TABLE OF CONTENTS

I

| CHALLENGES IN IMPLEMENTATION OF THE ADR SYSTEM | IN SUBORDINATI |
|------------------------------------------------|----------------|
| COURTS | |

| 1. | Justice S.B. Sinha, "ADR and Access to Justice: Issues and Perspectives" | |
|----|----------------------------------------------------------------------------------|-----|
| | available at www.tnsja.tn.nic.in/article/ADR | 1 |
| 2. | Michael Alberstein, "Judicial Conflict Resolution (JCR): A New Jurisprudence for | |
| | an Emerging Judicial Practice," 16 Cardozo Journal of Conflict Resolution 879- | |
| | 907(2015) | 21 |
| 3. | Justice Sunil Ambwani, "Alternative Dispute Resolution," XXXIII JTRI Journal | |
| | 31-37 (Dec 2012) | 50 |
| 4. | Case Law | |
| | Suresh Narayan Kadam and others v. Central Bank of India and others, | |
| | (2016) 11 SCC 306 | 64 |
| | ❖ Vikram Bakshi and others v. Sonia Khosla (Dead) by LRs., (2014) 15 SCC | |
| | 80 | 66 |
| | ❖ K. Srinivas Rao v. D.A. Deepa, (2013) 5 SCC 226 | 72 |
| | * Afcon Infrastructure Ltd. And Anr. v. Cherian Varkey Construction Co. (P) | |
| | Ltd, 2010 (8) SCC 24 | 73 |
| | Salem Advocate Bar Association, Tamil Nadu v. Union of India, (2005) 6 | |
| | SCC 344 | 85 |
| | II | |
| | COURT & CASE MANAGEMENT: ROLE OF JUDGES | |
| 5. | Justice P. Sathasivam, "Effective District Administration and Court Management," | |
| | (2013) at Tamil Nadu State Judicial Academy during the Special Training | |
| | Programme for all District Judges and Chief Judicial Magistrates | 101 |
| 6. | Bert Mann, "Past & Future for Management of Courts," International Journal for | |
| | Court Administration 1 – 8 (2010) | 115 |
| 7. | Honorable Wayne Martin AC, "Administrators and the Judiciary - Partners in the | |
| | Delivery of Justice," 6(2) International Journal For Court Administration 3-18 | |
| | (December 2014) | 123 |

| 8. | Sanjay | Rambhau Salkute, "The Role of Judicial Officer in the Court Management | |
|-----|---------|----------------------------------------------------------------------------|----------|
| | & E-C | ourt Maintenance (Suggested Method in District Court)," 3(4) IJARMSS | |
| | 52-69 (| April 2014) | 139 |
| 9. | Case L | aw | |
| | * | All India Judges Association & Ors. v. Union of India & Ors. Interlocutory | |
| | | Application No. 279 of 2010 in Writ Petition (Civil) No. 1022 of 1989 | |
| | | Order Dated: 2 nd August 2018. | 157 |
| | * | Surjit Singh v. Gurwant Kaur (2015) 1 SCC 665 | 173 |
| | * | Rameshwari Devi and Ors. v. Nirmala Devi and Ors. (2011) 8 SCC 249 | 179 |
| | | | |
| | | III | |
| CI | VIL JUS | TICE ADMINISTRATION: APPELLATE AND REVISION JURISDIC | CTION OF |
| | | DISTRICT JUDGES | |
| 10. | Krishna | a Agrawal & Neha Dixit, "Civil Justice In India" 3(4)Brics Law Journal, | |
| | 71–93 | (2016) | 191 |
| 11. | Case L | aw | |
| | * | Union of India v. K. V. Lakshman, AIR 2016 SC 3139 | 214 |
| | * | Shasidhar v. Ashwini Uma Mathad, AIR 2015 SC 1139 | 218 |
| | * | Kuldeep Kumar Dubey and others v. Ramesh Chandra Goyal (Dead) | |
| | | Through Lrs., (2015) 3 SCC 525 | 221 |
| | * | Vinod Kumar v Gangadhar (2015) 1 SCC 391 | 223 |
| | * | State Bank of India v. Emmsons International Limited, (2011) 12 SCC 174 | 225 |
| | * | Shyam Sundar Sarma v. Pannalal Jaiswal and Others (2005) 1 SCC 436 | 228 |
| | * | Shiv Shakti Coop. Housing Society, Nagpur v. Swaraj Developers and | |
| | | others (2003) 6 SCC 659. | 237 |
| | * | Banarsi & Ors. v. Ram Phal, (2003) 9 SCC 606 | 253 |
| | * | P. Kiran Kumar vs A.S. Khadar and others, (2002) 5 SCC 161 | 260 |
| | * | Madhukar v. Sangram, (2001) 4 SCC 756 | 263 |
| | * | Smt. Ganga Bai v. Vijay Kumar & Others (1974) 2 SCC 393 | 265 |
| | * | Major S.S. Khanna v. Brig. F.J. Dillon AIR 1964 SC 497 | 274 |
| | * | M/S. D.L.F. Housing and Construction company (P.) Ltd. v. Sarup Singh | |
| | | and others 1969 (3) SCC 807 | 284 |

8.

| | OnLine Pat 1996 | 291 |
|-----|----------------------------------------------------------------------------------|------|
| | ❖ Chinthamani Ammal v. Nandagopal Gounder and Others (2007) 4 SCC 163 | 29′ |
| | IV | |
| CF | RIMINAL JUSTICE ADMINISTRATION: APPELLATE & REVISION JURIS | SDIC |
| | OF DISTRICT JUDGES | |
| 12. | Peter D. Marshall, "A Comparative Analysis of the Right to Appeal" 22 Duke | |
| | Journal of Comparative & International Law 1-46 (2011) | 305 |
| 13. | Chad M. Oldfather & Michael M. O'Hear, "Criminal Appeals: Past, Present, and | |
| | Future," 93 Marq. L. Rev. 339 (2009) | 350 |
| 14. | Case Law | |
| | * Mohd. Hashim v. State of Uttar Pradesh, (2017) 2 SCC 198 | 359 |
| | ❖ Gurudev Singh v. Surinder Singh, 2014 (9) SCALE 556 | 363 |
| | ❖ Subhash Chand v. State (Delhi Administration), (2013)2 SCC 17 | 366 |
| | ❖ Ghurey Lal v. State of Uttar Pradesh, (2008) 10 SCC 450 | 372 |
| | ❖ Bindeshwari Prasad Singh @ B.P. Singh and Ors. v. State of Bihar (Now | |
| | Jharkhand) and Anr. (2002) 6 SCC 650 | 383 |
| | * Amar Nath and Others v. State of Haryana and Others (1977) 4 SCC 137 | 387 |
| | * Rama and Ors. v. State of Rajasthan, AIR 2002 SC 1814 | 393 |
| | ❖ Madhu Limaye v. State of Maharashtra, (1977) 4 SCC 551 | 394 |
| | * Mahabir Singh and Another v. Emperor AIR 1944 Cal 17 | 402 |
| | v | |
| | FAIR SESSIONS TRIAL | |
| 15. | Commonwealth Human Rights Initiative "General Principles of a Fair Trial | |
| | Applicable in all Stages" in Fair Trial Manual: A Handbook For Judges and | |
| | MAGISTRATES (2010) Chapter 1 pp. 1-23 available at - | |
| | http://www.humanrightsinitiative.org/publications/police/fair_trial_manual.pdf | 431 |
| 16. | Neeraj Tiwari, "Fair trial vis-à-vis criminal justice administration: A Critical | |
| | Study of Indian Criminal Justice System," 2(4) Journal of Law and Conflict | |
| | Resolution, 66-73 (April 2010) | 454 |

| 17. | Anita I. Nagy; Laszlo L. Dornfeld, "Developments of Certain EU Fair Trial | |
|-----|-------------------------------------------------------------------------------------------|-----|
| | Measures as Part of the Stockholm Programme," 51 Zbornik Radova 865 (2017) | 462 |
| 18. | Case Law | |
| | ❖ Dinubhai Boghabhai Solanki v. State of Gujarat and Ors., (2018)11SCC | |
| | 129 | 476 |
| | * Asha Ranjan and another v. State of Bihar and others, AIR 2017 SC 1079 | 479 |
| | * Balakram v. State of Uttarakhand and others, 2017(5) SCALE 220 | 489 |
| | * Naresh Kumar alias Nitu v. State of Himachal Pradesh, 2017 Indlaw SC | |
| | 508 | 492 |
| | ❖ Amrutbhai Shambhubhai Patel v. Sumanbhai Kantibhai Patel and others, AIR 2017 SC 774 | 494 |
| | ❖ Ajay Singh v. State of Chhattisgarh, (2017) 3 SCC 330 | 506 |
| | State of Bihar v. Rajballav Prasad @ Rajballav Pd. Yadav @ Rajballabh | |
| | <i>Yadav</i> , (2017) 2 SCC 178 | 510 |
| | ❖ Pooja Pal v. Union of India and others, (2016) 3 SCC 135 | 514 |
| | State (NCT of Delhi) v. Shiv Kumar Yadav and another, (2016) 2 SCC 402 | 518 |
| | ❖ Vinod Kumar v. State of Punjab, (2015) 3 SCC 220 | 519 |
| | * Mohammed Ajmal Amir Kasab @ Abu Mujahid v. State of Maharashtra, | |
| | (2012) 9 SCC 1 | 520 |
| | VI | |
| | SENTENCING: ISSUES AND CHALLENGES | |
| 19. | Justice S. B. Sinha, "To Kill or Not to Kill: The Unending Conundrum" National | |
| | Law School of India Review (Spl. Issue) 178 (2013) | 535 |
| 20. | Justice J.S. Verma, "Chapter Nine: Sentencing and Punishment," in Report Of | |
| | The Committee On Amendments To Criminal Law, (2013), pp. 234-259 | 558 |
| 21. | Richard E. Redding, "Evidence-Based Sentencing: The Science of Sentencing | |
| | Policy and Practice" 1(1) Chapman Journal of Criminal Justice 1-19 (2009) | 577 |
| 22. | Julian V. Roberts, Umar Azmeh and Kartikeya Tripathi, "Structured Sentencing | |
| | in England and Wales: Recent Developments and Lessons for India," 23(1) | |
| | National Law School of India Review 27-45 (2011) | 596 |
| 23. | Latest view of Sentencing Policy with reference to the Judgment of the Hon'ble | |
| | Supreme Court & High Court, March 2015 | 608 |

| 24. | Case Law | |
|-----|------------------------------------------------------------------------------------|-------------|
| | Vasanta Sampat Dupare v State of Maharashtra 2017(5) SCALE 724 | 636 |
| | ❖ (1) Mukesh and another; (2) Vinay Sharma and another v State for (NCT | |
| | of Delhi) 2017(5) SCALE 506 | 646 |
| | ❖ State of Himachal Pradesh v Nirmala Devi 2017 Indlaw SC 473 | 658 |
| | * Ravada Sasikala v State of Andhra Pradesh and another AIR 2017 SC 1166 | 662 |
| | ❖ Vikas Yadav v State of U. P. and others AIR 2016 SC 4614 | 667 |
| | ❖ Sangeet and Another v. State of Haryana (2013) 2 SCC 452 | 685 |
| | VII | |
| | LAWS RELATING TO CYBERCRIMES: ADVANCES AND BOTTLENE | CKS |
| 25. | Dhiraj R. Duraiswami, "Privacy and Data Protection in India," 6 J.L. & Cyber | |
| | Warfare 166 -187 (2017). | 713 |
| 26. | Rajlakshmi Wagh, "Comparative Analysis of Trends of Cyber Crime Laws in USA | |
| | and India," 2(1) International Journal of Advanced Computer Science and | |
| | Information Technology 42-50 (2013) | 735 |
| 27. | Yougal Joshi & Anand Singh, "A Study on Cyber Crime and Security Scenario in | |
| | India," 3(3) International Journal of Engineering and Management Research 13- | |
| | 18 (June 2013) | 744 |
| 28. | B. N. Srikrishna, Free and Fair Digital Economy - Protecting Privacy, Empowering | Provided in |
| | Indians: Committee of Experts under the Chairmanship of Justice B.N. Srikrishna | CD |
| | (2018) | |
| 30. | The Draft Personal Data Protection Bill, 2018 submitted to Ministry of Electronics | Provided in |
| | and Information Technology on July 27, 2018 | CD |
| 31. | Case Law | |
| | ❖ Sharat Babu Digumarti v. State Govt. of (NCT of Delhi), 2016 Indlaw SC | |
| | 892 | 750 |
| | ❖ Dr. Rini Johar v. State of Madhya Pradesh, AIR 2016 SC 2679 | 754 |
| | * Rishi Narula v. State (NCT of Delhi) and others, 2016 Indlaw DEL 234 | 759 |
| | ❖ Shreya Singhal v. Union of India, 2015 Indlaw SC 211 | 761 |
| | ❖ Sanjay Kumar Kedia v. Narcotics Control Bureau, 2007(13) SCALE 631 | 768 |
| | * Rajesh S/o Bhaskaran v. State of Kerala, 2013 Indlaw KER 1097 | 771 |

VIII

ELECTRONIC EVIDENCE: COLLECTION, PRESERVATION AND APPRECIATION

| 32. | Justice P. Sathasivam, "Appreciation of Evidence including Evidence Recorded | | |
|-----|---------------------------------------------------------------------------------|-----|--|
| | through Electronic Media for Sessions Cases," (2011) available at | | |
| | http://tnsja.tn.nic.in/article/Electronic%20Evidence%20PSJ.pdf | 777 | |
| 33. | Justice Kurian Joseph, "Admissibility of Electronic Evidence," (2016) 5 SCC J-1 | 794 | |
| 34. | Tejas Karia, Akhil Anand and Bahaar Dhawan, "The Supreme Court of India Re- | | |
| | defines Admissibility of Electronic Evidence in India," 12 Digital Evidence and | | |
| | Electronic Signature Law Review 33-37 (2015) | 802 | |
| 35. | Kumar Askand Pandey, "Appreciation of Electronic Evidence: A Critique of | | |
| | Judicial Approach," 6 RMLNLUJ 24 (2014) | 808 | |
| 36. | "Compilation of Judgements on Electronic Evidence", Presented by Dr. Justice S. | | |
| | Murlidhar on 18.08.2018 at NJA during the Workshop of Additional District | | |
| | Judges | 821 | |

NOTE: The Cases in the Reference Material have been edited in order to highlight some issues for discussion in the programme. Please read the full judgment provided in the CD for conclusive opinion.