

## **A Study on the Challenges Regarding Criminal Law and Criminal Justice System in India**

Suhail Alam

Assistant professor

Saraswati Vidya Mandir Law college

### **1) Abstract**

This paper critically examines the persistent and systemic challenges confronting the criminal justice system in India. These challenges span across investigation, prosecution, judiciary, legislative frameworks, socio-economic inequities, forensic limitations, and human-rights concerns. Despite constitutional guarantees, including the right to speedy and fair trial, and multiple reforms over decades, the system continues to struggle with structural inefficiencies. Through analysis of existing literature, judicial reports, and structural studies, this research identifies the root causes of these problems and offers recommendations for a more efficient, equitable, and victim-centric criminal justice system.

### **2) 1. Introduction**

The criminal justice system in India plays a pivotal role in maintaining social order, deterring crime, protecting rights, and delivering justice to victims as well as accused. At its core, the system comprises institutions of law enforcement (police), judiciary, and correctional facilities — operating under statutes such as the Indian Penal Code (IPC, 1860), Code of Criminal Procedure, 1973 (CrPC) and Indian Evidence Act, 1872 (IEA, 1872).

However, with changing socio-legal realities — rising crime rates, emergence of complex offences (cybercrime, organized crime, sexual violence, terrorism), and evolving human-rights sensibilities — the demands on the system have grown substantially. Despite this, the criminal justice machinery continues to exhibit deep-rooted structural, procedural, and institutional weaknesses. This study aims to analyze these challenges, highlight their interconnections and implications, and propose broad-based reforms to restore justice efficacy, fairness, and public confidence.

### **3) 2. Historical & Legal Background**

- The foundational statutes — IPC 1860, Evidence Act 1872, CrPC 1973 — remain largely as designed in the colonial era (with amendments).
- The institutional framework post-independence assigned policing and prison administration to states, while judiciary functions under a hierarchical structure of subordinate courts, High Courts, and the Supreme Court of India at the apex.
- Core principles — presumption of innocence until proven guilty, right to fair trial, right to legal defense, and due process — are constitutionally backed (e.g., under Article 21). But these ideals often collide with ground-level realities of overburdened courts, delayed investigations, under-resourced institutions, and socio-economic inequities.

Over time, there have been attempts at reform — including recommendations by various committees, proposals for law reform, introduction of special courts for certain crimes, and modernization efforts. But the pace of reform, and especially the implementation, has often lagged behind needs.

#### 4) **3. Major Challenges Facing Criminal Law and Justice in India**

### **3.1 Massive Case Backlog & Judicial Delays**

- As of recent years, courts across India are burdened with an enormous backlog of pending cases. One report notes that as of August 2024, there were approximately 58.4 million cases pending, of which about 80% are criminal cases.
- Another source indicates that as of 2023, around 4.4 crore criminal cases remained pending across Indian courts.
- The high pendency, combined with slow judicial processing, results in delays that often amount to denial of justice — victims wait for years; accused remain undertrial; and public faith erodes.
- Empirical studies highlight that even serious offenses such as murder face long delays — e.g., in some states trial delays stretch so long that by the time verdict arrives, the societal context may have changed, even the victims or key witnesses may have died or relocated.
- The delay also diminishes deterrence — if punishment comes decades later, it loses its preventive value.

**Underlying causes:** shortage of judges, overburdened courts, poor case-management systems, inadequate infrastructure, frequent adjournments, systemic inefficiencies.

### **3.2 Institutional & Human Resource Shortages**

- The ratio of judges to population in India has been widely criticized. According to estimates, India has only about 21 judges per million population — much lower than international norms.
- Similarly, sanctioned strength of police forces often falls short of norms. According to a widely cited benchmark (UN norm of 222 police personnel per lakh population), many Indian states are under-strength; some estimates suggest actual strength is as low as 137 per lakh.
- Under-staffing leads to overburdened personnel, compromised investigations, poor court representation, and systemic fatigue — all of which degrade the quality and fairness of justice delivery.
- Vacancy in judicial and prosecutorial positions, inadequate training of prosecutors, absence of specialization (in e.g., cyber-crime, sexual offences, forensic evidence) further undermine effective prosecution and speedy trials.

### **3.3 Weak Investigation Processes, Forensic Backlogs & Technical Limitations**



- Investigations remain one of the most problematic aspects of criminal justice in India. Many police forces suffer from inadequate training, outdated methods, reliance on confessions and weak evidence rather than scientific methods, and procedural lapses.
- There is a dearth of forensic infrastructure. Owing to insufficient forensic labs, shortage of trained forensic scientists, and heavy caseloads, many forensic tests (DNA, toxicology, digital evidence, ballistic analysis) take months — sometimes over a year — to be completed. This contributes to delay in charge-sheet filing and court hearings.
- For instance, studies have repeatedly identified forensic delay as a major bottleneck, especially in crimes requiring scientific evidence or complex analysis (e.g., sexual offences, cybercrime, homicide).
- The cumulative effect: investigative quality suffers, cases are weakly built, some get dismissed or result in acquittals due to lack of strong admissible evidence — which undermines conviction rates and public trust.

### **3.4 Legislative & Procedural Shortcomings**

- Many of the core criminal laws date back to colonial times (IPC 1860, Evidence Act 1872, CrPC 1973) and were never designed for modern complexities such as cybercrime, organized crime, economic offences, terrorism, human trafficking, digital evidence, etc.
- Although reforms have been proposed over time, including by committees such as the Malimath Committee (2003), implementation remains patchy and inconsistent across states.
- Procedural complexities — multiple adjournments, archaic evidence rules, long-form procedures, paperwork, rigid formalism — contribute to inefficiency and delay.
- In some situations, especially under stringent laws like Unlawful Activities (Prevention) Act (UAPA), broad definitions and high burden of proof on accused have raised concerns over misuse and potential violation of fundamental rights.

### **3.5 Disparities in Access to Justice & Socio-economic Inequality**

- A substantial segment of the population — poor, marginalized, rural, and economically disadvantaged — faces systemic barriers in accessing legal representation, quality defense, and effective judicial redressal. Studies note that indigent persons often cannot secure skilled defense lawyers, especially in remote areas.
- The over-population of undertrials: large number of incarcerated persons are undertrial rather than convicted. This points to delays in trial, prolonged pretrial detention, and lack of timely bail — raising human rights concerns and highlighting systemic inequities.
- Vulnerable groups — women, children, minorities — often face additional disadvantages due to lack of proper witness protection, gender bias, stigma, social pressure, and inadequate victim-centric procedures.

### 3.6 Erosion of Public Trust, Misconduct, and Human-Rights Concerns

- Instances of police misconduct, custodial torture, extrajudicial killings, unlawful arrests, and misuse of preventive-detention laws have been reported over decades. Several studies attribute these to lack of accountability, weak oversight, political interference, and deficient complaint-redressal mechanisms.
- The failure of timely and fair investigation/prioritization often denies justice to victims, or unnecessarily prolongs suffering for accused.
- The legal process often becomes adversarial and complex, making it difficult for ordinary citizens to navigate; lack of legal aid or unaware defendants exacerbate these problems.

#### 5) 4. Impacts of the Challenges

The aforementioned challenges impact the criminal justice ecosystem in multiple ways:

- **Delay in justice:** Years (or decades) may pass before final verdicts — defeating the very purpose of deterrence and fairness.
- **Erosion of faith:** When investigations are weak, trials delayed, or decisions perceived as biased, public trust in law enforcement and judiciary declines.
- **Injustice to victims and accused alike:** Victims may never see justice; accused may languish as undertrials; both may undergo social stigma, economic loss, mental trauma.
- **Human rights violations:** Undertrial overcrowding, prolonged custody, torture or abuse, lack of legal aid — these risk fundamental rights of individuals.
- **Inequality and discrimination:** Socio-economic or demographic disadvantage compounds existing systemic inequities, denying fair access to justice.
- **Inefficient deterrence and rising crime:** Low conviction rates, delays, and weak enforcement may embolden criminals, impacting law and order.

#### 6) 5. Recent Developments, Reforms and Continuing Gaps

There have been efforts to address some of these challenges. For instance:

- Recognizing forensic limitations, many stakeholders emphasize modernization of forensic infrastructure and scientific investigation methods to improve accuracy and reduce wrongful acquittals.
- Committees like Malimath Committee (2003) have given comprehensive recommendations on legal, procedural, and structural reforms including better prosecution autonomy, improved case-management, victim-centric policies, legal aid strengthening, and more.
- Some interventions propose the use of technology — digital case-management systems, e-filing, tracking systems, automated scheduling — to streamline court processes, reduce

adjournments, and handle backlog. Indeed, a recent academic proposal suggests a cloud-based framework for efficient court case management and prioritization to relieve the burden on courts.

- Increased awareness about victim rights, as well as efforts to institute fast-track and specialized courts for sexual offences, juvenile crimes, and other sensitive offences, reflect positive directions.

**Yet, gaps remain:** implementation is uneven across states, infrastructure and manpower deficiencies persist, forensic capacity remains inadequate, and socio-political influences continue to compromise impartiality. The systemic inertia, lack of sustained political will, financial limitations, and institutional resistance often hamper meaningful reform.

### 7) 6. Recommendations

Based on the analysis, the paper proposes the following recommendations:

1. **Increase Judicial and Police Capacity** — Address shortage of judges, prosecutors, and police personnel; fill vacant posts; ensure continuous training and specialization (cybercrime, forensic, victim-support, human rights).
2. **Modernize Investigation & Forensic Infrastructure** — Expand forensic labs, mobile forensic vans; incorporate scientific methods (DNA, digital forensics, toxicology, ballistics); invest in training forensic experts; expedite forensic report generation.
3. **Adopt Technology-Driven Case Management** — Implement e-filing, digital case-tracking, automated hearing scheduling; algorithmic case-prioritization (serious crimes, long-pending cases, vulnerable victims), to reduce adjournments, manage backlog and ensure timely hearings.
4. **Strengthen Legal Aid & Victim Support** — Provide quality legal aid to economically weaker sections; ensure access to skilled defense counsel; set up victim-support services, counseling, witness protection; ensure fairness and equity in representation.
5. **Institutionalize Accountability & Oversight** — Operationalize independent complaint redressal mechanisms (e.g., fully functional police-complaint authorities), ensure transparency in police investigations, strict safeguards against custodial torture, misuse of preventive-detention laws, extrajudicial practices.
6. **Legislative and Procedural Reforms** — Update colonial-era laws to address modern offences; simplify procedural laws; streamline evidence rules to accommodate modern forensic and digital evidence; create special courts for complex or sensitive crimes (e.g. cybercrime, sexual offences, terrorism).
7. **Promote a Victim-Centric Approach** — Move beyond adversarial, accused-centric procedures; embed victim rights, their rehabilitation and restitution; ensure speedy redressal especially in crimes involving vulnerable groups.

8. **Periodic Review and Data-Driven Policy Making** — Regular audits of backlog, conviction rates, pendency, forensic delays; collect and analyze data; frame policy interventions based on empirical evidence rather than ad-hoc reforms.

### 8) 7. Conclusion

The criminal justice system of India, as presently constituted, stands at a crossroads. Its foundational statutes and institutions inherited from a different era, while functional to an extent, are increasingly inadequate to meet contemporary needs — marked by rapid social, technological, and crime-pattern changes. The depth and breadth of challenges — backlog, institutional shortage, investigative deficiencies, procedural sluggishness, socio-economic inequities, and human-rights issues — underline that mere cosmetic amendments or occasional reforms will not suffice.

What is required is a **holistic overhaul** — a combination of institutional strengthening, capacity building, procedural modernization, technological integration, legislative updates, and most importantly, political will. Without such systemic transformation, the promise of justice — fair, speedy, equal — may remain aspirational for many across India.

By adopting the recommendations proposed herein, policymakers, law-makers, civil society, and judicial stakeholders can work collaboratively toward a criminal justice framework that is responsive to contemporary challenges, protects rights, and ensures justice for all.

### References

1. Aithala, S., Sudheer, & Sengupta, M. (2021). *Justice delayed: A district-wise empirical study on Indian judiciary*. National Law School of India University.
2. Daksh India. (2025). *Criminal justice system in India: Challenges and reforms*.
3. Drishti IAS. (2025). *Rebooting India's criminal justice system*. Drishti IAS.
4. ForumIAS. (2025). *Criminal justice system challenges: Way forward explained pointwise*. ForumIAS.
5. Gupta, M. (2024). *Factors affecting efficient discharge of judicial functions*. ScienceDirect.
6. IJSER. (2024). *India's criminal justice system: Key concerns and road ahead*. NextIAS.
7. IJLSI. (2025). *Reforming India's criminal justice*. IJLSI Working Paper.
8. LawJournals. (2025). *A critical analysis of the process of criminal investigation and trial in India*. LawJournals.org.
9. Manoharan, N. (2013). *Reforming India's criminal justice: Need for speed and fair trial*. VIF India.



- 
10. N. Sahoo. (2023). *The case of India's undertrial prisoners*. ORF Online.
  11. NextIAS. (2025). *India's criminal justice system: Key concerns and road ahead*. NextIAS.
  12. ORF. (2023). *India's criminal justice system and reforms: Need for restructuring*.  
Observer Research Foundation.
  13. Sahoo, N. (2025). *Reforming criminal procedure in India: Balancing speed and fairness*.  
EduResearch Journal.
  14. Sharma, R. (2025). *India's criminal justice system: Challenges and reforms*. Legal India.
  15. Sharma, R. (2025). *Reforming criminal procedure: The road to speedier trials in India*.  
IJLSI.