



CRIMEAN'18

CRIMINAL LAW CONCLAVE

**LEGISLATIVE DRAFTING
COMPETITION**

ABOUT CRIMEAN

As the country has witnessed major paradigm shifts in various domains of criminal law in the recent times, Amity Law School, Noida has taken the initiative to organize this one of its kind conclave to foster intellectual curiosity among young minds about the ever-evolving nature of the crime and criminal law. The Conclave provides a unique opportunity to law students all over the country to exhibit and cultivate their interests in criminal law by participating in diverse kinds of competitions like legal quiz, debate, legislative drafting and essay writing, which are being organized as part of this event. In addition to this, we endeavour to contribute to the positive development of criminal law regime by organizing a 'Panel Discussion', where renowned experts, politicians and industrialists would come together to have a conducive discussion over some of the most important contemporary issues related to the functioning of the criminal justice system in India.

CONCEPT NOTE

German Jurist, Rudolf Von Ihering, once remarked that 'punishment is a means to social end.' This perception, which was quite prevalent in 19th Century and for a major part of 20th Century, has changed radically over the past few decades after advent of human rights movement and drastic structural transformation of law and society from 'group-centered' to 'individual-centered'. It wouldn't be wrong to say that modern penology has evolved significantly and the focus of punishment in all major jurisdictions has shifted from 'being a means for retribution for the crime' to 'being a precursor to rehabilitation of the criminal'. This is the reason why recently popularized theory of 'restorative justice' is currently in its heyday. It is being hailed by academicians and jurists alike as a unique approach which allows justice to be pursued in a continuous manner for the welfare of the society at large rather than being a single retributive act that virtually adds no value to the society. These paradigm shifts in penal philosophy have fostered reforms in penal regimes of many modern states like United States, where novel practices like community service, electronic monitoring, intermittent confinement etc. are being adopted to prevent recidivism.

Despite this apparent departure from conventional wisdom in the recent times, there are certain crimes like terrorism, rape, treason etc. whose gravity and overall impact on society is of such magnitude that deterrent and retributive measures are still preferred over restorative or

rehabilitative ones. Promulgation of Criminal Law (Amendment) Ordinance, 2018, which makes rape or gang-rape of a minor girl below the age of 12 punishable by death, is an apt example of how society at large views retribution for heinous crimes like ‘rape of a child’ as far more important than rehabilitation and reintegration of the offender. Another example of this would be the retention of death penalty as punishment for persons involved in ‘terrorism related offenses and waging war’, as recommended by Law Commission of India in its 262nd Report on ‘The Death Penalty’.

This juxtaposition between benefits of adopting ‘criminal-oriented’ approaches viz. ‘restorative justice’ and drawbacks of completely eradicating ‘crime-oriented’ approaches viz. ‘deterrence’, ‘retribution’, ‘just-deserts’ etc. indicate that in order to have an ideal penal system in place, it is essential to strike a balance between both of these approaches from time to time as per the needs of society.

Looking at the Indian penal system, there is much that needs to be changed. In words of Fali S. Nariman, ‘with regard to punishment, our criminal laws are outdated; not in tune with the times.’ The forms of punishment as prescribed under (one and a half century old) Indian Penal Code, 1860 require a hard-relook. The failure of existing penal laws is apparent from alarming rates of overcrowding in prisons, high rates of recidivism, increasing costs of maintenance of prisons, disparity in sentencing, among other things. Infrastructural improvements or management reforms in prisons alone are not enough to solve the problem. There is need to bring major reforms in the prevailing limited forms of punishments and further, there is need to develop a uniform sentencing policy to guide trial courts in sentencing.

In this context, we call the participants to:

‘Draft a bill to reform the extant punishment regime in India to better cope with the ever-changing nature of crime.’

ELIGIBILITY

- This Competition is open to students (undergraduate/post-graduate) from all colleges in India duly recognized by UGC.
- Multiple teams from one institute are permitted.
- A team shall not have more than two members.

FORMAT OF SUBMISSION

- The language for the competition will be strictly English.
- The font used must be Times New Roman, size 12, double line spacing, One-inch margin on each side typed on A4 sized paper.
- The font Type and Size of footnotes must be Times New Roman, Size 10, single line spacing and a uniform method of citation should be followed.
- The length of the bill should not exceed 35 pages.
- The cover page of the submission should include the Long Title of the bill along with the name of the Author(s), name of the institution, address, e-mail ID and contact number.

Format of draft legislation:

- The Long Title
- The Preamble
- The Enacting Clause
- The Short Title
- Extent and Commencement Clause
- Definitions
- The Operative Section
- Exceptions and Exemptions Clause (if any)
- Procedural Provisions
- Provisions regarding Delegated Legislation (if any)

The draft bill shall be succeeded by a ‘Statement of Object and Reasons’ (maximum 2 pages)

SUBMISSION GUIDELINES AND GENERAL RULES

- All Teams must send electronic copies of their legislative draft in “.docx” (Microsoft Word) and “.pdf” formats and such files shall be compatible with latest versions of Microsoft Office and Adobe Acrobat Reader.
- Files shall be mailed to **crimean.legislative@gmail.com**

- To ensure anonymity, such files shall be named according to the team code and the “subject” of the submission email should clearly state the unique team code.
- All submissions will undergo strict online plagiarism checks. Any Submission found to be plagiarized will be disqualified.
- Any violation of rules regarding anonymity and plagiarism shall result in direct disqualification.
- In case of any dispute, the decision of the Organizing Committee will be final.

PRIZES

- First Prize - Cash Prize of Rs. 10,000/- and Certificates.
- Second Prize - Cash Prize of Rs. 7,000/- and Certificates.
- Third Prize - Cash Prize of Rs. 5,000/- and Certificates.
- The 4th and 5th position-holders would be given ‘Certificate of Merit’.

IMPORTANT DATES

| Date | Event |
|-----------------------------------|---------------------------|
| 15.08.2018 | Last Date of Registration |
| 21.08.2018 | Last Date of Submission |
| 1 st week of September | Announcement of Results |

REGISTRATION

Registration fees is Rs. 2000 per submission.

For Online Registration, <https://goo.gl/forms/MFifNQ1i39oph6p23> .

In case participant(s) wish to register offline, the registration fees, along with accommodation charges i.e. Rs. 400 per person (if applicable), must be sent via demand draft in favour of “Amity University, Uttar Pradesh, payable at Noida”. A soft copy of demand draft, as well as Name of

the Institution, Course and Contact Number(s), is to be sent through e-mail at **crimean.legislative@gmail.com** to us latest by **15th August 2018**.

For any further enquiries and clarifications, contact:

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