Reform of Criminal Laws

The Ministry of Home Affairs (MHA) has constituted a national level ‘Committee for the Reform of Criminal Laws’.

What is the committee for?

The criminal law in India comprises -

- the Indian Penal Code of 1860
- the Code of Criminal Procedure that was rewritten in 1973
- the Indian Evidence Act that dates back to 1872

The idea that the current laws governing crime, investigation and trial require meaningful reform has long been in place. There have been several attempts in recent decades to overhaul the body of criminal law. **Given this, the committee’s mandate now is to recommend reforms in the criminal laws in a principled, effective, and efficient manner.**

The reforms should ensure the safety and security of the individual, the community and the nation. It should prioritise the constitutional values of justice, dignity and the inherent worth of the individual.

How does it work?

The committee has several leading legal academicians on board. It would be gathering opinions online, consulting with experts and collating material for their report to the government. Questionnaires have been posted online on the possible reforms.

**The committee has invited experts in the field of criminal law to participate in the exercise through an online consultation mechanism. The consultation exercise would go on for 3 months (starting on 4 July 2020).**

What are the concerns?

- **Timeframe** - Comprehensive legal reform requires careful consideration and a good deal of deliberation. An apparently short timeframe and limited scope for public consultation has thus been raised as concerns. This has caused considerable disquiet among jurists, lawyers and those concerned with the state of criminal justice in the country.
- **Timing** - The Committee 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.

- **Mandate** - The panel's mandate is also vague and open to multiple interpretations. It is also not clear why the Law Commission has not been vested with this task.

- **Members** - The committee being an all-male, Delhi-based one has led to concerns of lack of diversity.

### Way ahead?

Reform is best achieved through a cautious and inclusive approach. If at all criminal law is to be reformed, there should be a genuine attempt to reach wide consensus.

The priorities should be on ways to speed up trials, protect witnesses, address the travails of victims, improve investigative mechanisms and, most importantly, eliminate torture.