

Wrongful Prosecution: Rights, Protection and Assistance

Conference Details:

The Fundamental Right to have free access to the court of justice for redressing wrongs is central to Indian criminal judicial system. However, a competing interest also exists in freedom from the burdens of unjustifiable legal actions. The Criminal Justice Procedure in India guided by three statutes-specifically, the Indian Penal Code Act, 1860, the Code of Criminal Procedure Act, 1973 and Indian Evidence Act, 1872 has considerably failed to protect adequately the right of people from wrongful prosecution. The law which on one hand ensures fair and unbiased justice to the complainant, who seeks help of the courts, also on the other hand, should remedy and deter wrongful legal actions that are frivolous and used in an improper manner.

Wrongful prosecution may be malicious prosecution, which connotes taking a person to court on false charges with ill intention. It also may imply undeserved prosecution of an innocent person owing to number of legal complexities, explanations of which are yet to be explored. In most cases, a person is falsely charged with a crime leading to lawsuits that are without merit. Taking false legal action through the courts to harass, embarrass or cost someone money is also sometimes known as engaging in vexatious litigation.

The injustice resulting from wrongful prosecution has grave repercussions. Victims of frivolous lawsuit or a vindictively-filed criminal charge, after being acquitted over years of hardship, are subjected to stigmatization by the society. Economical and financial loss, loss to reputation and the psychological abuse faced by the person is unavoidable.

Being falsely accused of a crime in the public arena of the courts results in irreparable damages, even if the person is ultimately acquitted. The dignity of those acquitted must be restored. Thus, it is imperative that the harm inflicted on them must be redressed within the framework of rights rather than charity.

Wrongful prosecution has given rise to "secondary victimization" in its vexatious process. Here it becomes critical to explore the reasons and issues emerging from such prosecution. The rights of the victims of wrongful prosecution needs to be recognized. The legal protection and assistance that can be provided to them needs to be strengthened. Finally, the loopholes and dilemmas in the statutes that furnish unintended support to this process needs to be studied.



Wrongful Prosecution: Rights, Protection and Assistance

7th October, 2017

Organized by

**K.L. Arora Chair in Criminal Law
&
Centre for Criminology & Victimology**

**National Law University Delhi
Sector - 14, Dwarka,
New Delhi – 110078**

Wrongful Prosecution: Rights, Protection and Assistance

Themes

1. Issues emerging from wrongful prosecution viz. reasons, social condemnation, misuse of power at the hands of investigative and prosecutorial authorities etc.
2. Victimization of wrongful prosecution- A critical analysis of their rights, legal protection and assistance.
3. The Compensatory mechanism for the acquitted victims of wrongful prosecution.
4. Legal Reforms-the way ahead.

Please note that this list is not meant to be exhaustive; we hope to receive abstracts related to the conference's central proposition even if the topic was not specifically listed here.

Call for Abstract

The Seminar will be graced by dignitaries and academicians, who have expertise in the given field. The speakers and panelists will focus on the flaws and complexities in the criminal prosecutorial system. The emphasis would be to explore, conceptualize and strengthen the rights, the legal protection and assistance that can be provided to the wrongfully prosecuted.

The Seminar is also open for paper presentations. Teachers, research scholars, lawyers, undergraduate and postgraduate students of law, are invited to participate in the Seminar. Up to 25 presenters may present their papers during the conference.

We seek proposals that offer in depth study of the problem and offer a critical analysis of the same. The paper should also explore the alternatives and suggestions to improvise the prosecutorial process.

The abstract should be in 500-700 words, summarizing the issue that will be addressed. Submissions must be word-processed and in Times New Roman font (the main text should be in font size 12 and footnotes in font size 10) with double spacing. All paragraphs must begin with a one-inch indent, and a one-line gap must be maintained between all paragraphs and headings. For footnotes, Harvard Blue Book (19th edition) citation style must be followed. Co-authorship is limited up to two authors. In case of co-authorship, each author will have to register separately in the event of participation in the conference.

The Centres decision on selection of papers shall be final and binding.

Best 3 papers would be suitably rewarded.

Deadlines for Submissions:

Those who are interested in presenting a paper on any of the themes mentioned above must send an abstract of 500-700 words, on or **before 16th September 2017** on the given email address. Selection of abstract will be informed within a week after submission on the university website. Those selected would be required to send a full-length paper of **5000 - 7000 words by 30th September 2017**.

No paper presentation will be allowed unless full paper is submitted by or before the last date. Please note that each presentation will be limited to 15 minutes.

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Registration:

If you are interested in participating, please send the abstract of the paper along with the registration form given below. The registration fee for teachers/senior researchers/lawyers is **Rs 1000/-** and for students (under-graduates and post-graduates) is **Rs 500/**.

Registration fee may be deposited through online payment.

Online Payment: Participants should pay the registration fee through the link mentioned below.

LINK:-

<https://www.digialm.com//EForms/configuredHtml/511/50084/application.html>

Note: Registration fee shall not be refunded in the event of non-selection of paper. However candidate may participate in the event. Apart from paper presentation all the sessions would be open for all registered candidates and participation certificates would be given for the same. Registration form and receipt of online payment should be emailed at intworkshop@nludelhi.ac.in

For query please contact at the above email address:

Conference Coordinators:

Mr. Sidharth Dahiya - 7838782877

Ms. Pratibha Tandon

Conference Director:

Prof. (Dr.) G.S.Bajpai

Registrar

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