National Orientation Programme for Junior Division Judges (P-1063)

(8-14 December, 2017)

S. NO	Table of Content	Page No
	Session 1: Constitutional Vision of Justice	
1.	Dr. Anil Kumar Mohapatra, <i>Basic Objectives and Values of the Indian Constitution</i> , Orissa Review, 2011	
2.	Nalin Kant Jha, Realising the Constitutional Vision: Road Blocks and Road Ahead, The Indian Journal of Political Science Vol. LXVI, No. 1, Jan. – March 2005 Constitutional Vision Translating the Dream into Reality Critical Mistakes Challenges of Governance Roads Ahead	
3.	 M. P. Singh, Mapping the Constitutional Vision of Justice and its Realisation, 3 J. Nat'l L. U. Delhi 1, 16 (2015-2016) Introduction Theories of Justice and the Constitution of India Liberalism, Social Justice and the Indian Constitution: Mapping the Terrain Towards Realisation of Constitutional Vision of Justice A. Right to Education B. Right to Food C. Provision for Housing D. Right to Health Care E. Right to Livelihood Conclusion 	
4.	Dr. Ambedkar's Last Speech in the Constituent Assembly on Adoption of the Constitution (November 25, 1949)	
5.	Rex E. Lee & Richard G. Wilkins, On Greatness and Constitutional Vision: Justice Byron R. White, 1994 BYU L. Rev.291 (1994) The Role of a Judge He Decides Cases Is he Great Conclusion	
	Session 2: Role of Courts in Constitutional Democracy	
1.	Manish Tewari and Rekha Saxena, <i>The Supreme Court of India: The Rise of Judicial Power and the Protection of Federalism</i> , University of Toronto Press. (2017) • Introduction • Federal System • Court System • Federalism Jurisprudence • Conclusion	

2.	Maureen Callahan VanderMay, <i>The Role of the Judiciary in India's Constitutional Democracy</i> , 20 Hastings Int'l & Comp. L. Rev. 103, 134	
	 Introduction The Interbranch Dispute Over the Role of India's Judiciary A. Overview of the Indian Constitution B. The Constitutional Provisions Giving Rise to the Interbranch Dispute C. Parliament's Use of its Amendment Power to Curtail Judicial Invalidation of Legislative Acts D. The Judicial Response to Parliamentary Abrogation of its Guardianship Role E. Conclusion Judicial Self-Conception Within the Indian Constitutional Framework A. The Indian Judiciary's Self-Conception Is Wholly Consistent with the Framer's Reformist Vision B. The Indian Judiciary's Conception of Its Role Furthers the Framers' Objectives by Rejecting Well-Established Social Norms That Limit Individual Choice and Autonomy Conclusion 	
3.	Justice P.N. Bhagwati & C.J. Dias, <i>The Judiciary in India: The Hunger and Thirst for Justice</i> , 5 NUJS Law Review 171-188 (2012) • Introduction • A Historical Review of Social Action Litigation in India • Social Action Litigation: From Judicial Craftsmanship to Judicious Creativity • <i>Ubi Jus Ibi Remedium:</i> for every Right there must be a Remedy • From Directives and Orders to Compliance • A Whole Greater than the Sum of its Parts • Conclusion	
	Session 3: Discovering Current Judicial Methods	
1.	Mr. Justice S. S. Dhavan, <i>The Indian Judicial System A Historical Survey</i> • Judicial System in Ancient India • Judicial System in Medieval India • The Judicial System Today	
2.	Vern R. Walker, Discovering the Logic of Legal Reasoning, 35 Hofstra L. Rev. 1687, 1708 (2007) • Introduction • The Pragmatic Nature of Legal Reasoning • Rule-Based Reasoning • Evidence Evaluation • Second-Order Process Reasoning • Language, Evolution, and Logic • Conclusion	

4.	A.S. Anand, <i>The Indian Judiciary in the 21st century</i> , India International Centre Quarterly, Vol. 26, No. 3 (1999), pp. 61-78 • The Expansion of the Judicial Process • Power of Judicial Review • Future challenges • Administration of Criminal Justice Luiz Silveira, <i>Discovery and Justification of Judicial Decisions: Towards More Precise Distinctions in Legal Decision Making</i> Available at: https://www.bjutijdschriften.nl/tijdschrift/lawandmethod/ 2014/09/RENM-D-14-00003
	Session 4: Adherence to Core Judicial Values
1.	Justice Sunil Ambwani, Ethical Reasoning in Judicial Process
2.	Micah Schwartzman, <i>Judicial Sincerity</i> , Virginia Law Review, Vol. 94, No. 4 (Jun., 2008), pp. 987-1027 • Concepts of Sincerity and Candor • The Value of Legal Justification • Legal Justification and Legitimacy • Sincerity, Publicity, and Justification • The Limits of Judicial Sincerity
3.	The Bangalore Principles of Judicial Conduct 2002 (The Bangalore Draft Code of Judicial Conduct 2001 adopted by the Judicial Group on Strengthening Judicial Integrity, as revised at the Round Table Meeting of Chief Justices held at the Peace Palace, The Hague, November 25-26, 2002)
4.	Good Judicial Practice, Swedish Association of Judges Impartiality and Equal Treatment Good Conduct and Treatment of others Good Expertise and Efficiency
	Session 5: Judging Skills: Art, Craft and Science of Drafting Judgment
1.	Justice G. Raghuram, Art of Judgment
2.	Vicki Waye, Who Are Judges Writing For? • Australian Judgment Writing Style • Structure And Language • Length Of Judgments • Increase in the Size, Complexity and Technicality of Litigation • Increase in the Amount and Indeterminacy of the Law • Increase in the Amount of Written Evidence and Argument

3.	B.G. Harindranath District Judge, Art of Writing Judgements • Special Features of Judgements in Criminal Cases	
	 Preparation Reasons for the Decision Criticism, Necessity to Exercise Restraint 	
4.	Legal Judgment Writing by Judges, Judgment Writing and Legal Scholarship: The Path Forward, 7 NUJS L. Rev. [i], [ix] (2014)	
5.	 S.I. Strong, Writing Reasoned Decisions and Opinions: A Guide for Novice, Experienced, and Foreign Judges Introduction What Constitutes a Reasoned Decision or Opinion Why Reasoned Judgments are Necessary or Useful How to Write Reasoned Judgments Issues Relating to the Process of Writing a Reasoned Judgment Issues Relating to the Framework for Reasoned Judgments 	
	Session 6: Managing the Docket: Court and Case Management	
1.	David Neubauer, <i>Judicial Role and Case Management</i> , The Justice System Journal, Vol. 4, No. 2 (Winter 1978), pp. 223-232	
2.	Justice Roshan Dalvi, The "Business" of Court Management, 13 / Nyaya Deep Introduction Evolution The Western Scenario The Indian Scenario	
3.	Justice Sunil Ambwani, Justice Administration: Case and Court Management Modernising and Streamlining the Rules and Procedures Finance Autonomy and Accountability Human Resource Management Record Keeping Planning Court Rooms, Infrastructure and Record Rooms Control over Management of Cases and Case flow Management Specialization and Equitable allocation of work	
4.	Justice Madan B. Lokur, Case Management and Court Administration Chandra Kumar vs. Union of India Role of lawyers and Litigants Availability of Information Preparation of Documents Use of Technology	

Session 7: Courtroom Technology: Use of ICT in Courts		
1.	 Karim Benyekhlef, Emmanuelle Amar, and Valentin Callipel, ICT-Driven Strategies for Reforming Access to Justice Mechanisms in Developing Countries, 6 The World Bank Legal Review 325, (2015) Using a Modular and Collaborative Methodology, the Model Chosen by the Cyber Justice Laboratory Failure of Past Cyberjustice Initiatives Modularity: A Definition Identification of the Judiciary's Factual Needs Collaboration: Involving Stakeholders Understanding the Socioeconomic Context in which ICT Initiatives are to be Implemented Implementing Pilot Projects The Global Forum on Law, Justice and Development: A Project Incubator Using GFLJD Partners to Modernize and Reform Access to Justice in Developing Countries The Work of the Community of Practice on Alternative Dispute Resolution The Use of ICT in the Context of Transitional Justice Conclusion 	
2.	Dr. Justice G.C. Bharuka, Technology and Timely Justice – Intelligent Use of ICT can Revamp the Indian Justice Delivery System	
3.	Atul Kaushik, Bringing the 'E' to Judicial Efficiency: Implementing the e-Courts System in India, Available at: http://dakshindia.org/state-of-the-indian-judiciary/08_contents.html	
4.	E-Courts Mission Mode Project, Ministry of Law and Justice Department of Justice, Available at: http://doj.gov.in/national-mission/ecourts/ecourts-mission-mode-project Phase I Phase-II Achievements of Phase – II 	
	Session 8: Information Technology and Cyber Crimes	
1.	Mayank R. kothawade 1 & Prof. Dr. Preeti Agarwal, Cybercrimes: An Indian perspective, Volume 6 Issue No. 4 Overview of Critical Infrastructure (It, Physical, Social) in India Cybercrime Classification Analysis of Cybercrimes in India	
2.	Rajlakshmi Wagh, Comparative Analysis of Trends of Cyber Crime Laws in USA and India, International Journal of Advanced Computer Science and Information, Technology 2013, Volume 2, Issue 1, pp. 42-50. Overlook of Some of the Cyber Crime Affected States in India • An Overview of Some of the Status of Convictions in India	

	An on Look of Conviction Rate in the USA	
	US Cyber Crime Laws: An Exordium Other Laws for Computer Crime Prosecution	
	Other Laws for Computer Crime Prosecution	
3.	Mr. Pavan Duggal, Indian Cyber law on Cybercrimes	
4.	Dr. Sapna Sukrut Deo, The Criminal Law (Amendment) Act, 2013:	
	Legislative Remedies for Online Harassment and Cyberstalking in India	
5.	Dhiraj R. Duraiswami, Privacy and Data Protection in India, 6 J.L. &	
	Cyber Warfare 166, 187 (2017)	
	Regulatory Overview	
	Constitutional Protection	
	Information Technology Act, 2002 and Privacy Rules On the Privacy Rules On the Privacy Rules	
	Criminal Laws & Procedure - Indian Penal Code, 1860	
6.	Maneela, Cyber Crimes: The Indian Legal Scenario, 11 US-China L. Rev.	
0.	570, 586 (2014)	
	A Ctus Reus in Cyber Crimes	
	Mens Rea in Cyber Crimes	
	Classification of Cyber Crimes	
	Comparative Scanning of Cases Registered & Persons Arrested Under	
	Information Technology Act	
7.	N. S. Nappinai, Cyber Crime Law in India: Has Law Kept Pace with	
, .	Engineering Trends - An Empirical Study, 5 J. Int'l Com. L. & Tech. 22, 28	
	(2010)	
	(2010)	
	Session 9: Electronic Evidence: Collection, Preservation and Appreciation	
1.	Justice Kurian Joseph, Admissibility of Electronic Evidence, (2016) 5 SCC (J)	
2.	Tejas Karia, Akhil Anand and Bahaar Dhawan, The Supreme Court of India	
	Re-defines Admissibility of Electronic Evidence in India	
	Relevance of Electronic Evidence	
	Principles and Salient Provisions of the Evidence Act	
	Admissibility of Electronic Records	
	Mandatory Authentication of Digital Evidence	
3.	Dr. Swarupa Dholam Electronic Evidence and its Challenges	
	Guidelines for Handling Digital Evidence	
	Analysis of Digital Evidence Challenges to the Authorities of Floridania Evidence.	
	Challenges to the Authenticity of Electronic Evidence Points to be Considered which may Help in Decling with Electronic	
	Points to be Considered which may Help in Dealing with Electronic Evidence	
4		
4.	Vivek Dubey, Admissibility of Electronic Evidence: An Indian Perspective,	
	Vol. 4 Issue	
	 Meaning of Electronic Evidence Electronic Documents 	
	 Electronic Documents Electronic Evidence and the Indian Supreme Court 	
	- Electionic Evidence and the matan supreme Court	

S	Session 10: Environmental Law: Sustainable Development and Role of Court		
1.	Mahajan Niyati, <i>Judicial Activism for Environment Protection in India</i> , International Research Journal of Social Sciences Vol. 4(4), 7-14, April (2015)		
2.	Justice Sunil Ambwani, Role of District Judiciary in Implementation of Environmental Law, 2007 Introduction Environment Justice Access to Environment Justice Conclusion		
3.	Arindam Basu, Climate Change Litigation In India: Seeking A New Approach Through the Application of Common Law Principles, [Vol. 1] ELPR 34, 2011		
4.	Prof. (Dr.) Arup Poddar, Indian Supreme Court on Precautionary Principle, The World Journal on Juristic Polity, March 2017 Introduction International Regulation on Precautionary Principle Environmental Policy and Precautionary Principle Environmental Legislation and Precautionary Principle Analysis of Precautionary Principle by Supreme Court In India Recent Supreme Court Judgement on Precautionary Principle Conclusion		
5.	Dr. Madhuri Parikh, <i>The Forest Conservation in India and the Role of Indian Supreme Court: A Critical Analysis</i> , IOSR Journal of Humanities and Social Science (IOSR-JHSS) Volume 13, Issue 4 (Jul Aug. 2013), PP 55-61 • Introduction • The Legislative and Executive Efforts for the Conservation of Forests in India • The Role of the Supreme Court of India in Forest Conservation • Conclusion		
6.	Geetanjoy Sahu, <i>Implications of Indian Supreme Court's Innovations For Environmental Jurisprudence</i> , 4/1 Law, Environment and Development Journal (2008), p. 375 Available at http://www.lead-journal.org/content/08375.pdf		
	Session 13: Role of Courts in Securing Gender Justice		
1.	Dr. Anju Tyagi, Judicial Activism and Legal Reforms Relating to Women with Special Reference to Personal Law, Journal of Indian Research, Vol.3, No.3, July-September, 2015, 115-128 • Introduction • Role of the Woman • International Conventions and Treaties Relating to Women • Legislative Initiatives • Other Legislative Provisions Relating to Women		

	Judicial Initiatives	
	Conclusion	
2.	Avani Mehta Sood, Gender Justice through Public Interest Litigation: Case Studies from India, 41 Vand. J. Transnat'l L. 833 (2008) Introduction Public Interest Litigation In India Legal Framework Case Studies Challenges And Limitations Strategic Considerations Conclusion	
3.	B. Sivaramayya, Gender Justice, Fifty Years of The Supreme Court • Bigamous Marriage • Wife as Property • Restitution of Conjugal Rights • Rape Law • Child Rape • Compensation to Victims of Rape • Succession • Guardianship, Employment and Interim Relief to Divorce Victim • Right to Privacy • Child Prostitution • Uniform Civil Cod • Prospect for the Twenty-First Century Justice Shalini Phansalkar Joshi, Gender Justice: Need for Removal of	
	Subtle Nuances of Gender Inequality, XVI (2) Nyaya Deep 58-69, April 2015	
5.	Justice Mohit S. Shah, "Quest of Gender Justice" Need of Realistic & Sensitive Judicial Approach, XVI (2) Nyaya Deep 3-10, April 2015	
	Session 14: ADR and Plea Bargaining	
1.	Justice S.B. Sinha, <i>ADR: Mechanism and Effective Implementation</i> Available at: http://mediationbhc.gov.in/pdf/adr.pdf	
2.	Janet Martinez, Sheila Purcell, Hagit Shaked-Gvili, and Mohan Mehta, Dispute System Design: A Comparative Study of India, Israel and California, Cardozo J. of Conflict Resolution [Vol. 14:807], 2013 Introduction Overview Of Three Court Mediation Programs Analytic Framework For System Design Conclusion Future Trends	
3.	Shaista Amin, <i>Plea Bargaining- An Indian Approach</i> , (2014) 4 GJLDP April 67	

4.	Avimanyu Beher, <i>Plea Bargaining in India</i> , Indian Journal of Criminology & Criminalistics Vol. Xxix No. 1, January-April, 2008	
5.	Justice Sunil Ambwani, <i>Alternative Dispute Resolution</i> , XXXIII JTRI Journal 31-37, Dec, 2012	
6.	Rajshekhar Rao, Correcting the Printer's Devil & Clearing the Air Over Alternate Dispute Resolution: Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCC 24, 2010 PL (Arb) Oct S-15	
7.	Justice Jitendra N. Bhatt, A Round Table Justice Through Lok-Adalat (Peoples' Court) — A Vibrant-ADR-In India, (2002) 1 SCC J-10	
	Session 16: Stress Management	
1.	Akanji Babatunde, Occupational Stress: A Review on Conceptualisations, Causes and Cure, Economic Insights Trends and Challenges, Vol. II (LXV) No. 3/2013 • Introduction • Organisational Factors Causing Stress • Stress Outcomes • Stress Cure • Conclusions	
2.	Gary E. Schwartz, Stress Management in Occupational Settings, Public Health Reports (1974-), Vol. 95, No. 2 (Mar Apr., 1980), pp. 99- 108 Introduction to Stress Management Procedures Clinical Aspects of Stress Management Suggestions for the Future	
3.	James Campbell Quick and Demetria F. Henderson, Occupational Stress: Preventing Suffering, Enhancing Wellbeing, Int. J. Environ. Res. Public Health 2016, 13, 459 Introduction Occupational and Organizational Stress Causes of Stress: Demands and Stressors Individual Differences Individual Differences Distress: Unhealthy Consequences Eustress: Good Outcomes Preventive Stress Management Preventive Medicine and Occupational Health Organizational Protection and Leadership Preventive Stress Management for Individuals From Stress Prevention to Enhancing Wellbeing Conclusions	
4.	Judges and Stress (December 2013)	

5.	The Hon Michael Kirby AC CMG, <i>Judicial Stress and Judicial Bullying</i> , QUT Law Review Volume 14, Number 1, 2014	
	Session 17: Law of Precedents	
1.	Justice Sunil Ambwani, Stare Decisis amongst High Courts Ratio decidendi The exceptions The persuasive value The administration of justice	
2.	Steven J. Burton, The Conflict between Stare Decisis and Overruling in Constitutional Adjudication • The Problem: Unbridled Discretion to Overrule > The Mistake Approach to Overruling > The Prudential Approach to Overruling > The "Special Justification" Approach to Overruling > Some Problems With Unbridled Discretion to Overrule • A Proposed Constitutional Law of Overruling > Due Process of Law > The Proposal > The Constitutionalized Rule of Law > The Proposal's Conceptual Basis > Constitutional Unity And Stability • Judging In Good Faith	
3.	136 th Report of the Law Commission of India on Conflicts in High Court Decisions on Central Laws- How To Foreclose And How To Resolve	
4.	Prof. (Mrs.) Nomita Aggarwl, The Doctrine of Precedent and the Constitutional Framework • Custom as a source of law ➤ Impact of Custom on key-Labour Rights • Legislation as a Source of law ➤ Labour Law Legislations: The impact • Precedent as a source of law ➤ Application Judicial Precedents • Position of Precedent in India • Precedent in Post-Independent India: Constitutional Context ➤ Law declared- the meaning • The Binding Nature of Supreme Court of its own Previous Decisions	

5.	M.P. Jain, <i>Theory of Precedent</i> , Law Reporting in India	
	Law Reports-Supreme Courts	
	Reports of the Sadar Diwani Adalats	
	Reports of the Sadar Nizamat Adalats	
	Early High Court Reports	
	The Indian Law Reports Act	
	Official High Court Reports	
	Private Reports	
	Reports of the Privy Council—Federal Court—Supreme Court	
	Defects of the Present System	
	Session 18: Impact of Media on Judicial Decision Making	
1.	Mr. Rashid Botwalla, The Courts Versus the Proactive Media	
	The Role of Media in the Society	
	Media Reporting	
	Pre-Trial Publicity	
	The Additional Pressure on Judges in High Publicity Trial	
2.	Justice G. Raghuram, Media as an Instrument of Public Accountability,	
	(2011)	
3.	Mili Singh & Amit Kumar Singh, Problem and Expectations of Judges from	
	Media in Judicial Decision Making	
	Judiciary and Media	
	Impact of Media on Judiciary	
	Findings, Discussion and Conclusion	
4.	Mr. Justice G.N. Ray, Reasonableness of Restrictions on Reporting on Sub	
	Judice Matters	
5.	Press Council of India, Norms of Journalistic Conduct	
6.	Sir Mark Potter, Courts and the Making of Public Policy Do the Media	
	Influence the Judiciary? The Foundation for Law, Justice and Society in	
	affiliation with The Centre for Socio-Legal Studies, University of Oxford.	
	Media Criticism and Judicial Impartiality	
	The Supreme Court and Modern Judiciary	
	Super-injunctions and Increased Transparency	
	Session 19: Forensic Evidence in Civil and Criminal Trials: DNA Profiling	9

	,	
1.	Khaleda Parven, Forensic Use of DNA Information V Human Rights and Privacy Challenges, University of Western Sydney Law Review [Vol 17:41], (2013) • Introduction • Use of DNA Information in the Justice Delivery System: Human Rights And Privacy Challenges • The Future of Forensic Use of DNA Information • Conclusion	
2.	 Subhash Chandra Singh, DNA Profiling and The Forensic Use of DNA Evidence in Criminal Proceedings, Vol. 53 Journal of The Indian Law Institute, No.2, April-June 2011 Introduction The science of DNA identification Validity and Reliability of DNA Technology: Problems of standardization and certification Admissibility of DNA Evidence in Criminal Cases: A Comparative Analysis DNA Testing and Human Right Retention, Use and Destruction of DNA Database Conclusion 	
3.	DNA Profiling in Justice Delivery System, Central Forensic Science Laboratory, (2007)	
4.	Procedure for Collection & Forwarding of Samples for DNA Fingerprinting Analysis, Centre for DNA Fingerprinting and Diagnostics (CDFD)	
5.	Conclusions and Recommendation: 271st Law Commission of India Report on Human DNA Profiling – A draft Bill for the Use and Regulation of DNA Based Technology.	