

Adjudicating Terrorism Cases

National Judicial Academy

Bhopal, India

December 16-17, 2023

Saturday, December 16, 2023

9:30 a.m.

Opening Remarks

Hon. Justice Sujoy Paul, Director, National Judicial Academy, India

9:40 a.m.

Introductions

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

10:00 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

11:15 a.m.

Tea Break

11:30 a.m.

Provisions Anti-Terror Laws: Application and Interpretation

In this session we will discuss about few important provisions of The Unlawful Activities (Prevention) Act 1967, interpretation and application of the same. Through some fact patterns and the responses received from the participants, proper application of these provisions and their interpretation by the courts will be explained.

Hon. D. Lingeswaran, Additional Judge (TADA), City Civil Court, Chennai

12:30 p.m.

Lunch

1:30 p.m.

National Security & Management of Confidential Information

In this session we will discuss the meaning of confidential 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

2:30 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

4:00 p.m.

Tea Break

4:15 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, Additional Judge (TADA), City Civil Court, Chennai

5:15 p.m.

Day 1 wrap-up

Hon. Humayun Rasheed Khan

5:20 p.m.

Day Concludes

Sunday, December 17, 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

11:30 a.m.

Tea Break

11:45 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

1:00 p.m.

Lunch

2:00 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

3:00 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. Manmeet Singh Suri, Special Secretary & Additional Legal Remembrance (Nyaya Vibhag), Government of Uttar Pradesh, Lucknow

4:00 p.m.

Program wrap-up & Impact Assessment

Hon. Humayun Rasheed Khan

4:15 p.m.

Day 2 Concludes