

Malimath Committee

Malimath Committee – Objective

- The task of **examining the fundamental principles of criminal law** to restore confidence in the criminal justice system.

What is the Criminal Justice System?

1. The Criminal Justice System (CJS) includes the institutions/agencies and processes established by a government to control crime in the country. This includes components like police and courts.
2. The aim of the Criminal Justice System (CJS) is to protect the rights and personal liberty of individuals and the society against its invasion by others.
3. It can impose penalties on those who violate the established laws.

- This involved reviewing the Code of Criminal Procedure (CrPC), 1973, the Indian Evidence Act, 1872, and the Indian Penal Code (IPC), 1860.

Malimath Committee – Recommendations

1. The 158 recommendations of the committee, arrived at after **examining several national systems of criminal law, especially the continental European systems**, essentially propose a shift from an adversarial criminal justice system, where the respective versions of the facts are presented by the prosecution and the defence before a neutral judge, to an inquisitorial system, where the objective is the “quest for truth” and the **judicial officer controls the investigation of offences**.
2. Its report has suggested the **dilution of many of the pre-trial safeguards against violence** in police custody that an accused has.
 - For instance, it seeks to double the 90-day period available for filing a charge-sheet after which an accused can be released on bail.
 - It also recommends that the permissible 15-day police remand of an accused be **doubled for grave offences**.
3. Malimath Committee **seems to have concentrated on the rights of the victim**. It mentions the need to formulate a witness protection programme, reclassify offences, and involve the victim in all stages of the trial.
4. On the question of making investigations more effective, it suggests the **setting up of a State Security Commission, as recommended by the NPC**, to insulate the police from political pressure.
5. It has expanded the definition of rape to include all forms of forcible penetration, is eclipsed by the indifference to most of the concerns of the women’s movements. **The committee does not favour the death penalty for rapists**. The report states that wherever the death penalty is a possible punishment it should be replaced with life imprisonment without commutation or remission.

Candidates can visit the following links to assist themselves and prepare comprehensively for the upcoming UPSC Civil Services Exam-

Police Reforms in India	Code of Criminal Procedure (CrPC)	National Judicial Council (NJC)
Criminal Courts – Definition, Structure of the Bench	Difference between Civil Law and Criminal Law	Indian Penal Code (IPC) – History, Structure
Sedition Law in India	Law Commission of India	Section 377 of the Indian Penal Code (IPC)
Preamble Decoded – Liberty, Equality, Fraternity	Fundamental Rights (Article 12 - 35)	Social Justice – Prevention of Atrocities Act
Prevention of Terrorism Act (POTA) 2002 Act	Unlawful Activities (Prevention) Amendment Act	The POCSO (Amendment) Act, 2019

Malimath Committee – Drawbacks

- While suggesting that the present adversarial system is made inquisitorial, the report does not take into account the **increased burden on the court and the need for far greater infrastructure** that such a shift would entail.
 - In the inquisitorial system as **followed in Germany and France** there are moves to incorporate features of the adversarial system. The **French system had come in for criticism in recent time**. Given these facts and the practical difficulties involved, the working of the inquisitorial system has to be studied in detail before it can be incorporated into our system.
- Speedy trials, fast-track courts, the huge undertrial population, and access to courts have been neglected.
- Crimes against members of the Scheduled Castes and the Scheduled Tribes do not find mention in the report.