

Internship Report
Anukriti Agarwal, Group A

Department of Law, Justice and Legislative Affairs, Government of NCT Delhi

Duration: July 1st - July 31st, 2024

Introduction

I had the privilege of interning at the Department of Law, Justice and Legislative Affairs of the Government of NCT Delhi from July 1st to July 31st, 2024. This internship provided me with an unparalleled opportunity to gain insights into the functioning of the legal and administrative machinery of Delhi. The experience was enriched by interactions with esteemed judicial officers, IAS officers, legal advisors, public prosecutors, and secretaries of the law department. This report encapsulates my learnings and experiences over the course of the internship.

Week 1: Lectures and Interactions at Law Department

The first week, from 1st-5th July was dedicated to lectures and interactions with various dignitaries. This section will outline the key learnings from each session.

Constitutional Scheme of GNCTD

Speaker: Mr. Taranjit Singh, Assistant Legal Advisor

Mr. Taranjit Singh delivered a comprehensive lecture on the constitutional scheme of the Government of National Capital Territory of Delhi (GNCTD). He elaborated on the historical evolution of Delhi, highlighting that it was part of the province of Punjab until it became the capital of India in 1911. Key legislative milestones discussed included the Delhi Laws Act of 1912, the Government of India Act of 1919, the Constitution of India, and the GNCTD Act of 1991 (amended in 2023).

Division of powers between the Centre and the state, with certain subjects in the state list reserved for the Centre (Public Order, Land, and Police), legislative drafting process, including pre-legislation (interdepartmental consultation and public comments), parliamentary process (debates, discussions, bill presentation), and post-legislation (official gazette notification, enforcement delegation, assent) was explained. The relevance of the 7th Schedule to the Constitution which forms the principle that executive power is co-existent with legislative competence (Article 162), and the Role of Article 239AA was also discussed.

Newly Enacted CrPC: BNSS

Speaker: Mr. Bharat Parashar, Principal Head of Law Department

Mr. Bharat Parashar provided an overview of Article 239AA, which grants special status to Delhi. He also discussed the importance of reserving certain subjects in the state list for the Centre. Mr. Parashar also covered the newly enacted Criminal Procedure Code (CrPC), focusing on the intent to move away from a colonial, retributive mindset to a more reformatory approach.

Key Points:

- Emphasis on victims' rights.
- Video recording of evidence by police.

- Inclusion of mob lynching under murder.
- Police custody changes: 15 days can now be from any day within the 60-day investigation period.
- Defined timelines for completing trials.
- Magistrate's examination of accused on complaints, not just complainants.
- Community service and reformatory measures as punitive alternatives.

Alternative Dispute Resolution (ADR)

Speaker: Mr. Manish Kumar Gaur, Joint Secretary Law, LG Secretariat

Mr. Gaur discussed ADR mechanisms, Section 89 CPC, and landmark cases such as the Afcons case and Salem Advocate Bar Association case. Key points included the binding nature of mediation agreements and their enforceability as decrees under Order 23.

Criminal Procedure Code and Indian Penal Code

Speaker: Mr. Sumeet Talwar, Public Prosecutor

Mr. Talwar provided an in-depth understanding of the procedures in criminal courts, focusing on:

1. Committal by magistrates (Sections 207 and 209).
2. Preliminary enquiries by police.
3. Newly enacted laws applicable from July 1, 2024, with defined timelines for various procedural steps.
4. Differences in bail, bond definitions, and new provisions under the revised CrPC.
5. Enhanced penalties for certain offenses under Section 304 IPC.

Central-State Relations and Business Rules

Speaker: Mr. Samar Sir

Mr. Samar Sir discussed the constitutional provisions of Article 239AA, transaction of business rules, and the bill processing procedures. He also provided insights into the Election Commission and the transparency in the selection committee.

Interactions with Bureaucrats:

Interacting with bureaucrats like Mr. Shubhankar Ghosh and Ms. Navneet Mann was an invaluable experience. They shared insights on the challenges of bureaucracy and the importance of ensuring justice delivery. Bureaucracy plays a crucial role in binding states together, implementing policies, analyzing pitfalls, and taking corrective measures.

Information Technology Act and Electronic Evidence

A Public Prosecutor from the Law Department discussed the IT Act and IT rules, highlighting significant cases and the growing importance of electronic evidence. Notable points included:

- Shreya Singhal case and Sections 66A and 66B of the Indian Evidence Act.
- Section 81 of the IT Act and the Anwar Biwi vs. BK Vashisht case.
- The requirement of a hash value certificate under Section 65B to secure electronic evidence.

Conclusion: The internship at the Department of Law, Justice and Legislative Affairs was an enriching and educational experience. It provided me with a deeper understanding of the legal framework, legislative processes, and the practical challenges faced by legal and

administrative professionals. The knowledge gained and the interactions with esteemed dignitaries will undoubtedly shape my future career in law.

Week 2: Judicial Attachment at Saket Court

Introduction: During the second week of my internship, from 8th to 12th July, I was attached to the judicial office of various Judicial Magistrates First Class (JMFC) at Saket court. This attachment provided me with invaluable insights into the workings of different judicial offices and enhanced my understanding of various legal processes and principles.

Attachment Details

Day 1-2: JMFC Ms. Shilpi Singh

My first two days were spent under the guidance of JMFC Ms. Shilpi Singh. During this period, I observed the court proceedings and had the opportunity to read case files. The key learning point from this experience was understanding jurisdictional issues, especially concerning cybercrime cases. I learned that certain cyber cases are referred to Ms. Singh's court, but she often forwards them as JMFC does not exercise jurisdiction over such matters. The overlapping of cyber and physical crimes leads to jurisdictional complexities that courts must navigate carefully.

Day 3-4: Mahila Court under JMFC Ms. Rashi Raheja

The next two days were spent in the Mahila Court under JMFC Ms. Rashi Raheja. This experience was particularly insightful due to the unique nature of the cases handled in this court.

Key Learnings:

1. **Types of Cases:** The Mahila Court primarily deals with cases involving women and children, including domestic violence, sexual harassment, and other gender-specific crimes.
2. **Handling Domestic Violence Cases:** The court employs a sensitive and empathetic approach to domestic violence cases compared to other courts. Special provisions like in-camera proceedings are used to protect the privacy and dignity of the victims.
3. **Special Provisions and Considerations:** Cases involving women and children receive special attention, with considerations such as fast-tracking proceedings and ensuring victim protection.
4. **Ensuring Fair Proceedings:** The court ensures fair and just proceedings by maintaining sensitivity in handling cases and providing adequate support services.
5. **Support Services:** The Mahila Court offers various support services, including counseling and legal aid, to both plaintiffs and defendants. These services are crucial in helping victims cope with the mental trauma and navigate the legal process.

The Mahila Court's dedication to protecting the rights and well-being of women and children highlighted the judiciary's commitment to addressing gender-specific issues sensitively and effectively.

Day 5: NI Court under JMFC Mr. Varun Chandra

The final day of the week was spent in the NI (Negotiable Instruments) Court under JMFC Mr. Varun Chandra. This court handles cases related to financial instruments like cheques and promissory notes.

Key Learnings:

- **High Case Load:** The NI Court deals with a high volume of cases. To manage this efficiently, the judge often passes bunch orders, which helps in the effective disposal of cases.
- **Judicial Efficiency:** Observing the high case load and the mechanisms in place to manage it provided valuable insights into the operational efficiency required in the judiciary.

Interaction and Insights: Throughout the week, the interactions with the judges were enlightening. They were highly cooperative, allowing me to ask questions and gain a deeper understanding of various facets of law beyond the courtroom procedures. These discussions broadened my legal knowledge and provided practical insights into the judicial process.

Conclusion

The second week of my internship at Saket court was an enriching experience. The attachment to different JMFCs and courts allowed me to observe diverse judicial processes and understand the nuances of handling various types of cases. The cooperative nature of the judges and the practical exposure I received have significantly contributed to my legal education and professional development. This experience has reinforced my commitment to pursuing a career in law and has provided me with a solid foundation of practical knowledge and skills.

Week 3: Law Department, Government of National Capital Territory of Delhi

Duration: 15th to 19th July

Introduction: During my internship at the law department of the Government of National Capital Territory of Delhi, I was involved in providing legal advice and participating in the consultative roles as per the Government of National Capital Territory of Delhi (Transaction of Business Rules), 1993. The department's functions include handling criminal and civil advisory matters, drafting legislative proposals, and finalizing MOUs.

Responsibilities and Case Work

1. Criminal Cases:

The department handles appeals from district courts, offering opinions on various criminal matters. My tasks included forming opinions on appeals and drafting notes on cases involving:

1. POCSO (Protection of Children from Sexual Offences)
2. Rape
3. Murder
4. Theft
5. Cruelty
6. Motor Vehicle Accidents

I specifically worked on:

A motor vehicle accident case where a child died due to the negligence of an auto driver.

A murder case where the accused were acquitted due to the absence of the murder weapon.

2. Civil Cases:

The civil advisory work covered a broad spectrum of legal issues, including:

1. Constitutional Laws
2. Registration of Societies
3. Enforcement of postings and transfers
4. Advising various departments, such as Health and Family Welfare and Education.

My specific task in this area involved forming an opinion on:

The restoration of a job for a nurse of the Scheduled Caste category, who was removed from service in favor of a higher-merit candidate, despite others with lower marks still being employed.

Work Environment and Approach: The law department's work environment was highly analytical. Unlike other internships, we were encouraged to form our own opinions and take a proactive approach to research. This fostered critical thinking and a deeper understanding of legal complexities.

Interaction and Learning: Interns had the opportunity to interact with legal advisors, public prosecutors, and department members. These interactions were crucial for gaining insights and guidance on complex cases, enhancing our understanding of the practical application of legal principles.

Challenges and Experiences: The complexity of the cases required significant analytical thinking, posing challenges that ultimately enhanced my problem-solving skills and legal acumen. The hands-on experience with real cases provided a comprehensive understanding of legal processes and departmental functioning.

Conclusion: The internship at the law department of the Government of National Capital Territory of Delhi was an invaluable experience. Exposure to diverse legal matters, coupled with an analytical approach and interactions with experienced professionals, significantly contributed to my professional growth. This experience has equipped me with essential skills and knowledge, preparing me for a future career in law.

Week 4: Directorate of Prosecution, Tis Hazari District Court

During this period of my internship, I had the opportunity to work with the Directorate of Prosecution at the Tis Hazari District Court under the guidance of Sh. Sanjay Soni. I was assigned to learn from various public prosecutors in the magistrate courts, providing me with an in-depth view of the prosecutorial functions within the legal system.

Upon arrival, the public prosecutors welcomed us warmly and integrated us into their dynamic work environment. This week was particularly insightful as it allowed me to observe the critical role prosecutors play in the judicial process. Each prosecutor was generous with their time, explaining the complexities and strategies involved in the cases they handled.

A significant part of my learning experience came from observing different court proceedings. I attended numerous sessions where charges were framed against the accused, marking the beginning of the trial process. Additionally, I witnessed the chief examination of witnesses, a crucial phase where the prosecution presents its evidence and testimony. Following this, the defense conducted cross-examinations, challenging the credibility of the evidence and witnesses provided by the prosecution.

Throughout these proceedings, the public prosecutors offered detailed explanations of the legal principles and strategies involved. They provided real-time commentary, highlighting the importance of each step and connecting it to relevant provisions of the Indian Evidence Act, Criminal Procedure Code (CrPC), and Indian Penal Code (IPC). This practical exposure was invaluable, allowing me to see how theoretical knowledge is applied in real-world scenarios.

The prosecutors' mentorship extended beyond just technical legal aspects. They shared their professional experiences and provided practical advice on case preparation and courtroom presentation. Their openness to questions and willingness to discuss legal procedures, case law, and courtroom etiquette significantly enriched my learning experience.

This hands-on experience deepened my understanding of the prosecutorial role and the judicial process. It underscored the meticulous preparation and strategic thinking required in prosecuting cases. The supportive and engaging environment fostered by the public prosecutors made this internship an essential and formative part of my legal education.

Extra Visits:

1. Training Program on "Newly Enacted Criminal Laws" by ICPS, Parliament of India, New Delhi

Introduction: From July 25 to 26, 2024, I had the privilege of attending a training program on "Newly Enacted Criminal Laws" convened by the Institute of Constitutional and Parliamentary Studies (ICPS) at the Parliament Library Building, New Delhi. Although this program was primarily designed for officials from various Ministries and Legislative Assemblies, it graciously accommodated law interns from the third Internship program of the Law, Justice and Legislative Department, GNCTD. Our delegation, led by Mr. Taranjeet Singh, Assistant Legal Advisor, ensured that we maintained professional conduct, discipline, decorum, and adhered to formal court dress throughout the training.

Insights from Esteemed Dignitaries

The training featured presentations and interactive sessions with distinguished speakers such as Dr. KA Pandey, Assistant Professor at RMNLU, advocates Manisha T. Karia and Jai Anand from the Supreme Court, Adv. Sanjay Singhania, and judges from the High Court of Delhi. Their insights were instrumental in deepening our understanding of the newly enacted criminal laws and the challenges they present. The opportunity to interact with these legal luminaries was unforgettable and greatly appreciated.

Overview of Newly Enacted Criminal Laws

1. Bhartiya Nyaya Sanhita/Indian Penal Code

- **New Penal Provisions and Punishments:** The training provided an overview of the newly enacted penal provisions and their rationale. We were informed about the updated penalties and their intended reformatory effects.
- **General Principles of Criminal Liability:** The sessions covered the fundamental principles of criminal liability, emphasizing how the new laws redefine these principles.
- **Types of Offences:** The different categories of offenses, including those against persons, property, and the state was discussed highlighting the changes introduced in the new legal framework.

2. Bhartiya Sakshya Adhiniyam/Evidence Act

- **Relevance:** The training emphasized the importance of the Evidence Act in the criminal justice system, particularly how the new provisions enhance its relevance.
- **Documentary Evidence:** We explored the new provisions related to documentary evidence, understanding their impact on the burden of proof and overall legal proceedings.
- **Burden of Proof:** Detailed discussions on the burden of proof under the new Evidence Act helped clarify the responsibilities of the prosecution and defense.

3. Bhartiya Nagarik Suraksha Sanhita/CrPC

- **Preliminary Concepts:** The program introduced the foundational concepts of the newly enacted Criminal Procedure Code (CrPC), setting the stage for more detailed discussions.
- **Investigation:** We examined the updated procedures for criminal investigations, focusing on the new protocols and their implications for law enforcement.
- **Trial:** The training also covered the trial process under the new CrPC, including the stages of a trial and the rights of the accused and victims.

Conclusion: The training program on "Newly Enacted Criminal Laws" provided a comprehensive understanding of the significant changes in the Indian Penal Code, Evidence Act, and Criminal Procedure Code. The insights from esteemed legal professionals and judges were invaluable in contextualizing these changes and understanding their practical applications. This experience has significantly enhanced my legal knowledge and appreciation for the evolving landscape of criminal law in India. I am deeply thankful for the opportunity to participate in this enlightening program.

2. Tihar Jail Visit - 29th July

Introduction: On 29th July, a visit to Tihar Jail was organized to provide an in-depth understanding of the functioning of one of India's largest and most renowned correctional facilities. The visit aimed to observe the daily life of inmates, the roles of jail officials, and the rehabilitation programs implemented within the facility. This report distills the key principles

and experiences gained during the visit, highlighting the efforts toward inmate rehabilitation and reintegration into society.

Daily Life and Activities of Inmates: Upon entering Tihar Jail, we were introduced to the various facilities available to inmates to keep them occupied and support their mental well-being. The following areas were showcased during the visit:

1. **Counselling Room:** This facility is crucial for addressing the mental health needs of inmates. Professional counselors provide therapy sessions to help inmates cope with the challenges of incarceration, manage stress, and work towards personal development.
2. **Art and Craft Room:** Inmates engage in various creative activities, such as painting, crafting, and other artistic endeavors. This not only serves as a therapeutic outlet but also helps inmates develop new skills that can be useful post-release.
3. **Legal Aid Room:** Legal assistance is provided to inmates who may not have the resources to secure private legal counsel. This room is staffed by legal professionals who offer guidance on legal matters, ensuring that inmates are aware of their rights and can navigate the legal system effectively.
4. **Radio Room:** A unique initiative within Tihar Jail, the radio room allows inmates to participate in the creation and broadcasting of radio programs. This activity helps in developing communication skills and provides a platform for inmates to express themselves.
5. **Electrical Room:** Inmates receive training in electrical work, enabling them to learn a trade that can be valuable once they re-enter society. This practical skill-building is an important aspect of the rehabilitation process.
6. **Sewing Room:** Training in sewing and tailoring is provided, offering inmates the chance to earn a livelihood both within the jail and after their release. The products made here are often sold, contributing to the inmates' earnings.

Inmate Interaction and Earning: One of the most impactful aspects of the visit was the opportunity to interact directly with inmates. These interactions provided insights into their daily lives and the ways in which they engage with the various programs offered within the facility. Inmates shared their experiences of participating in the aforementioned activities and how these have helped them stay mentally engaged and hopeful for the future.

The jail also facilitates earning opportunities for inmates through the sale of products made in the art and craft room, sewing room, and other vocational training areas. This not only provides financial support to the inmates but also instills a sense of purpose and achievement.

Roles of Jail Officials: Jail officials play a vital role in managing the facility and supporting inmate rehabilitation. Their responsibilities include ensuring security, overseeing the various programs, and addressing the physical and mental health needs of inmates. During the visit, officials explained their methods for maintaining discipline while also fostering a supportive environment that encourages positive change.

Rehabilitation and Reintegration: A significant focus of Tihar Jail's approach is on rehabilitation and preparing inmates for reintegration into society. The various programs and

activities aim to equip inmates with skills and provide psychological support, making their transition smoother post-release. The emphasis on mental health, vocational training, and legal aid collectively contributes to reducing recidivism and helping inmates rebuild their lives outside prison.

Conclusion: The visit to Tihar Jail was an enlightening experience, offering a comprehensive view of the efforts being made to rehabilitate inmates and prepare them for reintegration into society. The dedication of jail officials and the diverse range of programs available within the facility underscore the importance of a holistic approach to corrections. This experience highlighted the potential for positive change and the significant impact that well-structured rehabilitation programs can have on the lives of inmates.

Final Remarks:

My experience with this departmental has been profoundly insightful and instrumental in deepening my understanding of the legal landscape. The opportunity to engage in a diverse range of activities—from tendering legal advice and handling complex criminal and civil cases to forming opinions on appeals—has been invaluable. Each week presented unique learning experiences, whether it was working closely with judicial officers at the Saket court, gaining exposure to the prosecutorial side at Tis Hazari District Court, or participating in a training program on newly enacted criminal laws. Additionally, the visit to Tihar Jail provided a rare glimpse into the rehabilitation and daily life of inmates, emphasizing the importance of support systems for reintegration into society. This holistic approach to learning, encompassing both theoretical and practical aspects of law, has enriched my legal education in ways that are difficult to quantify.

I wholeheartedly recommend this internship to any law student seeking a comprehensive and immersive legal experience. The opportunities to interact with seasoned legal professionals, participate in various judicial and prosecutorial processes, and gain first-hand insights into the functioning of the legal system have made this internship an unparalleled and priceless experience.