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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

CRIMINOLOGY AS A TOOL FOR EVIDENCE BASED CRIMINAL JUSTICE REFORM

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ABSTRACT

Criminology serves as a critical theory of evidence-based reforms in the criminal justice system. It outlines the role of theoretical concepts and empirical studies in shaping changes in policing, judicial process, sentencing policy, penal and correction services and the policy machine. The discussion highlights the utilitarian aspect of the data-based governance, the linkage between research and the policy implementation, and the focus on human rights principles when establishing sustainable reform agendas.

The international models including restorative justice paradigms and rehabilitative correctional models are scrutinized along with the operational barriers they face that include institutional opposition, budgetary limitations, and the cultural deep-seated norms. There is a unique focus on the applicability of criminology to the Indian context where there are systemic issues in terms of the overcrowding of correctional institutions, lack of justice in juveniles and lack of police accountability that require an urgent solution. The synthesis proves that criminology is not only a theoretical study but also a resource that could be employed in the creation of effective, fair, and humane justice systems.

Keywords: Criminology, Human rights and justice policy, Restorative justice, Police accountability, Juvenile justice.

1. INTRODUCTION

Criminal justice system takes a centre stage in upholding law, order and the safety of the peoples. However, traditional policing, punishment, and rehabilitation methods have often been influenced by political factors, moral panics, or the masses and not by facts. These influences have on occasion resulted in ineffective policies, overcrowded correctional centres and a steady rate of crime. Criminology as the scientific study of crime, criminals, and the

criminal justice process provides a structural schematic understand the causes of criminal behaviour as well as the effectiveness of justice policies. As the evidence-based policymaking has risen to prominence, criminology has emerged as a key tool in enabling reforms that are effective and socially fair. The significance of criminology in criminal justice lies in the fact that it explains the criminal mindset and the method of committing crimes.

Criminology is a field that connects the theory and practice in the justice system. It provides policymakers and practitioners with knowledge on why individuals commit crimes, which interventions are the most effective, and how legal provisions can be implemented in a fair manner. With the aid of criminological research, criminal justice agencies will be able to adopt the strategies that work to reduce recidivism, improve rehabilitation programmes, improve policing techniques, and preserve the justice through fair trials. Thus, criminology provides the body of knowledge and the methods of analysis necessary to the reforms based on empirical evidence, not intuition and habit.

Evidence based changes rely on data, research results, and interventions, which have been thoroughly tested to influence policy and practice. Compared to random or politically driven reforms, evidence-based solutions ensure the efficient allocation of resources and deal with the measurability of outcomes. In the criminal justice sphere, these reforms can prevent wrongful convictions, racial or social bias, and develop crime-preventive strategies that would work in reality. The foundation of this process is criminology, as it produces the evidence that is needed to design, implement and assess reforms.

2. UNDERSTANDING CRIMINOLOGY

2.1 Crimeinology and its definition and meaning *Criminology* refers to the systematic study of crime, criminals and how the criminal justice system works in a systematic manner.

It evaluates the precursors, classifications and consequences of criminal behaviour as it also assesses how society responds to crime. The etymology of the word has its origin in the Latin word *crimen* (crime) and the Greek word *logos* (study).

According to Edwin Sutherland (1934), criminology refers to the body of knowledge on crime as a social phenomenon. It encompasses in its context the making of laws, the breaking of laws,

and the response to the breaking of laws.¹

Paul Tappan called criminology the study of the processes of law-making, law-breaking and law-enforcement.²

Simply put, criminology is not only a study of criminals and their motives, but also the efficacy of legal establishments, policies and reforms.³

2.2 Scope of Criminology – Criminology is a wide field that is interdisciplinary and includes sociology, psychology, law, and policy. Its main areas are: -

Etiology of Crime - The scientific investigation of the causal elements of criminal conduct including biological, psychological, social, economic and cultural elements.⁴

Crime types - The classification and discussion of different types of crimes including violent crime, white-collar crimes, cybercrimes, organised crime, juvenile delinquency, and so on.⁵

- Criminal Behaviour- The theoretical study of the forces that cause individuals or groups to commit criminal acts.⁶
- Criminal Law and Justice System- This is the study of the creation of laws, interpretation of laws and the enforcement of the laws.⁷
- Crime Prevention and Control- The policy measures and strategic interventions developed to reduce the occurrence of crime.⁸
- Penology and Corrections - The scientific evaluation of punishment, imprisonment, the rehabilitation process, and alternative to imprisonment.⁹
- Victimology The study of the status, entitlement and lived experiences of the victims of the crime.¹⁰
- Comparative Criminology - The comparative study of crime and justice in the national and cultural setting.¹¹

¹ Edwin H. Sutherland, *Principles of Criminology* (J.B. Lippincott Company, 1934) p.3.

² Paul W. Tappan, *Crime, Justice and Correction* (McGraw-Hill, 1960) p.12.

³ George B. Vold and Thomas J. Bernard, *Theoretical Criminology*, 5th ed. (Oxford University Press, 1986) p.5.

⁴ Siegel Larry J., *Criminology: Theories, Patterns and Typologies*, 12th ed. (Cengage Learning, 2016) p.21.

⁵ *Ibid*, p.43.

⁶ Frank Schmalleger, *Criminology Today: An Integrative Introduction*, 9th ed. (Pearson, 2020) p.60.

⁷ H.L.A. Hart, *Law, Liberty and Morality* (Oxford University Press, 1963) p.18.

⁸ John E. Conklin, *Criminology* (Pearson, 2010) p.102.

⁹ John E. Conklin, *Criminology* (Pearson, 2010) p.102.

¹⁰ Norval Morris and David J. Rothman (eds.), *The Oxford History of the Prison: The Practice of Punishment in Western Society* (Oxford University Press, 1998) p.14.

¹¹ N.V. Paranjape, *Criminology, Penology and Victimology* (19th edn, Central Law Publications, Allahabad 2019)

So, criminology is not only an analysis of crime but a critical review of the whole cycle of law, law enforcement, punishment and reform.¹²

2.3 Significant Criminological Theories.

The basis of crime explanation and the basis of reforms is seen in criminological theories. Some of these dominant paradigms are:

Classical School (Cesare Beccaria, Jeremy Bentham) Crime is understood as a rational decision made by individuals after considering costs and benefits. The school appreciates proportionate and instant punishment as a deterrent.

Positivist School (Cesare Lombroso, Enrico Ferri) Crime can be seen to be based on biological, psychological, or social causes that are not under the control of an individual. The focus is placed on treatment, rehabilitation and correction instead of harsh punishment.¹³

Strain Theory (Robert Merton) Crime is observed when people cannot achieve socially acceptable objectives (e.g., wealth, success) in legitimate manners.¹⁴

Social Learning Theory (Differential Association developed by Edwin Sutherland) Crime is conceived as an acquired behaviour learned through the process of association with other individuals who support criminal behaviour.¹⁵

Labelling Theory (Howard Becker) The response of society and calling a person a criminal can support a criminal identity and further action.¹⁶

Control Theory (Travis Hirschi) When their family, school and society bonds are weak or broken, individuals commit crimes.¹⁷

Critical/Marxist Criminology Crime has a connection to social inequality and the struggle of classes, and laws are often used to benefit the strong.¹⁸

These theories provide a wide range of perspectives when it comes to interpreting the reasons behind crime and responding to it in society, thereby declaring evidence-based changes.¹⁹

¹² Katherine S. Williams, Textbook on Criminology, 7th ed. (Oxford University Press, 2012) p.10.

¹³ <https://lawbhoomi.com/theories-of-crime/>

¹⁴ Robert K. Merton, Social Structure and Anomie (1938) 3(5) American Sociological Review 672.

¹⁵ Edwin H. Sutherland and Donald R. Cressey, Principles of Criminology, 5th ed. (J.B. Lippincott Company, 1955) p.75.

¹⁶ Howard S. Becker, Outsiders: Studies in the Sociology of Deviance (The Free Press, 1963) p.9.

¹⁷ Travis Hirschi, Causes of Delinquency (University of California Press, 1969) p.16.

¹⁸ Richard Quinney, Class, State and Crime: On the Theory and Practice of Criminal Justice, 2nd ed. (Longman, 1980) p.45.

¹⁹ https://criminal-justice.iresearchnet.com/criminal-psychology/theories-of-crime/#google_vignette

2.4 The Policy-Making Criminology

Criminology is a key contributor to the development of criminal-justice policies because it provides empirical testing and theory. Its contributions include:

Evidence-Based Policymaking

Criminological studies provide results, statistics, and case studies that can help policymakers to develop effective laws and reforms.²⁰

Reformation of Corrections and Punishment

Research has shown that rehabilitation and restorative justice tends to be more effective compared to severe punishment in deterring reoffending. Criminology guides the designing of the prison reforms, parole, and alternative measures like probation.²¹

Crime Prevention Strategies

These are the best approaches to crime prevention. Preventative programmes (e.g., youth education, employment opportunities, prevention of drug-abuse, etc.) are developed in the theories such as social learning, strain theory, etc.²²

Minimizing Prejudice and Discrimination

Criminology indicates structural issues, such as race profiling, miscarriage of justice and gender discrimination within the justice system. Such views result in reforms that promote more fair legal norms and practices.

Assessing Policies and Laws.

Criminology does not just help in formulating policies, but also measures their effectiveness in the field. Example: the effect of the so-called three-strike laws or the death-penalty policy on crime.

International and Comparative Knowledge.

Comparative criminology helps policymakers to learn the best practice in other countries, including Norway with its rehabilitation-oriented prison system.²³

3. EVIDENCE – BASED CRIMINAL JUSTICE

3.1 Evidence-Based Policy and Practice Concept- Evidence-based policy is a paradigm of policy driven by an informed system of evidence, grounded on empirical research, quantitative

²⁰ Lawrence W. Sherman, Denise C. Gottfredson, Doris L. MacKenzie, John Eck, Peter Reuter and Shawn D. Bushway, *Evidence-Based Crime Prevention*, 2nd ed. (Routledge, 2006) p.4.

²¹ John Braithwaite, *Crime, Shame and Reintegration* (Cambridge University Press, 1989) p.12.

²² Robert K. Merton, *Social Structure and Anomie* (1938) 3(5) *American Sociological Review* 672; Edwin H. Sutherland and Donald R. Cressey, *Principles of Criminology*, 5th ed. (J.B. Lippincott Company, 1955) p.75.

²³ https://criminal-justice.iresearchnet.com/criminology/criminology-and-public-policy/#google_vignette

information, and interventions that have undergone rigorous scientific scrutiny and is no longer driven by ideology, tradition, or political expediency.²⁴ Applied in the field of criminal justice, this paradigm stipulates that the policing strategies, sentencing procedures, correctional interventions, and rehabilitation frameworks are designed and implemented when they are proven to be effective, only after the empirical validation. The practice is similar to the science of medicine known as evidence-based medicine where the treatment choices are made based on controlled trials and provisional results.²⁵

Key features include: - It is based on empirical research and statistical analysis. - On-going policy review and assessment.

Substitution of the use of intuition by interventions which are proven empirically.

Cost-effectiveness and equity in justice delivery is prioritised.²⁶

3.2 The concept of reforming criminal justice with evidence-based changes is evolving

In the second half of the twentieth century, the shift to evidenced-based reforms in criminal justice began, with a strong surge in the United States and the United Kingdom. The major themes of the correctional policies in the past were mainly influenced by punitive ideologies and the need to be tough on crime by the population. However, continuing high recidivism, overcrowded jails and prisons, and growing fiscal liabilities led to a systematic re-evaluation of current practice.²⁷

1970s-1980s: The first wave of criminology began to systematize the assessment of correctional programmes, finding that nothing worked in preventing recidivism (Martinson Report, 1974).²⁸

1990s: Researchers reacted by showing that some specific interventions: cognitive-behavioural therapy, drug treatment courts, and community policing showed empirical effectiveness.²⁹

Since 2000s: Governments started investing more in evidence-based policymaking, and systematic reviews (e.g., the Campbell Collaboration, the UK-based Crime Reduction What Works Centre) became the focus of legislative change This movement indicates that there is an

²⁴ Lawrence W. Sherman, "The Rise of Evidence-Based Policing: Targeting, Testing, and Tracking" (1998) 42(3) *Crime and Justice* 377.

²⁵ David L. Sackett, William M. Rosenberg, J.A. Muir Gray, R. Brian Haynes and W. Scott Richardson, "Evidence-Based Medicine: What It Is and What It Isn't" (1996) 312(7023) *British Medical Journal* 71.

²⁶ <https://www.sciencedirect.com/science/article/pii/S1359178924000302>

²⁷ James Austin and John Irwin, *It's About Time: America's Imprisonment Binge*, 4th ed. (Wadsworth Publishing, 2012) p.23.

²⁸ Robert Martinson, "What Works? Questions and Answers about Prison Reform" (1974) 35(1) *The Public Interest* 22.

²⁹ <https://lawblend.com/articles/criminal-law-reform/>

increasing consensus that criminal-justice policy should be founded upon scientific knowledge and not simply upon political rhetoric or vehement popular opinion.³⁰

3.3 Global Patterns of Justices in Evidence Based Justice

United States:

Hot-Spot Policing (Kansas City, Minneapolis, New York): According to empirical research, the focus of police patrols on small and high-crime neighbourhoods has a strong negative impact on crime without displacement.³¹

Drug Treatment Courts (Miami, 1989 and on): Drug treatment courts are an alternative to incarceration involving treatment and constant monitoring of offenders with substance-use disorders. Studies show a statistically significant reduction in drug use and recidivism.³²

COMPSTAT (New York, 1990s): This is a data-oriented policing approach that maps crime trends and puts responsibility on the commanders of precincts. It is credited with a significant decline in violent crime in the city.³³

United Kingdom:

Restorative Justice Conferencing: This is a method mostly used with juvenile offenders, but it has been found to reduce recidivism and the extent of victim satisfaction compared to a traditional court case.³⁴

National Offender Management Service (NOMS): The officers in probation and correctional facilities embrace What Works principles and introduce programmes, e.g. anger-management and educational training.³⁵

Norway (Scandinavian Model): In Scandinavian prisons (such as Halden Prison), first priority is given to rehabilitation, vocational education and humanization. Norway has a recidivism rate of about 20, which is better than most punitive systems, such as the United States (recidivism over 60).³⁶

³⁰ Peter Neyroud, "Finding the 'Science' in Policing: The Role of Research in the Policing Policy Process" (2011) 12(4) *Policing: A Journal of Policy and Practice* 306.

³¹ Anthony A. Braga, David L. Weisburd, Elin J. Waring, Lorraine Green Mazerolle, William Spelman and Francis Gajewski, "Problem-Oriented Policing in Violent Crime Places: A Randomized Controlled Experiment" (1999) 37(3) *Criminology* 541.

³² Steven Belenko, "Research on Drug Courts: A Critical Review" (2001) 1(1) *National Drug Court Institute Review* 1.

³³ <https://plato.stanford.edu/entries/justice-global/>

³⁴ Joanna Shapland, Gwen Robinson and Angela Sorsby, *Restorative Justice in Practice: Evaluating What Works for Victims and Offenders* (Routledge, 2011) p.25.

³⁵ National Offender Management Service, *NOMS Annual Report 2004–2005* (Home Office, 2005) p.3.

³⁶

<https://www.crimeandjustice.org.uk/sites/default/files/Criminal%20justice%20systems%20in%20the%20UK%20C%20August%202022.pdf>

New Zealand:

Restorative Justice of Māori Communities: Restorative family-group conferences combine indigenous culture, which improves perceived fairness and prevents repeat offending of youth.

India (Emerging Practices):

Fast-Track Courts in Sexual Cases: It is argued that there are faster trials, but the effect on crime rates generally is debated.

Community Policing Programs (Kerala, Maharashtra): Some programs such as the Janamaithri Suraksha Project in Kerala, develop a police community confidence and enhance crime reporting.

3.4. Problems in Implementation of Evidence-Based Practices.

Although evidenced based justice has proved to have significant advantages, many barriers hinder its implementation:

Political Resistance: Politicians often prefer tough on crime policies that are popular with the population despite the evidence that they are ineffective.³⁷

Resource Limitations: Huge-scale assessments and randomized controlled trials require a substantial amount of financial resources, which many justice systems cannot afford.

Institutional Inertia: It is possible that the police forces, courts, and prisons oppose changes because of the traditions and bureaucratic culture.³⁸

Data limitations: In the majority of jurisdictions, where serious evaluation is conducted, there is no reliable crime information.

Ethical Concerns: The randomized trials in the justice system like the comparison between probation and imprisonment create serious ethical issues of fairness and due process.³⁹

Contextual Diversity: What works in one country does not work in another because of variations in legal systems, cultural orientations and socio-economic situations.

Public Perception: Evidence-based reforms can be misunderstood by citizens as being soft on crime and thus undermine political support and implementation.⁴⁰

³⁷ David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Oxford University Press, 2001) p.25.

³⁸ Peter Neyroud and Lesley Neyroud, "Transforming the Police through Science: The Challenge of Evidence-Based Policing" (2011) 12(4) *Policing: A Journal of Policy and Practice* 329.

³⁹ Julian V. Roberts and Andrew Ashworth, *Ethics and Criminal Justice Policy* (Oxford University Press, 2016) p.17.

⁴⁰ <https://www.annualreviews.org/content/journals/10.1146/annurev-criminol-022422-124116>

4. CRIMINOLOGY AND LAW ENFORCING REFORMS

The frontline of the criminal justice system is law enforcement. Through scientific study of crime, deviant conduct, and social interactions within the community, criminology provides critical information that may be essential in transforming policing operations. Evidence-based practices ensure that the police strategies are efficient, fair and sensitive to the needs of the society.⁴¹

4.1 *The use of Evidence-Based Policing Strategies*

Evidence-based policing (EBP) is the application of criminological research and data analysis to make decisions in police. Instead of tradition or instinct being the basis of strategies of policing, they can undergo scientific testing and can be improved.⁴²

Hot-spot Policing: The academic evidence has shown that the targeting of resources in crime-prone areas serves to lower crime with little displacement (Sherman and Weisburd, 1995).

Problem-Oriented Policing (POP): POP was developed by Herman Goldstein; it focuses on an analytical assessment of the underlying causes of crime, i.e., poor lighting or unemployment, and not just reactionary actions.⁴³

Predictive Policing: It uses data analytics to predict where a crime is likely to occur, however, it has been criticized due to the possibility of bias.⁴⁴

Focused Deterrence: Attacks the habitual offenders and the gangs using strict enforcement with supports.

Criminology gives empirical basis in deciding which strategies indeed help to reduce crime and improve community safety.⁴⁵

4.2 *Criminology in Prevention of crime.*

Criminology projects the prevention upfront rather than punishment thus dictating proactive policing styles.⁴⁶

⁴¹ Anthony A. Braga and David L. Weisburd, "The Effects of Focused Deterrence Strategies on Crime: A Systematic Review and Meta-Analysis of the Empirical Evidence" (2012) 49(3) *Journal of Research in Crime and Delinquency* 323.

⁴² Lawrence W. Sherman, *Evidence-Based Policing* (Ideas in American Policing Series, Police Foundation, 1998) p.5.

⁴³ Herman Goldstein, *Problem-Oriented Policing* (McGraw-Hill, 1990) p.9.

⁴⁴ Andrew Ferguson, *The Rise of Big Data Policing: Surveillance, Race, and the Future of Law Enforcement* (New York University Press, 2017) p.36.

⁴⁵ Peter Neyroud, "Research into Practice: The Case for Evidence-Based Policing" (2011) 6(4) *Policing: A Journal of Policy and Practice* 300.

⁴⁶ Ronald V. Clarke, "Situational Crime Prevention: Theory and Practice" (1980) *British Journal of Criminology* 20(2) 136.

Situational Crime Prevention (Clarke, 1980): Focuses on reducing the possibility of crime through a series of measures like better lighting, CCTV and locking.⁴⁷

Routine Activity Theory (Cohen and Felson, 1979): This theory assumes that crime is committed when a motivated offender, the right target, and the absence of guardianship are met the crime is prevented by increasing guardianship.⁴⁸

Early Intervention Programs: Criminological research has indicated that education, mentoring and drug treatment of the at-risk youth lowers future criminality.

Policing Social Problems: The literature emphasizes the importance of focusing on poverty, unemployment, and substance abuse as a way of reducing crime.

These lessons transform policing to be more proactive rather than reactive in their enforcement.

4.2 Community-oriented Policing and Criminological Research.

The concept of community policing is based on the criminological theory of social cohesion and trust. It gives precedence to collaboration between the police and the citizens in the prevention and management of crime⁴⁹.

Theoretical Basis:

Social Control Theory (Hirschi): Stable community ties reduce the crime level.⁵⁰

Broken Windows Theory (Wilson and Kelling): Dealing with small disorder prevents the development of more serious crime.⁵¹

Implementation:

- Neighbourhood patrols by the police, citizen advisory boards, community gatherings and problem solving alliances.⁵²

Benefits:

- Enhances citizen confidence and good will.
- Promotes reporting and cooperation of crime.
- Lessens crime and social animosity.⁵³

Criminology studies have always confirmed the fact that community trust is the key to good

⁴⁷ Ibid.

⁴⁸ N.V. Paranjape, Criminology, Penology and Victimology (19th edn, Central Law Publications 2019) 112–118.

⁴⁹ Wesley G. Skogan, Community Policing: Can It Work? (Wadsworth, 2004) p.15.

⁵⁰ Travis Hirschi, Causes of Delinquency (University of California Press, 1969) p.16.

⁵¹ James Q. Wilson and George L. Kelling, “Broken Windows: The Police and Neighborhood Safety” (1982) The Atlantic Monthly 29.

⁵² Robert Trojanowicz and Bonnie Bucqueroux, Community Policing: A Contemporary Perspective (Anderson Publishing, 1990) p.44.

⁵³ Tom R. Tyler, “Enhancing Police Legitimacy” (2004) 593 Annals of the American Academy of Political and Social Science 84.

law enforcement.⁵⁴

4.4 Case Studies- Police Reforms.

Police reforms in the world have been directed by criminological research.⁵⁵

United States -Hot-Spot Policing (Kansas City and Minneapolis): Research proved that the concentration of patrols in small high-risk areas reduced violent and property crimes.⁵⁶

United Kingdom - The PEEL Assessments: Evidence based assessments of police performance facilitated the reforms on transparency and accountability.⁵⁷

Norway - Police Mediation Committees: Police mediate restorative conversations between the victims and the offender in minor offences, which can result in a reduced workload and increased satisfaction.

India- Kerala: Janamaithri Suraksha Project: It is a community policing program based on criminological studies where beat officers interact with residents, and this way, enhance trust and crime prevention.⁵⁸

Brazil -Pacifying Police Units (UPPs) in Rio de Janeiro: The forces have concentrated on the re-taking of gang-dominated favelas by community partnerships, but outcomes have been inconsistent because of a lack of long-term assistance.⁵⁹

5. CRIMINOLOGY AND JUDICIAL REFORMS

The reforms in judiciary play a central role in making the criminal justice system fair, efficient, and just. ⁶⁰The direct contribution of criminology to crime restructuring policies in justice, understanding of cause and affect of crime, and the operations of the justice institutions is the provision of scientific knowledge to the restructuring of the sentencing policy, restorative practices and victim protection as well as protection against wrongful conviction.⁶¹

⁵⁴ <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/community-oriented-problem-oriented-policing>

⁵⁵ Lawrence W. Sherman, "The Rise of Evidence-Based Policing: Targeting, Testing, and Tracking" (2013) 1(1) Crime and Justice Studies 10.

⁵⁶ Lawrence W. Sherman and David L. Weisburd, "General Deterrent Effects of Police Patrol in Crime 'Hot Spots': A Randomized, Controlled Trial" (1995) 12(4) Justice Quarterly 625.

⁵⁷ Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), PEEL Assessments: A National Overview (London: HMICFRS, 2023) p.11.

⁵⁸ Government of Kerala, Janamaithri Suraksha Project: An Evaluation Report (Kerala Police Headquarters, 2016) p.7.

⁵⁹ <https://ijrar.org/papers/IJRAR25B1042.pdf>

⁶⁰ H.L.A. Hart, The Concept of Law (Clarendon Press, 1961) p.95.

⁶¹ Andrew Ashworth, Sentencing and Criminal Justice (7th edn, Cambridge University Press, 2022) p.34.

5.1 The application of Criminological Research in Sentencing Policies:

Historically, traditional sentencing practices focused on retribution and deterrence but criminological studies have indicated that proportionality, rehabilitation, and individualized justice was needed.

Risk-Needs-Responsivity (RNR) Model: This model is based on criminological research, whereby the risk of recidivism is assessed, criminogenic needs (e.g., addiction, education, etc.) are identified, and sentencing is adapted by these needs. ⁶²

Problem-Solving Courts: Drug courts, mental health courts, domestic-violence courts have arisen based on the empirical evidence showing that specialized sentencing leads to a reduction in recidivism. ⁶³

Case Study - UK: New sentencing rules now have criminological evidence on the limits of deterrence and also lay more stress on rehabilitation. ⁶⁴

Case Study India: Judicial observations Case studies including India Case *Bachan Singh v. State of Punjab* (1980) used a compared to nonexistent doctrine of death penalty, representing criminological thought on proportion. ⁶⁵

5.2 Restorative Justice and Criminology.

Restorative justice focuses on healing the wrong instead of punishing the offenders. Criminology provides the theoretical perspectives behind this method, which focuses on the social aspects of crime. ⁶⁶

Criminological reflections: It has been shown that stigmatization may enhance reoffending (labeling theory and reintegrative shaming, Braithwaite), but dialogue and community reintegration may only reduce it (Braithwaite). ⁶⁷

Global Models: Family Group Conferencing of juvenile offenders in New Zealand and community mediation schemes in Norway are based on criminological evidence.

India: The introduction of restorative measures is slowly taking off with Lok Adalats and

⁶² <https://docmckee.com/cj/docs-criminal-justice-glossary/risk-needs-responsivity-rnr-model-definition/#:~:text=The%20Risk-Needs-Responsivity%20%28RNR%29%20Model%20is%20an%20evidence-based%20framework,addressing%20risk%20levels%2C%20criminogenic%20needs%2C%20and%20treatment%20responsiveness.>

⁶³ James L. Nolan Jr., *Reinventing Justice: The American Drug Court Movement* (Princeton University Press, 2001) p.21.

⁶⁴ Sentencing Council for England and Wales, *Overarching Principles: Seriousness and Proportionality in Sentencing* (London, 2020) p.5.

⁶⁵ *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684.

⁶⁶ Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Herald Press, 1990) p.23.

⁶⁷ John Braithwaite, *Crime, Shame and Reintegration* (Cambridge University Press, 1989) p.55.

mediation in some of the criminal cases. ⁶⁸

Impact: According to empirical studies, restorative justice helps to increase victim satisfaction, decrease offender recidivism, and build community trust into the justice system. ⁶⁹

5.3 Victim Protection using Evidence-based Approaches.

In the past, criminal justice systems were offender-focused, and they did not always consider the needs of victims. This orientation has been redefined by criminology, especially its victimology through championing victim rights and protections. ⁷⁰

Protective Mechanisms: Victim compensation schemes and witness protection programmes as well as trauma-informed court practices are all based on criminological research.

Case Study - USA: Victim Impact Statements allow the victim to be included in the sentencing decision, creating fairness and equality between justice and the voice of the victim. ⁷¹

Case Study - India: The Criminal Law Amendment Act, 2013, a criminal law act gave added rights to the victims in sexual crimes by introducing compensation plans and fast-track courts as criminological understandings of secondary victimisation. ⁷²

Evidence: Studies demonstrate effects of participation of victims in justice procedures in enhancing healing, increasing system legitimacy and reducing fear of retaliation.

5.4 Criminology in Minimizing Wrongful Convictions.

False convictions undermine society and law. Criminology can help in showing the systemic mistakes and suggest improvements. ⁷³

Reasons of Unjust Conviction: false witness identification, witness coercion, incompetence of counsel and institutional bias. ⁷⁴

Criminological Contribution: Psychological and sociological research reveals flaws in the interrogation techniques, juries, and forensic mistakes. ⁷⁵

Case Study – USA: DNA evidence has been used to reverse hundreds of cases of wrongful

⁶⁸ National Legal Services Authority (NALSA), Annual Report 2022-23 (Government of India, 2023) p.41.

⁶⁹ <https://ijirl.com/wp-content/uploads/2024/05/RESTORATIVE-JUSTICE-PRACTICES-IMPLICATION-AND-APPLICATION-IN-INDIA.pdf>

⁷⁰ Sandra Walklate, *Imagining the Victim of Crime* (Open University Press, 2007) p.33.

⁷¹ Edna Erez, “Victim Participation in Sentencing: Rhetoric and Reality” (1999) 3 *Journal of Criminal Justice* 15.

⁷² The Criminal Law (Amendment) Act, 2013 (India), ss. 357A–357C.

⁷³ Richard Nobles and David Schiff, *Understanding Miscarriages of Justice: Law, the Media, and the Inevitability of Crisis* (Oxford University Press, 2000) p.3.

⁷⁴ Brandon L. Garrett, *Convicting the Innocent: Where Criminal Prosecutions Go Wrong* (Harvard University Press, 2011) p.12.

⁷⁵ Saul M. Kassin et al., “Police-Induced Confessions: Risk Factors and Recommendations” (2010) 34(1) *Law and Human Behavior* 3.

convictions by the Innocence Project, which has been aided by criminological research into eyewitness reliability.⁷⁶

Case Study -UK: The Criminal Cases Review Commission (CCRC) was formed to probe miscarriages of justice, based on the criminological understanding.⁷⁷

India: E.g. K.M. Nanavati v. State of Maharashtra, (1959), also noted the judiciary bias of the opinion of the people; recent reforms was more focused in the right to fair trial and precision in the forensic examination.⁷⁸

Impact: Evidence-based protections such as greater forensic quality, better access of defence and review commissions help in reducing wrongful convictions.

6. CRIMINOLOGY AND PRISON/CORRECTIONAL REFORMS

Correctional institutions and prisons are vital units of the criminal justice system. Their major role has been punishment and deterrence over centuries. The study of criminology has, however, criticized the purist methods of punishment and focused on rehabilitation, reintegration, and humane treatment of the offender. There is also evidence-based research that shows that criminology-informed corrections are more effective in facilitating decreased recidivism and social cohesiveness.⁷⁹

6.1 criminological views of punishment and rehabilitation.

Punishment Approach: Classical School (Beccaria, Bentham) punishment is thought of as retribution and deterrence.⁸⁰ Severe punishments such as life imprisonment or death are meant to discourage the criminal behavior. However, criminological research shows recurring poor long-term effectiveness.

Rehabilitation Approach: This is an approach that developed out of the Positivist School (Lombroso, Ferri) and argues that crime is determined by biological, psychological and social factors. The focus of rehabilitation is placed on education, therapeutic interventions, vocational

⁷⁶ Barry Scheck, Peter Neufeld and Jim Dwyer, *Actual Innocence: Five Days to Execution and Other Dispatches from the Wrongly Convicted* (Doubleday, 2000) p.8; Innocence Project, *Annual Report 2023* (New York, 2023) p.6.

⁷⁷ Michael Naughton, *The Criminal Cases Review Commission: Hope for the Innocent?* (Palgrave Macmillan, 2009) p.15.

⁷⁸ K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605.

⁷⁹ Francis T. Cullen and Cheryl Lero Jonson, *Correctional Theory: Context and Consequences* (SAGE Publications, 2017) p.21.

⁸⁰ Cesare Beccaria, *On Crimes and Punishments* (1764, translated by David Young, Hackett Publishing, 1986) p.45.

training, and reintegration of a person in the society.⁸¹

Criminological Understanding: Certain theories, including Labeling Theory, Reintegrative Shaming (Braithwaite), can show that tough punishment often validates a criminal identity, whereas rehabilitation promotes withdrawal of deviance. The modern correctional reforms aim to achieve a balance between deterrence and rehabilitation based on criminological empirical evidence.⁸²

6.2 Evidence of the Rehabilitation Program Effectiveness.

Criminological studies provide solid grounds in favor of organized rehabilitation.

Cognitive-Behavioral Therapy (CBT): Evidence suggests that CBT can be used to decrease recidivism through distorted thinking.

Education and Vocational Training: Prisoners that undergo educational and employment-training services are found to have a significantly reduced chance of returning to crime.⁸³

Drug Treatment Programs: U.S. Drug Court data have shown that treatment and supervision reduce relapse rates and recidivism.

Restorative Justice Programs: Accountability and Repeat offending reduction: Victim-offender conversations reduce recidivism.

Evidence Example: Evidence Sample: According to a study by RAND in 2013 that referred to educational programs, inmates who had taken the programs had a 43 percent lower chance of reoffending. Criminology provides the analytical instrument that is needed in assessing what works in the area of corrections.⁸⁴

6.3 Juvenile Justice and Criminology.

The young offenders require a different kind of approach because criminology reveals that juvenile crime is normally due to the socio-developmental factors.

Theoretical Basis:

- Strain Theory: Poverty and lack of material needs drive juveniles to crime.⁸⁵
- Social Learning Theory: Juveniles are likely to imitate peer action.

⁸¹Norval Morris and David J. Rothman (eds.), *The Oxford History of the Prison* (Oxford University Press, 1998) p.216.

⁸² Francis T. Cullen, "Rehabilitation and Treatment Programs" in James Q. Wilson and Joan Petersilia (eds.), *Crime and Public Policy* (Oxford University Press, 2011) p.293.

⁸³ Lois M. Davis et al., *Evaluating the Effectiveness of Correctional Education: A Meta-Analysis* (RAND Corporation, 2013) p.xiii.

⁸⁴ Lawrence W. Sherman, "Evidence-Based Corrections: Principles from Criminology and Psychology" (2015) 14 *Criminology & Public Policy* 297.

⁸⁵ Travis Hirschi, *Causes of Delinquency* (University of California Press, 1969) p.45.

Juvenile Justice Principles: Not severe punishment, rehabilitation, and reintegration and diversion.

International Models:

- United States: Juvenile courts are more focused on treatment and education, but they are subject to racial inequality.⁸⁶
- India: The Juvenile Justice (Care and Protection of Children) Act, 2015, is child friendly and focuses on rehabilitation.⁸⁷
- Scandinavian Countries: Implement community-based corrections and families counseling among juveniles.⁸⁸

Criminology studies facilitate the idea of viewing juvenile delinquents as people who can be reformed, not as criminals.⁸⁹

6.4 Comparative Prison Reforms in other Countries.

Prison reforms across the globe are influenced by criminological understandings with mixed results.

Norway (Halden Prison): The prison is unique because of its approach to rehabilitation, which is humane, rehabilitation-based, which provides education, vocational training and therapeutic services; its recidivism is about 20 per cent, the lowest in the world.⁹⁰

United States: Traditionally punitive, with a recidivism rate of more than 60 and mass incarceration. However, recent reforms like the Second Chance Act and prison education programs are a positive sign.⁹¹

United Kingdom: Switch to Evidence-Based What Works programs which focus on probation and rehabilitation services.⁹²

India: Overcrowding and underfunding are the order of the day but programs such as open prisons in Rajasthan and correctional education programs are motivated by criminological research.⁹³

⁸⁶ Elizabeth S. Scott and Laurence Steinberg, *Rethinking Juvenile Justice* (Harvard University Press, 2008) p.121.

⁸⁷ Juvenile Justice (Care and Protection of Children) Act, 2015 (Act No. 2 of 2016), s.3 and s.18.

⁸⁸ Tapio Lappi-Seppälä, "The Nordic Youth Justice Model" (2012) *Crime and Justice* Vol. 40(1), p.199.

⁸⁹ <https://www.numberanalytics.com/blog/criminology-juvenile-justice-systems>

⁹⁰ Benko, J. "The Radical Humaneness of Norway's Halden Prison" (26 March 2015) *The New York Times Magazine*.

⁹¹ <https://www.fmptr.com/Prison-Systems-Around-the-World--A-Comparative-Analysis>

⁹² Raynor, P. and Ugwudike, P., "What Works and How It Works: The Evidence for Probation-Based Rehabilitation" (2013) *British Journal of Community Justice*, Vol. 11(1-2), p.99.

⁹³ National Crime Records Bureau (NCRB), *Prison Statistics India 2022* (Ministry of Home Affairs, Government of India, 2023).

Brazil and South Africa: Overcrowding and violence face-to-face Brazil and South Africa: Restorative justice pilot programs face challenges related to the root social disparities.⁹⁴

7. CRIMINOLOGY IN POLICY FORMULATION AND GOVERNANCE

The effectiveness of any criminal justice system depends on whether there are definite, fair policy structures; in a linear manner, criminology provides empirical as well as theoretical underpinnings that are invaluable when developing laws, tactics of operation, and administration designs. By incorporating criminology studies into the process of policymaking, governments are in a position to make equitable, effective, and reforms that are consistent with human rights values.

7.1 Research in the legislative reforms.

Evidence is the foundation of law-making; law-reform must be based on empirical criminological studies and not on political pressures or popular panic.

Examples

The United Kingdom reforms on sentencing were influenced by academic research on deterrence and proportionality. The criminological evidence that showed that punitive measures could not diminish drug use also contributed to decriminalization of minor drug possession in Portugal.⁹⁵

Impact: Research helps the legislators to develop policies that are balanced in terms of deterrence, rehabilitation and social justice. Criminology makes the laws reasonable, balanced and appropriate.⁹⁶

7.2 Criminology and Human Rights based approaches.

Human-rights prism: Criminology makes the future of individual rights protection in law enforcement, courts, incarceration, and victimology.

Application

Stopping torture and other inhuman treatments in prisons.

Guaranteeing due process to suspects.

Ensuring that victims get access to justice and compensation.

⁹⁴ Muntingh, L. and Redpath, J., "The State of South African Prisons and the Case for Reform" (2022) African Human Rights Law Journal, Vol. 22, p.187.

⁹⁵ Hughes, Caitlin Elizabeth and Stevens, Alex, "What Can We Learn from the Portuguese Decriminalization of Illicit Drugs?" (2010) British Journal of Criminology, Vol. 50(6), p.999.

⁹⁶ Lawrence W. Sherman, "Evidence-Based Crime Policy" (1998) Criminology & Public Policy, Vol. 1(1), p.2.

World-systems: International conventions like the UN Standard Minimum Rules on the Treatment of Prisoners (Nelson Mandela Rules) and the Beijing Rules on Juveniles are directly based on criminological theories.⁹⁷

The rights approach ensures that justice is effective and also humane as well as constitutional.

7.3 Governmental Decision-Making on the basis of criminological data.

Policy making needs data; governments are becoming more and more dependent on crime statistics, victimization surveys and substantive criminological research when making the required reforms.⁹⁸

Examples of data use

Police predictive crime mapping.

Comparison of the cost-benefit analysis of rehabilitation and incarceration.

Parole and probation policies made through recidivism data.

Advantages: Data governance will hold people accountable, allocate resources efficiently, and introduce transparency in reform.

Criminological statistics acts as the engine of evidence of modern administration.⁹⁹

7.4 Academic, Policymaker, and Practitioner Collaboration.

Close the divide: Academic work tends to be written in theory unless it is converted into policy and practice; cooperation makes sure that policy and practice are brought into practice.

Models of collaboration

Government advisory organisations (e.g. Crime and Justice Research Centre in the United Kingdom).

Police-university collaborations that create crime-prevention approaches.

Global partnerships (e.g., UNODC projects which have incorporated criminology in the reform of global justice).¹⁰⁰

Concerns: Political opposition, insufficient funding and lack of communication between academics and policymakers.

Direction forward Periodic workshops, advisory boards and collaborating research.

⁹⁷ United Nations Office on Drugs and Crime (UNODC), Handbook on Justice for Victims (United Nations, 2020) p.13.

⁹⁸ Farrington, David P., "Methodological Quality Standards for Evaluation Research" (2003) Annals of the American Academy of Political and Social Science, Vol. 587, p.49.

⁹⁹ Tonry, Michael, Crime and Justice in America 1975–2025 (University of Chicago Press, 2013) p.219.

¹⁰⁰ United Nations Office on Drugs and Crime (UNODC), Research and Trend Analysis Branch Report 2023 (Vienna, 2023).

Evidence-based governance relies on a three-way alliance between academia, policy makers and practitioners.¹⁰¹

8. CHALLENGES AND CRITICISM

The value of criminology in evidence-based reforms in the criminal justice system is substantial; however, numerous obstacles and criticisms surround the application of its results in practice. The most prominent of these is the issue of political opposition: criminal justice policies are often influenced by popular opinion, media discourse, and voter-based politics as opposed to the creation of scientific, rigorous investigation. As a result, the implementation of evidence-based reforms is slowed down¹⁰².

The second and a major challenge is the constraint in resources. Evidence-based practices require a pool of well-trained professionals, a sound infrastructure, and sufficient funds—demands that are hard to achieve by many developing states, and even developed countries, in some instances. In addition, limitations to data, including underreporting of crimes, lack of data collection techniques, and statistical inaccuracies, jeopardize the accuracy and validity of criminological conclusions.

Social barriers and cultural barriers are also important. Rehabilitative policies are not well received in societies with a long history of punitive customs and which prefer to employ severe punishment over rehabilitation. Moreover, even the most effective reforms may be washed away by a lack of gaps in implementation; inadequate enforcement mechanisms and lack of proper monitoring are also some of the factors that result into failure of reform initiatives.

Critics often argue that criminology remains too abstract and unattached to the real world of practice, and that the increased application of predictive policing and big data technologies are bringing serious ethical issues of discrimination and privacy.¹⁰³

Conclusively, criminology is an excellent source of information, but its overall effectiveness is

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<https://iiardjournals.org/get/RJMCIT/VOL.%202%20NO.%203%202016/THE%20ROLE%20OF%20CRIMINOLOGY.pdf>

¹⁰² Garland, David, *The Culture of Control: Crime and Social Order in Contemporary Society* (University of Chicago Press, 2001) p.312.

¹⁰³ Ferguson, Andrew Guthrie, *The Rise of Big Data Policing: Surveillance, Race, and the Future of Law Enforcement* (New York University Press, 2017) p.130.

subject to the existence of political will, adequate resources and the disciplined use of the research in the operating justice systems.¹⁰⁴

9. THE WAY FORWARD

Enhancing Research-Practice Relations: Criminology needs to move beyond theoretical paradigms to substantive practice. There is a need to improve the collaboration between scholars, policymakers, and practitioners so that the empirical evidence could be converted into effective policy changes.

Significance of Data-Driven Decision-Making: The policymaking process must be grounded on solid and trustworthy data and crime statistics. The data-driven planning helps to review the interventions, improve transparency, and provide rational distribution of resources.

The Future of Criminology in India and Abroad: In India criminalology can solve major problems of overcrowded prisons, juvenile justice and police reforms. In the international arena, the field will persist in influencing restorative justice, predictive policing and correctional approaches based on rehabilitation. The international models may be incorporated into Indian scholarship and adapted to the local socio-cultural conditions.

Suggestions to be made to Reforms that are effective:

- Evidence-based laws and courts should continue to be developed.
- Develop national criminology research centres associated with government bodies.
- Educate police, judiciary and prison personnel in criminological strategies.
- Make restorative and rehabilitative models more important than only punitive actions.
- The reforms should also be crafted such that they do not compromise the human rights and culture.

CONCLUSION

Criminology has become a leading tool in shaping evidence-based reforms in the criminal justice system. It goes beyond the boundaries of intuition and political partisanship to provide a strict scientific system to explain criminal phenomena, develop effective policies, and establish fairness to the courts. The development of community policing programs, the

¹⁰⁴ <https://ijlr.iledu.in/wp-content/uploads/2025/02/V5I142.pdf>

reorganization of penitentiary facilities, the redesign of juvenile justice systems, the sentencing protocols calibration, and the protection of the rights of victims, criminological inquiry provides the empirically obtained clues that helps to build interventions that are demonstrably successful in the conditions of operation.

The analysis illuminates that as criminology has had an immense impact on legislative enactments, judicial rulings, and correctional approaches at an international level, there remain significant substantive barriers. Deep-seated political resistance, lack of resources, poor data quality and cultural biases often hinder the wise implementation of evidence-based innovations. However, successful international models, including the rehabilitation-based incarceration system of Norway and the New Zealand restorative justice model, can prove that criminology can be reinvented when it is tactically integrated into policy and operational settings.

The future of criminological research in the case of India is especially promising. It provides the possibility of reducing chronic offenses that include overcrowding in prisons, juveniles crimes, inadequate police accountability, and balancing reforms with international human rights obligations. Strengthening the bridge between research and practice, investing in data-driven decision-making, and encouraging synergistic relationships between scholars, policymakers, and practitioners are the steps that are urgently needed to achieve this goal. To conclude, criminology is not only an academic field but also a powerful tool towards the implementation of criminal justice systems that are just, effective, and humane.

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