

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 1524**

TO BE ANSWERED ON THE 28TH JULY, 2026/ SHRAVANA 6, 1948 (SAKA)

JUSTICE CENTRIC SYSTEM

†1524. SHRI DILIP SAIKIA:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the manner in which the justice has been made more effective through a justice-centric system instead of a mere punitive system under the new criminal laws; and

(b) whether stringent punishment has been prescribed in the cases of rape of a minor and if so, the details thereof?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI BANDI SANJAY KUMAR)**

(a): The new Sanhitas mark a significant step towards creating a citizen centric, more accessible and efficient justice system. The main provisions made in the new Sanhitas that focus on justice rather than punishment are given in the Annexure.

(b): In the Bharatiya Nyaya Sanhita, 2023, stringent punishment up to death sentence has been provided for the offence of rape of a minor. The offence of gang rape on a minor is punishable with imprisonment for life or death.

Details of the main provisions in the New Sanhitas that focus on Justice rather than punishment:

(A) Victim Centric Provisions

- i. Report Incidents Online: A person may now report incidents by electronic communication, without the need to physically visit a police station. This allows for easier and quicker reporting, facilitating prompt action by the police.**
- ii. File FIR at Any Police Station: With the introduction of Zero FIR, a person can file a First Information Report (FIR) at any police station, regardless of jurisdiction. This eliminates delays in initiating legal proceedings and ensures immediate reporting of the offence.**
- iii. Free Copy of FIR: Victim is entitled to receive a free copy of the FIR, ensuring their participation in the legal process.**
- iv. Right to Inform Upon Arrest: In the event of an arrest, the individual has the right to inform a person of his choice about their situation. This will ensure immediate support and assistance to the arrested individual.**

- v. Display of Arrest Information: Every police station and district must now have a designated police officer not below the rank of ASI and the information of all arrested individuals shall now be prominently displayed in every police station. This safeguards the right of the accused persons and mitigates instances of custodial violence and illegal detention by police.**
- vi. Progress Updates to Victims: Victims are entitled to get update on the progress of their case within 90 days. This provision keeps victims informed and involved in the legal process, enhancing transparency and trust.**
- vii. Supply of police report and other documents: Both the accused and the victim are entitled to receive copies of the FIR, police report/chargesheet, statements, confessions and other documents within 14 days.**
- viii. Witness Protection Scheme: The new laws mandate all State Governments to implement Witness Protection Scheme to ensure the safety and security of witnesses, enhancing the credibility and effectiveness of legal proceedings.**

- ix. **Exemption from going to police station: Women, persons below 15 years, persons above 60 years, and those with disabilities or acute illness are exempt from attending police stations.**
- x. **It is mandated that victim be heard before withdrawal from prosecution in Section 360 of BNSS. The statutory recognition of the right of the victim to be heard is a significant example of a *nyaya* centric approach to criminal justice system. By mandatorily hearing the victim in proceedings regarding withdrawal of cases, the justice system becomes more responsive to the needs and concerns of those directly affected by crime.**

(B) Timelines

- i. **Faster and Fair Resolution: The new laws promise a faster and fair resolution of cases, instilling confidence in the legal system. Crucial stages of investigation and trial like - preliminary enquiry (to be completed in 14 days), further investigation (to be completed in 90 days), supply of document to the victim and accused (within 14 days), commitment of a case for trial (within 90 days), filing of discharge applications (within 60 days), framing of charges (within 60 days), pronouncement of judgment (within 45 days) and filing of mercy**

petitions (30 days before Governor and 60 days before President) - have been streamlined and to be completed within stipulated time period.

ii. Fast-Track Investigations: The new laws prioritized the investigations for offences against women and children, ensuring timely completion within two months of recording information.

iii. Limited Adjournments: Courts can grant a maximum of two adjournments to avoid unnecessary delays in case hearings, ensuring timely justice delivery.

(C) Reformative Approach

i. Community service: The new laws introduce community service for minor offences. The offenders get the chance to positively contribute to society, learn from their mistakes and build stronger community bonds.

ii. Expansion of the ambit of summary trial: The ambit of summary trial has now been expanded to include more offences ensuring expeditious disposal of cases.

(D) Rights of the Accused

Arbitrary arrest of individuals solely to initiate judicial proceedings has been curtailed. The police, now, need not arrest an accused person just for the Magistrate to take cognizance of the police report and no arrest is needed for taking handwriting, signature, fingerprint, or voice samples.

(E) Trial in absentia

A new provision of trial in absentia for persons declared as proclaimed offenders allows the Court to proceed with the trial and pronounce the verdict in the absence of the accused. This provision ensures that justice is neither delayed nor denied.

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