

National Orientation Programme for Newly Appointed Civil Judges
(Junior Division) P-918

Dates- 04-04-2015 to 10-04-2015

Venue- National Judicial Academy, Bhopal

(Programme Coordinator- Dr. Amit Mehrotra)

(Report prepared by: Meenu Goel, Intern, NJA under the guidance of Dr. Amit Mehrotra, Assistant Professor, NJA)

The National Judicial Academy, Bhopal aims at judicial education enhancing timely justice through; reducing delay and arrears and enhancing the quality and responsiveness of justice. The programme is aimed at the overall development of the newly appointed judges.

59 Civil judges (junior division) throughout the country participated in the conference. The following were the resource persons during the course of programme:

- 1.) Mr. Jaishri Jaithwaney (Professor, Indian Institute of Mass Communication, JNU)
- 2.) Mr. Vijay Vancheswar (Adjunct Professor, International Management Institute)
- 3.) Justice Dharninder Jha (Judge, Patna High Court)
- 4.) Justice Alok Singh (Judge, Uttarakhand High Court)
- 5.) Justice D.K. Upadhyaya (Judge, Allahabad High Court)
- 6.) Mr. Chandrashekhar Joshi (II Additional District Judge, Mangaluru District)
- 7.) Prof. (Dr.) Amitabh Deo Kodwani (Faculty, Indian Institute of Management, Indore)
- 8.) Prof. Sushanta Kumar Mishra (Faculty, Indian Institute of Management, Indore)
- 9.) Prof. Pawan Kumar Singh (Faculty, Indian Institute of Management, Indore)
- 10.) Mr. R.S. Thakur (Deputy Director, WCCB Govt. of India)
- 11.) Mr. S.V. Sheshadri (Assistant Director, WCCB Govt. of India)
- 12.) Mr. Pramod Goel (Registrar, Computerization-cum-CPC, Punjab and Haryana High Court)
- 13.) Mr. Sampath Iyengar (CEO- Bluetiger Learning Service Pvt. Ltd.)
- 14.) Mr. Parag Gadhia (Coach, Speaker and Facilitator)

15.) Prof. (Dr.) Manju Mehta (Professor, Clinical Psychology, AIIMS)

16.) Prof. (Dr.) S.L. Vaya (Director, Raksha Shakti University, Ahmedabad)

DAY – 1 (4TH APRIL 2015)

Session- 1

[Resource Person- Dr. Amit Mehrotra]

Theme- Introduction and Setting the Context

The first session was commenced by Dr. Amit Mehrotra with a brief introduction about the 7 day orientation programme. He delineated the aim, purpose and mission behind designing the programme. The importance to train the judicial officers at grass root level was analyzed. He stressed that apart from deliberating on the core legal issues NJA aims to provide a systematic approach to deal with administration of justice delivery system and achieving this object NJA provides platform to sensitize the judicial officers on interdisciplinary aspects also. He concluded with a hope that at the end of this conference NJA would be able to sensitize them whereby they may get the glimpse of holistic development with a vision of humanistic approach and which may indeed help them to give a hand to impart judicious decision.

With self introduction of the participants; judicial officers were divided into 9 groups and in next half session the judicial officers as per there group were asked by to proceed to their respective rooms to have an informal interaction with the directors of Sate Judicial Academics of different States. Each group has 7-8 judicial officers. Every judicial officer got an opportunity to interact with 2-3 directors of the State Judicial Academies. Directors from different States had made deliberations with the judicial officers from different states about the functioning of the State Academies. Issues and concerns with regard to judicial education at State Level were discussed. Through interaction Directors of different State Judicial Academies took the inputs from the judicial officers regarding their judicial training at their respective States and a brief idea about working of their State Judicial Academy was given to the judicial officers.

Theme- Role of Judges in Administration of Justice at Grass Root Level

The role of judges in the administration of justice at the grass root level was started as a discussion. Dr. Amit Mehrotra stressed that Public trust and confidence is the most important factor in justice delivery system and this can only be possible if all the stake holders of the judiciary work together with the healthy spirit to get the justice done in letter and spirit.

He asserted that judicial system is Devine and elaborated a landmark decision of *Tarak Singh v. Jyoti Basu* [(2005) 1 SCC 201]. He emphasized that though there is no adequate system for measuring public confidence in judicial system however there are frequent allegations of corruption in judiciary by the general common public. Inordinate delays and advocates tactics are making the system more complex is also one of the major cause of losing faith in the judiciary by the common mass. He further stressed that every duty holder plays a very key and important role in administration of the justice delivery system and it is only through the combined effort with the mission of delivering the quality justice the temple of truth of justice can be thought off.

He stated that one of the most vital aspects of the court is litigant friendly court. Thus litigant should feel confident that he will get justice and apart from the disposal of case the ambiance of the court should be good. He emphasized that Court administration and Case management are the most important tools through which the judicial officers may achieve Justice in real sense. He further stressed on the Prioritization and classification of cases. He asserted that normally litigant expects that his or her case should get decided as soon as possible and with transparency.

He emphatically emphasized that at times High Courts and Supreme courts through their landmark judgments has emphasized on timely and quality justice by providing the guidelines through which the justice can be done and also can be seen. In this light he first discussed Civil Justice System and then Criminal Justice System.

During the discourse of Civil Justice System following landmark cases were delineated and discussed: *Rameshwari Devi and Ors. v. Nirmala Devi and Ors* [(2011) 8 SCC 249], *Maria Margarida Sequeria Fernandes and Ors. Vs. Erasmo Jack de Sequeria (Dead) through L. Rs.* (2012)5SCC370, *G.N. Verma Vs. State of Jharkhand and Anr* (2014)4SCC282, *J.V. Baharuni Vs. State of Gujarat* 2014(12) SCALE200, *Shanmugam v. Ariya Kshatriya Rajakula Vamsathu*

Madalaya Nandhavana Paripalanai Sangam Represented by Its President etc. [(2012) 6 SCC 430], Laxmibai (Dead) thr. L.Rs. and Anr. v. Bhagwantbuva (Dead) thr. L.Rs. and Ors. [(2013) 4 SCC 97]. He asserted that Courts must have made endeavour to expedite hearing of cases in time bound manner which in turn will restore confidence of common man in justice delivery system. He remarked that it is the bounden duty of the Court to uphold the truth and do justice.

He delineated that pleadings are foundation of the claims of parties. It is the bounden duty and obligation of the trial judge to carefully scrutinize, check and verify the pleadings and the documents filed by the parties. This must be done immediately after civil suits are filed.

Thereafter he discussed the criminal justice system with the help of few landmark case laws which are as follows: Udai Shankar Awasthy v. State of U.P. and Anr [(2013) 2 SCC 435], Akil @ Javed v. State of NCT of Delhi (2013)7SCC125, Gurnaib Singh v. State of Punjab (2013)7SCC108, Krishnan and Anr. v. Krishnaveni and Anr AIR 1997 SC 987, Raghuvansh Dewanchand Bhasin Vs. State of Maharashtra and Anr. (2012)9SCC791, Manu Sharma v. State (NCT of Delhi) [(2010) 6 SCC 1], V.K. Sasikala v. State rep. by Superintendent of Police (2012)9SCC771

He asserted that the criminal justice system has to be placed on a proper pedestal and it cannot be left to the whims and fancies of the parties or their counsel. A trial Judge cannot be a mute spectator to the trial being controlled by the parties, for it is his primary duty to monitor the trial and such a monitoring has to be in consonance with the Code of Criminal Procedure. He further remarked that the object of criminal trial is to render public justice and to see that the trial is concluded expeditiously before the memory of the witness fades out.

Role of public prosecutors, police officials, court managers and fair investigation, was also discussed. He mentioned that the working of a judicial officer was not merely a job but a way of life and public confidence is ensured by the recognition that the judge is doing justice within the framework of the law and its provisions. The judiciary is the repository of the public faith and it is imperative that judges must have complete grip of the facts before they start dealing with the case. The core principle of truth being the guiding star in the entire judicial process was emphasized upon.

A discussion on litigant friendly courts, infrastructural issues that the officers were facing, court managers, bar and bench relationship, appreciation of evidence, disposal of cases, legal aid, the role of high court in protecting the judges against various complaints was also initiated. Issue of time management was touched upon. Suggestions for improvement of the court halls were also mentioned. He narrated the suggestions of the resource persons of the previous conferences for strengthening effective justice delivery system. Some of the suggestions include: Help of the NGO's , Special assistance in case of deaf and dumb people, Making water facility available for general public, Setting up a complaint box, Setting up a help desk.

Session- 3 **[Resource Person- Prof. Jaishri Jethwaney, Prof.Vijay Vancheswar]**

Theme- Interpersonal Communication Skills of Judicial Officers in Justice Delivery Sytem

Mr. Vijay Vancheswar began with the introduction on the importance of communication.

The three pillars of interpersonal communication were discussed. The first being what we say, which includes mainly the content. The second pillar being- how we say, which includes the tone and the delivery of the intent and the third being what we demonstrate, which includes the body language of an individual. He stated that according to the researches, the words are 7% effective in conveying a message, tone of the voice is 38% and language of the body is 58% effective in conveying a message. The importance of non-verbal communication was also told. A video by Jan Hargrave on 'Non verbal communication and body language' was shown to the participants. Listening skills, presentation skills, feedback skills were explained with the help of a few examples.

The resource person with the help of illustrations stated the importance of building up of a positive attitude. The issue of basic communication skills was discussed. Laws of remembering and forgetting were taught with the help of interactive exercises. The various barriers to listening were discussed. The concept of passive listening, active listening, reflective listening, tracks and side tracks, emotional filters, effective listening was deliberated with the help the videos.

Further he discussed the topic of Trust, Verbal and Non-Verbal Communication skills, Conflict Resolution skills as pillars of successful communication process. Tips for managing self for conscious communication were also told.

Ms. Jaishri Jethwani started her discussion on the concept of perception. She stated that she believe whatever we learn, we learn from home and it is indeed difficult to change our behavior, but whenever in doubt one must refer to the code of ethics. She discussed the importance for a judicial officer to have a good gesture and a fair personality. She also said that judiciary is the third state in a democracy and media has acquired the forth state and discussed the implications of the same. The skills to be developed for an effective presentation in a public forum were also dealt with.

Session- 4 [Resource Person- Prof. Jaishri Jethwaney, Prof.Vijay Vancheswar]

Theme–Interpersonal Communication Skills of Judicial Officers in the Justice Delivery System

Prof. Vijay Vancheswar started the discussion by elaborating the concept of working of the journalists. He also discussed the problems faced by the judicial officers while adjudicating the cases. He stated that one of the biggest challenges faced by the judiciary is with regard to the freedom of speech and expression exercised by the media. He further dealt with the concept of, ‘right of the accused to be defended.’ He stated that the judicial officers should not act biased based on the media reports. He further deliberated that the media should not be provided with complete freedom of speech and expression without any checks and balances. There must be some mechanism and balance between the judiciary and media; otherwise there would be a complete chaos in the society.

He further discussed the status of media in India and stated that media acts as a fourth estate in the democracy. He mentioned that the media performs the function of a watchdog. Media brings the issue in the public domain, audit reports and ask for accountability from those who occupy the public domain. During the course of discussion, the participants gave their valuable inputs on various issues being faced by them on regular basis.

DAY – 2 (5TH APRIL 2015)

Session- 5

[Resource Person- Justice Dharnidhar Jha,
Justice Alok Singh, Justice D.K. Upadhyaya]

Theme – Reasoning

Justice Alok Singh started the session by stating that while adjudicating a case, the judicial officer should note down the arguments raised by both the sides. By writing down the arguments, the judicial officer gets a better grasp over the case which is being presented before him. Hon'ble resource person further deliberated that the arguments should be written down separately because it reflects as to why the judicial officer has come to a particular conclusion. Hon'ble resource person stated that mentioning reasons for the judgment by the judicial officer also helps higher courts to be in a better position to understand and adjudicate the case. Hon'ble resource person mentioned the landmark decision in *Upendra Sharma vs. State of Himachal Pradesh*, where the Supreme Court observed that it is necessary for the judicial officer to state the reasons while delivering any judgment. Hon'ble resource person further elaborated the importance of stating the reasons while deciding interlocutory or bail applications with the help of *Mahesh vs. State of West Bengal* (2010) 15 SCC 154 and *State of Kerala vs. Hanif* (2011) 1 SCC 784.

Justice D.K. Upadhyaya continued the session by mentioning the essential requirements for delivering a reasoned judgment which includes: the satisfaction of the parties involved and helping the higher courts to scrutinize the judgment in a speedy manner. Hon'ble Justice Upadhyaya elaborated the principles of natural justice. He further stated that most of the Judges opined that providing reasoning to the judgment has been considered as the third component of the principles of the natural justice. Hon'ble speaker discussed the definition of 'judgment' and 'order' with the help of the provisions of the Code of Civil Procedure. He mentioned that a judicial officer must determine the points of arguments, state the reasons, analyze the facts and then adjudicate and decide the case.

Hon'ble Justice Alok Singh put forward his views that the reasoned judgment brings transparency in the judicial system.

Justice Dharnidhar Jha further deliberated the importance of the art of analyzing the evidences. Hon'ble Justice stated that analyzing the facts and evidences helps a judicial officer in assigning the reasons and such an exercise becomes effective with continuous training and practice. He mentioned that the atmosphere in which a judicial officer adjudicates a case plays an important role in the effective functioning of the justice delivery system. Hon'ble resource person stated that in order to analyze the facts of the case, the judicial officers must have a good grasp over the

statutes. He stated that the judicial officer must free himself from psychological and official barriers while delivering the judgment.

Hon'ble Justice Jha further discussed the provisions of the Code of Civil Procedure and the Code of Criminal Procedure. He concluded the session by stating that the judicial officer must look into the facts and circumstances of the case and by taking into consideration the valid material, must come to a just conclusion.

Session – 6

**[Resource Person- Justice Dharnidhar Jha,
Justice Alok Singh, Justice D.K. Upadhyaya]**

Theme – Judicial Ethics

Hon'ble Justice Dharnidhar Jha posed few self introspecting questions to the judicial officers and helped them analyze in a better way. He observed that with the advancement of the society and the country, more money is being provided to the people living in the society. As a result of which, there is an increase in the litigation. He further mentioned that acquisitions of judicial impropriety have been leveled against judges of all ranks and classes. Hon'ble Justice Dharnidhar Jha mentioned the case of *All India Judges Association* in which the court observed that “the job of a judicial officer is not an employment and not a service, the judicial officers are at par with the constitutional office bearers of the executive.” Likewise when a judicial officer enjoys the sovereign power of the state, he implements laws. As a result of which, the expectation of the society increases.

Hon'ble Justice Alok Singh continued the discussion by elaborating the few points of the mechanisms to conduct one self. He further observed that the judicial officers do not enjoy power; however, they enjoy certain duties and responsibilities that are to be discharged in accordance with the law. Hon'ble resource person then shared his experience of discharging his duties and responsibilities, in an honest manner, with the judicial officers. He suggested to the participants that if they exercise their duties and responsibilities with loyalty, they will be respected. He further delineated that the judicial officers must not be hyper technical while adjudicating a case. It is the duty of the judicial officers to deliver the justice effectively in a timely manner.

Hon'ble Justice D. K. Upadhyaya discussed about the various aspects of judicial ethics. He further delineated that a government servant's misconduct and judicial ethics are two different things. He further described that independence; impartiality and integrity are the three most important aspects of judicial ethics. The role of the judge is to sensitize the justice, in accordance with the law. The judicial officers must administer fair and speedy justice. Hon'ble resource person further stated that the judicial officers must be responsible and duty conscious and not power conscious. He concluded the session by stating that all organs of the state are equally important and the role of judicial officers is to protect the rule of the law.

Hon'ble Justice Dharnidhar Jha carried the discussion forward by stating that one must not be known as a judge but respected as a judge. The Constitution of India guarantees equality before law and equal protection of law which is implemented through the courts. Judiciary is the main plant of the democracy. Hon'ble resource person concluded the session by stating that while being the judicial officer, he must keep in mind the responsibility that he holds.

Session – 7

**[Resource Person- Justice Dharnidhar Jha,
Justice Alok Singh, Justice D.K. Upadhyaya]**

Theme – Judgment Writing

Justice Dharnidhar Jha stated that there are four parts of the judgments which includes: Facts of the case, evidences produced for analysis of the evidence in the light of the pleadings of the parties, submissions and the law applicable. He further elaborated that in the case of the judgments of High courts and Supreme Court; there could be yet another part of a judgment which is known as Obitur Dicta. Further he elaborated that Ratio Decidendi refers to those things which are decided on the points of determination.

Hon'ble Justice Alok Singh then took the session forward by discussing few Supreme Court Judgments where the apex court has discussed the essentials of judgments. Few cases that were discussed are as follows: Balraj Taneja and another vs. Sunil Madan and another (1999) 8 SCC 396, Gurjeet Singh vs. State of Punjab (1974) 2 SCC 260, Shah Babulal Khimji vs JayaBen D. Kania and another (1981) 4 SCC 8 and Som Mittal vs. Govt. of Karnataka (2008) 3 SCC 574.

Hon'ble Justice Alok Singh concluded with the discussion on the parts of the judgments, with the help of the provisions of code of civil procedure and code of criminal procedure.

Session-8

[Resource Person- Mr. Chandershekhar Joshi]

Theme - Case information system

Mr. Chandershekhar Joshi stressed on the importance of Case Information system. He delineated that CIS is the integral part of justice delivery system and is mandatory for all the judicial officers to get acquainted with this system to ensure accountability and transparency in the judicial system.

He gave an overview on the working of the Case Information System and deliberated on the Filing session and on process of registration. Under registration process he stressed on extra information capturing, allocation and transfer of cases. Further he expressed on concept of court and daily proceedings features that are to be uploaded on CIS which includes under trial prisoners, order from accounts department and order from process section. He also delineated on the working of CIS with respect to process section which encompass process fees, summons notice, process messenger and generation of reports. He remarked on the importance of certified copy section in CIS. He has also dealt the other aspects of CIS which comprises of account section and information counter/KIOSK. Further he stated that case information system acts as a monitoring tool for the judicial officers. He also explained the role of National Judicial Data Grid which acts as a monitoring tool for the judicial officers. After giving a detail analysis of the e-project he suggested that it is very important for the judicial officers to adapt this kind of a technical change for upholding the integrity of temple of Justice. He delineated on the change management process and the process of change. He concluded his session with the discussion on personal and organization reasons for resistance to change and mentioned the ways to curb them. He emphatically remarked that through CIS, corruption can be eradicated to great extent.

DAY – 3 (6TH APRIL 2015)

Session- 9

[Resource Person- Dr. Amitabh Deo Kodwani]

Theme – Managing Human Resource: Understanding Self

Dr. Amitabh Deo Kodwani started the session with the situational question. The question was with regard to the biases that the judicial officers come across in their daily lives. He further explained the functioning of the sense organs and the brain. He mentioned that because of the daily biases, blockade in the minds of a person gets created which change the perception about various things in life. He illustrated with the help of few illusionary images the concept of perception which differs from person to person. He explained perceptual errors are the great cause behind the tremendous increase in the divorce rate in the last few years.

The reasons for people not understanding their close ones were also analyzed. He narrated that a lot of times, surrounding forces the people to see things in a different way. He further explained the process of perception was also discussed which helped the judicial officer to understand himself, others and the different situations in a better manner. It was mentioned that generally perception in most cases based on the beliefs and the value system of a person. The beliefs could be based on various factors like family background, past experiences, influence of media, etc. He further stressed that the value system is based on the way an individual is nurtured. He discussed the relationship of inner and outer behavior of an individual. The outer behavior was referred to a bigger circle, which mostly includes the beliefs, attitude and personality of an individual where as he delineated that there lies a smaller circle which constitutes the core values of an individual. He stated that the individual's inner circle tends to be so rigid to change their core values. Any behavior that is deep rooted is difficult to change was elaborated with an example of honour killing.

He deliberated on two kinds of individuals that exist in a society. First being an individual with low efficacy and another being with high efficacy. He concluded the session with the concept of internal and external locus of control.

Session- 10

[Resource Person- Dr. Amitabh Deo Kodwani]

Theme – Managing Human Resource: Understanding Self

The session was addressed by Dr. Amitabh Deo Kodwani. The judicial officers were asked to fill a questionnaire. The questions were on the transactional analysis test, which included 36

questions. Three ego states of an individual were explained which includes: Parent – Critical, Nurturing; Adult; Child – Adapted, Natural, Little professor.

He deliberated that since birth, the child was taught to put the blame on others. He further explained with the help of an example of mother hitting the floor when 8 months old child gets hurt by the floor saying that the floor is bad.

He explained the mind games that people play with each other. This was explained with the help of an example where the jeweler understands the mind-set of the couples who enters his shop for purchase of ornaments and plays mind games with them and convinces them to buy what the jeweler wanted to sell and not what the customer wanted to buy.

The concepts of complementary crossed and ulterior transaction was explained with the help of a video clipping from the movie ‘Chakde India’. The concept of intonations was also discussed.

The resource person finally concluded mentioning the different characteristics of people that existed in the society and the ways in which one could become a better human being. He mentioned that Mr. Narendra Modi, the Prime Minister of India, in his speech a few days before, quoted, “Judges Are God” and since judiciary is one of the most important decisions making body of the country, it is very important for people of such post to know the concept of perception. There is a definite need for them to evaluate statements, perspectives and understand intentions of the people in an effective manner.

Session – 11

[Resource Person- Prof. Sushanta Kumar Mishra]

Theme- Managing Human Resource: Time Management

Prof. Sushanta Kumar Mishra started his session by dividing the judicial officers into 9 groups and organized a small game “Win As Much As You Can.” With the help of a game he explained the concept of ‘Tit For Tat’ and mentioned that when an element of relationship comes into existence, the concept of ‘Tit For Tat’ is worst to follow. He mentioned that studies have proved that most of the countries end into wars because of the concept of ‘Tit For Tat’.

He further explained the concept of ‘norms’ with the help of few examples. He discussed the approach from competing to collaborating. He explained the concept of low skill, high skill, low

willingness, high willingness and stated the consequences of the possible combinations of the above mentioned factors.

Thereafter he remarked on the concept of 'Holding on Authority' and 'Giving up Authority'. A video 'Creating motivating Environment' was shown to the participants. He also stated that it is not the actual behavior of the leader in a group but the appropriateness of the person to act in a particular situation that matters. He explained the concept of leadership and delegation and concluded that delegation comes with responsibility.

Session- 12

[Resource Person- Prof. Sushanta Kumar Mishra]

Theme- Managing Human Resource- Leadership

Prof. Sushanta Kumar Mishra started his session with the introduction on the topic of leadership. He delineated on the concept of ego conflict and discussed few lessons that every individual must keep in mind for being a better and effective leader of the group. He stated that the person must motivate himself at first as self motivation is the biggest key to success. He narrated that when a person is leading qualified group of people he must not pretend and must not wear any kind of a mask. He also stressed that in a group, trusting people and giving them recognition plays a very crucial role. Focusing on the positive sides of the people and not on their weaknesses is one of the important skills any leader must possess. He further deliberated with the help of an example that when anybody tries to do something good for an individual, it is the human nature to not appreciate it, which is not a very good thing to do.

He then mentioned few tips which would help a person to manage time effectively. He analyzed the points with regard to the issues of time management which includes: prioritizing the work, learn to say 'NO', understand the reasons for procrastination, time boxing, planning and executing, delegating. He concluded the session with the quote by: Robert C. Pozen "I try to keep the material aspects of life simple as possible. I eat the same thing for breakfast every day."

DAY – 4 (7TH APRIL 2015)

Session- 13

[Resource Person- Prof. Pawan Kumar Singh]

Theme- Managerial Skills for Judges

Mr. Pawan Kumar Singh started his deliberation by introducing three basic managerial skills which includes: decision making, emotional intelligence and interpersonal conflict management. He asked all the participants to chant a prayer and then he discussed the concept of decision making. He stated that decision making of a judicial officer must be based on subjective as well as on objective elements. He further remarked that human beings are subjective in nature and a number of prejudices come in their minds while taking any decision. He suggested that the self perception must not come into play while taking decisions as a judicial officer. He remarked that an officer must bring within self a person which is uncontaminated and must give right judicious decisions.

Further he deliberated on the differences between myth, truth, untruth and fact. He explained two types of errors that the judges tend to commit. First being the error of not punishing the person who should have been punished and the second being the error of punishing an innocent. He stressed that the second kind of error was a more heinous one.

He further emphasized that scientific studies have proved that collective decisions in most of the situations are better than individual decisions. He explained the concept of collective decision, concept of root of psychology and the root of behavioral science. The different kinds of human personalities were also discussed. He further stated that there are people with split personalities and every personality is based on values, experiences, primary school teachings etc. He concluded the session by mentioning the four life traits of an individual, which are- introvert, extrovert, aggressive and submissive.

Session- 14

[Resource Person- Prof. Pawan Kumar Singh]

Theme – Personality Aspects of Judicial Officers

Mr. Pawan Kumar Singh continued his discussion on the topic of traits of a human being. He explained the nature and character of a submissive, aggressive, introvert and extrovert with the help of examples. He stated that the judicial officers must not be bothered about ‘you’, ‘me’ rather the issue which is to be adjudicated, should matter the most.

He further stated that an assertive person is completely at a different level than a person who is aggressive, introvert or extrovert. He asserted that, one should always think deeply before speaking and should also keep others self esteem into mind.

He narrated that management experts believe that extraordinary results can only be achieved by putting one's own efforts and not by just following others. He emphasized that an assertive person always knows the art of creating space for self and made a comparison between the Gandhian approach of means and end to Machiavelli's approach. He concluded by explaining the concept of low and high self esteem and stated that the judiciary is the last resort for individual therefore judicial officers must be very sensitized towards effective and just decisions which make a path for strengthening justice delivery system.

Session- 15

[Resource Person- Mr. R.S. Thakur, Mr. S.V. Sheshadri]

Theme - Wild Life Protection Act And Wild Life Crime Scenario In India

Mr. R.S. Thakur and Mr. S.V. Sheshadri took a joint session on the Wild Life Protection Act and discussed the wild life scenario in India. Mr. R.S. Thakur started his session by introducing the Wildlife Act to the participants. He deliberated the functions of Wildlife Crime Control Bureau. He also explained the mandate of the bureau and narrated the salient features of the Wildlife Protection Act, 1972. He stated that in lay man's language wildlife would mean any non-domestic animal species and mentioned that any animal specified in Schedules I to IV and is found wild in nature would be referred to as a wild animal. He explained the definition of 'trophy' and 'hunting' with reference to the provisions of the Wildlife Act. Different offences under the Wildlife Act were also discussed and the provisions in this regard were explained with the help of examples.

Further he deliberated the different provisions of the Wildlife Act. Section 39(1), 50(1), 50(8), 50(8)(d), 52, 55, 54 were discussed with the help of the mentioned case laws: *Moti Lal v. CBI*, [AIR 2002 SC 1691], *Forest Range Officer v. Aboobacker* [Kerla HC-1989 Cr LJ 2038], *Matia Palei v. State of Orissa* [2001 Cr LJ 1897(Orissa)], *E.C. Richard v. Forest Range Officer, Mettupalayam* [AIR 1958 Madras 31 (V 45 C 10)], *Rema Nayak v. State* [AIR 1965 Orissa 31 (1965 (1) Cri LJ 315)], *Sansar Chand v. State of Rajasthan* [(2010) 10 SCC 604], *Babu Lal & Anr v. State(Delhi Administration)* [1982 Cr. LJ 41].

He delineated on the topics which include compounding of offences, release of seized material, bail, corroboration by independent evidence and penalties with respect to Wild Life Protection Act. Few landmark decisions, including- *Ajit Narayan Haksar & Ors v. Assistant Commissioner of Central Excise (Legal)* [Bangalore 2002 (4) Kar. LJ 107], *State Of Karnataka v. K. Krishnan* [AIR 2000 SC 2729] were discussed.

Session – 16

[Resource Person- Mr. R.S. Thakur, Mr. S.V. Sheshadri]

Theme - Wild Life Protection Act and Wild Life Crime Scenario In India

Mr. S.V. Sheshadri started this session by defining the term ‘Wildlife Crime’ and stated the various reasons for the commission of such crimes. He stated that the crime of wildlife is an organized one and includes a nexus of hunters, middle-man, trader, informer, poachers, suppliers & buyers. He mentioned that huge monetary transactions are involved in wildlife crime. He stressed that wildlife is the 6th top most crimes in the terms of monetary value in the country.

He further delineated that South Asian countries are mainly transit for Indian wildlife and wildlife articles to final destinations. He remarked that the widely targeted animals include elephant, rhino, tigers, jackals, mongoose, crocodiles, musk deer etc are considered precious for their various parts. The main transits are from Nepal, Bangladesh, Bhutan, Sri Lanka and Myanmar and the main destinations are China, Thailand, Malaysia, Singapore, Vietnam etc.

He concluded his session by mentioning the crimes related to mammals, birds and the ways in which all such animals are used for commercial purposes and emphasized on the need for sustainable development.

DAY – 5 (8TH APRIL 2015)

Session – 17

[Resource Person – Mr. Promod Goel]

Theme – An Overview on E-Courts Project: Role of Judicial Officers

Mr. Promod Goel started his session with the introduction on the topic of software, hardware and human ware. He gave a brief historical background on the development of the computer

technology. He mentioned the different phases formulated by the e- committee and discussed the benefits and drawbacks of the same. He further deliberated about the Case Information System being adopted in almost all the States except Gujarat, Delhi and Madhya Pradesh. He stressed that the judiciary is provided with the laptops and other essential accessories by the government in order to regulate the courts in an effective manner. He delineated on the concept of video conferences and mentioned its benefits. He also mentioned that it is equally important to train the staff on e- course so that the mission of speedy and transparent justice to the society can be achieved in real sense. The concept of paper less courts was then discussed. The example of Punjab and Haryana High Court was taken and the participants were shown the working of a paperless court.

There after he asked the participants about their wish list of the hard ware accessories. The participants stated the following things as their need for better working of the courts: electronic display boards, increase in the number of monitors, increase in the human resource, speech to text software, scanners, video conferencing accessories. He stressed that the certified copy of the order given by the court is uploaded within half an hour from the delivery of the order, which brings transparency in the system of the courts.

He also discussed the various ways in which the electronic medium can be of use with regard to the delivery of the summons. He told that to operate such a network of courts there is a need of a secured network. He concluded his session by stating that it is the duty of every judicial officer to implement the projects and adapt the new technology.

Session – 18

[Resource Person – Mr. Sampath Iyengar]

Theme – Stress Management

Mr. Iyengar delineated that an individual must live his life and share his thoughts. He stated that all of us get one short, beautiful life and everyone must live this life to the fullest. He also stated that it is always good to accept a person who cannot change and accept him as it is. He stressed that knowing is nothing but doing is everything and encouraged the participants to do rather than to just know. He then played a video ‘Mera Jeewan Kora Kaagaz’ and then he further explained the definition and different stages of stress.

He further mentioned that loving oneself is the most powerful tool of motivation and it is very important for an individual to empower himself for better results in life. He also stated that one must keep the remote of his own in his own hand and must be responsible for his actions instead of blaming others. He emphasized that if a person can manage stress in his personal life, then he can very well handle his personal as well as professional life. He also stated the negative and positive effects of stress. He concluded the session by stating that studies have proved that every third person in India is stressed and a person should always appreciate what he has instead of cribbing for what he don't have.

Session – 19

[Resource Person- Mr. Sampath Iyengar]

Theme – Stress Management

Mr. Iyengar emphasized on the importance of exercise. He then stated that small things generally make big differences in our lives. Things like waking up early in the morning, prayer etc adds a lot to a person's behavior. He further elaborated that an individual must look at simple aspects of life and should not make simple life complex.

He delineated that a person can only be successful only if he tries, so it is indeed important for a person to act than to just think. He stressed that one must take the responsibilities for his actions, be it good or bad.

He stressed that an individual must not find problems with others all the time; instead an individual should focus on his own self. He stated the various reasons for being stressed and gave solutions to reduce the stress. He further stressed that comparing oneself to another is the silliest thing that one can do in life. Few motivation videos in this regard were also shown.

He concluded the session by suggesting the ways in which the stress can be reduced which includes: outsourcing it, accepting and apologizing if guilty, stretching body parts, keeping life simple, living with values, counting blessings, talking about it with the trusted set of people.

Session – 20

[Resource Person – Mr. Sampath Iyengar]

Theme – Stress Management

Mr. Iyengar explained the difference between 'outsource' and 'delegate'. He also mentioned the reasons for the increase in the disputes between husband and wives. He stated that studies have proved that in India, 6.5 Crore people are blind, 6.5 Crore people are deaf, 13 Crore earn less than Rs. 10 per day, every 4 minutes a suicide is committed, every 3-4 minutes an accident takes place. Hence, we must consider ourselves lucky. He stated that a person's thoughts and beliefs attract his actions, therefore one must always think straight and positive.

He further delineated that as long as there are ups and down in life, it moves and one has all the time to sleep when he is dead. It is essential for a person to do something productive with his life instead of sleeping all the time. Various inspirational videos were shown. He also stated that it is indeed very important to develop and maintain a healthy relationship with co-workers. He concluded the session by stating that a person had one short life and we never know when it is going to end. Therefore one must make the best use of it.

DAY – 6 (9TH APRIL 2015)

Session – 21

[Resource Person – Mr. Sampath Iyengar]

Theme – Relationship Management

Mr. Sampath Iyengar started the session with a video clipping which was related to Steve Jobs. Showing the same, he stated that one must always do things for his satisfaction and not for the satisfaction of others. Create a healthy relationship with oneself is the initial step for relationship management with others. He played a video clipping of 'Zindagi Ek Safar Hai Suhana' and emphasized on the point of an individual being blessed with a single life.

He suggested few tips that a person can follow to make his relationships better which encompass SWOT analysis, listing out likes and dislikes, clarity about vision; values and ethics, trusting yourself, bring change according to the circumstances, loving yourself, setting clear expectations, sacrificing for others, respect for all. He then explained that an individual generally have a tendency to make opinions based on appearances and such a practice if reduced proves to be very helpful.

He further deliberated that effective communication helps in developing healthy and fair relationships and stated that gratitude is the best attitude. Discussing on the topic of

communication he stated that one must carry a positive body language. It is important for a person to be generous with the golden three words, which are: 'Thank-You', 'Please', 'Sorry'.

He concluded the session by mentioning a quote by Dale Kargile, "Argument can be won only when started; get into discussion and not an argument".

Session – 22

[Resource Person – Mr. Sampath Iyengar]

Theme – Relationship Management

Mr. Iyengar mentioned that one must always try to learn good things from others. While learning, a person must always ask and not tell. He further stated that what a person says is important but how he says it is even more crucial. He deliberated that asking is awesome, assuming is awful and one must listen to the other person very peacefully.

He then started the discussion on the topic of 'Bringing up Positive Kids'. He stated that parents are the real assets of a child. He further delineated that it is very important to encourage the child and answer their questions patiently. He also stated that it is of utmost importance for the parents to fulfill the commitments that they promise to their children.

He then dealt with the personality aspects and discussed few ways in which a person can develop good relationship at work. He concluded the session stating that one must always learn the art of giving from the mother earth.

Session – 23

[Resource Person – Mr. Parag Gandhia]

Theme – Enhancing the Memory Power

Mr. Parag Gandhia started his discussion on the reasons for an individual to remember a particular thing. He stated that a particular thing stays in the mind of a human being for a long time only because he is either interested in that thing or fears that thing to the most.

He further explained the concept of visualization, association and imagination with the help of few worksheets and examples. He also stated that the best learner in the world is a child. He delineated the ways in which an individual can remember long lists. He illustrated the same during the session.

He then posed few situational based questions to the participants and tried to analyze them in a better way with reference to the visualization technique. He stated that the memory cells only develop when the brain is used and there is no age for development of these cells. Long term advantage of memory helps a person to connect to the brain. He then concluded the session by mentioning the concept of 'Use it or lose it.'

Session – 24

[Resource Person- Mr. Parag Gandhia]

Theme – Enhancing Memory Power

Mr. Parag Gandhia in this session discussed the concept of the power of mind. He also discussed the relation of the useful, not useful, important, not important things and discussed the implications of the same. He stated that after the sensory organs take an input, it goes to the sensory memory and then the message goes to the short term memory and if required, to the long term memory. The message in short term memory lasts for 30 seconds and there is no particular time period mentioned for the long term memory.

He also deliberated that if an individual won't use the message that developed in the mind, the individual would tend to lose that particular memory. He stated that one way to enhance memory is to meditate. After which he conducted a short term memory test by displaying few alphabets on the screen and asked the participants to write those back with the help of their memory.

He elaborated the concepts of comfortable memory, sensory memory, working memory, chunking method, excess cognitive load, turn into pictures, memory champions, conditioned mind, magical wall, association (known to unknown) with the help of few illustrations. He concluded the session by discussing the functions of the left and the right part of the brain and sensitized the participants the techniques that would help them enhance their memory in a better way.

DAY – 7 (10TH APRIL 2015)

Session – 25

[Resource Person – Prof. Dr. Manju Mehta]

Theme – Forensic Clinical Psychology

Dr. Manju Mehta started her session by defining the term ‘psychology’ and ‘law’ and stated the difference between Forensic psychology and Forensic Clinical Psychology. She explained the legal implications of psychology and the role of psychological assessment. She stated that psychological assessment helps in civil as well as in criminal matters. It also helps in the assessment of the credibility of the evidence. She further deliberated that psychological assessment also helps in understanding the personality, motivation behind the crime, context, soundness of mental state, responsibility of action. Further she delineated on the different kinds and characteristics of the psychological tests. Neuropsychological Assessment, sentence completion test, assessment of children, was also dealt with as a part of the discussion.

Session – 26

[Resource Person – Prof. Dr. S.L. Vaya]

Theme – Forensic Psychology in Crime Investigation

Prof. Dr. S.L. Vaya started the session by the introduction to the challenges that a judicial officers face with regard to the investigation of cases. She stated that the technologies that are used by the criminals have become advanced whereas the technology for the process of investigation is still outdated because of which the investigating agencies face various challenges to track and catch the criminals.

She discussed the topic of scientific examination of suspect, scientific interrogation, technologies for the detection of deception and memory tapping.

The next topic of her discussion included investigative psychology, criminal profiling, behavioral evidence analysis, factors that shape methods of operation, polygraph examinations in India, brain electrical oscillation signature profiling, suspect detection system, layered voice analysis, Narco- analysis as an aid to suspect interrogation and forensic hypnosis.

Dr. Amit Mehrotra concluded the conference and on behalf of National Judicial Academy conveyed his heartfelt thanks to the participants and expressed his deep gratitude to the resource persons for enriching and sensitizing the judicial officers which will help them in a long way to administer and uphold integrity of the temple of justice.

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