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REFORMS IN THE INDIAN CRIMINAL JUSTICE SYSTEM: A CRITICAL EVALUATION OF LEGISLATIVE CHANGES AND IMPLEMENTATION CHALLENGES

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Abstract

I started working on this paper because I could not stop thinking about something a senior advocate told me during a court visit last year. He said, "The problem with Indian criminal law is not that we don't have enough laws. The problem is that the laws we have were written for a different country, a different time, a different people." That stayed with me. For over 160 years, India ran its criminal justice system on laws drafted by the British in 1860. The Indian Penal Code, the Code of Criminal Procedure, and the Indian Evidence Act were colonial creations, designed more for control than for justice. Then in 2024, everything changed. Three new laws came into force the Bharatiya Nyaya Sanhita, the Bharatiya Nagarik Suraksha Sanhita, and the Bharatiya Sakshya Adhinyam. The government called it a decolonization of India's legal system. But does changing the name of a law change how it works on the ground?

This paper looks at the recent wave of criminal justice reforms in India, focusing on what has actually changed and what has stayed the same. I examine the introduction of community service as an alternative to imprisonment, the new provisions for undertrial prisoners, the integration of forensic science into investigations, and the push toward digital courts and electronic evidence. I also look at the challenges that remain from chronic prison overcrowding and caste-based discrimination to the lack of independence in prosecutorial agencies and sentence review boards.

What I found is that the new laws represent a genuine attempt to modernize India's criminal justice system. But legislation alone cannot fix institutions. Without investment in forensic labs, without training for police and judges, without structural reforms that address deep-seated biases, the new codes risk becoming just old wine in new bottles. This paper tries to map where we stand and where we need to go.

Keywords: Criminal Justice Reform, Bharatiya Nyaya Sanhita, Community Service, Undertrial Prisoners, Forensic Science, Prison Overcrowding, Sentence Review, Prosecutorial Independence.

1. Introduction

For most of my life, when people talked about criminal law in India, they talked about the Indian Penal Code of 1860. It was everywhere in legal education, in courtrooms, in judgments. Section 302 for murder, Section 376 for rape, Section 498A for dowry harassment. These numbers were drilled into every law student's head. We learned them, we argued about them, we built careers around them. And somewhere along the way, we forgot that these laws were not written for us. They were written by a colonial government that saw Indians as subjects to be controlled, not citizens to be protected.

The Indian Penal Code was drafted by Lord Macaulay in 1860. The Code of Criminal Procedure followed in 1973, though its roots went back to 1898. The Indian Evidence Act came in 1872. These three codes together formed the backbone of India's criminal justice system for over 160 years. They survived independence, they survived partition, they survived dozens of amendments and hundreds of Supreme Court judgments. But they never really changed at their core.

Then on July 1, 2024, India entered a new legal era. The IPC, the CrPC, and the Evidence Act were replaced by three new laws: the Bharatiya Nyaya Sanhita, the Bharatiya Nagarik Suraksha Sanhita, and the Bharatiya Sakshya Adhinyam. The government called it a watershed moment, a true decolonization of India's legal system. The new laws promised to be citizen-centric, technology-driven, and aligned with India's constitutional values.

I remember reading the news that day and feeling both excited and skeptical. Excited because the old laws were clearly outdated. They used language that nobody uses anymore. They had provisions that courts had struck down years ago. They reflected a world before computers, before the internet, before terrorism, before organized crime had taken the forms it takes today. But skeptical because I have seen how legal reform works in this country. A new law gets passed, everyone celebrates, and then nothing changes on the ground. The police still do things the way they always did. The courts still struggle with the same delays. The prisons still overflow with undertrials.

This paper is my attempt to understand what has really changed. I have spent months reading the new codes, studying commentaries, and following court judgments that interpret these provisions. I have looked at what scholars are saying about probation reform, community service, undertrial prisoners, and forensic science integration. I have tried to understand not just what the law says, but how it might actually work in practice.

What follows is what I have learned. It is not a complete picture, because the new laws are still too young for that. Courts are still interpreting them. Practitioners are still figuring them out. But it is a start, a way of thinking about where we are and where we need to go.

2. Objectives of the Study

When I started working on this paper, I had five main questions I wanted to answer.

First, I wanted to understand what the new criminal laws the BNS, BNSS, and BSA actually change. Not just the headlines about decolonization, but the specific provisions. Which sections have been renumbered? Which have been rewritten? Which have been removed entirely? I wanted to separate real reform from cosmetic rearrangement.

Second, I wanted to examine the introduction of alternative sentencing mechanisms, particularly community service and probation. For the first time, India has formally recognized that imprisonment is not always the best answer for minor offences. I wanted to see how these provisions are structured and whether they can actually work in the Indian context.

Third, I wanted to look at what the new laws do for undertrial prisoners. India has one of the highest rates of undertrial detention in the world. People spend years in jail without ever being convicted. The new laws have provisions that could change this, but only if they are implemented properly.

Fourth, I wanted to examine the integration of technology and forensic science into criminal justice. The new laws mandate forensic evidence collection for serious offences, introduce electronic trials, and recognize digital evidence in ways the old laws never did. But India's forensic infrastructure is woefully inadequate. I wanted to understand whether the laws have outpaced our capacity to implement them.

Fifth, I wanted to look at the structural and institutional challenges that remain. Prison overcrowding, caste discrimination, lack of prosecutorial independence, political interference in sentence review these problems existed under the old laws and they exist under the new ones. I wanted to see whether the reforms address them at all.

3. Methodology

This is mostly a doctrinal study, which means I spent time reading and analyzing legal texts, government reports, and scholarly articles rather than conducting surveys or interviews. I wanted to understand what the law says and what experts are saying about it.

The primary sources I relied on were the three new criminal laws themselves: the Bharatiya Nyaya Sanhita, 2023; the Bharatiya Nagarik Suraksha Sanhita, 2023; and the Bharatiya Sakshya Adhiniyam, 2023. I compared them section by section with the old codes to see what had changed. I also looked at the Constitution of India, particularly Articles 14, 19, and 21, which guarantee the rights to equality, freedom, and life with dignity.

For secondary sources, I read a wide range of materials. Academic articles on probation reform from Asian journals gave me insights into how India might improve its use of community-based sentencing. Reports from SCC Online and legal blogs helped me understand the community service provisions and the debates around them. Research from Indian universities examined the integration of forensic science with criminal law reforms. A study on caste and crime in India highlighted how social hierarchies continue to shape justice outcomes. Cambridge research on sentence review boards showed how academic work can actually influence policy. And a comparative analysis of prosecutorial ethics under the BNSS helped me understand the institutional dimensions of reform.

I should be clear about the limitations of this approach. The new laws are only a year old. Courts are still interpreting them. Practitioners are still adjusting to them. Any assessment at this stage is necessarily preliminary. But I believe it is still valuable to ask the hard questions early, to identify gaps and challenges before they become entrenched.

4. Literature Review

4.1 The Shift from IPC to BNS

The replacement of the Indian Penal Code with the Bharatiya Nyaya Sanhita has been described by the government as a historic decolonization of India's criminal law. But as one analysis points out, the reality is more complicated. At first glance, the BNS appears impressive: it reduces the number of sections from 511 in the IPC to 358. However, most of the reduction comes from merging or renumbering provisions rather than deleting obsolete ones. Many

offences retain nearly identical wording.

For example, Section 302 of IPC dealing with murder is now Section 101 of BNS, almost word-for-word identical. Section 375 dealing with rape becomes Section 63, but with a crucial addition allowing for digital and electronic evidence recognition. Section 124A dealing with sedition has been replaced by Section 152 dealing with acts endangering sovereignty, unity, and integrity of India. This change seems significant but may not be in practice.

What has actually changed? The BNS introduces several new provisions. Terrorism is now a standalone offence within the Penal Code, whereas earlier it was dealt with under special laws like UAPA. Mob lynching and organized crime are explicitly recognized. The code expands the scope of sexual offences and enhances penalties for gang rape and crimes against minors. And for the first time, community service has been introduced as an alternative punishment for minor offences.

But as critics point out, the BNS also retains many problematic features. Vague offences related to obscenity and public nuisance continue to be loosely defined. The death penalty is retained despite global shifts toward abolition. The structure of offences and investigation powers remains tilted in favor of enforcement agencies. Several offences that could be civil wrongs remain criminalized.

4.2 Alternative Sentencing: Probation and Community Service

One of the most significant shifts in the new criminal laws is the formal recognition of alternative sentencing. For decades, scholars and activists have argued that India's over-reliance on imprisonment is both costly and ineffective. The Justice Malimath Committee in 2003 and the Draft National Policy on Criminal Justice in 2007 both emphasized sentencing guidelines and increased use of probation to manage prison populations. The Supreme Court's ruling in *Inhuman Conditions in Prisons* in 2016 similarly highlighted probation as a solution for overcrowding.

Despite these recommendations, the Probation of Offenders Act has been underutilized. A recent study examining Supreme Court and High Court case law on adult probation implementation found that courts have developed what the authors call a two-pronged approach: first, elevating the Probation of Offenders Act over the penal code to mandate probation in specific cases, and second, expanding judicial discretion to consider mitigating factors and broaden eligibility.

The Bharatiya Nyaya Sanhita now formally recognizes community service as a form of punishment under Chapter II, Section 4(f). The Nagarik Suraksha Sanhita defines community

service as work that the court may order a convict to perform as a form of punishment that benefits the community, for which he shall not be entitled to any remuneration. However, this statutory inclusion remains largely symbolic, as the Act provides no guidelines for its implementation. There is no clarity on the duration, nature of work, supervisory mechanisms, or safeguards to ensure fairness and effectiveness.

Scholars point to international models that could inform India's approach. New Zealand's requirement that offenders repeat service hours in cases of unsatisfactory performance offers a practical deterrent against casual compliance. The United Kingdom's layered responses including warnings, fines, curfew restrictions, or extension of service hours provide a model for addressing breaches. Electronic tagging systems, as used in New Zealand and the UK, may also be employed to monitor attendance and location.

4.3 Undertrial Prisoners and Prison Overcrowding

The crisis of undertrial detention in India is well-documented. A comprehensive review of innovations improving legal procedures and rehabilitation for undertrial prisoners notes that the undertrial population faces unique challenges, including prolonged detention periods and inadequate access to rehabilitation services. The study examines the rights and status of prisoners awaiting trial from the standpoint of the Indian Constitution and relevant national and international human rights laws, arguing that further measures are desperately needed to protect their constitutionally guaranteed right to life and liberty.

The new criminal laws attempt to address this. Under the BNSS, courts are now required to proactively identify undertrial prisoners who may be eligible for release under Section 479, which limits the maximum period of detention for undertrials. In a recent order dated 19 November 2024 in the Inhuman Conditions in 1382 Prisons writ petition, the Bench comprising Justices Hrishikesh Roy and S.V.N. Bhatti invoked this provision and directed jail authorities to identify eligible undertrial prisoners.

But the scale of the problem remains enormous. As one analysis notes, the persistence of these systemic failures within the prison framework signals the impending breakdown of an already fragile institution. Indian prisons remain chronically overcrowded, disproportionately housing individuals from marginalized and socio-economically disadvantaged backgrounds. Many undertrial prisoners endure prolonged incarceration, often languishing for years behind bars.

4.4 Forensic Science Integration

The new criminal laws place unprecedented emphasis on forensic science. The Bharatiya

Nagarik Suraksha Sanhita now mandates forensic evidence collection for serious offenses, ensuring that evidence collection is conducted by expert forensic teams. The legislative intent is to augment the responsiveness and ambit of the criminal justice system to accommodate contemporary offences and embrace technological advancement.

But as one study notes, despite 117 functional forensic science laboratories in India, of which only 10 are NABL accredited, the referral rate of cases to these facilities is just 10 to 12 percent. The underutilization of scientific methodology in evidence collection at the investigation stage is one of the major reasons many criminal cases do not reach expected disposal. The study raises two fundamental questions: given the level of objectivity accredited to forensic evidence, whether the existing policy framework and evidentiary standards are sufficient; and whether the forensic infrastructure is capable enough to bear the burden now being vested upon it.

The 2024 amendments to the CrPC also introduced comprehensive electronic provisions. The new code explicitly allows for electronic filing of complaints, electronic summoning, and video conferencing for witness testimony. It requires mandatory audio-video recording of search and seizure proceedings. It recognizes electronic evidence as admissible and establishes rules for cross-border evidence collection. These are significant changes, but they require infrastructure that simply does not exist in most parts of the country.

4.5 Sentencing Review and Premature Release

Research from the University of Cambridge has shed light on how India administers life imprisonment. One study shows that as many as 60 percent of India's total sentenced prisoners are serving a life sentence, which is prescribed punishment for more than 50 crimes. To support rehabilitation and ensure efficient correctional administration, lifers are required to be assessed for premature release after a period of time typically 10 years for non-capital offences and 14 years for capital offences. Each state has a Sentence Review Board that reviews applications and recommends or rejects release.

However, research found that these boards rejected over three-quarters of applications between 2018 and 2021. Cases were overwhelmingly decided based on the gravity of offence, while other factors such as socio-economic background, reformation, and potential to reintegrate were frequently overlooked. The study also highlighted a pervasive culture within review boards that viewed prisoners as always at risk of reoffending, reinforcing the focus on gravity of offence and potentially reducing support for rehabilitation measures.

Significantly, this research helped secure the premature release of a prisoner who had spent nearly 27 years in jail after being denied release on six previous occasions. The Delhi High

Court held that previous evaluations were mechanical rejections that disregarded evidence suggesting the prisoner's potential to reintegrate. In the aftermath, a new checklist was created requiring consideration of socio-economic status and evaluation of change during imprisonment.

4.6 Caste and Discrimination in Criminal Justice

One of the most persistent challenges in Indian criminal justice is the influence of caste. Despite constitutional guarantees of equality, caste-based discrimination remains present within law enforcement, judicial procedures, and sentencing. Scheduled Castes and Scheduled Tribes continue to face systemic inequalities and unequal treatment within the justice system.

A recent study explores how social hierarchies shape legal processes and outcomes, drawing on historical and contemporary evidence to illustrate how caste prejudices persist. The research proposes practical reforms including caste sensitivity training for police and judges, strengthening legal protection against caste discrimination, and improved access to justice for marginalized communities.

4.7 Prosecutorial Independence

The prosecutor stands at a unique intersection between State authority and individual liberty, serving as both guardian of legality and protector of justice. A comparative analysis of prosecutorial ethics and institutional norms in India under the BNSS in light of the United Nations Guidelines on the Role of Prosecutors finds that while the BNSS represents a legislative modernization of procedural law, its treatment of prosecution largely preserves executive dependence.

The study examines appointment procedures, accountability mechanisms, professional integrity, and human rights orientation, identifying both areas of conformity with and divergence from the UN Guidelines. It argues that India's model embodies the spirit of justice but lacks structural autonomy, codified ethical standards, and professional oversight. Integrating the ethical imperatives of the UN Guidelines into India's prosecutorial system is essential for enhancing public trust, transparency, and global legitimacy.

4.8 What Is Missing in the Literature

Reading through all this, I noticed several gaps. First, there is a lot of writing on individual reforms probation, community service, forensic science but less that connects them into a coherent picture of systemic change. Second, the new criminal laws are so recent that most

analysis remains preliminary and speculative. Third, there is a tendency to focus on what the law says rather than how it is being implemented. Fourth, the voices of those most affected by the criminal justice system prisoners, undertrials, victims from marginalized communities are largely absent from the academic literature.

This paper tries to address some of these gaps, at least a little.

5. The Three New Criminal Laws: A Structural Overview

5.1 Bharatiya Nyaya Sanhita

The Bharatiya Nyaya Sanhita replaces the Indian Penal Code of 1860. It reduces the number of sections from 511 to 358, though as noted earlier, much of this reduction comes from consolidation rather than deletion. The BNS retains most substantive offences from the IPC but reorganizes them and updates language.

Key changes include the introduction of terrorism as a standalone offence, provisions on mob lynching and organized crime, expanded sexual offences, and recognition of electronic evidence. Community service is formally recognized as a form of punishment, marking a significant shift toward restorative justice.

However, critics point out that many provisions remain virtually unchanged. Murder, rape, and other major offences are largely identical to their IPC counterparts. The sedition provision, while renamed, continues to criminalize speech that could be interpreted as threatening national integrity.

5.2 Bharatiya Nagarik Suraksha Sanhita

The BNSS replaces the Code of Criminal Procedure, 1973. The 2024 amendments represent the most comprehensive revision since the CrPC was enacted, with over 180 changes. Key reforms include:

- Introduction of electronic trials: complaints, summoning, and evidence recording can now be done electronically
- Mandatory forensic evidence collection for serious offences
- Video recording of search and seizure proceedings
- Time limits for investigation and trial: proceedings should be completed within 90 days, extendable to 180 days

- Provisions for undertrial release: prisoners who have served half the maximum sentence for their offence are entitled to bail
- Witness protection provisions including safe housing and economic support

The BNSS also introduces new provisions for sentence review and premature release, though as research shows, implementation remains uneven.

5.3 Bharatiya Sakshya Adhiniyam

The BSA replaces the Indian Evidence Act, 1872. Its most significant changes relate to electronic evidence. The new law explicitly recognizes electronic records as primary evidence, removes barriers to admitting digital evidence, and establishes standards for electronic signatures and certification.

The BSA also addresses cross-border evidence, allowing courts to issue commissions for evidence collection abroad and recognizing evidence obtained from foreign jurisdictions.

6. Key Areas of Reform

6.1 Community Service and Alternative Sentencing

The introduction of community service in the BNS is arguably one of the most significant philosophical shifts in Indian criminal law. For the first time, the law explicitly recognizes that imprisonment is not always the best or only response to crime. Section 4(f) of the BNS lists community service as a form of punishment, and various specific offences now carry community service as an option.

But as Justice U.U. Lalit recently pointed out, there is a lack of legislative clarity in prescribing community service as an alternative to imprisonment or fine. He highlighted the absence of statutory guidelines on the duration, nature, supervision, and consequences of non-performance of community service sentences.

Drawing from international models, scholars have proposed a framework that would include clear eligibility criteria based on offence gravity, structured assessment of duration and content of service, supervision mechanisms involving probation officers or local authorities, and consequences for non-performance ranging from warnings to extension of service.

The success of community service will depend on whether these guidelines are developed and whether the infrastructure for supervision is created.

6.2 Undertrial Prisoners and Prison Overcrowding

India's prisons hold approximately 570,000 inmates, of whom nearly 70 percent are undertrials people who have not been convicted of any crime. Many spend years in jail simply because they cannot afford bail. The Supreme Court has repeatedly flagged this as a violation of Article 21, yet the problem persists.

The BNSS attempts to address this through Section 479, which limits the maximum period of detention for undertrials. The provision requires courts to proactively identify eligible prisoners and consider their release. In November 2024, the Supreme Court directed jail authorities to implement this provision, ordering them to identify undertrial prisoners who may be eligible for release.

But implementation faces significant challenges. Many undertrials are unaware of their rights. Jail authorities lack the resources to conduct regular reviews. Courts are overburdened and cannot prioritize bail hearings. Without systematic reform, the provision risks remaining symbolic.

6.3 Forensic Science Integration

The mandate for forensic evidence collection in serious offences is a significant step forward. The BNSS requires that for offences punishable with seven years or more, forensic experts must be involved in evidence collection. This reflects recognition that scientific evidence is more reliable and can reduce reliance on witness testimony, which is often compromised.

But India's forensic infrastructure is simply not ready. With only 117 FSLs and just 10 NABL accredited labs, the system is already overburdened. The referral rate of cases is only 10 to 12 percent, meaning most cases never get forensic analysis at all. Adding mandatory requirements without expanding capacity will only create delays.

Moreover, forensic evidence is only as good as the people who collect and analyze it. India faces acute shortages of trained forensic personnel. Pay scales are not competitive with the private sector. Equipment is outdated. Without significant investment, the forensic mandate will fail.

6.4 Digital Courts and Electronic Evidence

The BNSS and BSA together create a framework for digital justice. Electronic filing, electronic summoning, video testimony, and digital evidence are now explicitly recognized. This could dramatically speed up proceedings and reduce the backlog of cases.

But again, infrastructure is the barrier. Many district courts lack reliable internet connectivity.

Judges and lawyers are not trained in digital procedures. Cyber security concerns are not adequately addressed. Without investment in hardware, software, and training, digital courts will remain an urban phenomenon.

6.5 Sentencing Review and Premature Release

The research from Cambridge on sentence review boards highlights both the potential and the challenges of sentencing reform. The Delhi High Court's adoption of a new checklist for premature release decisions shows how research can influence policy. Factors like socio-economic background, reformation during imprisonment, and potential for reintegration are now supposed to be considered alongside the gravity of offence.

But as the researcher notes, deeper structural reform is needed. The Sentence Review Board has 7 members, of which 6 represent the state's executive branch. This makes political influence difficult to avoid. Boards often avoid reducing life sentences due to fears about public perception, maintaining a hardline stance for political approval. Independent representation and clearer legal structures are needed.

6.6 Prosecutorial Independence

The comparative analysis of India's prosecutorial framework under the BNSS against UN Guidelines reveals significant gaps. India's prosecutors lack structural autonomy. They are appointed by and report to the executive. There are no codified ethical standards comparable to international norms. Professional oversight is minimal.

This matters because prosecutors sit at the intersection of state power and individual liberty. If they are not independent, if they are subject to political pressure, then the entire justice system is compromised. The UN Guidelines emphasize impartiality, accountability, and human rights orientation. India's framework, the study concludes, embodies the spirit of justice but lacks the structural autonomy to guarantee it.

6.7 Caste and Discrimination

The persistence of caste-based discrimination in criminal justice is perhaps the most intractable challenge. Despite constitutional guarantees and anti-discrimination laws, Scheduled Castes and Scheduled Tribes continue to face unequal treatment at every stage from arrest to sentencing.

Research documents how caste prejudices affect policing, judicial decision-making, and outcomes. Marginalized communities are overrepresented in prisons, underrepresented among

those granted bail, and more likely to receive harsh sentences. The social and psychological burden on those navigating the justice system is immense.

Reforms proposed include caste sensitivity training for police and judges, stronger enforcement of anti-discrimination laws, and improved access to justice for marginalized communities. But these require political will and institutional commitment that has been lacking.

7. Implementation Challenges

7.1 Infrastructure Deficits

The single biggest barrier to criminal justice reform in India is infrastructure. Forensic labs are understaffed and underequipped. Courts lack digital connectivity. Prisons are overcrowded and underfunded. Police stations operate with minimal resources. Passing laws that require all of these institutions to do more without giving them the tools to do it is setting them up to fail.

The BNSS mandates forensic evidence collection for serious offences, but India has only 117 FSLs for the entire country. Many districts have no lab at all. Samples must be sent hundreds of kilometers, taking months to process. The backlog is enormous.

The BNSS and BSA create a framework for digital courts, but most district courts have unreliable internet, outdated computers, and no technical support. Lawyers in rural areas do not have laptops or smartphones. E-filing kiosks are broken or nonexistent. Virtual hearings are constantly disrupted by connectivity issues.

The BNS introduces community service, but there is no infrastructure to supervise it. Who will monitor compliance? Who will report breaches? What happens when offenders do not show up? Without answers to these questions, community service will remain unused.

7.2 Capacity and Training

Even where infrastructure exists, capacity is lacking. Police officers are not trained in forensic evidence collection. Judges are not trained in digital procedures. Probation officers are overworked and underpaid. Prosecutors lack specialization.

The new laws require new skills. Collecting electronic evidence is different from collecting physical evidence. Conducting a virtual trial is different from conducting an in-person trial. Supervising community service is different from simply sending someone to jail. None of these skills can be developed overnight. They require systematic training programs, which do not currently exist.

7.3 Cultural and Institutional Resistance

Perhaps the hardest challenge is cultural. The Indian criminal justice system has been doing things the same way for over a century. Police officers are used to working with paper. Judges are used to physical files. Prosecutors are used to witness testimony. Changing these habits requires more than new laws; it requires new attitudes.

Sentence review boards resist releasing prisoners because they fear public backlash. Police officers resist forensic requirements because they are faster and easier to ignore. Prosecutors resist independent oversight because they are comfortable with executive control. Until these cultural barriers are addressed, reform will remain superficial.

7.4 The Digital Divide

The push toward digital justice creates new forms of exclusion. Lawyers in rural areas without reliable internet cannot file documents electronically. Litigants who cannot afford smartphones cannot participate in virtual hearings. Courts that rely on e-filing exclude those who cannot navigate digital systems.

The new laws recognize this risk in theory, but in practice, the digital divide is widening. Without affirmative measures to ensure access, digital justice will become justice only for those who can afford it.

8. What Needs to Change

Based on all this analysis, here are some suggestions I would offer.

Invest in forensic infrastructure. The mandate for forensic evidence is meaningless without labs to process it. India needs more FSLs, better equipment, and more trained personnel. This requires significant budget allocation and a long-term plan.

Develop guidelines for community service. The BNS introduces community service but provides no framework for its implementation. Clear guidelines are needed on eligibility, duration, supervision, and consequences of non-compliance. International models can inform this, but they must be adapted to Indian conditions.

Strengthen sentence review processes. The Delhi High Court's checklist is a good start, but deeper reform is needed. Sentence Review Boards should have independent members. Decisions should be transparent and reasoned. Prisoners should have legal representation at review hearings.

Ensure prosecutorial independence. India's prosecutors should be insulated from political pressure. Appointment procedures should be transparent. Ethical standards should be codified.

Oversight mechanisms should be independent.

Address caste discrimination systematically. This requires training, enforcement, and access. Police and judges need sensitivity training. Anti-discrimination laws need stronger enforcement. Marginalized communities need better access to legal aid and representation.

Bridge the digital divide. Digital justice must be inclusive. Courts should maintain physical filing options for those who cannot file electronically. Legal aid should cover digital access. Training should be provided to lawyers and litigants.

Monitor implementation. The new laws are only as good as their implementation. Regular monitoring and evaluation are essential. Data should be collected on key indicators forensic referral rates, community service usage, undertrial release rates, sentence review outcomes. This data should be public and used to inform further reform.

9. Conclusion

I started this paper with a question: does changing the name of a law change how it works on the ground? After months of reading and thinking, I am not sure I have a simple answer.

On one hand, the new criminal laws represent a genuine attempt at reform. They remove colonial-era provisions that had no place in independent India. They introduce alternative sentencing options that could reduce prison overcrowding. They mandate forensic evidence that could improve conviction rates. They create frameworks for digital justice that could speed up proceedings. They strengthen protections for undertrial prisoners and victims. These are real changes.

On the other hand, the laws leave many problems untouched. The death penalty remains. Vague offences remain. Police powers remain largely unchecked. Prosecutorial independence remains absent. Caste discrimination remains unaddressed. And crucially, the laws do nothing to build the infrastructure needed to implement them. Forensic labs are still understaffed. Courts are still underequipped. Prisons are still overcrowded. Police are still untrained.

The new laws are necessary but not sufficient. They create the legal framework for change, but they do not create change itself. That requires investment, training, political will, and cultural shift. It requires building institutions, not just passing laws.

The prisoners serving life sentences without meaningful review are not helped by Section 479

alone. The undertrials languishing in overcrowded jails are not helped by the BNS alone. The victims whose cases drag on for years are not helped by digital provisions alone. They are helped when laws are implemented, when infrastructure exists, when people are trained, when systems work.

The reforms of 2024 are a start. But they are only a start. The real work of building a fair, efficient, and humane criminal justice system lies ahead. It will take years, maybe decades. It will require sustained commitment from governments, judiciaries, and civil society. It will require listening to those most affected by the system prisoners, victims, marginalized communities and centering their experiences.

I do not know if we will get there. But I know that the new laws have opened a door. Whether we walk through it is up to us.

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