



Maharashtra National Law University, Nagpur

One-Day Seminar

on

**NEED FOR REFORMS IN INDIAN
CRIMINAL LAW**



February 9, 2020 (Sunday)

Venue

Maharashtra National Law University, Nagpur
Moraj Design and Decorator (DnD) Building, Near Oil Depot,
MIHAN Fly Over, Wardha Road, Khapri, Nagpur-441108 Maharashtra

Criminal Law is one of the most crucial branches of law as it directly impacts day-to-day human behaviour. It is a branch of law that manifests the relationship between the State and its citizens. Since time immemorial, societies around the world have observed a prescribed code of conduct. The Indian Penal Code 1860 (IPC) occupies a predominant place amongst the laws designed as agencies of social control. IPC enlists and defines offences and specifies their respective punishments. The Code of Criminal Procedure 1973 (CrPC) establishes the machinery for implementation of the IPC and lays down the procedure to be followed while, *inter alia*, taking cognizance of the offences committed, conducting investigation and arrest, trial procedure, execution of sentences, prevention of offences and providing compensation to the victim. The Indian Evidence Act 1872 (IEA) further elaborates on the rules of taking evidence in order to prove the guilt or innocence of an alleged offender. The three legislations- IPC, CrPC and IEA- form the foundation of the Indian criminal justice system. Apart from these three, there are several special laws dealing with specific subject matters, such as the Narcotic Drugs and Psychotropic Substances (NDPS) Act 1985, and local legislations which are applicable in specific territories, such as the Maharashtra Control of Organised Crime Act 1999 (MCOCA), and so on.

Some of the criminal legislations operative in India, such as the IPC and IEA, have been enacted in the colonial era, and CrPC has been modelled on the older Code of Criminal Procedure of 1898. Although crucial amendments have also been made from time-to-time to adapt these legislations to social, economic and technological changes, the amendments have proved insufficient in creating a robust criminal administration system which is well-equipped to meet the peculiar challenges of contemporary times. The existing criminal justice is plagued by many problems, including inordinate procedural delay and low conviction rate. Further, there is uncertainty regarding important matters such as the criteria for granting the death penalty. The multiple number of judicially-evolved tests regarding grant of death penalty have only enhanced the uncertainty and made the criteria less objective. Furthermore, there is need to bring changes to the benefit of the victim, as the existing system is focused on punishing the offender rather than providing relief or justice to the victim. There is a need to strengthen victim and witness protection schemes, employment of victim impact statements, and an overall increased victim participation in criminal trials and the criminal justice system.

Questions are also raised regarding certain provisions of the existing law for being patriarchal, while some other provisions are accused of being misused by women. There is an imminent need to reconcile the law with the evolving egalitarian realities of the contemporary society and to make the criminal procedure more accessible, speedy and less complicated. There is also criticism regarding arbitrary arrest and the alleged high-handed behaviour of police officials. It is indeed an uphill task to strike the delicate balance between the powers granted to the officials involved in the administration of criminal justice on one hand, and the protection of civil liberties of the suspected offender(s) on the other. In light of the aforementioned issues and challenges faced by Indian criminal law, there is an urgent need to deliberate upon the various aspects of criminal law that are in need of reform and amendment. This one-day seminar is an endeavour towards discussing the aforementioned issues and challenges and attempting to devise plausible solutions to the issues, with the broader aim of contributing to the development of the Indian criminal justice system.

ABOUT THE SEMINAR:

MNLU, Nagpur is organising a One-Day Seminar on 'Need for Reforms in Indian Criminal Law' on February 9, 2020 (Sunday). There is a need to reform Indian Criminal Law in order to equip the law to meet contemporary socio-legal challenges, and to make the Indian criminal justice system more efficient, accessible and just for all sections of the society. The objective of the seminar is to identify the provisions or aspects of Indian Criminal Law which are in need of reform, to deliberate upon the said aspects, and devise suggestions for necessary reform. In light of the stated objective, participants are requested to discuss the issues and challenges, and suggest reforms in the following criminal legislations:

- The Indian Penal Code, 1860
- The Code of Criminal Procedure, 1973
- The Indian Evidence Act, 1872
- The Narcotic Drugs and Psychotropic Substances Act, 1985

BROAD SUB-THEMES:

Participants are required to frame suitable sub-themes in the light of the above legislation(s) considering provisions regarding:

- Arrest and detention
- Bail
- Witness Protection
- Victims' rehabilitation and justice
- Delayed execution of Death Penalty
- Evidentiary Value of DNA Report
- Examination of Witnesses
- Circumstantial Evidence
- Rape, Sexual Harassment, Unnatural Sex
- Presumption of offence
- Burden of proof
- Admission and Confession
- Judicial and Non-judicial confession
- Terrorism
- Electronic Evidence
- Rehabilitation of Offenders, Parole, Probation and other Non-Custodial Measures
- Health and Medical examinations of prisoners
- Cyber Crime

Any other suitable theme or sub-theme relating to significant aspects of criminal law also appreciated.

ABOUT THE UNIVERSITY:

Maharashtra National Law University, Nagpur (MNLU, Nagpur) was established by the Government of Maharashtra by way of enactment known as the Maharashtra National Law University Act (Maharashtra Act No. VI of 2014). Hon'ble Shri Justice S.A. Bobde, Chief Justice of India is the Chancellor of the University. It is a residential university engaged in teaching and promoting research in law and allied disciplines. Its authorities are making the greatest possible efforts to bring up state-of-the-art facilities at the University. The University has a competent team of faculty and staff, who are qualified, experienced, committed, and full of zeal to create an institution of excellence in legal education in the country. The University has been recognized by the University Grants Commission (UGC) and the Bar Council of India (BCI), New Delhi. It is also a member of Association of Indian Universities (AIU), New Delhi.

The University is the nineteenth National Law University established in the country located in the Orange City of Nagpur and the eighteenth in the CLAT pool. The objectives of the University are manifold mainly, to advance and disseminate learning and knowledge of law and legal processes and their role in national development; to develop sense of responsibility within the students and research scholars; to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, law reforms and the likes; to organize lectures, seminars, symposia, conferences and capacity building programmes; to promote legal knowledge and to make law and legal processes efficient instruments of social justice and development; to promote traditional, cultural, legal and ethical values with a view to promote and foster the rule of law and the objectives enshrined in the Constitution of India; and to liaise with institutions of higher learning and research in India and abroad.

PROCEDURE FOR SUBMISSION OF ABSTRACTS:

An abstract (250-350 words) should be submitted as an attachment in a word file. Abstracts will be peer reviewed before they are accepted. The following information, in the given format, should be sent along with the abstract: -

- Name of the Participant
- Official Designation / Institution Details Address and Email ID
- Title of Abstract
- Mobile Number

The Submission of abstract and final paper will be through google form link:

https://docs.google.com/forms/d/e/1FAIpQLSfGcA6BzzXo7T7CGWpB6G6tkdMivpHD5-ILWKly9xyuzh0VHg/viewform?usp=sf_link or email id: seminar_crilawreform@nlunagpur.ac.in

GUIDELINES FOR SUBMISSION OF PAPERS:

- The full paper should be prepared (1) in the MS-Word format, (2) Font: Times New Roman, (3) Title of the paper: Font 14, (4) Subtitles: Font 13, (5) Body text: Font 12, (5) Spacing: 1.5 lines, and (6) should not exceed 5,000 words (including footnotes). Exceeding the word limit may lead to rejection of papers.
- Submission of a paper amounts to consent to such publication and transfer of copyright to The Maharashtra National Law University (MNLU), Nagpur and consent to edit the paper as may be required. The author shall cooperate with the editor, in respect of such editing.
- All references must be in the form of footnotes with font size 10 and should be according to MNLU Citation Style as available on the website of the University.
- The work should be original, previously unpublished and must not be in the stage of submission/ consideration elsewhere.
- Selected papers shall be published in the University Journal.

RULES FOR PARTICIPANTS:

- The abstracts will be peer reviewed by the organizing committee and only shortlisted abstracts will be invited to submit final papers. The final paper should be submitted after the intimation of acceptance of abstract. The final submission shall be concluded within the *prescribed deadline*.
- No abstract or full paper shall be accepted after the last dates of submission, respectively.
- Participants/Paper Presenters have to register after the acceptance of abstract with payment of required fees.
- For participation, registration is mandatory on confirmation of the participation.
- Spot-registration will be permitted only for attending the seminar, not for presentation of paper.

REGISTRATION FEES:

For Presenting a Paper

Students: Rs. 150/-

Faculties/Research Scholars: Rs. 250/-

Professionals/Others: Rs. 250/-

For Attending the Seminar

Students: Rs. 100/-

Faculties/Research Scholars: Rs. 200/-

Professionals/Others: Rs. 200/-

Mode of Payment:

The participants can pay the registration fee by using the below link:

<https://www.onlinesbi.com/sbicollect/icollecthome.htm>

IMPORTANT DATES:

- Deadline for Submission of Abstract : February 2, 2020
- Confirmation of Abstract Selection : February 4, 2020
- Deadline for Submission of Full Paper : February 7, 2020
- Last Date for Registration : February 9, 2020
- Seminar Date : February 9, 2020 (Sunday)

NOTE:

- The Author and Co-author have to register separately.
- TA/DA will **NOT** be provided to the registered candidates. Also the organiser will **NOT** provide accommodation and the candidates are expected to arrange their accommodation at their own.
- All registered candidates will get certificates but, the organisers reserve the right to choose the papers for publication.

WHO CAN PARTICIPATE:

Seminar papers are invited from Students, Academicians, Research Scholars, Professionals, Advocates/Practitioners, Police Officers and other stakeholders of Criminal Justice System.

CONTACT:

For any queries, feel free to send an email to seminar_crilawreform@nlunagpur.ac.in

COORDINATOR

Dr. Himanshu Pandey, himanshupandeyslaw@gmail.com, M. 9827264151

CO-COORDINATORS

Dr. Rengasamy Stalin, stalin.socio@gmail.com, M. 8939173839

Ms. Divita Pagey, divitapagey17@gmail.com, M. 9764022308