

To  
Prof. (Dr.) Ranbir Singh  
Chairperson & Vice-Chancellor  
Committee for Reforms in Criminal Laws  
Centre for Criminology and Victimology  
National Law University, Delhi

Dear Sir,

**Re: National Level Committee for Reforms in Criminal Laws:  
Serious Concerns Re. Composition, Time Frame and  
Methodology adopted by the Committee.**

We are a group of women litigating lawyers – trial as well as appellate level. Many of us have over 40 years of practice experience – some of us are designated Senior Advocates. On the criminal side, we have acted in the capacity of defence counsel, state counsel and victims’ counsel. Some of us are, or have been, empanelled Legal Aid counsel or have held amicus curiae briefs. Therefore, we have rich experience of representing all kinds of stake holders on the criminal side – whether it be the State, the accused, the victim; from corporations to marginalised/ vulnerable individuals. Further, we have expertise in not only handling cases involving IPC offences, but those under special statutes such as terror, drugs, POCSO, Prevention of Corruption Act, Money Laundering and corporate fraud.

At the outset we welcome the constitution of a National Level Committee for Reforms in Criminal Laws to undertake a review of criminal laws in India and are reassured by the fact that the reforms envisioned are to hold at its core, as stated, “the constitutional values of justice, dignity and the inherent worth of the individual.” It is also worth-while, at this juncture, to reiterate the integral principles of criminal jurisprudence that are enshrined in our Constitution - such as fair trial, presumption of innocence and burden of proof, equality before law and equal protection of the law.

Most of us have registered for participating in the consultation exercise and have or are going to fill out the questionnaires. From the first questionnaire uploaded, it appears that a very useful and important exercise in the nature of jurisprudential introspection is being undertaken on various issues, such as

- whether definitionally sexual offences should be located within the category of offences against the body or under that of gender discrimination
- whether rape sexual assault laws are to be gender neutral vis a vis both victim and offender
- whether the provisions relating to “consent” need rethinking
- whether separate offences of “mob-lynching” or “honour killing” need to be created
- whether sedition laws require re-examination
- whether more strict liability offences are required under the IPC
- How criminal culpability of corporates needs to be dealt with

- re-examination of several common law principles relating to mens rea, right to private defence, insanity defence, theories of punishment and sentencing, the competence of minors above the age of 12 years.

This is indeed a seminal exercise and as lawyers we welcome these debates and pursuant reforms. However, we are very concerned by issues which can be broadly classified under 2 broad heads:

- composition of the Committee
- consultative methodology and time frame

### **Composition of the Committee**

We find it rather troubling that the Committee is completely lacking in both diversity and in representation of relevant stake holders – there are no women, Dalits, religious minorities, adivasis, LGBT persons or differently-abled person on the Committee. Further, the Committee is mainly Delhi based, with members drawn exclusively from urban metropolitan cities.

**Over decades it has been established in various jurisdictions that the only manner in which systemic and institutional biases can be cured is by ensuring diversity and representation of various stake holders in the legal reform process.**

As women lawyers, it seems to us simply absurd that, when a large part of the questionnaire is devoted specifically to reform of sexual offences, women practitioners of criminal law have not been included on the Committee. Can a discussion on criminalisation of honour killing or mob lynching be meaningful without the inclusion of Dalits and religious minorities on the Committee? These are but a few stray examples. However, the point we are trying to emphasise is that plurality of views and debate is essential for a rigorous and democratic exercise in law reform – and the only way to ensure such plurality and debate is to ensure diversity and adequate representation.

Further, barring one senior member of the bar, there is a glaring failure to include any practicing advocates in the Committee. Any need reform in criminal laws must be articulated by those who, on a daily basis, engage with these laws and see how they play out in practice. Else, this will either become a mere academic exercise, devoid of real impact, or worse, will result in harm. Further, not just law practitioners even grassroots workers should be invited to participate in the process. After all many changes in law have been spearheaded by non-lawyers, such as the Right to Information Act, the Forest Rights Act, dowry laws – to name just a few legislations. By their deep engagement with vulnerable groups and those who have either fallen between the cracks or fallen unfairly victims to the criminal justice system, grassroots workers will have significant insights, that we cannot afford to ignore.

### **Consultative Methodology and Time Frame**

From what we are given to understand the expert consultative process is to take place over the course of the next two and half months through a series of six questionnaires, each dealing separately with the Indian Penal Code, the Code of Criminal Procedure and the Indian Evidence Act. This entire approach is deeply flawed - Criminal Law rests on three interlocked and interlinked statutes. The Committee's schedule of releasing separate questionnaires for each statute on different dates and seeking isolated responses, betrays a lack of understanding of the working of criminal law jurisprudence.

Furthermore, a questionnaire based methodology of soliciting contributions from expert consultants seems to indicate that the Committee has already arrived at certain forgone conclusions and is appearing to merely evaluate whether these positions garner enough endorsements or not. There is no scope for eliciting from experts what reforms are required outside of the confines of the questions posed. Furthermore, certain issues are deserving of contributions that go much beyond a 200 word limit! A law reform exercise which applies a methodology reminiscent of feedback Google Forms runs the grave risk of being rendered farcical.

Further, the questions are without context whatsoever. For example, the entire section of strict liability offences ought to have been prefaced with the nature of offences the Committee had in mind and what its concerns were while posing these questions. Or else, we are rendered no better than law students writing a 200 word essay answer on the meaning of strict liability. It is plainly disturbing to imagine how our responses will be interpreted and what they will culminate in.

Additionally, the extremely short time frame set out is, by default, designed to defeat any serious engagement with any of the "expert consultants". The mandate of the Committee is a task of great magnitude, the outcome of which is to affect the lives of citizens in extremely significant, immediate and corporal ways. This daunting task requires to be undertaken with extreme care, rigour and diligent knowledge building. That a two and a half month time frame is grossly inadequate for such a task is an understatement.

**We therefore feel very strongly that;**

- **That it is essential that the Committee be expanded to include eminent women, Dalit, Adivasi and various religious minorities, LGBT, differently-abled criminal law practitioners and grassroots workers from different parts of India. Immediate steps must be undertaken to cure what is a foundational defect in the composition of the Committee in its present form.**
- **That the Consultative Process be completely overhauled in terms of both methodology and time frame.**

Yours Sincerely ,

**Women Advocates of Supreme Court, Delhi, Bombay, Bangalore, Calcutta and Madras High Court and District and Sessions Court**

1. Indira Jaising, Senior Advocate
2. R.Vaigai, Senior Advocate
3. Gayatri Singh, Senior Advocate
4. Priya Hingorani, Senior Advocate

Advocates

5. Aditi Saxena, Bombay
6. Amala Dasarathi
7. Amita Joseph
8. Amita Singh Kalkal, Delhi
9. Anita Abraham, Bengaluru, Former APP GNCTD
10. Anna Mathew, Madras High Court
11. Anu Narula, , Delhi
12. Anubha Rastogi
13. Anuradha Dutt , Delhi
14. Aparna, Associate Partner, ATV Legal
15. Archana Punja Rupwate Bombay High Court
16. Arunima Bhattacharjee
17. Auxilia Peter
18. Avaantika
19. Bulbul Das, Delhi High Court
20. D. Nagasaila
21. Deepti Bharti, G. Secy, NFIW Delhi Unit
22. Devika .S madras HC
23. DEVIKA RANI
24. Diva Arora, Partner- Fidus Law Chambers
25. E Shailaja V Pillai
26. Ekta kapil, , Delhi
27. Elizabeth Seshadri
28. Vijayalakshmi, Madras
29. Eva Bishwal, , Delhi High Court
30. Firdaus Moosa, Bombay
31. Gargi kumar
32. Garima Bajaj, Advocate on Record, Supreme Court
33. Geetha Devarajan
34. Hiral Gupta
35. Iram Majid
36. Jahnavi Sindhu
37. Jhum Jhum Sarkar
38. Kajal Chandra, Delhi
39. Kaveeta Wadia, Advocate on Record, Supreme Court

40. Kirti Singh, Delhi
41. Lakshya Anand
42. Liyi Marli Noshi
43. Liz Mathew, Advocate on Record, Supreme Court
44. Lousy Biju
45. M. Deepthadevi
46. Manali Singhal
47. Maneka Khanna
48. Mangla Verma
49. Mani Gupta, Partner, Sarthak s & Solicitors
50. Mary Mitzy
51. Maulshree Pathak, Delhi
52. Meenaz Kakaklia, Bombay
53. Megha Bahl, Delhi
54. Meghna Podder, Legal Counsel, Hyderabad
55. Miriam Fozia Rahman
56. Mrinalini Sen
57. Ankur Gulyani Panda
58. Nandita Rao, Additional Standing Counsel (Crl) GNCTD
59. Naomi Chandra, Delhi
60. Nayantara Roy
61. Nehmat Kaur
62. Jhum Jhum Sarkar, Delhi
63. Nicy Paulson, Delhi
64. Nikita Agarwal, Delhi High Court
65. Ninni Susan Thomas
66. Nivedita Menon madras
67. Noorun Nahar Firdausi
68. Praavita Kashyap, Delhi
69. Pragyabaghel
70. Pritika Kohli
71. Puja, Legal Researcher, Delhi
72. Pyoli Swatija
73. Radhika Kolluru, APP, GNCTD
74. Ranjeeta Rohatgi, Advocate on Record, Supreme Court of India
75. Reena Rao
76. Remya M, Senior Manager -Legal
77. Ritu Bhalla, Partner Shardul Amarchand Mangaldas & Co, Delhi
78. Ronita Bhattacharya Bector, Bombay High Court
79. Ronjaboti Sen, Calcutta
80. Ruchi Singh, Delhi
81. Rudrani Tyagi
82. Rupali Samuel
83. Rushda Siddiqui, Member, Exective Council, NFIW
84. S. Meenakshi, Chennai
85. Sandhya Raju
86. Sanobar Kisher Bombay High Court
87. Sarada Hariharan, Calcutta High Court
88. Shahrukh Alam, Delhi

89. Shalini Gera
90. Shashie Singh
91. Shirin
92. Shomona Khanna, Supreme Court of India, Delhi High Court
93. Shweta Kapoor, Delhi
94. Shwetasree Majumder
95. Smrithi Suresh
96. Sowjhanya Shankaran
97. Sumanjit Kaur
98. Sumita Hazarika
99. Sumita Kapil, Delhi
100. Surbhi Karwa
101. Swapna Choubey, Calcutta High Court, NCTL
102. Swaty Singh Malik
103. Tanvi NS
104. Tanvi Sharma
105. Tanya Varma, Partner, Law Firm
106. Tara Narula, , Delhi
107. Tarannum Cheema, Delhi
108. Ujjaini Chatterji,
109. Urmi Chudgar
110. Urmila Chakraborty, Calcutta High Court
111. Uttara Babbar, Advocate on Record, Supreme Court
112. Vrinda Grover, Delhi

**Male advocates signing in solidarity**

1. Gopal Sankaranarayanan, Senior Advocate, Supreme Court of India
2. Arush
3. C K Nandakumar, Partner, Law Firm
4. Elwin Wilson
5. Jagdeep Chhokar, Retired Professor, Currently practicing Advocate
6. Pranav Arora, Supreme Court of India
7. Rahul shrivastava, Jabalpur MP High Court
8. Yashasvi Mohanram, Partner, Platinum Partners
9. Yugandhara Pawar Jha
10. Mohan Gopal
11. Mehak Sethi