



Workshop on Adjudicating Terrorism Cases (P-1237)

Implementing The Hague Memorandum in India: Good Practices for the Adjudication of Terrorism Cases

23 – 24 January, 2021 (Online Mode)

Academic Coordinators: Mr. Sumit Bhattacharya & Ms. Nitika Jain, Faculty, NJA

Programme Agenda

Day 1: Saturday (January 23, 2021)		
	➤ E-Courts Training for Participant Judges by E-committee, SC	9:30 AM– 10:00 AM
Sessions	Themes	Timings
Session 1	<p><i>I. Laws Relating to Terrorism Cases</i></p> <ul style="list-style-type: none"> • Important facets of Indian law (substantive and procedural), concerning terrorism related cases. • Insight into differences between ordinary criminal laws (substantive and procedure) and laws specifically governing terrorism and terrorism-related cases; peculiarities and significance of the latter. 	<p style="text-align: center;"><u>10:00 AM – 10:30 AM</u></p> <p style="text-align: center;"><i>Speaker</i> Justice N. Kotiswar Singh</p> <p style="text-align: center;"><u>10:30 AM – 10:45 AM</u> Q&A, Open Discussion</p>
	<p><i>II. Case Management in Terrorism Cases & Offences Against National Security</i></p> <ul style="list-style-type: none"> • Methods of effective case management including judicial leadership, mastery of the record and law by the judge, the ability to setup a pre-trial conference quickly and adequately. • Use of a continuous trial, witness management, and the use of courtroom technology for improved organization. 	<p style="text-align: center;"><u>10:45 AM – 11:15 AM</u></p> <p style="text-align: center;"><i>Speaker</i> Justice G.S. Kulkarni</p> <p style="text-align: center;"><u>11:15 AM – 11:30 AM</u> Q&A, Open Discussion</p>
Break		11:30 AM – 12:00 Noon
Session 2	<p><i>III. Framing Charges and Unique Features of Terrorism Trial</i></p> <ul style="list-style-type: none"> • Framing appropriate charges and ensuring adequate defense for the defendant in terrorist trial. • Discussion on charging provisions in the UAPA Act, as well as the burden of proof under the Indian Evidence Act, 1872 & special burden requirements under terrorism laws. 	<p style="text-align: center;"><u>12:00 Noon – 12:30 PM</u></p> <p style="text-align: center;"><i>Speaker</i> Justice P.N. Prakash</p> <p style="text-align: center;"><u>12:30 PM – 12:45 PM</u> Q&A, Open Discussion</p>
	<p><i>IV. Fair Trial</i></p> <ul style="list-style-type: none"> • Concepts and mechanisms enabling a judge to ensure fair trial in spite of inherent difficulties in a terrorism trial. • Ensuring a speedy trial, open v. in-camera courtrooms, and subconscious bias. 	<p style="text-align: center;"><u>12:45 PM -1:15 PM</u></p> <p style="text-align: center;"><i>Speaker</i> Justice Sanjeev Kumar</p> <p style="text-align: center;"><u>1:15 PM – 1:30 PM</u> Q&A, Open Discussion</p>



Day 2: Sunday (January 24, 2021)		
Session	Theme	Timings
Session 3	V. Evidence, Mutual Legal Assistance Treaty (MLAT) and Extradition <ul style="list-style-type: none"> • Introduction to the complex process of assessing evidence in terrorism cases. • The MLAT process, how to access evidence from foreign sources, and impact of confidentiality. • Procedures and steps to acquire relevant evidence from international sources. 	<u>10:00 AM – 10:30 AM</u> <i>Speaker</i> Justice Atul Sreedharan <u>10:30 AM – 10:45 AM</u> Q&A, Open Discussion
	VI. Digital Evidence <ul style="list-style-type: none"> • Collection, preservation, chain of custody of digital evidence. • Insight into valuable skills for trial judges when tasked with assessing relevance and admissibility. • Case law Jurisprudence on admissibility of electronic evidence 	<u>10:45 AM – 11:15 AM</u> <i>Speaker</i> Justice Raja Vijaya Raghavan <u>11:15 AM – 11:30 AM</u> Q&A, Open Discussion
Break		11:30 AM – 12:00 Noon
Session 4	VII. Judicial and Courtroom Security <ul style="list-style-type: none"> • Importance of providing security to all stakeholders in the justice delivery system. • Role of judge as a facilitator in preparation & implementation of security plan, including witness protection measures, continuous monitoring and supervision of execution of security plan throughout trial. 	<u>12:00 Noon – 12:30 PM</u> <i>Speaker</i> Justice Joymalya Bagchi <u>12:30 PM – 12:45 PM</u> Q&A, Open Discussion
	VIII. Managing Media in Adjudicating Terrorism Cases <ul style="list-style-type: none"> • Difficulty in managing media attention in a high-profile terrorism case. • Timely access to accurate information of court proceedings to enhance transparency and public confidence. • Strategies to regulate conduct of the proceedings, maintain decorum, prevent distraction, and ensure safety of courthouse personnel. 	<u>12:45 PM -1:15 PM</u> <i>Speaker</i> Justice S. Talapatra <u>1:15 PM – 1:30 PM</u> Q&A, Open Discussion
Program Wrap-Up		

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