

Illicit Legal Regime Since Victoriana till Modernity: A Judicial Critique

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Abstract: *As a field of study and inquiry, the criminal justice system is still essentially a subset of the judiciary. As a result, despite the fact that crime and illicit activity are on the rise worldwide, empirical investigations and studies of criminal justice have not yet gained broader academic interest and approval, with the exception of a few industrialized nations. Although criminality is one of the most complicated issues facing modern society, developing conceptual expertise for criminal justice governance is a challenging and delicate task. (Researchgate; <https://www.researchgate.net/publication> (last visited on May 10, 2025)) National and municipal governments employ the criminal justice system, which consists of organizations and regulations, to keep society under control, prevent and control crime, and punish lawbreakers. The primary organizations tasked with these responsibilities are law enforcement, including police and prosecutors, courts, defense lawyers, and local jails and prisons. These organizations supervise the processes for making an arrest, filing charges, making a decision, and punishing individuals found guilty. The state's choice to enforce the strict standards of human behavior necessary to safeguard individuals and communities gave rise to the necessity for criminal justice administration. By lowering the danger of crime and catching, prosecuting, convicting, and punishing those who break socially established laws and regulations, it aims to achieve its protective objective through enforcement. (Journal of International Criminal Law; <https://www.jicl.ir> (last visited on May 10, 2025)) Successful execution of the intentional governance of the judiciary is contingent upon appropriate guidance at all levels and a cohesive operation of the three organizations engaged in this procedure, which ranges the police, the criminal courts, and the correctional administration, which includes the prison service, probation service, and correctional agencies. Then only when this crucial collaboration can be guaranteed at all levels and at all stages will the actual goal of preventing crime through the reformation and rehabilitation of the criminals be achievable. (ibid) From its early origins in historical legal customs to the modern paradigm influenced by colonial authority and post - independence changes, the judiciary of India has experienced notable change. From the British codified legislation to the grassroots initiatives legal frameworks of before colonial India, the system's development shows a synthesis of historical influences. Although the Indian Penal Code (IPC) and Criminal Procedure Code (Cr. P. C), which were written by the British colonial government, served imperial purposes rather than advancing justice for the general public. (Lawfullegal; <https://lawfullegal.in> (last visited on May 15, 2025))*

Keywords: Criminality, Administration, Justice, Criminal Justice System, Code of Criminal Procedure (Cr. P. C), Indian Penal Code (IPC)

1. Introduction

The concept of crime has changed over time, changing in parallel with the social backdrop of society. In the same nation, it has always been reliant on the strength and direction of social sanctions and public opinion. The degree of crime tends to differ from culture to society and from community to community, and for a particular society or community, "crime" seems to include both the response to and the actual activity throughout time.¹

The phrase "criminal justice administration" refers to the method of handling illicit activities. The criminal justice system is in charge of assessing whether a criminal conduct has infringed upon people's rights and liberties and, if so, taking the appropriate measures to remedy the imbalance the criminal act has caused. Consequently, justice is the only facet of the crime problem that the criminal justice system is designed to address. In carrying out this job, the criminal justice system is required to take a wholly post - oriented strategy, focused on previous illegal conduct. The state's choice to enforce the strict standards of human behavior necessary to safeguard individuals and communities gave rise to the necessity for criminal justice administration. By reducing crime risk and catching, investigating, prosecuting,

and punishing those who violate the law and society's norms, it seeks to accomplish its protective objective through enforcement.²

Civil liberties serve as a benchmark for the defense and advancement of human rights in the CJS and are marked by the global treaties that make up a code of human rights. The Vedic Scriptures of Hinduism are the source of human rights in India. The foundation of Hindu law is found in the Vedas, the ancient Hindus' metrical holy texts.³

From the perspective of the inmates awaiting trial, self - respect has been seen as a major change in the CJS. The rule of law has acknowledged in numerous cases pertaining to the rights of impoverished prisoners awaiting trial that they must be treated as human beings and that their treatment, even while in the custody of the police or jail, must adhere to the fundamental principles of justice and humanity, i. e., the guarantee of custodial dignity. India has made the most significant steps to preserve and enforce the precious human rights by enacting the Protection of Human Rights Act 1993 at the national and state levels after comprehending the issues of pain and sadness.⁴

² ibid

³ Researchgate; <https://www.researchgate.net> (last visited on May 15, 2025)

⁴ ibid

¹ Journal of International Criminal Law; <https://www.jicl.ir> (last visited on May 15, 2025)

The criminal justice system deals with the government entities that are in charge of upholding the nation's laws, preserving peace and harmony, and dealing with criminal activity. The criminal justice system's goal is to guarantee that everyone who is harmed or loses anything due to the actions of others has the opportunity to make their case and pursue justice.⁵

With a long and intricate history, India's criminal justice system has been influenced by a wide range of historical, political, and cultural factors. The Indian subcontinent has historically served as a hub for several legal traditions, ranging from the more structured constitutional structures of the medieval Islamic era to the ancient systems of justice founded on spiritual and ethical principles like the Manusmriti and Arthashastra. Nevertheless, an important juncture was reached during the British colonial era, when the British imposed a systematic, codified legal system intended to regulate and control the populace. A formalized law enforcement structure that is still in place today was formed in 1898 with the adoption of important legislative documents including the Criminal Procedure Code (Cr. P. C) and the Indian Penal Code (IPC) in 1860.⁶

Following attaining independence in 1947, India worked to change the legacy of colonialism it acquired to better align with its democratic principles, constitutional values, and social justice goals. India's criminal justice system still confronts several obstacles in spite of a number of reforms, such as changes to legislation from the colonial era and the creation of court procedures like public interest litigation (PIL).⁷

This article assesses the long - lasting effects of colonial control, the current attempts to reform the system, and the development of the penal justice system in India. It additionally covers the responsibilities of various organizations, the Federal Government's involvement, the operation of criminal law, and the governing framework prevailing in India. The study strives to illustrate the advancements, obstacles, and necessity of ongoing modernization by following the path from colonial - era legal systems to current changes. This will guarantee that justice in India is both efficient and available to everyone.

Emergence of Criminal Jury Service

Hobbes believes that man is inherently selfish and would go to any length for pleasure. According to Bentham, people shun suffering and embrace happiness. He is normally driven by his subconscious, and there were no restrictions or boundaries in place to regulate his behavior previously. As the population and towns grew, his ambitions coincided with those of others, resulting in a conflict. To govern a man's behavior, a system capable of monitoring his actions was required. The criminal jury system evolves in tandem with human progress.⁸

The first stage occurred when he had no oversight regarding his behavior and behaved solely to satisfy his needs and expectations. He has the ability to harm anyone in order to achieve his goals. The second stage saw the area explode and the notion of 'state' develop. At this point, the kingdom was controlled by a ruler, who delegated authority to others. This stage, however, was incapable of handling the conflict of interests, so the monarch imposed harsh punishments based on the principle of eye for an eye and body for a body. This stage was filled with vengeance and anger. When the monarch was still unable to control man's activities and society was in disorder, a correct structure was thought to be necessary. With the passage of time and societal evolution, the monarchy gave way to the bourgeoisie which was subsequently replaced by Democracy, and the government was assumed to have a mechanism in place to manage the rate of crime in each state; therefore, the Criminal Justice System evolved.⁹

Over millennia, the justice system in India has changed in response to a variety of cultural, legal, and political influences. In the beginning, India embraced a native legal systems founded on scriptures from religion and communal norms. Nonetheless, the British colonial period saw a substantial shift when they adopted codified laws such as the Indian Penal Code (IPC) and Criminal Procedure Code (Cr. P. C), which centralized judicial power and benefited colonial interests. After obtaining independence in 1947, India tried to reform its legal structure to reflect the democratic values stated in the Constitution. Notwithstanding considerable advances, issues like as court backlogs, obsolete legislation, and police inefficiencies continue. This history represents a continuous endeavor to reconcile historical legacies with contemporary aspirations for justice, fairness, and equality in a varied community.¹⁰

Legal Regime During Victoriana

Indian officials administered adjudication between 1765 and 1772, and because it was largely dependent on the colonists' comprehension and interpretation of the native legal system, the procedure was sometimes capricious.¹¹

The Mughal legal system was mostly dependent on the regional Faujdars and their autonomy in administration, and it was never centralized in its functioning. With the exception of a revolt, this system placed more emphasis on amicably resolving disputes than on applying punitive justice, and when it was applied, it frequently varied according to the accused's position. People complained about the "venality" of the legal system because they believed that people were more motivated by desire for financial gain than by justice. In order to guarantee a centralization of the legal system and enforce the company's sovereignty, either implicit or explicit European monitoring is required.¹²

In 1772, Warren Hastings became the Governor of Bengal and tried to establish a new system based on the Mughal

⁵ iPleader; <https://blog.ipleaders.in> (last visited on May 16, 2025)

⁶ Lawfullegal; <https://lawfullegal.in> (last visited on May 16, 2025)

⁷ ibid

⁸ iPleader; <https://blog.ipleaders.in> (last visited on May 16, 2025)

⁹ ibid

¹⁰ Lawfullegal; <https://lawfullegal.in> (last visited on May 16, 2025)

¹¹ Nextias; <https://www.nextias.com/blog> (last visited on May 17, 2025)

¹² ibid

model in order to gain complete control over the judiciary. The districts and Calcutta or Murshidabad (Appellate) were the two tiers of the new structure. The district had two courts: Faujdari Adalat, which was a criminal court, and Diwani Adalat, which was a civil court. With the help of Maulvis and Brahman pundits who would translate the local laws for them, the European District Collectors were to rule over the civil courts. Depending on the litigant's faith, Muslim or Hindu laws were to be used in civil matters and Muslim rules in criminal ones. With the help of the Chief Qazi, the Chief Mufti, and three Maulvis, the Deputy Nizam presided over the Sadar Nizamat Adalat, which received appeals from the Faujdari Adalat. The court was presided over by the President (Governor of Bengal) and council members for a brief time (1772–1774, when its seat was in Calcutta). The Sadar Diwani Adalat, which has its seat in Calcutta and is chaired by the president and council members, may receive appeals from the Diwani Adalat. The Regulating Act of 1773 created a Supreme Court in Calcutta. Sir Elijah Impey, the Chief Justice of the Supreme Court, served as the superintendent of the Sardar Diwani Adalat when it was reorganized as an appellate court in 1780. Cornwallis, Warren Hastings's predecessor, carried on the tradition. He established what is commonly referred to as Cornwallis's Code of 1793, which divided the administration of civil justice from tax collection. The courts of a circuit presided over by European judges were established to serve as tribunals of appeal for both civil and criminal cases, replacing the Faujdari Adalats. A hierarchy of courts was established under the new system, ranging from city and Zillah (district) courts to four regional courts and the Sadar Diwani Adalat, which has appellate authority.¹³

There are other courts run by commissioners of circuit, whose judges conduct jail delivery sessions in the city and zillah stations at least twice a year. In British India, zillah courts—both local and European—are set up in every town and city, as well as in every district or collectorate. Together with native assessors, the European zillah courts are composed of a judge, a magistrate, and a registrar. They have the authority to initiate lawsuits worth up to £2000 and rule on appeals from the rulings of the native zillah courts as well as those of the registrars, sudder - ameens, and moonsiffs (native Hindoo and Mahometan arbitrators).¹⁴

In 1833, the Charter Act allowed Indians to serve in the judiciary and established a law commission to codify laws. This led to the creation of **the Indian Penal Code in 1860, the Civil Procedure Code in 1859, and the Criminal Procedure Code in 1861**. Following the dissolution of the Four Circuit courts, the collectors regained some judicial and magisterial jurisdiction. Up till today, Persian was the recognized language of the judiciary. The suitor might then choose to speak Persian or a vernacular language, but at the Supreme Court, English took Persian's place. Three high courts were founded in Madras, Bombay, and Calcutta in 1865. The Allahabad High Court was founded in 1866.¹⁵

Apparently as the initial legitimate criteria for obscenity, the "**Hicklin Test**" was developed by the Queen's Court in the *Regina v. Hicklin*¹⁶ case in 1868. The six essential components that make up the Hicklin test are as follows:

- a) "propensity for coercion and deprave, or to imply to readers sentiments of a most immoral and libidinous character";
- b) "minds that are open to such unethical tendencies"; and
- c) "the evildoer's intent was to be inferred from the words which he had used. His true intention was irrelevant. ";
- d) "current contemporary circumstances of no relevance";
- e) "accessibility";
- f) Another important and somewhat harsh component of the test was that any section, section, or passage of the content could be evaluated independently, and the entire content could be deemed offensive based on that.¹⁷

Similarly, in *Chandrakant Kalyandas Kakodkar v. State of Maharashtra*¹⁸, a short fiction in which the main character had intercourse with three women was examined. The court determined that even if the narrative was in foul taste, it did not qualify as obscenity in this case either. However, when used against significant historical figures like Mahatma Gandhi, vulgarity and abusive language can amount to obscenity. This was the case in *Devidas Ramachandra Tuljapurkar v. State of Maharashtra*¹⁹, where the Supreme Court ruled that a Marathi poem called "Gandhi Mala Bhetala" (or "Gandhi Met Me") was obscene.²⁰

Advancement of Criminal Legal Status after Independence

Following its 1947 Declaration of Independence, India worked to modernize its criminal justice system to better align with Constitutional and Democratic ideals. Fundamental rights, such as the Right to Equality before the Law and a Fair Trial, were protected by the 1950 Indian Constitution. Changes to outmoded colonial laws and the implementation of procedures like Public Interest Litigation (PIL) to increase availability of justice are examples of reforms meant to decolonize the legal system. There were attempts to rectify socioeconomic injustices, guarantee justice, and strengthen judicial independence. But issues like police incompetence, delayed trials, and the demand for increased accessibility to justice still exist, necessitating constant adjustments to satisfy the demands of a varied and expanding country.²¹

In order to uphold social control, prohibit and monitor crime, and punish lawbreakers, national and local governments employ a system of organizations and policies known as criminal justice. These responsibilities, which include regulating the processes for arrest, charging, adjudication, and punishment of those found guilty, are

¹⁶ Regina v. Hicklin (1868) L.R. 3 Q.B. 360

¹⁷ NUJSSACJ; <https://www.nujssacj.com> (last visited on May 17, 2025)

¹⁸ Chandrakant Kalyandas Kakodkar v. State of Maharashtra, 1970 AIR 1390

¹⁹ Devidas Ramachandra Tuljapurkar v. State of Maharashtra, 2015 AIR SCW 3822

²⁰ NUJSSACJ; <https://www.nujssacj.com> (last visited on May 17, 2025)

²¹ Lawfullegal; <https://lawfullegal.in> (last visited on May 18, 2025)

¹³ ibid

¹⁴ Victorianweb; <https://victorianweb.org> (last visited on May 17, 2025)

¹⁵ Nextias; <https://www.nextias.com> (last visited on May 17, 2025)

primarily carried out by law enforcement (police and prosecutors), courts, defense lawyers, and local jails and prisons. The approach of addressing crime is referred to as criminal justice administration. The concept of crime is changing and has evolved along with the socioeconomic status of society. The power and mobility of social penalties and public opinion within an identical nation are perpetually key factors. The degree of crime tends to differ from culture to society and from community to community, and for a particular society or community, "crime" tends to include both the response to and the actual activity throughout time.²²

It is the duty of the criminal justice system to ascertain if a criminal conduct has infringed upon the rights and liberties of persons and, if so, to take the appropriate action to rectify the disparities that the criminal act has caused. Consequently, justice is the only facet of the crime problem that the criminal justice system is designed to address.²³

According to history, each Indian monarch had a unique method for controlling crime inside his realm. While Manu recognized a variety of offenses, such as theft and robbery as crimes involving property and assault and murder as bodily injuries, Mauryas believed in harsh punishment and the goal was to instill terror in people's minds to prevent them from committing more crimes. The classifying process began here. During the Gupta dynasty, the monarch was assisted by a council of knowledgeable advisors in resolving conflicts and determining the appropriate penalty for wrongdoers. Since this structure served the judiciary's objectives, it may be claimed that the idea of the judiciary first appeared in the nation many years ago. Nevertheless, the penalties for offenses were not codified. Additionally, they lacked a study protocol.²⁴

Time and technological advancements led to the codification of offenses and the establishment of the judicial process. This made it simple and dependable to administer justice. Prior to independence, the British East India Company created the current criminal justice system in India. But since gaining its independence, it has undergone several adjustments. Periodically, a number of committees were established to offer systemic improvements and ways to reduce the nation's crime rate.²⁵

The necessity for Criminal Justice Administration arose when the State made the decision to implement the stringent human activity standards required to protect people and communities. It aims to achieve its protective goal through implementation by lowering the risk of crime and apprehending, looking into, prosecuting, and punishing those who break the law and social standards.²⁶

Administering of Criminal Law

In order to allow people to live in peace, the law enforcement apparatus seeks to punish offenders and deter

future crimes. The Indian Penal Code, 1860, which lists the different offenses and their penalties, and the Criminal Procedure Code, 1973, which outlines the trial process, make up India's criminal law. The Evidence Act of 1872 further regulates the evidence.²⁷

States' ability to succeed in implementing the criminal justice system has a direct impact on Human Rights, Democracy, Development, and the Rule of Law. Preventing and controlling crime, upholding Public Order and Peace, Protecting the Rights of Victims and those in contradiction of the law, punishing and rehabilitating those found guilty of crimes, and generally safeguarding life and property from illicit activity and lawbreaking are the goals of criminal justice. According to the Indian constitution, it is the state's main responsibility.²⁸

Until the accused is proven guilty beyond a plausible possibility, the opposing style of the criminal justice system assumes they are innocent. In order to achieve the goals of natural justice, it provides the accused with an equal opportunity to make his case. Human life is valued by Hinduism and other Indian religions, which also uphold the idea that everyone should have an equal chance to share their perspective. Thus, the Indian Criminal Justice System maintains a process of trial by jury and rests on the adage "*let 100 culprits be acquitted and freed, but one innocent person should never be convicted*".²⁹

Involvement of Federal Government and its Constabulary

The Police, Courts, and Prisons are the main official Criminal Justice Authorities. Police and Prison Administration are state issues under the Indian Constitution. However, the nation's judiciary is administered by the Supreme Court at the federal level and state - level High Courts. The organizational structure, management, and operation of all criminal justice agencies are governed by federal legislation, including the Indian Penal Code, Criminal Procedure Code, Indian Evidence Act, Police Act, and Prison Act, even though the police and prisons are state subjects.³⁰

The Central and Concurrent topics are under the primary jurisdiction of the Federal Parliament. Law enforcement and law enforcement are unquestionably state matters. For instance, the Central Government alone is in charge of administering the Central Bureau of Intelligence and Investigation, Preventive Detention, Arms, Ammunitions, Explosives, Extradition, Passports, and a variety of other related or related matters.³¹

THE INDIAN POLICE ACT of 1861, THE INDIAN PENAL CODE of 1860, THE CODE OF CRIMINAL PROCEDURE of 1861, THE CODE OF CIVIL PROCEDURE of 1859, and THE INDIAN EVIDENCE

²² Journal of International Criminal Law; <https://www.jicl.ir> (last visited on May 18, 2025)

²³ *ibid*

²⁴ iPleader; <https://blog.ipleaders.in> (last visited on May 18, 2025)

²⁵ *ibid*

²⁶ Journal of International Criminal Law; <https://www.jicl.ir> (last visited on May 18, 2025)

²⁷ iPleader; <https://blog.ipleaders.in> (last visited on May 19, 2025)

²⁸ Journal of International Criminal Law; <https://www.jicl.ir> (last visited on May 19, 2025)

²⁹ iPleader; <https://blog.ipleaders.in> (last visited on May 19, 2025)

³⁰ Journal of International Criminal Law; <https://www.jicl.ir> (last visited on May 19, 2025)

³¹ *ibid*

ACT are among the fundamental police acts that the federal government can also change. The State Governments must abide by all of these. Accordingly, in some situations, the Central Government takes control of the dynamic scenario established by the constitution as well as the structure and management of the state police forces.³²

- **Police:** Gather information, prepare charge sheets, and carry out preliminary investigations.
- **The Central Bureau of Investigation (CBI):** looks into cases that are significant to the country.
- **The Directorate of Enforcement (ED):** is responsible for investigating financial crimes including money laundering.
- In criminal cases, **The Public Prosecutor** represents the state and ensures fair and efficient prosecution.³³

The Felony Court System has four cornerstones, which are:

a) Police

Maintaining social harmony and ensuring the protection of its residents are the responsibilities of a State. Maintaining law and order in society is the responsibility of the police, one of the key components of the criminal justice system. It shields the populace from oppression, bloodshed, and chaos.

The Greek word "**politeia**" (meaning "State" or "administration") is where the term "**police**" originate. In one way or another, the police corps has existed since ancient India. Manu even emphasized how crucial the state's police force is.³⁴

Following the uprising in 1857, the British government recognized the value of a robust police force and established the POLICE COMMISSION in 1860. Their suggestions led to the passage of the INDIAN POLICE ACT of 1861. Later, in 1902, Lord Curzon established a second Commission to recommend changes to the Act.³⁵

The police are the main investigation body and frequently the initial point for interaction for witnesses, aggressors, and those who have been accused.

Police are in charge of filing First Information Reports (FIRs), gathering evidence, questioning testimony, and apprehending perpetrators. They deal with possible dangers, uphold public order, and stop crimes. Police submit charge sheets to the court following the conclusion of investigations. Police must protect the accused's rights and make sure there is no assault or battery while they are in custody.³⁶

In *Pratap Singh v. Union of India*³⁷ (2006), the Honorable Supreme Court issued guidelines that recommended changes to the police force. Here are:

- Every state has to set up a state security commission to monitor police activity and ensure that there is no influence.
- The DGP must be appointed through an open, merit - based procedure.
- Police officers must serve for a minimum of two years.
- The roles of law enforcement and inquiry ought to be kept apart.
- For issues pertaining to transfers, promotions, and other considerations, establish a Police Establishment Board.
- Every district must have a police complaints authority.
- The centrally established National Security Commission will be in charge of choosing a panel to choose police personnel and applicants.³⁸

b) Prison

When criminals are sentenced to a few years in jail or a lifetime in detention, they are housed in a prison. The convicts reside in an isolated environment and communication is restrained. The jail framework in India is built on the British system of incarceration. Prisons have been in existence in India from the earliest times. The purpose was to dissuade the criminals from repeating the offense. Nevertheless, the prison's state has gotten worse. Prisoners are treated harshly and exposed to cruel treatment. Thus, the Prison Enquiry Committee was established up in 1836, which advocated the cessation of the practice of inmates working on roadways.³⁹

In 1862, the Second Jail Enquiry Committee focused on the jails' unhygienic circumstances, which resulted in the deaths of several inmates from disease and unhygienic surroundings. It underlined the necessity for adequate food and clothing for imprisoned persons and their medicinal care. Additionally, the Third Committee made certain recommendations, which led to the passage of the PRISON ACT of 1894.⁴⁰

In the *Rama Murthy v. State of Karnataka*⁴¹ (1997) case, the Hon'ble Supreme Court noted particular obstacles and challenges that Indian prisons and inmates faced. The government realized that correctional facilities in the nation needed to be reformed as a result of these problems. The following are the problems:

- Congestion in the jail.
- Justice delay.
- The cruel and inhumane conduct toward inmates.
- Health and hygiene abandonment.
- Deficit in communication Streamlined prison visits.
- Having to oversee open - air prisons.⁴²

c) Court

India's Criminal Justice System has an illustrious and lengthy past. It has met its aim of giving justice to the victim with the assistance of laws and fair trials in courts. Courts have played a crucial function in the administration of criminal justice in the country and have additionally rendered the judiciary robust via different declarations and

³² ibid

³³ Criminallawjournal; <https://www.criminallawjournal.org> (last visited on May 20, 2025)

³⁴ iPleader; <https://blog.ipleaders.in> (last visited on May 20, 2025)

³⁵ ibid

³⁶ Criminallawjournal; <https://www.criminallawjournal.org> (last visited on May 20, 2025)

³⁷ Pratap Singh v. Union of India, (2006)

³⁸ iPleader; <https://blog.ipleaders.in> (last visited on May 20, 2025)

³⁹ ibid

⁴⁰ ibid

⁴¹ Rama Murthy v. State of Karnataka (1997) AIR SCW 929

⁴² iPleader; <https://blog.ipleaders.in> (last visited on May 20, 2025)

rulings. According to the criminal justice system described above, the court's function as the system's cornerstone is crucial. Giving the victim fair and unbiased justice is the goal of a criminal trial. The nation's criminal courts are organized in a distinct hierarchy to accomplish this goal.⁴³

Judiciary is composed of the High Court in each State, the Sessions Courts in each District, the Courts of Judicial Magistrate, and the Supreme Court, which is the highest court. Occasionally, the courts have issued historic rulings to improve the criminal justice system and fill up the gaps.⁴⁴

In the case of *Shyara Bano v. Union of India*⁴⁵ (2017), the Court ruled that the ritual of triple talaq is unconstitutional and criminal, while in the case of *Lalita Kumari v. State of Uttar Pradesh*⁴⁶ (2014), the Court mandated that police officers file a First Information Report.

Similarly, in the 1997 case of *Vishaka and others v. State of Rajasthan*⁴⁷, the court issued guidelines about workplace sexual harassment, which led to a 2013 amendment to the penal statutes. Courts are attempting to adapt the criminal justice system to the demands of society in a comparable manner.

d) Prosecution

Crimes are generally committed against society as a whole, not against a specific individual. Even though a criminal has caused suffering to a victim, the state takes notice of the case because it instills fear in the public. Additionally, the state is responsible for upholding law and order in society; therefore, whenever a crime disrupts this order, the state takes the initiative and is represented by a Public Prosecutor.⁴⁸

According to Section 2 (u) of the Criminal Procedure Code of 1973, a Public Prosecutor is a governmental representative who represents the desires of the general public in the Criminal Justice System. Public Prosecutors are chosen by the State Government in District Courts and the Central Government in High Courts, according to the process outlined in Section 24 of the Cr. P. C. A Public Prosecutor performs the subsequent duties.⁴⁹

- They are required to keep the case file up to date;
- Show up in court and contend on behalf of the State on behalf of the Victim;
- Make sure the accused receives worsened punishment,
- Refrain from using unfair tactics; and
- Cross - Examine eyewitnesses in addition to recording the Evidence.⁵⁰

Legislative Regime Commanding Investigation and Trial in India

The Indian Constitution, the Indian Penal Code (IPC), 1860, the Indian Evidence Act, 1872, and the Code of Criminal

Procedure (Cr. P. C), 1973, form the main foundation of the legal system that governs investigations and trials in India. When taken as a whole, these statutes provide a thorough legal framework for identifying crimes, controlling the course of investigations, holding fair trials, and guaranteeing justice. Constitutional clauses, court rulings, and specialist legislation that address particular kinds of offenses further enhance these laws.⁵¹

1) Constitutional Clauses

The Indian Constitution establishes the framework for the judiciary's work and is the ultimate law of the nation. It protects essential rights that are essential to the course of the inquiry and trial.⁵²

- Article 20: Protection against Ex Post Facto Laws, Double Jeopardy, and Self - incrimination;
- Article 21: Right to Life and Personal Liberty, which includes the Right to a Fair Trial and Prompt Justice; and
- Article 22: Protection against Arbitrary Arrest and Detention.

The State's duty to provide justice for all is further reinforced by the Directive Principles of State Policy (DPSP), which place a strong emphasis on the necessity of Equal Justice and Free Legal Assistance (Article 39A).⁵³

2) The Indian Penal Code (IPC), 1860

The primary substantive legislation that defines crimes and establishes penalties is the Indian Penal Code (IPC). It divides crimes into many categories, including crimes against:

- The State (e. g., sedition);
- Human anatomy (murder, attack, etc.);
- Ownership (e. g., robbery, theft); and
- National peace (such as riots).

There are certain penalties associated with each infraction. Because it defines the types of crimes and the severity of the penalties for them, the IPC is the basis for both investigations and trials.⁵⁴

3) The Indian Evidence Act of 1872

The reliability, relevance, and admissibility of evidence offered in court are governed by the Indian Evidence Act, 1872. It is essential to making sure that evidence is gathered, presented, and assessed in compliance with accepted legal norms.⁵⁵

- Sections 24–30: Confession - related provisions.
- Section 32: Acceptability of final statements.
- Section 45: Recommendations from professionals (forensic experts, for example).
- Sections 101–114: The assumption of innocent and burden of proof.

The Act ensures that only reliable evidence serves as the

⁴³ ibid

⁴⁴ ibid

⁴⁵ Shyara Bano v. Union of India, AIR 2017 SC 4609

⁴⁶ Lalita Kumari v. State of Uttar Pradesh, AIR 2014 SC 187

⁴⁷ Vishaka and others v. State of Rajasthan (1997) 6 SCC 241

⁴⁸ iPleader; <https://blog.ipleaders.in> (last visited on May 20, 2025)

⁴⁹ ibid

⁵⁰ ibid

⁵¹ Criminallawjournal; <https://www.criminallawjournal.org> (last visited on May 21, 2025)

⁵² ibid

⁵³ THE CONSTITUTION OF INDIA

⁵⁴ Criminallawjournal; <https://www.criminallawjournal.org> (last visited on May 21, 2025)

⁵⁵ ibid

foundation for court rulings by classifying evidence into three categories: oral, documentary, and circumstantial.⁵⁶

4) The Code of Criminal Procedure (Cr. P. C), 1973

The foundation for the investigation, questioning, and trial of offenses specified by the IPC and other specific legislation is provided by the Code of Criminal Procedure (Cr. P. C). It establishes the functions of the court, prosecution, and police in criminal procedures and separates felonies into cognizable and non - cognizable offenses.⁵⁷

- Sections 225–237: Sessions Hearing Process.
- Sections 251–259: Summons Trial Procedure
- Sections 260–265: Warrant Appeal Procedure.
- Section 309: Restriction of needless postponements to guarantee expeditious trials.
- Section 313: The accused's chance to clarify the facts against them.
- Section 378: Provisions for appeals in criminal proceedings.⁵⁸
- Section 154: First Information Reports (FIRs) must be registered for crimes that are subject to criminal prosecution.
- Section 156: Police can look into crimes that are punishable by law without a judge's permission.
- Section 161: The authority of police to question witnesses.
- Section 164: Confessions and statements are recorded by the courts.
- Section 167: Guidelines for court and police detention during investigations⁵⁹

Comparable Enumeration of Indian Criminal Judicature with Other Jurisdictions

The basis of any community is its criminal justice system, which ensures law and order, safeguarding rights, and the administration of justice. Although India has an unambiguous legal structure based on British common law principles, contrasting it with other well - known jurisdictions like the United States, United Kingdom, and Germany reveals variations in investigation and trial procedures, legal protections, and systemic efficiencies that provide a better understanding of the system's efficacy.

India

The primary governing bodies of the Indian judiciary system's constitutional foundation and administration are:

- The Indian Penal Code (IPC), 1860, is a substantive law that establishes the crimes and penalties.
- Investigative, trial, and appellate procedures are governed by the 1973 Code of Criminal Procedure (Cr. P. C).
- The Indian Evidence Act of 1872 established guidelines for the appraisal and admission of evidence.⁶⁰

An unbiased judge renders a decision based on the evidence after the attorneys for both sides plead their arguments in a court of law.⁶¹

Under the Cr. P. C. police are largely in charge of investigations. According to *Lalita Kumari v. State of UP*⁶², FIRs are required for crimes that are cognizable.

Political meddling, a lack of funding, and antiquated forensic equipment are common problems in investigations.

The system used in the trial is adversarial. According to Section 313 of the Cr. P. C. the accused is entitled to explain the evidence used against them.⁶³

Adjournments, case backlogs, and hostile witnesses are frequent causes of delays.

The 2018 Witness safety Scheme offers witnesses a restricted level of safety. Articles 20 and 21 of the Constitution, grant the accused certain rights.

Penalties range from penalties to the death sentence or life in prison. Prison rehabilitation initiatives receive little attention.⁶⁴

United States

Although it places a great focus on the Bill of Rights and Constitutional Protections, the US Criminal Justice System's legal framework and structure likewise adhere to an adversarial approach. Important characteristics include:

- Fifth Amendment right to silence.
- Nearly 90% of cases are settled out of court thanks to the widespread practice of plea bargaining.
- Agencies at the local, state, and federal levels function mostly independently.⁶⁵

Several government departments (FBI, DEA, and State Police) manage investigations. When an accused person is arrested, the Miranda Rights guarantee that they be made aware of their rights. Investigative productivity is increased by the use of cutting - edge forensic equipment and aid from technology.

Most serious crimes are tried by juries. Plea negotiation is a common strategy used by defendants to shorten sentences. Tight deadlines for lawsuit resolution avoid needless hold - ups.⁶⁶

Life in jail without the possibility of release is one example of a severe punishment. States vary in their emphasis on rehabilitation.

⁵⁶ THE INDIAN EVIDENCE ACT, 1872

⁵⁷ Criminallawjournal; <https://www.criminallawjournal.org> (last visited on May 21, 2025)

⁵⁸ THE CODE OF CRIMINAL PROCEDURE, 1973

⁵⁹ *ibid*

⁶⁰ *id*

⁶¹ Criminallawjournal; <https://www.criminallawjournal.org> (last visited on May 25, 2025)

⁶² *Lalita Kumari v. State of U.P.*, AIR 2014 SC 187

⁶³ Criminallawjournal; <https://www.criminallawjournal.org> (last visited on May 25, 2025)

⁶⁴ *ibid*

⁶⁵ International Journal of Policy Sciences and Law; <http://ijpsl.in> (last visited on May 25, 2025)

⁶⁶ *ibid*

Effective initiatives for Protecting Witnesses (such as the US Marshals Service). The accused's rights (Miranda Rights) are clearly stated.⁶⁷

Germany

In Germany's inquisitive framework, judges actively participate in fact - finding and investigations. Important points to note are:

- Judges and prosecutors collaborate extensively during investigations.
- The pursuit of the truth is prioritized over the hostile conflict between the prosecution and defense.
- Illegal activities require legal assistance.⁶⁸

The inquiry procedure is carefully monitored by judges. Both exonerating and inculpatory evidence must be looked at by prosecutors. Investigations are guided by the "objective truth" premise.

Judges actively participate in interrogating witnesses and reviewing evidence during inquisitorial trials. Most matters are decided by professional judges; jury trials are uncommon. Pendency is decreased by prioritizing speedy trials.⁶⁹

Throughout delicate cases, witnesses are afforded considerable security. Unless adjudged guilty, the accused are believed innocent, and rehabilitation is the main goal.

Strong emphasis on Inclusion and Rehabilitation. After lengthy terms, release is frequently granted and life imprisonment is uncommon.⁷⁰

United Kingdom

The adversarial paradigm is used in our ordinary law - based UK system. Important elements consist of:

- Prosecutions are independently managed by the CROWN PROSECUTION SERVICE (CPS).
- Great reliance on Precedents for uniformity (Stare Decisis).
- Robust defense of the Rights of Accused, especially the Right to Legal Representation.⁷¹

Under CPS's supervision, policemen carry out investigations. Prisoners are entitled to a lawyer while being questioned, and seizures must be justified by plausible suspicion. Constabulary action is monitored by impartial organizations like the INDEPENDENT OFFICE FOR POLICE CONDUCT (IOPC).

Grave crimes are tried by juries. Strict observance of the norms of Evidence and Procedural Justice. In order to guarantee justice and clarity in the procedures, the judge actively steps in.⁷²

Fair advocacy is ensured by robust legal assistance programs. The Youth Justice and Criminal Evidence Act of 1999 provide protection for eyewitnesses.

Balanced approach to rehabilitation and punishment. Programs for reintegration and prison reform are prioritized.⁷³

Skepticism of Criminal Justice System in India

Despite post - independence improvements, India's criminal justice system still confronts a number of modern issues. A backlog of cases results from overworked courts and drawn - out trial procedures, which cause major delays in the administration of justice. The problem is made more difficult by antiquated legislation, police ineptitude, and a lack of accountability. The system's capacity to deliver fair justice for all citizens is further hampered by socio - economic inequality and restricted access to legal resources. These difficulties show how the colonial past and contemporary goals for effectiveness, equity, and responsibility continue to diverge. In order to close this gap and provide a more equitable and user - friendly system, ongoing law changes, technology integration, and systemic inefficiencies must be addressed.⁷⁴

A crucial stage in the Indian criminal justice system is the trial process, during which the innocence or guilt of the accused is assessed, witnesses are cross - examined, and evidence is reviewed. The court system is intended to guarantee impartiality, fairness, and respect to the natural justice principles. It is largely governed by the Code of Criminal Procedure (Cr. P. C), 1973, with guidance from the Indian Evidence Act, 1872.⁷⁵

But even with a strong legal system, there are a number of issues that seriously impair the Indian judicial process' efficacy, speed, and openness.⁷⁶

- **Delay in litigation:** More than 5 crore lawsuits were still pending in India's courts as of July 2023. Approximately 1, 82, 000 of these cases have been outstanding for more than 30 years, with 87.4% of them still pending in Lower Courts and 12.4% in Higher Courts. There were 78, 400 cases pending before the Supreme Court.
- **Judicial Vacancies:** India has just 21 judges per million people, which is the basis for delays even though the country has long aimed for 50 judges per million.⁷⁷
- **Slow Development in Fast - track Courts:** Fast - track courts have not operated in an optimal manner. Fast - track is not the reason for establishing new courts with the required facilities and committed justices. Rather, current courts are usually labeled as fast - track courts, which means that judges must handle both these accelerated cases and their ordinary workload.
- **Cops Misuse of Power:** Officers are frequently charged with improper arrest, wrongful detention, wrongful search, harassment, assault in custody, and death, among

⁶⁷ ibid

⁶⁸ Criminallawjournal; <https://www.criminallawjournal.org> (last visited on May 25, 2025)

⁶⁹ ibid

⁷⁰ ibid

⁷¹ Indique Law Journal; <https://www.ilawjournal.org> (last visited on May 25, 2025)

⁷² ibid

⁷³ ibid

⁷⁴ Lawfullegal; <https://lawfullegal.in> (last visited on May 27, 2025)

⁷⁵ Criminallawjournal; <https://www.criminallawjournal.org> (last visited on May 27, 2025)

⁷⁶ ibid

⁷⁷ Dristiias; <https://www.dristiias.com> (last visited on May 27, 2025)

other offenses. On the basis of preventative legislation, police are also steadily gaining additional authority.⁷⁸

- **Sophisticated System:** The judicial systems of today are just too complicated and far from the disadvantaged. Vulnerable groups will unavoidably be excluded from a system that prioritizes institutional structures above capacity development.
- **Alleged Prejudices:** Adivasis, Christians, Dalits, Muslims, and Sikhs are all significantly predominant in Indian prisons according to their proportion of the population.
- **Infractions of Human Rights in Prison:** Officials physically assault inmates in an effort to get confessions and look into offenses. Women are also subjected to torture through molestation, rape, and other sexual assaults while they are in custody.⁷⁹

Amendment and Admonishment for the Indian Illicit Legal Regime

A number of changes have been implemented in India to make the criminal justice system more effective and inclusive. In order to cut down on delays, important advances include the creation of Fast - Track Courts, the use of Alternative Dispute Resolution (ADR), and the deployment of e - Courts and Digital Case Management Systems. The goal of judicial transparency programs and police reforms is to increase accountability. Despite their importance, these actions require continual improvement to address persistent issues including judicial delays and underprivileged populations' uneven access to justice.⁸⁰

- **Bail Overhauls:** The Supreme Court established the legal premise that "bail is the rule and jail is the exception" in the seminal decision of *State of Rajasthan v. Balchand alias Baliya*⁸¹ in 1978. THE LAW COMMISSION OF INDIA emphasized in its 268th Report that immediate action is required to reduce the duration of incarceration and came to the conclusion that the bail legislation has to be reviewed in order to stop this.⁸²
- **Fast - track Court Boosting:** In order to "truly fast - track" these courts, matters with lengthy ongoing sessions need be expeditiously resolved.
- **Legal Aid Improvement:** Developing young professionals' skills, training, and mentorship to enhance the standard of socio - legal services and increase CJS's efficacy.⁸³
- **Hiring for Judicial Seats:** Keeping a fair and operational legal system, which depends on efficiently filling judicial vacancies. THE ALL INDIA JUDICIAL SERVICE (AIJS) may be investigated for the purpose of hiring judges at the district judge and additional district judge levels.
- **Utilize of AI in Criminal Case Management:** Judges can utilize AI to assist them in deciding on bail, parole, and punishment. AI may be used to determine an offender's risk of recurrence.⁸⁴

Committees to overhaul the CJS were recently established. THE NATIONAL POLICE COMMISSION (NPC) suggested that a court investigation be conducted in situations of rape or death in custody.

THE MALIMATH COMMITTEE made the recommendation that a distinct police force be established in order to preserve law and order and investigate crimes.

THE ALL INDIA JAIL REFORMS COMMITTEE (MULLA COMMITTEE) placed a strong focus on hiring qualified personnel to run jails and recommended the establishment of a prison system to achieve this goal.

THE KRISHNAN IYER COMMITTEE suggested hiring female police officers to deal with female and juvenile criminals.⁸⁵

Judicial Precedents

*S. P. Anand v. State of Madhya Pradesh*⁸⁶ (2007),

It was decided that notwithstanding limitations on their freedom of movement and liberty, inmates have a fundamental right to a healthy existence.⁸⁷

Shafhi Muhammad v. State of Himachal Pradesh (2018)⁸⁸

The legitimacy of evidence gathered illegally is at issue, particularly the potential use of an apology given to the police.

Result: The Supreme Court stressed the need of adhering to legal processes while gathering evidence and decided that the police were not entitled to introduce "illegal" confessions in court.

Significance: In order to guarantee a fair trial, this decision upholds the prohibitions against forced confessions and the necessity of following the law.⁸⁹

*State of Gujarat v. High Court of Gujarat*⁹⁰ (1988),

According to the ruling inmates must get fair compensation for the labor they have performed while incarcerated.⁹¹

*K. S. Puttaswamy v. Union of India*⁹² (2017)

Problem: The Indian Constitution's guarantee of privacy.

Result: The Supreme Court ruled that any invasion of human privacy, including governmental data gathering or monitoring, must adhere to stringent scrutiny criteria, recognizing the right to privacy as a basic right.

Relevance: This decision has significant ramifications for criminal law, especially in relation to digital monitoring, data privacy, and individual rights.⁹³

⁷⁸ ibid

⁷⁹ ibid

⁸⁰ Lawfullegal; <https://lawfullegal.in> (last visited on May 30, 2025)

⁸¹ *State of Rajasthan v. Balchand alias Baliya*, 1977 SCC (4) 308

⁸² Dristiias; <https://www.dristiias.com> (last visited on May 30, 2025)

⁸³ ibid

⁸⁴ ibid

⁸⁵ iPleader; <https://blog.ipleaders.in> (last visited on May 30, 2025)

⁸⁶ *S.P. Anand v. State of Madhya Pradesh*, AIR 2007 Madhya Pradesh 166

⁸⁷ iPleader; <https://blog.ipleaders.in> (last visited on June 1, 2025)

⁸⁸ *Shafhi Muhammad v. State of Himachal Pradesh*, (2018) 5 SCC 311

⁸⁹ Lawfullegal; <https://lawfullegal.in> (last visited on June 1, 2025)

⁹⁰ *State of Gujarat v. High Court of Gujarat*, 1988 (4) SCC 551

⁹¹ iPleader; <https://blog.ipleaders.in> (last visited on June 1, 2025)

⁹² *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1

***R. D. Upadhyay v. State of Andhra Pradesh*,⁹⁴**

According to the Hon'ble Supreme Court's 2006 ruling, jail officials must improve conditions and medical services to prevent women from dying or committing suicide while incarcerated.⁹⁵

***Reenat Kaur v. Union of India*⁹⁶ (2021)**

Force usage in detention facilities and police oversight. By requiring the establishment of a system for looking into custody fatalities and human rights abuses, the Supreme Court issued directives for increased responsibility for police activities in custodial cases.

Value: This matter brought to light structural problems with police procedures and demanded changes to stop torture and fatalities in detention.⁹⁷

***Hussainara Khatoon v. Home Secretary, State of Bihar*⁹⁸ (1979),**

It was decided that detaining the defendants for longer than their sentence constituted a blatant disregard for their basic rights as protected by Article 21 of the Constitution. "Speedy trial" is an obligation that the State is believed to be unable to avoid.⁹⁹

***Navtej Singh Johar v. Union of India*¹⁰⁰ (2018)**

The Indian Penal Code's Section 377, which rendered consenting gay conduct illegal, is at controversy.

Result: After finding that the legislation infringed upon the basic rights of LGBTQ+ people, namely their rights to equality, privacy, and dignity, the Supreme Court decriminalized consenting same - sex partnerships.

Impact: This historic ruling increased India's protections for human rights, indicating a move toward more inclusive legislative changes.¹⁰¹

***Prem Shankar Shukla v. Delhi Administration*¹⁰² (1980)**

An accused individual should not be shackled in the first place since it is an inhumane, irrational, and unpleasant practice. The judge's consent is required before the law enforcement personnel may handcuff the accused.¹⁰³

2. Conclusion

The Indian criminal justice system, which has its roots in colonial legal customs and has been modified to reflect modern constitutional ideals, is an essential component of

democracy that upholds public order, individual rights, and the rule of law.¹⁰⁴

The British East India Company was largely responsible for enacting India's criminal laws, but several revisions have since been made.¹⁰⁵

The system has substantial procedural, structural, and operational issues that compromise its capacity to provide prompt and unbiased justice, even with its extensive legislative framework, which includes the Indian Penal Code (IPC), Code of Criminal Procedure (Cr. P. C), and Indian Evidence Act. Public confidence in the system is being undermined by persistent problems including overcrowded jails, witness intimidation, police ineptitude, delayed trials, and inadequate victim support services. These difficulties are made worse by the disparity between the security of victims and the rights of the accused, as well as by antiquated investigation techniques and court vacancies.¹⁰⁶

The criminal justice system regulates the operations of organizations that strive to provide victims with justice, such as the police, jails, courts, etc. The state has an obligation to preserve social harmony and peace, which can only be accomplished via the appropriate application of the law and a nation's strong criminal justice system.¹⁰⁷

Jurisdictions throughout the world, including the US, UK, and Germany, provide insightful lessons in areas including criminal rehabilitation, technology adoption, plea bargaining, witness protection, and court supervision. Reforms must prioritize improved technology integration, judicial efficiency, jail modernization, and police accountability in order to meet India's particular mix of problems.

Innovations in technology may greatly increase efficiency and transparency. Examples include digital forensic tools, AI - assisted dispute resolution systems, and virtual courtrooms. This instruments 'integration together with initiatives to increase law enforcement and judicial officials' ability will close current gaps and improve the administration of justice. Furthermore, modifications to prisons must prioritize inmates' rehabilitation, skill development, and social reintegration over punitive methods.¹⁰⁸

A significant backlog of cases, inefficiency, and a lack of funding, inadequate facilities, and inadequate staff training are some of the issues facing the Indian criminal justice system. Nonetheless, attempts are underway to enhance and modify the system, especially to guarantee that

⁹³ Lawfullegal; <https://lawfullegal.in> (last visited on June 1, 2025)

⁹⁴ R.D. Upadhyay v. State of Andhra Pradesh, AIR 2006 SC 1946

⁹⁵ iPleader; <https://blog.ipleaders.in> (last visited on June 1, 2025)

⁹⁶ Reenat Kaur v. Union of India, (2021)

⁹⁷ Lawfullegal; <https://lawfullegal.in> (last visited on June 1, 2025)

⁹⁸ Hussainara Khatoon v. Home Secretary, State of Bihar, (1979) SCR (3) 532

⁹⁹ iPleader; <https://blog.ipleaders.in> (last visited on June 1, 2025)

¹⁰⁰ Navtej Singh Johar v. Union of India, AIR 2018 SC 4321

¹⁰¹ Lawfullegal; <https://lawfullegal.in> (last visited on June 1, 2025)

¹⁰² Prem Shankar Shukla v. Delhi Administration (1980) AIR 1535

¹⁰³ iPleader; <https://blog.ipleaders.in> (last visited on June 1, 2025)

¹⁰⁴ Criminallawjournal; <https://www.criminallawjournal.org> (last visited on June 2, 2025)

¹⁰⁵ iPleader; <https://blog.ipleaders.in> (last visited on June 2, 2025)

¹⁰⁶ Criminallawjournal; <https://www.criminallawjournal.org> (last visited on June 2, 2025)

¹⁰⁷ iPleader; <https://blog.ipleaders.in> (last visited on June 2, 2025)

¹⁰⁸ Criminallawjournal; <https://www.criminallawjournal.org> (last visited on June 2, 2025)

underprivileged groups have improved access to the legal system.¹⁰⁹

Emerging felonies like organized crime, white collar crime, cybercrime, etc. are becoming more common as time and technology progress, and the government believes that the justice system has to be changed to address these offenses. Consequently, a number of government - established committees made a variety of proposals and ideas.¹¹⁰

However, the situation has not gotten any better. Because there are not enough judges, courts continue to be under pressure from the backlog of cases. Although they exist on paper, the committees' proposals are not being adequately executed. In order to guarantee equitable justice, the criminal justice system in India has to tackle all of its problems and close any loopholes.¹¹¹

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¹¹⁰ iPleader; <https://blog.ipleaders.in> (last visited on June 2, 2025)

¹¹¹ *ibid*