

NEWSLETTER

Delhi Judicial Academy

Under the Aegis of



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Implementing the POCSO Act, 2012

A Core Competence Conference was organised on 24th and 25th February, 2023 for knowledge, skill and perspective development for judicial officers holding POCSO Courts which included a convergence workshop of stakeholders in its two sessions attended by public prosecutors and around 150 police officers who handle investigation in such cases. Broad ranging deliberations were held around challenges in implementation of the POCSO Act, from recording of statement of the victim, maintaining the victim's privacy, determination of age, sentencing and compensation and issues of bail. The historical and social framework of Child Sexual Abuse was discussed. A session was also dedicated to understanding the growing concern of child sexual abuse in the Cyber Space. In an attempt to further sensitise the participants, a documentary titled 'Hush Hush' underscoring the impact of Child Sexual Abuse on victims and the still prevalent persistent societal stigma was shown to the participants.



Attendees of the 'Convergence Workshop of Stakeholders on the POCSO Act' organised on 25th February, 2023.

Overview

A total of 32 training programmes were conducted by the Delhi Judicial Academy from January to March 2023. The Delhi Judicial Academy also facilitated conducting 2 programmes in collaboration with MCPC, Supreme Court of India. Of the total programmes, 3 programmes were conducted through video conferencing and 3 e-Committee Special Drive Training and Outreach Programmes were organised for judicial officers and other stakeholders of the justice delivery system by the Delhi Judicial Academy in the first quarter of 2023.

Orientation Course for District Judges (Commercial Court)

An intensive one day training was held for all District Judges (Commercial Court). The prefatory session focused on basics of the Commercial Courts Act, 2015 as well as current developments and challenges. The following session discussed means of ensuring a speedy trial, strict adherence to timelines, case management hearing and summary judgement. It also assessed the balancing act to be carried out in ensuring an expedited trial versus stay of proceedings under Section 124, Trademarks Act, 1999. Post lunch, deliberations considered the exercise of discretion and use of inherent powers while disposing off interlocutory applications. General principles, rules of evidence and limitation regarding reading of account statements/balance sheets were also delved into. The day ended with a discussion on adjudicating petitions under the Arbitration and Conciliation Act, 1996.



HMJ Pratibha M. Singh, Judge, High Court of Delhi addressing District Judges (Commercial Court) and Trainee DHJS Officers on the Commercial Courts Act, 2015 and challenges facing this domain.



HMJ Manmohan Singh, Former Judge, High Court of Delhi and Mr. Rajshekhkar Rao, Senior Advocate discussing Interlocutory Applications and Reading of Account Statements/ Balance Sheets with the audience

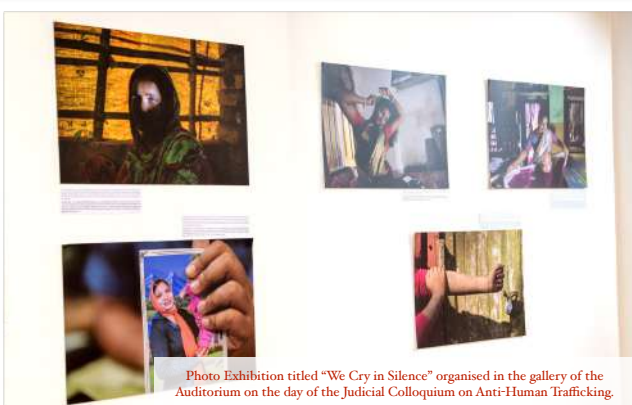


HMJ Anup Jairam Bhambhani, Judge, High Court of Delhi addressing District Judges (Commercial Court) and Trainee DHJS Officers on 'Adjudicating Petitions under the Arbitration and Conciliation Act, 1996'



Ms. Nivedita Anil Sharma, Principal Judge, Family Courts, North District, Rohini and Mr. Jayant Mehta, Senior Advocate discussing the ways to ensure a speedy trial in Commercial Disputes.

Judicial Colloquium on Anti-Human Trafficking



A Judicial Colloquium on Anti-Human Trafficking was organised in the Auditorium of the Delhi Judicial Academy on 25th March, 2023 for judicial officers, public prosecutors, police officials, CWC Chairpersons and Principal Magistrates, Juvenile Justice Boards. The Colloquium began with a discourse on understanding human trafficking through the lens of a survivor/victim. The interplay of Indian laws with International legal standards as well as current domestic laws were discussed. With the coming of the digital age, there has been an evolution and drastic change in the different forms and manifestations of human trafficking. A session thus covered predatory techniques currently employed by traffickers to lure children as well as adults in the cyber space, the challenges faced in investigation and eventual collection of evidence, methods of prevention and interception as well as interplay with cyber laws. Role of all stakeholders in the rescue and rehabilitation was underscored. Considering the large number of participants, QR codes were used for dissemination of the reading material.

ART *meets* LAW

CREATING IMMERSIVE EXPERIENCES: A photo exhibition was organised in collaboration with Ms. Smita Sharma, an award winning independent photo journalist, who has worked tirelessly in the field of human trafficking. Through her pictures, the participants saw the dark side of trafficking as being discussed through the medium of visual journalism. The aim was to engage all the participants and to create an understanding of the victim/survivor's trauma.



ECT Programmes

As a part of the ongoing e-Committee Special Drive Training and Outreach Programmes, Supreme Court of India, programmes were conducted every month.

ECT-3: Master Trainer Programme for New Master Trainers was organised on 20th and 21st January, 2023. The programme was conducted at the Delhi Judicial Academy and covered a wide array of subjects pertinent to the trainers ranging from Introduction to the e-Committee and e-Courts Project to data security and computer infrastructure. Digitisation of court records, electronic hardware management, operating systems, CIS, N-Step, Word Processing software and Internet based communication were also discussed.

ECT-6: Training Programme on Digitisation for the staff and officials of the High Court was conducted at the Academy virtually on 28th January, 2023. The programme focussed on honing their skills and increasing their knowledge base. The resource persons comprised of technical experts having in-depth knowledge of the topics.

ECT-10: Programme on Hardware and Software maintenance, Data replication, Data monitoring, VC equipment, LAN connection etc. for the technical staff of the High Court was conducted by the Academy virtually on 24th and 25th February, 2023. The programme involved threadbare discussion on the fundamentals and architecture of CIS, National Judicial Data Grid, JustIS application, ICJS and other softwares. The participants deliberated upon the best practices in maintenance and monitoring of servers, network administration, security, database administration, monitoring as well as data replication.

Interface of the Justice Delivery System with Technology

This optional programme was conducted on 10th March, 2023 and explored the key facets of law coming face to face with technology, be it use of technology to analyse and aid performance of the judiciary, tryst of the law with wrongs committed by use of technology or use of technology in the day to day working of the Courts. Consequently, the programme covered a wide array of topics including Jurimetrics, protecting judicial institutions from tech-based threats, wrongs committed on cyberspace and remedies thereto and the perceived role of Artificial Intelligence in dispute resolution. The programme was interspersed with fun AI experiments involving participants and AI composed music used to give context to the subjects under deliberation.

Different Dimensions of Cyber Crime

Optional Programme on this subject was organised on 18th March, 2023 with focus on myriad dimensions of deliberation concerning cyber crimes and other wrongs committed in cyberspace. The programme involved subject specific sessions targeted at in-depth analysis of the issues related to internet jurisdiction in civil and criminal law as well as forms in which wrongs manifest on the internet such as ransomware,

hacking, cyber stalking, child pornography, phishing and spoofing.

Other sessions centred around collection, preservation, handling, disposal and appreciation of digital evidence as well as the role, liability, responsibilities and immunity of intermediaries. The programme also had a first of its kind exhibition held by experts from the FSL, Delhi who showcased and demonstrated the working of various imaging and analysis tools used in mobile forensics and disk forensics.



An exhibition of equipment used in collection, preservation, analysis of digital evidence and cyber forensics organised by FSL, Delhi in the Academy.



Mr. Siddharth Luthra, Senior Advocate addressing the participants on 'Digital Evidence: Handling and Appreciation'

Mediation Trainings

In collaboration with and under the aegis of the Mediation and Conciliation Project Committee, Supreme Court of India, two mediation trainings were conducted at the Delhi Judicial Academy from 2nd March, 2023 to 4th March, 2023 and 14th March, 2023 to 18th March, 2023. The first was a three day training of trainers programme for the mediators of MCPC, whereas the latter was a five day intensive programme for potential trainers of MCPC. Fundamental concepts of mediation were discussed. Sessions employed several interactive techniques such as group discussions, role plays and presentations by participants. The training of trainers programme was flagged off by Hon'ble Mr. Justice Sanjay Kishan Kaul, Judge, Supreme Court of India and Chairperson, MCPC. Hon'ble Mr. Justice P.S. Narasimha, Supreme Court of India and Member, MCPC addressed the participants during the valedictory session.



Visit of the Kenyan Supreme Court Judges

The delegation of the Hon'ble Judges of the Supreme Court of Kenya, headed by the Hon'ble Chief Justice and President of the Supreme Court of Kenya, Hon'ble Ms. Justice Martha K. Koome visited the Delhi Judicial Academy on 14th March, 2023. Discussions were held with the faculty on the functioning of the Delhi Judicial Academy as well as the Indian Judicial System. The possibility of an eventual collaboration and knowledge sharing between the respective Academies was explored.





Mr. Dayan Krishnan, Senior Advocate addressing the participants on Principles of Remand and Bail and its Interface with Constitutional Rights.



Arms and Ammunitions Exhibition organised for the Core Competence Conference held for MMs/ACMMs/CMMs

Fortifying Child Rights & Strengthening the Juvenile Justice System

An Orientation Course on the functioning of the Juvenile Justice Board and a Conference for Capacity building for other functionaries of the Juvenile Justice System were held on 13th January, 2023. The programmes centred on coordination, enhancement of knowledge and development of rights perspectives of members and Chairperson of the Child Welfare Committees (CWC), Officers of the Special Juvenile Police Unit, Member Social Workers and Principal Magistrates of Juvenile Justice Boards (JJBs), District Child Protection Units and Children's Courts. The programme facilitated dialogue and meaningful engagement on improving functioning of JJBs and CWCs. The core provisions of the Juvenile Justice Law specifically concerning grant of bail, inquiry procedure, age inquiry and appreciation of evidence were focused on. The factors influencing development and psychology of a child, implementation of the right to education and supervision of Observation homes and Child Care institutions were also probed further.

Core Competence Conference

for CMMs, ACMMs and MMs

A programme was conducted for one third strength of CMMs, ACMMs and Magistrates as well as Public Prosecutors on 21st January, 2023. The opening session was chaired by Mr. Dayan Krishnan, Senior Advocate who analysed the principles of remand and bail and its interface with constitutional rights. Access to justice and responding to a vulnerable witness was deliberated upon. The sessions also deep dived into issues faced by the officers in handling miscellaneous applications as well as safeguards to be kept in mind while recording statements under Section 164 CrPC. Issues of trial and ways to curb delays and reduce arrears were also scrutinised. For the public prosecutors, sessions also covered considerations to be kept in mind while perusing a police report as well as the art of examining a witness. An arms and ammunitions exhibition was also organised for the participants.

for MMs (NI Act)

A programme was conducted for all magistrates dealing with cases under the Negotiable Instruments Act, 1881 on 28th January, 2023. The preliminary session covered pre-trial issues faced at the stage of taking cognizance. It took stock of issues of limitation, complaint by or against a juristic person, effect of winding up and insolvency. Further deliberations were held on issues of trial such as serving substance of accusation, conversion of summary trial to summons, digital recording of evidence, miscellaneous applications and settlements. Training on handling vulnerable witnesses as well as in curbing delays through disposal by resorting to triple method (plea bargaining, probation and compounding) was also imparted.



Supervisory and Administrative Skills



Mr. Narottam Kaushal, Principal District and Session Judge, South District, Saket Courts, addressing participants on the issue of Intake and Promotion of District Court Officials - Rules and Process

A one day training was held on 4th February, 2023 for enhancing Supervisory and Administrative Skills of the judicial officers. Emphasis was laid on issues related to General Administration such as allocation and division of work, assessment of staff and time management. Increased attention was also given to building core administrative skills as well as tackling issues related to financial administration including role and responsibilities of the purchase committee, process of purchase and e-purchases through the GeM portal. Nuances of dealing with the RTI Act, 2005 as well as recruitment, promotion and training of district court staff were also deliberated upon.

Procedure for Disciplinary Enquiries

Training was held for judicial officers as well as all members of Vigilance and Internal Committees about the basic statutory provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 and procedure for conducting departmental enquiries on 3rd February, 2023. Deliberations were held on how an inquiry needs to be conducted under the Act. The power of inquiring authorities, the necessity and relevance of having a fact finding inquiry, punishments and appeals were considered at length. The training ended with a screening of the movie 'She Said' which documented sexual harassment abuse allegations against a famous Hollywood producer and reflected upon the trauma experienced by the victims.

Preventing Sexual Harassment at Workplace

In furtherance of the duty cast on an employer under Section 19 of the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Delhi Judicial Academy conducted an awareness programme on 18th January, 2023, covering the entire span of its employees. The programme focused on explaining the aim and the development of the law on sexual harassment at workplaces. The ambit of the term "sexual harassment" was explained to the employees through the medium of videos and illustrative examples. What is considered appropriate behaviour and what consequences entail someone who crosses that line were elucidated. Focus was on building awareness and also educating all the employees about the grievance redressal mechanism in place in case of sexual harassment.

Training District Court Staff

As per directions passed by the Supreme Court of India in *Rahul S. Shah v. Jinendra Kumar Gandhi & Ors.*, Civil Appeal No. 1659-1660/2021, SPA No. 7965-7966/2020 dated 22.04.2021, the Academy held a programme for training of the Bailiffs, Incharges of *Nazarat* Branches and *Nazirs* of all the District Courts on 1st March, 2023. The aim of the programme was to comprehensively break down and brainstorm on issues relating to execution of decrees in civil procedure. Interactive sessions were held on execution of warrants, carrying out attachment and sale, properties which can and cannot be attached, warrants of possession and arrest, preparing reports and other official duties for executing orders of the Executing Courts.



Reflective Training of DHJS and DJS Officers



Reflective Training of the DJS Batch of 2021 held at the Academy on 17th February, 2023.

Two Reflective Training programmes were organised. The reflective training for the DHJS (Direct Recruit) batch of 2021 and the promoted batch of 2022 was held on 17th March, 2023 and for the DJS batch of 2021, it was held on 17th February, 2023. Discussions revolved around Court management, Case management, Court Administration and Infrastructure related issues, relationship between the Bar and the Bench, dealing with staff and litigants, as well as other aspects of Court functioning. A documentary titled 'All Rise for Your Honour' was

also shown to the participants highlighting the issues plaguing the judicial system and the perceptions of the common man. These programmes serve as a robust platform for the Academy to get a feedback about its training modules and guide it towards the correctional steps which it needs to undertake to ensure that more pertinent and effective training programmes are organised in the future.

Strengthening our Response to Mental Health



HMJ R.K. Gauba, Former Judge, High Court of Delhi addressing the participants on the 'Defence of Insanity' and the 'Law on Fitness to Stand Trial'.

An Orientation Course on Mental Health was held on 3rd March, 2023 for judicial officers, police officials as well as mental health professionals. The training focused on building an understanding of mental health, the finer nuances of Mental Healthcare Act, 2017 and dealing with persons of unsound mind at the time of inquiry and trial. A session was also dedicated to understanding the concept of legal capacity and the interplay of the Mental Health Act with the Rights of Persons with Disability Act, 2016.

Public Prosecutors

Two week training of Assistant Public Prosecutors on their promotion to the post of Additional Public Prosecutor was conducted online through video conferencing on CISCO Webex. The programme focused on a discussion around Constitution Rights and the Criminal Justice System and engagement on specialised Acts such as Prevention of Money Laundering Act, 2002, Maharashtra Control of Organised Crime Act, 1999, National Security Act, 1980, Schedule Caste & Schedule Tribe (Prevention of Atrocities) Act, 1989, Prevention of Corruption Act, 1988, Protection of Children from Sexual Offences Act, 2012 and Narcotics Drugs and Psychotropic Substances Act, 1985. Deliberations were also held on use of plea bargaining, compounding and probation, victim compensation scheme and the role of DLSA.

Guidelines on Bail Hearings in POSCO Cases: On request from the Director of Prosecution, Directorate of Prosecution, GNTCD, Tis Hazari Courts, an online one hour orientation training programme was organised for all Special Public Prosecutors on guidelines for bail hearings in POSCO cases.

Continuous Training Programmes at the Academy

INDUCTION TRAINING: One trainee Delhi Judicial Officer of the Batch of 2019 is undergoing training, whereas two trainee Delhi Judicial Service Officers of the batch of 2021 completed their one year training in this quarter. In the quarter, the officers had institutional training where substantial and procedural issues of civil and criminal jurisprudence were discussed. The training was also interspersed with some court attachments and two trainee officers also attended a 5 day residential training at the Indian Institute of Public Administration on 'Cyber Security and Digital Forensic Investigation'.

FOUNDATION TRAINING: Thirty one Delhi Higher Judicial Service Officers newly recruited from the Bar are undergoing training from 6th February, 2023 onwards. In this quarter, the officers had institutional training where substantial and procedural issues of civil and criminal law were discussed. Officers have also visited all the concerned branches, DSLSA, VWDC, Mediation Centres as well as had some experience of the functioning of the court, through court attachments.

ORIENTATION COURSE: Four judicial officers of Delhi Higher Judicial Service on Promotion underwent training at the Academy from 24th February, 2023. The judicial officers attended programmes on POCSO Act, Mental Healthcare Act, 2017, Commercial Courts Act, Cyber Crimes and had institutional training in conjunction with the DHJS Officers undergoing institutional training for the Foundation Course.



HMJ Swaran Kanta Sharma, Judge, High Court of Delhi addressing the trainee judicial officers on 'Constitutional Vision, Justicing and Judicial Education'.



Dr Aditi Choudhary, Chairperson (Officiating) and Director (Academics), Delhi Judicial Academy addressing the trainee judicial officers.

Training of Special MMs (Littering)



Special Metropolitan Magistrates (Littering) who underwent training at the Delhi Judicial Academy from 10th to 23rd January, 2023

Induction training programme was conducted for 17 Special Metropolitan Magistrates/ Special Municipal Magistrates (Littering) at the Delhi Judicial Academy from 10th January, 2023 to 23rd January, 2023. The Special Metropolitan Magistrates were imparted institutional training for 5 days and were on practical attachment for the remaining days to familiarise them with court functioning. Their institutional training covered basic concepts of Delhi Petty Offences (Trial by Special Metropolitan Magistrates) Rules, 1998, New Delhi Municipal Council Act, 1994, Delhi Municipal Corporation Act, 1957, Delhi Water Board Act, 1998,

National Green Tribunal, 2010 and Delhi High Court Rules. Fundamentals of Summary Trial and Code of Criminal Procedure, Court management, Case management, Docket management and judgment writing were discussed. Importance of Waste Management and public health issues was expounded on and they were explained the ambit of their roles. They were also imparted one day hands on computer training.

Employee Compensation Claims



Mr. Satyam Thareja, Advocate, High Court of Delhi addressing the participants on the Scheme laid down in *New India Assurance Co. Ltd. v. Puran Lal and Ors.* for expeditious disposal of claims.

A Sensitisation Programme on the Special Scheme for Employee's Compensation Claims for Labour Commissioners (Employee's Compensation), Police Officials involved in investigation of accidents arising out of and in the course of employment and concerned officers from insurance companies was held in compliance of *New India Assurance Co. Ltd. v. Puran Lal and Ors.*, (2021) 280 DLT 369 on 21st February, 2023. This training focused on the evolution of the Employee's Compensation Act, 1923 and the Scheme laid down in the judgment for ensuring expeditious disposal of

any claim under the Act. Powers and procedures of a quasi-judicial body were discussed at length, coupled with relevant order writing.

Recent Developments in Motor Accident Claim Cases

A training programme in compliance of the judgment of the Hon'ble Supreme Court dated 15.12.2022 in Civil Appeal No. 9322 of 2022 [arising out of Special Leave Petition (C) No. 32448 of 2018] titled *Gohar Mohammed v. Uttar Pradesh State Road Transport Corporation* was organised for all stake holders such as Presiding Officers (MACTs), Police Officers, Nodal Persons of Insurance Companies, Judges In-Charge of Mediation Centres and Secretaries, DLSAs. The programme was conducted over a period of 3 days through video conferencing and involved discussion of the latest amendment made to the Motor Vehicles Act in 2019 along with the Central Motor Vehicles (5th Amendment) Rules, 2022 and their ramifications. The guidelines laid down by the Hon'ble Apex Court in successive decisions and their interface *inter se* was also deliberated upon.

Sexual Offences against Women and Children

Conference on role and responsibilities of investigating officers in handling investigation of cases pertaining to sexual offences against women and children was held for Additional DCPs and ACPs of the Delhi Police on request of the Smart Police Academy. The sessions addressed the contributing factors leading to violence against women and children, the gendered face of the pandemic, psychological impact of this violence on the victims and challenges faced in investigation of these cases. A documentary titled "Son Rise" by the award winning Director Vibha Bakshi was screened for the participants. The documentary finds its heroes in ordinary men who took on the 'extraordinary' fight to break the shackles of patriarchy and challenge the age old tradition of male dominance. The documentary has been selected for United Nations Academic Impact (UNAI) promotion of human rights through higher education to screen across 1,400 educational institutions across 147 countries.



MANDATORY DIRECTIONS PERTAINING TO BAIL

The Directions given by the Supreme Court in its two judgments titled *Satendar Kumar Antil v. Central Bureau of Investigation and Another*, (2022) 10 SCC 51 and *Siddharth v. State of Uttar Pradesh*, (2022) 1 SCC 676 were discussed with all trainee judicial officers as well as all judicial officers holding criminal jurisdictions in all training programmes conducted. The judgments were also added in the corresponding reading material and circulated to all concerned officers.

Online eSCR Outreach Programme

As required by the e-Committee, Supreme Court of India, a district-level online live demo on eSCR, the recently launched citizen centric free judgment search portal, was facilitated by the Delhi Judicial Academy through all the districts in the month of March 2023. The programme created awareness amongst all stakeholders—judicial officers, court staff, litigants and advocates—as to how the portal serves as a one stop, authenticated, unified, portal for all judgments and orders of the High Courts of India and that the portal is based on the constitutional mandate of the Right to Access Justice guaranteed under Article 21 of the Constitution. Further, the judgments are digitally accessible for persons with disability.



VISIT OF LL.M. STUDENTS:

Twenty five students of LL.M. from the PG Department of Law, Sardar Patel University, Vallabh Vidhyanagar, Anand, Gujarat visited the Delhi Judicial Academy along with three faculty members on 29th March, 2023 and interacted with the faculty of the Delhi Judicial academy.

Stretch Breaks in-between Sessions and Training Programmes



Judicial Officers enjoying the recreational facilities at the Clubhouse, Delhi Judicial Academy to unwind and relax in the breaks between sessions in training programmes.