

National Conference

On

Evidence Law: Contemporary Development

At

Galgotias University, Campus – I

23rd -24th April (Saturday and Sunday) 2016

Galgotias University Uttar Pradesh



GALGOTIAS
UNIVERSITY

Organised by

**Centre for Criminal Justice Studies
School of Law
Galgotias University**

Evidence Law: Contemporary Development

Evidence law guides the courts in determining facts and attributing liability. The Indian Evidence Act, 1872 is a meticulously drafted colonial statute which has withstood the test of time. It has solved the puzzle of relevancy and admissibility and has guided the courts for more than a century in judicial determinations. Majority of the theories and principles enunciated in the Evidence Act are still material in achieving its objectives, however there are some areas which are seen to be conflicting with the current realities. Three such areas that can be easily identified are the issues of standard of proof, witness protection and use of forensic evidence.

The standard of proof required in criminal cases is proof beyond reasonable doubt, whereas in civil cases are governed by preponderance of probabilities. The protagonists of reforms contend that “proof beyond reasonable doubt” is a vague, unreasonable, unfair, unjust and impractical standard which has done more harm than good to the society. They want that the lower standard of “preponderance of probabilities” should govern criminal cases. The Malimath Committee on Criminal Reforms suggested a mid way between the two criteria and argued for clear and convincing proof. Therefore there is a need to examine the arguments against the higher standard of ‘proof beyond reasonable doubt’ in the context of the new ethos of quest for truth.

Witness is an important constituent of the administration of justice. The witness performs an important public duty of assisting the court in deciding on the guilt or otherwise of the accused in the case. He has no stake in the decision of the criminal court when he is neither the accused nor the victim. However, he sacrifices his time and takes the trouble to travel all the way to the court to give evidence. He submits himself to cross examination and cannot refuse to answer questions on the ground that the answer will criminate him. He will incur the displeasure of persons against whom he gives evidence. He takes all this trouble and risk not for any personal benefit but to advance the cause of justice. Therefore it is equitable that a witness must be treated with great respect and be given due credit. However, unfortunately quite the reverse is happening in the courts. When the witness goes to the court for giving evidence there is hardly any officer of the court who will be there to receive and assist him. He is not adequately compensated for the amount of money he spends for his traveling and staying in the town where the court is located. But most importantly the issue of their and their family member’s safety who face danger at different stages. Therefore, there is an urgent need to reform this aspect of administration of justice in order to improve the plight of witnesses.

Another issue which has assumed great significance is the use of forensic science during investigation. The standard of police investigation in India remains poor and there is considerable room for improvement. It is widely felt that if scientific aids to investigation are

optimally utilized then the standard of investigation will improve drastically. The standard practice in most of the advanced countries is to provide scientific hands to the investigating officers, variously designated as 'Field Criminalists', 'Scene of Crime Officers' (SOCO), Police Scientists etc. The success of criminal justice administration in these countries is greatly attributed to these officers. The present level of application of forensic science in crime investigation in India is quite low, with only 5-6% of the registered crime cases being referred to the FSLs and Finger Print Bureau put together. Therefore, there is urgent need to bring about quantum improvement in the situation, more so when the conviction rate is consistently falling over the years in the country and the forensic evidence, being clinching in nature, can reverse the trend to some extent.

Yet another aspect is the belief that the Evidence Act being a pre-independence enactment is marred by colonial shadows. The issue pertaining to legitimacy and paternity needs to be revisited in view of the scientific advancements. Further, there is a need to relook at police confessions from the stand point of efficiency of criminal justice system. Most importantly there is an urgent need to interpret the humane dimensions under the Indian Evidence Act, 1872.

The conference will have four technical sessions devoted to discuss each of the issue in great depth.

Technical Session: 1 – *Colonial shadows under Indian Evidence Act* (legitimacy and paternity jurisdiction, judicial notice, confessions, Human Rights aspects under Evidence Act)

Technical Session: 2 – *standard of proof* (Relevancy, Admissibility, proof beyond reasonable doubt/ clear and convincing proof, The Exclusionary Principle).

Technical Session: 3 – *Witness* (Witness protection, hostile witness)

Technical Session: 4 – *Forensic Evidence* (scientific evidence, police reform, instrumentation)

Themes & Sub Themes:

- 1. Colonial shadows under Indian Evidence Act**
 - a) Legitimacy and Paternity jurisdiction,
 - b) Judicial notice,
 - c) Confessions to police,
 - d) Human Rights aspects under Evidence Act
- 2. Standard of proof**
 - a) Relevancy & Admissibility,

- b) Proof beyond reasonable doubt - Clear and convincing proof,
- c) The Exclusionary Principle

3. ***Witness***

- a) Witness Protection Scheme
- b) Hostile witness
- c) Perjury

4. **Forensic Evidence**

- a) Scientific evidence,
- b) Police reform,
- c) Instrumentation & Field Criminalists

Galgotias University and School of Law

Galgotias University's mission is to graduate socially responsible future technologists and business leaders with good communications skills, problem solving skills and an entrepreneurial spirit with a commitment to economic development. With a strong multidisciplinary knowledge base, graduates of GU will be well prepared to succeed in an increasingly competitive global economy.

With a focus on multidisciplinary research and education and a learning model that emphasizes active learning, GU aspires to be globally known for innovation at the intersection of disciplines. GU's bold vision builds upon over a decade of excellence of Galgotias Institutions in engineering and business education. Galgotias Institutions have been nationally ranked by India Today, Business Today and Outlook for their programs in engineering. Galgotias Business School was recently recognized by Dun and Bradstreet as a leading business school in India. With a 100% placement record for the last four years supported by multinational firms like Accenture, Hewitt, IBM, Infosys, Nokia, and Samsung, Galgotias Institutions have earned the respect of top performers in the industry.

SCHOOL OF LAW

The Law School at Galgotias University was established in the year 2011 and it aims to provide Inter-disciplinary teaching and research opportunities. The Law school offers undergraduate, postgraduate and doctoral programs in the field of law. In a very short span of time the law School has taken significant steps in providing world class education and creating knowledge.

Law school library is rich with thousands of books, journals and other reference materials. It also has access to various online Legal databases. Classrooms are well equipped with LCD projectors and other IT tools for education. A spacious auditorium serves the need for various seminars, conferences and other events. School of law adds practical element to the classic subjects thereby making the course more relevant and useful. The students are prepared for practice of law through Clinical Legal Education programmes thereby producing competent and socially responsible lawyers.

School of Law offers Three Year LL.B. (Hons.) Programme, Five Year B.A. LL.B. (Hons.) Programme, Five Year BB.A. LL.B. (Hons.) Programme, One Year LL.M. Degree Programme & Doctor of Philosophy (PhD) in Law and admission is taken through a rigorous selection process.

Centre for Criminal Justice Studies

The Centre for Criminal Justice Studies (CCJS) was established in the year 2013 to pursue research in Criminal Justice and Criminological issues. It is an interdisciplinary research centre which fosters an active and flourishing academic environment for teaching and research. The Centre has been instituted to undertake internally generated research as well as research projects supported by external academic funding bodies.

The Centre has an advisory board with members drawn from academia, bench, bar and members drawn from key senior positions within criminal justice research users. The Ph.D. and LL.M. students specializing in Criminal Law are also registered with the Centre to facilitate academic research.

The Centre's research emphasizes on challenges being faced by the policy makers, criminal justice practitioners, and the society and the output primarily is in the form of academic and scholarly publications.

Call for Papers: Research Papers/Articles and Case Studies from academicians, research scholars and students are invited for presentation in the National Conference. The abstract should be submitted first along with the Registration Form. It will go through a peer review process to determine suitability and inclusion in the Conference.

There shall be an award for best paper under each of the themes.

Registration Fee: Registration fee is payable by each of the authors of the papers individually and separately in cash or DD, as per due dates.

The Registration fee for paper presentations will be Rs.1000/- for academicians and research scholars and Rs.500/- for students pursuing 5year/3year Law Degree and LLM program.

Important Dates:

1. Last date for Abstract Submission	:	27/02/2016
2. Notification of paper selection	:	05/03/2016
3. Last date for submission of Final Paper & Registration Fee	:	02/04/2016
4. Conference	:	23-24/04/2016

Guidelines for Abstract Submission:

- Abstract submission via email to : **events.sol@galgotiasuniversity.edu.in**
- Title of the paper, Name of the author, University/Institution/Organization, Email Address, Mobile Number etc. to be stated clearly on the cover page of the abstract.
- The abstracts should not exceed 200-300 words, and should contain the basic outlines of the central argument(s) of the paper.
- Microsoft Word Document Format only.
- The Editorial Committee of the Conference will review the abstracts.
- Notifications of acceptance status will be sent by email.

Guidelines for Paper Submissions:

- Full paper submission via email to: **events.sol@galgotiasuniversity.edu.in**
- Cover Page: Authors shall mention their names, contact details and affiliations on the cover page of the manuscript.

- English: British spellings and punctuation conventions.
- Font Size and Style: Times New Roman, 12 point, for the main text and 10 point for footnotes.
- Headings: The headings should be used as per the following style:
 - First heading: 12pt, bold, centre
 - Second heading: 12pt, bold, left-aligned
 - Third heading: 12pt, italics, left-aligned
- Length: Articles should generally be between 8,000 and 10,000 words (including footnotes.)
- Line Spacing: The line spacing of main text of paper should be 1.5.
- References: Footnotes should be used and not endnotes.
- Footnoting Style for Books and Articles:
 - Books: Name of the author, Title of the book (in italics), Edition (if any), Name of the Publisher, Place of publication, Year, Page no.
 - Articles: Name of the author, Title (in double quotes), Name of the journal, Volume Year, Page No. otherwise the mode of citation provided in the journal itself).
- Review Process: The Editorial Board will review all papers.
- **ALL THE SELECTED PAPERS WILL BE PUBLISHED IN JOURNAL BEARING PROPER ISSN/ISBN NUMBER SUBJECT TO TIMELY SUBMISSION OF FINAL PAPER AND PAYMENT OF REGISTRATION FEES.**

National Conference
On
Evidence Law: Contemporary Development
At
Galgotias University, Campus – I
23rd – 24th April 2016

REGISTRATION FORM

(Please fill separate forms for co-authors/co-presenters)

NAME: Prof./ Dr./ Mr./ Ms

DESIGNATION:.....

NAME OF INSTITUTION/ UNIVERSITY:.....

.....

ADDRESS:

.....

.....

CONTACT NUMBER:.....

E-MAIL:.....

TITLE OF THE PAPER:.....

.....

REGISTRATION FEE (Rs. 1000 / Rs. 500) TO BE PAID IN CASH OR DD AS PER DUE DATE.

Date:

Place:

Signature

ORGANISING COMMITTEE

1. Prof. Dr. Rhishikesh Dave, *Dean, HoD*
Organising Chairperson

Mr. Utkarsh Yadav
Assistant Professor
Organising Secretary

Mr. Victor Nayak
Assistant Professor
Organising Secretary

Mr. Anindhya Tiwari
Assistant Professor
Organising Secretary

CONTACT DETAILS

Mr. Utkarsh Yadav
Assistant Professor
School of Law
Galgotias University
Ph: +91- 98990-93310
utkarsh.yadav@galgotiasuniversity.edu.in

Mr. Victor Nayak
Assistant Professor
School of Law
Galgotias University
Ph: +91-97125-84679
victor.nayak@galgotiasuniversity.edu.in

Mr. Anindhya Tiwari
Assistant Professor
School of Law
Galgotias University
Ph: +91-96801-30090
anindhya.tiwari@galgotiasuniversity.edu.in