

# **Oppose the Committee for Criminal Law Reform**

## **NOT NOW! NOT THIS WAY!! NOT WITHOUT ALL OF US !**

As the entire nation is reeling under Covid pandemic and 40, 000 + deaths have been reported officially, the Union Ministry of Home Affairs (MHA) constituted a 5-member Committee on 4<sup>th</sup> May 2020, to change the 3 MOST IMPORTANT ACTS under the Constitution – Indian Penal Code, Code of Criminal Procedure and Indian Evidence Act. This process of reworking these laws, which should have been open, inclusive and transparent, is instead **secretive, exclusionary and opaque**. As citizens of this country, we must oppose this attempt to unilaterally change these laws in the name of reform.

- **A Committee for Reforms of Criminal Law must be Representative** – The current Committee has **5 men based in Delhi and Mumbai**- no women, no dalits, no adivasis, no transgender or queer persons, no nomadic and de-notified tribes, no persons with disabilities and no religious minorities. How can such a committee, which excludes all those who bear the brunt of police high-handedness, corruption and brutality, be in-charge of “reforming” criminal law?
- **Crucial Laws Cannot be Altered Under the Cover of COVID** – Why did the MHA pass this notification in the middle of a nationwide lockdown during the Covid pandemic? Why are crucial changes to these fundamental laws being contemplated when the courts are barely functioning, public meetings are not allowed, lawyers and citizens are facing unprecedented challenges of livelihood, Bar Associations cannot function and the public health system is under unprecedented stress.
- **Careful Deliberation of Criminal Laws Requires Adequate Time** – The Committee is tasked with overhauling the three most important laws under the Constitution of India, which are based on 150 years of established jurisprudence, in a mere **6 months**. Even in non-Covid times, this is impossible and far too hurried for any genuine consultation. During Covid times, such a timeframe raises the concern that this process is a mere eye-wash and the findings of the report have already been decided.
- **Public Consultation should be Well-advertised, Inclusive and Transparent** - The Committee’s public consultation process is neither public nor consultative. Only select lawyers in Delhi have been invited by the Committee to participate in an online consultation. While other “experts” can technically choose to participate on their own initiative, no attempt has been made by the Committee to inform the public at large about this process and seek broader participation. All notices, questionnaires and calls for participation have been issued only in English! The Terms of Reference for this Committee are cloaked in secrecy, and have not yet been made public. The questionnaires on which the supposed consultations are to take place are released only 28 days before deadline for submission of responses, and responses can only be sent after online registration.
- **Law Reform should be based on Robust Data and Clear Objectives** – A series of position papers followed by public consultations and workshops with stakeholders should precede any attempt to reform the law. In the past, the Law Commission and other autonomous commissions have undertaken such extensive exercises in order to recommend changes to the existing laws. Why has that process been abandoned now?

**CRIME AND PUNISHMENT AFFECT US ALL,  
WE MUST ALL HAVE A SAY IN PEACE TIMES, NOT PANIC TIMES**  
**Reject this Sham Committee – Demand a Genuine Public Consultation**

*Issued in Public Interest by: Citizens Against the Criminal Law Reform Committee*