



**A STUDY ON THE EFFECTIVENESS OF CRIMINAL JUSTICE
ADMINISTRATION IN INDIA WITH SPECIAL REFERENCE TO
REFORMS UNDER BNS, BNSS & BSA 2023**

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ABSTRACT

This paper analyzes the major criminal law reforms enacted in India in December 2023, namely the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA), which collectively replace the colonial Indian Penal Code (IPC), Code of Criminal Procedure (CrPC), and Indian Evidence Act. These statutes aim to modernize substantive offences, procedural mechanisms, and evidentiary rules by prioritizing forensic and digital evidence, strengthening victim rights, codifying zero/e-FIR practices, and introducing community-based alternatives to incarceration. This paper evaluates whether this new legal architecture translates into measurable improvements in the effectiveness of criminal justice administration at the ground level.

Using a mixed-method design—combining doctrinal analysis, review of implementation handbooks, secondary data from National Crime Records Bureau (NCRB) and national reports, and a proposed empirical fieldwork model—the study identifies emerging patterns of implementation and the operational bottlenecks encountered during the transition. The desk research shows that the three Acts were passed on 25 December 2023 and substantially brought into force from 1 July 2024, with official handbooks and training materials circulated

to aid implementation. The earliest administrative data and credible media reporting indicate uneven compliance: while certain districts demonstrate notable progress in e-evidence adoption and procedural digitization, many others exhibit delays in forensic sample collection, laboratory turnaround times, and integration of digital workflows. The NCRB 2023 data further reveal persistent structural challenges such as high pendency and low conviction rates in several jurisdictions, suggesting that statutory reform alone cannot overcome long-standing administrative constraints.

This paper concludes that although BNS, BNSS, and BSA provide a strong statutory foundation for a modern, forensic-driven criminal justice system, their practical success will depend heavily on expanding forensic capacity, establishing a national digital case-management platform, professionalizing and strengthening the prosecution system, and operationalizing a robust national witness protection mechanism. The study also proposes targeted policy interventions and a replicable empirical evaluation framework to guide both central and state governments in ensuring the effective implementation of these reforms.

KEYWORDS: BNS 2023; BNSS 2023; BSA 2023; criminal justice administration; forensic evidence; digital evidence; India; implementation.

INTRODUCTION

India's criminal justice architecture has long been rooted in colonial codifications adopted in the 19th century — the Indian Penal Code (1860), the Code of Criminal Procedure (1973 as revised) and the Indian Evidence Act (1872). For decades, critics have highlighted persistent systemic problems: prolonged delays and high case pendency, investigative weaknesses, low and variable conviction rates, under-utilization of forensic science, and inadequate victim/witness protection. The legislative package enacted in late 2023 — the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS) and Bharatiya Sakshya Adhiniyam (BSA) — attempts, in one sweep, to modernize substantive criminal law, reengineer criminal procedure, and align evidence law with digital and forensic realities.

The central research question of this paper is straightforward: Have the BNS–BNSS–BSA reforms resulted in measurable improvements in the effectiveness of criminal justice administration in India? Effectiveness here is operationalized as (a) improved investigation quality (forensic and digital evidence inclusion), (b) prosecutorial readiness and evidence presentation, (c) victim protection and participation, and (d) reduction in trial

duration/pendency. The paper synthesizes doctrinal analysis of the Acts with implementation handbooks and national crime data, identifies early indicators of success and failure, and proposes an empirical framework to evaluate the reforms rigorously.

Background & Legal Context

The 2023 Reform Package — Overview

The three enactments were passed on 25 December 2023 and, in practice, major provisions were brought into operation in a phased manner from 1 July 2024. The new texts are available on official government portals and IndiaCode. They explicitly aim to (i) decolonize statutory language, (ii) incorporate digital-forensic evidence as central to investigations, (iii) mandate victim-friendly procedures, and (iv) modernize punishment and alternatives (including community service).

Principal Innovations

- **BNS (Substantive law):** This Law introduces definitions for organized and cyber offences, reworks sexual offences, recognizes mob lynching and other contemporary harms, and provides modern sentencing options such as community service.
- **BNSS (Procedure):** This Law replaces CrPC with explicit digital procedures (e-FIR, zero FIR, e-summons, electronic case diaries), mandates forensic investigation for serious offences (those carrying significant terms of imprisonment), and sets time bound investigative/ procedural steps. Official implementation handbooks were issued to frontline agencies.
- **BSA (Evidence):** This Law modernizes admissibility rules for electronic records, establishes clearer chain-of-custody protocols, and formally includes a wider class of expert and forensic evidence (DNA, digital logs, CCTV, metadata) as primary evidence.

Implementation Guidance & Capacity Documents

The Nodal Agencies (e.g., Bureau of Police Research & Development — BPRD) produced handbooks and operational materials for BNSS and BNS to guide police, prosecutors, court administrators and forensic labs. These handbooks outline standard operating procedures (SOPs) for crime-scene videography, evidence packaging, e-diary maintenance and digital submission protocols.

Literature Review

The criminal justice reform in India has been the subject of substantial scholarly, judicial, and policy debate for more than five decades. The enactment of the Bharatiya Nyaya Sanhita (BNS 2023), Bharatiya Nagarik Suraksha Sanhita (BNSS 2023), and Bharatiya Sakshya Adhiniyam (BSA 2023) marks the largest re-codification effort in Indian criminal law since independence.

The literature surrounding these reforms may be grouped into three major thematic clusters:

- (i) Doctrinal and theoretical analyses of the new criminal codes,
- (ii) Implementation-focused studies and policy evaluations, and
- (iii) Empirical, statistical and institutional research on criminal justice performance in India, which forms the contextual foundation for evaluating the reforms' effectiveness.

Doctrinal/Comparative Legal Commentary

Many Authors applaud the decolonization and modernization of language and doctrinal categories, noting that the new codes align India's statutory corpus with contemporary global norms (digital evidence, forensic centrality). At the same time, scholars warn of vague definitions and the risk that expanded police powers may be misused absent adequate procedural protections and judicial oversight.

Implementation & Policy Analyses

The untimely implementation reporting (news articles, think-tank notes) highlights uneven operational adoption: some urban police districts rapidly introduced e-FIR portals, but rural districts struggled with connectivity, training and resource constraints. Multiple commentators cite forensic capacity (number of labs, personnel and turnaround time) as the single biggest capacity constraint to effective implementation.

Empirical/Statistical Context

The NCRB's reporting (Crime in India 2023) reveals both high absolute crime registrations and persistent judicial/police performance challenges, including massive pendency in district courts and variable conviction rates across states and metros; these structural indicators contextualize why legislative reform alone may have limited immediate impact on outcomes. (Selected NCRB findings are cited later in the empirical section.)

Taken together, the literature suggests that while the 2023 codes establish a robust legal framework, their ultimate impact will be mediated by administrative, technological, and human resources factors.

Methodology

This paper adopts a mixed-method research design that integrates doctrinal legal analysis with secondary quantitative data to produce a comprehensive and multidimensional evaluation of the effectiveness of India's criminal justice administration under the newly enacted Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA).

A mixed-method approach is particularly suitable for criminal justice studies because legal reforms must be understood both in their textual/doctrinal form and in their practical, operational, and measurable outcomes. This approach ensures that the research maintains both legal depth and empirical validity.

Doctrinal & Document Analysis

This full text analysis of BNS, BNSS and BSA and associated handbooks (BPRD) to extract statutory mandates impacting investigation, evidence, victim rights and trial management.

Secondary Quantitative Data

The National data sources (NCRB Crime in India 2023) and relevant news/administrative reporting were used to construct baseline indicators: case pendency, conviction rates, charge-sheeting ratios, and urban/metropolitan performance differentials. Representative media reports and NCRB highlights are used where direct tabulations are publicly available.

Proposed Primary Fieldwork

To empirically test the operational adoption and effects of the reforms, the paper outlines a multi-state fieldwork model suitable for PhD research or funded evaluation:

- **States selected:** purposive sample of three states reflecting high, medium and low administrative capacity (examples: Maharashtra, Telangana/Andhra, Uttar Pradesh — final selection to follow IRB and permissions).
- **Sites per state:** two district headquarters, one state FSL (Forensic Science Laboratory), one High Court registry.

- **Respondents:** ~200 total — SHOs/SIs (n≈60), public prosecutors (n≈30), judges/magistrates (n≈20), forensic experts (n≈20), victims (n≈40), defence lawyers (n≈30).
- **Instruments:** standardized survey (Likert scales), semi-structured interviews, case-file audits (n≈300 post-BNSS cases), and KPI extraction (forensic turnaround times, e-evidence upload ratios, time from charge-sheet to first hearing).
- **Analysis:** descriptive statistics, cross-tabulation, chi-square tests for association (e.g., forensic inclusion vs conviction), regression modeling for predictors of time-to-disposal; thematic coding for qualitative data. The ethical clearances, police/court permissions and victim consent would be necessary.

This methodological section provides the empirical backbone for claims and the blueprint for future fieldwork.

Empirical Findings & Key Indicators

Full field data collection is required for definitive empirical claims. The following synthesizes existing national statistics and credible reporting to show early signals.

Macro Indicators (NCRB 2023 snapshots)

The NCRB's Crime in India 2023 shows that crime registrations continue to be substantial with regional variations; pendency in criminal courts remains very high in multiple states and metros. Media reports highlight that Maharashtra, Uttar Pradesh and West Bengal had the highest number of pending cases in district courts in 2023, underscoring the scale of backlog that new procedural mandates must confront. Localized metropolitan analysis shows some metros have low conviction rates despite high charge-sheeting rates (e.g., Pune's low IPC conviction rate flagged in NCRB reporting).

Early Implementation Indicators

e-FIR / Zero FIR Uptake

Following BNSS and state directives, several police units launched or upgraded e-FIR capabilities. Media coverage of certain urban police stations points to early adoption but highlights low rates of associated digital evidence uploads (example report: local unit with 13% digital-evidence upload rate in a year), suggesting a partial procedural compliance: the FIR is recorded but the integrated digital evidence pipeline (CCTV, phone extractions, server logs) is not yet consistently used.

Forensic Sample Collection & Turnaround

The BNSS mandates forensic involvement for serious offences. However, the number and capacity of FSLs — historically limited — remain a bottleneck. Policy analysts have documented long turnaround times in many states that risk delaying trials if forensic mandates are enforced without parallel expansion of lab capacity. Short, regional pilot hubs have been suggested as interim solutions.

Victim Rights & Court Practices

BNSS and BSA codify victim notification rights, victim impact statements and in-camera procedures for vulnerable witnesses. While courts have begun implementing in-camera hearings and more victim-sensitive practices, consistent nationwide implementation requires training and dedicated victim-support units — both areas receiving scattered early investment.

Case Directory Findings (Sample Media & Reported Cases)

The case reports reveal mixed outcomes: some high-profile sexual offence prosecutions have used DNA and CCTV evidence to secure convictions; conversely, other complex organized crime cases show acquittals due to poor linkage of digital trails and chain-of-custody failures. These mixed signals confirm that the new statutes materially change the legal tools available but require robust evidence-management to achieve consistent outcomes.

Discussion: Why Law Alone Is Insufficient

The BNSS–BNS–BSA codifies a forensic-first, digital-native approach to criminal justice. But three systemic constraints moderate their impact:

Institutional Capacity (Forensic & Courts)

The Mandatory forensic steps increase investigative quality only if labs and staff can handle the caseload. Without FSL expansion and accreditation, forensic mandates may create bottlenecks, delaying trials rather than accelerating justice. Judicial vacuums (judge shortages and courtroom scarcity) compound these problems. NCRB pendency data underscore the magnitude of this capacity shortfall.

Technology & Interoperability

The BNSS envisions a digital pipeline connecting police, labs, prosecution and courts. In practice, interoperability (data standards, secure transmission, authenticated digital signing and hash verification) and cyber security must be ensured. Early low upload rates indicate UI/UX friction, connectivity gaps, and training deficits at the district level.

People & Process (Training, Prosecution Independence)

The Prosecutors must be trained to interpret forensic reports; judges need capacity to manage digitally enhanced dockets; investigating officers must follow chain-of-custody protocols. Additionally, prosecutorial independence or at least insulated professional prosecution services improve evidence presentation and reduce acquittals attributable to weak case framing.

If these three domains are not addressed, the legal reforms risk being formal rather than functional.

Policy Recommendations (Prioritized & Actionable)

The based on the doctrinal analysis, implementation handbooks, and desk data, the following measures are recommended — arranged by time horizon and priority.

Immediate (0–12 months)

- **National Implementation & Monitoring Cell:** An inter-ministerial cell (MHA, Ministry of Law & Justice, Health, Home) to track implementation metrics, authorize emergency grants, and publish dashboards (e.g., % cases with forensic samples, lab turnaround times, e-evidence upload rates).
- **Rapid Forensic Surge (Regional Hubs):** The fund 8–12 regional fast-track forensic hubs (via public-private partnership) to absorb backlog and provide interim rapid analysis for priority offences.
- **District Digital Grants:** The small grants targeted to districts with low e-uptake to fix connectivity issues, provide hardware (scanners, mobile extraction kits) and train SHOs on digital capture workflows.

Medium Term (1–3 years)

- **FSL Network Expansion & Accreditation:** The plan for one accredited FSL per 2–3 million populations standardized SOPs and national accreditation.

- **Independent Prosecution Cadres:** It creates specialized state prosecution services with forensic-trained prosecutors and legal-technical training modules.
- **National Case Management Platform:** The deploy an integrated, secure, privacy-compliant national platform linking police, labs, courts and prisons (modular roll-out).

Long Term (3–7 years)

- **Judicial & Staffing Expansion:** The recruit thousands of judges, magistrates and court staff to reduce the judge-to-population gap and enable day-to-day trial mandates.
- **National Witness Protection Authority:** The statutory mechanism for witness relocation, anonymity where necessary and victim support funds.
- **Continuous Training & Quality Assurance:** The Institutionalize BNSS/BSA curricula in police academies, judicial academies and prosecution training institutes; periodic audits and public dashboards.

These recommendations are designed to align administrative capacity with statutory mandates and to create measurable KPIs for national oversight.

Limitations

This paper primarily presents a doctrinal synthesis, an implementation review and a fieldwork blueprint. Empirical claims based on primary data require the multi-site fieldwork proposed here. Access to police and court files requires formal permissions that may limit immediate sample sizes. Finally, the reform rollout is dynamic; periodic updating of implementation indicators will be necessary.

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CONCLUSION

The BNS–BNSS–BSA 2023 legislative package is arguably the most comprehensive single-period overhaul of India's criminal law and procedure since the 19th century. It realigns the law with forensic science and digital realities and provides a framework for victim-centric, time-bound justice. Early desk evidence — statutory texts, BPRD handbooks, and NCRB indicators — show that while the legal architecture is robust, its on-the-ground effectiveness depends decisively on administrative capacity: forensic labs, digital infrastructure, trained prosecutors and judges, and inter-agency interoperability. If central and state governments match statutory ambition with targeted institutional investment and rigorous monitoring, India's criminal justice administration can substantially improve. If not, the reforms risk remaining aspirational.

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