Committee for the Reform of Criminal Laws

Why in news?

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 -
  1. the Indian Penal Code of 1860
  2. the Code of Criminal Procedure that was rewritten in 1973
  3. 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.

What is the 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.

Source: The Hindu

