



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2025

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

REFORMS IN INDIAN CRIMINAL JUSTICE SYSTEM

Madireddy Divitha Reddy

ABSTRACT

The Indian Criminal Justice System (ICJS) is an important column of democratic structure, which works with the administration of justice, security of rights and maintenance of law and order. Despite its constitutional foundation, ICJS faces a host of challenges - delays, undertrialer overpopulation, police cruelty, old laws and systemic prejudices. This paper severely analyses these issues and evaluates recent reforms such as The Bharatiya Nyaya Sanhita, 2023, The Bharatiya Nagarik Suraksha Sanhita, 2023 and The Bharatiya Sakshya Adhiniyam, 2023. The study ends with recommendations for a right-based, afflicted and technically integrated criminal justice reform agenda.

Keywords: Criminal Justice System, Legal Reforms, Indian Penal Code, Principal Fairness, Human Rights, Undertrialer, Legal Aid.

I. INTRODUCTION:

The Indian Criminal Justice System (ICJS) serves as a basis to maintain the rule of law in the country. However, in the last few years, it suffers from many structural and procedural disabilities. Primary law, including the Indian Penal Code, 1860 (IPC), Criminal Procedure Code, 1973 (CRPC), and Indian Evidence Act, 1872, however, has become old in addressing contemporary forms of crimes such as Cybercrime, Terrorism and Economic Offenses.

India's colonial heritage still reflects its criminal laws, which were more designed for control than justice. Reforms have become unavoidable under Article 21 of the Constitution, with an afflicted, right-based approach and increasing demand for fair testing rights. The purpose of this research is to analyse major challenges and reforms in India's criminal justice architecture.

II. HISTORICAL BACKGROUND:

The Indian criminal legal structure was mainly shaped by the British colonial government. The IPC (1860) was prepared under the chairmanship of Lord Mc Coule and was aimed at strengthening power and maintaining orders. Promotive and clear laws were introduced not with the intention of providing equal justice to the state control on their subjects.

Despite India's independence in 1947, these laws were the mainstays with minimal amendments. This stagnation has created a broad chasm between social needs and legal reactions, especially in areas of police accountability, prison reform, bail jurisprudence and victim partnership.

III. CONTEMPORARY LEGAL CHALLENGES:

1. Pendency and Delay

One of the most pressing issues is the backlog of instances in Indian courts. As of 2024, more than 5 crore cases had been pending across all stages of judiciary.¹ This put off erodes public believe, prolongs justice, and often ends in the incarceration of undertrials beyond the most sentence of the alleged crime.

2. Undertrial Prisoners

Over 77% of inmates in Indian jails are undertrials — many of whom belong to marginalised groups and haven't any access to prison aid.² Despite Article 39A making sure unfastened prison resource and Supreme Court recommendations in *Hussainara Khatoon v. State of Bihar*, three implementation stays bad.

3. Police Brutality and Lack of Accountability

The National Human Rights Commission (NHRC) and various human rights businesses have mentioned instances of custodial deaths and police torture. The absence of an independent court cases authority, as advised via the Supreme Court in *Prakash Singh v. Union of India*, four keeps to plague policing in India.

4. Gender Insensitivity and Victim Rights

The criminal device often marginalizes victims, especially in cases of sexual attack, domestic violence, and child abuse. Despite legislative changes like the POCSO Act and Section 376 amendments, victims aren't included into the trial system thoroughly.

5. Outdated Substantive Laws

The IPC does not competently cover crimes inclusive of stalking, cyberbullying, statistics breaches, or economic fraud. The definition of sedition beneath Section 124A has been extensively criticized for its chilling effect on loose speech.

IV. REFORMS FOR THE THREE CRIMINAL LAWS:

1. Bharatiya Nyaya Sanhita (BNS), 2023

Bharatiya Nyaya Sanhita, 2023 (BNS) seeks to review the provisions of the Colonial Era of the Indian Penal Code, 1860. Introduces progressive reforms to face contemporary criminal challenges in India.

(a) Revocation of the Law of Sedition:

BNS revokes section 124A of the IPC, which criminalized sedition, a law widely criticized for misuse and inaccuracy. In its place, BNS clause 150, 2023, presents the offense of "acts in danger sovereignty, unity and integrity of India." This provision focuses on threats tangible to the country's sovereignty rather than suppressing dissent.

"Anyone who may be, purposely or consciously, by words, spoken or written, or by signs or by visible representation or by electronic communication or by the use of financial means or otherwise, excites or tries to excite the armed secession or rebellion or subversive activities or encourage feelings of separatist activities or harden the soaps or unity and integrity of India ..."

- Clause 150, Bharatiya Nyaya Sanhita, 2023

This clause aims to find a balance between freedom of expression and national security, replacing the provision of archaic sedition that had colonial foundations

(b) Community Service Introduction:

BNS presents community service as a form of punishment for certain petty crimes. This reflects a restorative justice approach, promoting reforms rather than retribution.

"Community service" was defined as "the work that the court can order to a convict to execute as a form of punishment that benefits the community."

- Clause 2 (1) (B), BNS, 2023

This marks a change to non-custody sentences, reducing overcrowding of prison and promoting social rehabilitation.

(c) Emphasis on crimes against women and children

Several provisions have been strengthened to ensure more rigorous punishment for children's crimes and sexual crimes:

- The rape of a woman's gang under 18 now leads to the death penalty (clause 70).
- The separate spouses' marital rape is now recognized (clause 63).
- Improved protections under sections 64-74 for women and children against sexual violence, harassment and trafficking.

This is aligned with the objectives of the Child Protection Law against sexual offenses (POCSO) and the Law of Criminal Law (Amendment), 2013.

2. Bharatiya Nagarik Suraksha Sanhitha (BNSS), 2023

The BNSS replaces the Criminal Procedure Code (CRPC), 1973 and focuses on developing the digital and scientific technologies in accordance with these modernizing era.

A. Periodically check and testing

BNSS makes a tough deadline compulsory:

- Police will have to file a charge sheet within 90 days, expandable by 90 and days (Claus 193).
- Framing fees (Claus 267) should be completed within two years from the date.
- The purpose of these provisions is to reduce judicial delay, to ensure quick justice in line with Article 21 (Right to Life and Personal Freedom) of the Constitution.

B. Compulsory forensic check

The BNSS compulsory forensic investigation for crimes punishable by 7 years or more (Claus 176).

It also includes:

- Compulsory collection of forensic samples
- Use of scientific equipment (e.g., DNA test, narco-analysis, lie detector)
- It brings Indian investigation practices closer to global standards and increases the accuracy and reliability of evidence.

C. Online FIR and E-SAM

BNSs recognizes the role of technology in policing:

- The victims can now enter FIRS online (Claus 173).
- Summons, warrants and notices can be served electronically, ensure cost and time efficiency (section 532).
- It promotes access to justice for remote and marginalized population.

3. Bharatiya Sakshya Adhiniyam (BSA),2023

The Indian Evidence Bill replaces the Indian Evidence Act, 1872, and attempts to modernize the law of evidence by focusing on digital acceptance and scientific rigor.

A. Electronic evidence acceptance

BSB clearly recognizes and strengthens the legal status of electronic and digital records. Provisions include:

- Electronic records as primary evidence, not only secondary (section 61).
- The estimate of authenticity is made and stored in a regular course of business (section 63).
- The use of metadata, timestamps, hash values and logs to verify integrity (Claus 63 (4)).

It responds to contemporary challenges in cybercrime, digital transactions and surveillance.

B. Oral and extending of documentary evidence

BSB has reorganized the restructured provisions to clearly define:

- Relevance of facts (section 3-17)
- Documentary and Oral Evidence Rules (Claus 57-70)

This brings more clarity, stability and logical structure to the acceptance of various forms of evidence.

V. JUDICIAL REFORM:

The Indian judiciary has consistently played an active and transformative role in shaping criminal justice reforms. Through landmark decisions, public interest cases (PLE), and Suu Motu works, the courts have addressed procedural flaws, protected fundamental rights and catalytic reforms.

1. DK Basu vs West Bengal State (1997) Citation: (1997) 1 SCC 416

In this seminal judgment, the Supreme Court of India set 11 guidelines to prevent custodial torture and deaths, recognizing the right to life and freedom under Article 21 of the Constitution. This includes:

- Arrest the memo to get ready and counters.
- Relatives of the arrested person should be informed.
- Medical examination every 48 hours during custody.
- The right of the legal lawyer during interrogation.

"Custodial violence, including torture and death in lock-ups, is a shock in law rule."

- Justice Kuldeep Singh, DK Basu vs West Bengal State

The case institutionalized the nationwide process and the inspired police process reforms.

2. Arnesh Kumar vs Bihar State (2014) Citation: (2014) 8 SCC 273

Concerned about the misuse of Section 498A IPC (cruelty for married women), the Supreme Court issued instructions against regular arrests, reiterating that arrest should be appropriate and necessary.

"Any arrest should not be made only because the crime is non-cognizable and cognitive and therefore, it is valid for police officers to do so."

The court made it mandatory for this:

- Magistrate to investigate the need for arrest.
- Police to record the reasons in writing before arresting them in crimes punishable with less than 7 years.
- This decision promoted personal freedom, discouraged arbitrary arrest, and reinforced Section 41 of CRPC, focusing on need and proportionality in pre-defying prevention.

3. Uttar Pradesh State vs Rajesh Gautam (2003) Citation: (2003) 5 SCC 531

In this case, the Supreme Court emphasized the right to testing quickly as a compulsory part of Article 21. The court organized an inappropriate delay in investigation or test amount to deny justice.

"The process of law should not be delayed so that a punishment can be made."

The judiciary has constantly emphasized:

- Settlement of criminal cases within the appropriate time limit.
- Avoiding the long -term undertrial dislocation.

Fast-tracking tests for weak victims (e.g., women and children).

The decision aligns with other pronouncement such as *Hussainara Khatoon vs. Bihar State* (1980), which had previously recognized a quick testing right.

4. Advocacy for Digitisation of Criminal Justice

The judiciary has pushed for the digitisation of police records, FIRs, charge sheets, and court documents to improve transparency and efficiency. In *Swapnil Tripathi v. Supreme Court of India* [(2018) 10 SCC 639], the Court held that live-streaming of court proceedings was permissible under Article 21, further enhancing access to justice.

The e-Courts Mission Mode Project, supervised by the Supreme Court e-Committee, has supported:

- Online FIR registration.
- Virtual courtrooms.
- E-summons and e-warrants.

5. Victim Participation and Rights

In *K. Chandrasekhar v. State of Kerala* [(1998) 5 SCC 223], and further in *Mallikarjun Kodagali v. State of Karnataka* [(2018) 14 SCC 298], the Court held that victims of crimes have a right to appeal against acquittals, reinforcing their right to be heard.

“A fair trial includes fair opportunity to the victim to participate in proceedings.”

These rulings align with Section 372 of the CrPC, as amended in 2009, empowering victims and reducing State monopoly over criminal prosecutions.

6. Jail reform and Justice:

In inhuman terms in 1382 jails, again in [(2016) 3 SCC 700], a *Soo Motu* case, the Supreme Court issued detailed instructions:

- Crowd in jails.
- Quick bail for Undertrial.

- Modernization of jails.
- Rehabilitation and legal aid.

This instructed the states to constitute the Undertrial Review Committees (UTRC) to identify and release eligible prisoners, especially those who were detained beyond the legal maximum period of punishment.

VI. TECHNOLOGICAL INTEGRATION IN CRIMINAL JUSTICE

Integration of technology in India's criminal justice system has become indispensable to increase efficiency, transparency and access. It addresses double goals of reducing pendency and ensuring civil-focused justice.

1. E-court project

Launched in 2005 under the National E-Governance Plan (NEGP), the objective of the e-tax mission mode project:

- Digitization of case records.
- Online filing, list, and court orders of petitions.
- Case status tracking in real time through National Judicial Data Grid (NJDG).

Phase II of the project coordinated by the Supreme Court's e-committee is connected to more than 18,000 district and subordinate courts through ICT infrastructure.

"The use of information and communication technology (ICT) in the judiciary increases transparency and strengthens public belief."

-E-Committee, Supreme Court of India (2022)

2. Virtual hearing

The Covid-19 epidemic accelerated the adoption of virtual court proceedings, especially for bail hearing, remand extensions and civil affairs. This practice has continued the post-pandemic:

- Processive hearing.
- Mention and list of cases.
- Cases related to outstation parties.

In *Swapnil Tripathi vs. Supreme Court of India* [(2018) 10 SCC 639], the Supreme Court upheld the permission of live-streaming, strengthening transparency and access to Article 21.

3. CCTV monitoring in police stations

In *Paramavir Singh Saini vs Baljit Singh* [(2020) 11 SCC 439], the Supreme Court directed that:

All police stations should have functional CCTV cameras with audio-video recording capabilities. The footage should be preserved for at least 18 months and accessible to judicial authorities. The move aims to curb custodial torture, increase accountability and protect the rights of the accused.

"The installation of CCTV cameras is not only for the protection of the accused, but also to protect police personnel from false allegations."

- Justice RF Nariman, *Paramavir Singh Case*

4. Digital Fir and AI Forensic

States like Uttar Pradesh and Delhi have introduced platforms for online filing of FIRs, especially in cases related to lost documents, cyber fraud and theft.

Meanwhile, law enforcement is gradually deploying Artificial Intelligence (AI) Tool and Facial Recognition Technology (FRT):

- Identify the suspects.
- Analyse digital evidence.
- Find the claims and links of fraud in cases.

NCRB's automatic facial recognition systems (AFRs) and digital forensic labs support these objectives, although confidentiality concerns remain under debate.

VII. COMPARATIVE GLOBAL PRACTICES:

India's criminal justice system, while unique in structure and context, can benefit from comparative learning from other legal systems that have faced similar challenges through institutional and procedural reforms.

1. United Kingdom: Crown Prosecution Service (CPS)

CPS, established under the prosecution of the Prosecution Act, 1985, is an independent public authority responsible for:

- Reviewing the evidence collected by the police.
- Determining whether to proceed with allegations.
- To conduct prosecution in courts.

This system protects the police from over ache and introduces an independent investigation before starting a criminal test-something that has been proposed to India, especially in high-profile or politically sensitive cases.² Germany: Emphasis on rehabilitation

The German criminal justice system prefer resocialization on punishment. Stress of punishment policies:

- Short -term imprisonment.
- Probation, penalty and community service.
- Structured Vocational Training and Medicine in Jails.

The German model suggests how recurrence can be reduced by focusing on restoration justice - a theory that is now partially reflected in India's BNS, 2023 through community service.

2. United States: Argument bargaining

The US criminal justice system uses petition bargaining in more than 90% of criminal cases, allows:

- The accused of being convicted in exchange for low allegations or sentences.
- Speedy resolution and deficiency in case backlog.

In India, CRPC chapter XXI-A introduced the petition bargaining in 2005, but its application is limited due to cultural reluctance, procedural delay and lack of awareness.

"Argument bargains should be encouraged with safety measures to ensure health, fairness and judicial inspection."

- Law Commission of India, Report No. 142 (1991)

VIII. CONCLUSION:

The Indian criminal justice system is at a historic inflection point. The enactment of the BNS, BNSS, and BSB (2023) represents a landmark attempt to shed colonial legal legacies and usher in a more citizen-centric legal framework. However, legislative reform is only the first step.

Meaningful transformation will depend on:

- Institutional reform and political will.
- Cultural change in how police and judiciary treat the vulnerable.
- Infrastructural and technological upgrades.
- Active involvement of civil society, victims, and marginalized groups.

A paradigm shift is required from a punishment-centric to a rights-based, rehabilitative, and victim-oriented model. Only through this comprehensive and humane approach can India fulfil the promise of Article 21 of the Constitution the right to life and personal liberty in both letter and spirit for every citizen.

“Justice cannot be for one side alone, but must be for both.”

— Eleanor

Roosevelt

IX. CITATIONS:

- Prakash Singh v. Union of India, (2006) 8 SCC 1.
 - National Judicial Data Grid, Pending Cases Statistics, <https://njdg.ecourts.gov.in>
 - Constitution of India, Articles 21 and 39A.
 - Code of Criminal Procedure, 1973, Section 357A.
 - NITI Aayog, Report on Decriminalization of Minor Offences, 2021.
 - Ministry of Law and Justice, Training Modules for Judicial Officers, 2023.
 - National Legal Services Authority (NALSA), Annual Report 2023.
 - Law Commission of India, 268th Report on Bail Reforms, 2017.
 - e-Committee, Supreme Court of India, e-Courts Project Phase II Reports, 2022, <https://ecourts.gov.in>
 - Swapnil Tripathi v. Supreme Court of India, (2018) 10 SCC 639.
 - Paramvir Singh Saini v. Baljit Singh, (2020) 11 SCC 439.
- Ministry of Home Affairs, NCRB Automated Facial Recognition System Guidelines, 2020.

- Prosecution of Offences Act, 1985 (UK).
- European Commission, Germany: Criminal Justice System Overview, 2021.
- Bureau of Justice Statistics (USA), Plea Bargaining Trends and Impact, 2020.
- Law Commission of India, 142nd Report on Concessional Treatment for Offenders, 1991.
- Criminal Procedure Code (Amendment), Chapter XXI-A, 2005.
- The Constitution of India, Article 21.