

Malimath committee reports

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Introduction

Committee-

A panel (or "commission") is a sort of little deliberative gathering that is generally planned to stay subordinate to another, bigger deliberative get together which when sorted out so that activity on advisory group obliges a vote by all its entitled individuals, is known as the "Board of the Whole"

Report-

A report or record is any educational work (typically of composing, discourse, TV, or film) made with the particular proposition of handing-off data or relating certain occasions in a broadly adequate structure.

*“Everything has been said already, but as no one listens,
we must always begin again.”*

Andre Gide

French thinker and writer

A Malimath Committee

“Law should not sit limply, while those who defy it go free and those
Who seek its protection lose hope”. (Jennison v. Baker (1972) 1 All ER 997).

NEED FOR REFORM OF CRIMINAL JUSTICE SYSTEM

Committee and its work

By the Government of India, Ministry of Home Affairs by its request dated 24 November 2000, to consider measures for redoing the Criminal Equity System. The terms of reference for the Committee are:

- To inspect the essential standards of criminal law, counting the protected procurements identifying with criminal law what's more, check whether any changes or alterations are obliged thereto;
- To inspect in the light of discoveries on essential standards and perspectives of criminal statute in respect to whether there is a need to re-compose the Code of Criminal Procedure, the Indian Penal Code and the Indian Evidence Act to get them tune with the interest of the times and in amicability with the goals of the populace of India;
- To make particular proposals on streamlining legal strategies and practices and making the conveyance of equity to the basic man closer, quicker, uncomplicated and modest;
- To propose ways and method for growing such collaboration among the legal, the Prosecution and the Police as restores the certainty of the normal man in the Criminal Justice System by securing the honest also, the victimized person and by rebuffing unsparingly the liable and the criminal;
- To recommend sound arrangement of overseeing, on expert lines, the pendency of cases at examination and trial stages and making the Police, the Arraignment and the Judiciary responsible for postponements in their individual spaces;
- To look at the achievability of presenting the idea of "Government Crime" which can be put on List I in the Seventh Schedule to the Constitution

The Committee was constituted under the Chairmanship of Justice V.S.Malimath, former Chief Justice of Karnataka and Kerala High Courts, Chairman, Central Administrative Tribunal and Member of the Human Rights Commission. The other members of the Committee are Sri S. Varadachary, IAS (Retd), former Advisor, Planning Commission of India and Sri Amitabh Gupta, former Director General of Police, Rajasthan. Sri Durgadas Gupta, Joint Secretary (Judicial), Ministry of Home Affairs was made the Secretary. On the recommendation of the Committee Justice Sri T.S. Arunachalam, former Judge of Madras

High Court and Prof. N.R.Madhava Menon, Vice-Chancellor, WestBengal National University of Juridical Sciences were co-opted

Strategies appointed by the committee

Understanding the significance and extent of the undertaking, the Committee chosen to contact each area of the general public, which has a stake in the framework, straightforwardly or in a roundabout way. Likewise the Committee chose to: -

- (1) Prepare a poll and acquire reactions from all stralls of society.
- (2) Organize classes on imperative issues in distinctive parts of the nation.
- (3) Participate in courses or gatherings composed by others.
- (4) Meet subjects from distinctive States hailing from diverse stralls of life.
- (5) Obtain the perspectives of the State Governments.
- (6) Obtain the perspectives of the High Courts and the Judges.
- (7) Obtain the perspectives of Central and State Bar Councils and individuals from the Bar.
- (8) Seek the perspectives of Attorney General and Advocate Generals of the States.
- (9) Obtain the perspectives of the Heads of Police Departments.
- (10) Obtain the perspectives of the Heads of Prosecution Departments.
- (11) Obtain the perspectives of the Forensic Scientists.
- (12) Obtain the perspectives of the scholastics in law.
- (13) Obtain the perspectives of the media persons.
- (14) Get research done by researchers on vital points. Improving legal techniques furthermore, works on, realizing collaboration among the legal, the Indictment and Police, making the framework less complex, speedier, less expensive and human well disposed, and restoring the certainty of the normal man are alternate obligations of the Board of trustees.
- (15) Study the important reports of the Law Commission of India, Report of Dharmavira Committee, Report of Padmanabhaiah Committee, Report of Vohra Committee, Report of Task Force on interior security, Report of Chief Ministers meeting on Internal Security and other Commissions on subjects applicable to the Criminal Justice System.

(16) Study the Criminal Justice Systems in U.K, Australia, France, USA and different nations and the changes attempted by them.

(17) Make a relative investigation of Criminal Justice Systems in 20 chose nations from distinctive mainlands.

(18) Interact with specialists from distinctive nations on the planet.

(19) Examine Reports of the National Crime Bureau upto 2000.

The Committee organised seminars as follows: -

Date	Place	Topic
9 February 2002	Chennai	Media and Criminal
Justice System		
23/24 February 2002	Jaipur	Reforms of Criminal
Justice System		
		(Investigation, Sentencing and
		Prosecution)
22/23 March 2002	Mumbai	Economic Crimes and
Financial Frauds		
26/27/28 April 2002	Delhi	Fundamental Principles of
Criminal Justice		

Certain other seminars-

Date	Place	Topic
16 February 2002	Haveri,Karnataka	Reforms of Criminal Justice
System		
10 July 2002	Delhi	Use of Handcuffing – a rational
approach.		

Legal Manifesto
Volume 1, Issue 1.

27/28 July 2002
application

Hyderabad

Forensic Science, its use and

in investigation and

prosecution.

12 September 2002
Justice

Lucknow

Symposium on Criminal

Administration and

Dalits

13 September 2002
Technology in

Allahabad

Application of Information

Legal System and Reforms Of

Criminal

Justice System.

4 October 2002
Pressures.

Delhi

Insulating Police from External

10/11 October 2002
and

Delhi

Law of Arrest – Police Powers

Accountability.

11 January 2003
System --

Pune

Reforms of Criminal Justice

Speedier and Efficient Procedure for

Trial Of

Criminal Cases.

Adversarial system –

The essential obligation of the State is to keep up lawfulness so residents can appreciate peace and security. Life and individual freedom being valuable rights, their security is ensured to the residents as a key directly under Article 21 of our Constitution. This right is universally perceived as a Human Right. Right to property which once had the status of a basic right in our Constitution is currently consigned to a established directly under Article 300A of the Constitution. Commonly hardship of right to property prompts attack of individual freedom. The State releases the commitment to secure life, freedom also, property of the natives by taking suitable preventive and reformatory measures which too serve the object of avoiding private reprisal so crucial for upkeep of peace and law and request in the general public. Substantive punitive laws are authorized recommending discipline for the attack of the rights. At the point when there is an intrusion of these privileges of the nationals it turns into the obligation of the State to catch the individual blameworthy for such attack, subject him to reasonable trial and if discovered liable to rebuff him. Substantive reformatory laws can be powerful just when the procedural laws for authorizing them are productive. This fundamentally is the capacity of the criminal equity framework.

Inquisitorial System

In the inquisitorial framework, energy to explore offenses rests basically with the legal cops (Police/ Judiciare). They examine and draw the archives on the premise of their examination. The Judicial cop needs to advise in composing of each offense which he has considered and present the dossier arranged after examination, to the concerned prosecutor. In the event that the prosecutor finds that no case is made out, he can close the case. In the event that, then again he feels that further examination is called for, he can teach the legal police to embrace further examination. The legal police are obliged to accumulate proof for and against the charged in an impartial and target way as it is their obligation to support the In the antagonistic framework truth is expected to rise up out of the separate renditions of the actualities exhibited by the indictment and the protection under the watchful eye of a nonpartisan judge.

The framework is vigorously stacked for the denounced and is harsh to the exploited people's situation and rights examination and the indictment in finding truth. Exclusionary principles of confirmation barely exist. Gossip guidelines are obscure in this System. In the event that the prosecutor feels that the case includes genuine offenses or offenses of complex nature or

politically delicate matters, he can move the judge of directions to assume control over the obligation of directing the examination of such cases.

World Scenario

So far as world scenario is concerned it is enough to quote by

Prof. Abraham S. Goldstein-

“It is becoming increasingly apparent to criminal justice scholars that single theory models of criminal procedure – whether termed inquisitorial or adversarial – are being stretched beyond their capacity by the phenomena they are designed to control. Virtually everywhere, formal systems of charge and adjudication cannot possibly be enforced in accordance with the premises underlying them. There are simply too many offenses, too many The Judge who had functioned earlier as a prosecutor is likely to carry unconsciously a bias in favour of the prosecution. At any rate it is likely to cause an apprehension in the mind of the accused that he may not get a fair trial at the hands of such a Judge.offenders and too few resources to deal with them all. One result has been a steady movement towards a convergence of legal systems – towards borrowing from others those institutions and practices that offer some home of relief”.

Mohanlal vs. Union of India,

Where best available evidence was not brought by the prosecution before the court, the Supreme

Court observed as follows:

In such a situation a question that arises for consideration is whether the presiding officer of a Court should simply sit as a mere umpire at a contest between two parties and declare at the end of the combat who has won and who has lost or is there not any legal duty of his own, independent of the parties to take an active role in the proceedings in finding the truth and administering justice? It is a well-accepted and settled principle that a Court must discharge its statutory functions- whether discretionary or obligatory – according to law in dispensing justice because it is the duty of a Court not only to do justice but also to ensure that justice is being done.

Kashmiri Devi vs. Delhi Administration and others

And the relevant observations are as follows:

“After hearing learned counsel for the parties and on perusal of the record we are satisfied that prima facie the police have not acted in a forthright manner in investigating the case, registered on the complaint of Sudesh Kumar. The circumstances available on record prima facie show that effort has been made to protect and shield the guilty officers of the police who are alleged to have perpetrated the barbaric offence of murdering Gopi Ram by beating and torturing. The appellant has been crying hoarse to get the investigation done by an independent authority but none responded to her complaint. The Additional Sessions Judge while considering the bail application of Jagmal Singh, Constable, considered the autopsy report and observed that Doctor had postponed giving his opinion regarding the cause of death although the injuries were ante mortem. The learned Sessions Judge referring to a number of circumstances observed that the investigating officer had converted the case from S.302/IPC to S.304/IPC on flimsy grounds within hours of the registration of the case even without waiting for the

Post-mortem report. The learned Sessions Judge further observed that it was a prima facie case of deliberate murder of an innocent illiterate poor citizen of Delhi in Police custody and investigation was partisan.

Right to silence

The privilege to hush is an essential right ensured to the native under Article 20 (3) of the Constitution which says that no individual blamed for any offense should be urged to be a witness against himself. As the denounced is much of the time the best wellspring of data, the Committee felt that while regarding the privilege of the charged a way must be found to draw from this discriminating wellspring of data. The Committee feels that without subjecting the charged to any coercion, the court ought to have the flexibility to scrutinize the denounced to evoke the applicable data and in the event that he declines to reply, to draw unfavorable derivation against the blamed.

At present the support of the charge commotion the trial is negligible. He is not in any case needed to unveil his stand and the advantage of uncommon exemption to any which he asserts. This outcomes in extraordinary preference to the arraignment and hinders the quest for truth. The Committee has in this way felt that the denounced ought to be obliged to

document an announcement to the indictment revealing his stand. For attaining to this, the accompanying proposals are made:-

(8) Section 313 of the Code may be substituted by Sections 313-A, 313-B and 313-C on the accompanying lines:

a) 313-An: In every trial, the Court might, promptly after the witnesses for the arraignment have been inspected, question the denounced for the most part, to clarify by and by any circumstances showing up in the confirmation against him.

b) 313-B(1): Without beforehand cautioning the blamed, the Court might at any phase of trial and should after the examination under Section 313-An and before he is approached his barrier put such inquiries to him as the court considers fundamental with the object of finding reality for the situation.

In the event that the charged stays noiseless or declines to answer any inquiry put to him by the court which he is not constrained by law to reply, the court may draw such fitting derivation including unfavorable surmising as it considers legitimate in the circumstances.

c) 313-C(1): No promise might be managed when the denounced is inspected under Section 313-An or Section 313-B and the charged should not be obligated to discipline for declining to answer any inquiry or by giving false response to them.

The answers given by the charged may be thought seriously about in such request or trial, and put in proof for or against him in some other investigation into, or trial for, or whatever other offense which such answers may have a tendency to show he has conferred.

(9) Suitable procurements might be joined in the Code on the accompanying lines:

a) Requiring the indictment to set up an 'Announcement of Prosecution' containing all significant particulars including, date, time, spot of the offense, the nature of proof oral and narrative, names of witnesses, names and comparable particulars of others included in the commission of the wrongdoing, the offense asserted to have been submitted and such different particulars as are important to completely unveil the arraignment case.

- b) 'Indictment explanation' should be served on the blamed.

- c) On charge being surrounded the denounced should present the 'Safeguard Statement' inside two weeks. The Court might on sufficient reason being indicated expand the time not past 4 weeks.

- d) In the resistance proclamation the blamed might give particular answer to each material affirmation put forth in the arraignment expression.

- e) If the charged concedes he require not record the guard proclamation.

- f) If any answer is general, unclear or without material particulars, the Court may call upon the blamed to correct the same inside 2 weeks, coming up short which it should be considered that the affirmation is not denied.

- g) If the blamed is asserting the advantage for any general or extraordinary exemptions or the advantage of any exemption or stipulation, or cases explanation, he should particularly argue the same, falling flat which he might be blocked from guaranteeing advantage of the same.

- h) Forms and particulars to be outfitted in the indictment explanation and resistance articulation should be recommended.

- i) If in the light of the supplication taken by the denounced, it gets to be fundamental for the arraignment to examine the case further, such examination may be made with the leave of the court.

In VIRENDAR SINGH V. UOI

The Supreme Court has brought up that impulse in the present connection signifies "Coercion". It does not disallow confirmation or admission which is made with no affectation, risk alternately guarantee. It additionally does not bar the charged from wilfully offering himself to be inspected as a witness. Any admission made under impulse is rendered unacceptable in proof by righteousness of S.24 of the Proof Act. It can't be debated that blamed is great hotspot for data about the commission of the offense. However shockingly this source is not completely

tapped may be for the trepidation of encroaching the charged's entitlement to hush conceded by Article 20(3). To discover if there is any degree for drawing from this source and to figure out ways and method for upgrading commitment of the denounced for better nature of criminal equity it is important to analyze the genuine degree and cut off points of the Right to hush.

Privileges of the Accused

The denounced has a few rights ensured to him under the Constitution and pertinent laws. They have been generously reached out by the choices of the Supreme Court. The Accused has the privilege to think about all the rights he has, how to implement them and whom to approach when there is a disavowal of those rights. The Committee along these lines felt that all the privileges of the charged spilling out of the laws and legal choices ought to be gathered and put in a Schedule to the Code. The Committee additionally felt that they ought to be interpreted by every State in the particular provincial dialect and distributed in a manifestation of a flyer with the expectation of complimentary conveyance to the blamed and the overall population.

The accompanying proposals are made as to the privileges of the denounced:-

(11) The privileges of the denounced perceived by the Supreme Court may subject to the elucidation in Chapter 4 and the way of their assurance be made statutory, joining the same in a calendar to the Criminal Procedure Code.

(12) Specific procurement in the Code be made endorsing sensible conditions to control binding, including procurement for making a move for abuse of the force by the Police Officers.

Presumption of Innocence and Burden of Proof

There is no provision in the Indian Evidence Act prescribing a particular or a different standard of proof for criminal cases. However, the standard of proof laid down by our courts following the English precedents is proof beyond reasonable doubt in criminal cases. In several countries in the world including the countries following the inquisitorial system, the standard is proof on 'preponderance of probabilities.'

There is a third standard of proof which is higher than 'proof on preponderance of probabilities' and lower than 'proof beyond reasonable doubt' described in different ways, one of the being 'clear and convincing' standard. The Committee after careful assessment of the standards of proof came the conclusion that the standard of proof beyond reasonable doubt presently followed in criminal cases should be done away with and recommended in its place a standard of proof lower than 'proof beyond reasonable doubt' and higher than the standard of 'proof on preponderance of probabilities.' The Committee is therefore favours a mid level standard of proof of 'courts conviction that it is true.' Accordingly, the Committee has made the following recommendations:-

Equity to Victims of Crime

A critical object of the criminal equity framework is to guarantee equity to the exploited people, yet he has not been given any considerable right, not occasion o take an interest in the criminal procedures. Subsequently the Committee feels that the framework must concentrate on equity to victimized people. In this manner the Committee has made a few suggestions which incorporate the privilege of the exploited person to take an interest in cases including genuine law violations and to sufficient pay. Subsequently, the Committee has made the accompanying suggestions:-

- a) To deliver proof, oral or narrative, with leave of the Court and/or to look for headings for creation of such confirmation
- b) To make inquiries to the witnesses or to recommend to the court questions which may be put to witnesses
- c) To know the status of examination and to move the court to issue bearings for further to the examination on specific matters or to a supervisory officer to guarantee compelling and fitting examination to aid in the quest for truth.
- d) To be heard in admiration of the award or undoing of safeguard
- e) To be heard at whatever point indictment tries to withdraw and to offer to proceed with the arraignment
- f) To propel contentions after the prosecutor has submitted contentions
- g) To take an interest in arrangements prompting settlement of compoundable offenses.

Police Investigation

The hardware of Criminal Justice System is put into rigging when an offense is enrolled and after that examined. A brief and quality examination is hence the establishment of the compelling Criminal Justice System. Police are utilized to perform diverse obligations and regularly the essential work of quick examinations gets consigned in need. A different wing of examination with clear command that it is responsible just to Rule of Law is the need of the day.

A large portion of the Laws, both substantive and also procedural were instituted over 100 years back. Culpability has experienced an enormous change subjectively and also quantitatively. Accordingly the device intended for examination must be furnished with laws and systems to make it practical in the present setting. On the off chance that the current difficulties of wrongdoing are to be met adequately, not on the attitude of specialists needs a change yet they must be prepared in cutting edge innovation, information of evolving economy, new motion of social designing, viability and utilization of advanced crime scene investigation and so on. Examination Agency is understaffed, poorly prepared and consequently the gross insufficiencies in essential offices and framework additionally require consideration on need.

Suggestions are made:

- The Investigation Wing ought to be divided from the Law and Order Wing.
- National Security Commission and the State Security Commission at the State level ought to be constituted, as suggested by the National Police Commission.
- To enhance nature of examination the accompanying measures might be taken:

a) The post of an Add. SP may be made solely for supervision of a wrongdoing.

b) Another Addl. SP in every District ought to be made in charge of gathering, assemblage and scattering of criminal insight; upkeep and examination of wrongdoing information and examination of imperative cases.

Legal Manifesto
Volume 1, Issue 1.

- c) Each State ought to have an officer of the IGP rank in the State Crime Branch solely to manage the working of the Crime Police. The Crime Branch ought to have particular squads for sorted out wrongdoing and other significant unlawful acts.
- d) Grave and shocking law violations having between State and transnational implications ought to be examined by a group of officers and not by a solitary IO.
- e) Sessions cases must be examined by the senior-most cop posted at the police headquarters.
- f) Fair and straightforward components might be set up in spots where they don't exist and reinforced where they exist, at the District Police Range and State level for redressal of open grievances.
- g) Police Establishment Boards ought to be set up at the police base camp for posting, exchange and advancement and so forth of the District Level officers.
- h) The current arrangement of Police Commissioner's office which is discovered to be more proficient in the matter of wrongdoing control and administration should be presented in the urban communities and towns.
- i) Dy. SP level officers to research wrongdoings need to be assessed for diminishing the weight of the circle Officers to empower them to dedicate of an opportunity time to supervisory work
- j) Criminal cases ought to be enrolled quickly with most extreme promptitude by the SHO's
- k) Stringent discipline ought to be accommodated bogus enlistment of cases and false protestations. Area 182/211 of IPC be suitably corrected.
- l) Specialized Units/Squads ought to be set up at the State and District level for researching determined classification law violations.

m) A board of specialists be drawn from different trains, for example, reviewing, software engineering, saving money, building and income matters and so on at the State level from whom support can be looked for by the exploring officers.

n) With accentuation on mandatory enlistment of wrongdoing and evacuation of distinction between non-cognizable and cognizable offenses, the workload of examination organizations would increment significantly. Furthermore, a few examinations would be obliged to be finished by a group of examiners. For selling the current pendency, and, for brief and quality examination incorporating increment in the quantity of Investigating Officers is of most extreme significance. It is prescribed that such number be expanded no less than two-fold amid the following three years.

o) Similarly for guaranteeing powerful and better nature of supervision of examination, the quantity of supervisory officers (extra SPs/Dy.SP) ought to be multiplied in next three years.

p) Infrastructural offices accessible to the Investigating Officers extraordinarily as to settlement, portability, integration, utilization of innovation, preparing offices and so forth are horribly insufficient and they have to be enhanced top need. It is suggested that a five year moving arrangement be arranged and sufficient stores are made accessible to meet the essential necessities of faculty and base of the police.

Public Prosecution

Prosecutors are the Officers of the Court whose duty is to assist the court in the search of truth which is the objective of the Criminal Justice System. Any amount of good investigation would not result in success unless the institution of prosecution has persons who are of merit and who are committed with foundation of a well structure professional training.

This important institution of the Criminal Justice System has been weak and somewhat neglected. Its recruitment, training and professionalism need special attention so as to make it synergetic with other institutions and effective in delivering good results.

The following recommendations are made in this regard.

Legal Manifesto
Volume 1, Issue 1.

- In every State, the post of Director of Prosecution should be created, if not already created, and should be filled up from among suitable police officers of the rank of DGP in consultation with the Advocate General of the State.
- In States where the term of the existing incumbents comes to an end, such appointments shall be made, after the expiry of the term.
- The Assistant Public Prosecutors and Prosecutors (other than the State Public Prosecutor in the High Court) shall be subject to the administrative and disciplinary control of the Director of Prosecutions.
- The duties of the Director, inter alia, are to facilitate effective coordination between the investigating and prosecuting officers and to review their work and meeting with the Public Prosecutors, Additional Public Prosecutors and Assistant Public Prosecutors from time to time for that purpose.
- The Director must function under the guidance of the Advocate General.
- All appointments to APP's shall be through competitive examination held by the Public Service Commission having jurisdiction.
- 50% of the vacancies in the posts of Public Prosecutors or Additional Public Prosecutors at District level in each state shall be filled up by selection and promotion of seniority-cum-merit from the APP's.
- Remaining 50% of the posts of Public Prosecutors or Additional Public Prosecutor shall be filled by selection from a panel prepared in consultation with District Magistrates and District Judges.
- No person appointed as APP or promoted as Public Prosecutor shall be posted in the Home district to which he belongs or where he was practicing.
- Public Prosecutors appointed directly from the Bar shall hold office for a period of three years. However, the State may appoint as Special Public Prosecutor any member of the Bar for any class of cases for a specified period.
- In appointing to various offices of Public Prosecutors and Assistant Public Prosecutors sufficient representation shall be given to women.

- Assistant Public Prosecutors should be given intensive training, both theoretical and practical. Persons in service should be given periodical in-service training.
- To provide promotional avenues and to use their expertise. Posts be created in institutions for Training for Prosecutors and Police Officers.
- To ensure accountability, the Director must call for reports in all cases that end in acquittal, from the Prosecutor who conducted the case and the Superintendent of Police of the District.
- All prosecutors should work in close cooperation with the police department, and assist in speedy and efficient prosecution of criminal cases and render advice and assistance from time to time for efficient performance of their duties.
- The Commissioner of Police / Dist. Supdt of Police may be empowered to hold monthly review meetings of P.P.'s / Addl. P.P.'s and APP's for ensuring proper coordination and satisfactory functioning.
- Provision may be made for posting Public Prosecutor / Senior Asst. Public Prosecutors at the Commissionerate / Dist. Supdt. Offices for rendering legal advice.

Courts and Judges

The Committee likewise feels that criminal work is profoundly practice and to enhance the nature of equity just the individuals who have ability in criminal work ought to be delegated and presented on seats to arrangement solely with criminal work. As the ????? skill at all levels is discovered to be woefully insufficient the Committee feels that suitably customized escalated preparing including functional project ought to be concocted and all the judges given preparing at the incitement time as well as in administration at incessant interims. To attain to these targets, the accompanying suggestions are made:-

- a) Qualifications endorsed for arrangement of judges at distinctive levels ought to be investigated to guarantee that very equipped judges are enlisted at diverse levels.
- b) Special consideration ought to be paid to enquire away from plain sight and forerunners of the persons selected to the Judicial Offices to guarantee that persons of demonstrated uprightness and character are delegated.

c) Intensive preparing ought to be granted in hypothetical, reasonable and in court administration to all the Judges.

d) In the Supreme Court and High Courts, the particular Chief Justices ought to constitute a different criminal division comprising of such number of criminal seats as may be obliged comprising of judges who have represented considerable authority in criminal law.

e) Such judges ought to ordinarily be kept on dealing with criminal cases until they demit office.

f) Vacancies in the criminal divisions ought to be topped off by designating the individuals who have particular information in criminal law.

(g) In the subordinate courts where there are more judges of the same unit at the same spot, the extent that this would be possible allocating of common and criminal cases to the same judge consistently ought to be kept away from.

(h) In urban regions where there are a few trial courts a few courts ought to have woman judges who ought to be allotted the extent that this would be possible criminal cases identifying with ladies.

(i) A High Power Committee ought to be constituted to set out the capabilities, qualities and characteristics with respect to character and uprightness that the contender for the High Court judgeship ought to have and indicate the confirmation or material important to fulfill these necessities. Reasons ought to be recorded with reference to these criteria by the selecting power.

(j) The Chief Justice of the High Court may be enabled on the lines of the US Judicial Councils Reform and Judicial Conduct and Disabilities Act 1980 to do the accompanying:-

k) Advise the judge suitably

l) Disable the judge from listening to a specific class of cases

m) Withdrawing legal work for a predefined period

- n) Censure the judge
- o) Advise the judge to look for deliberate retirement
- p) Move the Chief Justice of India to exhort the Judge or start activity for denunciation.
- (q) The Chief Justice of the High Court may issue brochures:-
 - r) That promptly underneath the reason title of the judgment arrange the accompanying particulars might be entered:-
 - s) Date of finish of contentions
 - t) Date of saving the judgment
 - u) Date of declaration of judgment
 - v) At the base of the judgment the accompanying particulars should be entered:-

Trial Procedures

The Committee is concerned with enormous delay in decision making, particularly in trial courts. At present, a large number of cases in which punishment is two years and less are tried as summons cases. The summary procedure prescribed by Section 262 to 264 of the Code, if exercised properly, would quicken the pace of justice considerably.

However, the number of cases which are presently tried summarily is quite small and maximum punishment that can be given after a summary trial is three months. In order to speed up the process, the Committee feels that all cases in which punishment is three years and below should be tried summarily and punishment that can be awarded in summary trials should be increased to three years. At present only specially empowered magistrate can exercise summary powers which the Committee feels should be given to all Judicial Magistrates First Court.