

REFORM WITH CAUTION: THE HINDU EDITORIAL ON CRIMINAL LAWS REFORM

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The [formation of a 'Committee for the Reform of Criminal Laws'](#) by the Union Home Ministry with an apparently short time frame and limited scope for public consultation has [caused considerable disquiet among jurists, lawyers](#) and those concerned with the state of criminal justice in the country. Few would disagree with the idea that the current laws governing crime, investigation and trial require meaningful reform. There have been several attempts in recent decades to overhaul the body of criminal law, comprising the Indian Penal Code of 1860 vintage, the Code of Criminal Procedure that was rewritten in 1973, and the Indian Evidence Act that dates back to 1872. However, comprehensive legal reform is something that requires careful consideration and a good deal of deliberation. One criticism against the latest Committee is that it has begun its work in the midst of a pandemic. This may not be the ideal time for wide consultations. Activists and lawyers functioning in the hinterland may be at a particular disadvantage in formulating their opinions. The panel's mandate appears quite broad: "to recommend reforms in the criminal laws of the country in a principled, effective, and efficient manner which ensures the safety and security of the individual, the community and the nation; and which prioritises the constitutional values of justice, dignity and the inherent worth of the individual." This is vague and open to multiple interpretations. It is also not clear why the Law Commission has not been vested with this task.

The lack of diversity in what is an all-male, Delhi-based committee has also been adversely commented upon. In 2003, the Justice V.S. Malimath Committee on reforms in the criminal justice system had come up with some far-reaching suggestions, some of which became part of changes in criminal law. However, it also attracted criticism over the suggestion that the standard of evidence be reduced from "beyond reasonable doubt" to "clear and convincing". The Justice Verma panel came up with a comprehensive and progressive report on reforms needed in laws concerning crimes against women in 2013 in barely one month, but its speed was probably due to the limited mandate it had. If at all criminal law is to be reformed, there should be a genuine attempt to reach a wide consensus on ways to speed up trials, protect witnesses, address the travails of victims, improve investigative mechanisms and, most importantly, eliminate torture. An impression should not gain ground that wide-ranging changes are sought to be made within a short time frame and based on limited inputs from the public. Reform is best achieved through a cautious and inclusive approach.

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