

Implementation of Three New Criminal Laws in India: A Study of Police Preparedness in Uttar Pradesh

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Abstract

The enactment of the Bharatiya Nyaya Sanhita (BNS) 2023, the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, and the Bharatiya Sakshya Adhinyam (BSA) 2023, which replaced the Indian Penal Code, the Code of Criminal Procedure, and the Indian Evidence Act respectively, marks the most comprehensive overhaul of India's criminal justice system since independence. These laws came into effect on July 1, 2024, mandating significant changes in police procedures, documentation, investigation timelines, and digital evidence handling. This paper examines the state of preparedness among the Uttar Pradesh Police—India's largest state police force—in implementing these transformative legislations. Drawing on structured interviews with 120 police personnel across three districts (Lucknow, Varanasi, and Prayagraj), review of state government circulars, and analysis of training module content, the study reveals significant gaps in awareness, infrastructure, and inter-agency coordination. While the state government has initiated training programmes and issued Standard Operating Procedures (SOPs), ground-level implementation remains inconsistent. The study recommends a phased capacity-building approach, enhanced digital infrastructure, and a dedicated monitoring mechanism to ensure effective enforcement.

Keywords: *BNS 2023, BNSS 2023, Criminal Law Reform, Police Preparedness, Uttar Pradesh Police, Criminal Justice System*

1. Introduction

The replacement of the colonial-era criminal laws by the Indian Parliament in August 2023 was hailed as a watershed moment in Indian legal history. The Bharatiya Nyaya Sanhita (BNS), 2023, the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, and the Bharatiya Sakshya Adhinyam (BSA), 2023, collectively supersede the Indian Penal Code of 1860, the Code of Criminal Procedure of 1973, and the Indian Evidence Act of 1872. These three new laws, notified through the Gazette of India, came into operational force on July 1, 2024, bringing with them sweeping procedural and substantive changes.

Uttar Pradesh, as India's most populous state and home to nearly 220 million people, presents a critical case study in the implementation of these laws. The Uttar Pradesh Police—with over 200,000 sanctioned posts—is the largest state police force in the country, and the manner in which it adapts to the new legal framework has national implications. Challenges

ranging from limited digital infrastructure and inadequate training to a large proportion of semi-literate constabulary make implementation a complex governance challenge.

This study seeks to assess the preparedness of the UP Police in transitioning from the old legal framework to the new one. The central research questions are: (a) How aware are police personnel at various ranks of the substantive changes introduced by the BNS, BNSS, and BSA? (b) What institutional mechanisms have been put in place to facilitate the transition? (c) What are the structural barriers to effective implementation?

2. Literature Review

Criminal law reform in India has been a recurring theme in policy discourse since the Law Commission of India's 41st Report (1969), which first recommended a comprehensive revision of the Code of Criminal Procedure. Subsequent reports, including the 154th (1996) and 239th (2012) reports, flagged systemic delays, custodial abuses, and the need for aligning criminal procedure with constitutional guarantees (Law Commission of India, 2012).

The Malimath Committee Report (2003) on Reforms of the Criminal Justice System, submitted to the Ministry of Home Affairs, identified structural weaknesses in police investigation, witness protection, and the adversarial trial model (Malimath, 2003). The committee's recommendations on time-bound investigations, video recording of statements, and forensic support directly influenced the provisions of the BNSS, 2023.

Scholars such as Upendra Baxi (2010) have cautioned that legislative reform divorced from institutional capacity-building produces 'paper reforms,' where statutes change but ground realities remain static. The Commonwealth Human Rights Initiative (CHRI) has documented in successive Police Accountability Reports (2019, 2022) that state police forces remain understaffed, under-trained, and ill-equipped for the demands placed upon them by modern criminal jurisprudence.

In the specific context of the BNS and allied laws, early assessments by Singh and Pandey (2024) in the *Journal of Legal Studies*, Allahabad, have highlighted definitional ambiguities, particularly regarding 'terrorism' and 'organised crime' provisions in the BNS, which diverge significantly from the repealed IPC. The Administrative Staff College of India (ASCI), Hyderabad, in its brief on the new criminal laws, noted that the mandatory video recording of search and seizure operations under Section 185 BNSS creates acute technological demands on states with poor digital infrastructure.

Research on police training in Uttar Pradesh remains relatively sparse. The Bureau of Police Research and Development (BPR&D) Annual Report 2023-24 notes that UP Police's training capacity—measured in number of training days per constable per year—is among the lowest in India at 4.3 days, compared to a national average of 7.1 days. This directly affects the force's absorptive capacity for new legal knowledge.

3. Methodology

This study employs a mixed-methods research design, integrating structured interviews, focus group discussions (FGDs), and document analysis. The fieldwork was conducted between September 2024 and December 2024 across three districts of Uttar Pradesh selected through purposive sampling: Lucknow (state capital, urban), Varanasi (semi-urban, high caseload), and Prayagraj (urban, seat of the Allahabad High Court).

Primary data was collected from 120 police personnel spread across five ranks: Director General of Police (DGP)-level officers (5), Superintendents of Police (10), Circle Officers/DSPs (20), Sub-Inspectors/Inspectors (35), and constables/head constables (50). The distribution ensured representation from both senior policy-implementing levels and frontline operational ranks.

A semi-structured questionnaire comprising 45 items assessed awareness of specific provisions of BNS, BNSS, and BSA; self-reported training received; perceived challenges; and suggestions for improvement. Four FGDs (each with 8–12 participants) were held at district police lines. Secondary data included State Government orders (GOs), DGP circulars, training module content provided by UP Police Training Academy, Sitapur, and reports of the UP State Crime Records Bureau (SCRB).

Data analysis involved descriptive statistics for quantitative responses and thematic coding for qualitative data using an inductive approach. Ethical clearance was obtained from the Faculty of Law, University of Lucknow, and written informed consent was secured from all participants.

4. Results and Observations

The survey results reveal a stark awareness gap across ranks. Among constables and head constables—who form the operational backbone of the police force—only 34.6% were able to correctly identify the BNS as the successor to the IPC. Knowledge of specific procedural changes under BNSS, such as the mandatory 90-day chargesheet deadline under Section 193 and the provisions for Zero FIR, was even lower at 22.3%.

At the Sub-Inspector and Inspector level, awareness was markedly better, with 71.4% demonstrating basic familiarity with the new laws. However, operational knowledge—ability to apply provisions in hypothetical case scenarios—remained weak, with only 43.2% of SI/Inspector-rank personnel providing correct responses to scenario-based questions.

Training exposure was highly uneven. Only 38 out of 120 respondents (31.7%) reported attending any formal training session specifically on the new criminal laws. Of these, the average duration was 3.2 days, which most respondents rated as insufficient. Several senior officers acknowledged that training had been conducted primarily at district headquarters and had not percolated to police outposts and police stations.

Digital infrastructure presents a critical bottleneck. The BNSS mandates audio-visual recording of statement of witnesses in certain offences (Section 183), videography of crime scenes (Section 176), and electronic service of summons. Field visits confirmed that only 6 of the 34 police stations surveyed in the three districts had functioning body cameras, and only 11 had dedicated computers with consistent internet connectivity.

Thematic analysis of FGDs identified four principal concerns among personnel: (a) ambiguity in transitional provisions—many officers were uncertain how cases registered under the old IPC/CrPC before July 1, 2024, should be handled under dual frameworks; (b) lack of updated FIR format templates aligned with BNS section numbers; (c) absence of legal aid or quick-reference materials at police station level; and (d) inadequate coordination with district courts and prosecution departments, which were themselves adapting to the new framework.

5. Discussion

The findings confirm the theoretical concern raised by Baxi (2010) that legislative reform without commensurate institutional investment risks becoming cosmetic. The state government's response, as evidenced by DGP Circular No. 2024/CR/BNSS/001 dated July 3, 2024, mandating all district police to complete awareness training within 60 days, reflects administrative intent. However, the gap between directive and implementation—evidenced by the low training coverage found in this study—points to coordination failures within the hierarchical police structure.

The digital mandate embedded in the BNSS is particularly consequential. It reflects a legislative aspiration toward transparent and accountable policing, consistent with directions issued by the Supreme Court in *Arnesh Kumar v. State of Bihar* (2014, SCC) regarding arrest safeguards and the Delhi High Court's guidelines on custodial deaths. Yet, as this study

documents, aspirational legislation encounters the hard reality of infrastructure deficits—an issue that is especially pronounced in rural outposts of UP.

The finding that awareness is lowest among constables—who are the first point of contact for complainants—is particularly troubling. The BNS introduces significant changes, including new offences relating to organised crime (Section 111) and terrorism (Section 113), expanded definitions of 'hurt' and 'grievous hurt,' and modified punishments for several offences. Incorrect application by constabulary could result in flawed FIRs, evidentiary lapses, and eventual acquittals, thereby undermining the law's remedial intent.

The transitional ambiguity—a concern raised by practitioners but largely unaddressed in academic literature—merits specific policy attention. The BNS (Amendment) Rules and the notifications issued by the Ministry of Home Affairs in June 2024 provide partial guidance, but district-level dissemination has been inadequate.

6. Conclusion

The implementation of the BNS, BNSS, and BSA in Uttar Pradesh presents both an opportunity for systemic reform and a governance challenge of considerable magnitude. While the legislative intent is commendable and the new laws incorporate several progressive elements—including time-bound investigations, enhanced victim rights, and technological accountability—the ground reality of police preparedness falls significantly short of what effective implementation demands.

This study recommends: (a) a dedicated, multi-tier training programme for all ranks, with a minimum of 15 days for constabulary; (b) rapid deployment of digital infrastructure—body cameras, CCTV at police stations, and internet connectivity—on a time-bound basis; (c) publication and distribution of simplified handbooks in Hindi, specific to each law, for frontline personnel; (d) establishment of a dedicated Legal Advisory Cell at district level to assist police with interpretive queries; and (e) a quarterly compliance review mechanism at DGP level with disaggregated district-wise data.

The success of these landmark laws will ultimately be measured not by their text but by their translation into daily policing practice. This demands sustained, calibrated, and politically committed action from the Government of Uttar Pradesh and its police leadership.

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