

New Procedures under Bharatiya Nagarik Suraksha Sanhita 2023

Rape Victim

- Medical examination should be done forthwith and medical report of victim of rape/gang-rape shall be forwarded to investigating Officer within 7 days.
- Recording of statement of rape victim shall be through any audio video electronic means including mobile phone.
- Statement of rape victim, gang rape victim/acid attack victim shall, as far as practicable, be recorded by a woman Magistrate and in her absence by a male Magistrate in the presence of a woman.

Online FIR

- Online FIR may be filed in respect of cognizable offence including rape/gang rape.

Zero FIR

- FIR for cognizable offence can be filed in any Police station.

Community Service

- To reduce the burden on jails, community service has been included in BNS as a punishment for the first time.
- Community service shall mean the work which the Court may order a convict to perform as a punishment that benefits the community, for which he shall not be entitled to any remuneration.

Audio/Video/Mobile recording

- Video recording in mobile phone is a document and will be a documentary evidence under Bharatiya Sakshya Adhiniyam
- Video-recordings on mobile is admissible in evidence

Civil Recovery of proceeds of Crime

- Police can apply for and Magistrate can attach and seize and effect civil recovery of proceeds of crime and distribute it to victims during investigation without waiting trial outcome.
- Unclaimed proceeds of crime will be forfeited (Civil forfeiture of assets).

Prosecution withdrawal

- No withdrawal of prosecution without opportunity of hearing to victim.

Supply of Police report

- It is mandatory to provide a copy of Police report and other documents to the accused and the victims free of cost within 14 days.

Police Investigation

- Police officer shall inform the progress of investigation within 90 days by any means including electronic communication to informant or the victim.

Fast Tracking Procedures

- Mandatory summary trial procedure for petty offences where amount involved does not exceed Rs. 20,000.
- Evidence of Witnesses can be taken by audio-video electronic means including mobile phone.
- Accused can be presented in Court through electronic audio visual means.
- Where the circumstances are beyond the control of a party, not more than two adjournments may be granted by the court after hearing the objections of the other party and for the reasons to be recorded in writing.
- Inquiry, trial or judgment in absentia of proclaimed offender [Section 356 of BNSS]



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