

REPORT OF THE ANNUAL CALENDER MEETING (MAY 9, 2015)

Prepared by Saumya Sharma, Law Associate, NJA

The Annual Calender Meeting for the discussion on proposed calendar to be finalised for the year 2015-16 was held on April 9, 2015 at the Conference Room of the Supreme Court of India, New Delhi. The meeting started at 10:45 A.M..

Hon'ble Mr. Justice H. L. Dattu, the Chief Justice of India chaired the meeting. He started the meeting saying good morning to all and he stated that he is happy to see everyone once again. He further stated that why he proposed to conduct this meeting in the Supreme Court due to flight connectivity with Bhopal city.

He then thanked all the Judges for their cooperation in holding the Chief Justices Conference on Good Friday and pointed out that there were certain issues relating to it relating to which a proposal has been passed which should be seriously followed.

Further, he pointed out that it's a very important day since we are going to set calendar for National Judicial Academy ('NJA') and that the NJA should only cater to needs of judges of High Court, members of Tribunals, Registrars and Deputy Registrars; as we have SJAs to cater to needs of CJJD, SD, and District Judges. So, these areas are to be considered while forming the calendar. He further stated that Regional Conferences should be stopped and the attempt should be to get feedback of earlier held Regional Conferences (RCs) so as to find out that we should have RCs or not and also since there are views that only a month before an RC the whole process of its preparation starts so it becomes more like a marriage function. Thirdly, he stated that we should have this calendar to help Judges of this Court (SC) and High Courts as though Judges of High Courts know how to conduct a case and how to decide, but at SC we see that some of the Judges need polishing which can be done by NJA. Also, the traditional methods have become obsolete. In this era people talk of cyber laws, cyber crimes, IPR etc, so, whether HC judges are capable to handle such matters. Lastly, he pointed out that training at NJA has become a

picnic for some of the Judges and seriousness is missing. So, to inculcate seriousness we should think of a Calendar and should have such topics which will make them interested.

He stated I have made a calendar with assistance of Director- Incharge, but the meeting is open to suggest topics and if we agree to that proposed topic it can be added. He further stated that as CJ of HC you should visit NJA if not as Resource Person but to see how training is being taken by High Court Judges. He then again thanked all for coming at ACM even when some may be having holidays. He stated thank you brothers and sisters, Jai Hind.

Hon'ble Mr. Justice T. S. Thakur opined that this is the time when we can do some soul searching and course correction. He stated "this process of calendar discussion has been going since 2000. But I am new to such deliberation. But I was going through past years' deliberations and I found that a large number of issues were raised and discussed. A lot of thought provoking issues were raised and discussed which were started by Justice Sathasivam and Justice Lodha. So, next year you may find some recordings going on." Speaking on suggestions made in last years ACM he stated that suggestions should result in some kind of amendments otherwise the deliberation is not fruitful. He proposed establishment of a Committee to see through deliberations and to look into those and then to finalise the calendar. Referring to last years deliberation he pointed out that Justice Lodha suggested the deliberations during the meeting to be useful, the Chief Justice and judicial incharge should come to the meeting with duly proposed suggestions. So, Hon'ble Mr. Justice T. S. Thakur stated that it is to be looked that Chief Justice of High Court come prepared after bringing full court into confidence such that their views are after full consultation from grass root level to High Court level to find out deficiencies and improvements needed to be made in further proposed programme. He stated "I want you all participants to speak with respect to calendar as a representative of State and not as mere individual proposals." He pointed out that Justice Lodha made other proposal that deliberations whatever i.e. at SJA or NJA should be webcast and to this there was no opposition. He stated "Idea to this is that we have judiciary of 20000 judges and number of participants are around 50 to 100." So, such deliberations remained confined to them only and not to everyone anywhere. So, then he raised a question that why webcasting has not happened till now. He stated that even this ACM should have been webcast so that all can be benefitted, so that Director should look into that how this can happen. He then referred to another point mentioned in past year transcript that NJA is replicating SJA and since

now more SJAs are coming like at Himachal Pradesh with immense funds by giving priority in completing SJA then to other priorities like health etc. Also, in Manipur and Sikkim where SJA is being created with 7-8 crores for 18 judges in Sikkim. He stated initially we used to have apprehension that we have less budgetary allocation but now there are funds. But, there should be division of labour between NJA and SJA in roles they should play; what areas NJA should take and what SJA. He gave another suggestion that participants should be asked to submit report as quality of judgments enhanced after taking training can't be empirically studied that after going to the Academies the judgments have improved; but, we believe that Academies make difference. He further pointed out that whether trainings are meant for picnic and air travels and no real agenda is given to officer on how to add his training for the future benefits, so, report is essential.

Hon'ble Mr. Justice T. S. Thakur further pointed out that Justice Tripathi last year mentioned that training material to be given to the participants in advance and questions be asked from them relating to issues troubling them and such questions to be forwarded to the Programme Coordinator so that the training programme answers their question and programme become interactive. Then he referred to the Regional Conferences that there are two viewpoints: one, that not many officers come to NJA may be 4 officers from 1500. So, number of people coming to NJA is very small, so, it becomes necessary to have Regional Conferences so that there are more participations. Also, coming to NJA and going back in a weekend is very troubling and there is no time left with the participants; so, Regional Conference is the answer to this as larger number of officers can be benefitted. He stated that Justice Sathasivam was in favour of Regional Conference and there was less criticism. The second view relating to Regional Conferences is that Regional Conference is a fair with all luxuries but austerity could be maintained. He then stated that I leave these topics open for discussion and stated that feel free for suggesting. Hon'ble Mr. Justice H. L. Dattu thanked Hon'ble Mr. Justice T.S. Thakur for his nice suggestions.

Then Hon'ble Mr. Justice H. L. Dattu stated that we have circulated twenty core issues which are required to be deliberated by us, so that these can be made part of the programmes for judges and

then we can have individual opinion of Judges and then we can finalise. He stated that opportunity will be given to three Chief Justices on each issue.

FIRST TOPIC
COURT ROOM TECHNOLOGY

Hon'ble Mr. Justice H. L. Dattu then referred to the first issue which was "Court Room Technology" covering electronic case filing, electronic case management, digital revolution in the courts and use of social media by Judges. Hon'ble Mr. Justice H. L. Dattu called upon Hon'ble Mr. Justice Navin Shah, Chief Justice of Chattisgarh to give his opinion, who stated that electronic case filing is turning out to be a major boon but whether this covers only filing of cases in digital mode only is a question, and he stated that the state of Chattisgarh is not ready for it. Then he stated that as far as electronic case management is concerned it needs to be developed very effectively. He stated that there are difficulties with respect to open software and informed that for this and digitization they have given public notification so that suggestions relating to it can be raised at global level. On the topic use of social media by Judges, he stated that this has created certain unfortunate situations and this topic needs to be very strongly inculcated in the Programme.

Then Hon'ble Mr. Justice H. L. Dattu called upon Chief Justice of Andhra Pradesh and Telangana to give his opinion, who stated that relating to these topics the High Court Andhra Pradesh and Telangana has made no developments, but he informed that they have proposed in their internal meeting to have e courts to be presided over by two colleagues who are equipped to do so. On issue of use of social media by Judges, he stated that it must be encouraged for the benefit of litigants and counsel.

Then Hon'ble Mr. Justice H. L. Dattu called upon Justice G. Rohini Chief Justice of Delhi High Court to give his opinion, who stated on inclusion of electronic court room technology that this is most important area on which NJA has to concentrate and consistent training is required in this area. On e-filing, she pointed out that Delhi High Court has made some steps and it is introduced in matters relating to companies, tax and arbitration and we are getting positive results for e-

filing and it will be advantageous if NJA takes it. On electronic case management, she stated that digitization has taken place and this starts from the time of filing of the case. Further, social media is important to be discussed with respect to do's and dont's by NJA.

Hon'ble Mr. Justice H. L. Dattu then concluded on first issue stating that all three Justices have considered this issue to be important in training of High Court Judges. He stated that on electronic case filing and digital revolution, his experience states that "except Justice Madan B. Lokurwe have no idea about it and so we are dependent on his suggestions and decisions. But High Court should be equipped." So, he stated that this first topic must be included. Also, he stated that social media is very important topic to be deliberated and so first topic was passed to be included in the calendar.

SECOND TOPIC

NATIONAL CONFERENCE ON PUBLIC TRUST AND CONFIDENCE IN THE JUSTICE SYSTEM

Hon'ble Mr. Justice H. L. Dattu then referred to the second topic which was titled "National Conference on Public Trust and Confidence in the Justice System" including sub topics: low civil filings, rate of disposal of appeals, time taken for deciding case on the original side, suomoto actions: trend after year 2000, nature of PIL admitted by different high court. He stated that the last topic nature of PIL admitted by different high court is very important for High Courts as public spirited citizens are growing who wants to expose for various reasons like for their own internal reasons or for public at large so our judges need to be trained related to it.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice K. SreedharRao, Acting Chief Justice of Guwahati High Court to give his opinion, who stated on issue of low civil filings and delay in civil filings that now civil cases either goes to dons or are settled by the police at police station, so there is a need to filing solution. He stated that low rate of disposal is lowering moral of public so this has to be looked into. Then he opined that in appeals, original side is limited to few High Court but even then this topic is of importance; and PIL is again very important.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice Virender Singh, Chief Justice of Jharkhand High Court to give his opinion, who stated that this issue is very important and he requested it to be related to NCMS relating to which Hon'ble Mr. Justice T. S. Thakur had send a letter to which they had already responded. He stated that High Court of Jharkhand has circulated a detailed calendar in an attempt to give suggestions. He stated that there is very very low filing in Jharkhandas in Jharkhand in many villages both civil and criminal cases are decided by people among themselves and they don't come to courts as the rate of disposal is very slow. Then he stated that this topic is very important to be included. He also referred to Hon'ble Mr. Justice T. S. Thakur's suggestion relating to submission of report by the participating judges, he stated that even this is very important.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice Vasanthakumar to give his opinion, who stated in relation to rate of disposal of appeals, that appellate courts are hearing on factual matters, so issue of appeal is to be properly identified, and also procedures need to be amended for speedy disposal. On suomoto actions, he stated that aberrations takes place, so judges need to be sensitized then when such an action can be initiated. On topic of PIL he statedthat as PIL many petty and civil matters are also being filed; so, judges need to be sensitized not to unnecessary entertain PIL.

Upon a suggestion that this topic must be extended to include even criminal cases, Hon'ble Mr. Justice T. S. Thakur pointed out referring to pendency of criminal appeal cases for fifteen years, that it should be looked into what are the reasons for it or whether the cooperation from bar is missing since these cases then come before the Supreme Court. So, he advised High Courts to devise measures by creating more Benches. He also opined that High Courts can refer to Justice Mr. Khehar in finding means for quick disposal of cases as he is heading arrears committee, so that the state committees can devise mechanism for quick disposal of cases.

Hon'ble Mr. Justice H. L. Dattu referred to a case before the Supreme Court wherein the counsel pointed out that due to delay the litigants have lost hope in judiciary, so it stated that if this is the feeling in litigants and lawyers then something has to be done. So, he opined that while selection of judges from Bar, the Chief Justice of High Court importance should be given to specialization

made by such Advocates being considered. He then gave an example of Bombay High Court wherein the Chief Justice of the High Court asked a learned judge to handle matters pertaining to commercial area in which he had not learned, so whenever a case would come before his court he would adjourn it for three to five weeks, and meanwhile would buy a share of that company, and upon next hearing he would say that I have interests involved owing to shares in the company, he can't decide the case; so, he had to be changed. He stated that thus in the initial recruitment the specialization of the advocates must be considered.

Justice Mr. Sanjay KishanKaul, Chief Justice of Madras High Court then pointed out that in civil matters, there is distinction between second appeal and first appeal, so, litigation goes through two tiers and this is largest area of concern in three High Courts.

Justice Mr. K. M. Joseph, Chief Justice of Uttarakhand pointed out that what much Resource Persons be saying with respect to question like how civil filings happen for various reasons, for example why cases in Section 138 are increasing and money suits are going down. Listening to his viewpoint Hon'ble Mr. Justice H. L. Dattu stated that the Resource Persons may give reasons relating to such cases.Hon'ble Mr. Justice T. S. Thakur pointed out that there are two major reasons for low filing: cases take too much time for disposal before court and resorting to alternate methods. He also opined that Judges must know how to get lawyers represent cases and to provide legal aid.Hon'ble Mr. Justice H. L. Dattu stated second topic was passed to be included in the calendar.

THIRD TOPIC

ADVANCE COURSE FOR JUSTICES HANDLING COMMERCIAL MATTERS

Hon'ble Mr. Justice H. L. Dattu then referred to the third topic which was “Advance course for justices handling commercial matters on TRANSFER PRICING AGREEMENTS;BEPS;TAX TREATIES; and GAAR RULES”.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice Kumar to give his opinion, who stated that these are very complicated technical matters and are being dealt by the High Courts but they

don't receive requisite assistance from State and Central Government and the amount involved in such cases is huge, so it becomes difficult to deal in such cases without assistance.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice Dinesh Maheshwari, Judge Allahabad High Court to give his viewpoint, who stated that barring few High Courts, these technical areas are not dealt by any other High Court. To which Hon'ble Mr. Justice H. L. Dattu opined that these are emerging topics. Then, Justice Dinesh Maheshwari pointed out that they relate to commercial branch. To which Hon'ble Mr. Justice H. L. Dattu opined that in world ranking, Indian judiciary has ranking 179, which is last but one because in foreign countries there are commercial courts, and while ranking these countries get points for such courts, so there is a need to have such courts and in the Supreme Court such a commercial court would be started from 01 July. Listening to his deliberation Justice Dinesh Maheshwari stated that if specialized courts are there then this topic can be considered; to which Hon'ble Mr. Justice H. L. Dattu replied that these are emerging topics and our judiciary must be equipped with these. After this Justice Mohit S. Shah, Chief Justice Bombay High Court opined that this topic must be retained and the courts having major litigations relating to these must nominate more judges than those courts who have less cases of these manner. Hon'ble Mr. Justice T. S. Thakur pointed out that nomination of judges must be based on their interest instead that they have inclination towards one area and they are being sent to conference on some other subject. Justice D. Y. Chandrachud, Chief Justice Allahabad High Court opined that NJA should have an intensive training programme of eight to ten days rather than three days on such technical areas as imparting and gathering knowledge in such technical areas in three days becomes very difficult, to which Hon'ble Mr. Justice H. L. Dattu replied that such modalities can be discussed later. Justice S. RavindraBhat then put forth the view that topics like anti dumping, bilateral international arbitration should also be included, to which Hon'ble Mr. Justice H. L. Dattu replied that these topics are either in Delhi or Bombay and mostly in Delhi. Hon'ble Mr. Justice H. L. Dattu then stated that third topic was passed to be included in the calendar.

FOURTH TOPIC

ADVANCE COURSE FOR JUSTICES HANDLING COMMERCIAL MATTERSON ADVANCE RULING; AND INTERNATIONAL ARBITRATION

Hon'ble Mr. Justice H. L. Dattu then referred to the fourth topic which was "Advance course for justices handling commercial matters on Advance Ruling; and International Arbitration". He opined in relation to Advance Ruling stating its position that lawyers take a chance before Heads of Department and then go directly to High Court; and in relation to International Arbitration, he opined that it is the topic of the day, so Judges must be handling it.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice Sanjay KishanKaul, Chief Justice Madras High Court to give his opinion, who informed that court annexed arbitration centre both in Chennai and Punjab High Court and that they had approach to Singapore Model relating to it. He opined that both topics are important but local arbitration must also be considered.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice ShiavaxJalVazifdar, Acting Chief Justice of Punjab and Haryana High Court to give his opinion, who informed that biggest problem is challenge to award and that Section 37 is a bottleneck; so, entire course should be made referring to how challenge to award must be dealt.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice K. T. Sankaran, Judge Kerala High Court to give his opinion, who stated that in arbitration matters there are difficulties as judges are not aware, so scope of matter is to be considered.

Hon'ble Mr. Justice H. L. Dattu then stated that fourth topic was passed to be included in the calendar and alongwith Advance Ruling and International Arbitration, domestic arbitration will also be dealt with.

FIFTH TOPIC

ADVANCE COURSE FOR JUSTICES HANDLING COMMERCIAL MATTERS

Hon'ble Mr. Justice H. L. Dattu then referred to the fifth topic which was "Advance course for justices handling commercial matters on Money laundering; Banking laws; Laws regulating investments; Securitization".

He called upon Justice Mohit S. Shah, Chief Justice Bombay High Court to give his opinion, who opined that these topics are important for commercial world. He suggested that right from the beginning, a group may be assigned for this topic at NJA, but in two to three days Conference, there are no inputs from participating judges and so what these participating judges would be able to add in future commercial Conferences. To his concerns, Hon'ble Mr. Justice H. L. Dattu replied that participating judges can be requested to submit report after returning from NJA, so, that they would have to take the proceedings at NJA very seriously and this would help the system. He further opined that when they went to Australia, he had asked learned Brothers to give a report to be published in newsletter; likewise the participating judges can be asked to give report and they can also be asked to share the information with entire High Court.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice PritinkarDiwaker, Judge Chattisgarh High Court to give his opinion, who stated that it is completely a new topic for him as they don't have much litigations on these topics, so he would be happy to join a Conference dealing in these areas; to which Hon'ble Mr. Justice H. L. Dattu opined that such topics may come up in future so judges must know these topics. Justice Iqbal Ahmed Ansari, Judge Patna High Court suggested that participating judges can be asked to share information and to give report, but the Chief Justice of High Court can keep a record of such participants who can be referred to in future when cases relating to such specialized fields come up.

Thereafter, Hon'ble Mr. Justice T. S. Thakur opined that upon finalization of the calendar, judges must be asked areas of law or subjects in which they have interest and accordingly they should be send for training and not on basis of their convenience of month or season and not interest, and a roaster of judges should be maintained depending on their areas of interest.

Justice PritinkarDiwaker then suggested that study material should be made available in advance, to which Hon'ble Mr. Justice H. L. Dattu assured that we'll see that we'll see that material is distributed in advance. Hon'ble Mr. Justice H. L. Dattu then stated that fifth topic was passed to be included in the calendar.

SIXTH TOPIC

CONFERENCE ON JUDICIAL ETHICS & ACCOUNTABILITY

Hon'ble Mr. Justice H. L. Dattu then referred to the sixth topic which was "Conference on Judicial Ethics & Accountability covering ethical and disciplinary standards for judge; key challenges for the judiciary; objective and transparent evaluation of judges; and judicial reform process." He stated that there are certain issues relating to ethics and accountability in the state of Tamil Nadu which must not happen in this institution, and this topic must take utmost importance.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice Ashok Bhushan, Judge Kerala High Court to put his viewpoints, to which he opined that judicial ethics is a very burning topic and people look on Judiciary to perform tasks. So, this topic must be considered. Also, the aspect that the judges interested in the topic to be asked to write an advance paper to NJA and NJA would take note of such papers and there could be interactive participation.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice S. Ravindra Bhat, Judge Delhi High Court to put his viewpoints, to which he opined that this topic is challenging and relevant and suggested that few more topics can be added to it like adherence to precedent, length of judgment, and judicial discourse in public domain.

Then, Hon'ble Mr. Justice H. L. Dattu then called upon Justice M. M. Sundresh, Judge Madras High Court to give his inputs, to which he stated that topics judicial ethics and accountability are on different footing and for accountability we have done strict evaluation of judges and even disciplinary actions have been taken against them.

Then Justice N. Paul Vasanthakumar, Chief Justice Jammu and Kashmir opined that this topic should be made compulsory for all judges. Then, Hon'ble Mr. Justice H. L. Dattu referring to the suggestion that the term 'ethics' in the topic should be changed by 'canons' replied that the topic is fine as it is understandable by all. He further opined that that this topic indeed must be made compulsory to all and few High Courts need to man their judges.

Hon'ble Mr. Justice T. S. Thakur opined that this is a common area so there could be a printed material relating to judicial ethics which can be circulated to judges even when they are participating in some other conferences. He stated that "this area is important for lower judiciary also so participants should be asked to become master trainers to train other judges in their SJAs through lectures. So, this must be made part of process; and Chief Justice of High Courts can ask participating judges to share their learnings of NJA.

Then, Hon'ble Mr. Justice H. L. Dattu opined that at times printed material is not referred and spoken words have more impact so this topic can be included as a one hour session in Conferences on any other topic also; and then stated that sixth topic was passed to be included in the calendar.

SEVENTH TOPIC

ADOPTION AND PRIVATE INTERNATIONAL LAW

Hon'ble Mr. Justice H. L. Dattu then referred to the seventh topic which was "Adoption and private international law covering standardization in court procedures; absence of units for adoption applications; inter-country adoption issues; intra-country adoption issues; illegal/informal adoptions; and fallout of direct adoptions through court orders" and opined that this topic is especially important with respect to adoption by foreigners and cases where mothers are unable to do the upbringing of the child.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice V. M. Sahai, Acting Chief Justice of Gujarat High Court to put his viewpoints, who stated that it is a very important topic and foreign adoption should be either stopped or made highly limited, but very few cases of adoption goes before High Courts. Listening to his views, Hon'ble Mr. Justice H. L. Dattu opined that whether then this topic be included since not many adoption cases goes before High Court and are dealt by district judiciary; so, SJAs should give training relating to this area. He referred to Justice Malimath's assertions that NJA should formulate programmes for higher judiciary only. Then Justice V. M. Sahai opined that it is a very important topic as High Courts Deal with it in appeal. Justice D. Y. Chandrachud, Chief Justice Allahabad High Court opined that some High

Courts like Bombay High Court have many cases relating to it and information relating to it is not known to many judges i.e. how to handle such matters, so minimal training in this area is necessary.

Hon'ble Mr. Justice T. S. Thakur opined that SJA can make programme for this and since its majorly dealt by district judges, and since there are sixty two lakh pending cases in High Courts we need to see what topics are to be specifically dealt by NJA and we need not invest our time in such areas which are not subjects of immediate concern.

So, Hon'ble Mr. Justice H. L. Dattu opined that this topic to be deleted from our calendar and left for SJAs.

EIGHTH TOPIC

COURT PROCEDURES AND PRACTICE COVERING DIFFERENCES FROM ONE HIGH COURT TO ANOTHER

Hon'ble Mr. Justice H. L. Dattu then referred to the eighth topic which was "Court procedures and practice covering differences from one high court to another case management rules; case-flow management rules; court manager appointment and responsibilities; gradation/service rules; and performance assessment system" and opined that court managers is a very important topic and that NALSAR had a word with Justice Madan B. Lokur to have training programmes of sixteen weeks for Assistant Registrar , Deputy Registrar who can assist judges in case management.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice Manjula Chellur, Chief Justice of Calcutta High Court who opined that case management rules and case-flow management rules are interconnected topics and have been coming up at NJA and at Regional Conferences. He opined that though some courts have made rules but there are issues with respect to implementation. She pointed out that depending on nature of case, there should be fixed time i.e. the pleading should be made with certain duration and so on; but implementation is improper due to hurdles like adjournment and procedural problems and herein court managers can help to analyse issues with

respect to implementation. She further stated that performance assessment system is very important to enhance image of the court and that if in case there is a tenant landlord problem, the litigants must know that in what duration their issue would be resolved, and this is necessary for bringing confidence of people in judiciary.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice Hrishikesh Roy, Judge Guwahati High Court who stated that the court managers are unaware of their duties and judges are unaware that what work should be assigned to them.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice Aparesh Kumar Singh, Judge Jharkhand High Court who opined that cases at the time of institution only must be tagged so that follow up action can be taken and informed that court managers in his state were laid off due to non extension of their tenure.

Hon'ble Mr. Justice T.S. Thakur opined that court management rules are still in process at places like West Bengal, etc. so the head of the State Court Management System Committee be trained who can further formulate rules rather than training individual judges. Hon'ble Mr. Justice H. L. Dattu opined that Resource Persons can be from NCMS or learned Judges of High Court and then Hon'ble Mr. Justice T. S. Thakur added that even members of NCMS can be Resource Persons. So, this topic got approved for the calendar.

NINTH TOPIC

JUDICIAL EDUCATION

Hon'ble Mr. Justice H. L. Dattu then referred to the ninth topic which was "Judicial Education: functioning of SJAs; curriculum development for SJAs; finance management for SJAs; and monitoring and evaluation of trainings at SJA level" and opined that this topic will be important for judges who could possibly be made Chairman of SJA.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice K. M. Joseph, Chief Justice Uttarakhand High Court who opined that this topic is very useful.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice S. Subash Reddy, Judge Andhra Pradesh and Telangana High Court who stated that our SJA for both states of Andhra Pradesh and Telangana is working very well and our court managers tenure has been extended for one year.

Hon'ble Mr. Justice H. L. Dattu then called upon Justice Mohinder Pal, Judge Gujarat High Court stated that while planning programmes for judges some time management is required to be done so that judges may get some vacation.

Hon'ble Mr. Justice H. L. Dattu then finalized the topic for the calendar.

TENTH TOPIC(FUNCTIONING OF NATIONAL JUDICIAL DATA GRID SYSTEM)

AND

***ELEVENTH TOPIC(FUNCTIONING OF NATIONAL, STATE AND DISTRICT
LEVEL COURT MANAGEMENT SYSTEM)***

TOPICS POSTPONED

TWELFTH TOPIC

FUNCTIONING OF LEGAL AID OPERATIONS

Hon'ble Mr. Justice H. L. Dattu then referred to the twelfth topic which was "Functioning of legal aid operations: taking stock of legal aid services; critical analysis of functioning of lokadalats; critical analysis of functioning of legal literacy programmes; and performance unit system for time provided to legal aid functions."

Hon'ble Mr. Justice H. L. Dattu then called upon Justice Deepak Gupta, Chief Justice of Tripura High Court, who stated that this topic must be included.

Hon'ble Mr. Justice T. S. Thakur then opined that this topic is meant for judges of High Court Legal Service Committee and prospective ones only.

Then, Hon'ble Mr. Justice H. L. Dattustatedthat this need not be included in the calendar.

***TOPIC IN PLACE OF DELETED SEVENTH TOPIC(ADOPTION AND
PRIVATE INTERNATIONAL LAW)***

Hon'ble Mr. Justice H. L. Dattu then proposed that in place of deleted seventh topic, the topic relating to 'judging and judicial method, judgment writing, reasoning methodology' can be included.

Justice D. Y. Chandrachud, Chief Justice Allahabad High Court opined that this topic would include everything with respect to judges like sensitivity, hidden biases, etc..

Hon'ble Mr. Justice T. S. Thakur then opined that this topic would be beneficial for newly elevated but and not for experienced judges.

Then, Hon'ble Mr. Justice H. L. Dattu finalized the topic for the calendar stating that the Chief Justice of High Courts while sending judges for this programme need to see that they are new to the judiciary.

***TOPIC IN PLACE OF DELETED TENTH TOPIC(FUNCTIONING OF
NATIONAL JUDICIAL DATA GRID SYSTEM) AND
ELEVENTH TOPIC(FUNCTIONING OF NATIONAL, STATE AND DISTRICT
LEVEL COURT MANAGEMENT SYSTEM)***

Hon'ble Mr. Justice H. L. Dattu then proposed that in place of deleted tenth and eleventh topic, the topic relating to "supervising district judiciary " could be included which would have following sub topics 'judicial functions, financial functions, work allocation, administrative function.'

Hon'ble Mr. Justice T. S. Thakur then opined that judges never have administrative experience as sixty six percent of Judges come from the Bar. He further opined that Punjab and Haryana High Court has faced criticism due to the decisions of inspecting judges.

Justice T. N. K. Singh, Judge Meghalaya stated that supervision is required as to how policies are to be implemented.

Justice Sudhanshu Dhulia, Judge Uttarakhand opined that inspected is difficult in their region due to difficult terrain, so the Registrar inspection is sent first who go there and do all groundwork.

Then, Hon'ble Mr. Justice H. L. Datt stated that this needs to be included in the calendar.

***TOPIC IN PLACE OF DELETED TWELFTH TOPIC(FUNCTIONING OF
LEGAL AID OPERATIONS)***

Hon'ble Mr. Justice H. L. Dattu then proposed that in place of deleted twelfth topic, the topic relating to "criminal justice capacities on cyber crimes " could be included as there are now many cases emerging in this area.

Hon'ble Mr. Justice T. S. Thakur then opined that not many cases are coming to High Courts. Justice S. Ravindra Bhat stated that devices used as an aid by criminals must be considered along with presentation of digital evidence. He further stated that Supreme Court judgments on ecommerce could be combined with some other programme.

Hon'ble Mr. Justice H. L. Dattu opined that a High Court could be asked after training to be a Resource Person for SJA and that instead of making it a topic for conference , sessions relating to it can be made part of other Conference.

THIRTEENTH TOPIC

CONFLICT OF OPINION ON ISSUES TO COVER CONFLICTING JUDGMENTS ON SUBJECTS

Hon'ble Mr. Justice H. L. Dattu then referred to the thirteenth topic which was "Conflict of opinion on issues to cover conflicting judgments on subjects like Jurisdiction issues in NI Act, Award of maintenance, Adoption applications, Motor accident compensation claims" and opined that cases happen at Trial Court and at upper courts also like Negotiable Instruments cases are not limited to Section 138, so little training is required.

Justice Mohit S. Shah, Chief Justice Bombay High Court opined that NJA must not totally disassociate with lower judiciary and NJA can take certain other projects and make recommendations to Law Commission.

Hon'ble Mr. Justice H. L. Dattu passed this topic to be included in calendar with slight modification in heading from "Conflict of opinion on issues to cover conflicting judgments" to "Resolving Conflict of opinion on issues to cover conflicting judgments."

FOURTEENTH TOPIC

STRESS MANAGEMENT WORKSHOP

Hon'ble Mr. Justice H. L. Dattu then referred to the fourteenth topic which was "Stress Management workshop to cover issues of: Balancing the Demands of Judicial Life; and Balancing between vision v/s values in life."

On this topic Hon'ble Mr. Justice H. L. Dattu then called upon Justice Nishita Mhatre, Judge Calcutta High Court to give her opinion, to which she stated that stress management is a very personal matter.

Hon'ble Mr. Justice H. L. Dattu opined that this topic can be made part of all Conferences as one or two sessions, but not as a topic for a single Conference.

FIFTEENTH TOPIC
LAW AND PSYCHOLOGY

TOPICS POSTPONED

SIXTEENTH TOPIC
SENTENCING AT APPELLATE LEVEL

Hon'ble Mr. Justice H. L. Dattu then referred to the sixteenth topic which was "Sentencing at appellate level - will provide: Baseline sentencing; current sentencing practices; Commonwealth sentencing; Sentencing for family violence and sexual offences; The range of sentencing options available; and Court craft with regard to victim impact statements", on which he opined that this will reduce burden of Supreme Court and included this topic.

SEVENTEETH TOPIC
COURTS AND PUBLIC POLICY

TOPIC OMITTED

EIGHTEENTH TOPIC
COURTS AND REGULATORS

Hon'ble Mr. Justice H. L. Dattu then referred to the eighteenth topic which was "Courts and Regulators – will cover issues on: The Role of SEBI; The Role of TRAI; The Role of CCI; and

The Role of Electricity Regulators” and opined that these are specialized subjects and hence included.

NINETEENTH TOPIC

DEVELOPMENTS IN THE AREA OF CONSTITUTIONAL LAW

Hon’ble Mr. Justice H. L. Dattu then referred to the nineteenth topic which was “Developments in the area of Constitutional Law -potential conference topics include: The legitimacy of the Constitutional Court: popular sentiments, politicians’ reactions, and judicial strategies; The state and the independent bench and bar: professional consciousness and political crosscurrents, the processes of professional and judicial advancement, representativeness and diversity, state regulation of the profession and state intervention with the judiciary; Parliament as a force for, or against, constitutional rights; Public interest law: which lawyers and organizations litigate constitutional issues, which issues, for which clients, and with what success? “

This topic was included by Hon’ble Mr. Justice H. L. Dattu.

TWENTIETH TOPIC

JUDICIAL ADMINISTRATION

Hon’ble Mr. Justice H. L. Dattu then referred to the twentieth topic which was “Judicial Administration will cover areas related to: Roles, Functions, Relationships and the Future in courts; Succession Planning in Court Administration; Promoting innovative leadership to enhance A2J; and Governance: Judging the performance of judges, staff, managers.”

This topic was included by Hon’ble Mr. Justice H. L. Dattu.

FIFTEENTH TOPIC

LAW AND PSYCHOLOGY

Hon'ble Mr. Justice H. L. Dattu then referred to the twentieth topic which was "Law and Psychology - This conference would cover issues: Advanced Issues in Violence Risk Assessment and Management; The Psychology and Impartiality of Forensic Expert Decision Making; Implicit Prejudice, stereotypes and discrimination; and Social Identity, influence, and deviance in Groups." This topic was retained after receiving suggestions that this would help to understand the psychology of the criminal but with the apprehension that this being very technical topic, judges getting trained in this area won't be able to deliberate after going back.

TOPIC IN PLACE OF DELETED SEVENTEETH TOPIC (COURTS AND PUBLIC POLICY)

Hon'ble Mr. Justice H. L. Dattu then sought opinion regarding what topics to be included in place of seventeenth topic.

Justice K. M. Joseph opined that topics like doctrine of proportionality can be included to which Hon'ble Mr. Justice H. L. Dattu opined that Justice Jagannath Rao's judgment is very clear on proportionality. Then Justice K. M. Joseph opined that recently recruited judges can be trained on topic like judicial review.

Then Justice D. Y. Chandrachud suggested that topic could be 'Key issues on access to justices' including justice and displacement, poverty and justice; and gender and the law; to which Hon'ble Mr. Justice H. L. Dattu opined that these topics are to be taken by Legal Services Authority. Yet other proposals were like topics: 'development of law in High Court in a year', 'interpretation of statutes and law of precedents'.

Justice Iqbal Ahmed Ansari proposed that extradition issues to be included and corporate criminal liability is to be made known.

Then Hon'ble Mr. Justice H. L. Dattu opined that topics must be such which are common across country referring to a proposal as to consider customs and customary laws.

Justice Mr. Sanjay KishanKaul then suggested "judicial review of administrative action" which was finally included in the calendar.

EIGHT WORKSHOPS PROPOSED FOR THE PDJS

Eight workshops proposed for the PDJs on Access to Justice, Court Administration, Management of Resources, Sentencing, Governance, ICT tools usage, ADR, and Legal Aid functions were included in the calendar.

EIGHT REFRESHER COURSES PROPOSED FOR THE DESIGNATED SPECIAL COURT

Eight refresher courses proposed for the designated special court to include matrimonial matters alongwith already specified matter which were Juvenile Justice Boards, Family Courts, SC/ST POA Courts, CBI Courts, MACT courts, Labour Courts, NDPS Courts, POCSO courts.

TWELVE WORKSHOPS PROPOSED FOR THE JUDICIAL OFFICERS ENGAGED IN THE REGISTRY WORK

Twelve workshops proposed for the Judicial Officers engaged in the Registry work on Functions of Registrar Vigilance, Functions of Registrar Inspection, Functions of Registrar Judicial, Functions of Registrar Administration, Functions of Registrar Generals, Functions of Registrar Miscellaneous were included as it is.

***FOUR TOT WORKSHOPS FOR THE FACULTY AND ADMINISTRATION
OF SJAS***

Four TOT workshops for the faculty and administration of SJAs namely, Need to revisit Curriculum developed in 2003; Development of Specific Modules; Development of Innovative Pedagogies for delivery of trainings; and Impact Assessment: Methods available were also included as it is in the calendar.

REGIONAL CONFERENCE

Hon'ble Mr. Justice H. L. Dattu opined that in relation to Regional Conference, we want to have feedback on already conducted Regional Conferences and only upon such feedback will the decision on these will be finally taken.

END NOTE

Hon'ble Mr. Justice H. L. Dattu opined in relation of absence of Chief Justice of two High Courts that the courtesy demands that communication must be made and ACM is very important, so the representatives of those courts were told to convey this message. Another area mentioned was that the Chief Justice of High Courts while leaving country must inform about their foreign trip to the Supreme Court and hierarchy should prevail. Also, Chief Justice of High Courts must remain in contact with the Chief Justice of India. Lastly, Hon'ble Mr. Justice H. L. Dattu thanked the gathering for their presence.