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3.	***Jagjeet Singh v. Ashish Mishra, 2022 SCC Online SC 453*** [The Supreme Court observed that no accused can be subjected to unending detention pending trial, especially when there is a presumption of innocence. The Court made this observation while remanding the bail application of Ashish Mishra in the Lakhimpur Kheri case to the High Court, after canceling the bail granted to him by the High Court. The Court set aside the Allahabad High Court's bail order as it was based on irrelevant considerations. While doing so, the Court remanded the bail application to the High Court for fresh consideration on merits, after affording an opportunity of hearing to the victims]
4.	***Waheed-ur- Rehman v. Union Territory of J&K, 2022 SCC Online SC 237*** [The court was of the view that the provisions of Section 173(6) of the Cr.P.C. read with Section 44 of the UAPA and Section 17 of the NIA Act stand on a different plane with different legal implications as compared to Section 207 of the Cr.P.C. The objective of Section 44, UAPA, Section 17, NIA Act, and Section 173(6) is to safeguard witnesses. They are in the nature of statutory witness protection. On the court being satisfied that the disclosure of the address and name of the witness could endanger the family and the witness, such an order can be passed.]
5.	***Brijmani Devi v. Pappu Kumar, (2022) 4 SCC 497*** [While considering bail applications, courts must exercise discretion in judicious manner and consider crime alleged to be committed by the accused on one hand and ensure purity of trial of the case on the other. While elaborating reasons may not be assigned for grant of bail, at the same time an order de hors reasoning or bereft of the relevant reasons cannot result in grant of bail and the same would entitle the prosecution or the informant to assail it before a higher forum]
6.	***Mohammad Azam Khan v. State of Uttar Pradesh, 2022 SCC OnLine SC 653*** [The Supreme Court set aside a bail condition imposed by the Allahabad High Court to seal the premises of a University while granting bail. The Bench expressed disappointment at the new trend in bail orders, wherein the High Courts' are exceeding their authority to delve into issues which are not relevant to the determination of the bail pleas.]
7.	***Mohammed Zubair v. State of NCT of Delhi| 2022 SccOnline SC 897*** [Courts should be alive to both ends of the spectrum - the need to ensure the proper enforcement of criminal law on the one hand and the need, on the other, of ensuring that the law does not become a ruse for targeted harassment. Courts must ensure that they continue to remain the first line of defense against the deprivation of the liberty of citizens. Deprivation of liberty even for a single day is one day too many.]
8.	***Siddhart v State of Uttar Pradesh (2022) 1 SCC 676*** [Anticipatory Bail cannot be denied solely on the ground that as per police, they were ready to file a charge sheet, it was mandatory to the arrest appellant-accused.]
9.	***Naser Bin Abu Bakr Yafai v. State of Maharashtra, (2022) 6 SCC 308*** [The Court held that so long as an application has been made for default bail on the expiry of the stated period (before time is further extended to a maximum of 180 days) default bail being an indefeasible right of the accused under the first proviso to Section 167(2) of the Cr.PC. kicks in and must be granted.]
10.	***Ramjhan Gani Palani v. National Investigating Agency, 2022 SCC OnLine SC 523*** [The Hon'ble Supreme Court reiterates that in case of serious offense regular bail may not be granted.]
11.	***Sadique v. State of M.P., (2022) 6 SCC 339*** [The Hon'ble Supreme Court reiterates that extension of time granted for completing the investigation from 90 days to180 days in respect of UAPA offenses, the competent authority is not the magistrate but the 'Court' as per section 43-D(2)(b). Hence denial of statutory bail claimed under section 167(2) on account of non-filing of charge sheet held wrongly denied by High Court. The appellant is entitled to Default bail.]

12.	***Ashim v. NIA, (2022) 1 SCC 695*** [The Hon'ble Supreme Court held while entitling a person to be released on bail certain matters to be considered like the seriousness of the charge, incarceration already suffered by the accused, age of the accused and period within which trial likely to be concluded.]
13.	***Sudha Bharadwaj v. National Investigation Agency & Anr., 2021 SCC OnLine Bom 4568*** [Once the period of detention expired and the accused manifested the intent to avail the right by making an application, no subterfuge to defeat the said indefeasible right can be countenanced. The factors like the bail application was not decided, or wrongly decided, or subsequently charge-sheet came to be fled, or a report seeking extension of period of detention came to be fled and allowed, are of no significance. The first proviso in section 43-D(2)(b) expressly confers the power to extend the period of detention of the accused up to 180 days upon the 'Court', which in turn is defined in section 2(d) as 'a criminal court having jurisdiction to try offences' under the said Act. Hence, the Bench clarified, the legislature has vested the authority to extend the period of detention in the Court which is competent to try the offences under UAPA. It was also held that that so far "extension of time to complete investigation" was concerned, the Magistrate would not be competent to consider the request and the only competent authority to consider such request would be "the Court", as specified in the proviso in Section 43-D(2)(b) of the UAPA. Resultantly, it was held that the Additional Sessions Judge had no jurisdiction to deal with the case at hand. The exercise of the power to extend the period of detention is thus not envisaged as a matter of routine. The Court is expected to apply its mind to the necessity of further detention and extension of period of investigation. This implies that the said power shall be exercised only by the Court which is vested with special jurisdiction by the statute.]
14.	***NIA v. Gautam Navlakha, (2021) 12 SCC 123*** [In view of the bar contained in section 43-D (4) petition for anticipatory bail was found not maintainable by the supreme court and petitioner was directed to surrender before the jurisdictional court at Bombay. By way of the misconceived venture, an application was filed directly before Delhi High Court. Held, entire exercise taken by the Delhi high Court was totally uncalled for in view of the order passed by the Supreme Court. Delhi High Court should not have entertained the application at the threshold. All order and proceeding which were initiated, set aside.]
15.	***State of Kerala v. Roopesh, 2021 SCC OnLine SC 3099*** [An order passed by the learned Single Judge of the High Court is unsustainable in view of Section 21(1) of the NIA Act. Theorder passed by the High Court passed in discharging the accused is hereby quashed and set aside and the matters are remanded to the High Court to decide the Revision Petition afresh by the Division Bench in accordance with law and on merits.]
16.	***Union of India v. K.A. Najeeb, (2021) 3 SCC 713*** [When a timely trial would not be possible and the accused has suffered incarceration for a significant period of time, the courts would ordinarily be obligated to enlarge accused on bail regardless of statutory restrictions imposed on right to bail by provisions like section 43-D(5) of the UAPA Act. Further, the ability of constitutional courts to grant bail on grounds of violation part III of the Constitution, which covers within its perspective ambit of not only due procedure and fairness but also access to justice and a speedy trial.]
17.	***State v. Shakul Hameed, (2019) 6 SCC 350*** [The Court held that the specific reason assigned by the public prosecutor fulfil the mandate and requirement of section 43-D(2)(b) of UAP Act, 1967 and that was considered by the special court in detail, which after recording its satisfaction, granted detention of the accused for a further period of 90 days under its order dated 12-12-2017. The conclusion arrived at by the Bombay High Court in the impugned judgment dated 12-9-2018 is erroneous. But taking note of later developments and supporting facts that, charge sheet has been filed against all the four accused persons including the respondent-accused are on bail, the matter is pending for framing of charge and it is not the case of the appellant that the present respondent-accused after being enlarged on bail, has committed

	any breach or violated the conditions of grant of bail, final relief to the extent of granting default bail to the respondent-accused not interfered with.]
18.	***Mahender Chawla v. Union of India, (2019) 14 SCC 615*** [Witness Protection Scheme, 2018 prepared by Central Government with the assistance of State government/UTs held, shall be treated as law under Articles 141, 21 and 142 till the enactment of parliamentary/ state legislations. Further, free, frank, and fearless deposition of witnesses is important for a fair trial and rule of law.]
19.	***Thwaha Fasal v. Union of India, 2021 SCC OnLine SC 1000*** [The Supreme Court's said that the material prima facie establishes the association of the accused with a terrorist organization CPI (Maoist) and their support to the organization. However, mere association with a terrorist organization is not sufficient to attract Section 38 and mere support is given to a terrorist organization is not sufficient to attract Section 39. The association and the support have to be with intention of furthering the activities of a terrorist organization.]
20.	***Union of India v. Mubarak, (2019) 6 SCC 252*** [Statutory bail in default granted by High Court. The Hon'ble Supreme Court set aside the order of Special Court, holding that remand by Special Court for a further period of 90 days was not in compliance with mandate of section 43-D(2)(b), UAPA Act. Conclusions of High Court no correct, with later developments, no interference warranted with bail – prosecution given liberty to apply for cancellation of bail, if any future exigency arises in future.]
21.	***NIA v. Zahoor Ahmad Shah Watali, (2019) 5 SCC 1*** [The Supreme Court ruled that where court on appreciation of totality of evidence is satisfied that accusations are prima facie true, held accused not entitled to bail. Therefore order of special court affirmed and that of the high court set aside.]
22.	***Asim Shariff v. NIA, (2019) 7 SCC 148*** [If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing. The words "not sufficient ground for proceeding against the accused" clearly show that the Judge is not a mere post office to frame the charge at the behest of the prosecution, but has to exercise his judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution. In assessing this fact, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really his function after the trial starts. At the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. The sufficiency of ground would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him.]
23.	***State of A.P. v. Mohd. Hussain, (2014) 1 SCC 258*** [In cases of Composite Trial, such offenses are triable only by a special court, and therefore application for bail in such matters will have to be made before a special court under NIA Act 2008 and shall not directly lie before High Court either under section 439 CrPC or under section 482 CrPC. The appeal against the order passed by a special court on the bail application shall lie only to the Division Bench of two Judges of the High Court.]
24.	***Lt. Col. Prasad Shrikant Purohit v. State of Maharashtra, (2018) 11 SCC 458*** [If a supplementary charge-sheet is filed by NIA which is different form the one filed by ATS and the court cannot pick or choose one version over the other. The law is well settled with regard to granting or refusing bail. The Liberty of a citizen is undoubtedly important but this is to balance with the security of the community. A balance is required to be maintained between the personal liberty of the accused and the investigational rights of

	the agency. It must result in minimum interference with the personal liberty of the accused and the right of the agency to investigate the case.]	
25.	***Central Bureau of Investigation v. Prakashan C., 2017 SCC OnLine SC 1844*** [Every scheduled offence covered by the NIA Act is not investigated by the NIA. Decision in this regard is taken by the Central government as per the prescribed statutory procedure. If investigation is by NIA, Special Court under section 11 tries the offence. If investigation is by state agency, trial is by regular court or special court under section 22.]	
26.	***Pragyasingh Chandrapal Singh Thakur v. State of Maharashtra, 2017 SCC OnLine Bom 493*** [The power of NIA to investigate is absolute and it is a matter of procedure, then there is no vested right created in the accused to object to the course permitted by the statute and there is no need to read down section 6 of the NIA Act. It was further held that when the NIA comes into picture for the purpose of investigation and prosecution of the scheduled offence, then, that very object and purpose will be defeated if the investigating agency is prevented from investigating the crime.]	
27.	***Abdulla v. State (2015), Crl.R.C.No.223 of 2017 (Madras High Court)*** [Once the cases were not investigated by the NIA, the special procedure set out in the NIA Act, 2008, would not apply, and that the trial would proceed in accordance with the provisions of the Cr.P.C.]	
28.	***Sanjay Chandra v. CBI, (2012) 1 SCC 40*** [Relevant considerations in granting bail and gravity of the alleged offence, both parameters ought to be taken into consideration simultaneously. Gravity alone cannot be decisive ground to bail. Competing factors like protection of personal liberty, the presumption of innocence, and hardships caused to individual etc. to be balanced while exercising its discretion. Keeping in mind the balanced approach, bail is to be granted keeping in mind certain conditions, rather to keep individuals under detention for an indefinite period.]	
29.	***Redaul Hussain Khan v. National Investigation Agency, (2010) 1 SCC 521*** [Held, merely because the organization concerned had not been declared an "unlawful association" when the petitioner was arrested, does not mean that the said organization could not have indulged in terrorist acts or that the petitioner could not have had knowledge of such activities. Hence extension of the period of custody under section 43(2)(b) and denial of bail justified.]	
30.	***State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21*** UAPA does not provide any specific conditions to be satisfied to grant bail. The Hon'ble supreme court listed factors to be considered while deciding upon bail applications which includes enormity of the charge; the nature of the accusation; the severity of the punishment ; the nature of the evidence in support of the accusation; the danger of the applicant absconding; the danger of witnesses being tampered with; the protracted nature of the trial; and the health, age, and sex of the person accused.	
SESSION 2 **Decoding the National Investigation agency (Amendment) Act, 2019**		
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2.	Shikha Pandey, ***Anti-Terrorism Courts and Procedural (In)Justice: The Case of The National Investigation Agency (NIA) Special Courts in South Chhattisgarh, India,*** 16 Socio Legal Review 109-139 (2020)	428
3.	Maitreya Sharmai and Shivansh Agrawal, ***Examining UAPA and NIA: Intersection of Human Rights and National Security,*** 4(3) International Journal of Law Management & Humanities 664-676 (2021)	460
	CASE LAW	
1.	***The State of Chhattisgarh v. National Investigative Agency, 2022 SCC OnLine Chh 472*** [This case was with respect to the assassination of Bhima Mandavi, Member of Legislative Assembly, in April 2019. The power of Central Government to transfer the case to the NIA was challenged by Chhattisgarh state government before the High Court of Chhattisgarh. The High Court upheld the decision of the Single Bench that directed the state government to transfer the investigation to the NIA in light of the powers of the Central Government under s 6(5). The Central Government has the inordinate power to suo motu direct the NIA to investigate a Scheduled Offence, if it is of the opinion that it requires investigation under the NIA Act]	
2.	***Bikramjit Singh v. State of Punjab, (2020) 10 SCC 616*** [Section 13(1) of the NIA Act, which again begins with a non obstante clause which is notwithstanding anything contained in the Code, read with Section 22(2)(ii), states that every Scheduled Offence that is investigated by the investigation agency of the State Government is to be tried exclusively by the Special Court within whose local jurisdiction it was committed.]	
3.	***Jaffar Sathiq @ Babu v. the State, Crl.O.P. No.13123 of 2020 (Madras High Court)*** [The word "Agency" occurring in Section 13(1) has been defined in Section 2(a) to mean "the National Investigation Agency constituted under Section 3". Thus, the Special Court under Section 13(1) would have exclusive jurisdiction to try all scheduled offences investigated by the NIA. Section 22(2)(ii) states that the word "Agency" occurring in Section 13(1), in the context of Special Courts constituted by the State Government, shall be construed as a reference to "the investigation agency of the State Government." What becomes clear, therefore, from a reading of these provisions is that f or all offences under the UAPA, the Special Court alone has exclusive jurisdiction to try such offences. This becomes even clearer on a reading of Section 16 of the NIA Act which makes it clear that the Special Court may take cognizance of an offence without the accused being committed to it for trial upon receipt of a complaint of facts or upon a police report of such facts. What is equally clear from a reading of Section 16(2) of the NIA Act is that even though offences may be punishable with imprisonment for a term not exceeding 3 years, the Special Court alone is to try such offence — albeit in a summary way if it thinks it fit to do so. All offences under the UAPA, whether investigated by the National Investigation Agency or by the investigating agencies of the State Government, are to be tried exclusively by Special Courts set up under that Act. In the absence of any designated court by notification issued by either the Central Government or the State Government, the fallback is upon the Court of Session alone.]	
4.	***Mohammad Ayoub Dar v. State of Jammu & Kashmir, SWP No. 2928 of 2019 (J&K High Court)*** [Section 22 provides that when a Scheduled offence is investigated by a local investigating agency, the same has to be tried by a Special Court constituted under Section 22 of the NIA Act and in the absence of a Special Court, by the Sessions Court having jurisdiction in the area, meaning thereby that the Sessions Court will act as a Special Court in such matters where the offences involved are of the nature as mentioned in the Schedule to the NIA Act. Such an order is appealable in terms of Section 21(4) of the NIA Act and in terms of sub-section (2) of Section 21, the appeal has to be heard by a bench of two Judges of the High Court.]	
5.	***Pragyasingh Chandrapal Singh Thakur v. State of Maharashtra, 2013 SCC OnLine Bom 1354*** [The validity of an Act cannot be decided on an assumption that the provision may be abused. Similarly, conferment of a power cannot be held to be bad on a plea that it is likely to be abused. The Bombay High Court made a harmonious construction between Entry 8 of List I pertaining to CBI and Entries 1 and 2 of List III	

	pertaining to criminal law and criminal procedure to come to the conclusion that NIA is constitutional. The court held that if an investigating agency like CBI can be made by the Parliament, another agency at the national level to look into offences against the sovereignty, security and integrity of India can also be founded.]	
6.	***Bahadur Kora v. State of Bihar, 2015 SCC OnLine Pat 1775*** [The Full Bench of the Patna High Court steered clear of a literal reading of the Act, and had resorted to a purposive interpretation of Sections 7, 13 and 22 of the NIA Act, 2008, to hold that the provisions of Chapter IV would apply only when the NIA had transferred the investigation to the State police under Section 7(b) of the Act.Merely because offences under the U.A.P Act, 1967 were alleged, it could not be said that the procedure contemplated under Chapter IV of the NIA Act, 2008, must be followed unless the investigation had been transferred to the NIA or in the alternative when the NIA had transferred the case to the State police. The cases even where offences punishable under the provisions of U.A.P. Act are alleged shall be tried by the Courts as provided for under the Cr.P.C. and not in accordance with the special procedure, under the Act unless (i) the investigation of such cases is entrusted by the Central Government to the N.I.A., and (ii) the N.I.A. transfers the same to the Investigating Agency of State Government.]	
7.	***Sri Indra Das v. State of Assam, (2011) 3 SCC 380*** [The Court read down Section 10 of UAPA and Section 3(5) of TADA, both of which made mere membership of a banned organization, criminal. The Court held that a literal interpretation of these provisions would make them violative of Articles 19 and 21 of the Constitution.]	
8.	***Arup Bhuyan v. State Of Assam, (2011) 3 SCC 377*** [Mere membership of a banned organization will not make a person a criminal unless he resorts to violence or incites people to violence or creates public disorder by violence or incitement to violence.]	
9.	***Naga People's Movement of Human Rights v. Union of India, (1998) 2 SCC 109*** [The court struck a balance between the powers of Union and the State and held that even after deployment of armed forces in the state under AFSPA, the civil power of the state will continue to function. The armed forces cannot supplant or substitute the State's civil power. There should be cooperation between armed forces and civil administration so that the situation threatening public order can be effectively dealt with.[viii] Therefore, amendments made to NIA and UAPA should also endeavour to strike a harmony between the power of the Union and the State to preserve the federal nature of Indian democracy.]	
10.	***Kartar Singh v. State of Punjab, (1994) 3 SCC 569*** [Validity of TADA was one of the main the point of contention and the same was challenged on the grounds that the issue of 'public order', which was under the legislative domain of states, was wrongly exercised by the union. Interference of union in a state subject is the very anti-thesis of Federal structure of governance. The Hon'ble Supreme Court upheld the validity of TADA and opined that 'public order' covers issues of lesser gravity and more serious threats that are covered in TADA fell within the Union's domain such as national defense.]	
SESSION 3 **Electronic Evidence in NIA Cases: Evolving Horizons**		
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3.	Mason Stephen and Seng Daniel, ***The Foundations of Evidence in Electronic Form*** in ELECTRONIC EVIDENCE, University of London Press; Institute of Advanced Legal Studies (2017) pp. 36-69	493
4.	Dr. Swati Mehta, ***Cyber Forensics and Admissibility of Digital Evidence,*** *(2011) 5 SCC J-54*	527

5.	Justice Kurian Joseph, ***Admissibility of Electronic Evidence*** (2016) 5 SCC-J 1	545
6.	***Standard Operating Procedures for the Collection, Analysis and Presentation of Electronic Evidence*** prepared by Cybercrime Programme Office of the Council of Europe (C-PROC) – 12th September 2019	552
7.	Vivek Sood, ***Leading Electronic Evidence in the Court: Critical Analysis and the Stepwise Process in cyber-crimes, electronic evidence & investigation legal issues***, A Nabhi Publication (2010), pp.177-202	598
	CASE LAW	
1.	***Ravinder Singh Alia Kaku v. State of Punjab (2022) 7 SCC 581*** [Indian Evidence Act, 1872; Section 65B (4) - Certificate under Section 65B (4) is a mandatory requirement for production of electronic evidence - Oral evidence in the place of such certificate cannot possibly suffice. Criminal Trial - Circumstantial Evidence - Where a case rests squarely on circumstantial evidence, the inference of guilt can be justified only when all the incriminating facts and circumstances are found to be incompatible with the innocence of the accused. The circumstances from which an inference as to the guilt of the accused is drawn have to be proved beyond reasonable doubt and have to be shown to be closely connected with the principal fact sought to be inferred from those circumstances.]	
2.	***Virendra Khanna v. State of Karnataka, 2021 SCC OnLine Kar 5032*** [Polygraph Test - Whether Petitioner's application to recall order of Polygraph test is not tenable in Law as it amounts to testimonial compulsion hit by Article 20(3) of Constitution is rightly rejected by court below? - Held, trial court has directed Petitioner accused to co-operate with Investigating agency and provide password, pass code for smart phone, as also for e-mail account of Petitioner, this court is of opinion that examination of a smart phone or an e-mail account is in nature of a search being carried out, such a search cannot be socarried out without a search warrant - Trial Court by merely directing Petitioner to co-operate with Investigating agency, Petitioner cannot be forced or constrained to provide such a password, passcode, biometrics etc, for purpose of opening of smartphone and or an e-mail account, much less without recording reasons for same - Process and procedure as discussed above would have to be followed - For all above reasons, order passed by trial directing Petitioner to co-operate with investigating agency ad provide a password to open smart phone and email account is not proper or legal and is therefore set aside - Liberty is, however, reserved to prosecution to file necessary applications, which would be considered by trial court in ii accordance with applicable law - Whether order passed by Trial Court directing Petitioner to undergo a polygraph test violates rights of Petitioner under Article 20 of Constitution? - Trial Court, by its order 29.03.2020, had directed administration of polygraph test on Petitioner - This order was passed on an oral request without there being an application filed by prosecution and no opportunity having been provided to either Petitioner or his counsel - Petitioner was also not heard on same nor was his consent obtained by trial Court before order of relevant date was passed - Though it is contended by Spl. P.P. that order of relevant date only directed administration of a polygraph test and that no polygraph test would have been administered without consent of Petitioner; no such order could have been passed without having obtained consent of an accused like Petitioner - Petitioner having not consented to administration of a polygraph test and in fact having challenged same, refusing administration thereof, had categorically indicated that he does not wish to be subjected to a polygraph test, this court is of opinion that no polygraph test could be administered on Petitioner - Mere silence of person would not amount to consent on behalf of such person - If a person were to refuse administration of polygraph test, no such polygraph test could be administered and even if administered, result of said test would be void and cannot be considered by a Court of Law - Order passed by trial Court, directing petitioner to furnish password, pass code or Biometrics of his mobile phone and e-mail account is set aside - Order passed by trial Court, directing petitioner to undergo a polygraph test is set aside - Order impugned passed on recalling application does not survive for consideration.]	

3.	***Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantayal (2020) 7 SCC 1*** [Held that the certificate required under Section 65 B (4) is a condition precedent to the admissibility of evidence by way of electronic record, as correctly held in by the 3-judge bench in ***Anvar P.V. v. P.K. Basheer, (2014) 10 SCC 473***, and incorrectly "clarified" by a division bench in ***Shafhi Mohammad v. State of Himachal Pradesh, (2018) 2 SCC 801***. The Court further clarified that the required certificate under Section 65B (4) is unnecessary if the original document itself is produced. The Court was hearing the reference from the July 26, 2019 order where, after quoting ***Anvar P.V. v. P.K. Basheer, (2014) 10 SCC 473***(a three Judge Bench decision of this Court), it was found that a Division Bench judgment in ***Shafhi Mohammad v. State of Himachal Pradesh, (2018) 2 SCC 801*** may need reconsideration by a Bench of a larger strength. The Division bench, in the Shafhi Mohammad judgment, had "clarified" that the requirement of a certificate under Section 64 B (4), being procedural, can be relaxed by the Court wherever the interest of justice so justifies, and one circumstance in which the interest of justice so justifies would be where the electronic device is produced by a party who is not in possession of such device, as a result of which such party would not be in a position to secure the requisite certificate.
4.	***Rakesh Shetty v. State of Karnataka, 2020 SCC OnLine Kar 4638*** [Whether the investigating agency can retain the user name and password of social media/digital platform like Facebook and YouTube pending investigation?]
5.	***P. Gopalkrishnan v. State of Kerala and Anr. (2020) 9 SCC 161*** [It was held that an electronic produced for inspection of court is documentary evidence under section 3 of the Evidence Act, 1872. Thus, the contents of memory card/pendrive being an electronic record as envisaged by section 2(1) of the IT Act, 2000 must be regarded asa "Document". Id prosecution proposes to rely on it against accused, ordinaliry, accused must be given a cloned copy thereof as per mandate of section 207 CrPC to enable him/her to present ab effective defence during trial.]
6.	***State by Karnataka Lokayukta, Police Station, Bengaluru v. M.R. Hiremath (2019) 7 SCC 515*** [Requirement of producing a certificate arises, when the electronic record is sought to be used as evidence.]
7.	***Shamsher Singh Verma v. State of Haryana (2016) 15 SCC 485*** [The object of Section 294 Code of Criminal Procedure is to accelerate pace of trial by avoiding the time being wasted by the parties in recording the unnecessary evidence. Where genuineness of any document is admitted, or its formal proof is dispensed with, the same may be read in evidence. In view of the definition of 'document' in Evidence Act, and the law laid down by this Court, the Court held that the compact disc is also a document. It is not necessary for the court to obtain admission or denial on a document Under Sub-section (1) to Section 294 Code of Criminal Procedure personally from the accused or complainant or the witness. The endorsement of admission or denial made by the counsel for defence, on the document filed by the prosecution or on the application/report with which same is filed, is sufficient compliance of Section 294 Code of Criminal Procedure. Similarly on a document filed by the defence, endorsement of admission or denial by the public prosecutor is sufficient and defence will have to prove the document if not admitted by the prosecution. In case it is admitted, it need not be formally proved, and can be read in evidence. In a complaint case such an endorsement can be made by the counsel for the complainant in respect of document filed by the defence.]
8.	***Tomaso Bruno v. State of UP (2015) 7 SCC 178*** [The computer generated electronic records in evidence are admissible at a trial if proved in the manner specified by Section 65B of the Evidence Act.]
9.	***Anvar v. P.K. Basheer and Ors. (2014) 10 SCC 473*** [The Court held that for any electronic evidence to be admissible in its secondary form, it is necessary to meet the mandatory requirements of Section 65-B, which includes giving a certificate as per terms of Section 65-B (4), at the time of proving the record and not anytime later, failing which the electronic record will be considered inadmissible]

10	***Gajraj v. State (NCT of Delhi) (2011) 10 SCC 675*** [The court observed that the IEMI number of mobile phone (sim) registered in the name of a person being evidence of a conclusive nature, it cannot be discarded on the basis of minor discrepancies especially when there is serious discrepancy in oral evidence.]	
SESSION 4 **Measures and Tools for Effective Adjudication in Offences against National Security**		
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2.	Justice R. Banumathi, ***Judiciary, Judges And The Administration Of Judges*** 181-192 (Thompson Reuters 2020)	677
3.	Abhishek Singhvi, ***Beating the Backlog - Reforms in Administration of Justice in India*** in Judicial Review Process, Powers and Problems 46-59 (Salman Khurshid, Sidharth Luthra, Lokendra Malik & Shruti Bedi, Cambridge University Press ed., 2020)	689
4.	Justice Roshan Dalvi, ***The Business of Court Management***, 16 (3) Nyaya Deep 13-35 (2015)	704
5.	Justice P. Sathasivam, ***Effective District Administration and Court Management***, (2014) 1 SCC J-25	728
CASE LAW		
1.	***Manzer Imam v. Union of India, through Jt. Secretary, Internal Security Division, Ministry of Home Affairs & Ors.*** [The Delhi High Court has sought response of Ministry of Home Affairs on a plea highlighting the pendency of cases registered under National Investigation Agency (NIA) Act in two designated special courts of the national capital.]	
2.	***Ashim v. National Investigation Agency, (2022) 1 SCC 695*** [Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. Timely delivery of justice is part of human rights and denial of speedy justice is threat to public confidence in the administration of justice.]	
3.	***In Re: To Issue Certain Guidelines Regarding Inadequacies and Deficiencies In Criminal Trials v. The State of Andhra Pradesh & Ors.,*** **(2021) 10 SCC 598** [After noticing common deficiencies which occur in the course of criminal trials and certain practices adopted by trial courts in criminal proceedings as well as in the disposal of criminal cases and causes directed all High Courts to take expeditious steps to incorporate the Draft Rules of Criminal Practice, 2021 as part of the rules governing criminal trials, and ensure that the existing rules, notifications, orders and practice directions are suitably modified, and promulgated (wherever necessary through the Official Gazette) within 6 months.]	
4.	***All India Judges' Association v. Union of India,*** **(2018) 17 SCC 555** [Sound infrastructure is vital for strong and stable judicial system. It is imperative for State to provide requisite infrastructure to judiciary- Poor infrastructure causes impediments in access to justice – Democracy cannot afford to undermine core values of Rule of Law. Adequacy of judicial resources/infrastructure- stages in court development, set out- necessary facilities to be part of a court complex, listed- handling of financial; and budgeting matters, enumerated- Further directions in providing court infrastructure, issues.]	
5.	***Kishore Samrite v. State of Uttar Pradesh,*** **(2013) 2 SCC 398**	

	[The Apex Court held that the party not approaching the court with clean hands would be liable to be non-suited and such party, who has also succeeded in polluting the stream of justice by making patently false statements, cannot claim relief specifically under Art. 136 of the Constitution. The person seeking equity must do equity. It is not just the clean hands, but also clean mind, clean heart and clean objective that are the equi-fundamentals of judicious litigation.]	
6.	***Krishnakant Tamrakar v. State of Madhya Pradesh,* (2018) 17 SCC 27** [The Court observed that there is a need to revisit decongestion of constitutional courts possibility of five year old cases pending in the High Court particularly the criminal appeals within the existing system.]	
7.	***Hussain and Another v. Union of India, (2017) 5 SCC 702*** [The Court held that speedy trial is a part of reasonable, fair and just procedure guaranteed under Article 21. This constitutional right cannot be denied even on the plea of non-availability of financial resources. The court is entitled to issue directions to augment and strengthen investigating machinery, setting-up of new courts, building new court houses, providing more staff and equipment to the courts, appointment of additional judges and other measures as are necessary for speedy trial] [Supreme Court Legal Aid Committee (Representing Undertrial Prisoners) v. Union of India, (1994) 6 SCC 731, para 15 : 1995 SCC (Cri) 39]Shaheen Welfare Association v. Union of India (1996) 2 SCC 616]	
8.	***Imtiyaz Ahmed v. State of Uttar Pradesh,* (2017) 3 SCC 658** [The Supreme Court took note of the huge pendency of cases and issued certain guidelines regarding the clearing of arrears, timely disposal, pretrial custody issues, trial date certainty, etc. and suggested the application of the "unit system" which allocates different units for disposal of different cases. Such Unit system should be then applied to assess the required judge strength.]	
9.	***Surjit Singh v. Gurwant Kaur*, (2015) 1 SCC 665** [It has been held by the Apex Court that exercise of power under Order 41 Rule 27 C.P.C. is circumscribed by limitation specified in the language of the Rule and it is duty of the Court to come to a definite conclusion that it is really necessary to accept the document as additional evidence to enable it to pronounce the judgment and in case Appellate Authority is able to pronounce the judgment with material before it without taking in to consideration the additional evidence sought to be adduced, the application for additional evidence is liable to be rejected.]	
10	***Rameshwari Devi v. Nirmala Devi,* (2011) 8 SCC 249** [The court laid down guidelines which the courts should adopt in preventing prolonged litigation and also cautioning courts on the grant of indiscriminate ex parte orders.]	
SESSION 5 **Managing Media in Adjudicating High Profile Cases**		
1.	Justice G. Raghuram. ***Media as an Instrument of Public Accountability***, NALSAR Media Law Review 3 NMLR (2013)	743
2.	Richard L. Vining, Jr. and Teena Wilhelm, ***Explaining High-Profile Coverage of State Supreme Court Decisions***, 91(3) Social Science Quarterly 704-723 (September 2010)	758
3.	Abhinav Chandrachud, ***Shouting Fire in a Crowded Theatre in Republic Of Rhetoric: Free Speech And The Constitution Of India*** (Penguin Random House India, 2017)	778
4.	Jarred Prier, ***Commanding the Trend: Social Media as Information Warfare***, 11(4) Strategic Studies Quarterly 50-85 (2017)	802
5.	Sudhanshu Ranjan, ***Media and Judiciary: Revitalization of Democracy***, 57(3) Journal of the Indian Law Institute 415 (2015)	839

6.	K.G. Balakrishnan, 'Reporting of Court Proceedings by Media and the Administration of Justice?', (2010) 6 SCC J-1	861
7.	David A. Sellers, ***The Circus Comes to Town: The Media and High-Profile Trials, Law and Contemporary Problems***, 71(4) The Court of Public Opinion: The Practice and Ethics of Trying Cases in the Media 181-199 (Autumn, 2008)	868
8.	Justice G. S. Singhvi. ***Trial by Media: A Need to Regulate Freedom of Press***, Bharati Law Review (Oct.- Dec. 2012)	887

CASE LAW

1.	***Indo-Asian News Channel (P) Ltd. v. T.N. Suraj, 2022 SCC OnLine Ker 2710*** [It is the well-accepted thumb rule that the Press shall not indulge in sensationalism; or in speculating upon the guilt or otherwise of any accused or other individual; or to create an opinion about the comportment or character of a person involved in the Trial; and not to embellish, by impelling or sponsoring an opinion they seek. Media can't usurp courts' jurisdiction and cannot be given right to speculate on outcomes of ongoing investigations or criminal trials.]
2.	***Venkatesh alias Chandra and Another v. State of Karnataka, 2022 SCC OnLine SC 765*** [TV debates on criminal cases pending in courts amount to interference with the administration of justice. Allowing said DVD to go into the hands of a private TV channel so that it could be played and published in a program is nothing but a dereliction of duty and direct interference in the administration of Justice.]
3.	***S. G. Vombatkere v. Union of India (2022) 7 SCC 433*** [Challenge to validity on Section 12-A of the Indian Penal Code, 1860 on grounds of misuse. Held, State and Central Governments to restrain from registering any FIR under Section 124-A IPC till the Court decides the provision's constitutional validity. All pending trials, appeals and proceedings with respect to charge framed under Section 124-A IPC be kept in abeyance. Union of India shall be at liberty to issue directive as proposed and placed before the court, to prevent any misuse of Section 124-A IPC.]
4.	***Chief Election Commissioner of India v. M. R. Vijayabhaskar (2021) 9 SCC 770*** [Held, Citizens have a right to information relating to court proceedings except in case of in-camera proceedings. This includes the right to know the observations/remarks made by judges during the course of the hearing, which do not form part of the judgment; which the media is free to report. Exchange of legal arguments before court must be accessible to public scrutiny which is crucial for transparency, accountability, public faith and confidence in the process and is vital for the functioning of democracy.]
5.	***Firoz Iqbal Khan v. Union of India & Ors. (2021) 2 SCC 596*** [There should be a balance between fundamental right to free speech and expression and the fundamental right to equality and fair treatment for every segment of citizens.]
6.	***Vinod Dua v. UOI 2021 SCC OnLine SC 414*** [Upheld right of the citizen to criticize the government - Every Journalist will be entitled to protection in terms of Kedar Nath Singh, as every prosecution under Sections 124A and 505 of the IPC must be in strict conformity with the scope and ambit of said Sections as explained in, and completely in tune with the law laid down in Kedar Nath Singh.]
7.	***Amish Devgan v. Union of India, (2021) 1 SCC 1*** [Fraternity, diversity and pluralism assuring dignity of the individual have fundamental relationship with unity and integrity of the Nation. Speech or expression causing or likely to cause disturbance of or threats to public order, or, divisiveness and alienation amongst different groups of people, or, demeaning dignity of targeted

	groups, held, is against Preambular precepts, and violates dignity, liberty and freedom of others, particularly of the targeted groups, and poses threat to fraternity, and unity and integrity of the Nation, and must be dealt with as per law.]
8.	***Anuradha Bhasin v. Union of India (2020) 3 SCC 637*** [Challenge to order(s), notification(s), direction(s) and/or circular(s) issued by the respondents under which any/all modes of communication including internet, mobile and fixed line telecommunication services have been shut down or suspended or in any way made inaccessible or unavailable in any locality - Freedom of speech and expression and the freedom to practise any profession or carry on any trade, business or occupation over the medium of internet enjoys constitutional protection under Article 19(1)(a) and Article 19(1)(g). The restriction upon such fundamental rights should be in consonance with the mandate under Articles 19(2) and (6) of the Constitution, inclusive of the test of proportionality.]
9.	***Subramanian Swamy v. Union of India (UOI), Ministry of Law (2016) 7 SCC 221*** [Court upheld the constitutional validity of Sections 499 and 500 of the Penal Code and Section 199 of the Code of Criminal Procedure.]
10	***Shreya Singhal v. Union of India, (2015) 5 SCC 1*** [Freedom of Speech and Expression is a cardinal value under the constitutional scheme and is important from the point of view of the liberty of the individual and also from the point of view of the democratic form of government. This requires free flow of opinions and ideas essential to sustain the collective life of the citizenry Restrictions to Freedom of Speech and Expression - grounds for testing reasonableness of restrictions cannot be de hors Article 19(2). A law restricting freedom of speech and expression cannot pass muster if it is merely in the interest of the general public. Such law has to be covered by one of the eight subject matters set out in Article 19(2).]
11	***Vijay Singhal and Ors. vs. Govt. of NCT of Delhi and Anr., 2013 SCC OnLine Del 1221*** [The trials' objective is to meet the ends of justice, and if, there is a competition in order to meet that end between the right to freedom of expression against the right to a free trial, the right to free trial would Trump upon the right to freedom of expression.]
12	***Vidya Dhar v. Multi Screen Media (P) Ltd, (2013) 10 SCC 145*** [Whether the broadcasting of dramatised version of events that led to conviction would have any prejudicial effect on the fair trial at the appellate stage. Held, Trial of the petitioners and conviction has been completed, hence there is no possibility of any bias against them at the time of hearing of the appeal. The contents of the trial, the judgment and sentence is in the public domain and available for anyone to see. To safeguard the interests of the petitioners, restrictions imposed on the screening of the episode on television. Media channel directed to ensure that there is no direct similarity of the characters in the serial with the petitioners, and steps be taken to protect their identity.]
13	***Sahara India Real Estate Corporation v. SEBI, (2012) 10 SCC 603*** [Coverage of Judicial Proceedings - Postponement of reporting by Judicial Order - Held, the principle of open justice is not absolute. There can be exceptions in the interest of administration of justice. The presumption of open justice has to be balanced with the presumption of innocence. Parameters of passing of Postponement Order are (i) real and substantial risk of prejudice to fairness of trial or proper administration of justice (ii) necessity (iii) proportionality (iv) unavailability of alternative measures.]
14	***Sidhartha Vashisht v. State (NCT of Delhi), (2010) 6 SCC 1*** [Every effort should be made by the print and electronic media to ensure that the distinction between trial by media and informative media should always be maintained. Trial by media should be avoided particularly, at a

	stage when the suspect is entitled to the constitutional protections. Invasion of his rights is bound to be held as impermissible.]
15	***R.K. Anand vs. Registrar, Delhi High Court, (2009) 8 SCC 106*** [Supreme Court interpreted trial by media as the impact of television and newspaper reporting on a person's reputation by producing a widespread perception of guilt, independent of any court verdict. This makes a fair trial impossible and harms the life of the accused undergoing the trial.]
16	***Rajendra SAIL vs. M.P. High Court Bar Association & Ors, (2005) 6 SCC 109*** [While the media can, in the public interest, resort to reasonable criticism of a judicial act or the judgment of a Court for public good, it should not cast scurrilous aspersions on, or impute improper motives or personal bias to the judge. Nor should they scandalize the Court or the judiciary as a whole, or make personal allegations of lack of ability or integrity against a judge. The judgments of Courts are public documents and can be commented upon, analyzed and criticized, but it has to be in a dignified manner without attributing motives.]
17	***State of Maharashtra v. Rajendra Jawanmal Gandhi, (1997) 8 SCC 386*** [A trial by electronic media, press or by way of public agitation is anti-thesis to the rule of law and can lead to a miscarriage of justice.]
18	***Sushil Sharma v. State (Delhi Admn.), 1996 SCC OnLine Del 345*** [The Delhi High Court held that no conviction will be based upon the media report but upon the facts that have been placed on record. It is supposed that the Judge dealing with the case should be neutral. If the decision is based upon the accepted news items, the petitioner will insist upon denial of a fair trial because it would cause aspiration on the Judge of being not neutral. Even if there is less report or no report available, the charge should be framed on the basis of material available on record.]
19	***Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India, (1985) 1 SCC 641*** [The freedom of the press is the heart of social and political intercourse. The press has now assumed the role of public educators and makes education possible at a large scale by imparting formal and non-formal education particularly in the developing world, where all forms of modern communication like television and other kinds are not available to all the sections of the society. The objective of the press is to boost the public interest by publishing opinions and facts without which the responsible judgement cannot be made by a democratic electorate (Government). Newspapers which are purveyors of news and views of the people have a bearing on public administration and frequently carry material which would not be pleasing to Governments and other authorities.]
20	***In Re: P. C. Sen, AIR 1970 SC 1821*** [The genuine risk of prejudicial remarks made in newspapers or by any mass media which must be guarded against is the ―impression that such comments might have on the Judge's mind or even on the minds of witnesses for a litigant.]
21	***Saibal Kumar Gupta and Ors. v. B.K. Sen and Anr., (1961) 3 SCR 460*** [It would be mischievous for a newspaper to intrude into a crime and execute an independent investigation for which the accused or suspect has been arrested and then to publish the outcomes of that investigation. This is mischievous because when there is an ongoing trial by one of the regular tribunals of the country then trial by newspapers must be prohibited. This is based upon the view that such action by the newspaper of doing an investigation tends to interfere with the course of justice, whether the investigation tends to prejudice the accused or the prosecution.]
22	***Aswini Kumar Ghose v. Arabinda Bose, (1952) 2 SCC 237***

	[The article published in Times of India not only criticized a judgement of the Court, but went on to imply motives to the Judges. Had the article just been a criticism, it would have been accepted. But because the article targeted the Judges, it lowered the dignity of the Court, which attracted contempt proceedings against the editor, publisher and printer of Times of India. Contempt of court cannot arise if a particular Judge has alone been criticized or written negatively about. Only if the content so published also affects the public opinion of the judiciary can contempt proceedings be initiated.]