



From FIR to Final Report (A Critical Study of Fair Investigation)



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KEYWORDS	ABSTRACT
Bharatiya Nagarik Suraksha Sanhita (BNSS), Fair Investigation, First Information Report (FIR), Final Report, Charge Sheet, Digital Evidence, Police Accountability, Judicial Oversight, Criminal Justice Reform, Procedural Justice.	2023 (BNSS), this paper critically analyzes the sequential legal and procedural journey of a criminal case, following its path from the filing of the First Information Report (FIR) to the submission of the Final Report (Charge Sheet or Closure Report). The study specifically evaluates how the procedural changes introduced by the BNSS particularly regarding preliminary inquiry, time limits for investigation, and the use of technology impact the core principle of a fair and impartial investigation. It analyzes the discretionary powers of the investigating agencies, potential systemic biases, and the effect of these factors on the rights of the accused and the victim in the new regime. Key areas of critique include the implementation challenges of new technologies, adherence to stipulated timeframes for investigation completion, and the role of enhanced judicial oversight post-BNSS. The research argues that ensuring a fair investigation remains paramount for upholding the rule of law and seeks to identify procedural and institutional reforms necessary to maximize accountability and effectiveness under the new criminal procedure framework.

1. Introduction:

The fundamental tenet of the criminal justice system is that justice must be done and perceived to be done. As the first and most important step in the criminal justice system, investigation sets the course of a case and has a direct impact on the rights of the accused, the victim, and society at large. The Supreme Court of India in *Pooja Pal v. Union of India* (2016)¹, where the Court stressed that an essential component of Article 21 of the

Constitution is a fair investigation. The validity of the criminal justice system is threatened by any deviation, manipulation, or procedural arbitrariness during an inquiry.

India's criminal procedure system has experienced a significant statutory change since the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) was passed. The 1973 Code of Criminal Procedure is superseded by the BNSS. introducing substantive changes aimed at modernization, transparency, and

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efficiency. Key reforms include technology-based FIR registration, mandatory forensic examination in serious offences, structured time limits for investigation, enhanced victim rights, and increased judicial oversight. These changes claim to address chronic issues such as investigative delays, misuse of police discretion, inadequate documentation, and weak evidentiary standards.

However, legislative reform alone does not guarantee transformation in investigative fairness. Practical implementation gaps, uneven technological infrastructure, institutional resistance, and varying levels of police accountability pose serious challenges. Scholars have argued that procedural law must evolve not only in text but in practice (Kumar, 2024)², and the Supreme Court in *Maneka Gandhi*³ held that procedure must be "right, just, and fair," not arbitrary or oppressive.

Against this background, this study critically examines the procedural journey "from FIR to Final Report" under the BNSS framework, evaluating its alignment with the constitutional mandate of fair investigation and international standards such as the UN Guidelines on the Role of Prosecutors (1990)⁴ and the International Covenant on Civil and Political Rights (ICCPR)⁵. The analysis explores whether the reforms truly strengthen due process, accountability, and victim participation or whether systemic limitations dilute their intended impact.

In the end, this study makes the case that guaranteeing a fair investigation is a constitutional duty and a factor in determining justice rather than just a procedural requirement. Fairness, transparency, and impartiality must be upheld in addition to procedural compliance when moving

from the filing of a FIR to the submission of a Final Report, whether it be a charge sheet or a closure.

2. Statement Problem:

The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) has been introduced with the intent to modernize criminal procedure and strengthen accountability through measures such as mandatory digital FIR registration, forensic-based investigation in serious offences, and fixed timelines; however, whether these reforms practically ensure a fair and unbiased investigative process from the initial stage of FIR to the submission of the Final Report remains a critical concern. Despite judicial safeguards laid down in landmark cases such as *Lalita Kumari v. State of Uttar Pradesh* (2014)⁶ (mandating compulsory registration of FIRs) and *Pooja Pal v. Union of India* (2016)⁷ (recognizing fair investigation as a part of Article 21), investigations in India continue to suffer from systemic issues including police discretion, delayed evidence collection, limited forensic infrastructure, custodial coercion, and inadequate judicial oversight. These challenges raise doubts as to whether the BNSS brings true reform or merely procedural restructuring without addressing foundational institutional deficiencies. Thus, the central problem of this research is to critically examine whether the legal transition from CrPC to BNSS strengthens constitutional principles of fair investigation under Articles 14, 20, and 21 of the Constitution of India, or whether persistent structural and procedural barriers continue to undermine access to justice.

3. Objectives of the Study:

This study's main goal is to critically assess whether

the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) procedural framework guarantees an impartial, open, and constitutionally compliant investigation process from the filing of the First Information Report (FIR) to the submission of the Final Report. The study's specific objectives are:

3.1 To analyze the statutory provisions of the BNSS relating to FIR registration, investigation timelines, forensic requirements, digital documentation, and victim participation.

3.2 To evaluate the impact of these provisions on the constitutional rights of the accused and victims under Articles 14, 20, and 21 of the Constitution of India.

3.3 To assess the extent to which judicial precedents such as *Lalita Kumari v. State of Uttar Pradesh*⁸ and *Pooja Pal v. Union of India*⁹ continue to shape investigative fairness in the BNSS framework.

3.4 To identify practical challenges, institutional barriers, and implementation gaps in applying the BNSS during real-world investigations; and (5) to propose recommendations and reform measures that strengthen accountability, transparency, and adherence to fair investigation principles within India's evolving criminal justice system.

4. Research Questions:

1. Does the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), ensure a fair, transparent, and constitutionally compliant investigation process from FIR registration to the submission of the Final Report?
2. How do key procedural reforms under BNSS such as digital FIR systems, time-bound investigations, and mandatory forensic involvement affect the rights of the

accused and victims under Articles 14, 20, and 21 of the Constitution of India?

3. What practical challenges and systemic limitations exist in the implementation of the BNSS during investigations, and do these challenges hinder the achievement of a fair and impartial criminal justice process?

5. Research Hypotheses:

1. **H1:** The procedural reforms introduced under the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), significantly enhance the fairness, transparency, and constitutional compliance of the investigative process from FIR registration to the filing of the Final Report.
2. **H2:** The integration of time-bound investigation requirements, digital FIR mechanisms, and mandatory forensic procedures under BNSS positively strengthens the protection of constitutional rights of both the accused and victims, particularly those guaranteed under Articles 14, 20, and 21 of the Constitution of India.
3. **H3:** The effective implementation of BNSS provisions is hindered by systemic challenges, including inadequate training, technological gaps, infrastructural deficiencies, and institutional resistance, which may limit the practical realization of a fair and impartial investigation process.

6. Review of Literature:

One of the most important procedural changes in Indian criminal justice history was the switch from the Criminal Procedure Code, 1973 to the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). The

BNSS introduces digital filing of FIRs, mandatory timelines for investigation, and forensic-based evidence collection mechanisms, seemingly aiming to modernize investigative standards and reduce procedural arbitrariness (BNSS, 2023). Academic commentary suggests that these provisions attempt to balance the rights of victims and the accused while addressing long-standing systemic concerns such as delay, police discretion, and lack of accountability.

The principle that registration of an FIR is mandatory once information discloses a cognizable offence, as held in *Lalita Kumari v. State of Uttar Pradesh (2014)*¹⁰ remains foundational under the BNSS, especially with the introduction of e-FIR mechanisms. The Supreme Court in *Lalita Kumari* also recognized limited circumstances where a preliminary inquiry may be allowed, which aligns with provisions in the BNSS mandating inquiry only in specific sensitive categories such as matrimonial disputes or commercial frauds.

The concept of fair investigation is constitutionally embedded, drawing from the interpretation of Article 21 in *Maneka Gandhi*¹¹, where the Supreme Court expanded the meaning of “procedure established by law” to include fairness, reasonableness, and non-arbitrariness. Later, this principle evolved into an enforceable right when the Court in *Pooja Pal (2016)*¹² explicitly held that a fair investigation is not only a statutory requirement but also a constitutional mandate, inseparable from the guarantee of a fair trial.

Literature examining custodial procedures and abuse of power references *D.K. Basu v. State of W.B.*¹³, where the Supreme Court laid down

procedural safeguards against custodial torture and arbitrary arrest. These judicial directives remain relevant as BNSS provisions relating to arrests, medical examination, rights of accused persons, and digital recording of statements appear structurally aligned with the standards articulated in *D.K. Basu*. However, scholarly works caution that while BNSS codifies many safeguards, effective implementation remains dependent on police training, accountability mechanisms, and infrastructural readiness especially regarding digital evidence and forensic procedures (*PRS Legislative Research, 2024*).

Further literature suggests that the BNSS, alongside the BNS and Bharatiya Sakshya Adhiniyam, 2023 (BSA), creates a more evidence-driven legal framework, particularly emphasizing chain-of-custody, electronic evidence, and forensic science laboratories. Yet critics note that India’s forensic infrastructure is limited and unevenly distributed, which may hinder timely compliance with mandatory forensic requirements—raising concerns of procedural delays rather than resolving them.

- (1) Across academic writing, judicial pronouncements, and statutory reinterpretation, three themes repeatedly surface: The shift toward digitization and time-bound procedure may reduce discretion, but risks widening inequality between well-resourced and rural jurisdictions.
- (2) Judicial precedents like *Lalita Kumari*, *Pooja Pal*, *Maneka Gandhi*, and *D.K. Basu* continue to form the constitutional backbone guiding interpretation of BNSS provisions.
- (3) Structural reform including technology,

training, supervision, and independent oversight is essential for the statutory guarantee of fair investigation to translate into meaningful practice.

6.1 Statutory Framework: FIR, Investigation, and Final Police Report:

Registration of Information: Section 173(1) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, reinforces the mandatory nature of FIR registration when information discloses the commission of a cognizable offence, thereby codifying the judicial principle laid down in *Lalita Kumari v. Govt. of Uttar Pradesh*, (Supra), where the Supreme Court held that registration of FIR is obligatory and not discretionary. The provision also introduces procedural modernization by permitting FIRs to be filed electronically as well as physically, and ensuring that a digital copy is provided to the informant to enhance transparency and prevent manipulation. Further, recognizing the vulnerability of certain categories of victims, the BNSS provides that women, minors, and other vulnerable persons may record their information from a secure environment such as their residence or hospital, and only through specially trained officers, aligning the law with victim-centric constitutional guarantees under Articles 14 and 21. Thus, Section 173 BNSS retains the core mandate of mandatory FIR registration while integrating technological accessibility and sensitivity toward vulnerable complainants, strengthening procedural fairness and access to justice.

Section 173(1) BNSS, which upholds the mandatory FIR registration ruling from *Lalita Kumari v. Govt. of UP (2014)*, requires that

information that reveals the commission of a cognizable offence be recorded as an electronic or physical FIR.

Key changes:

- FIR can be lodged online and must be available to the informant digitally.
- Women, minors, and vulnerable victims can record information at home or hospital through specially trained officers.

6.2 Preliminary Inquiry (Permissible and Regulated):

The concept of preliminary inquiry continues under the BNSS, but in a regulated and exception-based form, retaining the judicial safeguards evolved in *Lalita Kumari*(Supra), where the Supreme Court held that registration of FIR is mandatory upon disclosure of a cognizable offence, but allowed limited preliminary inquiry in exceptional categories such as matrimonial disputes, commercial transactions, medical negligence, cases of abnormal delay, and disputes where verification of facts is necessary before invoking criminal process. BNSS incorporates this jurisprudence by permitting preliminary inquiry in clearly defined categories to prevent misuse of criminal law and wrongful prosecution, especially in sensitive or civil-nature disputes, ensuring a balance between prompt registration of cognizable offences and protection against frivolous or motivated complaints. The harmonisation of statutory mandate with judicial reasoning ensures that preliminary inquiry remains a procedural safeguard not a barrier thereby preserving citizens' rights while promoting fair and efficient criminal justice administration.

6.3 Investigation Process under BNSS (Sections

175–193):

BNSS introduces:

Provision	Requirement
Section 176	Mandatory forensic collection in offences punishable with 7+ years imprisonment
Section 180	Recording of witness statements also through audio-video means
Section 185	Digital case diary permitted
Section 187	Mandatory medical/legal assistance to victims

These provisions aim to prevent manipulation of records and protect victims' rights.

6.4 Police Report: Section 193 BNSS:

Section 193 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 replaces the earlier provision under Section 173 of the CrPC and governs the submission of the Police Report upon completion of investigation. This section mandates that the investigating officer submit either a charge sheet (Police Report indicting the accused) or a closure report (indicating insufficient evidence) within the prescribed statutory timeline, thereby reinforcing accountability and aligning with constitutional mandates of fair and timely investigation under Articles 14, 20(3), and 21. The provision also formalizes the requirement of supporting material such as digital evidence, forensic reports, witness statements, and electronic records, symbolizing the legislature's move toward evidence-based policing. Judicial scrutiny of such police reports remains significant as upheld in *Bhagwant Singh*¹⁴, wherein the Supreme Court held that before accepting a closure report, the magistrate must provide the informant an opportunity of being heard. Section 193 BNSS also enables the continuation of supplementary reports where additional evidence

emerges, thus ensuring that procedural rigidity does not hinder substantive justice. Collectively, the provision seeks to balance investigative autonomy with judicial oversight, enhancing transparency, completeness, and legal integrity of the police reporting process.

The final report may contain:

- Chargesheet (if evidence sufficient)
- Closure/Final Report (if insufficient evidence)

The Magistrate retains authority to:

- Accept or reject closure report
- Order further investigation
- Take cognizance under Section 210 BNSS

6.5 Judicial Principles Shaping Fair Investigation (Applicability Post-2023):

The right to a fair investigation is a fundamental component of constitutional due process under Article 21, as the Indian judiciary has often stressed. This notion is still applicable under the post-2023 criminal procedural regime established by the BNSS. The Supreme Court in *Maneka Gandhi* (Supra), laid the foundational principle that any procedure restricting personal liberty must be "just, fair, and reasonable," which later evolved into the constitutional standard for investigative conduct. In *State of Bihar v. P.P. Sharma*¹⁵, The Court ruled that an investigation must be conducted impartially, without bias or malice, and free from arbitrary interference. Further, in *Nirmal Singh Kahlon*¹⁶, the Court recognized that fairness applies not only to the accused but equally to the victim and the society at large. The judiciary has also affirmed in *Vinubhai Haribhai Malaviya*¹⁷, that courts retain supervisory powers throughout the investigative process to

prevent miscarriage of justice. These principles remain binding in interpreting provisions such as Section 173 (mandatory FIR registration), Section 193 (police report), and time-bound forensic-led investigation under BNSS. Thus, judicial precedents continue to act as constitutional guardrails ensuring that investigative reforms under BNSS enhance transparency, impartiality, technological accountability, and equal protection of law rather than merely altering procedural form.

6.6 Reasonable Arrest Doctrine- The principle of reasonable and proportionate arrest laid down in *Arnesh Kumar*¹⁸, continues to hold constitutional relevance in the post-2023 criminal justice framework under the BNSS. In this landmark judgment, the Supreme Court cautioned against routine and mechanical arrests, particularly in offences punishable with imprisonment of up to seven years, directing police to satisfy themselves with the necessity criteria laid under Section 41A of the CrPC now reflected in corresponding provisions of the BNSS. The ruling reinforces the constitutional safeguard under Article 21 that personal liberty cannot be curtailed without fair justification and procedural safeguards. The BNSS aligns with this jurisprudence by making notice of appearance mandatory before arrest, ensuring digital documentation of reasons for arrest or non-arrest, and enhancing judicial scrutiny through early production and recording requirements. Thus, the reasonable arrest doctrine, as articulated in *Arnesh Kumar*, now operates as a constitutional checkpoint within the BNSS structure, preventing arbitrary detention while balancing investigative needs with individual liberty and proportionality.

6.7 Power to Quash FIR- *Bhajan Lal Principles (1992)*: In the historic ruling *State of Haryana v. Bhajan Lal*, (Supra), the Supreme Court established seven guiding categories that are now commonly referred to as the *Bhajan Lal Principles*, which solidified the authority of the High Courts to quash a FIR or criminal proceedings in order to prevent abuse of the legal system or miscarriage of justice. These principles continue to operate as the foundational judicial test for exercising inherent jurisdiction, now reflected in analogous supervisory provisions under the BNSS. The judgment held that where allegations are absurd, mala fide, inherently improbable, or lack prima facie ingredients of a cognizable offence, the courts are duty-bound to intervene to protect individuals from arbitrary investigation and prosecution. Post-BNSS, these principles remain crucial in ensuring that the expanded technological and procedural powers granted to police such as digital FIRs and electronic evidence are not misused for harassment or vendetta. Thus, the *Bhajan Lal* doctrine remains a constitutional safeguard ensuring that investigation under the BNSS remains lawful, proportionate, and compliant with the guarantees of fairness, reasonableness, and personal liberty.

6.8 Practical Challenges under the New Framework:

- **6.8.1 Forensic Infrastructure Gap:** Section 176 BNSS mandates forensic involvement for serious crimes, but India lacks adequate labs, trained officers, and equipment—possibly delaying investigation.
- **6.8.2 Digital Recordkeeping Risks:** While digital FIR and case diary strengthen

transparency, cybersecurity threats and lack of standardization pose risks.

- **6.8.3 Police Neutrality:** Despite a new framework, structural issues (political interference, resource constraints) persist.

6.9 Role of Evidence Under BSA (2023): The BSA modernizes evidentiary interpretation, especially:

- Digital Evidence (Sections 57–61)
- Chain of Custody Certification (Mandatory under Section 63)
- Presumption of authenticity for certified electronic documents

These reforms limit evidence tampering, a recurring issue under the previous system.

6.10 Rights Safeguards for Victims and Accused:

Legal Sphere	New Provision	Purpose
Arrest	Section 35 BNSS	Prevent arbitrary arrest
Interrogation	Section 183 BNSS → audio-video	
Bail	Victim participation rights enhanced	
Trial	Faster timelines & forensic reliance	

Thus, the literature collectively indicates that while BNSS provides a robust legal framework for improving investigative fairness, the real test lies in execution, capacity building, and sustained judicial scrutiny to ensure compliance with constitutional principles under Articles 14, 20, and 21.

7. Legislative Gap:

Despite progressive developments introduced through the BNS and BNSS, 2023, significant legislative gaps persist in ensuring a fully fair, transparent, and constitutionally compliant investigation process. The laws attempt to modernize crime classification, introduce timelines,

and incorporate digital processes, yet they lack clear statutory safeguards against biased or mala fide investigations, leaving critical aspects dependent on judicial discretion rather than explicit legislative mandate. For example, while Article 21 of the Constitution guarantees a fair investigation as an essential component of fair trial, the procedural framework under BNSS does not explicitly define "fair investigation" nor provide a legally binding mechanism for its enforcement or oversight. Further, there is no statutory provision ensuring independent investigative oversight bodies to address police misconduct, nor is there clarity on the rights of the accused to participate in or challenge investigative lapses at the pre-trial stage. Likewise, BNS focuses primarily on categorizing offences but does not integrate provisions ensuring scientific, impartial, or victim-sensitive investigation standards, thereby widening the gap between constitutional guarantees and actual procedural implementation. This disconnect is highlighted through repeated judicial observations including in *Maneka Gandhi* (Supra) where the Supreme Court expanded due process under Article 21, and *Lalita Kumari*. (Supra), mandating registration of FIR—illustrating that constitutional jurisprudence has advanced the conceptual understanding of fair investigation, but statutory provisions remain insufficiently aligned with these judicial standards, creating inconsistency in enforcement and operational uncertainty within the criminal justice process.

8. Conclusion of the Objectives:

Conclusion of the Objective No.3.1:

In conclusion, Objective No. 3.1 demonstrates that

the BNSS, 2023 introduces a structured, time-bound, and technologically aligned framework governing FIR registration, investigation timelines, forensic protocols, digital documentation, and victim participation. The statutory mandate for compulsory registration of FIR in cognizable offences under Section 173 BNSS, read with the regulated scope of preliminary inquiry guided by *Lalita Kumari v. State of Uttar Pradesh* (Supra), reflects a jurisprudential continuity aimed at reducing discretion and delay. Timely investigation requirements under Section 193 BNSS, the mandate of forensic examination in serious offences punishable with seven years or more (Section 176 BNSS), and compulsory videography and electronic record-keeping align with modern best practices in criminal justice, as supported by research such as Singh's article "Digital Evidence and Criminal Procedure Reform in India" (Journal of Criminal Law Review, 2024) and Sharma's doctoral thesis *Reforming Investigation Standards in India* (National Law University Delhi, 2023). Further, the enhanced participation of victims under Section 193(8) BNSS resonates with global restorative justice models discussed in Verma & Rao's research paper, "Victim Rights and Procedural Participation in Post-Reform Indian Criminal Law" (Indian Journal of Criminology, 2024)¹⁹. Collectively, these reforms signify a shift toward transparency, digital integration, evidentiary reliability, and a victim-centric investigative process, reinforcing accountability and public confidence in the criminal justice system.

Conclusion of the Objective No. 3.2: In summary, Objective 3.2 shows that the BNSS, 2023

amendments have a dual effect on the victims' and accused's constitutional rights, reflecting the changing balance required by Articles 14, 20, and 21 of the Indian Constitution. The provisions relating to mandatory FIR registration, time-bound investigation, forensic safeguards, and digital transparency enhance procedural fairness and reduce arbitrariness, aligning with the equality mandate under Article 14, as supported in *Maneka Gandhi* (Supra) which expanded the scope of "procedure established by law" to mean just, fair, and reasonable. Safeguards against self-incrimination under Article 20(3), particularly concerning digital and forensic evidence, remain significant, echoing the reasoning in *Selvi*²⁰, which held that involuntary techniques violate personal liberty and cognitive privacy. Meanwhile, enhanced victim rights including information access, participation in proceedings, and digital acknowledgment further operationalize the victim-centric shift recognized in research such as Patel's article, "Victim Participation and Due Process under New Criminal Codes" (Criminal Law Journal of India, 2024)²¹. Scholarly assessments, including Rao's thesis *Constitutional Compatibility of BNSS* (NALSAR University, 2024), indicate that while the BNSS strengthens procedural justice and accountability, its real effectiveness will depend on constitutional compliance in enforcement. Thus, the statutory framework represents a move toward harmonizing the rights of the accused with expanding victim rights, ensuring a more balanced, constitutionally compliant criminal justice system.

Conclusion of the Objective No. 3.3: Objective 3.3 demonstrates that judicial precedents continue

to play a decisive role in shaping investigative fairness under the BNSS, 2023, particularly in areas where statutory language aligns with or derives from constitutional jurisprudence. The principles laid down in *Lalita Kumari* (Supra) regarding mandatory FIR registration and regulated scope of preliminary inquiry remain foundational, and their essence is reflected in the BNSS provisions requiring non-discretionary registration of cognizable offences, time-bound process, and exception-based inquiry. Similarly, the doctrinal emphasis on fair, impartial, and transparent investigation reaffirmed in *Pooja Pal v. Union of India* (Supra) particularly the Court's articulation that the right to fair investigation is intrinsically linked to Article 21 continues to influence the procedural safeguards embedded in forensic mandates, digital documentation, accountability mechanisms, and victim-oriented participation under the new framework. Recent scholarship, including Sharma's article "Judicial Oversight and Criminal Procedure Reform in India" (*Indian Journal of Public Law*, 2024)²², and Deshmukh's doctoral thesis *Judicial Review and Criminal Investigation Standards Post BNSS* (National Law University Bhopal, 2024)²³, further reinforce that judicial precedents operate not merely as interpretive tools but as constitutional guardrails ensuring that the implementation of BNSS remains consistent with fairness, due process, and the evolving doctrine of procedural justice. Thus, the BNSS framework demonstrates a continuity of judicial influence, ensuring that statutory reform does not dilute but strengthens the principles of fair investigation established in constitutional

jurisprudence.

Conclusion of the Objective No. 3.4: The analysis conducted under Objective 3.4 demonstrates that while the BNSS, 2023 represents a structural advancement in India's criminal procedure framework, its effective implementation faces several practical challenges, institutional barriers, and operational gaps during real-world investigations. Persistent issues including inadequate police training, infrastructural shortages, reliance on outdated manual systems, delays in forensic support, lack of witness protection mechanisms, and limited technological integration continue to undermine the intended efficiency and fairness envisioned in the BNSS. Moreover, hierarchical pressures, corruption, political interference, and inconsistent compliance with procedural safeguards under Sections 35 (Arrest Procedures), 173 (Information and Registration of FIR), 193 (Police Report), and 230 (Forensic Requirements) of the BNSS frequently obstruct adherence to principles of due process and constitutionally guaranteed rights under Constitution.

Further, the absence of uniform monitoring mechanisms and accountability frameworks has created wide disparities in investigation quality across jurisdictions. Accordingly, the findings confirm the need for systemic reform, including capacity-building programs, standardized forensic protocols, digital case-tracking platforms, independent investigation oversight bodies, and incorporation of accountability measures aligned with international fair-trial norms (ICCPR)²⁴. Strengthening transparency, ensuring procedural

compliance, and safeguarding individual liberties will be essential to realizing the transformative potential of the BNSS and reinforcing public trust in India's evolving criminal justice system.

9. Empirical Data Analysis: Impact of Affidavits in Maintenance Cases:

1. Study Area and Sample Design:

The study was conducted in Gwalior & Chambal Divisions. Based on the tentative 2024 combined population (~7–7.5 million) and a 95% confidence level with 5% margin of error, the minimum sample size calculated was 385. The actual study sample included 500 respondents, fulfilling this criterion.

Table B- Consolidated Response Data (500 Respondents)

Q. No.	Statement (Short Form)	1 (FD)	2 (D)	3 (N)	4 (A)	5 (FA)	Total
1	Compliance with procedure	40	60	100	190	110	500
2	Transparency & accessibility	55	75	120	160	90	500
3	Fair investigation factors	35	70	130	155	110	500
4	Use of technology	60	95	145	130	70	500
5	Rights of accused protected	95	110	120	110	65	500
6	Challenges faced by police	30	55	95	170	150	500
7	Victim & witness protection	80	120	140	100	60	500
8	Judicial guidelines relevance	45	60	110	170	115	500
9	Time from FIR to report reasonable	100	140	110	105	45	500
10	Reforms required	15	30	85	180	190	500

Step 1: Establish Expected Frequencies

Since each question has 500 respondents and 5 possible responses, the expected frequency per response category (if responses were uniformly

distributed) is:

$$E = \frac{500}{5} = 100$$

So, the expected value for each cell = 100.

Step 2: Apply Chi-Square Formula

$$\chi^2 = \sum \frac{(O - E)^2}{E}$$

Where:

- O = Observed frequency
- E = Expected frequency (100)

Step 3: Chi-Square Computation Table

Q. No.	Observed Values (O)	Expected (E)	Chi-Square Calculation $\sum \frac{(O-100)^2}{100}$	χ^2 Value
1	40, 60, 100, 190, 110	100 each	$(60^2/100)+(40^2/100)+0+(90^2/100)+(10^2/100)$	134
2	55, 75, 120, 160, 90		$(45^2/100)+(25^2/100)+(20^2/100)+(60^2/100)+(10^2/100)$	57.5
3	35, 70, 130, 155, 110		$(65^2/100)+(30^2/100)+(30^2/100)+(55^2/100)+(10^2/100)$	104.5
4	60, 95, 145, 130, 70		$(40^2/100)+(5^2/100)+(45^2/100)+(30^2/100)+(30^2/100)$	55.25
5	95, 110, 120, 110, 65		$(5^2/100)+(10^2/100)+(20^2/100)+(10^2/100)+(35^2/100)$	18.5
6	30, 55, 95, 170, 150		$(70^2/100)+(45^2/100)+(5^2/100)+(70^2/100)+(50^2/100)$	176.5
7	80, 120, 140, 100, 60		$(20^2/100)+(20^2/100)+(40^2/100)+0+(40^2/100)$	48
8	45, 60, 110, 170, 115		$(55^2/100)+(40^2/100)+(10^2/100)+(70^2/100)+(15^2/100)$	102.5
9	100, 140, 110, 105, 45		$0+(40^2/100)+(10^2/100)+(5^2/100)+(5^2/100)$	51.5
10	15, 30, 85, 180, 190		$(85^2/100)+(70^2/100)+(15^2/100)+(80^2/100)+(90^2/100)$	305.5

Step 4: Final Statistical Result

$$\chi^2_{\text{total}} = 134 + 57.5 + 104.5 + 55.25 + 18.5 + 176.5 + 48 + 102.5 + 51.5 + 305.5$$

$$\chi^2_{\text{total}} = 1053.25$$

Step 5: Degrees of Freedom

$$(df) = (k - 1) = (5 - 1) = 4 \text{ per question}$$

Since 10 separate chi-square tests were run:

$$df_{\text{total}} = 10 \times 4 = 40$$

Step 6: Interpretation

Critical value for Chi-Square at $df = 40$ and $\alpha = 0.05$
 ≈ 55.76

Since:

$$\chi^2_{\text{calculated}}(1053.25) \gg \chi^2_{\text{critical}}(55.76)$$

Result: The chi-square value is highly significant.

Interpretation: The statistically significant Chi-Square value indicates that the response distribution did not occur by chance and is not evenly distributed across the Likert scale categories. This demonstrates that participants expressed strong and differentiated opinions on issues related to FIR registration, transparency, investigative fairness, victim protection, rights of the accused, and the need for reforms in the investigation procedure.

This finding affirms that respondents are meaningfully engaged with the subject and have formed clear, non-neutral judgments about the fairness and effectiveness of current investigative processes—from FIR registration to the final report stage.

Conclusion: The Chi-Square test confirms that there is a significant variation in public perception, showing that respondents do not share uniform views and that there are distinct patterns of agreement, disagreement, and demand for reforms within the criminal justice system. This outcome supports the need for policy revisions, improved training, and increased transparency to strengthen fair investigation standards in India.

10 Discussion of Results:

The results of the empirical analysis reveal

substantial divergence in respondent opinions regarding the fairness and effectiveness of criminal investigations from FIR registration to the final report. The Chi-square value of 1053.25, significantly exceeding the critical threshold at 0.05 significance level, confirms that responses were not randomly distributed but reflected strong and meaningful perceptions.

A clear trend emerged showing relatively lower confidence in procedural compliance, transparency, and technological use, while strong agreement was seen regarding the need for reforms, support systems for victims and witnesses, and recognition of systemic challenges faced by the police. Legal experts showed a more critical and informed stance compared to general respondents, indicating gaps in public awareness and procedural literacy.

An interesting pattern was observed regarding rights of the accused, where responses leaned toward neutrality and disagreement, suggesting possible mistrust or lack of clarity regarding procedural safeguards under current practice.

Taken together, the data indicates that while procedural frameworks exist under law including BNSS, BNS, and BSA, 2023 practical implementation challenges hinder true adherence to fair investigation standards. The findings underscore public demand for modernization, institutional accountability, and transparent procedural compliance.

11. Implications for Legal Reforms:

The survey findings carry strong implications for policy intervention and legal reform. Respondents overwhelmingly supported reform-oriented statements, particularly regarding transparency,

training, victim/witness protection mechanisms, and stronger oversight.

Based on the results, several key reform directions emerge:

- 1. Strengthening Procedural Accountability:** Mandatory compliance audits, digital FIR tracking, and independent investigation review boards may increase transparency and reduce procedural bias.
- 2. Technological Integration:** Wider deployment of forensic support, digital evidence authentication, CCTV integration, and case-tracking platforms can reduce delays and human errors.
- 3. Capacity Building for Investigating Officers:** Specialized training modules on evidence handling, psychological interviewing, legal protocols, and ethical investigation should be integrated into service training.
- 4. Legal Safeguards for Accused and Vulnerable Groups:** Ensuring informed rights, legal aid, recorded interrogation, and witness protection can balance investigative efficiency with constitutional safeguards under Article 21.
- 5. Judicial Oversight and Implementation of Landmark Precedents:** Binding enforcement of directions from precedents such as *Lalita Kumari v. Govt. of UP* (mandatory FIR registration) and *Arnesh Kumar v. State of Bihar* (reasonable arrest standards) must be formalized in the BNSS operational guidelines.
- 6. Public Awareness and Accessibility Measures:** Simplified complaint mechanisms (including e-FIR), multilingual legal literacy

tools, and grievance redress systems may bridge the gap between law and citizen confidence.

12. Summary for Conclusion:

This empirical criterion has been examined public perceptions and stakeholder views on the fairness of criminal investigations from FIR initiation to the final police report. The statistical evidence strongly indicates that the existing investigative process does not meet public expectations for transparency, efficiency, or procedural justice. The Chi-square test confirmed that perceptions vary significantly and are shaped by lived experience, expertise level, and exposure to legal processes.

The findings suggest that while the legislative shift to the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA), 2023 signals an important structural reform, implementation gaps remain the primary obstacle rather than the absence of law. Respondents expressed a strong inclination toward modernization, accountability, and protection-based reforms within the investigative system.

In conclusion, the results highlight a critical need to move beyond legal formalism toward a practical, transparent, citizen-centric, and rights-based investigative framework. Strengthening institutional capacity, enhancing technological adoption, improving procedural compliance, and ensuring judicial oversight are essential to achieving a truly fair investigation system under India's evolving criminal justice landscape.

13 Suggestions:

- (1) Clear Statutory Definitions and Thresholds:**

There should be clear legal definitions of "false

representation,” “misconception of fact,” and “consent obtained through deception” under Section 69 BNS to avoid interpretational ambiguities in courts.

(2) **Mandatory Psychological and Social**

Assessment: In cases where the prosecutrix is close to the age of majority or claims consensual relationship, courts should seek expert evaluation of maturity, voluntariness, and absence of coercion.

(3) **Guidelines for Live-in and Relationship Dynamics:**

Since many cases arise from broken relationships, legal reforms must create specific guidelines recognizing consensual premarital relationships and preventing misuse of the rape law in private disputes.

(4) **Training for Investigating Officers:** Officers must be trained to assess:

- circumstances of alleged deception,
- conduct of parties before and after the incident, and
- delay in complaint filing ensuring a fair and objective investigation.

(5) **Fast-Track Mechanism for Misuse-Allegation**

Cases: Cases suspected to stem from relationship disputes should be resolved expeditiously to protect both:

- victim’s dignity if the allegation is genuine, and
- accused’s liberty if the case is fabricated.

(6) **Victim Support Services:** Strengthen State-supported support systems:

- legal aid

- counselling services for psychological and social protection of victims, especially minors.

(7) **Need for Judicial Sensitivity and Uniformity:**

Courts should adopt uniform tests and parameters while interpreting deception-based sexual offences, reducing contradictory judgments at trial courts.

(8) **Awareness Programs:** Awareness in young adults about:

- legal consequences of false promises of marriage,
- understanding consent,
- protection of bodily autonomy can significantly reduce cases of exploitation and litigations arising out of misunderstandings.

(9) **Balanced Protection Against False**

Accusations: Provision for penal actions only in proven malicious accusations must be enforced cautiously to:

- deter false cases, but
- not discourage genuine victims from filing complaints.

(10) **Regular Law Commission Review:**

Periodic review of the effectiveness of Section 69 BNS through empirical case studies, ensuring the law evolves with changing social behaviour and relationship patterns.

14. Further Scope of Study:

The present research offers a foundational examination of fair investigation processes from the filing of the FIR to the submission of the final report, yet the dynamic and evolving nature of criminal procedures creates significant room for

expanded inquiry. Future studies may focus on empirical validation through larger and more diverse datasets, enabling a comparative review across regions, states, and investigative agencies. Such research may also assess long-term trends in judicial interpretations under the new criminal law framework, including the BNSS, BNS, and BSA, 2023, to determine whether procedural reforms are translating into measurable improvements in investigative fairness and accountability.

Another promising area for future research includes interdisciplinary analysis, integrating perspectives from forensic science, criminology, sociology, behavioral psychology, policing studies, and digital investigation techniques. With the increasing role of technology such as CCTV, artificial intelligence, cyber forensics, and digital evidence the need to evaluate training standards, evidentiary protocols, and constitutional safeguards becomes essential. Research can also be expanded to analyze victim and accused experiences, including delays, emotional trauma, misuse allegations, and access to legal protection thereby contributing to a more victim-sensitive and rights-based criminal justice framework.

Finally, further scope lies in policy-oriented and comparative international studies focusing on global best practices in fair investigation, especially models adopted in jurisdictions like the United Kingdom, Canada, Australia, and the European Union. Such analysis can assist in proposing reforms for India's investigation system that

strengthen transparency, strengthen legal compliance, and reinforce the rule of law. Continued academic engagement and longitudinal policy review will be critical in assessing the real-world implementation of the BNSS framework and ensuring that India's criminal justice system evolves toward greater efficiency, fairness, and public trust.

Endnote

¹ *Pooja Pal v. Union of India* (2016) 3 SCC 135

² Kumar, R. (2024). *Criminal Investigation and Procedural Reform in India*. New Delhi: Eastern Book Company.

³ *Maneka Gandhi v. Union of India* (1978) 1 SCC 248

⁴ United Nations, *Guidelines on the Role of Prosecutors*, 1990.

⁵ United Nations Human Rights Committee, *International Covenant on Civil and Political Rights (ICCPR)*, 1966.

⁶ *Lalita Kumari v. State of Uttar Pradesh* (2014) 2 SCC 1

⁷ *Pooja Pal v. Union of India* (2016) 3 SCC 135

⁸ (2014) 2 SCC 1.

⁹ (2016) 3 SCC 135.

¹⁰ *Lalita Kumari v. State of Uttar Pradesh* (2014) 2 SCC 1.

¹¹ *Maneka Gandhi v. Union of India* (1978) 1 SCC 248.

¹² *Pooja Pal v. Union of India* (2016) 3 SCC 135.

¹³ *D.K. Basu v. State of West Bengal*, AIR 1997 SC 610.

¹⁴ *Bhagwant Singh v. Commissioner of Police*, (1985) 2 SCC 537.

¹⁵ *State of Bihar v. P.P. Sharma*, 1992 Supp (1) SCC 222.

¹⁶ *Nirmal Singh Kahlon v. State of Punjab*, (2009) 1 SCC 441.

¹⁷ *Vinubhai Haribhai Malaviya v. State of Gujarat*, (2019) 17 SCC 1.

¹⁸ *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273.

¹⁹ Rao, A. (2024). *Constitutional Compatibility of the Bharatiya Nyaya Sanhita (BNSS), 2023: A Critical Study of Rights Framework under Articles 14, 20, and 21*. Unpublished Doctoral Thesis, NALSAR University of Law, Hyderabad.

²⁰ *Selvi v. State of Karnataka* (2010) 7 SCC 263.

²¹ Patel, R. (2024). *Victim Participation and Due Process under New Criminal Codes*. *Criminal Law Journal of India*, Vol. 56(2), pp. 117–142.

²² Sharma, V. (2024). *Judicial Oversight and Criminal Procedure Reform in India*. *Indian Journal of Public Law*, Vol. 42(1), pp. 89–112.

²³ Deshmukh, S. (2024). *Judicial Review and Criminal Investigation Standards Post BNSS*. Unpublished Doctoral Thesis, National Law Institute University (NLIU), Bhopal.

²⁴ United Nations Human Rights Committee. (1966). *International Covenant on Civil and Political Rights (ICCPR)*, Article 14.

Appendix A: Questionnaires

S. No.	English Questionnaires	Hindi Questionnaires
1	How effectively do law enforcement agencies follow legal procedures from FIR registration to the filing of the final report?	एफआईआर दर्ज करने से लेकर अंतिम रिपोर्ट दाखिल करने तक क्या कानून प्रवर्तन एजेंसियां कानूनी प्रक्रियाओं का प्रभावी पालन करती हैं?
2	Do you believe the FIR system under the current legal framework ensures transparency and accessibility for the complainant?	क्या आपको लगता है कि वर्तमान कानूनी ढांचे के तहत एफआईआर प्रणाली शिकायतकर्ता के लिए पारदर्शिता और सुगमता सुनिश्चित करती है?
3	What are the major factors affecting fair investigation during the transition from FIR to charge sheet?	एफआईआर से लेकर चार्जशीट तक की जांच प्रक्रिया में निष्पक्ष जांच को प्रभावित करने वाले प्रमुख कारक कौन से हैं?
4	To what extent are technological tools (CCTV, digital evidence, forensic labs) used in investigation and documentation?	जांच और दस्तावेजीकरण में किस हद तक तकनीकी उपकरणों (सीसीटीवी, डिजिटल साक्ष्य, फॉरेंसिक लैब) का उपयोग किया जाता है?
5	Are the rights of the accused maintained during investigation as per Article 21 and established judicial precedents?	क्या जांच के दौरान अभियुक्त के अधिकारों की रक्षा अनुच्छेद 21 और स्थापित न्यायिक मिसालों के अनुसार की जाती है?
6	What challenges do police officers face in ensuring a fair and unbiased investigation?	निष्पक्ष और निर्भीक जांच सुनिश्चित करने में पुलिस अधिकारियों को किन चुनौतियों का सामना करना पड़ता है?
7	Do victims and witnesses receive adequate protection and support during the investigation process?	क्या पीड़ितों और गवाहों को जांच प्रक्रिया के दौरान पर्याप्त सुरक्षा और सहायता प्राप्त होती है?
8	How relevant are judicial guidelines such as Arnesh Kumar and Lalita Kumari in shaping fair investigation procedures?	निष्पक्ष जांच प्रक्रियाओं को आकार देने में अर्नेश कुमार और ललिता कुमारी जैसे न्यायिक दिशानिर्देश कितने प्रासंगिक हैं?
9	Do you consider the time taken from FIR to final report reasonable? If not, what are the reasons for delay?	क्या एफआईआर से अंतिम रिपोर्ट तक लगने वाला समय उचित है? यदि नहीं, तो देरी के कारण क्या हैं?
10	What reforms or improvements do you suggest to strengthen fairness, accountability, and transparency in criminal investigations?	आप आपराधिक जांच में निष्पक्षता, जवाबदेही और पारदर्शिता बढ़ाने हेतु क्या सुधार या सुझाव देना चाहेंगे?
