
REFORMING INDIA'S CRIMINAL JUSTICE SYSTEM: PATHWAYS TO BUILDING A MORE EFFICIENT AND EQUITABLE CRIMINAL JUSTICE SYSTEM IN INDIA

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ABSTRACT

India's criminal justice system continues to struggle with long-standing problems that affect how fairly and efficiently justice is delivered. Investigations are often slowed down by delays, outside influence, limited use of forensic tools, and outdated procedures. Despite repeated calls for reform over the years, these issues persist. On the prosecution side, challenges such as limited independence and lack of resources further weaken the system, making it harder to secure just outcomes. In response to these concerns, India has introduced three major laws aimed at overhauling the system: the Bharatiya Nyaya Sanhita (BNS), the Bharatiya Nagarik Suraksha Sanhita (BNSS), and the Bharatiya Sakshya Adhinyam (BSA). These reforms are intended to bring much-needed changes. For instance, the BNSS seeks to improve accountability within the police force, strengthen the role of forensic evidence, and set clearer timelines for investigations. Meanwhile, the BSA acknowledges the growing importance of digital and electronic evidence, marking a shift towards more scientific methods of inquiry.

This study argues that legal reform alone is not enough. Drawing from global practices—such as independent prosecution bodies, stronger reliance on forensic science, and effective judicial oversight—it highlights the need for deeper structural changes. Ensuring that police function without undue interference, giving prosecutors greater independence, and integrating modern technology into investigations are essential steps. Without proper implementation, even well-designed laws risk remaining ineffective on paper. For real change to happen, India must focus on building a system that values integrity in investigations, strengthens the role of prosecutors, and fully embraces scientific advancements. Only then can the justice system regain public confidence and deliver outcomes that are both fair and timely.

Introduction

The idea of justice lies at the heart of any democratic society, and in a country as vast and diverse as India, the criminal justice system plays a crucial role in maintaining that balance. It is expected to protect the innocent, hold the guilty accountable, and uphold the rule of law in a fair and timely manner. However, the reality on the ground often tells a different story. Delays in investigations, overburdened courts, inconsistent quality of evidence, and concerns over fairness continue to shape public perception. For many citizens, the system can feel distant, slow, and at times, inaccessible. Over the years, there have been repeated calls for reform from legal experts, policymakers, and civil society. While important steps have been taken, including the introduction of new legal frameworks and procedural changes, the gap between law and practice remains a significant concern. The challenges are not limited to one part of the system; they cut across policing, prosecution, and adjudication. Issues such as lack of coordination, limited resources, and insufficient use of modern technology further complicate the process of delivering justice effectively.

At the same time, India stands at a moment of opportunity. With growing awareness, advancements in forensic science, and increasing emphasis on accountability and transparency, there is a strong foundation for meaningful reform. The need of the hour is not just to change laws, but to rethink how institutions function and interact with one another. A more efficient and equitable criminal justice system must be built on principles of independence, professionalism, and accessibility. Another important concern is the human impact of systemic inefficiencies. Undertrial prisoners often spend years in custody awaiting the conclusion of their cases, raising serious questions about fairness and the right to personal liberty. Victims, on the other hand, frequently face emotional, financial, and procedural hurdles while seeking justice. These experiences highlight the urgent need for a system that is not only efficient but also sensitive to the needs of all stakeholders involved.

In addition, disparities in access to justice remain a pressing issue. Socio-economic conditions, geographical barriers, and varying levels of legal awareness often determine how individuals experience the system. Marginalized communities, in particular, may find it more difficult to navigate legal processes or secure proper representation. Addressing these inequalities is essential to ensuring that justice is not just a privilege for a few, but a right accessible to all. Technology also presents both a challenge and an opportunity. While digitization, forensic

tools, and data-driven investigations have the potential to transform the system, their adoption has been uneven. Strengthening technological infrastructure and ensuring proper training for law enforcement and legal professionals can significantly improve efficiency, accuracy, and transparency in criminal proceedings.

This research paper seeks to explore practical pathways for reforming India's criminal justice system. It aims to examine existing challenges, assess recent developments, and identify solutions that can make the system more responsive and fair. By focusing on both structural improvements and implementation strategies, the paper aspires to contribute to the ongoing conversation on how justice in India can be made more effective, inclusive, and trustworthy.

Historical Background

Understanding the need for reform in India's criminal justice system requires a look at its historical evolution. Much of the present framework has its roots in the colonial period, when the British administration introduced a structured legal system primarily to maintain order and control rather than to serve the needs of the local population. Key legislations such as the Indian Penal Code, 1860, the Code of Criminal Procedure, 1898 (later revised in 1973), and the Indian Evidence Act, 1872 laid the foundation of criminal law in India. While these laws brought uniformity and codification, they were designed in a different socio-political context and often reflected colonial priorities.

After independence in 1947, India retained much of this legal framework, recognizing the need for continuity and stability. However, efforts were gradually made to align the system with constitutional values such as justice, liberty, equality, and dignity. The revision of the Code of Criminal Procedure in 1973 marked an important step, introducing procedural safeguards and emphasizing fair trial principles. Over time, various amendments and judicial pronouncements further shaped the system, expanding the rights of the accused and strengthening due process.

The role of the judiciary has been particularly significant in driving reforms. Through landmark judgments, courts have addressed issues such as custodial violence, delays in trials, and the rights of undertrial prisoners. Public Interest Litigation (PIL) emerged as a powerful tool, allowing greater access to justice and enabling courts to intervene in matters of public concern. These developments helped make the system more responsive, although challenges in implementation persisted.

Several expert committees and commissions have also examined the shortcomings of the criminal justice system. Notable among them are the Law Commission of India reports and the Malimath Committee on Criminal Justice Reforms (2003), which recommended changes to improve efficiency, strengthen investigations, and balance the rights of victims and accused persons. Despite offering valuable insights, many of these recommendations were only partially implemented, leaving significant gaps in the system.

In recent years, the push for reform has gained renewed momentum with the recognition that the existing framework needs to adapt to contemporary realities. Changing patterns of crime, advancements in technology, and growing public expectations have highlighted the limitations of older laws. This has led to the introduction of new legislative measures aimed at modernizing the system and making it more responsive to present-day challenges.

The historical journey of India's criminal justice system thus reflects a gradual transition from a colonial structure focused on control to a constitutional system striving to deliver justice in a democratic society. However, the legacy of the past continues to influence present practices. Understanding this background is essential for identifying the gaps that persist today and for designing reforms that are not only modern but also meaningful and effective in practice.

Understanding India's New Criminal Laws

The three new criminal laws came into effect on July 1, 2024, leading to the repeal of the earlier legal framework they replaced. With the enforcement of these new statutes, the previous criminal laws ceased to operate.

Over time, the criminal justice system has faced several persistent issues, including inadequate infrastructure, a strong focus on punishment rather than reform, delays in trials, case backlogs, investigative shortcomings, and overcrowded prisons filled largely with undertrial inmates. These challenges highlighted the urgent need to modernize the legal framework in line with contemporary requirements, technological progress, and systemic gaps. As a result, a comprehensive reform was introduced through the new laws.⁴

The Bharatiya Nyaya Sanhita, 2023 (BNS), the Bharatiya Nagarik Suraksha Sanhita (BNSS), and the Bharatiya Sakshya Adhinyam (BSA) have replaced the Indian Penal Code (IPC), the Code of Criminal Procedure (CrPC), and the Indian Evidence Act, respectively. Together, these

new legislations form the foundation of India's updated criminal law system. The following discussion explores their key features and significant provisions.

Bharatiya Nyaya Sanhita, 2023: Superseding the Indian Penal Code, 1860

The Bharatiya Nyaya Sanhita, 2023 (BNS) has replaced the Indian Penal Code, 1860, which was originally drafted under the leadership of Thomas Babington Macaulay. It introduces several important changes and modern elements to India's criminal law framework.

One of the key additions is community service as a form of punishment. Under Section 4, the BNS provides six types of penalties: death, life imprisonment, imprisonment (rigorous or simple), forfeiture of property, fine, and community service. This new form of punishment is aimed at reform and restorative justice, particularly for minor offences such as first-time petty theft, public misconduct due to intoxication, or failure to appear in response to a legal notice.

The BNS also updates legal terminology for clarity and inclusivity. For instance, the term "minor" has been replaced with "child," aligning with existing legal definitions. The law also explicitly includes transgender persons within the definition of gender and expands the meaning of movable property to cover both tangible and intangible assets.¹

Addressing contemporary concerns, the BNS introduces specific provisions on mob lynching. It criminalizes acts of violence committed by groups of five or more individuals based on factors such as caste, religion, gender, or language. Both murder and grievous hurt in such cases attract stringent punishment.

The law further dedicates a separate chapter to offences against women and children, covering crimes such as sexual offences, assault, and marriage-related offences. This classification reflects the need for focused legal protection, although it has also sparked debate regarding how vulnerability is framed in law.²

Additionally, the BNS brings organized crime and terrorism within its scope, which were previously dealt with mainly under special laws. It defines organized crime broadly to include

¹ India's Three Criminal Laws: Key Elements & Features, LexisNexis: Lib. & Info. Ctr. (Mar. 12, 2024), <https://www.lexisnexis.com/blogs/in-legal/b/law/posts/india-s-three-criminal-laws-key-elements-features>.

² Ministry of Law and Justice Notification on interpretation of IPC, CrPC, and Evidence Act references as BNS, BNSS, and BSA

activities like kidnapping, extortion, cybercrime, trafficking, and contract killing carried out by individuals or groups for material gain. The law also covers attempts, abetment, and membership in such criminal networks. In cases of terrorism, a senior police officer determines whether the matter falls under the BNS or special laws such as the Unlawful Activities (Prevention) Act (UAPA).

Overall, the BNS represents a shift towards a more updated, structured, and comprehensive criminal law system.

Bharatiya Nagarik Suraksha Sanhita, 2023: Redefining Criminal Procedure Law

The Code of Criminal Procedure, 1973, based on the 41st Law Commission Report, governed the procedural aspects of criminal law. The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) replaces it with a more modern and efficient framework.

A key focus of the BNSS is its citizen-centric approach. It introduces clear timelines for various legal procedures, aiming to reduce delays and improve accessibility. For instance, the number of adjournments has been restricted to two, promoting faster case resolution and better governance.

The BNSS also brings uniformity in the judicial structure by removing certain designations such as Metropolitan Magistrates and Assistant Sessions Judges. This ensures consistency in court hierarchies across the country, with clearly defined judicial roles.³

In line with scientific advancements, the law mandates forensic investigation for serious offences punishable with imprisonment of seven years or more, strengthening the quality of evidence and investigation.

Further, recognizing the digital transformation, the BNSS incorporates technology into legal procedures. It allows electronic service of summons and supports the use of digital communication, including examining accused persons through electronic means, thereby reducing delays and paperwork.⁴

³ Ministry of Law and Justice Notification on interpretation of IPC, CrPC, and Evidence Act references as BNS, BNSS, and BSA

⁴ India's Three Criminal Laws: Key Elements & Features, LexisNexis: Lib. & Info. Ctr. (Mar. 12, 2024), <https://www.lexisnexis.com/blogs/in-legal/b/law/posts/india-s-three-criminal-laws-key-elements-features>.

Bharatiya Sakshya Adhiniyam, 2023: Reforming the Indian Evidence Act, 1872

The Bharatiya Sakshya Adhiniyam, 2023 (BSA) replaces the Indian Evidence Act, 1872, originally drafted by James Fitzjames Stephen, and modernizes the law of evidence in India.

The BSA functions as an adjective law, meaning it governs how substantive and procedural laws are applied by laying down rules for proof, pleadings, and evidentiary processes.

A significant change is the expanded definition of “documents.” The law now includes any information expressed or recorded in any form, and explicitly recognizes electronic and digital records as valid documents. This brings materials like emails, digital files, and electronic storage devices on par with traditional evidence.

By broadening what qualifies as a document, the BSA also enlarges the scope of evidence. Electronic records and digital statements are now fully admissible as evidence, subject to prescribed legal safeguards.

Another key reform is the recognition of electronic records as primary evidence, unlike earlier provisions where they were treated as secondary evidence under specific conditions. This shift strengthens their evidentiary value in court.⁵

Additionally, the law expands the scope of secondary evidence, allowing a wider range of materials, including oral and written admissions, to be accepted. This enhances flexibility in proving facts before the court.

Advantages of a Reformed Criminal Justice System in India

The introduction of the Bharatiya Nyaya Sanhita (BNS), the Bharatiya Nagarik Suraksha Sanhita (BNSS), and the Bharatiya Sakshya Adhiniyam (BSA) marks a significant step toward modernising India’s criminal justice system. These new laws aim to address long-standing gaps in the earlier legal framework while making the system more responsive to present-day realities. They bring several important strengths that can improve both efficiency and fairness in the administration of justice.⁶

⁵ India’s New Criminal Laws: A Deep Dive into Key Changes, LexisNexis: Lib. & Info. Ctr. (May 24, 2024), <https://www.lexisnexis.com/blogs/in-legal/b/law/posts/new-criminal-laws-in-india>.

⁶ The Bharatiya Nyaya Sanhita, 2023 (Ministry of Law and Justice, Government of India)

1. **Modernized Framework:** Moves beyond colonial-era laws, aligning criminal justice with present-day social and technological needs.
2. **Time-Bound Procedures:** Introduces clear timelines for investigation and trial to reduce delays and ensure quicker justice.
3. **Use of Forensic Science:** Promotes scientific investigation methods, improving accuracy and reducing chances of wrongful convictions.⁷
4. **Recognition of Digital Evidence:** Gives legal validity to electronic and digital records, keeping pace with technology-driven crimes.
5. **Improved Accountability:** Emphasizes transparency, documentation, and procedural safeguards to prevent misuse of power.
6. **Victim-Centric Approach:** Enhances protection, participation, and support for victims within the legal process.
7. **Integration of Technology:** Encourages digital processes like e-records and electronic communication to improve efficiency.
8. **Simplified Legal Structure:** Reorganizes and clarifies laws, making them easier to understand and implement.

Key Challenges in Ensuring Justice Delivery in India

India's justice system faces issues like delayed case disposal due to backlog, weak investigations and low conviction rates, and an overburdened prosecution system. Overcrowded prisons, especially with undertrials, reflect systemic delays.

1. **Delay in Justice:** Cases often take years due to procedural delays, frequent adjournments, and heavy court workload. This weakens the system's effectiveness and reduces public confidence.

⁷ Sanchit Gupta, A Critical Study on the Advantages and Challenges in Implementing the Three New Indian Criminal Laws, 7 *Indian Journal of Law and Legal Research* (2025), <https://www.ijllr.com/post/a-critical-study-on-the-advantages-and-challenges-in-implementing-the-three-new-indian-criminal-laws>.

2. **Poor Quality of Investigation:** Investigations suffer from inadequate training, shortage of personnel, and limited use of forensic methods. External pressures and weak accountability further affect their reliability, leading to low conviction rates.⁸
3. **Overcrowded Prisons:** A large number of prisoners are undertrials awaiting judgment, highlighting delays in the system and raising serious human rights concerns.
4. **Unequal Access to Justice:** Financial constraints, lack of legal awareness, and limited access to quality legal aid make it difficult for marginalized groups to seek justice effectively.⁹
5. **Slow Adoption of Technology:** Although digitization has begun, inconsistent implementation, poor infrastructure, and lack of training hinder the full use of technology in improving efficiency.
6. **Lack of Coordination:** Ineffective communication and coordination between police, prosecution, and judiciary lead to delays, duplication of work, and gaps in case handling.
7. **Inadequate Witness Protection:** Witnesses often face threats and intimidation, discouraging them from testifying freely and weakening the evidentiary process.
8. **Corruption and Misuse of Power:** Instances of bribery, coercion, and abuse of authority at different stages undermine fairness and damage public trust and confidence.
9. **Weak Victim Support Mechanisms:** Victims often receive limited support in terms of compensation, counseling, and legal assistance, with the system focusing more on procedure than victim welfare.
10. **Outdated Laws and Procedures:** Continued reliance on older legal frameworks creates inefficiencies and slows down necessary reforms.¹⁰

⁸ Gulati, R. (2025). Bharatiya Nyaya Sanhita 2023: Relevance and Challenges, *Brazilian Journal of Law, Technology and Innovation*

⁹ The Bharatiya Nyaya Sanhita, 2023 (Ministry of Law and Justice, Government of India)

¹⁰ Sanchit Gupta, A Critical Study on the Advantages and Challenges in Implementing the Three New Indian Criminal Laws, 7 *Indian Journal of Law and Legal Research* (2025), <https://www.ijllr.com/post/a-critical-study-on-the-advantages-and-challenges-in-implementing-the-three-new-indian-criminal-laws>.

Conclusion

Reforming India's criminal justice system is not just about changing laws but about transforming how justice is understood, delivered, and experienced by ordinary people. While recent reforms show intent, their success depends on effective implementation, as a system that works only on paper cannot fulfill its purpose. Persistent challenges such as delays, weak investigations, limited access, and poor coordination highlight the need for a more balanced, accountable, and people-centered framework. Justice must be swift, fair, transparent, and accessible to all, regardless of background, which requires stronger institutions, better-trained personnel, and ethical practices at every level. Equally important is recognizing the human dimension, as victims, accused individuals, and witnesses interact with the system in deeply personal ways, making a humane, technology-supported approach essential. Accountability is another cornerstone, demanding transparent procedures, independent oversight, and clear responsibility to prevent misuse of power and build public trust. Improved coordination among police, prosecution, judiciary, and correctional institutions is necessary to reduce delays and ensure consistency, supported by investments in infrastructure, modern technology, and continuous training. Public awareness and participation further strengthen reform by encouraging citizens to engage with and hold the system accountable. Ultimately, meaningful reform must be continuous, driven by political will, administrative commitment, and public involvement, as an effective and equitable criminal justice system reflects the nation's values and is essential for upholding the rule of law and ensuring true justice.

Recommendations for Strengthening Criminal Justice in India

1. Police Reforms ensure functional autonomy with accountability and strengthen scientific and evidence-based investigation through better training and forensic support.
2. Strengthening the Prosecution System enhances independence, resources, and merit-based selection of public prosecutors. Also, improves coordination with police to ensure effective case-building.
3. Judicial Reforms and Case Management increase the number of judges and improve infrastructure. It also implements strict timelines and efficient case management to reduce backlog.

4. Integration of Technology i.e. digitize records and adopt e-filing systems and use forensic tools and data analytics to improve efficiency and transparency.
5. Witness Protection Mechanisms establish robust systems to ensure safety and prevent intimidation of witnesses.
6. Access to Justice and Victim Support expand legal aid and simplify procedures and ensure victim participation, support, and timely compensation.

Bibliography

The Bharatiya Nyaya Sanhita, 2023 (Ministry of Law and Justice, Government of India)

The Bharatiya Nagarik Suraksha Sanhita, 2023 (Government of India)

The Bharatiya Sakshya Adhiniyam, 2023 (Government of India)

The Indian Penal Code, 1860

The Code of Criminal Procedure, 1973

The Indian Evidence Act, 1872

Barik, A., & Shenoy, A. R. *Bharatiya Nyaya Sanhita 2023: An Analysis of Contemporary Issues and Challenges*, National Journal of Criminal Law

Gulati, R. (2025). *Bharatiya Nyaya Sanhita 2023: Relevance and Challenges*, Brazilian Journal of Law, Technology and Innovation

Ministry of Law and Justice Notification on interpretation of IPC, CrPC, and Evidence Act references as BNS, BNSS, and BSA

General Clauses Act, 1897 (for interpretation of repealed laws)

Law Commission of India, 41st Report (basis of CrPC, 1973)

Ernst & Young (2022), *Modernizing Criminal Laws: A Step Towards Legal Reform*

Times of India reports on implementation and impact of new criminal laws