
CRIMINAL LAW REFORMS IN INDIA: STRIKING THE BALANCE BETWEEN JUSTICE AND EFFICIENCY

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ABSTRACT

The amendments to India's criminal code have been a topic of ongoing discussion as they seek to balance the sometimes-opposing goals of efficiency and fairness. The criminal justice system suffers from inefficiencies, including case backlogs, procedural delays, and a resource-deficient court, which compromise its ability to respect the rule of law, ensure equity, and safeguard individual rights. The articles analyse the development and present condition of criminal law reforms in India, concentrating on legislative and judicial initiatives designed to improve efficiency while maintaining fundamental justice values. This article analyses the development and present condition of criminal law reforms in India, concentrating on legislative and judicial initiatives designed to improve efficiency while maintaining fundamental justice values. This paper analyses essential reform issues including procedural streamlining, expedited courts, court digitisation, and victim-centred amendments through a qualitative examination of pertinent legislation, judicial rulings, and scholarly viewpoints. The paper finds that, despite progress, India's criminal justice system requires a more comprehensive, institutionalised approach to properly synchronise justice with efficiency.

Keywords: Criminal Reform, Criminal Laws, Legislative Framework, Amendments, interpretations, Justice System.

Introduction

The Indian criminal justice system, rooted in colonial origins, has developed while yet maintaining the structural intricacy and procedural inflexibility inherited from British common law. The Indian Penal Code (IPC) of 1860¹, the Code of Criminal Procedure (CrPC) of 1973², and the Indian Evidence Act 1872³ are the primary legislative frameworks regulating criminal law in India. Although these laws established a strong basis for law enforcement and judicial processes in the 19th and 20th centuries, the complexities of modern society, the characteristics of criminal behaviour, and technical progress require ongoing revisions to this legislation. A significant number of cases, bureaucratic bottlenecks, and inadequate legislation provide serious obstacles for India's system of criminal justice. A five-year aggregate awaiting resolution in 4.7 million disputes as of 2021. Postponed justice damages the reputation of the person being charged and undermines public confidence. Criminal law changes are necessary to preserve justice and equality while addressing contemporary needs. This article looks at reforms implemented to deal with inefficient processes and guarantee fair, timely administration of justice.

Literature Review

Research by Upendra Baxi and N.R. Madhava Menon critiques the Indian criminal court system for prioritising governmental oversight above individual sovereignty. Menon argues that administrative complexity hinders efficiency, but Baxi asserts that the state's power sometimes supersedes justice for vulnerable communities. He argues the CrPC provides a thorough criminal adjudication framework, but antiquated regulations hamper trial and decision-making. These delays annoy the people and slow justice. Reports like Vasudevan's 2021 judicial revamp target case backlogs and justice access. Fast-track courts and the digitalisation of judicial processes can assist, but Vasudevan argues they are often ad hoc and fail to address systemic inefficiencies. He wants better court infrastructure and judicial officer training. Criminal law reform needs the Indian Law Commission. The Law Commission's 245th report (2014) recommends reducing court delays and backlogs. The research recommends modernising court processes, adding CrPC judges, and enhancing institutional

¹ Indian Penal Code, 1860, No. 45, Acts of Parliament, 1860 (India).

² Code of Criminal Procedure, 1974, No. 2, Acts of Parliament, 1974 (India).

³ Indian Evidence Act, 1872, No. 1, Acts of Parliament, 1872 (India).

mechanisms to accelerate adjudication. The Law Commission recommended fast-track sexual offence courts and CrPC reforms allowing video conferencing in trials. A comparison shows how other nations balance efficiency and equality. US and UK courts have relied on plea bargaining and ADR to reduce workload.

Methodology

This study utilises a qualitative research technique that includes case law analysis and doctrinal assessment. The study relies on primary sources, including the Indian Penal Code, the Code of Criminal Procedure, and the Indian Evidence Act, together with subsequent amendments and legislative modifications over time. An essential element is the analysis of case law, which centres on past rulings by the Indian Supreme Court and High Courts that have profoundly influenced developments in criminal law. The research examines how functionality and justice have equal importance in the framework of criminal justice by analysing parliamentary and regulatory changes via the use of supplementary data.

Results

The Criminal Law (Amendment) Act of 2018⁴ aims to reduce court congestion by prioritising serious offences; nonetheless, fast-track courts have been criticised for occasionally infringing upon the rights of the accused. Technological advancements, like videoconferencing and the e-Courts initiative, have improved efficiency, especially during the COVID-19 pandemic; but, implementation remains patchy in rural areas. Judicial decisions, exemplified by *Hussainara Khatoon v. State of Bihar*⁵ and *Shivaji Sahebrao Bobade v. State of Maharashtra*⁶, have underscored the equilibrium between prompt justice and procedural equity. Moreover, there has been a transition towards victim-centric reforms, encompassing victim compensation programs and victim impact statements; nonetheless, these initiatives frequently encounter obstacles in execution and financing.⁷

⁴ Criminal Law (Amendment) Act, 2018, No. 22, Acts of Parliament, 2018 (India).

⁵ *Hussainara Khatoon v State of Bihar*, A.I.R. 1979 S.C. 1369 (India).

⁶ *Shivaji Sahebrao Bobade v. State of Maharashtra*, A.I.R. 1973 S.C. 2622 (India).

⁷ Khushi Malviya, *Victim Compensation Scheme under CrPC*, LAWCTOPUS (Oct. 5, 2024, 5:00 PM), <https://www.lawctopus.com/clatalogue/clatalogue/clat-ug/victim-compensation-scheme-under-crpc/>

Discussion

1. Justice vs. Efficiency: An Ongoing Tension

This conversation is mostly about how changes to criminal law can be both fair and effective. Fast-track courts and plea deals are examples of changes that have been made to improve efficiency. These have helped clear up case backlogs, but they have also raised concerns about the fairness of trials. Fast-track courts may put speed over following the rules, which could lead to mistakes in the justice system.⁸ Some people's rights are violated by the speed with which these trials happen, even though fast-track courts for sexual crimes have cut down on the time it takes to hear high-profile cases like rape or child sexual abuse. Particularly when severe allegations like rape are presented, legal professionals and advocates are worried about the move in approach from impartial evidence evaluation to hasty verdicts in a fast-track courts. This is because quick relief shouldn't result in wrong verdicts.

2. The Role of Alternative Dispute Resolution (ADR) Mechanisms

ADR, or alternative dispute resolution, is a mechanism that allows disagreements to be settled outside of court without following a strict legal procedure. Negotiation, mediation, or arbitration are the options for handling it. Since alternative dispute resolution (ADR) is less expensive and time-consuming, its main goal is to lessen the workload that courts are subjected to while cases are pending. ADRs can settle minor criminal issues in the criminal court system, including situations involving motor vehicles and marital disturbance. Hundreds of thousands of cases need in courts across the nation at the moment, which makes the Indian Criminal Justice System need an inventive method like ARD. Every disagreement is similar to cancer, and both sides need to get help immediately as attainable. The idea of alternate dispute resolution has developed to settle conflicts via the use of a process. Unfortunately, the Indian judiciary does not have a substitute method for resolving conflicts outside of court. The CPC section 89, gives the court the authority to direct parties to settle issues out of a court of law. In *Afcons Infrastructure v. herian Varkey Construction*⁹ it was ruled that without alternative dispute resolution (ADR) process should be used to determine charges against someone. In modern India, the number of pending cases is rising, meanwhile there is no

⁸ Priya Jaiswal, *Fast-Track Courts in India: Assessing Efficacy and Proposing Solutions for Case Backlog*, 6(3) IJLSI 1482, 1482- 1496 (2024).

⁹ *Afcons Infrastructure v. herian Varkey Construction*, (2010) 8 SCC 24.

particular law that addresses the use of alternative dispute resolution (ADR) to resolve some criminal charges. In the CrPC plea bargaining is mentioned, however it is not explained in depth. Numerous rulings have demonstrated that judges do not support plea deals.

Moreover, this would alleviate the strain on the court infrastructure, allowing judges to focus on more serious criminal cases, thereby improving the overall efficiency of the system. The United States and the United Kingdom have effectively integrated plea bargaining and alternative dispute resolution into their criminal justice systems. Plea bargaining allows the defendant to admit guilt in exchange for a reduced sentence or lesser charges, thus accelerating the court process. Although India has implemented a restricted version of plea bargaining under Section 265¹⁰ of the CrPC, its use remains limited due to insufficient knowledge, opposition from legal practitioners, and doubt about its equity. Enhancing plea bargaining and other dispute-resolution processes might substantially improve the efficiency of India's criminal justice system while preserving procedural fairness.

3. Impact of Technological Innovations

One important improvement meant to increase efficiency and provide major possible benefits is the digitalisation of the court. As said before, programs like the e-courts project cover digital case administration, online filing, and electronic payments, thereby reducing delays connected with conventional, paper-based systems. In India, the epidemic has expedited the implementation for online judicial procedures, posing difficulties for rural and remote neighbourhoods with poor access to online resources and other technologies. Although the change has been commended for improving access to justice, worries over the gap in technology still exist. At all court levels, an enormous commitment in systems and instructional material is required to enable the efficient use of innovation. There is a lot of promise in the digitisation of court documents and the applying of AI-powered technologies to case oversight and material evaluations. To avoid predispositions in the making of choices, care must be taken nonetheless, as improper AI technology adjustment might amplify pre-existing biases.

4. Victim Rights and Restorative Justice

The criminal court system in India is changing to an emphasis on victimisation that emphasises

¹⁰ Code of Criminal Procedure, 1974, § 265, No. 2, Acts of Parliament, 1974 (India).

the rights of sufferers and gives them a voice in their defences. The Criminal Law (Amendment) Act of 2018¹¹ established regulations aimed at safeguarding the legal entitlements of victims, including people who have experienced domestic violence. Repercussions evaluations can now be provided by perpetrators at the punishment, providing them a voice in the proceedings. People who are victims of felony offences can receive financial assistance under the Victim Compensation Scheme. But victim-centric improvements are still not being implemented consistently across the entire country, with convoluted and inadequate programs leading to inadequate or protracted redress. The requirements of the victim are frequently overlooked by the country's antagonistic court system. By incorporating reintegration ideas more thoroughly, victims may get justice that is more comprehensively focused on rebuilding and reunification. Other administrations, such as Australian and Canadian governments, have demonstrated accomplishment with recuperative accountability, which places an emphasis on interacting with the guilty and the innocent as well as the healing of harm. By lowering court cases, its broader implementation in India might further strike a balance between expediency and fairness. While the person charged should be treated with reformation in mind, the rights of the innocent party and aspirations should also be taken into consideration. Even though there are numerous encouraging developments to guarantee the person who was assaulted receives justice, much work remains. The judiciary within India places more emphasis on defending the constitutional liberties of the accused, including those who are incarcerated, than it does on the person being assaulted. *Judge Krishna Iyer*, in his ruling, said that another person's pain is commonly ignored out of compassion for the offender and that Indian law on crimes does not prioritise victims. The perpetrator's privileges must be upheld in order to comply with the equitable concept, as their own passions are likewise vital, if slightly more so. Giving victims an integral part throughout the entire process and afterwards after it is over is necessary to ensure that the law is served effectively.

5. Institutional and Systemic Challenges

A scarcity of officials from the judiciary is one of the many institutionalised and structural issues that the Indian court must deal with. The number of judges per million people in the nation is just 21, significantly less than the 50 suggested by the Law Commission, as well. This shortfall is made worse by the dearth of facilities in subordinate courts, which hear the majority

¹¹ Criminal Law (Amendment) Act, 2018, No. 22, Acts of Parliament, 2018 (India).

of criminal cases. Delays and deficiencies arise from insufficient technological resources, poor courtroom facilities, and an unfavourable working atmosphere. Although lower courts continue to face issues, higher courts, like the Supreme Court and High Court, have gained advantages from digitalisation and technological modernisation. Corruption inside the system continues to be a substantial concern. Corrupt methods often include court clerks, police officers, and attorneys, leading to delays, evidence tampering, and unjust trials. Combating corruption requires comprehensive reforms that include not just the court but also modifications in police methods, legal education, and the operations of the bar. The deficiency of legal understanding among people, especially those from disadvantaged populations, exacerbates the challenges within the criminal justice system. Individuals from disadvantaged socioeconomic origins sometimes lack access to proficient legal counsel, rendering them susceptible to false convictions or prolonged periods of jail as undertrials. Enhancing legal assistance frameworks, augmenting public awareness, and equipping individuals with an understanding of their legal rights are crucial for a more equitable and effective criminal justice system.

Conclusion

The dilemma of balancing justice with efficiency is perpetually pertinent to India's criminal justice system. Despite considerable advancements in mitigating inefficiencies, some programs designed to rectify them, such as fast-track courts, digitalisation, and procedural modifications, have faced criticism for prioritising expediency above equality. While expedited court processes are pragmatic, they may contradict the fundamental concepts of justice inherent in the criminal law system. Future development needs to be more comprehensive and expansive. Enhancing institutional capacity via the addition of judicial officers, the development of subordinate court infrastructure, and comprehensive technology integration ensures the system can handle the growing workload without sacrificing justice. Moreover, the use of restorative justice principles and the improvement of various conflict resolution techniques would alleviate the burden on the courts and provide more equal outcomes for both victims and offenders. Revisions to criminal law in India must ultimately achieve equilibrium between the needs of a complex, progressive society and the need for a fair and equitable legal framework. Only ongoing evaluation and reform of the legal system will enable the country to attain a significant equilibrium between justice and efficiency.

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