

CRIMINAL LAW CELL

Introduction

The ILS Criminal Law Cell was established in the year 2015-16 to research and study contemporary issues and challenges in Criminal Law. The Centre conducts sessions on various aspects of criminal law with respect to the latest developments in order to give a perspective and understanding of the field to the students. The Cell also serves as a platform for insightful discussions and research pertaining to criminal law. The Criminal Law Cell intends to impart extensive knowledge and invoke the interest of students into the field of criminal law by providing them with a more pragmatic outlook on the same, which is beyond the scope of what is covered in regular lectures.

Faculty Coordinator: Dr. Nitish Nawsagaray

Student Coordinator: Saahas Arora (V BA LLB)

Student members: Nikita Mehrotra, Gunjan Suyal, Hitanshu Patil (all V BA LLB), Chirayu Rushiya and Shaunak Parulekar (both IV BA LLB)

Details of the activities conducted:

Student Seminar I

Topic: Introductory Session

Presenter: Saahas Arora, Gunjan Suyal (V BA LLB)

Date: October 8, 2022

Number of Participants: 65

Mode: Offline

Report: The Session was taken up primarily to introduce the new students to the Criminal Law Cell. The students were briefed about the working of the Cell, the Faculty Incharge, and the other members of the core committee. It also gave a brief overview of the activities which the Criminal Law Cell had undertaken in the pandemic in online mode and the concept of the ILS Reform Research Committee was introduced to the audience. It also explained the future activities of the

Cell. All in all, with a considerably decent turnout, the session was successful in laying the groundwork for the future session and activities.

Student Seminar II

Topic: Criticism of Remission of the Accused Persons in Bilkis Bano Case.

Presenter: Nikita Mehrotra (V BA LLB) and Chirayu Rushiya (IV BA LLB)

Date: October 18, 2022

Number of Participants: 50

Mode: Online

Report: The session was taken to look into the nitty-gritties of the Bilkis Bano Judgment, wherein the 13 Accused persons were remitted of their sentences. It was this remission that was assailed and discussed in the session. The aspect of appropriate government, the need for the consent of the Presiding Officer and the application of the appropriate remission policy was also looked into by the presenters. The attendees seemed to have given an overwhelming response being present in the meet, the participation in the general question and answer session was also notable in quantum.

Student Seminar III

Topic: Debate over Gender-Neutral Rape laws

Presenter: Hitanshu Patil (V BA LLB) and Shaunak Parulekar (IV BA LLB)

Date: November 25, 2022

Number of Participants: 35

Mode: Online

Report: The Session was conducted in a virtual format via Google meet, the session focused on the need for neutral rape laws across all the genders that are a part of our society and also the reasons of non-implementation of these laws even after 75 years of Independence.

The session began with an interaction with the audience on their understanding of the concepts of “rape” and “gender neutrality”. Gradually the session was taken over by the speakers and the need, judicial precedents, intention of the legislature with regards to gender neutrality in rape laws was highlighted. In all it was a very fruitful and interactive session with the audience and the discussion was well supplemented with doubts and questions.

Student Seminar IV

Topic: Teenage Relationships and POCSO with reference to Juvenile Justice Act.

Presenter: Pooja Bhide, Palak Sinha, Kunal Behal (all III BA LLB)

Date- December 7, 2022

Number of participants - 30

Mode: Online

Report: During the session, the topic of consensual sexual intercourse between minors was explored, specifically focusing on the impact of the Protection of Children from Sexual Offences (POCSO) Act on relationships between young adolescents. Statistical data was presented to illustrate the overwhelming number of cases flooding the courts, which led to a debate on whether the "age of consent" for sexual acts in India should be lowered from 18 years to 16 years. The discussion also touched upon the age of consent for sexual acts in other countries. Moreover, emphasis was placed on the consequences faced by minors who are accused in such cases. Lastly, provisions under the Juvenile Justice Act were examined in relation to this particular issue.

OTHER ACTIVITIES

Name of the Activity: Guest Lecture

Topic: Bail Jurisprudence in India

Date: March 6, 2023

Presenter: Ms. Ankita Sarkar, Legal Strategy Coordinator, Project 39A

Number of Participants: 50

Mode: Online

Report: As part of the Criminal Jurisprudence lecture series, the Cell organized two sessions featuring Ms. Ankita Sarkar, an esteemed alumni of our college and currently serving as the Legal Strategy Coordinator at Project 39A, a Criminal Law Research Centre based at National Law University, Delhi. During her sessions, Ms. Sarkar provided a comprehensive introduction to the concept of "Bail," including its definition and various types. The different types of bail were then thoroughly explained, along with the relevant provisions of the Code of Criminal Procedure (CrPC). Additionally, she discussed the classification of offenses and elucidated how individuals can apply for or obtain bail under non-bailable offenses as well as special laws. Throughout the session, Ms. Sarkar supplemented the concepts with pertinent and up-to-date case laws and

judgments, making the discussion both informative and engaging. The session witnessed a remarkable turnout, and the audience actively participated by posing numerous interesting questions to the speaker.

Name of the Activity: Guest Lecture

Topic: Contemporary status of Prisons and subsequently Prison Reforms, their need in the Indian Justice System and the way ahead.

Date: March 7, 2023

Presenter: Adv. Ankita Sarkar, Legal Strategy Coordinator, Project 39A

Number of Participants: 45

Mode: Online

Report: The second lecture of the Criminal Jurisprudence Lecture Series was conducted by Ms. Ankita Sarkar. The focus of this session revolved around the contemporary state of prisons in India, elucidating the numerous challenges and issues embedded within the criminal justice system. Ms. Sarkar underscored the imperative need for prison reforms in India, primarily driven by concerns such as overcrowding caused by undertrials and other factors, inadequate infrastructure, substandard living conditions, and poor hygiene standards. After enumerating the prevalent problems, she shed light on the prospective path forward, emphasizing key measures that should be adopted. These measures include addressing the issue of overcrowding, enhancing infrastructure, promoting the principles of restorative justice, and prioritizing prisoner rehabilitation through educational programs and vocational training.

The latter part of the session was devoted to a question and answer session, which garnered a positive and enthusiastic response from the audience. The session concluded with a vote of thanks extended to the esteemed speaker by a member of the Core Committee of the cell.

Name of the Activity: Guest Lecture

Topic: Bail under Unlawful Activities (Prevention) Act, 1967

Presenter: Adv. Abhinav Sekhri

Number of Participants: 40

Date: April 1, 2023

Mode: Online

Report: The Session aimed at talking about the jurisprudence that surrounds the Bail Law in the Unlawful Activities (Prevention) Act, 1967. Adv. Sekhri was of the opinion that an open house discussion and deliberation over ideas would improve the overall quality of the session. As a result, Adv. Sekhri talked for a quarter of the total time and then opened the house for discussion. Upon discussion interesting viewpoints with regards to the cases dealt with by the Supreme Court of India came into picture. The Constitutionality of the new Amendment to the law in 2019 was not discussed, however, the case laws with respect to the presumption of guilt of the accused under the UAPA was discussed by and large.

The session brought attention of the attendees to the various ways in which the state functionaries operate under the UAPA, as also, how the Courts are bound to function.

2nd BAIL & REMAND APPLICATION AND ARGUMENTATION COMPETITION 2023

Introduction: Criminal law Cell organized the 2nd Bail and Remand Argumentation Competition with the aim to enhance students' understanding of the practical application of bail and remand procedures in real court settings.

Faculty Coordinator: Dr Nitish Nawsagaray

Dates: Preliminary round - April 8, 2023

Final round - April 12, 2023

Total no. of Participants – 36

Judges:

Preliminary Round: Adv. Raghav Puranik, Adv. Rajas Naik, Adv. Sumedh Tambe and Adv. Anjali Naik

Final Round: Adv. Nivrutti Chapke and Adv. Rhishikesh Ganu

Report: The event was organized by the Criminal Law Cell. The 2nd Bail and Remand Argumentation Competition, consisting of the Preliminary and Final Rounds, took place on April 8 and 12, 2023. Participants included students from V BA LLB and III LLB.

Teams of two students could participate in the competition. The registration process witnessed high levels of enthusiasm among final-year students. A total of 18 teams, comprising 36 students, successfully registered for the competition. Through a random draw of lots sides for Prosecution and Defense allotted. Each registered team received actual First Information Reports (FIRs) relevant to their cases. These FIRs were distributed 48 hours prior to the Oral Presentations of the Preliminary Rounds i.e., on April 6, 2023.

The competition required participating teams to present oral arguments and submit written submissions based on the provided FIRs. To assist the teams in their preparations, especially since this was their first experience participating in the competition, an orientation session was held on April 6th, 2023. Led by the Organizing Committee and Faculty Coordinator Dr. Nitish Nawsagaray, the session provided participants with guidance on oral presentation techniques and the drafting of written submissions. Sample bail and remand applications were also provided to

enhance their understanding of the requirements. Language options for the presentations included Marathi, Hindi, and English.

The Preliminary Round, held on April 8, 2023, featured the participation of 18 teams. The teams were allocated to two courtrooms, each presided over by two judges. Following the oral submissions, a round of follow-up questions and answers took place between the judges and the opposing side. The preliminary rounds were evaluated by practicing advocates, several of whom were distinguished alumni of ILS. In the 1st Courtroom, Adv. Raghav Puranik and Adv. Rajas Naik served as judges, while Adv. Sumedh Tambe and Adv. Anjali Naik presided over the 2nd Courtroom. The judges provided valuable feedback and suggestions to the participants regarding their presentation methods and arguments, offering insights into the practical workings of bail proceedings in trial courts. Ultimately, only one team from each courtroom, totaling two teams, qualified for the Final Rounds of the Competition.

The highly anticipated Final Round occurred on April 12, 2023. The finalists were provided with a fresh set of FIRs on April 10, 2023, and sides were allocated through a draw of lots. Esteemed judges Adv. Nivrutti Chapke and Adv. Rhishikesh Ganu, who also serves as faculty members specializing in Criminal Law at ILS Law College, presided over the final round. The finalists presented their arguments before an audience of over 200 students from the final year batch of ILS Law College. The final round concluded with the judges providing insights into criminal proceedings and arguments related to bail.

The overall competition was a huge success. With lawyers practicing criminal law as judges, the line of questioning remained quite practical and provided students with an empirical insight into the working of a criminal trial. Where students are already familiar with Moot Courts, this Competition gives exposure to the students in order to understand the practical nuances that are enticed in the criminal law, particularly bail proceedings, in India.

Winners: Varad Partani and Krishna Sadavarte (both V BA LLB)

Runners-up: Nidhi Fadnavis and Manas Pimpalkhare (both V BA LLB)

