

# EVOLVING DIMENSIONS OF CRIMINAL JUSTICE AND LEGAL REFORMS: A CRITICAL ANALYSIS OF THE INDIAN LEGAL FRAMEWORK

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## Abstract

Critical examination of the evolving dimensions of criminal justice and legal reforms in India is undertaken within the broader framework of constitutional democracy and governance transformation. It explores how the criminal justice system, rooted in colonial codification, has transitioned through various stages of reform toward a more rights-based, participatory, and technologically adaptive model. The research aims to assess the adequacy of these reforms in achieving procedural fairness, institutional accountability, and accessibility to justice for all citizens. Employing a qualitative and doctrinal research design, complemented by comparative and socio-legal perspectives, the study draws upon legislative texts, judicial decisions, Law Commission reports, and empirical policy studies. The analytical framework integrates doctrinal evaluation, comparative analysis, and governance-based inquiry to understand how legal reforms align with democratic ideals and international standards. The findings reveal that while India has undertaken significant legislative and technological reforms, deep structural challenges persist in judicial efficiency, prosecutorial independence, and custodial justice. The study emphasises the need for institutional strengthening, decentralised justice mechanisms, ethical integration of technology, and reform in legal education. It also underscores the importance of aligning justice delivery with local governance frameworks to ensure inclusivity and responsiveness. This research contributes to global discourses on justice reform by highlighting the interplay between law, governance, and social equity, reaffirming justice as the cornerstone of democratic transformation in India.

**Keywords:** criminal justice reform, governance, legal framework, judicial efficiency, access to justice, decentralization

## 1. INTRODUCTION

The Indian criminal justice system is a developing institution that reflects the development of the country in terms of the shift from colonial domination and constitutional democracy. It is also entrenched in the political and administrative rationale of the British Empire, which aimed at the solidification of control by the means of codification of laws and precision of bureaucracy, instead of participatory justice. Patra (1961) noted that the Indian Penal Code of 1860 was one of the first and most extensive colonial legal projects in Asia, the main purpose of which was to provide administrative uniformity and discipline in the empire. The code was based on utilitarian and imperial ideologies that focused on deterrence instead of rehabilitation and control instead of fairness. This early juridical basis, as Singh (1994) argued, created a structure that looked at justice as a state regulation mechanism and not a citizen's right. There was therefore a more repressive than reformative and more procedural than humane system of criminal justice inherited by India.

After gaining independence, the Indian state initiated the process of constitutional reconstruction in the direction of changing the colonial model to a democratic and rights-based one. Austin (1966) wrote about the Constitution of India as the cornerstone of the nation, which expressed the principles of justice, equality, and liberty as the ethos of the statecraft. But, although the constitutional framework promised a rule-of-law society, its actualisation in the criminal justice system was partial and debatable. This paradox was pointed out by Baxi (2007), who pointed out that despite the formal adoption of the rule of law in India, the reality on the ground tended to be one of bureaucratic formalism, proceduralism and selective enforcement. The moral authority of the state, then, has been the subject of criticism, with the pledge of justice often getting in conflict with institutional inertia and political interference.

This legacy of colonial administrative practices is still a long shadow on the operations of the institutions of justice. Mawani (2015) claimed that law in postcolonial societies is a residue of colonial rule, which recreates ancient hierarchies in new constitutionalities. This is reflected in the fact that in India, the criminal justice system still focuses on punitive control, strict codification and centralisation of enforcement. The political economy of the system, which is characterised by the complexity of the process and unequal access to the system, has continued to create structural inequalities in the delivery of justice, as highlighted by Singh (1994). In the same way, Sharma (1971) has discussed the ethos of law and order maintenance of the administration that he termed reactive, coercive and tended to value stability more than justice. The intersection of governance and justice has

thus been highly ambivalent, with the institutions of justice being geared towards the enforcement of rights, but in fact, their activities run parallel to the constraints of control that are left behind by the colonial past.

India has experienced several efforts to reform the criminal justice machinery to make it in tandem with democratic governance over the decades. The efforts, however, have been more incremental than of a transformative nature. Baxi (2007) argued that the only way to reform is beyond amendments of the procedures, but redefining justice as a participatory and emancipatory ideal. There is the difficulty of balancing constitutional principles of impartiality and equality with the structural stalemate of colonial jurisprudence. As it was observed by Austin (1966), the transformative potential of the Constitution can only be fulfilled when governance institutions internalise the ethical aspects of justice and not just the procedural form of justice. The persistence of custodial violence, case backlogs and inequality in access to justice highlight the difference between normative and institutional performance.

A dynamic relationship between law and governance, and the trust of the people, is also reflected in the evolution of criminal justice in India. As Sharma (1971) noted, democratic governance can only be legitimised when people have confidence in the justice system. When the citizens feel that the system is a black box, inaccessible, or biased, the credibility of the state becomes low. Singh (1994) furthered that the justice process is not a tool of law but an indicator of social justice and government responsibility. Therefore, the issue of criminal justice reform in India cannot be considered in a vacuum of the greater issues of governance, citizenship, and constitutional morality.

The post-globalisation period has also widened the scope of the discussion of justice. According to Mawani (2015), postcolonial societies such as India have to bargain between traditional legal principles and new global standards, which prioritise human rights, transparency, and restorative justice. The combination of technology, international human rights standards and mechanisms of participation creates new possibilities to modernise the law, yet it also reveals more fundamental structural contradictions. Whereas India has been trying to modernise its laws, it still struggles to change the institutional attitudes and practices that are not easily changed. According to Baxi (2007), without the foundation of reform on social justice and accountability, modernisation can only be sustained as a colonial legal project in a democratic disguise.

The criminal justice system, thus, is at a junction between its colonial past and its constitutional future. It has the twofold challenge of maintaining the public order and protecting the freedom of individuals, of administering the law and at the same time dispensing justice. The question that remains to be asked, as put forward by Singh (1994) and reflected by Baxi (2007), is whether the legal institutions in India could overcome their colonial DNA and become truly democratic institutions. To answer this question, one should critically think over the continuity of history and the modern demands of government and human rights.

It is this complicated historical and institutional context that leads to this study. It attempts to examine the development of the criminal justice system in India under the twin influences of constitutionalism and reform, and also to assess the sufficiency of the recent developments in the legal system to bring justice into harmony with democratic principles. It acknowledges the fact that the failures of the system are not only in its administration but conceptually in the long-standing contradiction between power and justice that has characterised India as a modern legal system.

### **Objectives:**

1. To critically examine the structural and procedural evolution of India's criminal justice system in light of its colonial legacy, constitutional foundations, and governance dynamics
2. To analyse the adequacy and direction of contemporary legal reforms in achieving fairness, efficiency, and protection of rights within the broader framework of the rule of law and democratic governance

## **2. LITERATURE REVIEW**

A vast variety of theoretical, philosophical, and empirical research studies has influenced the discourse on criminal justice reform, focusing on the development of justice systems, the relationship between punishment and rehabilitation, and the role of governance in creating accountability and fairness. Marsh et al. (2004) gave a base concept on the philosophies that guide criminal justice by identifying the differences between the retributive, deterrent, and rehabilitative theories. Their efforts focus on the idea that criminal justice is not a legal institution but an active institution that is shaped by societal values, moral expectations, and political institutions. The authors state that the criminal justice reforms should be interpreted within the context of larger social changes and the alteration of the ideology of governance.

The main theoretical argument between retributive and restorative justice has been the preoccupation of both scholars and policy-makers. Wenzel et al (2008) examined these two paradigms and noted that, unlike the retributive justice which emphasises punishment according to the extent of wrongdoing, restorative justice aims at repairing the damages inflicted on the victims, the offenders and the communities. Their results support the idea that justice systems, which build on retributive reasoning, tend to promote alienation and resentment, and restorative strategies promote reconciliation and involvement of society. Gavrielides (2016) extended this argument by placing the concept of restorative justice in the context of the European trends of reform, demanding a shift in the justice system toward a participatory approach. He argued that restorative justice is a moral and procedural change towards inclusivity and accountability, which is in accordance with democratic ideals and human rights.

Tyler (1997) made a remarkable contribution when he related procedural fairness to the law-abiding of people. His research has determined that the perception of fairness in the legal process by the citizens is a decisive factor in the development of law-abiding behaviour rather than fear of punishment. This procedural justice theory provides a rationalisation of governance as a requirement of good law enforcement by stating that legitimacy and trust are the conditions for the good enforcement of the law. Walsh and Conway (2011) enlarged this idea by exploring the issue of police governance and accountability and underlining that structural changes in policing institutions should focus on transparency and citizen control in order to rebuild credibility. They conclude that procedural justice and governance are closely connected; the criminal justice system can be legitimised by the processes rather than the results it provides.

In their work based on the critical race theory, Delgado and Stefancic (2007) have criticised the neutrality of criminal justice systems and revealed how the law and legal institutions tend to reproduce systemic inequalities. They opined that the concept of colour-blind justice is a myth that hides the deeply ingrained biases in the legal law enforcement and adjudication. Their contribution extends the concept of justice reform to the scope of moral and ethical responsibility by bridging the gap between structural discrimination and the outcomes of the procedure. Similar fears were reiterated by Baxi (2012) in the Indian and postcolonial context, where he argued that in such societies, the concept of legality takes a form of postcolonial form but the role of colonial form. His study highlighted that the introduction of Western models of law without consideration of local hierarchies and power disparities is the reason why injustice prevails in the so-called democratic systems.

Within the Indian set-up, Singh and Zahid (2008) highlighted that governance is important to empower access to justice, especially among marginalised groups. According to them, justice reform should not be limited to the judiciary or the police but should become part of the greater system of governance and social policy. Their work associated the concept of justice with participation in governance, proving that fair access to legal remedies is a key to the efficiency of democracy. Their study offered an interdisciplinary framework in identifying governance as the means and the end of reforming justice, which concurs with the modern global methods of legal modernisation.

These studies taken together can be seen to provide a multi-dimensional conception of criminal justice reform that incorporates theory, practice and governance. Marsh et al. (2004) and Wenzel et al. (2008) can be used to offer a philosophical underpinning of justice, whereas Tyler (1997) and Walsh and Conway (2011) can give an empirical and institutional perspective of procedural legitimacy and accountability. Delgado and Stefancic (2007) and Baxi (2012) extend this discussion by revealing the ideological and historical foundation that informs the justice systems, particularly in post-colonial societies. Gavrielides (2016) and Singh and Zahid (2008) take these arguments further to restorative and participatory frameworks that focus more on inclusion and social equity. Although this is a rich body of scholarship, there are a number of gaps. To begin with, a large part of the theoretical discussion is based in Western jurisdictions, and thus it cannot be directly applied to the Indian specifics of the socio-political environment. Although the gap is filled in by Baxi (2012) and Singh and Zahid (2008), there is scant literature that includes Indian constitutional precepts and comparative and restorative models. Second, the interdisciplinary connection between justice reform, governance, and development is under-researched. This relationship is supported by the works of Tyler (1997) and Walsh and Conway (2011), but there is little empirical support for this relationship in India. Third, reform should also seek to correct the structural inequities of the justice system itself, which, according to Delgado and Stefancic (2007), are not resolved by procedural protections.

### 3. METHODOLOGY

#### 3.1 Research Design

The research design adopted in this study is a qualitative and doctrinal research design, which is complemented by a comparative and policy-analytical research design, to critically examine the changing aspects of criminal justice and legal reforms in India. The doctrinal approach offers the conceptual basis, which makes it possible to have the systematic analysis of the texts of law, judicial interpretations, and legislative systems. According to Gawas (2017), the doctrinal legal research helps in steering the evolution of the law through providing clarity in the interpretation and revision of the existing laws. This approach will allow the paper to trace the history of the Indian criminal justice system since its colonial establishment until its constitutional reorganisation and see the continuities and breaks in its procedural and institutional organisation. The qualitative attribute of this research makes it interpretative and analytically flexible, as it focuses on the legal doctrines, judicial rulings, and policy reports instead of numerical generalisations. The mix of the precision of doctrine and qualities of reasoning is what provides a balanced view of the text and context of the law. The policy-analytical component places reforms in the wider governance objectives like accountability, transparency and protection of rights.

#### 3.2 Data Sources

The study is founded on secondary legal and policy materials, and this provides the research with a comprehensive coverage of both the doctrinal and comparative analysis. These include the provisions of the constitution, the statutory provisions such as the Indian Penal Code (1860) and Code of Criminal Procedure (1973) and reports of the Law Commission of India, debates of the parliament, adjudications and recommendations of the official committees. Analysis of scholarly works and policy texts on institutional reform and justice delivery is also present. Gawas (2017) provides that such primary and secondary sources are used in the construction of consistent

legal arguments in doctrinal research. The policy data triangulation, statutes, and case law will ensure that the study will be able to give a comprehensive picture of the normative and practical aspects of criminal justice reform.

### **3.3 Analytical Framework**

The analytical model integrates the doctrinal, comparative and socio-legal methods of comprehending the multi-faceted legal reform. Gawas (2017) states that the doctrinal dimension considers the internal consistency and normative aptness of the criminal law. Van Hoecke (2013) provides the justification of the comparative method by saying that it is an interpretative process by which the functional similarities and contextual adaptation of legal systems are established. The study puts the Indian reforms in the context of the world trends, which are concerned with restorative justice and technological integration and accountability, through the approach.

More so, the socio-legal orientation proposed by Banakar and Travers (2005) connects law with governance since it demonstrates the functioning of the institutions of the police, prosecution and judiciary in the Indian political and administrative landscape. A mix of the three methods, which are doctrinal, comparative and socio-legal, would ensure the rigour of analysis, sensitivity to situations and institutional relevance.

### **3.4 Methodological Relevance**

This composite methodology directly supports the study's objectives of examining the structural evolution and reform adequacy of India's criminal justice system. The doctrinal approach provides conceptual depth, the comparative method situates India within global discourse, and the socio-legal lens ensures attention to governance realities. Collectively, these methods advance a critical, contextually grounded understanding of justice reform in India.

## **4. Evolution of Criminal Justice in India**

### **4.1 Colonial Legacy and Codification**

The criminal justice system in India was first instituted in the context of British colonial rule in India, as law was a means of imperial control. The codification of the criminal law in British India was officially made in the Indian Penal Code (IPC) of 1860. Krasheninnikova and Trikoz (2017) note that the IPC was a political mechanism as well as a legislative innovation that was meant to impose imperial order. It embodied utilitarian ideologies that favoured deterrence and punishment over justice and rehabilitation, and instituted a centralised and state-controlled legal system and system that affects Indian justice up to the present day.

The colonial authority was institutionalised through strict procedural regimes in the procedural counterpart, the Code of Criminal Procedure (CrPC) of 1898. The Law Commission of India, in its 41st report (1969), recognised the administrative integrity of the CrPC but pointed out that it failed to capture the ideals of democracy. The Law Commission (1958) in its 14th Report on Reform of Judicial Administration had earlier criticised the lack of legal aid, accountability and prompt adjudication and found that there were shortcomings that would continue long after independence. These reports highlighted the fact that colonial codification put the emphasis on imperial efficiency instead of human rights.

According to Krasheninnikova and Trikoz (2017), the British system also brought about a hierarchical judicial system and a centralised police which alienated citizens from justice. Similar points were also raised by the Law Commission (1958) as a key hindrance of bureaucratic rigidity and formalism, with limited room for indigenous or community-based input into the justice process.

### **4.2 Post-Independence Developments**

Since 1947, independent India has aimed at changing the colonial legal order into the constitutional order based on equality and liberty. The Code of Criminal Procedure, 1973, was enacted following the recommendations of the Law Commission (1969) through the 41st Report, which suggested procedural simplification and protection of the accused. This was followed by the 154th Report (1996), which suggested victim-focused reforms, plea bargaining, and increased judicial control. These developments were further enhanced by judicial activism. According to Verma (2001), the Supreme Court, by broad interpretations of Article 21, turned constitutional rights into fairness, humane treatment, and speedy justice. However, due to the unbending of the procedures and the inertia of the administration, as it has already been warned by the Law Commission (1958), the actual reform proved to be challenging.

### **4.3 Reforms and New Paradigms of Modernity**

Recent reforms demonstrate how India is moving to modernisation and rights-based justice. In the 277th Report on wrongful prosecution (2018), the Law Commission has recommended the possibility of compensation and accountability in the case of miscarriages of justice, which has become an indication of the shift towards restorative and victim-focused jurisprudence. The Report of the Verma Committee (2013) was a catalyst for historic gender justice reforms through broadening the definitions of sexual violence and strengthening the protection of the victims.

The most recent step of systemic transformation is the introduction of the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS) and Bharatiya Sakshya Adhinyam (BSA) in 2023. Akhil Kumar (2023) referred to these codes as attempts to indigenize the Indian criminal law, including the constitutional values and modernisation with the help of technology. The Law Commission Reports (1958, 1969, 1996, 2018), the Verma Committee (2013) and the recent legislative enactments all tell the story of how India is shifting its approach towards colonial punitive control to democratic, digital, and restorative justice.



This cumulative trend in reforms can be seen as a continuation of the criminal justice system in India to change gradually through the years into a restorative and rights-centred system. The main milestones and reform outcomes that have characterised this historical and institutional development are summarised in Table 1.

**Table 1: Evolution of India's Criminal Justice System - Key Milestones**

Period	Reform Instrument / Event	Focus and Contribution	Key Outcome
1860	Indian Penal Code (IPC)	Codification of criminal law under British rule emphasised deterrence and control.	A centralised, punitive justice system was established.
1898	Code of Criminal Procedure (CrPC)	Procedural framework supporting colonial administration.	Rigid procedural structure, limited access to justice.
1958	Law Commission Report No. 14 (Reform of Judicial Administration)	Evaluation of colonial legacies and the need for modernisation.	Recognition of systemic inefficiency and lack of legal aid.
1969	Law Commission Report No. 41 (Revision of CrPC, 1898)	Simplification of procedures and protection of the accused's rights.	Foundation for new CrPC, 1973.
1973	Code of Criminal Procedure, 1973	Democratic restructuring of the criminal process post-independence.	Greater focus on fairness and due process.
1996	Law Commission Report No. 154	Introduction of plea bargaining and the victim-rights framework.	Initiation of victim-centric reforms.
2013	Verma Committee Report	Gender justice and sexual violence reforms.	Strengthened legal protection and gender sensitivity.
2018	Law Commission Report No. 277	Legal remedies for wrongful prosecution.	Recognition of state accountability in miscarriages of justice.
2023	Bharatiya Nyaya Sanhita (BNS), BNSS, BSA	Comprehensive restructuring and digital integration of criminal law.	Move toward indigenized, technology-driven justice.

## 5. Critical Analysis of the Indian Legal Framework

### 5.1 Institutional and Procedural Challenges

The criminal justice system in India is still struggling with institutional inefficiencies and delays in the justice system, which contribute to inefficiency. According to Dawer (2022), the judicial system is overwhelmed with cases because of the lack of judicial capacity, the tedious process, and an obsolete system of administration. This has undermined the faith of people and the constitutional guarantee of administering justice in time. This issue is supported by Jain (2022), who states that the continuation of arrears needs empirical, evidence-based reform instead of a patchwork effort on the administrative level. To resolve this systemic crisis, there is a need to have effective case management, judicial data analysis and more court infrastructure.

Besides the delays in the judicial process, there is the problem of the independence of the prosecutors. Michel (2017) confirms that institutional autonomy strengthens prosecution systems in the majority of jurisdictions that safeguard fairness and due process. However, in India, the executive tends to control the prosecutors, and this creates a conflict of interest and a lack of impartiality. It also lacks an effective accountability structure on prosecutorial behaviour that renders the justice process even less accountable. Chaturvedi (2017) goes on to assert that the issue is aggravated by the fact that the police reforms, which have been recommended by the Supreme Court, can not be fully implemented. The policing practices have been caused by political interference, lack of proper training and professional autonomy, and are largely reactive as well as coercive rather than rights-oriented policing practices. All these deficiencies demonstrate the continuation of procedural inefficiency, executive domination and institutional inertia in hampering any serious reform.

### 5.2 Human Rights and Access to Justice

The compromising of human rights in the criminal justice systems of India is a massive moral and constitutional flop. The paper by Singh (2021) emphasises the fact that the constitutional safeguard and the involvement of the judicial system have not managed to eradicate custodial torture and police brutality. The poor accountability rules and the deficient control over proper supervision of custodial institutions are signs of these abuses. Adhikari (2021) refers to the deplorable condition of Indian prisons, where the population is overcrowded, pre-trial detention, and unsophisticated infrastructure do not respect the dignity of the inmates or aid in their rehabilitation. It ought to be more of a move towards correction as opposed to retribution, where the focus will be put on humane and rehabilitative correctional systems.

Even access to justice is unequal across socio-economic lines. Even with the constitutional and statutory provisions on free legal aid, marginalised populations continue to face barriers, as Higgins (2014) observes, due to the lack of awareness, the absence of legal infrastructure and the inefficiency of bureaucracies. This kind of unequal access compromises the validity of the institutions of justice and still breeds distrust among the people.

### 5.3 Technology and Modernisation

India has been undergoing technological changes in recent years, which have started to transform the legal landscape. Verma (2018) analyses the e-Courts Project as one of the important steps on the way to digitisation and transparency, providing quicker and easier case management and publicity. Sharma et al. (2025) take this discussion further by assessing how artificial intelligence can be used in judicial decision-making and highlighting both its possible efficiency benefits and the ethical dangers it introduces to judicial objectivity. In line with this, Das and Sarkar (2022) emphasise the increased relevance of digital forensics in evidence admissibility as technology may enhance the reliability of evidence and, however, requires strict regulation. Together, these studies have shown that as much as the criminal justice system in India has accepted the digital modernisation, its change should be directed by the constitutional ethics, human rights and institutional responsibility.

The essential concerns found in the institutional, human rights, and technological levels are combined in Table 2, which summarises the main challenges, gaps in the reforms, and policy priorities that are identified as a result of the analysis.

**Table 2: Major Challenges and Reform Directions in India's Criminal Justice Framework**

Analytical Dimension	Key Challenges Identified	Illustrative Aspects from Literature	Suggested Reform Direction
<b>Judicial and Institutional Efficiency</b>	Severe case backlog, procedural delays, and insufficient infrastructure.	Dawer (2022); Jain (2022).	Data-driven case management, judicial staffing reforms, and time-bound adjudication.
<b>Prosecutorial and Police Accountability</b>	Executive influence, weak prosecutorial independence, and inadequate police reform implementation.	Michel (2017); Chaturvedi (2017).	Establish statutory prosecutorial autonomy and enforce Supreme Court-mandated police reforms.
<b>Human Rights and Custodial Justice</b>	Custodial torture, overcrowded prisons, and a lack of rehabilitation measures.	Singh (2021); Adhikari (2021).	Independent oversight bodies, rehabilitation-focused prison policy, and training on rights-based policing.
<b>Access to Justice</b>	Limited awareness, poor legal aid delivery, and socio-economic inequality.	Higgins (2014).	Expand legal aid outreach and integrate technology-enabled access platforms.
<b>Technological Modernization</b>	Uneven digital adaptation, ethical risks of AI, and evidentiary challenges in digital forensics.	Verma (2018); Sharma et al. (2025); Das & Sarkar (2022).	Establish ethical AI frameworks, standardise digital evidence laws, and enhance judicial digital literacy.

## 6. Comparative and International Perspectives

Comparative and international viewpoints provide insightful information on the manner in which criminal justice systems in the world are developing to achieve a balance between efficiency, fairness, and protection of human rights. Hamid et al. (2024) present an in-depth comparative study of the current law systems and show the ways various jurisdictions incorporate technological innovation, restorative justice, and community involvement in their justice systems. Their results indicate that those nations that have switched to flexible, victim-centred, and digitally responsive justice models have greater transparency and accountability. Such lessons apply in the case of India, where the criminal justice system is still confronted with issues of delay, procedural immobility and disparate access to justice.

Trechsel (2000) adds to this debate by offering his comparative remarks regarding the human rights law and the criminal law, where he argues that democratic countries must balance law enforcement and safeguarding of individual freedoms. His study highlights the importance of procedural measures in the prevention of miscarriages of justice, and this issue is also reflected in the discourse of reform in India. The process of criminal justice being consistent with international human rights standards has been an important indicator of reform progress in India. Li (2025) provides a current approach based on the Chinese experience of incorporating human rights protection in criminal justice reform as a modernising process. He shows how state-based reforms may co-exist with a human rights-based approach so long as the transparency of institutions and independence of courts exist. This comparative observation justifies the reason why India should seek reforms that should not only modernise processes, but also respect human dignity and constitutional morality.

Franceschet (2002) examines two prevailing approaches to international justice administration at the global governance level, namely liberal institutionalism and cosmopolitan governance. The two models put a strong focus on collective responsibility and judicial accountability, which find relevance in the changing Indian context of enhancing institutional independence and citizen trust. Hwang (2009) also emphasises the change of justice administration in the United Nations system, with the emphasis put on transparency, due process, and fair

representation. These international standards emphasise the international acknowledgement of justice as a moral and procedural requirement.

Bose (2025) extends the comparative conversation to the constitutional law analysis, where more than the federal democracies embrace the aspect of decentralisation and judicial review to enhance accountability. His piece places India in the context of the world constitution as he is able to illustrate that principles of comparative constitutionalism can inform local change.

In recapping the above comparative observations, Table 3 provides major international models, their justice models, and the lessons that could be suggested to the Indian law.

**Table 3: Comparative Overview of Global Criminal Justice Frameworks and Lessons for India**

<b>Jurisdiction / Framework</b>	<b>Core Justice Approach</b>	<b>Distinctive Features</b>	<b>Relevance / Lessons for India</b>
<b>United Nations System</b>	Global governance and administrative justice	Focus on transparency, due process, and equitable representation (Hwang, 2009).	Need for procedural accountability and ethical oversight mechanisms.
<b>European Union / Scandinavian Models</b>	Restorative and community-based justice	Emphasis on victim participation and social reintegration (Hamid et al., 2024).	Adoption of restorative and participatory models within local governance.
<b>China</b>	Human rights protection through state-driven modernisation	Institutional reform balanced with human rights commitments (Li, 2025).	Integrate modernisation with human rights and judicial independence.
<b>Global Human Rights Frameworks</b>	Safeguards in law enforcement and punishment	Balancing enforcement and liberty through procedural fairness (Trechsel, 2000).	Align national laws with international due process standards.
<b>International Governance Models</b>	Liberal institutionalism and cosmopolitan accountability	Judicial oversight and collective responsibility (Franceschet, 2002).	Promote institutional transparency and judicial accountability.
<b>Comparative Constitutional Democracies</b>	Federal governance and judicial review	Decentralisation as a mechanism for legal accountability (Bose, 2025).	Strengthen decentralisation and review mechanisms in justice governance.

Collectively, these views indicate that criminal justice reform is a context-dependent concept, but the universal principles of fairness, transparency, and human rights are the pillars of the reform. The current reforms in India should thus be able to incorporate the world's best practices into their own local socio-legal context so that they can have a justice that is informed yet localised.

## 7. FINDINGS AND DISCUSSION

As it has been found in this paper, the criminal justice system of India has gone through multiple reform waves, but the problems in the system are deep-rooted in legislative, institutional, and technological aspects of the system. The system is still grappling with inefficiency, lack of access and poor decentralisation, despite the current modernisation process. Relying on the present-day studies and policy statistics, the discussion highlights three interconnected dimensions, which are institutional reform and efficiency, local governance and community justice, and modernisation by technology and service delivery.

### 7.1 Institutional Reform and Systemic Efficiency

The direction of reforms in criminal justice in India is marked by a repetitive nature of the clash between the urge to bring a systemic shift in the criminal justice system and the urge to stay in the stalemate of the procedures. Sahu and Khamari (2022) also argue that, though the reform was proposed by different committees and commissions, the majority of the changes have been symptom-oriented and ad hoc instead of cause-oriented. They emphasise that the justice system in India remains in a colonial mode of governance that lays stress on control and not service. This failure to handle institutional design failures has continued to be a limitation to the responsiveness and effectiveness of the justice systems.

The central point of these problems is the judiciary. According to Tripathi (2007), a really effective justice system needs the independence of the judiciary and an efficient system. But over-centralisation and bureaucratic inflexibility have been deterrents to judicial innovation. According to Sekhri (2019), pendency is not only a backlog crisis but a design issue, which is the result of poor coordination between the judiciary, prosecution, and police. The result of this inefficiency is the loss of citizen confidence and procedural fairness, even though both equality and timely justice are guaranteed by the Constitution.

These observations are supported by the National Crime Records Bureau (NCRB) data. Crime in India 2021 and Crime in India 2022 reports indicate a gradual increase in the number of criminal cases and low disposal rates, which means that the judiciary has a low ability to cope with the growing number of cases (NCRB, 2022; 2023). These delays are disproportionately experienced by marginalised communities, which exposes them to more pre-trial detention and strengthens social inequalities. Tripathi (2007), thus, proposes administrative and judicial reforms based on transparency, institutional responsibility, and incorporation of modern management practices. Taxman (2014) is an addition to this analysis because he concentrates on the delivery of justice to justice-involved persons. She insists that the justice system needs to transform beyond punitive systems to develop service-based processes that focus on rehabilitation, reintegration and coordination of the system. This, in the Indian context, implies the creation of mechanisms that will accommodate the needs of victims and the offenders using integrated support systems, legal aid, and social reintegration initiatives.

## 7.2 Local Governance and Community Justice

Decentralisation of the delivery of justice has become a very important aspect of democracy. As Dhandar (2024) points out, in various areas of governance, such as community development and service delivery, the decentralised institutions have increased the level of local participation and responsiveness. But in terms of criminal justice, decentralisation is not very developed. The official system of justice is quite centralised and not always in touch with the realities of the community and local dispute-solving customs.

The alternative dispute resolution (ADR) systems offer a viable alternative to the formal and informal systems of justice. According to Jaiswal and Mandloi (2020), the Panchayat system of rural India remains an efficient grassroots system in the country to address small disputes without incurring economic costs. On the same note, according to Khan (2006), Lok Adalats are very successful as a platform where civil and criminal cases are resolved outside standard courts, as it is accessible and friendly to citizens. These local systems of justice are consistent with the constitutional principles of access to justice and decrease the workload of formal courts.

Vincentnathan and Vincentnathan (2009) also note that community policing and justice programmes accelerate collaboration between the police and the community members, promoting remedial and preventive models of justice. Their analysis highlights that community-based justice systems not only relieve congestion in courts but also restore confidence between the citizens and the state. Nevertheless, such institutions do not have proper institutional support and legal status, despite their potential. The results imply that the incorporation of community justice into the wider legal framework would be very effective in enhancing efficiency and inclusivity in the Indian justice system.

Another tension that is evident in the discussion is the tension between centralisation and decentralisation. Although centralisation guarantees uniformity and legal coherence, excessive reliance on it leads to a lack of local responsiveness. According to Dhandar (2024), the way forward for India is to have a combination of both decentralised justice initiatives and formal judicial institutions without jeopardising the level of law.

## 7.3 Modernisation, Technology, and the Future of Reform

Technology and modernisation have increased their role towards reforming the delivery of justice at an increasing rate in recent years. According to Verma (2018), one of the milestones in the digitisation of judicial procedures, making it more accessible and less inefficient in its administration, is the e-Courts Project. Such technological change is a step towards increased transparency and data-driven judicial workflow management. To support this, Sokol (2023) also highlights that technology-based governance can enhance institutional effectiveness and service delivery to the population through appropriate regulation. He warns, though, that the unregulated digitisation can bring the danger of privacy invasion and bias in the algorithm, which is a worldwide apprehension of the ethical application of technology in law.

One of the earliest but still very relevant historical approaches is given by Millar (1925), who explains modernisation in criminal procedure in such a way that it is a cyclic process as it constantly follows changes in society. His observation brings out the fact that technological reform should not lose its connection to legal principles of fairness and due process. The fast adoption of digital systems in India is, therefore, required to be carefully balanced so that it does not result in a reproduction of the structural biases in digital form.

Furthermore, the use of technology should not only be limited to courts but also to policing, prosecution and corrections. Combining digital case management, forensic databases, and predictive analytics may increase accountability and decrease delay. Nevertheless, technological innovation cannot replace the institutional reform, as both Sahu and Khamari (2022) and Tripathi (2007) are reminding us; it should be supported by it.

Analysis of these findings demonstrates that the justice reform agenda in India has grown in terms of ambition, but is limited by institutional stasis, procedural inefficiency and decentralisation. The enhancement of local justice, better service delivery, and the incorporation of ethical technology are necessary to have an inclusive and responsive justice system.

The future of criminal justice in India is therefore one that seeks to find synergy between governance and reform. Justice reform cannot work alone, as the evidence of NCRB (2022; 2023), Dhandar (2024) and Taxman (2014) shows that it needs to be coordinated systemically on the institutional, community and technology levels. Finally, the legal modernisation process of India should be based on the three imperatives of efficiency, human rights, and democratic accountability so that justice should not only be delivered but also felt as fair, accessible and humane.



The discussion on the criminal justice system of India has shown that there is a need to bring positive changes to the criminal justice system in India by using an integrated and multi-dimensional approach to policy. Enhancing the institutions should start with more coordination among the police, prosecution, and judiciary in order to minimise delays and enhance accountability. The introduction of organised channels of communication, case management systems, and joint reforms can help to increase the efficiency of procedures and rebuild the confidence of the population in the justice process.

Both institutional and community capacity building are also necessary. Local courts like Lok Adalats, Panchayats and legal aid centres require long-term training, finances, and administrative independence. The decentralisation of these mechanisms will assist in minimising higher court workload and enhance greater access to justice, particularly to marginalised groups.

Technology should be incorporated in the justice system in a well-thought-out manner. Although digital tools can increase transparency and efficiency, they should be complemented by effective safeguards to ensure the protection of privacy, due process, as well as human rights. The application of artificial intelligence, online dispute resolution, and digital forensics to the justice process should be informed by ethical standards, programs on digital literacy, and continuous evaluation mechanisms.

Reform of legal education is another important policy imperative. The study at law schools and training institutions must focus on the values of the constitution, human rights, and flexibility in technology. Interdisciplinary studies of law, governance and technology should be encouraged, which will result in a generation of law professionals who are ready to cope with the demands of the contemporary justice systems.

Lastly, future reforms should be based on a new direction towards participatory and decentralised justice. Promoting citizen involvement, community mediation, and local checks and balances will increase trust, transparency and responsiveness. A technologically sophisticated and socially entrenched justice system will be in a better position to support the principles of fairness, equality, and constitutional democracy in modern India.

## 9. CONCLUSION

Justice is the pillar of democratic rule and the ethical basis of the vision of the Indian Constitution. The history of evolution of the Indian criminal justice system, its development as a colonial system and its current reform process indicate both positive and negative aspects of its development through the years and the continued presence of systemic inefficiencies and inequalities. The justice system is at a crossroads, and it is experiencing a challenging intersection between law, governance, technology, and social change. It is not only effective in the enactment of new laws but also in the capacity of the institutions to enforce the laws to fair and available outcomes to every citizen. The contemporary phase of the legal reform demonstrates the growing awareness of the need to have a balance between centralisation and decentralisation, efficiency and justice, modernisation and human rights. Even though the integration of technology has the potential to revolutionise the delivery of justice, it is also raising new ethical and procedural challenges, which should be strictly regulated. In the same vein, the new stress of community justice and of the process of participation underlines the topicality of localisation in the management of the sheer multiplicity of the Indian socio-legal realities. Three primary pillars of the criminal justice reform in India, such as institutional integrity, citizen empowerment, and empirical evaluation, should be the basis of the criminal justice reform in the future. The accountability of the police, judiciary and prosecution will be enhanced, and this will lead to transparency and credibility of justice. The law and society bridge may be realised by making the citizens legally literate and community-based systems. Finally, the empirical research of the impact of reforms with time needs to be preserved to define what works, what fails and why. The Indian legal system will need to have not only changed as a government, but changed as a moral enterprise, in its work of guaranteeing rights, promoting equality, and delivering on the constitutional promise of justice to all citizens.

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