



Judicial Education

NJA

*Newsletter of the
National Judicial Academy*



Vol. 05 No. 02
June 2016

Vol.05 No.2, June 2016

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Printed in India

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From the desk of the Director, NJA

The National Judicial Academy is conceived to enhance standards of adjudication with vital and critical constitutional values mentoring the process, so as to ensure qualitative, normatively robust and sustainable dispute resolution protocols and practices in the justice delivery system. With support and guidance from Hon'ble judges of the Supreme Court of India and the several High Courts, the Academy organizes training sessions calibrated to raise the standards of excellence in justice delivery through human resource development, techno-managerial up-gradation and constant reflection on what courts currently do and what they ought to do, to measure up to the deep and abiding faith society reposes in the judiciary.

The Academy organizes conferences, seminars and workshops for judicial officers serving at the several levels in the hierarchy of our court system and for adjudicators presiding over Tribunals and other quasi-judicial bodies. Workshops, conferences and seminars organized by the Academy facilitate opportunities to share experiences, concerns, disseminate best practices and deliberate on substantive and processual initiatives towards improving infrastructural and professional standards for effective justice delivery, across tiers of our courts and tribunals.

Academic and training programmes and conferences are organized every week through the year according to a schedule and broad course content spelt out in an annual calendar of events. Resource persons and subject matter experts drawn from within the judiciary, from law enforcement agencies, industry, business, academia, regulatory authorities and several other domains are invited to share knowledge and experience with participant judicial officers on diverse issues relevant to the judicial branch.

The Academy publishes quarterly newsletters to disseminate information regarding academic and training programmes we conduct, to share our work and experiences with stakeholders - judges who comprise critical human resources of the judicial branch, officers associated with court administration and our patrons who guide, support and critically audit our work in progress.

This newsletter covers programmes and events conducted by the Academy during 8th October, 2015 to 1st May, 2016. Over twenty regular programmes covering a wide and varied range of issues relevant for judges and court administrators, including advanced course on economic crimes, developments in the area of constitutional law, development of specific modules for State judicial academies, management of stress at the workplace, current practices, standards, asymmetries in and appropriate norms of sentencing, assessment of work of human rights courts, scope and dimensions of judicial review, refresher course for judges presiding over motor accident claims Tribunals were organized during this period. Two special event workshops were also conducted, one for master trainers to enhance quality of judges working in the area of prevention of cruelty to animals and the other for enhancing the vision and comprehension of magistrates dealing with cases arising under the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994, to reflect on practical issues impeding speedy disposal of cases arising there under and identifying possible solutions.

The large number of participants in the various programmes conducted during this period signals the keen interest and motivation of judicial and administrative officers of the judicial branch, to meet expectations of our people and nurture the public faith in our justice delivery system. Such robust and vibrant participation is reassuring.

A large number of resource persons and subject matter experts very graciously shared their valuable time, rich and varied experience and knowledge at the several sessions. We are grateful to them for readily and unreservedly accepting our invitation to guide and mentor the deliberations.

We live in a world that is increasingly dynamic; of people exponentially migratory; of civilisations, cultures, mores and beliefs coalescing and bringing in the wake of such coalescence conflicts – social, economic and cultural; a world witnessing an accelerated pace of technological and scientific inventions and discoveries; and a world where all these shifts translate into greater potentiality for conflict. Arbitrators, world over and our judges too must gear up to shoulder the responsibility of the consequences of change that is upon human societies. The National Judicial Academy will continue the effort to maintain, nurture and enhance the quality of justice delivery, by providing a platform for judicial education.

Justice Raghuram Goda

Director

National Judicial Academy

Bhopal

P- 948: ADVANCED COURSE ON ECONOMIC CRIMES

Yogesh Pratap Singh, Research Fellow



The National Judicial Academy organised a four day seminar from 8-11 October, 2015 for High Court Justices on the theme ‘Advanced Course on Economic Crimes for High Court Judges’. The advanced course on economic crimes harked upon the limitations of existing system & reasons for increase in economic crimes. It was discussed that inadequate punishment, absence of a dedicated policy, lack of legal framework, standard documents, poor corporate governance, flawed internal control, failure of corporate communication system, fraudulent financial statements, no Indian law on insurance fraud, lack of structured of exchange of information among insurers are some of apparent reasons for increase in economic crimes.

In the course of deliberation, flaws in ‘procurement’ system were highlighted viz. nomination based on single source procurement “instead of following a process of open competitive bidding”. Absence of two envelope system: Two-Envelope bidding procedure requires, at the first stage, Bidders submit two sealed envelopes simultaneously, one containing the Technical Proposal and the other the Price Proposal, enclosed together in an outer single envelope. Delay in tender processing and award of decision was also discussed as one of the concerns of public procurement system.

As regards the IT Act, 2008 participant justices were of the view that it is difficult to distinguish between Section 65 and Section 66 of the Act, and regarding “source code theft” and there is a vacuum and lack of understanding in the application of this law. Furthermore, they said cross border transfer of information and data through cyber means has led to waiving of rights of privacy.

The discussion offered various solution to the concerns raised, it was observed that, the right to information Act (RTI) gives all the required information about the government, such as what the government is doing with our tax payments. Another potent check is the Central Vigilance Commission (CVC). It was setup by the government to advise and guide central government agencies in the areas of vigilance. If there are any cases of corruption or any complaint thereof, then that can be reported to the CVC. CVC also shoulders the responsibility of creating more awareness among people regarding the consequences of giving and taking of bribes and corruption.

Participants were of the view that, public procurement law, institutional framework preferably dedicated department/unit within the Ministry of Finance and standardization including the procedures, tender documents and general conditions of contract are urgently needed to curb irregularities in public procurement. Further, on public procurement issues they observed that, competitive bidding should be the norm for procurement unless otherwise permitted and in special cases, evaluation criteria should be clearly spelt out in tender documents and evaluation must be as per the declared criteria. Public opening of tendering and debriefing should be mandatory. They supposed that the result of the tendering process in the public domain, switching over to e-procurement regime will help to avert the tender irregularities.

For all development projects, the executing agencies should carry out procurement planning, logistics, contract packaging, scheduling and firming up of funds before sanction. Schedule of rates should be reviewed and revised. Contractors past performance data should be maintained. While accepting the tenders, bid capacity, finance, equipment, personnel & past performances should be a mandatory criteria.

Participant justices were of the opinion that corporate governance has to be reformed by ensuring "transparent financial reporting". There must be a risk management committee and an audit committee. Participant justices pressed on the need of proper implementation of AML/CFT (Anti-Money Laundering/Combating the Financing of Terrorism) guidelines, which talks of customer acceptance policy and customer identification policy (KYC norms). Identification and verification of client is also important according to many participants including screening mechanisms for employees/agents. Special emphasis was laid on the implementation of the Shah Commission, which has recommended that a person who gets the mining lease should disburse half of the net profit for development of tribal.

In the backdrop of problems raised during the discussion, very innovative ideas were proposed to alter the status quo of economic crimes and legal, procedural and institutional weaknesses. Important among such proposed solutions are establishment of special courts for speedy justice, which can have a huge positive aspect. Much time should not elapse between the registration of case and delivery of judgement; strong and stringent law should be enacted which will give no room for the guilty to escape.

The discussion also highlighted a need for stringent laws of privacy where one cannot waive one's right to privacy, example being the undertaking that one has to agree to when one signs into some of the sites. The terms and conditions insisy upon you waiving away your right to privacy. Fraud risk management should be a component of every insurer's risk management framework and insurers should raise awareness of the potential for internal fraud within their organization. Preventive policies, procedure and control should be made; Claim assessment procedure should be established by insurers when handling claims, insurers should make an assessment of the fraud risk of the claim.

Insurers should take all reasonable steps to confirm that the intermediaries they use, meet proper standards and have adequate safeguards for the sound conduct of business, as internal audit are successful tools for detecting internal fraud, insurers should carry out risk-based internal audits at appropriate intervals. In order to be effective, audit staff needs timely access to information and technological tools to audit computerized systems and files; Training of the Board, senior management and other staff should correspond with the business process in which the person is engaged. Also, it reflects the risks he or she encounters in fulfilling his or her responsibilities; Risk mitigation strategies have to be implemented in order to create a road map that combats fraudulent and corrupt practices.

P- 949: CONFERENCE ON FUNCTIONS OF REGISTRAR (VIGILANCE/INTELLIGENCE)

Prasidh Raj Singh, Law Associate



A three day conference on Functions of Registrar (Vigilance/Intelligence) was held at the National Judicial Academy, Bhopal from 12th to 14th October, 2015. The conference aimed at deciphering the role of Registrar (Vigilance) in ensuring accountability and judicial discipline among the members of subordinate judiciary. Discussions were initiated on the role and responsibilities of Registrar (Vigilance) as communicator of adverse remarks, in maintaining ACRs, scrutiny of assets of judicial officers, departmental inquiry, disposal of grievances and court inspections.

Participants discussed and shared their concerns related to their role, functions and institutional hiccups. They also put forward that there is no uniformity in all the High Courts about the composition, power and functions of Registrar (Vigilance) or Vigilance Cell and not all High Courts have special police teams to assist the vigilance cell. Infrastructural difficulties like lack of IT facilities, separate and segregated office, adequate and trained Staff are all pervasive.

The discussion highlighted the functional difficulties like lack of autonomy i.e. vigilance cell is always dependent on Chief Justice of the High Court. Interference of High Court Justice in the working of vigilance cell, compliant against the staff of the vigilance Cell including the Registrar (vigilance), absence of strong prosecuting wing, lack of trained enquiry officers to assist the vigilance cell, unenforceable judicial code of conducts, outdated procedures, absence of vigilance setup at the District level and chaotic way of keeping records and loss of records.

This three day conference provided a platform to find out the solutions for common constraints of Registrar (Vigilance). The following responses emerged as solutions, inter alia, Vigilance cell need to be established at the District level and there must be a police wing attached to the vigilance cells both at the High Court and District Courts. Formulation of precise and well defined rules for the efficient working of the

vigilance cell; much needed autonomy and functional independence and segregation need to assured to the vigilance cells. Vigilance cell need to be adequately staffed and there shall be strong network with inter and intra High Court vigilance cells, this enables exchange of good practices and nabbing interstate networks of corrupt practices. Objective and yearly assessment of Annual Confidential Reports and timely communication of remarks to the judicial officer must be ensured by the Registrar (Vigilance). Complaints with and without affidavit must be taken seriously, if discreet inquiry finds substance in the complaint, requirement of affidavit may be ensured by asking the complainant to submit the affidavit in the later stage.

Participants proposed that surprise inspections of subordinate courts are very effective in keeping vigil over the judicial officers and court staff. Honest judicial officers are to be encouraged and assured that false complaints will not have any negative implications on their character roll. For minor deviations from judicial discipline, punishment transfer can be employed but for the major aberrations there must not be any leniency for whatsoever reasons. Surveillance on the suspect judges is to be strictly ensured, assets and transactions of such judge, family members, relatives and friends must be probed in details.

P-950: DEVELOPMENT IN THE AREA OF CONSTITUTIONAL LAW

Dr. Amit Mehrotra, Assistant Professor



The National Judicial Academy organized a 4-day National Conference on Development in the area of Constitutional Law on October 15-18, 2015 for High Court Justices. The conference endeavored to bring about discussion on the current constitutional challenges and addressed contemporary themes, to help understand how high court justices think on matters related to judicial appointments, rise of social media, extent of right of privacy, interpretation of state under Article 12, etc. The objective, therefore, was to search for coherence between the different benches of the high courts to constitutionality of several remedies that can be awarded. The Conference helped reflect upon institutional, structural concerns outside the judiciary, in particular, the Parliament.

The conference discussions centered on the issues of constitutionality of NJAC. The discussion also focused on the constitutional issues of striking down Administrative Orders/ Circulars, Judicial Activism v/s Judicial Restraint, innovative interpretation of the Constitution, constitutional reforms, and constitutional mandate for control over subordinate courts, Statutory Regulatory Authorities and separation of power. The course was attended by 13 High Court justices from across India.

Challenges and Concerns:

In the course of discussion it was expressed that India does not have its own theory of justice hence, India is forced to adapt and rely on various kind of jurisdictions and jurisprudence of the other countries which does not work very well. Socialist justice in India is vanishing. Problems like docket explosion and overcrowding of prisoners were discussed during the discourse. On the issue of NJAC bill participant justices viewed that the flaws in the Act are serious and for the same reasons it is unconstitutional. Inability of the Bar Council of India and State Bar Councils to discipline their members was also discussed at length.

Suggestions/Reform Proposition emerging from discussion:

While dealing with constitutional vision of justice it was opined that as a judge, an academician or a

student of law, the process of reflection is very important and contextualizing the foreign jurisprudence in the Indian context is necessary. It was emphasized that a judge should always follow constitutional idea of justice and always try to be away from his personal idea of justice; Constitution is the authentic source of justice, decision should not be to advance justice but it should be to fight and remove manifest injustice. The word Constitution must be understood as a codification of the values that constitutes a nation and the judiciary has an extraordinary role in protecting these values. Values that uphold truth is *Dharma*, a nation is always competing with ideas of values, and judiciary should uphold those values. Apart from constitutional invigilators and statutory interpreters, judges are also responsible to put forward the constitutional values and judiciary must be animated by goal oriented approach. As a judge, one must understand the fundamental value and there is a need to expand the understanding of equality, freedom, dignity, *Swaraj*, *Ahimsa*, *Antodya* and *Sarvodya*. The view was that the judgments should be on the principles of constitutional values and should be free from all prejudices.

As far as judicial activism is concerned it was viewed that court should be more democratic while adjudicating the case. It was delineated that constitutional values should be protected and one can find out the solutions if the values are clear.

Participant justices observed that the constitutional court plays a very important role in encouraging the development and evolution of constitutional idea of justice and which is in turn based on our own freedom struggle and engaging in the process of reasoning. The stronger and clearer the idea of constitutional justice, stronger will be the Republic of India. Justice- socially, economically and politically simply means we want to create a nation where economic, political and social relations are governed by *Sthai Mulya*.

In the course of discussion observations were made on the role of judiciary in ensuring justice as, justice in India must be an idea which is socially transformative. India's goal should always be unity in diversity and should not be union in homogeny and one cannot build unity without equality, freedom, dignity and nonviolence. It was emphasized that the value of justice is a very practical idea and not a theoretical idea.

While pondering upon the basic rights of people, the Hon'ble Justices observed that there should be an idea of rights amongst all classes of people so that the rights reaches to one and all. It was also emphasized that it is not always necessary for a citizen to get positive rights, they may get negative rights also, and judicial rulings must also take note of negative rights which have far reaching implications in building a welfare society. It was also highlighted that Article 41, 45, 46 provides State to take positive steps for securing right to work in public employment, old age, sickness, and to take care of economic and educational interest of the weaker sections of the society.

P-958:- FUNCTIONS OF REGISTRAR (ADMINISTRATION)

Shivaraj S Huchhanavar, Research Fellow



The National Judicial Academy organized a three days conference on the Functions of Registrar (Administration) from 30th Nov. to 2nd Dec. 2015. This conference was a follow-up to the conference held on 29th to 30th July 2015 for the same group of participants. The previous programme dealt with role and responsibility of the Registrar (Administration) as Court Administrator, Inquiry Officer, Public Information Officer or Appellate Authority under RTI Act, 2005, Appointment, Promotion, Transfer-Posting and Seniority of Staff of the High Court, etc. As the locus of the current conference was on skills development, skills oriented thematic framework of the programme was devised and threads of thematic framework included were, inter-alia:

- (i) Managerial Skills Need Diagnosis for Efficiency and Effectiveness
- (ii) From Administrators to Managers: Challenges and Changing Imperatives
- (iii) Role of Registrar (Administration) as Human Resource Manager of the High Court Registry
- (iv) Inter and Intra Personal Communication Skills/Transactional Analysis
- (v) Team Building without Time Wasting
- (vi) Supervision and Coordinating Role of Registrar (Administration)
- (vii) Optimum Utilization of Resources & Division of Labour
- (viii) Role of Registrar (Administration) in Maintaining Institutional Discipline
- (ix) Leadership Role of Registrar (Administration) in Effective Management/Administration.

Bearing in mind the management dynamics involved in the thematic areas, the NJA invited experts with rich experience and vast knowledge in the field of management as Resource Persons for the conference. The three days conference witnessed intense discussion on various issues touching the working arena of Registrar (Administration) and the officers working under them. Lack of proper training to the section officers, clerks and also Class-IV employees, application of management principles in Court and case management, problems relating to unskilled staff, issues related to lack of communication skills, problems related to 'communication of feedbacks' to the subordinates, punctuality, planning and procurement, cleanliness of court premises were discussed at length.

The Registrar (Administration) also raised various other issues and debated for consensus on numerous topics, such as- lack of precise and clearly defined rules: role ambiguity and role Conflict due to overlapping of functions. It was also highlighted that the post of Registrar (Administration) is generally manned by the Judicial Officers. As the nature of functions to be performed after assuming the office is totally different from judgeship, the participants felt that lack of training to handle the administrative function, especially prior to their joining to the office was highlighted. Participants admitted that they face shortage of human resources and at times the available human resources is not sufficiently skilled.

The participants admitted that the Registrar (Administration) must know how to communicate with the Hon'ble Justices, Registrar General, colleagues and subordinate Staff. Some of them conceded that lack of proper communication skills creates problem. Commenting on the ACRs, many of the participants narrated that the performance of the subordinates are being communicated formally with the help of ACRs, but they thought informal/one to one communication is more effective. It was discussed that in budgeting and planning they [Registrar (Administration)] have very limited role, though they are the one who directly involved in execution and implementation of needs of the High Court, they argued that in budget preparation Registrar (Administration) has to be consulted.

Rules Conflict

It was suggested that it was within the prerogative of the High Court to frame and amend the Rules as per the local needs. Thus, the Registrar (Administration) has to appraise about their role ambiguities and role conflicts triggered by overlapping or unclear High Court Rules, to the Chief Justice of the High Court, so that appropriate action may be taken, by amending the Rules or otherwise.

It was also emphasized that for everything there may not be Rules, and Rules ipso facto does not forbid the performance of necessary functions. Unless as otherwise provided by the High Court Rules, Registrar (Administration) may perform functions which are incidental to the primary functions assigned to him/her.

Training of Staff etc.

It was also suggested that the State Judicial Academies and National Judicial Academy may organize regular skills development trainings to the incumbents of the Registry, including Registrar (Administration) and officials working under them. Regular Training of the Class-III employees was recommended, which essentially be provided before/ immediately after appointment or promotion. It was felt that deputing the employees due for promotion under senior officers for few months, enables the employees to equip themselves with skills that are required for the next job, this will enhance efficacy of the system.

The symposia of the Registrar (Administration) unanimously proposed that to upkeep interest of the employees of the High Court in their respective jobs and to prepare them for all the works to be done in the various department of the High Court, job rotation policy may be adopted. They opined that job rotation allows the employee to learn new skills and as when there is shortage/absence of specialized employee in the High Court it can depute employee having previous working experience to fill such absence, thus job

rotation acts as solution for employee dependency problem of the High Courts. In the course of discussion it was observed by one of the participant that Registrar (Administration) may plan skills development training for officials of Registry. Participants from Karnataka explained that they have started such programme in their High Court and it has received very good response from the officials undergoing training.

Application of Management Dynamics in Court Administration

The conference offered an excellent platform for the management experts and court administrators to harp on the relevance of management dynamics prevalent in private sector in the service oriented State organs like judiciary. The Resource Persons (RPs) explained that Management tools like, quick decision making, reducing the levels of decision making, prompt and speedy disposal of complaints, time management, HRM, etc. are equally effective in non-profit organizations like judiciary.

Communication Skills

Experts explained the different modes and methods of communicating the message effectively and efficiently. On ACR writing and communication, the experts suggested that ACR can make or mar the career of the employee. Therefore, before giving negative feedback, it is the duty of higher officer to consider overall circumstances which has led to deterioration in the performance of the person working in the institution, including his family conditions. In this regard, resource persons opined that it is better to maintain ephemeral roll, wherein negative and positive traits and other notable activities of the employee can be noted from the beginning to end of the year, and after referring to it one should write the final ACR. It was also insisted that, informal communications must start on a positive note and formal communication must be precise and clear.

Punctuality

To ensure punctuality, it was enunciated that the Registrar (Administration) and other officers responsible to ensure punctuality must lead by example. The Resource Persons admitted that, every office has defined scope, things which are beyond the control needs to be influenced. So, wherever the Registrar (Administration) feels that things are beyond his control, yet for the benefit of the institution and public at large, one must try to influence such problems through legitimate means. Thus, they said that, as Registrar (Administration) one cannot keep watching all the employees of High Court all the time, but he can enforce being punctual and ensuring punctuality in the section officers.

Takeaways

- High Court administration may adopt the practice of outsourcing, especially for the perennial unskilled works like maintaining cleanliness, garden, and security etc.
- It was clear from the discussion that for speedy redressal of cases, setting time frame and enforcement of time is essential and for this purpose the Registrar (Administration) may apply management principles for better results.
- Experts observed that every employee wants to work, but if there are too many exceptions to this in the institution, the Human Resource manager should know what the causes of such inefficacy are and take care of those. This is how an efficient work force is built in any institution, private or public.
- Surprise visit to every section, at least once in a week, is considered as panacea for many ills.

P-960: COLLOQUIUM ON COURT PROCEDURE AND PRACTICE FOR JUDGES HEADING THE STATE COURT MANAGEMENT SYSTEM COMMITTEE AND MEMBER JUDGES OF THE COMMITTEE

Yogesh Pratap Singh, Research Fellow



The National Judicial Academy organised a three day colloquium from 11-13 December, 2015 for High Court Justices who were part of the SCMS Committees and the NCMS Committees on the theme 'colloquium on court procedure and practice for judges heading the state court management system committee and member judges of the committee'.

There were several vital problem areas discussed during the program. The problems which were debated included further strategies for strengthening the system of Court Management, Case Management and for improving administration of Justice with changing demands of space and time. How to facilitate the development of policy ideas and initiatives for due consideration by the Supreme Court and the High Courts with a view to strengthen court management systems and enhance quality, responsiveness and timeliness of justice administration.

The participants delved into the main aspect relating to National Court Management System, Constitution, Objectives and Functions, "Five Plus Zero" action plan, determining the judicial hours, excellence of judges and the Courts, assigning management work to Court Managers, relating to implementation, Human Resource Development (HRD). The overview of the work done by the NCMSC and SCMSC in the last four years was discussed along with the core issues in bringing about standardization of units for timely disposal of cases. Further, having a yardstick for the District judiciary on units of cases was debated along with the methodologies for assessing the judge strength for subordinate judiciary. It was deliberated that for accountability to be socially beneficial, it needs to be based on a set of measurable and reasonable performance standards that advance Constitutional goals, rather than on ad hoc criticism.

The justices raised and discussed several related and operational issues including, the fact that as most of the judges are not professionals in HRD, although they know how to write judgments, adjudicate cases, they face difficulties when it comes to advice on management. It was pointed that there are three core underlined

systemic concerns which a system needs to perform i.e. Quality, Responsiveness and Timeliness (QRT), but there are no clear standards to measure the QRT and unless there exists clear performance standards (which are measurable, quantifiable, capable of monitoring) the symptoms will keep appearing. It was highlighted that such standardized units and yardsticks will make a judge answerable for his performance and hence is desirable. It was discussed that on the point of transfer of a judicial officer, all powers lie with the Chief Justice of the High Court. Practical difficulty arises when a judicial officer is known to be corrupt but because of lack of or inadequate evidences no action can be taken against him.

The lack of Management Information System (MIS) and statistics (database) for cases leads to various supervisory issues. It was suggested during the colloquium that if the 3 systems (QRT) work well then the symptoms such as (delay, arrears, discontinuity, lack of good performance) shall disappear. It was argued that one reason for not having performance standards is absence of institutionalized capacity to develop these performance standards. This work cannot be given to the Bar because there is conflict of interests. Therefore, NCMS is essentially required to establish such standards. It was agreed upon that there must be a uniform transfer policy. The supervisory role of the portfolio/administrative judge to oversee the overall performance of the subordinate judiciary needs to be squarely met to facilitate effective functioning of the system.

It was suggested to take help of the National Judicial Data Grid (NJDG) to enhance efficiency in the process. The process is three folded: first collect data, take out the information and then put it in the MIS for effective monitoring. It was further recommended that existing data sits in different codes, therefore web portals may be examined and compiled in such a way that addition of new data may be incorporated in the existing data sets in a seamless manner. It was insisted that the development of a common minimum national policy for the judicial system would provide a common basis for judging uniformly the performance of the judicial system thereby ensuring that no State falls below the minimum standards necessary to safeguard the right of every citizen.

P-966: CONFERENCE ON THE FUNCTIONS OF REGISTRAR (INSPECTION)

Dr. Amit Mehrotra, Assistant Professor



The National Judicial Academy organized a 3-day conference from January 24th -26th, 2016 for Registrar (Inspection) of the High Courts. The objective of this conference was to map the problems faced by Registrar (Inspection) in different High Courts in assessing their colleagues and peers, in maintaining records of inspections, and in taking help of staff or others on assessment. The conference focused on the best practices and the models developed by different High Courts on rules of procedure for functions of registrar inspection. The conference debated on issues related to supervising PDJs and DJs who are given inspection work. The conference was attended by thirteen participants.

Challenges and Concerns Expressed by Participants:

The registrars expressed their concerns regarding ensuring compliance with various reports. According to the registrars, attending to the needs of inspection teams is also a big question for the reason that during the course of visits there are some officials who try to hide the reality of some situations. They also pointed out that, while inspecting records, infrastructure and land allotments for new courts, the inspecting team hardly get their questions logically answered. On the other hand, while inspecting for financial irregularities and residuary functions of Registrar (Inspection) in different high courts it was pointed out that the judicial matters are not the part of inspection. In situations where the inspections reports are there but they do not have conclusions as mostly nobody works after the inspection is made. Further, the mindset of the young judicial officers is only concerned about the quota and unit only.

Registrars also pointed out the problem with computerization in judiciary. Although it is in every state but the implementation is rather slow, gradual and at its own speed. According to them in most of the high courts proper records are not maintained related to sending of files to another court. Family court does not have a separate record rooms nor copying facility. The most significant problem is that some high courts do not have the post of registrar inspections.

Suggestions/Reform Proposition emerging from Discussion:

According to the participants it is the duty of every district judge to monitor and see that their courts are working properly and are not mismanaged. Every district judge must inspect own court suitably even though if the principal district judge has not delegated the power to inspect other courts. Further, they also suggested that every district judge should supervise the files in their court as to whether they are moving properly; there should be inspection with regard to the computers and ICT functions and also to see that the staff is regular and punctual. The registrars also recommended that there should be some salient rules and practices with regard to inspection. According to them a lot of additional burden lies on the principal district judge or district judges who are supervising the functioning of their subordinate courts. But if inspection is done in a regular manner then many things with regard to the functioning of the judiciary can be resolved.

The registrars suggested that inspection work should not be done in a routine manner. They were of the view that physical verification of the records is very essential for the inspection purpose. For instance- there should also be inspection with regard to the number of court rooms that are to be provided in a court campus. According to them importance should be given to inspection reports as they give the real picture of the actual demand and requirements of a particular district in relation to various fields including infrastructure. The suggestion of the judicial officers whose court has been inspected should also be taken into consideration by the inspecting judge. The inspection reports must cover even the minor problems that are there in the judiciary like - problems in calling up of the file, transfer of staff from one district to another should also be highlighted by the inspection team.

The Registrars were of the view that prior to the inspection, reports from every officer of the court who is in charge of his court including civil judge junior division should be called for. These reports must highlight the shortcomings of their court as well as probable measures or suggestions to deal with the issues. They suggested that the inspection should be video graphed so that the problems related to encroachment and infrastructure gets highlighted. The Registrar (inspection) under his duty must identify the nonfunctioning machinery or other equipments in the district which may be causing problem in functioning of the courts.

Registrars also pointed out that, judicial matters must be incorporated in the inspection work so as to assess the manner of working of a judicial officers. A judge has to understand his own value and should also respect his/her own staff. If there is a doubt on the integrity of a judicial officer then, it should be supported by some concrete materials and evidence and should not be as per the opinion. According to them the nature of the questionnaire should be such which requires application of mind while answering. The inspection reports must highlight the infrastructural requirements so that while preparing the budget such requirements are taken into consideration. The report should be to the point, clear and specific, highlighting the commendable outcomes as well as the deficiencies or shortcoming of that particular district before the inspecting judge. Before going for inspection, the team must look into the previous inspection report and should inform the concerned district about the inspection well in advance, may be 15 days or so.

It was also suggested that the job of the registrar inspection should be that once the report is made then, there should be a follow up action to check on the compliances made. Thereafter, physical verification should be conducted before handing over the charge. Every court should inspect their own court and should submit the report to the PDJ. There should be a plan and any construction in the court campus must be video recorded and then it is the duty of registrar inspection to put a note as to what additional infrastructure is required.

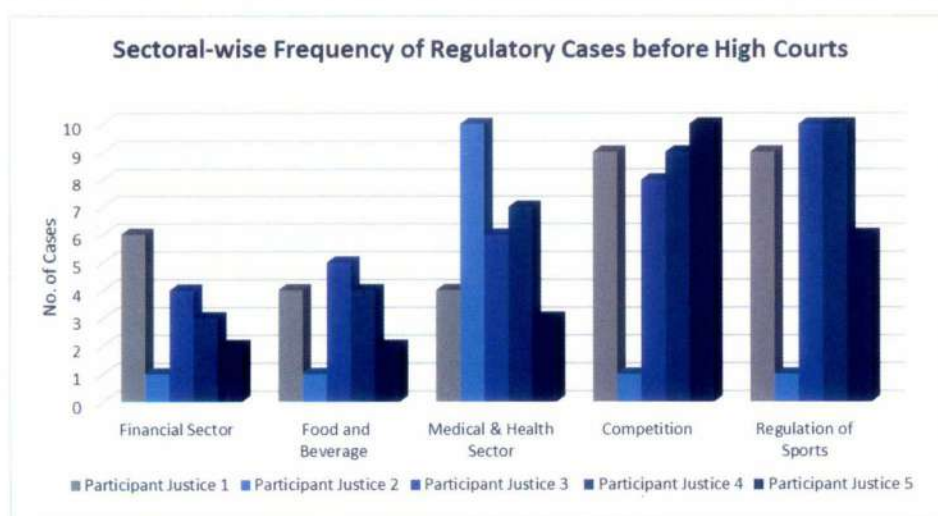
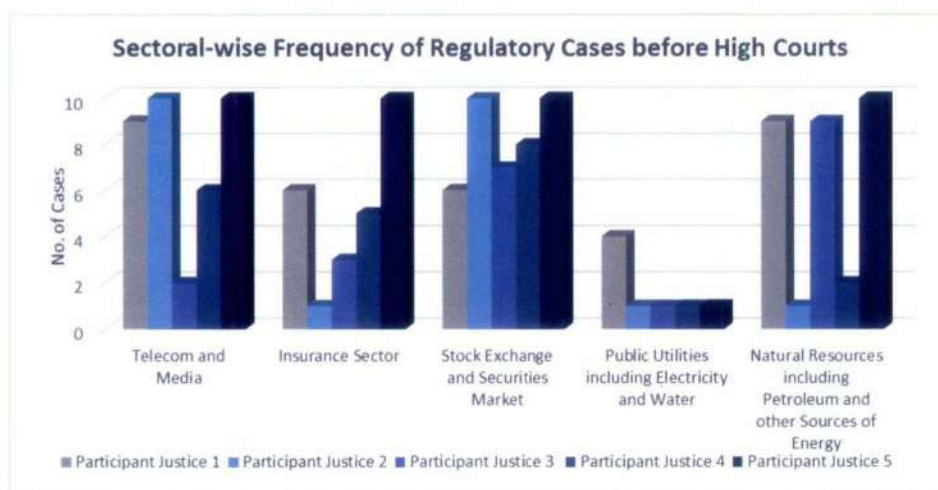
P-969: SEMINAR ON ROLE OF COURTS AND REGULATOR

Ms. Shruti Jane Eusebius, Law Associate

The National Judicial Academy organized a 4-day seminar on February 4-7, 2016 for High Court Justices on the theme 'Role of Courts and Regulator' to discuss the ambiguous relationship between courts and regulators like Securities Exchange Board of India, Telecom Regulatory Authority of India, Competition Commission of India and others. The objective of the seminar was to discuss the powers and functions of regulators in India, judicial control over regulatory actions and the essential rationales for controlling the regulator's actions. The seminar was attended by 11 High Court Justices. A pre-conference response questionnaire on the thematic area was circulated to participant justices and 5 of them responded to the said questionnaire. The graphical representation of the responses is presented herein below.

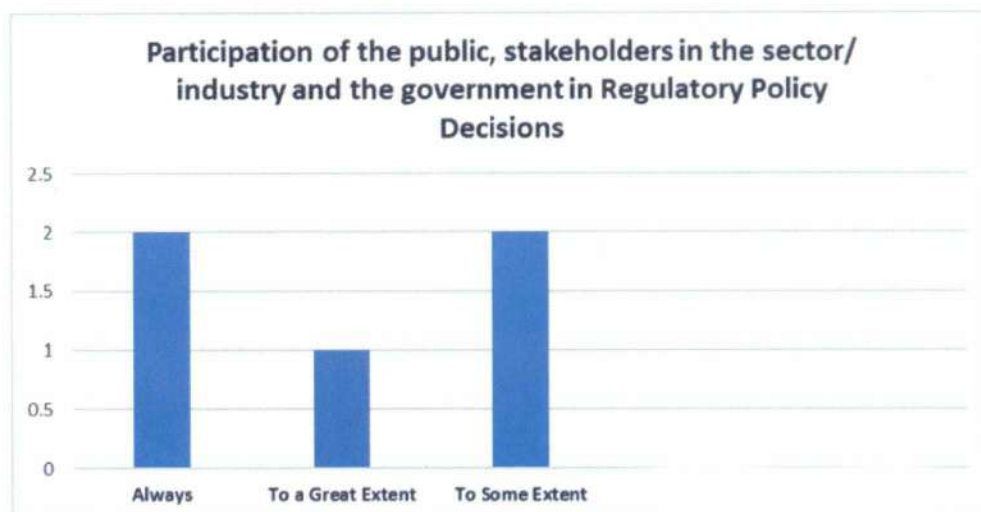
1. Sectoral-wise Frequency of Regulatory Cases

To this question 4 judges indicated that cases relating to public utilities sector were the most frequent regulatory cases before their High Courts. 2 participant justices from the state of Jammu and Kashmir have stated that there are no regulatory cases relating to telecom and media in their High Court. A similar view has also been shared by the participant justice from Kerala High Court. In Madras High Court, additionally there are regulator related cases in the guise of service and criminal matters and writs for issuance of mandamus alleging inaction/non-performance of duties.



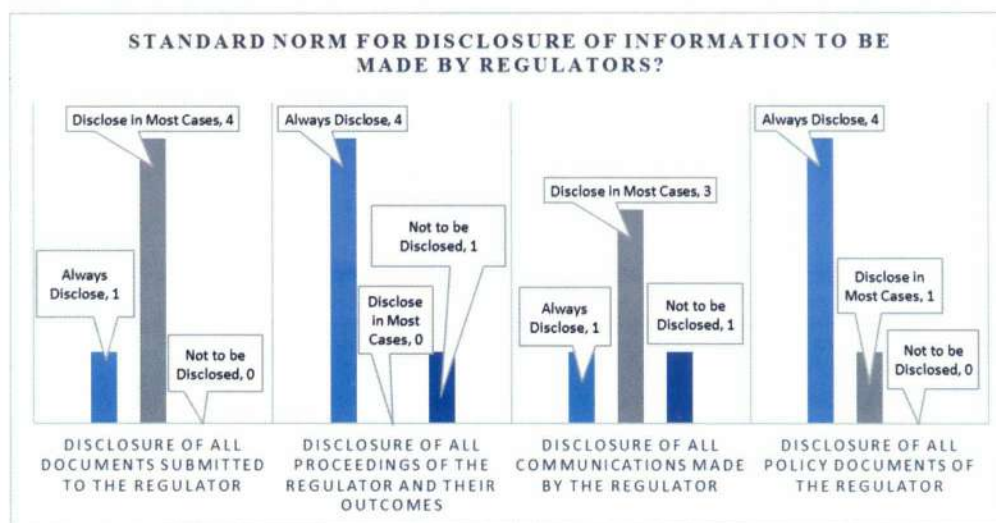
2. Stakeholder Participant in Regulatory Policy

In the opinion of the participant justices, the regulators in India encourage participation of the public, the stakeholders in the sector/ industry and the government in their policy decisions to a certain degree. 2 of the participants opined that such participation is encouraged in all situations.



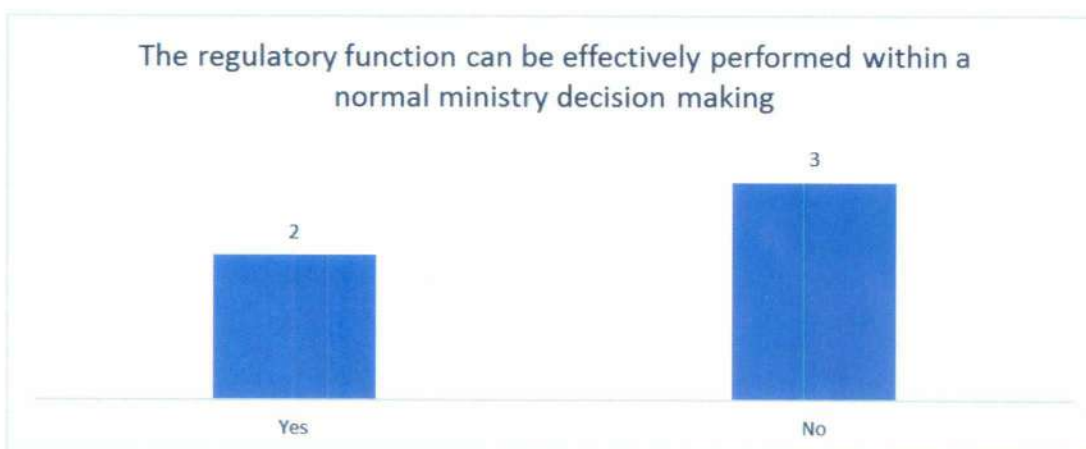
3. Disclosure Norms for Regulators

On the issue of disclosure norms for the regulators, most of the participants were of the view that information regarding all proceedings and all policy documents should always be disclosed by the regulators.

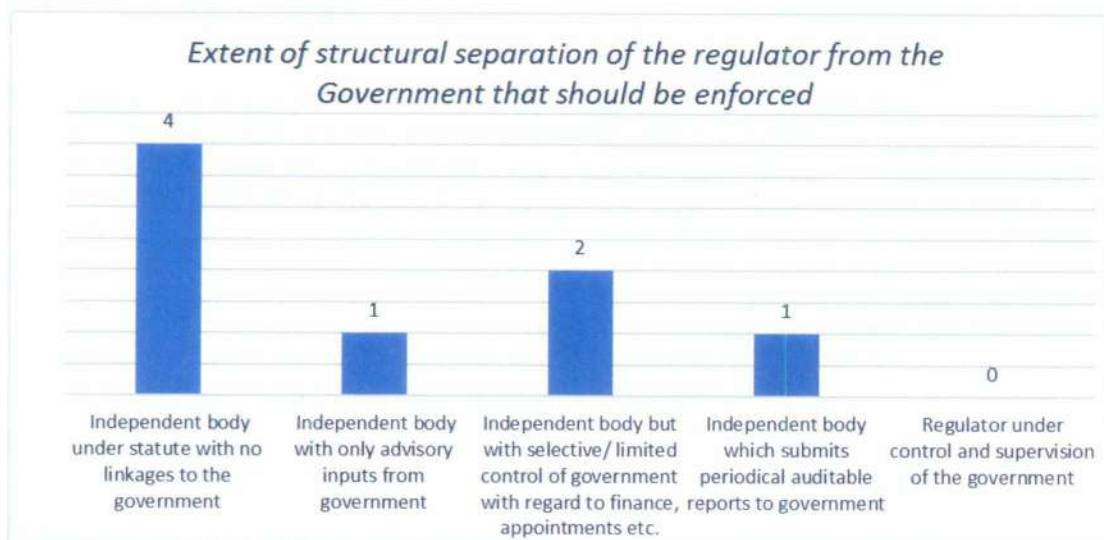


4. Views on Regulatory Structure

The participants' views were divided on the question whether the regulatory function can be effectively performed within a normal ministry decision making. 3 participant justices were of the view that the regulatory function cannot be performed within a governmental ministry system while 2 participants held the opposing view on the issue.



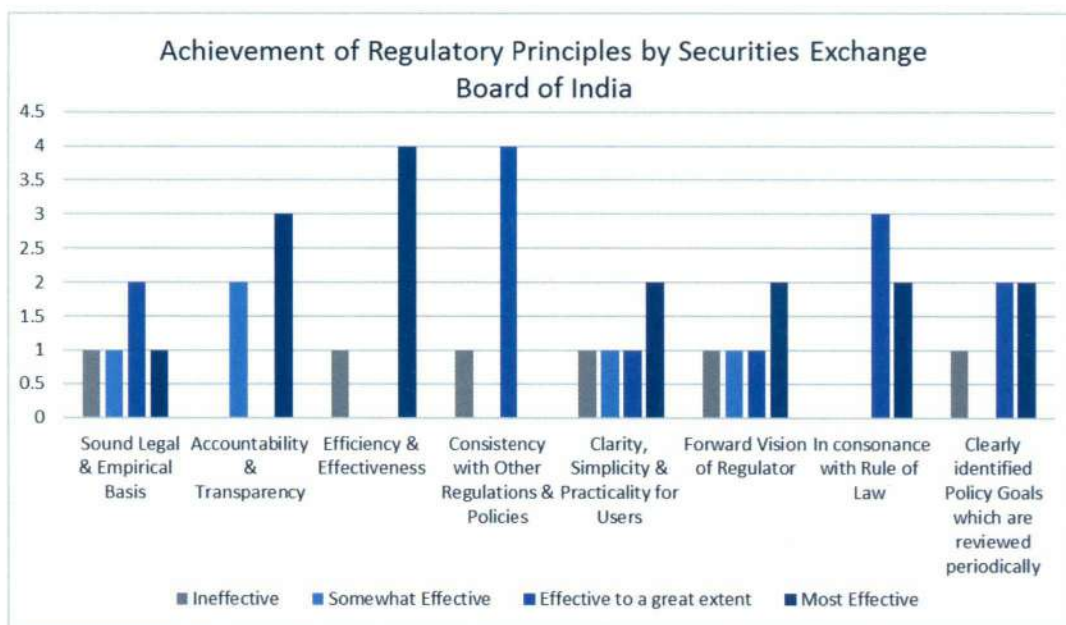
To the question “What extent of structural separation of the regulator from the Government should be enforced?” most of the participant justices were of the view that regulators should be independent bodies under statutes with no linkages to the government. One participant opined that the structural separation would depend on the subject matter or area of regulation and it would be appropriate to have selective or limited control of the government over the regulator.



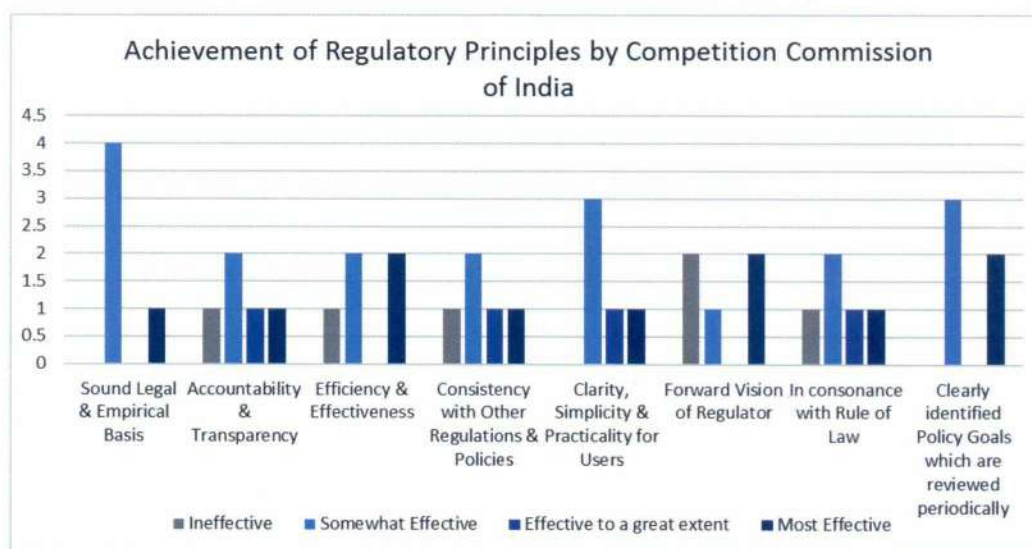
The participant justices suggested that in order to safeguard the independence of the regulator from political, private and other influences, the selection of persons to the regulatory body should be done independently by some non-government body. Another measure to safeguard independence was suggested that an independent body consisting of experts in the particular subject and legally trained persons should be in place in that body.

5. Views on Achievement of Principles of Regulatory Quality and Performance (OECD Guiding Principles for Regulatory Quality and Performance)

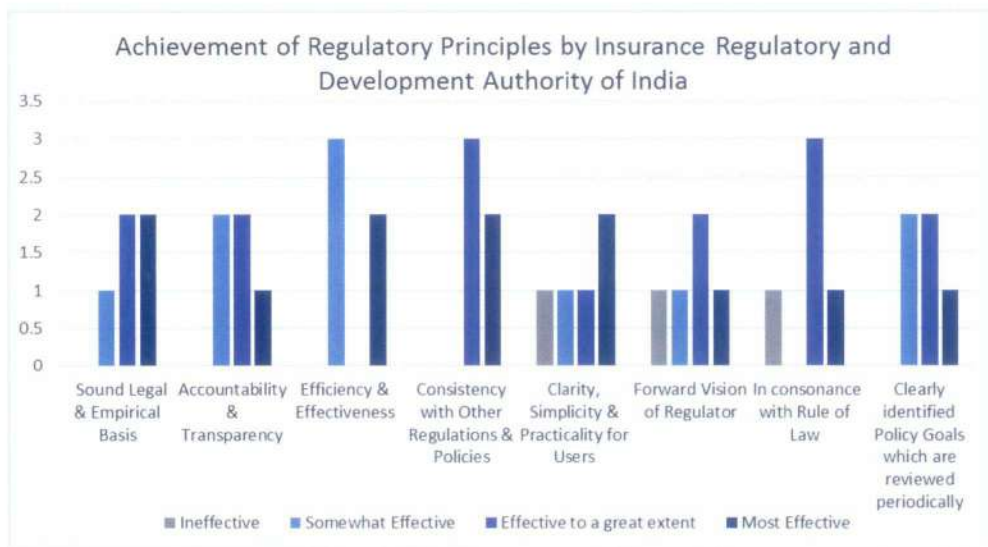
The participant justices’ responses to the query ‘Please rate, as per your opinion on the achievement of the principles of regulatory quality and performance by the regulators’ is depicted in the charts below. The participant justices rated the Securities Exchange Board of India as most effective in accountability, transparency and efficiency.



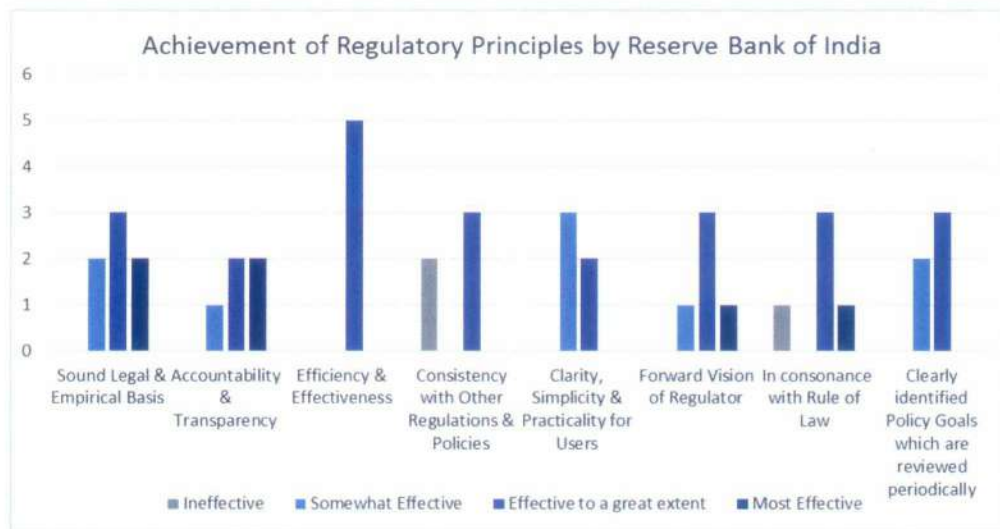
The participants rated the Competition Commission of India to be not very effective in the aspects of ‘sound legal and empirical basis’, ‘clarity, simplicity and practicality for users’ and ‘clearly identified policy goals which are reviewed periodically’.



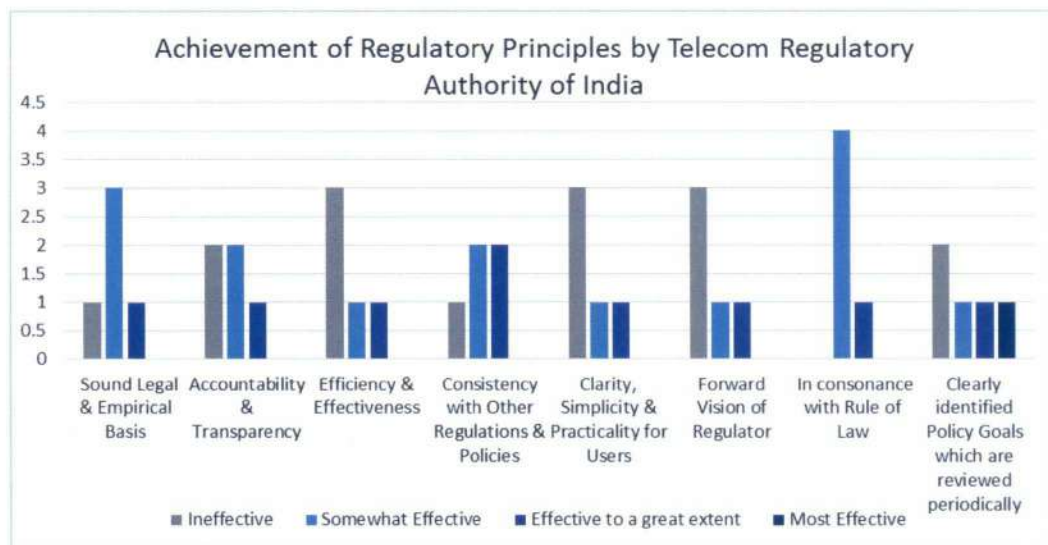
The participant justices have opined that the Insurance Regulatory and Development Authority of India (IRDA) to be effective to a great extent in the aspects of consistency with other regulations and policies, clarity, simplicity and practicality for users, forward vision and adherence to rule of law.



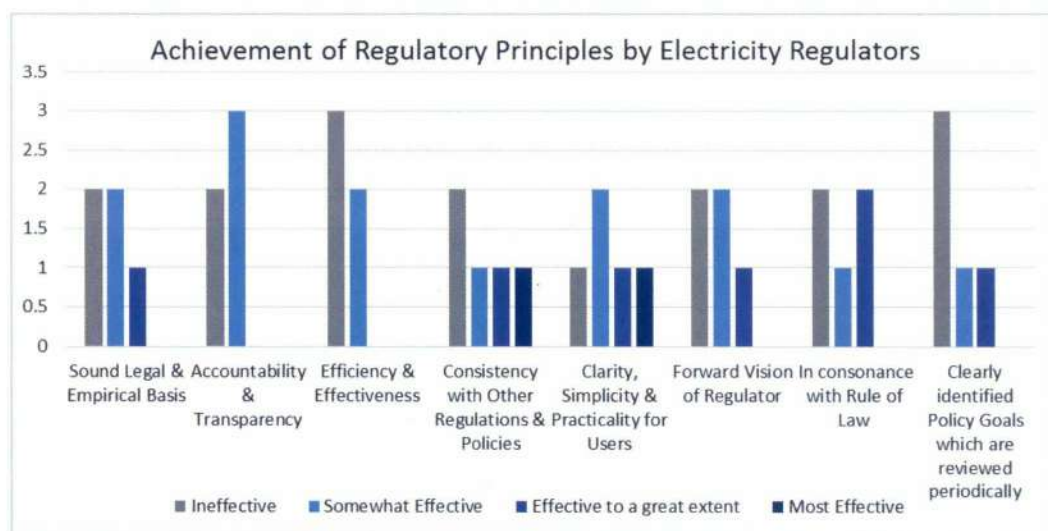
As evidenced by the chart below the participant justices rated the Reserve Bank of India as effective to a great extent in the area of ‘Efficiency & Effectiveness’ and ‘Sound Legal and Empirical Basis’.



The participants have given a low rating to the Telecom Regulatory Authority of India (TRAI) in the aspects of ‘efficiency and effectiveness’, ‘clarity, simplicity and practicality for users’ and ‘forward vision’ of TRAI as a regulator.



The participant justices have rated the electricity regulators as ineffective in the aspects of ‘clearly identified policy goals which are periodically reviewed’ and ‘efficiency and effectiveness’.



6. Views on the Dispute Resolution Powers of a Regulator

On the issue of dilution of the principle of separation of powers in the regulatory system in India, 3 of the participant justices were of the view that the provision of dispute resolution powers in a regulator did not amount to an encroachment into the judicial domain. It was further opined that the dispute resolution function vested in the regulators facilitates the decision making by the High Courts in appeal as the matter is examined by the regulator and it facilitates the court to arrive at a just and proper conclusion.

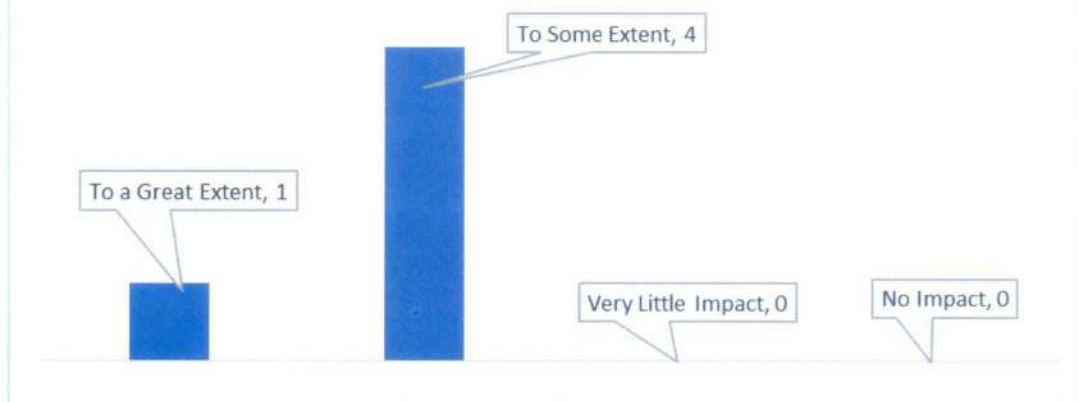
The provision of dispute resolution powers in a regulator is an encroachment into the judicial domain?



The participants who were of the view that the provision of dispute resolution powers in regulators is an encroachment in the judicial domain, opined that the functions which are substantially regulatory in nature should be vested in the regulator. Functions which are significantly adjudicatory in nature should be vested in an adjudicatory form where primacy should be given to judicially trained persons. Furthermore, it was opined that there was a need for a greater level of judicial scrutiny in regulatory dispute resolution functions.

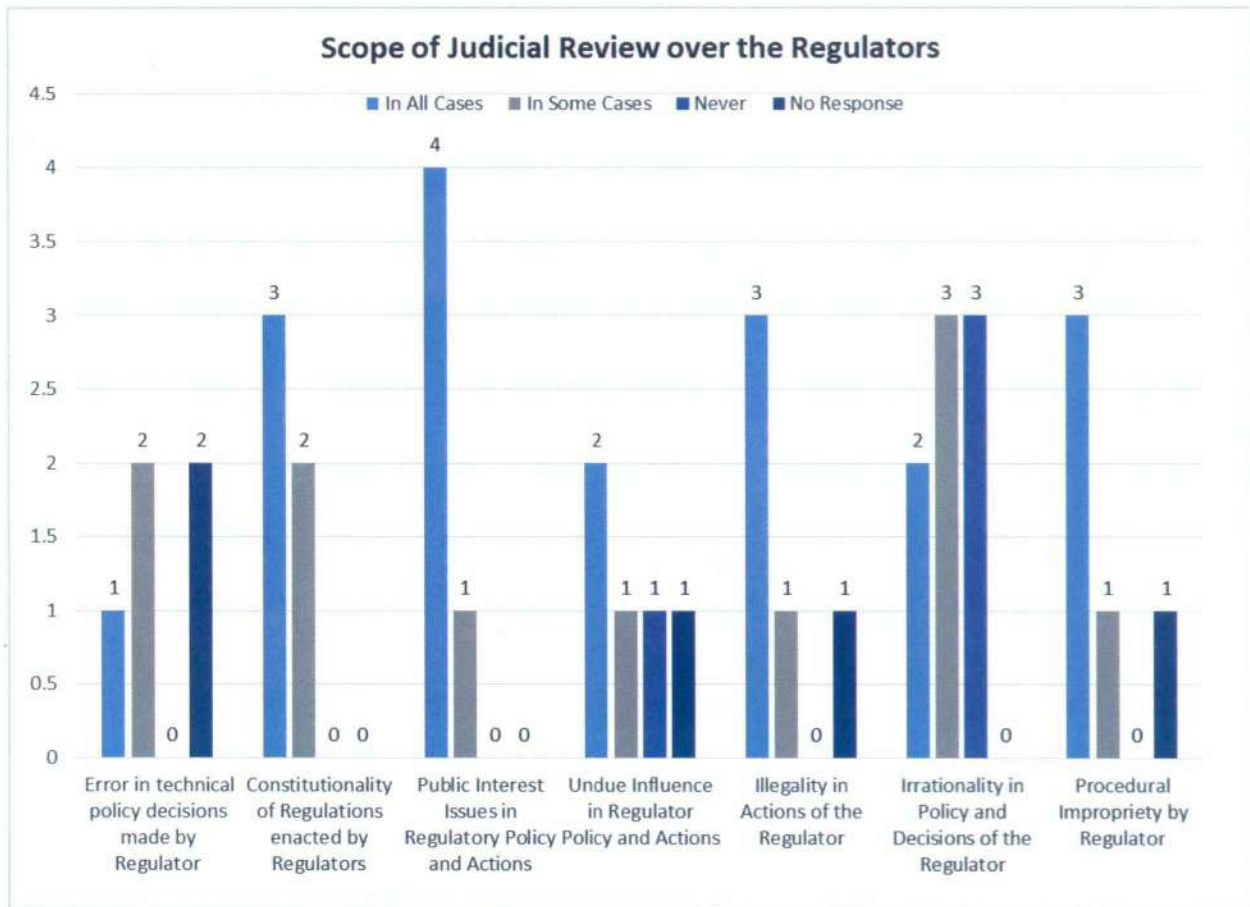
The participant justices were of the view that the dispute resolution power of a regulator has an impact on the caseload of the judiciary to some degree.

Impact dispute resolution power of a regulator on the caseload of the judiciary



7. Judicial Review over Regulatory Action

On the issue of the scope of judicial review over regulators, the participant justices opined that judicial review should be permissible in cases regarding errors in technical policy decisions made by regulator, procedural impropriety by regulator, illegality and public interest issues in regulatory action and constitutionality of regulations enacted by regulators.



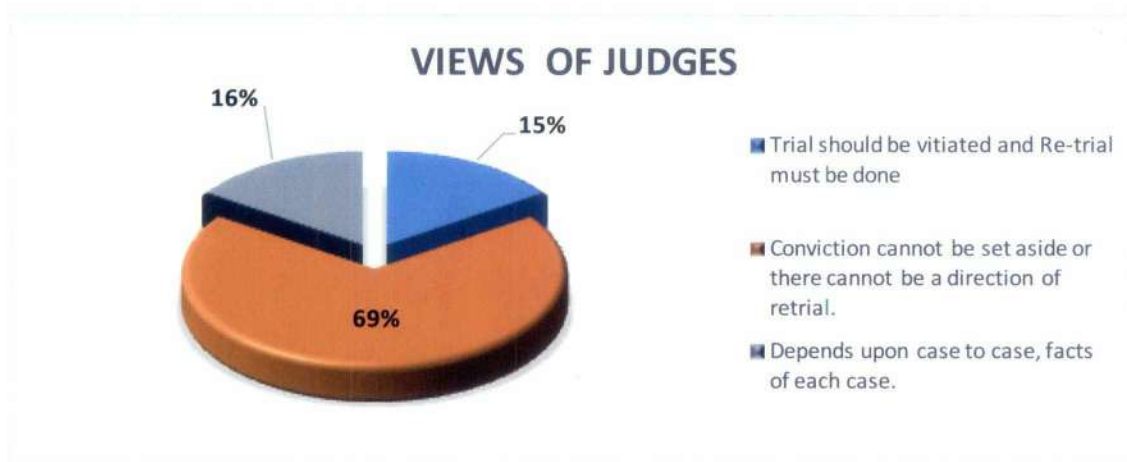
P-971: SEMINAR ON APPLICATION OF SC/ST (POA) ACT

Sumit Bhattacharya, Research Fellow

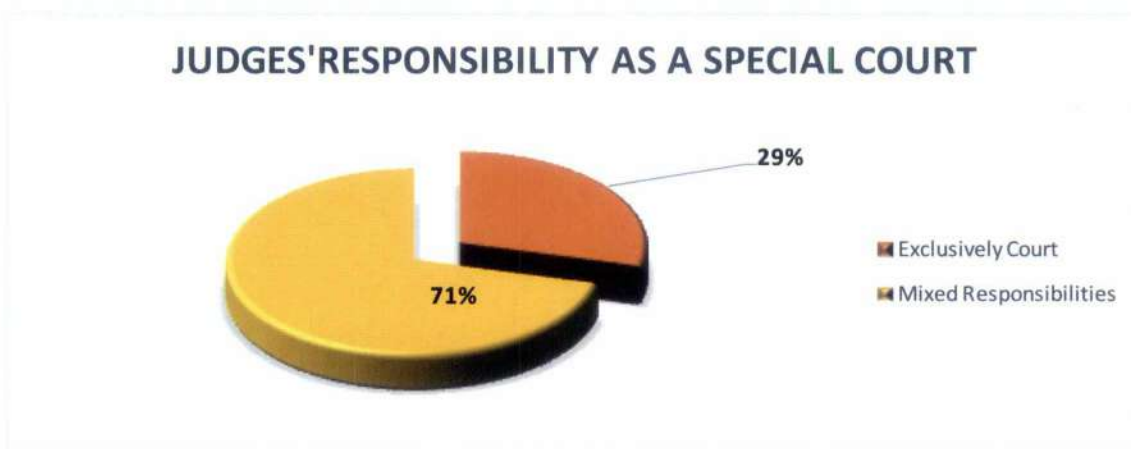
A four day seminar on the “Application of SC/ST (PoA) Act” was held at the National Judicial Academy, Bhopal from 11th to 14th February, 2016. The seminar was attended by 33 Principal District Judges (PDJs) presiding officer of the Special Court established under the provisions of the SC/ST (Prevention of Atrocities) Act, 1989 and the Protection of Children from Sexual Offences Act, 2012 (“POCSO” in short).

The participating judges responded to a set of questions put forth by the NJA with regard to their area of work. A collation of some of these questions have been done, which are represented graphically and are self-explanatory.

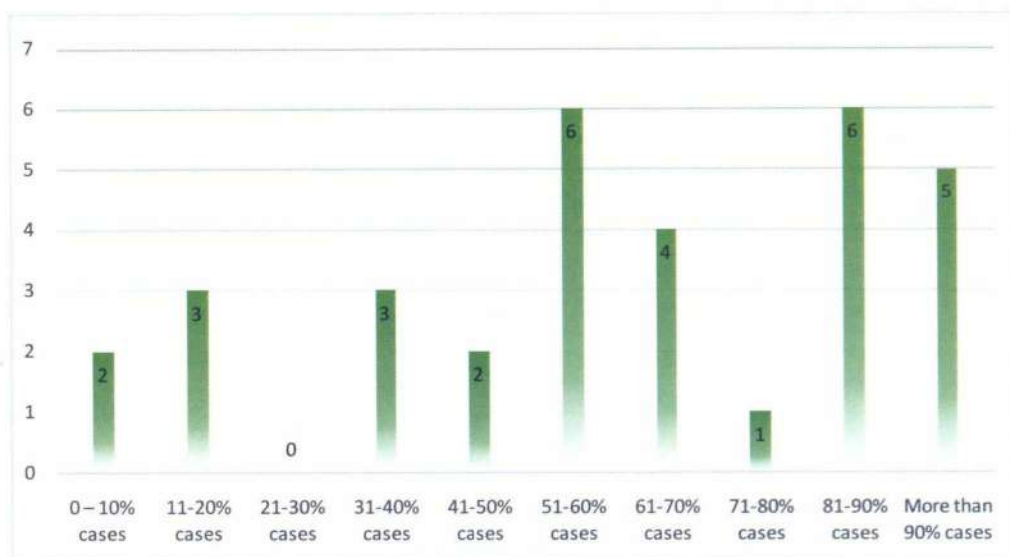
1. To the question that if in a certain case, after directly entertaining and taking cognizance by the Special Judge under SC/ST (PoA) Act (thereby resulting in the non-compliance of Section 193 of the Cr.P.C.) a conviction of the accused was ordered. What according to you should be the most probable reaction? The judges’ responses stood divided as under:



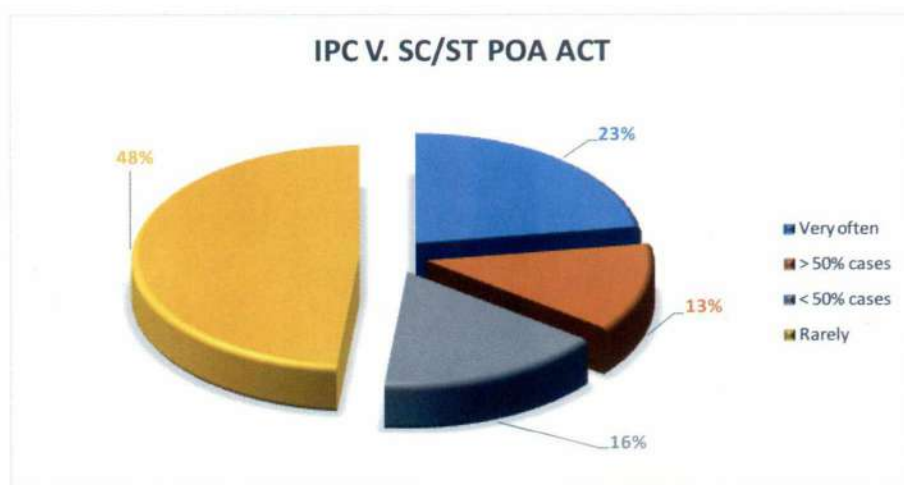
2. To the query of exclusively dealing with SC and ST matters as a Special Court under the Act, judges’ responses were divided, as 71% of judges declined, by saying that their Court is not a dedicated Court for exclusively dealing with the SC & ST matters.



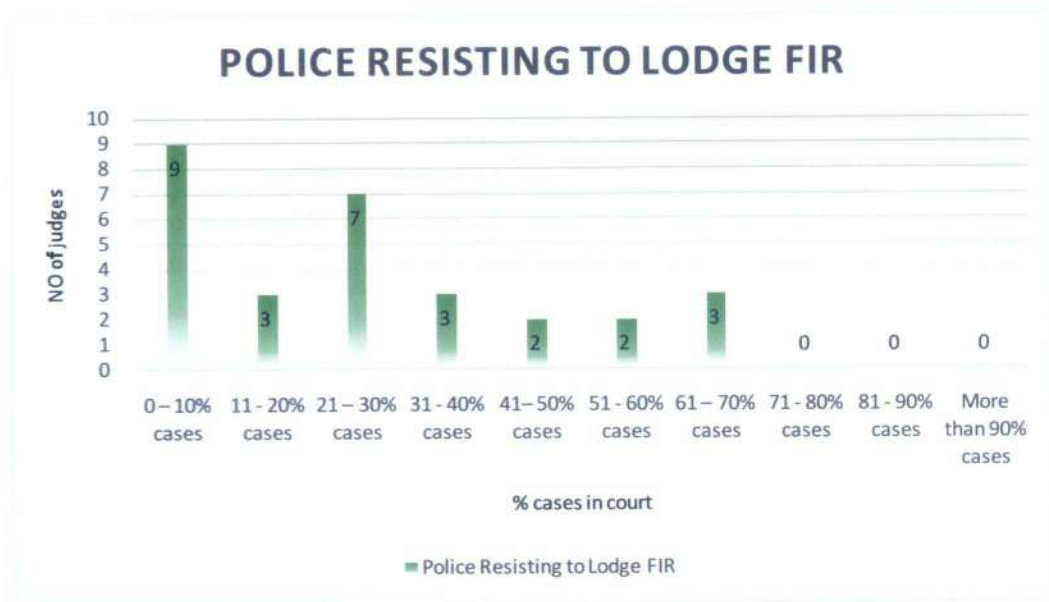
3. On the inquiry as to how often the FIR and the Charges mention correctly the provisions of the SC/ST (PoA) Act when a case comes to a Special Court for trial, the responses from 33 nos. of judges were as under. It may be noticed that 22 out of 32 (i.e. 69%) judges agreed in principle that more than half of the time relevant provisions are incorrectly mentioned.



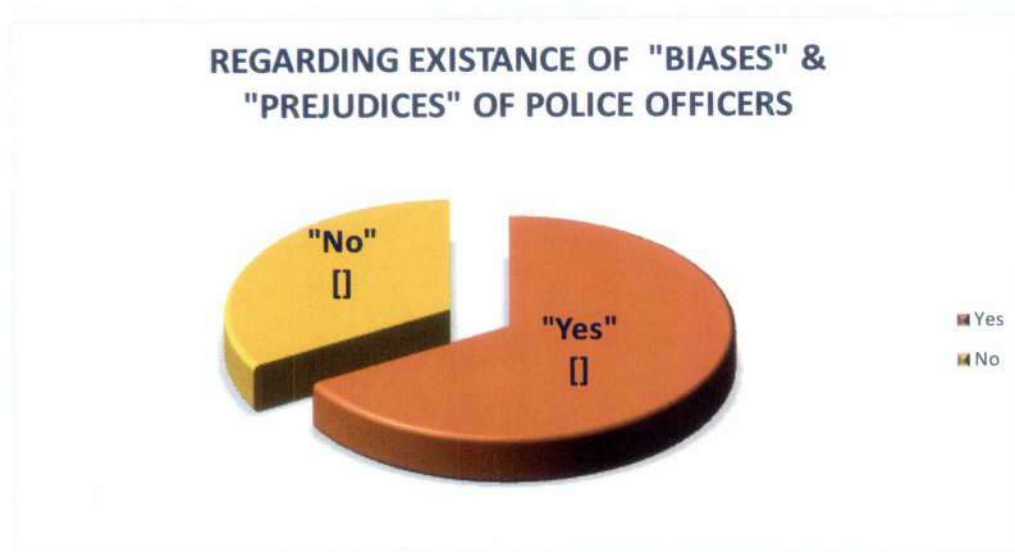
4. On enquiring as to how often do the judges encounter cases of sexual offence against an SC/ST women that gets reduced to a “rape” or other such offences under the IPC and not decided under the provisions of the SC/ST (PoA) Act? The judges responses were divided as under. However, a total of 51% of judges agreed that to some extent offences do get reduced to IPC



5. The frequency of cases coming before the Special Court wherein, initial resistance, or denial of police to lodge an FIR has been noticed. It may be noted that out of 29 respondent judges 24 responses (i.e. 83% incidences) indicate that on less than half of the occasions police is seen to be resistant. Whereas, 19 responses (i.e. 66%) depict that such incidences range only between 0-30% cases which appear before the Courts.



6. On existence of “Biases” & “Prejudices” in the administration by the police while handling SC/ST cases the responses of the judges were split. It may be observed that close to 70% of the judges felt that “Biases” & “Prejudices” of some kind do exist and are evident while handling SC/ST cases.



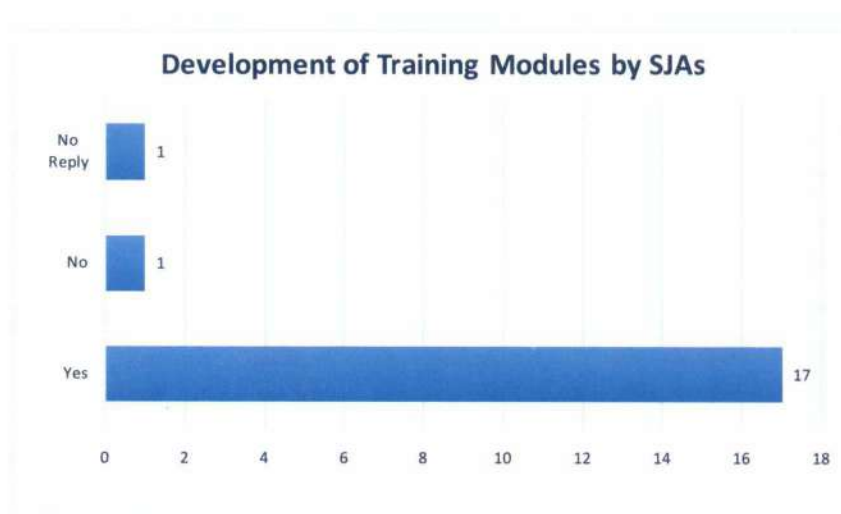
7. To an inquiry that, it is assumed fact that the application of the SC/ST (PoA) act is primarily focused at and is most frequently utilized by victims in “Rural” areas. Interesting observations were made by the judges. While 49% felt that it is true that most of the cases were from “Rural” areas, but 33% felt that it was not necessarily a true proposition.

P-973: WORKSHOP ON DEVELOPMENT OF SPECIFIC MODULES FOR THE SJAs

Ms. Paiker Nasir, Research Fellow

The National Judicial Academy organized a five day workshop for developing modules on specific subjects from 22nd to 26th February 2016. The workshop aimed at developing uniform and standardized approaches in judicial education on specific subjects throughout the country. For this purpose the faculty members from the SJAs were assigned to design and develop core modules for judicial training on judicial ethics, commercial matters, intellectual property rights and for sensitization of magistrates on prevention of cruelty against animals. The workshop was attended by 19 directors and faculty members from 17 State Judicial Academies. A pre-workshop questionnaire was sent to all the nominated members of the SJAs to seek their responses. Herein below is the graphical representation of the responses received.

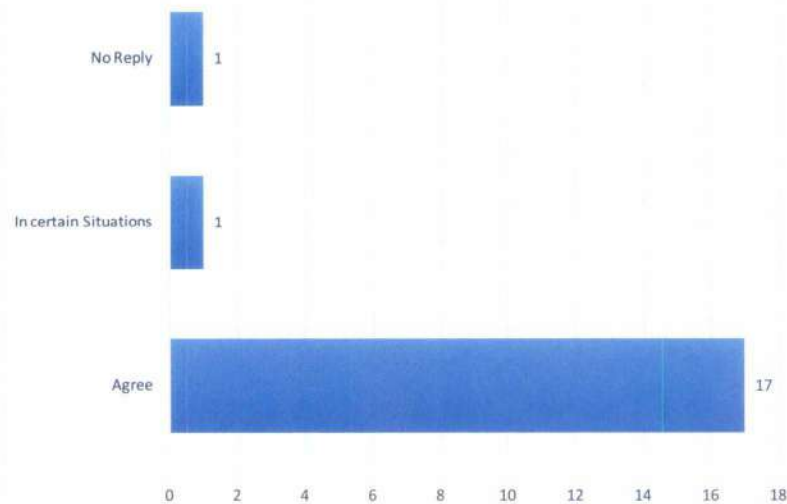
1. To the question, *should the SJAs develop training modules on specific subjects for the training of judicial officers?*



- 17 SJAs members from Andhra Pradesh (two), Maharashtra, West Bengal, Guwahati, Gujarat, Jharkhand, Jammu & Kashmir, Karnataka, Kerala, Manipur, Patna (two), Punjab & Haryana, Rajasthan, Tamil Nadu and Uttarakhand were of the view that the SJAs should develop training modules on specific subjects for the training of judicial officers.
- 01 SJA member from Chhattisgarh was not sure whether SJAs should develop training modules.
- 01 SJA member from Orissa did not respond to the question.

2. In response to the question, *whether, training modules can strengthen technical capacities and skills of judicial officers?*

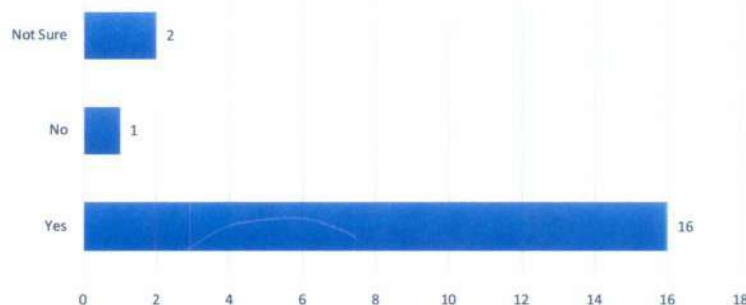
On strengthening technical capacities and skills of judicial officers through training modules

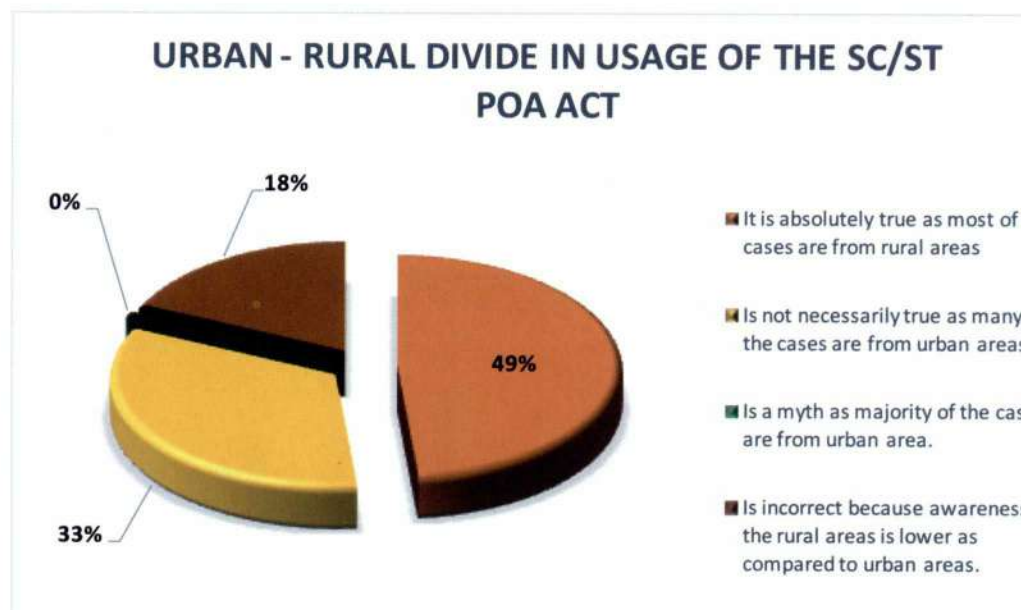


- 17 SJAs members from Andhra Pradesh (two), Maharashtra, West Bengal, Chhattisgarh, Chandigarh, Guwahati, Gujarat, Jammu & Kashmir, Karnataka, Kerala, Manipur, Orissa, Patna (two), Rajasthan and Uttarakhand State Judicial Academies agreed that training modules can strengthen technical capacities and skills of judicial officers.
- 01 SJA member from Jharkhand, opined that, in certain situations training modules can strengthen technical capacities and skills of judicial officers.
- 01 SJA member from Tamil Nadu State Judicial Academy did not respond to the question.

3.To the question, *whether modularization has the potential to meet the demand for skill and knowledge, required for raising the professional competencies in the judges*

Modularization & Professional Competencies

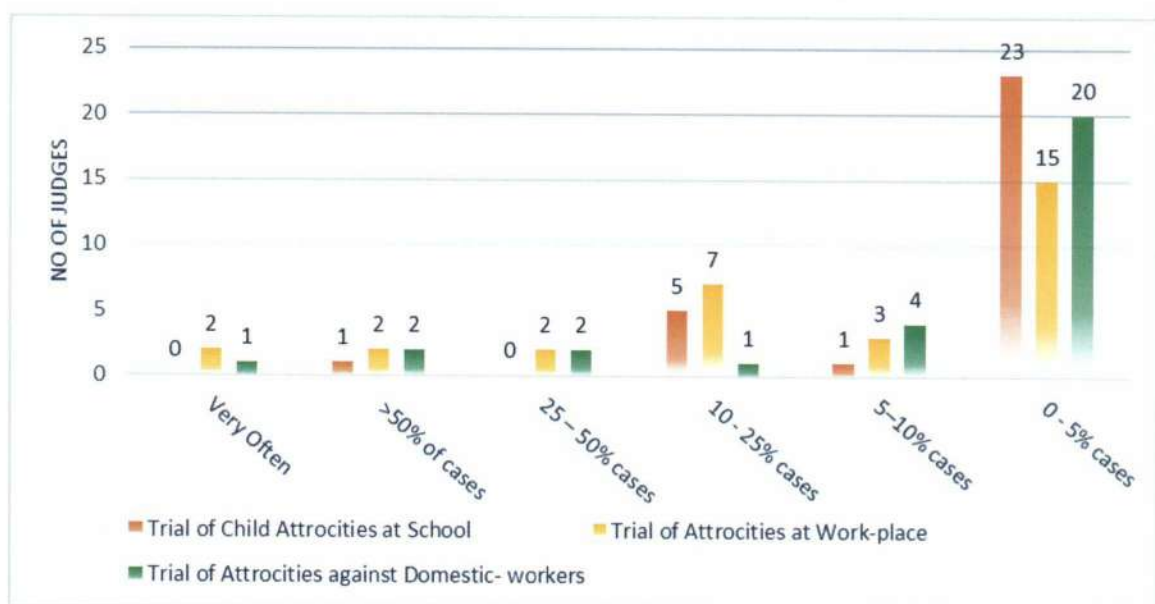




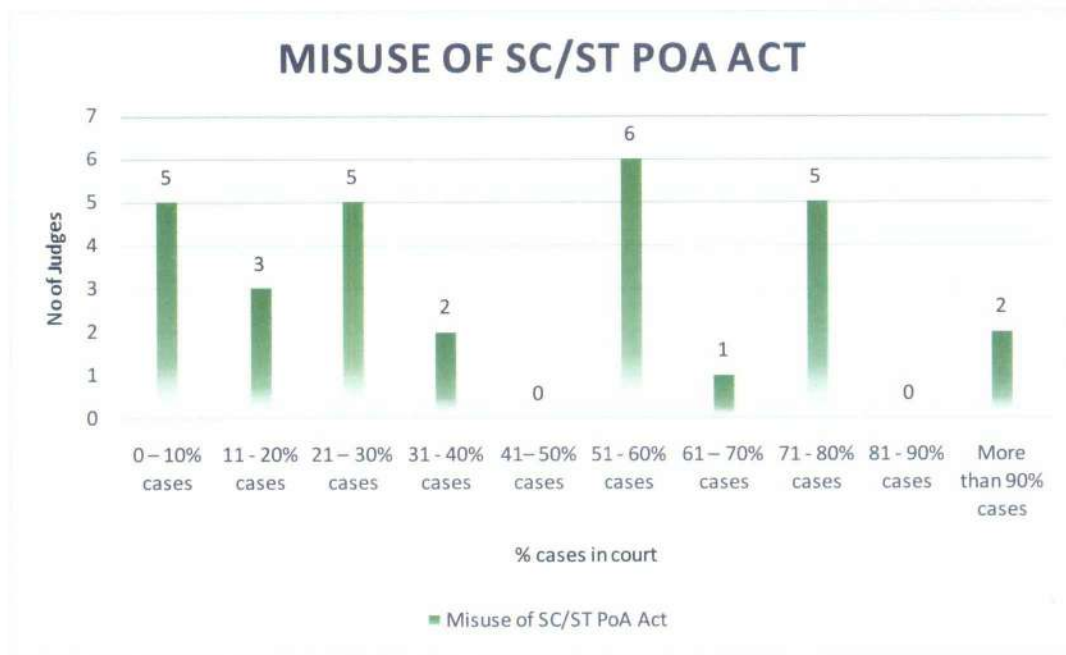
8. An enquiry on the frequency of trial cases relating to atrocities and discrimination done to:

a) children at school b) People at work-place and, c) Domestic worker

It reflects a clear picture as to the fact that not a significant amount of cases are encountered by the judges on these categories. Thereby kindling many questions as to the awareness of rights of the victims, social stigma, and socio-economic compulsions or may other such underlying reasons.

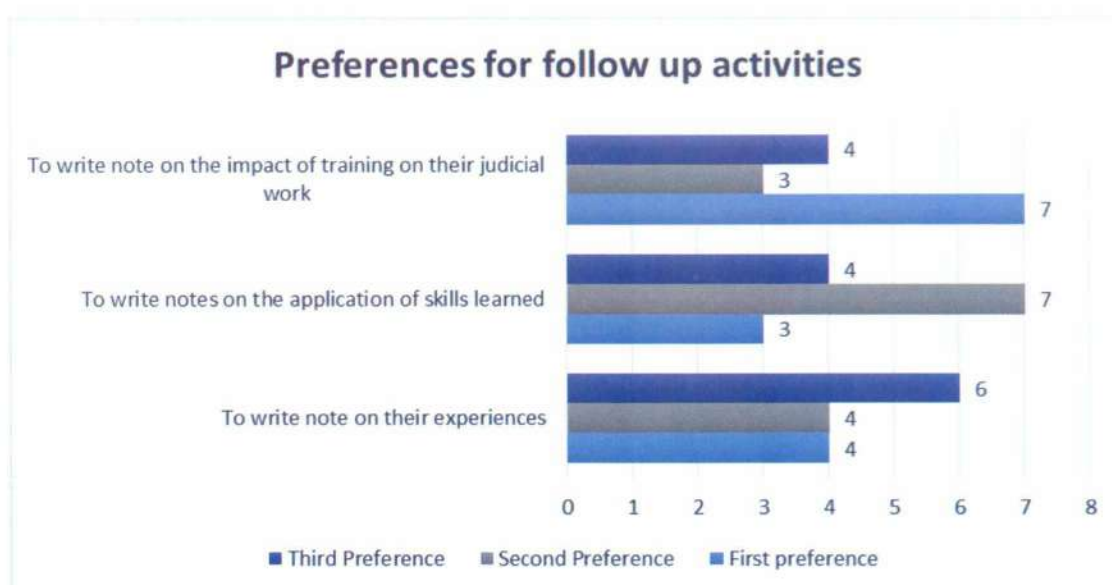


9. To the enquiry on the incidence of “misuse” of the SC/ST (PoA) Act in the Court of law, the responses were divided. Out of 29 responses 15 judges (i.e 52%) mentioned that less than 50% (ranging from 0-50%) cases were of such nature. However, 14 judges (i.e 48%) opined that (ranging from 51-90% plus) cases were reported on misuse of the Act.



- 16 SJAs members from Andhra Pradesh (two), Maharashtra, West Bengal, Guwahati, Gujarat, Jammu & Kashmir, Karnataka, Kerala, Manipur, Orissa, Patna (two), Rajasthan, Tamil Nadu and Uttarakhand State Judicial Academies opined that modularization has the potential to meet the demand for skill and knowledge, required for raising the professional competencies in the judges.
- 02 SJA member from Chhattisgarh and Jharkhand, were not sure whether modularization has the potential to meet the demand for skill and knowledge, required for raising the professional competencies in the judges.
- 01 SJA member from Punjab & Haryana was of the opinion that modularization does not have the potential to meet the demand for skill and knowledge, required for raising the professional competencies in the judges.

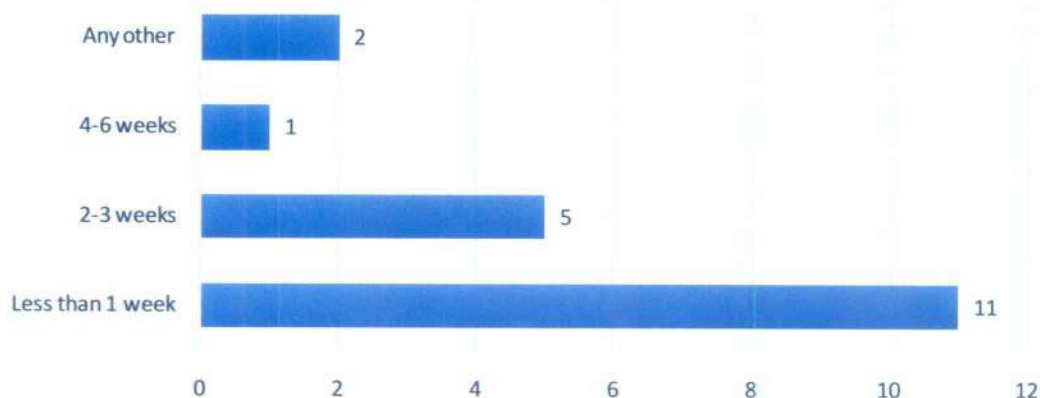
4. On the question, *for the success of modularization in the Judicial Education Discourse, which follow-up activities could be undertaken?*



14 responses were received while 05 replies had response error. Out of the responses received majority of the SJAs members preferred that as a follow-up activity for the success of modularization in Judicial Education Discourse, the trainee judges should be asked to write a note with regard to the impact and also the application of skills learned during the training. However, the third preference of the majority was to make the trainee judge write note on their experiences as a follow up activity for the success of modularization in Judicial Education Discourse.

5. To the question, *what should be the duration of training modules?*

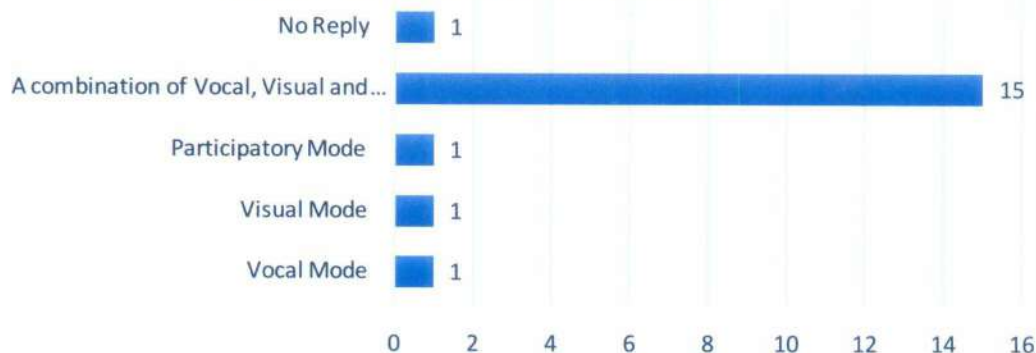
Duration of Training Modules



- 11 SJAs members from Chandigarh, Guwahati, Gujarat, Jharkhand, Karnataka, Kerala, Manipur, Orissa, Patna (one), Rajasthan, and Uttarakhand were of the view that the duration of training modules maybe for less than one week.
- 05 SJAs members from Andhra Pradesh (two), Chhattisgarh, Jammu & Kashmir and Patna were of the opinion that the duration of training modules maybe between 2 to 3 weeks.
- 02 SJA member from Maharashtra and Tamil Nadu opined that the duration of training modules maybe dependent on the subject and type of the course.
- 01 SJA member from West Bengal said that the duration of training module maybe between 4 to 6 weeks.

6.To the question, *what can be considered as the best mode of module execution while addressing adult learners like judges?*

Mode of Module Execution

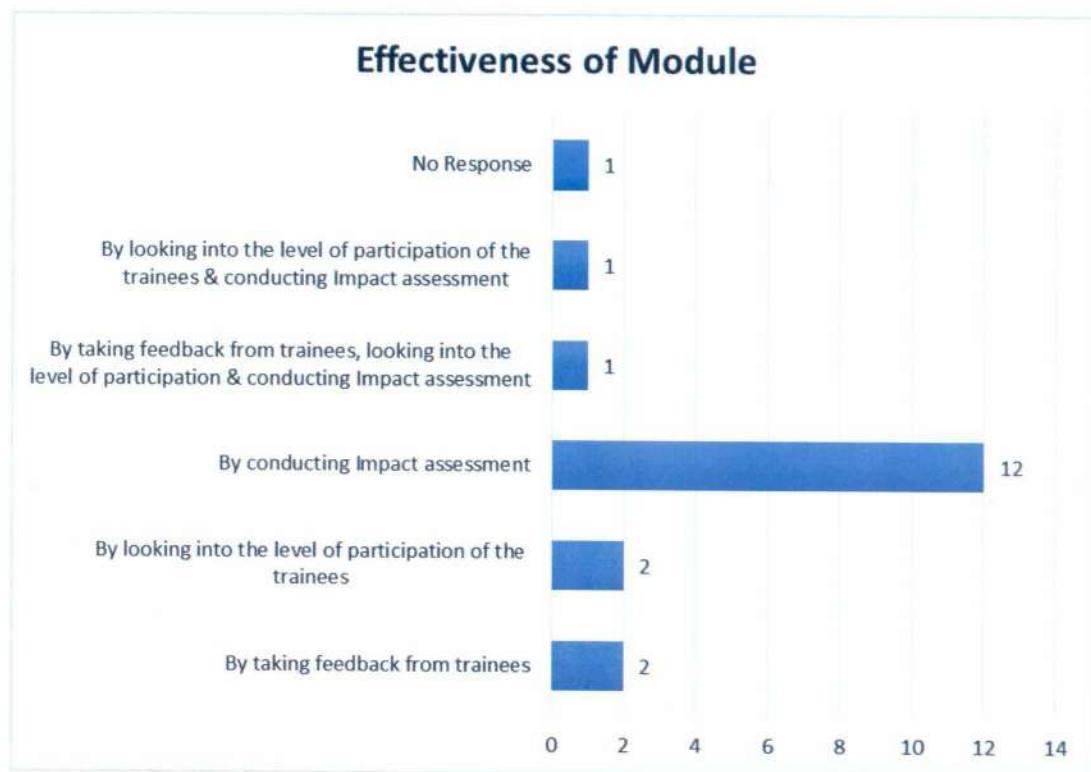


- 15 SJAs members from Andhra Pradesh (one), Bombay, Calcutta , Chhattisgarh, Guwahati, Jammu & Kashmir , Jharkhand, , Kerala, Madras, Manipur, , Patna (two), Punjab & Haryana, Rajasthan and Uttarakhand opined that the best mode of module execution would be a combination of vocal, visual

and participatory modes.

- 01 SJAs member from Karnataka, was of the opinion that vocal mode should be considered as the best mode of module execution.
- 01 SJA member from Orissa said that visual mode should be considered as the best mode of module execution.
- 01 SJA member from Gujarat was of the view that participatory mode should be considered as the best mode of module execution.
- Whereas 01 SJA member from Andhra Pradesh did not respond.

7. To the question as to, *how can the effectiveness of a module be best evaluated?*



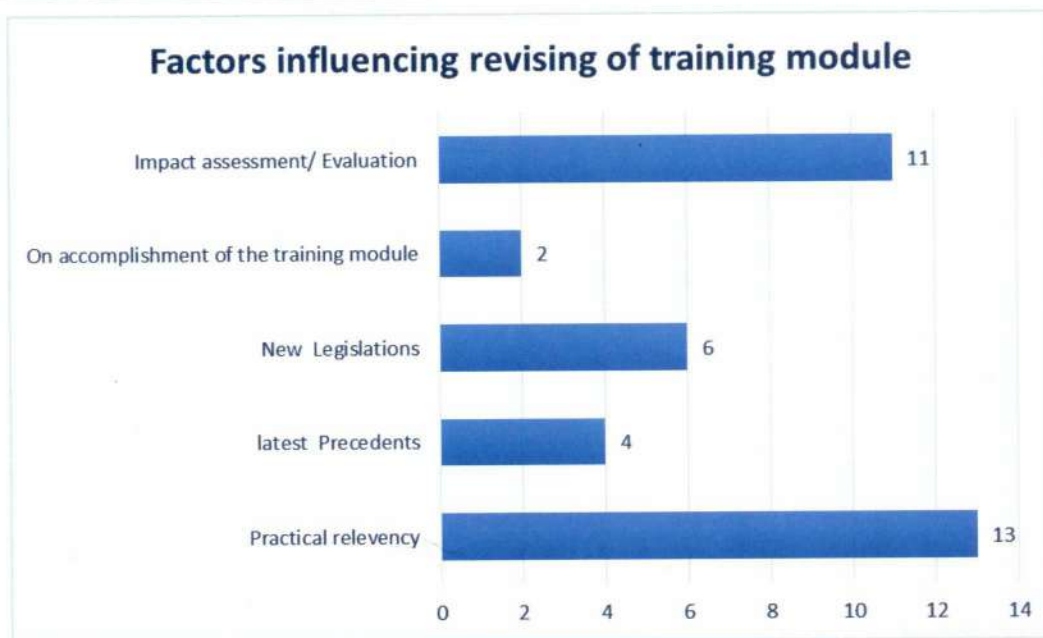
- 12 SJAs members from Andhra Pradesh (one), Calcutta , Chhattisgarh, Guwahati, Gujarat, Jharkhand, Madras, Patna (two), Punjab & Haryana, Rajasthan and Uttarakhand were of the opinion that the effectiveness of a module can be best evaluated by conducting impact assessment.
- 02 SJAs members from Jammu & Kashmir and Manipur said that effectiveness of a module can be best evaluated by taking feedback from the trainees.
- 02 SJAs members from Karnataka and Kerala opined that the effectiveness of a module can be best evaluated by looking into the level of participation by trainees.
- 01 SJA member from Bombay said that the effectiveness of a module can be best evaluated by taking feedback from the trainees, by looking into the level of participation by trainees and by conducting impact assessment.

- 01 SJA member from Madras opined that that the effectiveness of a module can be best evaluated by looking into the level of participation by trainees and by conducting impact assessment.
- 01 SJA member from Andhra Pradesh (one) did not respond.

8. Revising of training modules should be dependent on :

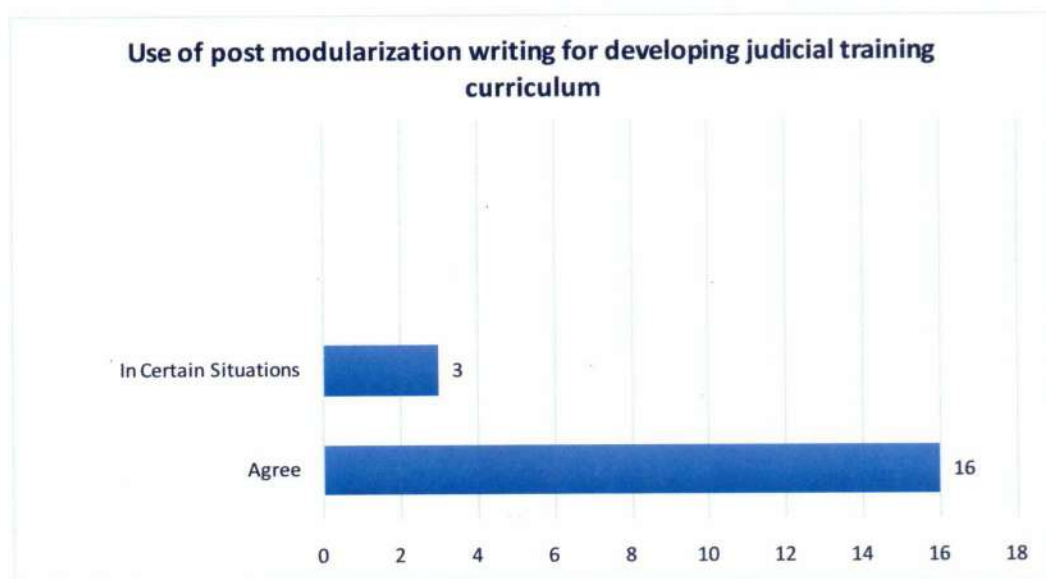
State Judicial Academy	Practical relevancy	Recent Precedents	New Legislations	On accomplishment of the training module	Post impact assessment/ evaluation
Andhra Pradesh [participant-1]	✓		✓		
Andhra Pradesh [participant-2]	✓				
Bombay	✓	✓	✓	✓	✓
Calcutta	✓	✓	✓	✓	✓
Chhattisgarh	✓				✓
Gawhati					✓
Gujarat					✓
Jammu & Kashmir	✓				
Jharkhand	✓				✓
Karnataka	✓				
Kerala	✓				
Madras	✓	✓	✓		✓
Manipur		✓	✓		
Orissa	✓		✓		
Patna[participant-1]					✓
Patna[participant-2]	✓				
Punjab & Haryana					✓

Rajasthan					✓
Uttarakhand	✓				



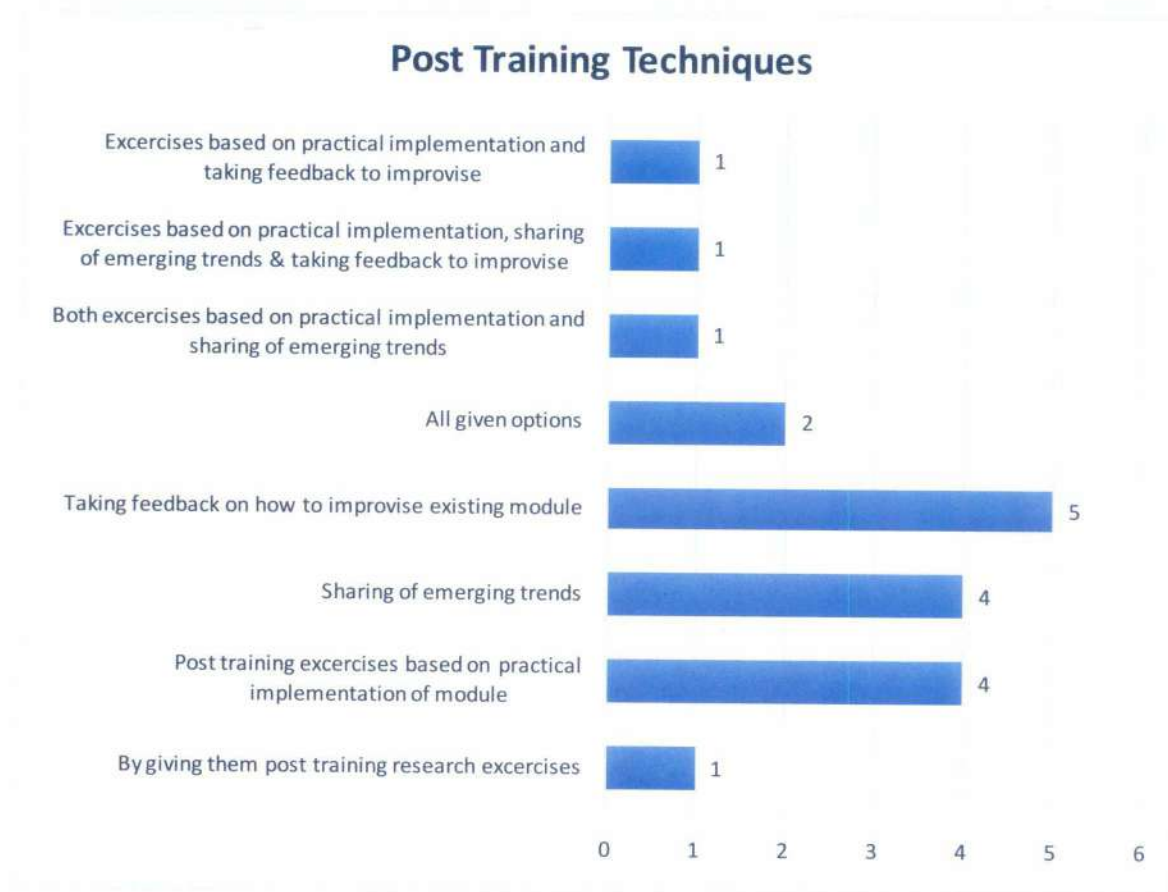
The graph above depicts that majority of the SJAs members are of the opinion that revising of a training module should be dependent on its practical relevancy. The second preference as opined by 11 SJAs members was that revising of a training module should be dependent on impact assessment. This was followed by new legislations, latest precedents and lastly on accomplishment of the training module.

9. To the question, *whether post modularization writing practices will ensure integration of theory and workplace practices which consequentially will help in developing judicial training curriculum*



- 16 SJAs members from Andhra Pradesh (two), Maharashtra, West Bengal, Guwahati, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Tamil Nadu, Manipur, Orissa, Bihar (two), Rajasthan and Uttarakhand State Judicial Academies were of the view that post modularization writing practices will ensure integration of theory and workplace practices will help in developing judicial training curriculum.
- 03 SJA member from Chhattisgarh, Chandigarh and Gujarat opined that in certain situations post modularization writing practices can ensure integration of theory and workplace practices will help in developing judicial training curriculum.

10. On the question, *what should be the practices [post training] for keeping the trainees intact with the training modules?*



- 05 SJAs members from Bihar (two), Chandigarh, Karnataka and Rajasthan were of the view that taking feedback on how to improvise existing module maybe done for keeping the trainees intact with the training modules post training.
- 04 SJAs members from Jammu & Kashmir, Manipur, Orissa and Uttarakhand opined that to keep the trainees intact with the training module they may be given post training exercises based on practical implementation of the module.
- 04 SJAs members from Andhra Pradesh (one), Gujarat, Jharkhand, and Kerala were of the opinion that the trainees maybe asked to share emerging trends post training so as to keep them intact with the training module.

- 02 SJAs members from Maharashtra and West Bengal said that all the mentioned practices i.e., post training exercises based on research, based on practical implementation of the module, sharing of emerging trends and taking of feedback on how to improvise existing module can be used to keep the trainees intact with the training module.
- Whereas 01 SJAs member from Andhra Pradesh preferred post training exercises based on research.
- 01 SJAs member from Chhattisgarh said that post training exercises based on practical implementation of the module as well as sharing of emerging trends by the trainees maybe there to keep the trainees intact with the training module.
- 01 SJAs member from Tamil Nadu was of the view that post training exercises based on practical implementation of the module and taking feedback on how to improvise existing module maybe done to keep the trainees intact with the training modules.
- 01 SJAs member from Assam opined that post training exercises based on practical implementation of the module, sharing emerging trends and taking feedback on how to improvise existing module, maybe done to keep the trainees intact with the training modules.

P-974: STRESS MANAGEMENT WORKSHOP

Shivaraj S. Huchhanavar, Research Fellow



Introduction

The distinct nature of duties that a judge is called upon to discharge, the society's expectations, and conduct of the judge including his lifestyle makes the role of a judge more stressful. Apart from these concerns, overburdened work, changed social conditions, complex nature of cases, and vulnerabilities of middle age have made the judgeship as one of the most perilous occupation.

In India, judiciary is considered as the 'guardian' of the peoples' rights and also of the Constitution, it acts as a protector of the weak, and at the same time it confronts with the most powerful. The Unique role it plays exposes the judiciary to multidimensional stress concerns, up till now, the stress concerns of the judges are not seriously explored and stress related concerns are seriously addressed for variety of reasons.

As a consequences, psychological and behavioral symptoms of occupational stress, namely: trouble in remembering things; feeling easily annoyed; poor appetite; temper outbursts; feeling choked; unfriendly behavior; trouble in concentrating; feeling tense; getting into unnecessary arguments; severe anxiety; suicidal behavior; domestic violence; substance abuse; burn outs are on the rise in the members of judicial fraternity.

Research in this area have also shown that stress is the root cause of a number of psychosomatic diseases like: elevated blood pressure; back pains; chronic headaches; digestive problems; stroke; spastic colon; immune system dysfunction; diabetes; etc.

II. About the workshop

Accentuating the importance of 'awareness' about the occupational stress in the judicative branch, the National Judicial Academy, with a view to appreciate the various stress concerns and its harmful effects on judges, organized a two days Stress Management Workshop on 27th and 28th February, 2016. Thematic framework of the programme inter alia was focussed on:

1. Understanding Stress;
2. Cause and Consequences of Stress;

3. Enhancing Emotional Intelligence in Stress Management;
4. Depression and its fallouts;
5. Benefits of Stress;
6. Use of relaxation therapy in enhancing mindfulness;
7. Stress concerns in trial court judges and newly elevated justice;
8. Managing Stress: Methods and Techniques, and
9. Organizational strategies to prevent occupational stress.

Having this thematic setting as the background, the workshop aimed to assess the stressors, with special reference to Indian Judicial environment; sensitize the cognitive, emotional, and behavioral symptoms of occupational stress on decision making capacity of the judges; appreciate the systemic and individual barriers to operationalize institutional assistance to 'impaired or affected judges'; Fill the absence of an outreach programme for judges on Stress Management, by appealing to the Hon'ble participating justices to organize workshop/conferences on the occupational stress for the subordinate judiciary in their respective jurisdiction; and to identify the preventive, curative and rehabilitative measures which the High Courts as the guardian of grass root judiciary may take to avert the harmful consequences of bench stress.

III. Stress concerns of the judges

One of the objectives of the programme was to comprehend the stress concerns of the judges, in preliminary session participant justices were requested to spell out the stress concerns and as a result following concerns were brought to the front- Novelty of job for people joining bench from the bar, sense that wrong decision may have severe implication on the lives of the people, sensitivity of the cases or complex cases, personal or family insecurity due to threats and attacks, peer and family pressure, unbridled criticism or absence of forums to respond to ill-founded criticisms, incompetent staff, hostile Bar etc. Many deficiencies relating to availability of adequate or skilled staff, proper infrastructure, too many administrative responsibilities, and lack of harmony in the bench are some common reasons of stress among judges. Judges also pointed out that frequent interruptions in children's education because of transfer, ill-health of parents, ailments, demanding family status, etc. are the primary personal stress triggers.

IV. Bench stress: symptoms

Justices discussed a few symptoms of stress under two heads i.e. psychological symptoms in the form of temper outbursts, feeling blocked, feeling uninterested in everything, sleeplessness, severe anxiety etc., and physiological symptom like tiredness, back pains, headaches, dizziness, digestive problems, elevated blood pressure, stroke, etc. Hon'ble participant justices admitted that there is no sufficient awareness in judiciary about the occupational stress and its negative impact on decision making ability of the judges, and on the other hand sharing of experiences about occupational stress, pressure and depression with colleagues and appellate court judges is often equated to admission of personal inadequacy.

V. Countering the bench stress

It was proposed during the workshop that, there is a need for systemic help-line to address the concerns of Bench Stress, it was unanimously agreed that academic inquiry into the cause and consequences of bench stress including the techniques to be adopted at the individual levels and the measures to be effectuated at the institutional level may be undertaken in India.

It was deliberated that the absence of an institutional mechanisms to address the stress concerns, members of the judiciary have to take various initiatives at their individual level, to counteract the bench stress. In this regard the resource persons recommended the participant justices to-

(i) Seek Help don't hesitate

There is nothing wrong in perceiving stress, stress is part and parcel of modern complex living, when the individual's effort to mitigate stress fail, they must ask for help, it doesn't matter who you are, what is your designation/title, education and age, what matters is that stress needs to be mitigated, if respite is not timely, then, consequences of stress may be life threatening.

(ii) Don't negate/condemn stress

Both Judiciary as an institution and judges as individuals need not be stress skeptic, as judges are also human beings, stress occurs naturally, negating stress is like repressing it and final outcome of the repression is an outburst. So, it is necessary that rather than condemning the stress it is necessary to understand it.

(iii) Enjoy the job/duty/profession

Two day long discussion at some point of time inferred that, enjoy what we do, if there is no enjoyment, contentment/satisfaction, then it is better not to do it. This premise holds good even to the judgeship. It is said: anything that is natural it cannot produce stress. Thus, judges have to enjoy their job and job satisfaction is must for eustress.

(iv) Restructure the thinking style and life style

One of the resource persons advised the participants not to worry about things beyond their control, to do their duty with utmost honesty, impartiality and take a rational decision with detachment without bothering about the consequences. Follow the premises that: Sound mind in a sound body, improve the quality of sleep, don't miss daily exercise, and do yoga and meditation. And another viewed, "discipline the art of judging, be devoid of emotions when it comes to final verdict, don't be afraid of consequences."

VI. Suggestions

During the Workshop it was suggested that:

1. Every High Court may plan an outreach programme for judicial officers working in the respective jurisdictions and devise effective tools to manage occupational stress.
2. Judges must enjoy their job, one must try to let go the pressure assuring oneself that they are doing their duty.
3. Not reserve the decision in sensitive cases, assure one-self that you're doing your duty without worrying about the consequences. Decide the matter in accordance with the law, try to take lawyers and other stakeholders into confidence.
4. Appraise the family with the fact that judgeship requires certain level of sacrifice from every member of the family.
5. Try to find out symptoms of stress, avoid hesitation to share, and try to seek help.
6. Another suggestion was that the State Judicial Academies must organise stress management workshops to sensitize judicial officers on causes and consequences of occupational stress.
7. It was observed that High Court being guardian of subordinate judiciary must also try to sensitize subordinate judiciary about occupational stress, at the same time High Courts needs to be sensitive enough to help out the judges suffering from occupational stress, in their respective jurisdictions.
8. The NJA was advised to have more number of programmes on stress management in the next academic year and to invite expert from Psychology, Psychiatry and behavioural sciences to conduct applied research on occupational stress among the Judges.

P- 975: CONFERENCE ON REGISTRAR (MISCELLANEOUS)

Yogesh Pratap Singh, Research Fellow



The National Judicial Academy organised a three day conference from 1-3 March, 2016 for Registrar (Miscellaneous) on the theme 'National conference on Registrar'. The conference debated on absence of separate and sanctioned post for Registrar Miscellaneous (Misc.) in the High Courts, which functions to be performed by registrar misc. like residuary work of recruitment, statistics, establishment and other work, lack of administrative control for taking immediate action, old circular/orders/guidelines for registrars, ambiguity over onus of bearing expenses for Miscellaneous, inadequate TA/DA provided for misc. work, no audit or recording of expenses, delayed compliances and non availability of any software for checking compliances, untrained and inadequate staff, non-uniform rule/guidelines for dealing with misc. matters, anonymous complaints/allegations and lack of rules to deal with them, poor administrative skills and irregular Miscellaneous work.

Registrars expressed their concern over non-uniform rules and guidelines with regard to functions of Registrar Misc. in all 24 High Courts. They expressed their requirement to define composition of miscellaneous department, appoint authority competent for reporting miscellaneous, setting up provision for recording and auditing expenses for miscellaneous work, to remove functions not falling within the ambit of Registrar misc.

Registrars gave many suggestions like creating dedicated and exclusive post of Registrar miscellaneous, defining uniform rules on functions to be incorporated in each High Court, conferring them with more administrative control and powers for quick and effective action, compiling and digitalizing old circular/orders/guideline, allocation of separate fund for miscellaneous work, create provisions to audit expenses incurred on miscellaneous, set up rules for strict compliances and time frame to be made and maintained, to create software for checking compliances and training staff involved in miscellaneous work. Participants proposed for digitalization and ICT intervention for tracing records, compliances and follow-up action.

P-976 : SEMINAR ON SENTENCING IN CRIMINAL CASES

Paiker Nasir, Research Fellow, NJA



The National Judicial Academy organised a three day seminar from 4th March to 6th March 2016, for High Court Justices heading criminal division, on the theme 'sentencing in criminal cases'. The seminar deliberated upon the sentencing philosophies, traditional and emerging approaches to sentencing, sentencing for caste based atrocities, gender related atrocities, sentencing objectively, sentencing for economic crimes, sexual offences, sentencing leniently v/s sentencing harshly, sentencing for cybercrimes and sentencing practices from other countries. The seminar was attended by 13 High Court justices.

Deliberations made:-

- It is important to identify as to, how to approach the idea of sentencing? How to look at the crime? In light of Bachchan Singh's judgement it was deliberated that now a days the idea of crime and criminal are taken into consideration at the time of sentencing. Accordingly, the idea of crime, criminal and circumstances are the core ingredient of the criminal justice system.
- When a fake case is registered by a members of SC or ST because of previous rivalry, it really becomes difficult to trace the real cause of the dispute. On the contrary in genuine cases owing to a lacunae in investigation and the prosecution, justice eludes the SC/ST victims. Therefore SC/ ST Prevention of Atrocities Act creates anomalous situation of misuse as well as insufficiency to protect SC/ST victims from atrocities.
- Apart from sexual offences women are being targeted for several other offences, it includes some traditional offences like harassment by in-laws especially in relation to dowry, young girls are becoming subject of acid attack by frustrated stalkers. Owing to several reasons sentencing becomes more difficult in rape cases. The approach of the judges is not constant in rape cases. Even medical jurisprudence is stereotyped in rape cases.
- Objectivity is indispensable for pronouncement of a sentence, but in practice it is not so. The laws are century old, based on retributive theory and without any guidelines for the judges to decide an appropriate sentence. It is expected to reform the convicts on the basis of the old and redundant law, which needs urgent reformation. In short, the law is based on the retributive and deterrent theory of punishment, and it is expected to reform the convict after he is sentenced by the judges.

- Economic crimes are committed by well-educated people, just out of averse, greed and have a devastating effect on the economy. The standards of punishment for regular offenders are not applicable to convicts of money laundering or corruption. In such cases, taking away the entire property which such a convict has gathered through economical offence as well as physical incarceration for a certain period of time, appears to be a suitable sentence. At the same time community service may be a good option in such cases.
- Pronouncing sentence has become judge-centric and therefore it results into (un)warranted disparities. Some judges are lenient and some are harsh while deciding the quantum of sentence.
- Cyber-crimes is a latest development and the criminals are highly educated and professional. Therefore it becomes difficult to decide the quantum of sentence for such criminals. Further, research is required to understand the causes and the sentencing parameters for cyber criminals. Programmes on cyber-crimes need to be organised for judges.
- When we look at western countries particularly the U.S there are sentencing guidelines, which has been proved to be very harsh and oppressive, there is no room for discretion of the judge, this has caused chaos in sentencing. Whereas, in the U. K there is a sentencing council and the guidelines framed by it gives ample room for discretion to the Judge. As far as India is concerned there are no attempts by the legislature in this regard and there seems to be no signs in the near future as well. In such circumstances, sentencing becomes a quagmire for the judges.

Suggestions made:-

- A judge should look into the mitigating and aggravating circumstances more and more objectively while deciding the term of sentence.
- Judges should balance the reformation of criminals with that of the rehabilitation of the victim.
- Nature of the offence must be given importance, for instance- if the offence is genuinely under the SC/ ST Prevention of Atrocities Act, then the court must deal with it with an iron hand else the case must be treated as a regular criminal case.
- The judge has to see that the criminal should be adequately punished and thereafter rehabilitated. At the same time significance should also be given to the compensation and rehabilitation of the victim.
- There shall be legislative guidelines for sentencing, but the guidelines should not be rigid, there shall be room for reasonable discretion to be exercised by the judge. As long as there is no guidelines for sentencing, the judges can avoid disparities by giving sufficient reasons.
- To tackle economic crimes, a deterrent financial sentence should be imposed so that the message should be loud and clear to the accomplished class of criminals.
- Judges should look at every case differently without requirements of typical stereotype features of rape victim at the same time the judges should be more cautious to trace out the false cases.
- The judges should deal with convicts of cyber-crimes sternly, because they are not committing crimes because of any need, sudden provocation, or enmity etc., rather they are executing their crime in a more professional and well planned manner.

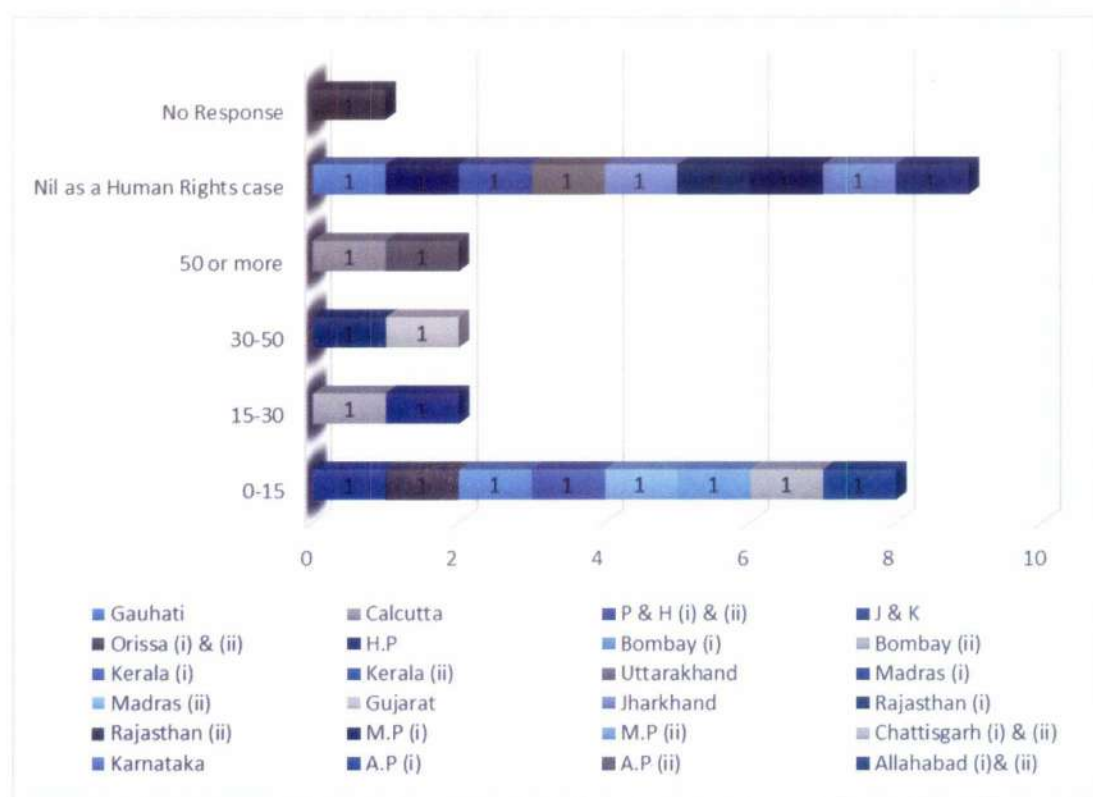
P-977: SEMINAR TO ASSESS WORKING OF HUMAN RIGHTS COURTS IN INDIA

Nitika Jain, Law Associate

The National Judicial Academy organized a 4-day seminar to Assess working of Human Rights Courts in India from 10th to 13th March, 2016. The seminar aim was to assess the working of Human Rights Courts (HRCs) in light of the offences dealt by them. The seminar provided a forum to participant judges to discuss the inadequacies of the Protection of Human Rights Act 1993, challenges related to taking cognizance of offences by HRCs, public perception and knowledge on existence of these courts. Themes related to human rights of victims, accused, prisoners, women, children and other marginalized sections of the society were also covered. A pre-seminar questionnaire was circulated among the 29 participants out of which 28 participants responded. The participants were Principal District judges, District & Sessions judges and Addl. District judges. Findings from the responses have been graphically represented through this report.

Some states like Punjab & Haryana, Bombay, M.P, Kerala, Madras, Chhattisgarh, Allahabad, Andhra Pradesh and Rajasthan had more than one participating judge which have been represented in the graphs as (i) & (ii).

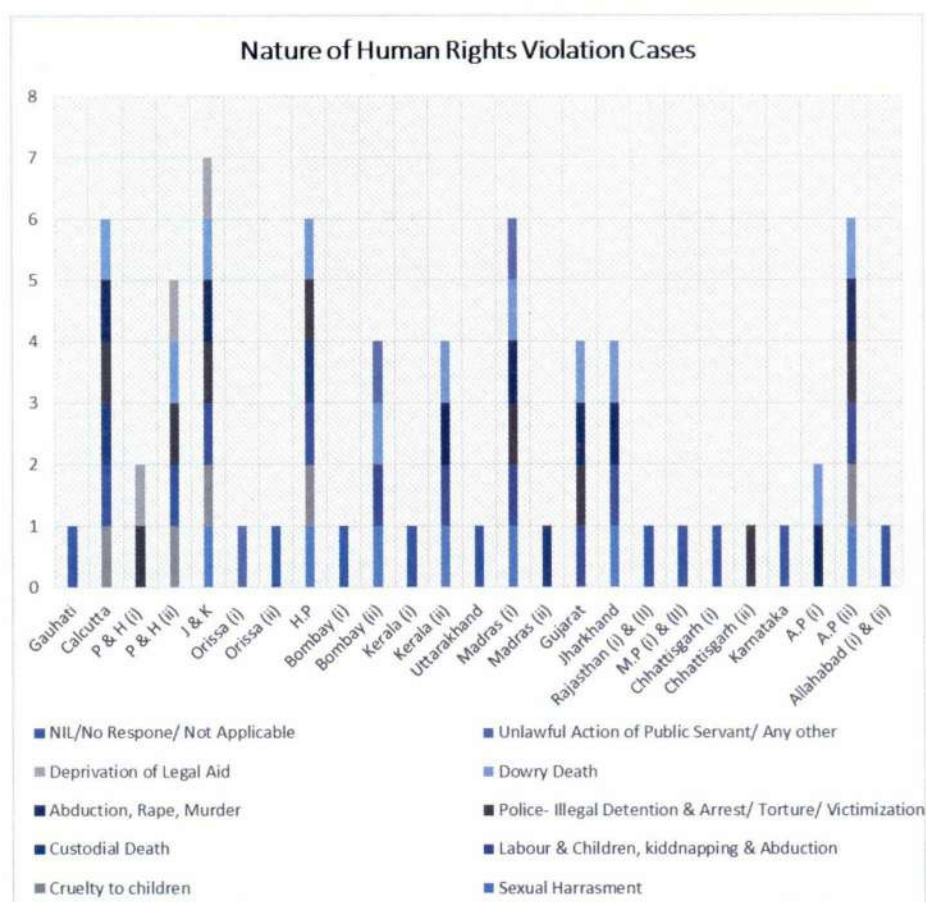
1. On the question, *approximately how many cases of Human Rights violation filed in your court in a year?*



Out of 28 responses received, 11 participant judges from states represented above informed that they hardly receive any HR violation case. Furthermore, participant judges from Gauhati, Himachal Pradesh, Kerala, Uttarakhand, Jharkhand, Rajasthan, MP, Karnataka and Allahabad point out that being the district level judiciary they do get cases which pertain to HR violation but as a special court for HR protection no

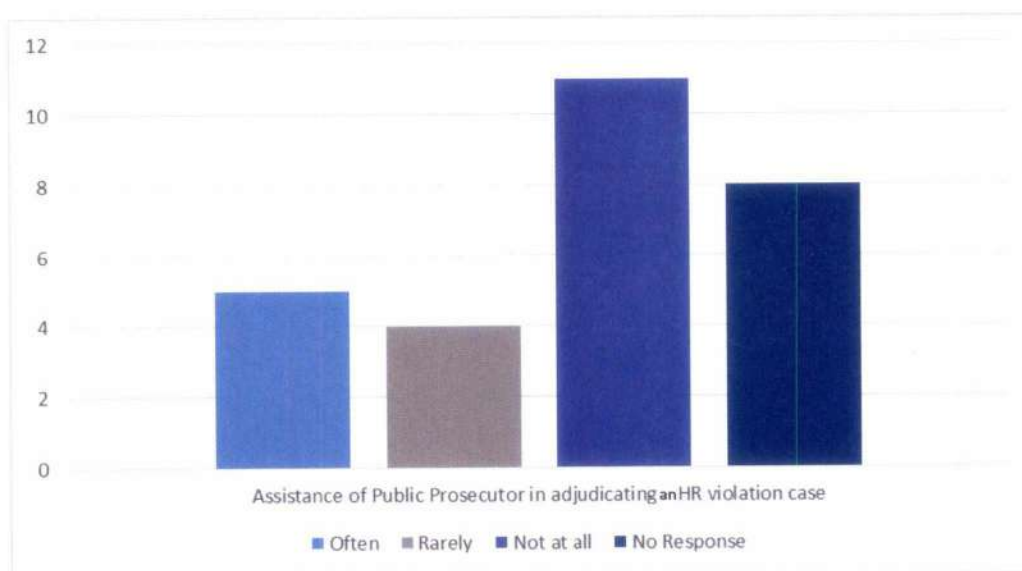
case of HR violation have been filed in their courts till date. Further, participants from Calcutta and Andhra Pradesh stated that they receive 50 or more cases while other two responses from Jammu & Kashmir and Gujarat indicated that they receive 30-50 cases of HR violation in a year.

2. On the question, *what kind of matters are usually filed before your court as a violation of HRs?*



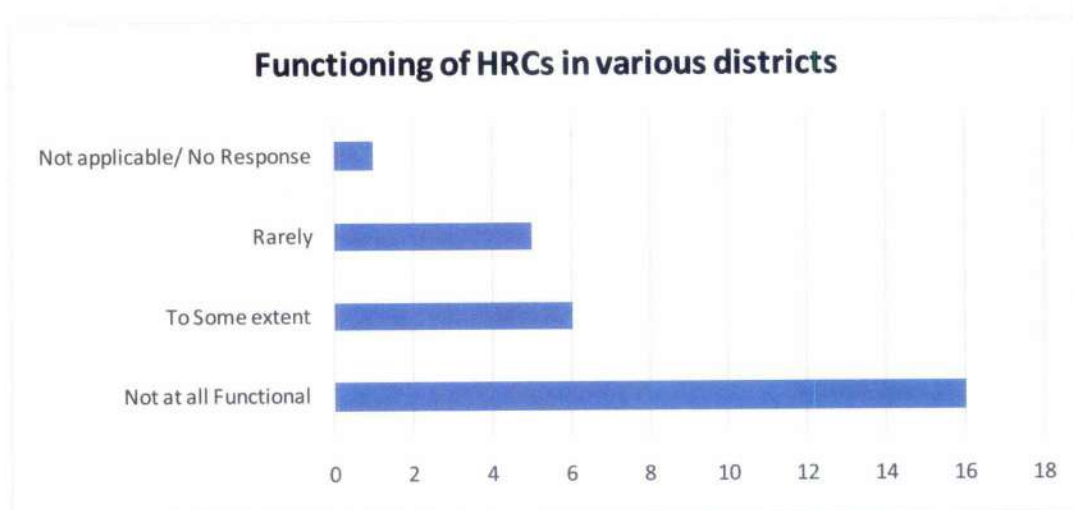
From the above graphical representation it could be inferred that police excess in the form of illegal arrest & detention, torture, cruelty, victimization are the prevailing forms of HR violation as indicated by Judges from Calcutta, Punjab & Haryana, Jammu and Kashmir, Himachal Pradesh, Madras, Gujarat, Chhattisgarh and Andhra Pradesh. Followed by cases of dowry death, kidnapping, trafficking and abduction of labour and children marked by judicial officers from Calcutta, Jammu & Kashmir, Punjab & Haryana, Himachal Pradesh, Bombay, Kerala, Madras, Gujarat, Jharkhand, and Andhra Pradesh. Participant judges from Jammu & Kashmir, Himachal Pradesh, Bombay, Kerala, Madras, Jharkhand and Andhra Pradesh responded that cases of sexual harassment have also come up before them as a violation of HR. It can be deduced from the chart that in the states of Calcutta, Jammu & Kashmir, Kerala, Madras, Gujarat, Jharkhand and Andhra Pradesh cases of abduction, rape and murder are common forms of HR violation. The responses further suggested that cases of custodial Death and deprivation of legal aid are common in the states of Calcutta, H.P, Madras, and Punjab & Haryana, Jammu & Kashmir respectively. Participant judges from Gauhati, Orissa, Bombay, Kerala, Uttarakhand, Rajasthan, MP, Chhattisgarh, Karnataka and Allahabad did not respond

3. On the question, *how often do you take help of public prosecutor and to what extent they assist you to adjudicate the matter pertaining to violation of Human Rights?*



5 out of 28 participants from the jurisdiction of Gauhati, Punjab & Haryana, Himachal Pradesh and Chhattisgarh stated that they often take the assistance of public prosecutor while 4 participant judges from jurisdiction of Madras, Gujarat, Jharkhand and Karnataka informed that they rarely take the assistance of public prosecutors. Further 11 responses from participants of Calcutta, Orissa, Bombay, Madras, M.P, Chhattisgarh, Andhra Pradesh and Allahabad indicated that public prosecutors have not been appointed in any matter. 8 participants either did not respond or informed that question was not applicable to them.

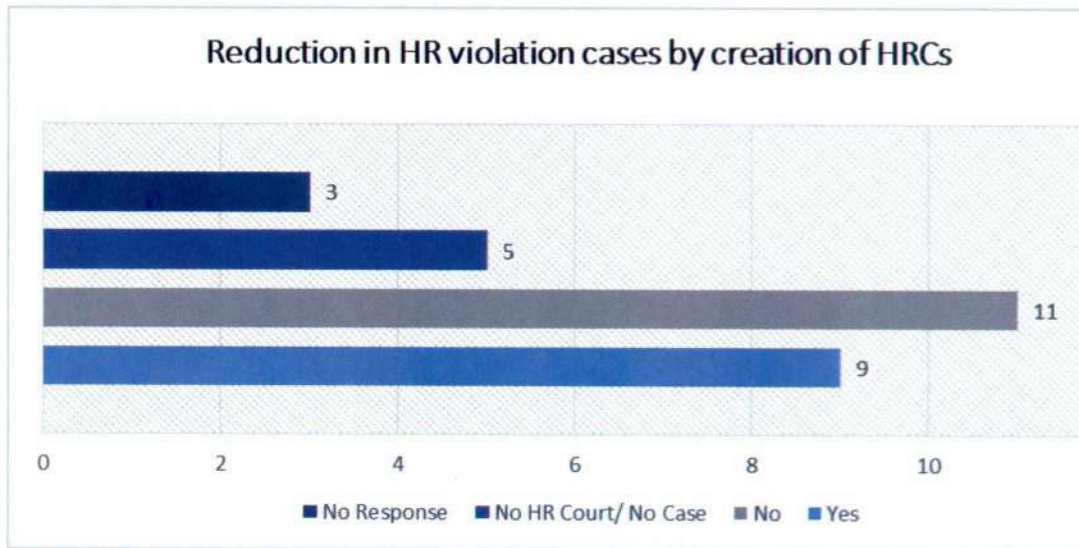
4. *To what extent Human Rights Court is functional in your district?*



The chart above shows the condition of HRCs in the country. 16 out of 28 responses from judges of various districts including Gauhati, Calcutta, Punjab & Haryana, Orissa, H.P, Jharkhand, Rajasthan, M.P, Karnataka, Andhra Pradesh and Allahabad highlighted that these special courts are not at all functional in

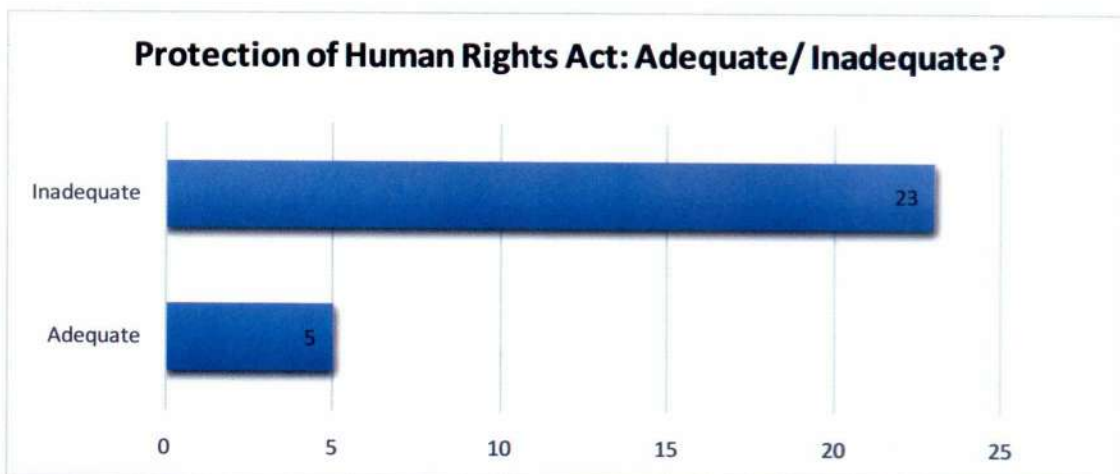
their district. Only 6 participant judges responded that to some extent these courts are functional who were from Punjab & Haryana, Bombay, Kerala, Madras and Chhattisgarh. Participant from States of Bombay, Kerala, Uttarakhand, M.P and Chhattisgarh indicated that these courts are rarely functional. One participant from Jammu & Kashmir did not respond.

5. On the question, *whether creation of HRCs have helped in reducing the offences relating to violation of Human rights?*



11 out of 28 responses indicate that there has been no reduction in HR violation cases either due to non-setting up of HRC in some districts or no case has been filed to these special courts. 9 Participants gave a positive response pointing that there has been a reduction in such matters.

6. On the question, *do you think that Protection of Human Rights Act 1993 is adequate or is there a need to revise the Act to provide proper procedure for filing cases to HRCs?*



Responses from 23 out of 28 participants stated that the Protection of Human Rights Act 1993 is not adequate and does not meet the purpose. 5 participant judges responded otherwise. On point of revising the Act, following responses from the participant judges came forward:

Nature of Amendments suggested
Offences shall be classified to be tried by Human Rights courts and investigation thereof before trial must be conducted.
Rules for procedure of filing cases shall be made out.
Cases shall be filed for HRs violation from private complaints and investigating agency. Also the courts shall be allowed to take cognizance on its own as per provision under Sec 190 (1) of CrPC.
Usually, the Special Courts are established by a notification and attached to the court of Principal District Judge. The designated courts are already entrusted with large number of cases which includes matters on Anti-corruption, POCSO, session's cases arising out of IPC, execution cases filed out of arbitration award, cases arising out of industrial disputes, etc. Thus, creation of separate Special Courts not as designated Session's court will help in achieving the object of speedy trial.
HRs Commission may be directed to receive the complaints first, after preliminary inquiry if the commission finds that there is prime facie case then, commission can refer the case to District Collector/ Revenue officer to have proper enquiry and then private complaint can be filed before the court for trial.
Time limit must be fixed for filing the cases to Human Rights Courts.
Section 17 & 18 of the Act should be adhered to and as per the inquiry report of the commission if a case is referred to the HRC it can be taken up as a case instituted without police report.
The material collected by the HR Commission must be taken into consideration as the basis to proceed.

7. On the question, *whether the scope of Human Rights Courts should be enhanced to take cognizance of cases as done to Section 14 by SC/ST (Prevention of Atrocities) Amendment Act, 2015?*

Amending the Act to enhance scope of HR courts to take Cognizance of case



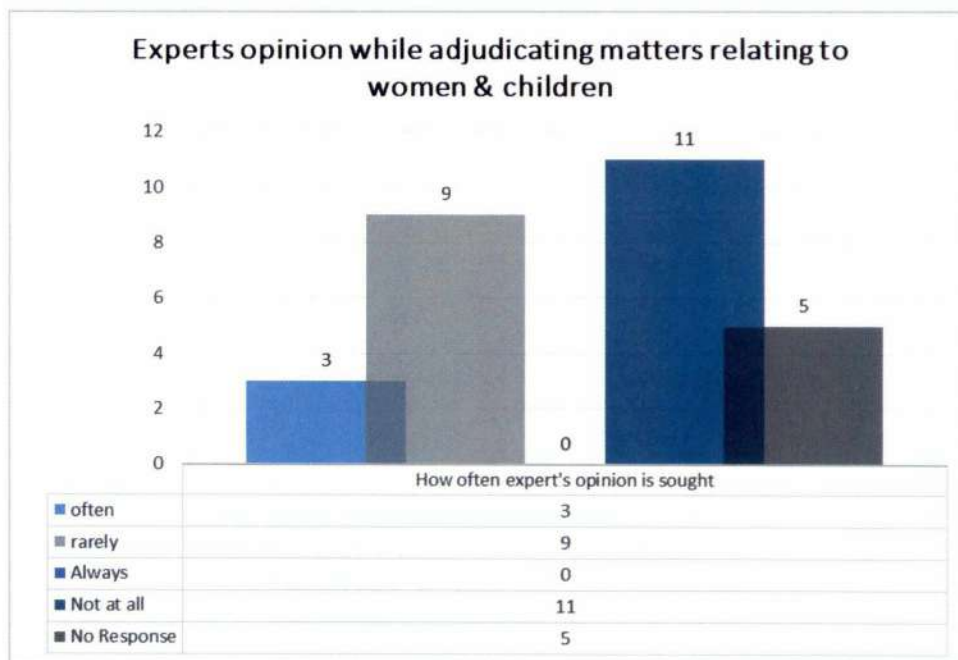
On the question, 25 participant judges responded that there is a need to enhance the scope of HRCs to take cognizance of offences thereby giving them original jurisdiction as conferred by Prevention of Corruption Act, SC/ST Prevention of Atrocities Act, NDPS Act so that procedural delays can be avoided. Only 3 participants from Punjab & Haryana, H.P and Rajasthan gave a contrary response.

8. On the question, *do you think punishment for offenses and a proper definition for 'offences arising out of violation of Human Rights' under Section 30 of the Act must be provided?*



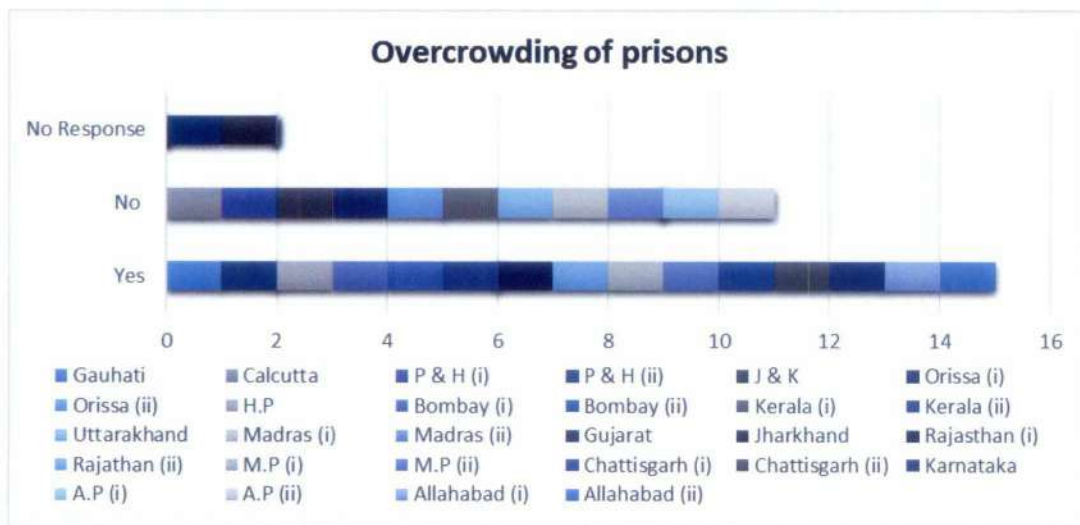
Out of 28 responses, 26 responses indicates that, the Act must provide for a definition of 'offences arising out of violation of HR' as mentioned in Sec 30. Participant judges stated that offences must be specified and categorized as to which offences shall be tried by special courts. Also punishment against such offences must be prescribed to ensure better protection of Human Rights. A participant Judge from Orissa gave a contrary response pointing that instead of amending the Act, a categorized list of cases shall be provided or assigned to each HRC. Another participant from Rajasthan pointed that the offences have been already defined in IPC and if they are to be defined again then it would lead to overlap and violate Article 20 of the Constitution.

9. On the question, *how often expert's opinion is sought while adjudicating matters relating to women and children?*



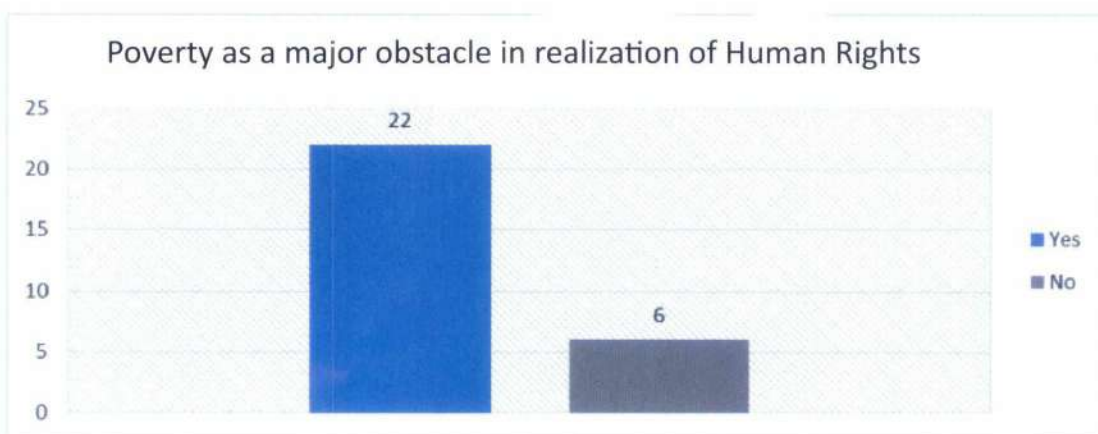
Participant Judges from jurisdiction of Gauhati, Calcutta, Punjab & Haryana, Jammu & Kashmir, H.P, Kerala, Madras and Andhra Pradesh marked that they rarely take expert's opinion while judges from States of Bombay, M.P and Chhattisgarh stated that they often take expert's opinion while adjudicating matters relating to women and children. However, 11 responses shows that expert's opinion is usually not sought and 5 participants did not respond.

10. On the question, *is there overcrowding of prison in your district leading to violation of prisoners Human Rights?*



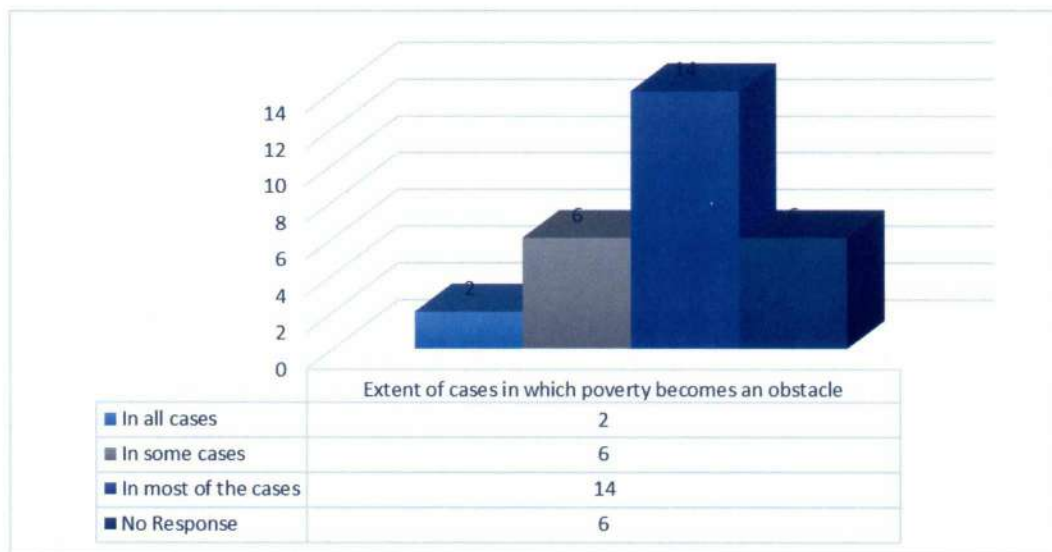
15 out of 28 responses of the participant judges from Gauhati, Punjab & Haryana, Himachal Pradesh, Bombay, Kerala, Rajasthan, M.P, Chhattisgarh and Allahabad informed that there is overcrowding of prison in their districts while judges from Calcutta, Punjab & Haryana, Jammu & Kashmir, Orissa, Himachal Pradesh, Kerala, Uttarakhand, Madras and Andhra Pradesh stated that there is no overcrowding of prison in their respective districts.

11. On the issue, *whether poverty is a major obstacle in realization of Human Rights?*



22 out of 28 responses from the participants indicate that poverty is one of the factor for non realisation of Human rights while 6 participant judges from Orissa, Madras, Rajasthan and Andhra Pradesh had a contrary view.

12. On the question, what percentage of cases do you think poverty becomes an obstacle.



Response from 14 participant judges show that in most of the cases poverty becomes a major obstacle in realization of HRs while participants from Orissa and Karnataka feels that it is an obstacle in all the cases.

P-978: SEMINAR ON THE POWER OF JUDICIAL REVIEW: SCOPE & DIMENSION

Nitika Jain, Law Associate



The National Judicial Academy organized a 3 day seminar on the power of Judicial Review; Scope and dimensions for the High Court Justices from 18th – 20th April, 2016. The seminar was attended by 11 participant justices from the High Courts of Maharashtra, West Bengal, Chhattisgarh, Gujarat, Himachal Pradesh, Jammu & Kashmir, Kerala, Madhya Pradesh and Orissa. The seminar was intended to enhance the understanding of judicial review - its scope and dimensions, Judicial Activism v. Judicial Self Restraint, judicial review of natural resources, best practices of judicial review in High Courts, Judicial Review v. Constitutional Review and gender equality.

The seminar initiated debate on issues like judicial duty in relation to doctrine of recusal, whether the constitutional court forbids recusal, challenge of durability & longevity of Indian Constitution, judicial review in the context of tax decisions, judicial review of natural resources & infrastructural projects, critically analyzing best practices of judicial review in high courts, judicial activism in contrast to judicial self-restraint, proportionality and judicial review in United Kingdom, judicial review as against constitutional review, progressive strategies for PIL in India and use of continuous mandamus to secure gender equality. Judges expressed their concern on issues relating to persistent official or institutional biases, lack of knowledge on judicial recusal in certain situations, courts have to struggle with challenges related to grants which involve issues of policy and thereby issues of separation of power as laid down in the constitution. Judges pointed out that a vast majority of Indians are still not able to access competent and timely legal representation.

The justices gave suggestions for bringing in reforms, which included bringing transparency and accountability in the appointment of judges, to interpret law with the help of judicial review in such a manner so that the objective of Article 142 is achieved, if the Supreme Court finds any law not meeting the ends of justice, then the same must be struck down by interpreting it with the help of judicial review, judge must aim to breathe life into the law & make the law functional. Judges acknowledged that judicial review is the most powerful weapon in the armory of a judge to shoot down a decision and grant relief to an oppressed person, it has a plenary power which has no constitutional limitations but it should be exercised after applying the due process of law.

The seminar pointed out that the principles laid down in the context of the writ of certiorari are applicable in all tax cases where an order is passed by a statutory functionary. It was also suggested that judicial reasoning and judicial process both are at the core of judicial review, a judge apart from applying the appropriate law must also exercise his/her artificial intelligence. Judicial activism is the interpretation of the constitution to advocate contemporary values and conditions, while judicial restraint limits the powers of judges to strike down a law.

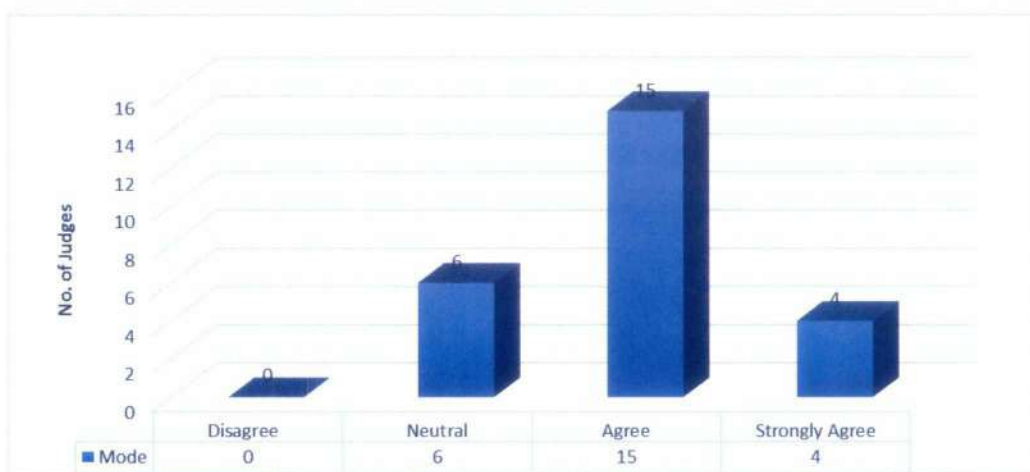
Judges further suggested that in matters of judicial activism it necessary to use power to correct any injustice especially when the other constitutional bodies are not acting. Pointing the benefit of judicial review it was opined that judicial restraint helps in preserving a balance among the three branches of government i.e. judiciary, executive, and the legislature. The suggestion included advantages of proportionality like it helps judges to balance fundamental rights, it finds balance in judgments which are not binary, and it allows judges to hold government accountable.

P-979: CONFERENCE ON COURT GOVERNANCE

Mr. Yogesh Pratap Singh, Research Fellow

The National Judicial Academy organized a 3-day conference on “Court Governance” for the Principal District Judges (PDJs) from 26th to 28th March 2016 at NJA to access the development of judicial governance in terms of modernization of court, transparency, efficiency, infrastructure, budget and responsiveness to the litigants at District Court level. The conference was attended by 26 Principal District Judges across the country. A pre-workshop questionnaire was sent to all the nominated participants to seek their responses and total 25 participant judges responded to the said questionnaire. Herein below the graphical representation of those responses is presented.

1. To what extent the Bar facilitates in delivering the judgment in right and proper perspective?



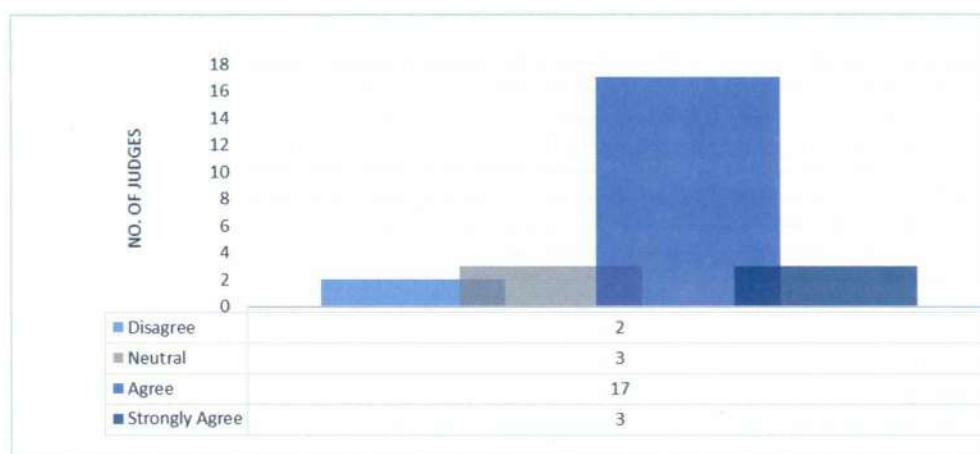
To this question, 15 judges from jurisdictions under the High Courts of Allahabad, Madras (2 participants), Chhattisgarh (2 participants), Himachal Pradesh, Orissa (2 participants), Calcutta, Punjab & Haryana, Madhya Pradesh, Rajasthan, Bombay, Kerala and Karnataka agreed that the bar facilitate in delivering the judgment in right and proper perspective, whereas 6 judges from jurisdictions under the High Courts of Gujarat, Andhra Pradesh, Gauhati (2 participants), Bombay and Tripura opined bar as neutral while delivering the judgment and 4 judges from jurisdictions under the High Courts of Andhra Pradesh, Delhi, Jharkhand and Jammu & Kashmir strongly agreed that bar facilitates in delivering judgment.

2. To what extent the relationship between Bar and Bench is cordial?



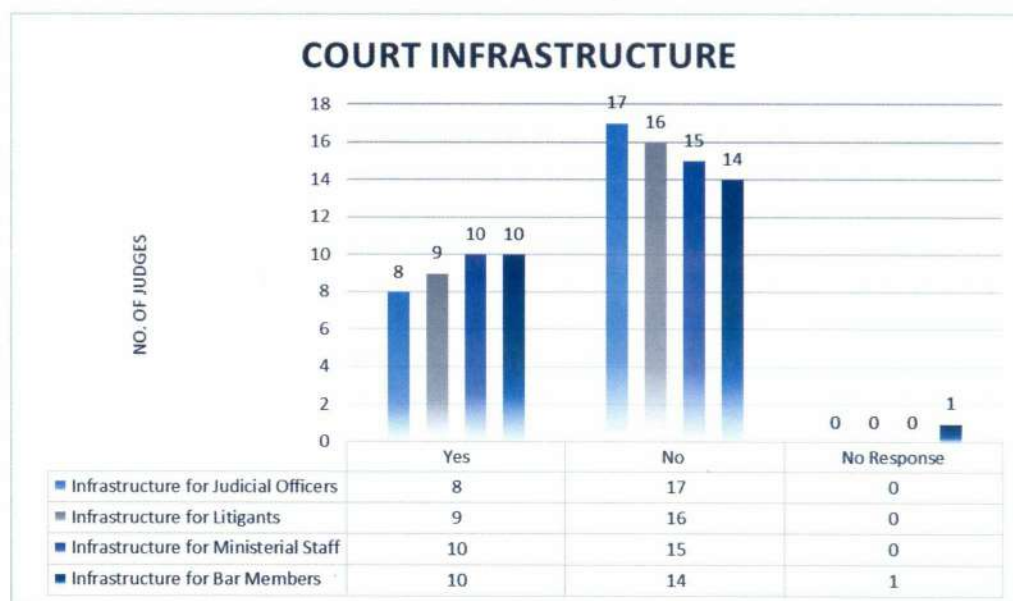
To this question, 18 judges from jurisdictions under the High Courts of Allahabad, Madras (2 participants), Chhattisgarh (2 participants), Himachal Pradesh, Orissa (2 participants), Calcutta, Punjab & Haryana, Madhya Pradesh, Rajasthan, Bombay, Delhi, Jharkhand, Jammu & Kashmir, Kerala and Karnataka agreed that the relationship between bar and bench is cordial, whereas 6 judges from jurisdictions under the High Courts of Gujarat, Gauhati (2 participants), Andhra Pradesh, Bombay and Tripura strongly agreed on bar and bench relationship as cordial, only 1 judges from jurisdictions under the High Courts of Andhra Pradesh said that the relationship between bar and bench is neutral.

3. To what extent the Bar creates hurdle in achieving speedy justice?

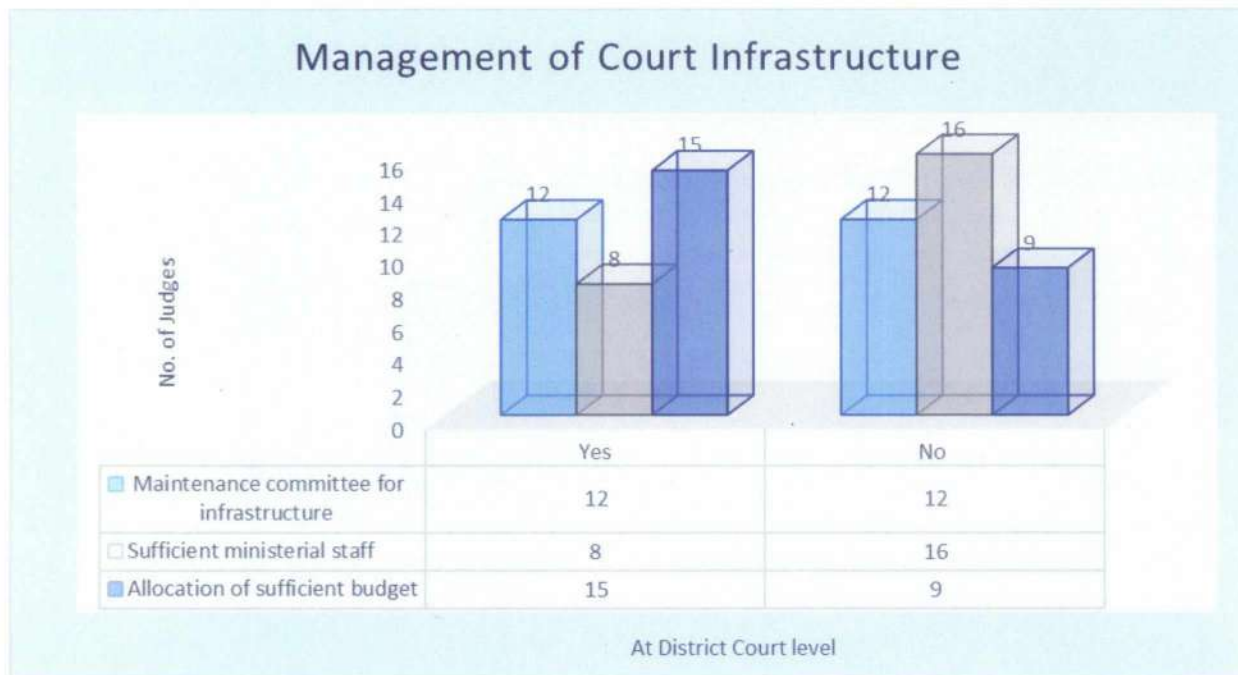


To this question, 17 judges from jurisdictions under the High Courts of Allahabad, Chhattisgarh, Himachal Pradesh, Orissa (2 participants), Calcutta, Punjab & Haryana, Madhya Pradesh, Rajasthan, Bombay, Delhi, Jammu & Kashmir and Karnataka agreed that the relationship between bar and bench is cordial, whereas 3 judges from jurisdictions under the High Courts of Madras (2 participants) and Jharkhand strongly agreed that bar creates hurdles in achieving speedy justice, 3 judges from jurisdictions under the High Courts of Gujarat, Gauhati and Tripura opined as neutral and only 2 judges from jurisdictions under the High Courts of Chhattisgarh and Kerala disagreed on this statement.

4. On Court infrastructure at District Court in following categories.



5. On Management of Court Infrastructure at District Courts level.



P- 981: CONFERENCE FOR REGISTRAR (MISCELLANEOUS)

Mr. Rajesh Suman, Assistant Professor

The National Judicial Academy organized a Conference for Registrar (Miscellaneous) from 4th to 6th April, 2016. The main objective of the Conference was to enhance the management and administrative skills of the participants. The Conference involved extensive discussions on various principles of management and their implementation at organizational level. The Conference was attended by 29 registrars from different high courts of the country. These included Registrar (Confidential), Registrar (Recruitment), Registrar (Administration), Registrar (Original Side), Registrar (Vigilance), Registrar (District Establishment), Registrar (Examination and Labour Judiciary), Registrar (Appointment), Registrar (Classification), Registrar (IT), Registrar (I & E), Registrar (R & F), Joint Registrar and Additional Registrar. In order to assess the administrative practices prevalent in their respective high court, the participants were given a Pre-Conference Proforma. Herein below is the graphical presentation of the 26 responses that were received:

1. To the question, *whether your high court has strategic planning (such as annual vision and mission statements) for improvement of the systems in state judiciary?* 92% participants responded in affirmative whereas 8% participants informed that their high court has no strategic planning of such kind.



One participant each from the high court of Allahabad and Chhattisgarh have mentioned that their high court has no strategic planning. The participants from the high court of Allahabad, Andhra Pradesh & Telangana, Bombay-Aurangabad Bench, Calcutta, Chhattisgarh, Delhi, Gauhati, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Madhya Pradesh, Patna, Punjab & Haryana and Uttarakhand said that their high court has strategic planning (such as annual vision and mission statements) for improvement of the systems in state judiciary. This indicates that substantial number of high courts have strategic planning (such as annual vision and mission statements) for improvement of systems in the state judiciary.

2. To the question, *whether the strategic planning for improvement of the systems in state judiciary is regularly discussed with the staff members at all levels in the Registry of your high court?* 65% participants responded in affirmative whereas 35% participants informed that strategic planning for improvement of

systems in the state judiciary is not discussed with the staff members at all levels in the Registry of their high court.



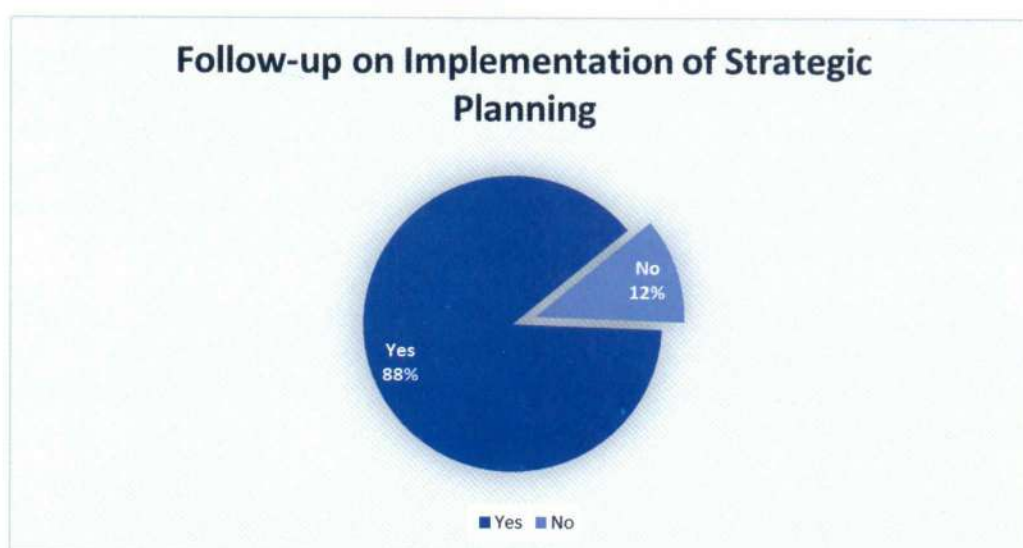
Participants from the high court of Allahabad, Bombay- Aurangabad Bench, Calcutta, Chhattisgarh, Delhi, Gujarat, Punjab & Haryana said that strategic planning for improvement of systems in the state judiciary is not discussed with the staff members at all levels in the Registry of their high courts. The participants from the high court of Allahabad, Andhra Pradesh & Telangana, Chhattisgarh, Gauhati, Himachal Pradesh, Jammu & Kashmir, Karnataka, Madhya Pradesh, Patna, Punjab & Haryana and Uttarakhand said that in their court strategic planning for improvement of systems in the state judiciary is discussed with the staff members at all levels in the Registry of their high courts. This leads to conclude that efforts are required to enhance communication regarding strategic planning for improvement of systems in the state judiciary among the staff members at all levels in the Registry of some high courts.

3. To the question, *whether the staff members at all levels in the Registry of your high court are encouraged to develop the strategic plan at their own level?*, 65% of participants responded in affirmative whereas 35% participants informed that the staff members at all levels in the Registry of their high court are not encouraged to develop strategic plan at their own level.



Participants from the high courts of the Allahabad, Bombay-Aurangabad Bench, Calcutta, Chhattisgarh, Delhi, Gujarat, Karnataka and Uttarakhand said that the staff members at all levels in the Registry of their high courts are not encouraged to develop the strategic plan at their own level. The participants from high court of Allahabad, Andhra Pradesh & Telangana, Chhattisgarh, Gauhati, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Patna and Punjab & Haryana said that staff members at all levels in the Registry of their high courts are encouraged to develop the strategic plan at their own level. This infers that in some high courts there is a need to have adequate arrangements for the staff members at all levels of the Registry so as to encourage them to develop strategic plan at their own level.

4. To the question, *whether there is a system to ensure follow-up of the implementation of strategic planning in your high court* ? 88% of participants responded in affirmative whereas 12% participants informed that there is no system to ensure follow-up of the implementation of strategic planning in their high court.



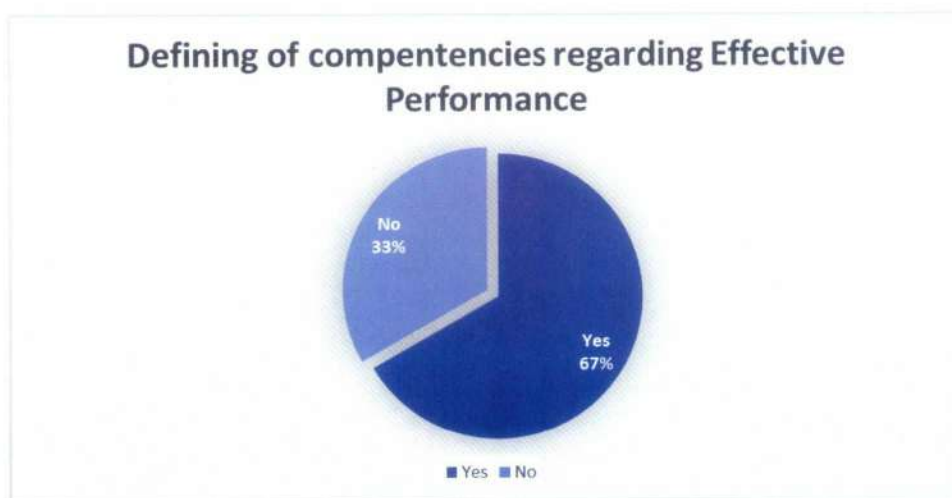
Participants from the high courts of Allahabad, Calcutta, Chhattisgarh said that there is no system to ensure follow-up of implementation of the strategic planning in their high courts. The participants from the high court of Allahabad, Andhra Pradesh & Telangana, Bombay- Aurangabad Bench, Chhattisgarh, Delhi, Gauhati, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Madhya Pradesh, Patna, Punjab & Haryana and Uttarakhand said that there is a system to ensure follow-up of the implementation of strategic planning in their high court. This leads to the conclusion that some high courts are required to establish a system for ensuring follow-up on implementation of strategic planning in their high courts.

5. To the question *whether there is a skill management plan for the staff members at all levels in the Registry of your high court* ?, 46% of participants responded in affirmative whereas 54% participants informed that there is no skill management plan for the staff members at all levels in the Registry of their high court.



Participants from the high court of Allahabad, Bombay-Aurangabad Bench, Calcutta, Chhattisgarh, Delhi, Gujarat, Himachal Pradesh, Jammu & Kashmir, Patna, Punjab & Haryana and Uttarakhand said that there is no skill management plan for the staff members at all levels in the Registry of their high court. The participants from the high court of Allahabad, Andhra Pradesh & Telangana, Chhattisgarh, Gauhati, Karnataka, Madhya Pradesh and Punjab & Haryana said that there is a skill management plan for the staff members at all levels in the Registry of their high court. This indicates that there is a need of skill management plan for the staff members at all levels in the Registry at most of the high courts.

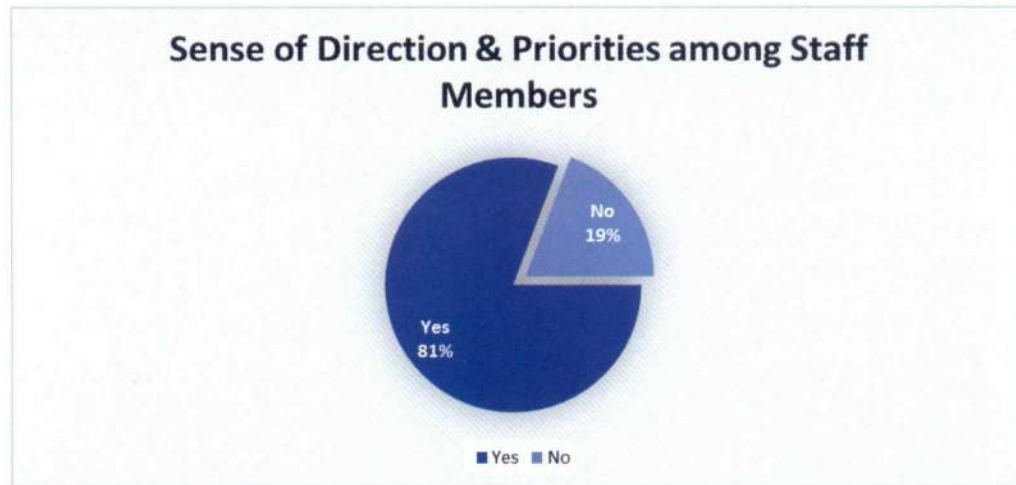
6. To the question, *whether the competencies of effective performance are defined for each and every staff members in the Registry of your high court ?*, 67% participants responded in affirmative whereas 33% participants informed that competencies of effective performance are not defined for each and every staff members in the Registry of their high court. existence



Participants from the high courts of Allahabad, Calcutta, Chhattisgarh, Gauhati, Jammu & Kashmir, Patna, Punjab & Haryana and Uttarakhand said that competencies of effective performance are not defined for each and every staff members in the Registry of their high court. The participants from the high court of Allahabad, Andhra Pradesh & Telangana, Bombay- Aurangabad Bench, Chhattisgarh, Delhi, Gujarat, Himachal Pradesh, Karnataka, Madhya Pradesh, Patna and Punjab & Haryana said that competencies of

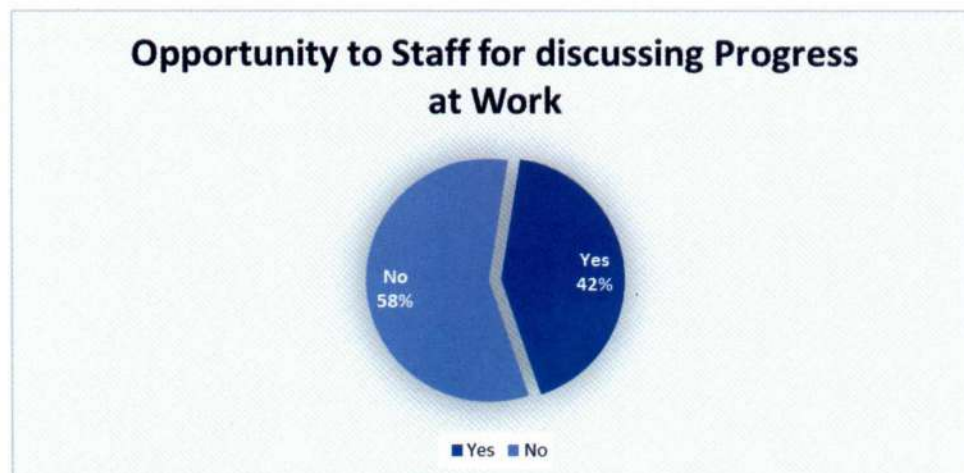
effective performance are defined for each and every staff members in the Registry of their high court. This indicates that those high courts where the competencies of effective performance are not defined for the Registry staff, such high courts may formulate the standards of competencies in this regard.

7. To the question *whether the staff members at all levels in the Registry of your high court have clear sense of direction and priorities rather than dealing with fragmented, competing or overwhelming priorities ?*, 81% participants responded in affirmative whereas 19% participants informed that Registry staff in their high court lacks clear sense of direction and priorities.



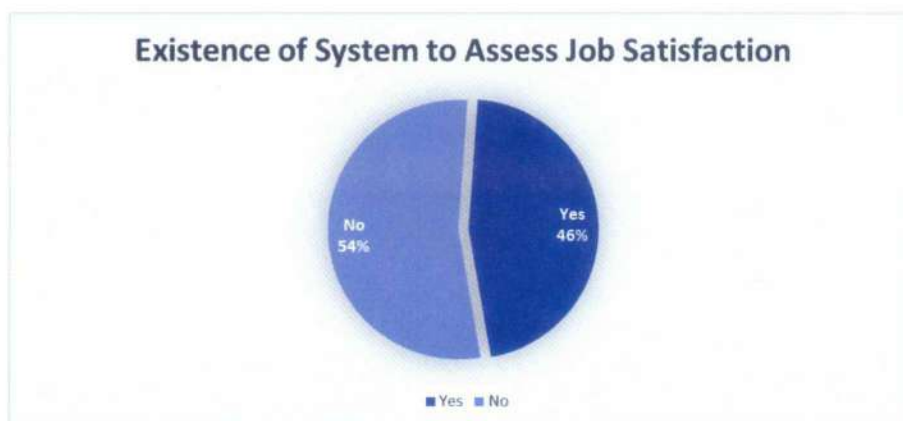
Participants from the high court of Allahabad, Calcutta, Chhattisgarh, Patna and Uttarakhand said that Registry staff in their high court lacks clear sense of direction and priorities. The participants from the high court of Allahabad, Andhra Pradesh & Telangana, Bombay- Aurangabad Bench, Chhattisgarh, Delhi, Gauhati, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Madhya Pradesh, Patna and Punjab & Haryana said that Registry staff in their high court have clear sense of direction and priorities rather than dealing with fragmented, competing or overwhelming priorities This indicates that in some high courts there is need of clarity of direction and priorities among the Registry staff.

8. To the question, *whether the staff members at all levels in the Registry of your high court have the opportunity to discuss their progress at work after every 3 months/6 months ?* 42% participants responded in affirmative whereas 58% participants informed that Registry staff of their high court do not have the opportunity to discuss their progress at work after every 3 months/6 months.



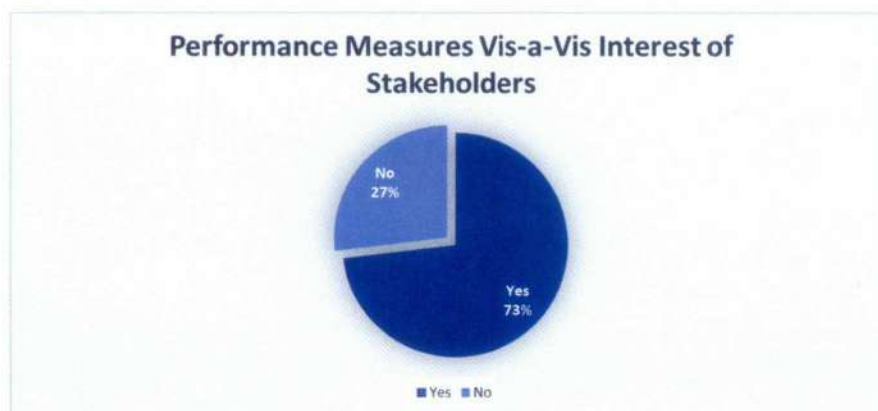
Participants from the high courts of Allahabad, Calcutta, Chhattisgarh, Delhi, Gauhati, Gujarat, Jammu & Kashmir, Karnataka, Madhya Pradesh, Patna and Punjab & Haryana said that Registry staff of their high courts do not have the opportunity to discuss their progress at work after every 3 months/6 months. The participants from the high court of Andhra Pradesh & Telangana, Bombay- Aurangabad Bench, Chhattisgarh, Himachal Pradesh, Madhya Pradesh, Punjab & Haryana and Uttarakhand said that Registry staff of their high courts discuss their progress at work after every 3 months/6 months. This indicates that Registry staff in some high courts may be given opportunity to discuss their progress at work after every 3 months/6 months.

9. To the question, *whether there is a system in your high court to assess the job satisfaction of all staff members in the Registry ?* 46% participants responded in affirmative whereas 54% participants informed that there is no system in their high court to assess the job satisfaction of all staff members in the Registry.



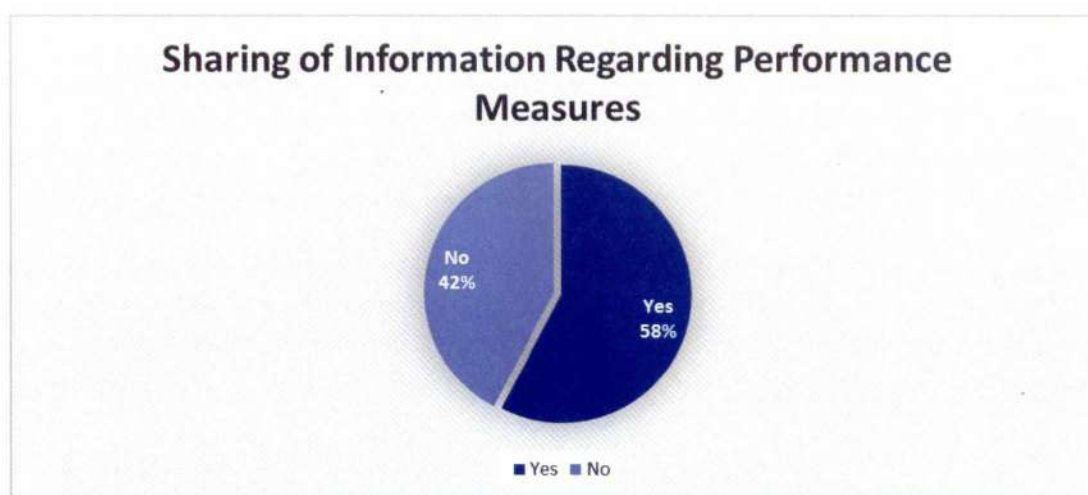
Participants from the high courts of Allahabad, Bombay- Aurangabad Bench, Calcutta, Chhattisgarh, Gauhati, Gujarat, Jammu & Kashmir, Madhya Pradesh, Patna and Punjab & Haryana said that there is no system in their high court to assess the job satisfaction of all staff members in the Registry. The participants from the high court of Allahabad, Andhra Pradesh & Telangana, Chhattisgarh, Delhi, Himachal Pradesh, Karnataka, Madhya Pradesh, Punjab & Haryana and Uttarakhand said that there is a system in their high court to assess the job satisfaction of all staff members in the Registry. This means that in some high courts a system to assess the job satisfaction of all staff members in the Registry is required.

10. To the question, *whether performance measures of the staff members at all levels of the Registry of your high court reflects the interest of all stakeholders (i.e. registry staff, litigants, advocates, prosecutors and judges) ?*, 73% participants responded in affirmative whereas 27% participants said that performance measures of the staff members at all levels of the Registry of their high courts does not reflect interest of all the stakeholders.



Participants from the high courts of Allahabad, Calcutta, Chhattisgarh, Gauhati, Madhya Pradesh, Punjab & Haryana said that performance measures of staff members at all levels of the Registry of their high courts does not reflect the interest of all stakeholders. The participants from the high court of Allahabad, Andhra Pradesh & Telangana, Bombay- Aurangabad Bench, Chhattisgarh, Delhi, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Madhya Pradesh, Patna, Punjab & Haryana and Uttarakhand said that performance measures of staff members at all levels of the Registry of their high courts reflect interest of all the stakeholders. This indicates that some high courts are required to reframe their performance measures so that interest of all stakeholders can be taken care of.

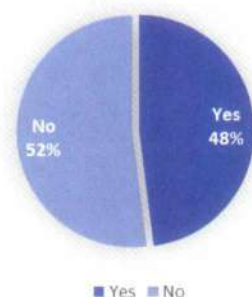
11. To the question, *whether information regarding performance measures is shared regularly with the staff member at all levels of the Registry of your high court ?*, 58% participants responded in affirmative whereas 42% participants informed that information regarding performance measures is not shared regularly with staff member of the Registry in their high courts.



Participants from the high courts of Allahabad, Calcutta, Chhattisgarh, Delhi, Gauhati, Karnataka, Madhya Pradesh, Patna and Punjab & Haryana said that information regarding performance measures is not shared regularly with the staff member of the Registry of their high courts. The participants from the high court of Allahabad, Andhra Pradesh & Telangana, Bombay- Aurangabad Bench, Chhattisgarh, Gujarat, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Patna, Punjab & Haryana and Uttarakhand said that information regarding performance measures is shared regularly with the staff member of the Registry of their high courts. This leads to conclusion that in some high courts proper communication channels are required to be established to share information regarding performance measures with the staff member of the Registry.

12. To the question, *whether there is a system in your high court to measure the outcome of training or skill development initiatives for staff member of the Registry ?*, 48% participants responded in affirmative whereas 52% participants informed that there is no system in their high courts to measure the outcome of training or skill development initiatives for staff member of the Registry.

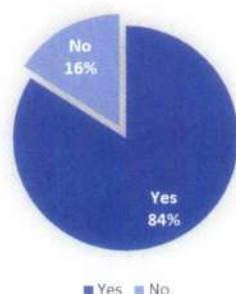
System to Measure Outcome of Training



Participants from the high courts of Allahabad, Calcutta, Chhattisgarh, Delhi, Gujarat, Jammu & Kashmir, Madhya Pradesh, Patna, Punjab & Haryana and Uttarakhand said that there is no system in their high courts to measure the outcome of training or skill development initiatives for staff member of the Registry. The participants from the high court of Allahabad, Andhra Pradesh & Telangana, Bombay- Aurangabad Bench, Chhattisgarh, Gauhati, Himachal Pradesh, Karnataka, Madhya Pradesh and Punjab & Haryana said that there is a system in their high courts to measure the outcome of training or skill development initiatives for the staff member of the Registry. This indicates that in most of the high courts a system is required to measure the outcome of training or skill development initiatives for staff members of the Registry.

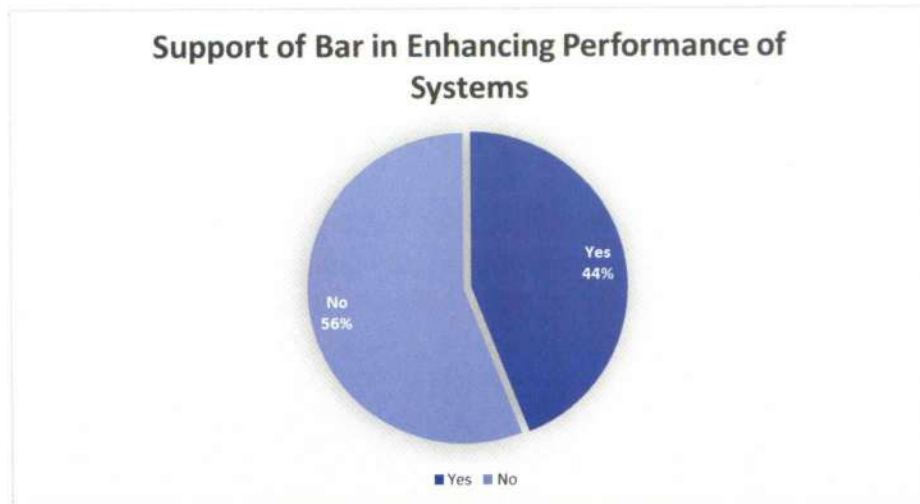
13. To the question, *whether the budget of the high court includes components for consultation for new initiatives such as needs to enhance administrative efficiency or improving ICT capacity of the Registry*?, 84% participants responded in affirmative whereas 16% participants informed that budget of their high courts does not include components for consultation for new initiatives.

Budget & Consultation Components for new Initiatives



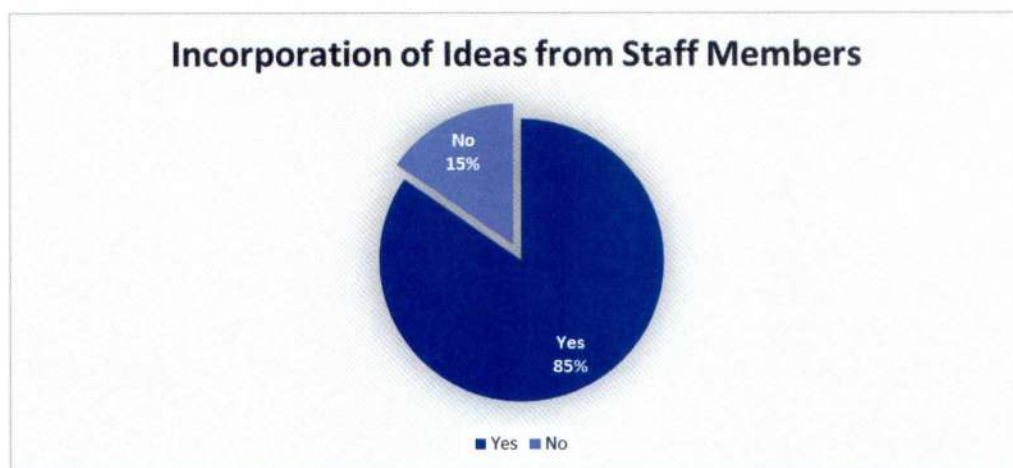
Participants from the high courts of Allahabad, Chhattisgarh, Jammu & Kashmir, Uttarakhand said that budget of their high courts does not include components for consultation for new initiatives. The participants from the high court of Allahabad, Andhra Pradesh & Telangana, Bombay- Aurangabad Bench, Calcutta, Chhattisgarh, Delhi, Gauhati, Gujarat, Himachal Pradesh, Karnataka, Madhya Pradesh, Patna and Punjab & Haryana said that the budget of their high court includes components for consultation for new initiatives. This indicates that in some high courts the budget related to components for consultation on new initiatives may be included.

14. To the question, *whether there is adequate support from the bar members for initiatives that can enhance performance of systems in high court ?* 44% participants responded in affirmative whereas 56% participants informed that bar members do not support the initiatives that can enhance performance of systems in high court.



Participants from the high courts of Allahabad, Calcutta, Chhattisgarh, Gauhati, Jammu & Kashmir, Madhya Pradesh, Patna and Punjab & Haryana and Uttarakhand said that bar members do not support the initiatives that can enhance performance of systems in high court. Whereas, participants from the high court of Andhra Pradesh & Telangana, Bombay- Aurangabad Bench, Chhattisgarh, Delhi, Gujarat, Himachal Pradesh, Karnataka and Punjab & Haryana said that bar members support the initiatives that can enhance performance of systems in high court. This indicates that reforms in the bar are required in most of the high courts so that initiatives for improving the systems can be implemented without barriers.

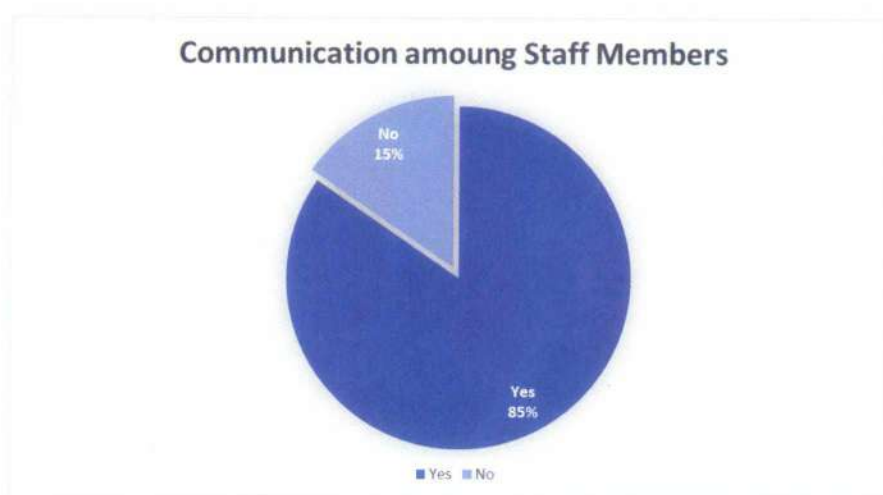
15. To the question, *whether Registrars in your high court incorporate ideas or suggestions from the staff members at all levels of the Registry to improve performance of systems in high court ?*, 85% participants responded in affirmative whereas 15% participants informed that Registrars in their high court do not incorporate ideas and suggestions from the staff members of the Registry to improve performance of systems in high court.



Participants from the high courts of Allahabad, Bombay-Aurangabad Bench, Chhattisgarh and Madhya Pradesh said that Registrars in their high court do not incorporate ideas and suggestions from the staff members of the Registry to improve performance of systems in high court. The participants from the high court of Allahabad, Andhra Pradesh & Telangana, Calcutta, Chhattisgarh, Delhi, Gauhati, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Madhya Pradesh, Patna, Punjab & Haryana and Uttarakhand said that Registrars in their high court incorporate ideas and suggestions from the staff members of the Registry to improve performance of systems in high court.

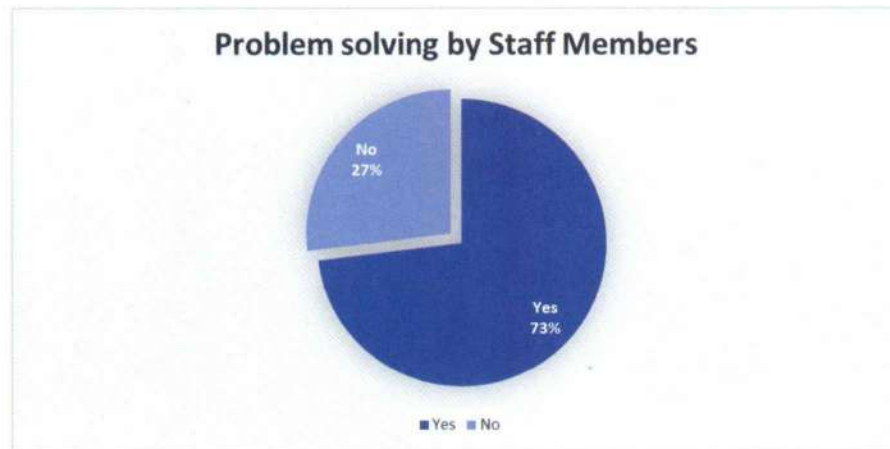
This leads to the conclusion that in some high courts the communication between Registrars and other staff members of the Registry may be enhanced so that valuable ideas and suggestions could be given due attention.

16. To the question, *whether the staff members at all levels of the Registry communicate openly amongst themselves and with seniors, and listen with curiosity to seek understanding ?*, 85% participants responded in affirmative whereas 15% participants informed that staff members of the Registry in their high courts neither communicate openly nor listen with curiosity to seek understanding.



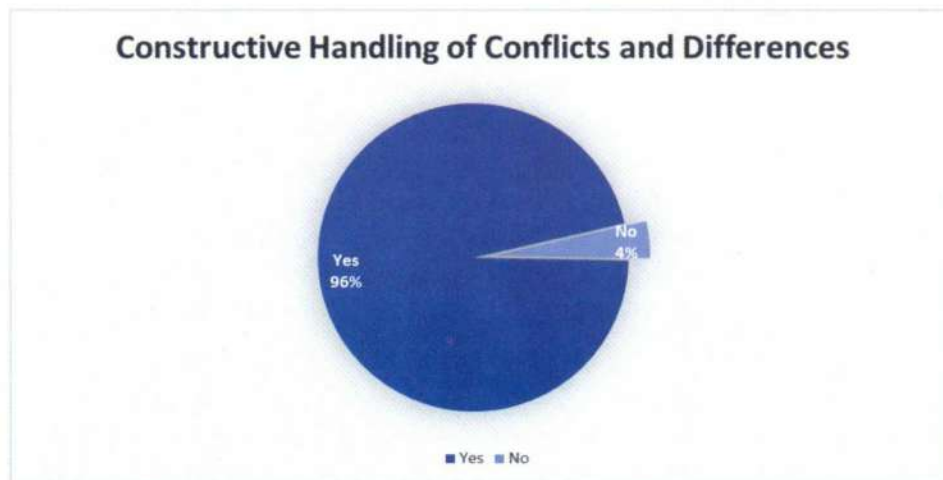
Participants from the high court of Allahabad, Calcutta, Chhattisgarh and Karnataka said that staff members of the Registry in their high courts neither communicate openly nor listen with curiosity to seek understanding. The participants from the high court of Allahabad, Andhra Pradesh & Telangana, Bombay-Aurangabad Bench, Chhattisgarh, Delhi, Gauhati, Gujarat, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Patna, Punjab & Haryana and Uttarakhand said that staff members of the Registry in their high courts communicate openly and listen with curiosity to seek understanding. This leads to the conclusion that in some high courts, training to staff members of the Registry may be imparted on communication skills.

17. To the question, *whether the staff members of the Registry in your high court at all levels take ownership for solving problems with a focus on forgiveness and learning instead of blaming others ?*, 73% participants responded in affirmative whereas 27% participants informed that staff members of the Registry in their high courts do not take ownership for solving problems with a focus on forgiveness and learning.



Participants from the high courts of Allahabad, Bombay- Aurangabad Bench, Calcutta, Karnataka, Madhya Pradesh, Patna and Punjab & Haryana said that staff members of the Registry in their high courts do not take ownership for solving problems with a focus on forgiveness and learning. The participants from the high court of Allahabad, Andhra Pradesh & Telangana, Chhattisgarh, Delhi, Gauhati, Gujarat, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Patna, Punjab & Haryana and Uttarakhand said that staff members of the Registry in their high courts take ownership for solving problems with a focus on forgiveness and learning. This leads to conclude that in a few high courts the staff members of the Registry may be oriented towards better ways of problem solving and conflict management.

18. To the question, *whether conflict and differences handled constructively and resolved effectively in the Registry of your high court ?*, 96% participants responded in affirmative whereas 4% participants informed that conflict and differences are not handled constructively and resolved effectively in the Registry of their high court.



Participant from the high courts of Madhya Pradesh said that conflict and differences are not handled constructively and resolved effectively in the Registry of the high court. The participants from the high court of Allahabad, Andhra Pradesh & Telangana, Bombay- Aurangabad Bench, Calcutta, Chhattisgarh, Delhi, Gauhati, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Madhya Pradesh, Patna, Punjab & Haryana and Uttarakhand said that conflict and differences are handled constructively and resolved effectively in the Registry of their high courts. This leads to the conclusion that in one high court the staff members of the Registry are required to be oriented towards conflict management and team management.

P-982: REFRESHER COURSE FOR MACT COURTS

Ms. Shruti Jane Eusebius, Law Associate



The National Judicial Academy organized a 4-day seminar on April 7-10, 2016 for judges presiding over the Motor Accident Claims Tribunals ('MACT') in India. The objective of the course was to discuss the role of the MACT as specialized courts dealing with claims relating to motor accidents, the major legal and judicial challenges in adjudicating such cases and the interplay of various sectors like insurance and medical sectors in the cases before the MACTs. The course was attended by 30 judges from 19 High Courts.

In this course, the role of the insurance sector in the motor accident claims was discussed. The nature of the policies that are given for motor vehicles was presented and it was pointed out that comprehensive policies is a misnomer. In the course of the discussions, the scope of the liability of the insurance company was discussed. It was stressed that the liability of the insurance companies also includes the liability for acts done by the agents whether approved or not, provided the acts were done as an agent of the insurance company. Furthermore, the defence taken by insurance companies that cash and cheque payments were received late from the agent cannot be a defence as the Insurance Regulatory and Development Authority has prescribed that the premium payment can be made by various methods including credit cards, debit cards and online payment methods. In the discussions, various frauds that are done to claim compensation from the insurance companies was highlighted for the knowledge of the judges.

Just and fair compensation was highlighted as one measure of justice by MACTs. Another equally important measure of justice is the effectiveness and timeliness of the court processes. In this regard, it was emphasized that courts must take proactive steps to make the court procedure quick and efficient. This can be done by enforcing responsible pleading, taking all preparatory actions like discovery and production of documents and interrogatories at the earliest, listing of dates and events as a summary in the case file, recording statement of parties before framing issues and reduction of adjournments.

Discussions provided a deeper understanding of disability arising out of motor accidents and its implications for the victim in terms of loss of livelihood, obstacles in accessing public infrastructure and the need for assistance. The participant judges were given an overview of the medical and psychological needs of road accident victims and the costs involved in accessing such medical aid. The participants were also provided

with information as to how disability was calculated by medical officers and how the same can be used and understood when adjudicating motor accident claims. Emphasis was also placed on the concept of functional disability and how the same it to be assessed by judges.

The discussions also centered on the grant of compensation by MACTs. It was emphasized that compensation must not be a windfall or a bonanza but must be a just compensation to redress the loss and damages caused to the victim as a result of the motor accident. The discussions centered on the factors that need to be considered in assessing compensation and the assessment of pecuniary and non-pecuniary damages caused to the victim. In the discussions, the achievement of gender justice in awarding compensation was also stressed. The challenges faced by the MACTs in assessing the loss caused for the purposes of determining compensation in cases of unemployed persons, housewives and persons who are not employed in formal workplaces or who earn income in small scale activities was discussed. An interesting issue that was discussed was the scope of the term 'legal representatives' in view of the 2014 Supreme Court judgment in *Montford Brothers of St. Gabriel and Anr. Vs. United India Insurance*.

SUPREME COURT JUDGES' RETREAT 2016



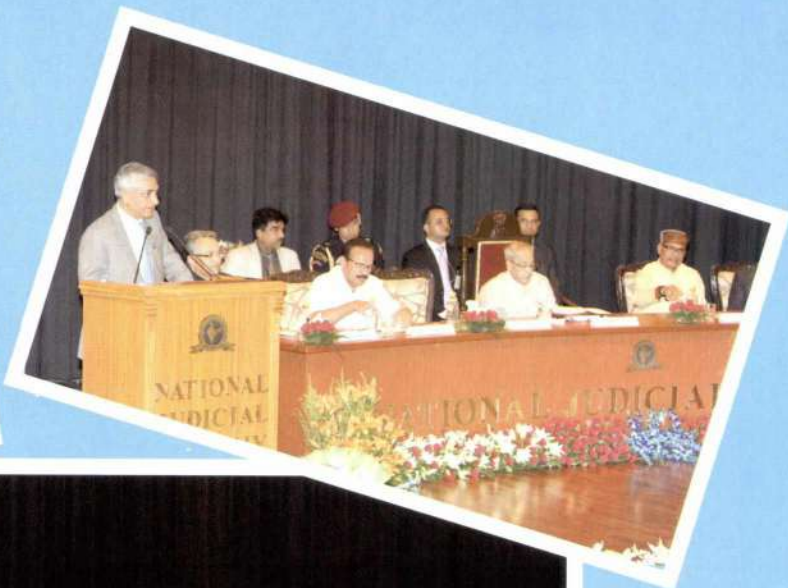
The three days Supreme Court Summer Retreat was held from 15th to 17th April, 2016 at the National Judicial Academy, Bhopal. The main objective of the retreat for Hon'ble Justices of the Supreme Court of India was to provide an occasion to reflect on the progress of the nation towards the vision and goals set by the Constitution of India in the context of contemporary challenges, both national and global. The Retreat 2016 was held after a gap of seven years.

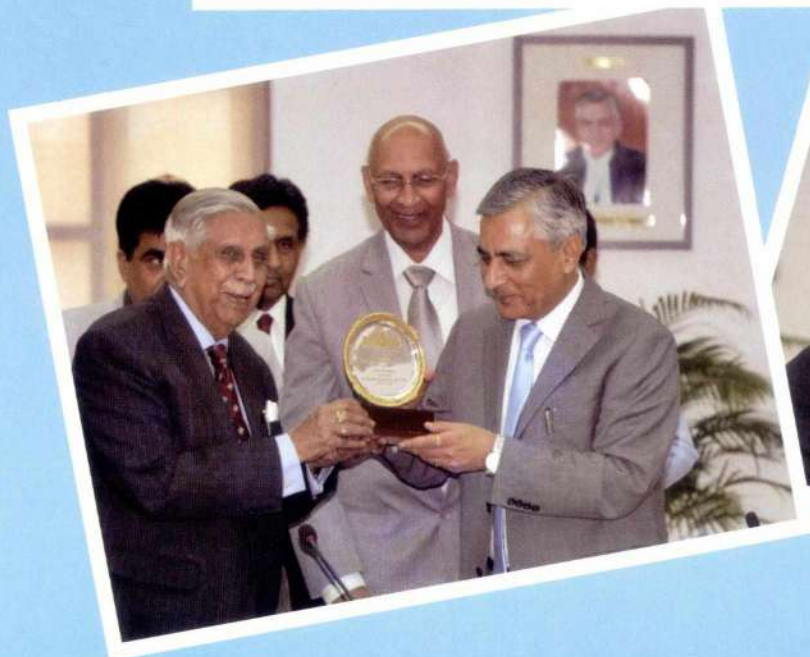
The Retreat 2016 was inaugurated by the Hon'ble President of India Shri. Pranab Mukherjee and other dignitaries, included Sh. Shivraj Singh Chauhan, Chief Minister of Madhya Pradesh, Justice A.M. Khanwilkar, the then Chief Justice of MP High Court and Sh. Sadanada Gowda, Union Law Minister.

The President congratulated the Hon'ble Chief Justice of India and other companion judges for organizing such an event, pointing out that discussions and reflections on current areas is important to keep pace with time and for delivery of fair and effective justice in a rapidly changing world. The President expressed that the Retreat be institutionalized and held regularly in future. The Hon'ble President pointed out that the judiciary is an important pillar of our Democracy, being the final interpreter of the Constitution and the laws and added that since 1950 Indian Judiciary continued to respond to needs of the hour and had immensely contributed towards nation's development.

Discussions through the three days centered around issues like Strengthening Democratic Institutions, Accountability and Corruption, Human Rights, National Security issues with regard to Global Terrorism, Climate Change, Emerging challenges for Science and Society, Advances in scientific investigation, Poverty eradication and Role of the Judiciary in Advancing Constitutional Goals and Vision in the Current and Emerging Context.

Eminent resource persons from diverse fields made presentations and interacted with the hon'ble judges. Deliberations covered a wide canvas of subjects and involved vigorous and vibrant discussions through the duration of the conference.





P- 983: SEMINAR ON MANAGEMENT OF RESOURCES

Prasidh Raj Singh, Law Associate



A three day seminar on Management of Resources was held at the National Judicial Academy, Bhopal from 29th April to 1st May, 2016. The seminar on management of resources debated on standard specifications for model court rooms, management of court resources, management of financial resources, management of human resources, management of bar & litigants and transfer policy & change management for effective environment in courts. It was also discussed that there is the need of using “Video Conferencing” in day to day practices whenever it is possible so as to avoid unnecessary expenses on escorting team, transportation of prisoners and police arrangements. It was further deliberated that in case of offences against women, at the time of FIR there should be a lady lawyer to assist the victim in consonance to the amendment been made after the Nirbhaya case.

During the period of seminar many problems were pointed out such as, it is the duty of District Judge to visit jail and NGO’s so as to put a check over the activities, but the same is seen rarely in practice. There is a need of training for the court managers on routine basis so as to remove the deficiencies. Judges also informed that in family court it is evident that females are struggling to find place to feed their child and the children’s are crying loud in the courtrooms causing disturbance in proceedings, these are the few things of which administration should take note of and provide infrastructure accordingly. There are also incidents when lawyers have threatened judges of complaint if the required orders not passed.

Judges gave many suggestions for reform, which included that there shall be some uniformity with the installation of technology. It was recommended that in subordinate courts it is the duty of District Judges to protect their subordinate judges so as to discourage the practice of frivolous complaints. The judges raised the concern that in high profile cases or the matters related to lawyers themselves an atmosphere to pressurize the judges were created. In that case one should go for part hearing, so as to dispel them to avoid mass audiences for nuisance. It was further suggested that there has to be incentives for such judges who perform their task by going out of the box and bring in new ideas to tackle problems, so these officers must be encouraged through some or the other way. Judges also suggested to provide a proper guidelines for the court manager, so as to utilize their services for the advancement of administrative functions.



The National Judicial Academy organised a five day seminar from 18-22 April, 2016 for the Directors and faculty members of State Judicial Academies on the theme 'Workshop on need to revisit curriculum developed in 2003'. The workshop discussed induction training, communication organizational behaviour, computerization of system - syllabus for making courts paperless, classroom training: syllabus for presiding over as civil judge junior division and judicial magistrate first class.

The workshop briefly discussed the importance of induction training and emphasized that to make induction training meaningful it is necessary to chart out the training programmes only after conducting a detailed analysis of the jobs, which the officers will be required to perform. The training inputs should consist of knowledge, skills and attitude which are the three main components of expertise needed for performance of any job. The other types of skills, namely, the human skill and the conceptual skill are not attempted to be imparted at all while they are equally if not more important.

The workshop debated on in-service training where it was discussed that no training programme can equip a man for his entire career. Ideally, training should be repeated after every five to seven years or even earlier when there is change in the nature of work. It will also be useful to have short programmes, or seminars concentrating on specific topics whenever any specific debility is noticed.

The workshop also discussed about the importance of research training and development. It was discussed that the process of training necessarily requires supportive research facility to make it effective. To determine the content of the training itself, the jobs to be performed by the trainees are to be analyzed. Training is used not only to update the personnel to run the system in the manner it is being run today, but can also be used as an effective instrument of development of the system. It was also suggested that an attempt should be made to devise a method that it becomes more effective.

The workshop further debated on effectiveness of training, and that teaching and training are two distinct processes. Teaching is content oriented in as much as the information to be supplied to the students is predetermined. It has no patent direct connection with any specific job. While training, on the other hand, is

result oriented. A specific level of performance has to be induced in the trainees and whatever information, skills or attitudes are necessary for their attainments are to be transferred.

It was further suggested that in addition to being a good judge a trainer has also to be a good trainer. He has to be well versed in the process of training. Training in judiciary being of recent origin, there may not be many trained trainers available. It would therefore be advisable to select some judicial officers suited to function as trainers and to let them undergo a short course of training regularly. He should be competent to structure training programmes methodically, be able to select appropriate method for each input, should be conversant with the process of learning and be able to communicate well. Training should be scientifically structured resting on the actual requirements necessary for effective performance after studying the tasks to be accomplished. Training should be duly supported by research. It was recommended that the system itself should be studied to find its weaknesses. This endeavor to improve should be an ongoing one. Competent Judges should be asked to manage the training after they have been exposed to the science of training. All this must be taken care of if the initiative to provide training is to be successful.

In conclusion, the workshop proposed induction training course for civil judge (junior division), which included standards of judicial conduct & behavior, judicial ethics & accountability, language improvement and administrative correspondence, brain storming on integrity, impartiality and reputation, role of judge in justice dispensation, relationship between bench and bar, norms of citizenship under the Constitution, discipline, court room and out of court behaviour, goals of justice system, role of judiciary in the development of society, concept of justice, court management & office administration, introduction to computers, alternative dispute resolution and legal services authority Act.

P-985 CONFERENCE TO RESOLVE CLEAVAGE IN JUDICIAL PRONOUNCEMENT BY DIFFERENT HIGH COURTS

Paiker Nasir and Yogesh Pratap Singh, Research Fellow



The National Judicial Academy organized a three day conference from 29th April to 1st May, 2016 for High Court Justices on the theme ‘conference’ to resolve cleavage in judicial pronouncement by different high courts’. The workshop debated on the issue as to whether High Court judges are a part of problem of conflict between judicial pronouncement or do they form a part of the solution to these conflicts. The judges stressed on the importance of commitment to the doctrine of precedents. In the workshop the issue of the scope and significance of the task of the high court judges when interpreting the constitutional and statutory provisions differently and the extent to which judges need to exercise creativity while interpreting law and the Constitution was discussed.

The discussion also centered on the challenges faced by a single judge in a situation where there are two conflicting judgments of the Supreme Court of three judges each. The debate also encompassed the issue of the creation of paradoxes due to changing role of judges in modern democracy. Another issue discussed in the workshop was whether a judge can be a party to the division bench when he has referred the matter. Different High Courts have different rules in this respect. According to the Punjab High Court rules, a judge who refers a cases must be a part of the larger bench and there is no bar on him being part of the bench.

Another reason identified by the judges for conflicts in judicial pronouncements is that different but equally reasonable interpretations are possible. However, the judges find this to be a problem as invariably the Supreme Court departs from its earlier rulings. In such a conflict there is no mechanism in place in India to resolve differing interpretations. The fact that the High Court judgments only have persuasive value adds to the problem and it becomes a challenge for the judge to resolve the conflict in the judicial pronouncements. Furthermore, the issue becomes more complex as per incuriam and sub-silentio judgments of the Supreme Court are also binding on High Courts. The challenge before the judges is that in case of conflict between two Supreme Court judgments having same issues, whether the earlier judgment is to be followed or the latter.

A view expressed in the conference was that uniformity in judicial pronouncements cannot be achieved as fifteen different benches with thirty judges of varied backgrounds and applying their own different reasoning would result in different pronouncements. Different forums also lead to unpredictability and uncertainty. Another view expressed in the conference was that conflicts in judicial pronouncement is a form of judicial indiscipline which creates doubts on the credibility of the judiciary.

A problem area that causes conflict in judicial pronouncement is the retrospective effect of Supreme Court judgements due to absence of the word 'prospective' in the judgement. Another challenge that the judges face with conflicting judgements is that the later judgment does not state the reasons for following or not following a particular judgment. The judges opined that greater degree of lack of discipline leads to arbitrariness and more importantly in the economic context, inefficiency in the adjudication process. The judges expressed their concerns about the deteriorating level of legal education and the lack of interaction between the law schools and the judicial academics as contributory factor to the conflict in judicial pronouncements. The opined that the failure of the academic institutions to critically analyze judgments has contributed to the problem. Further, less number of graduates are interested in taking up litigation to which there is less assistance to judges which results in failure to take recognition of the earlier judgement by the court while deciding the latter case. The judges also stressed on the issue of less interaction between chief justices and other judges of High Court and with judges of subordinate courts as a contributory factor to the conflict in judicial pronouncements. Problems in the drafting of law also creates uncertainty in the determination of law by judges.

The judges also debated on the difficulty faced by judges to arrive at a consensus and the extent to which a judicial consensus is binding. It was admitted that in a division bench, the mindset is that the other judge is a senior judge and it would be an audacity to contradict his views. Dissent is encouraged only theoretically but when comes to practice it is not always encouraged. Consensus is given with a closed and vacant mind and often arrived due to moral coercion or hierarchy, work pressure or egoistic approach. The judges also debated over whether the judgement of a division bench of the Supreme Court is binding or not and also whether the decision of the division bench of the High Court on a central act is binding on all other staes or not. The judges were of the view that two different approaches as advocated in Supreme Court judgments are possible i.e., follow the judgment which is earlier in time or follow the subsequent judgement as it had the benefit of consideration of the earlier one. Chief justices of the High Courts need to take a proactive role in conducting conferences within the judges of the court and also involving the judges of the subordinate judiciary.

Conflicts can be resolved at the instance of the Supreme Court by adopting measures to bring in uniformity in judicial decisions. The conflicts need to be resolved organically by the Supreme Court. A methodology needs to be introduced through which the judges can know the existing judgements on similar issues. The participant judges were of the view that the judges also need to make efforts to look through all the judgements available of the High Courts and try to be consistent. Judges need to first look at the facts, generalize the decision, look at the ratio of the precedent and then write their judgments. While disagreeing, a judge must give reasons for taking into consideration the principle of stability as a basic feature. Dissent if given must be given with proper reasons in tune with the propositions of law. There should be clarity in disagreement so that the reasons are clear. The judges agreed that conflicts can be avoided if reliance is placed on legal principles in judicial decision making. A judge must formulate his reasons as per the context of jurisdiction he is dealing with. Coherence and doctrinal stability could be achieved by constantly engaging with the same intellectual inputs. The larger objective of democracy to be kept in mind while giving decision.

The judges agreed that conflicts can be avoided if judicial discipline is followed by High Court judges. A

judge must write his anguish and frustration in the judgement but the conclusion should not be influenced by such anguish or frustration. Judgement should be based on judicial consciousness, each word of a judgement should reflect judging. To effectively exercise judicial discipline, self-restraint is necessary. Another view expressed by the judges is that the judgement which is later in time is to be followed if it has referred to the earlier judgment, if not then the earlier one should be followed. High Court decisions should be of persuasive value to other High Courts, but other High Courts while interpreting should keep in mind that there needs to be consistency in interpretation and should only give different interpretation when there are compelling reasons. There is no difference in an invalidation and an interpretation exercise done by a High Court, thus both should have persuasive values on other High Courts in a federal state. Another view expressed was that in judgement writing the focus should be on the reasoning and analytical ability of the judge rather than the language skills.

The judges opined that in a division bench, the judges must attempt to arrive at a consensus. Judges of division bench should be treated as co-equal judges, there should be democratic functioning and a culture of agreeing and agreeing to disagree must evolve. A senior judge should encourage the junior judge to present his views. Consensus should be given with an open mind, with intellectual morality and with intellectual thought process without any force. Judges must strike a balance by synthesizing conflict between two with least friction and least waste. When there is a bench of two or more judges, judges can come ready with all the precedents and can analyse the case maybe with the help of some newly graduated law students, so when they come to the bench they are already aware of the precedents and facts.

The judges were of the view that the research apparatus assisting the Courts needs to be significantly strengthened so that the judges are fully aware of the different decision of the High Courts. The law schools and judicial academies can render assistance to the courts by undertaking a systematic evaluation of contradictions that are currently prevailing. The courts and judicial academies should engage that assistance of law students by offering paid internships and 2 year clerkship under judges.

The judges proposed several measures to resolve conflicts in judicial pronouncements. One such measure was to make provision for referral of cases by High Court Judges to the Supreme Court to resolve the conflict. The judges stressed on adherence to judicial discipline and the internalization of judicial discipline, culture and ethos to minimize conflicts. The judges suggested that the ability of the current support system available to the judiciary to identify conflicts in judgments needs to be evaluated. Another measure suggested was to implement the concept of advocate on record at the High Courts as well. The government can take steps to create a selection process for state legal services or amicus curiae panels or legal aid panels. The participant judges also suggested reforms in the legal education in the country to include training for law students on judicial methods and adjudication. The judges also suggested that a mechanism should be introduced so that when a decision of a High Court comes on a central act, the Supreme Court can notice such variant decisions and take up the matter suo motto to resolve it. Further, a balance needs to be struck with regard to dissent in judgments. The judges opined that dissent should be written keeping in mind others opinions, demands, intellectual moralities and yardsticks; reasons given should be so compelling that they bring intellectual morality and not ego, hierarchies or imperialistic approach. Another measure to resolve conflicts suggested was that if there are two dissenting opinions, both the judges should be included in the bench with third judge to decide the matter and to resolve the conflict in dissent.

The judges also suggested that the National Judicial Academy should undertake research on the conflict in judicial pronouncements and put them on their website to assist judges.

SE-2 - TRAINING OF TRAINERS WORKSHOP TO BUILD MASTER TRAINERS ON PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

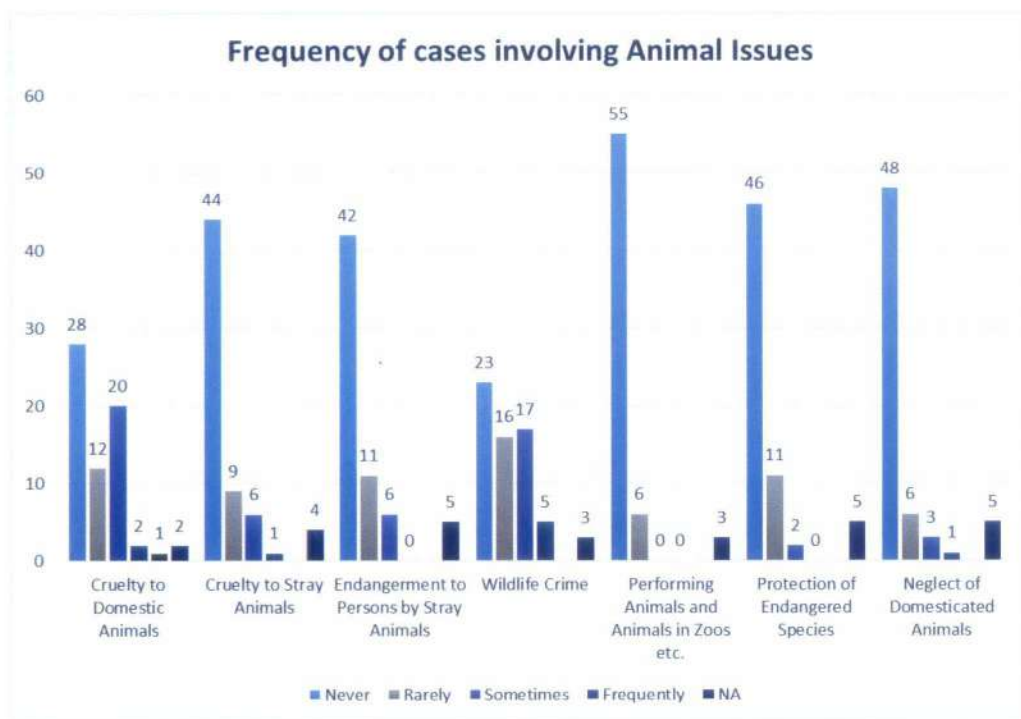
Ms. Paiker Nasir, Research Fellow & Ms. Shruti Jane Eusebius, Law Associate

The National Judicial Academy organized a two day training of the trainers workshop to build master trainers on Prevention of Cruelty to Animals Act, 1960 from 27th – 28th January , 2016. Magistrates from each High Court were nominated to attend this workshop. The objective of this workshop was to sensitize these magistrates to strike balance between rights of animals and growing human needs that are encroaching on space and territory of animals. A questionnaire was circulated to all the 63 participants who attended the workshop. Out of these 63 participants, 61 provided their responses to the questionnaire, below is the graphical representation of the responses received.

1. To the query, '*specify the frequency of cases involving animal issues that come before your court*'

- With respect to the issue of cruelty to domestic animals, 44 % of the participants responded that cases involving cruelty to domestic animals never come before their court. 31% of the participants responded that sometimes cases involving cruelty to domestic animals come before their court. 19% of the participants responded that hardly cases involving cruelty to domestic animals come before their court. Whereas 3% of the participants responded that cases involving cruelty to domestic animals frequently come before their court.
- With respect to the frequency of cases involving cruelty to stray animals, 69 % responded that such cases never come before their court, 14% responded that rarely cases involving cruelty to stray animals come before their court. 09% responded that sometimes cases involving cruelty to stray animals come before their court. Whereas 02% responded that cases involving cruelty to stray animals frequently come before their court. While 06% of the participants did not respond.
- With respect to the frequency of cases involving endangerment to persons by stray animals, 66 % responded that such cases never come before their court, 17% responded that rarely cases involving endangerment to persons by stray animals come before their court. 09% responded that cases involving endangerment to persons by stray animals sometimes come before their court. Whereas 08% of the participants did not respond.
- With respect to the frequency of cases involving wildlife crime, 36 % responded that such cases never come before their court, 26% responded that sometimes cases involving wildlife crime come before their court. 25% responded that rarely cases involving wildlife crime come before their court. Whereas 08% of the participants responded that cases involving wildlife crime frequently come before their court. While 5% of the participants did not respond.
- With respect to the frequency of cases involving performing animals and animals in zoos etc., 86 % responded that such cases never come before their court, 09% responded that rarely cases involving performing animals and animals in zoos etc. come before their court. While 05% of the participants did not respond.
- With respect to the frequency of cases involving protection of endangered species, 72% responded that such cases never come before their court, 17% responded that rarely cases involving protection of endangered species come before their court. 03% responded that sometimes cases involving protection of endangered species come before their court. While 08% of the participants did not respond.
- With respect to the frequency of cases involving neglect of domesticated animals, 76% responded that such cases have never come before their court, 09% responded that rarely cases involving neglect

of domesticated animals come before their court. 05% responded that cases involving neglect of domesticated animals sometimes come before their court. Whereas 02% of the participants responded that cases involving neglect of domesticated animals frequently come before their court. While 08% of the participants did not responded



Frequency of cases involving animal issues before the courts of participant judges

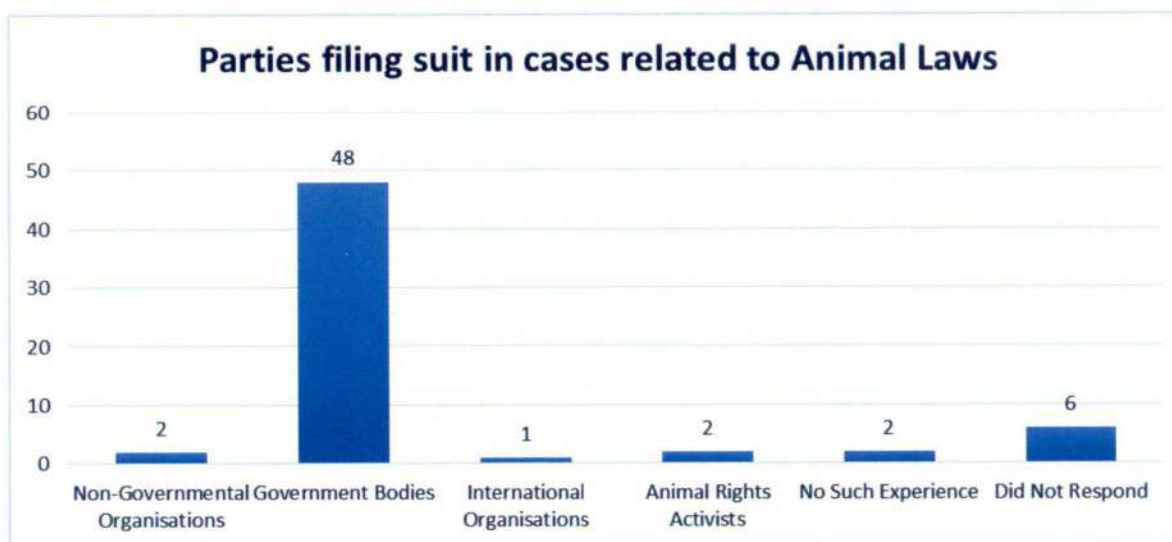
S.No	High Court	District	Cruelty to Domestic Animals	Cruelty to Stray Animals	Endangerment to Persons by Stray Animals	Wildlife Crime	Performing Animals and Animals in Zoos etc.	Protection of Endangered Species	Neglect of Domesticated Animals
1.	Allahabad	Allahabad	Sometimes	Never	Never	Rarely	Never	Never	Never
2.	Allahabad	Luc-know	Sometimes	Never	Rarely	Never	Never	Never	Never
3.	Allahabad	Gorakhpur	Never	Never	Never	Never	Never	Never	Never
4.	Allahabad	Kanpur Nagar	Rarely	Never	Never	Rarely	Never	Rarely	Rarely
5.	Andhra Pradesh	Sangareddy	Sometimes	Sometimes	Never	Never	Never	Never	Never

6.	Andhra Pradesh	Guntur	Rarely	Never	Never	Never	Never	Never	Never
7.	Andhra Pradesh	Dharmavaram	Rarely	Never	Never	Never	Never	Never	Never
8.	Andhra Pradesh	Nellore	Sometimes	Frequently	Rarely	Sometimes	Never	Never	Frequently
9.	Bombay	Nashik	Never	Never	Never	Sometimes	Never	Never	Never
10.	Bombay	Jalgaon	Sometimes	Never	Never	Sometimes	Never	Never	Sometimes
11.	Bombay	Amravati	Never	Never	Rarely	Sometimes	Never	Never	Never
12.	Bombay	Latur	Never	Never	Rarely	Sometimes	Never	Never	Never
13.	Calcutta	Hoogly	Never	Never	Never	Never	Never	Never	Never
14.	Calcutta	Hoogly Sadar	Never	Never	Never	Never	Never	Never	Never
15.	Calcutta	Howrah	Never	Never	Never	Never	Never	Never	Never
16.	Chattisgarh	Janjgir-Champa	Sometimes	Never	Never	Rarely	Never	Never	Never
17.	Chattisgarh	Raipur	Never	Never	Sometimes	Frequently	Never	Never	Never
18.	Chattisgarh	Korba	Rarely	Rarely	Rarely	Sometimes	Rarely	Never	Never
19.	Chattisgarh	Bilaspur	Sometimes	Rarely	Rarely	Sometimes	Rarely	Never	Rarely
20.	Delhi	Delhi	Never	Sometimes	Sometimes	Never	Never	Never	Never
21.	Gauhati	Chirang	Never	Never	Never	Never	Never	Never	Never
22.	Gauhati	Mizoram	Never	Rarely	Rarely	Sometimes	Never	Rarely	Sometimes
23.	Gujarat	Gujarat SJA	Frequently	Never	Never	Never	Never	Never	Never
24.	Gujarat	Gujarat SJA	Sometimes	Never	Never	Rarely	Never	Rarely	Never
25.	Himachal Pradesh	Hamirpur	Sometimes	Sometimes	Sometimes	Rarely	Never	Rarely	Sometimes
26.	Himachal Pradesh	Solan	Sometimes	Sometimes	Sometimes	Sometimes	Never	Never	Rarely
27.	Himachal Pradesh	Shimla	Sometimes	Sometimes	Rarely	Sometimes	Rarely	Never	Never
28.	Himachal Pradesh	H.P. Judicial Academy	Never	Never	Never	Never	Never	Never	Never
29.	Karnataka	Jun-dapura	Sometimes	Never	Never	Sometimes	Never	Never	Never

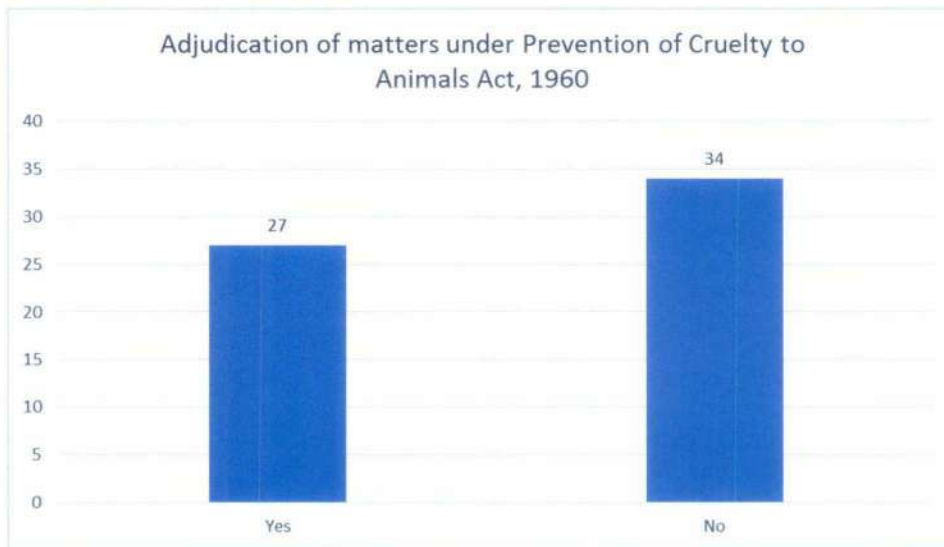
30.	Karnataka	Bhatkal	Sometimes	NA	NA	NA	NA	NA	NA
31.	Karnataka	Karkala	Sometimes	Never	Never	Rarely	Never	Never	Never
32.	Kerala	Kerala, SJA	Rarely	Rarely	Never	Some-times	Rarely	Sometimes	Never
33.	Madhya Pradesh	Indore	Rarely	Never	Never	Rarely	Never	Never	Never
34.	Madhya Pradesh	Bhind	Never	Never	Never	Some-times	Never	Never	Never
35.	Madhya Pradesh	Katni	Sometimes	Some-times	Sometimes	Some-times	Never	Never	Never
36.	Madras	Tindivanam	Rarely	Never	Never	Never	Never	Never	Never
37.	Madras	Valliyoor	Sometimes	Never	Never	Some-times	Never	NA	NA
38.	Madras	Sattur	Never	Never	Never	Rarely	Never	Rarely	Never
39.	Madras	Gudalur	Never	Never	Never	Some-times	Never	Never	Never
40.	Manipur	Imphal East	Never	Never	Never	Never	Never	Never	Never
41.	Manipur	Bishnupur	Never	Never	Never	Rarely	Never	Never	Never
42.	Orissa	Athamallick	Sometimes	NA	NA	Some-times	NA	NA	NA
43.	Orissa	Bhadrak	Frequently	Never	Never	Never	Never	Never	Never
44.	Orissa	Anandapur	Never	Never	Never	Frequently	Never	Rarely	Never
45.	Orissa	Panpost	Rarely	Never	Never	Rarely	Never	Never	Never
46.	Punjab & Haryana	Ludhiana	Rarely	Rarely	Sometimes	Rarely	Rarely	Rarely	Rarely
47.	Punjab & Haryana	Hoshiarpur	Rarely	Rarely	Rarely	Rarely	Rarely	Never	Never
48.	Punjab & Haryana	Jind	Sometimes	Never	Never	Never	Never	Never	Never
49.	Punjab & Haryana	Faridabad	Never	Rarely	Never	Never	Never	Never	Never
50.	Rajasthan	Desuri (Pali)	Never	Never	Never	Rarely	Never	Never	Never
51.	Rajasthan	Bhiwadi (Alwar)	Never	Never	Never	Rarely	Never	Never	Never
52.	Rajasthan	Deoli (Tonl)	Sometimes	Never	Never	Rarely	Never	Never	Never
53.	Rajasthan	Thana-gazi (Alwar)	Sometimes	Never	Never	Frequently	Never	NA	Rarely
54.	Sikkim	Soreng	Never	Never	Never	Frequently	Never	Sometimes	Never
55.	Sikkim	Gangtok	Never	Never	Never	Some-times	Never	Never	Never
56.	Tripura	Sabroom	Never	Never	Rarely	Rarely	Never	Never	Never

57.	Tripura	West Tripura	Rarely	Never	Rarely	Never	Never	Never	Rarely
58.	Uttara-khand	Ut-tarkashi	Rarely	Never	Never	Rarely	Never	Rarely	Never
59.	Uttara-khand	Nainital	Never	Rarely	Never	Fre-quently	Never	Never	Never
60.	Uttara-khand	Chamoli	Never	Never	Never	Some-times	Never	Never	Never
61.	Uttara-khand	Almora	Never	Rarely	Never	Never	Never	Rarely	Never

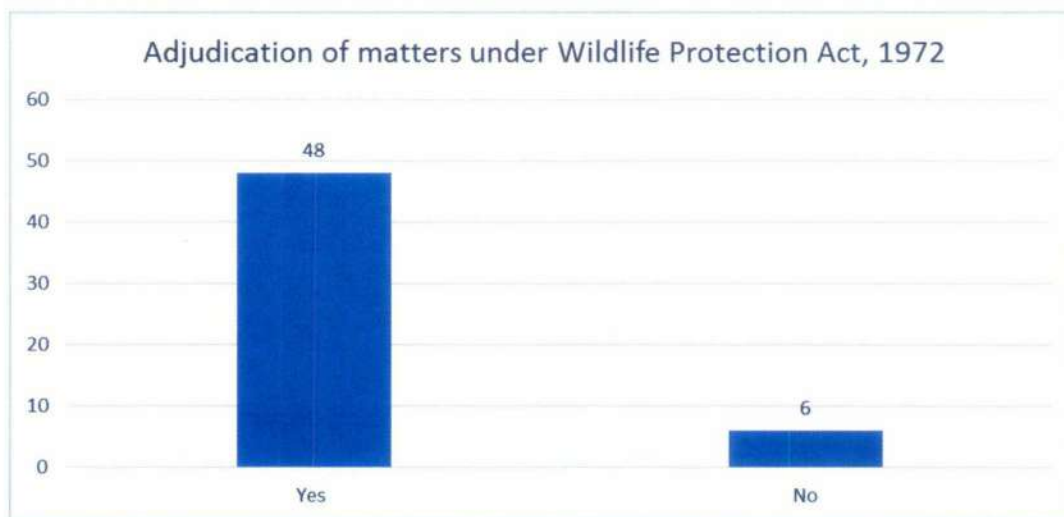
2. To the query, *in majority of cases related to Animal Laws before your court, the party filing the suit is*, 79% of the participant judges responded that in majority of the cases related to Animal Laws before their court, the parties filing the suit are government bodies. 3% of the participant judges stated that in majority of the cases, the parties filing the suit are animal rights activists. 3% of the participant judges stated that in majority of the cases related to Animal Laws before their court, the party filing the suit are NGO's. While another 3% of the participant judges stated that they have no such experience. 2% of the participant judges stated that in majority of the cases related to Animal Laws before their court, the parties filing the suit are international organizations. 10% of the participant judges did not respond to the query.



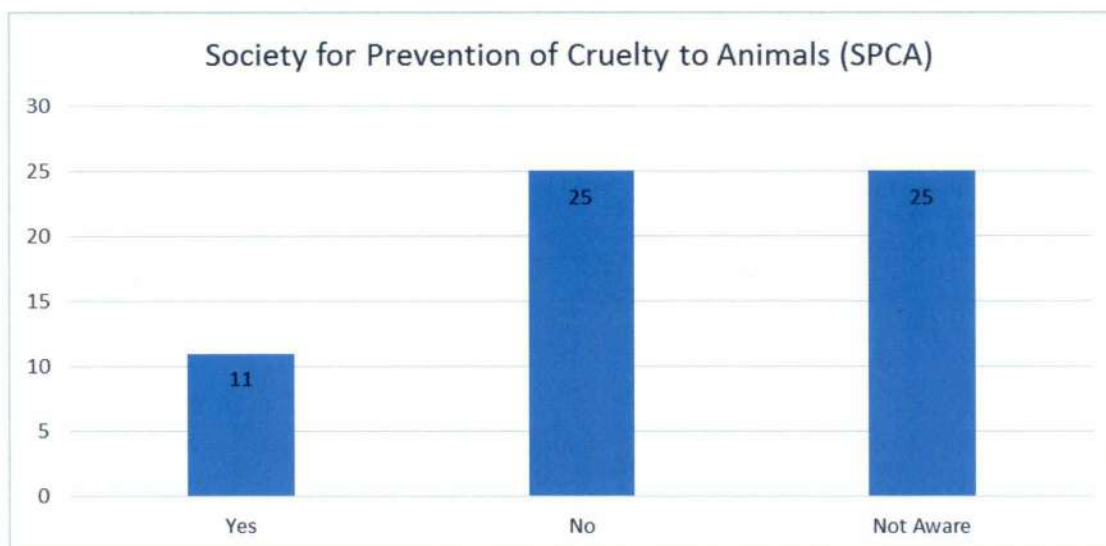
3. On the query, *have you adjudicated on any matters pertaining to offences under the Prevention of Cruelty to Animals Act, 1960*, 44% of the participants answered in affirmative while 56% answered in negative.



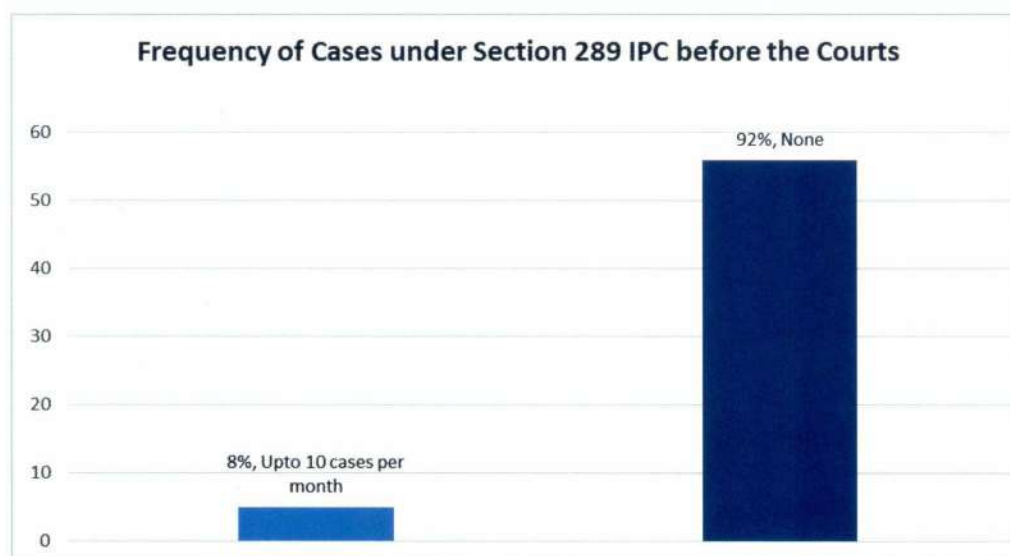
4. To the query, *have you adjudicated on any matters pertaining to offences under the Wildlife Protection Act, 1972*, 48% of the participants answered in the affirmative while 52% answered in the negative.



5. To the query, *is there a society for prevention of cruelty to animals (SPCA) in your district*, 18% of the participants answered in affirmative while 41% answered in negative. Another 41% of the participants responded that they were not aware about SPCA in their district



6.To the query, specify the frequency of cases under Section 289 Indian Penal Code, 1860 before your court, 8% of the participant judges responded that they adjudicate upto 10 cases per month under Section 289 of the Indian Penal Code, 1860. 92% of the participant judges stated that they did not adjudicate any cases under Section 289 of the Indian Penal Code before their court.

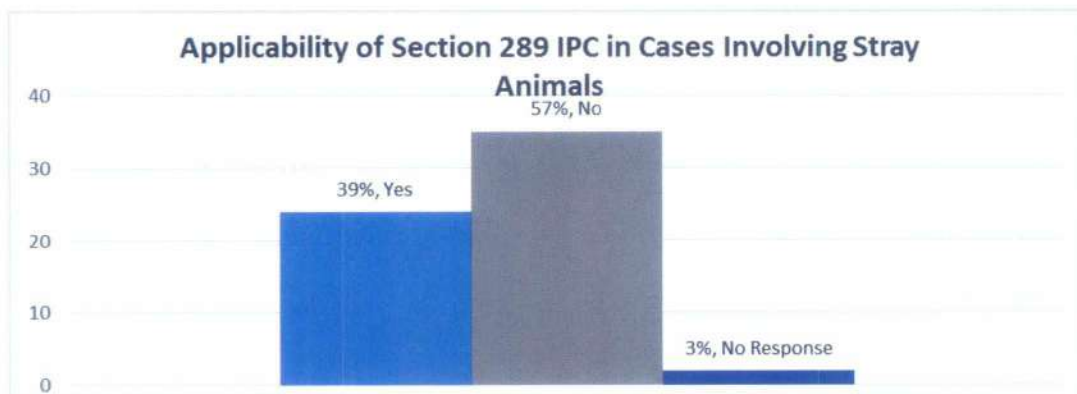


S.No	High Court	District	Specify the frequency of cases under Section 289 Indian Penal Code, 1860 before your court				
			Upto 10 cases per month	Upto 25 cases per month	More than 25 cases per month	None	No Response
1	Allahabad	Allahabad				✓	
2	Allahabad	Lucknow	✓				

3	Allahabad	Gorakhpur				✓	
4	Allahabad	Kanpur Nagar				✓	
5	Andhra Pradesh	Sangareddy				✓	
6	Andhra Pradesh	Guntur				✓	
7	Andhra Pradesh	Dharmavaram				✓	
8	Andhra Pradesh	Nellore	✓				
9	Bombay	Nashik				✓	
10	Bombay	Jalgaon				✓	
11	Bombay	Amravati				✓	
12	Bombay	Latur				✓	
13	Calcutta	Hoogly					✓
14	Calcutta	Hoogly Sadar					✓
15	Calcutta	Howrah				✓	
16	Chattisgarh	Janjgir-Champa				✓	
17	Chattisgarh	Raipur				✓	
18	Chattisgarh	Korba				✓	
19	Chattisgarh	Bilaspur	✓				
20	Delhi	Delhi				✓	
21	Gauhati	Chirang				✓	
22	Gauhati	Mizoram				✓	
23	Gujarat	Gujarat SJA				✓	
24	Gujarat	Gujarat SJA				✓	
25	Himachal Pradesh	Hamirpur				✓	
26	Himachal Pradesh	Solan				✓	
27	Himachal Pradesh	Shimla				✓	
28	Himachal Pradesh	H.P. Judicial Academy				✓	
29	Karnataka	Jundapura				✓	
30	Karnataka	Bhatkal				✓	
31	Karnataka	Karkala				✓	
32	Kerala	Kerala, SJA				✓	

33	Madhya Pradesh	Indore				✓	
35	Madhya Pradesh	Katni	✓			✓	
36	Madras	Tindivanam				✓	
37	Madras	Valliyoor				✓	
38	Madras	Sattur				✓	
39	Madras	Gudalur				✓	
40	Manipur	Imphal East				✓	
41	Manipur	Bishnupur				✓	
42	Orissa	Athamallick				✓	
43	Orissa	Bhadrak	✓				
44	Orissa	Anandapur				✓	
45	Orissa	Panpost				✓	
46	Punjab & Haryana	Ludhiana				✓	
47	Punjab & Haryana	Hoshiarpur				✓	
48	Punjab & Haryana	Jind				✓	
49	Punjab & Haryana	Faridabad				✓	
50	Rajasthan	Desuri (Pali)				✓	
51	Rajasthan	Bhiwadi (Alwar)				✓	
52	Rajasthan	Deoli (Tonl)				✓	
53	Rajasthan	Thanagazi (Alwar)				✓	
54	Sikkim	Soreng				✓	
55	Sikkim	Gangtok				✓	
56	Tripura	Sabroom				✓	
57	Tripura	West Tripura				✓	
58	Uttarakhand	Uttarkashi				✓	
59	Uttarakhand	Nainital				✓	
60	Uttarakhand	Chamoli				✓	
61	Uttarakhand	Almora				✓	

7. To the query in your opinion, does Section 289 IPC apply to cases involving stray animals? 39% of the participant judges responded that Section 289 of the Indian Penal Code, 1860 applies to cases involving stray animals while 57% answered the question in negative.

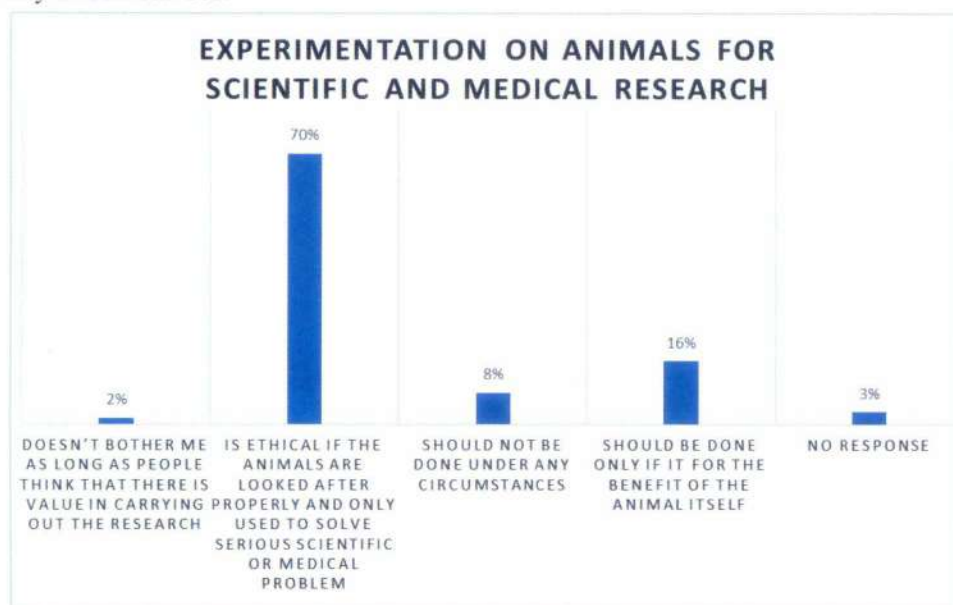


S.No	High Court	District	In your opinion, does Section 289 IPC apply to cases involving stray animals?		
			Yes	No	No Response
1	Allahabad	Allahabad	✓		
2	Allahabad	Lucknow		✓	
3	Allahabad	Gorakhpur	✓		
4	Allahabad	Kanpur Nagar		✓	
5	Andhra Pradesh	Sangareddy	✓		
6	Andhra Pradesh	Guntur	✓		
7	Andhra Pradesh	Dharmavaram		✓	
8	Andhra Pradesh	Nellore	✓		
9	Bombay	Nashik		✓	
10	Bombay	Jalgaon		✓	
11	Bombay	Amravati		✓	
12	Bombay	Latur		✓	
13	Calcutta	Hoogly		✓	
14	Calcutta	Hoogly Sadar		✓	
15	Calcutta	Howrah		✓	
16	Chattisgarh	Janjgir-Champa	✓		
17	Chattisgarh	Raipur		✓	
18	Chattisgarh	Korba		✓	

19	Chattisgarh	Bilaspur	✓		
20	Delhi	Delhi		✓	
21	Gauhati	Chirang	✓		
22	Gauhati	Mizoram	✓		
23	Gujarat	Gujarat SJA		✓	
24	Gujarat	Gujarat SJA		✓	
25	Himachal Pradesh	Hamirpur		✓	
26	Himachal Pradesh	Solan		✓	
27	Himachal Pradesh	Shimla		✓	
28	Himachal Pradesh	H.P. Judicial Academy	✓		
29	Karnataka	Jundapura		✓	
30	Karnataka	Bhatkal		✓	
31	Karnataka	Karkala		✓	
32	Kerala	Kerala, SJA		✓	
33	Madhya Pradesh	Indore	✓		
34	Madhya Pradesh	Bhind		✓	
35	Madhya Pradesh	Katni		✓	
36	Madras	Tindivanam		✓	
37	Madras	Valliyoor	✓		
38	Madras	Sattur		✓	
39	Madras	Gudalur		✓	
40	Manipur	Imphal East		✓	
41	Manipur	Bishnupur	✓		
42	Orissa	Athamallick	✓		
43	Orissa	Bhadrak	✓		
44	Orissa	Anandapur	✓		
45	Orissa	Panpost		✓	
46	Punjab & Haryana	Ludhiana		✓	
47	Punjab & Haryana	Hoshiarpur	✓		

48	Punjab & Haryana	Jind		✓	
49	Punjab & Haryana	Faridabad		✓	
50	Rajasthan	Desuri (Pali)		✓	
51	Rajasthan	Bhiwadi (Alwar)	✓		
52	Rajasthan	Deoli (Tonl)		✓	
53	Rajasthan	Thanagazi (Alwar)	✓		
54	Sikkim	Soreng			✓
55	Sikkim	Gangtok			✓
56	Tripura	Sabroom		✓	
57	Tripura	West Tripura	✓		
58	Uttarakhand	Uttarkashi	✓		
59	Uttarakhand	Nainital	✓		
60	Uttarakhand	Chamoli	✓		
61	Uttarakhand	Almora	✓		

8. To the query *as to the permissibility of experimentation on animals for scientific and medical research*, 70% of the participant judges were of the opinion that experimentation on animals for scientific and medical research is ethical only if the research is used to solve serious scientific or medical problem and also if the animals are looked after properly in the course of the experimentation. 16% of the participant judges were of the view that experimentation on animals should only be done if it is for the benefit of the animal itself. 2% of the judges stated that experimentation on animals did not bother them as long as there was value in conducting the research, while 8% of the participants stated that experimentation on animals should not be done under any circumstances.



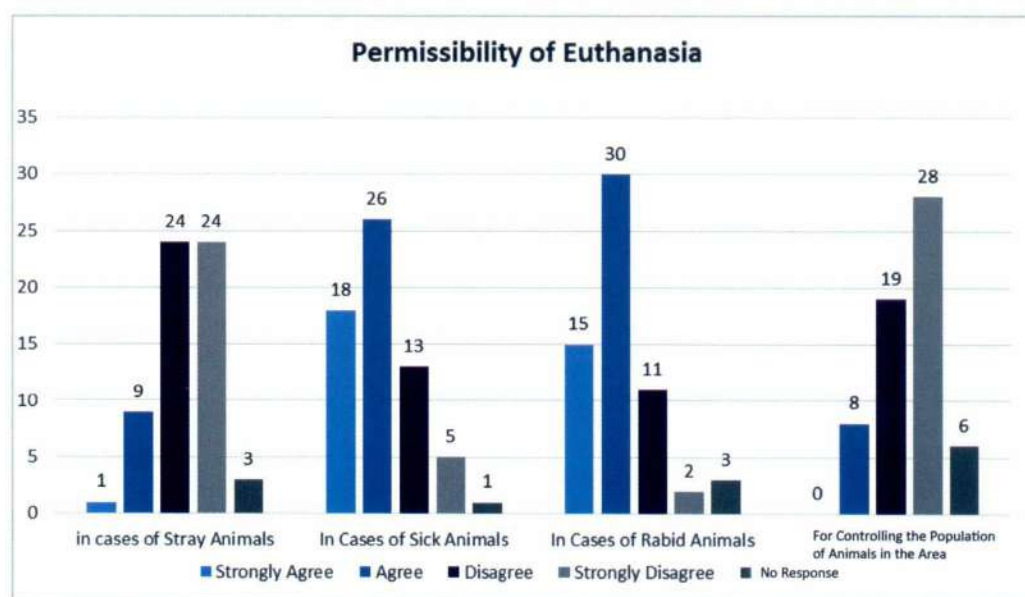
S.No	High Court	District	Experimentation on Animals for Scientific and Medical Research				
			Doesn't bother me as long as people think that there is value in carrying out the research	Is ethical if the animals are looked after properly and only used to solve serious scientific or medical problem	Should not be done under any circumstances	Should be done only if it for the benefit of the animal itself	No Response
1	Allahabad	Allahabad	✓				
2	Allahabad	Lucknow		✓			
3	Allahabad	Gorakhpur		✓	✓		
4	Allahabad	Kanpur Nagar			✓		
5	Andhra Pradesh	Sangareddy				✓	
6	Andhra Pradesh	Guntur		✓			
7	Andhra Pradesh	Dharmavaram		✓			
8	Andhra Pradesh	Nellore				✓	
9	Bombay	Nashik		✓			
10	Bombay	Jalgaon		✓			
11	Bombay	Amravati		✓		✓	
12	Bombay	Latur		✓			
13	Calcutta	Hoogly		✓			
14	Calcutta	Hoogly Sadar		✓			
15	Calcutta	Howrah		✓			
16	Chattisgarh	Janjgir-Champa		✓			
17	Chattisgarh	Raipur		✓		✓	
18	Chattisgarh	Korba		✓			
19	Chattisgarh	Bilaspur		✓			
20	Delhi	Delhi					✓
21	Gauhati	Chirang		✓			
22	Gauhati	Mizoram					✓
23	Gujarat	Gujarat SJA		✓			
24	Gujarat	Gujarat SJA				✓	

25	Himachal Pradesh	Hamirpur		✓			
26	Himachal Pradesh	Solan		✓			
27	Himachal Pradesh	Shimla		✓			
28	Himachal Pradesh	H.P. Judicial Academy		✓			
29	Karnataka	Jundapura		✓			
30	Karnataka	Bhatkal	✓				
31	Karnataka	Karkala		✓			
32	Kerala	Kerala, SJA		✓			
33	Madhya Pradesh	Indore				✓	
34	Madhya Pradesh	Bhind				✓	
35	Madhya Pradesh	Katni		✓	✓	✓	
36	Madras	Tindivanam				✓	
37	Madras	Valliyoor		✓			
38	Madras	Sattur		✓			
39	Madras	Gudalur		✓			
40	Manipur	Imphal East		✓			
41	Manipur	Bishnupur		✓			
42	Orissa	Athamallick		✓			
43	Orissa	Bhadrak		✓			
44	Orissa	Anandapur		✓			
45	Orissa	Panpost		✓			
46	Punjab & Haryana	Ludhiana		✓			
47	Punjab & Haryana	Hoshiarpur		✓			
48	Punjab & Haryana	Jind		✓			
49	Punjab & Haryana	Faridabad		✓			
50	Rajasthan	Desuri (Pali)		✓			
51	Rajasthan	Bhiwadi (Alwar)		✓			
52	Rajasthan	Deoli (Tonl)		✓			
53	Rajasthan	Thanagazi (Alwar)		✓			

54	Sikkim	Soreng			✓		
55	Sikkim	Gangtok		✓		✓	
56	Tripura	Sabroom		✓			
57	Tripura	West Tripura		✓	✓		
58	Uttarakhand	Uttarkashi		✓			
59	Uttarakhand	Nainital		✓			
60	Uttarakhand	Chamoli		✓			
61	Uttarakhand	Almora		✓			

9. To the query *as to the permissibility of euthanization of animals* –

- 79% of the participant judges opined that euthanasia should not be done in cases of stray animals while 17% of the participants were of the view that euthanasia can be done in cases of stray animals.
- 73% of the participant judges were of the view that euthanasia can be administered in cases of sick animals. A view expressed in this regard was that the necessity of euthanasia would depend on the gravity of the sickness of the animal. 30% of the participant judges were against the administration of euthanasia in cases of sick animals.
- 74% of the participants opined that euthanasia of rabid animals maybe permissible while 21% of the judges were of the view that euthanasia of rabid animals was not permissible.
- 77% of the judges were of the opinion that euthanasia should not be done to control the population of animals in an area. It was suggested that sterilization should be adopted instead on euthanasia. 13% of the judges were in favour of administering euthanasia to control the animal population in an area.

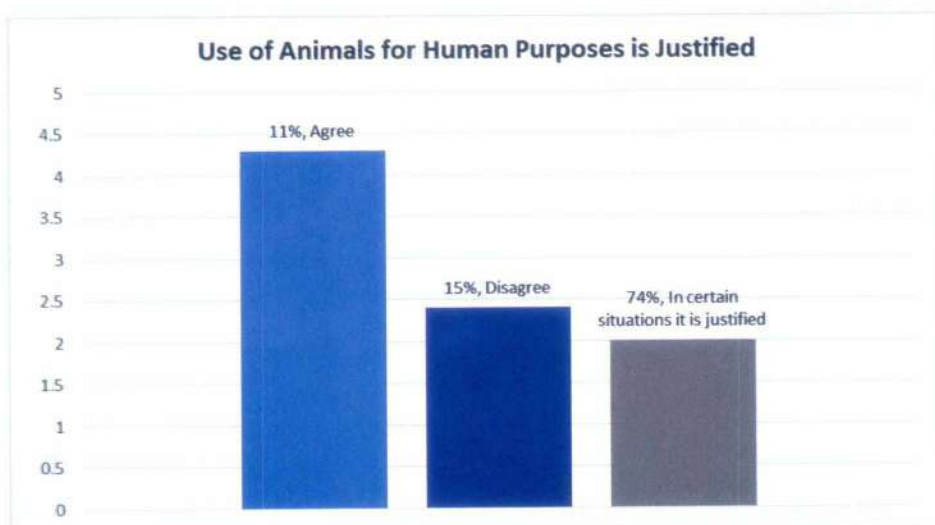


S.No	High Court	District	Euthanization of Animals can be done in cases of																			
			Stray Animals					Sick Animals					Rabid Animals					For Controlling the Population of Animals in the Area				
			(Rating Scale: 1= Strongly Agree, 2= Agree, 3= Disagree, 4= Strongly Disagree, NR= No Response)																			
1	2	3	4	N R	1	2	3	4	N R	1	2	3	4	N R	1	2	3	4	N R			
1	Allahabad	Allahabad	*	✓						✓								✓				
2	Allahabad	Lucknow			✓				✓				✓						✓			
3	Allahabad	Gorakhpur		✓				✓							✓			✓				
4	Allahabad	Kanpur Nagar				✓			✓			✓							✓			
5	Andhra Pradesh	Sangareddy				✓			✓				✓						✓			
6	Andhra Pradesh	Guntur				✓			✓			✓							✓			
7	Andhra Pradesh	Dharm-avaram		✓				✓					✓					✓				
8	Andhra Pradesh	Nellore				✓			✓				✓						✓			
9	Bombay	Nashik			✓			✓					✓					✓				
10	Bombay	Jalgaon			✓				✓					✓					✓			
11	Bombay	Amravati			✓				✓				✓							✓		
12	Bombay	Latur			✓				✓					✓				✓				
13	Calcutta	Hoogly				✓		✓				✓							✓			
14	Calcutta	Hoogly Sadar				✓		✓				✓							✓			
15	Calcutta	Howrah				✓		✓				✓							✓			
16	Chattis-garh	Janjgir-Champa				✓			✓					✓					✓			
17	Chattis-garh	Raipur				✓		✓					✓						✓			
18	Chattis-garh	Korba			✓				✓				✓						✓			
19	Chattis-garh	Bilaspur			✓				✓				✓						✓			
20	Delhi	Delhi				✓			✓			✓						✓				
21	Gauhati	Chirang				✓			✓					✓				✓				
22	Gauhati	Mizoram		✓					✓					✓				✓				
23	Gujarat	Gujarat SJA				✓		✓						✓					✓			

24	Gujarat	Gujarat SJA				✓				✓			✓					✓	
25	Himachal Pradesh	Hamirpur			✓			✓				✓					✓		
26	Himachal Pradesh	Solan			✓			✓				✓						✓	
27	Himachal Pradesh	Shimla			✓			✓				✓						✓	
28	Himachal Pradesh	H.P. Judicial Academy	✓					✓				✓					✓		
29	Karnataka	Jundapura			✓			✓					✓					✓	
30	Karnataka	Bhatkal	✓					✓					✓					✓	
31	Karnataka	Karkala			✓			✓					✓						✓
32	Kerala	Kerala, SJA			✓				✓				✓					✓	
33	Madhya Pradesh	Indore					✓	✓					✓						✓
34	Madhya Pradesh	Bhind			✓			✓					✓						✓
35	Madhya Pradesh	Katni			✓			✓	✓						✓			✓	
36	Madras	Tindi- vanam				✓		✓					✓						✓
37	Madras	Valliyoor				✓		✓				✓					✓		
38	Madras	Sattur	✓							✓			✓						✓
39	Madras	Gudalur	✓					✓					✓						✓
40	Manipur	Imphal East				✓					✓		✓						✓
41	Manipur	Bishnupur			✓			✓					✓					✓	
42	Orissa	Athamallick					✓	✓					✓						✓
43	Orissa	Bhadrak	✓					✓					✓					✓	
44	Orissa	Anandapur				✓		✓					✓						✓
45	Orissa	Panpost				✓				✓			✓					✓	
46	Punjab & Haryana	Ludhiana	✓					✓					✓					✓	
47	Punjab & Haryana	Hoshiarpur					✓	✓							✓				✓
48	Punjab & Haryana	Jind			✓			✓					✓					✓	
49	Punjab & Haryana	Faridabad				✓		✓					✓						✓
50	Rajasthan	Desuri (Pali)				✓		✓					✓						✓

51	Rajasthan	Bhiwadi (Alwar)			✓			✓		✓				✓				✓	
52	Rajasthan	Deoli (Tonl)				✓			✓				✓						✓
53	Rajasthan	Thanagazi (Alwar)			✓				✓				✓					✓	
54	Sikkim	Soreng				✓				✓			✓					✓	✓
55	Sikkim	Gangtok			✓			✓				✓						✓	
56	Tripura	Sabroom				✓				✓				✓					✓
57	Tripura	West Tripura			✓			✓				✓						✓	
58	Uttara-khand	Uttarkashi				✓		✓				✓							✓
59	Uttara-khand	Nainital			✓				✓				✓					✓	
60	Uttara-khand	Chamoli			✓				✓				✓					✓	
61	Uttara-khand	Almora			✓				✓				✓						✓

10. To the query, *whether use of animals for human purposes is justified*. 11% of the participants answered in the affirmative while 15% answered in negative. Whereas 4% of the participant judges were of the view that the use of animals for human purposes is justified in certain situations.



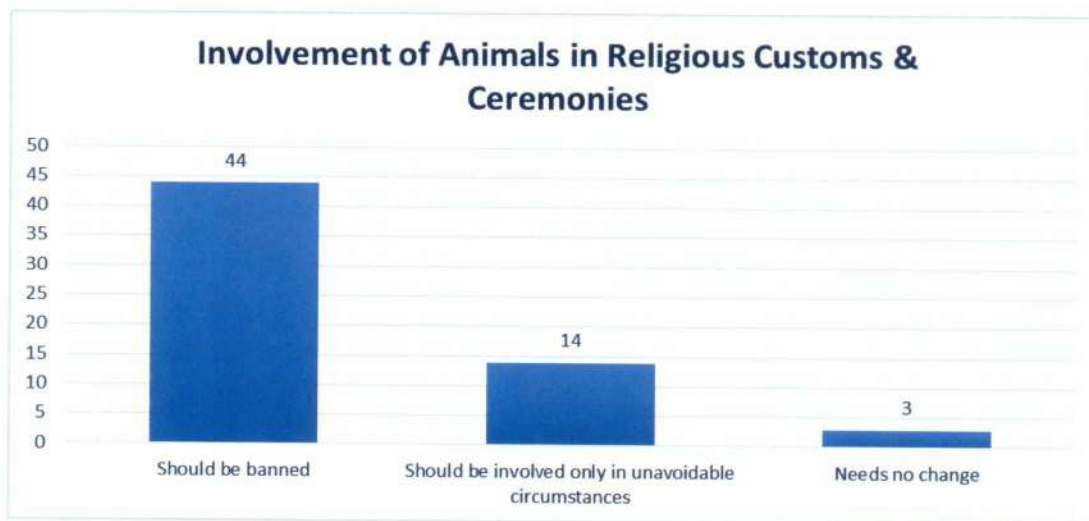
S.No	High Court	District	Use of Animals for Human Purposes is justified			
			Agree	Disagree	In certain situations it is justified	No Response
1	Allahabad	Allahabad			✓	
2	Allahabad	Lucknow			✓	
3	Allahabad	Gorakhpur	✓			

4	Allahabad	Kanpur Nagar			✓	
5	Andhra Pradesh	Sangareddy		✓		
6	Andhra Pradesh	Guntur			✓	
7	Andhra Pradesh	Dharmavaram		✓		
8	Andhra Pradesh	Nellore		✓		
9	Bombay	Nashik			✓	
10	Bombay	Jalgaon			✓	
11	Bombay	Amravati			✓	
12	Bombay	Latur			✓	
13	Calcutta	Hoogly			✓	
14	Calcutta	Hoogly Sadar			✓	
15	Calcutta	Howrah			✓	
16	Chattisgarh	Janjgir-Champa			✓	
17	Chattisgarh	Raipur			✓	
18	Chattisgarh	Korba			✓	
19	Chattisgarh	Bilaspur			✓	
20	Delhi	Delhi	✓			
21	Gauhati	Chirang			✓	
22	Gauhati	Mizoram	✓			
23	Gujarat	Gujarat SJA			✓	
24	Gujarat	Gujarat SJA			✓	
25	Himachal Pradesh	Hamirpur		✓		
26	Himachal Pradesh	Solan		✓		
27	Himachal Pradesh	Shimla			✓	
28	Himachal Pradesh	H.P. Judicial Academy				
29	Karnataka	Jundapura			✓	
30	Karnataka	Bhatkal			✓	
31	Karnataka	Karkala			✓	

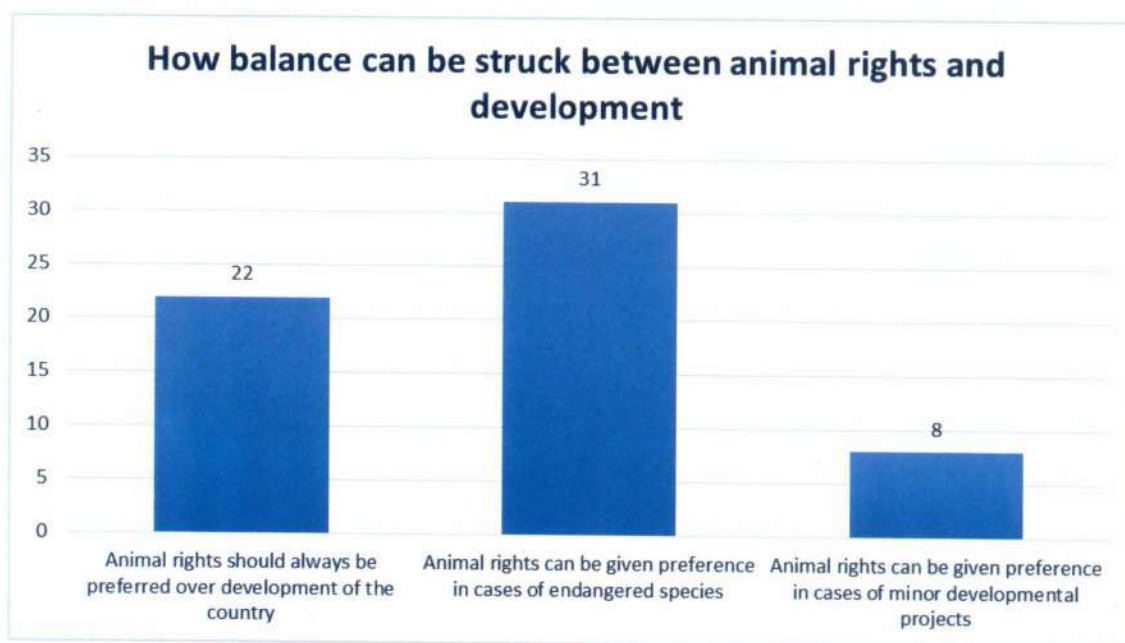
32	Kerala	Kerala, SJA		✓		
33	Madhya Pradesh	Indore			✓	
34	Madhya Pradesh	Bhind		✓		
35	Madhya Pradesh	Katni			✓	
36	Madras	Tindivanam			✓	
37	Madras	Valliyoore	✓			
38	Madras	Sattur			✓	
39	Madras	Gudalur			✓	
40	Manipur	Imphal East			✓	
41	Manipur	Bishnupur			✓	
42	Orissa	Athamallick	✓		✓	
43	Orissa	Bhadrak			✓	
44	Orissa	Anandapur			✓	
45	Orissa	Panpost			✓	
46	Punjab & Haryana	Ludhiana			✓	
47	Punjab & Haryana	Hoshiarpur			✓	
48	Punjab & Haryana	Jind			✓	
49	Punjab & Haryana	Faridabad			✓	
50	Rajasthan	Desuri (Pali)			✓	
51	Rajasthan	Bhiwadi (Alwar)	✓		✓	
52	Rajasthan	Deoli (Tonl)			✓	
53	Rajasthan	Thanagazi (Alwar)			✓	
54	Sikkim	Soreng		✓		
55	Sikkim	Gangtok		✓	✓	
56	Tripura	Sabroom			✓	
57	Tripura	West Tripura			✓	
58	Uttarakhand	Uttarkashi			✓	
59	Uttarakhand	Nainital			✓	

60	Uttarakhand	Chamoli			✓	
61	Uttarakhand	Almora				

11. To the query, *what should be done with respect to the involvement of Animals in Religious Customs and Ceremonies*, 72% of the participants judges opined that involvement of animals in religious customs and ceremonies ought be banned? 23% of the participant judges said that involvement of animals in religious customs and ceremonies maybe only in unavoidable circumstances. While 5% of the participant judges said no change is required with respect to the involvement of animals in religious customs and ceremonies.



12. To the query, *how can a balance be struck between animal rights and development*, 51% of the participants said, to strike a balance between animal rights and development, former can be given preference in cases of endangered species. 36% of the participants responded that animal rights should be preferred over development. 13% of the participants opined that animal rights can be given preference in cases of minor developmental projects.



SE-6: WORKSHOP ON PC & PNDT ACT, 2016

Mr. Rajesh Suman, Assistant Professor & Ms. Shruti Jane Eusebius, Law Associate

The National Judicial Academy organized a two day workshop on PC & PNDT Act, 2016 from 30th April to 1st May, 2016. The workshop was attended by 40 magistrates from all over the country. The main objective of the workshop was to enhance the vision and understanding of participants regarding the Pre-Conception and Pre-Natal Diagnostic Techniques (PC&PNDT) Act, 1994. A pre-workshop proforma dealing with issues regarding adjudication of matters under the PC&PNDT Act was distributed to the participants. Herein below is the graphical presentation of all the 40 responses:

1. To the question, *in your opinion, women's right to terminate pregnancy is an aspect of their right to personal liberty and privacy*, answers by 17 participants were in agreement whereas 20 participants disagreed. 3 participants did not respond to this question.

No.	High Court	District	Agree	Disagree	No Response
1	Allahabad	Civil Court, Bahraich	√		
2	Allahabad	Azamgarh	√		
3	Andhra Pradesh	Vijayawada		√	
4	Andhra Pradesh	Hyderabad		√	
5	Bombay	Aurangabad	√		
6	Bombay	Nanded	√		
7	Calcutta	Nadia	√		
8	Calcutta	Kolkata		√	
9	Chhattisgarh	Durg	√		
10	Chhattisgarh	Durg		√	
11	Delhi	New Delhi	√		
12	Delhi	New Delhi	√		
13	Gauhati	Kamrup		√	
14	Gauhati	Kamrup		√	
15	Gujarat	Ahmedabad		√	
16	Gujarat	Ahmedabad		√	
17	Himachal Pradesh	Una	√		
18	Himachal Pradesh	Kangra		√	
19	Jharkhand	Daltonganj		√	
20	Jharkhand	East Sirghum		√	
21	Karnataka	Chikkamagaluru		√	
22	Karnataka	Shimogga		√	
23	Kerala	Thrissur		√	
24	Madhya Pradesh	Bhopal			√
25	Madhya Pradesh	Rewa	√		
26	Madras	Thiruchirappalli			√
27	Madras	Virudhunagar		√	

28	Meghalaya	East Khasi Hills District, Shillong		√	
29	Meghalaya	West Garo Hills	√		
30	Orissa	Angul, Odisha		√	
31	Patna	Bhagalpur		√	
32	Punjab & Haryana	Patiala			√
33	Punjab & Haryana	Kurukshetra	√		
34	Rajasthan	Ajmer	√		
35	Rajasthan	Sawai Madhopur	√		
36	Sikkim	North Sikkim	√		
37	Tripura	Khowai, West Tripura	√		
38	Tripura	Udaipur, Gomati		√	
39	Uttarakhand	Dehradun	√		
40	Uttarakhand	Haridwar		√	



The above graph clearly indicates that majority of participants disagreed that women's right to terminate pregnancy is an aspect of their right to personal liberty and privacy. The disagreement in such a large number indicates biased belief towards women's rights to terminate pregnancy. Whereas substantial number of participants did believe that women's right to terminate pregnancy is an aspect of their right to personal liberty.

2. To a question *in your opinion, women's right to terminate pregnancy is contradictory to the right to life of an unborn child*, 22 participants said that in certain situation it is justified to terminate pregnancy, 10 participants agreed that women's right to terminate pregnancy is contradictory to the right to life of an unborn child while 7 participants disagreed to this position. 1 participant did not respond to this question.

No.	High Court	District	Agree	Disagree	In Certain Situation it is Justified	No Response
1	Allahabad	Civil Court, Bahraich			√	
2	Allahabad	Azamgarh			√	
3	Andhra Pradesh	Vijayawada	√			
4	Andhra Pradesh	Hyderabad	√			
5	Bombay	Aurangabad		√		
6	Bombay	Nanded		√		
7	Calcutta	Nadia			√	
8	Calcutta	Kolkata			√	
9	Chhattisgarh	Durg		√		
10	Chhattisgarh	Durg		√		
11	Delhi	New Delhi			√	
12	Delhi	New Delhi			√	
13	Gauhati	Kamrup			√	
14	Gauhati	Kamrup			√	
15	Gujarat	Ahmedabad	√			
16	Gujarat	Ahmedabad	√			
17	Himachal Pradesh	Una		√		
18	Himachal Pradesh	Kangra	√			
19	Jharkhand	Daltonganj			√	
20	Jharkhand	East Sirghbum			√	
21	Karnataka	Chikkamagaluru	√			
22	Karnataka	Shimogga	√			
23	Kerala	Thrissur	√			
24	Madhya Pradesh	Bhopal			√	
25	Madhya Pradesh	Rewa		√		
26	Madras	Thiruchirappalli				√
27	Madras	Virudhunagar	√			
28	Meghalaya	East Khasi Hills District, Shillong			√	
29	Meghalaya	West Garo Hills			√	
30	Orissa	Angul, Odisha			√	
31	Patna	Bhagalpur			√	
32	Punjab & Haryana	Patiala			√	
33	Punjab & Haryana	Kurukshetra			√	

34	Rajasthan	Ajmer			√	
35	Rajasthan	Sawai Madhopur			√	
36	Sikkim	North Sikkim			√	
37	Tripura	Khowai, West Tripura			√	
38	Tripura	Udaipur, Gomati			√	
39	Uttarakhand	Dehradun		√		
40	Uttarakhand	Haridwar	√			



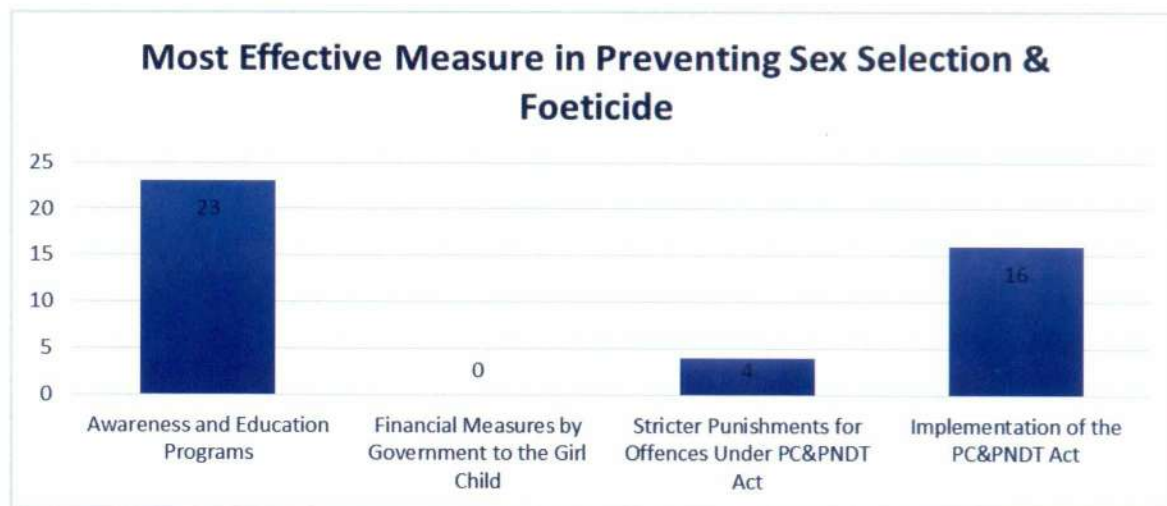
The above graph clearly indicates that majority of participants assumes that women's right to terminate pregnancy may not be contradictory to the right to life of an unborn child in certain situation. Few participants agreed that women's right to terminate pregnancy is contradictory to the right to life of an unborn child. Some participants totally disagreed to this situation.

3.To a question *in your opinion, which measure is the most effective one in preventing sex selection and foeticide*, 23 participant said awareness and education programs, 16 participants said implementation of the PC&PNDT Act and 4 participants said stricter punishment for offences under PC&PNDT Act.

No.	High Court	District	Awareness and Education Programs	Financial Measures by Government to the Girl Child	Stricter Punishments for Offences Under PC&PNDT Act	Implementa- tion of the PC&PNDT Act
1	Allahabad	Civil Court, Bahraich	√			
2	Allahabad	Azamgarh	√			
3	Andhra Pradesh	Vijayawada	√			
4	Andhra Pradesh	Hyderabad	√			

5	Bombay	Aurangabad	√			
6	Bombay	Nanded				√
7	Calcutta	Nadia				√
8	Calcutta	Kolkata	√			
9	Chhattisgarh	Durg			√	
10	Chhattisgarh	Durg	√			
11	Delhi	New Delhi				√
12	Delhi	New Delhi	√			√
13	Gauhati	Kamrup	√			
14	Gauhati	Kamrup			√	
15	Gujarat	Ahmedabad	√			
16	Gujarat	Ahmedabad				√
17	Himachal Pradesh	Una	√			
18	Himachal Pradesh	Kangra				√
19	Jharkhand	Daltonganj	√			
20	Jharkhand	East Sirghbum	√			
21	Karnataka	Chikka-magaluru				√
22	Karnataka	Shimogga				√
23	Kerala	Thrissur	√			
24	Madhya Pradesh	Bhopal				√
25	Madhya Pradesh	Rewa			√	
26	Madras	Thiruchi-rappalli				√
27	Madras	Virudhunagar	√			√
28	Meghalaya	East Khasi Hills District, Shillong				√
29	Meghalaya	West Garo Hills	√			
30	Orissa	Angul, Odisha	√			
31	Patna	Bhagalpur	√			
32	Punjab & Haryana	Patiala	√			
33	Punjab & Haryana	Kurukshetra				√
34	Rajasthan	Ajmer				√
35	Rajasthan	Sawai Madhopur	√			

36	Sikkim	North Sikkim			√	
37	Tripura	Khowai, West Tripura				√
38	Tripura	Udaipur, Gomati	√			
39	Uttarakhand	Dehradun	√			
40	Uttarakhand	Haridwar	√			√



It is clear from the above graph that majority of the participants favored awareness and education programs as the most effective in preventing sex selection and foeticide followed by suggestion to enhance the implementation of the PC&PNDT Act. The stricter punishment for offences under PC&PNDT Act is not considered very effective in preventing sex selection and foeticide.

4. To a question have you adjudicated on any matters pertaining to offences under the PC&PNDT Act, 36 participants said that they have not adjudicated any matters pertaining to offences under the PC&PNDT Act. Whereas 4 participants said that they have adjudicated matters under the PC&PNDT Act.

No.	High Court	District	Yes	No
1	Allahabad	Civil Court, Bahraich		√
2	Allahabad	Azamgarh		√
3	Andhra Pradesh	Vijayawada		√
4	Andhra Pradesh	Hyderabad		√
5	Bombay	Aurangabad	√	
6	Bombay	Nanded		√
7	Calcutta	Nadia		√
8	Calcutta	Kolkata		√
9	Chhattisgarh	Durg		√
10	Chhattisgarh	Durg		√
11	Delhi	New Delhi		√
12	Delhi	New Delhi		√

13	Gauhati	Kamrup	√	
14	Gauhati	Kamrup	√	
15	Gujarat	Ahmedabad		√
16	Gujarat	Ahmedabad		√
17	Himachal Pradesh	Una		√
18	Himachal Pradesh	Kangra		√
19	Jharkhand	Daltonganj		√
20	Jharkhand	East Sirghbum		√
21	Karnataka	Chikkamagaluru		√
22	Karnataka	Shimogga		√
23	Kerala	Thrissur		√
24	Madhya Pradesh	Bhopal		√
25	Madhya Pradesh	Rewa		√
26	Madras	Thiruchirappalli		√
27	Madras	Virudhunagar		√
28	Meghalaya	East Khasi Hills District, Shillong		√
29	Meghalaya	West Garo Hills		√
30	Orissa	Angul, Odisha		√
31	Patna	Bhagalpur		√
32	Punjab & Haryana	Patiala		√
33	Punjab & Haryana	Kurukshetra	√	
34	Rajasthan	Ajmer		√
35	Rajasthan	Sawai Madhopur		√
36	Sikkim	North Sikkim		√
37	Tripura	Khowai, West Tripura		√
38	Tripura	Udaipur, Gomati		√
39	Uttarakhand	Dehradun		√
40	Uttarakhand	Haridwar		√

Adjudication of Matters under PC & PNDT Act

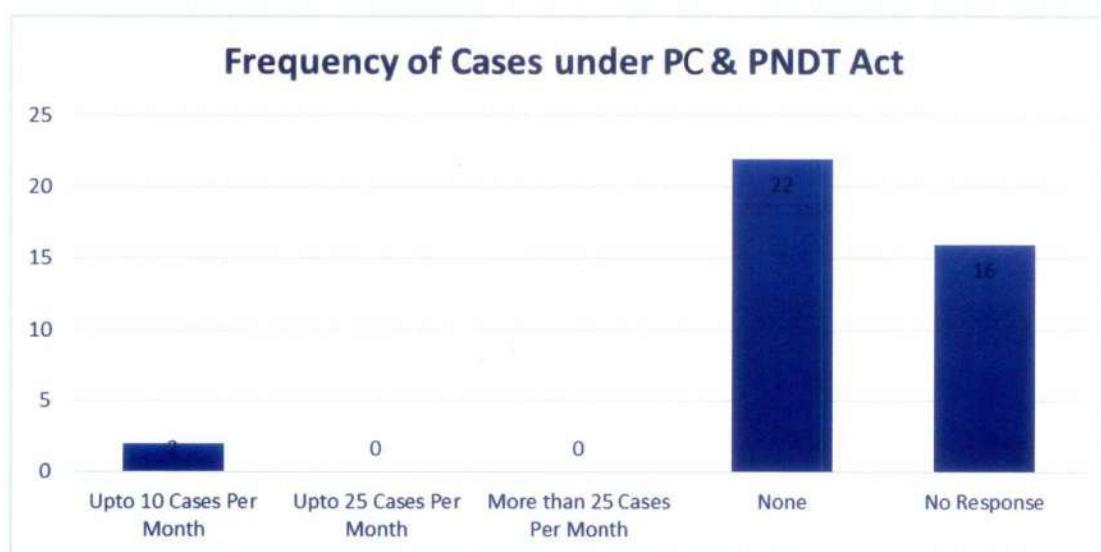


The above graph makes it clear that majority of the participants have not adjudicated any matters pertaining to offences under the PC&PNDT Act. This situation suggest that there is need to bring such matters before the court. Appropriate Authorities established in various states too have a major role to play in bringing the matters before the court.

5. This question was asked in furtherance to question 4 i.e. in case if participants have adjudicated the matters under the PC&PNDT Act. The question was if yes, specify the frequency of cases before your court under the PC&PNDT Act. Only 2 participants have adjudicated up to 10 cases per month. 22 participants stated that they did not adjudicated any such matters. Whereas 16 participants did not respond.

S.N	High Court	District	Upto 10 Cases Per Month	Upto 25 Cases Per Month	More than 25 Cases Per Month	None	No Response
1	Allahabad	Civil Court, Bahraich				√	
2	Allahabad	Azamgarh				√	
3	Andhra Pradesh	Vijayawada					√
4	Andhra Pradesh	Hyderabad					√
5	Bombay	Aurangabad				√	
6	Bombay	Nanded	√				
7	Calcutta	Nadia				√	
8	Calcutta	Kolkata				√	
9	Chhattisgarh	Durg					√
10	Chhattisgarh	Durg					√
11	Delhi	New Delhi	√				
12	Delhi	New Delhi					√
13	Gauhati	Kamrup				√	
14	Gauhati	Kamrup				√	
15	Gujarat	Ahmedabad					√
16	Gujarat	Ahmedabad					√
17	Himachal Pradesh	Una				√	
18	Himachal Pradesh	Kangra					√
19	Jharkhand	Daltonganj				√	
20	Jharkhand	East Sirghbum				√	
21	Karnataka	Chikka-magaluru				√	
22	Karnataka	Shimogga				√	

23	Kerala	Thrissur				√	
24	Madhya Pradesh	Bhopal					√
25	Madhya Pradesh	Rewa					√
26	Madras	Thiruchi-rappalli					√
27	Madras	Virudhu-nagar					√
28	Meghalaya	East Khasi Hills District, Shillong					√
29	Meghalaya	West Garo Hills				√	
30	Orissa	Angul, Odisha				√	
31	Patna	Bhagalpur				√	
32	Punjab & Haryana	Patiala				√	
33	Punjab & Haryana	Kurukshetra				√	
34	Rajasthan	Ajmer					√
35	Rajasthan	Sawai Madhopur					√
36	Sikkim	North Sikkim				√	
37	Tripura	Khowai, West Tripura				√	
38	Tripura	Udaipur, Gomati					√
39	Uttarakhand	Dehradun				√	
40	Uttarakhand	Haridwar				√	



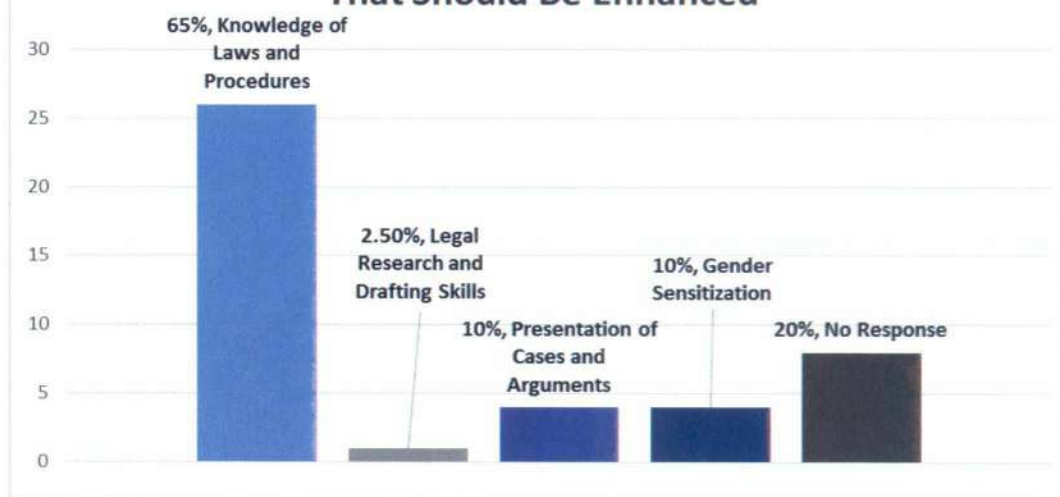
The above graph makes it clear that only 2 participants have adjudicated up to 10 cases per month under the PC&PNDT Act. The majority of the participants have not adjudicated any case under the Act and therefore there is need to enhance the reporting of cases under the PC&PNDT Act.

6. To the question, 'In which areas the capacities of prosecutors appearing for prosecution of cases under the PC & PNDT Act should be enhanced', 26 of the participants were of the view that the knowledge of laws and procedure should be enhanced, 1 participant opined that legal research and drafting skills should be enhanced, 4 answered that presentation of cases and arguments needs to be enhanced while 4 were of the view that gender sensitization of the prosecutors needs to be enhanced.

No.	High Court	District	Knowledge of Laws and Procedures	Legal Research and Drafting Skills	Presentation of Cases and Arguments	Gender Sensitization	No Response
1	Allahabad	Civil Court, Bahraich	√				
2	Allahabad	Azamgarh					√
3	Andhra Pradesh	Vijayawada	√				
4	Andhra Pradesh	Hyderabad	√				
5	Bombay	Aurangabad	√				
6	Bombay	Nanded			√		
7	Calcutta	Nadia	√				
8	Calcutta	Kolkata			√		
9	Chhattisgarh	Durg	√				
10	Chhattisgarh	Durg	√				
11	Delhi	New Delhi	√				
12	Delhi	New Delhi	√			√	
13	Gauhati	Kamrup	√				
14	Gauhati	Kamrup	√				
15	Gujarat	Ahmedabad					√
16	Gujarat	Ahmedabad					√
17	Himachal Pradesh	Una	√			√	

18	Himachal Pradesh	Kangra	√				
19	Jharkhand	Daltonganj			√		
20	Jharkhand	East Sirghum	√				
21	Karnataka	Chikkamagaluru	√				
22	Karnataka	Shimogga	√				
23	Kerala	Thrissur	√				
24	Madhya Pradesh	Bhopal	√				
25	Madhya Pradesh	Rewa	√				
26	Madras	Thiruchirappalli					
27	Madras	Virudhunagar	√				
28	Meghalaya	East Khasi Hills District, Shillong					√
29	Meghalaya	West Garo Hills	√				√
30	Orissa	Angul, Odisha					√
31	Patna	Bhagalpur					√
32	Punjab & Haryana	Patiala	√				
33	Punjab & Haryana	Kurukshetra	√				
34	Rajasthan	Ajmer		√			
35	Rajasthan	Sawai Madhopur			√		
36	Sikkim	North Sikkim	√				
37	Tripura	Khowai, West Tripura				√	
38	Tripura	Udaipur, Gomati					√
39	Uttarakhand	Dehradun	√				
40	Uttarakhand	Haridwar	√			√	

Capacities Of Prosecutors Appearing For Prosecution Of Cases Under The PC & PNDT Act That Should Be Enhanced



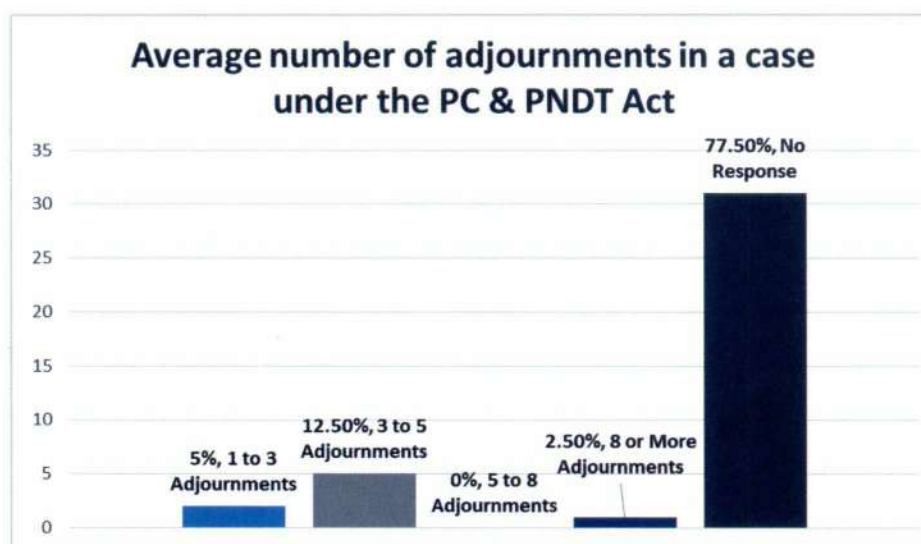
The above graph indicates that the majority of the participants are of the view that the prosecutors' knowledge of law and procedure needs to be enhanced. This graph suggests that the prosecutors appearing for prosecution of cases under the PC&PNDT Act are not conversant with the provisions of the PC&PNDT Act and are not knowledgeable about the law and procedure applicable to the cases under the PC&PNDT Act.

7. In response to the question *what are the average number of adjournments in a case tried before your court under the PC & PNDT Act*, 31 of the participants did not respond to the query. 2 of the participants answered that the on an average 1 to 3 adjournments are granted in a case tried before their court under the PC & PNDT Act while 5 participants answered that 3 to 5 adjournments are granted and 1 participant answered that 8 or more adjournments are granted in PC&PNDT cases tried in their court.

No.	High Court	District	1 to 3	3 to 5	5 to 8	8 to 10 or More	No Response
1	Allahabad	Civil Court, Bahraich					√
2	Allahabad	Azamgarh					√
3	Andhra Pradesh	Vijayawada					√
4	Andhra Pradesh	Hyderabad					√
5	Bombay	Aurangabad	√				
6	Bombay	Nanded		√			
7	Calcutta	Nadia					√
8	Calcutta	Kolkata					√
9	Chhattisgarh	Durg					√

10	Chhattisgarh	Durg					√
11	Delhi	New Delhi		√			
12	Delhi	New Delhi					√
13	Gauhati	Kamrup	√				
14	Gauhati	Kamrup		√			
15	Gujarat	Ahmedabad					√
16	Gujarat	Ahmedabad					√
17	Himachal Pradesh	Una					√
18	Himachal Pradesh	Kangra					√
19	Jharkhand	Daltonganj					√
20	Jharkhand	East Sirghum					√
21	Karnataka	Chik- kamagaluru		√			
22	Karnataka	Shimogga		√			
23	Kerala	Thrissur					√
24	Madhya Pradesh	Bhopal					√
25	Madhya Pradesh	Rewa					√
26	Madras	Thiruchirap- palli					
27	Madras	Virudhunagar					√
28	Meghalaya	East Khasi Hills District, Shillong					√
29	Meghalaya	West Garo Hills					√
30	Orissa	Angul, Odisha					√
31	Patna	Bhagalpur					√
32	Punjab & Haryana	Patiala					√
33	Punjab & Haryana	Kurukshetra				√	
34	Rajasthan	Ajmer					√
35	Rajasthan	Sawai Madhopur					√

36	Sikkim	North Sikkim					√
37	Tripura	Khowai, West Tripura					√
38	Tripura	Udaipur, Gomati					√
39	Uttarakhand	Dehradun					√
40	Uttarakhand	Haridwar					√



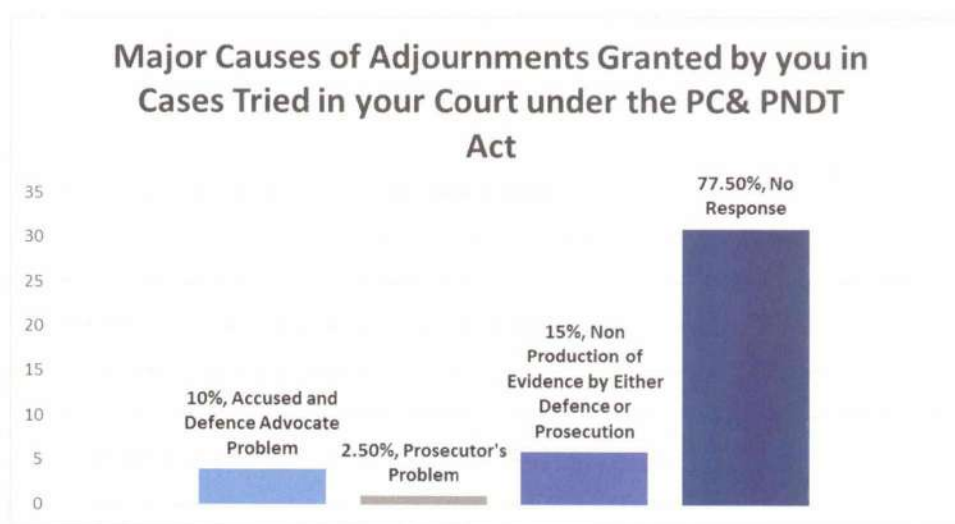
As indicated by this graph, most of the participants have not dealt with cases under the PC&PNDT Act. Only 20% of the participants have responded to the question. This points to the fact that very few cases under the PC& PNDT Act come before the courts for adjudication. In the responses received, mostly 3 to 5 adjournments are given by the court in PC&PNDT cases.

8. In response to the question, '*What are the major causes of adjournments granted by you in cases tried in your court under the PC& PNDT Act*', 4 participants answered that major cause of adjournment was problems relating to the accused and the defense advocate, 1 participant answered that problems relating to the prosecutor was the major cause of adjournment while 6 participants answered that non production of evidence by either defense or prosecution was the major cause of adjournments in PC& PNDT cases tried in their court. 31 participants did not respond.

No.	High Court	District	Accused and Defense Advocate Problem	Prosecutor's Problem	Non Production of Evidence by Either Defense or Prosecution	No Response
1	Allahabad	Civil Court, Bahraich				√
2	Allahabad	Azamgarh				√

3	Andhra Pradesh	Vijayawada				√
4	Andhra Pradesh	Hyderabad				√
5	Bombay	Aurangabad	√	√	√	
6	Bombay	Nanded			√	
7	Calcutta	Nadia				√
8	Calcutta	Kolkata				√
9	Chhattisgarh	Durg				√
10	Chhattisgarh	Durg				√
11	Delhi	New Delhi			√	
12	Delhi	New Delhi				√
13	Gauhati	Kamrup			√	
14	Gauhati	Kamrup			√	
15	Gujarat	Ahmedabad				√
16	Gujarat	Ahmedabad				√
17	Himachal Pradesh	Una				√
18	Himachal Pradesh	Kangra				√
19	Jharkhand	Daltonganj				√
20	Jharkhand	East Sirghum				√
21	Karnataka	Chikkamagaluru	√			
22	Karnataka	Shimogga	√			
23	Kerala	Thrissur				√
24	Madhya Pradesh	Bhopal				√
25	Madhya Pradesh	Rewa				√
26	Madras	Thiruchirappalli				
27	Madras	Virudhunagar				√
28	Meghalaya	East Khasi Hills District, Shillong				√
29	Meghalaya	West Garo Hills				√
30	Orissa	Angul, Odisha				√
31	Patna	Bhagalpur				√
32	Punjab & Haryana	Patiala				√

33	Punjab & Haryana	Kurukshetra	√		√	
34	Rajasthan	Ajmer				√
35	Rajasthan	Sawai Madhopur				√
36	Sikkim	North Sikkim				√
37	Tripura	Khowai, West Tripura				√
38	Tripura	Udaipur, Gomati				√
39	Uttarakhand	Dehradun				√
40	Uttarakhand	Haridwar				√



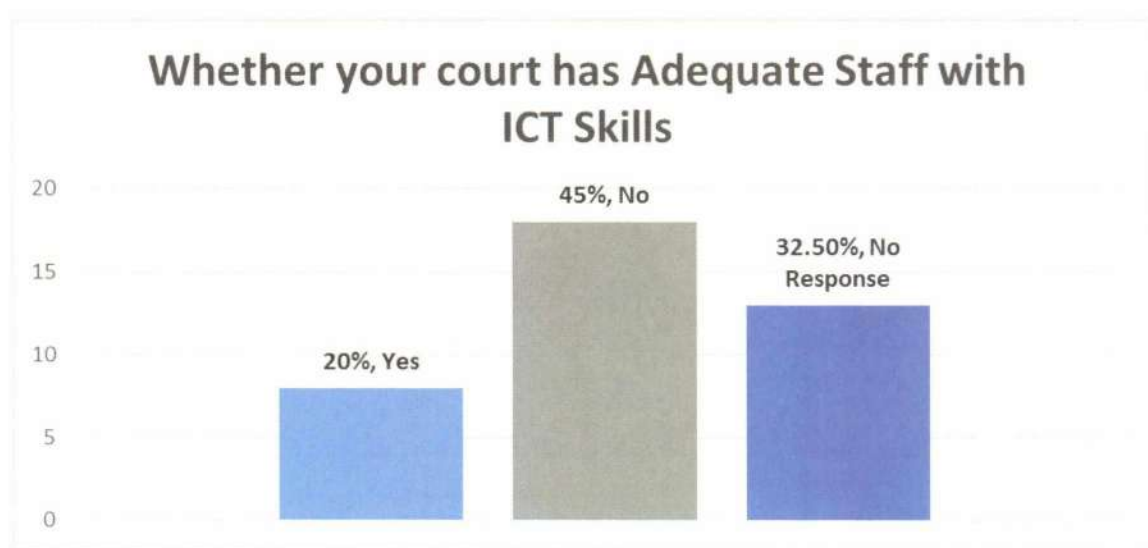
While most of the participants have not responded to this question on account of lack of cases under the PC& PNDT before them, the participants who have responded cited problems relating to advocates and the non-production of evidence by the defense or the prosecution to be the chief causes of adjournments in cases tried by them under the PC&PNDT. This indicates a lack of effective legal counsel and assistance to the parties as well as to the court in these cases.

9. To the question whether your court has adequate staff with ICT skills, 8 participants answered in affirmative while 18 participants answered in negative. One participant opined that though the court has adequate staff with ICT skills but the skills of the staff need to be improved and sharpened.

No.	High Court	District	Yes	No	No Response
1	Allahabad	Civil Court, Bahraich		√	
2	Allahabad	Azamgarh			√
3	Andhra Pradesh	Vijayawada			√

4	Andhra Pradesh	Hyderabad			√
5	Bombay	Aurangabad	√		
6	Bombay	Nanded	√		
7	Calcutta	Nadia			√
8	Calcutta	Kolkata			√
9	Chhattisgarh	Durg		√	
10	Chhattisgarh	Durg	√		
11	Delhi	New Delhi	√		
12	Delhi	New Delhi	√		
13	Gauhati	Kamrup		√	
14	Gauhati	Kamrup		√	
15	Gujarat	Ahmedabad			√
16	Gujarat	Ahmedabad			√
17	Himachal Pradesh	Una			√
18	Himachal Pradesh	Kangra		√	
19	Jharkhand	Daltonganj			√
20	Jharkhand	East Sirghbum		√	
21	Karnataka	Chikkamagaluru	√		
22	Karnataka	Shimogga		√	
23	Kerala	Thrissur		√	
24	Madhya Pradesh	Bhopal		√	
25	Madhya Pradesh	Rewa		√	
26	Madras	Thiruchirappalli			
27	Madras	Virudhunagar		√	
28	Meghalaya	East Khasi Hills District, Shillong			√
29	Meghalaya	West Garo Hills			√
30	Orissa	Angul, Odisha		√	
31	Patna	Bhagalpur		√	
32	Punjab & Haryana	Patiala		√	
33	Punjab & Haryana	Kurukshetra	√		

34	Rajasthan	Ajmer			√
35	Rajasthan	Sawai Madhopur	√		
36	Sikkim	North Sikkim		√	
37	Tripura	Khowai, West Tripura		√	
38	Tripura	Udaipur, Gomati			√
39	Uttarakhand	Dehradun		√	
40	Uttarakhand	Haridwar		√	



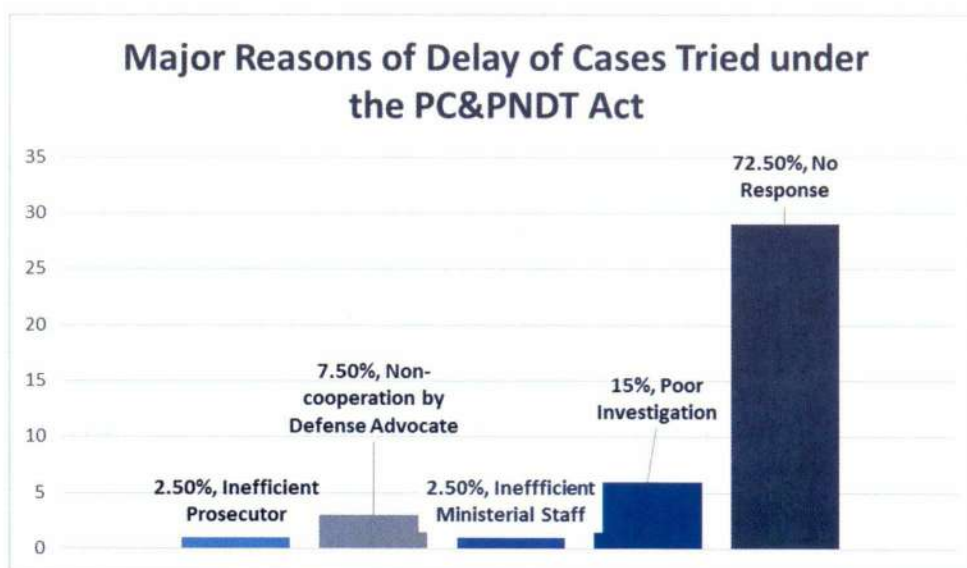
As indicated by this graph, most of the participants' courts do not have adequate staff with ICT skills. This highlights an area for reform in the judicial system to enable effective use of information and communications technology in judicial proceedings.

10. To the question, 'What are the major reasons of delay of cases tried under the PC&PNDT Act in your court', 1 participant cited 'inefficient prosecutor' to be the major reason, 3 participants cited 'non-cooperation by defense advocate' as the major reason, 1 participant stated that inefficient ministerial staff was the major cause of delay and 6 participants stated that poor investigation was the major cause of delay in PC&PNDT cases tried in their courts.

No.	High Court	District	Inefficient Prosecutor	Non-cooperation by Defense Advocate	Inefficient Ministerial Staff	Poor Investigation	No Response
1	Allahabad	Civil Court, Bahraich		√			
2	Allahabad	Azamgarh					√

3	Andhra Pradesh	Vijayawada					√
4	Andhra Pradesh	Hyderabad					√
5	Bombay	Aurangabad	√			√	
6	Bombay	Nanded		√			
7	Calcutta	Nadia					√
8	Calcutta	Kolkata					√
9	Chhattisgarh	Durg					√
10	Chhattisgarh	Durg					√
11	Delhi	New Delhi		√			
12	Delhi	New Delhi					√
13	Gauhati	Kamrup			√		
14	Gauhati	Kamrup				√	
15	Gujarat	Ahmedabad					√
16	Gujarat	Ahmedabad					√
17	Himachal Pradesh	Una					√
18	Himachal Pradesh	Kangra					√
19	Jharkhand	Daltonganj					√
20	Jharkhand	East Sirghbum					√
21	Karnataka	Chik-kamagaluru				√	
22	Karnataka	Shimogga				√	
23	Kerala	Thrissur					√
24	Madhya Pradesh	Bhopal					√
25	Madhya Pradesh	Rewa					√
26	Madras	Thiruchirappalli					
27	Madras	Virudhunagar					√
28	Meghalaya	East Khasi Hills District, Shillong					√
29	Meghalaya	West Garo Hills					√

30	Orissa	Angul, Odisha					√
31	Patna	Bhagalpur					√
32	Punjab & Haryana	Patiala					√
33	Punjab & Haryana	Kurukshetra				√	
34	Rajasthan	Ajmer					√
35	Rajasthan	Sawai Madhopur					√
36	Sikkim	North Sikkim					√
37	Tripura	Khowai, West Tripura					√
38	Tripura	Udaipur, Gomati					√
39	Uttarakhand	Dehradun				√	
40	Uttarakhand	Haridwar					√



While most of the participants have not responded to this question on account of lack of cases under the PC& PNDT before them, 15 % of the participants opined that poor investigation is a major hurdle in disposal of cases under the PC&PNDT Act.







Governing Bodies of the NJA

A. The Governing Council

1. Chairperson of the NJA the Chief Justice of India
 - Mr. Justice T.S. Thakur
2. Two Judges of the Supreme Court of India
 - Mr. Justice Jagdish Singh Khehar
 - Mr. Justice Dipak Misra
3. Secretary, Department of Justice, Ministry of Law & Justice, GOI
4. Secretary, Department of Expenditure, Ministry of Finance, GOI
5. Secretary, Department of Legal Affairs, Ministry of Law & Justice, GOI
6. Secretary General, Supreme Court of India
7. Director, NJA Bhopal

B. The General Body

1. Chairperson of the NJA the Chief Justice of India
 - Mr. Justice T.S. Thakur
2. Two puisne Judges of the Supreme Court of India
 - Mr. Justice A.R. Dave
 - Mr. Justice J. S. Khehar
3. Chief Justice of a High Court
 - Mr. Justice S.K. Kaul, Chief Justice, Madras High Court
4. Judge of High Court
 - Mr. Justice D.N Patel, High Court of Jharkhand
5. Ex- officio members:
 - i) Minister for Law & Justice, GOI
 - ii) Chairperson Bar Council of India
6. Secretary, Department of Justice, Ministry of Law & Justice, GOI
7. Secretary, Department of Expenditure, Ministry of Finance, GOI
8. Secretary Department of Legal Affairs, Ministry of Law & Justice, GOI
9. Secretary, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension, GOI
10. Two Law Academics
 - Dean, Faculty of Law, Delhi University
 - Director, NLIU, Bhopal
11. Secretary General, Supreme Court of India
12. Director, NJA Bhopal

National Judicial Academy

Conceived in early 1990s by the Supreme Court of India, the NJA had to wait nearly a decade to get its infrastructure in place. On September 5, 2002 the then President of India, Dr. A.P.J. Abdul Kalam, formally dedicated to the Nation, the beautiful sprawling complex of the NJA, spread over 62 acre campus overlooking the Upper Lake at Bhopal. The President on the occasion released a Second Vision for the Republic in which a new and dynamic role for the judiciary was envisaged with a view to make India a developed country by 2020. *"The Academy"*, he said, *"may aim at developing attitudinal changes to improve judicial integrity and efficiencies"*. The NJA is now ready to commence that rather challenging journey towards achieving higher standards of excellence in delivery of justice through human resource development and techno-managerial upgradation.

Registered as a Society in 1993 under the Societies Registration Act (1860), the NJA is managed by Governing Council chaired by the Chief Justice of India. The Governing Council consists of two senior most Judges of the Supreme Court of India and three Secretaries to the Government of India from the Departments of Law and Justice, Finance and Legal Affairs. The mandate of the Academy under the Memorandum of the Society include following objectives:

- (i) to establish a center of excellence in the study, research and training of court management and administration of justice and to suggest improvements to the judicial system;
- (ii) to provide training and continuing legal education to judicial officers and ministerial officers of the courts; and
- (iii) to disseminate information relating to judicial administration, publish research papers, books, monographs, journals etc. and collaborate with other institutions both within the country and abroad.

With the support and guidance of the justices of the Hon'ble Supreme Court of India, the NJA has launched an ambitious plan of research, education and training activities to give the judiciary - the required intellectual inputs to assist the judicial system in dispensation of quality and responsive justice.



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