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REFORMS IN INDIAN CRIMINAL JUSTICE SYSTEM

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ABSTRACT

On July 1, India introduced major reforms of its criminal justice system by replacing three important colonial-era laws with new laws. The Bharatiya Naya Sanhita (BNS) replaced the Indian Penal Code, 1860 and introduced specific provisions dealing with heinous offences such as organised crime, terrorism, and mb lynching.The Bharatiya Nagarika Sanhita (BNSS) replaced the Code of Criminal Procedure, 1973, and also introduced procedural reforms aimed at improving efficiency and speed of criminal investigations and court proceedings.[1]It also strengthened the System of Zero FIRs and also promoted the role of forensic methods in criminal investigations. The Bharatiya Sakshya Adhiniyam (BSA) replaced the Indian Evidence Act, 1872, and also introduced a modern law of evidence that highlights the importance of electronic and digital records as admissible evidence.[2] The main aim of these is to establish a victim-centric and technology-driven criminal justice system.

INTRODUCTION

Building on various legal changes, the implementation of the new laws aims to improve accountability and also strengthen law enforcement mechanisms. The new legal framework establishes a specific time limit for filing chargesheets,completing arguments, as well as delivering judgements, with the aim of minimising prolonged pre-trial detention and also avoiding unnecessary procedural delays. It also introduces digital measures, such as electronic summons, and videography of crime scenes in serious offences, which can strengthen accountability and transparency in criminal investigations.

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[1] *Bharatiya Nagarik Suraksha Sanhita*, No. 46 of 2023, INDIA CODE (2023).

[2] *Bharatiya Sakshya Adhiniyam*, No. 47 of 2023, §§ 61–63, INDIA CODE (2023).

However, the successful application of these reforms depends on addressing various implementation challenges. Creating a victim-centric justice system requires significant investment in forensic infrastructure at the district level, proper training for investigating officers,and integrated digital networks connecting forensic laboratories, police stations,and courts. Ultimately the successful application of these legal reforms requires continued cooperation between national policy makers and judicial institutions to maintain a balanced technological advancement and also the protection of individual liberties.

MEANING AND SCOPE OF CRIMINAL JUSTICE SYSTEM

The criminal justice system consists of laws, institutions, and procedures that work together to maintain public order and also prevent various criminal activities. Its function goes beyond punishing offenders as it also foucese on safeguarding individual rights and promoting rehabilitation and reingeration if the offenders . The main aim of the criminal justice system is to ensure fair and effective administration of justice, hold offenders accountable for their actions, and also protect society. It also involves different institutions , including the police, courts, prosecution and the growing use of digital technologies in the administration of the justice system. It also aims to ensure fairness, due process, and provide equal justice.[3]

NEED FOR CRIMINAL JUSTICE REFORMS

The need for criminal justice reforms arises from several ongoing challenges that affect the prompt and effective administration of justice.

- Case Backlog: It is a major challenge . A large number of pending cases causes prolonged trials and delays the timely delivery of justice. It also increases the workload of courts.[4]
- Undertrial Prisoners: The inceesing number of undertrial Prisoners leads to overcrowding in prisons and also delays the delivery of justice. It also creates difficulties in ensuring timely delivery of justice.

[3] INDIA CONST. arts. 14, 21, 39A
[4] *National Judicial Data Grid*, https://njdg.ecourts.gov.in/ (last visited Oct. 4, 2026).

- Weak Investigation: It is another major challenge . Inadequate investigation methods and insufficient forensic resources can affect the quality and accuracy of criminal investigations.

OBJECTIVES OF THE STUDY

- The main objective of the study is to analyse major challenges such as g case backlogs, trial delays, undertrial Prisoners, and prison overcrowding.
- To study recent legal reforms under the BNS, BNSS, and BSA and also their role in improving the criminal justice system.
- To identify gaps in policing, forensic infrastructure, and judicial capacity.
- To suggest reforms to strengthen the justice system, investigation, and also rehabilitation

RESEARCH METHODOLOGY

- Primary Sources: The study examines statutes, judicial decisions, and constitutional provisions.
- Secondary Sources: It includes books, research articles, government reports, and legal commentaries.
- Analytical Approach: It analyses existing challenges and recent legislative reforms in the Indian criminal justice system.
- Comparative Approach: It examines legal developments and their effectiveness in strengthening the criminal justice system.

LITERATURE REVIEW AND RESEARCH GAPS

LITERATURE ON POLICE, JUDICIAL AND PRISON REFORMS

Some scholars point to the need for effective implementation of police reforms,to improve police accountability, transparency, and public trust.

Judicial Reforms

Some scholars support timely procedures and use of digital procedures to reduce delays. Despite these procedures, concerns remain regarding privacy, verification, and procedural

safeguards. These reforms aim to maintain balance between efficiency, fairness, and the protection of rights.

Prison Reforms

Scholars highlight the rights of undertrial Prisoners and fair bail practice. Community service is considered an alternative to imprisonment.

RESEARCH GAPS

Although the Indian Criminal Justice System has seen significant changes through the BNS, BNSS, and BSA, practical experiences show significant gaps between these laws and also their practical implementation.

These research gaps can be broadly divided into :

- Infrastructure Gaps: Insufficient forensic facilities and digital infrastructures may affect the implementation of the BNS, BNSS, and BSA.
- Due Process Concerns: Prolonged police custody raises concerns regarding personal liberty and Article 21. Trial in absentia also raises concerns regarding fair trial.
- Institutional Challenges: Judicial vacancies and existing case backlogs may create difficulties in meeting statutory timelines.
- Need for Empirical Research: Further research is required to examine the practical implementation of these laws and their effectiveness.

EVOLUTION OF THE INDIAN CRIMINAL JUSTICE SYSTEM

COLONIAL LEGACY

India’s Criminal justice system has a colonial legacy based on laws developed during British rule.

- State-Centred Approach: Colonial laws gave priority to state authority and maintaining public order.
- Suppression of Dissent: Various laws such as Sedition were used to control political dissent and limit critical sm of the colonial government.

- Police-Centered System: The Police Act, 1861, formed a centralised police structure mainly focused on maintaining colonial control.[5]
- Procedural Formalism: criminal procedures heavily depended on paperwork and lengthy procedures,with less consideration for advanced technology and speedy justice.

KEY CHANGES IN THE 2024 REFORMS

The main aim of the 2024 reforms is to modernise India's Criminal justice system by recognising digital evidence,improving the investigation process and reducing delays.

POST-INDEPENDENCE DEVELOPMENT

During this period, India's Criminal justice system developed through amendments, various judicial decisions, and committee reports. The main aim of these developments is to maintain a balance between state powers, constitutional principles, and individual rights.

- Constitutional safeguards: Under the Indian Constitution, it provides protections relating to personal liberty, arrest, detention, and fair trial.
- Special Laws: Various laws were introduced to address social, economic, and cyber-related offences.
- Reforms Committee: various committees such as The Malimath and Mahadev Melon Committees recommended measures to improve criminal justice administration.
- Judicial Developments: Landmark judgements enhanced protections against custodial abuse and also promoted police accountability.
- Continuing Challenges: Delays,pending cases, remained to be a major challenge.

TRANSITION TO THE NEW CRIMINAL LAWS

- Digital Procedures: The new framework provides for the use of digital evidence, electronic records, technology-based procedures.
- Forensic Investigation: More use of forensic evidence needs adequate laboratories, proper infrastructures, and trained experts.
- Training Needs: police, judges,and lawyers require training on new laws.
- New Framework: The BNS, BNSS,and BSA started operating from July 1, 2024, replacing the earlier criminal laws.

[5] *The Police Act,* No. 5 of 1861, INDIA CODE (1861).

MAJOR CHALLENGES IN THE EXISTING SYSTEM

Despite various reforms in India's Criminal justice system, several challenges continue to affect the functioning of the system. These challenges are Judicial delays, Case backlogs, undertrial Prisoners, and prison overcrowding. These connected challenges continue to affect the timer delivery of justice.[6]

- Judicial Delays: In India's Criminal justice system, judicial delays remain a major challenge. Shortage of judges, court staff, and also infrastructure can cause delays in case disposal.
- Case Backlogs: A large number of pending cases is also a major challenge. The growing number of cases increases the workload of courts and also may lead to prolonged trials.
- Undertrial Prisoners: Many individuals remain in custody while their trials are still ongoing. Long periods of detention
  can affect personal liberty of the prison
  additional pressure on them. Difficulties
  difficulties in obtaining bail and limited
  availability to legal assistance may lead
  longer detention.[7]
- Prison overcrowding: The growing number of undertrial Prisoners causes overcrowding in prisons. Overcrowding can affect sanitation, security, and living conditions. Lack of proper facilities and staff shortage again affect these conditions.
- Restricted Access to Justice: High lawyer fees, complicated legal procedures, and limited legal aid can make access to justice difficult for ordinary citizens. Although legal aid is provided through NALSA under Article 39A, inadequate funding, shortage of staff, and inadequate legal support may affect the quality of legal representation.

MAJOR COMMITTEES AND REFORM RECOMMENDATION

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[6] *National Judicial Data Grid*, https://njdg.ecourts.gov.in/ (last visited Oct. 4, 2026); Ministry of Home Affairs, Prison Statistics India 2022 (Nat'l Crime Recs. Bureau 2023).
[7] *Hussainara Khatoon (I) v. Home Sec'y, State of Bihar, (1980)* 1 SCC 81 (India); Satender Kumar Antil v. Central Bureau of Investigation, (2022) 10 SCC 51 (India).

There are various committees that have contributed to the reform and development of India's Criminal justice system. Their recommendations have helped improve policing, investigation, victim protection and criminal justice administration.

- National Police Commission (1977-1981): The Commission analysed the functioning of the police system and also suggested improving police accountability and separating infestation from law and order responsibilities.[8]
- Vohra Committee (1993): The Committee examined the links between criminal groups, and public officials. It recommended better coordination among law enforcement and intelligence to deal with organised crime.[9]
- Justice V.S. Malimath Committee (2023): This committee suggested various reforms to improve the criminal justice system. Its recommendations included increased use of forensic science, protection of victims rights, improved investigation procedures, and also efforts to reduce court delays.[10]
- Justice Verma Committee(2013): Introduced after the 2012 Delhi gang rape case, the committee suggested stronger legal protections for women and also speesy trial in sexual offences cases.

These committees played a very important role in shaping criminal justice reforms and also improving the justice delivery system in India.

RECENT CRIMINAL LAW REFORMS IN INDIA

BNS

The Bharatiya Naya Sanhita, 2023 replaces the Indian penal code, 1860 and also recognises criminal law provisions by introducing various new provisions.These are:

- Introduced new offences such as organised crime, terrorism, mob lunching, and sexual intitcourse through deceitful means.
- Replaced the colonial provisions with a new offence relating to acts that threaten sovereignty, unity, and integrity.

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[8] *National Police Commission, Second Report (1979).*
[9] *Vohra Committee, Report of the Vohra Committee on Criminalisation of Politics* (Ministry of Home Affairs 1993).
[10] *Committee on Reforms of Criminal Justice System, Report of the Committee on Reforms of Criminal Justice System* (Ministry of Home Affairs 2003).

- Provides stronger protection for women and children through stringent punishments for various offences.
- Includes community service as a punishment for minor offences, supporting a transformative approach.
- Addresses emerging forms of crime and also aims to modernise India's Criminal justice framework.

BNSS

- The BNSS provides the procedural framework for India's Criminal justice system and it also replaces the Code of Criminal Procedure, 1973.
- It also supports digital procedures, such as electronic FIRs, digital records, and also video recordings.
- It provides a time limit for certain stages of criminal proceedings to help reduce procedural delays.
- It provides bail relief to eligible undertrial Prisoners, it also includes first-time offenders
- It also gives police additional powers in certain cases while safeguarding the rights of the arrested person.
- It allows witnesses, doctors, and forensic experts to give evidence through video conferencing.

BSA

- The BSA replaces the Indian Evidence Act,1872 and deals with the admissibility of evidence in legal proceedings.
- It recognises electronic records such as email, text messages, digital documents, websites, and other electronic communication as evidence.
- It focuses more on digital evidence and also supports its use in courts.
- Section 63 provides a requirement for admissibility of electronic records through a prescribed certificate.
- It also supports the use of technology in the collection, presentation, and evolution of evidence.
- It keeps important principles related to burden of proof, presumptions, confessions, and witness testimony while updating India's evidence law.

- It also provides clear rules for using electronic evidence and helps ensure its authenticity and reliability.

TECHNOLOGY AND CRIMINAL JUSTICE

Technology has changed India's Criminal justice system by improving efficiency, accessibility, and transparency.

1. **DIGITAL JUSTICE**
    - Digital justice aims to improve access to justice by using technology in courts and legal institutions.
    - Virtual and hybrid hearings allow judges, lawyers,and witnesses to participate remotely, reducing delays and travel expenses.
    - Digitisation of court records makes it easier to store, access and manage legal documents.
    - The Interoperable Criminal Justice System (ICJS) helps coordinate the work of courts, police, prison, and forensic laboratories.
2. **E-FIR AND DIGITAL INVESTIGATION**
    - The BNSS allows electronic filing of FIRs, including ZERI FIRs, and also makes it easier to report offences
    - Citizens can file complaints through digital platforms, simplifying the reporting process.
    - Audio-video recording of searches and seizures improves transparency and accountability during investigation.
    - Digital investigation tools help in the collection, preservation, and also analysis of evidence.
3. **ARTIFICIAL INTELLIGENCE IN CRIMINAL JUSTICE SYSTEM**
    - Artificial Intelligence is increasingly used for Legal research, and case management.
    - It helps to analyse large amounts of legal information and also improve administrative efficiency.
    - Law enforcement agencies may use AI for crime analysis, forensic Investigation, and also detecting crime patterns
    - AI acts as a supporting tool and does not replace human judgement.
4. **ALGORITHMIC BIAS AND DATA PROTECTION CONCERNS**

- The use of AI may lead to algorithmic bias if the data used reflects existing social and institutional disparities.
- Over-reliance on automated systems may affect fairness and equal treatment in the justice system.
- The growing collection of digital information raises serious concerns about privacy, data security and also tracking.
- Proper safeguarding, transparency, and accountability are necessary to protect fundamental rights.

VICTIM-CENTRIC CRIMINAL JUSTICE REFORMS

The new laws are important changes to India's criminal justice system. These laws protect the rights of victims and witnesses.

1. **WITNESS PROTECTION**
   - Witness protection is an important part of the criminal justice system because witnesses may face any threat, or pressure during criminal proceedings.
   - Protective measures can also help witnesses participate in investigation and trial without any fear.
   - Measures such as confidentiality of personal details, separating waiting areas, and also provide additional protection.
   - Effective witness protection can also encourage witnesses to give evidence freely.

2. **VICTIM COMPENSATION**
   - Victim compensation provides financial assistance to people who suffer physical , emotional or financial loss because of crime
   - Compensation can help victims meet medical expenses, and rehabilitation costs.
   - Courts and government authorities may provide compensation to victims in appropriate cases according to the applicable law
   - Such measures address the needs of victims and also provide support for their recovery.

3. **RIGHTS OF VICTIMS DURING TRIAL**
   - Victims should be treated with dignity

- They may receive information about the progress of their case and also participate in the justice process.
- Legal provisions aim to protect the interest of victims during investigation and trial

4. **GENDER-SENSITIVE JUSTICE**
    - Gender-sensitive justice aims to ensure fair, respectful, and also non-discriminatory treatment during trial and investigation.
    - Special procedures and protections are available in cases involving offence against women.
    - Proper handling of complaints, statements, medical examination, and also court proceedings can help reduce further distress to victims.
    - These measures aim to improve women's access to justice, safeguard their dignity, and also support their participation in the criminal justice process.

COMPARATIVE PERSPECTIVES

A comparative system of criminal justice systems in the United Kingdom and United States provides useful guidance for India as it implements new criminal laws. While both jurisdictions share a common-law heritage with India, they have adopted various mechanisms to address delays, improve efficiency, and also strengthen victim participation in the criminal justice process.

1. The United States: The Speedy Trial Act

   The study aims to reduce unnecessary delays through the Speedy Trial Act, 1974. Under this act, information must generally be filled within 30 days of arrest and the trial must generally commence within 70 days from the incitement or the defendant's appearance before the court, with certain statutory exceptions. These timelines aim to protect the accused's right to a speedy trial while promoting effective case management. While the statutory requirements are not met and also no applicable exclusion applies, the court may dismiss the charges. The framework needs prosecutors and courts to complete criminal proceedings within the prescribed time limits and also it provides a mechanism for reducing unnecessary delays.
2. The United Kingdom: Victim's Right to Review

   The United Kingdom emphasises on victim participation and accountability in prosecutorial decision-making. Under the Victim's Right to Review (scheme) the

victim may request a review of certain decisions made by the Crown Prosecution Service, including decisions not to discontinue the case. Under this scheme, it promotes transparency by allowing eligible victims to request consideration of such decisions. It also promotes accountability in the prosecution process by allowing certain decisions to be reviewed independently.

3. Lesson for India:

   India can draw useful lessons from the both UK and USA jurisdictions while adapting them to its own institutional framework. The US model emphasizes the importance of effective mechanisms to reduce unnecessary delays in criminal proceedings. Greater use of plea-bargaining in appropriate cases, along with effective investigation and case- management mechanisms, may help reduce the workload of the court. The UK model highlights the importance of providing victims with a formal process to seek review of certain prosecution decisions.

RECOMMENDATIONS

To improve India's Criminal justice system, various structural reforms are required to bridge the gap between the objectives of the 2024 criminal laws and also their effective implementation on the ground.

- Reduce Judicial Backlogs and Delays: It is one of the important reforms because filing judicial vacancies and also increasing effective court working days can also help in disposing pending cases. It is also very important to reduce delays.
- Address Undertrial Detention and Prison Overcrowding: Digital prison management systems should be used to easily identify eligible undertrials for release under Section 479 of the BNSS. Courts should also use community service for minor offences to reduce unnecessary imprisonment.
- Strengthen Victim-Centric Justice: Victims of serious crimes including sexual offences and acid attacks should receive timely compensation and rehabilitation support without unnecessary delays.
- Improve Digital and Technological Infrastructure: Rural police stations need reliable internet and also power backup to use digital evidence systems effectively. It is also very important to provide training to the police officers and court staff to handle and verifying electronic evidence.
- Enhance Privacy and Accountability: Strong data protection rules should apply to the use of facial recognition and biometric databases by law enforcement agencies.

CONCLUSION

In conclusion, the Bharatiya Nyaya Sanhita (BNS) and Bharatiya Nagarika Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA) bring an important change in India's Criminal Justice System. These laws aim to replace the colonial-era with a modern legal framework that addresses modern day technology. These laws focus on digital procedures, timely trial, victim rights, and also electronic evidence to address the changing nature of crime. However, the effectiveness of these reforms will depend not only on the provisions of the law but also their effective implementation. Problems such as pending cases, overcrowded prisons, inadequate technology, and also a lack of trained personnel remain challenges for the Criminal Justice System. To achieve the goals of new laws, courts, and digital systems need proper resources. Regular training for judges, police officers, prosecutors, and also court staff is important to help them understand and also apply the new legal provisions.