

No. 16/11/2025-3HC
HARYANA GOVERNMENT
HOME DEPARTMENT

Dated Chandigarh, the 01.10.2025

To

1. The Director General of Police, Haryana, Panchkula.
2. The Director, Prosecution (General), Haryana, Panchkula.

Subject: Compliance with Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023).

I am directed to refer to the subject cited above and to state that Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which came into force on 1st July 2024, prescribes that procedure to be followed by a Magistrate for recording confessions and statements during the course of investigation or at any time prior to the commencement of inquiry or trial. The following instructions are hereby issued to ensure strict and uniform compliance with the provisions of Section 183 BNSS in letter and spirit.

1. General Provision under Section 183 BNSS:-

1. A Magistrate in the district in which the information about commission of any offence has been registered, may record confession or statement, regardless whether he/she has jurisdiction to try the case.
2. Confession or statements may be recorded at any stage during the course of investigation or any time thereafter but before the commencement of inquiry or trial.
3. The recording of confession or statement must be voluntary, after informing the person making it that he/she is not bound to make the statement and it may be used as evidence against him/her.
4. Confession or statement can be recorded only by the Magistrates and not by the police officers on whom any power of a Magistrate has been conferred.
5. Confession or statement made under section 183(1) of BNSS, may also be recorded by audio-video electronic means in the presence of the advocate of the accused.
6. In cases punishable under section 64 to 71, 74 to 79 and 124 of Bhartiya Nyaya Sanhita, 2023 (BNS) (which include sexual offences, trafficking, etc.), the statement of the victim or witness is to be recorded immediately after the offense is reported to the police. As far as practicable, such statement shall be recorded by a Woman Magistrate. In her absence, a male Magistrate may record the statement in the presence of a woman.
7. In cases where the offence is punishable with imprisonment for ten years or more, life imprisonment or death, the magistrate shall record the statement of any witness produced before him by the investigating officer.

8. Where the person making the statement is temporarily or permanently, mentally or physically disabled, the statement shall be recorded with the assistance of an interpreter or special educator and through audio-video electronic means, preferably using by mobile phone. Such a statement shall be considered a statement in lieu of examination-in-chief as specified in Section 142 of the Bharatiya Sakshya Adhiniyam, 2023. In such cases audio video recording is mandatory.
9. The Magistrate recording a confession or statement under this section shall forward it to the Magistrate by whom the case is to be inquired into or tried.

2. Instructions for Public Prosecutors

- 2.1. Public Prosecutors shall ensure that all procedural requirements under Section 183 BNSS are complied with and the confessional statements or victim/witness statements are lawfully recorded.
- 2.2. Before submitting any confession in court during enquiry and trial, the Public Prosecutor must ensure that the magistrate has appended the requisite memorandum affirming that the confession was made voluntarily as required under section 183(4). Such confession should also comply with the procedure as provided in section 316 for recording the examination of an accused person and must be duly signed by the person making the confession. If recorded through audio-video electronic means, it must be in the presence of the advocate of the accused.
- 2.3. The Public Prosecutors must also ensure that statements of vulnerable witnesses including those of disabled person are treated as substantive evidence during trial.
- 2.4. In cases involving disabled person, such statements recorded with the assistance of interpreter or a special educator, shall be presented as examination-in-chief Under Section 142 of the Bharatiya Sakshya Adhiniyam, 2023.
- 2.5. The Public Prosecutors shall guide Investigating Officers, when requested, in identifying cases requiring urgent recording of statement/confession and advise them on procedural requirements.
- 2.6. Upon such request, the public prosecutor shall forward the application made by the investigating officer for recording of statement/confession in question-answer form, after confirming that all procedure and legal requirement have been met.
- 2.7. All District Attorneys offices in the State of Haryana shall maintain coordination with the District Legal Service Authority for arranging an updated list of interpreters and special educators for immediate assistance in appropriate cases and facilitate the investigating agency in compliance with these instructions.

3. For Investigating Officers (IOs) and Police officers:-

- 3.1. The investigating officers shall make a written prayer to the jurisdictional magistrate for recording a confession or a statement. In the absence of jurisdictional magistrate the application may be made to any other judicial magistrate in the district where the case is registered.
- 3.2. The application for recording a statement under section 183 must be accompanied by a copy of the statement recorded under section 180 of the

BNSS. In the application moved by Investigating Officer for recording confession/statement, it should be specifically requested to the Magistrate to record the confession/statement in question-answer form, in view of Section 183(4) and 183(5) BNSS and an indicative list of questions should be included with the application.

- 3.3 Investigating officer must obtain a copy of the recorded confession or statement in a sealed cover for submission during inquiry or trial.
- 3.4 In cases punishable under section 64 to 71, 74 to 79 and 124 of Bhartiya Nyaya Sanhita (BNS), 2023 the IO should get the statement of the victim, recorded immediately after the offence is reported to the police. However, in cases where it is impossible to have such statement recorded immediately for various reasons like mental/physical condition of the victim or any other reason at that particular time, such reasons should be duly recorded in the case diary but step should be taken to avoid any delay for such recording of statement
- 3.5. In case the witness is a minor, the parents/guardian or next friend of the minor may be allowed to accompany him or her.
- 3.6. It shall be duty of IO/SHO to ensure that confession of an accused should be recorded as early as possible. The accused must be produced before the concerned magistrate with a written prayer duly forwarded by the concerned public prosecutor.
- 3.7 Prior to getting record the confession, the IO shall inform the accused that he/she is not bound to make any confession and that it may be used as an evidence against him/her.
- 3.8 The IO/SHO will ensure that the confession is made voluntarily. Where the confession is to be recorded through audio video electronic means, the presence of Advocate of the accused is mandatory.
- 3.9 The written prayer shall indicate whether the person has consented to such recording and whether any parent/next of kin/friend is available with the witness/victim.
- 3.10 In cases where the offence is punishable with imprisonment for 10 years or more, life imprisonment or death, the magistrate shall have to record the statement of a witness produced before him. However, in such cases, it is the discretion of the investigating officer, in consultation with supervisory officers, to decide the necessity of recording the statement of witnesses under section 183 of BNSS, before a magistrate, depending upon the circumstances of the case.
- 3.11. IO/SHO shall assist the magistrate in arranging for recording confession/statement through audio-video electronic means.
- 3.12 Where the person making the statement is mentally or physically disabled, the District Legal Service Authority shall facilitate the magistrate in arranging a special educator or interpreter and ensure that the statement is recorded through audio-video means. Details of such proceedings shall be entered in the case diary.
- 3.13. The IO shall also preserve the audio video recordings as part of the police file and ensure that the statement or confession is forwarded to the Magistrate who is to inquiry into and try the case.

4. All District Legal Service Authority shall maintain a list of interpreters and special educators for immediate assistance in appropriate cases. They shall also monitor compliance with the above instructions and ensure timely action in case of any deviation.

5. The above instructions are to be complied with strictly and in full conformity with law. Any deviation or laxity in implementation shall be viewed seriously and may attract appropriate action.

This issues with the approval of Competent Authority.

11/12/25
Under Secretary, Home Confidential,
for Additional Chief Secretary to Government, Haryana,
Home Department *Ch*