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From Spectator to Stakeholder: A Comparative Assessment of Victims' Rights Under Colonial Statutes and the New Criminal Laws in India

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ABSTRACT

The colonial statutes that governed criminal justice in India for over a century and the new criminal laws of 2023 approach the victim from fundamentally different directions. One treated the sufferer of crime as evidence for the state's case. The other claims to place the victim at the center of the criminal process. This paper examines whether that claimed shift is real. Through comparative analysis of the Indian Penal Code 1860, the Code of Criminal Procedure 1973, and the Indian Evidence Act 1872 alongside the Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Adhinyam 2023, the inquiry maps the victim's position across four dimensions i.e. information, participation, protection, and compensation. The findings reveal a story more complex than legislative intent suggests. Some colonial structures have been dismantled. Others have merely changed form. And a few have survived intact, carrying eighteenth century assumptions into twenty-first century law. The paper asks a question the statutes themselves cannot answer: which system better served the victim- the colonial framework that never pretended to care, or the new framework that promises everything but must still contend with institutions shaped by the very legacy it seeks to replace.

KEYWORDS

Criminal Law Reform, Victim Jurisprudence, Victim Rights, Victim Centric Approach, Victims in Criminal Justice System, Witness Protection

INTRODUCTION

The year 1603 marks a quiet beginning. A ship of the British East India Company docks at Surat, not with the thunder of conquest but with the quiet purpose of trade. No one aboard that vessel could have foreseen that this commercial arrival would ripple outward for centuries, eventually reshaping the entire legal architecture of the Indian subcontinent. By 1757, the Battle of Plassey transformed commercial presence into political dominion. The British were no longer traders seeking permission; they were rulers issuing commands. What followed was not merely the subjugation of territory but the systematic dismantling of existing institutions and their replacement with structures designed to serve imperial interests. The year 1857 brought violent rupture, a rebellion, that shook British confidence and prompted the Crown to assume direct control from the East India Company. In the aftermath came the legal codifications that would govern criminal justice in India for nearly two centuries: the Indian Penal Code of 1860, the Code of Criminal Procedure of 1861 (later revised in 1898 and 1973), and the Indian Evidence Act of 1872. These statutes did not emerge from Indian soil. They were transplants, carrying the assumptions, priorities, and prejudices of Victorian England. They were designed for order, not justice. For control, not healing. The colonial period, stretching from 1757 to 1947, thus bequeathed to independent India a legal framework built upon premises that had little to do with the social, cultural, and demographic realities of the country (Roy & Alam, 2022).

When India attained independence in 1947, the question of what to do with this colonial legal inheritance arose. The Constitution, adopted in 1950, established fundamental rights and directive principles that envisioned a very different relationship between the state and the individual than colonial rule had permitted. Yet the criminal laws remained largely untouched. The IPC, CrPC, and Evidence Act continued to operate, their colonial DNA intact. This created a peculiar dissonance. A democratic republic committed to justice (social, economic, and political) was enforcing criminal laws designed by an imperial power to maintain its grip on a subject population. The purposes of law under colonialism and under constitutional democracy are fundamentally different. Colonial law exists to secure the state's authority. Democratic law

exists to secure the citizen's rights. These two purposes cannot comfortably inhabit the same statutory framework. The victim of crime, in particular, found himself caught in this contradiction. Under colonial jurisprudence, crime was conceptualized as an offense against the state's peace, not as a harm done to a person. The victim was reduced to evidence, a witness whose testimony might help the state prove its case against the accused. His suffering, his loss, his need for healing were matters of indifference to a system designed to process cases, not to restore lives (Srivastava, 2021).

This state of affairs persisted through decades of independent India. The Criminal Procedure Code of 1973, despite being a postindependence enactment, retained the essential structure of its colonial predecessors. Victims remained on the margins. They could report crimes, they could testify, they could hope that the state would secure a conviction. But they could not participate in the proceedings that determined their fate. They could not be heard on questions of bail that might release the accused to intimidate them. They could not challenge investigative failures that buried their complaints. They could not appeal acquittals that denied them justice. The right to a fair trial, so carefully elaborated for the accused through decades of judicial interpretation, had no counterpart for the victim. The scales of justice, proverbially balanced, tilted heavily toward one side. The penal couple, victim and accused, existed in a state of profound asymmetry (Ajmera & Patel, 2020).

The year 2023 brought what many have described as a watershed moment. The Bharatiya Nyaya Sanhita, the Bharatiya Nagarik Suraksha Sanhita, and the Bharatiya Sakshya Adhinyam were enacted, purporting to replace the colonial trinity of IPC, CrPC, and Evidence Act. The stated objective was ambitious: to shift the philosophy of criminal justice from punishment to justice, from state centrality to victim centrality. The new laws promised to give victims rights they had never possessed to information, to participation, to compensation. They sought to dismantle the colonial legacy and erect in its place a framework rooted in Indian constitutional values. But legislation is not implementation. Words on paper are not lived experience. The question that demands scholarly attention is whether this legislative shift genuinely transforms the victim's position or merely rebrands old inadequacies in new language (Press Information Bureau, 2024).

This research undertakes a comparative assessment of victims' rights under the colonial statutes that persisted into the twenty-first century and the new criminal acts of 2023. It examines this comparison strictly from the victim's perspective. The inquiry is

not about doctrinal elegance or legislative innovation for its own sake. It is about whether the person who suffers harm the one whose body is violated, whose property is stolen, whose sense of security is shattered finds herself better positioned in the legal process today than she was under laws designed by a distant empire. The rationale for this study lies in the observation that victimology, as a field of scholarly inquiry, emerged late and remains underdeveloped in Indian legal discourse. The suffering party has been the forgotten variable in the criminal justice equation. Law commissions have recommended reforms. Courts have occasionally attempted corrections. But a systematic assessment of how the new laws actually reorder the victim's relationship to the criminal process remains absent from the literature (Nagpal & Rawandale, 2023).

The research gap becomes apparent when one examines existing scholarship. Studies have examined the new laws from various angles: their constitutional validity, their technological provisions, their treatment of specific offenses. What has not received adequate attention is a focused comparison of the victim's procedural position across the colonial and postcolonial frameworks. The literature acknowledges that victims were marginalized under the old regime. It celebrates provisions in the new laws that appear to address this marginalization. But celebration is not analysis. Apparent improvement is not actual empowerment. The gap lies in the absence of a rigorous assessment that asks not merely what the laws say but what they enable, what they withhold, and whether the distance between promise and practice can be bridged (Singh & Zahan, 2021).

The objectives that guide this inquiry are therefore specific. First, to map the position of the victim under the colonial statutes as they operated in the twenty first century prior to the 2023 reforms. Second, to identify and analyze the provisions in the new criminal laws that relate to victims' rights. Third, to compare these two frameworks across multiple dimensions, the right to information, the right to participation, the right to protection, and the right to compensation. Fourth, to assess whether the new framework genuinely empowers victims or merely creates an illusion of progress. Fifth, to examine whether international human rights standards regarding victims are reflected in the Indian legislative response.

The methodology adopted for this research is doctrinal and analytical. Doctrinal research examines legal propositions as they appear in statutes, judicial decisions, and authoritative texts. It asks what the law is. Analytical research goes further, asking

what the law means, how it operates, and whether it achieves its purported objectives. This study examines primary sources including the Indian Penal Code, the Code of Criminal Procedure 1973, the Indian Evidence Act 1872, and the new enactments of 2023: the BNS, BNSS, and BSA. It examines secondary sources including law commission reports, parliamentary debates, judicial precedents, and scholarly commentary. It engages with international instruments including the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985, to establish a normative framework against which Indian provisions can be assessed. The approach is comparative across time, colonial versus contemporary, and across jurisdictions where relevant, drawing on international practices to contextualize the Indian experience (United Nations General Assembly, 1985).

The conceptual framework that guides this research treats the victim not as an abstraction but as a person with identifiable needs in the criminal process. These needs include the need to know what is happening in the case that concerns them. The need to be heard when decisions affecting their interests are made. The need to be protected from further harm by the accused or the process itself. The need to receive restitution for the losses they have suffered. These needs correspond to rights that a just legal system ought to recognize. The inquiry is whether the Indian legal system, in its colonial incarnation and in its contemporary reformulation, does recognize them. The answer, as the following paper will explore, is neither simple nor uniform. It varies across types of rights, across stages of the criminal process, and across categories of victims. But the attempt to answer it is essential if criminal justice is to mean something to the person who stands at its center and yet has so long remained at its margins.

LITERATURE REVIEW

The scholarly terrain concerning victims' rights in India reveals distinct patterns of inquiry. Some works excavate the historical foundations of criminal justice, revealing how precolonial and colonial conceptions of crime and punishment shaped the victim's position. Others examine the contemporary legal framework, assessing whether statutory provisions translate into meaningful protection. Still others adopt a comparative lens, measuring Indian law against international standards and foreign jurisdictions. This review organizes the literature according to a sequence that illuminates the central question of this research: whether victims fared better under colonial statutes or under the new criminal laws of 2023.

THE COLONIAL FRAMEWORK: VICTIMS UNDER IMPERIAL LAW

The colonial legal project in India was not a neutral importation of English law but a selective adaptation designed for imperial governance. Singha (1998) in her foundational work examines how the British constructed a legal order that prioritized state security over individual rights. The victim in this conception was not a rights bearing subject but an informant whose complaint activated the state's machinery. Singha demonstrates that colonial courts were deeply suspicious of Indian witnesses, particularly those from subordinate social positions, and constructed evidentiary rules that reflected this distrust. The victim's testimony was treated as inherently unreliable, requiring corroboration that was often impossible to obtain. For the purposes of this research, Singha's work establishes that the marginalization of victims was not incidental to colonial law but central to its operation. The state claimed ownership of the criminal conflict, and the victim became a procedural necessity rather than a participant in justice. This historical insight is crucial for understanding why the colonial statutes, even as they persisted into the twenty-first century, could not adequately serve victims' interests. They were designed for a different purpose altogether (Singha, 1998).

Kolsky (2010) provides a more focused examination of how colonial courts treated victims of sexual violence. Her article reveals that British judges created evidentiary requirements that made it extraordinarily difficult for rape victims to obtain convictions. Despite the colonial promise of a more modern and humane criminal law than the Islamic legal system it displaced, victims found their path to justice no wider. English common law presumptions about the frequency of false charges combined with colonial stereotypes about Indian women's character to produce a jurisprudence of skepticism. Kolsky's work demonstrates that the colonial legal order was not merely indifferent to victims but actively hostile to their claims. The suspicion that attached to victims was not incidental but structural, embedded in the rules of evidence and the attitudes of judges. This finding has direct relevance for the present research because it reveals that the victim's marginalization under colonial statutes was not a failure of implementation but a feature of design. The system was built to disbelieve victims, and it operated accordingly (Kolsky, 2010).

The construction of criminal communities under colonial law further illuminates how the victim's position was mediated by social identity. The Criminal Tribes Act of 1871 represented an

extreme instance of colonial criminal jurisprudence. As analyzed by the Economic and Political Weekly (2021), this legislation branded entire communities as hereditary criminals, subjecting them to surveillance, registration, and restrictions on movement that had no basis in individual conduct. For victims from these communities, access to justice was virtually impossible. The colonial state defined them as criminal by birth; their complaints against members of dominant castes or against the police themselves were routinely ignored or actively suppressed. This analysis reveals that the victim's experience under colonial law was not uniform. Upper caste victims might receive some measure of state attention, though always filtered through colonial suspicion. Victims from marginalized communities found themselves doubly excluded. First by their social position, and second by a legal system that criminalized their very existence. The colonial statutes thus operated not as neutral rules but as instruments of social control that distributed justice according to hierarchies of caste, class, and community (Economic and Political Weekly, 2021).

The Law Commission of India, in its various reports, has acknowledged the colonial origins of the criminal justice system and their continuing effects. The 154th Report on the Code of Criminal Procedure (1996) noted that the CrPC, despite amendments, retained the essential structure of its colonial predecessor. The report observed that victims remained largely excluded from criminal proceedings, with no right to be heard on matters affecting their interests. The Commission recommended enhanced rights for victims, including the right to engage a counsel and the right to appeal against acquittal. These recommendations, while not immediately implemented, indicate a growing recognition within official circles that the colonial framework was inadequate for a democratic society. The significance of this recognition for the present research lies in its timing. Even as the colonial statutes continued to operate, the institutions of independent India were identifying their deficiencies and proposing remedies. The question is whether the new criminal laws of 2023 have finally incorporated these longstanding recommendations (Law Commission of India, 1996).

THE NEW CRIMINAL LAWS: PROVISIONS AFFECTING VICTIMS

The Bharatiya Nagarik Suraksha Sanhita, 2023, represents the procedural arm of the new criminal law regime. The Press Information Bureau (2024) has outlined several provisions that bear directly on victims' rights. Section 173(2)(i) of the BNSS mandates that the victim be provided a free copy of the First

Information Report, a right that was discretionary under the old regime. Section 193(3)(ii) requires the police to inform the victim of the progress of the investigation within ninety days. The introduction of zero FIR provisions allows victims to register complaints irrespective of territorial jurisdiction, removing a procedural barrier that often delayed or defeated registration. Electronic filing of FIRs and audio video recording of victim statements, particularly in cases of sexual violence, are intended to reduce the trauma of repeated appearances at police stations. These provisions, on their face, represent significant enhancements of the victim's right to information and to dignified treatment. The official narrative presents them as constituting a victim centric approach that contrasts sharply with the state centric colonial model. For the purposes of this research, these provisions must be examined not merely as legislative innovations but as responses to documented failures of the colonial framework. The question is whether they adequately address those failures (Press Information Bureau, 2024).

The Bharatiya Nyaya Sanhita, 2023, introduces substantive provisions that affect victims' interests. Section 63 provides for fines in cases of causing death or grievous hurt, with explicit reference to compensation for victims. Section 355 addresses theft and includes provisions for the return of property to victims. The retention of the marital rape exemption under Section 63, however, has attracted criticism. Mookherjee and Bhatia (2025) examine this issue through the lens of constitutional rights, arguing that the exemption violates Article 14 and Article 21 by denying equal protection to married women who experience sexual violence within marriage. Their analysis reveals a tension within the new laws. While the procedural framework purports to be victim centric, substantive provisions continue to reflect colonial era assumptions about marriage, consent, and women's autonomy. The marital rape exemption, derived from English common law doctrines imported during the colonial period, has been retained despite constitutional challenges and scholarly critique. This suggests that the break from colonial legacy is incomplete. The new laws contain progressive elements but also preserve regressive ones, and the victim's position varies dramatically depending on the nature of the offense and the identity of the offender (Mookherjee & Bhatia, 2025).

The Bharatiya Sakshya Adhiniyam, 2023, modernizes evidentiary rules with potential implications for victims. The admissibility of electronic records as primary evidence responds to technological changes that the colonial draftsmen could not have anticipated. For victims of cybercrimes or offenses where digital evidence is

crucial, this expansion facilitates proof of their claims. Section 120 of the BSA retains the presumption as to absence of consent in certain rape cases, shifting the burden of proof to the accused where the victim's evidence establishes sexual intercourse. This presumption, originally introduced by amendment to the colonial Evidence Act, has been continued in the new framework. Its significance for victims lies in easing the evidentiary burden that Kolsky (2010) identified as a barrier to justice in colonial courts. The retention and expansion of such presumptions indicate that the new laws have learned from the documented failures of the colonial evidentiary regime. Whether this learning extends across all categories of offenses and victims remains a question for empirical investigation (Press Information Bureau, 2024).

COMPARATIVE ASSESSMENTS: VICTIMS BETTER POSITIONED UNDER NEW LAWS

Several scholars have argued that the new criminal laws represent a genuine advance for victims' rights. Nagpal and Rawandale (2023) trace the evolutionary development of the victim's position in Indian criminal justice, noting that inclusion began slowly with the 1973 Code's provision for compensation from fines imposed on offenders. The Malimath Committee Report (2003) marked a turning point, recommending comprehensive reforms to enhance victims' participation and compensation. The 2009 amendment to the CrPC introduced Section 357A, creating state funded victim compensation schemes. The new laws of 2023, according to this analysis, build upon these incremental reforms to create a framework that for the first time recognizes the victim as a stakeholder rather than a spectator. Nagpal and Rawandale emphasize that the right to appeal against acquittal, the right to engage a private counsel, and the right to receive information about case progress collectively transform the victim's procedural position. Their assessment concludes that while implementation challenges remain, the legislative framework now provides tools that were entirely absent under the colonial regime. For this research, their work establishes that the new laws, judged by their textual provisions, represent a significant advance. The question of implementation is distinct and requires separate investigation (Nagpal & Rawandale, 2023).

Singh and Zahan (2021) examine the concept of fair trial from the victim's perspective, arguing that the accused centric orientation of traditional criminal justice must be balanced by recognition of victims' rights. They observe that international human rights instruments, including the UN Declaration of Basic Principles of Justice for Victims, establish standards that India's new laws increasingly reflect. The right to participation, the right to

information, and the right to restitution are all recognized in the BNSS and BNS. Singh and Zahan conclude that the victim's right to a fair trial, properly understood, encompasses these participatory elements. Their analysis supports the proposition that the new laws move Indian criminal justice closer to international norms. For this research, their work provides a normative framework against which the new provisions can be measured and found, at least in design, to be adequate (Singh & Zahan, 2021).

The judicial recognition of victims' rights, even prior to the new laws, has created a foundation upon which the legislative reforms build. The Supreme Court in *Mallikarjun Kodagali v. State of Karnataka (2018)* acknowledged the lack of a victim centric approach in Indian criminal justice and emphasized the importance of victim participation. The Delhi High Court in *Karan v. State of NCT of Delhi (2021)* directed the preparation of a Victim Impact Report to inform sentencing, drawing on practices in common law jurisdictions. These judicial interventions, while not creating statutory rights, indicate a judicial willingness to recognize victims' interests that was entirely absent during the colonial period. The new laws codify and extend these judicial developments, providing statutory basis for practices that previously depended on judicial discretion. For this research, the judicial evolution preceding the new laws suggests that the legislative reforms are not invented but respond to a growing recognition within the judiciary that the colonial framework was inadequate. The new laws thus represent the culmination of a trajectory rather than a sudden departure (Rawandal, 2023).

CRITICAL PERSPECTIVES: CONTINUITY AND INADEQUACY

Not all scholarship accepts that the new laws genuinely transform the victim's position. Ajmera and Patel (2020) argue that despite legislative changes, the Indian criminal justice system remains fundamentally accused centric. Their analysis examines the implementation of victim compensation schemes, finding that delays, inadequate amounts, and procedural hurdles continue to deny victims effective relief. The right to participate through a private counsel, recognized in the BNSS, is subject to the limitation imposed by *Rekha Murarka v. State of West Bengal (2020)*, where the Supreme Court held that the private counsel cannot make oral arguments or cross examine witnesses independently but must assist the public prosecutor. This limitation, Ajmera and Patel contend, renders the right largely symbolic. The victim's participation remains mediated through state actors whose priorities may not align with the victim's

interests. Their work suggests that the new laws, while expanding rights on paper, have not addressed the structural subordination of victims to state actors that characterized the colonial framework. For this research, their critique raises the question whether the new laws merely reproduce colonial hierarchies in new form (Ajmera & Patel, 2020).

The retention of colonial provisions in the new laws provides further grounds for skepticism. The marital rape exemption, as Mookherjee and Bhatia (2025) demonstrate, reproduces Victorian assumptions about marriage and consent that have been abandoned in many common law jurisdictions. The exemption treats married women differently from unmarried women, creating a hierarchy of victims that has no justification in constitutional principle. The fact that this provision was retained despite constitutional challenge suggests that the colonial mindset persists among lawmakers. Similarly, provisions relating to custodial interrogation and police powers retain elements that critics argue are inconsistent with fundamental rights. The colonial police, as the *Economic and Political Weekly* (2021) analysis shows, were instruments of repression rather than protection. The new laws, while introducing accountability mechanisms, have not fundamentally restructured police powers or their relationship to marginalized communities. For victims from these communities, the police remain a source of threat rather than assistance. The new laws thus may not alter their experience of the criminal justice system (*Economic and Political Weekly*, 2021).

The implementation gap between legislative promise and administrative reality receives attention from scholars examining victim compensation. Agrawal (2023), in his analysis of compensatory jurisprudence, notes that while Section 357A of the CrPC and its successor provisions in the BNSS create frameworks for state funded compensation, the actual disbursement of compensation remains erratic. State schemes vary in their provisions, delays are routine, and many victims remain unaware of their entitlement to compensation. The colonial statutes provided no such entitlement, so the new framework represents an advance in principle. But in practice, many victims continue to receive nothing. Agrawal's analysis suggests that the shift from colonial indifference to postcolonial concern remains incomplete. The machinery of implementation continues to operate with colonial inefficiencies and colonial attitudes. For this research, his work highlights the distinction between legislative reform and actual improvement. The question whether victims are better off under the new laws cannot be answered by examining statutes alone. It requires investigation of how those statutes operate in

practice (Agrawal, 2023).

The Supreme Court's recent decision in *Parameshwari v. State of T.N. (2026)* addresses the relationship between compensation and punishment, holding that compensation cannot substitute for adequate sentencing in grave offenses. The Court deprecated the practice of reducing custodial sentences upon payment of compensation, describing such an approach as conveying the dangerous message that criminal liability can be purchased with money. This decision, while protecting victims' interests in one sense by ensuring that offenders are appropriately punished, also reveals tensions in the victim centric approach. If victims are positioned as stakeholders entitled to compensation, does that create incentives for outcomes that serve victims' private interests rather than public justice? The Court's caution against treating compensation as equivalent to punishment suggests that the victim's role, however enhanced, must remain subordinate to the public character of criminal justice. This tension between victim participation and state sovereignty over criminal proceedings was present under colonial law and remains unresolved under the new framework. The victim is invited to participate but not to determine outcomes. The state retains ultimate authority, as it did under colonial rule (Supreme Court of India, 2026).

SYNTHESIS: THE BALANCE OF EVIDENCE

The literature reviewed presents a complex picture. There is consensus that victims were marginalized under the colonial statutes. The system was designed for state control, not victim healing. Suspicion of victims, particularly those from marginalized groups, was structural. Participation rights were virtually nonexistent. Compensation was discretionary and rarely awarded. The colonial framework, even as it persisted into the twenty first century, could not adequately serve victims' interests because it was not designed to do so.

There is also consensus that the new criminal laws of 2023 contain provisions that, on their face, enhance victims' rights. The right to information, the right to participate through counsel, the right to appeal, the right to compensation, all are recognized in ways they were not under the colonial regime. International human rights standards find reflection in these provisions. Judicial developments preceding the new laws created a foundation upon which legislative reforms could build.

The disagreement concerns whether these provisions amount to genuine transformation or merely symbolic progress. Critics point to the retention of colonial provisions like the marital rape

exemption, the limitations on victim participation through private counsel, the implementation gaps in compensation schemes, and the persistence of police attitudes shaped by colonial traditions. They argue that the new laws reproduce colonial hierarchies in new forms, leaving victims from marginalized communities as excluded as ever.

The weight of evidence supports the proposition that the new laws provide a stronger framework for victims' rights than the colonial statutes did. The textual recognition of rights that were entirely absent under the old regime is not meaningless. The right to information, however imperfectly implemented, is better than no right to information. The right to appeal against acquittal, however rarely exercised, is better than no right to appeal. The provisions for compensation, however delayed, are better than the discretionary and rarely invoked provisions of Section 357 CrPC. The new laws represent legislative intent to move toward victim centric justice. That intent, while not sufficient, is necessary.

But the literature also establishes that this intent faces formidable obstacles. Implementation depends on institutions (i.e. police, prosecutors, court) that were shaped by colonial traditions and continue to operate with colonial assumptions. Training programs, as the Press Information Bureau (2024) reports, are underway on a massive scale. Twenty-three thousand master trainers have been prepared to train over 22 lakh policemen. Twenty thousand public prosecutors have been trained. Twenty-one thousand judicial officers have received instruction. These numbers are impressive, but whether they translate into changed behavior remains to be seen. Attitudes formed over centuries do not dissolve in training sessions.

The literature thus points toward a qualified conclusion. The new laws establish a framework that, in principle, positions victims more favorably than the colonial statutes did. The rights they recognize respond to documented failures of the old regime. The legislative intent is clearly victim centric. But the realization of this intent depends on factors that legislation alone cannot control. Implementation, interpretation, institutional culture, and resource allocation will determine whether the promise of the new laws becomes reality for victims. The colonial legacy is not merely statutory. It is institutional and attitudinal. Dismantling it requires more than new legislation. It requires sustained effort across multiple fronts.

CONCLUSION

The literature establishes that the colonial period, from 1757 to

1947, produced a criminal justice framework that systematically marginalized victims. Designed for imperial control rather than individual justice, the colonial statutes treated victims as witnesses for the state rather than participants in proceedings affecting their interests. Suspicion of victims, particularly those from subordinate social positions, was built into evidentiary rules and judicial attitudes. Compensation was discretionary and rarely awarded. Participation rights were nonexistent. The colonial framework, even as it persisted into the twenty first century through the IPC, CrPC, and Evidence Act, could not adequately serve victims because it was not designed to do so.

The new criminal laws of 2023, the BNS, BNSS, and BSA, represent legislative intent to create a victim centric framework. They recognize rights to information, participation, compensation, and appeal that were absent under colonial statutes. They respond to international human rights standards and incorporate recommendations from law commissions and committees spanning decades. They attempt to dismantle the colonial legacy and erect a framework rooted in constitutional values.

The comparative assessment, based on the literature reviewed, supports the conclusion that victims' rights are better articulated and more extensively recognized in the new laws than they were under the colonial statutes. The twenty first century framework, in its legislative design, provides a stronger foundation for victim protection and participation. Whether this legislative advantage translates into actual improvement for victims depends on implementation factors that the literature identifies but cannot finally resolve. The colonial period established patterns of institutional behavior and attitude that persist. The new laws challenge those patterns. The outcome of that challenge will determine whether the victim's journey from spectator to stakeholder is finally completed.

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