

Criminal Justice System and Law Enforcement Agencies: Challenges and Reforms.

Abstract:

This seminar paper examines the structure, functions, and effectiveness of the criminal justice system and law enforcement agencies in ensuring justice, maintaining public order, and protecting individual rights. It discusses the major components of the criminal justice system, including police administration, judicial institutions, and correctional services, while analyzing their interrelationship in crime prevention and control. The paper further explores the responsibilities of law enforcement agencies in investigation, crime detection, and public security, alongside challenges such as corruption, misuse of power, lack of resources, and declining public trust. Additionally, the study highlights the influence of technological advancements, cybercrime, and changing social expectations on modern policing and legal procedures. Through critical analysis and case-based observations, the paper identifies gaps within the existing system and suggests reforms aimed at improving transparency, accountability, efficiency, and community-oriented policing. The study ultimately emphasizes the need for a balanced and fair criminal justice system that upholds constitutional values and responds effectively to contemporary societal challenges.

Keywords:

Criminal justice administration, police reforms, law enforcement, judicial process, criminal investigation

Introduction

Academic inquiry into criminal justice administration remains a subset of broader justice administration, despite rising global crime rates. Few developed countries offer substantial academic focus on criminal justice research. Human rights, particularly those in international political instruments, form the foundation for establishing global standards that protect and promote human rights within the system.¹ In India, the roots of human rights can be traced back

¹Arun Kumar Singh, A Study on the Concept of Criminal Justice System and Police System, *available at*: https://www.researchgate.net/publication/359002508_a_study_on_the_concept_of_criminal_justice_system_and_police_system, (last visited on Mar 13, 2026)

to the Vedic Scriptures, particularly the Vedas, which have greatly influenced Hindu law. In criminal justice, self-respect is crucial, especially for under-trial prisoners. The rule of law emphasizes humane treatment and custodial dignity. To address these issues, India enacted the Protection of Human Rights Act in 1993 at both national and state levels to safeguard and enforce fundamental human rights.²

There is growing concern over the rising incidents of custodial crimes across the country. Reports of police and law enforcement abuse, including torture, extortion, sexual harassment, and even deaths in detention, have become alarming. Custodial offenses are particularly egregious, breaching trust between police and vulnerable individuals, violating laws, human dignity, and rights. This issue is not unique to India; extralegal methods are observed in advanced democratic countries, underscoring its global prevalence.³ Police brutality and abuse of authority are prevalent issues in India, often occurring in police stations, lock-ups, and prisons, where victims are especially vulnerable. Mahatma Gandhi aptly questioned how one could "feel honored by the embarrassment of their fellow beings." Human rights violations in these cases commonly involve brutality against detainees, wrongful detention practices, and denial of fair trials, undermining justice and human dignity.⁴

The Supreme Court of India has repeatedly recognized the use of extralegal methods by police, acknowledging the resultant human rights violations. Torture inflicts profound psychological harm on victims, causing lasting trauma and diminishing personal dignity. Custodial torture epitomizes a severe breach of personal dignity and reveals a troubling aspect of modern civilization. Incidents of illegal detention, torture, custodial rape, and encounter deaths by police and paramilitary forces have drawn significant criticism, underscoring serious human rights concerns in India.⁵

² Amartish Kaur, Protection of Human Rights in India: A Review, *available at*: https://docs.manupatra.in/newslines/articles/Upload/82F6F397-6AE0-4253-940E-58C9B0BDEC32.%20Amartish%20Kaur__Human%20Rights.pdf, (last visited on Mar 13, 2026)

³ Problems, perspective, and laws surrounding custodial deaths, a dire need of anti-torture law, *available at*: <https://blog.ipleaders.in/problems-perspective-laws-surrounding-custodial-deaths-dire-need-anti-torture-law/>, (last visited on Mar 13, 2026)

⁴ Human Rights Violations By Police In India: A Comparative Case Study, *available at*: <https://thelawbrigade.com/human-rights/human-rights-violations-by-police-in-india-a-comparative-case-study/>, (last visited on Mar 13, 2026)

⁵ In the Supreme Court of India Civil Appellate Jurisdiction, *available at*: https://main.sci.gov.in/supremecourt/2022/6394/6394_2022_8_1502_47832_Judgement_19-Oct-2023.pdf, (last visited on Mar 13, 2026)

There are law enforcement agencies and a delicate balance between societal interests and individual rights. The law of confession and the right against torture are areas of public concern. The Mallimath Committee proposes an action plan to create a police force that is friendly to human rights, aligning legislative frameworks with individual rights in the criminal process and curbing the use of force by the police in the criminal justice delivery system.⁶ Gender inequality, a violation of human rights and an affront to human dignity, is a pervasive global issue. The pursuit of equal rights and the eradication of discrimination against women have driven numerous international conventions. Safeguarding the dignity of accused women, juvenile delinquents, and victims of sexual offenses remains essential. Cases involving women and children necessitate considerable judicial sensitivity and specialized expertise.⁷

Objectives

- To examine the structural components of the criminal justice system, including law enforcement, judiciary, and correctional institutions.
- To analyze the impact of technology on law enforcement practices and their implications for public safety and accountability.
- To identify systemic biases and challenges within law enforcement agencies that affect their relationship with marginalized communities.
- To evaluate the effectiveness of current law enforcement strategies in addressing crime and promoting community trust.
- To propose actionable reforms that enhance the transparency, accountability, and responsiveness of the criminal justice system as a whole.

Research Problems

The research problem addressed in this seminar paper centers on the complexities and challenges within the criminal justice system and law enforcement agencies. Despite their critical role in maintaining public safety and upholding justice, these institutions face significant issues, including systemic biases, accountability deficiencies, and strained community relations. There is a growing concern about the effectiveness of law enforcement practices, particularly regarding

⁶ India's law enforcement framework needs to strike a balance between legal and illegal, *available at*: <https://theprint.in/opinion/indias-law-enforcement-framework-needs-to-strike-a-balance-between-legal-and-illegal/885634/>, (last visited on Mar 13, 2026)

⁷Gender Inequality and Violation of Women Rights in India, *available at*: <https://lawcorner.in/gender-inequality-and-violation-of-women-rights-in-india/>, (last visited on Mar 13, 2026)

their responses to crime and the treatment of marginalized populations. Additionally, the impact of technological advancements and social movements on policing methods raises questions about the balance between security and civil liberties. This paper seeks to investigate the interactions between various components of the criminal justice system, including law enforcement, the judiciary, and corrections, while identifying the factors that contribute to both effective and problematic practices. By examining these challenges, the research aims to propose recommendations for reforms that enhance the fairness, efficiency, and trustworthiness of the criminal justice system as a whole.

Review of Literature

- **Patrick Deneen, *Why Liberalism Failed*, (Dark Age, Yale University Press, 2018)**

In *Why Liberalism Failed* (2018), Patrick Deneen critiques the foundations of liberalism, arguing that its principles have led to societal fragmentation and weakened democratic values. Published by Yale University Press, Deneen explores how liberalism's emphasis on individual autonomy, market-driven economies, and secularism has fostered inequality, environmental degradation, and a loss of communal bonds. He contends that liberalism, by prioritizing personal freedom over shared values, has paradoxically eroded the very social structures necessary for a stable and cohesive society. Deneen's work offers a provocative re-evaluation of liberalism's impact, suggesting that to address current social and political crises, a shift towards a model rooted in community and tradition may be required. His book has sparked wide-ranging debates on the future of liberal democracy and the potential paths toward more sustainable social frameworks.

- **Rodrik, Dani, *The Globalization Paradox: Democracy and the Future of The World Economy*, (Norton & Company, New York and London, 2011)**

In *The Globalization Paradox: Democracy and the Future of the World Economy* (2011), Dani Rodrik examines the tensions between globalization, democratic governance, and national sovereignty. Published by Norton & Company, Rodrik argues that the push for deep economic integration often conflicts with democratic principles and the ability of nations to set independent economic policies. He proposes a "trilemma" in which countries can achieve only two out of three objectives: deep globalization, national sovereignty, and democratic decision-making. Rodrik suggests that a more moderate approach to globalization—one that respects democratic choices and local governance—is essential for sustainable economic development. His insights

challenge the prevailing orthodoxy around globalization, advocating for balanced policies that prioritize social welfare and democratic accountability over unfettered global market integration.

- **Roshwald, Aviel, *Ethnic Nationalism & the Fall of Empires. Central Europe, Russia & the Middle East, 1914-1923*, (Routledge, London, 2001)**

In *Ethnic Nationalism & the Fall of Empires: Central Europe, Russia & the Middle East, 1914-1923* (2001), Aviel Roshwald analyzes the role of ethnic nationalism in the collapse of major empires during and after World War I. Published by Routledge, the book explores how nationalist movements across Central Europe, Russia, and the Middle East sought self-determination, leading to the disintegration of multi-ethnic empires and reshaping the political landscape. Roshwald delves into the complex interactions between ethnic identity, political aspirations, and the shifting geopolitical environment of the early 20th century, examining how these factors fueled both liberation and conflict. His work provides critical insights into the enduring influence of ethnic nationalism on global politics and the challenges it poses to multicultural and imperial systems, making it a valuable contribution to understanding nationalism's impact on historical and modern state formation.

- **Addressing Inefficiencies in the Criminal Justice Process, available at: <https://icclr.org/wp-content/uploads/2019/06/InefficienciesPreliminaryReport.pdf?x94276>, (last visited on Oct 13, 2024)**

The report *Addressing Inefficiencies in the Criminal Justice Process*, available on the International Centre for Criminal Law Reform's website, analyzes systemic delays and resource misallocations within criminal justice systems. This preliminary report highlights procedural inefficiencies such as lengthy trial timelines, under-resourced legal aid, and inadequate case management, which hinder timely justice delivery. It advocates for reforms including improved case-flow management, enhanced use of technology, and streamlined processes to reduce bottlenecks and expedite case resolution. The report emphasizes that addressing these inefficiencies is critical to strengthening public trust, protecting defendants' rights, and ensuring that justice is both accessible and effective. Its findings provide a roadmap for jurisdictions seeking to optimize their criminal justice operations.

- **Aniket Gajanan shinda, Challenges and Opportunities of Sustainable Urbanization case study of Delhi and Rajkot, available at: https://www.researchgate.net/publication/353941233_Challenges_and_**

Opportunities_of_ SustainableUrbanization_case_study_of_Delhi_and_Rajkot, (last visited on Oct 13, 2024)

In *Challenges and Opportunities of Sustainable Urbanization: Case Study of Delhi and Rajkot*, Aniket Gajanan Shinda explores the complex dynamics of urban growth in these rapidly expanding Indian cities, as published on ResearchGate. Shinda examines the environmental, social, and economic challenges posed by urbanization, such as resource scarcity, waste management issues, and housing pressures. The study emphasizes the need for sustainable planning and infrastructure improvements to address these challenges. Shinda also discusses potential strategies for achieving sustainable urban development, including green spaces, efficient public transportation, and eco-friendly construction practices. This work provides valuable insights into how cities like Delhi and Rajkot can balance development with environmental and social sustainability, offering a model that other urban areas facing similar issues may follow.

Research Methodology

The seminar paper titled “An Analysis of the Criminal Justice System and Law Enforcement Agencies” employs a Doctrinal Legal Research methodology, focusing on a comprehensive examination of legal propositions. This approach entails analyzing statutory provisions and case law through logical reasoning to identify fundamental legal principles. Central to this methodology are primary sources, including Acts of Parliament and precedents set by higher courts. The research also incorporates content analysis and data collection from secondary sources, such as books, articles, newspapers, research reports, and various organizational publications. Additionally, insights from research scholars, universities, and government publications at both central and state levels, along with materials from foreign governments and international bodies, are integrated. This multifaceted approach facilitates a thorough analysis of the criminal justice system and law enforcement agencies, allowing for comparative insights and a deeper understanding of the challenges and dynamics within these institutions.

Concept of Crime

Crime is a fundamental concept in the legal and societal framework, forming the basis for rules and consequences that uphold order and ensure public safety. Laws define criminal acts and prescribe penalties, while law enforcement and the justice system play essential roles in

investigating crimes, prosecuting offenders, and administering justice within this legal structure.⁸ Crime encompasses a diverse range of unlawful activities that violate established laws and societal norms, encompassing a broad spectrum of behaviors that cause harm or pose a threat to individuals and communities. Among these, violent crimes, such as murder, assault, and robbery, involve the use of force or intimidation against others, resulting in physical or psychological harm. In contrast, property crimes, including theft, burglary, and vandalism, center on unauthorized interference with someone's possessions or premises.⁹

White-collar crimes involve non-violent, financially motivated offenses by professionals, such as fraud, embezzlement, or insider trading, often exploiting positions of trust. The digital era has intensified cybercrimes, including hacking, identity theft, and online fraud. Drug-related crimes encompass unlawful activities with controlled substances, like trafficking and manufacturing, posing societal challenges. Hate crimes, driven by biases like race or religion, aim to instill fear and perpetuate prejudice.¹⁰

Comprehending these distinct categories of crime is essential for law enforcement, policymakers, and society at large to formulate effective preventive measures, enact appropriate laws, and design comprehensive strategies to address crime, aiming for a safer and more secure environment for all.¹¹

Concept of Justice

Justice is a core moral and social principle rooted in fairness, impartiality, and equitable treatment within society. It aims to ensure fair consideration for each individual based on their actions, rights, and circumstances, advocating for equal protection regardless of race, gender, socio-economic status, or beliefs. Guided by legal and moral principles, justice promotes accountability, responsibility, and the rectification of harm caused by wrongful acts, fostering societal responsibility.¹²

⁸Concept of Crime, *available at*: https://www.legalservicesindia.com/article/2456/Concept-of-Crime.html#google_vignette, (last visited on Mar 13, 2026)

⁹Criminal activities : their nature, scope and problems in identification, *available at*: <https://blog.ipleaders.in/criminal-activities-nature-scope-problems-identification/>, (last visited on Mar 13, 2026)

¹⁰White Collar Crimes in India, *available at*: <https://blog.ipleaders.in/white-collar-crimes/>, (last visited on Mar 13, 2026)

¹¹*Ibid*

¹² Malanie Killen, The origins of morality: Social equality, fairness, and justice, *available at*: https://www.researchgate.net/publication/327114434_The_origins_of_morality_Social_equality_fairness_and_justice, (last visited on Mar 13, 2026)

Justice is often sought through legal means, with the law serving as a mechanism to define acceptable behavior and administer appropriate consequences for transgressions. However, it also extends to the broader notion of social justice, aiming to rectify systemic inequalities and ensure equitable access to resources and opportunities for all members of society. Ultimately, understanding and upholding justice are essential for fostering a cohesive and harmonious community, where individuals are afforded their rightful treatment, and the principles of fairness and equality prevail in all aspects of life.¹³

Crime and Justice in India

India, an emerging global power with a rich cultural heritage rooted in ancient civilizations, has a population of 1.15 billion and ranks as the world's sixth-largest economy. Governed by a stable democratic system, India boasts significant scientific, military, and nuclear achievements. However, it faces enduring social, economic, and political challenges, including poverty, unemployment, corruption, pollution, and separatism, leading economist John Kenneth Galbraith to famously describe India as a "functioning anarchy".¹⁴

The articles featured in this special issue of the Journal of Contemporary Criminal Justice, which focuses on Crime and Justice in India, mirror this enduring juxtaposition of hope and despair, particularly concerning crime and its criminal justice system. Academic criminology and criminal justice in India have not experienced the same level of growth observed in the Western world. Research endeavors extending beyond descriptive accounts and insightful observations have been relatively scarce, resulting in limited contributions to criminal justice policy development and assessment. This special issue brings together 16 scholars from the United States, India, and the United Kingdom, who present significant strides toward advancing empirical criminology and criminal justice in India.¹⁵ Sesha Kethineni and Murugesan Srinivasan shed light on how the police handle domestic violence cases in Tamil Nadu, with a focus on women-staffed police stations. Julia Scott, Doug Evans, and Arvind Verma examine the impact of higher education on the job-related perceptions of police officers in Delhi.¹⁶

¹³*Ibid*

¹⁴ Nurturing India's Rich Cultural Heritage, *available at*: <https://vajiramandravi.com/static/vajiramandraviweb/pdf/new/Kurukshetra-Summary-April-2021-Vajiram.pdf>, (last visited on Mar 13, 2026)

¹⁵ Journal of Contemporary Criminal Justice, *available at*: <https://www.researchgate.net/journal/Journal-of-Contemporary-Criminal-Justice-1043-9862>, (last visited on Mar 13, 2026)

¹⁶ The Dimensions of School Discipline: Toward a Comprehensive Framework for Measuring Discipline Patterns and Outcomes in Schools, *available at*: <https://journals.sagepub.com/doi/full/10.1177/23328584221083669>, (last visited on Mar 13, 2026)

In the realm of less-explored topics, several contributions are noteworthy. T. K. Vinod Kumar scrutinizes public order in a city in Kerala, India, where the police grapple with a robust tradition of public protests. Gilbert Geis analyzes renowned English-language works of fiction set in India, exploring themes related to corruption. Geetha Suresh, L. Allen Furr, and A. K. Srikrishnan assess the mental health of street-based commercial sex workers in Chennai, highlighting their apprehension of the police. Lastly, Jyoti Belur delves into the controversial topic of "encounters," an extreme form of police use of deadly force, surprisingly viewed with near-universal approval by the Mumbai police.¹⁷

These researchers employ a diverse array of systematic methodologies to arrive at their findings, including surveys, event catalogs, content analysis, questionnaire-based interviews, intensive interviews, and secondary analysis of official records.¹⁸

It's important to acknowledge two limitations. All articles in this issue focus on urban, predominantly metropolitan areas like Delhi, Mumbai, and Chennai, inadvertently excluding rural India, where over 70% of the population resides and faces its unique set of crime challenges. Furthermore, while the police are a pervasive presence in these articles, there is less emphasis on the legal and correctional aspects of India's criminal justice system. This may be attributed to the historical influence of earlier scholars like David Bayley, who prioritized the Indian police in their comparative research.¹⁹

The contributors have conscientiously outlined research prospects and the policy implications stemming from their findings. This collection of work is poised to stimulate future research initiatives and administrative actions in the realm of crime and criminal justice in India.²⁰ Collectively, it is hoped that systematic study and evaluation of India's crime and criminal justice issues will mitigate despair and foster hope in addressing these formidable challenges.

Criminal Justice System

¹⁷ Big Data Analytics: A Review on Theoretical Contributions and Tools Used in Literature, *available at*: <https://link.springer.com/article/10.1007/s40171-017-0159-3>, (last visited on Mar 13, 2026)

¹⁸*Ibid*

¹⁹ Aniket Gajanan shinda, Challenges and Opportunities of Sustainable Urbanization case study of Delhi and Rajkot, *available at*: https://www.researchgate.net/publication/353941233_Challenges_and_Opportunities_of_SustainableUrbanization_case_study_of_Delhi_and_Rajkot, (last visited on Mar 13, 2026)

²⁰*Ibid*

This is structured to protect law & order and deter crime. There are various forms & methods of dealing through criminal justice:

State Criminal Justice: This body is responsible for a particular state & crime committed in that state.

Federal Criminal Justice: This entity is liable for the federal sections of India & the affairs of one or more states.

Indeed, there exist two distinct approaches by which the judiciary manages criminal trials, and as a result, the state exerts a significant influence over criminal cases within the region.²¹ The criminal justice system relies on five pivotal components, which can be summarized as follows:

1. Law Enforcement: Law enforcement officials are responsible for reporting crimes within their jurisdiction and initiating investigations to preserve vital criminal evidence. They constitute an indispensable element of the criminal justice system.

2. Defense Attorneys: Defense attorneys, also known as defense lawyers, represent the defendant in court against the prosecution by the state. These attorneys are engaged to ensure a fair defense, making them an integral part of the criminal justice system.

3. Prosecution: The prosecution consists of lawyers who safeguard the interests of the state or federal government, rather than the victim. They scrutinize the evidence presented by law enforcement authorities and make determinations about whether to file charges or dismiss the case.

4. Courts: Judges are the ultimate decision-makers within the court system, serving as the highest authority of justice. They decide on matters such as the release of defendants before trial, acceptance or rejection of plea agreements, oversight of the prosecution process, and the sentencing of convicted individuals.

5. Corrections: Correction officers are responsible for maintaining secure and safe facilities for individuals serving sentences. They oversee the daily care of inmates, manage

²¹ Unraveling Legal Obligations: Do Cops Have a Duty to File a Police Report?, *available at*: <https://www.judgedumas2021.com/unraveling-legal-obligations-do-cops-have-a-duty-to-file-a-police-report/>, (last visited on Mar 13, 2026)

inmate transfers, and occasionally provide information to victims regarding changes in an offender's status.²²

The criminal justice system follows a structured process that encompasses the phases of prosecution and pretrial, the trial process (also known as adjudication), and the post-trial procedure. This prescribed sequence serves as the framework for the justice system. The objectives of the criminal justice system encompass:

- Upholding law and order in society.
- Administering appropriate punishment to those found guilty of criminal offenses.
- Preventing recidivism and deterring future criminal activity.
- Reducing the occurrence of criminal acts in the community.²³

These are perhaps the objectives of the Criminal Justice System. The criminal system is biased towards the poor due to the obvious law of the poor instead of the law of the poor.

The Criminal Justice System (CJS) comprises a network of institutions, agencies, and mechanisms established by the government to regulate and address crime within society, including vital components like the police and the courts. The primary objective of the CJS is to safeguard the rights and personal freedoms of individuals and society as a whole, protecting them from encroachment by others.²⁴

In India, there are various sources of criminal law, including the Indian Penal Code of 1860, the Protection of Civil Rights Act of 1955, the Dowry Prohibition Act of 1961, and the Scheduled Castes and Scheduled Tribes Act of 1989. These legislative instruments contribute to the body of criminal law used in the country. The CJS has the authority to impose sanctions and penalties on those who transgress the laws in effect, ensuring that individuals who violate these laws are held accountable for their actions.²⁵ Criminal law and the administration of criminal justice are delineated in the corresponding section of the Seventh Schedule of the Constitution, delineating the legal framework for dealing with criminal offenses in the country.

Background of the Criminal Justice System in India

²²*Ibid*

²³ Concept of Criminal System and Police System Justice System and Police System, *available at*: <https://egyankosh.ac.in/bitstream/123456789/38802/1/Unit-13.pdf>, (last visited on Mar 14, 2026)

²⁴*Ibid*

²⁵Criminal Law in India, *available at*: <https://blog.ipleaders.in/criminal-law-in-india/>, (last visited on Mar 14, 2026)

The Criminal Justice System in India is a long-standing institution that finds its roots in the system established during British rule in the country. Surprisingly, despite more than seven decades of independence, the system has not undergone significant reforms. A glaring example of this is Section 124A of the Indian Penal Code, which deals with sedition and its punishment, remaining largely unchanged.²⁶

In 1973, a significant revision was made to the Code of Criminal Procedure (Cr. P.C.), but comprehensive reform efforts remained elusive. One notable attempt at reform was initiated with the recommendations of the Vohra Committee in 1993, which focused on criminal law and the intricate ties between offenders, politicians, and bureaucrats in India.²⁷

The Inefficiencies of the Criminal Justice System (CJS) and the Need for Reform

The inefficiencies within the system have resulted in a situation where the very purpose of the Criminal Justice System (CJS) – to protect the rights of the innocent and punish the guilty – is compromised. This is primarily due to reliance on centuries-old, outdated laws, which have also opened the door to potential harassment by government agencies and placed an undue burden on the judiciary.²⁸

In terms of the delivery of justice, the system's inefficiency is evident in the fact that it often takes years to bring cases to resolution, failing to serve as a deterrent to criminals. Collaboration between the courts, prosecutors, and the police is often lacking, leading to a high number of unpunished offenders in many cases. Paradoxically, numerous innocent individuals also find themselves in custody for extended periods. According to the National Crime Records Bureau (NCRB) report, a significant 67.2 percent of our total prison population consists of under-trial inmates.²⁹ The complex nature of contemporary crime, which is evolving rapidly and becoming increasingly intricate due to technological advancements, further exacerbates the challenges faced by the CJS.

The inability to conduct timely and thorough investigations has severely impacted the delivery of justice, leaving numerous cases in extended limbo. This inefficiency is compounded

²⁶Criminal justice, *available at*: https://en.wikipedia.org/wiki/Criminal_justice, (last visited on Mar 14, 2026)

²⁷*Ibid*

²⁸Criminal justice system in India, *available at*: <https://blog.ipleaders.in/criminal-justice-system-in-india/>, (last visited on Mar 14, 2026)

²⁹ Addressing Inefficiencies in the Criminal Justice Process, *available at*: <https://icclr.org/wp-content/uploads/2019/06/InefficienciesPreliminaryReport.pdf?x94276>, (last visited on Mar 14, 2026)

by a visible disparity in the administration of justice, with the wealthy and influential often evading arrest, especially in less serious offenses. Additionally, the intermingling of crime and politics complicates the crime landscape, eroding public trust in a system perceived as convoluted, costly, and increasingly inaccessible. This growing disillusionment, alongside a rise in random violence, underscores the pressing need for comprehensive reforms in the Criminal Justice System to restore efficiency, fairness, and public confidence.³⁰

Law Enforcement Agencies in India

In India, the criminal justice system comprises various law enforcement agencies at multiple government levels, collaborating to uphold law and order and ensure justice. Key agencies include the Indian Police Service (IPS), State Police Departments, Central Reserve Police Force (CRPF), Border Security Force (BSF), Central Bureau of Investigation (CBI), National Investigation Agency (NIA), and Central Industrial Security Force (CISF). Additional bodies like the Railway Protection Force (RPF), Special Protection Group (SPG), and Cyber Crime Cells address specific security and investigative needs.³¹ These agencies, together with the judiciary and other components of the criminal justice system, play a vital role in maintaining the rule of law and safeguarding citizens' rights.³²

The Evolution of Policing in Ancient India, From Vedic Principles to Kautilya's Strategies

The role of the police in Ancient India has its roots in early legal and administrative systems, with references to law and justice tracing back to the Vedic period. The Rig Veda explicitly mentions criminals and robbers, underscoring an early recognition of the necessity for maintaining order and security within society.³³

The concept of law and justice was further elaborated in the Manu Smriti, which provided a foundational understanding of violence and social order. Manu Smriti is often considered the first comprehensive codification of Indian legal principles, governing communal

³⁰Limitations on the powers of investigation agencies, *available at*: <https://blog.ipleaders.in/limitations-on-the-powers-of-investigation-agencies/>, (last visited on Mar 14, 2026)

³¹Law enforcement in India, *available at*: https://en.wikipedia.org/wiki/Law_enforcement_in_India, (last visited on Mar 14, 2026)

³²*Ibid*

³³Police and policing in India – a historical perspective, *available at*: <https://blog.ipleaders.in/police-policing-india-historical-perspective/>, (last visited on Mar 14, 2026)

relations. In the epic Ramayana, attributed to the sage Valmiki, there are glimpses of police officers responsible for patrolling, ensuring security, and functioning as spies.³⁴

Notably, in the Arthashastra, attributed to Kautilya and believed to have been written around 300 BC, there is a detailed and fascinating description of the use of spies in the administration of criminal justice. Kautilya advised the king to manage spies through trustworthy and competent ministers. This ancient system of espionage was highly organized and sophisticated, possibly surpassing the modern Criminal Investigation Department (CID) of any country in terms of its intricacy and efficiency.³⁵

The Mauryan Empire and its successors saw a decline in the prominence of policing in India, particularly with the onset of Islamic invasions. The history of ancient Indian policing underscores an early understanding of the necessity for law and order, along with the establishment of administrative and intelligence systems aimed at maintaining societal stability.³⁶

Role of Police during Seizure

During a seizure, law enforcement has the authority to investigate and apprehend items found during a search. This power allows the police to seize property suspected of being stolen or potentially linked to criminal activity. They may also search individuals and arrest them, securing any items found, except clothing. In these cases, the police must provide a receipt for the seized items and notify the magistrate overseeing the case to ensure adherence to legal procedures and proper oversight of police actions.³⁷

In situations where an occupant refuses to permit a warrant-based search, the police may, when necessary, be authorized to forcibly enter the premises. However, it's worth noting that unlawful searches can result in legal consequences, and those subjected to such searches have the right to pursue statutory or civil remedies. They can present their case before the courts to contest the validity of the warrant and potentially have the confiscated items returned. This

³⁴*Ibid*

³⁵*Ibid*

³⁶The Maurya and Gupta Empires, *available at*: <https://www.khanacademy.org/humanities/world-history/ancient-medieval/early-indian-empires/a/the-maurya-and-gupta-empires/>, (last visited on Mar 14, 2026)

³⁷Power of police to seize any property during an investigation, *available at*: <https://blog.ipleaders.in/power-of-police-to-seize-any-property-during-an-investigation/>, (last visited on Mar 14, 2026)

process safeguards the rights of individuals and ensures that law enforcement operates within the confines of the law.³⁸

Role of Police during Questioning/investigation

Interrogation involves questioning a suspect in police custody, while "pre-interrogation" pertains to questioning a convicted individual or potential witness who hasn't been formally charged. Law enforcement can interview anyone believed to have relevant information. Generally conducted during working hours, special rules apply: women of any age and men under 15 cannot be summoned to the police station and must be questioned at home.³⁹

Confessions made to police officers are not admissible as court evidence, and individuals are not required to sign statements, safeguarding against coercion during interrogations. Indian law restricts police force to the minimum necessary for a situation and mandates the protection of human rights in their duties. Force may only be used when unavoidable, aligning with Article 3 of the UN Declaration on Human Rights, which allows force solely to arrest resisting individuals.⁴⁰

Findings

- The concept of crime encompasses various categories, including violent crimes, property crimes, white-collar crimes, cybercrimes, drug-related offenses, and hate crimes, each posing unique societal challenges.
- Justice principles emphasize fairness, impartiality, and equitable treatment, aiming to eliminate discrimination and ensure a just society for all individuals.
- India faces complex challenges, including poverty, unemployment, corruption, pollution, and separatism, leading to a situation described as "functioning anarchy," highlighting the need for effective governance.
- The need for criminal justice reform in India is critical due to systemic inefficiencies, resulting in delays and inadequate deterrence for criminals, necessitating comprehensive

³⁸What is Search Warrant under Code of Criminal Procedure?, *available at*: https://lawcorner.in/what-is-search-warrant-under-code-of-criminal-procedure/#google_vignette, (last visited on Mar 14, 2026)

³⁹Vision with regard to police interrogation: a study with special reference to human rights, *available at*: <https://blog.ipleaders.in/vision-regard-police-interrogation-study-special-reference-human-rights/>, (last visited on Mar 14, 2026)

⁴⁰ Important pointers you must know about Admissibility of Confessions, *available at*: <https://blog.ipleaders.in/important-pointers-you-must-know-about-admissibility-of-confessions/>, (last visited on Mar 14, 2026)

reforms to restore public trust.

- Various law enforcement agencies in India play essential roles in maintaining law and order, each with specific responsibilities and functions aimed at ensuring public safety.
- The historical role of policing in ancient India is significant, with references to law and order found in early legal systems and the utilization of spies for administrative purposes.
- During property seizures and interrogations, police authority is outlined, emphasizing that confessions made to law enforcement are inadmissible in court, highlighting the necessity of upholding human rights in these processes.

Conclusion

A comprehensive examination of the concept of crime, the functioning of the criminal justice system, and the urgent need for reform in India highlights the significance of understanding various crime categories and principles of justice for ensuring a safe society. It explores the historical roots of policing in ancient India, emphasizing the necessity for order and the evolution of sophisticated systems over time, the delves into the role of law enforcement in conducting seizures and investigations, underscoring the importance of human rights and adherence to legal procedures. Addressing the challenges within India's criminal justice system, including inefficiencies and disparities, the text advocates for comprehensive reforms aimed at restoring public trust. It stresses the crucial role of the criminal justice system in upholding principles of justice and protecting individual rights, calling for immediate action to modernize the system to meet contemporary challenges and ensure equitable justice for all.

Suggestions

- Comprehensive reforms should address delays in India's criminal justice system, prioritizing efficiency to restore public confidence and improve judicial procedures.
- Enhancing collaboration among law enforcement, prosecutors, and the judiciary is essential for effective investigations, ensuring timely case resolutions and better system efficiency.
- Legal modernization is critical to address emerging crimes like cybercrimes. Updating India's legal framework will ensure a responsive and adaptable criminal justice system.
- Upholding human rights in police procedures requires prioritizing training and clear

guidelines for law enforcement to ensure respect for individuals' rights throughout the justice process.

- Justice should be inclusive and equitable, eliminating discrimination and ensuring fair access to resources, regardless of race, gender, or socio-economic status.
- Expanding criminology research and data collection is essential for informed policy development, helping law enforcement and policymakers make evidence-based decisions.
- Promoting public awareness through education campaigns will empower citizens to understand their legal rights and responsibilities, fostering a more informed and engaged community.

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