

JUSTICE MALIMATH COMMITTEE REPORT 2023

The Malimath Committee report deals with Reforms in India's Criminal Justice System (CJS). It was constituted in 2000. Justice V.S. Malimath, a former Chief Justice of the Karnataka and Kerala High Courts, headed the committee. L.K. Advani, the deputy prime minister and head of the Home portfolio, received the report on India's criminal justice system in 2003. The Malimath Committee provided 158 recommendations in its 2003 report. However, none of them was carried out. They concluded that the current legal system did not effectively serve victims of crime and was biased in favour of criminals. There are various justifications for reforming the criminal justice system in India.

What is Malimath Committee?

The Malimath Committee was a panel formed by the Government of India. It was constituted in 2003 to review and suggest reforms to the criminal justice system. Justice V.S. Malimath's committee aimed to enhance the efficiency of criminal laws and procedures. The committee's recommendations covered various aspects, including investigation, trial, and the role of police and prosecution. These suggestions aimed to expedite trials, protect human rights, and improve India's overall criminal justice system.

Background of Malimath Committee

- The Malimath Committee, formed in 2000 by the Indian Government, aimed to reform the criminal justice system.
- Chaired by Justice V.S. Malimath, it reviewed the investigation, trial procedures, and sentencing guidelines.
- Comprising 11 members, including judges and lawyers, the committee consulted stakeholders like legal professionals and civil society groups.
- Submitting its report in 2003, the committee furnished over 150 reform recommendations.
- These suggestions ranged from empowering the police to introducing mandatory minimum sentences for specific offenses and permitting confessions to police officers as admissible in court.
- While certain recommendations were implemented, others received criticism for perceived severity or potential infringement on fundamental rights.
- The committee's report remains deliberated in India's legal and policy circles.

Justice Malimath Commission Report

Jinee Lokaneeta



Justice Malimath Commission Report:

Research Handbook on Plea Bargaining and Criminal Justice Máximo Langer, Mike McConville, Luke Marsh, 2024-04-12
Bringing together established and emerging scholars from around the world the Research Handbook on Plea Bargaining and Criminal Justice examines the practice of plea bargaining through which guilty pleas are secured and trials are avoided

Yearbook of the International Commission of Jurists Ian Seiderman, 2004-06 During the past year the ICJ has proceeded to tackle vigorously several of the manifold challenges currently confronting the international human rights movement To name just a few the threat to the primacy of fundamental rights posed by counter terrorism measures the failure of many States to honour their human rights obligations they have undertaken the struggle to preserve a rule of law upheld by an independent and impartial judiciary and the tendencies towards the overall weakening of universal and regional systems of human rights protection This Yearbook is intended to serve as a conduit for dissemination of information analysis and guidance to jurists governments NGOs and the wider human rights community as they in their own right to strive to meet these challenges The International Commission of Jurists was founded in 1952 to promote understanding and observance of the rule of law throughout the world The ICJ is dedicated to the legal promotion and protection of human rights and fundamental freedoms in all parts of the world In 1978 the ICJ created the Centre for the Independence of Judges and Lawyers CIJL with the task to inform lawyers of the plight of their colleagues in other countries who are persecuted for their professional work and to mobilise lawyers organisations to take action in support of them The ICJ Yearbook 2004 contains reports of fact finding missions and country monitoring e g Swaziland Nepal Tunisia Criminal Justice Reform in India and trial observations in Turkey and Malaysia it also includes several articles on human rights and judicial independence as well as a number of judicial documents

AN APPRAISAL OF PLEA BARGAINING UNDER NIGERIA CRIMINAL JUSTICE SYSTEM ROSEBELLS UVIOVO, 2019-12-18 The book examined the concept of plea bargaining under the Nigeria criminal justice system Plea begins as practiced today in Nigeria was not known or provided for in any Nigeria statues before the Economic and Financial crimes commission was established through the provision of section 1 of the Economic and Financial crimes commission Establishment Acts 2004 Plea bargain was only seen for the first time after the establishment of the commission in 2004 under the administration of Chief Olusegun Obasanjo as the president of Nigeria The application of plea bargain by the Economic and Financial Crime commission is usually based on the provision of section 14 2 of the enabling law that gives the Commission power to compound any offence punishable under the act of accepting the sum of money

CUSTODIAL JUSTICE-A study on Police Brutality in India from Victimological Perspective Sandip Paul, 2024-06-28 Custodial Justice A Study on Police Brutality in India from a Victimological Perspective is a compelling assessment of the systemic issues of police brutality in India as seen through the lens of victimology The book explores the experiences of victims who are abused by law enforcement while they are in custody experiences that are often disregarded

It provides a comprehensive examination of psychological social legal ramifications of abuse against people in custody Through painstaking investigation and comprehensive case studies book exposes the persistent abuse trends and the absence of accountability in the police department It highlights the stark disparity that exists between the laws meant to safeguard individuals and the actual application of those laws The report emphasises how the police system has to undergo extensive changes in order to guarantee that justice isn't just carried out but also perceived to be done The book's emphasis on the views of the victims is one of its strong points It highlights the experiences of those who have faced cruelty giving them a forum to talk about what happened to them and how it has affected their life in the long run The use of a victim centered method is essential in comprehending the actual magnitude of the issue and the pressing need for reform The book also addresses the roles that different parties play in addressing and reducing police brutality such as the court human rights organisations and civil society It highlights how crucial it is to put in place strong victim support networks and strict policies that hold offenders responsible For academics legislators and advocates for human rights justice reform Custodial Justice is a vital resource It argues for a more reasonable and compassionate approach to law enforcement in the nation and asks for a reevaluation of present procedures The book seeks to add to the current conversation in the nation about police reform and the defence of human rights by bringing these important concerns to light

Suspects' Rights in India Prejal

Shah,2021-09-30 This book examines the procedural cultural and institutional framework of custodial interrogation in India It explores theoretical and practical perspectives on custodial interrogation practices in India which have been in urgent need for reform and critiques the systemic failure on the part of the police in India to implement suspects rights uniformly This volume Analyses the Indian framework of custodial interrogation to identify its fundamental flaws and emphasises on the need for having a lawyer present during custodial interrogation Demonstrates significant evidence on state of suspects rights in India through comparative law methodologies with a focus on common law scholarship and jurisprudence more particularly England and Wales and supplemented by vital empirical research through key interviews with related institutional parties Discusses emerging seminal jurisprudence of the European Court of Human Rights on applications of the right to fair trial at the custodial interrogation stage especially shedding light on modern applications of the right to legal assistance in England and Wales and radical Strasbourg inspired reforms in other European jurisdictions Highlights the right to legal assistance as one of the viable solutions to break the culture of police lawlessness at this critical stage of the criminal process An invigorating study this book is aimed at enriching data and hypothesis for academics policy makers civil society organizations and students working in the area of law and legal studies police and policing citizenship and political science

The Truth Machines Jinee Lokaneeta,2020-02-26 Using case studies and the results of extensive fieldwork this book considers the nature of state power and legal violence in liberal democracies by focusing on the interaction between law science and policing in India The postcolonial Indian police have often been accused of using torture in both routine and

exceptional criminal cases but they and forensic psychologists have claimed that lie detectors brain scans and narcoanalysis the use of truth serum Sodium Pentothal represent a paradigm shift away from physical torture most state high courts in India have upheld this rationale The Truth Machines examines the emergence and use of these three scientific techniques to analyze two primary themes First the book questions whether existing theoretical frameworks for understanding state power and legal violence are adequate to explain constant innovations of the state Second it explores the workings of law science and policing in the everyday context to generate a theory of state power and legal violence challenging the monolithic frameworks about this relationship based on a study of both state and non state actors Jinee Lokaneeta argues that the attempt to replace physical torture with truth machines in India fails because it relies on a confessional paradigm that is contiguous with torture Her work also provides insights into a police institution that is founded and refounded in its everyday interactions between state and non state actors Theorizing a concept of Contingent State this book demonstrates the disaggregated and decentered nature of state power and legal violence creating possible sites of critique and intervention

Journal of the National Human Rights Commission ,2003 *Pratiyogita Darpan* ,2009-03 Pratiyogita Darpan monthly magazine is India s largest read General Knowledge and Current Affairs Magazine Pratiyogita Darpan English monthly magazine is known for quality content on General Knowledge and Current Affairs Topics ranging from national and international news issues personality development interviews of examination toppers articles write up on topics like career economy history public administration geography polity social environment scientific legal etc solved papers of various examinations Essay and debate contest Quiz and knowledge testing features are covered every month in this magazine

The State, Democracy and Anti-Terror Laws in India Ujjwal Kumar Singh,2007-01-12 Laws like the Prevention of Terrorism Act POTA are enacted to address what the state describes as extraordinary situations and put in place exceptions to the ordinary legal and judicial procedures By examining public debates surrounding extraordinary laws like POTA and the Terrorist and Disruptive Activities Prevention Act TADA and also specific cases trials and judgements under the Acts the author argues that extraordinary laws have ramifications for people s lives political institutions the rule of law and democratic functioning shows how such laws assume normalcy and acquire a place of permanence in state practices and examines the ways in which such extraordinary laws manifest dominant configurations of political power and ideology While exploring the unfolding of POTA in specific contexts the book shows how the law was enmeshed in the politics of Hindutva electoral and coalition politics centre state relations the politics of repression and reconciliation against nationality struggles and issues of poverty and development [Transnational Torture](#) Jinee Lokaneeta,2011-08-29 Transnational Torture by Jinee Lokaneeta reviewed with Prachi Patankar on the blog Kafila Evidence of torture at Abu Ghraib prison in Iraq and harsh interrogation techniques at Guant namo Bay beg the question has the war on terror forced liberal democracies to rethink their policies and laws against torture Transnational Torture focuses on the legal and political discourses on torture in India

and the United States two common law based constitutional democracies to theorize the relationship between law violence and state power in liberal democracies Analyzing about one hundred landmark Supreme Court cases on torture in India and the United States memos and popular imagery of torture Jinee Lokaneeta compellingly demonstrates that even before recent debates on the use of torture in the war on terror the laws of interrogation were much more ambivalent about the infliction of excess pain and suffering than most political and legal theorists have acknowledged Rather than viewing the recent policies on interrogation as anomalous or exceptional Lokaneeta effectively argues that efforts to accommodate excess violence a constantly negotiated process are long standing features of routine interrogations in both the United States and India concluding that the infliction of excess violence is more central to democratic governance than is acknowledged in western jurisprudence

A ROLE OF PROBATION OFFICERS IN THE ADMINISTRATION OF CRIMINAL JUSTICE IN INDIA; A STUDY MR. KIRAN KALE,2017-08-09 A probation is the period during which a person the probationer is subject to critical examination evaluation Probation is a trial period that must be completed before a person receives greater benefit or freedom In the criminal justice system probation is a particular type of sentence for criminal defendants The judicial authority to order a sentence of probation is granted in statutes on the state level Generally probation allows a convicted defendant to go free with a suspended sentence for a specified duration during good behavior Probationers are placed under supervision of a probation officer must fulfill certain condition

Penology Mr. Rohit Manglik,2024-03-22 EduGorilla Publication is a trusted name in the education sector committed to empowering learners with high quality study materials and resources Specializing in competitive exams and academic support EduGorilla provides comprehensive and well structured content tailored to meet the needs of students across various streams and levels

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Criminal Justice India Series National University of Juridical Sciences (Kolkata),.D. Banerjee,West Bengal National University of Juridical Sciences, *IN INDIA: "JUSTICE DELAYED IS JUSTICE DENIED" MERE PROVERBIAL* Prahalad Rao,2024-07-10 In India the quote Justice Delayed is Justice Denied is frequently cited in legal proceedings orders and judgments However its impact has been minimal leading to a rising backlog of cases especially criminal ones This issue has been discussed at governance and judicial levels yet the situation continues to worsen The author s conscience is compelled to address this proverb due to the severe mental toll on accused individuals in prolonged criminal trials These delays spanning years leave the accused mentally imprisoned and living in torment The judiciary known for its sharp discernment appears inconsistent in criminal cases Accused individuals endure financial physical and mental torture without fault often for over twenty five years If trials concluded within a reasonable five year period many could have

been exonerated much sooner Even the cruelest animal shows mercy yet the current system subjects the accused to prolonged suffering unjustly Dynamism in Criminal Justice System: A Way Forward Dr. Abhishek Kumar Singh ,Dr. Shipra Mishra ,Akshaya Kishor Srivastava ,2023-09-20 Implementation of Rights for Crime Victims in Theory and Practice Anupama Sharma,2024-09-05 There are many different ways in which victims rights can be implemented The implementation pattern may vary depending on the type of rights a jurisdiction offers and the purposes it seeks to achieve via these rights However there are a few basic aspects that remain common to the variation in the implementation patterns across jurisdictions This book provides a theoretical and practical overview of such implementation patterns their features and underlying differences It presents theoretical models capturing the different types of implementations of victims rights and the purposes that they can achieve The book also offers a framework comprising the essential aspects involved in implementation of rights such as drafting and presentation their visibility and accessibility to victims enforcement of rights in case of breach and assessment and evaluation of rights to ensure constant monitoring and improvement in implementation The framework is tested by a sample case study in New Delhi India which showcases how the framework can be molded and applied to assess the existing implementation of victims rights and the scope for reform The book will be of interest to those working in the areas of criminal justice criminal procedure victimology and human rights *Arbitration in Asia - 2nd Edition* Michael J. Moser,2008-09-01 Asia has witnessed an extraordinary growth in the use of international arbitration in the past two decades Arbitration in Asia is an ideal reference to guide practitioners and business people in the proper selection of a suitable arbitral seat or jurisdiction in Asia The book includes substantive chapters reflecting detailed commentary and analysis on 18 Asian jurisdictions from the area s leading arbitration practitioners and experts The materials in this looseleaf volume provide a practical reference guide and resource tool for the law and practice of international commercial arbitration in Asia *Soul And Structure Of Governance In Indi* , **SCIENTIFIC FORENSICS AND THE CRIMINAL JUSTICE SYSTEM: AN INTEGRATIVE APPROACH** Amit Kumar Singh,2024-07-11 It is a capital mistake to theorize before one has data Insensibly one begins to twist facts to suit theories instead of theories to suit facts Sherlock Holmes Sir Arthur Conan Doyle s A Scandal in Bohemia 1891 Forensic science prevents the enemies of progress and human rights who seek to exploit the openness and opportunities of globalization for their unethical progress It bells the cats at the gateway for justice delivery with scathing attacks on criminality by scientific experimentation so that criminals and perpetrators cannot escape liability on blatant excuse With the advancement of science and technology the criminals have adopted new methods and techniques for committing offences but science has also helped the investigating agencies in their efforts to nab the criminals or real culprits

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