



**NATIONAL SEMINAR  
ON  
“JUSTICE DISPENSING MACHINERY  
AND  
HOSTILE WITNESS”**

**BEING ORGANIZED BY:  
IMS LAW COLLEGE, NOIDA**

**ON**

**11<sup>TH</sup> NOVEMBER-2019 AT 11:00 AM TO 4:00 PM**

**VENUE:**

**THE SEMINAR HALL, IMS CAMPUS,  
A-8B, SECTOR-62, NOIDA, 201301  
UTTAR PRADESH,**

## **ABOUT THE IMS LAW COLLEGE**

The IMS Law College, Noida was established under the aegis of the IMS Society, a non-profit making NGO, constituted in 1996, by a group of leading academicians and corporate visionaries. Currently more than 10000 students are receiving professional education from about more than two hundred distinguished faculty members. The IMS is spread over 72 acres of land in a campus located at Delhi- NCR.

IMS Noida is a premier institute known for its academic excellence and value-based education. It caters to both fresh graduates seeking world-class education and also to those who are already employed and want to enhance their managerial skills. IMS has collaboration with several institutions overseas and within India. It seeks to imbibe a global mindset in its students. Also there is a strong focus on research. The IMS encourages its faculty members and students for original and empirical consultancy projects with corporates situated in the heart of Noida city. Within a sprawling campus, it is a universe in itself. However, in contrast to its surroundings, IMS is alive with activities, ideas and ambitions. State-of-the-art infrastructure facilities at IMS render an atmosphere that is conducive for learning and development. Situated at the institutional area in Sector-62 of the Electronic City of Noida, the Institute provides its students the best of the facilities to develop their management skills & personality. Institute of Management Studies, Noida, a premiere Institution with exceptional worldwide linkage, strives at the holistic formation of world class leaders with unmatched professional competence and strong ethical perspective. IMS endeavours to contribute to the sustained development and inclusive growth of the nation and the world at large by forming men and women imbued with a spirit of innovation and entrepreneurship.

IMS Law College was set up in 2004 and it is first college in Noida to start B.A. LL. B 5 Years integrated course. The Big Brands Research Academy conferred it the Best Law College in Delhi-NCR. The College is approved by Bar Council of India, recognized by University Grant Commission (UGC) and affiliated to the Chaudhary Charan Singh University Meerut. Its ranking is among the top ten colleges in India.

The College provides academic excellence, opportunity and connections combine dynamically to help the students to discover their potential and succeed in today's global business scenario.

## **OUR MISSION**

To provide a unique contextual design curriculum, emphasizing creativity, innovation, curiosity and exchange of ideas, through diverse achievable plans, projects and strategies; simultaneously identifying and developing each student's personal style and strength.

## **OUR VISION**

To enable students to explore, discover and develop their individual creative potential in order to respond to the challenges of sustainable and socially responsible design thinking.





**Mr. Rajeev Kumar Gupta**  
**President**

### **MESSAGE from PRESIDENT'S DESK**

IMS Law College is ranked and counted amongst the top ten Law Colleges in India. It has consistently endeavoured to provide high quality education to young law aspirants looking for quality education in Law in India as well as contributing to society by way of publications based on research and consultancy to the industry as well as the community at large. Sincere efforts on the part of institution has been recognized and acknowledged by the various survey agencies which have evaluated its consistent growth and put it on the high scale. The IMS Law College has been continually evolving by pursuing and inculcating several innovative ways of teaching, learning, and experience sharing by demonstrating accomplishment of time – bound mission oriented goals. This has been made possible by creating an intellectual capital of in-house human resources of highly qualified and experienced faculty, state –of- the- art infrastructure, modernized computer lab with Wi-Fi and sprawling central library for continuous innovations. It is the only Institute in India where we teach how to be fully equipped for uncertain “Next”. The transformation is underway at the College where the focus is on “Delivering Next” to prepare students to be ready for the court and industry and to learn not only about the past but also about the shape of things emerging in future. With the help of the world renowned professors, IMS Law College is radically offering value added course as per the demand of State-of -the -art infrastructure, teaching methods as industry and legal domain to meet challenge of “Delivering Next”. In its endeavours it's now organizing a national seminar to invite the scholars and

intellectual think tanks to deliberate upon the very relevant theme “Justice Dispensing Machinery and Hostile Witness”. I wish all the best for the conveners.



#### **MESSAGE FROM CMD’S DESK**

**Ms. Shilpi Gupta, CMD**

Welcome to the National Seminar Program! on behalf of the seminar conveners. I hope that the event will be interesting, insightful and richly informative. The Program is structured to provide a broad range of information across the array of spectrum. The focus is on practical explanation and pragmatic application of the topic “The Justice Dispensing Machinery and Hostile Witness”.

It is designed as a springboard for the ensuing international conference 2020. It is aimed at providing a background to allow attendees to better assimilate and evaluate the advanced papers, which are the thrust of this Program.



#### **MESSAGE FROM SENIOR DIRECTOR 'S DESK:**

**Dr. Kulneet Suri , Sr. Director**

IMS Noida is a premier institute known for its academic excellence and value based education. IMS has collaboration with several institutions overseas. It seeks to inculcate an international

thought process among its students. It pays special attention on research aspects of any issue. IMS is alive with different activities, ambitions and views. IMS endeavours to contribute to the sustained development and inclusive growth of the nation and the world. On the line of its global development and growth it pays more attention towards research, deliberations and seminars. Seminars and workshops are necessary for the development of any institution. In its these endeavours it has organized a national seminar to invite scholars, topic experts and paper presenters. The topic for the seminar "The Justice Dispensing Machinery and Hostile witness" is very relevant in the present perspectives. I hope that this seminar would be very fruitful and knowledge contributing for the students, participants and paper presenters. I wish all the best to them.



**Message from the Desk of Dean, IMS Law College**

**Professor (Dr.) K.S.Bhati**

The IMS Law College is well known for its extraordinary faculty with all the well deserved accomplishments and accolades. It is their deep commitment to intellectual inquiry in law that sets them apart. When one comes to study at the IMS Law College, he will join a small and diverse students' body that is deeply committed to studying law, developing life - long friendships and creating the involvement of our students in various activities by which they learn about career opportunities to serve the public, to debate and discuss the most important topics of the day , and , of course fun . I am impressed by our students' intellect and commitment and by how seriously they take both their participation in the life of the IMS Law College and professional development.

I am proud to serve as Dean of IMS Law College . IMS Law College has a strong and longstanding commitment to prepare students to become excellent, engaged attorneys, ready to represent their clients and serve the society. We provide students with hands - on learning throughout their legal education. We integrate career and professionalism skills needed to succeed in the courts. We embrace the challenges presented today by giving every student

international perspective on the pressing legal issues facing us all. In short, we educate the complete lawyer.

Debate and deliberation require open discussion and IMS Law College has repeatedly reaffirmed its commitment to freedom of expression. It is a place where conversations between people with different views often yield the most valuable insights and the closest friendships. In fact, the IMS Law College is a place that is serious about ideas. We continuously challenge and test ideas in our hallway conversations. A diversity of perspectives strengthens intellectual inquiry of this sort and we welcome students and faculties of diverse backgrounds and experiences.



#### **Message from the Desk of Dean Academics**

#### **Professor (Dr.) Manju Gupta, Dean Academics**

I personally recognize and acknowledge the need of organizing national seminars on the topics of national relevance which are expedient for enhancing the practical knowledge of the students. By interacting with technical experts of the topic of particular subject the students will do better not only in their Academics but also they will be able to establish themselves in the fields they have chosen. IMS Noida is best place for the students for their consistent and complete growth in their Academics and I hope that this seminar will be beneficial for them. I welcome all the students, participants and paper presenters of this national seminar. I am positive and expect that this seminar would be richly informative and insightful for the students of IMS Law College. The topic "The Justice Dispensing Machinery and Hostile Witness" is very current issue in the present scenario and various aspects of it must be dealt with in details by way of different deliberations and seminars. I wish all the best to the students, participants and paper presenters of this seminar.



#### **MESSAGE FROM THE DESK OF DEAN: IT DEPT.**

##### **Professor (Dr.) Ajay Gupta**

Research and development are very important for the growth of any institution. Seminars, workshops and deliberations are the parts and parcels of research and development. Relying on this thought IMS Law College has called for a national seminar on a very important and practical topic " The Justice Dispensing Machinery and Hostile Witness " on 11th November, 2019. I hope that this national seminar would be advantageous for the students of the IMS Law College in their Academics and careers. I wish all the best to all the students, participants and paper presenters.

#### **ABOUT THE SEMINAR: CONCEPTUAL NOTE**

Witnesses are the foundation of well-functioning criminal justice system as they act as an indispensable aid to justice delivery system. They assist the court in determining the guilt of the accused. But, the problem of witnesses turning hostile has become menace as it is the main cause of high acquittal rate of criminals involved in heinous crimes. A witness is said to be hostile when a party calls a witness to depose in its own favor, instead the witness be against the party calling him. This situation arises in many of the cases where witnesses do not give answers in favor of the party calling the person as a witness.

The role of witness is paramount in the Cardinal Justice System of any country. By deposing in a case, they assist the court in discovering the truth. But the witnesses turning hostile is a common thing happening in the criminal justice system. The whole case of the prosecution can fall on a false statement of the witness. The result is that more and more citizens are losing faith in the effectiveness of the judicial system in providing justice to the victims. As long as the witness

continue to go hostile and do not make truthful depositions in court justice will always suffer and people's faith in efficacy and credibility of judicial process will continue to be eroded and shattered. According to Bentham "witnesses are the eyes and ears of justice".

In a democratic set up witness has an important role to procure the rule of law among the citizens who are losing faith in the judicial system while resolving their disputes in the court of law. They are made remediless. They would resort to extra constitutional or extralegal measures which will affect the very basis of democracy, the rule of law. The concept of hostile witness is only in the writing form. There is no more implementation of laws relating to the hostile witness. The provisions regarding the hostile witness were under cloud. In the words of Justice Wadhwa, "A criminal case is built on the edifice of evidence which is admissible in law. For that witnesses are required to be classified into direct evidence or circumstantial evidence".

Witnesses are the key to a case. But what happens when these witnesses turn hostile or retract from their statements. Hence, the importance and primacy of the quality of trial process is disturbed / lessened if the witness himself is incapacitated from acting as eyes and ears of justice. The trial gets paralyzed and it no longer can constitute a fair trial. There are several reasons for turning a witness hostile. On the bases of experiences of the courts the reasons for turning hostile of witnesses could be threats, coercion, lures and Monterey considerations at the instances of the henchmen and hirelings political clouts and other corrupt practices. "Hostile witness" is more than just a concept in the Indian Criminal Justice System. It has again come back to picture with Jessica Lal Murder Case. Not many years have passed when key witness in the Best Bakery Case turned hostile. The retraction in statement acquitted twenty accused persons. The collapse in the sensational riot case showed the need to vest more powers in the trial court to protect witness and take action against those threatening witnesses.

In this background the topic "Justice Dispensing Machinery and the Hostile Witness" acquires increased importance and assumes potential significance. The seminar intends to prove ideal platform for dissemination knowledge, exchange of best practices, group-work, theoretical inputs, create awareness and encourage research in various fields pertaining to "Justice Dispensing Machinery and the Hostile Witness". The seminar will witness dialogue among legal and social – legal experts.

## **AIM OF THE SEMINAR**

The seminar aims at creating awareness about the wide spread issue of Hostile witness. It will provide a platform to students, scholars and faculty members of law fraternity to share their views on the topic and to learn from each other. We seek to learn from the knowledge and experience of the experts & participants.

## **OBJECTIVES OF THE SEMINAR:**

- ❖ To promote the importance of law of evidence and evidence of hostile witness in particular.
- ❖ To provide platform for a verified dialogue to various experts.
- ❖ To study and analyze the role of various witnesses in dispensation of justice.
- ❖ To sensitize the participant and to make them aware about the challenges faced by the society on being of a witness hostile.
- ❖ To identify the possible area & scope of law of evidence when a witness becomes hostile.
- ❖ To propose suggestions and recommendation and to evaluate the value of the evidence of the hostile witness.

## **SUB-THEMES**

- ❖ Hostile witnesses and efficacy of law
- ❖ Hostile witnesses : meaning and analysis of the term hostile witnesses
- ❖ Principle and scope of sec 154 of the Law of Evidence.
- ❖ Modes of impeaching one's own witness.
- ❖ Protection of witness.
- ❖ Cross examination of hostile witness.
- ❖ Value of testimony of hostile witness.
- ❖ Sec 154 and its amendment in 2005.
- ❖ The court's discretion to grant permission for cross-examination.
- ❖ Hostile witness and the relevancy of facts.
- ❖ Jessica Lal Murder Case and hostile witness.
- ❖ Hostile witness and section 161 & 162 of Criminal Procedure Code.

- ❖ Hostile witness and sec 311 of Cr.P.C, hostile witness and sec 145 of Evidence Act.
- ❖ Sec164(5) of Cr.P.C. and hostile witness .
- ❖ Prof. Sabharwal's Case and hostile witness.
- ❖ Hostile witness: Judicial remedy.
- ❖ Victim's rights, hostile witness, and Penal Provision for him.
- ❖ The evidential value of statements recorded under section 164 and hostile witness .
- ❖ Importance of elements responsible for turning a witness hostile.
- ❖ Hostile witness: protection under constitutional provisions.

### **SUBMISSION GUIDELINES**

The submissions shall consist of an Abstract followed by objectives of the paper, explanation of legal provision, case laws related to the topic, empirical analysis, finding analysis which will be subject to anti-plagiarism check.

### **SUBMISSION FORMAT FOR PAPERS**

Participants are requested to adhere strictly to following guidelines.

- ❖ The length of the abstract should not be more than 250 words and research paper should not exceed to 3000 words.
- ❖ The cover page of manuscript must contain the title of the paper, author's name and designation, name of the institution, email id., full address and contact number
- ❖ Co-authorship of maximum 2 authors per paper is allowed, however registration has to be done individually
- ❖ Abstract along with the full paper shall be reviewed by the panel of experts.
- ❖ The paper should follow the format of font type- Times New Roman, Font size-12, ILI Rules for footnoting.
- ❖ Submission should be sent by email to:
- ❖ Abstract or paper may be sent on the following mail ID.
  1. [Viklap.shrivastava@imsnoida.com](mailto:Viklap.shrivastava@imsnoida.com)
  2. [rkdevadvocate@gmail.com](mailto:rkdevadvocate@gmail.com)

## MODE OF PRESENTATION

- ❖ Participant/ Presenter can express his ideas or presentation on the concerned topic without sending abstract or paper.
- ❖ Participant can present his ideas on the topic extempore or with the help of note prepared by him but plain reading of paper is not allowed.
- ❖ Paper presentation certificate will be issued to all paper presenters.
- ❖ Participant certificate will be issued to all participants
- ❖ Seminar managing certificate will be issued to seminar managing team.

## REGISTRATION FEES

- a) Law Students : Rs. 300/-
- b) Research scholars :Rs. 400/-
- c) Faculty member and professionals :Rs. 500/-
- d) Registration fee shall be payable through Google Pay, PhonePe or Paytm on the following number: +91-9807943321.
- e) Please note that it is mandatory to provide the Transaction ID of the payment in the Google Form (in case of Speakers).
- f) Google Form link: <https://forms.gle/sDRtfzVVjC3G8LEH6/>

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Ms. Shilpi Gupta, CMD, IMS Noida.

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Mr. Vibhor Sachan

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Ms. Vaishali Dhankar

Mr. Devesh Jain

## IMPORTANT DATES

Last date of submission of abstract - 05 November- 2019

Last date of submission of full paper- 08 November- 2019

Confirmation of acceptance of the paper- 09 November 2019

## VENUE:

The National Seminar on 'Justice Dispensing Machinery And Hostile Witness' will be conducted in The **Seminar Hall of IMS Law College, Noida.**

**Date and Time of Seminar: 11<sup>th</sup> November 2019 at 11:00 a.m. to 4:00 p.m.**

## ELIGIBILITY

- All law colleges/institutions/universities across the country recognized by the Bar Council of India are eligible to take part in the National Seminar.
- The Seminar is open to all students, research scholars, teachers and professionals of Law Colleges/ Universities.

## SPEAKERS:

- Each speaker will be given 3 minutes to speak.

- Reporting Time: 10:00 AM., 11<sup>th</sup> November 2019.
- Selection will be done on the first-come-first serve basis.

#### **CONTACT FOR DETAILS**

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Mr. Nayan Nischal- 9113721115

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