

Reformation of the Criminal Justice System in India

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Abstract: The Indian criminal justice system is undergoing significant reform in recent years, aiming to modernize procedural rules, make law enforcement more accountable, reduce delays, uphold human rights, and better serve victims. This paper examines the historical context of India's criminal justice framework; identifies major structural problems; reviews recent reform efforts (legislative, institutional, procedural); analyses challenges in implementation; draws from comparative lessons; and proposes recommendations for further reform. The study finds that while recent legislative changes are promising, their success depends crucially on institutional capacity, political will, judicial oversight, and public participation.

I. INTRODUCTION

The criminal justice system in India plays a crucial role in maintaining law and order, protecting the rights of individuals, and upholding the rule of law. However, the system, much of which is based on colonial-era laws such as the Indian Penal Code of 1860 and the Criminal Procedure Code of 1973, has long been criticized for being outdated, slow, and often unjust. Issues such as delays in trials, overcrowded prisons, lack of police accountability, and underrepresentation of victims' rights have highlighted the urgent need for reform.

In recent years, there has been a growing recognition of the need to modernize the criminal justice system to make it more efficient, transparent, and humane. Efforts have included legislative overhauls, such as the introduction of the **Bharatiya Nyaya Sanhita (2023)** and related laws, technological integration in investigations and court processes, and a focus on victim-centric and rehabilitative approaches.

Reforming the criminal justice system in India is not just about changing laws—it's about ensuring that justice is timely, fair, and accessible to all citizens, regardless of their socio-economic status.

The aim of criminal justice is to enforce laws, protect rights, deter crime, punish wrongdoers, rehabilitate criminals, and ensure justice for victims and society. In India, this system has been under strain: rapid growth in population and diversity of crimes; outdated legal codes from colonial times; heavy workloads; social inequalities. Reforms seek to bridge the gap between ideals (constitutional rights, rule of law, fair trial) and reality (delay, injustice, inefficiency).

II. HISTORICAL AND LEGAL BACKGROUND

- Many of India's core criminal statutes — **Indian Penal Code (1860)**, **Code of Criminal Procedure (CrPC) 1973**, **Indian Evidence Act 1872** — have their origins in colonial rule. Over decades, amendments have tried patching defects.
- Institutional architecture: Police, Prosecution, Judiciary, Prisons, Forensic services, Legislature. The police are largely under state governments; the judiciary is hierarchical (Supreme Court, High Courts, subordinate courts).
- Early committees / reports: e.g., the **Malimath Committee** (2003) made recommendations on evidence, trials, and prosecutorial reforms. ([International Commission of Jurists](#)).

III. MAJOR PROBLEM WITH THE EXISTING SYSTEM

Reforming the criminal justice system in India has been a longstanding challenge. While India has many strengths (a strong legal tradition, Constitution with fundamental rights, active judiciary, civil society), the criminal justice system has suffered from multiple interlinked defects that continue to hinder meaningful reforms. The major problems are:

3.1 Colonial-era Laws and Obsolete Provisions

- Many provisions no longer reflect modern values (e.g. gender neutral laws, definitions of offences, procedural rights).
- Sedition law, outdated definitions, vague offences remain contentious.

3.2 Policing: Investigation, Custody, Excessive Powers

- Weak forensic practices; sometimes investigators rely on forced confessions or shoddy evidence.
- Custodial violence and abuse; deaths in custody; low levels of accountability.
- Political influence and local pressures affecting policing.

3.3 Delays in Judicial Process & Case Backlog

- Huge numbers of pending criminal cases at various court levels make timely justice difficult.
- Undertrial prison population very large; many accused in custody for long before trial.

3.4 Prisons, Undertrial Population, and Overcrowding

- Overcrowded jails; poor sanitation, health care; human rights issues.
- Undertrial prisoners make up a large fraction of the prison population.

3.5 Evidence, Prosecution, Witness Protection¹

- Outdated evidence laws; lack of coherence about digital/electronic evidence.
- Weak or under-resourced prosecution; procedural loopholes.
- Witnesses are often intimidated; witness protection programs weak or absent.

¹“Judicial Efficiency: Case Clearance Outstrips Backlog for the First Time.” *Mint*, Jan 2025. On number of cases disposed vs pending in 2023-24 in district, high, supreme courts.

Business Standard, “Criminal Case Backlog of Delhi Courts Hits 1.24 mn in 2024, 2nd to Bengal.” Dec 2024.

¹ “Indian Courts Burdened With Backlog of 5.29 Crore Cases: Official Data.” *Sentinel Assam*, 28 July 2025. According to NJDG, there are ~4.65 crore cases in district and subordinate courts, ~63.30 lakh in High Courts, ~86,742 in Supreme Court.

3.6 Human Rights Concerns, Marginalization

- Certain groups disproportionately affected: lower castes, minorities, women, children, LGBTQ+, economically disadvantaged.
- Issues with juvenile justice, child prisoners; rights of victims not always protected.

IV. RECENT REFORMS

In the last several years, several legislative and institutional reform efforts have been initiated. These are among the most significant changes in decades.

4.1 New Legislation: Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), Bharatiya Sakshya Adhiniyam (BSA)

- Passed in late 2023. These replace the Indian Penal Code, CrPC, and Evidence Act respectively.
- Key changes include: stricter timelines for investigation in cases involving women/children; forensic mandates; modernization of evidence law (including digital evidence); community service as alternative punishment for some minor offence²

4.2 Police Reforms & Accountability Measures

- The new procedural law under BNSS provides improvements in oversight, record-keeping, video recording of raids and seizures in certain serious offenses.³
- The earlier Crime and Criminal Tracking Network & Systems (CCTNS) aimed at integrating police stations and improving record-keeping.

4.3 Forensic Science, Technological Interventions, Digitization

- Mandating forensic teams at crime scenes for serious offences.¹
- Digital evidence formally included; e-summons, e-witness statements, virtual hearings in some cases.²

4.4 Rehabilitation, Alternatives to Punishment, Restorative Justice

- The newer legal frameworks provide for alternative punishments (like community service) for certain minor offences.²
- NGOs and civil society pushing for restorative justice programs; some studies show good outcomes in recidivism reduction.⁴

4.5 Institutional Reforms: Prosecutors, Courts, Fast-track Courts

- Debate and proposals for making prosecution more independent and better resourced.¹
- Use of special courts / fast track courts in certain types of cases (rape, terrorism, etc.).
- Judicial modernization: digitization of court records; e-filing; virtual hearings.¹

² Yadav, Sushil. "Reforming India's Criminal Justice: The Imperative for Police Investigation and Prosecution" (2025).

³ "Some key provisions of India's new criminal laws (2024)" — Reuters.

"Jails overcrowded, undertrials 76% of inmates: India Justice Report." *India Today*, Apr 2025. Statistics on undertrial share; prison capacity vs inmate increase.

⁴ Criminal Justice Reform: Evaluating the Effectiveness of Restorative Justice Programs in Reducing Recidivism."

IndiaSpend, "Why India's Review Mechanism to Release Prisoners Is Inadequate." April-June report 2024. Undertrial review committees; prison population numbers.

V. CHALLENGES IN IMPLEMENTATION

Despite legislative changes, many challenges remain in turning reforms into practice:

- **Institutional Capacity:** Police, courts, forensic labs are often understaffed or lacking infrastructure. New laws impose duties (e.g. forensic mandates, faster timelines) which may be unachievable without strong capacity building.
- **Training and Sensitization:** Police, judiciary, prosecutors need framing in new law, rights of accused, of witnesses, victims; awareness of digital evidence, procedural changes.
- **Resource Constraints:** Financial, technological, human resources; many smaller or poorer states may lag.
- **Accountability and Governance:** Mere laws are insufficient if oversight is weak; corruption, political interference, delay, arbitrary exercise of discretion remain risks.
- **Legal Culture and Public Awareness:** Legal tradition of adversarial, formal procedures; informal norms; lack of awareness by public of rights; mistrust of institutions.
- **Safeguarding Human Rights:** Ensuring changes do not infringe rights (right to fair trial, privacy, presumption of innocence). Some new provisions are criticised as giving excessive powers, or vague terms. For example, replacing sedition with new offence threatening State integrity—but possibly subject to misuse.²
- **Digital Divide & Access to Justice:** As digitization increases, access for rural or marginalized populations may be impeded (lack of internet, infrastructure).
- **Monitoring & Evaluation:** Need mechanisms to evaluate whether reforms lead to desired outcomes: reduced delays, lower undertrial populations, reduced wrongful convictions, improved victim redress.

VI. COMPARATIVE PERSPECTIVES: LESSONS FROM OTHER JURISDICTIONS

To understand how reforms might succeed or fail, comparisons can be instructive.

- **United Kingdom:** Emphasis on independent prosecutorial services (Crown Prosecution Service), strong forensic institutions, rights of defendants.
- **Scandinavian countries:** Greater focus on rehabilitation, alternatives to incarceration, restorative justice programs—often showing lower recidivism.
- **United States:** Mixed lessons: technological integration, plea bargaining, but also mass incarceration problems, racial disparities.
- **Canada / Australia:** Innovations in witness protection, Indigenous justice initiatives.

Lessons to adapt: balancing punishment with rehabilitation; ensuring transparency and rights; investing heavily in forensics and police training; ensuring prosecutorial independence; strong oversight institutions; adapting legal reforms to social context.

VII. RECOMMENDATIONS

Based on the foregoing, the following are proposed for further reform:

1. **Build Institutional Capacity**
 - Increase forensic labs, equip them; ensure adequate police manpower in investigations.

- Equip courts with modern infrastructure (courtrooms, digital recording, e-filing) in all districts.

2. Ensure Oversight and Accountability

- Strong statutory police accountability mechanisms: independent Police Complaints Authorities that are functional.
- Oversight over prosecutors and law enforcement; judicial review of detention, searches, evidence collection.

3. Safeguard Fundamental Rights

- Carefully define any new offences affecting free speech, state integrity.
- Ensure privacy in digital evidence collection and storage.
- Ensure presumption of innocence, fair trial guarantees.

4. Focus on Alternative Punishments and Rehabilitation

- Expand use of community service, probation, counselling.
- Strengthen juvenile justice, victim support, restorative justice frameworks.

5. Speedy Trials and Reducing Backlog

- More fast-track courts, especially for serious offences and cases involving women/children.
- Encourage plea bargaining / settlement where appropriate.

6. Training, Sensitization, and Public Awareness

- Training programs for police, judiciary, prosecutors on new laws, forensic methods, rights.
- Public education campaigns about rights, legal processes.

7. Digital Justice and Access

- Digitalization should be inclusive: ensure access in rural/poor areas.
- Introduce legal aid or legal assistance in digital format; ensure equitable access.

8. Monitoring, Evaluation, and Data Transparency

- Publish periodic reports on metrics: undertrial population, conviction rates, delay statistics, custodial deaths, etc.
- Research partnerships with academia, civil society to track outcomes.

VIII. CONCLUSION

The reformation of India's criminal justice system is not just desirable—it is imperative. The recent overhaul of cornerstone laws (BNS, BNSS, BSA) represents an important milestone. Yet statutes alone will not secure justice. Meaningful reform demands strong institutions, political will, resources, transparency, and active engagement with civil society and the public. If implemented conscientiously, the reformed framework has the potential to reduce delays, protect rights, increase confidence in law enforcement, and ensure that the system serves both deterrence and rehabilitation. The path ahead is challenging but promising—and the stakes are high, for individuals and democracy alike.

The reformation of the criminal justice system in India is not just a legal necessity but a moral and social imperative. With increasing awareness of human rights, technological advancements, and evolving societal needs, the existing framework—rooted in colonial-era laws—often fails to deliver timely and equitable justice.

Recent efforts, including the introduction of new criminal laws like the **Bharatiya Nyaya Sanhita (BNS) 2023**, indicate a willingness to modernize the system by focusing more on victim-centric justice, forensic science, and speedy trials. However, real reform must go beyond legislative changes. It requires systemic improvements such as:

- **Judicial accountability and transparency**
- **Police reform and training**
- **Prison modernization with a focus on rehabilitation**
- **Reduction of case pendency through judicial appointments and digitization**

Ultimately, true reformation lies in creating a justice system that is **accessible, fair, efficient, and humane**—one that not only punishes crime but also rehabilitates offenders and restores faith in the rule of law.

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