

NEWSLETTER

Delhi Judicial Academy

Under the Aegis of



HMJ Manmohan
Acting Chief Justice, High Court of Delhi and Patron-in-Chief, Delhi Judicial Academy

HMJ Yashwant Varma
Judge, High Court of Delhi and Chairperson, Judicial Education and Training Programme Committee (JETPC)



HMJ Rekha Palli
Judge, High Court of Delhi and Member, JETPC

HMJ Anup Jairam Bhambhani
Judge, High Court of Delhi and Member, JETPC



HMJ Purushaindra Kumar Kaurav
Judge, High Court of Delhi and Member, JETPC



HMJ Swarana Kanta Sharma
Judge, High Court of Delhi and Member, JETPC



Editorial Board

Dr. Aditi Choudhary
Director (Academics) cum Chairperson (Officiating)
Chief Editor

Mr. Man Mohan Sharma
Director (Administration)
Executive Editor

Mr. Prashant Sharma
Additional Director
Editor

Ms. Twinkle Chawla
Joint Director
Editor



Hon'ble Ms. Justice Mukta Gupta, Former Judge, High Court of Delhi addressing the Judicial Officers during the Orientation Program on New Criminal Laws for DJS Officers on 19th May, 2024.

ORIENTATION PROGRAM ON NEW CRIMINAL LAWS 2023 FOR STAKEHOLDERS OF CRIMINAL JUSTICE SYSTEM

The Parliament of India has replaced the existing key criminal laws, namely, the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973, and the Indian Evidence Act, 1872 with the Bharatiya Nyaya Sanhita, 2023 ("BNS"), Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") and Bharatiya Sakshya Adhinyam, 2023 ("BSA"). As notified, the new criminal laws, which intend to overhaul the Indian criminal justice system, shall take effect from 1st July, 2024.

Accordingly, in order to orient the stakeholders of the criminal justice system about the changes introduced by the new criminal laws, orientation programmes were organized for judicial officers, public prosecutors, lawyers and legal aid counsels by the Academy in April and May 2024.



Dr. Aditi Choudhary, Director (Academics) cum Chairperson (Officiating), Delhi Judicial Academy giving introductory remarks on 13th April, 2024.



Orientation Programs on New Criminal Laws for Judicial Officers held in the Auditorium of the Delhi Judicial Academy.

Judicial Officers

Orientation Programmes on the New Criminal Laws for all officers of Delhi Higher Judicial Service and all officers of the Delhi Judicial Service were organized on 13th April, 2024 and 19th May, 2024, respectively. The panel of speakers for the session on 13th April, 2024 comprised Hon'ble Ms. Justice Mukta Gupta, Former Judge, High Court of Delhi, Mr. Mohit Mathur, Senior Advocate and Mr. Jayant Mehta, Senior Advocate. The speakers for the first two sessions on the 19th May, 2024 were Hon'ble Ms. Justice Mukta Gupta, Former Judge, High Court of Delhi and Mr. Mohit Mathur, Senior Advocate, who discussed the philosophy behind the reforms in the criminal law and also highlighted the key changes in BNS such as the consolidation of provisions, addition of new offences (terrorism, organized crime, snatching, etc.), and introduction of community service as a form of punishment. Further, they discussed the reforms in the BNSS, including statutory recognition of issuance of process through electronic means; conduct of trial through audio-video electronic means; statutory recognition of zero FIR; variation in the time period within which police custody remand can be sought; introduction of opportunity of hearing to the accused at a pre-cognizance stage in complaint cases; notice to victim prior to withdrawal from prosecution; mandatory forensic examination during investigation for key offences; introduction of provision for attachment of proceeds of crime; and introduction of time-lines for completion of investigation and trial. Mr. Pawan Duggal, Advocate, addressed the participants in the last two sessions on 19th May, 2024, where key topics qua the BSA were pondered upon, which included the expansion of definition of documents and primary evidence to include electronic records and introduction of the new format of certificate for admissibility of secondary electronic evidence. The session concluded with reflections on the impact of the New Criminal Laws.

Legal Aid Counsel and Lawyers

A 3-day Orientation Program on the New Criminal Laws was organized for the Legal Aid Counsels at the district court complexes at Tis Hazari, Rouse Avenue, Saket, Patiala House, Rohini, Dwarka and Karkardooma from 14th May, 2024 to 16th May, 2024, in collaboration with the District Legal Service Authority of the concerned district. Further, a 5-day orientation program on the New Criminal Laws was organized for the Lawyers at the said district court complexes on 21st, 22nd, 27th, 28th and 29th May, 2024, in collaboration with concerned Bar Associations.

Public Prosecutors

A 5-day Orientation Program on the New Criminal Laws was organized for all the Public Prosecutors posted in Delhi through virtual mode on 21st, 22nd, 27th, 28th and 29th May, 2024.

Overview

19 Training Programmes 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 second quarter of 2024.

Training of 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 order 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 7th May, 2024. The aim of the programme was to brainstorm on issues relating to execution of decrees in civil procedure. The modes of execution under CPC; and the duties of the Bailiffs, Incharges of the Nazarat Branches and Nazirs were discussed. Interactive sessions were also held on execution of warrants; carrying out the attachment and sale; and other official duties for executing orders of Executing courts.



Dr. (Prof.) Nimesh G. Desai, Former Director, IHBAS addressing the participants during the Orientation Course on Mental Healthcare Act, 2017 on 17th May, 2024.

ORIENTATION COURSE ON THE MENTAL HEALTHCARE ACT, 2017

An Orientation Course on Mental Health was held on 17th May, 2024 for judicial officers, police officials, public prosecutors as well as mental health professionals. The training focused on understanding the nuances of mental health and mental illness with an increased focus on shattering the stereotypical understanding of these concepts. Further, the ambit and interplay of mental and legal "capacity", as envisaged under the United Nations Convention on the Rights of Persons with Disabilities was contemplated upon. The finer nuances of Mental Healthcare Act, 2017 including the rights of persons with mental illness as enshrined in the Act along with the responsibilities of the stakeholders and case studies were discussed. Further, the procedure to be followed by the police officials as per SOP dated 15.06.2021 was also discussed. The laws on fitness to stand trial and the defence of Insanity were deliberated upon. The process of making a psychiatric assessment of the accused's fitness to stand trial was also pondered upon.



Resource persons discussing the provisions of Mental Healthcare Act, 2017 with the participants during the session.

Core Competence Conferences on Knowledge, Skill and Perspective Development

Five core competence programmes aimed at enhancing jurisdiction specific knowledge and skills of judicial officers were conducted in this quarter. Two of these programmes were combined with other stakeholders for capacity building of all concerned and more holistic deliberations. The programmes focused on key facets concerning day to day working of Courts dealing with specific jurisdictions so as to identify common issues and challenges as well as sharing best practices. Deliberations were also held upon latest developments in the concerned fields of law.

Senior Civil Judges (SCJs)-cum-Additional Rent Controllers (ARCs), Administrative Civil Judges-cum-ARCs, CCJs-cum-ARCs and Additional SCJs-cum-Guardian Judges-cum Judges, Small Causes Court and Civil Judges

A one-day Core Competence Conference was conducted for Additional SCJs-cum-Guardian Judges-cum Judges, Small Causes Court and Civil Judges on 6th April, 2024; and for the Senior Civil Judges (SCJs)-cum-Additional Rent Controllers (ARCs), Administrative Civil Judges-cum-ARCs and CCJs-cum-ARCs on 1st June, 2024. The prefatory session in the programme on 6th April, 2024 was graced by Hon'ble Mr. Justice Rajiv Sahai Endlaw, Former Judge, Delhi High Court (through virtual mode), who discussed the best practices and innovations to be adopted by courts for increasing productiveness by efficiently using provisions of the Civil Procedure Code and ensuring speedy and timely disposal of different Interlocutory Applications. The distinguished speaker also focused on understanding disability and ensuring access to justice. Sessions also covered interplay of civil and family laws, executions, electronic evidence and injunctions under Specific Relief Act. Further, in addition to the above topics, in the programme on 1st June, 2024, the issues and challenges pertaining to the Delhi Rent Control Act, 1958 and grant of Succession Certificate were discussed.



Hon'ble Mr. Justice Rajiv Sahai Endlaw, Former Judge, Delhi High Court addressing the participants virtually on best practices to be followed by Civil Courts during the Core Competence Programme on 6th April, 2024.

ASJs (SFTCs)/ASJs (FTSC) (RC)/ASJs (SC-RC) and Public Prosecutors

A one-day Core Competence Conference for judicial officers holding the above-titled Courts was held on 27th April, 2024. A Capacity Building Programme was also held on the same day for the public prosecutors attached to their Courts. Two convergence sessions were held for the prosecutors and the judicial officers for attuning their response to a vulnerable witness/victim. The right to personal liberty and bail were discussed in the larger gamut of access to justice. Issues of substantive and procedural laws in implementation of provisions relating to rape, rights of children and directions extraneous to the subject matter were also discussed. In the last two sessions of the Core Competence Conference for judicial officers, topics relating to appreciation of evidence, use of AI in Forensics and directions issued in *Raj Kumar @ Suman v. State (NCT of Delhi)*, 2023 SCC OnLine SC 609, amongst other judgments were discussed.



Ms. Rebecca Mammen John, Senior Advocate, High Court of Delhi addressing the participants on 27th April, 2024.

Principal Judges, Additional Principal Judges and Judges of Family Court



Hon'ble Ms. Justice Neena Krishna Bansal, Judge, Delhi High Court and Hon'ble Ms. Justice Swarana Kanta Sharma, Judge, Delhi High Court addressing the participants on 20th April, 2024.

A one-day training programme was held on 20th April, 2024 covering the emerging issues in matrimonial laws such as surrogacy, cross-border marriages, admissibility of foreign judgment and orders. Hon'ble Ms. Justice Neena Bansal Krishna, Judge, High Court of Delhi discussed with the participants concerns related to custody/guardianship of children and maintenance whilst also dealing with contemporary developments and challenges in the field, including a discussion on the directions issued in *Rajnish v. Neha*, 2021 (2) SCC 324. Hon'ble Ms. Justice Swarana Kanta Sharma, Judge, High Court of Delhi highlighted relevant considerations to be kept in mind while writing judgments including ensuring gender sensitivity and also dealt with the ways to enhance access to justice and better understand the nuances of disability, both visible and hidden. The guidelines to be followed while recording settlement agreements in family disputes; including recording the future rights of children in the property were also discussed.

ASJs holding Special Courts and Public Prosecutors attached to such courts

Two parallel training programmes were conducted on 18th May, 2024 for ASJs holding Special Courts under Maharashtra Control of Organised Crime Act, 1999/ Unlawful Activities (Prevention) Act, 1967/ National Investigation Agency Act, 2008/ Schedule Caste and Schedule Tribe Act, 1989/ Rights of Persons with Disabilities Act, 2016/ The Benami Transactions (Prohibition) Act, 1988 and also for the public prosecutors attached to the courts presided over by them. HMJ S. Nagamuthu, Former Judge, Madras High Court graced the prefatory session and discussed the issues relating to grant of bail/remand/legal aid in such offences, with specific emphasis on the directions issued in various judgments by the Supreme Court and different High Courts including *Pankaj Bansal v. Union of India*, 2023 SCC OnLine SC 1244 and *Prabir Purkayastha v. State (NCT of Delhi)*, 2024 SCC OnLine SC 934. Further, discussions were held on issues of substantive and procedural law in the form of Question and Answer Sessions on the various Acts mentioned above. Role of a Judge while recording testimony of witnesses was emphasised. The emerging trend of cyber terrorism was discussed. Use of AI in Forensics was also pondered upon.



Hon'ble Mr. Justice S. Nagamuthu, Former Judge, Madras High Court gracing the prefatory session and Mr. Nisheet Dixit addressing the participants on 18th May, 2024.



Fortifying Child Rights

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 10th May, 2024. The



Resource persons addressing the participants on issues of barriers to accessing justice by children in conflict with law during the Orientation course.

programmes centred on coordination, enhancement of knowledge and development of perspective of members and Chairperson of the Child Welfare Committees (CWCs), 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 programmes facilitated dialogue and meaningful engagement on improving functioning of the CWCs and JJBs. The core provisions of the Juvenile Justice law specifically concerning custody, grant of bail, inquiry procedure, age inquiry and appreciation of

evidence were focused on. Further, role of the CWC under the POCSO Act was evaluated. The sessions also highlighted the need for enhanced coordination amongst stakeholders under Mission Vatsalya and issue of rescue and rehabilitation of children forced into labour. A workshop on order writing was also conducted for the members of CWC. The programme also focused on mechanisms to remove barriers faced by children in conflict with law in accessing justice. The session also probed the procedure to be followed where a "Child in conflict with law" is also found to be a "Child in need of care and protection".

Judicial Conference on Tax Regime and Criminal Prosecution

A Conference was organised on 4th May, 2024 for 10 judicial officers on understanding tax evasion in the realm of GST and Income Tax. The prefatory session was conducted by Mr. J.K. Mittal, Advocate and Mr. Raghvendra Pal Singh, IRS (C & IT), Additional Commissioner, GST Policy Wing, Ministry of Finance. The speakers outlined the issues currently plaguing the courts and historical-legal development of the law. They also delved into the legal framework of penal consequences of tax evasion touching upon the Central GST Act, 2017, Income Tax Act, 1961 and the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015. A session was also dedicated to discussing cross-border challenges in procuring documents, issues of remand and bail, sanction for prosecution, legal aid and recording of evidence. Participants were apprised of the latest position of law regarding electronic evidence with a focus on its collection, preservation and final disposal. In the last session, a discussion was held with the participants on the guidelines of financial planning and portfolio management.



Mr. Raghvendra Pal Singh, IRS (C&IT) Additional Commissioner, GST Wing, addressing the participants during the Judicial Conference on Tax Regime and Criminal Prosecution on 4th May, 2024.

ECT Programmes

As a part of the ongoing e-Committee Special Drive Training and Outreach Programmes, Supreme Court of India, 3 programmes were conducted during this quarter.

ECT-03

Two days' programme was conducted on 15th May and 16th May, 2024 for 50 judicial officers, newly nominated as master trainers. The programme covered different facets of use of Information Technology in Courts involving deliberation over a wide array of topics including not only core CIS and Ubuntu related issues but also other emerging aspects of use of ICT in courts such as e-filing, ICJS, pre-trial module, digitisation, networks, servers, computer operating systems, software, hardware, videoconferencing/hybrid hearing and e-waste management.

ECT-04

One day training programme was organised on 29th May, 2024 for Advocates and Advocates' Clerks. The programme was conducted virtually and covered a wide array of subjects pertinent to the members of the Bar such as Electronic Case Management Tools including the e-Courts Portal and application. Basics of hardware and software used for drafting and scanning were also discussed. e-Filing and videoconferencing along with the respective applicable rules were also covered. Advocates were also apprised of the feature of maintaining an e-diary.

ECT-05

One day programme was conducted by the Delhi Judicial Academy for administrative head staff of the district judiciary virtually on 4th June, 2024. The programme focused on the utility of hardware, software and computer infrastructure installed in the courts. Discussion was held on use of CIS and its nuances in court proceedings. Electronic Case Management Tools such as N-Step was also discussed. The architecture of e-courts, National Judicial Data Grid, JustIS application, ICJS and other softwares were also deliberated upon.

SOFT SKILLS TRAINING FOR PRINCIPAL COUNSELLORS/ COUNSELLORS ATTACHED TO FAMILY COURTS

A one day programme was held on 20th April, 2024 for the Principal Counsellors/ Counsellors attached to Family Courts. The basics of counselling, benefits of counselling, approach to counselling and the role of a counsellor were discussed. The required skills such as effective communication, rapport building, handling emotions, ensuring empathy while maintaining neutrality and active listening were examined. Participants were also apprised of the essential elements of a settlement, in order to ensure that the same remains clear, comprehensive and concise.



Resource person imparting hands on training to counsellors attached to family courts on 20th April, 2024.

ORIENTATION COURSE FOR CHIEF PROBATION OFFICER AND PROBATION OFFICERS OF DELHI

A half-day programme was held on 23rd April, 2024 in which role and responsibilities of Probation Officers under the Probation of Offenders Act and the Juvenile Justice Act was discussed. The first session focussed on the powers and functions of the officers under the said legislations. The second session focussed on the preparation of a probation report.

Practical difficulties faced while preparing the probation report/social investigation report were discussed. Practical exercises in the form of role play and drafting of a mock probation report were employed to make the sessions interactive and informative.



Resource persons addressing the participants during the Orientation Programme for Probation Officers on 23rd April, 2024.

Continuous Training Programmes at the Academy

Induction Training

Eighty Six officers of the Delhi Judicial Service of the Batch of 2023 continued their induction training. The batch of officers underwent both practical training through court attachments and institutional training in this quarter. One officer of the same batch joined in May 2024 and is undergoing training at the Academy. Seven officers got their postings in May, 2024 as their training was exempted. The officers also visited Almora, Kausani and Jim Corbett as part of the Village Immersion Programme. The Probationers' Departmental Examination was conducted in this quarter.

Foundation Course

Foundation course for four officers, directly recruited from the Bar to the Delhi Higher Judicial Services, started in this quarter. The batch of officers underwent both practical training through court attachments and institutional training in this quarter. They are currently undergoing the four months' Foundation Course training at the Delhi Judicial Academy.

Orientation Course

Orientation Course training of two judicial officers of Delhi Higher Judicial Services upon qualifying the Limited Competitive examination continued and concluded in this quarter. Upon completion of their training, they got their postings in May, 2024.



SIMPLE LIVING HIGH THINKING

With a view to ensure holistic development of the 86 officers of the Induction Batch of the Delhi Judicial Service 2023, an interactive workshop was conducted by Brahma Kumari Sister Shivani on the importance of ethics and discipline in daily life on 8th April, 2024.

The officers and DJA Faculty can be seen participating in the training being conducted by Brahma Kumari Sister Shivani.

Village Immersion Programme for 79 newly inducted DJS Officers

The Village Immersion Programme is organised for the induction batch in order to expose the officers to the working of various departments of the government at the rural level and to different indigenous techniques of environmental preservation. The purpose of the programme is to educate them on various public and private projects aimed at environmental upgradation and preservation. It also helps the officers in understanding local customs, people, cuisines and omnipresent elements.

With the above objectives, a village immersion programme was organised in this quarter. 79 newly inducted DJS officers went to Almora, Kasauni and Jim Corbett, Uttarakhand from 27th May, 2024 to 1st June, 2024. The officers closely observed the working of the Mahila Haat, Chitai Village, Almora District, an organisation working towards increased use of rainwater harvesting and afforestation as methods of environmental protection. As part of the programme, the officers also visited the Vivekananda Parvatiya Krishi Anusandhan Sansthan (ICAR), Almora to observe the efforts made by the institution for enhancing the production and productivity of hill agriculture alongwith natural resource management for the hilly region. Tiger conservation efforts were also observed by the officers at the Jim Corbett National Park.



A Mahila Haat Volunteer explaining the functioning of Self-Help Groups to the Officers.



Officers visiting a shop maintained by Mahila Haat, displaying local products.



Dr. Laxmi Kant, Director, Vivekananda Parvatiya Krishi Anusandhan Sansthan, Almora apprising the officers about the research activities of the Institute.



Officers attending the presentation at Vivekananda Parvatiya Krishi Anusandhan Sansthan, on sustainable crop production practices.



Officers undertaking educational trek at Simtola Eco Park, Almora to study conservation efforts.



Officers after successful completion of the educational trek at Simtola Eco Park, Almora.