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National Human Rights Commission
[PRP&P Division: Research Unit-IV]

Minutes of the meeting of the One-day Core Group on Criminal Justice System Reforms

A meeting of the Core Group on Criminal Justice System Reforms was held on 23rd April 2024 at the Manav Adhikar Bhawan, New Delhi. The meeting was chaired by Justice Shri Arun Mishra, Hon'ble Chairperson, NHRC. Shri Rajiv Jain, Hon'ble Member, Shri Bharat Lal, Secretary General, Shri Ajay Bhatnagar, Director General (Investigation), and other senior officers were present in the meeting. Representatives of the Department of Legislative Affairs, and Law Commission of India along with members of the Core Group and special invitees also attended the meeting. The list of participants is annexed.

2. The Background Note and Agenda Note were circulated in advance. The Agenda of the meeting of the Core Group broadly focused on four critical themes, listed below:

- i.) Delay in Forensic Reports
- ii.) Areas of Improvement in the Prosecution System;
- iii.) Burking of Offenses; and
- iv.) Simplification of Language in Organs of the Criminal Justice system.

Each of the themes was elaborately discussed in four technical sessions.

3. Mr. Devendra Kumar Nim, Joint Secretary, NHRC welcomed the Hon'ble Chairperson, Hon'ble Member, members of the Core Group and special invitees in the meeting. He highlighted the significance of these four themes and also recalled the agenda of the previous meeting of the Core Group, which focused on 'Prison Reforms'.



Shri Devendra Kumar Nim, Joint Secretary, NHRC delivering the Welcome Address to the participants of Core Group Meeting on Criminal Justice System Reforms

4. Shri Rajiv Jain, Hon'ble Member, NHRC, briefly discussed the agenda on the table, and emphasized on the need to find concrete, actionable solutions to these issues, to ensure that the Criminal Justice System is strengthened, making it more accessible and efficient.



Shri Rajiv Jain, Member, NHRC briefing the participants about the Agenda of the Meeting

5. Justice Shri Arun Mishra, Chairperson, NHRC, elaborated on the pressing issues affecting the efficacy of the Criminal Justice System. He stressed on the importance of timely forensic analysis, as it is fundamental to ensuring a fair and swift trial. He further mentioned that modernization of forensic science laboratories and equipping them with adequate infrastructure and manpower can help build a more robust justice system. Justice Mishra further stated that it was essential to identify and address the shortcomings in the prosecution system to improve its efficiency and effectiveness. With regards to burking of offenses, Justice Mishra stated that this phenomenon was of grave concern, as failure to acknowledge and address crimes emboldens perpetrators and erodes public confidence. He emphasized the need to address the issue head-on, calling for concrete suggestions from the stakeholders present. Lastly, he highlighted the need for usage of simple language in the organs of the Criminal Justice System, to empower the common man to navigate through the system more effectively and participate meaningfully in the pursuit of justice. He then encouraged participants to firm up their recommendations.



Justice Shri Arun Mishra, Chairperson, NHRC delivering Inaugural Address to the participants of Core Group Meeting on Criminal Justice System Reforms

6. Mr. Rajesh Kumar, IPS, Director, Odisha State Forensic Science Lab, Bhubaneswar, provided insights into the reasons for delay in forensic reports, which ultimately impacts the investigation process, framing of charge and inadvertently, results in a delay in trials. He cited the inadequate number of forensic science laboratories (FSLs) and lack of adequate infrastructure and manpower in the existing laboratories as the key reasons for such unwarranted delays in forensic reports. He also highlighted the need for increasing the number of FSLs, modernization in terms of latest equipment, increased recruitment, electronic submission of forensic reports and

training of investigating officers as remedial measures to expedite the process and combat delays in forensic reports.

7. Dr. G.K. Goswami, IPS, Founder, Uttar Pradesh State Institute of Forensic Science, highlighted that the term 'expert' with respect to forensics is not defined in Section 45 of the Evidence Act and Section 39 of the Bharatiya Sakshya Adhiniyam, and emphasized the need to define the term. Further, he talked about the lack of a watchdog system in the forensic fraternity and periodical evaluation of forensic experts. Lastly, he stated that capacity building is important in the forensics sector and drew attention to the need to introduce legal education in forensics pedagogy.

8. Dr. Rukmani Krishnamurthy, Chairperson & CEO, Helix Advisory Ltd., Mumbai, stated that private forensic labs have brought value addition to the forensic sector as a whole, but also raised the issue of the authenticity of these reports churned out by private forensic labs. She suggested that, with appropriate Standard Operating Procedures (SOPs), rules and guidelines, even private laboratories can provide authentic and reliable forensic services to the country and assist in reduction of the burden of government forensic laboratories.



Dr. Rukmani Krishnamurthy, Chairperson and CEO, Helix Advisory Ltd. elaborating about the role of private forensic laboratories

9. Dr. S. K. Jain, Director-cum-Chief Scientist, DFSS, Ministry of Home Affairs, shed light on the importance of forensic reports in criminal investigation, court proceedings and ensuring justice. He recommended the initiation of Inter-Operable Criminal Justice System (ICJS), wherein all five pillars of the Criminal Justice System (e-prison, e-prosecution, e-court, e-

forensic, and e-police) are inter-connected. He also stated that introduction of the Forensic Regulatory Development Authority Bill and implementation of the NHRC guidelines on Forensic Investigation (issued in 2010) would help monitor government and private labs and, thus, contribute to reduction in delays in forensic reports.

10. Ms. Shreya Rastogi, Founding Member & Director, P39A, spoke about the three new sections i.e., Section 176(3), Section 329 and Section 330 introduced in the Bharatiya Nyaya Sanhita (BNS), which will replace Sections 156, Section 293 and Section 294 of the present Criminal Procedure Code, respectively. She recommended that specific scene of crime units be created and attached to every Police Station for effective implementation of Section 176(3) of the BNS.

11. Smt. Meeran Chadha Borwankar called for timely release of funds for procurement of equipment in forensic labs. She also highlighted that information about the Sexual Assault Examination Kit has to be dispersed at the grassroots level Police Stations. She suggested that DG (BPRD) should be made an ex-officio member of the NHRC Core Group on Criminal Justice System to increase the reach of the aspects discussed in meeting of the Core Group.



Smt. Meeran Chadha Borwankar, Core Group Member, NHRC, contributing to additional suggestions to strengthen the Criminal Justice System

12. Dr. Rishi Kumar Shukla suggested that, along with an increase in the number of forensic labs and recruitment of forensic experts, it is also essential to appropriately incentivize the work of forensic experts.



Shri Rishi Kumar Shukla, Core Group member, NHRC, emphasizing the need to boost infrastructure of forensic laboratories to improve the efficiency of the Criminal Justice System

13. Mr. Aditya Trehan highlighted the new provisions introduced in the Bharatiya Nyaya Sanhita, which would ensure adequate supervision of prosecutors and, thus, strengthen the functioning of the prosecution system in the criminal justice mechanism.

14. Mr. Barkat Ali Khan focused on practical difficulties in the prosecution system and highlighted the lack of working space for prosecutors. Further, he recommended that, for Tenure Prosecutors, a systematic process of selection should be implemented. He called for a ‘witness protection system’ for ensuring a free and fair atmosphere for administration of justice. He further stated the dearth in the number of prosecutors and emphasized on the need to implement the ‘one court, one prosecutor’ system. He also called for a prosecutor academy, to ensure that prosecutors are trained adequately from time to time. Lastly, he mentioned the lack of infrastructure facilities for lady prosecutors.



Shri. Barkat Ali, Additional Public Prosecutor, underscoring the practical difficulties in the prosecution system

15. Smt. Aditi Tripathi elaborated on the reforms introduced in the new criminal laws and focused on the provisions with regards to the prosecution structure in the Criminal Justice System.

16. Dr. B.T. Kaul stated the need for formal training for prosecutors towards their sensitisation, capacity building and exposure to forensic and scientific evidence areas. Collaborative training for judges and prosecutors can help break the ice between the two factions and facilitate improved communication between them. For such collaborative training, the existing infrastructure of judicial academies can be utilized.

17. Smt. Sanchobeni Lotha reiterated the need to streamline the process of appointment of prosecutors. She also highlighted the need for establishment of a Directorate of Prosecution for the state of Nagaland. She stated that since prosecutors do not have separate working spaces allocated to them, multiple prosecutors often end up occupying the same room. This makes it difficult for victims of POCSO or women-related crimes to approach the prosecutors for grievance redressal. She further stressed on the importance of female public prosecutors, which would encourage victims of traumatic cases to access justice.



Smt. Shanchobeni Lotha, Core Group Member, NHRC, putting forth her suggestions

18. Smt. Sudha Rani Relangi emphasized the need for separate working spaces for prosecutors and toilets for prosecutors, witnesses, victims and accused as well. She also requested NHRC to formulate guidelines with respect to the 'One Court, One Prosecution' suggestion discussed in the meeting. She further appraised the new criminal laws, stating that their intention was to keep aside the colonial mindset of punishment and focus more on speedy delivery of justice.



Smt. Sudha Rani Relangi, Joint Secretary, Department of Legislative Affairs, MoL&J highlighting areas of Improvement in the Prosecution System

19. Dr. Nirvikar Jassal gave his insights on the theme from the perspective of gender discrimination in burking of offences.

20. Mr. Sai Manohar Aramane highlighted the Supreme Court guidelines emanating from the Arnesh Kumar judgment, which clearly listed out the conditions of arrest, thus ensuring compliance with Section 41(1)(b)(ii) of the Criminal Procedure Code. He also spoke about compensation for wrongful detention and mentioned that such detentions need to be dealt statutorily to prevent repeated occurrence. He also elaborated on the new provisions pertaining to Arrests and FIRs in the Bharatiya Nyaya Sanhita.



Shri Sai Manohar Aramane, IPS, ADG (Security and Coord.), OSD, Madhya Pradesh Bhavan, giving his insights on the concepts of Arrests and FIRs

21. Mr. Vipul Mudgal, Director & Chief Executive, Common Cause, spoke about the Policing in India Report and stated that people from vulnerable sections of society are more likely to be contacted by the Police, than vice versa. He also mentioned that approximately 65% of the people are more or less satisfied with the Police. The remaining 35% majorly comprises Scheduled Tribes, OBCs, Scheduled Castes and Muslims in India, who are more likely to be distrustful of the Police. Further, he mentioned that the fear of Police was very high in states dealing with insurgency. He also highlighted the existing class-based and gender-based discrimination and differential treatment by Police towards different sects of society. Further, Mr. Mudgal called for sensitization of Police towards different sections and their human rights. He also stressed on the lack of SOPs with regard to offences, and even if such SOPs are available, awareness about the same should be created in the Police force.

22. Dr. Arvind Tiwari stated that burking of offences is a social crime and is one of the major reasons why public at large is losing hope in non-registration of cases. Lack of manpower, heavy workload and lack of awareness among Police of the difference between the nature of offences (cognizable and non-cognizable) and political interference were some of the major reasons resulting in burking of offences. Dr. Tiwari called for training and sensitization of Police and upgradation of the training material on a frequent basis to cut down the probability of burking of offences.

23. Mr. Bhim Sen Bassi elaborated on the topic of E-FIR and the possibilities of burking and stated that e-FIR simply translates to ‘impossibility of burking’. He further advocated automated investigation and stated that with the advent of Artificial Intelligence (AI) and Machine Learning (ML), the automated E-FIR system would become more efficient and, thus, reduce the chances of probability of burking of offences.



Shri Bhim Sen Bassi, IPS retd., Former Commissioner of Police, Delhi, elaborating about the benefits of e-FIRs

24. Dr. Chanchal Singh brought out the issue of usage of complex legal language, which is not understandable even to educated persons. He stated that it was essential to transform legal education to ensure the new generation of lawyers is trained to use simple, understandable language in drafting.

25. Mr. Subhash Vijayarajan called for issuance of laws which are of interest to the public in vernacular languages, to ensure access and understandability of these laws. He further

emphasized the need for introduction of legal writing courses in the 3-year and 5-year LL.B programme by the Bar Council of India. Mr. Vijayarajan stated that, with proactive measures, it would become possible for usage of simple and unambiguous language in courts, which would not only make it more understandable to the common man but would also help save the precious time of the judiciary.

26. Mr. Aditya Bhattacharya discussed the SARAL Manual, an actionable guide for elimination of legalese from Indian laws. He further elaborated that the Manual would also assist in adoption of plain language legal drafting practices, making laws more simple, accessible, rational and actionable.



Shri Aditya Bhattacharya, Senior Resident Fellow, Vidhi Legal Services, talking about the importance of usage of simple language in organs of the Criminal Justice System

27. Dr. Reeta Vasistha elaborated on the role of the Law Commission of India in simplification of language used in different organs of the Criminal Justice System.

28. Mr. Chandra Mohiyar talked about the Nyaya Setu App, which is assisting in simplifying complex legal terms for the common man and ensuring they have access to justice at their fingertips.

29. Dr. Manoj Kumar Sinha called for sensitization of the Police force to make them more approachable to the public. He also emphasized the withdrawal of the resolution of the Government of India, dated April 10, 1979, with regards to compensation of victims.

30. Shri Rajiv Jain thanked the speakers for their enriching insights and requested them to share their suggestions with the Commission for further consideration.

31. In his concluding remarks, the Hon'ble Chairperson Justice Shri Arun Mishra thanked the members of the Core Group and all the attendees for their thought-provoking suggestions toward strengthening the present Criminal Justice System. He mentioned that, while there would be some road-blocks in implementation of the new criminal laws, with adequate training of stakeholders involved in human rights and legal rights, these initial bottlenecks could be addressed in time. Lastly, the Hon'ble Chairperson assured the speakers that all their suggestions and recommendations would be pondered over seriously by the Commission.

32. The meeting ended with a formal vote of thanks proposed by Shri. Devendra Kumar Nim, Joint Secretary.

List of participants

National Human Rights Commission

1. Justice Shri Arun Mishra, Hon'ble Chairperson,
2. Shri Rajiv Jain, Hon'ble Member
3. Shri Bharat Lal, Secretary General
4. Shri Ajay Bhatnagar, Director General (Investigation)
5. Shri Surajit Dey, Registrar (Law)
6. Shri Devendra Kumar Nim, Joint Secretary
7. Ms. Anita Sinha, Joint Secretary
8. Dr. (Ms.) Rajul Raikwar, Consultant (Research)
9. Ms. Jessica Swamy, Junior Research Consultant

Ministries/ Government Institutions

10. Dr. S. K. Jain, Director-cum-Chief Scientist, DFSS, Ministry of Home Affairs
11. Smt. Sudha Rani Relangi, Joint Secretary, Dept of Legislative Affairs, Ministry of Law and Justice, Government of India.
12. Shri Chandra Mohiyar, Director, Access to Justice Division, Ministry of Law & Justice, Government of India.
13. Dr. Reeta Vasishta, Member Secretary, Law Commission of India
14. Smt. Varsha Chandra, Joint Secretary, Law Commission of India
15. Shri Rajesh Kumar, IPS, Director, Odisha State Forensic Science Lab, Bhubaneswar
16. Dr. G. K. Goswami, IPS, Founder, Uttar Pradesh State Institute of Forensic Science
17. Shri Sai Manohar Aramane, IPS, ADG (Security and Coord.), OSD, Madhya Pradesh Bhavan
18. Shri Aditya Trehan, Public Prosecutor, Directorate of Prosecution, Delhi

19. Shri Md. Barkat Ali, Additional Public Prosecutor, Additional District and Sessions Judge Court, Vishakhapatnam,

Core Group Members

20. Smt. Meeran Chadha Borwankar IPS (retd.) Former DG, BPRD, MHA and Former Additional DG Prisons, Maharashtra Government
21. Shri Rishi Kumar Shukhla, IPS (Retd.), Former Director, Central Bureau of Investigation
22. Dr. B. T. Kaul, Advocate, Supreme Court of India and Former Chairperson, Delhi Judicial Academy
23. Smt. Sanchobeni Lotha, Panel Lawyer, Wokha District Legal Services, Nagaland.

Special Invitees

24. Shri Bhim Sen Bassi, IPS retd., Former Commissioner of Police, Delhi
25. Prof. (Dr.) Manoj Kumar Sinha, Vice Chancellor, Dharmashastra National Law University, Jabalpur, M.P.
26. Prof. (Dr.) Arvind Tiwari, Dean, School of Law, TISS Mumbai
27. Dr. Chanchal Singh, Professor of Law, Himachal Pradesh NLU
28. Smt. Shreya Rastogi, Founding Member & Director, P39A
29. Dr. Rukmani Krishnamurthy, Chairperson & CEO, Helix Advisory Ltd., Mumbai
30. Shri Vipul Mudgal, Director & Chief Executive, Common Cause
31. Dr. Nirvikar Jassal, Assistant Professor, Political Science, London School of Economics
32. Shri Aditya Bhattacharya, Senior Resident Fellow, Vidhi Legal Services
33. Shri Subhash Vijayaran, Advocate
34. Smt. Aditi Tripathi, Advocate
