

NEWSLETTER

Delhi Judicial Academy

UNDER THE AEGIS OF



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Group Photograph of the Participants upon the conclusion of the Conference of Policy Makers/Implementers at the District Courts Level on 22nd December, 2024

CONFERENCE OF POLICY MAKERS/ IMPLEMENTERS AT DISTRICT COURTS LEVEL

The Delhi Judicial Academy facilitated a discussion among all the Principal District and Sessions Judges, Principal Judge (Family Courts (HQs)), Member Secretary, Delhi State Legal Services Authority and Judges-in-Charge Mediation Centres, for strengthening the District Courts and Capacity Building Centres for improving the District Court administration. Several administrative issues and challenges faced by different districts, including formation of administrative committees, conducting purchases, recruitment of staff, transfer of staff officials, IT infrastructure procurement and making duty rosters were flagged and discussed.

Maintaining synergy *inter se* the Principal District and Sessions Judges, judicial officers, High Court, Bar and other stakeholders was mooted.

Improving public interface with the judicial system was also deliberated upon. The Citizen's Charter, making the Court system accessible and responsive and improving the grievance redressal mechanism, amongst other themes, was discussed and best practices were shared.

REFRESHER COURSE ON IPR FOR DISTRICT JUDGES (COMMERCIAL COURT)

An intensive one-day training was held for all District Judges (Commercial Court) on Intellectual Property Rights on 5th October, 2024. Ms. Shwetasree Majumder, Founder, Fidus Law Chambers (International Trademark Association) and Ms. Anu Bagai, Advocate, were the speakers for the first two sessions. The prefatory session focussed on issues pertaining to IPR vis-à-vis Human Rights, interplay with Artificial Intelligence and the aspects of Passing Off. In the following



Hon'ble Mr. Justice Navin Chawla, engaging with the participants on 5th October, 2024 during the Refresher Course on IPR. Mr. Jayant Mehta, Senior Advocate was the co-speaker for the session.



Ms. Shwetasree Majumder and Ms. Anu Bagai, Advocates, addressing the participants during the Refresher Course on IPR.

session, issues relating to jurisdiction, valuation and transnational disputes were deliberated upon. Hon'ble Mr. Justice Navin Chawla, Judge, High Court of Delhi and Mr. Jayant Mehta, Senior Advocate, addressed the participants in the post-lunch sessions. Their deliberations considered various kinds of interim measures and permissible reliefs which can be granted by the respective courts besides the issue of computation of damages. The day ended with reflections on the strength of the Enforcement regime of IPR in India.

STRENGTHENING RESPONSES QUA THE MENTAL HEALTHCARE ACT, 2017

An Orientation Course on Mental Health was held on 16th November, 2024 for judicial officers, police officials as well as Civil Society Groups, Residents' Welfare Association and lawyers in compliance with the directions of the High Court of Delhi in *Dr. Sanghmitra Acharya & Anr. v. State (NCT of Delhi) & Ors.*, 2018 SCC OnLine Del 8450 and *Ravinder v. Govt. of NCT of Delhi* 2018 SCC OnLine Del 8578. The programme comprised of sessions breaking down the concept of mental health and mental illness whilst alongside shattering stereotypes that have been built up around mental illness. The training also focussed on comprehending "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. Dr. R.K. Chadda, Head of Department, Psychiatry, AIIMS and Mr. Gaurav Kumar Bansal, Advocate discussed these concepts in the pre-lunch



Mr. Puneet Mittal, Senior Advocate, addressing the participants on the defence of insanity during the Orientation Course on 16th November, 2024.

“Education is not the filling of a pail, but the lighting of a fire”

- W.B. Yeats

OVERVIEW

31 Training Programmes; and

5 e-Committee Special Drive Training and Outreach Programmes;

were organised for judicial officers & other stakeholders of the justice delivery system by the Delhi Judicial Academy in the fourth quarter of 2024.

JUDGMENT WRITING WORKSHOP

As per the directions received from the Delhi High Court, a session on judgment writing was conducted for the JMFCs dealing exclusively with complaints under Section 138 NI Act on 6th December, 2024 through online mode using Cisco WebEx.

The session focussed on addressing the issues & challenges faced by the officers during writing the judgment & discussing the best practices of writing a good, brief and coherent judgment. The speakers for the session were Ms. Jyoti Kler, DHJS and Mr. Prashant Sharma, DHJS.

sessions. In the post lunch sessions, 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. The resource persons included an eminent doctor, Dr. Om Prakash and a Senior Advocate, Sh. Puneet Mittal.

ORIENTATION COURSE ON DIFFERENT DIMENSIONS OF CYBER CRIMES



Dr. Anil Sain addressing the participants during the Orientation Course on 23rd November, 2024.

An optional programme on various aspects of Cyber Laws was conducted on 23rd November, 2024 by the Academy. This programme also catered to the interface between law and technology, which had as its attendees judicial officers from amongst all cadres. It covered issues relating to civil and criminal law as it is applicable in cyberspace and also encouraged deliberation on issues relating to digital evidence, cyberspace jurisdiction and liability of intermediaries.

A session was also undertaken on the ever-changing landscape of cyber offences and disputes including, within its ambit, cyber stalking, data theft, online financial fraud, cybersquatting, phishing, hacking, ransomware, crypto currency etc.

A session specific to identifying best practices for keeping one safe in the cyber space was also conducted. The resource persons for this programme included Mr. Jitender Singh, Mr. Rushi Mehta (both associated with Indian Cybercrime Coordination Centre (I4C), Ministry of Home Affairs), Dr. Anil Sain, Assistant Professor, Delhi University and Mr. Nisheeth Dixit, Advocate and Cyber Law Consultant.

CORE COMPETENCE CONFERENCES ON KNOWLEDGE, SKILL AND PERSPECTIVE DEVELOPMENT

3 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 for ensuring more holistic deliberations. The programmes focussed 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.

ASJs & ASJs (Electricity) & Public Prosecutors

Two simultaneous programmes were conducted for ASJs and ASJs (Electricity) as well as for Public Prosecutors posted in the said Courts on 26th October, 2024. The prefatory session was graced by Hon'ble Mr. Justice Anup Jairam Bhambhani, Judge, High Court of Delhi, who effectively addressed the participants on ensuring access to justice (including responding to a vulnerable witness), the mandatory directions relating to remand, bail and legal aid laid down in various judgments of the Hon'ble Supreme Court and Hon'ble High Court of Delhi and the interface with Juvenile Justice law. The following session involved discussion on the challenges of trial and issues of evidence collection and appreciation in case of commission of the offences in the cyberspace, which was addressed by Ms. Aparajita Bhatt, Associate Professor, National Law University, Delhi. The post lunch sessions focussed on issues of substantive and procedural law in implementation of the IPC/ BNS and Special Acts, including the PMLA and Electricity Act. Mr. Arul Varma, DHJS, addressed the participants of the Core Competence Conference in this session and Mr. Divyang Thakur, DHJS and Dr. Shrawan Kumar Bishnoi, Addl. PP, addressed the participants of the Capacity Building Conference. In addition, both the programmes, which had a convergent last session, deliberated on the analysis and challenges of Forensics and also the use of AI in Forensics. This convergent session was presided over by Ms. Antara Jha, Cyber Law Expert.



JMFC (Mahila Courts) & Public Prosecutors

Core Competence Conference for Knowledge, Skill and Perspective development for Presiding Officers (Mahila Court) was organized on 30th November, 2024. Simultaneous training programmes were held for the Public Prosecutors and Protection Officers attached to such courts as well. The trainings focussed on a discussion on constitutional right to access to justice for all, interface with the Juvenile Justice Act, deliberations on the challenges of trial involved where offences are committed in the cyber space and an analysis of Forensics and the interplay with AI. Further, in the Core Competence Conference, Mr. Sanjay Ghose, Senior Advocate, discussed and considered the key challenges regarding the applicability and enforcement of the provisions of and various orders passed under The Protection of Women from Domestic



Mr. Nisheeth Dixit, Advocate, addressing the participants on Cyber Stalking during the convergent session in the Conference.



Mr. H.S. Sharma, Former DHJS addressing the APPs during the Conference on the Art of Examining a Witness.

Violence Act. Interplay between Civil Laws and various provisions of the Protection of Women from Domestic Violence Act was also focussed on. The guidelines pertaining to recording settlements in family disputes and writing gender sensitive judgments were also discussed. In the capacity building conference, a session was exclusively dedicated to art of examining witnesses, where the best practices for recording evidence of a vulnerable witness were also deliberated upon. The resource persons for the programmes also included Ms. Geetanjali Goel, DHJS, Mr. Nipun Malhotra, Founder, Nipman Foundation, Mr. H.S. Sharma, Former DHJS, and Mr. Nisheeth Dixit, Advocate and Cyber Law Consultant.

District Judges

The Conference for District Judges was held on 07th December, 2024. The first session focussed on understanding the approach towards responding to vulnerable witnesses and law pertaining to guardianship petitions for persons with disabilities. Mr. Inderjeet Singh, Former DHJS and Mr. Gautam Narayan, Advocate, graced the first session. Thereafter, the issues, challenges in the implementation of Civil Laws and its interplay with Family Laws were deliberated upon. Further, discussions were held on how to exercise discretion



Mr. Inderjeet Singh, Former DHJS and Mr. Gautam Narayan, Advocate addressing the participants during the Conference.

and to ensure speedy disposal of interlocutory applications. The remaining two sessions centered around the challenges relating to the Probate and Letter of Administration under the Indian Succession Act, 1925. These post lunch sessions were taken by Mr. Nikhil Chopra, DHJS.

FORTIFYING CHILD RIGHTS AND STRENGTHENING THE JUVENILE JUSTICE SYSTEM

Two Workshops, one on the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015 for Principal Magistrates, JJB and another on the enhancement of skills for other functionaries of the Juvenile Justice System were held on 19th October, 2024. The Workshops centered on coordination, enhancement of knowledge and development of rights based perspectives of Chairperson and members of the Child Welfare Committees (CWCs), Officers of the Special Juvenile Police Unit, Member Social Workers & Principal Magistrates of Juvenile Justice Boards (JJBs), District

Child Protection Units and Childrens' Courts; and the Public Prosecutors attached to these courts. In the first Workshop, organized for the JJBs and the officers of the Special Juvenile Police Unit, the issue of drug abuse amongst CCLs, the impact of the same on physical and mental health of CCLs as well as the role of JJBs in this regard was discussed in the first two sessions. Further, the statutory Right to Appeal of the CCL under Section 101(5) of Juvenile Justice



(Care and Protection of Children) Act, 2015 was also discussed. Dr. Rajesh Kumar, Executive Director, Society for Promotion of Youth & Masses and Mr. Anant Asthana, Advocate and Child Rights Activist, were the speakers for these sessions on drug abuse. In the skill enhancement Workshop organized for the other stakeholders of the Juvenile Justice System, the pre-lunch sessions focused on soft skills of establishing effective communication with the children, maintaining inter-personal relationships and the

techniques to be adopted in counselling the children. The last two sessions were held as convergent sessions for both Workshops, wherein the functions of different stakeholders, the issues plaguing the systems and best practices were discussed. Core provisions of the Juvenile Justice law, specifically concerning grant of bail and apprehension, were focussed on. The last session facilitated dialogue and meaningful interaction between participants of both training programmes on the right stage of intervention, methods of communication, and kinds of intervention whether therapeutic or social as well as rehabilitation. Mr. Ashutosh, Programme Manager, Legal Literacy & Legal Awareness Programme, Department of Justice, was the speaker for the post-lunch convergent sessions.

REFRESHER COURSE FOR PUBLIC PROSECUTORS

A Two week long Refresher Course for Additional Public Prosecutors due for promotion as Public Prosecutor/Chief Public Prosecutor was held through Online Mode using Cisco WebEx from 02nd December, 2024 to 13th December, 2024. The Refresher Course covered topics such as the role and responsibilities of Chief Public Prosecutor, overview of the provisions of PMLA, MCOCA, NSA, SC & ST (Prevention of Atrocities) Act, 1989, Prevention of Corruption Act, POCSO Act, NDPS Act & BNS/IPC. Procedural issues and challenges pertaining to confession/dying declaration, bail/remand, scrutiny of police report, cognizance/charge, statement of accused, examination of witnesses and dealing with case property were also deliberated upon. Sessions focussing on sensitising the participants to the provisions of the Mental Healthcare Act, the constitutional principles surrounding the personal liberty of the Accused, compensation to victim as well as responding to a vulnerable witness were also conducted to ensure a holistic training. Emerging issues pertaining to the commission of offences in the cyber space were also discussed. The speakers for the sessions included DHJS Officers, Advocates, and Legal Experts.

ECT PROGRAMMES

As a part of the ongoing e-Committee Special Drive Training and Outreach Programmes, Supreme Court of India, **5** programmes were conducted during this quarter. An overview of few programmes is below:

ECT-13

Half day programme was conducted on 06th November, 2024 for 116 DHJS and DJS judicial officers through online mode. 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 digitisation, networks, servers, computer operating systems, software, hardware and videoconferencing/hybrid hearing.

ECT-14

One day training programme was organised on 20th November, 2024 for 102 DHJS and DJS Officers at the Academy. The programme covered a wide array of subjects pertinent to different dimensions of Cyber Laws and handling of digital evidence. Fundamental concepts of Internet Jurisdiction, role and responsibilities of intermediaries and ISP and handling and appreciation of digital evidence were discussed. The speakers included Cyber Law experts.

ECT-15

Half day programme was conducted by the Delhi Judicial Academy for the staff and officials of the High Court on 4th December, 2024 through virtual mode. The programme focussed on understanding the Electronic Waste Management Rules, data management, security and servers. The participants were also apprised of the basic features of UBUNTU-LINUX, typing procedure and the rules of e-filing. Videoconferencing rules, digitisation and use of Libre Office was also discussed.

TRAINING OF STAFF

Court functioning can be improved if all stakeholders in the justice delivery system are trained. Bearing this in mind and 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 two programmes for training of the Process Servers of all the District Courts on 16th October, 2024 and 13th November, 2024. The aim of the programme was to comprehensively brainstorm on the topic of execution of decrees in civil procedure. Training was conducted on the aspect of execution of warrants, carrying out attachment and sale, delving further into 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. Queries of the participants were also addressed.



TRAINING CATERING TO THE POLICE PERSONNEL

Conference to Sensitize the Investigating Officers in Handling Investigation of Cases Pertaining to Human Trafficking & Sexual Offences against Women & Children

A two-day Conference to sensitise investigating officers in handling investigation of cases pertaining to Human Trafficking and sexual offences against women and children was conducted for Additional DCPs and ACPs in Delhi Judicial Academy on 21st and 22nd November, 2024. The programme commenced by giving the participants a nuanced understanding as to what constitutes violence and how it adversely affects women and children more than anyone else. There was then a focussed discussion on what constitutes Human Trafficking. The focus of the session was on trafficking in the digital age. Ms. Neetika Vishwanath, Director (Sentencing), Project 39A, NLU-Delhi and Ms. Surabhi Shivpuri, Programme Director, Shakti Vahini NGO, deliberated these concepts with the participants. It was also felt important to underscore the victim's well-being and the psychological impact both short term and long term, that a victim faces. Dr. Priyanka, a clinical psychologist discussed the different forms of impact that have been seen in victims, with the participants.

The second day focussed primarily on the legal matrix covering the issue as well as discussing the procedural issues faced by the police personnel while investigating and navigating the court machinery. A session was dedicated to identify ways of meeting challenging pertaining to disability, both visible and hidden; and the solutions to remove the barriers to access to justice. Their role in rehabilitation was discussed and emphasised in the last session. The resource persons for the second day included Mr. Alok Shukla, DHJS, Ms. Aparna Bhat, Senior Advocate and Mr. Rajinder Singh, Retd. ACP, Delhi Police.



Ms. Aparna Bhat, Senior Advocate, deliberating upon the legal matrix of ITP Act, POCSO Act and JJB during the Conference on 22nd November, 2024



Ms. Surabhi Shivpuri discussing the emerging forms of Human Trafficking in Digital Age during the Conference on 21st November, 2024

Training Programme on New Criminal Laws, 2023 vis-a-vis NDPS Act

A half day online training for the officers/officials of Narcotics Crime Bureau on the provisions of New Criminal Laws relevant to the investigation under the NDPS Act was conducted on 5th October, 2024. The speakers for the session included Dr. Neeraj Tiwari, Assistant Professor, NLU-D and Mr. Atul Shrivastav, Addl. PP.

TRAINING OF SPECIAL JUDICIAL MAGISTRATES (LITTING)

Induction training programme was conducted for 3 Special Judicial Magistrates (Littering) at the Academy for two weeks, in this quarter. The SJMs were imparted institutional training for one week 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 Judicial Magistrates) Rules, 2024, NDMC Act, 1994, DMC Act, 1957, Delhi Water Board Act, 1998 and Delhi High Court Rules. Fundamentals of Summary Trial and BNSS, Court management and judgment writing were discussed. They were explained the ambit of their roles and were also imparted hands on computer training.

CONTINUOUS TRAINING PROGRAMMES AT THE ACADEMY

Induction Training

Seventy-Two officers of the Delhi Judicial Service of the Batch of 2023, who were put on court attachments in the last quarter, upon completion of their training, were given postings in this quarter. Seven judicial officers of the said batch, who had joined late, continued their Induction training in this quarter. The batch of seven officers underwent practical training through court attachments and institutional training in this quarter.

Foundation Training

Foundation course for one officer, directly recruited from the Bar to the Delhi Higher Judicial Services, continued in this quarter, by way of court attachment. Upon completion of his training, he was given posting.

Orientation Course

Orientation Course training of nineteen judicial officers of Delhi Higher Judicial Services upon promotion continued in this quarter. The batch of officers underwent institutional training as well as practical training through court attachments. Upon completion of the Orientation Course, they have been put on court attachments and are awaiting their postings.

VALEDICTORY FUNCTION

Valedictory Function for 5 officers of the Delhi Higher Judicial Service who completed their Four months' Foundation Training, 17 officers of the Delhi Higher Judicial Service who completed their One month Orientation Course and 101 officers of the Delhi Judicial Service who completed their One year Induction Training was conducted at the Delhi High Court on 18th November, 2024. The Valedictory Function was graced by Hon'ble Mr. Justice Manmohan, then Chief Justice, Delhi High Court, Hon'ble Mr. Justice Yashwant Varma, Judge, Delhi High Court and then Chairperson, JETPC, Hon'ble Ms. Justice Rekha Palli, Hon'ble Mr. Justice Anup Jairam Bhambhani, Hon'ble Mr. Justice Purushandra Kumar Kaurav; Members JETPC, Hon'ble Mr. Justice C. Hari Shankar and Hon'ble Mr. Justice Tushar Rao Gedela, both Judges, Delhi High Court.



Hon'ble Mr. Justice Manmohan, then Chief Justice, Delhi High Court handing over the certificate of completion to a judicial officer.



Hon'ble Mr. Justice Yashwant Varma, the then Chairperson, JETPC welcoming Hon'ble Mr. Justice Manmohan, the then Chief Justice, Delhi High Court by presenting a potted plant.



A group photograph of the officers of the Foundation Training and Orientation Course with the eminent guests at the Valedictory Function.

ENVIRONMENT AWARENESS AND STRESS MANAGEMENT RETREAT

Retreats are organised each year for the DHJS and DJS officers for personality development. In addition to exposing the officers to different indigenous techniques of environmental preservation, the intention of such retreats is to educate them on various public and private projects aimed at environmental upgradation and preservation. The retreats also serve the objective of stress and health management while assisting the officers in understanding local customs, people, cuisines and omnipresent elements. With the above objectives, two retreats were organised in this quarter. A mixed group of DHJS and DJS officers went to Varanasi, Uttar Pradesh, from 8th - 10th November, 2024 and to Orchha, Madhya Pradesh from 13th - 15th December, 2024.

Few Glimpses from the trips are encapsulated below:

