimes and prevents the court's reception of weak, adulterated evidence.

Connectivity to National Digital Platforms

By offering a legal framework to support an interoperable justice delivery ecosystem, BNSS supports national initiatives like Digital India, ICJS (Inter-Operable Criminal Justice System), and CCTNS. These integrations allow for centralised records, real-time case monitoring, and smooth data interchange.

Stakeholders can access a consolidated dashboard of forensic reports, charge sheets, arrest records, and FIRs via these platforms. Proactive law enforcement actions are made possible by the system's facilitation of predictive policing and improved crime analytics. The modernisation, standardisation, and scalability of India's criminal justice system are guaranteed by the integration of BNSS with these platforms.

Remote Testimonies and Witness Protection

Secure video links enable remote testimony under BNSS provisions, especially for witnesses who are at risk or pose a serious safety risk. It is essential for preserving witness cooperation, reducing attrition, and enhancing the calibre of the evidence.

Remote depositions also reduce trauma to victims of sensitive crimes like rape, trafficking, or domestic violence, who may find testifying in public courtrooms emotionally taxing. By enabling a safe and private space for depositions, BNSS conforms to international best practices in victim-sensitive jurisprudence.

Capacity Building and Training for Digital Use

The BNSS also emphasises the significance of educating legal professionals, law enforcement officials, and judicial officers on digital tools and procedures, acknowledging that institutional readiness must come before technological advancements. To familiarise stakeholders with e-FIR systems, digital evidence handling, virtual court procedures, and cybersecurity best practices, specialised training modules and online learning platforms are being developed. This

HR development is crucial to ensuring that technological provisions are implemented consistently and effectively throughout India.

Ethical and Privacy Considerations

The technological advancements brought about by the BNSS are progressive, but they also raise important concerns about data security, monitoring, and misuse of digital tools. In the absence of proper legal checks, the individual's right to privacy is at risk of infringement, particularly in cases where they are sensitive in nature.

Thus, the success of such innovations depends on strong data protection legislation, responsible use of technology, and accountability mechanisms. To prevent misuse or overreach, legal provisions must be regularly reviewed and updated to reflect emerging technologies.

A progressive legal framework called the Bhartiya Nagarik Suraksha Sanhita, 2023, uses technology to transform the criminal justice system in India. BNSS addresses long-standing inefficiencies, enhances citizen engagement, and lays the groundwork for a more open and accountable system by incorporating digital tools into the very fabric of legal procedures. However, a few other elements will also be necessary for these reforms to be successful: adequate infrastructure, citizens' and law enforcement's digital literacy, strong cybersecurity, and continuous judicial oversight. As India advances into the digital era, BNSS offers a model of justice that is not only quick and clever but also inclusive and compassionate.

IMPLICATIONS FOR DIGITAL JUSTICE

The Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) uses technology in ways that have wide-ranging effects on India's efforts to achieve digital justice. By integrating technological means into criminal procedural law, the BNSS seeks to revolutionize the way justice is accessed, received, and perceived in the digital era. The following are critical implications listed under critical dimensions of digital justice:

Democratization of Access to Justice

Perhaps the most important implication of the BNSS is the democratization of justice access. Citizens from remote, underserved, or rural areas can access the justice system without physically visiting law enforcement or judicial facilities thanks to initiatives like electronic

FIRs and remote court access. This is especially powerful for those who have long been hampered by geographical, social, or economic constraints.

Using digital tools, the BNSS transforms justice into a right that is accessible to all citizens, regardless of where they live, rather than a privilege that is limited to urban areas due to geography or connectivity.

Transparency and Accountability in Legal Processes

The judicial system is more transparent overall thanks to technological tools like video conferencing during court proceedings, electronic case file monitoring, and audio-visual recording of witness testimony. There is less room for procedural errors or abuse of power because every step of the criminal process—from arrest to trial—is now more likely to be documented, monitored, and audited. This electronic footprint promotes public trust in law enforcement and the judiciary, deters malpractice, and helps to preserve the integrity of the system. By reducing the opacity that formerly surrounded custodial questioning and other delicate procedural procedures, it also promotes judicial accountability.

Accelerated Case Disposal and Judicial Efficiency

The speedier case adjudication is directly attributable to the use of technology. Faster communication and decision-making are made possible by electronic summonses and warrants, remote hearings, and record digitisation. Given India's ongoing backlog issue, these reforms are essential to removing delays and guaranteeing that justice isn't denied due to ineffective procedures.

With real-time updates and collaborative operation, online evidence management and electronic case management systems also improve interagency coordination among different stakeholders, including the police, prosecution, and judiciary.

Victim and Witness Empowerment

Fear, embarrassment, or inconvenience discourage witnesses and victims from participating in legal proceedings. Through online complaint registration, virtual testimony, and the protection of digital identities in delicate cases, the BNSS makes communication easier and safer. In addition to empowering them to speak up, these also reduce the possibility of witness intimidation and re-traumatization, particularly in cases involving sexual offences and

domestic abuse.

Digital Evidence and Prosecution of Cybercrime Strengthening

The BNSS recognises the critical role that digital evidence must play as more crimes are committed online. It creates guidelines for the seizure, preservation, and admissibility of data and electronic devices. This not only improves the effectiveness of cybercrime prosecutions but also updates investigative procedures to reflect technological advancements.

Law enforcement agencies are now better provided with more explicit guidelines for collecting and processing digital evidence, thus minimizing uncertainty and possible legal loopholes during court proceedings.

Connecting the Legal System to the Digital Ecosystem

The BNSS heralds a broader cultural transformation—towards synchronizing the justice system with the realities of a digitally-connected world. Through secure digital platforms, it encourages integration between law enforcement, forensics, the judiciary, and administrative agencies. A more unified, coordinated, and scalable model of delivering justice is made possible by this systemic modernisation, and it is ready to develop with upcoming advancements like blockchain technology for safe evidence storage, AI-driven legal analytics, and predictive policing models.

Inclusivity and Legal Awareness

The BNSS expands the public's awareness of the law by bringing legal procedures online. When the judicial system is accessible via websites, grievance portals, or smartphones, citizens are more likely to interact with it. This fosters a culture of legal empowerment and literacy as well as civic engagement. Furthermore, chatbots, helplines, and multilingual web interfaces can support citizens who are illiterate or from diverse regions, strengthening an inclusive, human-centred legal system.

Possible Dangers and the Impetus to Ensure Ethical Protective Measures

The BNSS may be pathbreaking in reform efforts, yet ethical and operational questions also emerge. Concerns such as surveillance, data privacy, possible misinterpretation of online evidence, and algorithmic discrimination in eventual technologies-based instruments must be nipped in the bud. Without strict data protection regulations, independent auditing procedures,

and frequent technological updates to prevent obsolescence or misuse, digital justice would not be feasible.

By fusing legal procedures with technological innovation, the Bhartiya Nagarik Suraksha Sanhita, 2023, offers a comprehensive framework for digital justice in India. Its true worth will depend on how well these technological tools are implemented, managed, and incorporated into the legal system, even though it promises a quicker, more equitable, and more accessible justice system. The BNSS has the potential to be a powerful catalyst for the transformation of the Indian criminal justice system into a more robust, technologically advanced, and participatory organisation with the right infrastructure, training, and citizen involvement.

CHALLENGES AND CONSIDERATIONS

While the technological changes brought about by the Bhartiya Nagarik Suraksha Sanhita, 2023, present a positive path towards a criminal justice system that is more effective and transparent, there are obstacles to overcome in their practical application. To guarantee that these reforms accomplish their goals and do not unintentionally widen already-existing gaps in the framework for delivering justice, several systemic, infrastructure, and ethical issues must be addressed.

- 1. Digital Divide and Unequal Access to Technology** - The digital divide that still persists in various regions of India is one of the main problems. A sizable portion of the populace still lacks access to dependable internet connectivity, smartphones, computers, and digital literacy, particularly those from rural and economically disadvantaged areas. The effectiveness of initiatives like online complaint portals, video conferencing for court proceedings, and e-FIRs may be severely hampered by this disparity. In an aspirant inclusive system, where technology development must be matched by robust infrastructure and capacity development to deliver justice not only swiftly but also fairly, specialised digital inclusion policies and investment are required to prevent most of the benefits from going to a chosen segment of society, further marginalising the weakest members of society.
- 2. Cybersecurity, Data Privacy, and Digital Evidence Handling** - With legal procedures increasingly depending on electronic communication and evidence, the integrity of electronic information takes on greater importance. Sensitive data gathered

in criminal investigations, including witness statements, medical histories, phone records, and surveillance images, need to be guarded against leaks, contamination, or unauthorized disclosure. Clear and binding data protection policies that adhere to global digital privacy standards must be implemented in addition to the BNSS. Public trust in digital justice procedures is likely to be jeopardised in the absence of comprehensive cybersecurity frameworks. Additionally, to maintain legal relevance and equity in court proceedings, the integrity and admissibility of digital evidence require constant technological modernisation and standardisation.

- 3. Capacity Building of Law Enforcement and Judicial Officers** - The ability of those implementing technology-driven reforms determines their efficacy. To handle electronic evidence, televise proceedings, and use digital interfaces responsibly and effectively, police officers, forensic experts, judges, public prosecutors, and administrative staff must receive the appropriate training. One major issue facing police departments and judicial staff today is their lack of digital literacy and technological familiarity. To give employees the skills they need to use technology efficiently and to understand the ethical and legal ramifications of doing so, police academies and judicial institutions must implement consistent, regular training programs.
- 4. Judiciary and Police Department Infrastructure Gaps** - Whereas a few metropolitan courts and police stations have video conferencing systems and electronic filing centres, many of the lower courts and rural police stations have no basic digital infrastructure. Such a disparity may cause piecemeal application of BNSS provisions in states and districts. Both the federal and state governments must make significant investments to close these infrastructure gaps. To ensure consistent and continuous digital operations in the criminal justice system, a stable power supply, internet, modern hardware, and technical support systems are all required.
- 5. Legal Clarity and Standardization** - Legal clarity regarding the protocols for gathering, storing, and presenting digital evidence is required due to the development of new processes and technological tools. To prevent misunderstandings or misuse, SOPs and thorough legal frameworks must be established. Inconsistent or uncertain legal interpretation can cause procedural delay or even miscarriage of justice. An extensive set of guidelines has to be created to ensure uniform application of the new

provisions in all jurisdictions so that technological tools are not made a source of legal uncertainty.

6. Balancing Speed with Due Process - Although the goal of digitising legal processes is to expedite the administration of justice, there is a risk that this speed could come at the price of due process. For example, virtual hearings are still necessary to protect the rights of the accused, particularly when it comes to access to evidence, the right to confront witnesses, and representation by counsel. The fundamentals of natural justice should not be compromised using technology. Strong safeguards to uphold justice, impartiality, and human rights should be used to offset any procedural convenience brought about by digitisation.

In conclusion, though the BNSS brings transformative digital technologies capable of transforming the Indian criminal justice system, it should be joined by a co-extensive agenda for meeting infrastructural, education-related, legal, and ethical imperatives. The vision of digital justice is achievable only when technology acts as a bridge, and not as an obstacle, to inclusive, equitable, and effective delivery of justice.

CONCLUSION

In conclusion, the Bhartiya Nagarik Suraksha Sanhita, 2023, is a significant advancement over the criminal justice system in India, particularly in terms of technological integration. The BNSS not only streamlines legal procedures but also creates a more transparent and accountable justice system by integrating modern technological tools like e-FIRs, audio-visual recordings, video conferencing for court proceedings, and digital evidence management. By giving citizens greater access to justice and enhancing the efficiency of legal procedures, these developments represent a robust response to the growing challenges presented by the increasingly digital world. The BNSS's main goal is to democratise and increase accessibility to the criminal justice system, especially for people living in underprivileged or rural areas. By removing the strain on traditional methods that lead to delays and inefficiencies, the use of digital platforms enables faster complaint filing and more efficient investigation processes. Additionally, the use of virtual court hearings and electronic documentation fosters a transparent culture in which every step of the legal process can be monitored and verified. Yet, while such technological advancements are commendable, the effective realization of the BNSS depends on surmounting several challenges. The digital divide remains a cause of

concern, since inequalities in the availability of technology, digital competency, and infrastructure may impede the full impact of such reforms in some areas. Furthermore, increased reliance on digital tools raises serious issues with data security and privacy. As the legal system grows more digital, protecting private information and preventing the misuse of digital evidence will be crucial. Another essential requirement for the success of the effective integration of such technological innovations lies in the process of ongoing training of law enforcers, judicial officers, and legal professionals. With increasing developments in technology, it becomes imperative to support all concerned in acquiring the intelligence and skills in using this equipment effectively and fairly. In case of lack of proper training as well as in-depth knowledge on digital protocols, the potential for the BNSS could be lessened.

Essentially, the Bhartiya Nagarik Suraksha Sanhita, 2023 is a move towards what can be referred to as "digital justice," where technology acts as an accelerator of timely, fair, and effective legal proceedings. The BNSS has the potential to completely transform the accessibility, transparency, and general effectiveness of India's criminal justice system, if it is supported by suitable infrastructure, capacity building, and a robust regulatory framework. Although it is still in its early phases, this technological revolution in the legal system portends a new era in which technology will play a crucial role in the pursuit of justice, bringing India one step closer to achieving a more inclusive and equitable legal system.

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