



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

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.

CRIMINAL JUSTICE SYSTEM IN INDIA: REFORMS AND CHALLENGES

PRARTHANA KRISHNAN. U

India is celebrated worldwide for being the largest democracy in the world. The country has successfully emerged as a striving power amongst the big nations. The constitution being its backbone, India has always been giving importance to the law. In fact, the law in the nation is the force that beholds the vast democracy's inequalities. The criminal justice system in India finds its root in the early colonial period and ruled by the Indian Penal Code, 1860 which laid the initial standards for the upbringing of the moral value and ethical value of the citizens. But the colonial laws called for a change and it has been replaced by the Bharatiya Sakshya Adiniam, 2023 through a landmark judgement.

HISTORICAL CONTEXT

The British criminal justice system in India focused on punishing rather than reforming. Various laws existed during that time focused just on punishing whoever is brought before the court rather than identifying the real culprit. The system does create fear in the mind of common people but the wealthy and superior men remain untouched. This called for a change in the criminal justice system when India gained independence. The constitution guaranteed equal protection for all and equality before law. It also promised the upbringing of the underprivileged. Various reforms were made in the existing system of law to suit the multiverse issues of the nation. The criminal justice system which was camouflaged in serving justice has been transformed into a place of hope where the victim was actually served justice.

Despite these changes and the importance given to the principles of natural justice, something doesn't seem to fit the ever-evolving demand for a fair justice delivering system. That is when the Indian criminal justice system took a massive overhaul transitioning by replacing the old colonial criminal laws with the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha

Sanhita (BNSS) and the Bharatiya Sakshya Adhiniyam (BSA) act of 2024. The enactment of these acts aimed at speedy settlement of cases, incorporating technology driven mechanisms for investigation, acceptance of electronic equipment as evidences and victim centric approaches.

THE NEW LEGAL FRAMEWORK

The new legal framework had made it easier for reporting and filing an FIR. E-filing system had enabled the public to quickly and easily file a case ensuring the prompt action of the police force¹. The new system follows victim-centric approaches and deal the information and statements with utmost confidentiality. The BNS made offences relating to the security of the nation highly criminalized and made it mandatory to give due punishments without any concessions². The major drawback relating to the exception of infancy as highlighted in the Nirbhaya case ³has been dealt to an extend by the BNS which made it mandatory to look into the depth and criminal extend of any act before proclaiming the sentence.

Community service has been incorporated as a part in the reformative measures taken to correct an individual which strengthens and give weightage to the fact that a basic change starts from serving the society and it leads to the change of the individual as well as change to the society as a whole. The court proceeding as well as the investigation procedure has been incorporated with technology driven approaches as the BSA gives the permissibility to admit digital evidences for proving a crime. Also fetching forensic evidence has been made compulsory in offences with punishments of more than 7 years imprisonment⁴.

PESISTENT CHALLENGES AND BLOCKAGES

Despite the vast changes which had put forward in the Indian criminal justice system, it still doesn't meet the demand of the nation. The major issue is the increasing number of pending cases in the country. The judicial infrastructure is not capable of settling the cases that is emerging in the country. As of January 2026, about 90000 cases are pending in the Supreme court. The infrastructural developments fail to cop up with the need of the hour. Justice delayed

¹ Press Release, [Ministry of Home Affairs], [Highlights of new criminal laws], (30 July 2024) <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2039055®=3&lang=2>

² Revamping India's criminal justice system: BNSS, BNS and BSB (February 2024). Available at <https://www.pwc.in/assets/pdfs/consulting/forensic-services/revamping-indias-criminal-justice-system-bns-bnss-and-bsb.pdf>

³ Mukesh & Anr v. State of NCT of Delhi & Ors., 2017 6 SCC 1

⁴ NEXT IAS CURRENT AFFAIRS TEAM, India's criminal justice system: Key concerns and road ahead, [NEXT IAS], (July 22, 2025) <https://www.nextias.com/ca/editorial-analysis/22-07-2025/india-criminal-justice-system>

is justice denied and it still continues to be the burden of the criminal judicial system. The procedural delays also add to this burden. A case has to pass through numerous stages before adjournment.

One another major blockage faced in the implementation of new laws effectively is the overcrowding in the prisons. As the Indian criminal system focuses on reformative measures, rehabilitation and reformation of the convicted calls of cells of redressal homes. And this is another sphere where the infrastructural abnormalities step in. the country is still not equipped with providing homes for all those who are in need and this create massive confusions as well as inefficiencies in justice delivering. The condition of the habitants is also affected. The new laws have imposed fine as a replacement for many crimes for which earlier the punishment was imprisonment. But a decent majority of the country is still unable to pay this fine an end up imprisoned. The new provisions cannot function full fledgy.

The under-trial cases are yet another problem that adds onto the difficulties. Many cases filed much before the commencement of the new laws are yet to be adjourned and confusions still exist on which laws to rely on while adjourning the cases. The lack of required number of officials in the police force also cause inefficiencies in carrying out due procedures. The real problem still exist as the crime rates are increasing tremendously each year and the number of culprits send beyond bars are less. They often get the benefit of law and escape. These loop holes are yet to be closed and the guilty minds are still enjoying the shortcomings. “Law should not sit limply, while those who defy it go free and those who seek its protection lose hope⁵”.

⁵ Jennison v. Baker (1972) 1 AII ER 997