

INDIA: Committee's Recommendations Threaten the Rule of Law

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[Ed. Note: This is the foreword to the booklet Crime and Justice jointly published by Jananeethi and the Asian Human Rights Commission (AHRC). The author is a lawyer and the executive director of Jananeethi. The headline was added by the editor of Human Rights SOLIDARITY.]

The rule of law is the foundation of a justice system and the soul of a civilised society. Any attempt to dismantle the fabric of the rule of law will eventually crumble the edifice of constitutional supremacy and will lead to the enthronement of anarchy. An eternal vigil and fearless debate on the justice system, therefore, should be held as the essential prerogatives of a responsible citizenship and the democratic health of a society writ large. Every effort to refurbish the criminal justice system from being corrupt and ethically disastrous is, indeed, laudable.

A critique of the recommendations of the Committee on Reforms of the Indian Criminal Justice System by the Asian Human Rights Commission (AHRC) is a welcome move in this route. In his consistently people-centred and judiciously balanced gauging of the document, Basil Fernando, the executive director of AHRC, has critically examined the latent infringements of human rights throughout the document. Mr. Fernando often dives into the labyrinth of the virulent but implicit violations of human rights in the document and exposes their possible aftermath.

Nevertheless, the author or the publishers do not claim an exhaustive study of the document word by word. A relentless defender of human rights and civil liberties, Mr. Fernando and Jananeethi wish to highlight those sections of the impugned document, abounded in serious anomalies, that, according to them, will certainly have catastrophic and devastating consequences on the otherwise fragile and unscrupulously encroached human rights milieu in India. Hence, our readers are cautioned that only those relevant parts of the recommendations are being examined here and the rest are not dealt with. The numbers, sections, subsections, etc., are therefore retained just as in the questionnaire to help our readership locate them in the document that is available on the internet at www.cjsreformscommittee.org.

Jananeethi places on record its sincere thanks to Mr. Fernando and AHRC for initiating a bold discussion on the human rights issues implied in the document. Jananeethi takes pride in publishing Mr. Fernando's responses with a hope that it will invite and facilitate nationwide discussions at all spheres and will help evolve a national consensus on the constitutional legitimacy of the recommendations by the committee. Jananeethi remains obliged to Prof. K. G. Sankara Pillai, Prof. T. R. Venugopalan, advocate Jasmine Joseph and A. B. Prasad for their time, creative involvement and human rights concerns that made this publication possible.

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