After the FIR, Silence: Drafting Gaps in the Victim's Right to Investigation Updates under the Bharatiya Nagarik Suraksha Sanhita, 2023

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Abstract

For most complainants in India, contact with the police ends when the first information report is registered. The Code of Criminal Procedure, 1973 required the police to tell the informant what action had been taken only when the final report was filed. Section 193(3)(ii) of the Bharatiya Nagarik Suraksha Sanhita, 2023 changes this by obliging the police to inform the informant or the victim of the progress of the investigation within ninety days. This paper reads the clause closely and identifies five gaps in its drafting: it has no starting point, it appears to operate only once, it treats the informant and the victim as alternatives, it does not say what must be conveyed, and it carries no record-keeping duty or consequence. The paper then traces judicial recognition of the victim's place in investigation from Bhagwant Singh to Jagjeet Singh and reviews the first High Court orders under the new clause. Secondary data from the National Crime Records Bureau, the India Justice Report 2025 and two victimisation surveys is used to assess whether compliance is realistic. No public dataset records compliance at all. The paper suggests that State rules and police standing orders can cure these defects through periodic, event-based and recorded intimations, without any amendment to the Sanhita.

Keywords: Section 193(3)(ii) BNSS; victims' rights; investigation updates; fair investigation; police accountability; criminal procedure reform.

I. Introduction

Anyone who has lodged a first information report in India knows what usually follows. The complainant receives a copy of the FIR and then hears nothing. A visit to the police station a fortnight later produces the answer that the investigating officer is out on duty. Whether a suspect has been questioned, whether samples have gone to the laboratory, whether the file has moved at all are things the victim learns by chance, through a lawyer, or not at all. For half a century the law was content with this arrangement. The Code of Criminal Procedure, 1973 required the police to tell the informant what they had done only at the very end, when the final report went to the Magistrate.[1]

The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS or the Sanhita), in force since 1 July 2024, alters the position through one short clause. Section 193(3)(ii) provides that the police officer "shall, within a period of ninety days, inform the progress of the investigation by any means including through electronic communication to the informant or the victim."[2]

Three questions are taken up. What does the clause require when it is read word by word? What have the courts said about a victim's claim to information during investigation, before and after the Sanhita? And does the available data suggest that the police are in a position to comply? My argument is that Section 193(3)(ii) is a real advance, but as drafted it is a single duty with no starting point, no stated content and no consequence. These weaknesses can be repaired through State rules and police standing orders, without touching the text of the Sanhita.

The method is doctrinal, supported by secondary empirical material: police disposal statistics of the National Crime Records Bureau (NCRB), the India Justice Report 2025 and two published victimisation surveys.

II. The Position Before the Sanhita

A. The informant under the Code of 1973

The Code of 1973 gave the person who set the criminal law in motion two modest entitlements. The first was a free copy of the FIR.[3] The second lay in Section 173(2)(ii), under which the officer in charge of the police station had to communicate the action taken by him to the first

[1] Code of Criminal Procedure, 1973, § 173(2)(ii), No. 2, Acts of Parliament, 1974 (India) [hereinafter CrPC].
[2] Bharatiya Nagarik Suraksha Sanhita, 2023, § 193(3)(ii), No. 46, Acts of Parliament, 2023 (India) [hereinafter BNSS].
[3] CrPC § 154(2).

informant, in the manner prescribed by the State Government.[4] That duty arose only when the report under Section 173(2) was forwarded to the Magistrate. Between the FIR and the final report, a period that could run into years in a contested case, the Code said nothing. It also spoke only of the informant. A victim who had not personally lodged the report had no statutory claim to be told anything.

B. Reform proposals and international standards

The gap had been noticed long before 2023. The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted in 1985, asks States to make their judicial and administrative processes responsive to victims by informing them of the "scope, timing and progress of the proceedings" and of how their cases are disposed of.[5] The Committee on Reforms of the Criminal Justice System, chaired by Justice V.S. Malimath, went further in 2003. It treated the victim as the neglected party in an adversarial system and recommended, among other things, that the victim should be able to participate in the proceedings and to know the status of the investigation.[6]

Special legislation moved faster than the general law. The rules framed under the Protection of Children from Sexual Offences Act, 2012 require the police to keep the child and the family informed about the case, including the stage the investigation has reached, so far as this does not interfere with it.[7] For every other victim the position remained what the Code of 1973 had made it.

III. Reading Section 193(3)(ii) Closely

A. What the clause adds

Section 193 succeeds Section 173 of the Code. Sub-section (1) repeats that every investigation shall be completed without unnecessary delay. Sub-section (2) fixes two months for investigating rape and the principal offences under the POCSO Act. Sub-section (3) has three parts. Clause (i) deals with the police report to the Magistrate. Clause (iii) carries forward the

[4] *Id.* § 173(2)(ii).
[5] G.A. Res. 40/34, annex, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power ¶ 6(a) (Nov. 29, 1985).
[6] COMM. ON REFORMS OF CRIM. JUST. SYS., MINISTRY OF HOME AFFAIRS, GOV'T OF INDIA, REPORT vol. I, ch. 6 (2003).
[7] Protection of Children from Sexual Offences Rules, 2020, r. 4(13), (15) (India).

old duty to communicate the action taken to the first informant. Between them sits clause (ii), which is new.[8]

Three features distinguish it from the earlier law. First, the duty arises while the investigation is still going on, because what has to be conveyed is its "progress". Second, the victim is named alongside the informant. The Sanhita defines a victim as a person who has suffered loss or injury because of the act or omission of the accused, and the definition takes in a guardian or legal heir.[9] Third, the police may use any means, electronic communication included. The operative verb is "shall".

B. Five gaps in the drafting

No starting point. The clause says "within a period of ninety days" and stops there. Ninety days from the registration of the FIR, from the day the investigating officer takes up the case, or from some other event? The date of the FIR is the natural answer, since it is the only date known to both the police and the victim, and the Maharashtra Police appear to have proceeded on that footing in the circular discussed in Part IV. The statute, however, does not say so, and an officer who is asked to explain a missed deadline has room to argue about when the clock began.

Once, or every ninety days? Read literally, the clause is satisfied by one communication sent at any time in the first ninety days. An investigation that lasts three years would then attract a single message in its first quarter and silence afterwards. The Ministry's own publicity material speaks of regular updates to victims, which suggests that a recurring duty was intended.[10] A purposive reading would treat the ninety days as a repeating cycle. The text does not compel that reading.

"Informant or the victim". The two are joined by "or". Where the informant is a neighbour, an employer or a police officer acting on source information, an investigating officer could inform that person and satisfy the letter of the clause while the victim hears nothing. Courts have long been willing to read "or" as "and", and the reverse, where the purpose of the enactment requires

[8] BNSS § 193(1)–(3).

[9] *Id.* § 2(1)(y).

[10] MINISTRY OF HOME AFFAIRS, GOV'T OF INDIA, INVESTIGATION & TRIAL FRAMEWORK IN BHARATIYA NAGARIK SURAKSHA SANHITA 2023, at 3, INDIAN INSTITUTE OF INFORMATION TECHNOLOGY BHAGALPUR, https://www.iiitbh.ac.in/sites/default/files/New%20Law/Investigation%20and%20Trial%20Framework%20in%20BNSS%20corrected.pdf (last visited Oct. 9, 2026), archived at https://web.archive.org/web/20261020121850/https://www.iiitbh.ac.in/sites/default/files/New%20Law/Investigation%20and%20Trial%20Framework%20in%20BNSS%20corrected.pdf.

it.[11] That approach fits here, because the reason for adding the victim to the clause was that the victim's stake is independent of who happened to report the crime.

No stated content. "Progress" is not defined. A text message reading "investigation is under progress" would arguably comply. At the same time there are real limits on what can be disclosed. The case diary is not open even to the accused,[12] and the Supreme Court has refused to direct that charge-sheets be placed in the public domain, noting the interests of the accused, the victim and the investigating agency.[13] What the victim needs lies between these two ends: the stage reached, whether anyone has been arrested, whether forensic reports are awaited, and who the investigating officer is. The clause leaves all of this to the individual officer.

No record and no consequence. Clause (iii) refers to a manner of communication to be laid down by State rules. Clause (ii) has no such reference, prescribes no form and requires no entry in the case diary. Nothing follows from non-compliance. There is, finally, an odd result in sexual offence cases. Sub-section (2) requires those investigations to finish within two months, so the first update that the clause guarantees would fall due a month after the charge-sheet ought to have been filed. The victims whom the Sanhita treats as most in need of speed get the least out of this clause.

IV. Judicial Precedents

A. Before the Sanhita

Long before Parliament acted, the Supreme Court had begun to give the informant and the victim a foothold in the investigation. The starting point is *Bhagwant Singh v. Commissioner of Police*. A bench of three judges held that when a Magistrate is inclined to drop proceedings on a police report, the informant must be given notice and heard. The Court reasoned from Section 173(2)(ii) itself: a person entitled to be told of the action taken must be interested in what the Magistrate does with the report.[14] The decision also shows the limits of the old law. The right attached at the end of the investigation, and the injured person or the relative of the deceased who was not the informant had no right to notice, only a liberty to appear.

[11] Ishwar Singh Bindra v. State of U.P., AIR 1968 SC 1450, (1969) 1 SCR 219, 225 (India).
[12] BNSS § 192(5).
[13] Saurav Das v. Union of India, 2023 SCC OnLine SC 58, ¶ 4.5 (India).
[14] Bhagwant Singh v. Comm'r of Police, (1985) 2 SCC 537, ¶¶ 4–5 (India).

Later decisions filled in the period between the FIR and the final report. In *Sakiri Vasu v. State of U.P.*, the Court held that a person aggrieved by the manner of investigation should approach the Magistrate, who has the power to ensure a proper investigation and to monitor it.[15] The Constitution Bench in *Lalita Kumari v. Government of U.P.* is remembered for making registration of the FIR compulsory, but it also created a small information duty of its own. Where a preliminary inquiry ends in closure, the entry recording it must be supplied to the first informant within a week, with brief reasons.[16]

Alongside these procedural directions the Court developed the constitutional basis. *Nirmal Singh Kahlon v. State of Punjab* recognised that fair investigation is part of Article 21 and that the victim is as much entitled to it as the accused.[17] In *Mallikarjun Kodagali v. State of Karnataka*, a case on the victim's right of appeal, the majority observed that the rights of victims of crime had drawn only sporadic attention from Parliament, the judiciary and civil society, and that a victim's difficulties continue beyond the trauma of the crime to something as basic as the registration of an FIR.[18]

The clearest statement came in *Jagjeet Singh v. Ashish Mishra*. Setting aside a bail order passed without hearing the families of those killed at Lakhimpur Kheri, the Court held that a victim has a legally vested right to be heard at every step after the offence, and that this participation runs from the stage of investigation to the end of appeal or revision.[19] A right to participate from the stage of investigation means little to a person who does not know what stage the investigation has reached. Information comes first, and participation depends on it. Section 193(3)(ii) can therefore be seen as Parliament supplying the practical step that *Jagjeet Singh* assumes.

B. Early decisions under the Sanhita

Two High Courts dealt with the clause within months of its commencement. In *Nirmala Bhavesh Parmar v. State of Maharashtra*, the petitioner complained that the police were not obeying Section 173(2)(ii) of the Code. A Division Bench of the Bombay High Court noted that the corresponding provisions were now Section 193(3)(ii) and (iii) of the BNSS. The State

[15] Sakiri Vasu v. State of U.P., (2008) 2 SCC 409, ¶¶ 11, 17 (India).
[16] Lalita Kumari v. Gov't of U.P., (2014) 2 SCC 1, ¶ 120.5 (India).
[17] Nirmal Singh Kahlon v. State of Punjab, (2009) 1 SCC 441, ¶ 28 (India).
[18] Mallikarjun Kodagali v. State of Karnataka, (2019) 2 SCC 752, ¶¶ 2–3 (India).
[19] Jagjeet Singh v. Ashish Mishra, (2022) 9 SCC 321, ¶ 24 (India).

placed on record a circular dated 23 August 2024 instructing all police units to comply scrupulously with those clauses, and the Court took it on record.[20]

The Punjab and Haryana High Court went a step further in November 2024. Justice Harpreet Singh Brar described Section 193(3) as an evolved form of the earlier provision, held that the word "shall" makes the duty mandatory, and observed that fair investigation is owed to the victim and to society and not to the accused alone. The Directors General of Police of Punjab and Haryana and of the Union Territory of Chandigarh were directed to issue instructions for compliance within four weeks and to report back.[21]

Two cautions follow. The first is that both arose because a complainant went to the High Court. A right to be kept informed is meant to spare the victim that journey. If it can be secured only through a writ petition or a petition under Section 528, it has not done its work. The second concerns the ninety-day period. Indian courts have often held that time limits addressed to public officers are directory where the statute attaches no consequence to delay.[22] It is quite possible that the duty to inform will be held mandatory while the period of ninety days is treated as a guideline. That outcome would be tolerable only if the duty were clearly a recurring one.

V. What the Data Shows

A. The scale of the obligation

How many people are owed an update? The NCRB's *Crime in India 2023*, the last report compiled wholly under the old Code, recorded 62,41,569 cognizable crimes, of which 37,63,102 were under the Indian Penal Code.[23] At the end of that year 29.2 per cent of IPC cases taken up for investigation were still pending with the police, and the charge-sheeting rate

[20] Nirmala Bhavesh Parmar v. State of Maharashtra, Crim. Writ Pet. (Stamp) No. 16212 of 2024, ¶¶ 2–5 (Bom. Aug. 29, 2024) (India).

[21] PXXXX v. XXXX, 2024 LiveLaw (PH) 339 (P&H 2024) (India) (party names withheld); *see also* Saurabh Malik, *Ensure Probe Updates to Victims Within 90 Days, HC Orders DGPs*, THE TRIBUNE (Nov. 12, 2024, 7:31 AM), https://www.tribuneindia.com/news/india/ensure-probe-updates-to-victims-within-90-days-hc-orders-dgps-2/ (last visited Oct. 20, 2026), archived at https://web.archive.org/web/20261020114749/https://www.tribuneindia.com/news/india/ensure-probe-updates-to-victims-within-90-days-hc-orders-dgps-2/.

[22] Dattatreya Moreshwar Pangarkar v. State of Bombay, AIR 1952 SC 181, 1952 SCR 612, 624 (India).

[23] NAT'L CRIME RECS. BUREAU, MINISTRY OF HOME AFFAIRS, CRIME IN INDIA 2023, vol. I, tbl. 1A.3, at 11 (2025), https://www.ncrb.mha.gov.in/uploads/files/1CrimeinIndia2023PartI1.pdf (last visited Oct. 20, 2026), archived at https://web.archive.org/web/20261020121948/https://www.ncrb.mha.gov.in/uploads/files/1CrimeinIndia2023PartI1.pdf.

was 72.7 per cent.[24] In crimes against women alone, 6,35,159 cases were under investigation during the year and 1,82,219 remained pending at its close, a pendency of 28.7 per cent.[25]

The figures for 2024, the year in which the Sanhita commenced, point the same way. NCRB's police disposal data shows 15,96,735 IPC and BNS cases pending investigation at the end of the year, against 15,75,201 carried over from the year before.[26] A carry-over of this size means that investigations routinely outlast ninety days. For FIRs registered after 1 July 2024, each such case contains at least one informant or victim to whom the clause applies. The obligation therefore runs into lakhs of communications every year.

Table 1: Investigation workload, police capacity and complainant satisfaction

Indicator	**Figure**	**Source**
Cognizable crimes registered, 2023	62,41,569	NCRB, *Crime in India 2023*
IPC cases pending investigation at the end of 2023	29.2%	NCRB, *Crime in India 2023*
Charge-sheeting rate, IPC crimes, 2023	72.7%	NCRB, *Crime in India 2023*
Crimes against women pending investigation at the end of 2023	1,82,219 (28.7%)	NCRB, *Crime in India 2023*
IPC/BNS cases pending investigation at the end of 2024	15,96,735	NCRB, Crime in India 2024
Vacancies at officer rank in the police	28%	*India Justice Report 2025*
Vacancies in the constabulary	21%	*India Justice Report 2025*
Share of police expenditure spent on training	1.25%	*India Justice Report 2025*
Complainants satisfied with first police response (Delhi / Mumbai)	36% / 51%	CHRI survey, 2015

B. Capacity to comply

[24] *Id.* vol. III, tbl. 17A.1.

[25] *Id.* vol. I, tbl. 3A.5, at 230.

[26] NAT'L CRIME RECS. BUREAU, MINISTRY OF HOME AFFAIRS, CRIME IN INDIA 2024 (2026), *compiled in NCRB – Disposal of Cases by Police: Year Wise Disposal of IPC/BNS Crime Cases by Police*, DATAFUL, https://dataful.in/datasets/23780/ (last visited Oct. 9, 2026), archived at https://web.archive.org/web/20261020122114/https://dataful.in/datasets/23780/.

The duty falls on a thinly staffed force. The India Justice Report 2025 records about 120 police personnel for every lakh of population, with 28 per cent of officer-rank posts and 21 per cent of constabulary posts vacant. Only 1.25 per cent of police expenditure goes to training.[27] The vacancy at officer rank matters most here, because investigation is done by sub-inspectors and assistant sub-inspectors, and these are the officers who would have to send the updates. The numbers suggest that the intimation has to be automated if it is to happen at all.

C. What complainants report

Survey evidence on how complainants experience the police is limited. A household survey by the Commonwealth Human Rights Initiative, covering 5,850 households in Mumbai and 4,950 in Delhi, found that of those who reported a crime only about 36 per cent in Delhi and 51 per cent in Mumbai were satisfied with the first police response.[28] The IDFC Institute's survey of 20,597 households in four cities reported that in Delhi fewer than half of theft victims approached the police at all, and that among those who did get an FIR registered a little over half were satisfied.[29]

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[27] TATA TRUSTS ET AL., INDIA JUSTICE REPORT 2025: RANKING STATES ON THE CAPACITY OF POLICE, JUDICIARY, PRISONS AND LEGAL AID 12 (2025), https://indiajusticereport.org/files/National%20Factsheet%20IJR%204_English.pdf, archived at https://web.archive.org/web/20261020120000/https://indiajusticereport.org/files/National%20Factsheet%20IJR%204_English.pdf; Press Release, India Justice Report, Less than 1000 Women Senior Officers in India's 20.3 Lakh Police Force (Apr. 15, 2025), https://indiajusticereport.org/files/English_National%20Press%20Release_India%20Justice%20Report%202025.docx.pdf, archived at https://web.archive.org/web/20261020120143/https://indiajusticereport.org/files/English_National%20Press%20Release_India%20Justice%20Report%202025.docx.pdf; *see also National Deficit and Good News*, COMMON CAUSE (Oct.–Dec. 2025), https://commoncause.in/publication_details.php?id=850 (last visited Oct. 9, 2026), archived at https://web.archive.org/web/20261020122322/https://commoncause.in/publication_details.php?id=850.

[28] COMMONWEALTH HUM. RTS. INITIATIVE, CRIME VICTIMISATION AND SAFETY PERCEPTION: A PUBLIC SURVEY OF DELHI AND MUMBAI (2015), https://humanrightsinitiative.org/publication/crime-victimisation-and-safety-perception-a-public-survey-of-delhi-and-mumbai, archived at https://web.archive.org/web/20261020120607/https://humanrightsinitiative.org/publication/crime-victimisation-and-safety-perception-a-public-survey-of-delhi-and-mumbai; Renuka Sane, *Survey-Based Measurement of the Criminal Justice System*, THE LEAP BLOG (May 27, 2016), https://blog.theleapjournal.org/2016/05/survey-based-measurement-of-criminal.html (last visited Oct. 20, 2026), archived at https://web.archive.org/web/20261020122430/https://blog.theleapjournal.org/2016/05/survey-based-measurement-of-criminal.html?m=1.

[29] AVANTI DURANI, RITHIKA KUMAR, RENUKA SANE & NEHA SINHA, IDFC INST., SAFETY TRENDS AND REPORTING OF CRIME (SATARC) (2017), https://artha.global/reports/safety-trends-and-reporting-of-crime-satarc/, archived at https://web.archive.org/web/20261020120921/https://artha.global/reports/safety-trends-and-reporting-of-crime-satarc/; Editorial, *To Address Crime Smartly, Begin with Better Data*, HINDUSTAN TIMES (Patiala) (June 7, 2017), https://www.pressreader.com/india/hindustan-times-patiala/20170607/282071981873144 (last visited Oct. 20, 2026), archived at https://web.archive.org/web/20261020122528/https://www.pressreader.com/india/hindustan-times-patiala/20170607/282071981873144.

D. The missing dataset

The most important empirical finding of this paper is a negative one. I could not locate any published figure, from the NCRB or from any State police, showing in how many cases an intimation under Section 193(3)(ii) has been sent. The NCRB's police disposal tables count charge-sheets, final reports and pending cases. They have no column for communication with victims. More than two years after commencement, the performance of the clause is not being measured by anyone.

This gap can be tested through RTI applications asking district police in how many pending cases an intimation was sent. Until such figures are published, claims that the clause works rest on assumption.

VI. Suggestions

None of the following requires Parliament to amend the Sanhita. State Governments already frame rules and issue forms under Section 193, and Directors General of Police issue standing orders, as Maharashtra did in August 2024.

Fix the starting point. Rules should state that the ninety days run from the date of registration of the FIR.

Make the duty periodic and event-based. An intimation should go out at least once in every ninety days until the final report is filed, and also whenever an accused is arrested or released on bail, the case is transferred, or a charge-sheet or closure report is submitted.

Inform both persons. Where the informant and the victim are different, both should be informed. In cases of death, the legal heir who falls within the definition of victim should be identified at the outset.

Prescribe a short form. The intimation should state the stage of investigation, the name and contact number of the investigating officer and the step expected next. It should not disclose witness statements or the identity of witnesses. In sexual offence cases it must go only to the number or address chosen by the victim, in keeping with the protection of identity that the Supreme Court has insisted upon.[30]

[30] Nipun Saxena v. Union of India, (2019) 2 SCC 703, ¶ 50 (India).

Keep a record. Every intimation should be entered in the case diary and logged automatically in the Crime and Criminal Tracking Network and Systems. Station house officers should report the numbers monthly, and the NCRB should add a column to its police disposal tables. Automatic text messages generated from the tracking system would also answer the capacity problem noted in Part V.

Do not rely on electronic means alone. The clause permits "any means". For victims without a mobile phone, a written notice in the victim's language, with an acknowledgment, should be the default.

Provide a remedy below the High Court. A victim who has heard nothing should be able to write to the Superintendent of Police, and failing that to the jurisdictional Magistrate, who can call for a status report while exercising supervisory power over the investigation.[31] Persistent default should be treated as a matter for departmental action.

VII. Conclusion

Section 193(3)(ii) is one of the least contested provisions in the new procedural code, and with good reason. It also completes a line of judicial reasoning that began with *Bhagwant Singh* and reached its fullest statement in *Jagjeet Singh*: a victim who is entitled to take part in the process must first know where the process stands.

The remedy lies in rules, forms and records. A periodic, recorded and partly automated system of intimation is within the reach of every State today. Whether the clause has ended the silence that follows an FIR will be known only when someone begins to count the messages sent, and the reform ought to be judged by that count.

[31] BNSS § 175(3).