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CRIMINAL LAW REFORM PROXIMITY TOWARDS POLICE STATE

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ABSTRACT

New Criminal Laws (Bhartiya Nyaya Sanhita, Bhartiya Nagarika Suraksha Sanhitya, Bhartiya Sakshya Adhiniyam) are in effect and enforced on July 1st 2024 and some of its provision increases the concern of inclination towards police state such as altering the provision of arrest, Inquiry without registering the FIR, whereas the remand period staggered to 40-60 days and these provisions previously mentioned in UAPA and MCOCA and the concept of Police Commissionerate where power of Magistrate is limited and these powers vested in commissioner and to tackle complex law situation and ready for quick response but this partially violate the concept of federalism where district magistrate works as officer of Central Government, these New Criminal Laws increases the possibility and proximity towards the shifting towards police state which is concern related to violation of rights of Public and the accountability of Police increases, and in the cases of mandatory bail police may deny the bail under new criminal laws, strengthening the police to safeguard and security of the citizen is the reason given by administration but a famous quote of Lord Acton “absolute power corrupts absolutely” these were remaining the major challenges under the new criminal laws and proximity towards becoming the police state.

INTRODUCTION

India's felonious law reforms have been a subject of violent debate, reflecting the delicate balance between icing public safety and upholding popular freedoms. While reforms are frequently justified as measures to enhance law enforcement effectiveness and address contemporary challenges, they can also raise enterprises about overreach and authoritarian tendencies. With the coming into force of the three new felonious canons, that state of exigency has now been institutionalised. The three canons Bhartiya Nyaya Sanhita 2023, Bhartiya Nagrik Suraksha Sanhita 2023. Bhartiya Sakshshya Adhiniyam 2023 replacing the Indian Penal Code 1860, Criminal Procedure Code 1973 and Indian Evidence Act 1872 were passed precipitously in Parliament without any serious debate or administrative scrutiny. In the Indian environment, where social- period laws like the Indian Penal Code, 1860, and the Criminal Procedure Code, 1973, still form the backbone of the legal system,

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reforms present an occasion for modernization but also carry the threat of aggravating systemic issues.

Recent developments, including expanded surveillance laws, stricter kick regulations, and increased police powers, have sparked fears of India's felonious justice system drifting toward a police state. A related concept is police Commissionerate system in which the city or region is under direct control of a Commissioner of Police, who exercise both executive and magisterial powers. This concern is heightened by cases of custodial violence, contended abuse of sedition and anti-terror laws, and limited responsibility mechanisms. The police state though ensures security and stability, it faces multiple challenges concerning human Right Violations, curtailment of freedom of speech, use of force in political biasness etc. It is difficult task to cast reforms that prioritize translucency, responsibility, and mortal rights while avoiding the attention of unbounded power in the hands of law enforcement.

This analysis examines the fine line between necessary reforms and the threat of fostering a terrain where Police State control outweighs individual liberties, with a focus on the evolving legal and political geography in India.

POLICE STATE AND ITS ATTRIBUTE

“A police state describes a state where its government institutions exercise an extreme level of control over civil society and liberties. There is typically little or no distinction between the law and the exercise of political power by the executive, and the deployment of internal security and police forces play a heightened role in governance. A police state is a characteristic of authoritarian, totalitarian or illiberal regimes (contrary to a liberal democratic regime). Such governments are typically one-party states, but police-state-level control may emerge in multi-party systems as well. Where a police state is popularly known for a dictatorship or a totalitarian administration. It was for the first time police state came to be known when a national police force was in charge of maintaining order in Austria in 1850s”.

The authority granted to the police is typically proportional to the level of authoritarianism within the regime they serve. However, these powers may become excessive in a Police State, where the police begin to assume the functions of the primary governing authority. When a regime's authoritarian character is intensified by a dominant political ideology that requires compulsory compliance and is upheld by a single, monopolistic political party, the system evolves into a totalitarian state. In such a state, the police continue to function as a significant state apparatus but remain subject to the overarching directives of the ruling party. If the credibility or integrity of the

party is undermined, its authority can wane, potentially paving the way for another state apparatus to gain prominence. Although the military may be a contender for this role, it is often viewed with suspicion due to fears of Bonapartism. This scepticism frequently allows the police to rise as the dominant institution within the state, eventually surpassing the party as both the primary governing body and the ultimate enforcer of the regime's ideological orthodoxy. At this stage, the police not only exercise their traditional powers but also take on responsibilities that were once the exclusive domain of the party, solidifying their position as the foremost authority in the state.

KEY ATTRIBUTES OF POLICE STATE

- **Centralization of Power:** The police state implies that there is concentration of power i.e. the decision-making power is centralized only with the police that may sometime act ultra vires upon the democratic institutions.
- **Surveillance and Monitoring:** The extensive surveillance system that keeps on monitoring the activities of the citizens for the detection of the dissent.
- **Limitation on Civil Liberties:** The police state sometimes may lead to the curtailment of civil liberties which includes restrictions on freedom of speech, expression and assembly, which is a part of our fundamental rights.
- **Unreasonable use of Force:** Law enforcement agencies get privileges for the extensive exercise of force without accountability.
- **No Judicial Independence:** The judicial independence will no longer be unfettered as the dystopian control lies with the police, putting limitations on the citizens to take action against the state is just an implication of rule of a police state.
- **Legal and Penal Reforms:** A strong and strict regulation that prevent media from addressing or spreading criticisms against the state. The media will be flourished with biased news and reporting's. Laws that are made will favour state interests having stringent punishments for dissent.

MEANING OF WELFARE STATE

The concept of welfare state in India implies that the government works actively to promote social and economic well-being of the citizens through various policies and programs that aims to achieve equality, social justice, these principles are sketched out in DPSP i.e. Directive Principles of State Policy under Indian Constitution. India is committed to welfare state through its commitment towards providing basic necessities and security as social security. The social welfare driven programs of the government work for addressing issues such as hunger, poverty, education etc. The government works for the upliftment of marginalized class of people through the targeted

programs and policies. In the preamble of Indian Constitution before the year 1976 describes India as “Sovereign Democratic Republic” but after the Forty-second amendment It was changed to “Sovereign Socialist Secular Democratic Republic”. Socialist and Secular were added in this amendment where the terms socialist and secular interpreted by Honourable Supreme Court in various case laws as-

In the case of *Virendra Singh Nagar v. State of Uttar Pradesh* and another, the court observed that the original tenets of the Preamble reflected a secular ethos. A number of decisions, including the Constitution Bench judgments in *Kesavananda Bharati v. State of Kerala* and *S R Bommai vs Union of India*, have observed that secularism is a basic feature of the Constitution. Although the term 'secular' was not present in the Constitution before its insertion in the Preamble by the Constitution (Forty-second Amendment) Act, 1976, secularism essentially represents the nation's commitment to treat persons of all faiths equally and without discrimination, the decision in *R C Poudyal v. Union of India* held.” In the case of *Balram Singh v. Union of India* "The word 'secular' was explained as denoting a republic that upholds equal respect for all religions, while 'socialist' was characterized as representing a republic dedicated to eliminating all forms of exploitation—whether social, political, or economic. However, the said amendment as proposed to Article 366 was not accepted by the Council of States." Also, socialism in the Indian framework embodies the principle of economic and social justice, wherein the State ensures that no citizen is disadvantaged due to economic or social circumstances. The word 'socialism' reflects the goal of economic and social upliftment and does not restrict private entrepreneurship and the right to business and trade, a fundamental right under Article 19(1)(g)." The Fundamental Rights and Directive Principles of State Policy also establish a basis for Welfare State. The ultimate objective of the DPSP is creation of social and economic conditions where citizens can have a better life. The DPSP contains various principles such as promoting social and economic equality, principles of Gandhian thought, Of international peace and Security and other principles. The DPSP serves only as implementation guidelines for the state and they are not enforceable by the court but Fundamental Rights is justiciable and enforceable too, no citizens can be denied for the enforcement of Fundamental Rights. The Fundamental Rights establishes India as “Secular, Socialist, and Democratic Welfare State. The Fundamental Rights establishes political democracy whereas the Directive Principles establish social and economic democracy.

PROXIMITY OF POLICE STATE UNDER NEW CRIMINAL LAWS

India is a welfare state and its essentials are enshrined in the Indian Constitution and all laws are being made and enforced must be in accordance with the constitutional norms and if violate the constitutional provisions Indian Judiciary will review it and declared it as unconstitutional. India recently reformed its general criminal laws that is Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Bharatiya Sakshya Adhiniyam, 2023 and this major reform is improve our criminal justice system and remove the British signs from old criminal laws some of the biggest reason of the reform was multiple amendments in any of the Act changes the objective of any Act and another significant reason was major of the provision were made in accordance with old times but with the passage of the time these provision are not significant in current situation such as very less amount in the fine and very limited pecuniary jurisdiction but these reforms according various lawyers and jurist increases the proximity towards the police state some of the provisions are as follows.

PROVISIONS UNDER BHARATIYA NYAYA SANHITA, 2023

Section 113 of the Bharatiya Nyaya Sanhita 2023 - One of the most highlighted provisions in the Bharatiya Nyaya Sanhita (BNS) is Section 113, which defines the term "terrorist act," which is included under Chapter VI, "Of Offences Affecting the Human Body under the Bharatiya Nyaya Sanhita. " Head note of the Section 113 of the Bharatiya Nyaya Sanhita is a newly introduced provision which was not present in the previous law. The definition of "terrorist act" given under Section 113 clause (1) of the Bharatiya Nyaya Sanhita is significantly identical to Section 15 of the Unlawful Activities (Prevention) Act, 1967 (UAPA) the section 15 of the Unlawful Activities (Prevention) Act, 1967 defines terrorist act as "Whoever does any act with intent to threaten or likely to threaten the unity, integrity, security , economic security, or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country". And the "Whoever does any act with the intent to threaten or likely to threaten the unity, integrity, sovereignty, security, or economic security of India or with the intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country". By general reading of these two definitions, it is to be understood that these are identical to each other. Similarly, the remaining provisions of Section 113, i.e., sub-sections (2) to (7), are also a significantly replication of Sections 16 to 21 of the UAPA, there is only minor exception is that the term "high quality" present in the explanation of "counterfeit Indian Currency" under Section 15(1)(iiiia) of the UAPA which is not included in the explanation under

the Section 113(1)(b) of the BNS. The Highlighted critical question arises is the rationale or object behind the inclusion of this provision under general criminal laws where settled law was already there under UAPA. There is a suspicion of a possible political motive for introducing this provision in the BNS because the UAPA is applicable only when general laws do not have any specific provision related to Act committed by wrongdoer, a significant issue is the potential negative impacts of enshrining such a provision in the general penal laws of the country where it is evident misuse of the UAPA over the past decade in the country, there is a significant apprehension that Section 113 of the BNS could similarly be exploited to fulfill the political motive to suppress political dissent and target individuals raising accountability concerns against the government by ruling government.

The potential answer behind the inclusion of section under 113 of the BNS by examining Section 217 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), which mandates upon such cases a prior sanction from the appropriate government authority before any court can take cognizance of offences listed under Chapter VII and upon inclusion of Section 113, which defines the offence of a "terrorist act," within Chapter VI Offences Against the Human Body, this legislative change empower that no need of prior sanction of appropriate government.

SECTION 152 OF BHARATIYA NYAYA SANHITA 2023

In a significant development, Hon'ble Supreme Court, the series of petitions challenging the constitutionality of Section 124A of the Indian Penal Code (IPC) concerning sedition, Hon'ble court had issued interim orders in May 2022. The orders directing that all pending trials, appeals, and proceedings under Section 124A be stayed and also prohibited the registration of new cases under the provision of sedition across India. The Supreme Court's decision also suggested towards substantial evidence related to the excessive misuse of Section 124A on a very large scale in India. "After elaborate research covering the use of sedition law during the decade 2011-2021, Art. 14 published a report titled "A Decade of Darkness", highlighting 13,000 people implicated in over 800 cases of sedition implicating people participating in public protests, social media posts, criticism of government policies and programmes and even over cricket matches!! The study noted that over 500 cases of sedition were filed after the BJP came to power during 2014 – 19. Overall, the conviction rate was 0.1%. Despite being a party to the SC proceedings and knowing well about the extent of misuse of sedition law, instead of dropping sedition law altogether, a new avatar of the sedition law has been introduced through section 152, Bharatiya Nyaya Sanhita, 2023. This not only retains most of the objectionable and problematic provisions of sec. 124A IPC, but actually adds a number of other provisions making the coverage and sweep of the new law, wider and

more potent. All this makes it likely to be misused against citizens demanding and seeking accountability”. Section 152 redefines or rebrands the old sedition law in as “Whoever, purposely or knowingly, by words, either spoken or written, or by signs, or by visible representation, or by electronic communication or by use of financial mean, or otherwise, excites or attempts to excite, secession or armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India; or indulges in or commits”. Where in section 124A have the significantly similar provision but instead of dropping this provision legislature has new added label in the sedition law under section 152 of BNS and if we analyses the essential of the section 152 of BNS it is much similar to section 124A of the IPC.

1. “Whoever, purposely or knowingly, by”
 - a. “Words, either spoken or”
 - b. “written, or”
 - c. “by signs, or”
 - d. “by visible representation, or”
 - e. “by electronic communication or”
 - f. “by use of financial means or otherwise”
2. “Excites or attempts to excite”
 - a. “Secession or”
 - b. “armed rebellion or”
 - c. “subversive activities, or”
 - d. “Encourages feelings of separatist activities, or”
 - e. “Endangers sovereignty or unity or integrity of India”.

But this section leaves absolute power in the hand of government by not defining subversive activities and separatist activities the definition may vary on case to case basis and The Bharatiya Nyaya Sanhita (BNS) does not provide a clear or definite definition or any explanation of what constitutes acts that endanger the sovereignty, unity, or integrity of India these void spaces are probably being misused by the government to avoid any dissentment. In the absence of precise, , and well-defined provisions in Section 152 of the BNS makes it undefined and broad, sweeping, and ambiguous, thereby it shall make it vulnerable and to create potential misuse and abuse by the will of ruling government. In a diverse nation like India, the expression of grievances by various castes, communities, or groups etc. could be interpreted as separatist activities and may raise the potential threat of widely misused. While lawmakers in the Parliament made a claim that Section 152 of the BNS is more precise and better defined than Section 124A of the Indian Penal Code (IPC) by expanding its scope and to include threats to the "sovereignty, unity, or integrity of India,"

which may be arise on the merely opposing the "government," this assertion overlooks the significantly broader and wide ambit of Section 152. The provision language emphasis on the state extensive discretion to classify a wide range of activities as promoting subversive or separatist sentiments or as threats to national sovereignty, unity, or integrity and may oppress the opposition's political thought. For example, caste groups voicing regarding their grievances about alleged discrimination in reservation benefits, or regarding the jobs or any such raising the concern could potentially be prosecuted under this provision for allegedly promoting separatist sentiments by interpreting these words accordingly. Such wide and ambiguity in the language poses a significant risk of infringement on legitimate expressions of dissent and democratic rights not being violated by the anyone.

PROVISIONS UNDER BHARATIYA NAGARIKA SURAKSHA SANHITA, 2023

Section 37 Bharatiya Nagarika Suraksha Sanhita, 2023 – Under this provision mandating the designation of a police officer in every police station and district, given the tasked with displaying the names, addresses, and details of offences and also the details of arrested persons, including through digital mediums, this violate the accused's right to privacy which is their fundamental right and violation to criminal justice principle to the “presumption of innocence until proven guilty”. The display of such information publically, particularly in digital formats, raises the risks of creating a perception among common people, public and society that the arrested individuals are guilty, irrespective of legal proceedings which may be pending in the court. The implications of this provision extend reintegration of accused with the society and most serious concern is violation of right of a fair trial of accused. In an era of digital media, publicly disseminating details of arrested persons can compromise the integrity and dignity of accused, as it may influence witnesses and victims by presuming them to identify the accused as culprit. Such presumption can be manipulated by enforcement authorities.

Another grave concern is the threat to the dignified life and personal liberty of arrested individuals. Public disclosure of personal details could expose them to attacks by victims, their relatives, or the and public. This is evident in cases where social or communal tensions are high, such as incidents which may involving honor killings, where revenge attacks have been takes place. The publication of the details of the accused may increase the risk of such violence where law need to safeguard the right to life and personal liberty of arrested or accused persons specially by publishing the information digitally.

SECTION 43 BHARATIYA NAGARIKA SURAKSHA SANHITA, 2023

Section 43 of the code makes handcuffing mandatory while arresting the person in the provision of arrest how made which is clear violation of various judgement of Hon'ble supreme court such as D K Basu vs State of West Bengal and Prem Shankar Shukla vs Delhi Administration and held that handcuffing of accused shall be violation of dignified life enshrined under Article 21 of Indian Constitution.

SECTION 131 BHARATIYA NAGARIKA SURAKSHA SANHITA, 2023

Under this section any executive magistrate is empowered to order the Armed force personnel to disperse the assembly previously this power vested under Highest Rank of Executive Magistrate **but now this power is vested in Every Executive magistrate which may rise concern of the potential misuse of the power.**

SECTION 173 BHARATIYA NAGARIKA SURAKSHA SANHITA, 2023

Under this section police is empowered to conduct a preliminary inquiry upon receipt of complaint of cognizable offence where punishment is up to 7 Years and if prima facie is available then register the FIR which empower a police officer to register a FIR and may conduct a primary inquiry before any action but this is to be a clear violation of Lalitha Kumari 2014 case where Hon'ble court has ruled that if the cognizable offence takes place irrespective what punishment is mentioned under the code registering FIR is mandatory, this is also a violation of principle of justice.

SECTION 187 BHARATIYA NAGARIKA SURAKSHA SANHITA, 2023

One of the ambiguous amendments introduced in the BNSS is the extension of the remand period within police custody from a maximum of 15 days under Section 167(2) of the Criminal Procedure Code (CrPC) now under Section 187(3) of the Bharatiya Nyaya Sanhita (BNSS) it is 60 and 90 days as the case may be. It is a evident that the period during which an accused person is held in police custody the coercion method was used against the accused, including extrajudicial practices such as physical torture and psychological pressure, used and designed to undermine the will of the accused. The CrPC, under the proviso to Section 167(2), maintains a safeguard by limiting police custody to a maximum of 15 days from the time of arrest. After the expiration of 15 days period he shall be sent to judicial custody only, which offers significant protections against coercion and ensures oversight by the judiciary. The new provision under Section 187(3) BNSS significantly alters this safeguard, raising serious concerns about the rights of accused individuals and the

potential for misuse of extended police custody. This also raises the concern regarding the potential misuse of power.

These provision under the new criminal laws are mainly considered as the proximity of India from welfare state to police state where there is major concern arises that the potential misuse by the ruling government these are not the only provision that are being misused but there are some other provisions as well which potentially being misused by the government because the language of the law creates the uncertainty which may lead chaos and judiciary have to interpret these provision according to principle of equity, justice and good consciousness.

CONCEPT OF POLICE COMMISSIONERATE

Police commissionerate is the system when Superintendent of Police is the absolute authority to control and manage law and order while in dual system the District Magistrate is the highest authority for the same. Under the Seventh Schedule of the Indian Constitution, the subjects of "Police" and "Law and Order" fall within the legislative and administrative jurisdiction of state governments and state government have all the authority and power to declare any district as Police commissionerate. At the district level, a dual administrative structure exists, wherein the Superintendent of Police (SP) and the District Magistrate (DM) collaborate to manage police administration, ensuring law enforcement and public order and ensures maintenance of law and order. In most states, except Bihar, Madhya Pradesh, Jammu & Kashmir, and certain North-Eastern states, the Police Commissionerate system is in operation this gives wide range of power to SP to take quick decision in the critical situation. This system centralizes the authority of law enforcement and law order under the ambit of Police Commissioner, providing greater autonomy and smooth decision-making in the critical situation. The Commissionerate model was first introduced during the British colonial era in presidency of Kolkata, and subsequently implemented in the Mumbai and Chennai presidencies.

WHAT IS POLICE COMMISSIONERATE SYSTEM?

Under the Police Commissionerate System a district is effectively bifurcated for the purposes of police and law enforcement. In the large cities where large number of people reside constitutes a significant urban settlement, the police's responsibilities traditionally vested in the Superintendent of Police are transferred to the Commissioner of Police to maintain the law and order and the authority of the District Magistrate (DM), Sub-Divisional Magistrates (SDMs), and any other Executive Magistrates related to crime control and maintenance of law and order within this urbanized area where large number of people resides is also conferred upon the Police

Commissioner to make quick judgement in serious situation. while in the remaining district where Commissionerate is not established, the traditional structure is retained, with the District Magistrate, subordinate magistrates, and the District Superintendent of Police continuing to exercise their respective powers and responsibilities concerning policing and law and order and due very low population density there is very few instances where quick and sudden action is necessary. 6th report of National Police Commission's which was released in the Year 1983 recommended the Commissionerate system in those cities which have population of 5 lakh and above. Later in Draft Model Police Act of year 2005, framed by a committee, which is set up by the Home Ministry also recommended those cities which have population of 10 lakh or more should have Commissionerate system. There is various issue which may be arise due to dual system some of the issues are as follows.

Response time is always being concern Under the dual administrative system, related to law enforcement, maintenance of public order this subject requires prior approval from the magistrates. These requirements often lead to delays, adversely affecting the efficiency and timeliness of police actions which may lead to unpleasant consequences.

Overburdening of Responsibilities on the executive magistrate The District Magistrate (DM) is burdened with overseeing the implementation of numerous government schemes aimed at development in remote and underprivileged regions and management and control of district. The additional responsibility of maintaining public order and police places a significant burden on the District Magistrate, which may be diverting their focus and resources away from developmental functions and he may not able to perform all the function efficiently.

Accountability of action and Challenges are present in the dual system which complicates the establishment of clear accountability in cases of mismanagement of public order and subject related to police, such as protests or riots or another issues. This opens the stance of blaming each other for disruption and management.

Public always has lack of confidence on police and its related system Historically, the police have carried the perception of being a colonial institution to suppress the common public and their rights. This lack of public trust generally leads individuals and public to approach magistrates with their grievances rather than relying on the police for the redressal of their issue and another key issue is centralization of Power within the Police and Police Institution Without ensuring transparency and accountability, granting greater power and authority to the police may increases the risk of rendering the institution susceptible to vulnerabilities. The police may become an instrument serving the ruling political dispensation of ruling government and it risks evolving into a repressive

arm of governance, diminishing public trust and curtailing the rights of the public by cohesive means. Police Commissionerate system is effective where the large population resides and there is necessity of quick action related to law-and-order situation and issues related enforcement of laws.

CHALLENGES UNDER A POLICE STATE

When a vast power has been given to one sole authority there is a huge tendency that the power can be misused thereby facing multiple challenges, here in the case of Police State these challenges are-

1. Scraping away of Civil Liberties

The essential Fundamental Rights are restricted and can no longer be exercised by the citizens. Surveillance and bowdlerize prevents citizens from giving their dissenting opinion against the state. The surveillance mechanisms hinder personal privacy of citizens by communication tracking etc. Political parties in such state should have no political freedoms.

2. Unreasonable Police Powers

When police have excess of powers, they can use excessive use of force committing brutality, custodial violence, and extrajudicial actions that with little accountability. Individuals may be detained unnecessary without giving proper justification. The police may also use their power for political or personal profits.

3. Suppression of Democratic Institutions

In a democratic country the government has three organs for the proper functioning of the state, the independence of each organ is necessary to create check and balance between the different organs. If Executive will have wide power, then the other organs will be suppressed by it and judiciary will have no longer be independence, the judgement will be biased. The legislative body will have no power to question police about their doings.

4. Social Diffusion and Suspicion

Police may irrationally target marginalized sections or minority groups. The people will have trust issues and they tend to lose confidence in the enforcement of law and their governance.

5. Economic Impacts

Under the authoritarian control, there are chances that domestic as well as foreign investments gets affected. If all the economic expenses are utilized on policing, then other sectors remain untouched which are responsible for the development of the country. It obstructs creativity and entrepreneurship.

6. Global Consequences

The authoritarian police states are often isolated from the global community and they face criticism and imposition of sanctions. These states generally face issues related to human rights violations and trade partnerships. Due to the tyranny the citizens may wish to seek shelter elsewhere which could create Refugee Crises.

7. Morals and Ethics

The lack of accountability gives a path to abusive use of powers and injustice. The excessive use of force against the citizens are normalized which will create a situation where people will be used to of the violence. The police is not responsible for serving its citizens rather they protect their regimes which would undermine the moral duty of the police.

CONCLUSION

Criminal law reform is reform which takes place to balancing public order with the protection of fundamental rights. However, when such reforms also include some absolutism tendencies which is generally known and characterized as the path to the "police state" which raise serious concerns about liberty, justice, and fundamental rights. The objective of criminal law reform has been to address key societal concerns, including control on the crime, offender rehabilitation, and public safety and maintain the law-and-order situation but these reforms have various issues in the language of the Act and in the frameworks also describes, expanded surveillance capabilities, or the broadening of law enforcement powers of police and very high risk encroaching on civil liberties. An overemphasis on police and its power, and some of the provisions have exactly same meaning as given in the various terrorist Acts and these provisions are incorporated in the General penal law of the India which may curtail democratic principles and fostering state dominance over Police state this may significantly make path towards authoritarianism. Provisions related arrest, police remand and handcuffing are amended in the new criminal laws and terrorist activities are also defined in the new criminal laws which was significantly identical from the UAPA laws and seditions laws is also similar old sedition just sedition name is not present in it and it was way broader definition compare to previous laws these laws are increases the proximity towards the police state from welfare state as enshrined in the Fundamental Right, DPSPs and in the Various Judgements of Hon'ble Supreme Court of India and High Courts of Various States.