



Slow Pace of Criminal Justice System Reforms

Why in News

Recently, a group of experts under the [National Human Rights Commission \(NHRC\)](#) has expressed concerns over the slow pace of reforms in the criminal justice system to ensure speedy justice.

- NHRC of India is **an independent statutory body** established on 12th October, 1993 as per provisions of Protection of Human Rights Act, 1993, later amended in 2006.

Key Points

▪ Criminal Justice System in India:

- Criminal Justice System **refers to the agencies of government charged with enforcing law, adjudicating crime, and correcting criminal conduct.**
- It is essentially **an instrument of social control.**
- Criminal justice system reforms broadly **comprises three sets of reforms** viz. [Judicial reforms](#), [Prison reforms](#), [Police reforms](#).
- **Objective:**
 - To prevent the occurrence of crime.
 - To punish the transgressors and the criminals.
 - To rehabilitate the transgressors and the criminals.
 - To compensate the victims as far as possible.
 - To maintain law and order in the society.
 - To deter offenders from committing any criminal act in the future.

▪ Legal Framework for Criminal Jurisprudence in India:

- The **Indian Penal Code (IPC)** is the official criminal code of India drafted in 1860 on the recommendations of the first law commission of India established in 1834 under the Charter Act of 1833 under the Chairmanship of Lord Thomas Babington Macaulay.
- The **Code of Criminal Procedure (CrPC)** is the main legislation on procedure for administration of substantive criminal law in India. It was enacted in 1973 and came into force on 1st April 1974.

▪ Issues in Criminal Justice System:

- **Huge Pendency of Cases:** There were about 4.4 crore pending cases in the Supreme Court, High Courts and district courts.
- **High Number of Undertrials:** India has one of the world's largest number of undertrial prisoners. This delay in disposal of cases is leading to human rights violations of the undertrials and convicts.
- **Delay in Police Reforms:** Despite the Supreme Court's directions on police reforms, there had been hardly any changes on the ground.
 - Corruption, huge workload and accountability of police is a major hurdle in speedy and transparent delivery of justice.
- **Colonial Era Laws:** The codification of criminal laws in India was done during the British

rule, which more or less remains the same even in the 21st century.

Suggestions

- Some provisions in IPC may be deleted and **left for redressal under the law of Torts**, as it is in England.
- **Digitisation of documents** would help in speeding up investigations and trials.
- Increasing **awareness of laws among police personnel**, increasing the number of police personnel and stations in proportion to the number of complaints in an area, and including social workers and psychologists in the criminal justice system.
- The focus also needs to be on the **victim's rights and smart policing**. There is a need to study the rate of conviction of police **officials and their non-compliance of law**.
- Implementation of **Malimath committee (2000) recommendations**.

Malimath Committee (2000) Recommendations

- **Rights of the Accused:** The Committee suggested that a Schedule to the Code be brought out in all regional languages so that the accused knows his/her rights, as well as how to enforce them and whom to approach when there is a denial of those rights.
- **Police Investigation:** The Committee suggested hiving off the investigation wing from Law and Order.
- **Court and Judges:** The report pointed out the judge-population ratio in India is 10.5 per million population as against 50 judges per million population in many parts of the world.
 - It suggested the increase in strength of judges and courts.
- **Witness Protection:** It suggested separate witness protection law so that safety and security of witnesses can be ensured and they can be treated with dignity.
- **Vacations of Court:** It recommended reducing the vacations of court on account of long pendency of cases.

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