



Judicial Education

NJA

*Newsletter of the
National Judicial Academy*



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JUDICIAL EDUCATION

NJA

NEWSLETTER

Editorial

Twelve reports on seminars, refresher courses, workshops and conferences held at the NJA, Bhopal in the Academic Year 2015-16 are enclosed in this newsletter. The first report prepared from the conference organized on the functions of Registrar Inspection by faculty member Ms. Jyoti provides that the post of Registrar Inspection is not created in every high court of the country. Where such post is created, the role and responsibilities of person designated as Registrar Inspection are not clearly identified or specified by the respective high courts. It also emerges from this report that there is a need to create this post in all the high courts for inspection of records at the district court level and also a separate fund in the budgetary allocation is to be earmarked so that Registrar Inspection is not at the mercy of the very same district court which the inspecting team is going to inspect. Further, the difference in the roles of Registrar Inspection and Registrar Vigilance needs to be clarified through internal rules / notes / regulations / circulars.

The second report emerges from the workshop designed for family court judges. This report prepared by faculty member Dr. Amit confirms that even today presiding officers are posted to the special courts without giving them any specific training to undertake new role and responsibilities under the special laws. Further, it becomes clear that the family court judges are more hostile to idea of involvement of mediators and counsellors in dispute resolution process. Opinion of judges within same jurisdiction differ on sensitive issues as to interaction with children before awarding their custody or as to awarding the custody of young child to his/her mother etc. Further, the practice of withdrawing interim applications is more prevalent in the northeast part than other parts of India. Great number of family court judges in India are reluctant to take help of psychologists to assess frame of mind of parties to matrimonial disputes before them.

The third report on refresher course held for the Principal Magistrates of the Juvenile Justice Board (JJB prepared by faculty Ms. Shruti is shocking revelation on the state of affairs. It discloses that even today there are states that have till date not constituted the JJB as mandated by the Law. Further, principal magistrates are not provided exclusive work of presiding over juvenile justice boards. This is an additional charge given to them, over and above their normal daily routine civil and criminal court matters. Further, more than 80% are given this additional charge without prior training to undertake trial of child accused of the crimes. Further, it emerges that every district does not have JJB, CWC, OH and SH and given the enormous distance between districts in India even within the same state, this situation of having one JJB catering to more than one district is bound to cause delay in the completion of juvenile trials. Along with this situation, most of the JJBs do not sit every day but only once / twice a week. Infrastructure wise also the JJBs do not fare better. Further, like the Family Court judges, principal magistrates of the JJBs too show hostility to idea of involvement of non-judicial personnel in an area of justice dispensation.

The fourth report emerges from colloquium held for the Member Secretaries of DLSA. The report prepared by faculty Mr. Milind provides the state wise schemes implemented by the SLSA. Interestingly suicide is taken up as an issue to be dealt by the LSA schemes in the states of Maharashtra, M.P., U.P. Further, many of them confirmed that the local conditions led to the selection of the schemes. The report also provides that majority of them organized more that 15-20 legal awareness camps around the subject of the schemes adopted by their SLSA. Mostly the services of retired and sitting judges is availed in these legal awareness

camps for raising awareness amongst the local community on the schemes of the LSA. Majority of DLSA are involving NGOs and law schools to implement their schemes at local level. Lastly, many DLSA have as many as 70 advocates employed as panel lawyers and the major criterion for their selection remains number of years of practice as an advocate.

The fifth report prepared by faculty Mr. Sumit from the conference for high court justices on the role of guardian judges reveals that most of the high court justices do not favour uniform rules of procedure for all the high courts for judging the subordinate courts. They feel that such uniformity on their supervisory role will take away their discretion to deal matter independently. The report provides that the lack of integrity and merit apart from the lack of time to verify competence are cited as major challenges faced by justices in their role as guardian judges. Also, the majority of judges felt that there is a need to devise alternative appraisal system to the existing one for assessing judges of district courts. Lastly, the guardian judges were not satisfied with the existing system of inspection of the district courts.

The sixth report prepared by faculty Mr. Rajesh from the workshop conducted for 32 Principal District and Sessions Judges (PDJs) on issues relating to court administration divulges that sufficient competent staff is not provided to the district courts to help them in their administrative functions. Further, budget preparation, allocation, and utilization remains area where lot of reforms are needed and on which specific trainings need to be given to those who are involved in preparation of the district court budgets. It also emerges from this report that the case flow management rules framed by the high courts are not implemented in all the districts under the jurisdiction of that high court and not only advocates are considered as hurdles in implementation of these rules but even court managers, prosecutors and the ministerial staff are blamed for such non implementation.

The seventh report by faculty Mr. Prasidh on the first conference organized for the Registrar Generals (RGs) on relevancy of the management skills in administrative functions reveals interesting personality traits of persons performing the functions of the RG in different high courts. It emerges that most of them lack modern leadership skills as they demonstrate more traditional and out dated skills of interfering and taking parental attitude on issues relating to the functioning of district courts. Further RGs strongly believe in reward/ punishment strategies to get the work done. Their response also shows lack of patience to wait for the situations to change as they believe in tackling the problems immediately. They lack understanding on organizational behavior due to which they consider themselves knowledgeable about each and everything around them and that they have solution for every problem. They are not very clear about time management strategies and employment of the same in their daily administrative functions. Their answers to the questionnaire on stress management reveals that they are under high stress to be in good books of judges in the high court. Further most of the RGs are totally hostile to an idea of involvement of external specialists in administrative functions of the high courts.

The eighth report prepared by faculty Mr. Sanmit from advanced course of commercial matters organized for high court justices reveals that the majority of high court justices who were sent to attend this course did not opt for technical subject such as taxation in their LLB degree course nor had they presided over the tax bench. It also gets revealed from responses that very rare and only very few judges of high courts travel abroad to participate in conferences organized on taxation matters. Their learning source therefore remains seminar at the NJA or their own law clerks. Further, there were conflicting views on need to have permanent establishment of E-commerce Company to determine the tax jurisdiction. Judges also did not agree with each

other on the need to legalize gambling and betting in India and were not sure on issue of confidentiality and transparency in internal commercial arbitration matters. It gets confirmed that all India level, arbitration related disputes forms the major chunk of commercial disputes pending before the high courts.

The ninth report by faculty Ms. Pragya emerges out of seminar held on the cyber crime issues for the high court justices. It is only very recently that the high courts are receiving technical evidence and the cases of cyber crimes. The most old cases in this area are not more than 5 years of age. Due to which the bar, the prosecution and the investigating officers have not picked up their respective crafts in dealing with such crimes. Further, there is lack of co-ordination between all these agencies, which further complicates matters. Storage of electronic evidence has not reached sophisticated level as it should have been. Judges demanded for simplification of procedure under section 65B of the Indian Evidence Act, availability of sufficient number of technical assistance to courts to interpret scientific data and more training to be provided to them regularly to generate legal and technical awareness around issues arising in cyber crimes.

The tenth report by faculty Ms. Ruchi emerges out of conference organized around the functions of the Registrar (Judicial) in different high courts. This report again confirms that the registrars lack modern management skills and are trapped in age-old ways of dealing with situations. They lack management skills essential to deal with complexities at the workplace. Time and demotivated staff were cited by most of them as factors beyond their control, thus clarifying that Registrar (Judicial) are not well versed with modern time management strategies and also they have not established themselves as responsible leader / manager. Most of them believe in continuous supervision of every staff. They therefore lack knowledge of modern human resource management framework. Further, Registrar (Judicial) like the Registrar Generals in seventh report of this newsletter are also under impression of always being right. Such strong positions make them rigid and inflexible personnel and this attitude creates more problems for everyone in organization where they operate.

The eleventh report by faculty Ms. Nitika on the 2nd conference around the functions of Registrar Generals (RGs) clarifies that through every high court and every Chief Justice assigns different roles to their RGs, budget preparation and implementation of the Chief Justice Conference resolutions is the common function performed by all the RG of all the 24 high courts. Further, though the Bombay High Court has maximum number of supporting registrars to aid and facilitate working of the RG but even then the RG of the Bombay High Court delegates only 20 – 30% of his work to these registrars. The challenges faced by the RG are unique due to their local conditions and not all of them voiced those challenges, but even with the minimum responses by few registrars one learns that they are under tremendous stress and pressure from the bar, the media and the judges under whom they work.

The twelfth report prepared by faculty Mr. Yogesh out of workshop for 29 Principal District and Sessions Judges on the use of ICT in courts indicates that not all districts are making full use of the ICT tools and techniques to bring systematic court reforms and the reasons for the same are that the supporting infrastructure is not in place in most of the districts.

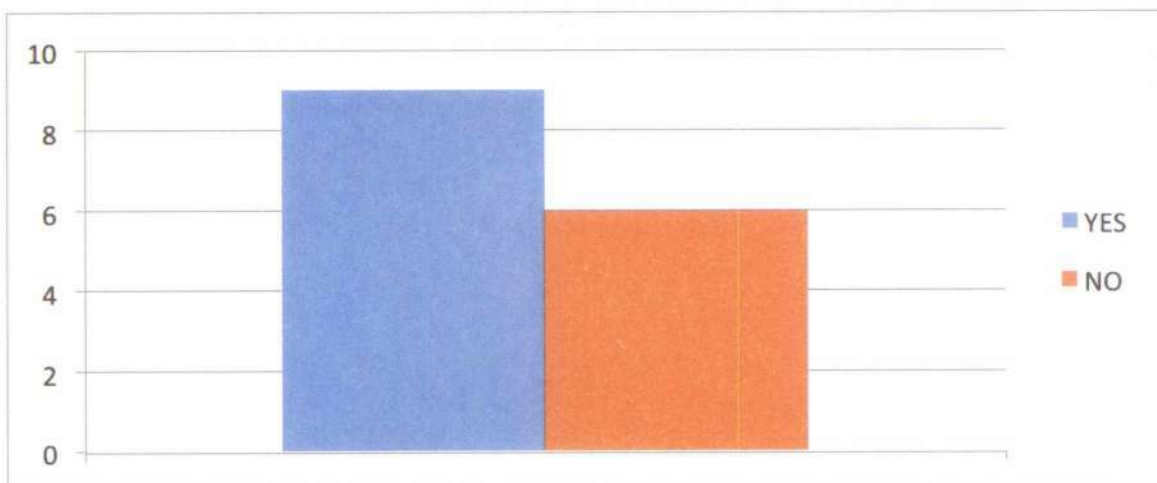
Dr. GeetaOberoi
Professor, NJA
Editor

P-956: CONFERENCE ON REGISTRAR INSPECTION

Ms. Jyoti Kumari, Research Fellow

The Conference on Functions of Registrar Inspection was held from 25th -27th November 2015 covering issues related to judicial audit, administrative audit, financial audit, matters relating to compliances, time management, organization management and skill building. A pre-training Questionnaire was provided to 21 participating registrars. Only 15 participating registrars responded to the questionnaire. Findings from responses are provided below:

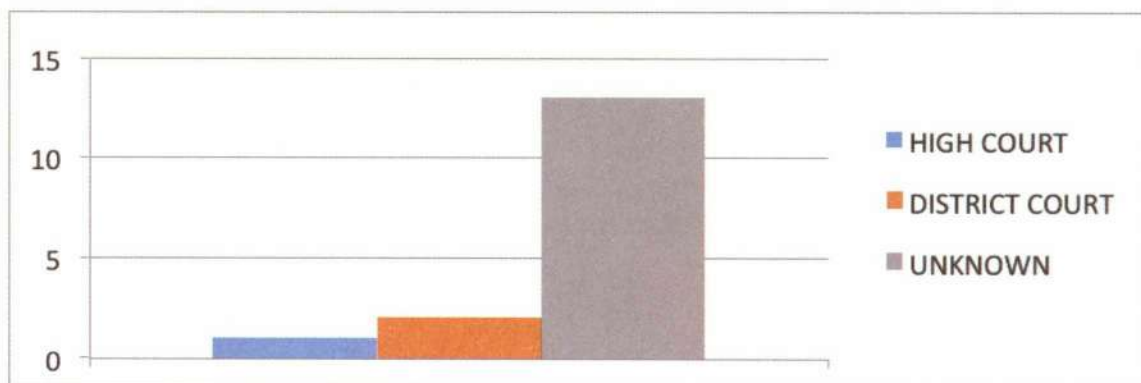
1. ***On creation of separate sanctioned post of the Registrar Inspection***, it emerges from the responses that 9 high courts of Bombay, Orissa, Uttarakhand, Calcutta, Gujarat, Madhya Pradesh, Chhattisgarh, Andhra Pradesh, Rajasthan have created a separate sanctioned post of the Registrar Inspection whereas 6 high courts of Karnataka, Madras, Guwahati, Telangana, Jharkhand, Kerala do not have any such post in their high courts.



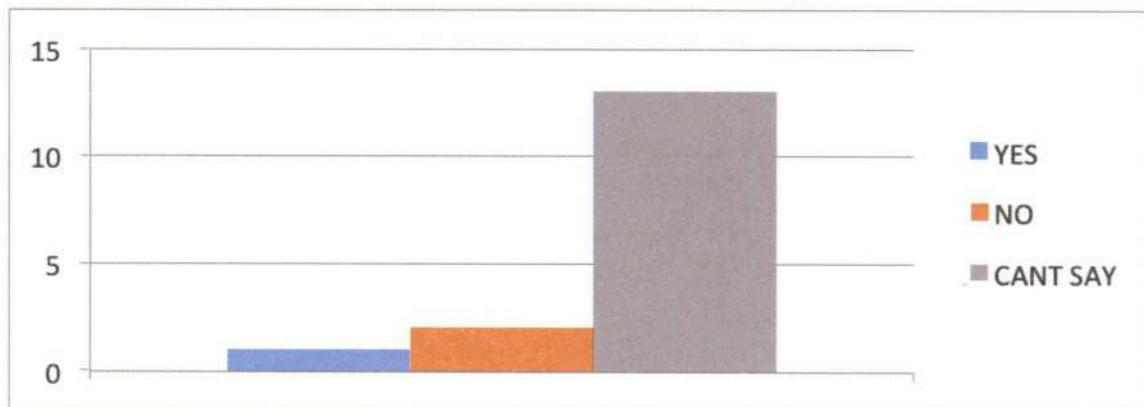
2. ***On functions/roles assigned to the Registrar Inspection/Designate***, it emerged from 15 high courts that the Registrar Inspection is given the task of approving the wait list of the recruitment made by the district courts, verification of four monthly returns submitted by the district courts, informing remarks to the judicial officers about their disposal, establishment of new courts, misc. complaints received against judicial officers and staff members attached to the district courts, processing representations and appeals relating to disciplinary action taken against the employees of the district courts, inspecting records annually to rectify the defects, if any, in the maintenance of the registers, records in the judicial matters, administrative and financial matters and also the management of buildings etc.
3. ***On new functions/roles that may be added to the work of Registrar Inspection to make inspection effective and helpful to the Judiciary***, it was opined by participating registrars to give them power to check drafting skills and the quality of judgments for the overall development and also to point out the defects which can be avoided. Participating registrars also felt that they should be provided authority to conduct surprise inspection. They also expressed that they should be provided some administrative control to take immediate on the spot action against those responsible for the

stagnation of work and for the major defects detected during the inspection.

4. ***On the issue of the composition of Inspection team, for how many days & whether role of team members are specified*** – Registrars informed that the inspection team is composed of senior staff members with sufficient experience in conducting the inspections and normally duration for 7 to 10 days is taken for the preparation of the inspection notes.
5. ***On the issue of who bears the expenses of Inspection/ team expenses-*** it emerged that there is no earmarked fund for meeting the expenses of inspection team and therefore there is lot of reliance on the funds of district courts, which are to be inspected.

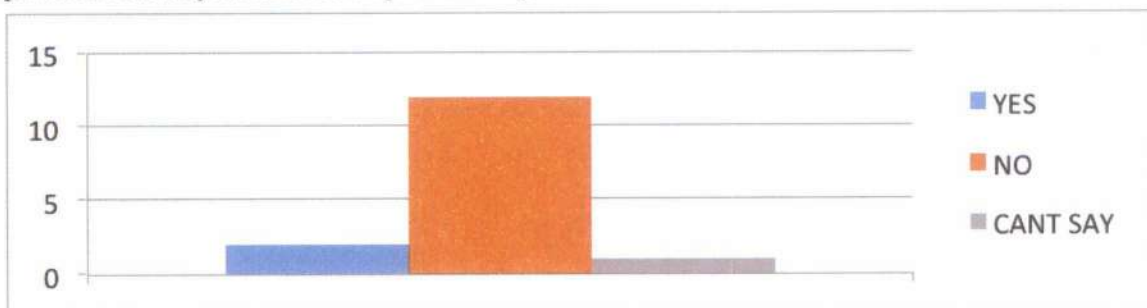


6. ***On whether there is audit and recording of expenses incurred on /by inspection team*** – majority of participating registrars declined to answer.

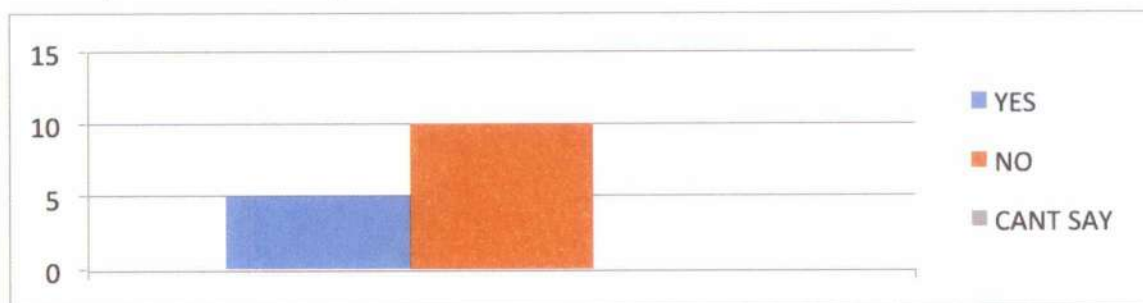


7. ***On nature of the reporting authority for the inspection note***, it emerged that the Principal District Judge in a unit of a district and the Administrative Judge of the High Court act as reporting authority for the inspection note.
8. ***On kind of follow-up action taken on the inspection note***, it was informed that the compliance of the defects pointed out in the inspection note is always insisted and till that compliance is made, the inspection report is not recorded and forwarded to the concerned administrative judge.
9. ***On time limit prescribed for compliance***, 2 registrars from the high courts of Bombay and Calcutta indicated that they prescribe reasonable time limits for compliance of defects noted in the inspection note and 12 registrars from the high courts of Orissa, Uttarakhand, Gujarat, Madhya Pradesh,

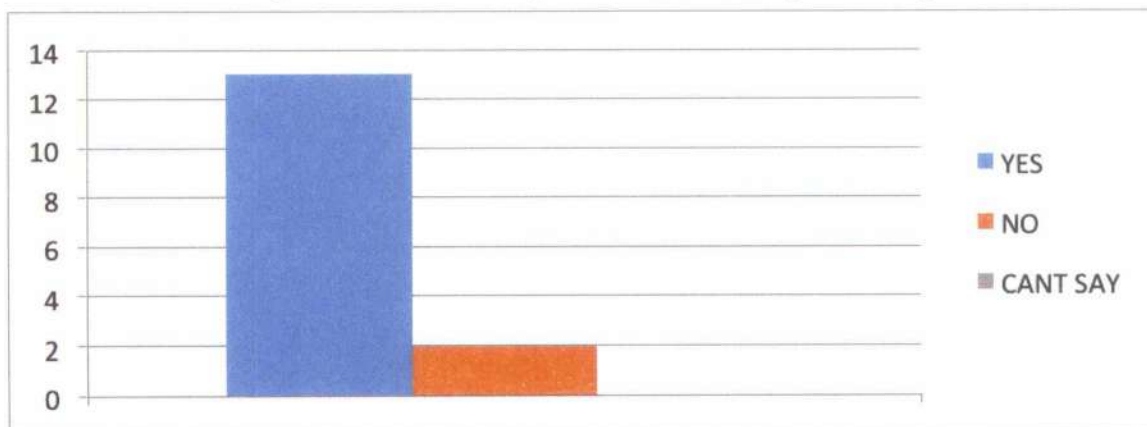
Chhattisgarh, Andhra Pradesh, Rajasthan Karnataka, Madras, Guwahati, Telangana, Jharkhand provided that they have not so far provided any such time limits.



10. ***On action taken against non compliances***, 5 registrars from high courts of Bombay, Calcutta, Orissa, Uttrakhand, Gujarat confirmed that they took action for non-compliances, whereas 10 registrars from high courts of Madhya Pradesh, Chhattisgarh, Andhra Pradesh, Rajasthan Karnataka, Madras, Guwahati, Telangana, Jharkhand, Kerala informed that they never took any action against non-compliance with their report.



11. ***On major problems faced in effective/ useful inspection***, registrars cited the lack of efficiency among the staff as a major problem faced by them.
12. ***On issue of proceeding with anonymous complaints-*** 13 Registrars from high courts of Bombay, Orissa, Uttrakhand, Calcutta, Madhya Pradesh, Chhattisgarh, Andhra Pradesh, Rajasthan, Karnataka, Madras, Guwahati, Telangana, Jharkhand confirmed that they usually do proceed with anonymous complaints filed against the staff and judicial officers where as 2 registrars from high courts of Kerala and Gujarat informed that they do not entertain anonymous complaints.



Following suggestions emerged for effective inspections from this conference:

1. Inspections to be conducted promptly every year and the compliance of the objections to be done within the time frame fixed for such compliance;
2. Inspection authority to suggest the methods for the overall and holistic improvement of the quality of work and to curb the bottlenecks responsible for the stagnation of the works.
3. Methodology to be worked to evaluate skills and causes for the inefficiency and lack of administrative skills so that some sincere effort can be made to eradicate the same on a future date.
4. The rate of daily allowances is required to be increased, considering the hike in rest house charges and stiff hike in food prices.
5. To impart training at regular intervals to judges and ministerial staffs of district judiciary to make them conversant to the existing rules and practices as prescribed in Rules of the high court from time to time.
6. Now a days Police Authority is submitting computerized charge sheet and we have to make data entry of the details as per the charge sheet in case information system. In such circumstances, the website of the Police and Court is to be linked together, and a program is to be designed so that after registration of F.I.R. in the concerned Police Station, it is accessible in the Court of Chief Judicial Magistrate. The Courts then need not enter the details of the charge sheet again in the case information system.
7. The Registrar Inspection to be exclusively assigned the inspection work to exercise strict supervision over the judicial and administrative work of the district courts

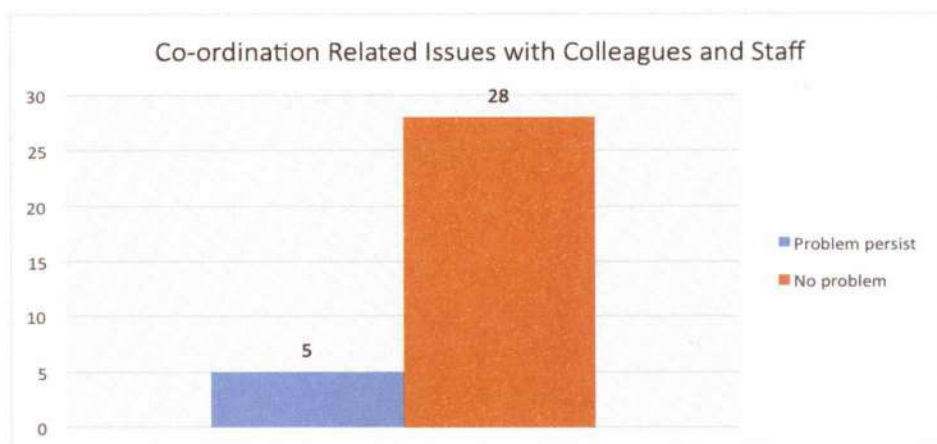
P-957: WORKSHOP ON PERSONAL LAWS, FAMILY DISPUTES, PREVENTION OF DOMESTIC VIOLENCE LAW TO RAISE GENDER SENSITIVITY

Dr. Amit Mehrotra, Assistant Professor

The National Judicial Academy organized a 4-day workshop for *Courts Dealing With Matrimonial Issues* from 26th - 29th November 2015 to sensitize presiding officers of courts on sociological & psychological dimensions of marriage, divorce, maintenance and custody disputes. A pre-conference questionnaire was circulated in advance and 33 participating presiding officers responded. Following learning emerged through those responses:

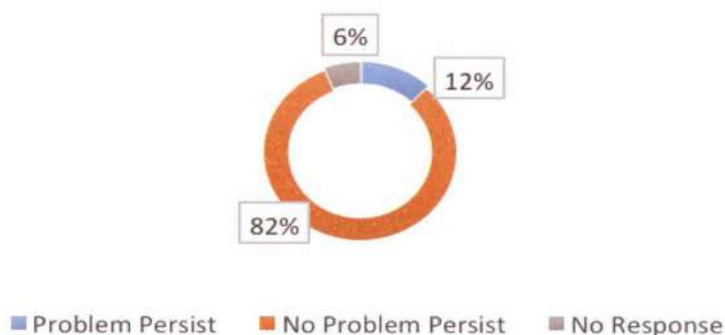


- 26 judges from jurisdictions of Allahabad, Andhra Pradesh, Bombay, Chhattisgarh, Delhi, Gauhati, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Madras, Orissa, Punjab & Haryana, Rajasthan, Sikkim, Uttarakhand high courts informed that they did not receive any training prior to their posting as special court judge to hear family and matrimonial disputes.
- 6 judges from jurisdictions of Tripura, Manipur, Allahabad, Jharkhand, Madras and Madhya Pradesh high courts informed that they did receive training prior to their appointment as family court judge
- 1 participating judge from Gauhati did not respond to this question



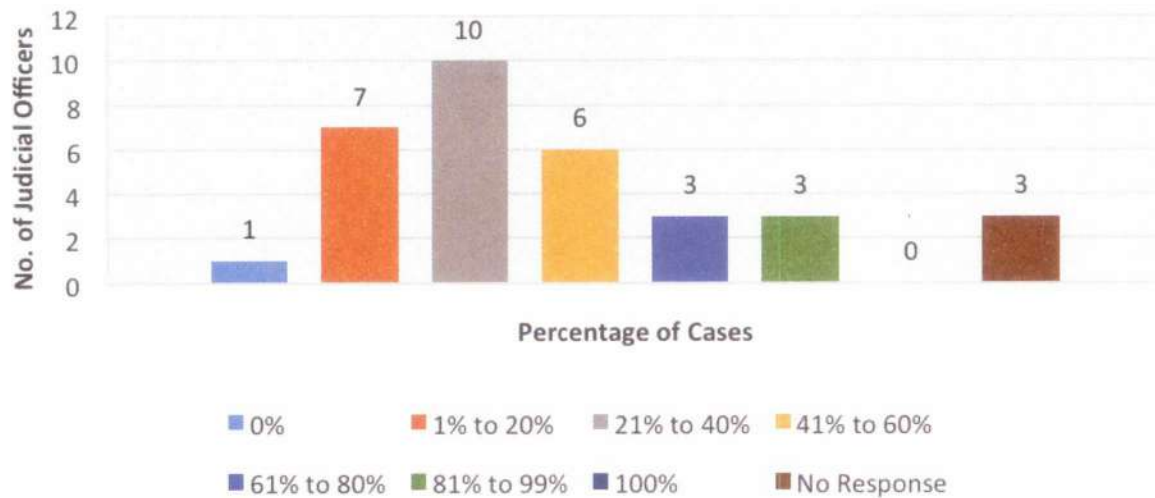
- 28 judicial officers from Allahabad, Andhra Pradesh, Bombay, Chhattisgarh, Delhi, Gauhati, Gujarat, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Madras, Manipur, Orissa, Punjab & Haryana, Rajasthan, Sikkim, Tripura and Uttarakhand high courts informed that they do not face the problem of co-ordination with their colleagues and staff
- 5 judicial officers from Allahabad, Bombay, Delhi, Gauhati and Madras high courts agree that such problem persists

Problems with Mediators or Counselors to whom the cases are referred for Reconciliation between the Parties



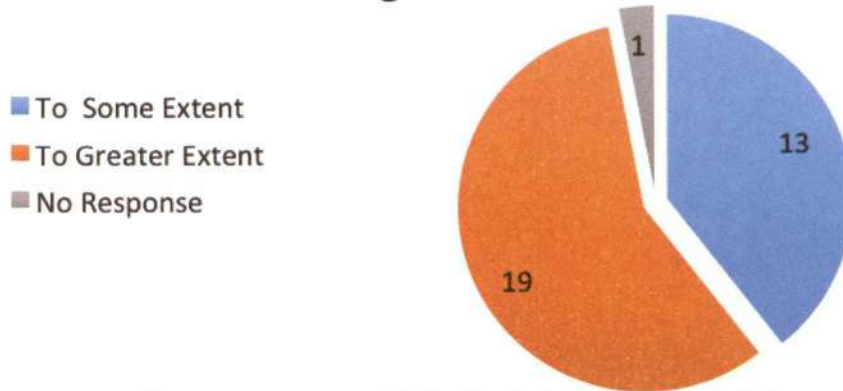
- 27 judges nominated by High Courts of Allahabad, Andhra Pradesh, Bombay, Chhattisgarh, Delhi, Gauhati, Gujarat, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Madras, Manipur, Punjab & Haryana, Rajasthan, Sikkim, Tripura and Uttarakhand stated that they do not face problems with mediators or counselors to whom cases were referred for reconciliation between parties;
- 4 participating judges nominated by the high courts of Delhi, Kerala and Orissa responded that they have faced the problems from mediators or counselors to whom the cases are referred for reconciliation between the parties
- 2 judicial officers from jurisdiction of Gauhati and Himachal Pradesh High court did not respond.

Percentage of cases that Need Assistance of Lawyer



- 1 participating judge of Madhya Pradesh opined that there is no need to take the assistance of the lawyer in any case of the family dispute,
- 7 participating judges nominated by the high courts of Bombay, Himachal Pradesh, Madhya Pradesh, Madras, Orissa and Punjab & Haryana stated that 1 to 20 % of family dispute cases in a year need assistance of a lawyer,
- 10 participating judges nominated by the high courts of Allahabad, Delhi, Gujarat, Jharkhand, Kerala, Madras, Rajasthan, Sikkim, and Uttarakhand were of the opinion that 21 to 40 % cases of family dispute in a year need assistance of a lawyer,
- 6 judges nominated by the high courts of Allahabad, Andhra Pradesh, Delhi, Karnataka, Manipur and Orissa stated that 41 to 60 % family dispute matters need assistance of lawyer in a year,
- 3 participating judicial officers nominated by the high courts of Delhi, Jammu & Kashmir and Tripura were of the opinion that 61 to 80 % cases of family dispute matters in a year need assistance of a lawyer,
- 3 judges nominated by Andhra Pradesh and Chhattisgarh High Court stated that 81 to 90 % cases of family dispute in a year need assistance of lawyer and
- 3 participating judicial officers from jurisdiction of Allahabad and Gauhati high court expressed no opinion.

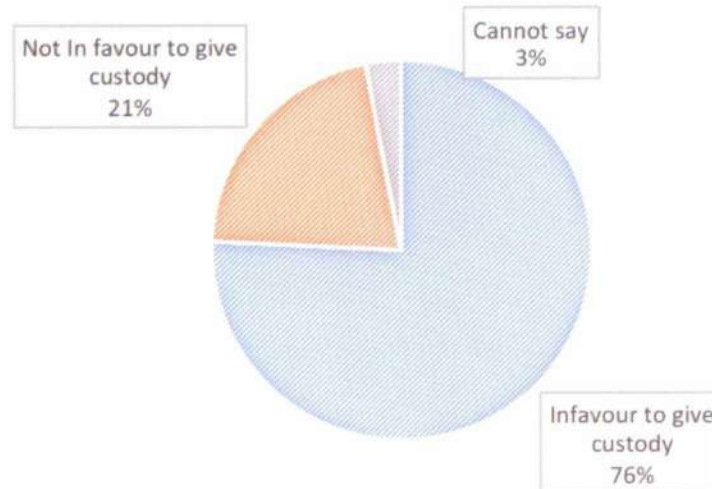
Importance of Child Interaction for determining Best Interest of Child.



- 19 participating judges nominated by the high courts of Allahabad, Andhra Pradesh, Bombay, Chhattisgarh, Delhi, Gauhati, Himachal Pradesh, Jammu & Kashmir, Kerala, Madhya Pradesh, Madras, Orissa, Punjab & Haryana, Tripura and Uttarakhand expressed that child interaction is important to a *greater extent* for determining the best interest of the child,
- 13 participating judges nominated by the high courts of Andhra Pradesh, Bombay, Delhi, Gujarat, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Madras, Manipur, Rajasthan and Sikkim stated that child interaction is important to *some extent* for determining the best interest of the child and
- 1 participating judicial officer nominated by the Allahabad High Court expressed no opinion.

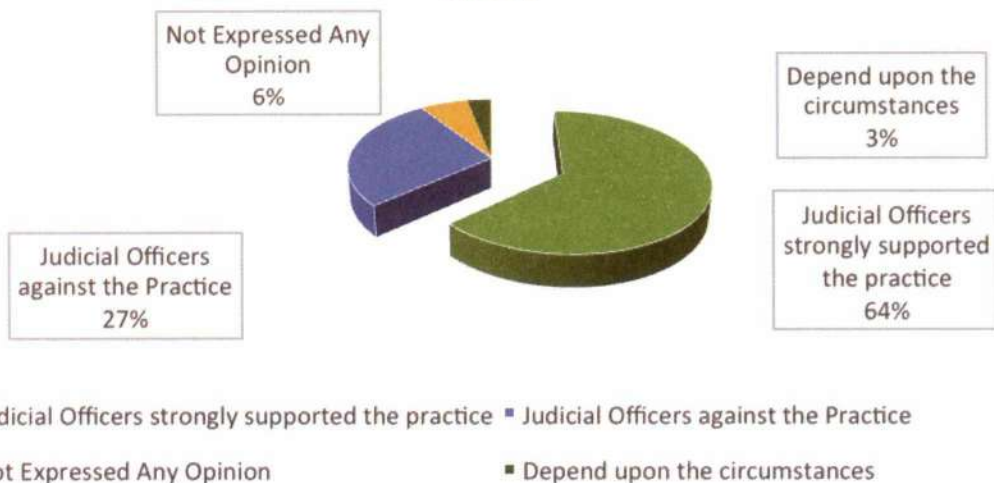
Opinion of Judicial Officers in giving Custody of Young Children to their Mother.

✧ Infavour to give custody ✧ Not In favour to give custody ✧ Cannot say



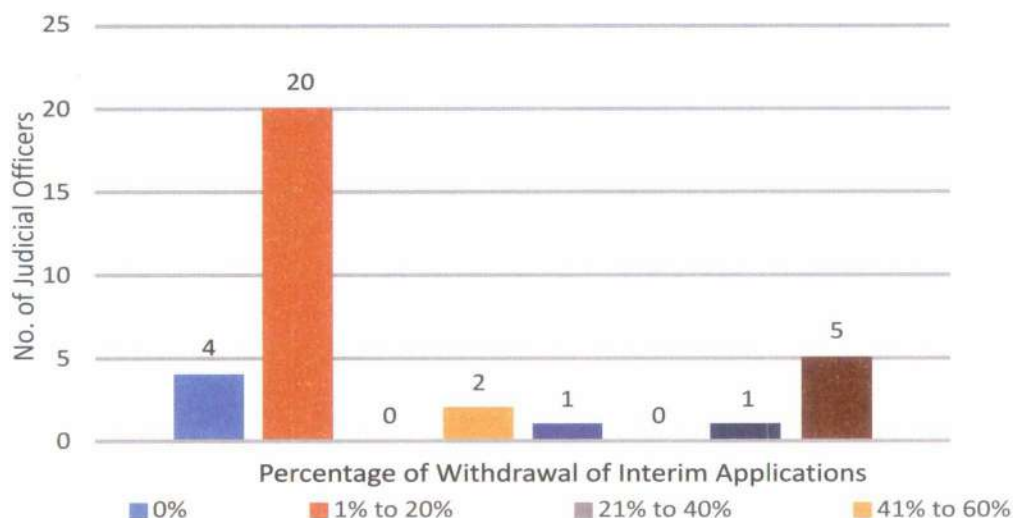
- 25 participating judges nominated by the high courts of Allahabad, Andhra Pradesh, Bombay, Chhattisgarh, Delhi, Gauhati, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Kerala, Madhya Pradesh, Madras, Orissa, Punjab & Haryana, Rajasthan, Sikkim and Uttarakhand were of the view that the custody of the young children should be awarded to the mother,
- 7 participating judges nominated by the high courts of Bombay, Chhattisgarh, Gujarat, Karnataka, Manipur, Orissa and Tripura were not in favour of giving custody of young children to their mother and
- 1 participating judicial officer nominated by the Allahabad High Court expressed no opinion.

Encouraging the Practice of Applicants to withdraw their Applications before the Final Order is granted by the Court

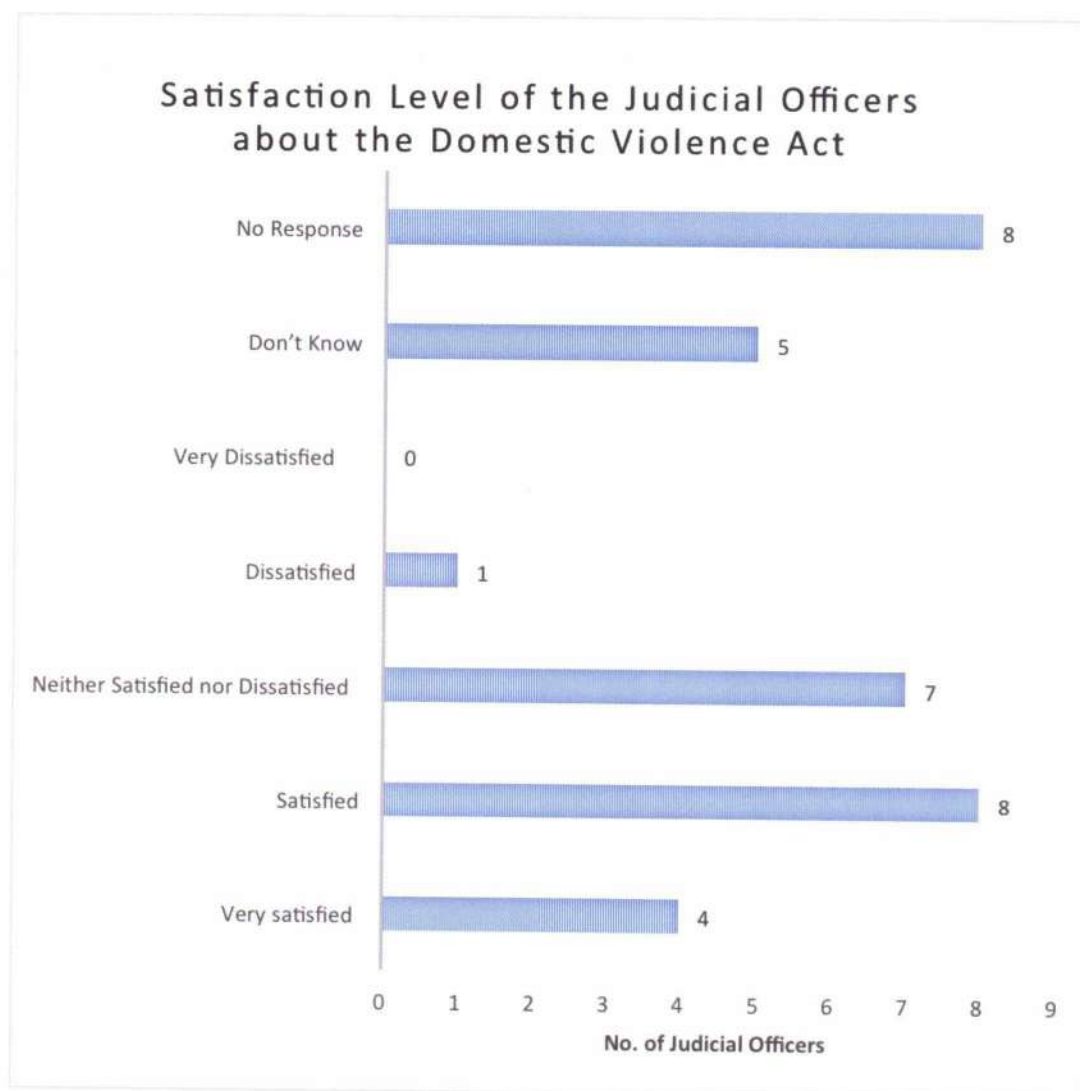


- 21 participating judges nominated by the high courts of Allahabad, Andhra Pradesh, Chhattisgarh, Gauhati, Gujarat, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Manipur, Orissa, Punjab & Haryana, Rajasthan, Sikkim, Tripura and Uttarakhand were in favour of encouraging the practice of withdrawal of application before the delivery of final order,
- 9 participating judges nominated by the high courts of Allahabad, Bombay, Delhi, Gauhati, Jharkhand, Madhya Pradesh and Madras, were not in favour of encouraging such practice,
- 1 Judicial officer from jurisdiction of Delhi High court stated that it depends upon the facts and circumstances of the case and
- 2 participating judges from jurisdiction of Allahabad and Delhi High Court did not express their opinion.

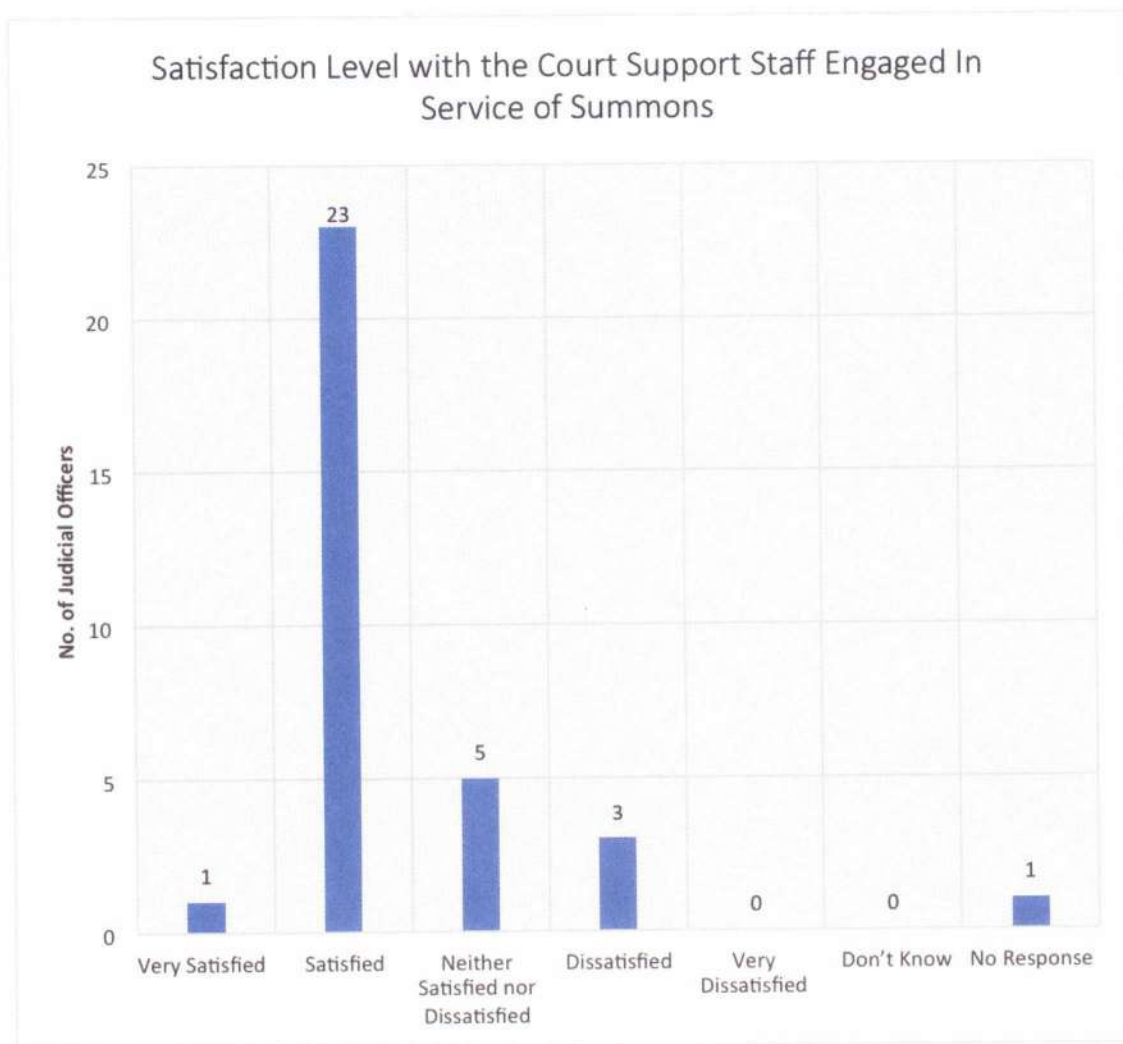
Opinion of Judicial Officers on % of Applicants that may withdraw their Interim Applications



- 4 participating judges nominated by the high courts of Andhra Pradesh, Chhattisgarh and Delhi were of the view that that no applicant before them have withdrawn their interim application,
- 20 participating judges nominated by the high courts of Allahabad, Bombay, Chhattisgarh, Delhi, Gujarat, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Madras, Orissa, Punjab & Haryana, Rajasthan, Sikkim, Tripura and Uttarakhand stated that 1-20% of applicants withdraw their interim application,
- 2 participating judges nominated by the Allahabad and Kerala High Court opined that 41-60% of applicants withdraw their interim application,
- 1 participating judge of Gauhati High Court was of the view that 61-80% applicants withdraw their interim application
- 1 participating judge of Manipur High court was of the view that all applicants mostly withdraw their interim application and
- 5 participating judges nominated by the high courts of Allahabad, Delhi, Gauhati, Jammu & Kashmir and Madhya Pradesh did not express their opinion.



- 4 participating judges nominated by the high courts of Allahabad, Chhattisgarh, Gauhati and Kerala were very satisfied with the objective of the Act,
- 8 participating judges nominated by the high courts of Allahabad, Andhra Pradesh, Karnataka, Madhya Pradesh, Madras, Orissa, Punjab & Haryana and Sikkim were satisfied,
- 7 participating judges nominated by the high courts of Andhra Pradesh, Bombay, Himachal Pradesh, Madras, Orissa, Tripura and Uttarakhand were neither satisfied nor dissatisfied,
- 5 participating judges nominated by the high courts of Chhattisgarh, Gujarat, Jharkhand, Delhi and Bombay unable to express their opinion,
- 1 participating judge from jurisdiction of Gauhati high Court was dissatisfied with the objective of the Act of providing effective legal protection to victims of Domestic Violence and
- 8 participating judges nominated by the high courts of Allahabad, Delhi, Jammu & Kashmir, Kerala, Manipur, Madhya Pradesh and Rajasthan did not respond

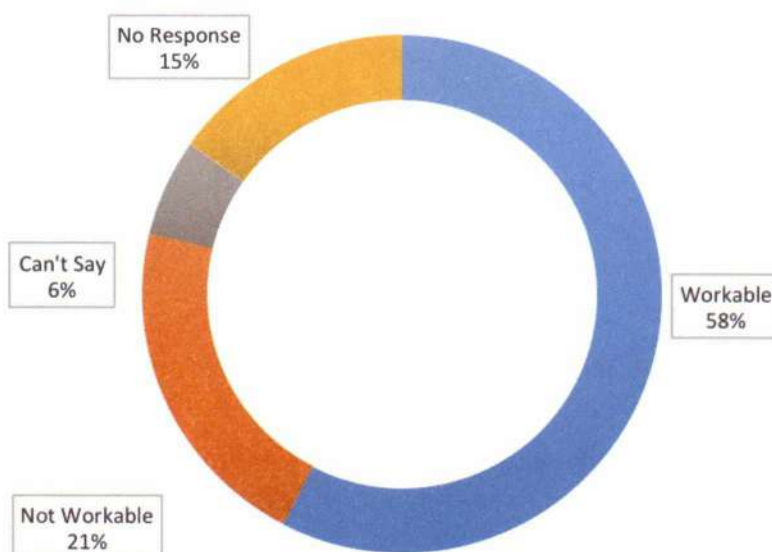


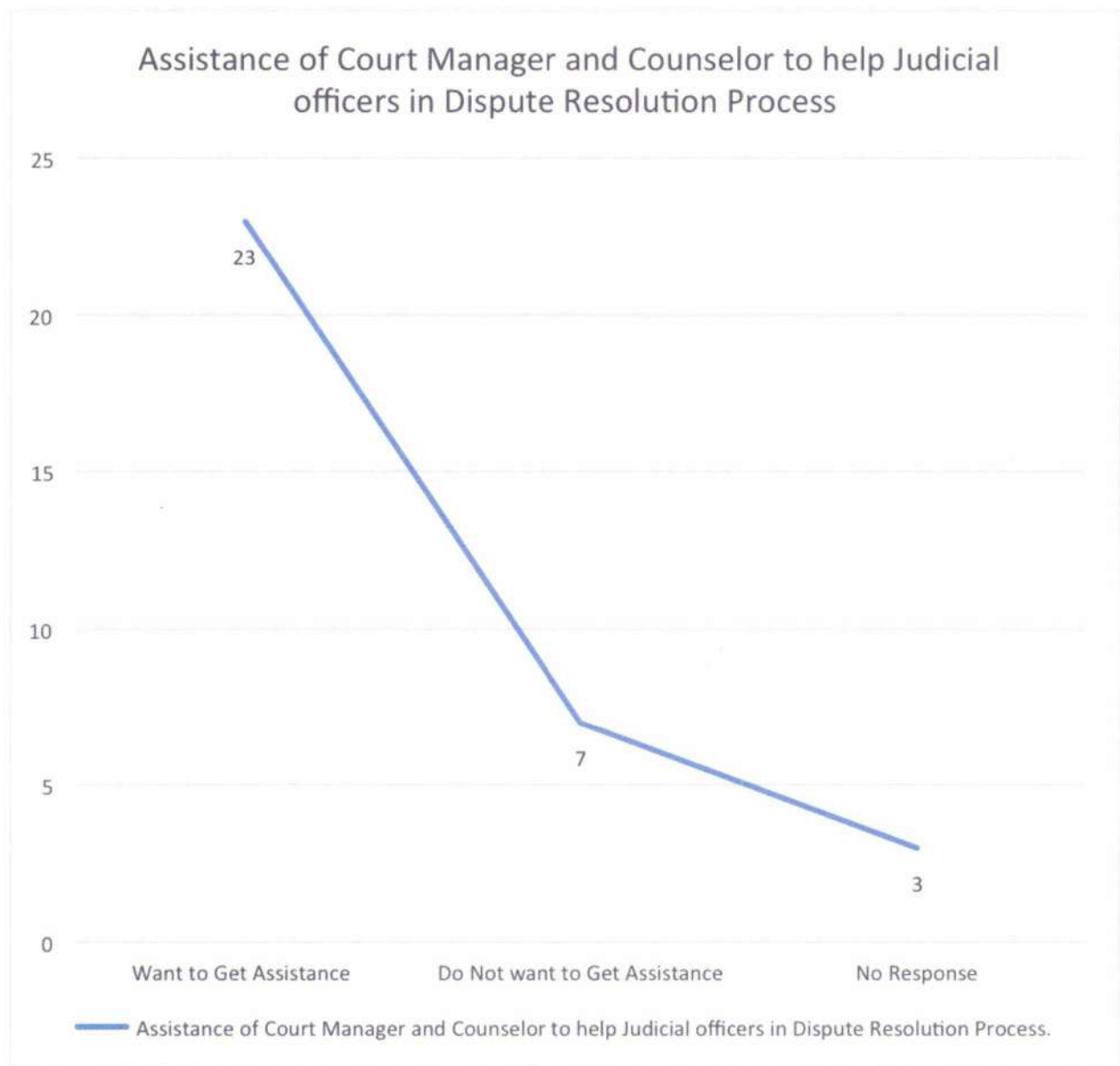
- 1 participating judge from the jurisdiction of Chhattisgarh high court was very *satisfied* with the court support staff engaged in service of summons,
- 23 participating judges nominated by the high courts of Allahabad, Andhra Pradesh, Bombay, Chhattisgarh, Delhi, Gauhati, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Kerala, Madhya Pradesh, Madras, Manipur, Orissa, Punjab & Haryana, Rajasthan, Sikkim and Uttarakhand were *satisfied* with the court support staff engaged in Service of Summons,
- 5 participating judges nominated by the high courts of Gauhati, Gujarat, Karnataka, Madras and Tripura were *neither satisfied nor dissatisfied*,
- 3 participating judges nominated by Bombay, Delhi and Orissa high court were *dissatisfied* with the court support staff engaged in Service of Summons and
- 1 participating judicial officer from jurisdiction of Allahabad high court did not respond.

On adoption of team work approach in India (Best practices adopted by King County (Seattle), Washington, constituting a team of a family court judge, a commissioner and a case manager to oversee cases involving families in multiple court proceedings:

- 19 participating judges nominated by the high courts of Allahabad, Andhra Pradesh, Bombay, Chhattisgarh, Delhi, Gujarat, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Kerala, Madhya Pradesh, Madras, Orissa, Punjab & Haryana, Rajasthan and Tripura supported the team work approach in India used by King County (Seattle), Washington,
- 7 participating judges nominated by the high courts of Allahabad, Chhattisgarh, Karnataka, Manipur, Orissa and Sikkim do not support such approach,
- 2 participating judges of Delhi and Kerala high court unable to express their opinion and
- 5 participating judges from jurisdictions falling under the high courts of Delhi, Gauhati, Madhya Pradesh and Uttarakhand high court did not respond.

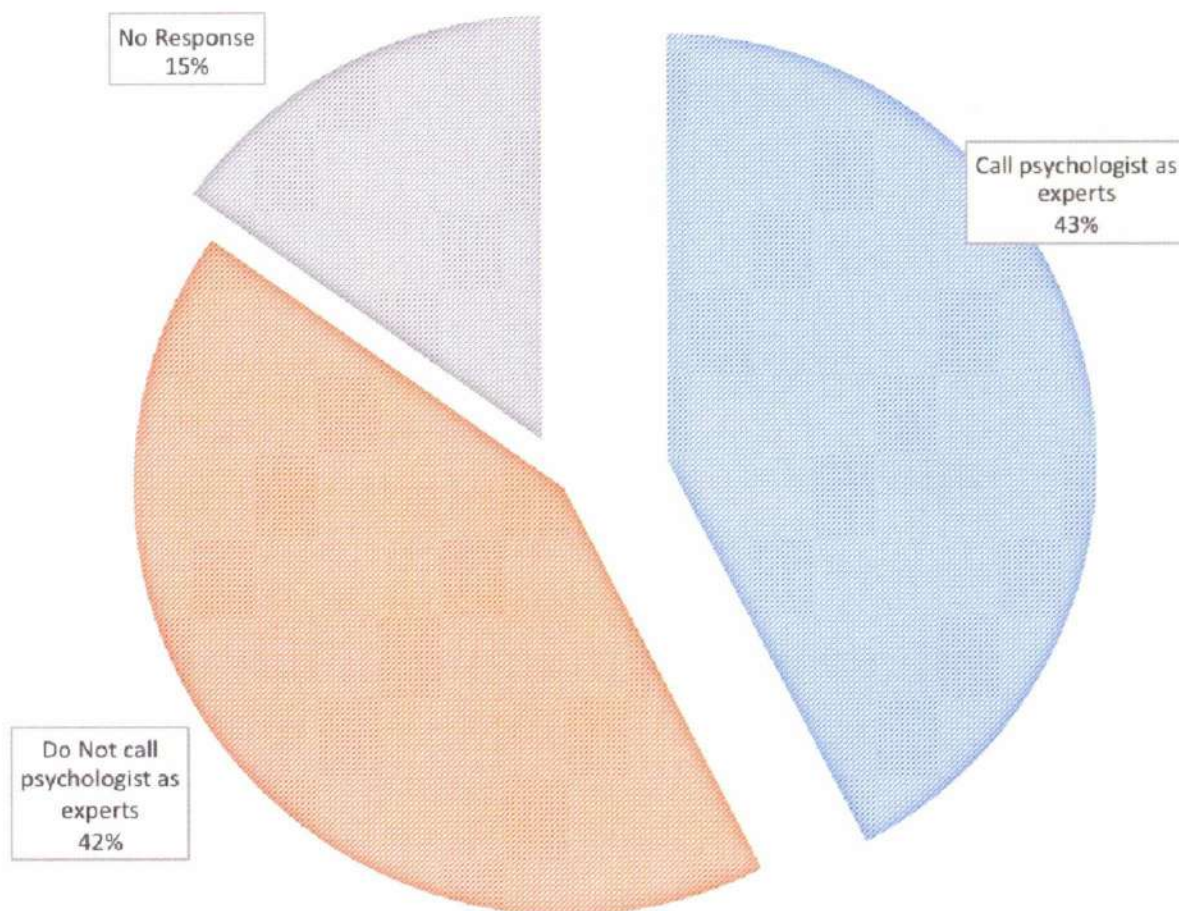
Opinion of the Judicial Officers about the Adopting of Team Work Approach in India used by King County (Seattle), Washington, to Oversee cases involving families in Multiple Court Proceedings





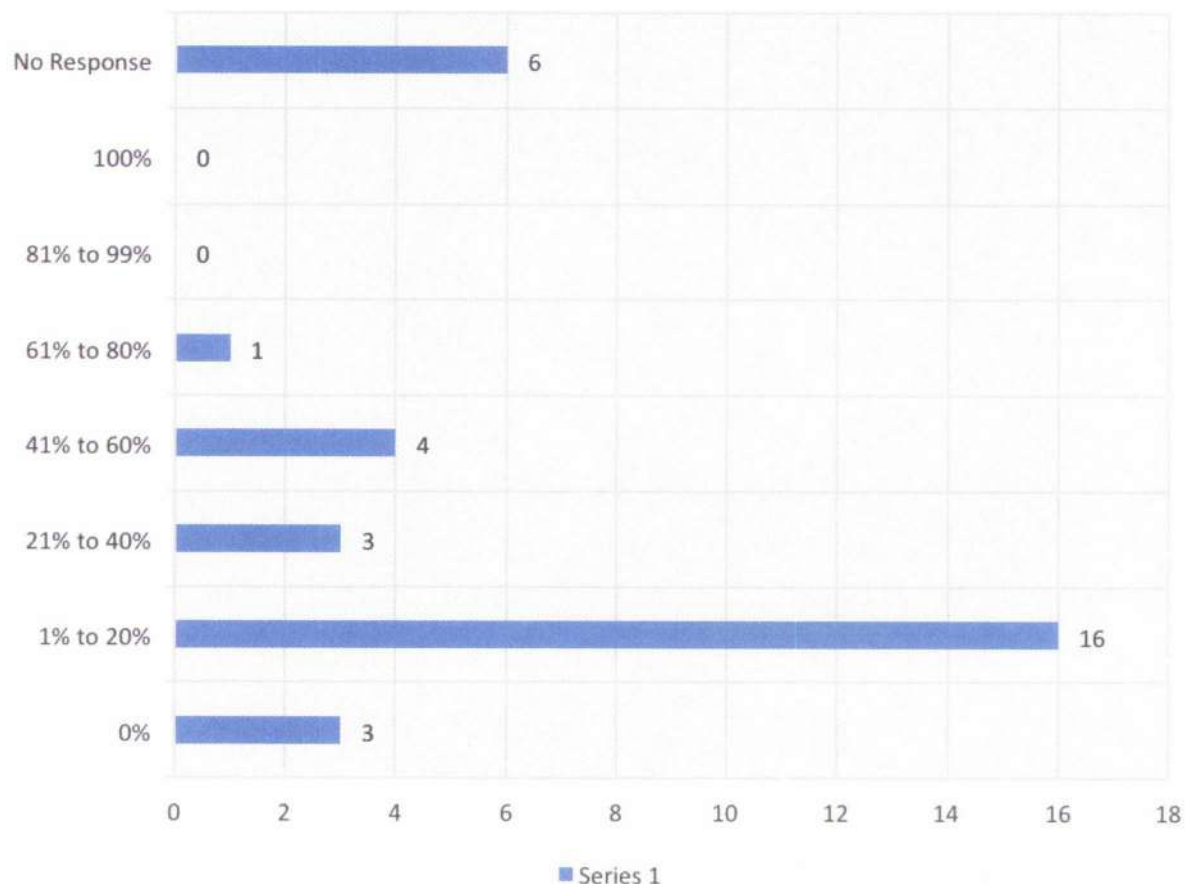
- 23 participating judges nominated by the high courts of Allahabad, Andhra Pradesh, Bombay, Chhattisgarh, Gauhati, Gujarat, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Kerala, Madhya Pradesh, Madras, Manipur, Orissa, Rajasthan, Sikkim, Tripura and Uttarakhand were in favour of having the assistance of court manager and counselor for Judicial Officers in Dispute Resolution Process,
- 7 participating judges nominated by the high courts of Allahabad, Bombay, Chhattisgarh, Delhi, Karnataka, Orissa and Punjab & Haryana, have expressed contrary view and
- 3 judicial officers from jurisdiction of Delhi and Gauhati high court did not respond.

Involvement of Psychologists as Experts by Judicial Officers for solving Family Disputes



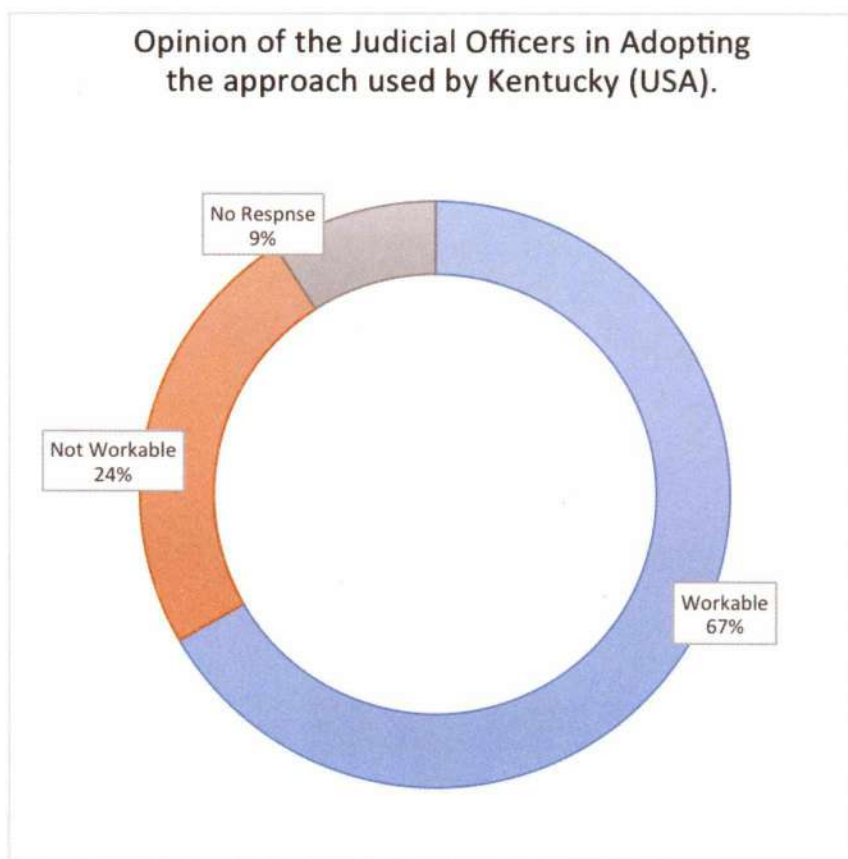
- 14 judicial officers nominated by the high courts of Allahabad, Andhra Pradesh, Bombay, Chhattisgarh, Delhi, Gujarat, Kerala, Madhya Pradesh, Manipur, Orissa and Tripura call psychologist as experts to assist them in resolving family dispute matters,
- 14 participating judicial officers nominated by the high courts of Allahabad, Bombay, Chhattisgarh, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Sikkim and Uttarakhand choose not to do so and
- 5 participating judicial officers from jurisdiction of Delhi, Gauhati and Punjab & Haryana high court gave no response.

Opinion of Judicial Officer's on Percentage of Matrimonial Disputes solved through Counselor's Contribution



- 3 participating judges nominated by high courts of Allahabad, Andhra Pradesh and Madhya Pradesh expressed that no counsellor till date has contributed successfully to resolve the matrimonial dispute,
- 16 participating judges nominated by high courts of Allahabad, Andhra Pradesh, Chhattisgarh, Delhi, Gujarat, Himachal Pradesh, Jharkhand, Kerala, Madhya Pradesh, Madras, Orissa, Punjab & Haryana and Sikkim stated that 1-20% cases get settled successfully through counsellors,
- 3 participating judges nominated by high courts of Bombay, Delhi and Uttarakhand opined that 21-40% cases get resolved successfully through counsellors,

- 4 participating judges nominated by high courts of Bombay, Karnataka, Manipur and Tripura expressed that 41-60% cases get solved successfully through counsellors,
- 1 participating judge nominated by high court of Chhattisgarh said that 61-80% cases get a successful resolution through counsellor and
- 6 participating judges nominated by high courts of Allahabad, Delhi, Gauhati, Jammu & Kashmir and Rajasthan did not respond to this question.



On adopting the approach of Kentucky (USA) where each Judicial officer has a social worker on staff in the court room to assist in making determinations in family court disputes as well as to link families to social service branch and other NGO's working in this area:

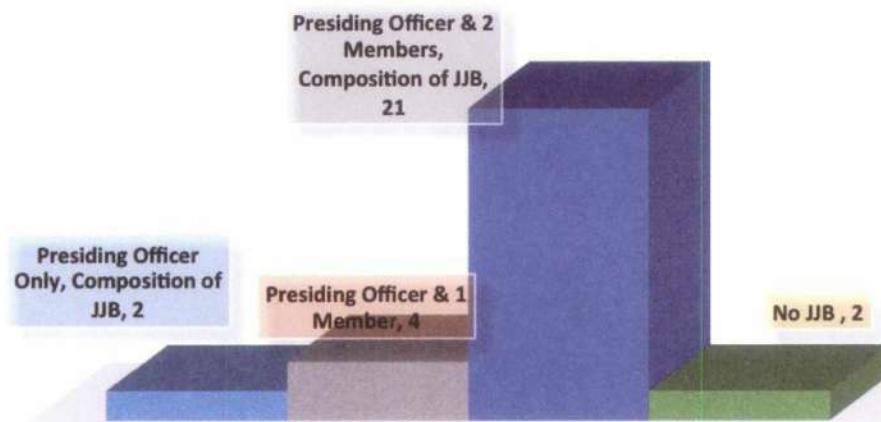
- 22 participating judges nominated by the high courts of Allahabad, Andhra Pradesh, Bombay, Chhattisgarh, Delhi, Gauhati, Gujarat, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Madras, Manipur, Orissa, Rajasthan, Sikkim and Tripura opined that approach used by Kentucky (USA) should be adopted in India,
- 8 participating judges from jurisdictions falling under the high courts of Allahabad, Bombay, Chhattisgarh, Madhya Pradesh, Orissa, Punjab & Haryana and Uttarakhand were against adoption of any such approach in Indian courts and
- 3 participating judicial officers from jurisdiction of Delhi, Gauhati and Himachal Pradesh high court gave no response.

P-959: REFRESHER COURSE TO EVALUATE & REVIEW PERFORMANCE OF JJBS

Ms. Shruti Jane Eusebius, Law Associate

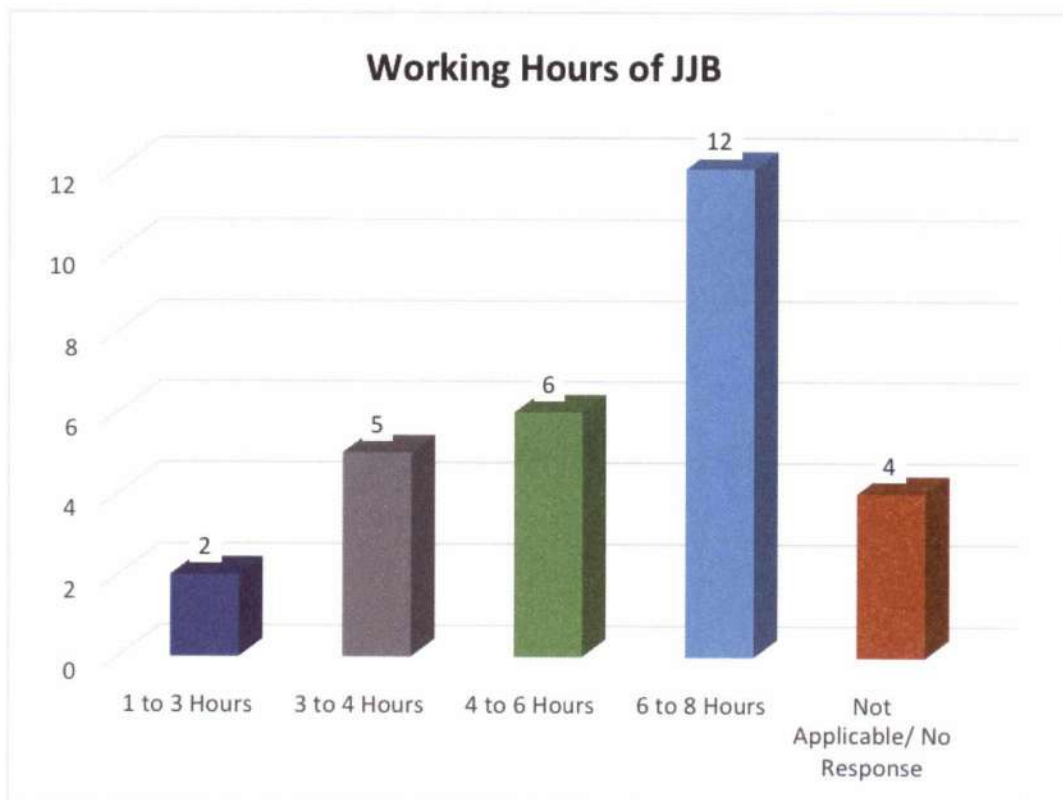
The National Judicial Academy organized 4 - day refresher course for Principal Magistrates of the Juvenile Justice Boards (JJBs) from 4 to 7 December 2015 attended by 29 Principal Magistrates from all over India. A pre-conference questionnaire on major themes discussed in the conference was circulated to the participants in advance to seek their responses. Following learning emerges from the responses received:

COMPOSITION OF JJBS



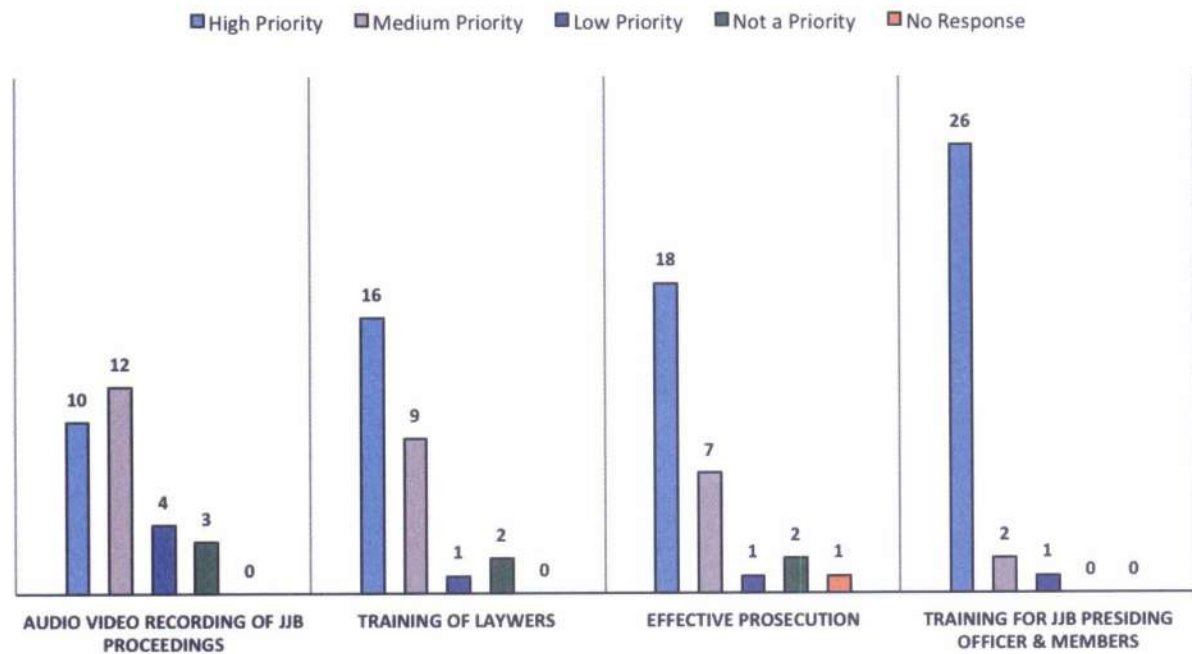
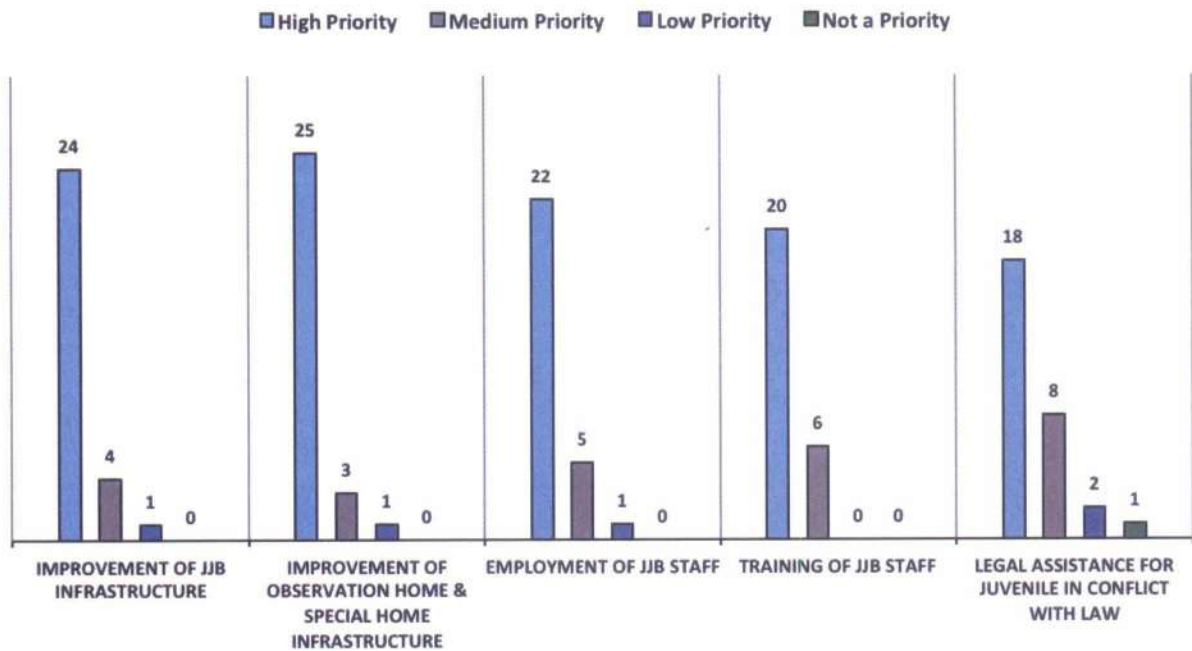
- The majority of the participants responded that their JJB comprised of a Presiding Officer and 2 Members. Four of the participants responded that their JJB comprised of a presiding officer and 1 member while 2 participants stated that their JJB consisted of a presiding officer alone. The participants from Jammu & Kashmir stated that the JJBs have not been constituted in their state.
- 76% of the participants were holding the position of Principal Magistrate in the JJB as an additional responsibility.
- 82% of the participants had not received training prior to assuming charge of the JJB.
- 48% of the JJBs were located in the Observation Home while 24 % of the JJBs were located in other places including a private hired building, the tahseel office and the collectorate office. 17% of the JJBs were located in the District Court campus.
- Majority of the JJBs had a single district under their jurisdiction while 3% had 2 districts in their jurisdiction and 7% had more than 4 districts in their jurisdiction.
- 41% of the participants responded that there was an observation home and a special home in their district while 7% responded that there was only an observation home in their district. 45% stated that they did not have an observation home and a special home in their district.

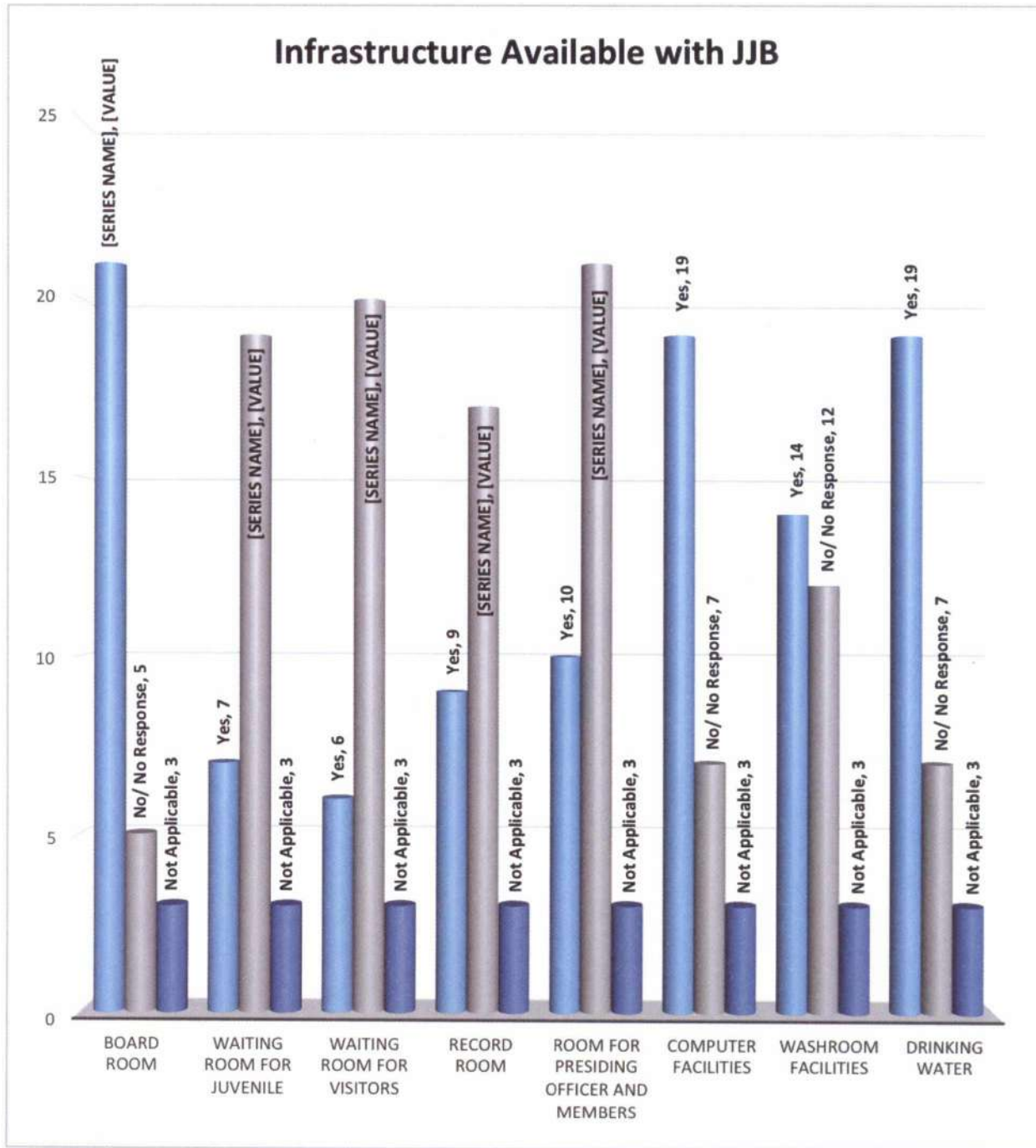
- As regards the support staff that is provided to the JJBs, majority of the participants shared that they did not have staff that was exclusively provided to the JJB. Majority of them responded that they did not have a stenographer, a clerk or a peon. Some of the participants responded that they had other staff provided including a reader, junior stenographer, computer operator, probation officer. One participant responded that the JJB was provided with a Data Entry Operator once in a week while another participant shared that they were provided with a data collector for half day. Another participant shared that they were provided staff from the Department of Women and Children Development.
- 55% of the participants responded that the JJB functions one to two days in a week. 13.79% of the JJBs were functioning every day and 6.9% responded that the JJB would hold sittings once in 2 weeks.



- On the usual working hours of the JJB, a majority of the participants stated that their JJB functioned for 6 to 8 hours a day
- Also, as regards the attire worn by advocates and police officers while attending JJB proceedings, majority of the participants stated that the advocates and the police appeared before the JJB in informal attire.

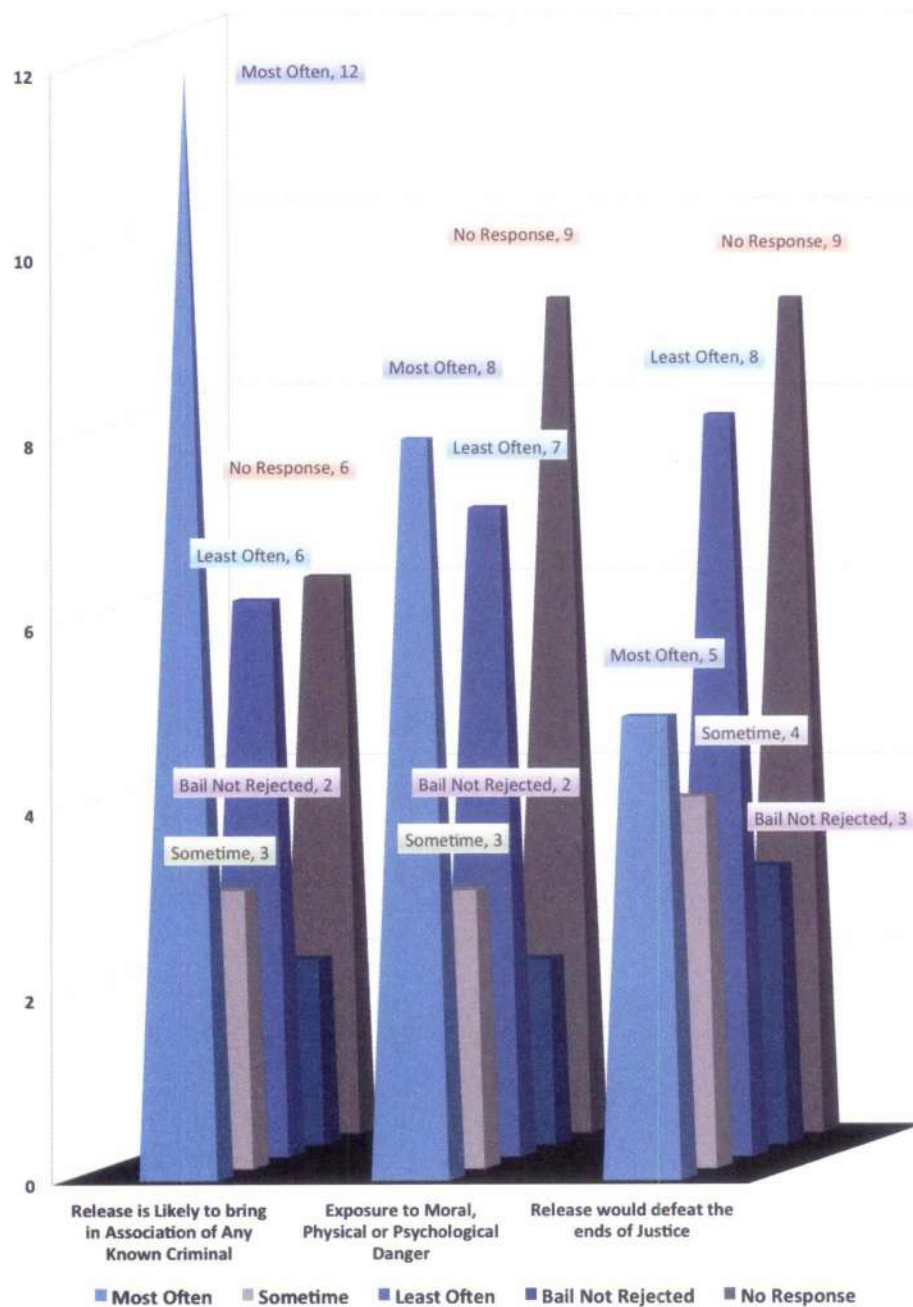
ISSUES THAT NEED TO BE ADDRESSED





65% of the participants shared that their JJB did not have a waiting room for the juvenile and 69% of the participants stated that their JJB did not have a waiting room for visitors. 59% did not have a record room for the JJB while 72% of the participants stated that their JJB did not have a room for the Presiding Officer and the members.

Grounds on Which Bail is Rejected



21% of the participants shared that the JJBs are granting bail in every case of heinous offences while 38% of the participants had responded that in the JJB had granted bail in over 75% of the cases. 24% of the participants stated that the JJB granted bail in less than 25% of the cases. The ground on which bail is most often rejected under Section 12 of the Juvenile Justice (Care & Protection of Children) Act, 2000 is that the release of the juvenile is likely to bring him into association of any known criminal.

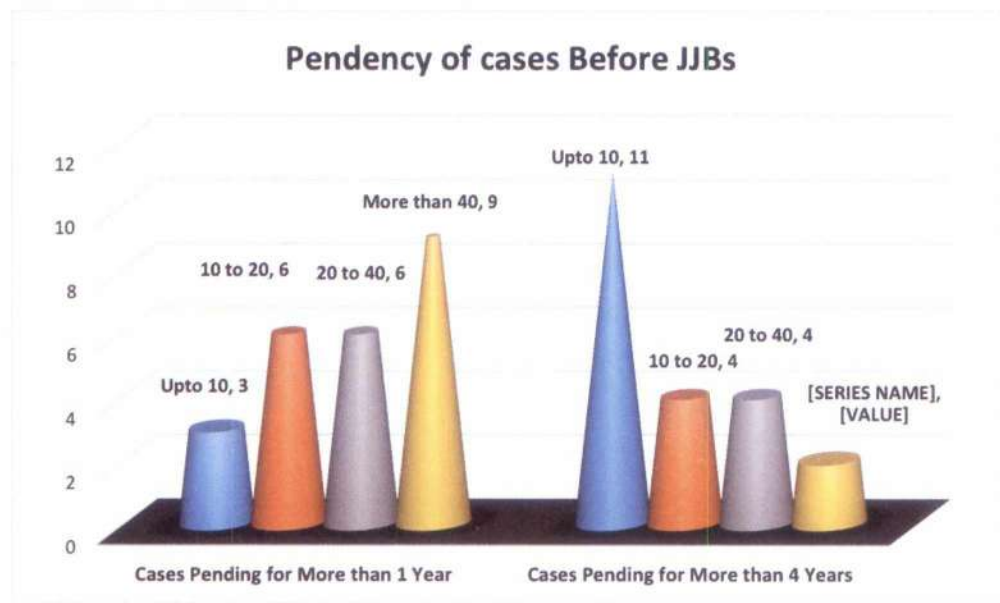
The situations in which the JJB rejected the bail application of the juvenile on the grounds that the release of the juvenile would defeat the ends of justice are –

- In heinous cases like rape and murder.
- For offences under the Protection of Children from Sexual Offences Act, 2012
- Where the juvenile is demonstrated to have sufficient maturity and understanding.
- In cases of alcoholism or substance abuse
- Where the juvenile in conflict with law has a major role in the commission of the offence.
- Where the manner of committing the alleged offence shocks the conscience.
- Where the juvenile shows no remorse for his actions.
- Where an adult is involved in the offence.
- To protect the juvenile from the victim's family and public in general.
- Where the juvenile in conflict with law is a repeat offender
- In incest rape by Juvenile.

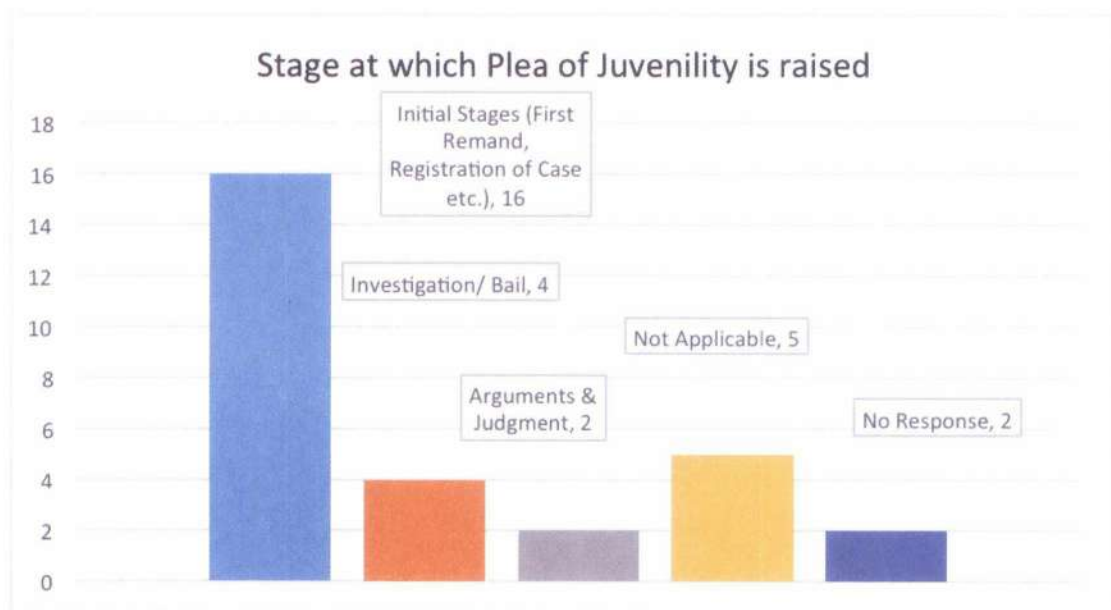
Majority of the participants were of the view that the Social Investigation Report is useful in the disposal of cases by the JJB. The participants were of the view that the Social Investigation Report is very useful as the court comes to know the background of the juvenile in conflict with law. The Social Investigation Report assists the JJB by reporting the criminal antecedents and family environment.

The shortcomings of the Social Investigation Report as identified by the participants are –

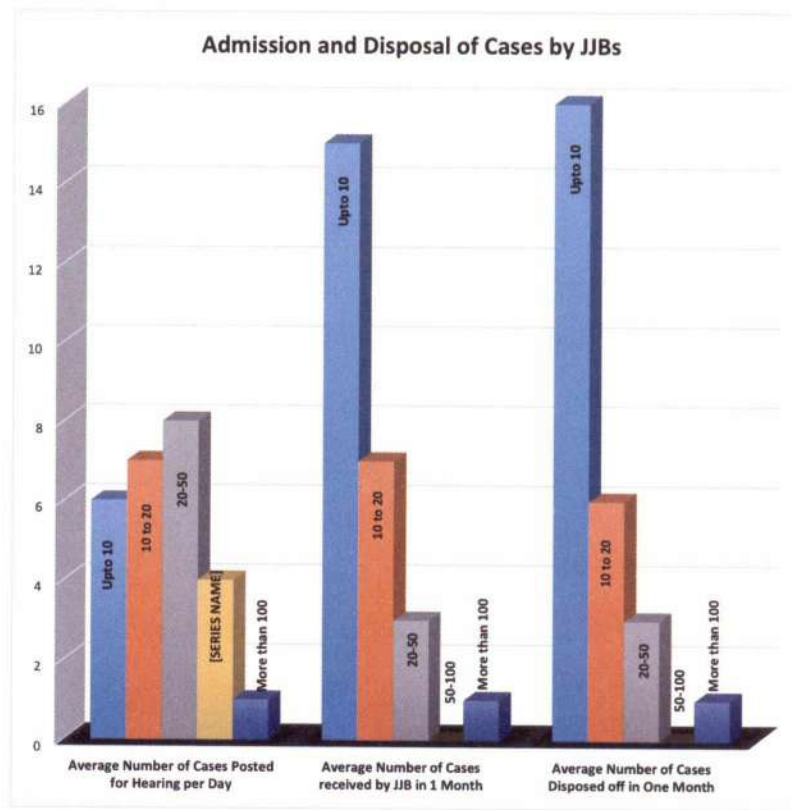
- The Social Investigation Report is prepared superficially and stereotypically. It provides no substantive insights.
- The Social Investigation Report is generally prepared superficially. Merely the blanks in Form IV are filled in often without visiting the home of the juvenile.
- The Social Investigation Report lacks individual specific and peculiar information to highlight the juvenile's individual nature, characteristic and upbringing
- The Social Investigation Report is not sent frequently.



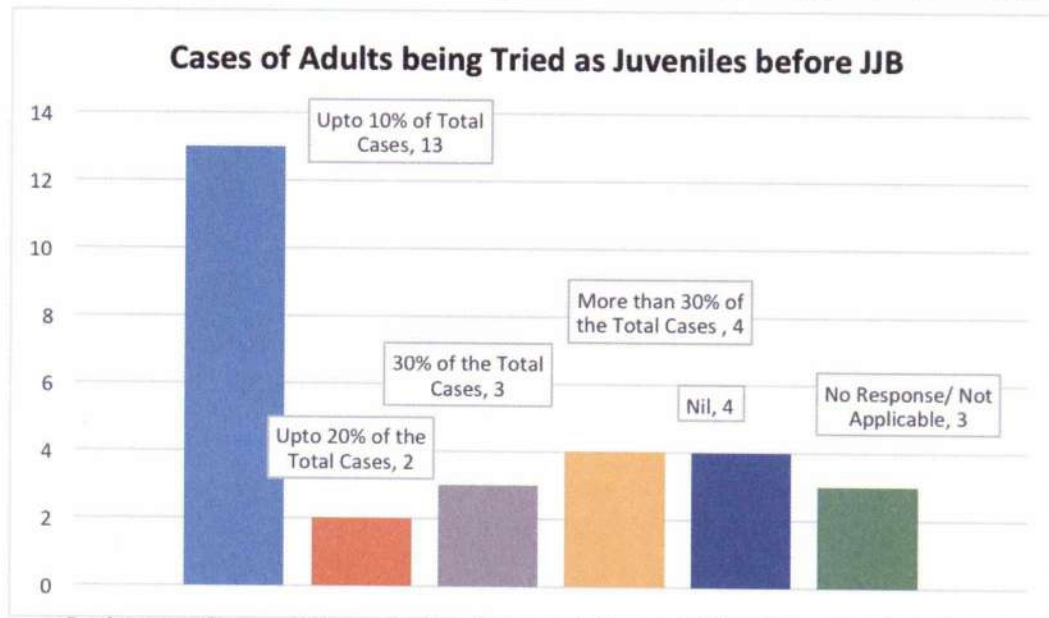
From the responses received from 23 of the participants, the oldest cases pending before the JJBs broadly fall into 3 categories i.e. Cases instituted after 2010, Cases instituted after 2005 and before 2010 and Cases instituted before 2005. 43% of the cases pending were instituted after 2010 while 40% of the cases pending were instituted after 2005 and before 2010. The oldest case pending was instituted in 1999 and was pending at the stage of evidence.



Most participants shared that the plea of juvenility was raised at the initial stages.

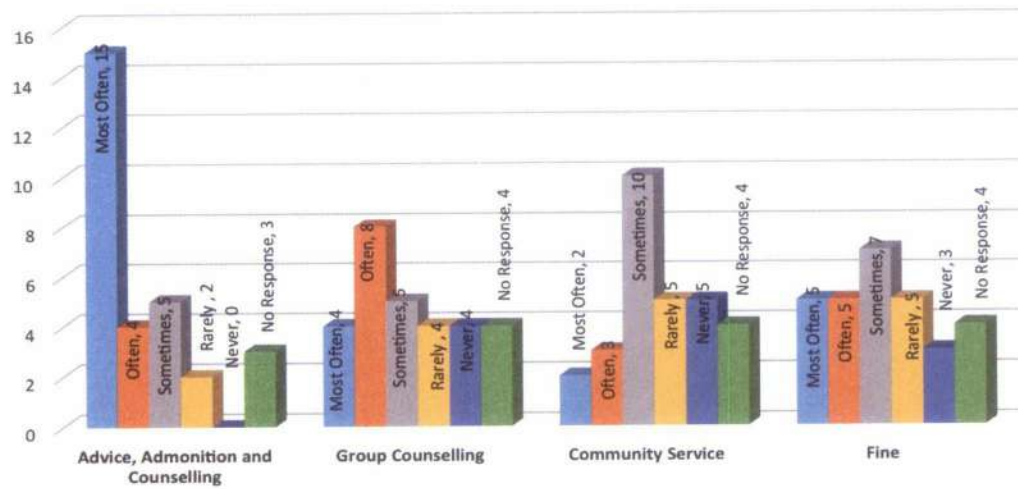


Mixed responses were received as to the average number of cases posted for hearing per day. The majority of the participants stated that around 20 to 50 cases were posted for hearing each day before the JJB. Majority of the participants stated that their JJB received upto 10 cases in a month and disposed around 10 cases in one month. 62% of the participants stated that the average time taken to dispose a case was upto 6 months.

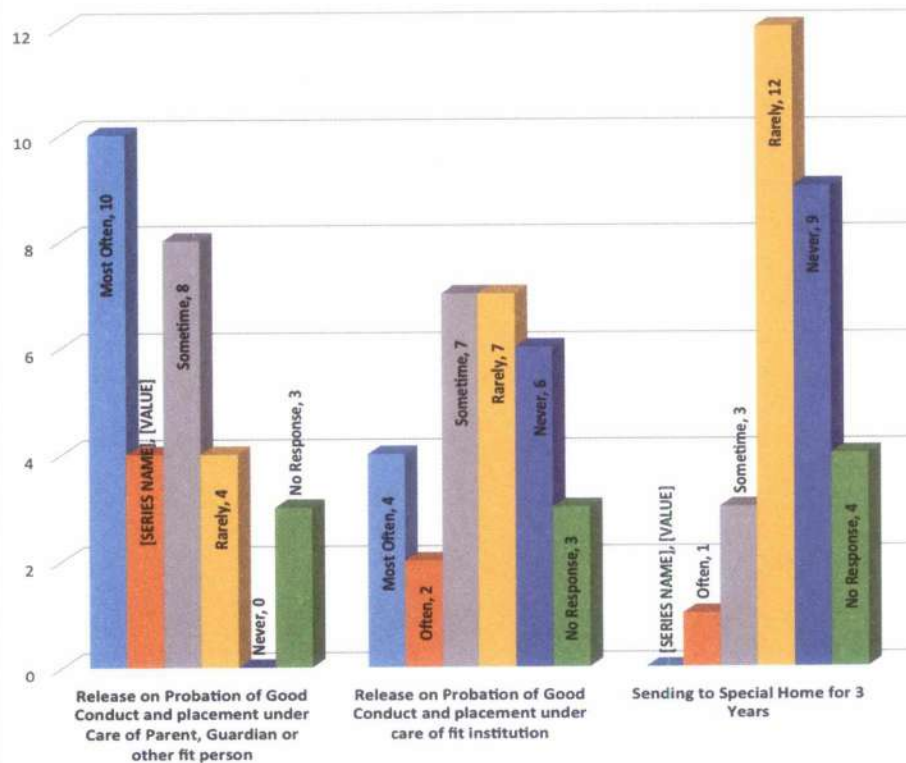


In the experience of the majority of the participants 10% of the cases before the JJBs were cases of adults who were tried as juveniles.

Dispositional Orders Passed by JJBs



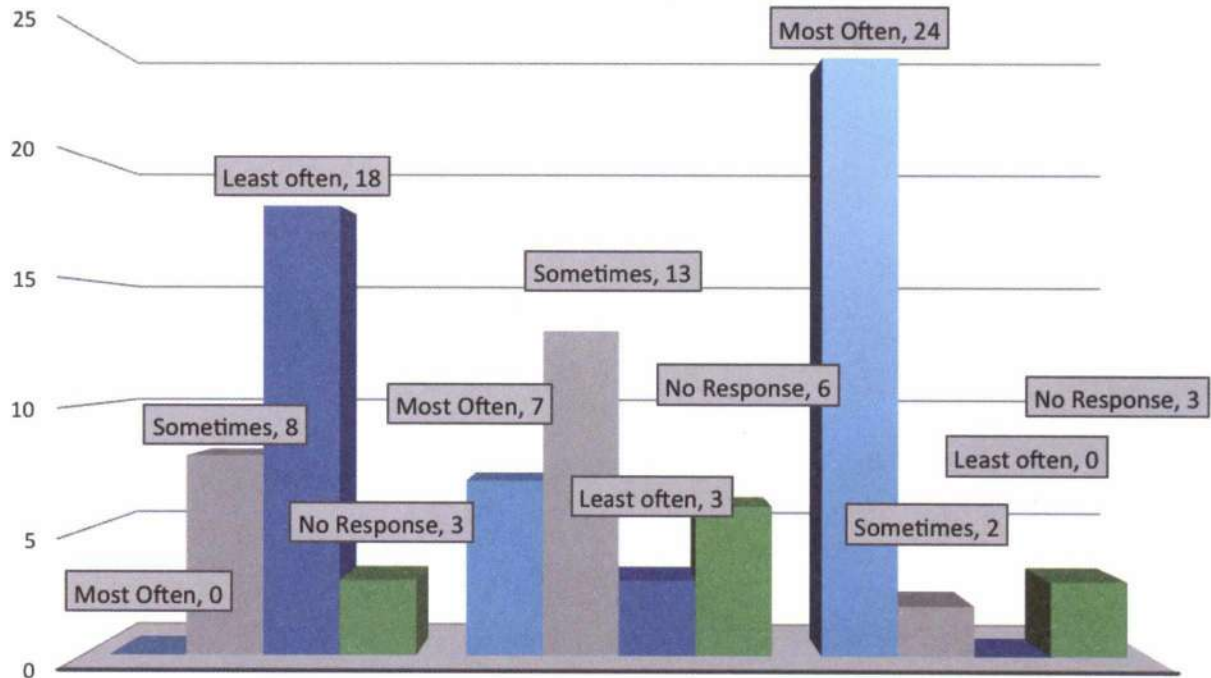
Dispositional Orders Passed by JJBs (Contd.)



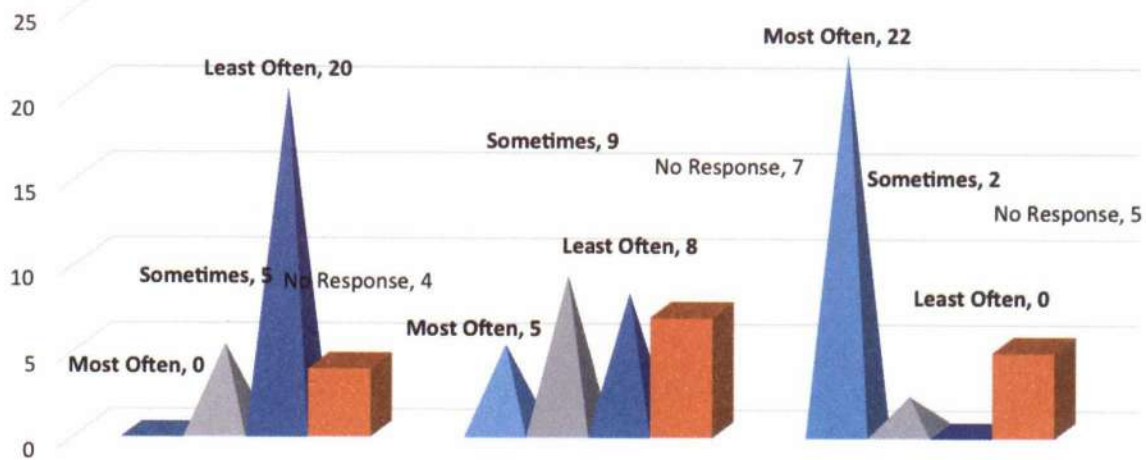
The participants stated that the most frequent dispositional order passed by the JJB was allowing the juvenile to go home after advice or admonition and counselling.

31% of the participants also shared that they do not prepare Individual Care Plans while 10 % were preparing individual plans in every case. Most of the participants were of the view that the social investigation report was useful in passing the dispositional orders

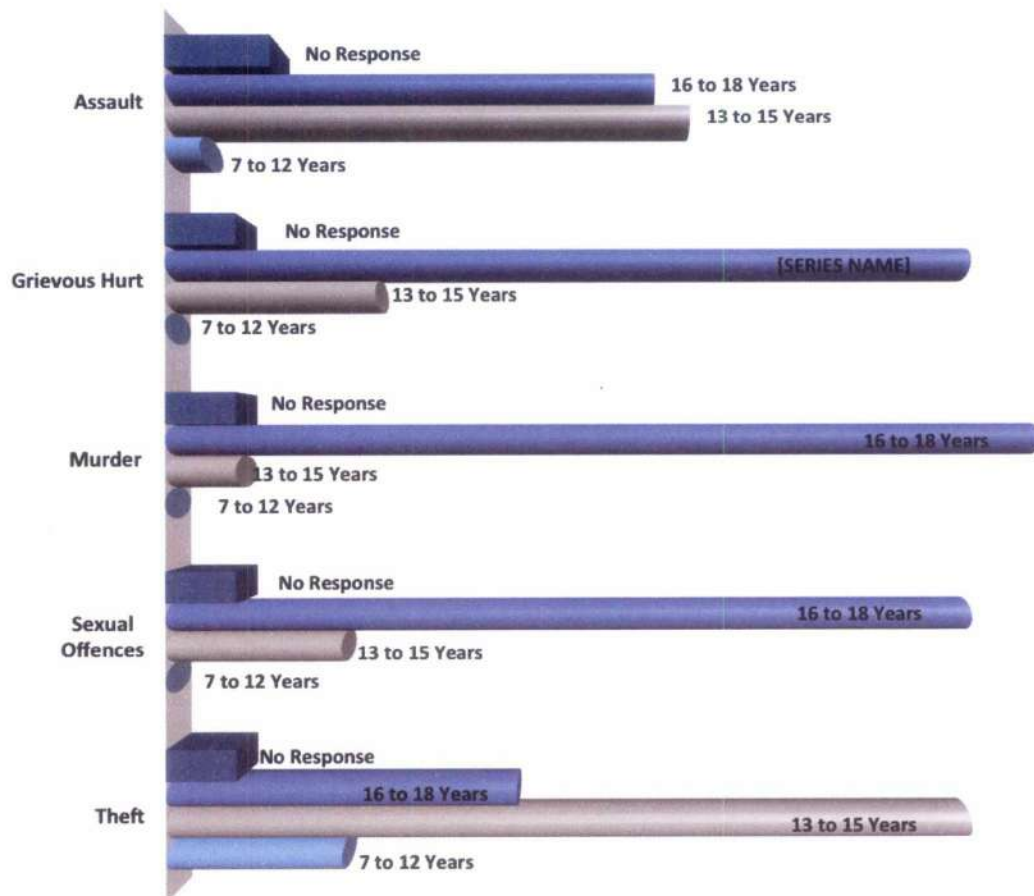
Frequency of Cases According to Age Group



Frequency of Cases of Heinous Offences

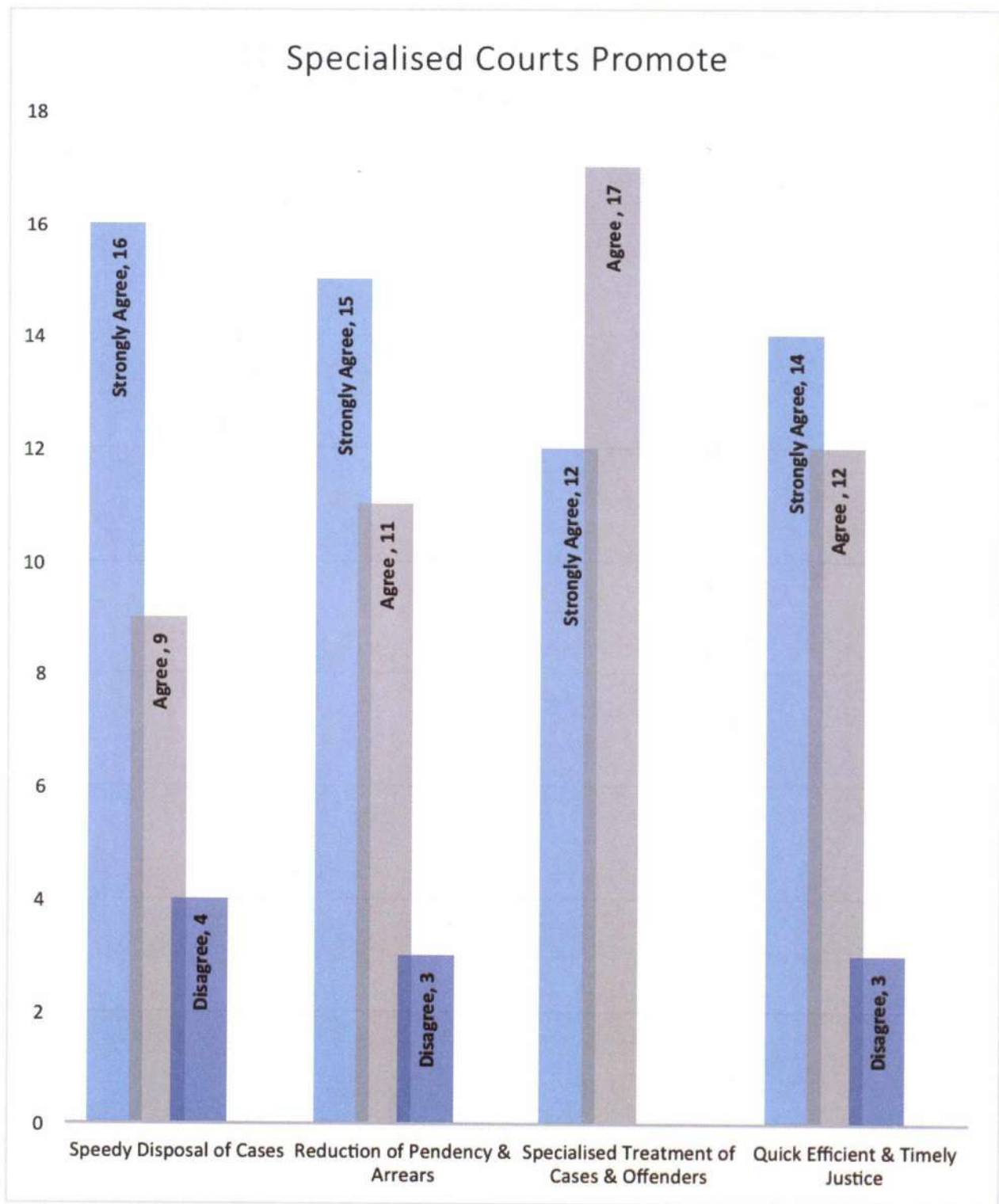


AGE GROUPWISE LIKELIHOOD OF COMMITTING OFFENCE



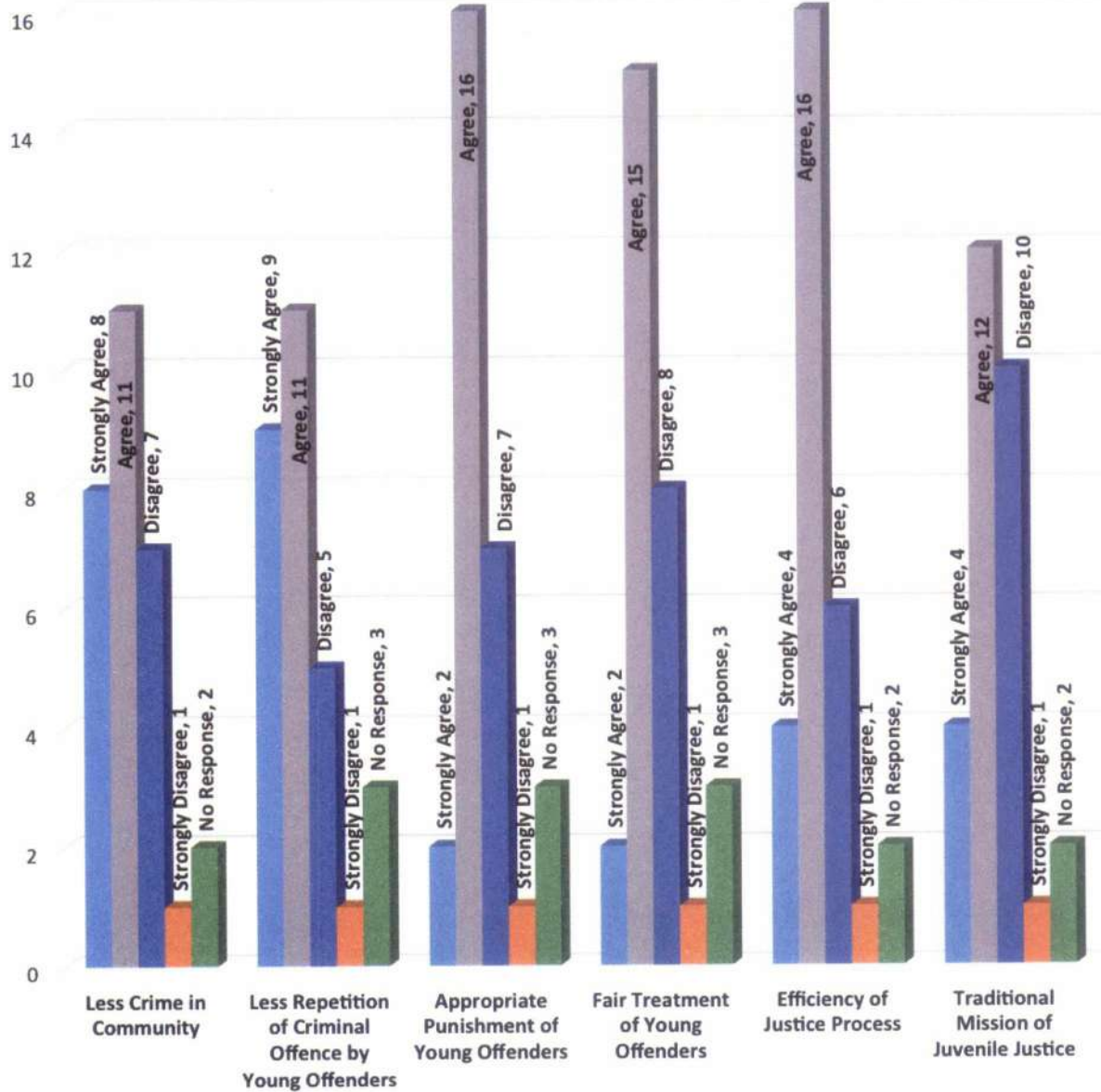
76% of the participants were of the view that 10% of the juveniles in conflict with law were of the female gender. Also magistrates were of the view that most frequent cases before their JJB was of juveniles in the age group of 16 to 18 years. Also the most frequent cases of heinous offences before their JJBs were of juveniles in the age group of 16 to 18 years.

The participants were of the view that as per their experience of dealing with cases in the JJB the offences of assault and theft was mostly committed by juveniles in the age group of 13 to 15 years while the offences of murder, grievous hurt and sexual offences were mostly involving juveniles in the age group of 16 to 18 years.



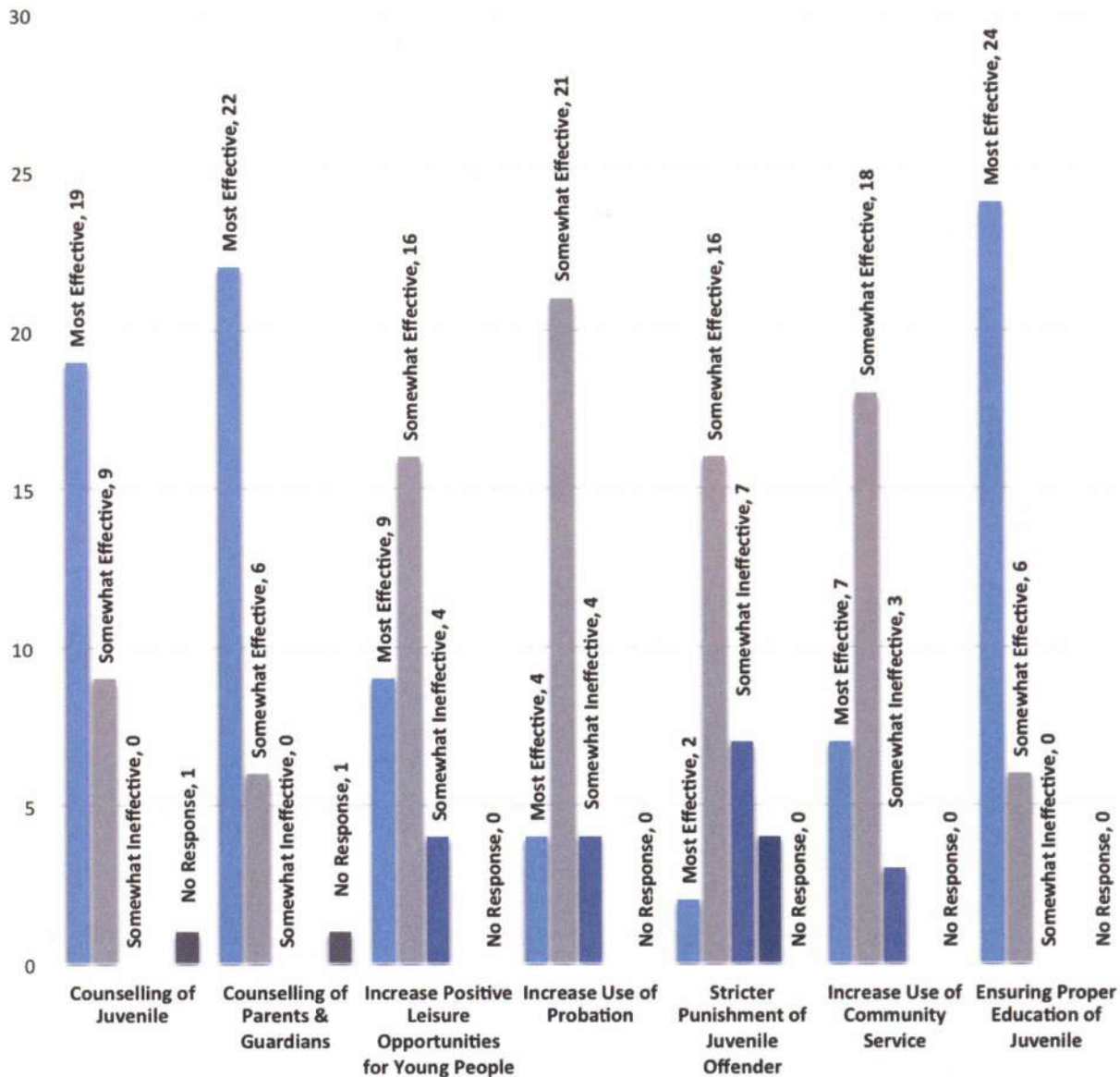
Most of the participants were of the opinion that the specialized courts ensure speedy disposal of cases, reduce pendency of cases and ensure efficient and timely justice.

Targeting Gang Involved Youth For Special Prosecution & Enhanced Penalties Would Promote

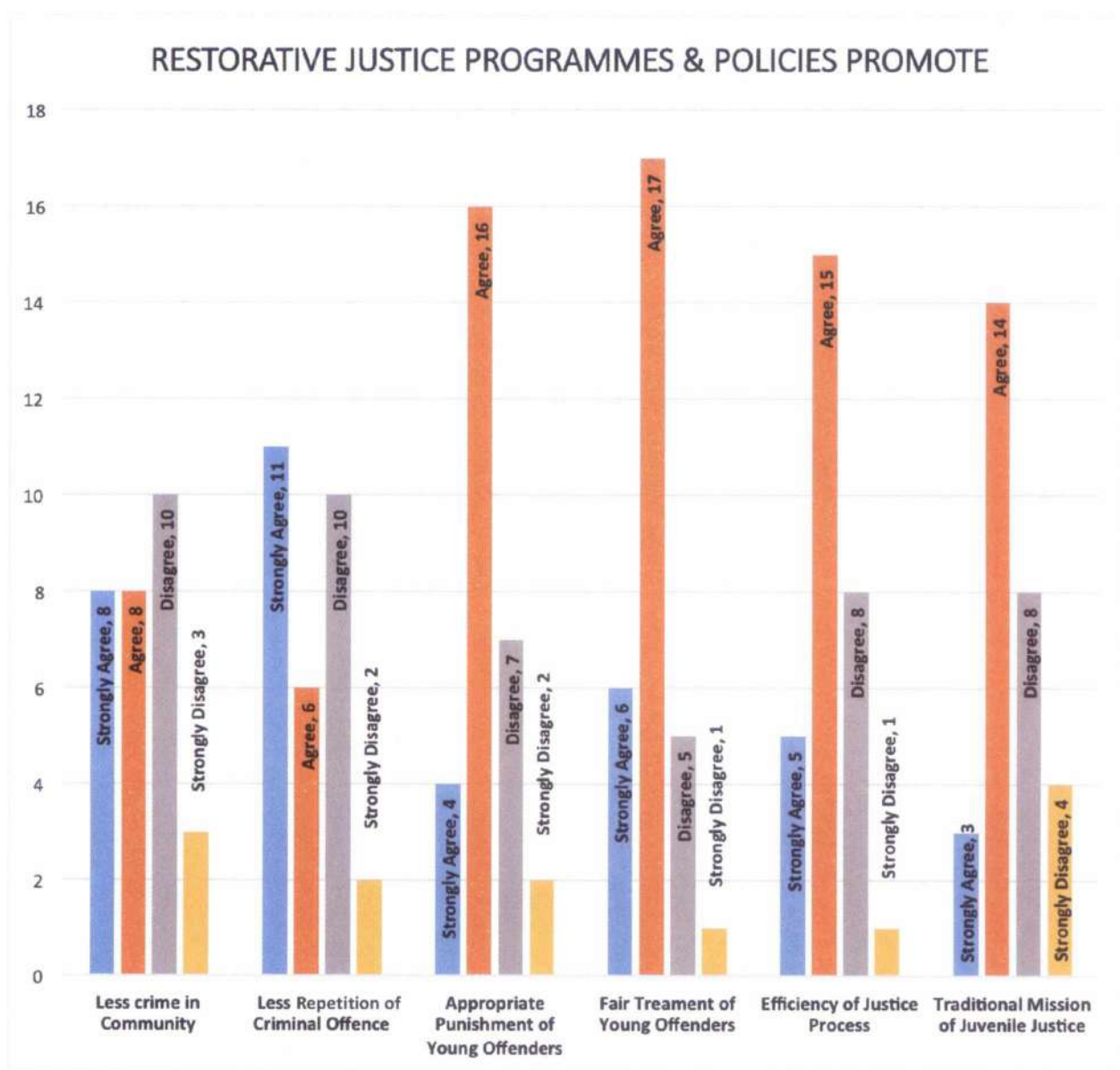


In the opinion of the participants, adoption of special prosecution and enhanced penalties for cases of gangs involving youth in criminal activities would promote appropriate punishment and fair treatment of young offenders and would ensure efficiency of the justice process.

Effective Measures in Preventing Recidivism

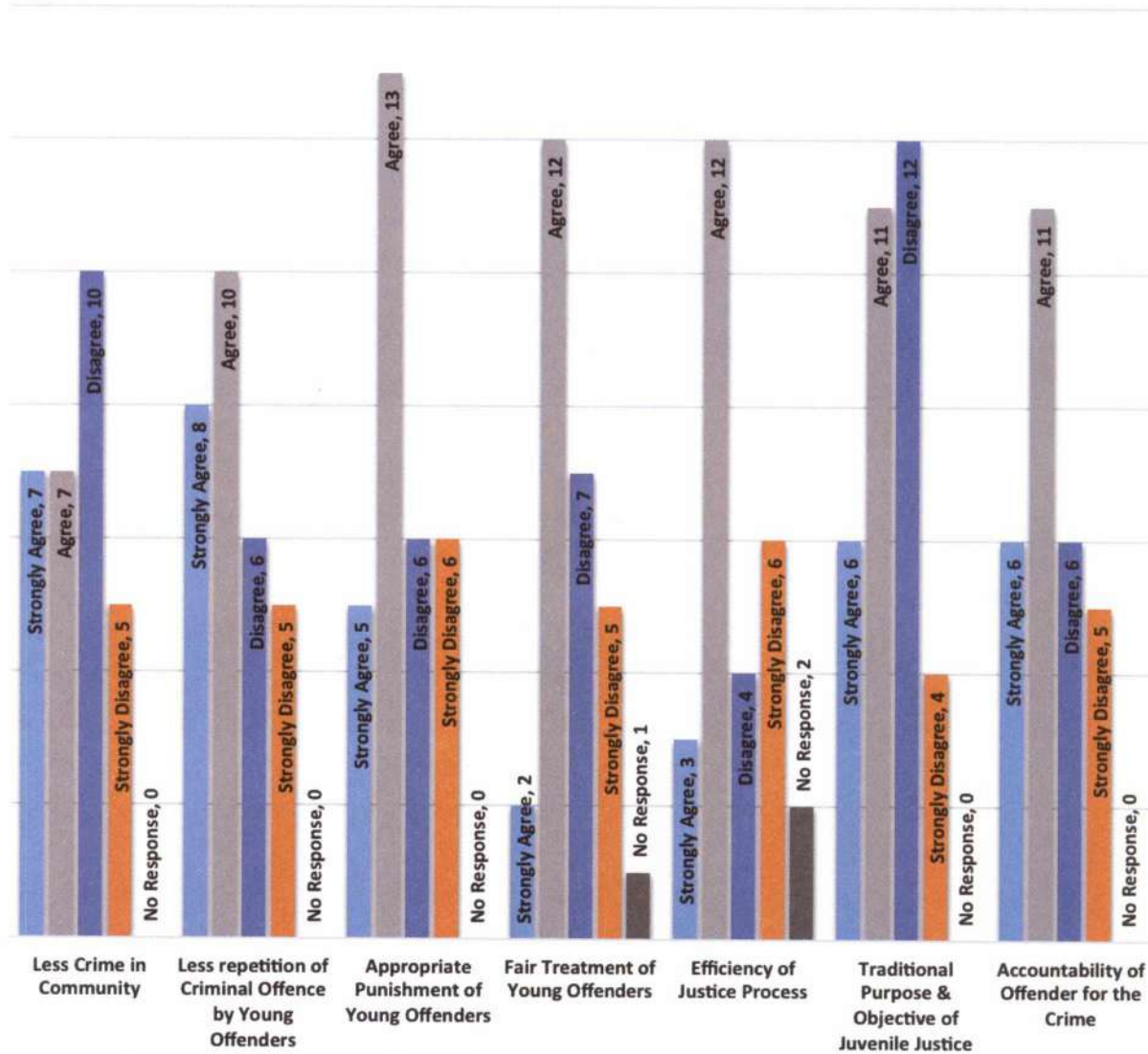


In the opinion of the participants, ensuring proper education of the juvenile is the most effective means of preventing recidivism. Counselling of the juvenile as well as the parents was also viewed as an effective measure.



Most of the participants were of the view that restorative justice programmes and policies promote appropriate punishment of young offenders and ensure fair treatment of juveniles in conflict with law. Majority were of the opinion that restorative justice programmes were in keeping with the traditional mission of the juvenile justice system and ensure efficacy of the justice process.

Transfer Of Juveniles Accused Of Heinous Offences To Adult Criminal Court Would Promote



Around 40-45% of the participants were of the view that the transfer of juveniles accused of heinous offences to the adult criminal court would promote appropriate punishment and fair treatment of young offenders and would ensure efficiency in the justice process.

Challenges in Conducting Preliminary Assessment of Mental & Physical Capacity of a Juvenile (as Provided in Section 15 of the Juvenile Justice (Care & Protection of Children) Act 2015)

The major issues that the participants foresee in conducting the preliminary assessment of mental and physical capacity of a juvenile are

1. Parameters of Assessment of Mental and Physical Capacity

- a. There cannot be any scientific measure of mental capacity with certainty and criminal justice system cannot afford to let any conclusion having room for even slightest doubt to exist.
- b. Identification of the scope of inquiry would pose a challenge.
- c. Preliminary assessment by the JJB is not effective for mental and physical capacity of a juvenile. It should be done by regular criminal court and after assessment they can turn down the case for JJB.

2. Availability of experts for Conducting Preliminary Assessment

- a. JJBs have no tool to conduct such assessment and cannot conduct the preliminary assessment by itself. The JJB require to be assisted by full time psychiatrist as well as reputed NGO in the district
- b. The availability of medical resources, trained doctors experts to help the JJB for assessment of mental and physical capacity of juvenile in conflict with law to commit heinous offences would pose a challenge

3. Subjectivity of Assessment made by JJBs

- a. The assessment would be entirely a subjective opinion of the JJB.
- b. Such assessment would be violative of Article 14 of the Constitution of India. One Juvenile in conflict with law may be tried by JJB while the other Juvenile in conflict with law would be tried by adult court because he is more capable, more intelligent
- c. There will be myriad of decisions and a lack of consistency in the outcome of the assessment among various boards.
- d. If the assessment is upon objective base it will be a thumb rule and if subjectivity enters into it then it will depend on personal prejudices. It will end up looking for a principle analogues to 'rarest of rare' cases in death penalty system and by then many of the juveniles might have already suffered from the 'thumb rule' or prejudices of the JJB.
- e. It would be highly unjust to make such an assessment entirely on the basis of the prosecution case for the reason that the defence at the initial stage has not even set out its defence. It is only at the stage of 313 CrPC that the Juvenile in conflict with law sets out his defence. For example there may be a case where the juvenile in conflict with law was not even there at the scene of the crime. And to ask him to face trial before the adult court and establish his defence in the adult court would be improper.

4. It will give rise to a lot of litigation and the very objective of disposing off the enquiry in 6 months would be defeated.

Areas that need improvement in the existing juvenile justice system in India

1. Improvement of infrastructure of the JJB and in the Special Homes/Place Of Safety/Observation Homes
2. Training to Presiding Officer, Members and all stakeholders in the Juvenile Justice System.
3. Provision of adequate staff to the Juvenile Justice Board.
4. Provision of competent and exclusive probationary Officers to the Juvenile Justice Boards
5. Psychologist/Counselor should be provided to the Juvenile Justice Boards.
6. Funding of money for JJBs.
 - a. There must be independent and separate fund at the disposal of JJB.
 - b. The system should be controlled financially by the High Courts so that money can be spent appropriately for enhancing and maintaining the appropriate standard similar in all the states.
7. The position of Principal Magistrates should not be given as additional charge to Magistrates since it becomes often difficult to pay full attention to JJBs owing to presence of regular judicial work. If at all the same is given as additional charge some evaluation system should be there for adding to ACR credits to that efforts are not wasted as regard disposal.
8. Proper Selection of Social Worker Members.
9. Presence of social members should be ensured in the hearing of the Board.
10. The environment at observation home and special homes must change. It should be child friendly and should have family atmosphere.
11. Reducing the age of juveniles to 16 years.
12. Punishment may be enhanced for juveniles involved in heinous offences and habitual offenders.
13. Providing free and compulsory education to the children up to tender age.
14. Legal Awareness classes in schools, observation homes etc.
15. The juvenile justice system should take care of the rights of the victim and also look to the rehabilitation of victims especially a child who is a victim.
16. The traditional method of examination-chief and cross examination, recording charge and statement of accused/JCL must be done away with. Instead, some innovative methods of inquiry must be brought into force.

On contribution of Social Worker Members of JJBs :

- The first category of participants were of the view that the Social Worker Members have contributed in the functioning of the JJB.
- The second category of participants were of the view that the social worker members had partly contributed to the functioning of the JJB. The Social Worker Members express their approach/ view on any case but not very significantly. The Social Worker Members have been contributing by recording statements only. It was also expressed that the Social Worker Members have contributed to work of Juvenile Justice Board like attending juvenile's first production in absence of the Presiding Officers, passing small orders etc. But the social worker member has not contributed significantly. The participants were of the view that the social worker member is required to look more at the

rehabilitation of juveniles which is not being done by them though they have access to many organizations. They are not aware of their responsibility. They do work of member as an additional charge.

- Third categories of the participants were of the view that the social worker members had not contributed to the functioning of the JJB. The general reasons for non-contribution as expressed by the participants were that these Social Worker Members are not conversant with law, do not have grip over the language and are not responsible and honest. Also they lack experience. Their selection process is faulty and there is no accountability and no monitoring system for social worker members.

Age Determination By JJBs

Documentary proof (i.e. birth certificate or matriculation certificate) was the basis for age determination in more than 70% of the cases. In cases where the JJB sought a medical opinion for determination of the age of the juvenile, 79% of the participants stated that the JJB relied on the ossification test done by a Medical Board while 10% relied on the ossification test done by a single doctor. The participants were of the view that the most accurate proof for determination of age was the Birth Certificate.

Frequency Of Cases Before The JJBs

The most frequent offences before the JJBs involving juveniles in conflict with law were of theft, hurt and grievous hurt.

Views On Juvenile Delinquency & The Juvenile Justice System

The key risk factors for the increase in juvenile delinquency as identified by the participants are -

- Economic Factor (poverty, unemployment and financial hardship)
- Impact of the increase in the age of consent with the enactment of the Protection of Children from Sexual Offences Act, 2012
- Social Factors
 - Association with criminal elements
 - Impact of peers and friends
 - Surrounding circumstances
 - No change in social circumstances that the juvenile in conflict with law is sent back to after the dispositional order.
 - Exposure to obscene materials on Television, Internet and Cinema
 - Increased Materialism in society
- Familial issues
 - Lack of family ties and bonding especially in cases of broken families
 - Lack of discipline and human/ moral values in families
 - Lack of Supervision/ parental control

- Personal Traits of Juveniles
 - Immaturity in children
 - Desperation among the Youth
 - Aggressive tendency in sexual urges
- Education and Vocation
 - Lack of education in the juveniles
 - Increase in peer pressure to achieve rank and lack of guidance from parents and educational institutions
 - Absence of good environment in schools

Treatment to be adopted to deal with Juveniles in Conflict with Law

In the view of the participants, the treatments that should be adopted to deal with juveniles in conflict with law are-

- Education
 - Vocational training and guidance to juveniles in the observation homes
 - Enrollment of juveniles in school
- Psychological treatment and counselling to juveniles as well as counselling to the parents.
- Preparation of Individual Care Plan by JJBs
- Greater emphasis on rehabilitative and reformatory treatment for juveniles in conflict with law.
- Implementation of welfare schemes by the government
- Categorization of juveniles into two age groups viz, Juveniles upto the age of 15 years and juveniles between the ages of 16 and 18 years. The approach to the two age group needs to be different.

Role of Lawyer in JJB Proceedings

As regards the role played by the lawyer in the JJB proceedings, a majority of the participants were of the view that the lawyer's presence and involvement in the JJB hearing is detrimental to the best interest of the child and would pose as an obstruction to the rehabilitative efforts of the JJB.

P-961: COLLOQUIUM FOR LEGAL AID FUNCTIONARIES IN THE JUSTICE SYSTEM

Mr. Milind B. Gawai, Research Fellow

The National Judicial Academy organised a 3 day colloquium for the member secretaries of the District Legal Service Authorities (DSLA) to provide them a platform to exchange ideas with each other on the modalities of functioning of these authorities in various parts of the country. About 27 member secretaries from all over India attended this colloquium. To assess their role under the Legal Services Authorities Act of 1987 a pre-training questionnaire was prepared and circulated to all the participants. Here is the reflection of the responses collected from all the participants in this programme.

1. Below are the schemes which different states have adopted through their legal services authorities :

Arunachal Pradesh

- NALSA (Lok Adalat) Regulation 2009
- NALSA free and competent legal services Regulation 2010
- NALSA legal aid clinics Regulation 2011
- Legal literacy classes in schools and colleges
- Essay competition on Fundamental Rights for Schools and colleges

Bihar

- Victim compensation scheme
- Scheme MNREGA
- Disaster management & scheme framed by NALSA
- Scheme for (Para Legal Volunteers) PLVs

Chandigarh (UT)

- Lok Adalat Regulations 2009
- NALSA scheme of free and competent legal service 2010
- NALSA scheme of Legal Aid clinic 2011
- Scheme for para Legal volunteers
- NALSA Scheme 2010 for Mentally ill, disabled person as persons
- NALSA Scheme 2010 for workers in unorganised sector

Delhi (North)

- Delhi Victim compensation scheme
- Scheme for tracing identifying children
- Opening legal literacy clubs in Govt aided schools
- Scheme for counselling victims of rape
- Scheme to identify juveniles in adult jails

Delhi (North -East)

- Para legal training to the teachers, doctors, para medicals and social workers

- Mega legal literacy campaign and opening of legal literacy clubs in the schools
- Legal advice and awareness through Radio/ Television
- Delhi Victim compensation scheme, 2011 & 2015
- Delhi witness protection scheme 2013
- Project for rehabilitation of street children in north east Delhi
- Daily continuous Lok Adalat

Delhi (North-west)

- Delhi Victim compensation scheme
- Scheme for counselling missing children
- Legal literacy clubs in all government and government aided schools
- Scheme for counselling victim of rape
- Scheme to identify juveniles in jails
- Scheme for assisting Under Trial Prisoners who have half of the imprisonment

Delhi (South)

- Legal literacy programmes in schools
- Legal awareness programmes through Radio
- Legal literacy programmes in communities

Delhi (south-east)

- Legal awareness camps
- Legal literacy camps
- Community awareness programmes, nukkad natak prepared by PLVs

Delhi (South-west)

- Scheme for the transgender
- Scheme for senior citizen
- Scheme under Mental Health Act
- Juvenile justice/ street children
- PNDT Act

Goa

- Scheme for free and competent legal services 2010
- Drug trafficking and child trafficking at beaches
- Awareness about traffic rules

Gujarat

- NALSA scheme of legal aid clinics in Universities, Law Colleges, and other institutions
- NALSA scheme of Mobile Lok Adalat
- NALSA scheme of free and competent legal aid 2010
- Para legal volunteers scheme

- NALSA legal aid clinics 2010
- NALSA scheme for mentally ill persons 2010
- NALSA scheme for workers of unorganised sector 2010

Himachal Pradesh

- NALSA free and competent legal service regulation 2010
- NALSA Legal aid clinic Regulation 2011
- NALSA Legal service clinics in universities, law colleges, and other institutions scheme 2013
- Scheme for the para legal volunteer's training
- NALSA scheme for mentally ill persons 2010
- NALSA scheme for the workers in unorganised sector 2010
- NALSA regulation 2009
- H. P. Lok Adalat Scheme 2005
- H. P. Legal Aid Counsel Scheme, 2003

Jharkhand

- NALSA scheme for para-legal volunteers (Revised)
- NALSA scheme for legal services to disaster victims
- NALSA Scheme 2010 for workers in unorganised sector
- NALSA scheme for victims of trafficking 2015
- NALSA Scheme 2010 for Mentally ill, disabled person as persons
- NALSA scheme of poverty alleviation 2015
- NALSA Scheme for Trials' rights 2015
- NALSA scheme for victims of drugs abuse 2015

Karnataka

- Karnataka SLISA project 2015 for eradication/ prevention of malnutrition and bringing back children to schools
- Tree plantation
- Water for life project

Madhya Pradesh

- Suicide in jails
- Rehabilitation of street children
- Scheme for senior citizens
- Women's rights
- Scheme for victims of Child trafficking
- Scheme for Third gender

- Welfare of children in remand home and rehabilitation centre
- Awareness programme and camp at tribal areas
- Scheme for prisoners
- Implementation of Government scheme
- Scheme for the workers in the unorganised sector

Maharashtra

- Programme to combat exploitation
- Project to prevent the farmers from suicide
- All schemes introduced by NALSA

Meghalaya (Shillong)

- Free and competent legal services to deserving sections of society
- Legal care and support centre scheme
- Legal services clinic in Law Colleges and other institutions
- Para legal volunteer scheme
- NALSA scheme for workers in unorganised sectors
- Lok Adalat
- Mediation
- Meghalaya victim compensation scheme

Mizoram

- NALSA Scheme 2010 for Mentally ill, disabled person as persons
- NALSA Scheme 2013 for Law Colleges and Universities
- Scheme for Para legal volunteers

Nagaland

- Panel lawyers/ para legal volunteers
- Victim compensation
- Legal aid clinics
- Front office in all 11 districts

Punjab

- NALSA Regulation 2010
- NALSA legal aid clinic 2011
- NALSA legal aid clinics 2013
- Scheme for Para-legal volunteers
- Schemes for legal services to victims of disaster
- NALSA Scheme 2010 for Mentally ill, disabled person as persons

- NALSA Scheme 2010 for workers in unorganised sector
- Training the designated Juvenile/child welfare officers
- Mediation
- Legal aid

Rajasthan

- Mega legal awareness and public welfare camp scheme
- Legal Services for children
- Legal services to labours including victims of occupational diseases in mining areas
- Legal service to senior citizens
- Legal service to Tribal
- Legal services to mentally ill persons
- Legal services to prisons and observation homes
- Legal services to sex workers
- Victim compensation scheme 2015

Sikkim

- NALSA legal aid clinics 2013
- Training for Para legal volunteers
- Schemes for legal services to victims of disaster
- NALSA Scheme 2010 for Mentally ill, disabled person as persons
- NALSA Scheme 2010 for workers in unorganised sector

Tripura

- NALSA scheme for mentally ill persons
- NALSA scheme for workers in unorganised sector
- NALSA scheme of legal aid clinics in Universities, Law Colleges, and other institutions
- Scheme for para legal volunteers training

Uttar Pradesh

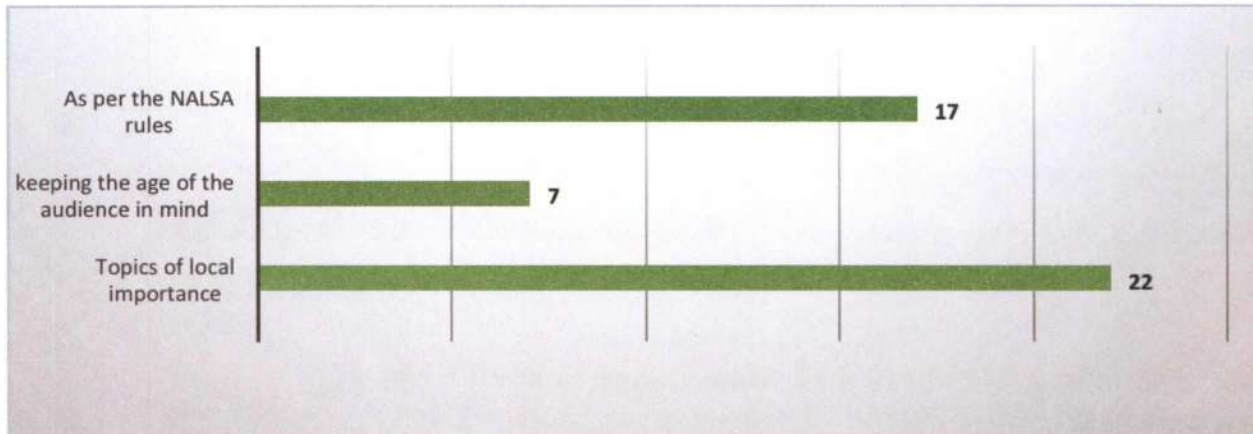
- Save the girl child
- Suicide in jails
- Communal harmony
- Scheme for children who are victim of trafficking
- Malnutrition

West Bengal

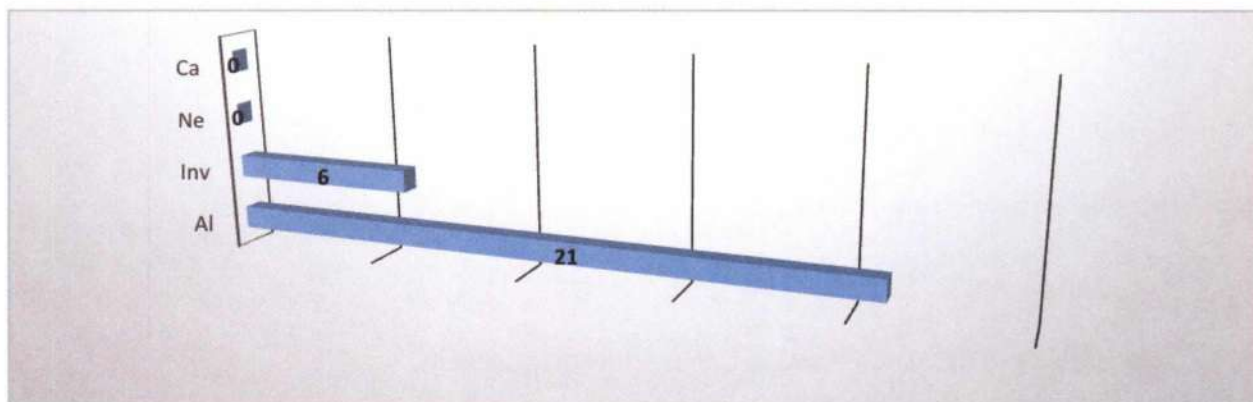
- Scheme for para legal volunteers
- NALSA scheme for mentally ill person, 2010

- NALSA scheme of legal services to the workers in the unorganised sectors, 2010
- Scheme for the victims of disaster
- West Bengal victim compensation scheme, 2012

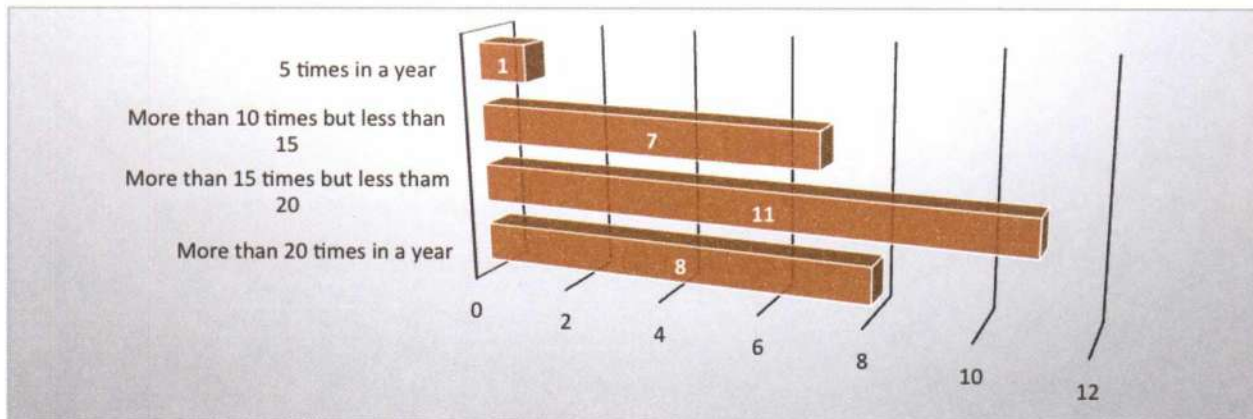
2. On reason for selection of subject for legal awareness, member secretaries responded that



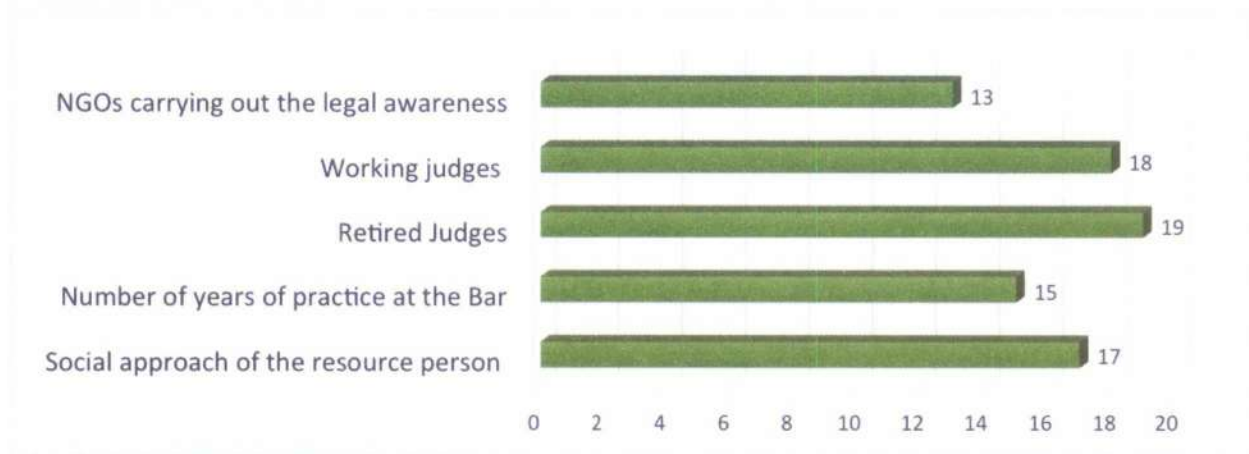
3. On involvement of community for whom legal awareness camps are organised responses were



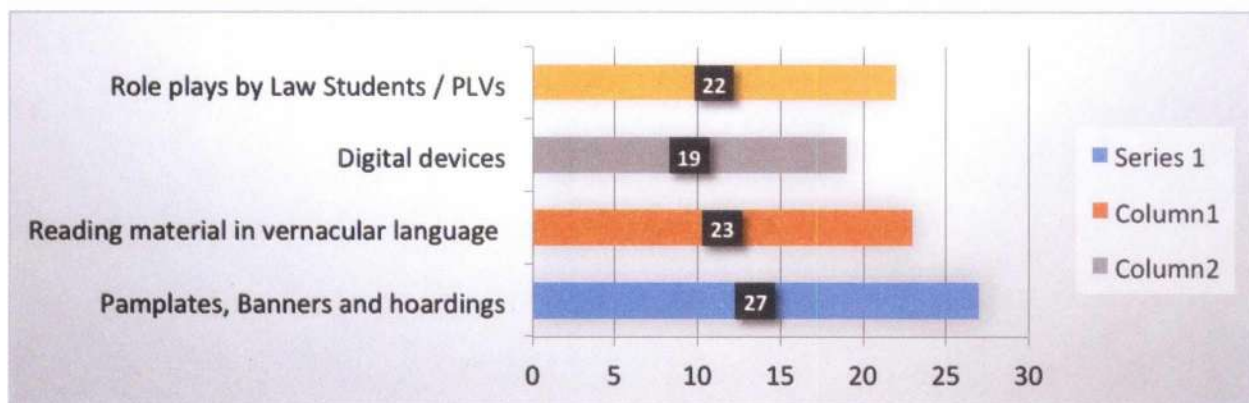
4. On number of legal awareness camp organised by each district legal service authority



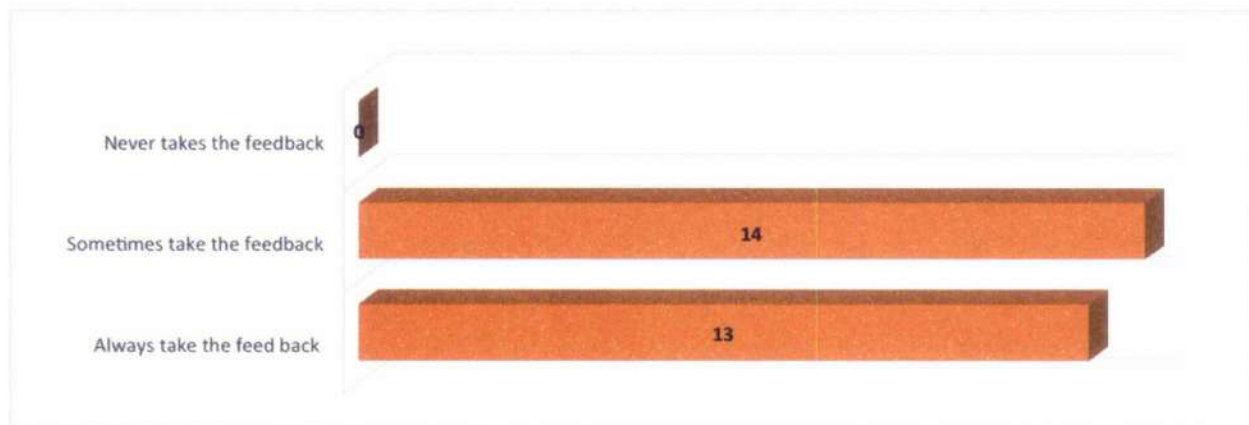
5. On the criteria to select the resource persons for the legal awareness camps,



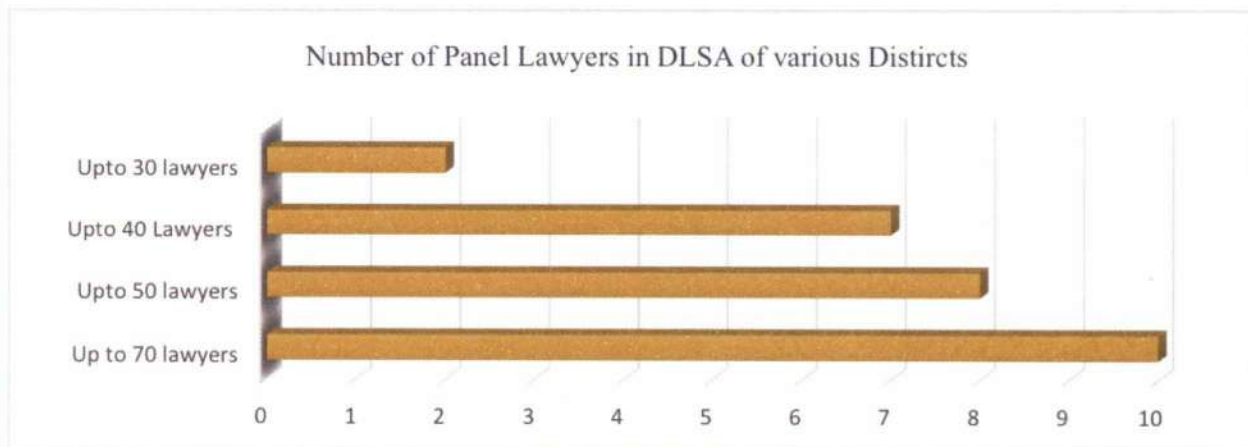
6. On method adopted in raising awareness in legal awareness camps,



7. On feedback of the legal awareness camps from the community,



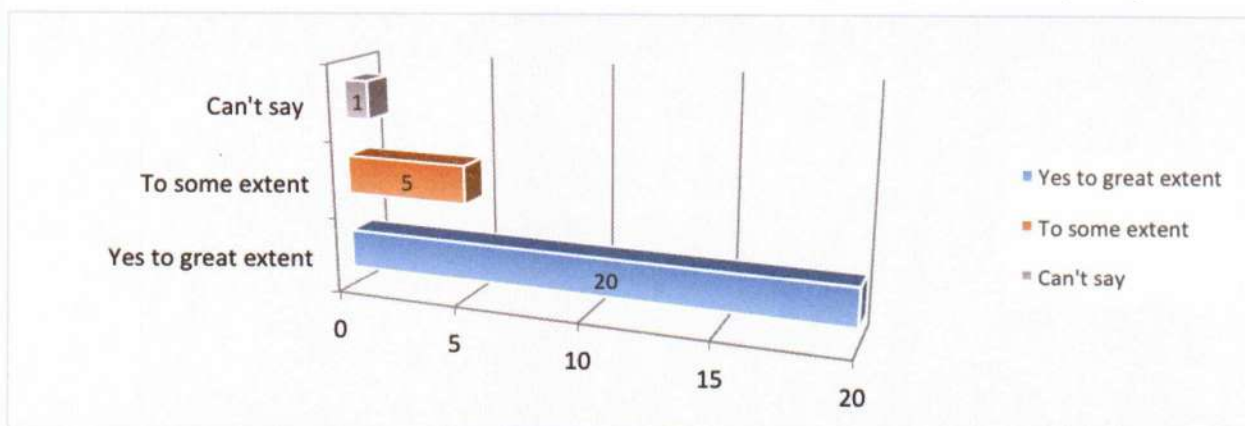
8. On number of panel lawyers employed to work with the District Legal Service Authorities,



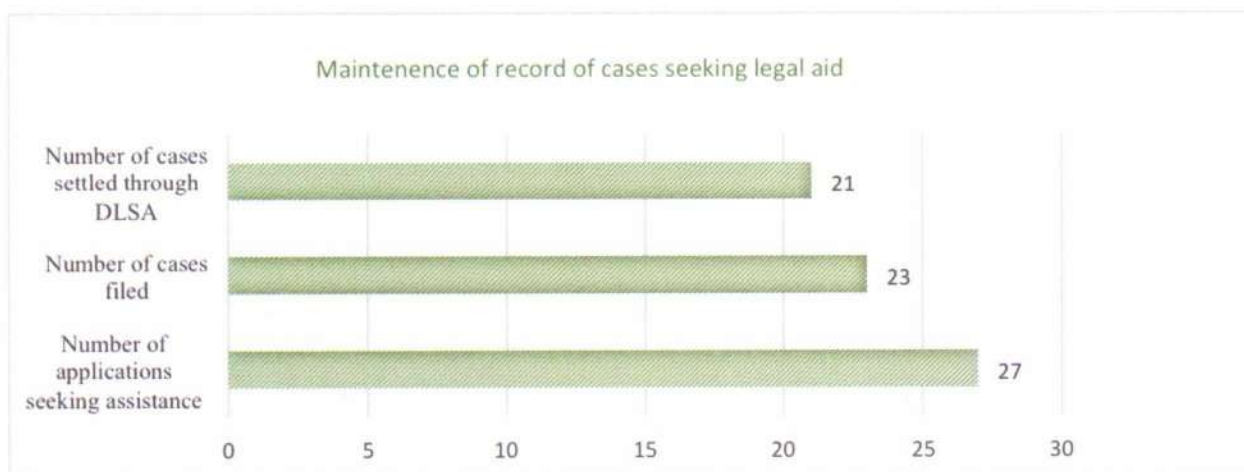
9. Criteria for selection of the lawyers, laid down by the District Legal Services Authorities:



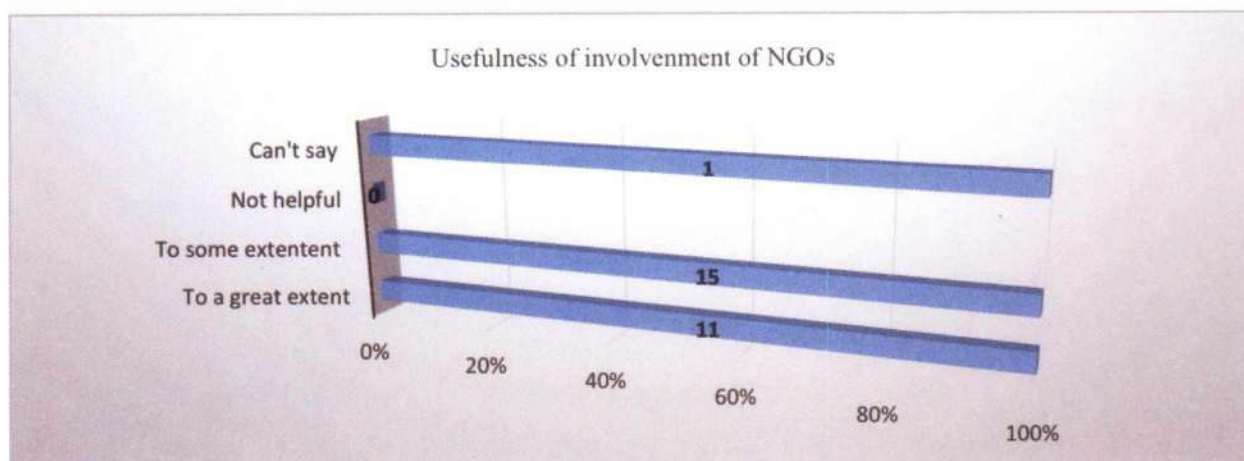
10. Usefulness of collaboration of the law colleges/ schools in organizing legal literacy camps:



11. On maintenance of record of number of application received for seeking legal aid, number of cases filed, and number of cases settled through DLSA, the following position emerged:



13. On the usefulness of involvement of NGOs in the functioning of the Legal Services authorities:

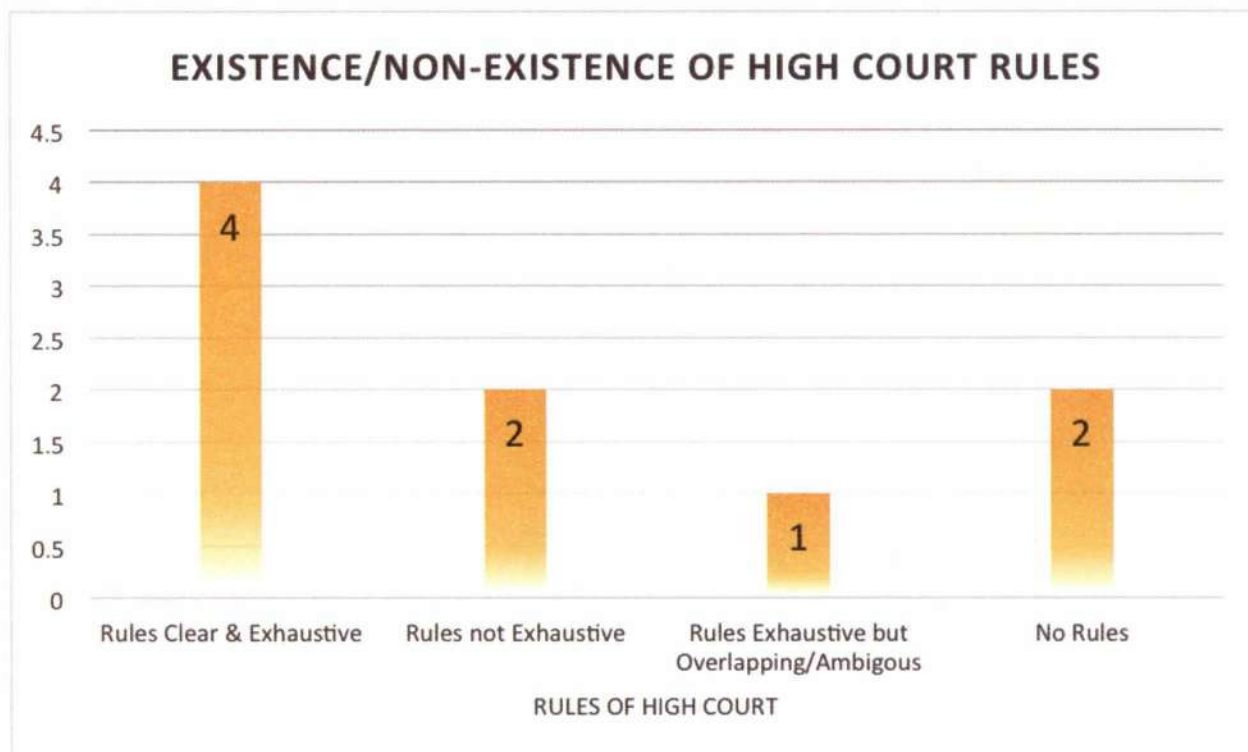


P-962: SEMINAR ON THE ROLE OF GUARDIAN JUSTICES

Sumit Bhattacharya, Research Fellow

A 3-day seminar on the *Role of Guardian Justices* was held at the National Judicial Academy, Bhopal from 18th to 20th December 2015. The valuable inputs provided by the learned High Court Justices who attended the seminar has been collated and interpreted hereunder. These are the shared candid opinion(s) by 10 Justices out of 15 participating Justices from all over India. It may be noted that the Hon'ble Justices, wherever thought prudent, were free to choose from more than one alternatives or none as per the demand of the particular question.

1. Disparity/Operational Diversity amongst high courts on the question of having “clear” and “exhaustive” Rules governing all the aspect of procedures to be followed by the Guardian/Portfolio/Inspecting/Zonal/Administrative Judges.



The Hon'ble High Court Justices had varied views on the need to have Standardized Rules providing procedure to be followed by guardian judges. Some of the Justices advocated for having standardized Rules while others were of the view that such uniformity or standardization was not required. The opinions are shared as under in the following table.



Elaborate Rules may be framed by the respective High Courts by taking into consideration the "best practices" of each High Court so that inspection of Subordinate Courts can be made in a systematic manner.

Standard norms cannot be followed- discretion of individual administrative judge is extremely important.

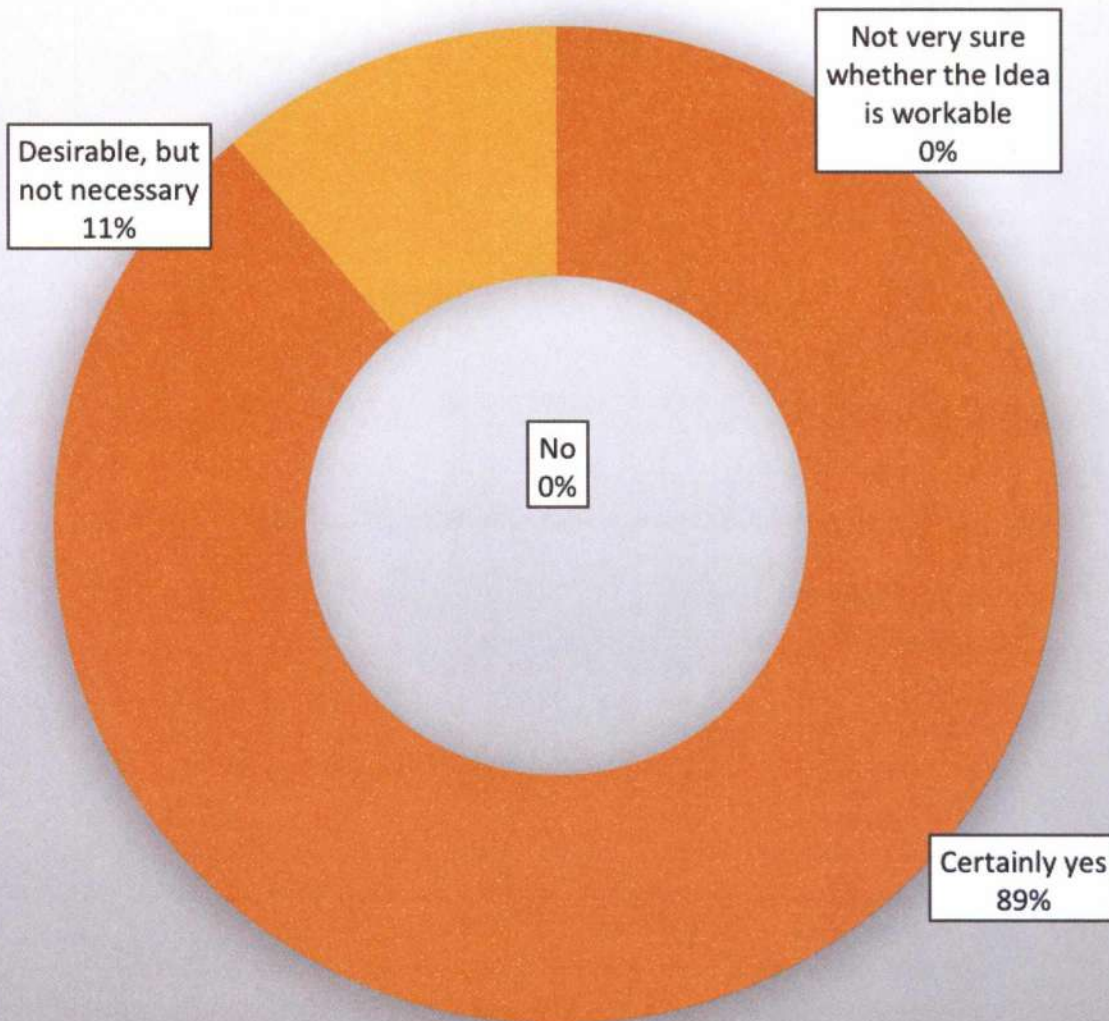


The Roles, Requirements and Responsibilities has to be clearly defined and demarcated without confusion and certainty , to reduce the scope of undefined power with no responsibility.

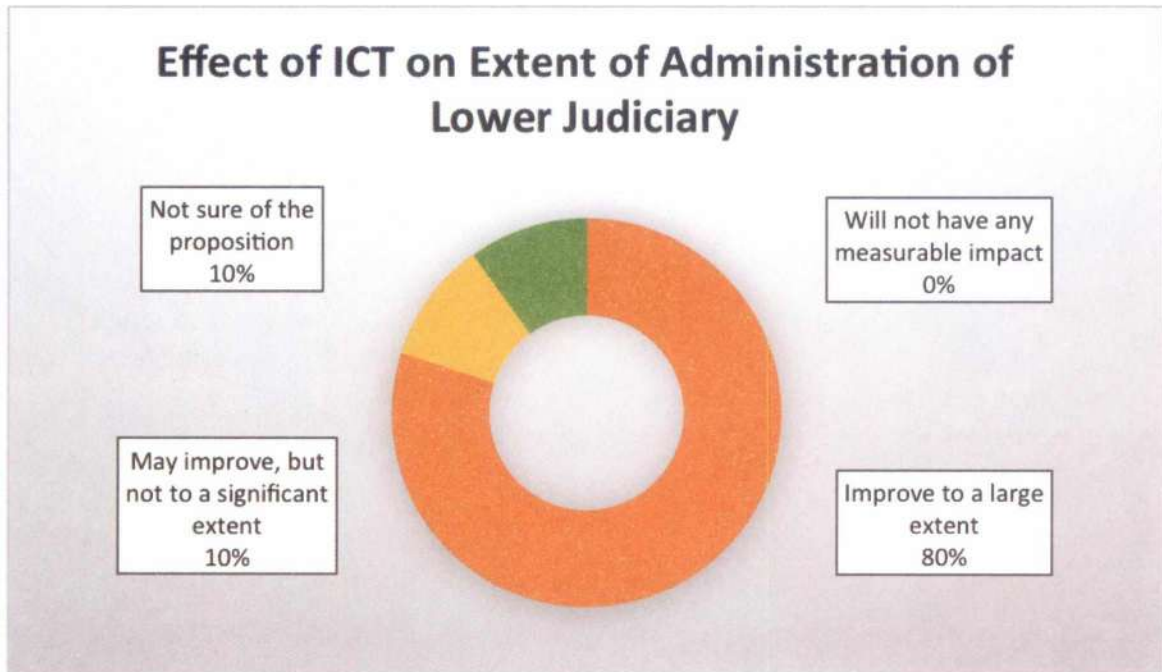
Governing, it is not necessary to emphasize, is a highly intricate multifaceted function/job. It has many simple and amalgamated responsibilities. Some of them are day to day tasks and some of them are short term and long term tasks. Some need spot decisions. Some needs planning, preparation, grounding, execution, review, research and so on.

2. On the idea of “*Standardization of Roles & Responsibilities of the Guardian/ Portfolio/ Inspecting/Zonal/Administrative Judges*” to adopt certain “*best practices*” as cardinal principles while performing supervisory function over subordinate judiciary, out of 9 responses, 8 said “certainly yes” and 1 Justice thought it to be “desirable but not necessary”.

Standardization of Roles & Responsibilities



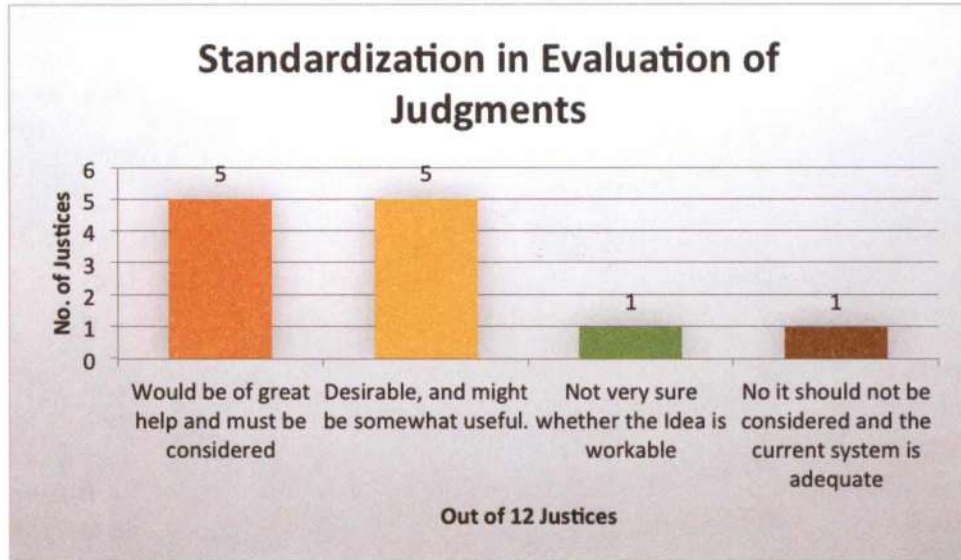
3. When asked on *significance of Information & Communication Technology (ICT) in improving the administration of district courts*, while none of the judges opined that it will not have any impact, 10% of the judges were not sure of such a proposition, while an equivalent percentage of the judges thought that it is not likely to have significant effect. However, a majority of 80% of the judges strongly felt that it is going to have improvement to a large extent.



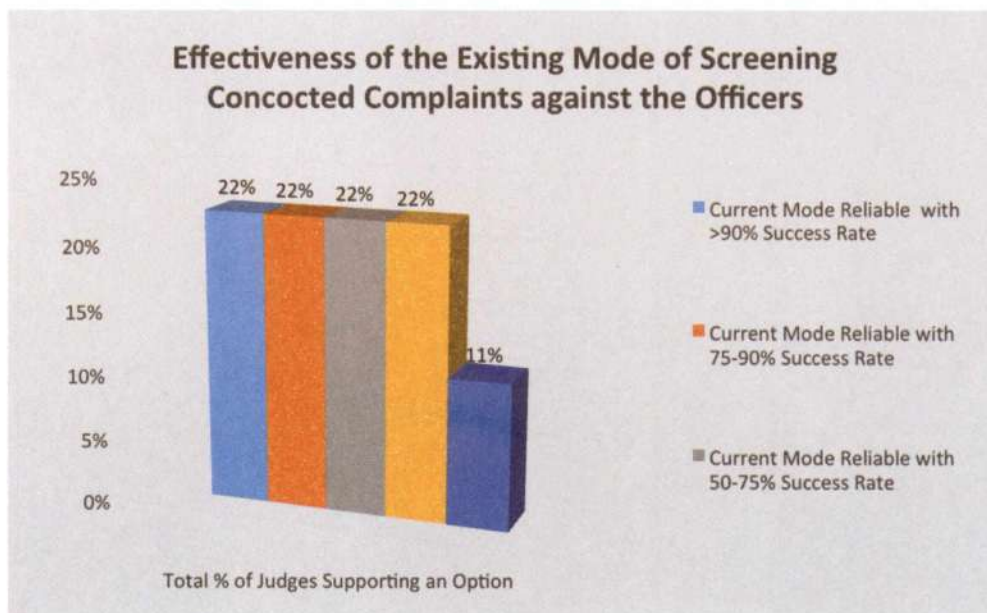
4. On three (3) challenges faced by them as a “Guardian Judge” judges expressed following:

- ✓ Infrastructure related issues
- ✓ Frivolous complaints against judicial officers
- ✓ Pendency of old cases
- ✓ Lack of confidence in the judges of the lower court
- ✓ Lack of integrity
- ✓ Lack of merit
- ✓ Lack of time for inspection and going through all judgments of the Subordinate judge
- ✓ To [segregate] quality judgments from the plethora of judgments, while evaluating the performance of the concerned Judge.
- ✓ To cope with the judicial and administrative work simultaneously
- ✓ Increase in administrative functions keeping the judges even more occupied on Saturdays and Sundays.
- ✓ Balancing competing demands, on time, to justice, to judicial work, the primary responsibility and the administrative work-the add-on responsibility.

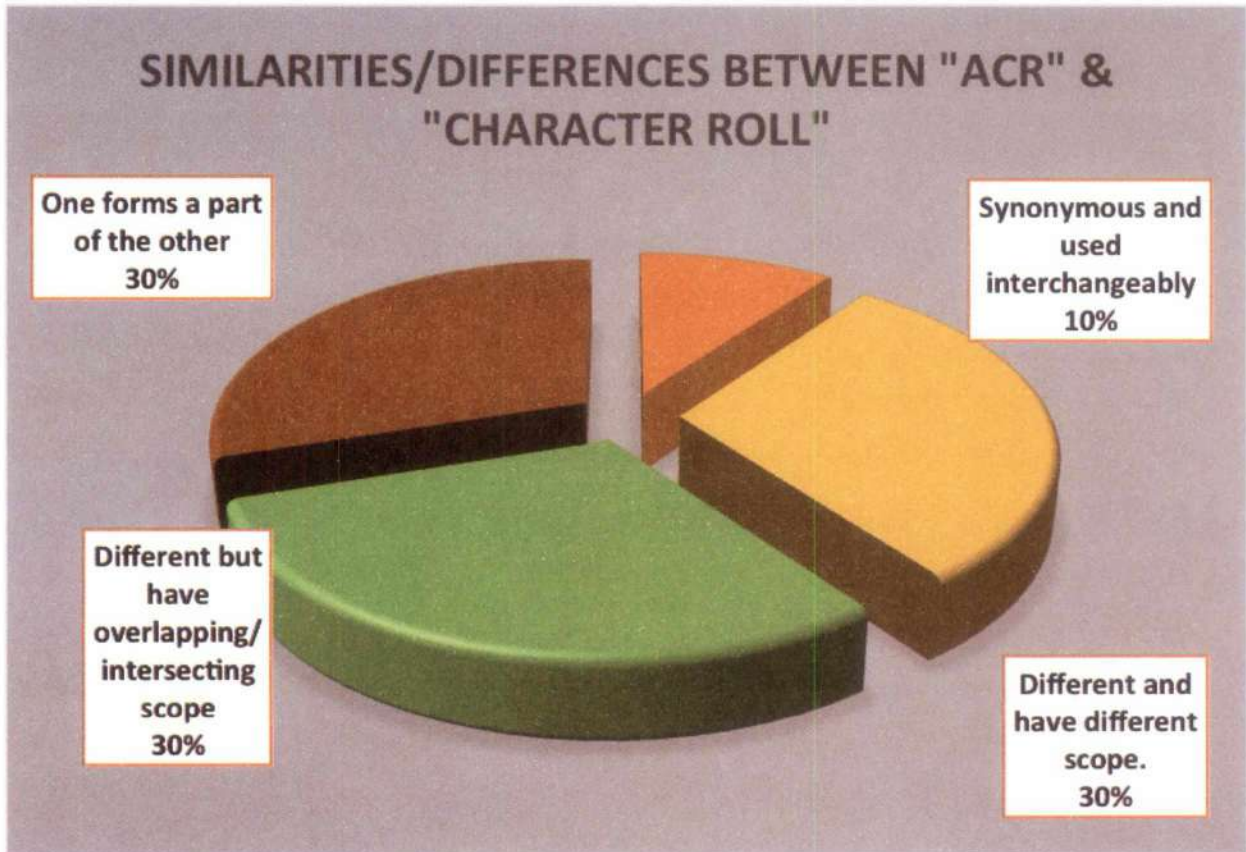
5. On the question of having some “Universal Objective Standards” for effective *qualitative* evaluation of the judgments written by district judges while evaluating their performances in the ACR, the responses were split as under. While a large majority of the justices either felt that it would be of great help (42% i.e. 5 out of 12 judges) or at least is desirable and might be useful (42% i.e. 5 out of 12 judges) [i.e. a total of 84% of judges]; however, 8% (i.e. 1 out of 12 judges) of the judges either felt that “standardization in evaluation” should not be considered over the prevailing system, with another 8% (i.e. 1 out of 12 judges) of them expressed their uncertainty on the workability of the idea.



6. On the question of assessing efficacy of the existing system, in order to effectively screen out concocted, unfounded or motivated complaints against honest judicial officers, the responses of Guardian Justices can be observed to be various and evenly distributed. The responses are as under:



7. On the question of understanding of the terminologies "ACR" & "Character Roll" and their operating scope, the various viewpoints are self-explanatory as under:

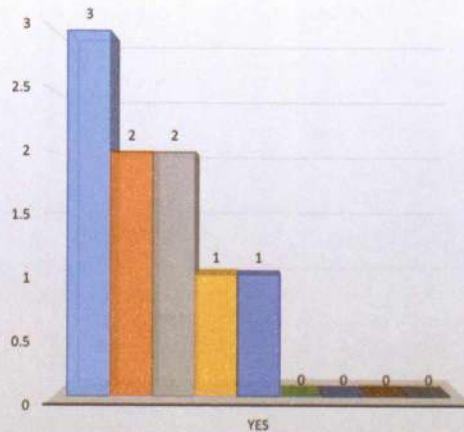


8. Answering the question “With the proposition of more openness and transparency in the judicial system in India, do you think that it is time for the Indian Judiciary to move on and embrace a more transparent evaluation system than the currently prevailing “confidential” reporting system?” the responses were split as 73% : 27% as Affirmative and Negative respectively. Moreover, those who responded “Yes” provided what may be adopted as an alternative “Appraisal System” as under and those who opted “No” provided their considered reasons for their choice. The responses are represented below:

“27% No we are good with the ACR System”

- ✓ While deciding disputes – certain inputs are classified or personal – so absolute transparency is not warrant[ed].
- ✓ In many cases certain aspects which cannot have documentary proof require[s] to be dealt without “transparency”.
- ✓ Such an attempt may destroy the confidentiality.
- ✓ “ACR” should be replaced with “Annual Appraisal Report” which is more appropriate. There is nothing confidential about ACR.

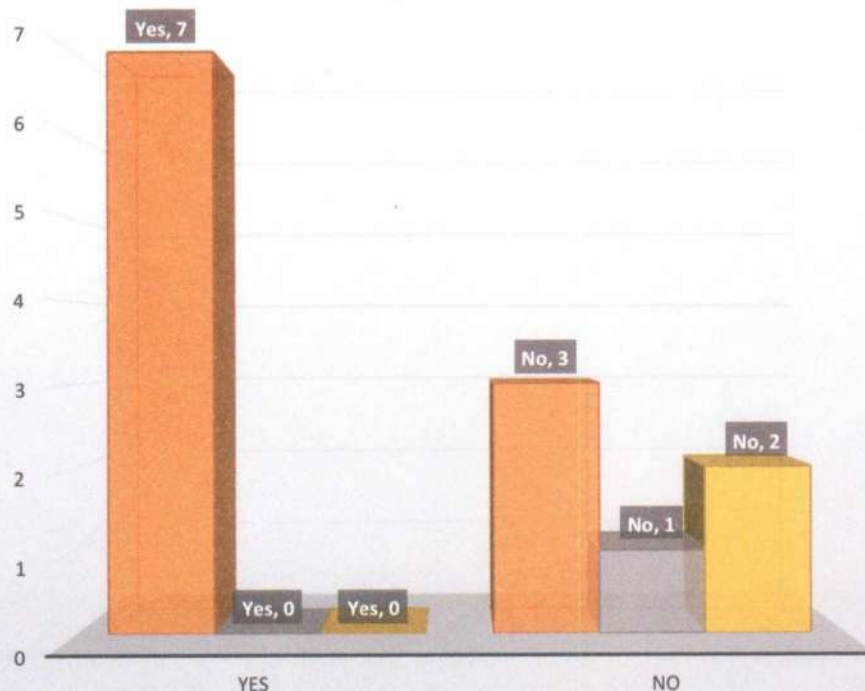
73% Proposed for Adopting an Alternative Appraisal System to Enhance Transparency to the Existing Evaluation System i.e. ACR



	Yes
Trait-Focused Performance Appraisal	3
Behavior-Focused Performance Appraisal	2
Grading and Checklist	2
Management By Objective (MBO)	1
Psychological Appraisals	1
Unstructured Method	0
Straight Ranking	0
Paired Comparison	0
360-Degree Feedback	0

9. On the issue of whether the Reporting Authority provides an objective opinion as to the relation with Bar and Staff in the ACR format, 7 out of 10 Justices responded in affirmative. However, 3 of the Hon'ble Justices chose to respond in negative. On requesting the Justices to share as to what according to them could be a workable suggestion to handle the issue in hand, they proposed one or more of the alternatives:
- Standardized "Model" (scale based) Stakeholder-wise survey could be adopted.
 - The discretion of making the final comments may be left with the "Reporting Authority" relying on his/her self-designed methods of evaluating. Standardization is not desirable.
 - The current method is good and requires no change.

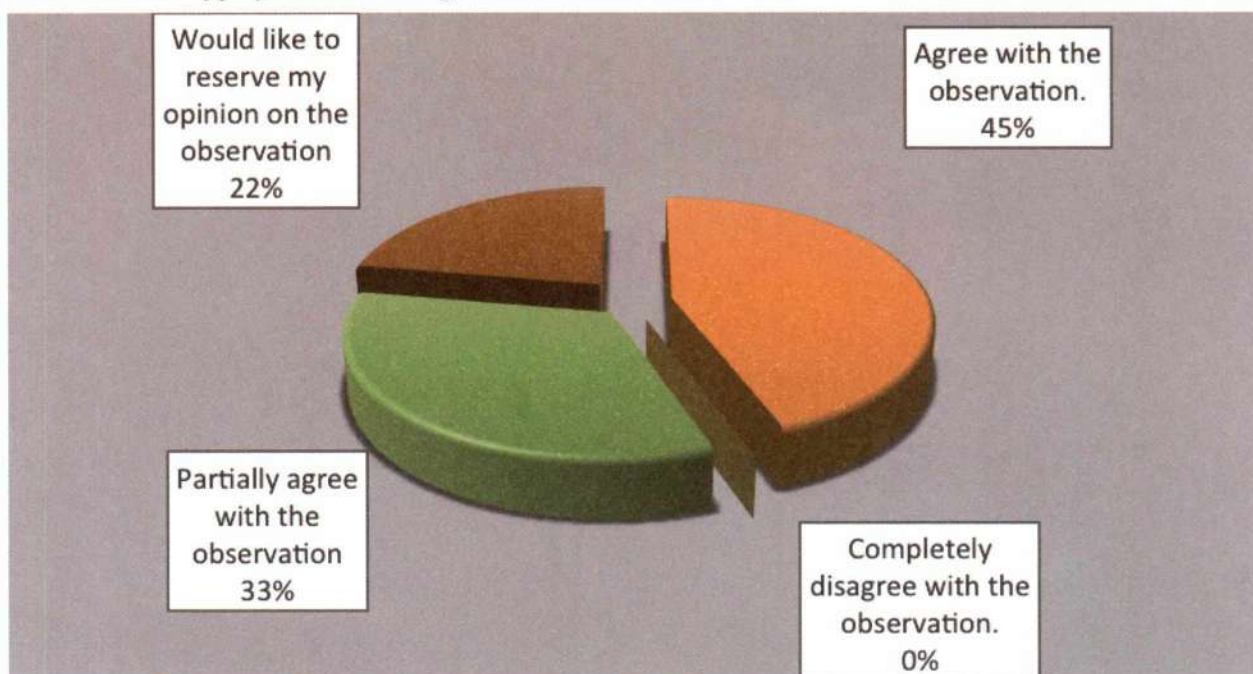
Relation with Bar & Staff & its Objectivity in ACR Reporting



	Yes	No
Standardized "Model" (scale based) Stakeholder-wise survey could be adopted	7	3
The discretion of making the final comments may be left with the "Reporting Authority" relying on his/her self-designed methods of evaluating. Standardization is not desirable	0	1
The current method is good and requires no change	0	2

10. It was requested to the Hon'ble justices to choose the most appropriate answer and comment on the below stated observation:

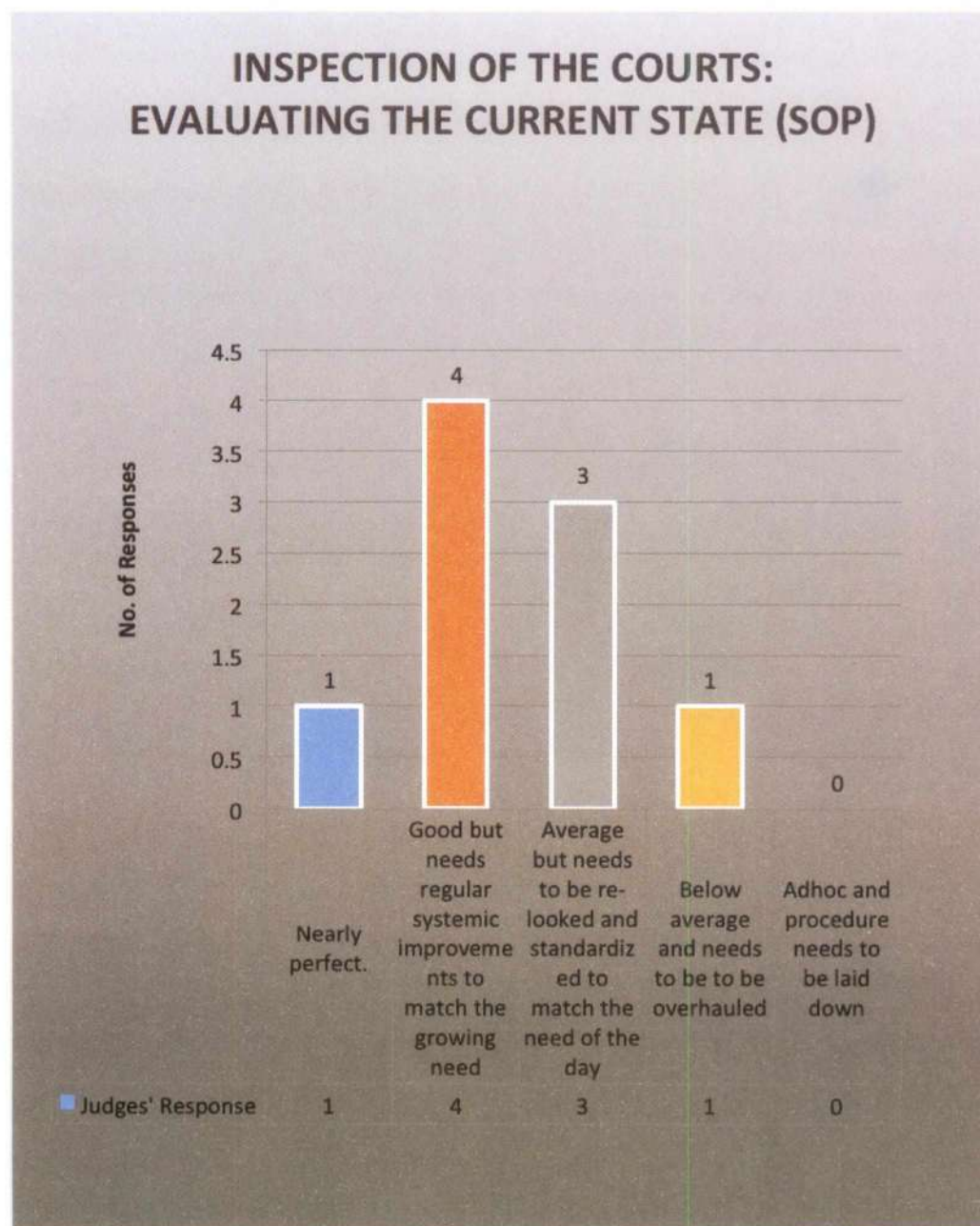
"While analyzing the management of performance at individual level, it is important to understand that the current systems only 'appraise' and not really 'manage' performance. The measurement of performance is based on the ACR (Annual Confidential Report) system. While it is a well-entrenched system, it has several gaps that limit its utility as an effective performance appraisal tool. Effectiveness and credibility of the ACR system that is based on the philosophy of control and secrecy has been questioned and viewed negatively.... The current practice is to appraise the 'individual' rather than her/his 'performance', making the assessment almost personality oriented and not function related. In the absence of a mechanism to link the individual performance with the organizational goals and achievements, the appraisals are reduced to a narrow focus in the larger context of performance management."



"In Our Considered Opinion!"

- ✓ Certain things can be judged objectively but certain things can be judged only subjectively
- ✓ The remarks in the "Annual Confidential Report" [is] considerably exhaustive, which tend to appraise as well as manage performance. There is also a policy of proactive disclosure of ACR, besides information can be given under the RTI Act, which tend to warn as well as encourage the Judicial Officers.
- ✓ There is difference between personal performance and performance as a part of institutional requirement. Requirements and parameters differ. Appraisal will be different.

11. On the issue of adequacy of the prevailing system of inspection of the courts, the existence of a robust and exhaustive standard operating procedure (SOP) and the requisite manpower and resources, it is interesting to note that while none voted for completely doing away with the current procedure, 11% (1 out of 9 responses) felt that the existing procedure needs “overhauling as it is below average”. Interestingly, 33% (3 out of 9 responses) of the judges suggested to re-look at the existing procedures and standardize the same to match the need of the day. Nevertheless a majority of 44% (4 out of 9 responses) + 11% (1 out of 9 responses) opined that prevailing system is either “Good but needs regular improvements to match the growing needs” or said that the system is “Nearly Perfect”, therefore suggesting no change.



P-963: WORKSHOP FOR COURT ADMINISTRATION

Mr. Rajesh Suman, Assistant Professor

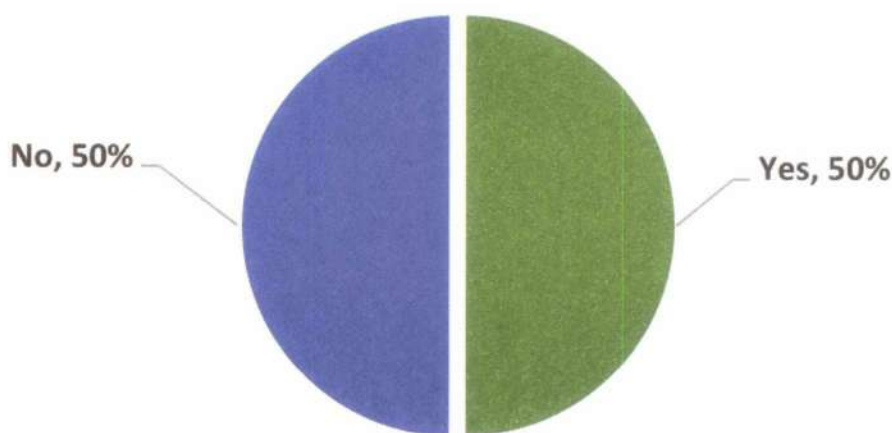
The NJA conducted 3-day workshop on court administration from 8th to 10th January 2016 for Principal District and Sessions judges (PDJs) from all over India to initiate discussions on issues related to court administration and to facilitate innovations in area of effective court administration. The workshop covered important areas in court administration including time management, case management, budget management, record management, court management, image management, technology integration, optimum use of court managers, relationship management and how to handle bar related problems in the district judiciary. A questionnaire was distributed to all 32 participants out of whom 30 responded. Herein below graphical presentation of those 30 responses is prepared:

1. To a question *Is your district court equipped with sufficient number of experts in budget preparation and financial management*, answer by half of participating district judges was in the affirmative whereas other half informed that their courts are not equipped with human resource experts to help them in budget preparation and in financial matters. The individual responses were as given below:

No.	High Court	District		
			Yes	No
1	Allahabad	Lucknow	✓	
2	Telangana	Adilabad	✓	
3	Andhra Pradesh	West Godavari, Eluru		✓
4	Bombay	Ratnagiri		✓
5	Bombay	Ahmednagar		✓
6	Calcutta	Calcutta		✓
7	Chhattisgarh	Bilaspur	✓	
8	Chhattisgarh	Kanker	✓	
9	Delhi	Tis Hazari, Delhi	✓	
10	Delhi	Patiala House, Delhi	✓	
11	Gauhati	Dhubri, Assam		✓
12	Gauhati	Jorhat, Assam		✓
13	Gujarat	Palanpur		✓
14	Gujarat	Dahod	✓	
15	Himachal Pradesh	Mandi	✓	
16	Jammu & Kashmir	Samba (Jammu)		✓
17	Jharkhand	Chatra	✓	
18	Karnataka	Bidar		✓
19	Kerala	Malappuram	✓	

20	Madhya Pradesh	Alirajpur	✓	
21	Madhya Pradesh	Umaria	✓	
22	Madras	Ariyalur	✓	
23	Madras	Udhagamandalam	✓	
24	Orissa	Kandhamal		✓
25	Orissa	Kalahandi, Bhawanipatna		✓
26	Punjab & Haryana	Ludhiana		✓
27	Punjab & Haryana	Palwal		✓
28	Rajasthan	Tonk	✓	
29	Tripura	Registrar Vigilance, High Court of Tripura, Agartala		✓
30	Uttarakhand	Pithoragarh		✓

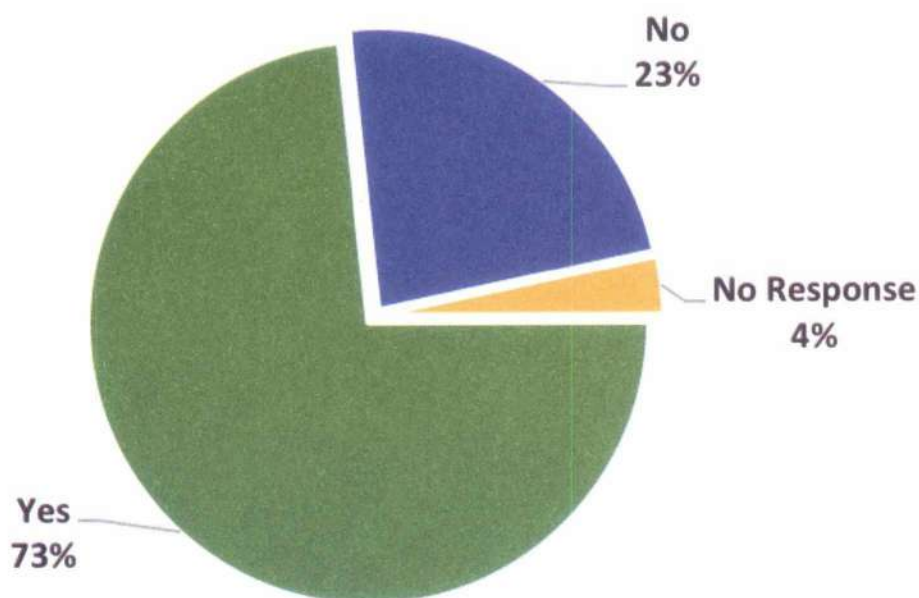
From above table, it may be inferred that districts under the high courts of Andhra Pradesh, Bombay, Calcutta, Gujarat, Gauhati, Jammu and Kashmir, Karnataka, Orissa, Punjab and Haryana, Tripura and Uttarakhand are not provided manpower to help judges in their administrative functions such as budget preparation and financial management. Though it is not clear if all the districts under the high courts of Allahabad, Andhra Pradesh, Chhattisgarh, Delhi, Gujarat, Himachal Pradesh, Rajasthan, Kerala, Madhya Pradesh, Madras and Jharkhand are provided manpower to help judges in their administrative functions such as budget preparation and financial management. Judges who were sent as participants to the NJA workshop said that they had these experts available to them in their districts. This leads to conclusion that there is urgent need to bring reforms to create regular positions at the high court level or the district court level so that all the principal district judges are given inputs from persons having expertise in financial management and for budget preparation.



2. To a question *Whether budget estimate in your district court is prepared with the help of feedbacks received from all heads of units regarding pendency, arrears and sanctioned strength of the entire staff*, 73% participating district judges was in the affirmative whereas 23% informed that budget estimate in their district court is not prepared with the help of feedbacks received from all heads of units regarding pendency, arrears and sanctioned strength of the entire staff. There was no response from 4% participating district judges. The individual responses were as given below.

No.	High Court	District	Yes	No	No Response
1	Allahabad	Lucknow	✓		
2	Telangana	Adilabad	✓		
3	Andhra Pradesh	West Godavari, Eluru	✓		
4	Bombay	Ratnagiri		✓	
5	Bombay	Ahmednagar		✓	
6	Calcutta	Calcutta		✓	
7	Chhattisgarh	Bilaspur	✓		
8	Chhattisgarh	Kanker	✓		
9	Delhi	Tis Hazari, Delhi			✓
10	Delhi	Patiala House, New Delhi	✓		
11	Gauhati	Dhubri, Assam	✓		
12	Gauhati	Jorhat, Assam	✓		
13	Gujarat	Palanpur	✓		
14	Gujarat	Dahod		✓	
15	Himachal Pradesh	Mandi	✓		
16	Jammu & Kashmir	Samba (Jammu)	✓		
17	Jharkhand	Chatra	✓		
18	Karnataka	Bidar		✓	
19	Kerala	Malappuram	✓		
20	Madhya Pradesh	Alirajpur	✓		
21	Madhya Pradesh	Umaria	✓		
22	Madras	Ariyalur	✓		
23	Madras	Udhagamandalam	✓		
24	Orissa	Kandhamal	✓		
25	Orissa	Kalahandi, Bhawanipatra	✓		
26	Punjab & Haryana	Ludhiana		✓	
27	Punjab & Haryana	Palwal	✓		
28	Rajasthan	Tonk	✓		
29	Tripura	Registrar Vigilance, High Court of Tripura, Agartala	✓		
30	Uttarakhand	Pithoragarh		✓	

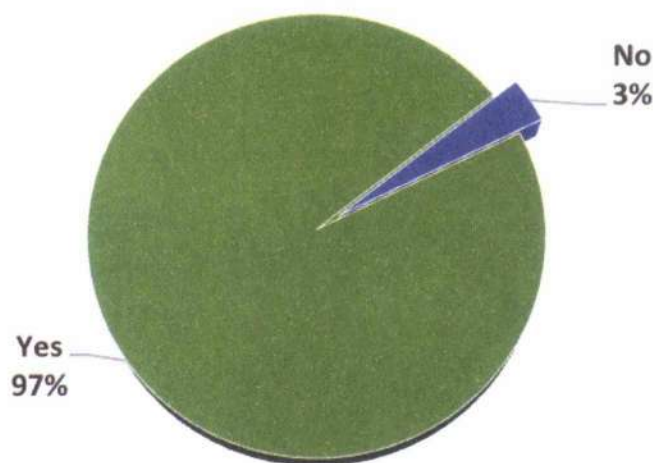
From above table, it may be inferred that district court under the high courts of Bombay, Calcutta, Gujarat, Karnataka, Punjab & Haryana, Uttarakhand are not preparing budget estimate with the help of feedbacks received from all heads of units regarding pendency, arrears and sanctioned strength of the entire staff. Though it is not clear if all the district courts under the high courts of Allahabad, Telangana, Andhra Pradesh, Chhattisgarh, Delhi, Gauhati, Gujarat, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Kerala, Madhya Pradesh, Madras, Orissa, Punjab & Haryana, Rajasthan and Tripura are preparing budget estimate with the help of feedbacks received from all heads of units regarding pendency, arrears and sanctioned strength of the entire staff. Judges who were sent as participants to the NJA workshop said that in their court budget estimate is prepared with the help of feedbacks received from all heads of units. This leads to conclusion that there is urgent need to bring reforms by streamlining procedures of budget estimate preparation so that it can be prepared with the help of feedback received from all heads of units regarding pendency, arrears and sanctioned strength of the entire staff.



3. To a question *whether the record management in your district court ensures easy availability of records in short time*, answer by 97% participating district judges was in affirmative whereas 3% participating district judges informed that record management in their courts does not ensures easy availability of records in short time. The individual responses were as given below:

No.	High Court	District	Yes	No
			✓	✓
1	Allahabad	Lucknow	✓	
2	Telangana	Adilabad	✓	
3	Andhra Pradesh	West Godavari, Eluru	✓	
4	Bombay	Ratnagiri	✓	
5	Bombay	Ahmednagar	✓	
6	Calcutta	Calcutta	✓	
7	Chhattisgarh	Bilaspur	✓	
8	Chhattisgarh	Kanker	✓	
9	Delhi	Tis Hazari, Delhi	✓	
10	Delhi	Patiala House, New Delhi	✓	
11	Gauhati	Dhubri, Assam		✓
12	Gauhati	Jorhat, Assam	✓	
13	Gujarat	Palanpur	✓	
14	Gujarat	Dahod	✓	
15	Himachal Pradesh	Mandi	✓	
16	Jammu & Kashmir	Samba (Jammu)	✓	
17	Jharkhand	Chatra	✓	
18	Karnataka	Bidar	✓	
19	Kerala	Malappuram	✓	
20	Madhya Pradesh	Alirajpur	✓	
21	Madhya Pradesh	Umaria	✓	
22	Madras	Ariyalur	✓	
23	Madras	Udhagamandalam	✓	
24	Orissa	Kandhamal	✓	
25	Orissa	Kalahandi, Bhawanipatra	✓	
26	Punjab & Haryana	Ludhiana	✓	
27	Punjab & Haryana	Palwal	✓	
28	Rajasthan	Tonk	✓	
29	Tripura	Registrar Vigilance, High Court of	✓	
30	Uttarakhand	Pithoragarh	✓	

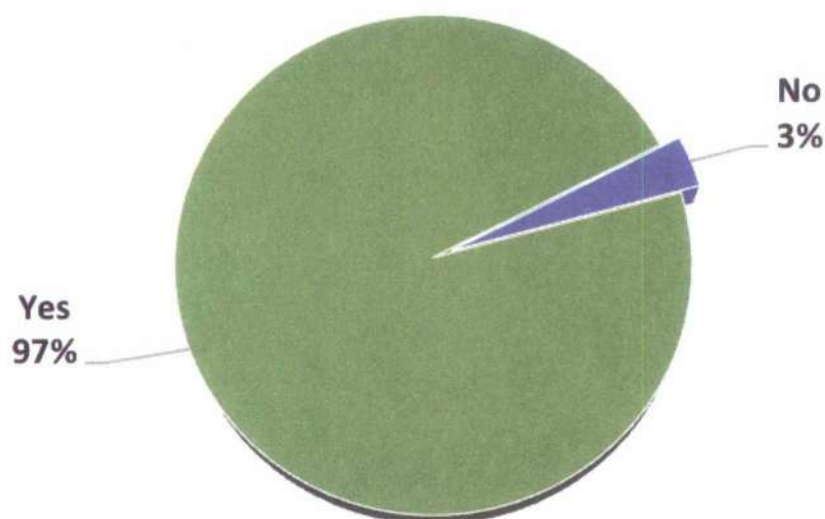
From above table, it may be inferred that in the one participating district court under the high court of Gauhati record management does not ensure easy availability of records in short time. Though it is not clear if in all the district courts under the high courts of Allahabad, Telangana, Andhra Pradesh, Bombay, Calcutta, Chhattisgarh, Delhi, Gauhati, Gujarat, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Madras, Orissa, Punjab & Haryana, Rajasthan, Tripura and Uttarakhand the record management ensures easy availability of records in short time. Judges who were sent as participants to the NJA workshop said that record management in their courts ensures easy availability of records in short time. This leads to conclusion that districts courts have good system of record management for easy availability of records in short time.



4. To a question *whether there is detailed job description for all the staff in your district court*, answer by 97% participating district judges was in affirmative whereas 3% participating district judges informed that there is no detailed job description for all the staff in their district courts. The individual responses were as given below:

No.	High Court	District	Yes	No
1	Allahabad	Lucknow	✓	
2	Telangana	Adilabad	✓	
3	Andhra Pradesh	West Godavari, Eluru	✓	
4	Bombay	Ratnagiri	✓	
5	Bombay	Ahmednagar	✓	
6	Calcutta	Calcutta	✓	
7	Chhattisgarh	Bilaspur	✓	
8	Chhattisgarh	Kanker	✓	
9	Delhi	Tis Hazari, Delhi	✓	
10	Delhi	Patiala House, New Delhi	✓	
11	Gauhati	Dhubri, Assam	✓	
12	Gauhati	Jorhat, Assam	✓	
13	Gujarat	Palanpur	✓	
14	Gujarat	Dahod	✓	
15	Himachal Pradesh	Mandi	✓	
16	Jammu & Kashmir	Samba (Jammu)	✓	
17	Jharkhand	Chatra	✓	
18	Karnataka	Bidar	✓	
19	Kerala	Malappuram	✓	
20	Madhya Pradesh	Alirajpur	✓	
21	Madhya Pradesh	Umaria	✓	
22	Madras	Ariyalur	✓	
23	Madras	Udhagamandalam	✓	
24	Orissa	Kandhamal	✓	
25	Orissa	Kalahandi, Bhawanipatra		✓
26	Punjab & Haryana	Ludhiana	✓	
27	Punjab & Haryana	Palwal	✓	
28	Rajasthan	Tonk	✓	
29	Tripura	Registrar Vigilance, High Court of	✓	
30	Uttarakhand	Pithoragarh	✓	

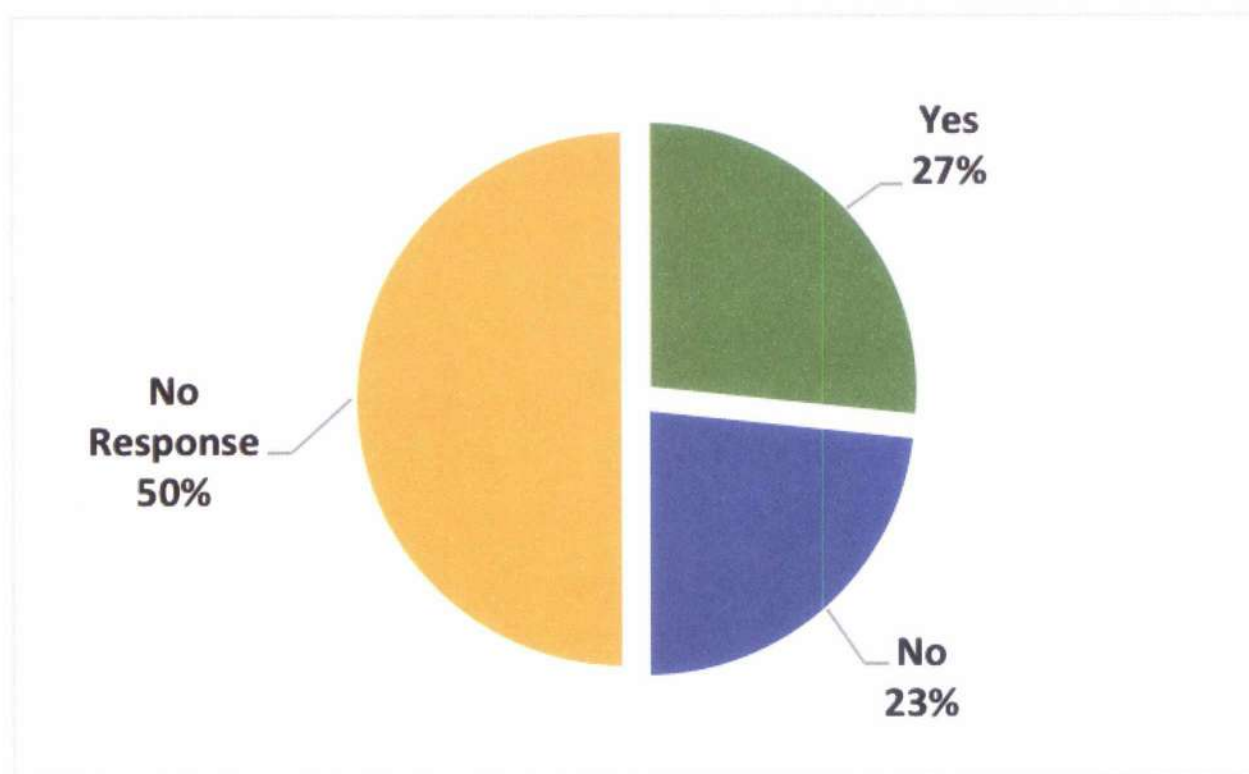
From above table, it may be inferred that one participating district court under the high court of Orissa has no detailed job description for all the staff. Though it is not clear if all the district courts under the high courts of Allahabad, Telangana, Andhra Pradesh, Bombay, Calcutta, Chhattisgarh, Delhi, Gauhati, Gujarat, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Madras, Orissa, Punjab & Haryana, Rajasthan, Tripura and Uttarakhand have detailed job description for all the staff. Judges who were sent as participants to the NJA workshop said that their courts have detailed job description for all the staff. This leads to the conclusion that majority of district courts have detailed job description for all the staff.



5. To a question *whether do you think that caseload management rules framed by the high court are properly implemented in all the courts of your district court*, answer by 27% participating district judges was in affirmative whereas 23% participating district judges informed that they do not think that caseload management rules framed by the high court are properly implemented in their district courts. There was no response from 50% of the participating district judges on this question. The individual responses were as given below:

No.	High Court	District	Yes	No	No Response
1	Allahabad	Lucknow			✓
2	Telangana	Adilabad			✓
3	Andhra Pradesh	West Godavari, Eluru	✓		
4	Bombay	Ratnagiri		✓	
5	Bombay	Ahmednagar		✓	
6	Calcutta	Calcutta			✓
7	Chhattisgarh	Bilaspur			✓
8	Chhattisgarh	Kanker			✓
9	Delhi	Tis Hazari, Delhi			✓
10	Delhi	Patiala House, New Delhi			✓
11	Gauhati	Dhubri, Assam	✓		
12	Gauhati	Jorhat, Assam			✓
13	Gujarat	Palanpur			✓
14	Gujarat	Dahod			✓
15	Himachal Pradesh	Mandi		✓	
16	Jammu & Kashmir	Samba (Jammu)	✓		
17	Jharkhand	Chatra			✓
18	Karnataka	Bidar		✓	
19	Kerala	Malappuram		✓	
20	Madhya Pradesh	Alirajpur	✓		
21	Madhya Pradesh	Umaria	✓		
22	Madras	Ariyalur	✓		
23	Madras	Udhagamandalam	✓		
24	Orissa	Kandhamal			✓
25	Orissa	Kalahandi, Bhawanipatna			✓
26	Punjab & Haryana	Ludhiana		✓	
27	Punjab & Haryana	Palwal			✓
28	Rajasthan	Tonk	✓		
29	Tripura	Registrar Vigilance, High Court of Tripura, Agartala			✓
30	Uttarakhand	Pithoragarh		✓	

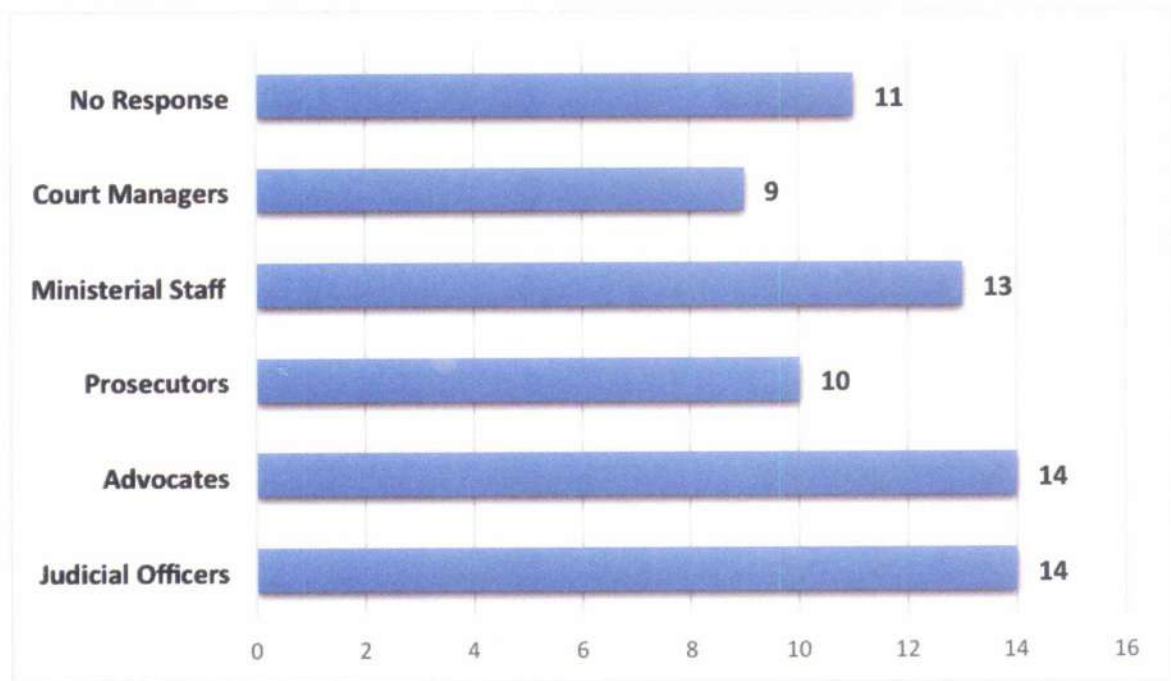
From above table, it may be inferred that the caseflow management rules framed by the high court are not properly implemented in district courts under the high courts of Bombay, Himachal Pradesh, Karnataka, Kerala, Punjab & Haryana and Uttarakhand. Though it is not clear if all the district courts under the high courts of Andhra Pradesh, Gauhati, Jammu & Kashmir, Madhya Pradesh, Madras and Rajasthan have proper implementation of caseflow management rules framed by their respective high courts. Judges who were sent as participants to the NJA workshop said that in their district courts caseflow management rules framed by their respective high courts are properly implemented. As 50% of the participating district judges from the high courts of Allahabad, Telangana, Calcutta, Chhattisgarh, Delhi, Gauhati, Gujarat, Jharkhand, Orissa, Punjab & Haryana and Tripura have not given any response to the question asked, it can be further inferred that either there is no caseflow management rules framed by their high courts or they are not aware of the caseflow management rules if framed by their high courts. This leads to conclusion that there is urgent need to enhance awareness of caseflow management rules among the judges of the district judiciary and strong mechanism should be established in high courts to monitor the implementation of caseflow management rules in district judiciary.



6. To a question *which of the following stakeholder(s) require substantial improvement for proper implementation of caseflow management rules framed by the high court*, 14 participating district judges mentioned judicial officers, 14 participating district judges mentioned advocates, 10 participating district judges mentioned prosecutors, 13 participating district judges mentioned ministerial staff and 9 participating district judges mentioned court managers. There was no response from 11 participating district judges. The individual responses were as given below:

No.	High Court	District	Judicial Office rs	Advoc ates	Prosecut ors	Minister ial Staff	Court Manag ers	No Respon se
1	Allahabad	Lucknow						
2	Telangana	Adilabad	✓	✓	✓	✓	✓	
3	Andhra Pradesh	West Godavari, Eluru	✓	✓	✓	✓	✓	
4	Bombay	Ratnagiri	✓			✓	✓	
5	Bombay	Ahmednag ar	✓			✓		
6	Calcutta	Calcutta						✓
7	Chhattisgarh	Bilaspur	✓					✓
8	Chhattisgarh	Kanker						✓
9	Delhi	Tis Hazari, Delhi						✓
10	Delhi	Patiala House, New Delhi						✓
11	Gauhati	Dhubri, Assam	✓					
12	Gauhati	Jorhat, Assam		✓	✓	✓	✓	
13	Gujarat	Palanpur		✓	✓	✓		
14	Gujarat	Dahod						✓
15	Himachal Pradesh	Mandi		✓	✓			
16	Jammu & Kashmir	Samba (Jammu)	✓	✓	✓	✓		
17	Jharkhand	Chatra						✓
18	Karnataka	Bidar	✓	✓	✓	✓	✓	
19	Kerala	Malappura m	✓	✓		✓	✓	
20	Madhya Pradesh	Alirajpur	✓	✓		✓		
21	Madhya Pradesh	Umaria	✓	✓		✓		
22	Madras	Ariyalur		✓				
23	Madras	Udhagama ndalam	✓					

24	Orissa	Kandhamal						✓
25	Orissa	Kalahandi, Bhawanipatna						✓
26	Punjab & Haryana	Ludhiana		✓	✓	✓	✓	
27	Punjab & Haryana	Palwal						✓
28	Rajasthan	Tonk	✓	✓	✓	✓	✓	
29	Tripura	Registrar Vigilance, High Court of Tripura, Agartala						✓
30	Uttarakhand	Pithoragarh	✓	✓	✓			



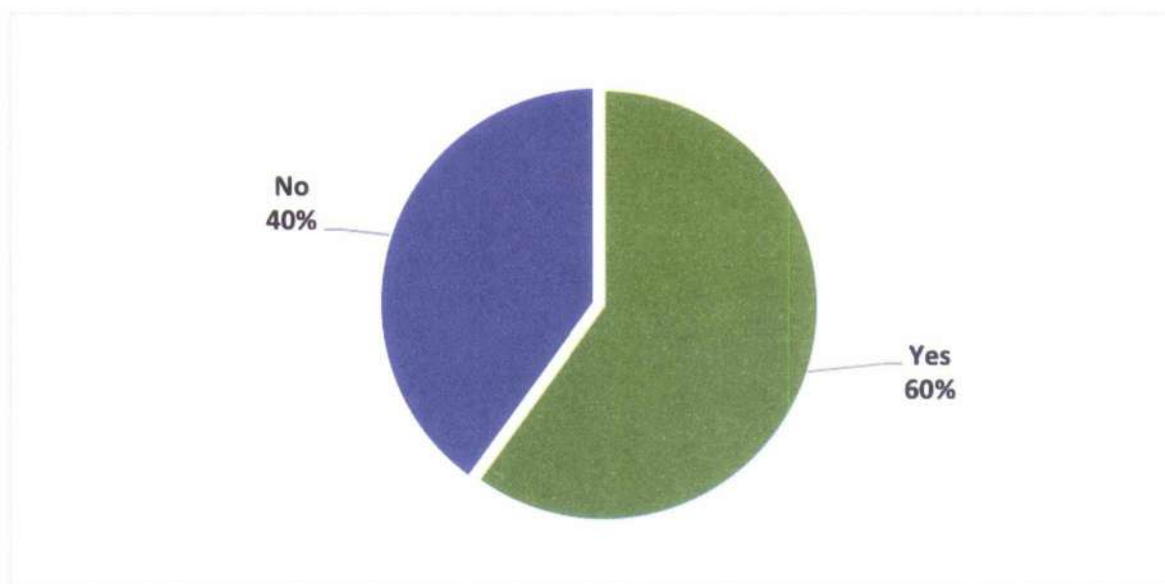
From the above graph it is clear that judicial officers, advocates and ministerial staff require help for proper implementation of the caseload management rules framed by the high court. This is followed by the stakeholders such as prosecutors and court managers. So extensive training on the caseload management rules to judicial officers, advocates and ministerial staff at district judiciary level is suggested. The prosecutors and court managers too must be exposed to the importance of caseload management rules for expeditious disposal of cases.

7. To a question *whether your district court has sufficient infrastructure to implement Alternative Dispute Resolution [ADR] mechanism*, answer by 60% of the participating district judges was in affirmative whereas 40% of the participating district judges informed that their district courts do not have sufficient infrastructure to implement Alternative Dispute Resolution [ADR] mechanism. The individual responses were as given below:

No.	High Court	District		
			Yes	No
1	Allahabad	Lucknow	✓	
2	Telangana	Adilabad	✓	
3	Andhra Pradesh	West Godavari, Eluru	✓	
4	Bombay	Ratnagiri		✓
5	Bombay	Ahmednagar		✓
6	Calcutta	Calcutta	✓	
7	Chhattisgarh	Bilaspur	✓	
8	Chhattisgarh	Kanker	✓	
9	Delhi	Tis Hazari, Delhi	✓	
10	Delhi	Patiala House, New Delhi	✓	
11	Gauhati	Dhubri, Assam		✓
12	Gauhati	Jorhat, Assam	✓	
13	Gujarat	Palanpur	✓	
14	Gujarat	Dahod	✓	
15	Himachal Pradesh	Mandi		✓
16	Jammu & Kashmir	Samba (Jammu)		✓
17	Jharkhand	Chatra	✓	
18	Karnataka	Bidar		✓
19	Kerala	Malappuram		✓
20	Madhya Pradesh	Alirajpur	✓	
21	Madhya Pradesh	Umaria	✓	
22	Madras	Ariyalur		✓
23	Madras	Udhagamandalam	✓	
24	Orissa	Kandhamal		✓
25	Orissa	Kalahandi, Bhawanipatna		✓

26	Punjab & Haryana	Ludhiana	✓	
27	Punjab & Haryana	Palwal	✓	
28	Rajasthan	Tonk	✓	
29	Tripura	Registrar Vigilance, High Court of Tripura, Agartala		✓
30	Uttarakhand	Pithoragarh		✓

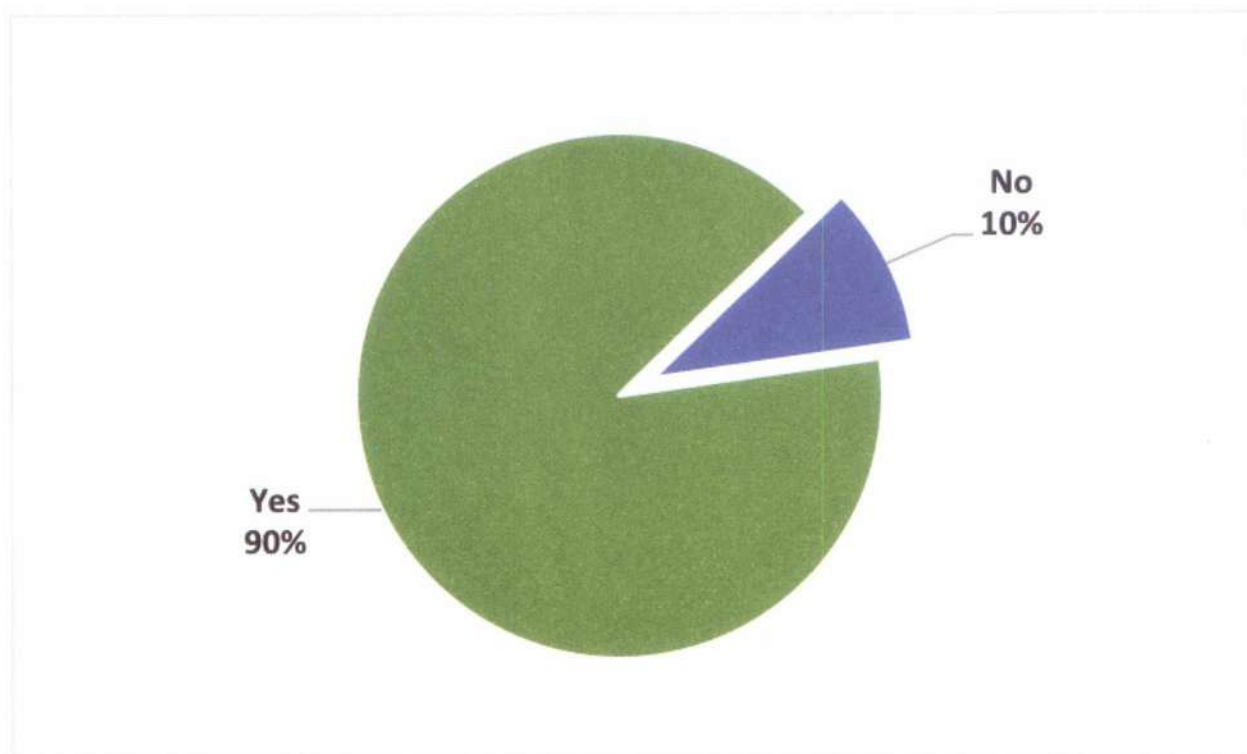
From above table, it may be inferred that district courts under the high courts of Bombay, Gauhati, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madras, Orissa, Tripura and Uttarakhand do not have sufficient infrastructure to implement Alternative Dispute Resolution [ADR] mechanism. Though it is not clear if all the district courts under the high courts of Allahabad, Telangana, Andhra Pradesh, Calcutta, Chhattisgarh, Delhi, Gauhati, Gujarat, Jharkhand, Madhya Pradesh, Madras, Punjab & Haryana and Rajasthan have sufficient infrastructure to implement Alternative Dispute Resolution [ADR] mechanism. Judges who were sent as participants to the NJA workshop said that their courts have sufficient infrastructure to implement Alternative Dispute Resolution [ADR] mechanism. This leads to conclusion that there is urgent need to improve infrastructural facilities in many district courts of the country for establishing Alternative Dispute Resolution [ADR] mechanism. Such an intervention will help in reducing the burden of heavy pendency in the district courts.



8. To a question *whether PDJs make use of National Judicial Data Grid database to monitor performance of all the courts concerning disposal, delay, arrear and backlog of cases*, answer by 90% participating district judges was in affirmative whereas 10% participating district judges informed that they do not regularly make use of National Judicial Data Grid database to monitor performance of all the courts of their district court. The individual responses were as given below:

No.	High Court	District		
			Yes	No
1	Allahabad	Lucknow	✓	
2	Telangana	Adilabad	✓	
3	Andhra Pradesh	West Godavari, Eluru	✓	
4	Bombay	Ratnagiri	✓	
5	Bombay	Ahmednagar	✓	
6	Calcutta	Calcutta	✓	
7	Chhattisgarh	Bilaspur		✓
8	Chhattisgarh	Kanker	✓	
9	Delhi	Tis Hazari, Delhi	✓	
10	Delhi	Patiala House, New Delhi	✓	
11	Gauhati	Dhubri, Assam	✓	
12	Gauhati	Jorhat, Assam	✓	
13	Gujarat	Palanpur	✓	
14	Gujarat	Dahod	✓	
15	Himachal Pradesh	Mandi	✓	
16	Jammu & Kashmir	Samba (Jammu)	✓	
17	Jharkhand	Chatra	✓	
18	Karnataka	Bidar	✓	
19	Kerala	Malappuram	✓	
20	Madhya Pradesh	Alirajpur	✓	
21	Madhya Pradesh	Umaria	✓	
22	Madras	Ariyalur	✓	
23	Madras	Udhagamandalam	✓	
24	Orissa	Kandhamal	✓	
25	Orissa	Kalahandi, Bhawanipatra	✓	
26	Punjab & Haryana	Ludhiana		✓
27	Punjab & Haryana	Palwal	✓	
28	Rajasthan	Tonk	✓	
29	Tripura	Registrar Vigilance, High Court of Tripura, Agartala	✓	
30	Uttarakhand	Pithoragarh		✓

From above table, it may be inferred that district courts under the high courts of Chhattisgarh Punjab & Haryana, Uttarakhand do not regularly make use of National Judicial Data Grid database to monitor performance of all the courts of their district. Though it is not clear if all the district courts under the high courts of Allahabad, Telangana, Andhra Pradesh, Bombay, Calcutta, Chhattisgarh, Delhi, Gauhati, Gujarat, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Madras, Orissa, Punjab & Haryana, Rajasthan and Tripura regularly make use of National Judicial Data Grid database to monitor performance of all the courts of their district. Judges who were sent as participants to the NJA workshop said that their courts regularly make use of National Judicial Data Grid database to monitor performance of all the courts of their district. This leads to conclusion that there is sufficient use of National Judicial Data Grid database by the participating district judges to monitor performance of all the courts of their district concerning disposal, delay, arrear and backlog of cases. The district courts where it is not being used orientation of the district judges about use of National Judicial Data Grid database should be initiated.

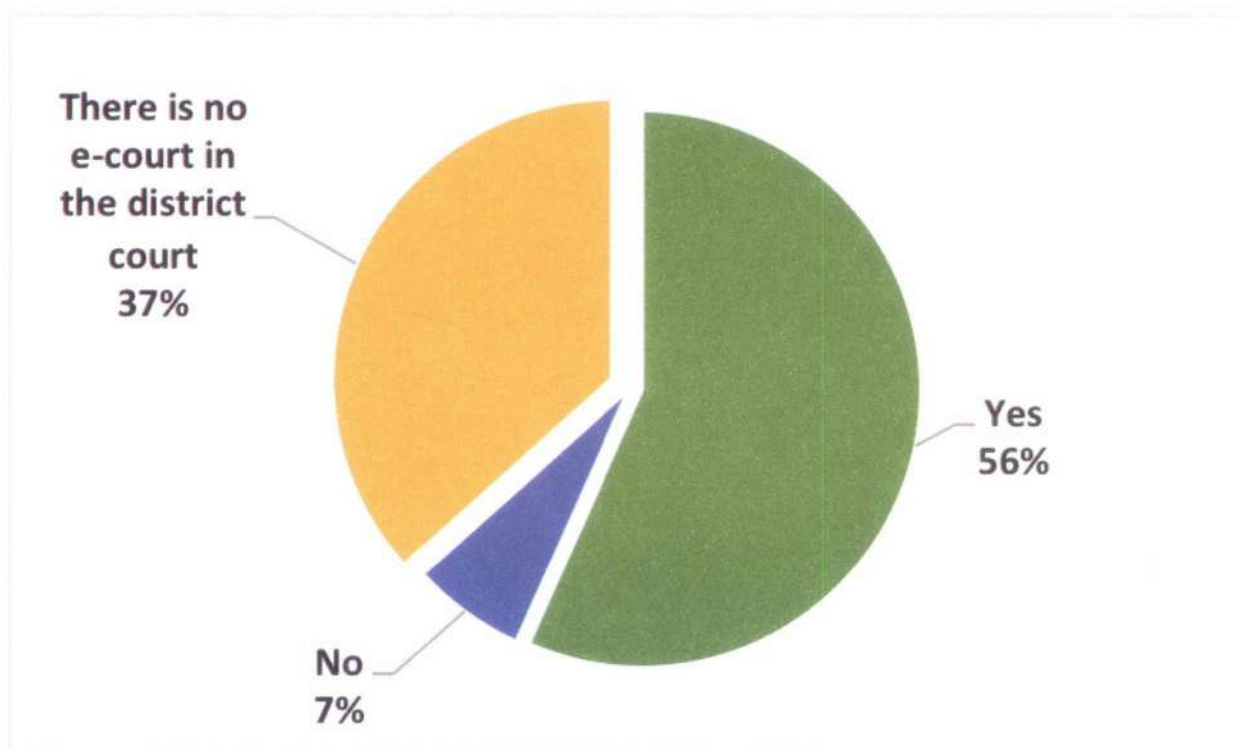


9. To a question *whether e-courts in your district court are working efficiently*, answer by 56% participating district judges was in affirmative whereas 7% participating district judges informed that e-courts in their district court are not working efficiently. 37% of the participating district judges said that there is no e-court in their district court. The individual responses were as given below:

No.	High Court	District	Yes	No	There is no e-court in the district court
1	Allahabad	Lucknow			✓
2	Telangana	Adilabad	✓		
3	Andhra Pradesh	West Godavari, Eluru	✓		
4	Bombay	Ratnagiri			✓
5	Bombay	Ahmednagar			✓
6	Calcutta	Calcutta	✓		
7	Chhattisgarh	Bilaspur	✓		
8	Chhattisgarh	Kanker	✓		
9	Delhi	Tis Hazari, Delhi	✓		
10	Delhi	Patiala House, New Delhi	✓		
11	Gauhati	Dhubri, Assam		✓	
12	Gauhati	Jorhat, Assam			✓
13	Gujarat	Palanpur			✓
14	Gujarat	Dahod	✓		
15	Himachal Pradesh	Mandi	✓		
16	Jammu & Kashmir	Samba (Jammu)		✓	
17	Jharkhand	Chatra			✓
18	Karnataka	Bidar			✓
19	Kerala	Malappuram			✓
20	Madhya Pradesh	Alirajpur	✓		
21	Madhya Pradesh	Umaria	✓		
22	Madras	Ariyalur	✓		
23	Madras	Udhagamandalam	✓		
24	Orissa	Kandhamal	✓		
25	Orissa	Kalahandi, Bhawanipatra	✓		
26	Punjab & Haryana	Ludhiana			✓

27	Punjab & Haryana	Palwal			✓
28	Rajasthan	Tonk	✓		
29	Tripura	Registrar Vigilance, High Court of Tripura, Agartala	✓		
30	Uttarakhand	Pithoragarh			✓

From above table, it may be inferred that in district courts under the high courts of Gauhati and Jammu & Kashmir e-courts are not working efficiently. Though it is not clear whether e-courts in all the district courts under the high courts of Telangana, Andhra Pradesh, Calcutta, Chhattisgarh, Delhi, Gauhati, Gujarat, Himachal Pradesh, Madhya Pradesh, Madras, Orissa, Rajasthan, Tripura are working efficiently. Judges who were sent as participants to the NJA workshop said that e-courts in their courts are working efficiently. The districts under the high courts of Allahabad, Bombay, Gauhati, Gujarat, Jharkhand, Karnataka, Kerala, Punjab & Haryana and Uttarakhand mentioned that there is no e-court in their district court. This leads to conclusion that e-courts should be established in district courts where there is no e-court as many participating district judges have mentioned that there is no e-court in their district court.

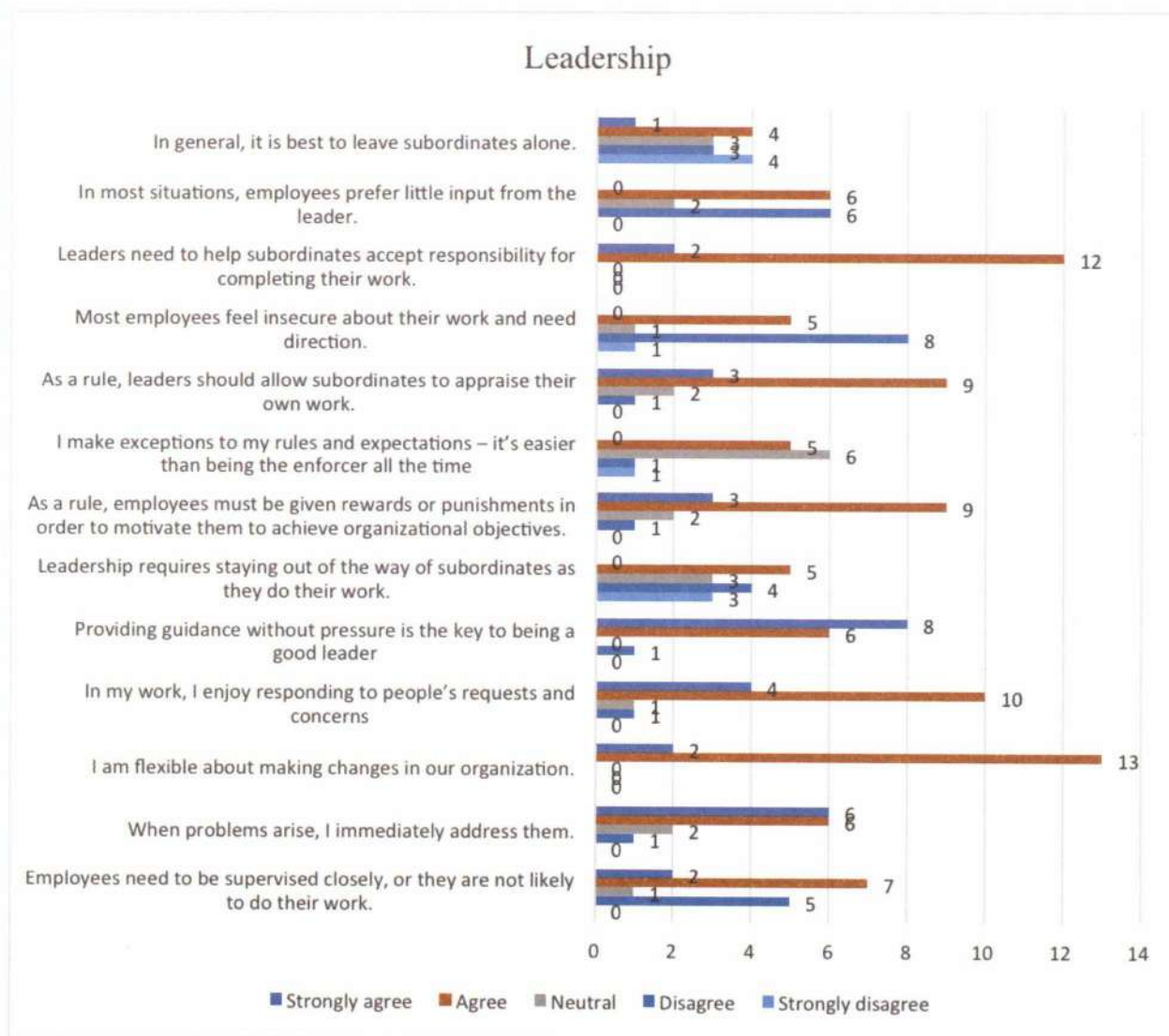


P-964: CONFERENCE ON FUNCTIONS OF REGISTRAR GENERAL

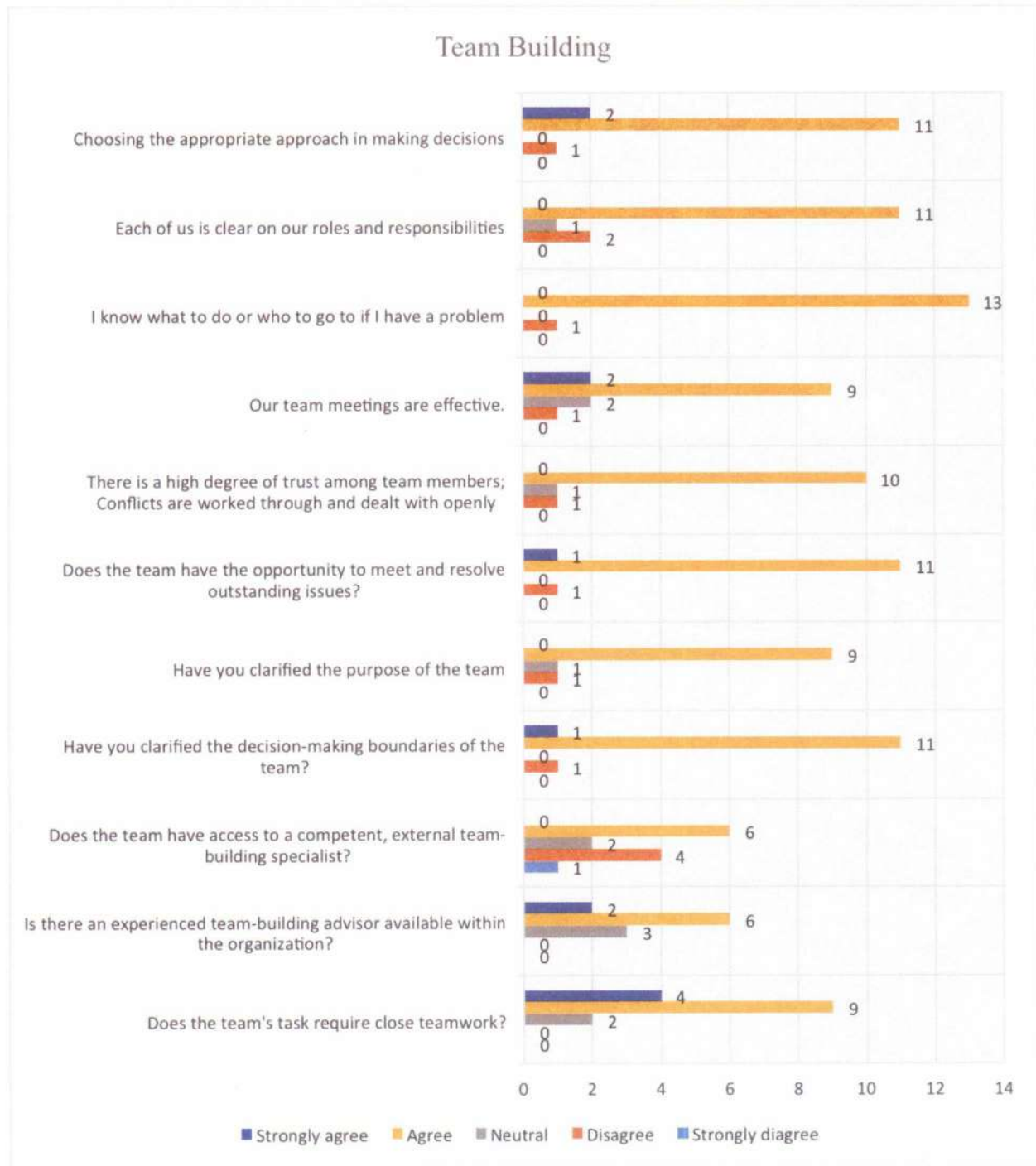
Mr. Prasadh Raj Singh, Law Associate

The National Judicial Academy organized a 3-day conference on functions of Registrar Generals (RGs) on managerial skills useful for administrative functioning in the High Court. These included leadership quality, team building, time management, stress management, conflict management and performance management. A questionnaire was administered to 16 RGs who attended the conference. Out of 16 participating RGs, 15 provided their response to the questionnaire and herein below their responses are graphically analyzed:

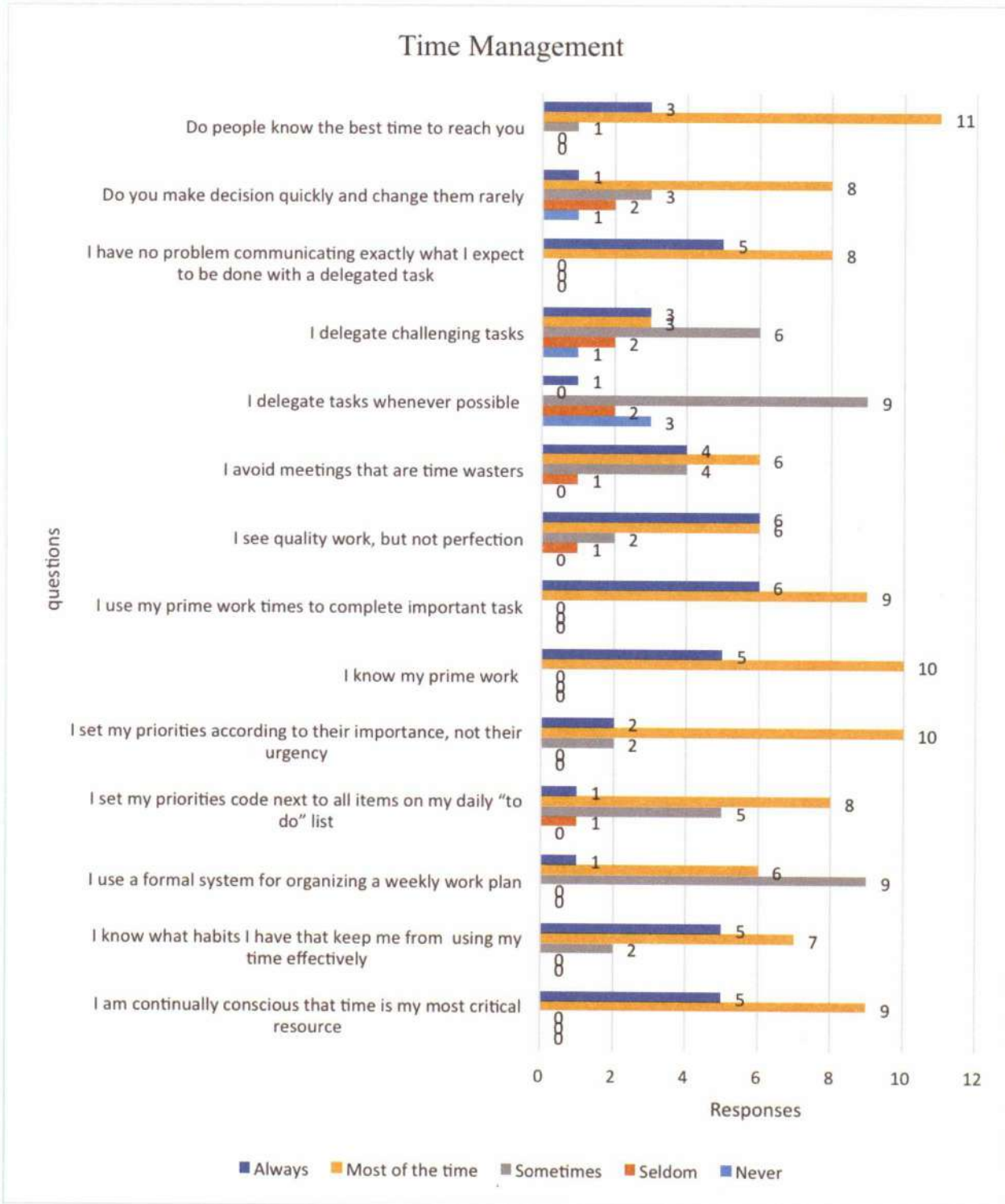
1. To understand whether the RGs possessed leadership skills, 13 questions were asked from them. Their response is:



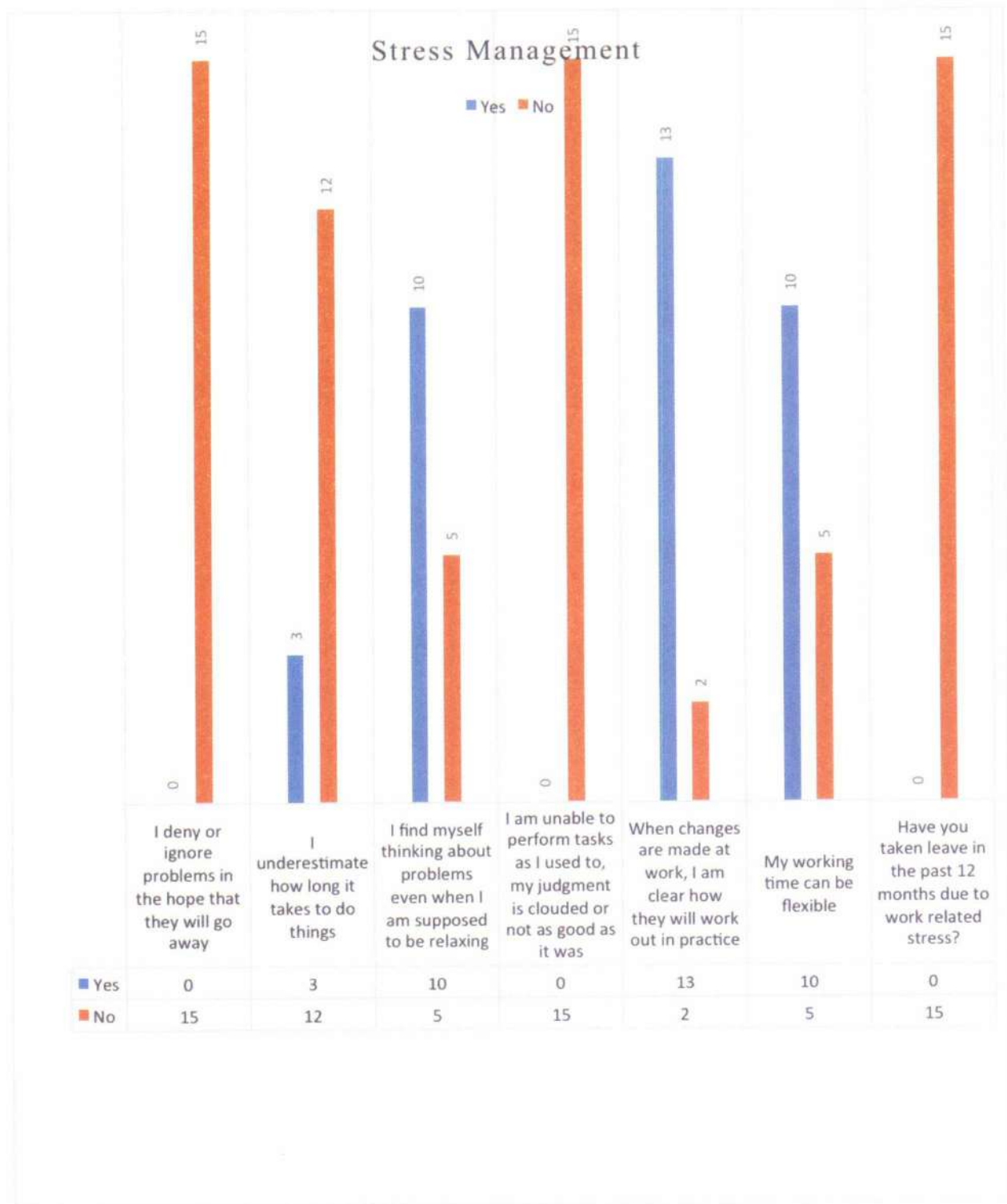
1. The second part of the questionnaire consisted of 11 questions to assess the team building spirit of the participating RGs and to acquaint them with its importance. About 15 RGs responded and on the basis of their response following picture emerges:



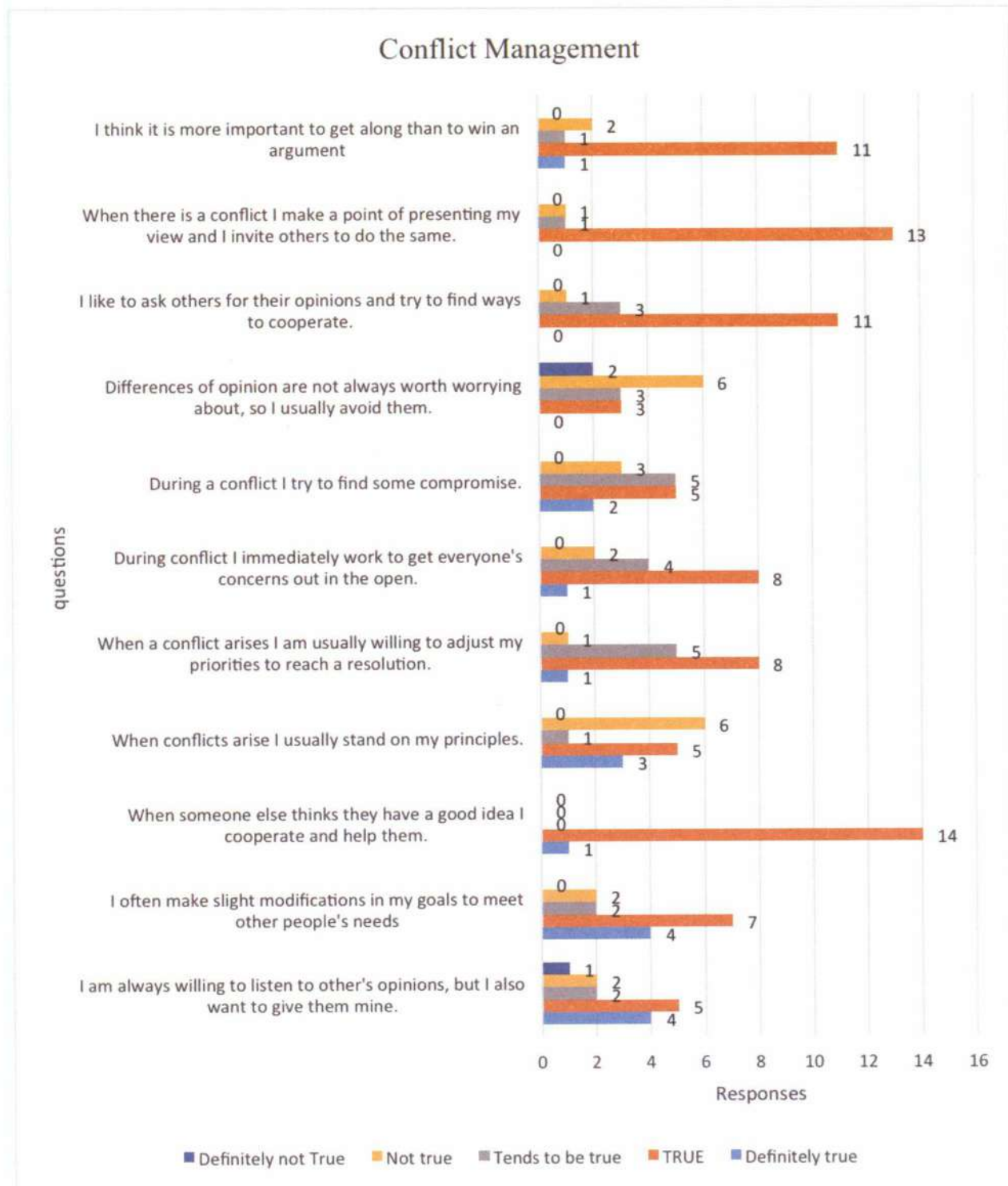
3. RGs were asked 14 questions on time management issues. On the basis of response by 16 RGs following picture emerges:



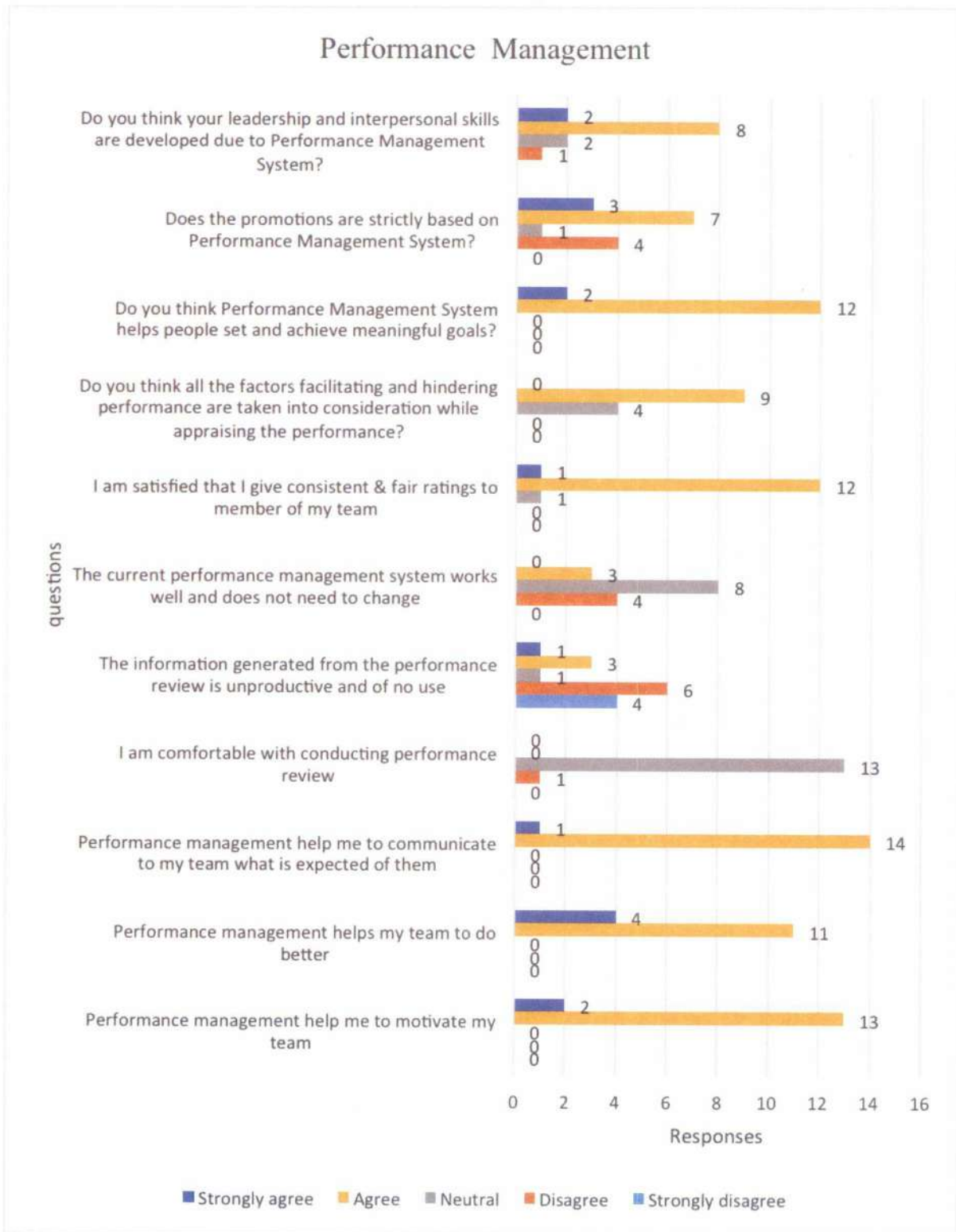
4. The questionnaire on stress management helped RGs in determining the stressful working conditions, and enabled them to monitor future improvements in this regard.



5. A questionnaire on conflict management was prepared to help the RGs to understand how they react and handle a particular situation during the conflict. The below graphical representation shows the responses provided by RGs at the time of conflict.



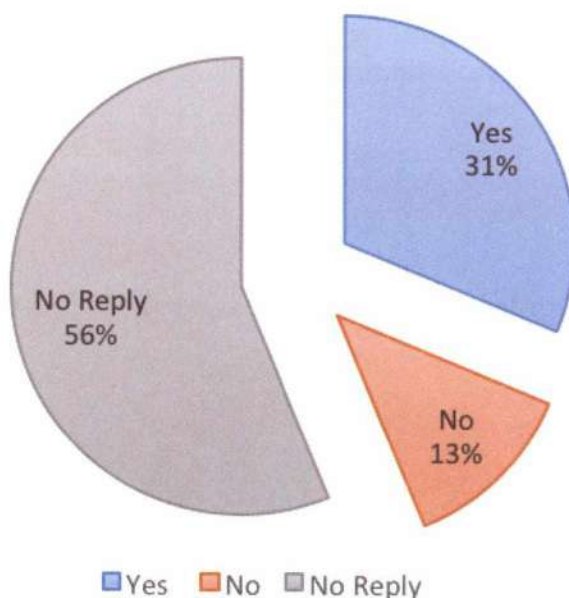
6. The questionnaire on communicating performance standards and expectations was administered to 15 RGs who responded as given below:



P-965: ADVANCED COURSE ON COMMERCIAL MATTERS*Mr. Sanmit Seth, Law Associate*

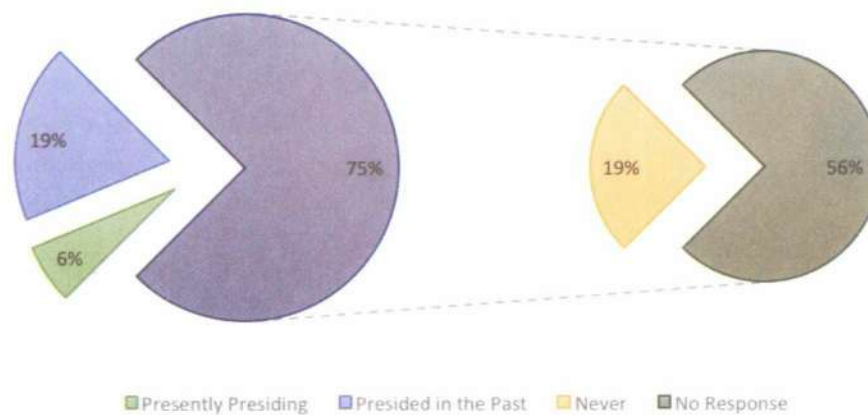
Keeping recent developments in mind in the areas of commercial disputes litigated in courts in India, the NJA organized 8-day advanced course on commercial law from 16th to 23rd February 2016. To help us in designing the course, a pre-training questionnaire was sent to the participating high court judges to get an idea of their background from which they come from and whether they have at any point of time presided over or dealt with commercial matters. It also includes a question on how many national and international conferences they have attended in the past on the topics to be discussed in this course. For the convenience of the readers, responses are represented graphically so as to have a fair idea for preparation of the course on commercial matters.

1. Disputes regarding tax matters give rise to many intricacies that are involved in the domain so we centered our first part of questionnaire to taxation and asked the participant judges about their background relating to taxation. On the question "*Whether taxation was part of your Mandatory/Optional LLB discourse?*", five judges gave an affirmative response that taxation was a part of their LLB discourse and two judges stated that they did not have taxation as a subject of their LLB discourse.

Taxation as part of LLB Discourse

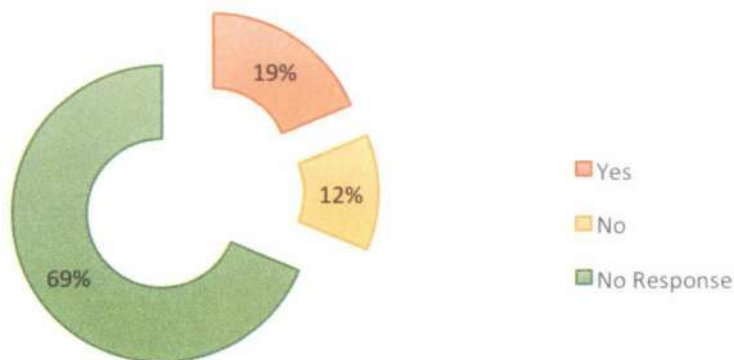
2. On the question “*Are you presiding over the tax bench or have presided in the past?*”, three judges from the High Court of Punjab and Haryana, Madras, and Bombay responded that they have never presided over the tax bench. There were two judges participating in the conference from the Bombay High Court. One of them stated that he had presided over the tax bench and so also judges from Andhra Pradesh and Uttarakhand who had presided over the tax bench. One judge of Jammu & Kashmir High Court stated that he is presently presiding over the tax bench.

Tax Bench

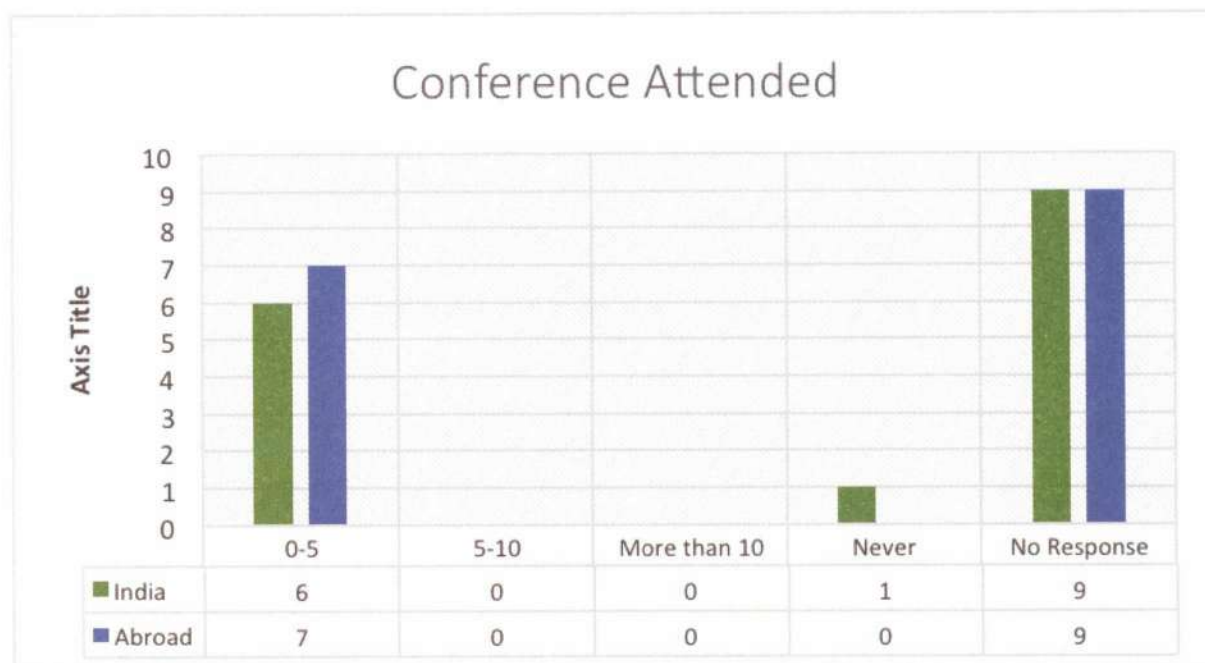


3. On the question “*Whether permanent establishment of an E-commerce company is important in determining the tax jurisdiction?*”, two judges took the view that permanent establishment of e-commerce company for determining tax jurisdiction is not important. But responses received from Bombay, Uttarakhand and Madras High Court show that it is necessary to have permanent establishment of such e-commerce company to determine the tax jurisdiction. No response was received from one of the participants from Bombay high court and the high court of Andhra Pradesh.

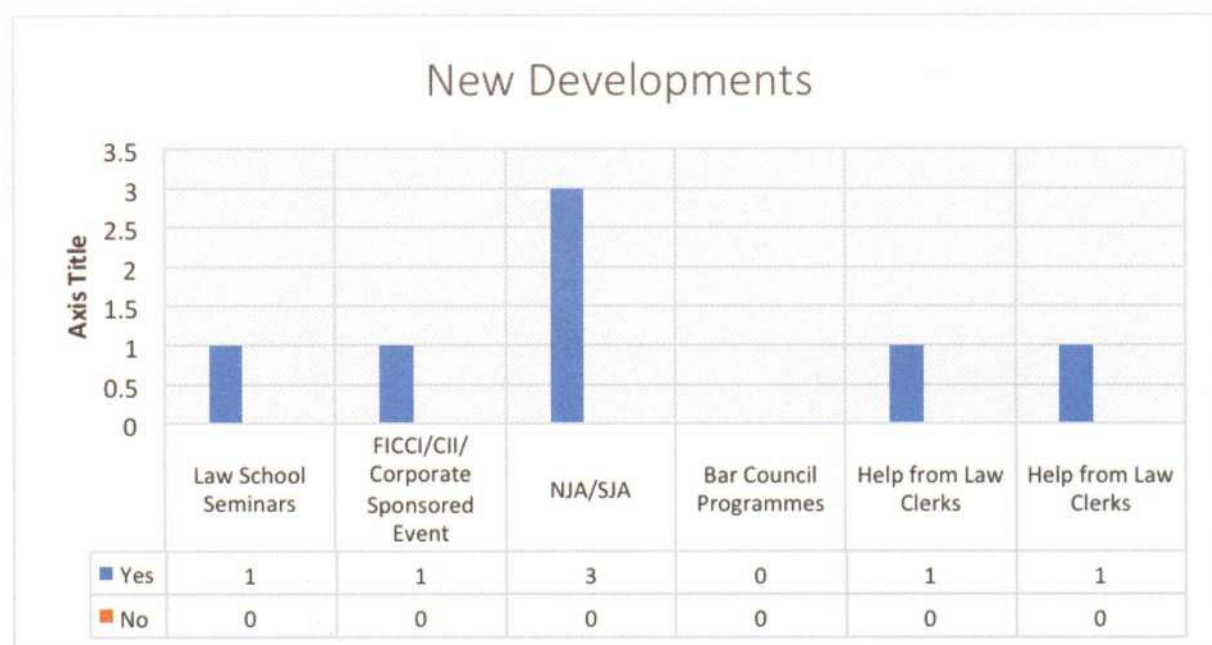
Permanent Establishment of E-Commerce



4. On information of the Conference on tax related issues that judges have attended in India and abroad, the data collected shows that very few justices have previously attended any conference on the tax matters whether in India or Abroad. This is clear from their responses depicted in the below figure:



5. On the question “How you update yourself on new developments in tax laws”, the response shows that the conferences held in the SJAs and the NJA, the Law School Seminars, FICCI/CII/Corporate Sponsored Events and Law Clerks play a significant role in updating judges on tax related matters.



6. On the question on “*kind of Commercial matters pending before your court?*”, the chart below shows that mostly arbitration matters are pending before the High Courts of Andhra Pradesh, Jammu & Kashmir, Punjab & Haryana, Maharashtra and Tamil Nadu whereas matters relating to Tax, IT, Company law, Competition Law and Intellectual Property are pending before Maharashtra and Tamil Nadu High Court besides arbitration litigation.



7. On the question “*What is your take on legalizing gambling and betting in India when countries like UK have changed its gambling policies and allows almost all forms of gambling?*” judges from Andhra Pradesh, Punjab & Haryana, Madras and Bombay High Court Justices stated that Gambling & Betting should be legalized for some forms of games. According to judges from Uttarakhand, Gambling & Betting should be completely legalized as in the case of the UK. On the contrary, one judge from Bombay and Jammu Kashmir expressed that it should not be legalized.

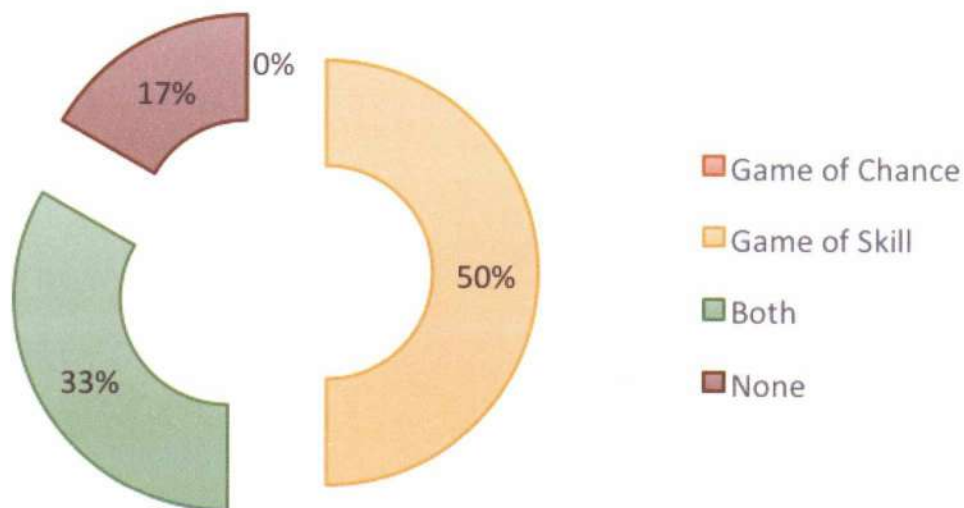


Legalise Gambling and Betting

- India shall legalise
■ India shall not legalise

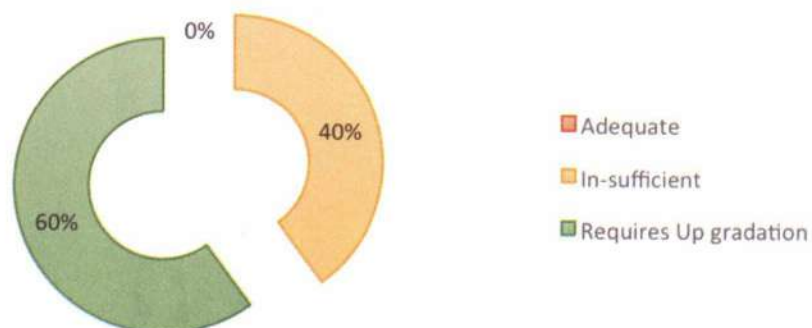
8. On the question “*form of games covered under gambling and betting that India should legalise*”, most judges responded that the Game of Skill should be legalized instead of the Game of Chance. However, 33% judges responded that both the Game of Skill and the Game of Chance should be legalized.

Legalise which form of Game?



9. On the question “*Do you think India's Privacy and Data Protection is adequate in ensuring security in the times of today's technological advancements*”?, the response collected show that with the pace of technological advancement, India's Privacy and Data protecting laws are inadequate to ensure security and it is time that these laws are upgraded to serve the needs of the current times.

India's Privacy and Data Protection



10. On the question “*do you seek any expert opinion on commercial matters pending before you?*”, judges responded that as of now, there has been no case before them for which they have sought the expert opinion.
11. On the question “*do you consider confidentiality and transparency in international commercial arbitration important?*”, five judges from Jammu & Kashmir, Andhra Pradesh, Uttarakhand, Madras and Bombay High Court viewed Confidentiality and Transparency in the International Commercial arbitration to be important whereas other judges indicated that it is not important.

Confidentiality and Transparency in Commercial Arbitration Important?



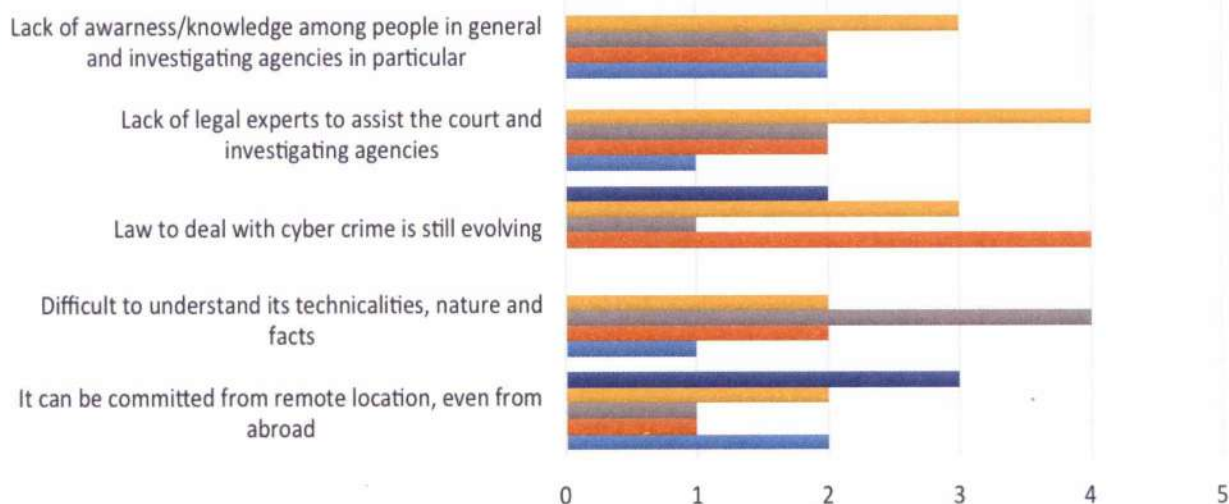
P-967: SEMINAR ON CYBER CRIMES

Pragya Aishwarya, Law Associate

The NJA organized a 3-day seminar for generating awareness on technical skills required in assessing evidence essential in providing justice to the victims of cyber crimes from 29th to 31st January 2016 for the high court judges. 14 high court judges participated in the conference and 9 out of them responded to the pre training questionnaire. This report is based on the responses received from 9 participating judges:

- Judges were asked to rate the most problematic aspect of cyber crime on a scale of 1-5, starting from most to least. Judges found most problematic jurisdictional issue in deciding cyber crime issues. Lack of experts to assist the courts was another issue that most of the judges found to be problematic.

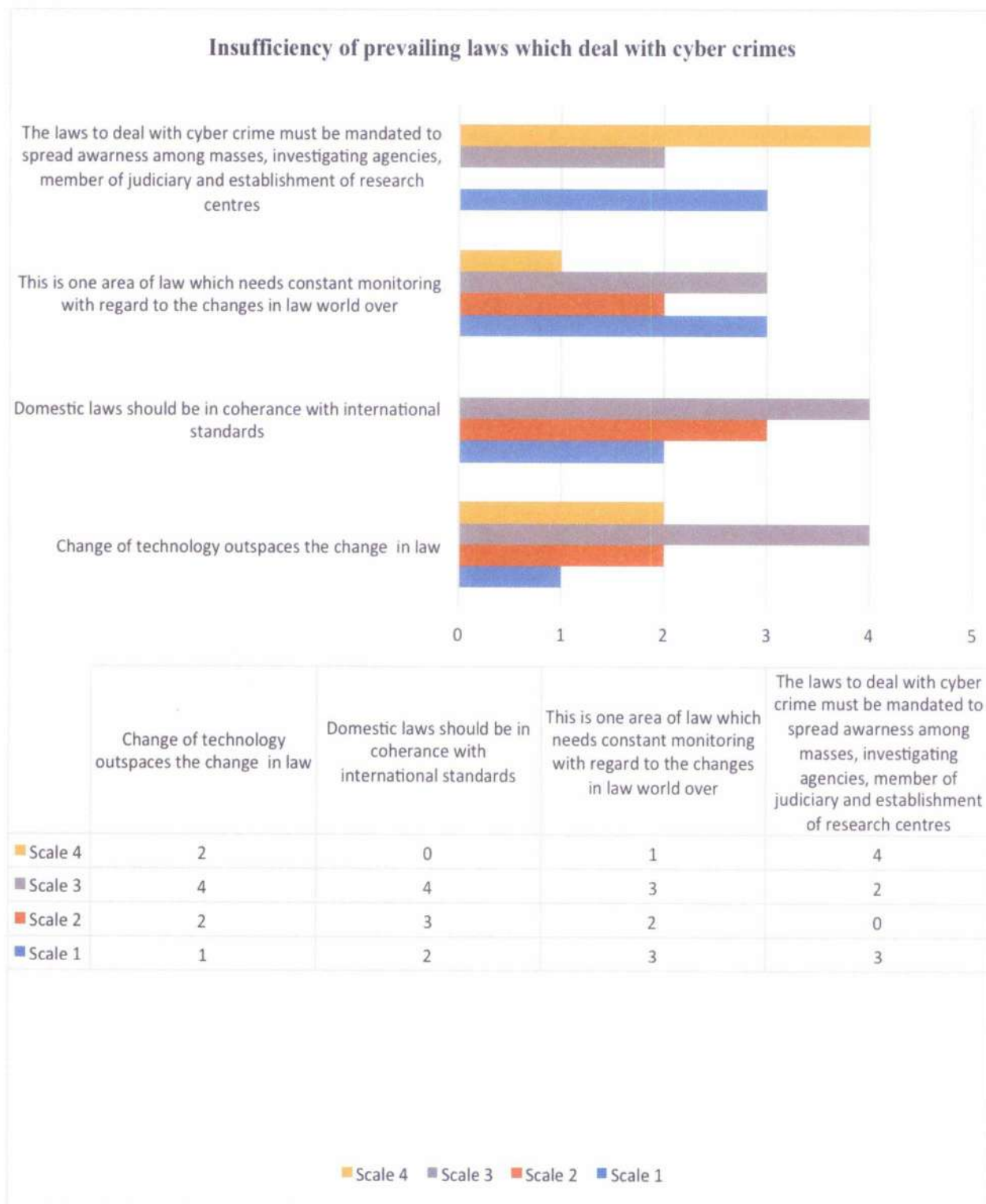
The most problematic aspect of cyber crime



	It can be committed from remote location, even from abroad	Difficult to understand its technicalities, nature and facts	Law to deal with cyber crime is still evolving	Lack of legal experts to assist the court and investigating agencies	Lack of awareness/knowledge among people in general and investigating agencies in particular
Scale 5	3	0	2	0	0
Scale 4	2	2	3	4	3
Scale 3	1	4	1	2	2
Scale 2	1	2	4	2	2
Scale 1	2	1	0	1	2

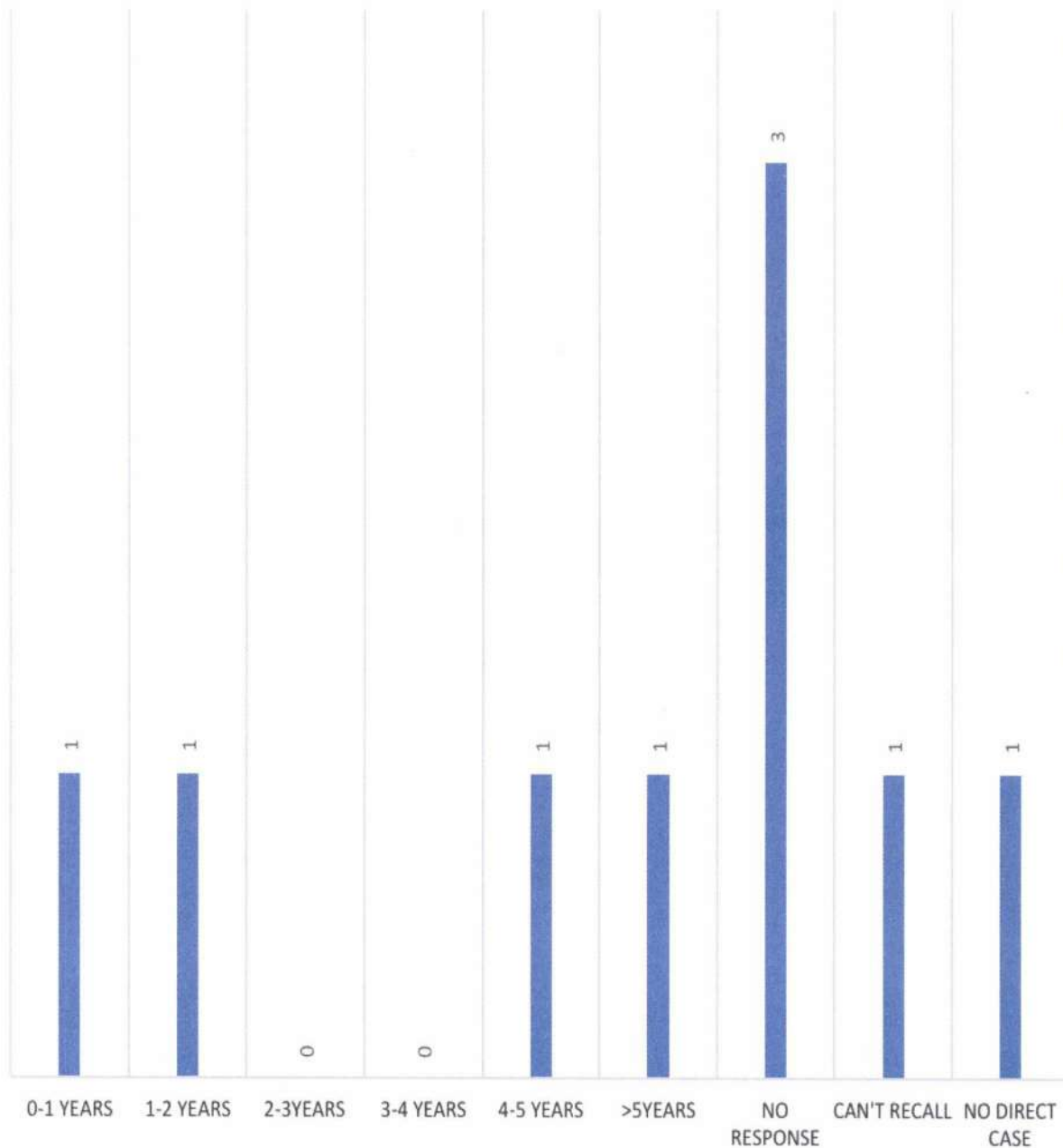
Scale 5 Scale 4 Scale 3 Scale 2 Scale 1

2. Judges on the scale of 1-4 were asked to rate the options with regard to insufficiency of existing laws, which deal with the cyber crimes. Judges found that greater awareness should be increased first of all about such laws.



3. On question of the oldest category of case on cyber crime that a judge has dealt with, as is clear from the graph, cases on cyber crimes are not very old. Most judges did not respond to this question. One of them mentioned that there has been no direct case before him. Rest all responses ranged from 0-5 years and one judge mentioned that he has cases pending for more than 5 years.

OLDEST CATEGORY OF CASE ON CYBER CRIME



4. On the most difficult area that judges face in deciding a case on cyber crime, as is evident from representation below, lack of expertise of investigating agency, electronic and cyber forensic and lack of lawyers on cyber forensics were rated highly difficult areas

Most difficult area for you to deal with while deciding a case on cyber crime

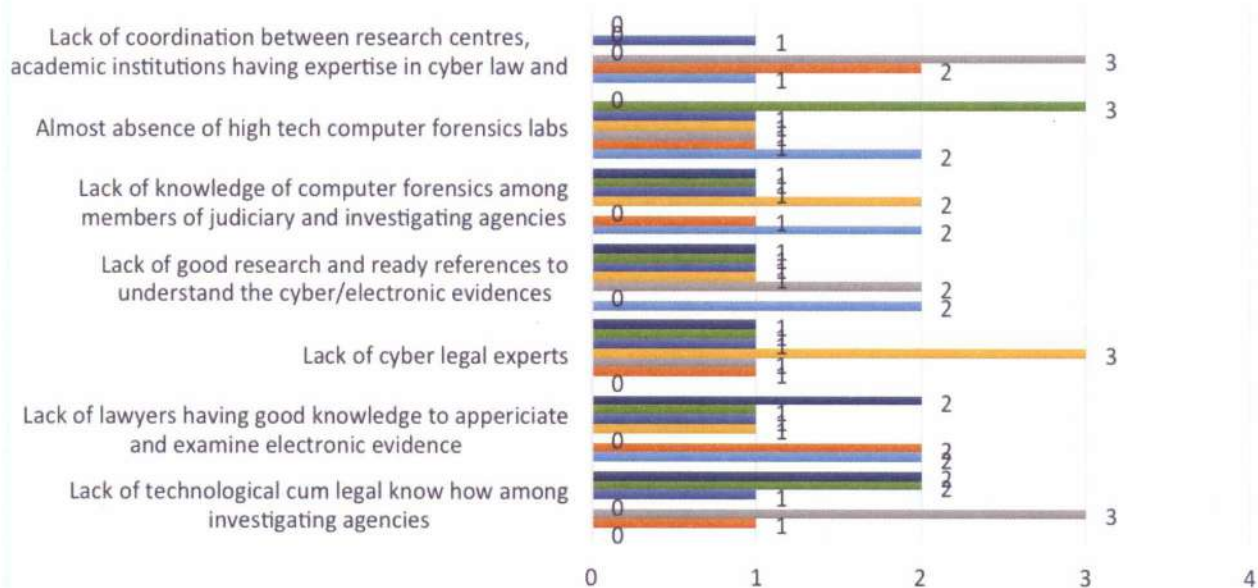


	Terminology	Electronic Evidences and Cyber Forensics	Lack of Lawyers and Cyber Forensics	Lack of expertise among investigating agencies	Nature of Offence
Scale 5	0	0	1	1	3
Scale 4	3	0	0	0	0
Scale 3	0	2	0	0	1
Scale 2	0	1	3	2	1
Scale 1	1	3	3	4	0

Scale 5 Scale 4 Scale 3 Scale 2 Scale 1

5. Judges were asked to rate on the scale of 1-7, issues related to electronic evidence that needs maximum attention. As the graph below shows judges mostly agreed on lack of co-ordination between research centres, academic institutions and the judiciary in sharing expertise on technology and absence of high tech computer forensic labs and rated these two factors highly.

Aspect related to electronic evidence which needs maximum attention



	Lack of technological cum legal know how among investigating agencies	Lack of lawyers having good knowledge to appreciate and examine electronic evidence	Lack of cyber legal experts	Lack of good research and ready references to understand the cyber/ electronic evidences	Lack of knowledge of computer forensics among members of judiciary and investigating agencies	Almost absence of high tech computer forensics labs	Lack of coordination between research centres, academic institutions having expertise in cyber law and judiciary
Scale 7	2	2	1	1	1	0	0
Scale 6	2	1	1	1	1	3	0
Scale 5	1	1	1	1	1	1	1
Scale 4	0	1	3	1	2	1	0
Scale 3	3	0	1	2	0	1	3
Scale 2	1	2	1	0	1	1	2
Scale 1	0	2	0	2	2	2	1

Scale 7 Scale 6 Scale 5 Scale 4 Scale 3 Scale 2 Scale 1

6. Judges were asked to provide factors affecting time length in deciding cyber crime. When asked to rate on the scale of 1-6, as shown below, poor investigation including laxity in search, seizure and interception/monitoring of internet traffic was rated highly to indicate as the major factor affecting time length in deciding cyber crime.

Factors affecting time length in deciding cyber crime



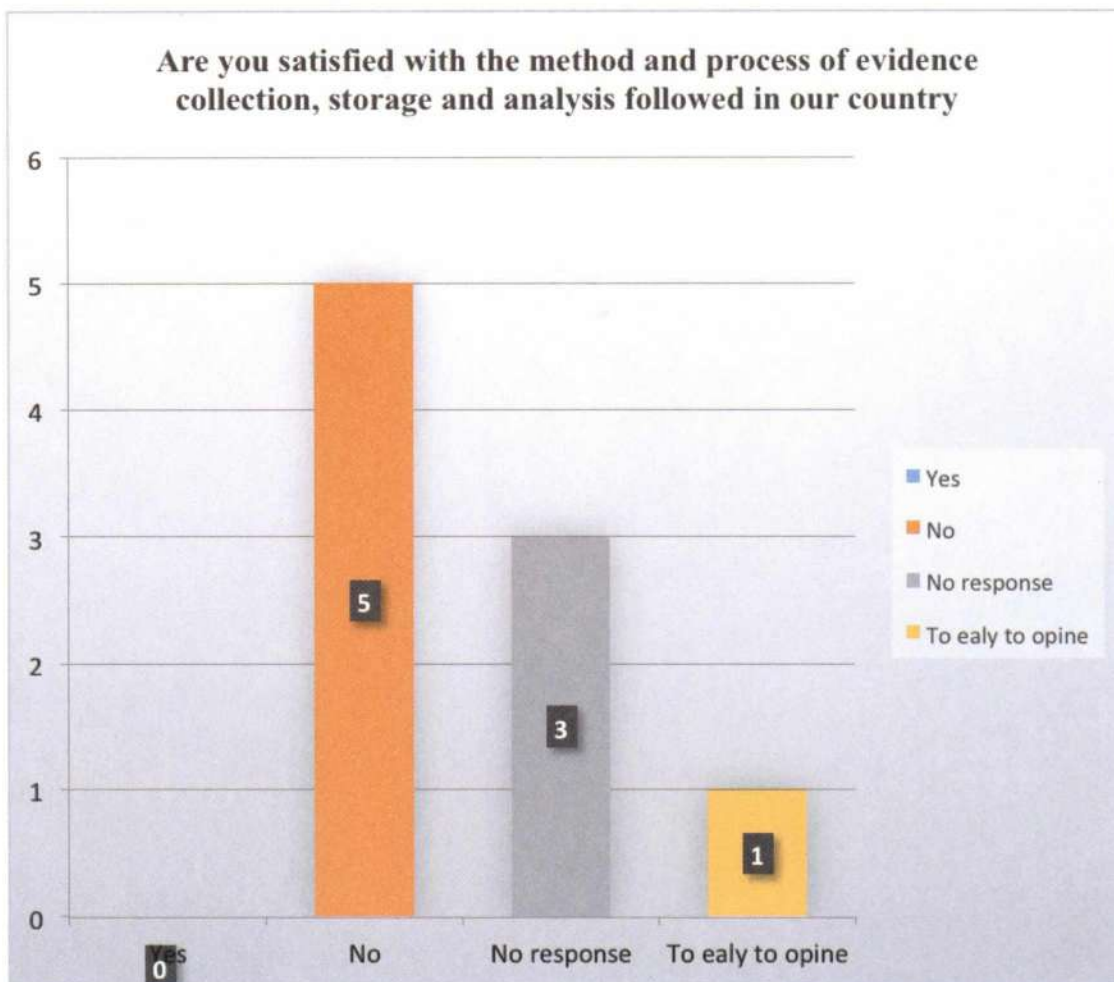
	Poor investigation including laxity in search, seizure and interception/monitoring of internet traffic	Lack of expert lawyers	Lack of cyber experts	Lack of computer forensic labs	Lack of judicial officers having good understanding of cyber law	Lack of clarity in law as the law related to cyber offences is still evolving
Series 6	1	2	1	0	0	3
Series 5	2	2	1	2	2	2
Series 4	0	1	1	2	2	2
Series 3	0	1	1	3	3	0
Series 2	1	1	3	2	1	0
Series 1	3	2	1	0	1	1

Series 6 Series 5 Series 4 Series 3 Series 2 Series 1

7. On the problems faced in dealing with electronic evidence, out of 9 judges, 3 judges chose not to answer this question, 1 judge mentioned that he had not yet experienced such problems. Whereas 5 judges mentioned that

- Cyber laws are not understood by the investigating agencies;
- Lack of awareness amongst the stakeholders to deal with such evidences;
- There is no authenticity in producing documents;
- Appropriate preservation is not provided;
- The nature of offence change every day;
- Less trainings provided on technical subjects

8. On are you satisfied with method and process of evidence collection, storage and analysis, majority of judges showed dissatisfaction.



9. On suggestions to improve the quality of evidence presented before the court, judges responded as:
 - the process in section 65 B of the evidence Act, needs to be simplified;
 - new rules to deal with electronic evidence to be framed;
 - IOs to be made aware of the operation of crime and the law
 - Continuous training to be given to all stakeholders
10. As to who should have the administrative control of such cyber forensic labs and why, judges were of the view that a well-equipped computer forensic lab should be established in every State capital and the administrative control should be with a person who is aware of these laws and a senior person in the Indian Police Service.
11. To the question, what is the standard of technical competence of lawyers who are handling cases involving digital forensic evidence? How does the technical understanding of the lawyers presenting digital evidence at hearing and at trial affect the effectiveness of that evidence to the fact finder?, judges responded that lack of technical knowledge among lawyers is an impediment both from the point of the prosecution and also defence. Lawyers are still not totally aware of the intricacies involved.

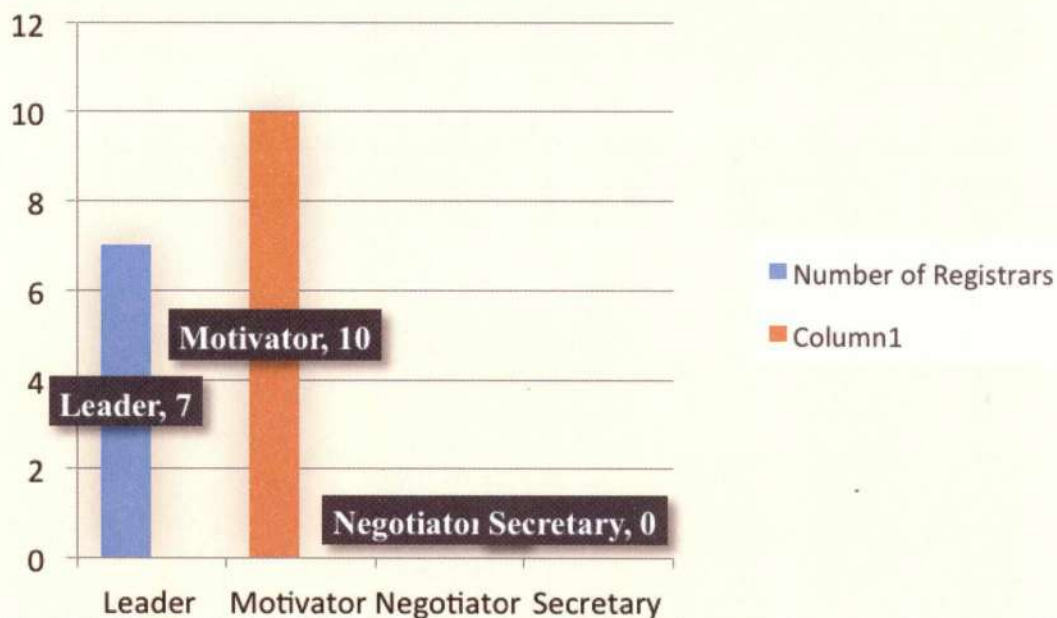
P-968: CONFERENCE ON THE FUNCTIONS OF REGISTRAR (JUDICIAL)

Ruchi Singh, Law Associate

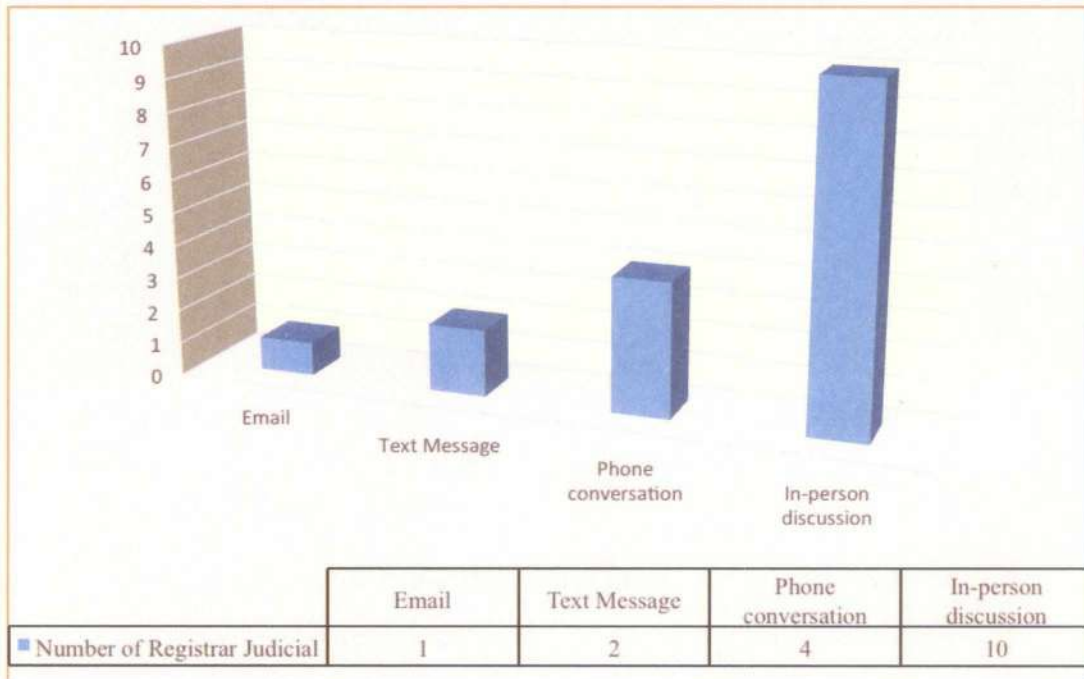
The National Judicial Academy organized a 3-day conference on the functions of Registrar (Judicial)[R(J)] in all the high courts from 1st to 3rd February 2016. As the functions differed from one high court to another, sessions to enhance their administrative capacity were delivered. Management experts on 'leadership skills' and 'team building skills' as well as senior judges on exploring the utility of drafting model rules on the roles and functions of R(J) in different high courts were called. A pre-training questionnaire was sent to all the nominated R(J)s to seek their responses. All 17 R(J)s responded to the said questionnaire. This report presents those response through charts and tables for the purpose of quick understanding.

1. On the point of leadership skills R(J)s were asked to place themselves in the role of a leader when responding to the *questionnaire*. Out of 17 R(J)s, 10 mentioned that they take the role of a motivator and 7 of them said they acted as a leader. None of the participants marked themselves taking the role of a negotiator or a secretary.

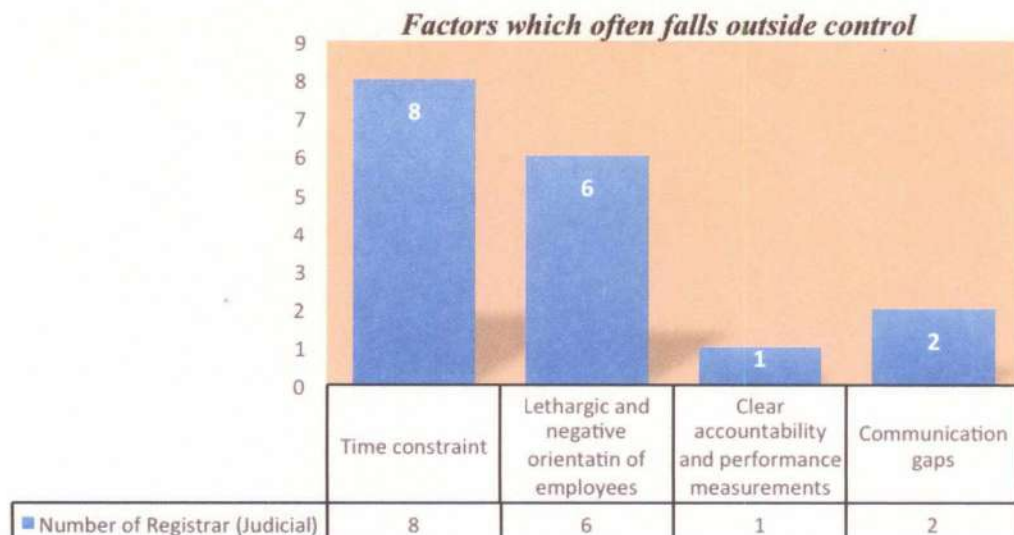
Number of Registrar Judicial playing each role



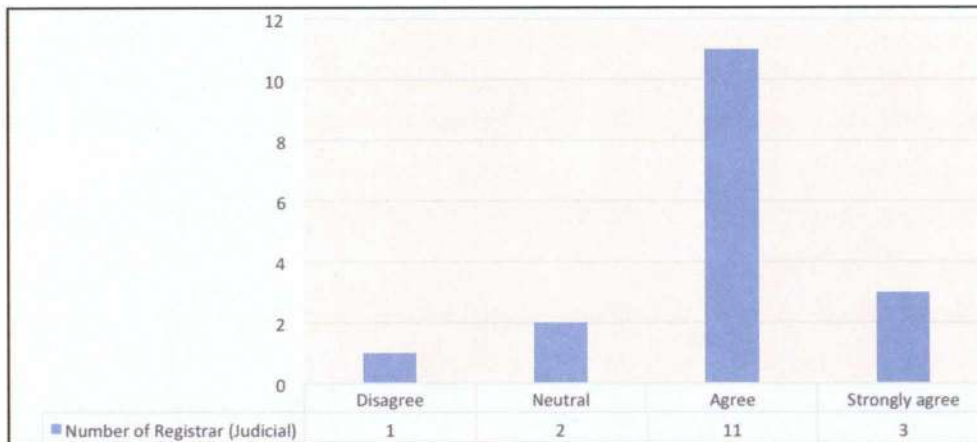
2. On the methods of communication that they found most comfortable, *discussion in-person* was informed as the most convenient mode of communication used by 10 of them. 4 R(J)s preferred discussion over phone calls also as the comfortable mode of communication. Only 1 R(J) mentioned e-mail which suggests that e-communication mode is still not explored by the courts properly.



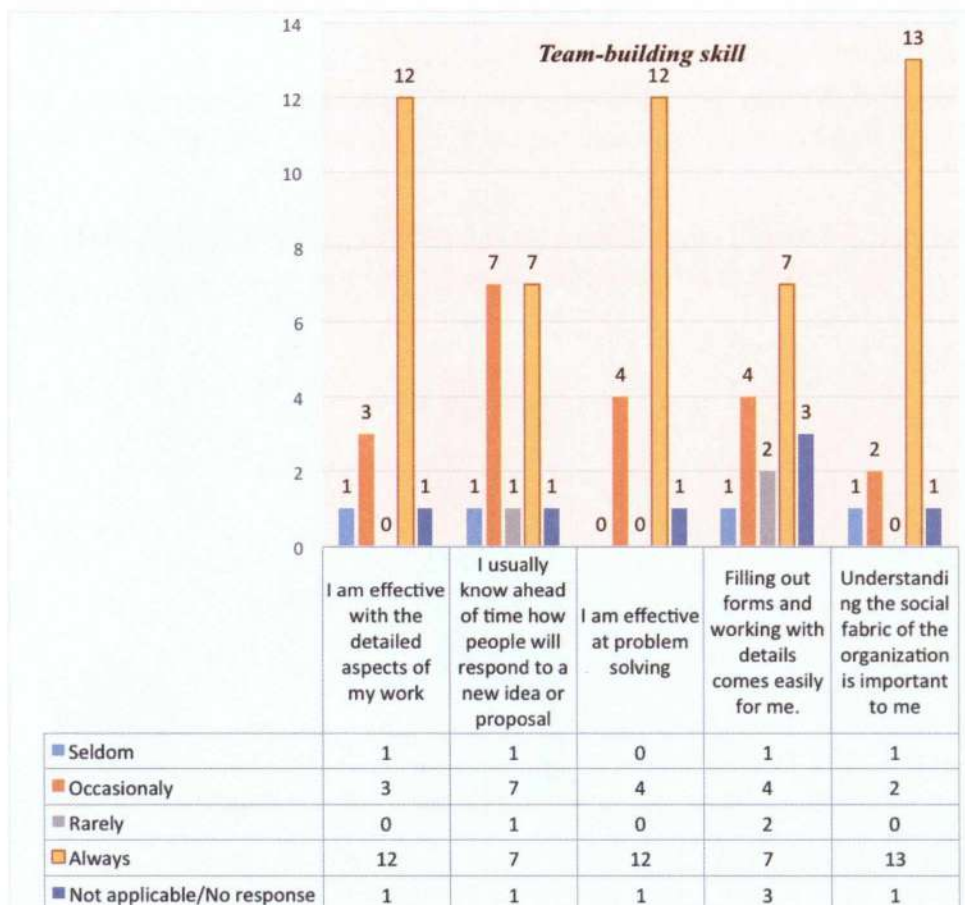
3. On the question about factors that fall outside the administrative control of the R(J), time constraint was suggested by maximum participants (8 out of 17 R(J)s) as the factor which hinders their work. However 6 out 17 R(J)s mentioned 'lethargic and negative orientation of employees' as a major factor which falls out of their control.



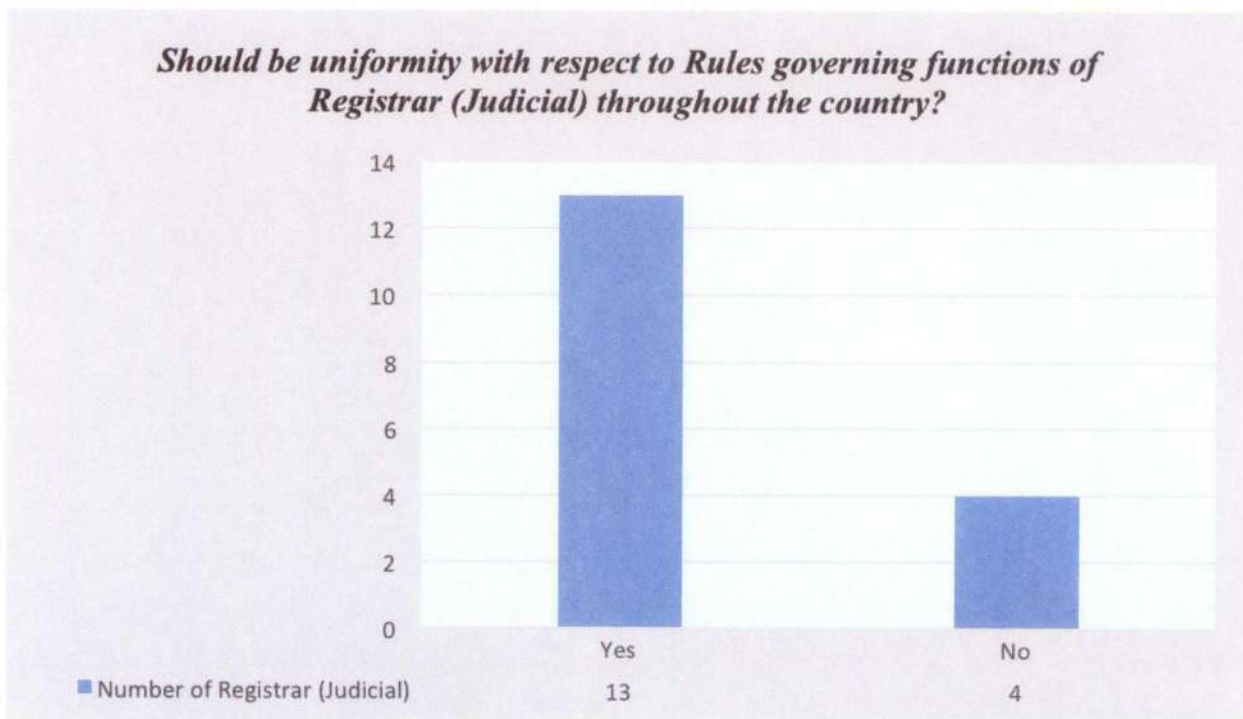
4. 11 out of 17 R(J)s agreed that employees do not work properly without continuous supervision, 3 of them agreed strongly on this point, whereas 2 R(J)s had neutral response.



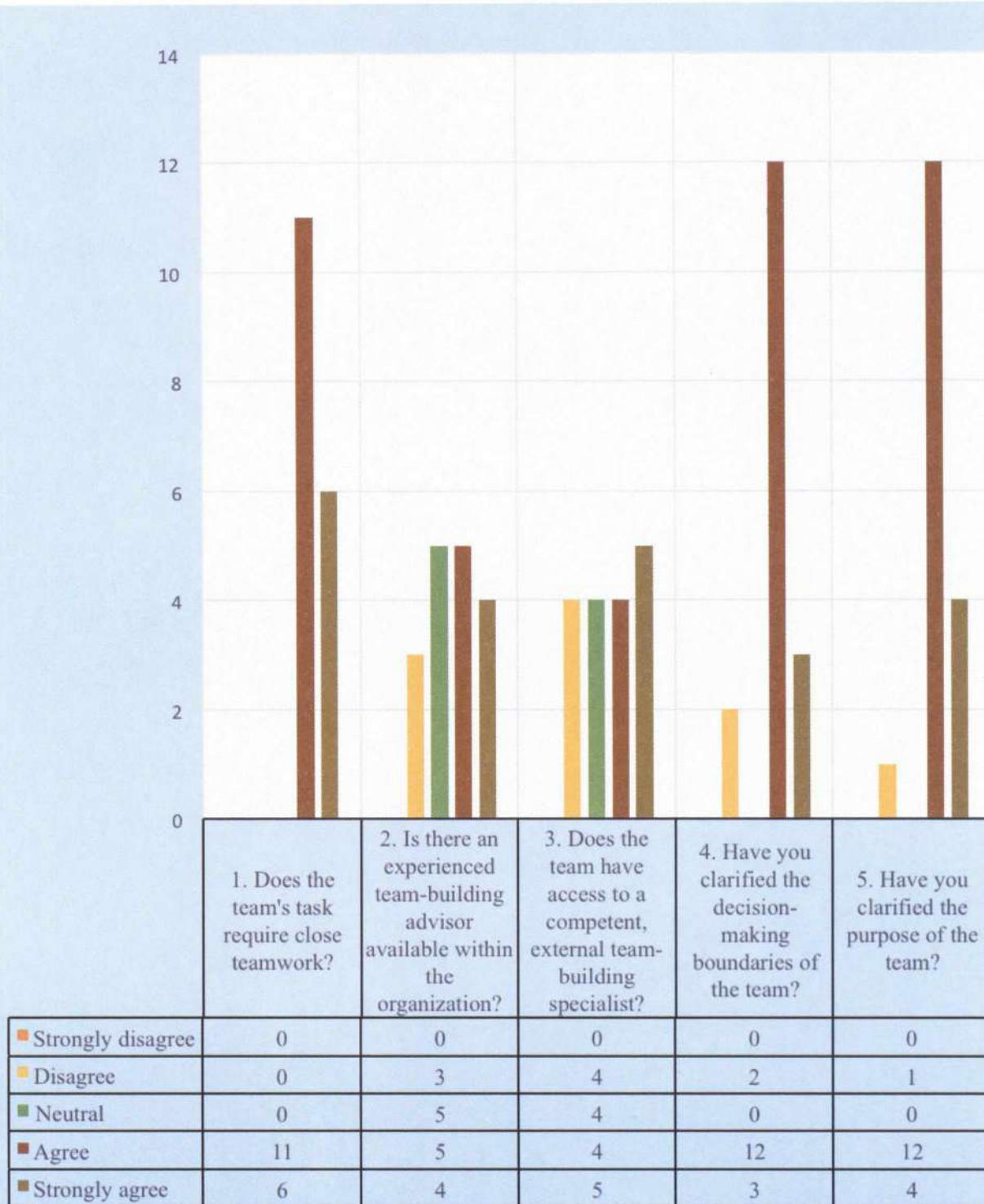
5. A question was asked on the subject of 'team-building skill'. Here statements were to be answered by marking degrees varying from 'always' to 'seldom' for self-analysis by the R(J)s. On the question such as: 'I am effective with the detailed aspect of my work' or 'I am effective' at solving problems'. Most of the R(J)s felt they were always effective in doing their work and solving their problems.



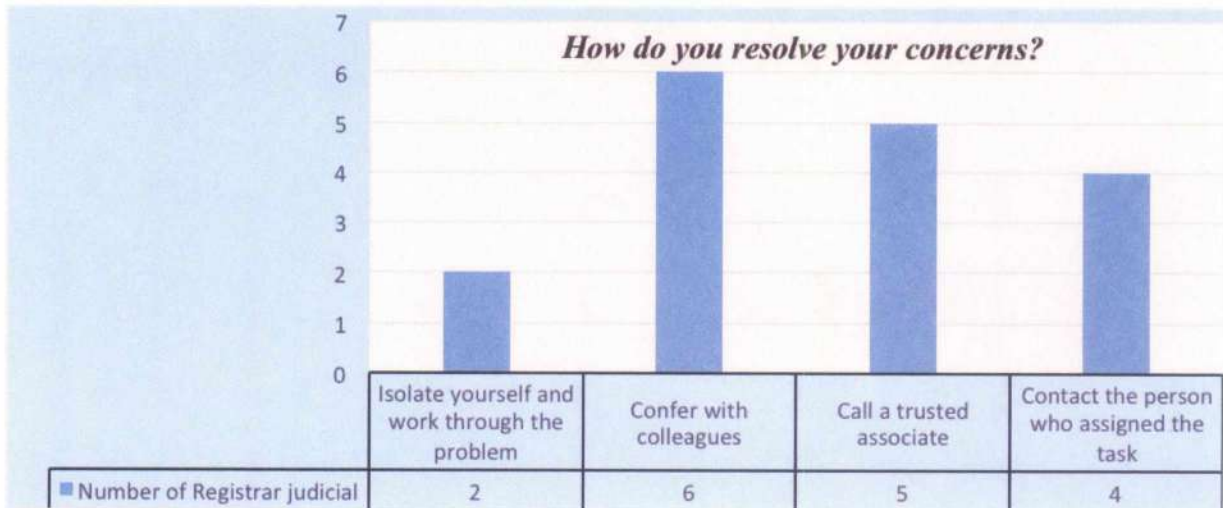
6. When asked on innovative solution that R(J)s have developed to a non-traditional problem, 14 R(J)s did not answer. The R(J) from Uttarakhand High Court mentioned that he had asked all staffs of the registry to report every problem reported by advocates at the time of filing to him, and asked them to avoid nepotism and favouritism absolutely and deal everything as per the rule. The R(J) from Orrisa High Court said that the innovative solution to every problem is to put it forth and discuss freely. The R(J) from Manipur High Court suggested that he coordinates with the stake-holders to solve every problem.
7. On challenges faced by them individually, following responses emerged:
 - a. To see that no inconvenience is caused to any of the high court judge while functioning in courts;.
 - b. To minimize multitasking;
 - c. To maintain confidentiality, integrity and allegiance to the chief justice only;
 - d. To bring cooperation between all the staff members;
 - e. To brief the chief justice on issues like constitution and re-constitution of benches and assignment of matters to the benches proportionately;
 - f. Listing of cases;
 - g. Complying courts orders and posting of cases to courts;
 - h. To work even after office hours;
 - i. Lack of knowledge of English between staffs;
 - j. To motivate employees
8. On the idea of framing uniform Rules governing the functions of Registrar (Judicial) throughout the country, 13 R(J)s felt the need for such uniformity whereas 4 R(J)s did not felt any such need.



9. To ascertain team-building skills of the R(J)s, they were asked 5 questions. Their response indicates that the spirit of team-building was present in the R(J)s and it could be improved by technically training them on this subject.



10. On the question “*when overwhelmed with an assigned task, how do you elect to resolve your concerns?*”, most of the R(J)s confirmed that they consult their colleagues first followed by calling a trusted associate.



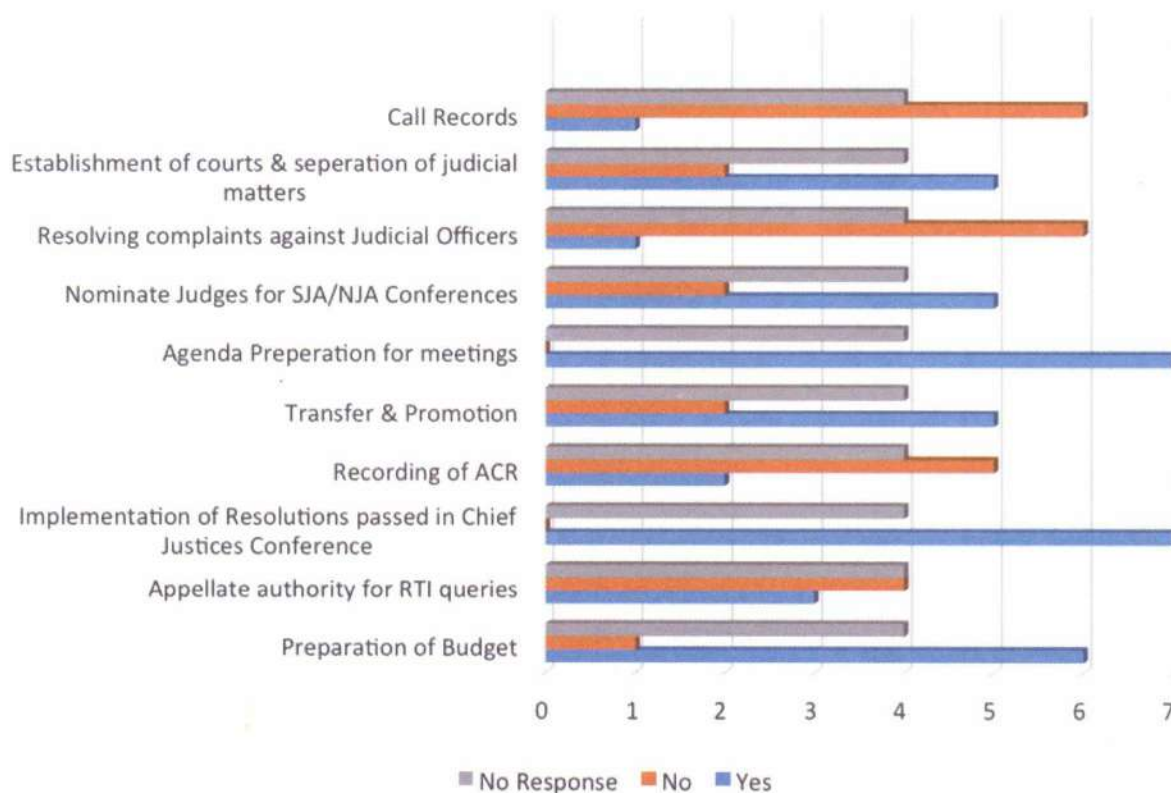
P-970: THE CONFERENCE ON FUNCTIONS OF REGISTRAR GENERAL

Ms. Nitika Jain, Law Associate

The NJA organized second 3-day conference on functions of the Registrar Generals (RGs) from 8-10 February 2016 to explore problematic areas in the functions performed by the RGs and guide them on those problematic areas in their work. The conference was attended by 11 RGs from the high courts of Allahabad, Andhra Pradesh, Bombay, Calcutta, Chhattisgarh, Jammu & Kashmir, Karnataka, Kerala, Madras, Manipur and Punjab and Haryana. A questionnaire was distributed to all of them and 7 of them responded. This report is a graphical representation of the responses received.

1. On the question, *what roles and responsibilities are assigned to you as RG in your high court*, responses received show that Budget preparation and Implementation of Resolutions passed in Chief Justices conference is a common role of the RG, followed by recording of ACRs, promotion and transfer and establishing of courts and separation of judicial matters. In Calcutta High Court, the RG has a role of calling of records. Responses lead to an inference that there is a need for standardization of roles of the RGs for each High Court.

Roles and Responsibilities of Registrar General

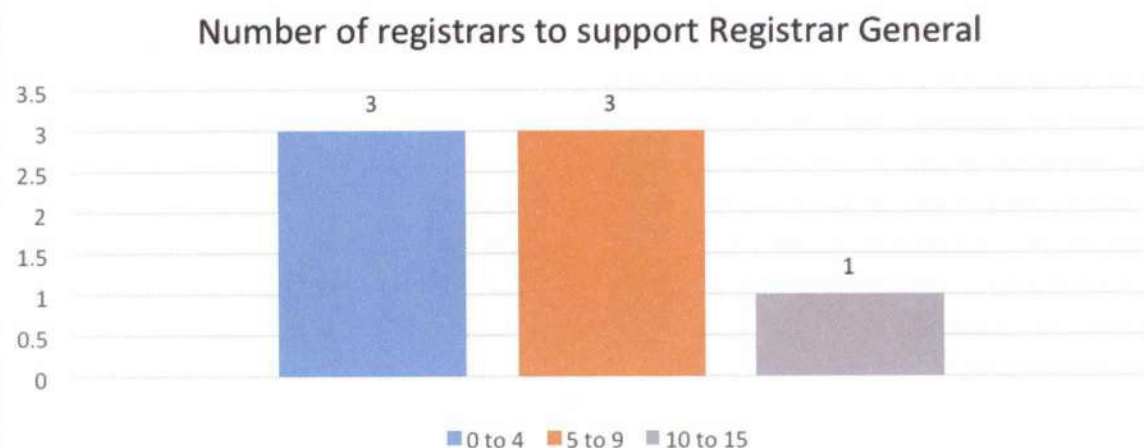


2. On the question as to *what problems are generally faced by the RG in implementing resolutions passed in Chief Justice's conference*, 5 RGs of Andhra Pradesh, Karnataka, Madras, Bombay, Punjab and Haryana, pointed out that the government delay is a major problem in implementation of these resolutions followed by issues relating to apathy of judges faced by RGs of Karnataka and Bombay, problems of infrastructure, financial independence and delays caused by subordinate courts as stated by RGs of Calcutta, Kerala and Karnataka High Courts respectively.

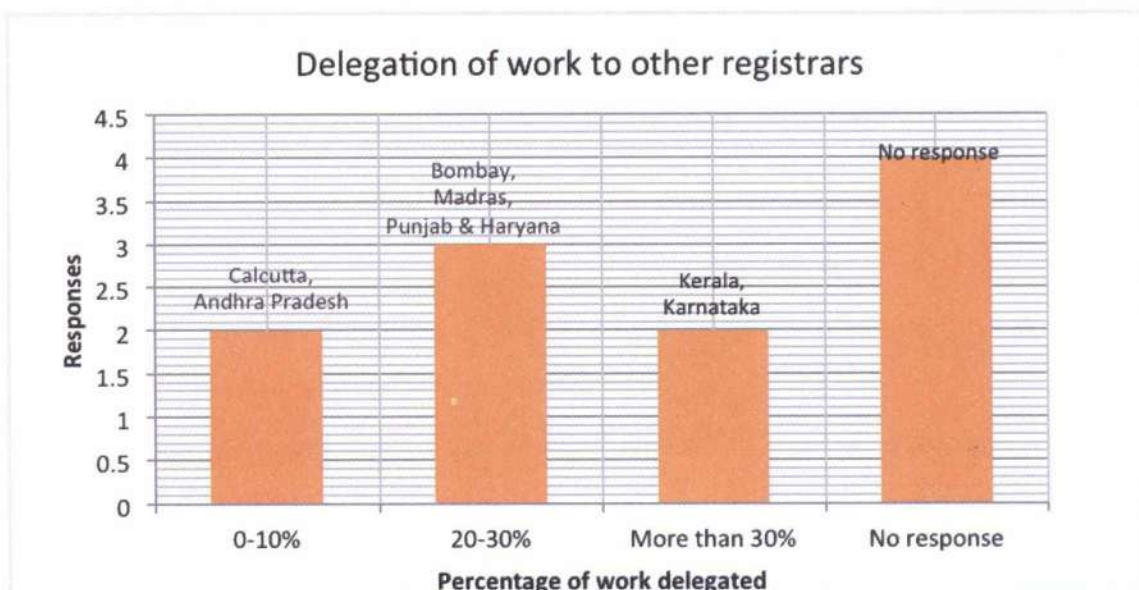
Problems while implementing Resolution passed in CJ Conference



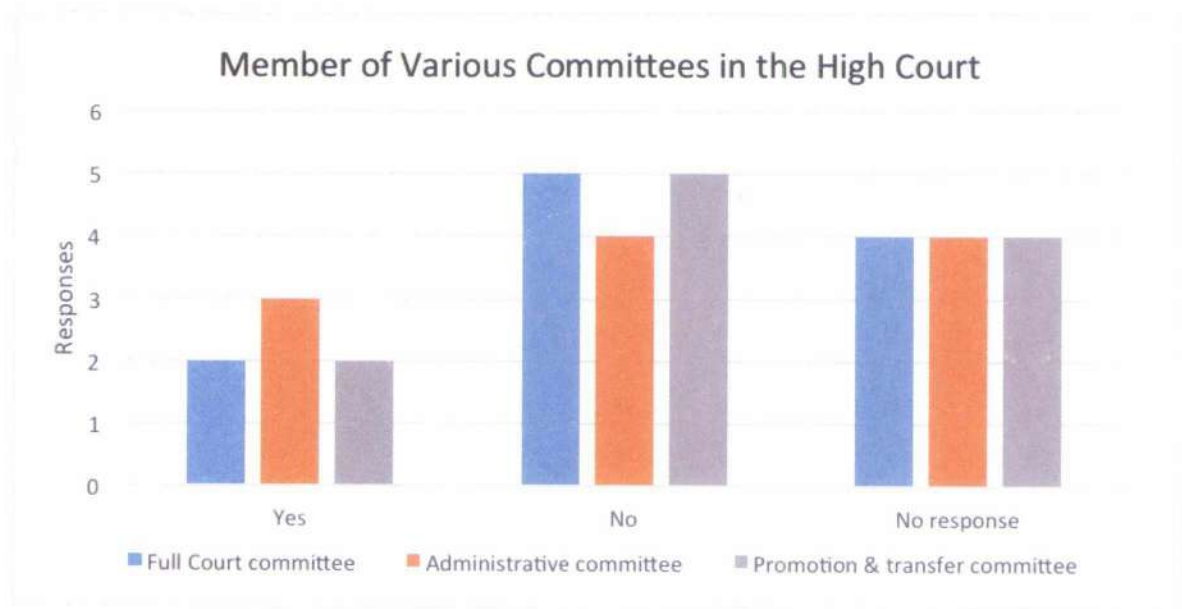
3. On average number of registrars to support the Registrar General in their High Courts, the chart below shows that, there are approximately 4 to 8 supporting registrars to provide help to the Registrar Generals of Calcutta, Kerala, Madras, Karnataka and Andhra Pradesh High Courts in day to day functioning of the court. It is only the Registrar General of Bombay High Court who has around 10 to 15 registrars for support who lend support in matters relating to requirements of judges, recruitment process, supervision, finance and budget preparation, etc. However from the responses it could be stated that majority of Registrar Generals do not get adequate support to carry administrative work efficiently and timely.



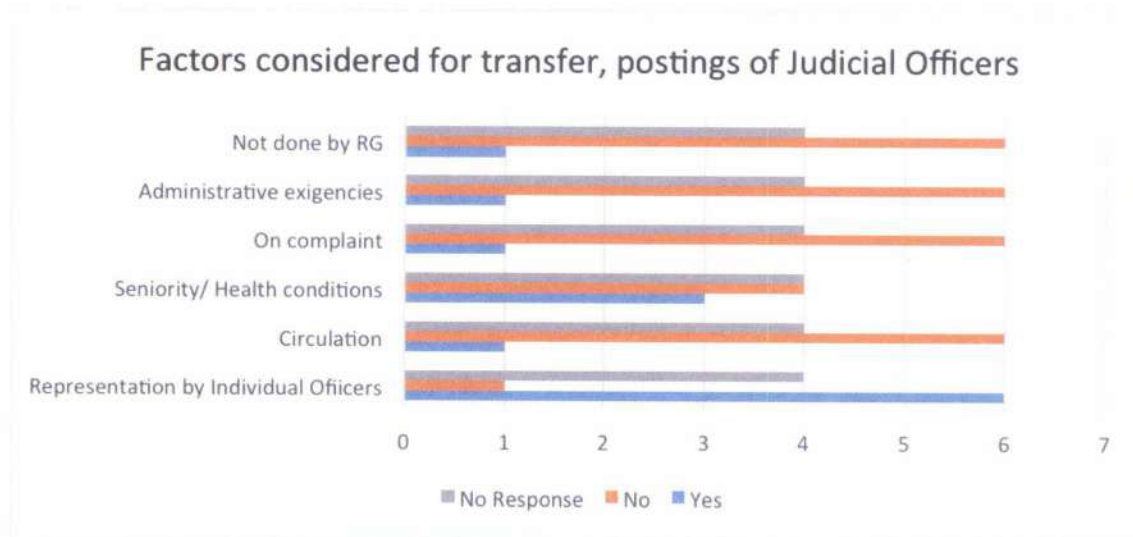
4. On the percentage of work allocated/delegated by Registrar Generals to other registrars, it is clear from the responses received that approximately 20 to 30 % of work is delegated by the Registrar Generals of Bombay, Madras, and Punjab & Haryana High Court to the other registrars. Also more than 30% of work is delegated by the Registrar Generals of Kerala and Karnataka High Court. Such allocation and delegation of work helps in improving the working and efficiency of the entire registry of the High Courts.



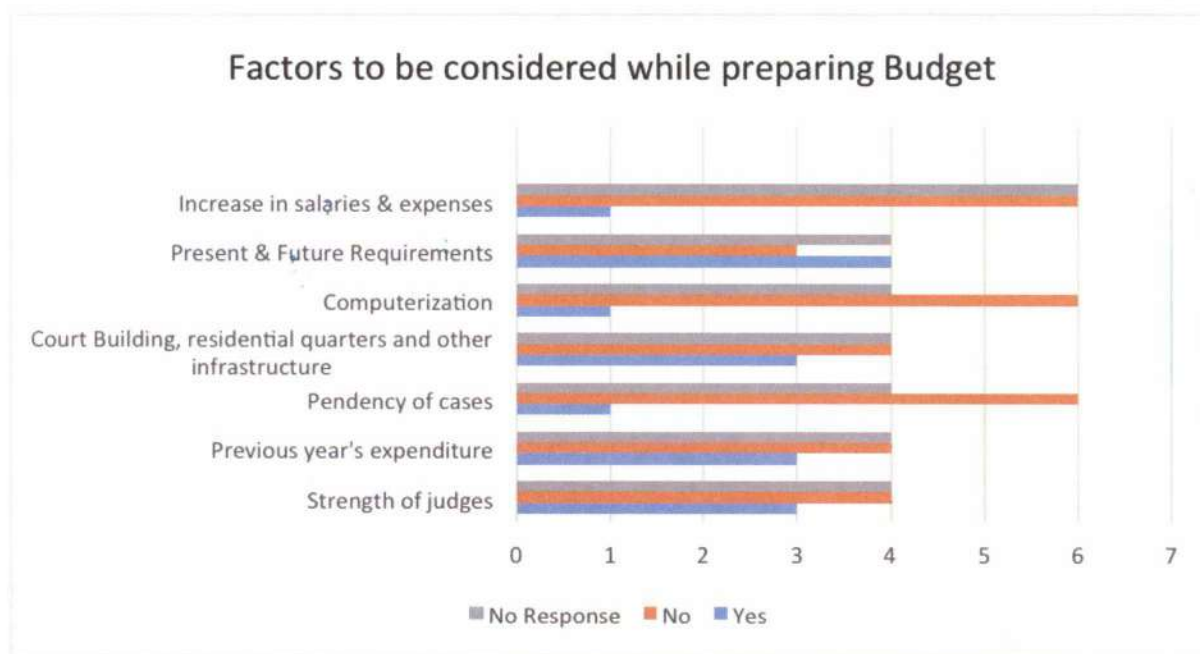
5. On the question, *whether the Registrar General is the member of every committee constituted by their High Courts*, 6 out of 7 responses received points out that they are not the members of every committee. However, Registrar General from Madras, Calcutta and Kerala are member of full court committee, administrative committee and promotion and transfer committee.



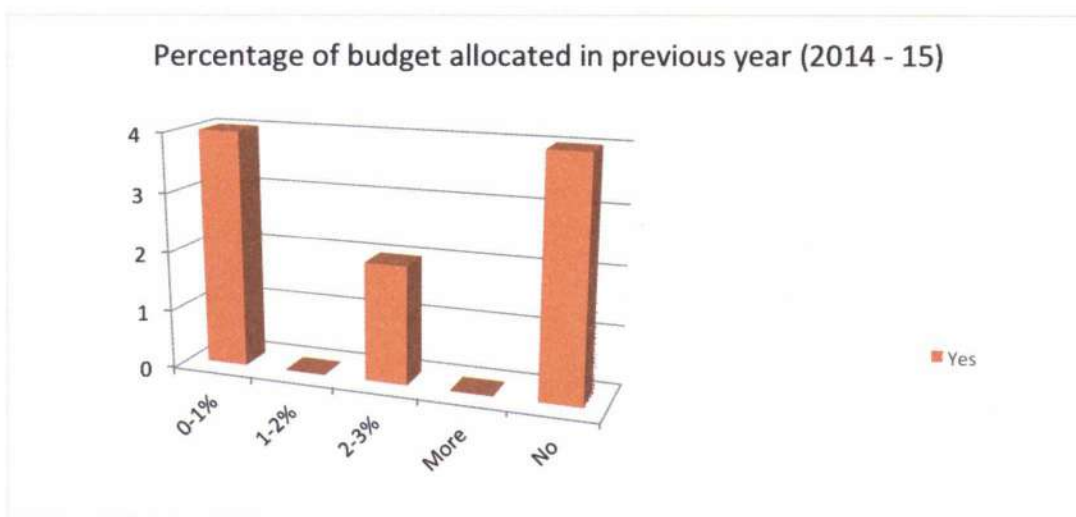
6. On the question that *what criteria should be adopted for transfer and postings of Judicial officers from one district to another*, 6 out of 7 responses received show that representation by individual officer is given due consideration by giving 3 options to the individual officer and on the basis of those options representation is sought. Punjab and Haryana adopts the criteria of circulation for transfer and postings. Another important factor which is taken into account by the High Courts of Kerala, Madras and Bombay is seniority and health conditions of the officer.



7. On the question that *what factors should be considered while preparing the budget*, it was pointed out by the Registrar Generals that present and future requirements must be given due importance, also previous year's expenditure, infrastructure requirements and strength of judges is taken into account while preparing the budget for the courts.



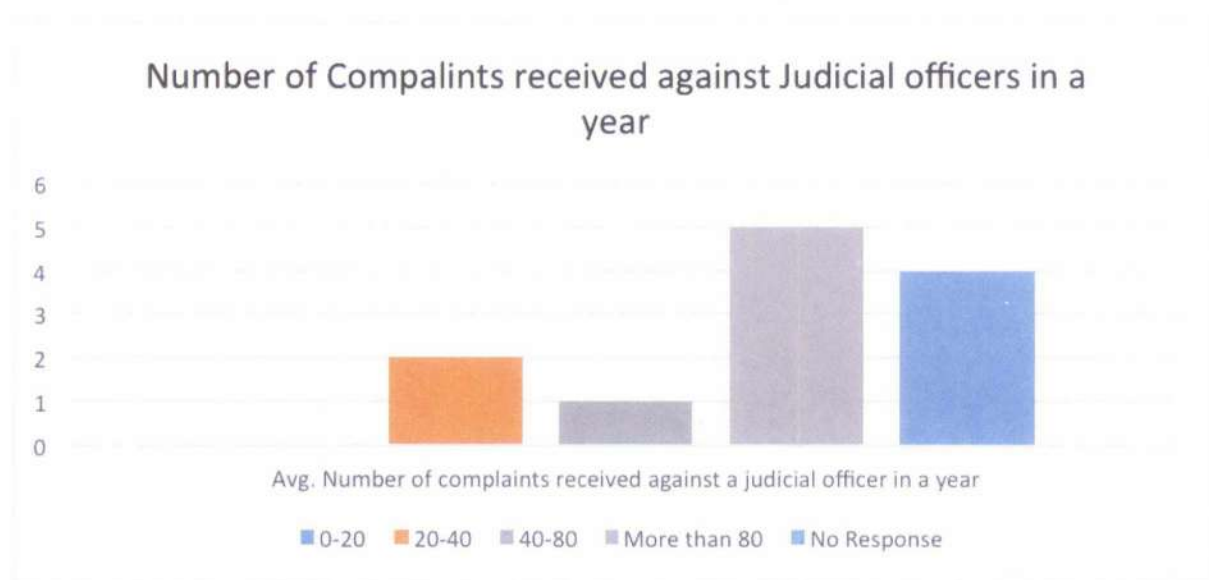
8. On the question as to what *percentage of budget was allocated to the respective High Courts by the state government in the previous year (2014-15)*, the High Courts of Karnataka, Bombay, Madras and Kerala stated that they were allocated average budget of 0-1% and whereas the High Courts from Calcutta and Andhra Pradesh stated that a budget allocation ranging from 2-3% was made to their High Courts.



9. On the idea of taking *expert assistance in planning of budget*, 6 RGs from High Court of Karnataka, Bombay, Calcutta, Madras, Kerala and Punjab & Haryana gave an affirmative response. RGs from Andhra Pradesh High Court gave a negative response. Their responses clearly reflect the importance of budget allocation for smooth functioning of courts. Thus an expert's help shall be given while preparing the budget.



10. On average number of complaints received against judicial officers in a year, 4 RGs from the High Court of Karnataka, Bombay, Madras, Punjab and Haryana mentioned that on an average they receive more than 80 complaints against judicial officers in a year where as RGs of Calcutta and Kerala High Court receive 20 to 40 complaints in a year.



11. Lastly on the question *other challenges faced while serving as Registrar General of High Court* we received the following responses:

Other challenges faced by Registrar Generals

Punjab & Haryana	Kerala	Calcutta	Karnataka	No Response
1. Manpower Management 2. Postings 3. Preparing 2nd in Command of each Bench	1. Members of Bar are militant 2. Media is uncontrollable 3. No financial independence	1. Work Load 2. Time Constraints 3. Reluctance of staff	1. Unreasonable interference by judges 2. Tendency of Judges to appease personal staff 3. Caste bias	1. Andhra Pradesh 2. Madras 3. Bombay 4. Allahabad 5. Manipur 6. Chattisgarh 7. Manipur

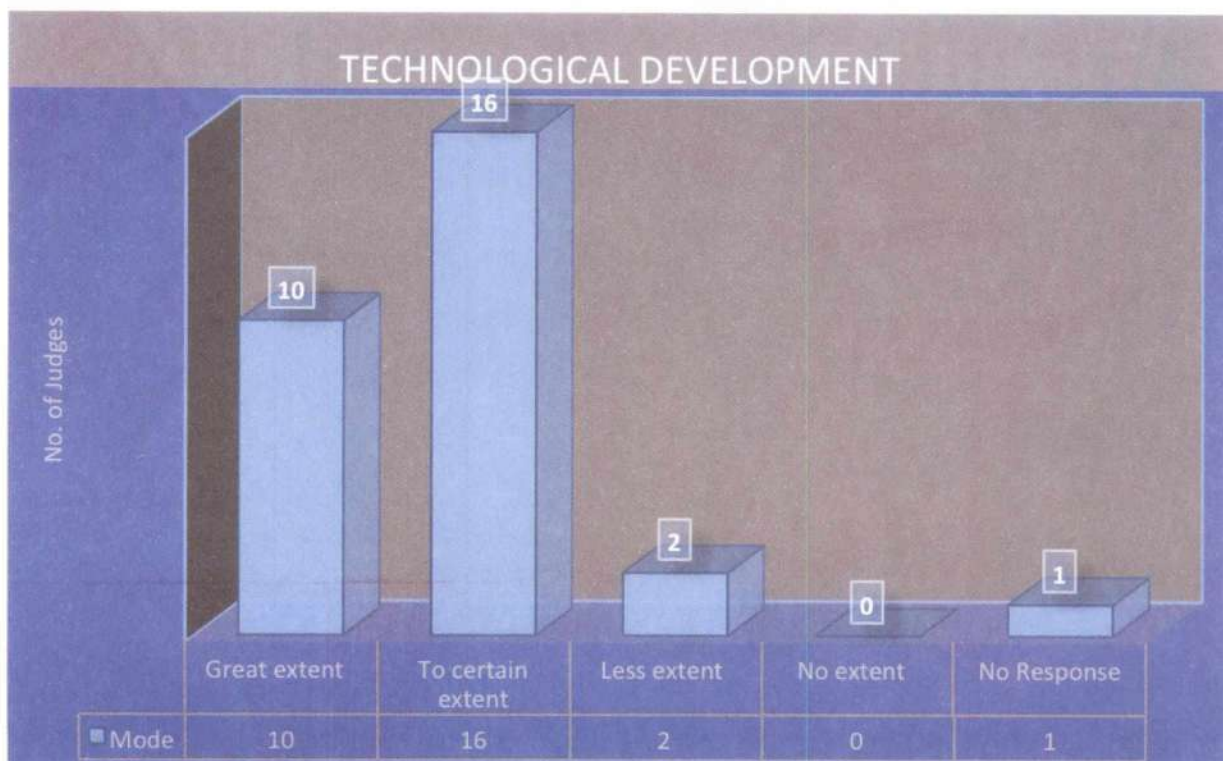
P-972: WORKSHOP ON INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) TOOLS & USAGES

Yogesh Pratap Singh, Research Fellow

The National Judicial Academy organized a 3-day workshop on “*Information and Communication Technology (ICT) Tools & Usages*” for the Principal District Judges (PDJs) from 19th to 21st February 2016 to acquaint them on the usage of all technological tools available to enhance judicial productivity both qualitatively and quantitatively so as to make the justice delivery system more accessible, cost effective and transparent. The workshop was attended by 29 PDJs across the country. A pre-workshop questionnaire was sent to all the nominated PDJs to seek their responses and all 29 PDJs responded to the said questionnaire. Herein below the graphical representation of those responses is presented.

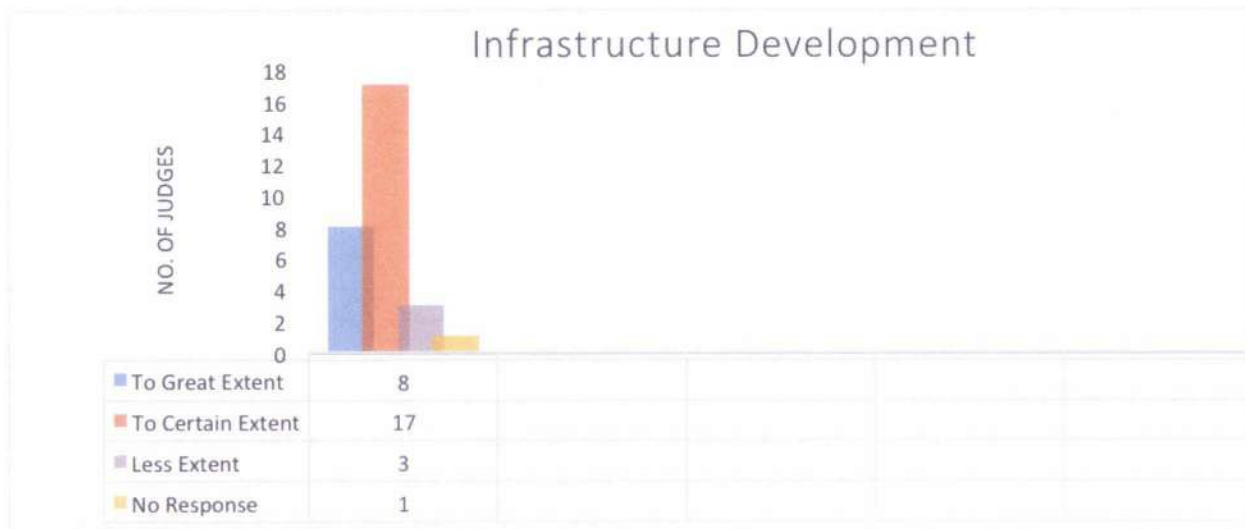
1. To what extent, the court under your jurisdiction has made progress with respect to the level of technological development?

To this question, 10 judges from jurisdictions under the High Courts of Telangana, Andhra Pradesh, Delhi, Punjab & Haryana, Himachal Pradesh, Madhya Pradesh, Jharkhand, Karnataka and Uttarakhand informed that their courts have made *great progress*, whereas 16 judges from judges from jurisdictions under the High Courts of Allahabad, Bombay, Calcutta, Chhattisgarh, Gauhati, Gujarat, Jammu & Kashmir, Kerala, Madhya Pradesh, Madras, Orissa and Patna informed that their courts have made progress to a certain extent, 2 judges from jurisdictions under the High Courts of Manipur and Patna informed that their courts have made *less progress* in deployment of ICT tools whereas 1 judge falling under the jurisdictions of Rajasthan High Court gave no response.

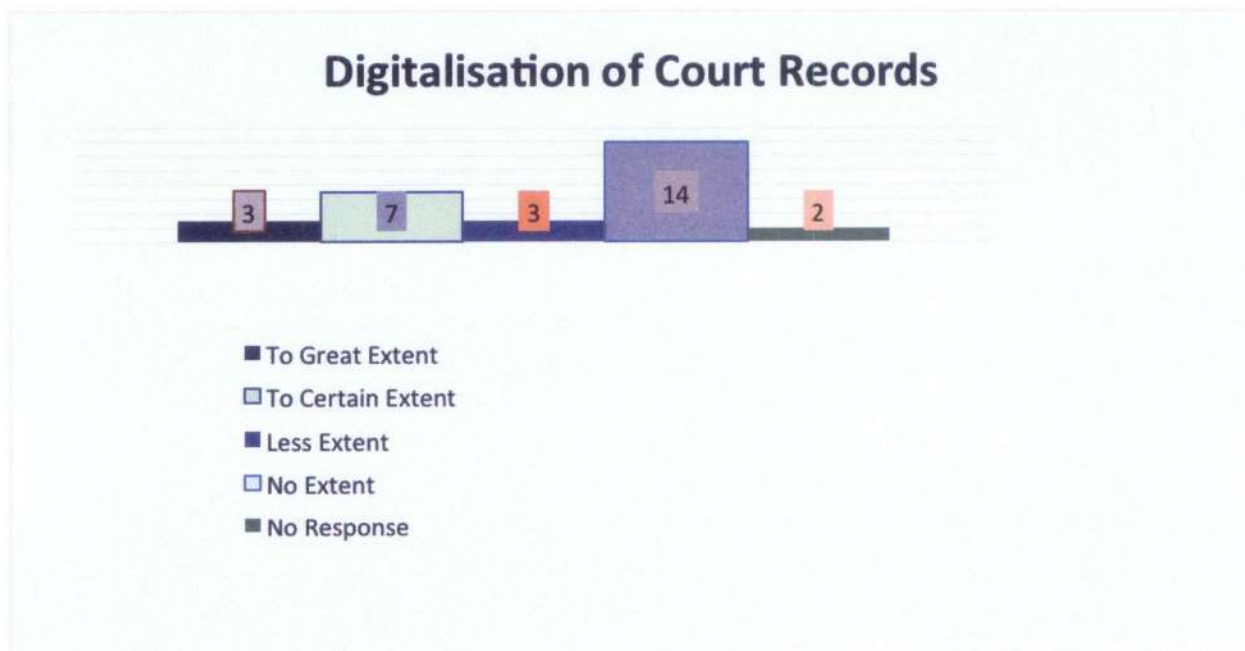


S.N.	High Court	District	Great Extent	To Certain extent	Less Extent	No extent	No response
1	Allahabad	Kaushambi		✓			
2	Telangana	Karim Nagar	✓				
3	Andhra Pradesh	Kakinada, East Godavari	✓				
4	Bombay	Parbhani		✓			
5	Bombay	Jalna		✓			
6	Calcutta	Coochbehar, W.B.		✓			
7	Chhattisgarh	Kondagaon		✓			
8	Chhattisgarh	Champa		✓			
9	Delhi	Dwarka (SW)	✓				
10	Gauhati	Tezpur, Assam		✓			
11	Gauhati	Morigaon (Assam)		✓			
12	Gujarat	Surendranagar		✓			
13	Himachal Pradesh	Sirmour at Nahan	✓				
14	Jammu & Kashmir	Kathua		✓			
15	Jharkhand	Dhanbad	✓				
16	Karnataka	Bangalore	✓				
17	Kerala	Alappuzha		✓			
18	Madhya Pradesh	Jabalpur	✓				
19	Madhya Pradesh	Sidhi		✓			
20	Madras	Nagercoil, Tamilnadu		✓			
21	Madras	Karur, Tamilnadu		✓			
22	Manipur	Imphal East			✓		
23	Orissa	Boudh, Odisha		✓			
24	Patna	Lakhisarai			✓		
25	Patna	Samastipur		✓			
26	Punjab & Haryana	Shahid Bhagat Singh Nagar	✓				
27	Punjab & Haryana	Panchkula	✓				
28	Rajasthan	Tonk					✓
29	Uttarakhand	Almora	✓				

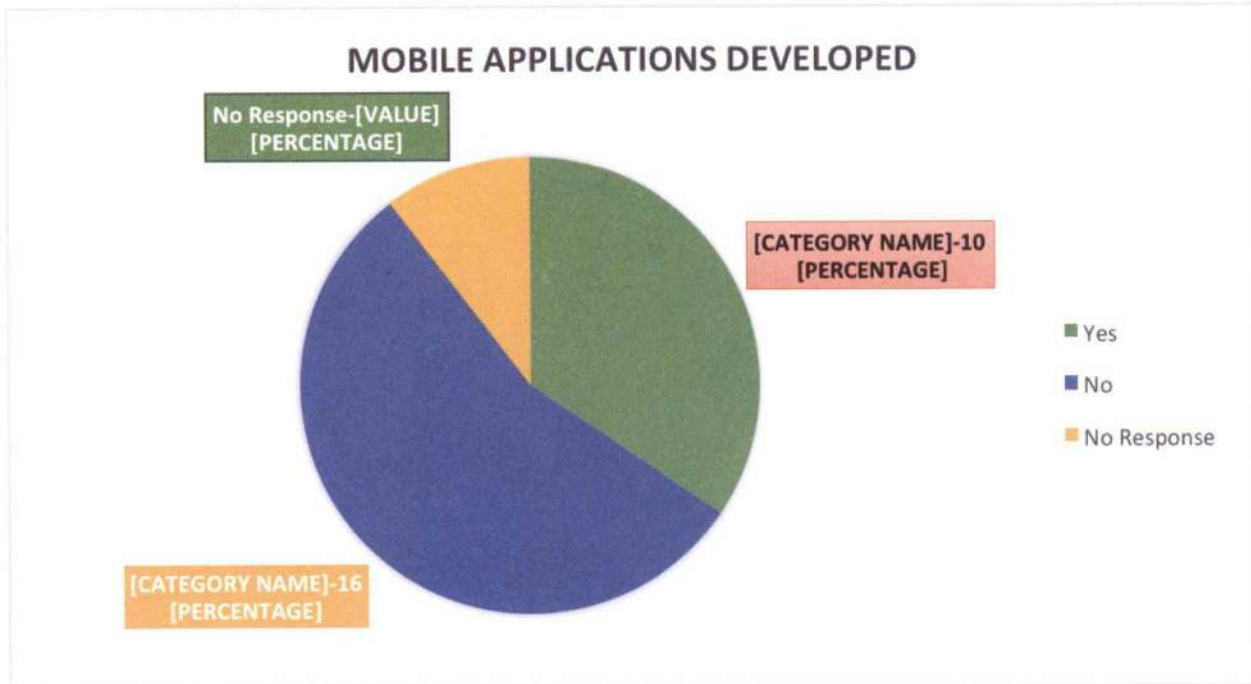
2. To what extent, the level of infrastructural development has made progress at your District Court in order to support the technological need?



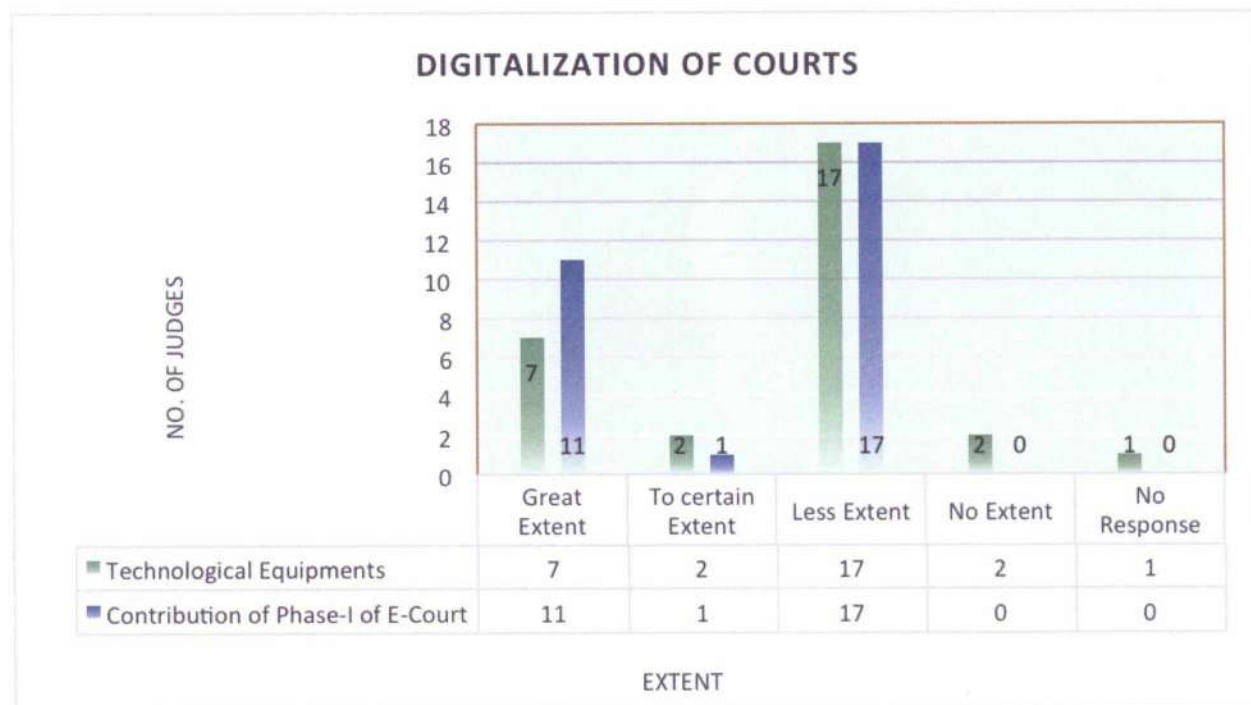
3. To what extent, the Court records of District Court under your jurisdiction are digitalized?



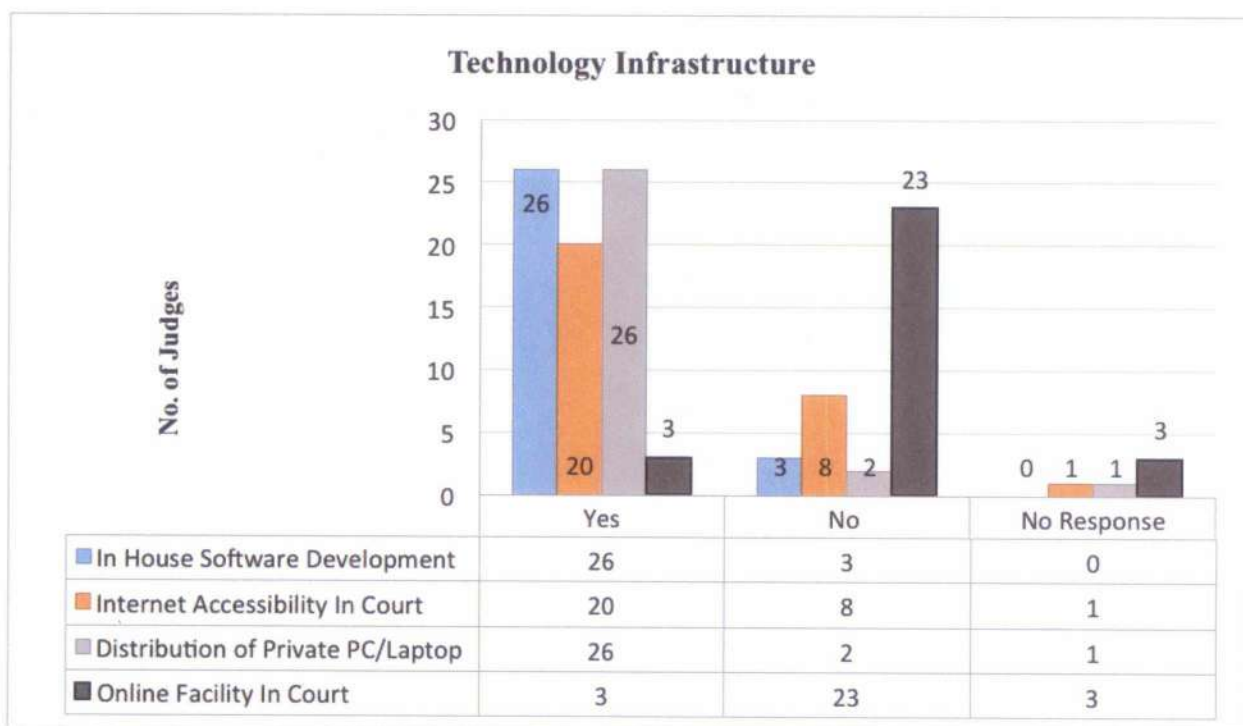
4. Whether your District Court has adopted or developed any mobile application to facilitate wider and easy communication with public?



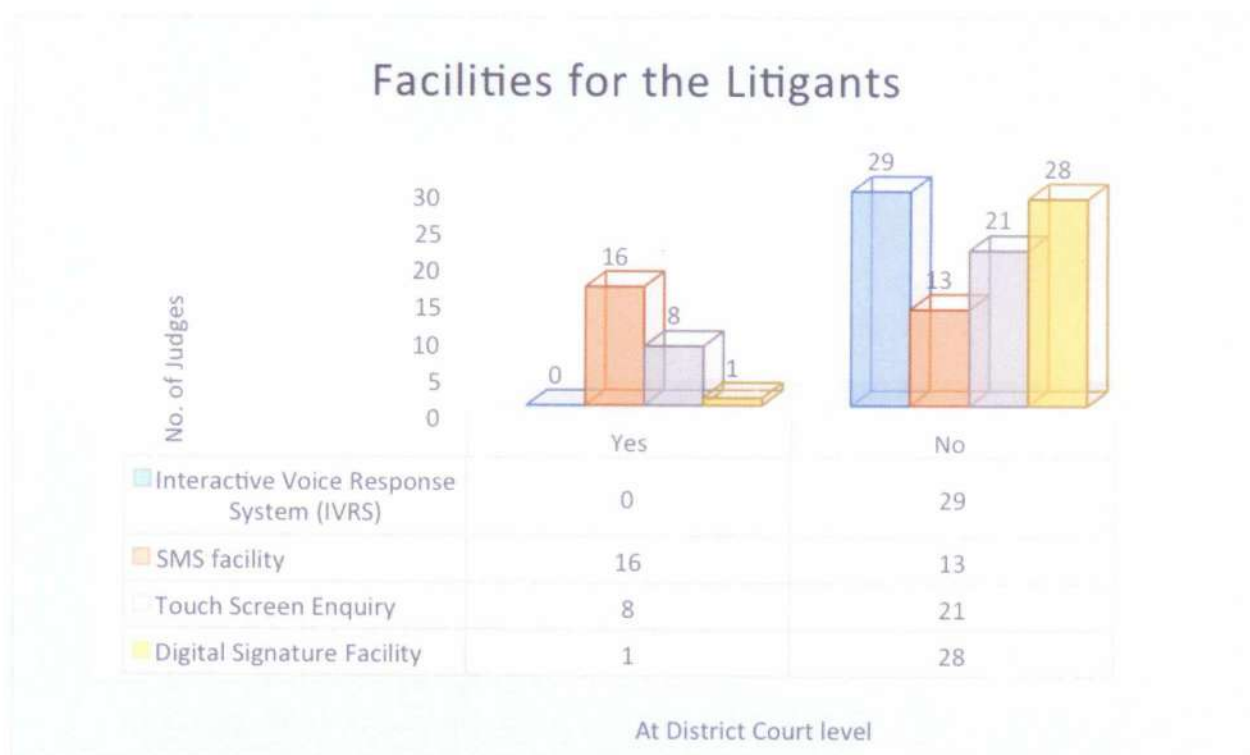
5. Digitalization of Court in following categories.



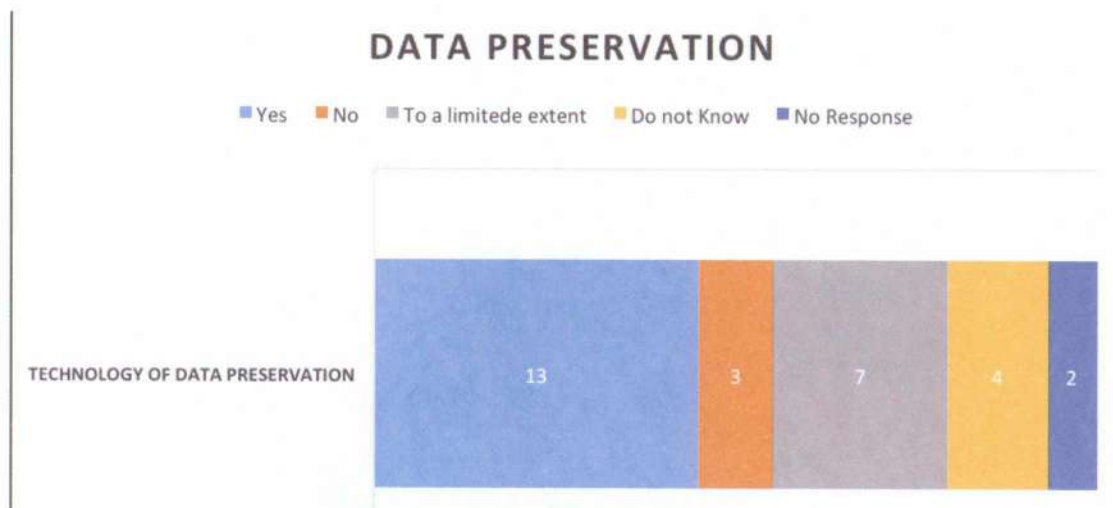
6. Technological infrastructure at District Court in following categories.



7. Online facilities at District Courts for the litigants.



8. Whether the technology of Data Preservation/Computer network security is available in your District Court?



9. Whether your District Court has adopted or developed any software application for Court administration under following categories?

Software Application	Yes	No	To a limited extent	Do not know	No Response
Case Management Information System	13	10	5	1	0
Judicial Service Information System	8	9	8	2	1
Judges Library Information System	1	25	1	1	1
Payroll System	8	11	4	5	1
National Legal Information System	4	16	1	3	5
Judiciary Document Management	1	17	1	7	3
Human Resource Management System	2	17	2	6	2
Recruitment System	3	20	1	4	1
Court display system, biometrics time and attendance system	1	24	2	1	1
Library automation software (KOHA) or any other open source	0	27	0	1	1
Legal search engine software such as Manupatra	15	8	2	0	4

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
 - Prof. Ashwin Kumar Bansal, Dean Faculty of Law, Delhi University
 - Prof. S.S. Singh, 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.



National Judicial Academy

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