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Workshop on Conducting Inquiries by Special Executive Magistrates (SEMs) under Cr.P.C.

Participants: Special Executive Magistrate

Reading Material
19th- 20th November 2019

A. RELEVANT STATUTES REFERRED

S. No.	Title
1.	Constitution of India, 1950
2.	Code of Criminal Procedure, 1973
3.	Delhi Police Act, 1978
4.	Legal Services Authorities Act, 1987
5.	Indian Evidence Act, 1872
6.	Indian Penal Code, 1860
7.	Prisons Act, 1894
8.	Protection of Human Rights Act, 1993

B. GOVERNMENT SCHEME

S. No.	Title
1.	Bail/ Remand Lawyer's Scheme – Rajasthan Legal Services Authority

C. GUIDELINES/HANDBOOKS

S. No.	Title
1.	Handbook on Training of Executive Magistrates by Administrative Training Institute, Govt. of West Bengal
2.	NHRC Guidelines on Polygraph Tests and Arrests
3.	Reading in Law, Vol. 1 & 2, Faculty of Law, Lal Bahadur Shastri National Academy of Administration (2000-2002)
4.	Dr. Deepak Sanyal, Maintenance of Public Law and Order, NHRC Human Rights Manual for District Magistrates (Pg. 19-72)
5.	NHRC Guidelines for Police Personnel on Various Human Rights Issues, 2010

D. REPORTS

S. No.	Title	Author	Source
	Law Commission of India Reports		
1.	177 th Law Commission of India Report on Laws of Arrest, 2001	Law Commission of India	http://lawcommissionofindia.nic.in/reports/177rptpl.pdf
	Other Reports		
1.	Expert Committee Report on Legal Aid, 1973	J. Krishna Iyer	http://reports.mca.gov.in/Reports/15-Iyer%20committee%20report%20of%20the%20expert%20committee%20in%20legal%20aid,%201973.pdf

2.	Report of the Committee on the Separation of Judiciary from the Executive	Bombay High Court	http://bombayhighcourt.nic.in/libweb/comitrep/JusticeLocurCR.pdf
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E. CASE LAW

S. No.	Title	Citation
A. Constitutional Mandate		
Supreme Court		
1.	<i>Navtej Singh Johar v. UOI</i> (¶¶605,637)	(2018) 10 SCC 184
2.	<i>Govt. of NCT Delhi v. UOI</i>	(2018) 8 SCC 654
B. Duties of Special Executive Magistrate		
Supreme Court		
1.	<i>Shaikh Umar Ahmed Shaikh & Anr. v. State of Maharashtra</i> (¶5)	AIR 1998 SC 1922
C. Powers of Special Executive Magistrate		
Supreme Court		
1.	<i>State of Maharashtra & Ors. v. Mohammed Salim Khan & Ors.</i> (¶¶ 4-5, 11,13, 15-20)	(1991) I SCC 550
High Court of Delhi		
1.	<i>Asha Pant v. State</i> (¶¶ 13-19)	2008 (102) DRJ 216
D. Overview of Chapter-VIII, Cr.P.C. (Security for Keeping the Peace and For Good Behavior)		
Supreme Court		
1.	<i>Balraj Madhok v. The Union of India</i> (¶¶8-9)	1967 Cr. L.J. 865
2.	<i>Madhu Limaye v. SDM Monghr</i> (31-42)	(1970) 3 SCC 746
Other High Court		
1.	<i>Sohan Lal v. Executive Magistrate</i> ((¶¶8-22)	ILR1980 9 HP 602
E. Breach of Peace and Public Tranquility		
Supreme Court		
1.	<i>Shreya Singhal v. UOI</i> (¶¶22,30-35,46-47,88-90)	AIR 2015 SC 1523
2.	<i>Kanu Biswas v. State of West Bengal</i> (¶6)	AIR 1972 SC 1656
3.	<i>Madhu Limaye v. SDM Monghr</i> (¶¶7,17, 19-21)	(1970) 3 SCC 746
4.	<i>Ram Manohar Lohia v. State of Bihar</i> (¶5)	AIR 1966 SC 740

	Other High Courts	
1.	<i>Medha Patkar v. State of MP</i> (¶¶23-26)	2008 CriLJ 47 (MP)
2.	<i>Perswami Kandswami Devendra and Ors. v. Sr. Inspector of Police and Ors.</i> (¶5)	2003 Bom CR (Cri) 1640
F.	Guidelines on Arrest/Detention and Procedure for Inquiry under Chapter VIII, Cr.P.C.	
	High Court of Delhi	
1.	<i>Aldanish Rein v. NCT Delhi-</i> reasoned order(¶71)	2018 SCCOnline Del 12253
2.	<i>Asha Pant v. State</i> (¶¶13-19)	2008 (102) DRJ 216
3.	<i>Tavinder Kumar v. State</i> (¶¶7-17)	40 (1990) DLT 210
4.	<i>Sunil Batra v. Commissioner of Police</i> (¶¶1-9)	(1985) ILR I Del 694
	Other High Court	
1.	<i>Pravin Vijay kumar Taware v. Special Executive Magistrate</i> (¶¶5-8)	2009 (III) Bom LR 3166
2.	<i>Surendra Ramchandra v. State of Maharashtra</i> (¶¶11-14)	2001 (4) Mh LJ 601
3.	<i>Chandraban s/o Ram Dhengle v. Indarbai s/o Chandrabhan Dhengle</i> (¶¶16-18)	1998 (1) Mh LJ 234
4.	<i>Christalin Costa v. Slate of Goa and Ors.</i> (¶¶1-10)	1993 (1) Bom CR 688
G.	Habitual Offender	
	Supreme Court	
1.	<i>Joginder Kumar v. State of UP</i> (¶¶18-20)	AIR 1994 SC 1349
	Other High Court	
1.	<i>Vijay Lahu Patil v. State of Maharashtra</i> (¶¶6-9)	2014 (1) BomC R(Cri)422
H.	Remand Under Section 116	
	Other High Court	
1.	<i>D.A. Kinnar v. State of Chhatisgarh</i> (¶¶6-15)	Writ Petition (227) No. 6144 of 2009 D.O.D- 21 st January 2011 (Chhatisgarh I IC)
2.	<i>Het Ram v. State of Rajasthan</i> (¶¶9-12)	2006 WLC (Raj.) VC 59
I.	Condition for Arrest under Chapter -VIII	
	Supreme Court	

1.	<i>Rajender Singh Pathania v. State</i> (¶¶14-15)	(2011) 13 SCC 329
2.	<i>Ahmed Noormohmed Bhatti v. State of Gujrat</i> (¶¶4-9)	AIR 2005 SC 2115
J. Releasing on Personal Bond		
Supreme Court		
1.	<i>Moti Ram v. State of MP</i> (¶¶1-34)	AIR 1978 SC 1594
High Court of Delhi		
1.	<i>Aldanish Rein v. NCT Delhi-</i> reasoned order(¶71)	2018 SCCOnline Del 12253
K. Imprisonment in Default of Security		
Other HC		
1.	<i>Jit Bahadur Singh v. State</i> ((¶¶8-9)	(1953) 23 AWR 429
L. Dropping of Proceedings under Section 107		
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1.	<i>Ram Narain Singh v. State of Bihar</i> (¶5)	(1972) 2 SCC 532
M Constitutional Rights of Persons Arrested		
Right to Free Legal Aid		
Supreme Court		
1.	<i>Mohammed Ajmal Mohammad Amir Kasab @Abu Mujahid v. Union of India</i> (¶¶ 484, 497)	AIR 2012 SC 3565
2.	<i>Rajoo @Ramakant v. The State of Madhya Pradesh (21)</i> (¶21)	AIR 2012 SC 3034
3.	<i>Centre for Legal Research v. State of Kerala</i> (¶1)	(1986) 2 SCC 706
4.	<i>Khatri and Ors v. State of Bihar and Ors</i> (¶6)	AIR1981 SC 928
5.	<i>Hussainara Khatoon v. Home Secretary, State of Bihar</i> (¶¶ 6-9)	(1980) 1 SCC 98
Compensation for Unlawful Arrest/Detention		
Supreme Court		
1.	<i>Rajender Singh Pathania v. State</i> (¶¶17-18)	(2011) 13 SCC 329
2.	<i>Rudal Shah v. State of Bihar</i> (¶8-10)	(1983) 4 SCC 141
Other High Court		
1.	<i>Shyam Daitalray Beturkar v. Special Executive Magistrate Kalyan</i> (¶¶30-31)	1999 Cri LJ 2676 (Born.)
N. Inquiry under the Chapter		
Supreme Court		
1.	<i>Madhu Limaye v. SDM, Monghr</i> (¶¶43-46)	(1970) 3 SCC 746

F. SUGGESTED READINGS

S. No.	Title	Citation Details
A.	Magistrates: The First Line of Defense : Constituent Assembly and Role of Magistrates	
1.	Due Process, Rule of Law and District Judiciary	Rajesh Sharma, National Judicial Academy http://www.nja.nic.in/2cad.pdf
B.	Impact of Criminal Sanction on Vulnerable Sections of Society	
1.	Law, Poverty and Legal Aid: Access to Criminal Justice (Pg. 255-300)	S. Murlidhar, Lexis Nexis, 2004
2.	Ostensible Poverty, Beggary and the Law	Usha Ramanathan, EPW, 2008

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