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## VICTIM-CENTRIC JUSTICE UNDER BNS AND BNSS: AN EVOLVING PARADIGM IN INDIAN CRIMINAL LAW

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### ABSTRACT

The victim is frequently reduced to a supporting role in India's criminal justice system, which has historically placed a strong emphasis on the state and the accused. However, a notable shift towards a victim-centric approach has emerged with the enactment of the Bharatiya Nyaya Sanhita (BNS), 2023, and the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. These new laws, which represent a changing paradigm in Indian criminal law, seek to improve victims' rights, protection, and involvement in the criminal justice system.

This study investigates the idea of victim-centric justice and critically evaluates the pertinent BNS and BNSS provisions that are meant to empower victims. The victim's right to be heard, better compensation systems, time-bound investigation and trial procedures, anonymity protection in delicate cases, and victim legal aid are among the main areas of focus. Along with comparing these reforms to international norms and the previous framework under the IPC and CrPC, the paper assesses whether they adequately address the historical marginalization of victims.

**Keywords:** Victim-Centric Justice, Criminal Law Reform, Victim Rights, Criminal Procedure, Victim Protection, Legal Reforms in India

## **Introduction**

The new criminal laws in India signify a departure from the colonial-era Indian Penal Code (IPC) of 1860, which primarily focused on punishment rather than justice. These laws were made by a foreign ruler to run his rule and govern its subjects. One significant aspect to be noted is - the change in nomenclature of the Bill from Indian Penal Code, which would otherwise translate to Bharatiya Danda Sanhita, to Bharatiya Nyaya Sanhita. The change in the operative word from Danda (Punishment) to Nyaya (Justice) denotes a fundamental change in the basis of criminal prosecution- from penalising to delivering justice. This shift is not merely semantic but embodies a transition from a punitive to a reformatory theory of jurisprudence, with a newfound emphasis on victim-centric justice. In 2023, India introduced comprehensive legislative reforms to modernize its criminal laws, replacing the IPC, CrPC, and Indian Evidence Act with the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA) respectively. These new statutes aim to streamline procedures, emphasize victim centric approaches, and address emerging crimes such as cyber offenses and terrorism. The introduction of these laws reflects India's aspiration to shed colonial vestiges and adapt to a dynamic socio-legal environment.

## **Victim-Centric Provisions in Indian Law**

While Indian criminal law has begun to acknowledge the importance of victim rights, its efforts remain fragmented and largely under-enforced. The introduction of victim compensation schemes under Sections 357 and 357A of the BharatiyaNagarik Suraksha Sanhita, 2023 (BNSS) represents an attempt to provide financial redress to victims of crime. Section 357 enables courts to order compensation from fines imposed on offenders, whereas Section 357A mandates state governments to formulate comprehensive victim compensation schemes in coordination with the Legal Services Authorities.

Further, victims have limited procedural participation in the criminal trial. Though Section 377 of the BNSS allows the victim to engage an advocate independently of the public prosecutor, their role remains mostly passive and consultative, with no substantive say in decisions regarding chargeframing, plea bargains, or sentencing. This restricts their agency in influencing outcomes that directly affect their rights and dignity.<sup>15</sup> In terms of appellate rights, victims lack a direct right to appeal an acquittal or lenient sentence. Their recourse is often limited to

filing a Special Leave Petition under Article 136 of the Constitution—a discretionary remedy that is neither practical nor guaranteed.

Additionally, the Juvenile Justice (Care and Protection of Children) Act, 2015 includes a few restorative provisions such as victim-offender interactions and rehabilitative orders, especially in cases involving children in conflict with the law. However, these remain specific to juvenile proceedings and have not been extended to adult criminal jurisprudence.

### **Committees on Victim-Centric Justice in India**

Victim-Centric Justice focuses on addressing the rights, needs, and dignity of crime victims within the justice system. The following committees have played significant roles in bringing reforms toward this approach:

#### **1. Madhav Menon Committee (2003) – Committee on Draft National Policy on Criminal Justice**

- Objective: To revamp the criminal justice system to make it more responsive and efficient.
- Victim-Focused Recommendations:
  - Suggested creation of a Victim Compensation Fund.
  - Emphasized restorative justice and rehabilitation over mere punishment.
  - Called for victim participation in proceedings, including being heard during sentencing.
  - Highlighted the need for support services like counseling, shelter, and legal aid.

#### **2. Malimath Committee (2000–2003) – Committee on Reforms of Criminal Justice System**

- Chairperson: Justice V.S. Malimath
- Key Recommendations:
  - Victims should have a right to be heard during the trial and sentencing.

- Introduction of a Victim Advocate in trials to represent the interests of the victim.
- Creation of a Comprehensive Victim Compensation Scheme.
- Restitution and rehabilitation must be made part of sentencing policy.
- Significance: Laid the foundation for victim-centric provisions in BNS and BNSS.

### **3. Justice Verma Committee (2013) – Post Nirbhaya Incident**

- Purpose: To suggest amendments to criminal law for ensuring the safety of women.
  - Victim-Centric Focus:
    - Emphasized speedy justice and dignity of rape victims.
    - Recommended emergency response, rehabilitation, and counseling support.
    - Called for fast-track courts for crimes against women.
    - Stressed police sensitivity training in handling victims.
- Victimcentric Features: A Holistic Approach

#### **Victim-centric Features: A Holistic Approach**

1. Right to Participation Victims now have the right to express their views, reinforcing their role as stakeholders in criminal cases. Section 360 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 aims to fill the historical void in Section 321 of the CrPC by ensuring the inclusion of victims' voices before permitting case withdrawal.
2. Access to Justice The institutionalisation of Zero-FIRs and the introduction of e-FIRs enhance accessibility, allowing victims to report crime anywhere irrespective of the crime location. For instance, Zero FIR is a provision under Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 that allows a person to register a First Information Report in any police station where information about a cognisable offence is provided, irrespective of the area

where the offence is committed. without having to visit a police station in person. The e-FIR system is designed to be efficient as it eliminates the need for people to travel to a police station and wait in long queues to file a complaint.

3. **Right to Information** It grants victims the authority to obtain a free copy of the FIR. The law also provides obligatory measures to keep victims informed about the progress of investigations within 90 days.
4. **Transparency** The Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 emphasises victim information rights by ensuring the supply of police reports, FIRs, and witness statements. It also incorporates provisions dedicated to providing victims with crucial information at various stages of investigation and trial. It allows people to file an FIR online.

### **Judicial Intervention in Strengthening Victim-Centric Justice under BNS and BNSS**

#### **1. Supreme Court confirms victim's right to appeal acquittal**

The Supreme Court affirmed in June 2025 that a victim has the right to contest an acquittal under Section 372 CrPC, which also applies to Section 413 of the BNSS. This greatly increases victim participation by enabling victims to pursue justice even in cases when an accused person is originally found not guilty.

#### **2. Supreme Court mandates speedy compensation in serious offences**

Sessions Courts were mandated by Supreme Court rulings in late 2024 to provide victim compensation under CrPC Section 357-A (now BNSS Section 396), especially for women and minors who had been sexually assaulted or suffered physical harm. Even before a victim is found guilty, courts must make sure they obtain temporary relief.

3. **Madras High Court upholds protections for women under BNSS** The Madras High Court took up the topic of women being arrested at night under the BNSS (formerly CrPC Section 46(4)) in March 2025. It concluded that the prohibition on women being arrested between sunset and daybreak is advisory rather than required, demonstrating a balance between procedural flexibility and victim safety.

## **Conclusion**

An important paradigm shift from an offender-oriented criminal justice system to one that protects the rights, dignity, and well-being of victims is reflected in the development of victim-centric justice in India. Many of these long-standing recommendations have been addressed by legislation with the enactment of the Bharatiya Nyaya Sanhita (BNS), 2023, and the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. The essential spirit of the committee's recommendations is reflected in these new codes, which include restorative justice, improved procedural safeguards, compensation systems, and larger victim definitions.

But how well these improvements are implemented will be their real test. The idea of a truly victim-centric legal system will remain aspirational in the absence of sufficient institutional support, professionally trained staff, and victim-sensitive protocols. Therefore, to guarantee that victims are not merely passive witnesses but active participants in the administration of justice, ongoing judicial scrutiny, ongoing policy evaluation, and a dedication to human dignity are crucial.

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