

NEWSLETTER

Delhi Judicial Academy

Under the Aegis of



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HMJ Vibhu Bakhru, Judge, High Court of Delhi and Chairperson JETPC along with Mr. S. Ganesh, Senior Advocate and Mr. Sujith Ghosh, Advocate addressing the participants in the Judicial Conference on Tax Regime and Criminal Prosecution on 6th May, 2023

Judicial Conference on Tax Regime and Criminal Prosecution

A Conference was organised on 6th May, 2023 for 37 judicial officers along with 29 trainee DHJS officers on understanding tax evasion in the realm of GST and Income Tax. The prefatory session was graced by HMJ Vibhu Bakhru, Judge High Court of Delhi and Chairperson, JETPC along with Mr. S. Ganesh, Senior Advocate and Mr. Sujit Ghosh, Advocate. The speakers outlined the issues currently plaguing the courts, historical-legal development of the law and 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. An entertaining and investigative financial thriller titled "Tax Me If You Can" was screened for the participants. The movie highlighted the *modus operandi* of the world's largest companies and fortune holders for tax evasion.

Overview

A total of 25 training programmes were conducted by the Delhi Judicial Academy from April to June 2023. Of the total 25 programmes, 16 programmes were organised for judicial officers and 9 programmes were held for other stakeholders of the justice delivery system by the Delhi Judicial Academy. The programmes though mostly held physically in the Delhi Judicial Academy Complex, also had a mix of hybrid sessions where felt essential. An Environmental Awareness and Stress Management Retreat to Almora, Uttarakhand was also organised by the Academy in this quarter, for 80 judicial officers from 7th to 9th April, 2023.

Ensuring Sensitive Handling of Cases Relating to Sexual Offences against Children

An intensive two day training was held for all Additional Session Judges (POCSO), Additional Session Judges Fast Track Courts (POCSO) and their public prosecutors on 31st March, 2023 and 1st April, 2023. The training was geared to equip participants with the ability to apply a child-friendly development lens while assessing capacity of a child. It empowered participants with techniques to use child friendly conversation so as to help elicit evidence/ statements from children. Some of these techniques included rapport building, empathising, enquiring about abuse, closing the interview etc. Attention was also given to the growing menace of child sexual abuse in cyberspace. The mode of commission of such offences online, challenges faced and possible solutions were discussed. Issues relating to bail including mandatory directions laid down by the Supreme Court in *Siddharth v. State of UP and Anr., (2022) 1 SCC 676* and *Satender Kumar Antil v. CBI and Anr., (2022) 10 SCC 51* were discussed in detail. Relevant considerations to be kept in mind while appreciating evidence in cases of child sexual abuse were also deliberated upon.

A session was also held on handling vicarious trauma in trial of POCSO cases by renowned psychiatrist Dr. Achal Bhagat. Recognising that officers posted in these jurisdictions undergo severe occupational stress and mental pressure, a session was held on stress management which involved engaging in some de-stressing activities. Lastly, a play organised by the Sukhmanch Theatre team led by Ms. Shilpi Marwaha was staged which highlighted the impact of sexual abuse on victims with a reminder as to why courts should never lose sight of the plight of the victim before them.



De-stressing activities being led by General Rajesh Sahai, AVSM, SM, Former Chief of Staff (HQ-Delhi Area), Patron AWES 89, Anuj Vihar, Delhi Cantt on 1st April, 2023.



A Street Play/Performance by Sukhmanch Theatre team led by Ms. Shilpi Marwaha on "Impact of Sexual Abuse on Victims" organised on 1st April, 2023.



Dr. Achal Bhagat, Psychiatrist, Apollo Hospital addressing the participants on "Handling Vicarious Trauma in Trial of POCSO Cases" in training programme held on 31st March, 2023.



Group Photo with the Recovery Officers of Debt Recovery Tribunals from across India for training programme held from 29th May, 2023 to 1st June, 2023.



Mr. Rajeev Mehra, Senior Advocate and Former Additional Solicitor General of India, Mr. Sanjeev Bhandari, Advocate, Additional Standing Counsel (Criminal), Former Special PP, CBI, High Court of Delhi and Mr. Pawan Kumar Sharma, IT Officer, Income Tax Department, IP Estate, New Delhi addressing the Debt Recovery Officers on 31st May, 2023.

Training of Recovery Officers of Debt Recovery Tribunals

A four day residential training was organised for Recovery Officers from across India in the Delhi Judicial Academy from 29th May, 2023 to 1st June, 2023, in compliance of order dated 26.04.2023 passed by the High Court of Delhi in *M/s Jagjit Maan Buildcon Pvt. Ltd. v. Canara Bank & Ors.*, W.P (Civil) No. 10591/2021. Practical training was provided to the Recovery Officers to ensure speedy execution of Recovery Certificates related to recovery of debts. The participants were introduced to the basics of the RDB Act, 1993 and the functions of a Recovery Officer under the Act. Application of the SARFESI Act with specific reference to Non-Performing Assets as well as the IBC 2016 was looked into. Issues emanating from various related Acts such as Limitation Act, Tenancy Act, TP Act, CPC etc were discussed. Practical understanding was built around recovery proceedings, modes of recovery, investigation under Rule 11 of the Second Schedule of the IT Act, 1961. Simulation exercises and order writing workshops were the highlight of the practical training.

Orientation Course on the Mental Healthcare Act, 2017

An Orientation Course on Mental Health was held on 26th May, 2023 for judicial officers, police officials as well as mental health professionals. The training focused on comprehending mental health and mental illness with an increased focus on understanding “capacity”, both mental and legal, as envisaged under the UNCRPD. 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, were discussed. Case studies under the Act were also discussed. The law on fitness to stand trial and the defence of Insanity were deliberated upon. A professor of Psychiatry shared with the participants the medical process underlining making of a psychiatric assessment of the accused’s fitness to stand trial.

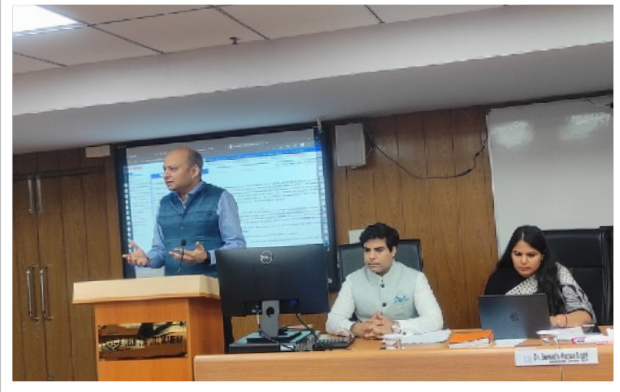


Participants attending the Orientation Course on the Mental Healthcare Act, 2017 on 26th May, 2023 in the Seminar Hall of the Delhi Judicial Academy.

Guidelines on Arrest and Bail Hearings for Public Prosecutors: One hour online training programme was held on 29th May, 2023 through CISCO WebEx to train public prosecutors on ‘Guidelines for Arrest and Bail’. Mandatory directions and guidelines issued in various judgments of the Supreme Court such as *Siddharth v. State of UP and Anr.*, *Supra*, *Satender Kumar Antil v. CBI and Anr.*, *Supra*, *In Re. Policy Strategy for Grant of Bail, SMWP (Criminal) No. 4/2021 dated 31.01.2023*, *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273, *Amandeep Singh Johar v. State (NCT of Delhi)*, 2018 SCC Online 13448 and *Bhim Singh Johan v. Union of India*, (2015) 13 SCC 605 were discussed.

Core Competence Conference for Civil Courts

Two programmes were conducted for Senior Civil Judges (SCJs)-cum-Additional Rent Controllers (ARCs), Administrative Civil Judges-cum-ARCs, CCJs-cum-ARCs and for Additional SCJs-cum-Guardian Judges-cum Judges, Small Causes Court and Civil Judges on 3rd June, 2023 and 15th April, 2023 respectively. Sessions covered interplay of civil and family laws, executions, electronic evidence and increasing productiveness of Civil Courts by efficiently using provisions of the CPC and ensuring speedy and timely disposal of different Interlocutory Applications. Access to Justice for all, with a special focus on responding to vulnerable witnesses was also discussed with the participants. Lastly, in the programme on 3rd June, 2023, the issues and challenges pertaining to the Delhi Rent Control Act, 1958 were also covered along with the subject of grant of Succession Certificate.



Mr. Jayant Mehta, Senior Advocate addressing the participants on Interlocutory Applications on 3rd June, 2023.

Core Competence Conference for Principal Judges, Additional Principal Judges and Judges of Family Court



HMJ Poonam A. Bamba addressing judicial officers on "Divorce" in the Core Competence Conference organised for Principal Judges and Judges of Family Court on 29th April, 2023.

A one day training programme was held on 29th April, 2023 covering the emerging issues in matrimonial laws such as surrogacy, cross-border marriages, admissibility of foreign judgment and orders. HMJ Asha Menon, Former Judge, High Court of Delhi discussed with the participants concerns related to custody and guardianship of children whilst also dealing with contemporary developments and challenges in the field. Hon'ble Dr. Justice Sudhir Kumar Jain, Judge, High Court of Delhi highlighted relevant considerations to be kept in mind while dealing with cases of maintenance. He delved into the execution of these orders and the way to overcome the challenges faced therein. HMJ Poonam A. Bamba, Judge, High Court of Delhi discussed causes of marital discord and breakdown of marriage including the different aspects, and the kinds and grounds of divorce.



Hon'ble Dr. Justice Sudhir Kumar Jain addressing the participants on "Maintenance" in the Core Competence Conference organised for Principal Judges and Judges of Family Court on 29th April, 2023.

Right: HMJ Asha Menon, Former Judge, High Court of Delhi addressing the participants on "Custody and Guardianship of Children" in the Core Competence Conference organised for Principal Judges and Judges of Family Court on 29th April, 2023.



Core Competence Conference for ASJs holding Special Courts



Arms and Ammunitions Exhibition organised for the Core Competence Conference for ASJs holding Special Courts under MCOCA/ UAPA/ NIA/ SC & ST' Act, 1989/ Rights of Persons with Disability Act, 2016/ Prohibition of Benami Property Transaction Act, 1988 and Conference of Capacity Building for respective Public Prosecutors held on 20th May, 2023.

Two parallel training programmes were conducted on 20th May, 2023 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 the public prosecutors attached to the courts presided over by them. With Judicial Officers, discussions were held on issues of substantive and procedural law in the form of Question and Answer Sessions on the various Acts mentioned above. Points of discussion were centred around interpretation of core provisions, issues of remand, bail and interplay

of Section 167, CrPC, directions relating to remand, bail and legal aid as laid down in *Siddharth v. State of UP, Supra.*, *Satender Kumar Antil v. CBI, Supra.*, *In Re. Policy Strategy for Grant of Bail, Supra.*, and *Sunil v. State, MANU/DE/0026/2023*. Responding to a vulnerable witness and dealing with the plea of juvenility was also considered. Role of a Judge while recording testimony was emphasised and principles of appreciation of physical and electronic evidence were revisited. Last session focused on curbing delays and reducing arrears and the need to resort to the triple method of plea bargaining, compounding and probation for disposal. Final orders of sentencing, death sentence and compensation were also pondered upon.

Capacity Building Programme for Public Prosecutors of Special Courts

The prefatory session was held on the Constitutional Rights and the functioning of the criminal justice system. Right to personal liberty along with the aspects of remand and bail was scrutinised in detail. Role of a prosecutor in securing the right to speedy trial was also discussed. Critical analysis was done on how police reports are scrutinised and when should discretion be exercised for withdrawal of prosecution in cases. Art of examining a witness was reflected upon, including therein strategies to deal with hostile witnesses. Lastly, the role of a prosecutor in securing compensation to the victim, whether interim or final, was discussed. The participants were also asked to ensure proper utilisation of the Victim Compensation

Core Competence Conference for ASJs (SFTCs)/ ASJ (FTSC) (RC)/ ASJ (SC-RC) and Public Prosecutors



HMJ Gita Mittal, Former Chief Justice, J&K High Court and former Acting Chief Justice, High Court of Delhi addressing the participants on "Vulnerable Witnesses in a Court Room" on 27th April, 2023.

A one day training programme was held on 27th May, 2023 for judicial officers as well as the public prosecutors attached to the Courts presided over by them. Two convergence sessions were held for the prosecutors and the judicial officers for attuning their response to a vulnerable witness. 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 related to rape, rights of children and directions extraneous to the subject matter were also discussed with all. In the last two sessions, topics related to appreciation of evidence, directions issued in *Raj Kumar @ Suman v. State (NCT of Delhi), 2023 SCC OnLine SC 609*, Sentencing, Compensation and Rehabilitation were discussed.

Programmes Catering to Police Officials

Workshop on Loopholes in Investigation and Legal Implications during Trial



Group Photograph taken on 10th May, 2023 of all participants attending the Workshop on Loopholes in Investigation and Legal Implications during Trial.

A two day workshop was organised on 9th and 10th May, 2023 for Assistant Commissioners of Police, Delhi Police. The Workshop focused on the Narcotics Drugs and Psychotropic Substances Act, 1985, Maharashtra Control of Organised Crime Act, 1999, National Security Act, 1980, Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 as well as aspects ranging from banking fraud and cheating to conducting inquiry under the relevant provisions of Code of Criminal Procedure. Methodologies such as mock trial were adopted in the sessions. A thought provoking movie titled "Article 15" was also screened for the participants as it highlighted the issue of discrimination based on caste and gender.

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 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 24th May, 2023. The aim of the programme was to 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.

Orientation Course for Chief Probation Officer and Probation Officers of Delhi

A half day programme was held on 25th April, 2023 in which role and responsibilities of Probation Officers under the Probation of Offenders Act and the Juvenile Justice Act was discussed. Practical difficulties faced while preparing the probation report/social investigation report were discussed. Practical exercises and role play were employed to make the sessions interactive and informative.

Right: Chief Probation Officer and Probation Officers of Delhi for training programme on 25th April, 2023.



Soft Skills Training for Principal Counsellors/ Counsellors attached to Family Courts

A one day programme was held on 29th April, 2023 for the Principal Counsellors/ Counsellors attached to Family Courts. The basics of counselling, approach to counselling and the role of a counsellor were discussed. The required skills such as effective communication, rapport building, handling emotions were examined. Participants were also apprised of the essential elements of a settlement. Lastly, a movie titled "What About Bob?" was screened for the Counsellors.

Fortifying 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 12th May, 2023. The programmes centred on coordination, enhancement of knowledge and development of rights perspectives 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 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.



A group photo of the participants attending the Orientation Course on the Functioning of Juvenile Justice Board and Conference for Capacity Building for other functionaries of the Juvenile Justice System held on 12th May, 2023.



Workshop on learning basics of functional yoga in the Workshop on Professional and Personal Excellence held in the Club House of the Delhi Judicial Academy on 19th May, 2023.



Session on Professional Excellence being conducted by Ms. Madhu Mehra in the Workshop on Professional and Personal Excellence held in the Club House of the Delhi Judicial Academy on 19th May, 2023.

Workshop on Professional and Personal Excellence

An optional training programme focused on the overall development of the personality of a judicial officer, was held in the Club House of the Delhi Judicial Academy on 19th May, 2023. The training programme was aimed keeping in mind the physical and mental toll that work takes on an officer compounded due to the Covid-19 pandemic. The programme primarily focused on learning how to take care of one's mental and physical health post pandemic. Sessions were held by renowned professors and psychiatrists from the field of medicine. A workshop was also held on functional yoga and on movement through physical training. A session was also held on achieving professional excellence by regulating emotional intelligence and achieving a work life equilibrium.

Continuous Training Programmes at the Academy

INDUCTION TRAINING:

A trainee Delhi Judicial Officer of the Batch of 2019 is undergoing training. Besides institutional training, he was imparted practical training through court attachments in Criminal, Civil and POCSO Courts. He also went on several field visits such as to the Supreme Court of India, NALSA, DSLSA, Children's Home for Boys, Observation Home etc.

Two trainee Delhi Judicial Officers of the Batch of 2021 who had completed their training on 24th March, 2023 were on attachment with Civil and NI Courts. They got their postings on 28th April, 2023.

FOUNDATION TRAINING:

Thirty one Delhi Higher Judicial Service Officers newly recruited from the Bar have been undergoing training since February 2023. The last trainee officer of this batch joined on 1st May, 2023.

Besides institutional training, officers have had court attachments to understand their role. They also had field visits to the police station, IHBAS, Tihar Jail, Nari Niketan, Supreme Court of India, NALSA, DSLSA, Children's Home for Boys, Observation Home, NICFS Rohini etc.

ORIENTATION COURSE:

Four judicial officers of Delhi Higher Judicial Service on Promotion underwent training at the Academy from 24th February, 2023 and got their postings on 24th May, 2023.

Three judicial officers of Delhi Higher Judicial Service on Promotion joined the Academy for undergoing one month training from 2nd June, 2023. Their training is underway. They have currently undergone a few days of institutional training along with Court attachments.

Conference on Forensic Pathology and Forensic Biology

Conference on Forensic Pathology and Forensic Biology was held on 21st April, 2023 in the Auditorium of the Delhi Judicial Academy. The programme centred on understanding in depth the key factors in forensic pathology and how to read a post mortem report. The techniques, tests, sources of samples, collection and chain of custody regards serology and forensic biology were discussed. The reports that are filed before courts were looked at to develop a practical understanding as to how they are to be read and understood. The participants were also taken through the process of DNA profiling including analysis, possible outcomes as well as comprehending the inherent limitations, chances of contamination and quality control required. Reading a DNA report and grasping the essence of what a DNA match means was probed into. Potential issues in DNA profiling were also flagged for the participants. Lastly the participants were shown a documentary on forensic evidence.

Compliances:

- The directions of the Supreme Court in *Satender 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 judicial officers.
- In compliance of the directions of the High Court of Delhi, discussions were also held in each programme on the response of the Court to vulnerable victims/witnesses during trial.



Yoga Session held for trainee DHJS officers undergoing foundation training on 10th April, 2023 in the Club House of the Delhi Judicial Academy.

Some Glimpses from the Retreat to Almora (7th to 9th April, 2023)

