

16 July 2020

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

**Re: Concerns of Organisations and Individuals working on Child Rights regarding the Committee for Reforms in Criminal Laws**

Dear Prof (Dr.) Singh,

As lawyers, activists, social workers, counsellors, academicians, psychologists, policy consultants and other professionals working on child rights across the country, we write this letter to you to put forth our strong objection to the constitution of the Committee for Reforms in Criminal Laws and the processes employed by it, including the rushed timeline proposed.

We take issue on the following points:-

**1. Lack of Diversity**

The constitution of the Committee lacks representation from various groups and sections of the society that are to be directly impacted by reforms in criminal laws of the country. There is a stark absence of women members, members from the LGBTQ community, members belonging to religious minorities, members belonging to the SC/ST groups, and persons with disabilities, to name a few. In your Public Notice dated 08.07.2020, you have made it clear that the structure of the Committee is the mandate of the MHA and is beyond your powers to intervene. However, we find that to be an easy way out on your part and we would like to see efforts on your part to engage with the MHA that constituted you, to make the structure of the Committee more inclusive.

**2. Unconscionable Timing and Exclusionary Processes**

This process seems to have no justification in being rolled out in the manner in which it has in the midst of a global pandemic. A majority of population & institutions in India are currently subject to the world's most stringent lockdown with daily new peaks in the number of positive cases. Material living conditions for people have significantly worsened - a large part of the population finds itself increasingly bereft of meaningful employment, basic income, adequate nutrition and health services. Some essential Institutions like schools, creches & anganwadis have been non-functional and some like hospitals and health centers are overburdened. In this grave situation, the responses from the government and its institutions have proven woefully inadequate. By implementing an online process bracketed by truncated timelines in the middle of pandemic that has citizens coping with over 100 days of lockdown, the Committee has ensured that participation in the process will be limited and many key voices, especially those who work in marginalized areas with bad connectivity and poor network will not be heard and consulted, even as many of them play key roles in the implementation of the criminal laws. The timing of

the process betrays insensitivity to the fact that many civil society organizations are currently engaged in necessary relief work. It also precludes any attempt to be creative and inclusive of children's views and experience which could have lent much needed credibility & validity to the attempts of the legal system to label itself 'child friendly'. And while such pressing matters remain pending, the government's zeal to embark upon large scale reform in a knee jerk manner seems completely beside the point and out of touch with the realities of the system.

### **3. Inadequate Time-frame**

We find it irresponsible that the 160 year old criminal laws of this country are proposed to be drastically altered within a period of only six months. We demand that the timeline and schedule of the Committee be accordingly altered so that a meaningful process of engagement with various sections of the society is made practically possible. We find it difficult to understand how it would be possible to engage with the breadth of issues in the current criminal laws that impact vast groups, in such a short period of time and that too with consideration of inputs from various stakeholders, including children. The first questionnaire released by the Committee itself comprises very important issues that require far more time and deliberation to be fully comprehended and decided upon. There needs to be evidence-based deliberations and consideration of multiple and diverse points of view that take into account factors like larger socio-cultural frameworks, adolescent development, and the use of the criminal law to victimize the very groups it seeks to protect. Reducing these issues to simple insular incidents and failure to engage with these issues in their on-ground complexity, may result in over-reach as previous experience with laws such as the POCSO Act and the Juvenile Justice (Care and Protection of Children) Act, 2015 have shown. Simple switching of a few indicators may not provide the panacea that one is seeking and that is why we seek a more practical timeline for this process.

### **4. Structural Issues**

Some of the larger structural causes that contribute to cases of sexual violence against children are poverty, homelessness, displacement, bonded labor etc. These issues have only deepened in the continuing pandemic and lockdown. We feel that if the Committee is indeed serious in its agenda to reform criminal laws so as to further the humane and welfarist functions of law, it will have to stop looking at child welfare in isolation from other indicators that are of immediate concern right now. Pushing through criminal reform in legislation on the basis of opinions sought around a limited & inadequate questionnaire when basic safeguards and welfare are being attacked, shows no inclination to meaningfully making reforms to address societal issues but only in managing it.

### **5. Lack of Transparency**

The 'Expert Consultations' and 'Open Consultations' cannot be fully democratic and transparent processes unless the Terms of Reference of the Committee and all submissions (expert and non expert) made to the Committee as well as the reasoned responses of the Committee are made public on the website. The reasons behind the decision to forgo historically standard practices of law reform such as setting up of law commissions under the Union Ministry of Law and conducting national consultations in favor of the current Committee and process must also be made clear.

**We stand in solidarity with all those who have questioned the legitimacy of the present Committee and have called on it to be reconstituted in accordance with the principles of participatory democracy thereby creating an inclusive and meaningful process towards sustainable reform of the criminal laws in India. We hope that our concerns are addressed adequately and steps are effectively taken to address the current constitution, processes and functioning of the Committee.**

Yours Sincerely,

1. Aaheli Gupta, Prerana, Mumbai
2. Aarti Gor, Prerana's The Aarambh India Initiative, Mumbai
3. Aditi Ghatole, Prerana's The Aarambh India Initiative, Mumbai
4. Alivia Naha, Voluntary Health Association of Tripura, Agartala
5. Amrapali, Prerana's Sanmaan, Mumbai
6. Aruna Katkar, Prerana's Night Care & Educational Support Program, Mumbai
7. Arwa Lunawadawala, Advocate- Mumbai High Court, Mumbai
8. Azra Quaisar, Prerana, Mumbai
9. Adv. Anand Mahajan, Lamp of hope, Mumbai
10. Adv. Anjali Pawar, Pune.
11. Anubha Rastogi, Advocate, Mumbai
12. Arjun Malge, Prerana's The Aarambh India Initiative, Mumbai
13. Arjun Sangat, CWC member, CWC Pune II
14. Arlene Manoharan, Consultant, Restorative Justice: Rehabilitation and Reintegration, Enfold Proactive Health Trust
15. Ashika Shetty, Child Rights Worker, Bangalore
16. Dr. Asha Bajpai, Professor of law, Tata Institute of Social Sciences, Mumbai
17. Ashish Kumar, Documentary Filmmaker, Hyderabad
18. Avantika Chawla, Lawyer, Delhi NCR
19. Bharti Ali, Executive Director, HAQ: Centre for Child Rights, New Delhi
20. Bharti Sharma, Honorary Secretary, Shakti Shalini
21. Bindiya Sarkar, Agape Blessed Foundation Trust, Delhi
22. Dr. Bipasha Roy, Child Rights Defender, Kolkata
23. Chandan Sharma, Assistant Secretary, Prabaha Dhalai, Tripura
24. Chandra Sekhar Das, Aadarsha Sanga, Tripura
25. Chhaya Jagtap, Prerana, Mumbai
26. Deepak Uthaval, Lions Balsadan, Aurangabad
27. Deepali Mistry, Prerana's Sanmaan, Mumbai
28. Devasmita, Leher
29. Dilip Kumar Yadav, Ashray, Jharkhand
30. Divya Vaishnava, Social Work Practitioner, BUD Foundation
31. Durga Dey, Spandan, Puri, Odisha
32. Enakshi Ganguly, Development Researcher & Human Rights Activist, New Delhi
33. Flarantxa Pereira, Prerana, Mumbai
34. Gargi Banerjee, Social Worker. Kolkata
35. Geetarani Lourembam, Prerana, Mumbai
36. Geeta Sajjanshetty, Advocate, Karnataka.
37. Harleen Walia, Child Rights Defender, New Delhi
38. Hasina Shaikh, Prerana, Mumbai

39. Himanshu Gupta, Child Rights Defender, Punjab
40. Jayshree Moghe, CWC member, CWC Pune II
41. J.B. Oli, Butterflies
42. Johanna Lokhande, National Centre for Advocacy Studies, Pune
43. Joyatri Ray, EQUATIONS, Bangalore
44. Kajol Menon, Leher
45. Kalpana Purushothaman, Counseling Psychologist, Bangalore
46. Kapila, Lok Manch National Facilitation Centre, New Delhi
47. Kalptesh Deshmukh, Saad Sanvand Foundation, Jalgaon, Maharashtra
48. Karuna Bishnoi, Child Rights & Development Consultant & Researcher, Delhi
49. Kavita Ratna, The Concerned for Working Children
50. Kumar Shailabh, HAQ Centre for Child Rights, Delhi
51. Kushi Kushalappa, Enfold Proactive Health Trust, Bengaluru
52. Dr. Laxman Danawade, CWC Member, CWC Pune II
53. Maharukh Adenwalla, Advocate, Mumbai
54. Mahesh Billu, Prerana's Sanmaan, Mumbai
55. Mahesh Menon, Assistant Professor of Law, SAI University, Chennai
56. Mallika Mannadiar, Prerana's The Aarambh India Initiative, Mumbai
57. Manoranjan Sahoo, Zonal Project Co-ordinator, Sanyog, Cuttack
58. Mansur Qadri, Rights Defender, Patna
59. Minal Mahadik, Prerana's The Aarambh India Initiative, Mumbai
60. Mugdha Dandekar, Prerana, Mumbai
61. Nandana Reddy, The Concerned for Working Children
62. Nandita Ambike, Foundation For Child Protection Muskaan, Pune
63. Neelima Pawar, Prerana, Mumbai
64. Nicole Rangel, Leher
65. Nishit Kumar, Founder and MD, Centre for Social and Behaviour Change Communication, Mumbai
66. Param Anand, DCPU, Pune
67. Prakash K. Rath, CEO, Open Learning Systems
68. Pranoti Shinde, Aakar Foundation, Pune
69. Prasanta Kumar Palatasingh, Project Director, Sanyog, Cuttack
70. Priscilla Bragg's, Aakar Foundation, Pune
71. Priti Patkar, Prerana, Mumbai
72. Priyanka Dherange, Prerana's Aarambh India Initiative, Mumbai
73. Puneeta Roy, The Yuva Ekta Foundation
74. Rabindra Pradhan, SEDP, Nabarangapur, Odisha
75. Radhika Gupta, Development Consultant, Goa
76. Rashmi Taylor, Prerana, Mumbai
77. Dr. Ramanath Nayak, Development Consultant, New Delhi
78. Reehanbaig Mirza, Prerana, Mumbai
79. Rekha Shridhar, Hifazat Network
80. Rhea Bhatia, Chetana Foundation
81. Rita Panicker, Butterflies
82. Ruchira Goswami, National University of Judicial Sciences, Kolkata
83. Ruddhi Sundar Mishra, Manoj Manjari Sishu Bhawan, Keonjhar, Odisha
84. S. Kannayiram, Child Rights Defender, Odisha
85. Sachi Maniar, Ashiyana, Mumbai
86. Sai Prasad Samal, Indian Society for Rural Development, Odisha

87. Sandhya Katkar, Prerana's Sanmaan, Mumbai
88. Sandhya Raju, CCRRA, Kerala
89. Sangeeta Saksena, Enfold Proactive Health Trust, Bengaluru
90. Sanjay Kumar, Srijan Foundation, Jharkhand
91. Santoshini Mahapatra, Program Coordinator, AJKA, Odisha
92. Saraswati Mahapatra, Society for Weaker Community, Bhadrak, Odisha
93. Sawleha Mansuri, Aarambh India, Mumbai
94. Shahbaz Khan Shervani, Child Rights Defender
95. Sharmila Raje, Foundation for Child Protection Muskaan, Pune
96. Sheetal Jadhav, Prerana, Mumbai
97. Shefali Shirsekar, Aarambh India, Mumbai
98. Shivangi Puri, Restorative Practices and Rehabilitation Support, Enfold Proactive Health Trust, Bengaluru
99. Shruti Ramakrishnan, Legal Research Consultant, Bangalore
100. Shruti Utturkar, Psychotherapist and Counsellor, Pune
101. Siddharth Pillai, Prerana's The Aarambh India Initiative, Mumbai
102. Sindhu Naik, Child Rights Defender, Bangalore
103. Smita Apte, Pankh NGO, Pune
104. Smriti Shukla, Lawyer, Lucknow
105. Soma Saha, Vivekananda Seva Sanstha, Tripura
106. Sreemoyee Sen Ram, Child Rights Defender & Child Protection Consultant, Kolkata
107. Suchitra Rao, India Literacy Project, Bengaluru & CACL-K
108. Sudipta Das, Prerana's The Aarambh India Initiative, Mumbai
109. Suja Sukumaran, Enfold Proactive Health Trust, Bengaluru
110. Suraiya Parbin, Blind & Handicapped Association, Tripura
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117. Uma Subramanian, Prerana's The Aarambh India Initiative, Mumbai
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121. Prof. Ved Kumari, Faculty of Law, University of Delhi, Delhi
122. Victor Tauro, India Literacy Project, Bengaluru & CACL-K
123. Vidya Reddy, Tulir, Chennai
124. Vidya Selamony, Legal Aid Trust, Bengaluru
125. Dr. Vijaya Vanjape, CWC Chairperson, CWC Pune II
126. Vipin Bhatt, Advocate/Social Worker
127. Vishwajeet Ghoshal, Director, Prayas JAC Society, Delhi
128. Waseem Iqbal, AAs, Indore, Madhya Pradesh