



# Newsletter

A Bi-monthly Newsletter of The Centre for Excellence in Criminal Law

## Upcoming

The Centre after successfully organizing webinars on prison series, the centre will be organizing a series of webinars on Policing and Police Administration.

## Events Organized

- International Conference on 'Nuances of Criminal Investigation and Dynamics of Forensic Evidence' in collaboration with NFSU.
- Webinar on "Prison Infrastructure: A Way Forward for Corrections"
- Webinar on "Prison Reforms: Changing Paradigm"
- Webinar on "Skill Development of Prisoners for Better Reintegration"

## Editorial Board

**Dr. KS Rekh Raj Jain**

**Dr. T. Himavathi**

**Mr. Sumanta Meher**

**Anwasha Panigrahi**

## Center Coordinator's Message

The Centre for Excellence in Criminal Law was formed in January, 2020. The Centre for Excellence in Criminal Law forms the pedestal to create awareness about the forgotten issues concerning crime and criminal law. It is seeking to involve all stakeholders including professionals, academic and non-academic member and students to immerse them to undertake extensive research and allied activities for contributing towards various issues pertinent to the criminal justice system. It aims to provide viable forum for discussion on the modern approaches to criminal law. The ultimate philosophy of the centre remains promoting thoughts seeking to make the world a humanitarian place where crime prevention is the ultimate goal and offenders being tackled in a wise manner. The centre strives to extend its philosophy both to the individual and institutional level as their involvement and insights will be pivotal towards the betterment of means of control mechanisms in our society.

## News Item

### International Conference on “Nuances of Criminal Investigation and Dynamics of Forensic Evidence” held in collaboration with National Forensic Science University from 20<sup>th</sup> to 22<sup>nd</sup> August 2021.

The Centre for Excellence in Criminal Law, ICFAI Law School, Hyderabad during this pandemic time, fighting against the odds and with tremendous motivation and spirit, in collaboration with the National Forensic Science University, Gandhinagar has organized a Three-Day International Conference on "Nuances of Criminal Investigation and Dynamics of Forensic Evidence", from 20th to 22nd August 2021. Today, i.e., 20<sup>th</sup> August 2021 marked the inaugural day for the three-day event.

The three-day International Conference on ‘Nuances of Criminal Investigation and Dynamics of Forensic Evidence’ marked its beginning on 20<sup>th</sup> August 2021 at 2:30 pm, only to continue for a period of three days till 22<sup>nd</sup> August 1:30 pm as a successful venture.

The inaugural session of the three days’ event has been graced by Shri Dwaraka Tirumala Rao IPS, Vice Chairman and Managing Director, APSRTC, DG AP

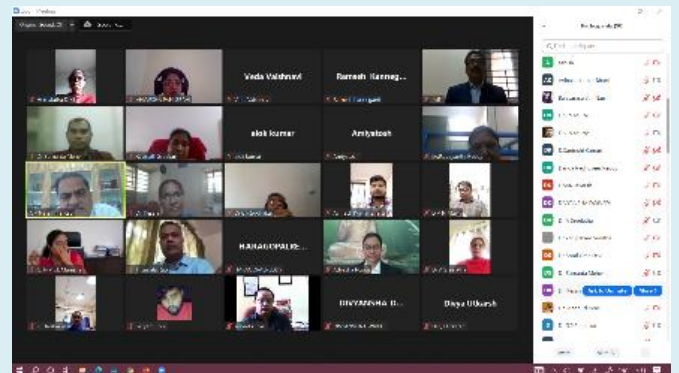
Police, Prof. Dr. J. M. Vyas, Vice Chancellor, National Forensic Science University Gandhi Nagar, Prof. Haragopal Reddy, Advisor to the ICFAI Group and former Vice Chancellor, Acharya Nagarjuna University and Prof. Dr. A. V. N. Rao, Director, ICFAI Law School Hyderabad ICFAI University, IFHE, Hyderabad.

The ceremony also witnessed the launching of the Conference Proceeding Book containing the contributions by the participants; messages by Dr. J Mahender Reddy, Vice Chancellor, IFHE, Prof. A. V. N. Rao, Director, ICFAI Law School, IFHE, Dr. J. M. Vyas, Vice Chancellor, National Forensic Science University, Gandhinagar, Dr. S. O. Junare, Campus Director, National Forensic Science University, Gandhinagar, Dr. K. S. R. R. Jain, Coordinator, Centre for Excellence in Criminal Law, ICFAI Law School Hyderabad. It was a virtual launch.

All the sessions of the conference including the inaugural and the valedictory ceremonies were conducted on the zoom platform.

The five Technical Sessions were based on the following themes:

1. Exploration of Forensics in the Criminal Justice System
2. Crime Scene Investigation and Forensic Evidences
3. Admissibility of Forensics and Digital Evidence in Criminal Courts
4. Cyber Security Forensics / Relevancy of Forensics in Cyber Security
5. Innovations and Challenges in Forensic Investigation



The valedictory ceremony was conducted on 22<sup>nd</sup> August 2021, from 12:30 pm to 1:30 pm. The best paper prizes for the first, second and third best paper were announced in the ceremony. The first best paper prize was awarded to Dr. J. R. Gaur, Kanika Gaur and Shakti Prakash Mishra for their paper on ‘Police Ills: Forensic Solutions’, second best paper prize to Abhishek Sharma Padmanabhan and Dr. Sapna S. for their paper on ‘The role of DNA Evidence in Criminal Trials – An enquiry into the extent of its relevancy and conclusiveness’ and the third best paper prize to Ms. Sumiti Ahuja for her paper on ‘Challenges to the Admissibility and Evidentiary Value of Forensic Evidence in Criminal Justice System’. The programme was concluded by a vote of thanks by Ms. Anwesha Panigrahi.

## WEBINARS

### Webinar on “Prison Reforms: Changing Paradigm”

ICFAI  
HYDERABAD  
Centre for Excellence in Criminal Law  
The ICFAI Law School, Hyderabad, E-mail: [conecrm@iifeindia.org](mailto:conecrm@iifeindia.org)

Webinar  
**Prison Reforms:  
Changing Paradigm**

June 26, 2021  
Time: 04:00 PM (Indian Standard Time)

Speaker  
Mr. M. R. Bhaskar  
Former DGP Prisons, Hyderabad

Introductory Remarks  
Prof. A V Narasimha Rao  
Director  
ICFAI Law School, Hyderabad

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The Centre for Excellence in Criminal Law, ICFAI Law School, Hyderabad has successfully conducted its first webinar in the Prison Series of webinars on 26<sup>th</sup> June 2021 at 04:00 pm. The title of the webinar was “Prison Reforms: Changing Paradigm” and the webinar was conducted on the Cisco Webex Platform. In the webinar, the Centre had invited Mr. M. R. Bhaskar, Former D. I. G. Prisons, Hyderabad as a speaker to enlighten the audience with his expertise and experience on the subject. Mr. M. R. Bhaskar began the webinar by introducing us to Telangana and Andhra Pradesh Prisons. He stated that he was an officer who has served pre and post bifurcation of the state of Andhra Pradesh. Telangana, he stated, has tried to adhere to the UN Minimum Standard Rules for Treatment of

Prisoners to the utmost compliance possibility and has made various provisions for welfare of prisoners. He gave a clandestine picture of the state of Telangana prisons and all the welfare and reform measures that have been taken up by the authorities for the benefit of the prisoners. He emphasised on the fact that imprisonment is itself the punishment and there need not be any other restrictions to execute the punishment further. Hence, it is required that the prisoners be treated as humanely as possible, and provisions be made for their reformation, rehabilitation, and reintegration back into the society. He appreciated Telangana prisons as the released convicts from various Telangana prisons have been assimilated back into the society by being provided various job opportunities by the government and other agencies.

### Webinar on “Prison Infrastructure: A Way Forward for Corrections”

The Centre for Excellence in Criminal Law, ICFAI Law School, Hyderabad had successfully conducted its second webinar in the Prison Series of webinars on 10th July 2021 at 04:00 pm. The title of the webinar was “Prison Infrastructure: A Way Forward for Corrections” and the webinar was conducted on the Cisco Webex Platform. In the webinar, the Centre had invited Mr. M. Sampath, Superintendent of Prisons, Central Prison, Cherlapally, as a speaker to discuss the lesser-explored world of prison infrastructure and how it contributes to the correction of offenders. Mr. M Sampath began the webinar by introducing us to prison infrastructure, what it actually meant and its role in handling an offender. He gave us an insight into the form versus function approach where he indicated that the prison infrastructure currently is more

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Webinar on  
**Prison Infrastructure:  
A Way Forward for Corrections**

July 10, 2021 | Time: 4.00 pm to 5.00 pm (IST)

Speakers  
Mr. M. Sampath  
Superintendent of Prisons  
Central Prison, Cherlapally

Introductory Remarks  
Prof. A V Narasimha Rao  
Director  
ICFAI Law School, Hyderabad

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form based than functional. Although the goal of imprisonment has changed from deterrence to reformation and rehabilitation, the prison infrastructure has not changed to match with the functional requirement of what are now correctional institutions. He also enlightened us with newer prison designs which would help in facilitating rehabilitation. He highlighted that the prison staff and the entire prison environment should be such as to make the offenders move towards reforming themselves. He focussed on the psychological implications of prison infrastructure on the imprisoned.

### Webinar on “Skill Development Among the Prisoners for Better Reintegration”

**ICFAI**  
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Centre for Excellence in Criminal Law  
The ICFAI Law School, Hyderabad, E-mail: [conecrc@ifheindia.org](mailto:conecrc@ifheindia.org)

**Webinar on**

**Skill Development Among the Prisoners for Better Reintegration**

July 30, 2021 Time: 3:00 pm to 4:00 pm (IST)

**Speakers**

**Mr. P. Janardhan Reddy**  
S.P. Jails (Retd.)

**Introductory Remarks**

**Prof. A.V. Narasimha Rao**  
Director,  
ICFAI Law School, Hyderabad

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The Centre for Excellence in Criminal Law, ICFAI Law School, IFHE, Hyderabad, as a part of its Prison series of webinars organized a **Webinar on "Skill Development Among the Prisoners for Better Reintegration"** by **Mr. P. Janardhan Reddy, Retd. Jail SP on 30th July 2021 (Friday) at 3:00 pm. The webinar was held on Cisco Webex Platform.** Mr. P Janardhan Reddy addressed the gathering by giving out the measures taken up in Telangana Prisons to develop vocational and other skills among the prisoners. He spoke about the condition of labour in the prison with regards to the willingness of the prisoners and contribution of the prison staff in making the prisoners socially productive citizens after their release from imprisonment. His discussion was

followed by an interactive session in which he answered questions on prison wages and earning opportunities after release.

### RECENT JUDGMENTS

#### **Arjun Kishanrao Malge v. State of Maharashtra, 2021 SCC OnLine Bom 551**

**Coram: DIPANKAR DATTA, C.J. And G.S. KULKARNI, J**

Arjun Kishanrao Malge is a social worker, who working for the benefit of child victims of sexual abuse and their families across Mumbai. He is engaged as a support person in child sexual abuse cases in cases before the Child Welfare Committee. While his engagement he has notice that, some of the crucial procedure relating to the right of the victims has not been followed. For instance, the children to participate through the representative in the trial of offences under the Protection of Children from Sexual Offences Act, 2012 (the POCSO Act) has not been comply by the Special Juvenile Police Unit (SJPU). Arjun Kishanrao Malge has filed a public interest litigation in the Bombay High Court for issue a direction for the implementing the Section 40 of the POCSO Act.

After the hearing, the Bombay High Court has observed that Section 40 of the POCSO Act read with Rules 4(13) and 4(15) of the POCSO Rules along with Section 439 (1A) of the Cr. PC, recognize a statutory entitlement to the assistance of and representation by legal counsel for the family or the guardian of the child and entitlement to be present and to participate in proceedings in accordance with the said provision. The Court held that, “In the event, it has not been possible to serve the child’s family, guardian or legal counsel; it shall be the duty of the SJPU to inform the reasons in writing to the relevant court. The appropriate Court, before proceeding to hear the application, shall ascertain the status of service of notice, and if it is found that notice has not been issued, the Court may make such reasoned order as it deems fit to secure the ends of justice, taking into account any emergent circumstances that warrant dealing with the application in the absence of the child’s family or guardian or legal counsel.”

**Gautam Navlakha v. National Investigation Agency, 2021 SCC OnLine SC 382****Coram: Justice Uday U. Lalit and Justice K.M. Joseph**

A criminal appeal is made before the Coram of Justice Uday U. Lalit and Justice K.M. Joseph of the Supreme Court of India. In this case, Gautam Navlakha a popular human rights campaigner was house arrest by the police administration. Hence, the core issue of the appeal was whether the time spent in detention during home arrest qualifies as custody for default bail purposes. In this case, Gautam Navlakha was arrested on 28th August 2018 and appeared before a Delhi court for remand to be brought to Pune in connection with a First Information Report registered there under the Unlawful Activities (Prevention) Act (UAPA). The Delhi High Court has stayed the remand for transit on the same day and placed him under house arrest by the same decision. After 34 days of house arrest, the Delhi High Court has declared his detention unconstitutional. Subsequently, his anticipatory bail application was denied by the Delhi High Court on 14th February 2020. The Supreme Court ordered him to surrender within three weeks on 16th March 2020 and due to the COVID-19, the same has also been extended by one week on 8th April 2020. He has surrendered on 14th April 2020 to National Investigation Agency. Subsequently, He has requested default bail under section 167 of Cr. PC on the ground that the NIA had failed to file a charge-sheet or seek an extension of time within the 90 days of the statutory period of his custody. In this instance, Navlakha was house arrest for 34 days, NIA has taken him custody for 11 days and he was in judicial custody for 64 days. The application has rejected by the NIA Court. He has further filed an appeal to the Bombay High Court against the decision of the NIA Court but the High Court also denied the appeal. Navlakha has knocked on the door of the supreme court through appeal.

After hearing both sides, the Supreme Court has observed that house arrest of the appellant cannot be taken up under Section 167 and hence, cannot be included within the period of 90 days under Section 167 of CrPC. The Supreme Court has dismissed the appeal and held that the magistrate must authorise the custody of the accused in order to claim the benefit of default bail. For the default bail, the 90 days' period has to be recon from the day of remand and not from any earlier date.

**Supreme Court Case: Vinod Dua Vs Union of India AND ORS.**

Date Of Judgment - 03/06/2021 JUDGES: Sri.Uday Umesh Lalith and Sri. Vineet Saran

Case filed under Art.32 of Indian Constitution and u/sec.482 CrPC, 1973 to Quash FIR 53/2020 Dated 06/05/2020 for the offences Under Sections 124A (Sedition),268(Public nuisance ),501 (printing or engraving matter known to be defamatory )and 505(statements to cause public mischief ) of Indian penal code.

Brief facts of the case .Vinod Dua a popular journalist of HW NEWS Net Work on 30/03/2020 in his Show called as "Vinod Dua show" on You Tube has made statements stating that Narendra Modi has used deaths and terror attacks to garner votes and further stated on the union government administration to tackle pandemic that the government does not have enough Crona Virus testing facilities and that there is no availability of personal protective kits (PPE) and stated further that ventilators and sanitizers exports were stopped only on 24/3/2020 and other comments on the working of government. The 3rd respondent SH.AjayShyam , R/o Kiara village, TehsilTheog district Shimla, lodged a complaint before Kumarasain police station against Vinod Dua stating that his talk on You tube on 30/3/2020 amounted to offences

punishable under Indian Penal Code -Sections 124A (Sedition),268(Public nuisance ),501 (printing or engraving mater known to be defamatory) and 505 (statements to cause public mischief. ).On the basis of the complaint of 3rd respondent the police registered a crime in FIR 53/2020 against Vinod Dua for the said offences. On 11/06/2020 police issued a notice to him to appear before them. In response Vinod Dua sent a reply stating that he cannot come to police station on health grounds and also due to covid pandemic but assured that he will participate in any on line virtual interrogation.

Being aggrieved by the action of police in falsely implicating him in the alleged above crime (FIR.NO.53/2020 ) Vinod Dua approached Supreme court Under article 32 of the Constitution of India and as first relief sought to quash the FIR under section 482 of Criminal Procedure code,1973 and

sought second relief seeking A direction that hence forth FIRs against persons belonging to media with at least 10 years standing be not registered unless cleared by a Committee constituted by every State government ,the composition of which should comprise of Chief Justice of the High court or a judge designated by him, the leader of opposition and home minister of the State.

The Apex court on 14/06/2020 granted interim order not to arrest him pending this case.

On the maintainability point, after referring to catena of cases, the Apex court held that they are not inclined to sit back on technical grounds, while Art.32 of Constitution itself is a Fundamental right ,which cannot be rendered nugatory.

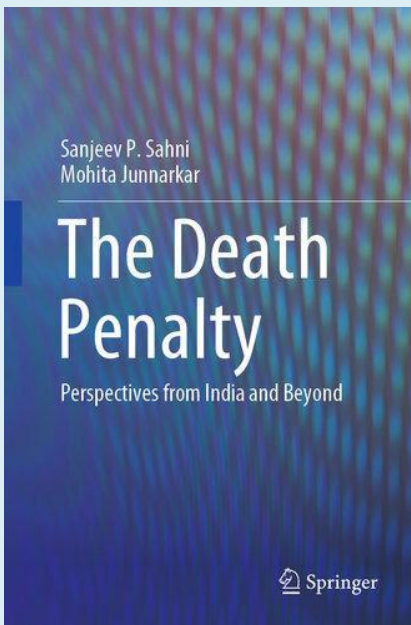
After counters were filed by State of Himachal Pradesh and other respondents, the matter was finally disposed of by ALLOWING ( partly)the petition of Vinod Dua and quashing the FIR 53/2020 basing on the verdict of Kedarnath Singh Vs St. of Bihar and rejecting the second relief vide its judgment dated 03/06/2021 ,With reason that it is the duty of Legislature to make legislation on freedom of speech and expression and the reasonable control on the press and media.

The Supreme Court after a thorough and detailed examination and analysis of law on sedition by referring to 74 citations / case laws as laid down by it and also referred to judgments of USA Supreme Court , held that no ingredients of the offence under sections 124A ,268,501 and 505 of IPC are made out by the respondents against the petitioner and quashed the said FIR.

The Supreme court reasserted in this case that a citizen has a right to criticize or comment upon the measures undertaken by the government and its functionaries, so long as he does not incite people to violence against government established by law or with an intention to create public disorder :and it is when the words or expressions have pernicious tendency or intention of creating public disorder or disturbance of law and order that section 124A and section 505 of the IPC must step in.

Through this judgment the Apex court has reasserted the freedom of speech and expression guaranteed under Article 19 (1)a of the Constitution Of India and strengthened the Indian Democracy. .

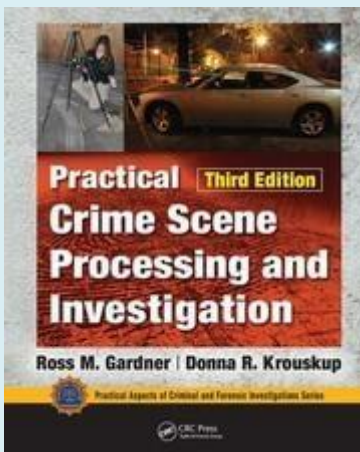
Critical view: Need for clarity on Sedition law and Public order.

**New Books****The Death Penalty Perspective from India and Beyond**

**Written by Prof. (Dr.) Sanjeev P. Sahni and Dr. Mohita Junnarkar**

**Published by Springer Nature, 2020, ISBN 9811531293,  
9789811531293**

The work is based on the contemporary debate of the abolition or retention of death penalty. It reflects the general impression of public attitude toward the death penalty in India. In the book statistic of abolition of death penalty by various countries has been discussed. It has also analysed the initiatives taken by the international organisation to abolish the death penalty. The book has highlighted the four main aspects of the subject those are “the excessive cost and poor use of funds;” “wrongful executions of innocent people;” “the death penalty’s failure as an efficient deterrent;” and “the alternative sentence of life imprisonment without parole.” In the end the book has discussed the public opinion on the death penalty where majority of the people support the death penalty only for certain heinous crimes. The book has been published by Springer Nature in the year 2020.

**Practical Crime Scene Processing and Investigation Third Edition 2021**

**by Ross M. Gardner, Donna Krouskup**

**Publishers: Taylor & Francis Ltd**

This book provides the tools for investigating officer as a professional, about the crime scenes, with its richly illustrative and reconstruction of crime scenes. This book also helps the investigating officer to effectively seek, collect and preserve information and evidence – physical, biological, and entomological evidence assessing the scene of evidence, while providing emergency care to secure data. The book also includes practical, proven methods to be used at any crime scene to ensure that evidence is preserved, admissible in court, and persuasive, to administer justice.