

## Victim-Centric Criminal Justice under BNSS, 2023: A Comparative Study with erstwhile Cr.PC, 1973

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Abstract:

The role of Victim in criminal procedures are increasingly at the center of legal change and intellectual debate. In India, the introduction of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) signifies a significant reform of criminal procedural law, replacing the Code of Criminal Procedure, 1973 (Cr.PC). One of its objectives is to promote a more victim-oriented approach within the Criminal Justice System. This article aims to critically examine whether the BNSS, 2023 effectively enhances the procedural rights and participation of crime victims when compared with the earlier Cr.PC framework. The study seeks to assess the extent to which the new legislation strengthens victim participation in criminal proceedings, improves access to compensation and restorative mechanisms, and expands the procedural recognition of victims within prosecutorial and adjudicatory processes through the analysis of statutory provisions, parliamentary committee reports, institutional policy documents, and relevant judicial decisions addressing victim rights in criminal proceedings. The findings indicate that the BNSS introduces several measures that strengthen the formal recognition of victims within the procedural framework, including improved compensation mechanisms and greater emphasis on victim participation in certain stages of criminal proceedings. However, the reforms largely remain embedded within the traditional state-centric model of criminal prosecution. Consequently, the new law introduces some improvements for victims, but it does not fundamentally change the traditional structure where the State remains the primary actor in criminal prosecution. The article concludes that although the BNSS represents a significant step toward victim-sensitive criminal procedure which could only be achieved by institutional implementation, judicial interpretation, and continued alignment with evolving international standards on victims' rights.

**Keywords:** Victim-Centric Criminal Justice; Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS); Code of Criminal Procedure, 1973 (CrPC); Victim Participation in Criminal Proceedings; Victim rights, Victim Compensation Framework; Criminal Procedure Reform in India.

### 1. INTRODUCTION

Victimology has emerged as a significant area of research in criminal law studies by revealing the historical marginal role of victims in criminal justice systems. Early procedural models were developed focusing on relationship between the State and the accused, with victims remaining mostly in the role of witnesses and not participants in adjudication. Contemporary legal scholarship, however, is increasingly recognising that effective criminal justice cannot be achieved without meeting the rights, needs and involvement of victims along with the protections afforded to the accused. Thus, discussions concerning procedural justice, restorative justice, and the increased role of victims in criminal processes have been influenced by the growth of victimology. This was the marginalisation that was particularly visible in the adversarial systems. Traditional criminal procedure favoured the prosecution of the state and the due process of the accused at the expense of victims, whose role was largely evidentiary function at trial. Victims accordingly had limited opportunities to take part in proceedings, poor access to compensation and little involvement in decisions concerning prosecution or sentencing. Scholars argue that this structural mismatch leads to a lack of trust in the justice system and a failure to recognize the harm suffered by crime victims. Modern victimology has increasingly urged for reforms that bring victims to play a more significant part in criminal justice procedures.

In response, several jurisdictions have adopted more victim-centric approaches which emphasise participation, protection and reparative mechanisms. Comparative scholarship shows an increased appreciation of victims as stakeholders and their voices should be heard throughout the criminal process. Restorative justice theory supports this movement by emphasising dialogue, accountability, and reparation as key concepts of justice to victims and communities. These strategies seek to move away from strictly punitive models and toward a more inclusive strategy that acknowledges the rights and interests of crime victims inside the criminal justice system.

The research issue which is to be contemplated in this article is whether the victim-based reforms that were implemented under the BNSS significantly enhanced victimisation, remedies, and procedural acknowledgment or it is more of an increment in a criminal process that is largely state-centred.

The article thus has four aims which include-

- (i) Investigating how victims are regarded in the law;
- (ii) To investigate the victim-oriented provisions brought in by the BNSS;
- (iii) To compare the procedural rights granted to victims by the two laws; and
- (iv) To explore whether the new arrangement is bringing about a meaningful victim justice in India.

The analysis is informed by four questions:

- (i) What was the position of the victims under the Cr.PC framework;
- (ii) What victim-oriented reforms have been introduced under the BNSS;
- (iii) Whether there is a significant expansion of victim participation and remedies after coming into force of BNSS; and
- (iv) Does the new framework correspond to emerging international standards on the rights of victims?

Against this backdrop, the present article attempts a doctrinal and comparative analysis of the victim-centric provisions that came in the wake of the BNSS vis-a-vis the earlier provisions of Cr.PC in terms of statutory provisions, legislative materials, judicial developments and scholarly materials to determine whether the new procedural regime has significantly enhanced the victim rights and participation in Indian criminal justice system.

### POSITION OF VICTIMS UNDER CR.PC, 1973

The Cr.PC governed the criminal procedure in India for a number of years. Within this structure, the role of victims remained limited, reflecting the broader adversarial model in which crime was treated as an offence against the State rather than against the individual victim. Criminal proceedings were thus largely conceptualised in which the prosecution and the accused compete against each other with victims playing only a small role in the adjudicatory process.

One major limitation of the Cr.PC framework was in relation to victim participation in criminal trials. In most cases, the treatment of the victims was limited to those who were considered to be witnesses whose sole role was restricted to providing evidence in the process of investigation or trial. Although the Cr.PC allowed some forms of participation, such as the use of private counsel to assist the prosecution, under section 301, the control of the conduct of proceedings was to remain in the hands of the Public Prosecutor. The victim's interests were thus mediated via the State, which did not always identify concerns related to participation, information or procedural involvement. This institutional arrangement,

whilst aimed at maintaining the fairness and impartiality of criminal prosecution, also contributed to the reciprocal marginalisation of victims in the justice process.

Despite all these weaknesses, the Cr.PC gradually introduced some mechanisms to recognise the interests of the victims, especially when it comes to compensation and remedies. A major development was the introduction of victim compensation scheme under section 357-A Cr.PC which requires State Governments to have compensation mechanism for victims of crime. To strengthen the implementation, the Central Victim Compensation Fund Guidelines, 2015 was issued by the Ministry of Home Affairs (MHA), which aimed for establishing a common fund to enable compensation schemes at the State level. These guidelines were revised in 2017, with a view to provide greater financial support and improve the functioning of compensation frameworks across States.

Institutional mechanisms for compensation were further strengthened through such efforts made by the National Legal Services Authority (NALSA). The NALSA Compensation Scheme for Women Victims and Survivors of Sexual Assault and Other Crimes, introduced in 2018, offered model for State Legal Services Authorities to introduce more uniform compensation policies. Also, according to statistical reports published by NALSA, the prevalence of compensation mechanisms is on the increase across the States and it is a result of the expansion of the acknowledgement of the rights of victims to financial support and rehabilitation. Meanwhile, success of such schemes has been inconsistent due to different levels of implementation, sluggishness in payment and victim's ignorance of possible remedies. Similar to comparative scholarship are the focus on compensation as a significant process of victim restoration and rehabilitation in criminal justice systems. Another, though very weak, acknowledgment of the victim agency under the Cr.PC was done by way of the appellate remedies, specifically, the judicial understanding that the victim is not an informant but rather a stakeholder and who, in some cases, has a right to appeal against the unfavorable results.

The judicial intervention was also relevant in the extension of rights of victims in the Cr.PC framework. In the matter of *Nipun Saxena v Union of India*, the Hon'ble Apex Court has stressed the need to safeguard dignity and privacy of the victims of sexual offences and has provided guidelines to ensure that they are given anonymity during trial. The Court granted the use of the Witness Protection Scheme in *Mahender Chawla v Union of India* and saw the necessity of providing security of witnesses and victims who give evidence in court cases involving criminal matters. More recently, the Supreme Court in *In Re: Guidelines for Recording Evidence of Vulnerable Witnesses in Criminal Matters*, provided directions that helped victim facilitation into a more considerate and accommodating set up, especially with vulnerable victims including children and victims of sexual violence. Such rulings show the effort that the judicial system is trying to fill in the structural loopholes in the statutory provisions through enhanced victim protection measures.

Despite this development, there were still enormous restrictions in victim involvement in the Cr.PC. The victims typically possessed limited chances to affect prosecutor decisions, little rights to participate actively on trial process and comparatively limited remedies in prosecutor withdrawal or acquittal cases. The scholarly commentaries thus highlight the fact that the Cr.PC recognised the victim rights in only a piecemeal fashion, mainly in the form of compensation programs and judicial adjudication and not in the form of a fully-fledged statute. The example of victim compensation schemes in India by Dipa Dube reveals that although compensation was viewed as a significant step in the acknowledgement of the victims, the entire structure in which the scheme was set up still left very little room to the actual victim participation. Claiming that position of victims under the Cr.PC was at all central or marginal would therefore be more suitable. The adoption of the *Bharatiya Nagarik Suraksha Sanhita, 2023* should hence be viewed in the context of the changing legal and policy principles of whether more victim-oriented procedural frameworks are needed.

#### **VICTIM-CENTRIC PROVISIONS UNDER BNSS, 2023**

##### **1. Right to Legal Representation (Section 18(8) Proviso & Section 338(2))**

The BNSS allows victims to hire an advocate of their choosing, but their duty is limited to assisting the Public Prosecutors. However, the job is auxiliary rather than independent. The advocate may only present written arguments once the evidence has been concluded.

This limited participatory role may lead to procedural friction, particularly during cross-examination. In *Rekha Murarka v. State of West Bengal*, the Supreme Court cautioned against unregulated parallel prosecution strategies that may disrupt trial coherence.

##### **2. Right to Access FIR and Zero FIR (Section 173(2))**

Victims or informants are entitled to a free copy of the First Information Report. Infact, now victim can lodge a Zero FIR immediately in the nearest police station after offence which be later transferred to victim's jurisdictional police station. This ensures transparency at the inception stage and strengthens procedural awareness.

##### **3. Protection in Recording Statements (Rape Cases) (Section 176(1)(b) Proviso)**

A progressive safeguard requires that the victim's statement be recorded in front of family members or a social worker at a location of her choice, ideally by a female police officer. Additionally, the clause allows audio-video recording, which is a technological improvement over the previous system.

##### **4. Time-Bound Medical Examination (Section 184)**

The law mandates that medical examination of rape victims be conducted within 24 hours. The report must be forwarded within seven days, ensuring evidentiary integrity and minimizing delays.

##### **5. Right to Information on Investigation Progress (Section 193(3)(ii))**

Victims must be informed of investigation progress within 90 days, including via electronic communication. This enhances accountability of investigative agencies.

##### **6. Right to Free Access to Case Documents (Section 230)**

Victims are entitled to free copies of crucial documents, including FIR, Police report, Witness statements, Confessions, Other relevant materials filed by police. This provision strengthens informed participation during trial.

##### **7. Victim Right to Be Heard Before Withdrawal of Prosecution (Section 360 Proviso)**

A notable innovation is the requirement that courts must hear the victim before permitting withdrawal of prosecution. This curtails arbitrary prosecutorial discretion and embeds victim agency.

##### **8. Compensation from the Accused (Section 395(3))**

Even in the absence of a fine, courts may direct the accused to compensate the victim for loss or injury. This reflects a restorative dimension within sentencing.

##### **9. State-Funded Compensation Scheme (Section 396)**

The State is obligated to establish victim compensation schemes administered through Legal Services Authorities. Key features include:

- Compensation in cases of acquittal or inadequate sentencing
- Relief even when the offender is unidentified
- Time-bound disbursement (within two months)
- Provision for immediate medical assistance

However, the procedural burden on victims to initiate claims remains a structural limitation.

#### **10. Immediate Medical Assistance (Section 397)**

All hospitals must provide free and immediate treatment to rape victims and under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). A critical gap persists, as this protection is not explicitly extended to victims of acid attacks or human trafficking.

#### **11. Right to Appeal (Section 413 Proviso)**

Right to Appeal (Section 413 Proviso) by victim against Acquittal, Conviction for a lesser offence, and Inadequate compensation. This provision enhances victim autonomy but also raises concerns regarding overlap with prosecutorial functions.

#### **COMPARATIVE ANALYSIS: THE CR.PC AND THE BNSS**

The shift of Cr.PC to the BNSS, 2023 is something that brings a question that is even more significant than the replacement of the Code as such: whether Indian criminal procedure has shifted to a model of justice that is not only state-centred but truly victim-centric as well. The Cr.PC had over time evolved in terms of incorporating victim-orientated elements in terms of statutory supplement, judicial practice and compensation measures, but the fundamental structure of the Cr.PC remained in terms of a crime as a wrong prosecuted through the State with the victim playing the second role. Much of that inherited structure is also preserved in the BNSS, although some of the various protections are now merged and simplified, raising the formal visibility, accessibility, and limited role of victims. Its importance hence is not in total reorganization of criminal justice, but in increasing the responsiveness of the traditional prosecutor model to victim interests.

Under the Cr.PC, the victim's role in criminal proceedings was characterized by recognition unaccompanied by centrality. Provisions relating to compensation, appeal and prosecutorial assistance recognised the victims had interests distinct from the State's, but institutionally subordinated to prosecutorial control. Section 301 provided for a person, who is either a private person or a pleader instructed by such person to assist the prosecution but the conduct of the case remained firmly in the hands of the Public Prosecutor. Jonathan Doak's comparative account suggests, the wider movement in modern criminal procedure has been away from complete victim marginalisation and procedural recognition of victim interests.

The BNSS does not replace this architecture but does reveal a more considered legislative concern with recognizing the victim. Section 2(y) is further making the victim a legally recognised subject of the procedural code, including the guardian or legal heir. More importantly, though, the BNSS as a whole represents a larger movement toward a victim-sensitive approach in procedural design. The victim is no longer considered only as a source of evidence or a beneficiary of post-conviction relief, but as a stakeholder whose right to the information, their participation at an important stage and their entitlement to remedial consideration are a part of procedural fairness. In this respect, the BNSS broadly reflects a normative orientation as seen in the comparative instruments, including Directive 2012/29/EU.

This shift is most noticeable during the criminal procedure's threshold stage. Under section 154 of the Cr.PC, the information relating to a cognizable offence must be reduced to writing by the officer in charge of the police station and signed by the informant. This model was fundamental but still related to geographic access to the police station and would tend to place practical pressures on complainants. Section 173 of the BNSS brings to the fore a significant procedural change as it allows electronic communication to provide information about a cognizable offence, with follow-up signature within the stipulated time. It reduces the barriers of entry to the criminal process and acknowledges that even the ability to register is a part of the legal protection. It is also consistent with the greater logic of Directive 2012/29/EU, which attaches importance to access to information and institutions in accordance with the vulnerability and circumstances of the victims.

Another significant site of comparison is Compensation. The inclusion of section 357A into the Cr.PC was a giant move towards the acknowledgement of the fact that criminal justice should not only respond in terms of punishment, but also repair and rehabilitation. It obliged State Governments to institute schemes of compensation of the victim, but this was done very patchily, there was not much publicity, and there was also a loss of time, which undermined the remedy. The issue has frequently been the imbalance between the normatively recognition and the delivery of the issue by the institution.

This framework is maintained in the BNSS under Section 396. This continuity is significant as it proves that the area of compensation is not marginal to criminal procedure anymore. Concurrently, the BNSS fails to convert the compensation to an enforceable charter of rights. It unifies the structure but itself will not resolve the old issues of inconsistent implementation, delay, and not-so-uniform institutional commitment. Building the BNSS compensation is thus best characterized as an enhanced extension of the Cr.PC model as opposed to the re-invention of the remedial structure. Other comparative scheme victim-rights schemes, such as Directive 2012/29/EU, have the same weakness: they can be recognised in principle through support and redress, but the institutional capacity to deliver on these remains crucial.

The continuum with slightly high growth is the same in the case of Appellate Remedies. The proviso to section 372 Cr.PC recognised that the victim has a legally cognisable interest in the appeal of acquittal, conviction of a lesser crime or poor compensation. The BNSS preserves this position through the proviso to section 413. The right is, however, strictly limited, and falls short of any general right to appeal against any dissatisfaction. It is an agency, but not a substantial, channel of victims.

Another ordeal of victim-participation is Withdrawal of Prosecution. The Public Prosecutor was allowed to withdraw prosecution under the court permission under section 321 of the Cr.PC. There was no participation of the victim in the said stage as it was purely prosecutorial in nature. The general modern shift, according to Doak analysis, is not to the victim control of prosecution, but to make decisions that have direct consequences on them no longer immune to their procedural concerns. This more victim sensitive orientation can be seen in the BNSS, which acknowledges the need to listen to the victim prior to the decision being finalised. Nevertheless, the discretion of prosecutors is a priority. The reform is consequently a procedural, rather than a redistributive control, reform.

The broader question of jurisprudence is whether the BNSS has a more restorative orientation than the Cr.PC. The BNSS is still essentially a procedure criminal law, and not a document of restorative justice. However, the direction it has taken of victim recognition, participation, and support permits a reform-based reading as opposed to the traditional state-centred reading into the Cr.PC. That way, the concept of restorative justice is applied in India as a conceptual tool although the BNSS is a far cry of a restorative system. Comparative international law also indicates that intensive victim recognition does not necessitate deserting the communal prosecution. The Rome Statute is educative, in the sense that it grants victims some procedural acknowledgment and participatory room in an official criminal procedure..

The combination of these changes helps to make a cautious yet significant conclusion. The BNSS does not change Indian criminal procedure to a victim-dominated system or create a great charter of rights for victims. The prosecutorial institution is still too full of the public; the handling of trials is still too much institutional; and the right of victims is more visible, but still selective and stage-specific. Simultaneously, it would be only incorrect to define the BNSS as a pure cosmetic recodification. The doctrinal worth of it is in the unification, perpetuating, and greater specification of protections victim-focused through the procedural lifecycle: access to the criminal procedure using electronic communication, sustained entitlement to damages, maintenance of appeal status, and a more victim-conscious orientation in procedural fairness. To that effect, the new Indian comparative literature such as Sowmya H.A. study of continuity and change between the Cr.PC and the BNSS confirm the opinion that the BNSS is more continuity, selective innovation and procedural reorientation than a total break with the past.

The better view, however, is that, the BNSS is a gradual yet significant re-structuring of criminal procedure. It does not leave the state-centred model but softens the more rough lines by making the victim more visible, recognisable and a bit more empowered in the legal process.

### **JUDICIAL INTERPRETATION OF VICTIM RIGHTS IN CRIMINAL PROCEEDINGS**

In Indian Criminal Justice System, judicial interpretation is relevant in enhancing victim rights. Even though the statutory framework provided under the Cr.PC in the past had limited space in which victims could contribute their voices, the judiciary expanded the scope to protect the victims in addition to the procedural fairness timely through the constitutional interpretation as well as policy directions.

The protection of identity and dignity of the sexual crimes victims was provided in one of the most important developments that arose out of the proceedings of *Nipun Saxena v Union of India*. The case has been occasioned by the issue of revealing identity of victims, whether through media or in court, in most cases resulting in secondary victimisation. The Supreme Court barred such disclosure and underscored the need of investigative agencies, courts, and the press to wash its hands of the matter. The Court, therefore, realised that victim protection is not only limited to the prosecution but the protection against stigma, invasion of their privacy and additional harm to the victim.

Victim compensation was also reinforced in criminal justice by the Court in case of *State of Rajasthan v Darshan Singh @ Darshan Lal*, wherein the Supreme Court said that the court should exercise its powers meaningfully to give compensation to the victim by making judgement on what constitutes a proper case to give compensation as a significant part of justice. It also emphasized on the rational application of the compensation programs as provided in section 357A of the Cr.PC and emphasized on the importance of coordinating the State Governments and legal services authorities in the management of the compensation funds. These guidelines emphasize that the victim justice involves financial aid and rehabilitation as opposed to prosecution.

One more significant case is *Mahender Chawla v Union of India*, where the Supreme Court adopted Witness Protection Scheme, 2018. The Court also acknowledged that victims and witnesses are regularly intimidated and threatened to an extent that they do not want to take part in criminal trials and their protection is paramount to the efficient administration of justice. This ruling is important since it demonstrates that procedural fairness does not only demand formal rights, but practical measures that would allow victims to take part without fear of retribution. The expansion of the rights of victims has also been applied in the case of the appellate standing where the Supreme Court affirmed that the procedural identity of the victim should not be diminished by the role of a mere witness after the result of the prosecution directly impacts the legally safeguarded interests of the victim.

The Supreme Court has been able to meet the demands of vulnerable witnesses, especially children and victims of sexual offences. Court issued detailed guidelines in *In Re: Guidelines for Recording Evidence of Vulnerable Witnesses in Criminal Matters* that were focused on establishing a better environment in criminal cases and made victim-sensitive. These guidelines focus on specialised courts facilities, trained staff and procedural facilities that are aimed at minimising trauma when taking evidence. This ruling also represents a larger understanding that procedural justice demands adjustments in courtroom practices of the demands of a victim over the expectations that a victim fit into the strict procedural formats.

In the landmark case of *Jagjeet Singh v. Ashish Mishra (2022) known as Lakhimpur Kheri violence case*, the court gave victim right to be heard at the stage of bail application of accused. The Court held that a 'victim' cannot be required to wait until the trial begins before invoking his or her right to participate in the proceedings. He/she has a legal right to be heard at every stage after commission of an offence and has unrestricted participating rights from the time of investigation to the conclusion of the proceedings in an appeal or revision.

Hence, these judicial interventions demonstrate the importance of courts to the advancement of victim rights. The judiciary through the interpretation of the Constitution, policy directives and procedural guidelines have tried to fill any gaps in the statutory protection and advance a more victim-sensitive approach to criminal proceedings. Meanwhile, these decisions have been undertaken within the boundaries of the current procedural system, highlighting the necessity of legislative changes that can bring victim involvement and protection more strategically into the criminal procedure.

### **CRITICAL EVALUATION**

The 2023 reform of Indian Criminal Justice has an important phase that is the Bharatiya Nagarik Suraksha Sanhita. It replaces the Code of Criminal Procedure, 1973 and is aimed not only to update the procedure but to give weight to victims in the criminal process. However, the main question remains as whether the BNSS is a meaning redistribution of procedural attention, institutional accountability, and access to remedy in favour of victims. It is on balance a great normative change that does not amount to a wholesale structural change.

The most obvious strength of the BNSS is that it addresses victims as stakeholders in the criminal process to a greater extent. The previous procedural frameworks were structured mainly based on the State and the accused and the victims played a very limited role in terms of participation. The BNSS also marks an increase in understanding that the interests, dignity, and experiences of victims have to be more directly reflected in criminal law. This victim sensitive orientation is supported by institutional policy documents and judicial decisions. It thus is consistent with the broader Indian literature which suggests that victims should be repositioned in the law of crime.

A second strength is on the improvement of procedural participation, especially in association with prosecutor ruling and victim consultation during key phases. It is normative since the participation is not only connected with symbolic inclusion, but procedural fairness, transparency, and legitimacy. The more recent commentary on the issue of victim participation in the new criminal laws amongst Indian commentators also substantiates the point of view that the BNSS is a real, albeit conditional, breakthrough in procedural recognition. Despite that, this is not to be exaggerated; the BNSS does not eliminate the role of the Public Prosecutor; it simply gives the victim a better chance to be heard, without transforming prosecution into the act of sharing between the State and the victim.

The BNSS also reinforces, at least formally, the framework of victim compensation and support. Institutional materials emphasise timely financial assistance, rehabilitation and support services as being integral to victim justice. Recent Indian scholarship ascertains that compensation is still one of the most advanced yet as well as most unevenly put into practice locations of victim-rights discourse in India. The BNSS therefore strengthens the normative place of compensation, but does not by itself eliminate the implementation deficits that have historically undermined victim redress.

Simultaneously, the BNSS has some major limitations. The most significant is that most of its reforms on the side of the victims are still incremental as opposed to transformative. Comparative studies indicate that though the BNSS restructures, revises and reformulates the procedural framework, much of its substance is still based on the previous logic of the Cr.PC. The result here is that victims obtain more recognition and procedural benefits that are chosen but this does not displace the underlying state-centred construct of the criminal process. The new code has been favoured in recent doctrinal writing on the BNSS which sees the new code as a continuity, selective innovation and modernising reform rather than a radical break with the past.

Another issue that is connected to the limitation is the lack of an exhaustive statutory charter of rights of victims. Even though the BNSS has several clauses that favor the victims, they are not grouped together in a logical structure of rights, but are scattered throughout the law. As observed in the existing scholarship, victim-based reforms in India were observed on numerous occasions to be divided in terms of

compensation, support, protection, and procedural participation without being unified into one enforceable rights framework. This disintegration undermines the practical availability of victim rights and threatens to dilute them into institution-sensitive perks instead of legal rights which are clearly stated.

The most serious challenge is implementation. The effectiveness of statutory provisions about rights to victims even in those jurisdictions where such provisions are acknowledged is determined by the ability of police authorities, prosecutors, courts, institutions of legal services and victim-support systems to realise formal protections in practice. It has already been emphasized in institutional reports that training, coordination, funding and administrative commitment are required to be successful in implementation. The same concern is supported by recent Indian scholarship on the protection of witnesses, victim support and compensation implementation. The issue thus lies not only in the question of the presence of victim-oriented provisions in the BNSS, but to realise them effectively in our existing system.

Another issue is that BNSS is yet another step which does not embed an actual restorative orientation into criminal procedure. Even though it leaves a bit of room to victim-sensitive interpretation and support based reform, it is more a procedural criminal code than a restorative justice charter. Indian research on restorative justice and victim-oriented criminal law equally points to the fact that the greater task is to go beyond a paradigm whereby the interests of victims are only recognized in a more retributive and state-regulated system.

Overall, the BNSS is indicative of a significant yet minimalist progress in victim-oriented criminal procedure. Its advantages are palpable: an increased understanding of victims, a slightly increased involvement, the persistence of compensation and a greater focus on normative dignity and justice. Its weaknesses are also apparent: great commonality to the Cr.PC, lack of a single charter of the rights of victims, lack of coherent protection among the provisions, and continued implementation problems. The improved evaluation, then, may be that the BNSS is a significant advancement of legislation in the direction of victim-sensitive justice, but not the project.

### **SUGGESTIONS**

The analysis suggests further reform to enable Indian criminal procedure to shift from being selective in recognising victims to being truly victim-centred in its model of justice. First of all, a more coherent statutory framework of victims' rights is needed. Although the *Bharatiya Nagarik Suraksha Sanhita, 2023* does contain several provisions that have benefits to victims, these are spread out in the statute rather than having an easily identifiable rights-based structure. A more unified framework would enhance clarity, accessibility and enforceability.

Second, the participation of victims should be enhanced at key stages of the criminal process. The law should ensure that victims are informed of important developments, are given meaningful opportunities to be heard where their interests are directly affected and are treated as stakeholders rather than incidental participants. Such reform would increase procedural fairness without displacing the central place of the prosecution.

Third, compensation and support mechanisms require stronger implementation. Timely disbursement of compensation, greater institutional coordination, and improved awareness of available remedies are essential if compensation is to function as an effective component of victim justice rather than a merely formal entitlement. This is especially important for vulnerable victims who depend on immediate financial and institutional support. Existing institutional initiatives, such as the Compensation Scheme for Women Victims introduced by the National Legal Services Authority, provide useful models for strengthening the delivery of financial assistance and rehabilitation services.

Fourth, victim-support services and witness protection mechanisms should be expanded and put in place in a more consistent manner. Legal rights hold no meaning if victims are unable to access the criminal process without being afraid, intimidated or secondary victimised. Stronger coordination between the police authorities, prosecutor's offices, courts, legal services institutions and support agencies is therefore required. Policy initiatives like the Witness Protection Scheme, 2018 are important steps towards protecting victims and witnesses participating in criminal proceedings. Similarly, in institutional models like the National Model for Victim Support and Assistance System (One Stop Centres) developed by the Bureau of Police Research and Development which strives to provide integrated services including legal assistance, counselling and rehabilitation for the victims of crime.

Lastly, Indian criminal justice reform must not become closed off against restorative and support based model which will supplement the traditional prosecutorial model. Although the BNSS has been a good step, there will still be need of further doctrinal clarification and institutional adjustment in case victim justice can be taken to go beyond area-by-area protection to more coherent, enforceable, and truly victim-focused protection.

### **CONCLUSION**

As the comparative analysis of the Cr.PC and BNSS reveals, the new procedural framework is a significant, yet minor, progression of victim-centered justice in India. The BNSS enhances formal validation of victims by providing better access to procedures, ongoing compensatory systems and an enhanced concern of victim engagement at specific stages of criminal trial. It indicates a significant change in the Indian criminal law that the victims should not be seen as simply an evidentiary actor, but as an interested party whose dignity, interests and access to remedies are relevant in the legal process. Meanwhile, the reforms do not change fundamentally the basic outlay of criminal procedure. The prosecutorial paradigm has been largely state-centred, the role of victims in it has been selective and not comprehensive and most of victim oriented protections have been based on institutional implementation and not on a unified statutory context. The BNSS is thus a form of incremental reconfiguration of criminal procedure instead of being a transition to the complete victims right code. The only thing that will determine its long-term importance is the ability of the Police authorities, Prosecutors, Courts, Legal services institutions, and Victim-support mechanisms to execute these protections in a consistent and effective manner. The BNSS is therefore a material legislative advancement, though the work of developing a truly victim-centered system of Criminal Justice in India is yet to be achieved.