



Workshop on Adjudicating Terrorism Cases (P-1237)

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

Reference Material

Reference Material

[Some of documents included in this compilation are provided by High Court Justices, CEELI Institute & FJC]

Edited & Compiled by

Mr. Sumit Bhattacharaya and Ms. Nitika Jain, Faculty, NJA

Table of Contents

Sr. No	Topics	Page No.
SESSION 1		
I. Laws Relating to Terrorism Cases		
1.	Justice N. Kotiswar Singh, <i>Important Sections of the UAP Act vis-à-vis IPC, CrPC and Indian Evidence Act</i> - Extract of Relevant Indian Cases	2 20
2.	William E. Dyson, <i>Defining, Delineating and Dissecting Terrorism</i> , (Book excerpt Ch-2) Terrorism: An Investigator's Handbook, Anderson Publishing, 4 th ed.	62
II. Case Management in Terrorism Cases & Offences Against National Security		
1.	Justice G.S. Kulkarni, <i>Case Management in Terrorism Cases and Offences against National Security</i>	80
2.	<i>Judicial Management of the Proceedings</i> , (excerpt from) South Asia Regional Toolkit for Judges: Supporting the Development of National Bench Books for the Effective Adjudication of Terrorism Cases by United Nations Counter-Terrorism Committee Executive Directorate (CTED)	92
SESSION 2		
III. Framing Charges and Unique Features of Terrorism Trial		
1.	Sugandha Nayak, <i>Framing of Charges: An Overview</i> Available at: http://www.mondaq.com/india/x/257582/Crime/Framing+Of+Charges+An+Overview ; published on 13 August 2013	100
2.	D.P. Varshni, <i>How to Frame a Charge</i> (Book excerpts Ch. 1-4), Eastern Book publication, 2nd ed.	104
Case Laws		
1.	<i>Dr Nallapareddy Sridhar Reddy v. The State of Andhra Pradesh & Ors</i> , Criminal Appeal No. 1934 of 2019	151
2.	<i>Akbar Hussain v. State of Jammu and Kashmir and Another</i> , (2018) 16 Supreme Court Cases 85	167
3.	<i>Dinesh Tiwari Vs State of Uttar Pradesh and Another</i> , (2014) 13 Supreme Court Cases 137	171
4.	<i>Kanti Bhadra Shah and Another v. State of W.B.</i> , (2000) 1 SCC 722	176

5.	<i>Banwari Lal Jhunjhunwala and Ors. v. Union of India and Ors.</i> , AIR 1963 SC 1620	181
6.	<i>State of Andhra Pradesh v. Cheemalapati Ganeswara Rao and Ors.</i> AIR 1963 SC 1850	187
7.	<i>Ajay Agarwal v. Union of India and Ors.</i> 1993 (3) SCC 609	214
8.	<i>Bimbadhar Pradhan v. State of Orissa</i> AIR 1956 SC 469	233
IV. Fair Trial		
1.	Justice Sanjeev Kumar, <i>Right to Fair Trial</i>	242
2.	<i>General Principles of Fair Trial Applicable in All Stages</i> , Fair Trial Manual: A Handbook for Judges and Magistrates, Commonwealth Human Rights Initiative (CHRI, 2010)	253
SESSION 3		
V. Evidence, Mutual Legal Assistance Treaty (MLAT) and Extradition		
VI. Digital Evidence		
1.	<i>Learning and Applying Best Practices to Counter Terrorism: Case Studies from India and the United States</i> , (excerpt from) National Academy of Sciences 2014. <i>India-United States Cooperation on Science and Technology for Countering Terrorism: Summary of a Workshop</i> . Washington, DC: The National Academies Press. https://doi.org/10.17226/18960	278
2.	Justice Raja Vijaya Raghavan, <i>Digital Evidence: Relevant Provisions of Indian Evidence Act and Relevant Cases</i> (revised as on Jan 2021)	297
3.	<i>Judicial Management of Proceedings: Evidentiary Issues</i> (Ch.3, Sec. 3 excerpt), South Asia Regional Toolkit for Judges: Supporting the Development of National Bench Books for the Effective Adjudication of Terrorism Cases by United Nations CTED	315
4.	<i>International Judicial Cooperation in Terrorism Matters</i> (Ch. 4 excerpt), South Asia Regional Toolkit for Judges: Supporting the Development of National Bench Books for the Effective Adjudication of Terrorism Cases by United Nations CTED	322
Case Law		
1.	<i>Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal and Others</i> , (2020) 7 SCC 1	339
SESSION 4		
VII. Judicial and Courtroom Security		
1.	<i>Foundations for Effectively Adjudicating Terrorism and Related Cases: Safeguarding Judges and Ensuring Court Security</i> , (Ch.1, Sec. 2	414

	excerpt), South Asia Regional Toolkit for Judges: Supporting the Development of National Bench Books for the Effective Adjudication of Terrorism Cases by United Nations CTED	
VIII. Managing Media in Adjudicating Terrorism Cases		
1.	Justice S. Talapatra, <i>Managing Media in Adjudicating Terrorism Cases</i>	421
2.	<i>Judicial Management of the Proceedings: Managing the Media and the Public</i> , (Ch.2, Sec. 2 excerpt), South Asia Regional Toolkit for Judges: Supporting the Development of National Bench Books for the Effective Adjudication of Terrorism Cases by United Nations CTED	457
Indian Case Laws		
1.	<i>Indian Scenario: Judicial Role in the Fight against Terror</i> , (Summary of Cases)*, (Full text of judgements are provided separately)	460
International Instruments		
1.	<i>The Rabat Memorandum</i> on Good Practices for Effective Counter-terrorism Practice in the Criminal Justice Sector	509
2.	<i>The Hague Memorandum</i> on Good Practices for the Judiciary in Adjudicating Terrorism Offences	525
3.	<i>Abuja Recommendations</i> on the Collection, Use and Sharing of Evidence for Purpose of Criminal Prosecution of Terrorist Suspects	539
4.	<i>Investigation, Prosecution and Adjudication of Foreign Terrorist Fighter Cases for South and South-East Asia</i> , United Nations Office On Drugs And Crime, Vienna, 2018 (excerpts) - Investigations and foreign terrorist fighters (Ch. 3)	562
5.	<i>The Use of The Internet for Terrorist Purposes</i> , United Nations Office On Drugs And Crime, Vienna, UN September 2012 (excerpts) - Investigations and intelligence gathering (Ch. IV) - International cooperation (Ch. V)	587
Additional Readings		
1.	Jefferson L. Ingram, <i>Criminal Evidence</i> , John C. Klotter Justice Administration Legal Series, Anderson Publishing, LexisNexis, 10th ed. - Relevancy and Materiality (Ch. 7)	
2.	Ramanand Garge, <i>Jurisprudence of Anti-Terrorism Laws - An Indian Perspective</i> , Published by Vivekananda International Foundation, 2019 (excerpt) - Judicial interpretation of substantive provisions of anti-terror legislations (Ch. III)	