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A STUDY ON VICTIM CENTRIC REFORMS UNDER NEW CRIMINAL LAWS: A SHIFT FROM TRADITIONAL CRIMINAL JUSTICE SYSTEM TO PARTICIPATORY SYSTEM

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Abstract

Our nation's Criminal Justice System is one of the oldest justice systems in the world, and it has undergone a number of changes over the years in response to the constantly shifting demands and expectations of our society. For the very first time, British people had established the legal framework of the Ancient Legal System in our nation and put it into practice in a methodical manner. When it comes to governance, the ancient legal system relies on core principles and ideals. On the other hand, as time went on and society advanced with the help of modern technology, the retributive punishments were replaced with rehabilitation in order to preserve the order of society. In times past, our Criminal Justice System was primarily focused on the accused. The rules were read in a manner that was consistent with international human rights conventions and criteria that pertain to the rights of those who have been accused. From the moment the criminal legislation was enacted until the moment the case was tried, the whole attention of the criminal justice system was on the accused, and the system completely forgot about the rights of the victims in regard to the delivery of justice. The position of the victim within the criminal justice system has, however, undergone some changes

in recent years as a result of advancements in the criminal justice system. As a result of these changes, the provisions that have been enacted as part of the new criminal laws not only protect the rights of the accused, but they also protect the rights of the victim from the pre-trial stage all the way through the post-trial stage.

A number of substantial revisions, particularly with regard to the rights of victims under new criminal laws, were recently inserted into the BNS, BNSS, and BSA, 2023, which were recently passed by the Parliament of India with the intention of destroying the foundation stone of the Britishers' philosophy. As part of this research, the authors will make an attempt to analyze the considerable changes that have been made to the rights of victims of crime as a result of the new Criminal Laws. If these rights can be effectively applied in the pre-trial, during-trial, and post-trial stages of the criminal justice system, this is another question that needs to be answered.

Keywords: Criminal Justice System, Rights of Victim, Participatory rights, BNS and BNSS.

1. INTRODUCTION

Over the course of history, the administration of criminal justice has traditionally been centered on the accused and the state, with the victim frequently being confined to a role that is subordinate and passive throughout the entire process¹. The conventional framework of criminal law was primarily created to safeguard the sovereignty of the state and maintain public order. As a result, the primary focus of criminal law was on the punishment of offenders rather than the recognition of the rights, dignity, and needs of the victim. The majority of the time, victims were seen as little more than witnesses, and they had very little say in the legal proceedings or decision-making processes that directly impacted their life. As a consequence of this neglect, secondary victimization, marginalization,

¹ Campbell, R. (2024). Systems-centered care versus survivor-centered care: Reimagining help and

healing for sexual assault survivors. *Psychology of Violence*, 14(6), 379.



and a loss of trust in the justice delivery system commonly occurred².

During the past few years, there has been a paradigm shift in criminal jurisprudence, which has placed an emphasis on the significance of taking a victim-centered approach. The new criminal laws in India, which include reforms made by legislations such as As documented with the Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Adhinyam works of 2023, the attitude regarding criminal justice has changed, and is changing. Therefore, these reforms emphasize the need to balance the rights of the offenders with the rights of the victims and propose a more inclusive approach to justice which ensures that victims are not passive observers but active contributors to the criminal justice process.

In addition, the emphasis placed on reforms that are centered on victims is in line with worldwide trends. International human rights instruments and comparative jurisprudence are increasingly emphasizing the importance of victim participation, restitution, compensation, and psychological support. By implementing these modifications, the new laws intend to bring about a more humane approach to the criminal justice system, to close the gap that exists between the legal system and society, and to establish a justice system that is both restorative and inclusive.

In light of this, the purpose of this study is to investigate the transition from the traditional model of criminal justice, which is centered on the state and retributive, to a framework that is participatory and focused on the victim³. This article investigates the ways in which the newly enacted criminal laws recast

the role of victims, expand their rights, and make an effort to restore victims' faith in the administration of justice. In addition, the research analyzes the difficulties, possibilities, and possible repercussions that these reforms may have in terms of establishing a system that is both equitable and balanced, and that provides justice to all of the relevant parties.

2. LITERATURE REVIEW

Godsoe (2021)⁴The phenomena of the victim/offender overlap within the criminal justice system was investigated, and it was stated that a significant number of individuals alternated between these two categories more than once. The study brought to light the fact that reforms had, in the past, neglected to take into account this junction, which led to fragmented responses that did not address the fundamental causes of crime or the multifaceted identities of victims. The research revealed that reforms could better accord with the concepts of restorative justice and lower the danger of re-victimization if they were implemented with the intention of putting victims in a position of active participation.

Krinsky and Komar (2021)⁵ investigated the relationship between the rights of victims and the implementation of diversionary measures. The results of their research revealed that diversion programs, provided they were structured with the perspectives of victims in mind, had the ability to advance both the interests of survivors and the safety of the community. They emphasised that the engagement of victims in decision-making processes lead to more meaningful accountability and better faith in the outcomes of justice, so helping to bridge the gap between punitive measures and restorative practises.

² Jiang, J., & Chen, Z. (2023). *Victim welfare, social harmony, and state interests: Implementing restorative justice in Chinese environmental criminal justice. Asian Journal of Criminology, 18*(2), 171-188.

³ Jaiswal, A., & Singh, S. (2025). *Evolving Paradigms of Criminal Law in Contemporary India: Challenges, Reforms, and the Quest for Justice in a*

Digital Age. LawFoyer Int'l J. Doctrinal Legal Rsch., 3, 839.

⁴ Godsoe, C. (2021). *The victim/offender overlap and criminal system reform. Brook. L. Rev., 87*, 1319.

⁵ Krinsky, M., & Komar, L. (2021). *"Victims' Rights" and Diversion: Furthering the Interests of Crime Survivors and the Community. SMU L. Rev., 74*, 527.



Carroll (2023)⁶ the ongoing "justice gap" in situations of sexual violence in Sweden was examined, and other methods that go beyond the usual criminal trial were evaluated. According to the findings of the study, survivors of sexual violence frequently faced systemic neglect, which brought about feelings of dissatisfaction and a withdrawal from the judicial process. It has been demonstrated that victim-centered measures, such as specialized support services and changes that are focused on survivors, can provide more equal justice outcomes and reduce attrition rates in sexual violence reporting.

Shimoyachi (2024)⁷ an investigation into the development of the victim-centered approach at the International Criminal Court (ICC) was carried out. The study demonstrated how the International Criminal Court (ICC) struck a balance between responsibility and healing by allowing victims to participate in the proceedings. In spite of the fact that the procedure improved awareness of the suffering of victims, it was nevertheless plagued by difficulties such as excessive politicization and a lack of resources, which led to concerns regarding the practicability of such techniques in international criminal law.

Hughes (2024)⁸ with a particular emphasis on victim-centered restorative justice, along with an examination of the development and execution of relevant initiatives. The findings of the study demonstrated that well-structured programs, which included reparative measures and direct discussion with victims, were

effective in meeting the requirements of both victims and offenders in terms of personal accountability. Through the implementation of programs that placed an emphasis on emotional healing and community reintegration, these initiatives demonstrated that justice could go beyond punitive sanctions and encompass more comprehensive responses.

Omowon and Kunlere (2024)⁹ Techniques of restorative justice were examined as potential means of bridging the gap between offenders and victims. According to the findings of their research, organized talks, mutual agreements, and practices that were adapted to cultural norms were effective in lowering recidivism while simultaneously facilitating reconciliation. They came to the conclusion that restorative practices offered a significant departure from adversarial justice paradigms and established frameworks that were collaborative and participative, while also respecting the dignity of victims.

Ailwood, Loney-Howes, Seuffert, and Sharp (2023)¹⁰ In the context of violence against women, contributed to the discussion on reforms that are centered on the needs of victims and survivors. According to the findings of their research, listening methods in the field of legal reform frequently remained superficial since they concentrated exclusively on the voices of women without attempting to modify the architecture of institutions. Through their advocacy of a theory of "listening" that is anchored in the experiences of survivors, they demonstrated how legislation reform

⁶Carroll, C. P. (2023). *Reinvestigating the sexual violence "justice gap" in the Swedish criminal justice system: Victim-centered alternatives to the criminal trial*. *Feminist Criminology*, 18(1), 45-64.

⁷ Pavelka, S., & Seymour, A. (2024). *Guiding principles and restorative practices for crime victims and survivors*. *Restorative Justice in legal Systems, education and the community: Reflections on what works, where we Can Grow, and What's next*, 199-218.

⁸ Hughes, P. (2024). *Victim-centred restorative justice: Program design and implementation*. *Victims of Crime Research Digest*, (17), 5-23.

⁹ Omowon, A., & Kunlere, A. S. (2024). *Restorative justice practices: Bridging the gap between offenders and victims effectively*. *World Journal of Advanced Research and Reviews*, 24(3), 2768-2785.

¹⁰ Ailwood, S., Loney-Howes, R., Seuffert, N., & Sharp, C. (2023). *Beyond women's voices: Towards a victim-survivor-centred theory of listening in law reform on violence against women*. *Feminist Legal Studies*, 31(2), 217-241.



could evolve to be really sensitive to the lived reality of victims.

McGuire, Sabo, and Klingenstein (2022)¹¹ The purpose of this study was to investigate survivor-centered advocacy in relation to rape and sexual assault kit improvements. The results of their research demonstrated that advocacy efforts that integrated the elimination of stigma, coordination among many stakeholders, and accountability procedures resulted in a considerable improvement in victim reactions. They brought attention to the fact that approaches that are based on survivors not only improved access to justice but also fostered systemic reforms by addressing deficiencies in evidence management and institutional bias.

3. EVOLUTION OF THE CRIMINAL JUSTICE SYSTEM: FROM ACCUSED-CENTRIC TO VICTIM-CENTRIC APPROACH

Like a plethora of legal systems globally, the criminal justice system in India, to a significant degree, is a product of colonial legal systems. At the foundation of criminal law in India are the Indian Penal Code of 1860, the Code of Criminal Procedure of 1898 (revised as CrPC in 1973), and the Indian Evidence Act of 1872¹². As with any colonial power, the British system of law sought primarily the consolidation of state power and the preservation of public order. Within this system, legal rights protections were heavily weighted to the accused, and the victim most often occupied the role of a peripheral witness for the length of the case.

This shift in focus towards the accused stemmed from the concern that the state's coercive power, left

unchecked, could endanger individual freedom. The presumption of innocence, the right to legal counsel, procedural safeguards institutionalized including the right to a trial, self-incrimination, and protective measures are a few. Though essential in preventing miscarriages of justice, these rights paradoxically created an imbalance within the system, and the rights and plight of the victim were heretofore ignored.

Nevertheless, as time went on, the shortcomings of this strategy became more and more apparent. Not only were victims denied the opportunity to effectively participate in the criminal process, but they were also excluded from decisions on bail, plea bargaining, sentencing, and compensation¹³. The trauma they experienced stretched beyond the offense itself and included their marginalization within the system that oversees the administration of justice. The conviction of the culprit alone did not adequately restore the harm that the victim had endured, which prompted worries about the partial character of justice. This carelessness aroused issues about the nature of justice.

The period immediately following independence was the beginning of a series of progressive reforms. The importance of victim compensation, rehabilitation, and protection was underlined in both judicial activism and recommendations from the Law Commission. For instance, the Criminal Procedure Code (CrPC) was amended in 2009 to include Section 357A, which requires that states develop victim compensation schemes. These reforms, on the other hand, were rather piecemeal and did not involve a comprehensive reorientation of the justice system. The 21st century shift is attributed to justice systems globally, such as the United Nations declaration of

¹¹ McGuire, M. J., Sabo, D. B., & Klingenstein, J. (2022). *Envisioning a better victim response: Survivor-centered advocacy, destigmatization, collaboration, and accountability. In Sexual assault kits and reforming the response to rape (pp. 396-416). Routledge.*

¹² Holder, R. L., & Dearing, A. (2024). *Human Dignity, Rights and Victim Participation in Criminal Justice. International Criminology, 4(1), 108-119.*

¹³ Kubrin, C. E., & Tublitz, R. (2022). *How to think about criminal justice reform: Conceptual and practical considerations. American Journal of Criminal Justice, 47(6), 1050-1070.*



Basic Principles of Justice for Victims of Crimes and Abuse of Power in 1985, and the changing socio-political climate of a country as a more ‘responsive’ justice system. Keeping in mind that justice is not limited to the accused, Bharatiya Nyaya Sanhita (BNS) 2023, Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, and Bharatiya Sakshya Adhinyam (BSA) 2023, the replace the colonial legal system in India in a more holistic approach.

Through the recognition of the victim not just as a witness but also as an integral participant in the justice process, these reforms represent a conscious movement away from a system that is centered on the accused and toward one that is centered on the victim. At each level of the process—pre-trial, trial, and post-trial—the new strategy aims to strike a balance between the rights of the accused and the rights of victims to participate, maintain their dignity, and be protected from harm. By doing so, India has brought its criminal justice system into alignment with contemporary global standards, thereby developing a form of justice delivery that is participatory and inclusive.

4. VICTIM-CENTRIC REFORMS UNDER THE NEW CRIMINAL LAWS (BNS, BNSS, AND BSA, 2023)

With the passing of the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhinyam (BSA), 2023 has witnessed one of the most important shifts in legal history of the country. This new law seeks to replace the Indian Penal Code (1860), the Code of Criminal Procedure (1973), and the Indian Evidence Act (1872), all of which were legislated during the colonial period¹⁴. This new law seeks to replace the colonial era legal frameworks with contemporary mechanisms anchored on victim empowerment and participatory justice.

In the past, the criminal justice system has traditionally focused on crimes committed against the state, which has resulted in the victim's position being reduced to that of a witness¹⁵. The newly enacted laws acknowledge that victims are not merely bystanders but rather stakeholders who are in need of protection, rehabilitation, and active participation in the process of justice.

Table 1: Perception of Victim-Centric Reforms under New Criminal Laws

Reform Area	Frequency (No. of Respondents Supporting)	Percentage (%)
Recognition of Victims' Rights	80	25%
Right to Information and Participation	70	22%
Victim Compensation and Rehabilitation	65	20%
Protection of Victims and Witnesses	60	18%
Digital Evidence and Procedural Support	45	15%

¹⁴ Pandiya, P. (2023). *Rights and Participation of Victims in Indian Criminal Justice System: A Restorative Justice Perspective*

¹⁵ MOGHE, S., & SAXENA, D. N. N. (2025). *Victim Participation in Criminal Trials under New Criminal Laws in India Doctrinal Comments*.

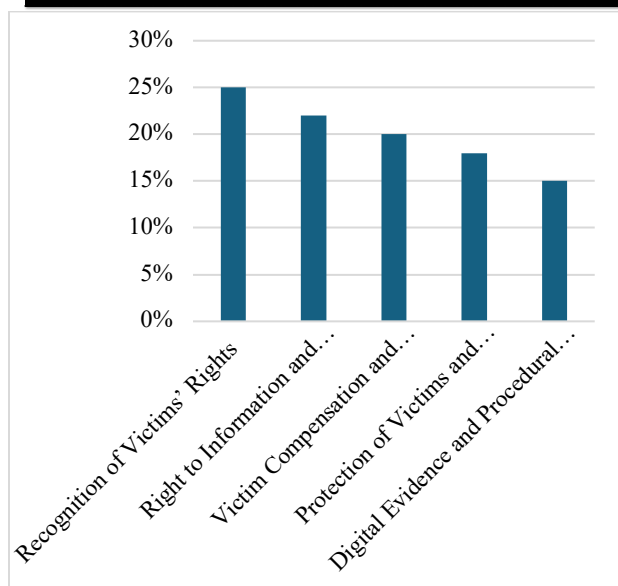


Figure 1: Perception of Victim-Centric Reforms under New Criminal Laws

The data reveals that the **recognition of victims' rights** (25%) is viewed as the most significant reform, followed closely by the **right to information and participation** (22%). Victim compensation and rehabilitation (20%) also gained substantial support, reflecting the growing demand for restorative justice. Protection of victims and witnesses (18%) and digital evidence support (15%) received relatively lower endorsement, suggesting that while legal recognition is improving, the practical mechanisms for protection and technological adaptation require further strengthening.

Table 2: Effectiveness of Implementation Across Stages of Justice

Stage	Frequency (Positive Responses)	Percentage (%)
Pre-Trial (FIR, Information, Legal Aid)	90	30%
Trial (Participation, Protection, Evidence)	110	37%
Post-Trial (Compensation, Rehabilitation)	95	33%

Protection, Evidence)		
Post-Trial (Compensation, Rehabilitation)	95	33%

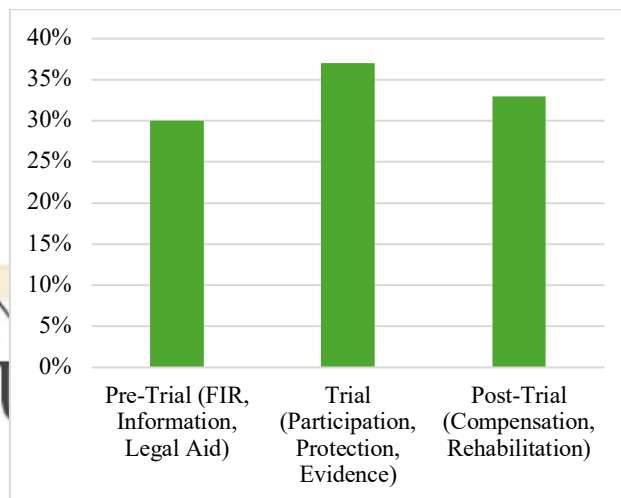


Figure 2: Effectiveness of Implementation Across Stages of Justice

The implementation of reforms appears strongest at the **trial stage** (37%), where victims are actively engaged through participation, protection measures, and evidence-related rights. The **post-trial stage** (33%) also shows considerable progress, indicating that compensation and rehabilitation mechanisms are gaining traction. However, the **pre-trial stage** (30%), despite improvements in FIR registration and access to legal aid, still lags slightly. This indicates that victims' rights are recognized more effectively once the trial begins but remain vulnerable during the initial reporting and investigation phases.

Table 3: Challenges in Implementation of Victim-Centric Reforms

Challenge	Frequency (Reported Cases/Opinions)	Percentage (%)
Lack of Awareness	85	28%



among Victims		
Institutional Capacity (Police & Courts)	75	25%
Inadequate Funds for Compensation	70	23%
Balancing Rights of Accused and Victim	60	20%
Technological Limitations	20	4%

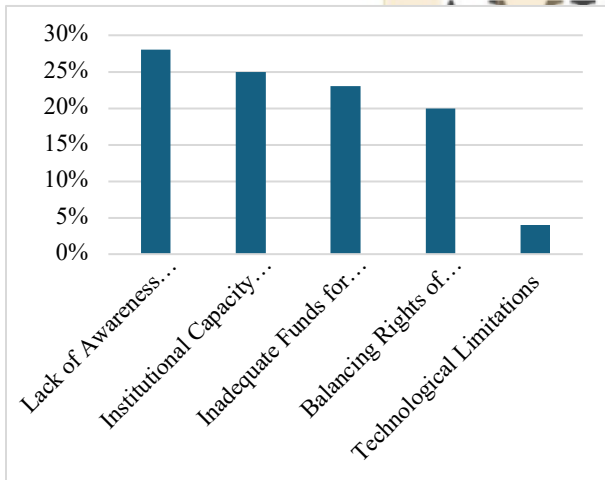


Figure 3: Challenges in Implementation of Victim-Centric Reforms

The findings highlight key barriers to full realization of reforms. **Lack of awareness among victims** (28%) is the most pressing issue, showing that reforms may exist on paper but are not fully accessible to those in need. **Institutional capacity gaps** (25%) and **inadequate funds for compensation** (23%) further demonstrate systemic weaknesses in enforcement. Balancing the rights of victims with those of the accused (20%) continues to pose a legal challenge, while **technological limitations** (4%) appear to be less

significant but still relevant in digital-era justice delivery.

Key reforms can be categorized as follows:

❖ **Recognition of Victims’ Rights**

It is one of the most important aspects of the Bharatiya Nyaya Sanhita (BNS), 2023 that it recognizes victims' dignity, security, and agency in a clear and unequivocal manner. In contrast to the colonial paradigm, which primarily viewed criminal activity as an offense committed against the state, the new legislation recognizes the human and social harm that is inflicted upon individuals. As a reflection of the changing character of criminal activity in contemporary society, a particular focus has been placed on terrible offenses such as mob lynching, sexual violence, and crimes committed against vulnerable populations. It is through this action that the law assures that victims are no longer marginalized but rather placed at the heart of the process of delivering justice. Furthermore, sentencing laws have been rebuilt to account not only for retribution against the perpetrator but also for compensation to the victim. This is because the goal is to move toward a model of justice that is more balanced and restorative.

❖ **Right to Information and Participation**

In 2023, the Bharatiya Nagarik Suraksha Sanhita (BNSS) will add measures that will be considered groundbreaking. These provisions would allow victims the right to be notified about the progress of the investigation and the processes of the trial. As a result of this transparency, victims will not be kept in the dark about the status of their claims, which was a typical complaint that was voiced under the previous system. The BNSS provides victims with more than just information; it also gives them the ability to play a participatory role in important legal processes like as bail hearings, negotiations related to plea bargaining, and sentencing. A paradigm shift has occurred as a result of this inclusion, which provides victims with the opportunity to have their voices heard in



institutionalized choices that directly impact their safety, security, and pursuit of justice. Not only do these rules improve accountability within the legal system, but they also make victims feel like they have some control over their own lives and restore their confidence.

❖ Victim Compensation and Rehabilitation

The BNSS has greatly expanded the structure for victim compensation schemes, which is an important component of justice for victims of crime. Financial and psychological rehabilitation are also essential components of justice. The new system mandates a state-funded, accessible, and systematic method to provide financial relief to victims of heinous offenses. This is in contrast to former regulations, which were fragmented and applied in an inconsistent manner. That victims are not left to fend for themselves after suffering severe harm is ensured by this measure. In addition, the incorporation of compensation mechanisms with legal services authorities results in the establishment of an institutional framework that enables the supervision and facilitation of the timely distribution of compensation. In addition to providing financial aid, the legislation places an emphasis on the rehabilitation of victims through the utilization of medical, psychiatric, and social support systems. This acknowledges the fact that justice is not only punitive but also restorative.

❖ Protection of Victims and Witnesses

When it comes to the administration of justice in India, one of the most persistent challenges has been the intimidation and harassment of victims and witnesses, which frequently results in hostile testimony or the withdrawal of complaints. Both the Bharatiya Sakshya Adhiniyam (BSA), 2023 and the Bharatiya National Security Scheme (BNSS) include extensive provisions for witness and victim protection in order to solve this issue. In delicate circumstances, these include steps to protect individuals' confidentiality, assistance with relocation, and restrictions on the disclosure of their identities. In-camera trials, video testimonies, and

technological safeguards are also permitted by the legislation. These safeguards insulate victims, particularly women and children, from the anguish of having to see their abusers in court while they are being prosecuted. The purpose of these measures is to lessen the occurrence of secondary victimization and to guarantee that victims are able to deliver accurate testimony without fear of repercussions. This will ultimately lead to an improvement in the quality of evidence and the integrity of the courts.

❖ Digital Evidence and Procedural Support

The Bharatiya Sakshya Adhiniyam (BSA), 2023 has modernized evidence laws by widening the admission of digital and electronic data. This was done in response to the rapid growth of technology and the surge in the number of cybercrimes and crimes committed online. Through the implementation of this change, victims will be given more agency by guaranteeing that electronic communications, surveillance data, and digital recordings are acknowledged as reliable kinds of evidence in trials. These prohibitions are especially important in situations involving cybercrime, financial fraud, and online harassment, which are all instances in which conventional forms of proof would not be strong enough to prove the case. In addition, the law makes it possible for victims to testify remotely through the use of video conferencing. This makes it possible for victims, particularly children, women, and vulnerable individuals, to submit their statements without the psychological stress of having to meet the accused directly. Therefore, not only does this improve the protection of victims, but it also improves the efficiency of the procedures, which guarantees that justice is administered with sensitivity and relevance to the present world.

These reforms, when taken as a whole, represent a paradigm shift away from the colonial model of criminal law and toward a contemporary framework that places the victim's dignity, involvement, and protection at the center of its structure.



5. IMPLEMENTATION OF VICTIMS' RIGHTS ACROSS PRE-TRIAL, TRIAL, AND POST-TRIAL STAGES

Although it is a tremendous accomplishment that victims' rights have been formally recognized by statute, the true test will be whether or not these rights are actually implemented throughout the entirety of the criminal justice process. The purpose of the newly enacted criminal legislation is to guarantee that victims will continue to be protected and given the opportunity to participate in the legal system from the moment an offense is reported until the very end of the process.

A. Pre-Trial Stage

- **Registration of Complaints and FIRs:** It is required by the BNSS that police officers register complaints in a timely manner and without unnecessary delay. This is done to ensure that victims are not deterred or harassed at the point where they are about to receive justice.
- **Right to Information:** The state of the investigation, the charges that have been filed, and the progression of the case must be communicated to the victims at all times. In this way, transparency is maintained, and alienation is minimized.
- **Access to Legal Aid and Counseling:** State institutions, including Legal Services Authorities, are tasked with providing free legal aid and psychological counseling to victims, enabling them to navigate the complexities of the legal process.

B. Trial Stage

- **Opportunity to Participate in Hearings:** Victims now have the opportunity to participate in meaningful ways at bail hearings, discussions on plea bargaining, and sentence stages. A significant break from the past, in which only the prosecution and the defense were recognized as parties, this is a significant change.

- **Protection of Victims and Witnesses:** The law protects victims from being intimidated by implementing procedures such as in-camera sessions, anonymization of identities, and distant testimony. These safeguards are of utmost significance in situations involving sexual assault, human trafficking, and organized criminal activity.

- **Digital Evidence and Efficiency:** The identification of electronic and digital records by the BSA helps the case of the victim, particularly in cases of cybercrime, financial fraud, and other offenses where digital footprints are significant.

C. Post-Trial Stage

- **Victim Compensation:** After a conviction, the courts have the authority to suggest that victims get compensation from the state, particularly in situations where the victim has suffered severe harm or has lost their means of subsistence.



- **Rehabilitation Measures:** In addition to receiving monetary assistance, victims are entitled to access rehabilitation programs that include medical, psychological, and social support. These programs are designed to ensure that victims heal in a manner that is sustainable over time.
- **Restorative Justice Practices:** In circumstances where it is appropriate, mechanisms for victim-offender mediation and community-based reparations assist restore social harmony while also ensuring that the voices of victims are at the center of the process.

The adoption of victims' rights in stages highlights a comprehensive concept of justice in which victims are no longer marginalized but rather are active players throughout the entire process of criminal justice investigation and prosecution. There are, however, obstacles that continue to exist, such as a lack of awareness, constraints on resources, and institutional inertia. It will be necessary to emphasize the importance of capacity building, victim awareness programs, and stringent accountability on the part of law enforcement agencies in order for these reforms to be successful.

Case studies

Case Study 1: Shakti Vahini v. Union of India (2018)

This case dealt with honour killings and the protection of victims from extra-judicial violence by khap panchayats. The Supreme Court emphasized the right to life, dignity, and liberty of victims and issued guidelines for preventive, remedial, and punitive measures against honour-based crimes. It underscored the State's responsibility to protect vulnerable victims from community pressure and retaliation. This case is reflected in the BNS 2023, which now criminalizes mob lynching and organized crimes, shifting focus to

safeguarding victims' rights in collective violence cases.

Case Study 2: Nipun Saxena v. Union of India (2019, follow-up orders)

Building upon the earlier 2018 ruling, the Supreme Court monitored the implementation of victim compensation schemes under Section 357A CrPC across states. The Court directed states to set minimum compensation amounts for rape survivors, emphasizing rehabilitation and financial support. This case illustrates how judicial directions on victim compensation have been codified into statutory frameworks under the BNSS, 2023, ensuring systematic compensation and rehabilitation mechanism.

Case Study 3: Aparna Bhat v. State of Madhya Pradesh (2021)

This case arose when a High Court granted bail to a sexual offender on the condition that he visit the victim's home and tie a *rakhi* on her wrist. The Supreme Court strongly condemned this order, stating that such conditions trivialize the trauma of victims and reinforce harmful stereotypes. The Court directed all courts to avoid imposing humiliating or insensitive bail conditions that compromise victims' dignity. This case highlights the judiciary's commitment to victim dignity and participation during trial proceedings—principles now reinforced under the BNSS 2023, which gives victims a say in bail hearings and sentencing processes.

6. CONCLUSION

The enactment of the **Bharatiya Nyaya Sanhita (BNS)**, **Bharatiya Nagarik Suraksha Sanhita (BNSS)**, and **Bharatiya Sakshya Adhinyam (BSA)**, 2023 represents one of the most far-reaching reforms in the history of Indian criminal jurisprudence. These legislations not only mark a decisive break from the colonial legacy of the Indian Penal Code, the Code of Criminal Procedure, and the Indian Evidence Act, but also signify a shift in the very philosophy of justice



administration in India. By moving away from a rigidly **accused-centric framework** towards a **victim-centered and participatory system**, the new laws attempt to correct a long-standing imbalance in the criminal process where the victim was historically marginalized.

The reforms explicitly recognize the victim as an **active stakeholder in justice delivery**, rather than a mere witness. They institutionalize a broad spectrum of rights, including the **right to information** about investigations and trial proceedings, the **right to participate** in critical stages such as bail, plea bargaining, and sentencing, the **right to protection** from intimidation or harassment, and the **right to compensation and rehabilitation** after conviction of the offender. These rights, when taken together, acknowledge the psychological, social, and financial dimensions of victimhood, thereby making justice more holistic and humane. The integration of **digital evidence** and technologically enabled processes further reflects a forward-looking approach that seeks to keep pace with the complexities of modern crime such as cybercrime, financial fraud, and organized violence.

At the same time, the enactment of these reforms cannot be viewed as a panacea. The **effectiveness of the new criminal laws will ultimately depend on their implementation** at the ground level. The study demonstrates that several challenges persist—most prominently the **lack of awareness among victims about their rights**, the **limited institutional capacity of police, prosecutors, and courts** to enforce these provisions, and the **shortage of financial and infrastructural resources** to sustain compensation and protection schemes. Another enduring challenge is the delicate **balancing act between safeguarding the rights of the accused and empowering victims**, since the integrity of a fair trial must not be compromised even as victims are given a stronger role in the justice process.

Nevertheless, if these challenges are **systematically addressed through capacity-building initiatives**,

awareness campaigns, and adequate resource allocation, the BNS, BNSS, and BSA reforms have the potential to **redefine India's criminal justice system**. They can transform it into one that is not only punitive but also **restorative**, not only state-centered but also **participatory**, and not only focused on offenders but also **responsive to the needs of victims**. Such a system would be more inclusive and humane, capable of bridging the long-standing justice gap that victims in India have historically faced. Ultimately, these reforms, if implemented earnestly, could restore public faith in legal institutions, bring Indian criminal law in closer alignment with international human rights standards, and establish a justice delivery model that truly embodies the principles of **fairness, dignity, and equity** for all stakeholders.

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