



Adjudicating Terrorism Cases

Judicial Training & Research Institute, U.P.

Lucknow, India

July 8-9, 2023

Saturday, July 8, 2023

9:30 a.m. Opening Remarks

Hon'ble Mr. Justice, D. K. Upadhyay, Senior Judge, Allahabad High Court & Chairperson, Supervisory committee, JTRI, Uttar Pradesh Lucknow

Hon'ble Mr. Justice O.P Shukla, Judge, Allahabad High Court & Member, Supervisory Committee, JTRI

9:45 a.m. Introductions

Hon. Humayun Rasheed Khan, Additional Director (Research), JTRI, UP, Lucknow

10:15 a.m. Fair Trial Rights in Terrorism Cases

In this session, we will focus on important components of fair trial rights. Participants will actively engage through discussing questions and a hypothetical problem exploring the different contours of fair trial rights in terrorism cases.

Hon. Humayun Rasheed Khan, Additional Director (Research), JTRI, UP, Lucknow

11:30 a.m. Tea Break

11:45 a.m. Anti-Terror Legislations: Evolution and Judicial Interpretation of the Substantive Provisions

Adjudication of cases related to terrorism and other National Security offences preferably by specially trained judges is one of the best practices suggested by the Hague Memorandum. This session will have a focus on the evolution of Anti-Terror Laws in India, particularly since the mid-1980's. Further it is proposed here to look into the interpretation of certain provisions of the Anti-Terror Laws on important aspects by Hon'ble Court at various stages of the trial. We will also discuss some of the important judgments of Hon'ble Apex Court.

Hon. D. Lingeswaran, Director, Tamil Nadu, State Judicial Academy, Chennai

12:45 p.m. Lunch

1:45 p.m. Framing of Charges in Terrorism Cases

In this session we will discuss the correct procedure for framing charges in terrorism cases, including following the principles of natural justice and satisfying all legal conditions to constitute a charge. The session involves a 20-minute learning activity where participants would



frame charges on a hypothetical fact pattern, followed by a discussion on the best practices to be followed while framing charges.

Hon. D. Lingeswaran, Director, Tamil Nadu, State Judicial Academy, Chennai

2:45 p.m.

National Security & Management of Confidential Information

In this session we will discuss the meaning of classified information in terrorism cases and review best practices for managing classified evidence while balancing the rights of accused. There will be a 10 – minute group activity to provide an opportunity for participants to share their best practices.

Hon. Garima Sharma, Additional Director, Chhattisgarh, State Judicial Academy, Bilaspur

3:45 p.m.

Tea Break

4:00 p.m.

Decoding the Binary of Digital Evidence

Our Digital footprints are our second identity. We are leaving them everywhere and all the time. And so are the criminals. This has become a boon for investigating agencies who have developed new techniques of investigation relying on the digital activities of criminals. Unfortunately, till very recently, the Courts have been hesitant to accept and rely on digital evidence primarily because of uncertainty around the rules of their admissibility and also because of the chances of their manipulation. This topic " Decoding the binary of digital evidence" seeks to clear the mist on two most vital aspects of digital evidence: their admissibility and reliability.

Hon. Ankur Gupta, Additional District & Sessions Judge, Muzaffarpur

5:30 p.m.

Day 1 wrap-up

Hon. Humayun Rasheed Khan

5:30 p.m.

Day Concludes

Sunday, July 9, 2023

9:45 a.m.

Thoughts, Questions?

Hon. Humayun Rasheed Khan

10:00 a.m.

Appreciation of Evidence in Terrorism Cases

Terror cases can have many accused persons and an equally large number of witnesses. This session seeks to engage the participating judges by drawing upon their vast experience as trial court judges and exchange views and ideas with them for the effective conduct of the evidence, with specific reference to the stage of prosecution evidence.

Hon. Ankur Gupta, Additional District & Sessions Judge, Muzaffarpur



11:00 a.m.

Tea Break

11:15 a.m.

Case Management

Case and courtroom management ensure that trial procedure in courts is fair, accessible, and efficient. In this session, we will examine the intricacies and nuances of managing terrorism cases. We will also discuss the steps necessary from the institutional side and also by the trial judges to dispose of cases effectively and timely, using techniques of effective case management, guided by case law and legal provisions. There will also be a 10-minute group activity/fact pattern for the participants to highlight and share the best practices in dealing with terrorism cases.

Hon. Dr. S.S. Reddy, Additional Chief Judge, City Civil Court, Hyderabad, Telangana State

12:30 p.m.

Lunch

1:30 p.m.

Providing Security to Stakeholders

Safety starts with you. It does not come instantly – you should implement it consistently. In this session we will identify the risks and vulnerabilities, assess the resources and learn how to implement the control. There will be a 5 minutes group activity to provide an opportunity to participants to share the good practices being followed in India and a 10 minutes group activity for sharing their views on creating a security plan.

Hon. Madhu Khanna Lalli, Additional District & Sessions Judge, Chandigarh Judicial Academy, Chandigarh

2:30 p.m.

Transnational Issues in Terrorism Cases

In this session, we will review the law and procedure of mutual legal assistance, including coordination between the investigative agencies of different countries, MLATs, letters rogatory, and the process for securing testimony from witnesses located abroad.

Hon. Sri Manmeet Singh Suri, Additional Director (Training), JTRI, UP, Lucknow

3:30 p.m.

Special Address

Sri N. Arora IPS, Additional Director General of Police ATS, U.P.

Program wrap-up & Impact Assessment

Hon. Humayun Rasheed Khan

Vote of Thanks

Sri. Vinod Singh Rawat, Director, JTRI, UP, Lucknow

4:00 p.m.

Day 2 Concludes