Knowledge for justice...

Himachal Pradesh Judicial Academy

Volume 4, Issue 1

2015
<table>
<thead>
<tr>
<th>TOPIC #</th>
<th>STORY HEADLINES</th>
<th>PAGE #</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Constitution</td>
<td>3-5</td>
</tr>
<tr>
<td>2</td>
<td>Mega Events</td>
<td>6-32</td>
</tr>
<tr>
<td>3</td>
<td>Events held from January to June, 2015</td>
<td>32-34</td>
</tr>
<tr>
<td>4</td>
<td>Monthwise Events: At a Glance</td>
<td>34</td>
</tr>
<tr>
<td>5</td>
<td>Recipientwise Summary</td>
<td>35</td>
</tr>
<tr>
<td>6</td>
<td>Graphic Presentation</td>
<td>35</td>
</tr>
<tr>
<td>7</td>
<td>Training attended outside H.P. Judicial Academy</td>
<td>35</td>
</tr>
<tr>
<td>8</td>
<td>Academy’s News</td>
<td>36-37</td>
</tr>
<tr>
<td>9</td>
<td>Faculty</td>
<td>38-39</td>
</tr>
<tr>
<td>10</td>
<td>Proposed Key Trainings</td>
<td>40-41</td>
</tr>
<tr>
<td>11</td>
<td>Upcoming Events July to December, 2015</td>
<td>41-43</td>
</tr>
<tr>
<td>12</td>
<td>Important Judgments of Hon’ble Supreme Court of India</td>
<td>43-46</td>
</tr>
<tr>
<td>13</td>
<td>Some Courts Buildings in the State</td>
<td>47</td>
</tr>
<tr>
<td>14</td>
<td>Some of the Historic Documents &amp; Articles</td>
<td>48-49</td>
</tr>
<tr>
<td>15</td>
<td>Notable Quotes by Great Men</td>
<td>49</td>
</tr>
<tr>
<td>16</td>
<td>Proposed New Complex: Progress at a Glance</td>
<td>50</td>
</tr>
<tr>
<td>17</td>
<td>Glimpse of my beautiful Himachal</td>
<td>51-52</td>
</tr>
<tr>
<td>18</td>
<td>Bi-Annual Editions: At a Glance</td>
<td>53</td>
</tr>
</tbody>
</table>
CONSTITUTION
PATRON OF HIMACHAL PRADSH JUDICIAL ACADEMY

Hon’ble Mr. Justice Mansoor Ahmad Mir,
Chief Justice, High Court of Himachal Pradesh
Hon’ble Mr. Justice Rajiv Sharma,
Judge, High Court of Himachal Pradesh
MEMBERS OF BOARD OF GOVERNORS OF HIMACHAL PRADESH JUDICIAL ACADEMY

Hon’ble Mr. Justice Sanjay Karol,
Judge, High Court of H.P.

Hon’ble Mr. Justice D.C. Chaudhary,
Judge, High Court of H.P.

Hon’ble Mr. Justice Tarlok Singh Chauhan,
Judge, High Court of H.P.

Mr. P. Mitra, I.A.S.
Chief Secretary to the Government of H.P.

Mr. Rakesh Kainthla,
Secretary,
Director, H.P. Judicial Academy
MEGA EVENTS

- REGIONAL JUDICIAL CONFERENCE ON “STRENGTHENING JUSTICE DELIVERY SYSTEM: TOOLS AND TECHNIQUES” (NORTH ZONE) HELD FROM 24\textsuperscript{TH} APRIL, 2015 TO 26\textsuperscript{TH} APRIL, 2015 AT HOTEL PETERHOFF, SHIMLA

Session 1 (Inauguration)

National Judicial Academy in collaboration with Hon’ble High Court of H.P and Himachal Pradesh Judicial Academy organized three days Regional Conference (North Zone) on the theme “Strengthening Justice Delivery System: Tools and Techniques” w.e.f. 24\textsuperscript{th} April 2015 to 26\textsuperscript{th} April 2015 in Conference Hall, Hotel Peterhoff, Shimla H.P which was attended by 102 Judicial officers from the States of Punjab & Haryana, Jammu & Kashmir, Delhi, Uttar Pradesh, Utrrakhand and Himachal Pradesh.

Hon’ble the Chief Minister of H.P Sh. Virbhadra Singh, Hon’ble Mr. Justice Mansoor Ahmad Mir, Chief Justice, High Court of H.P. (Hon’ble Patron of the Academy), Hon’ble Mr. Justice Rajiv Sharma, Judge, High Court of H.P. (Hon’ble President of the Academy and Hon’ble the Law Minister, Sh. Kaul Singh Thakur on the dias.
The conference was inaugurated by Shri Virbhadra Singh, Hon’ble Chief Minister Himachal Pradesh. Hon’ble Mr. Justice Mansoor Ahmad Mir, Chief Justice Hon’ble High Court of H.P. (Hon’ble Patron of H.P Judicial Academy), Sh. Kaul Singh, Hon’ble Minister for Health & Family Welfare Minister with additional charge of Revenue, law & Legal Remembrance, Medical Education for the State of Himachal Pradesh, Hon’ble Sh. Justice Rajiv Sharma, Judge, High Court of H.P (Hon’ble President of H.P Judicial Academy), Hon’ble Sh. Justice Dharam Chand Chaudhary, Hon’ble Sh. Justice Tarlok Singh Chauhan, Hon’ble Sh. Justice P.S. Rana and Hon’ble Sh. Justice Sureshwar Thakur, Hon’ble Judges of Himachal Pradesh High Court, Hon’ble Sh. Justice L.S. Panta, former Judge, Hon’ble Supreme Court of India and at present, Lokayukta State of Himachal Pradesh, Hon’ble Sh. Justice Alok Singh, Judge, High Court of Uttarakhand, Hon’ble Sh. Justice K.S Panicker Radhakrishanan, former Judge, Hon’ble Supreme Court; Hon’ble Sh. Justice S.K Mukhopadhyaya, former Judge, Hon’ble Supreme Court of India, Hon’ble Sh. Justice Surjit Singh, former Judge, High Court of Himachal Pradesh and at present, President H.P. State Consumer Dispute Redressal Commission, Sh. A.K. Goel, Sh. K.C. Sood, Sh. Kuldip Singh, and Sh. V.K. Sharma former Judges, High Court of Himachal Pradesh, Sh. Shrawan Dogra, Advocate General, Sh. Yashwardhan Chauhan President, H.P. High Court Bar Association, Sh. Ashok Sharma, Additional Solicitor General, Sh. C.B. Barowalia, Registrar General, Sh. Sushil Kukreja, Sh. Arvind Malhotra, Dr. Baldev Singh and Sh. Rakesh Chaudhary, Registrars of the H.P. High Court, Sh. Rakesh Kainthla, Director and Smt. Anuja Sood, Deputy Director of H.P. Judicial Academy and other dignitaries were also present on the occasion.
Hon’ble Mr. Justice Rajiv Sharma, Judge High Court of H.P (President of the Judicial Academy) welcomed the high dignitaries, guests and the participants. His Lordship highlighted the benefits of such conferences and called upon the judicial officers to actively participate in the discussions during the sessions and to gain from the rich experience and knowledge to be shared in the conference.
Hon’ble Mr. Justice Mansoor Ahmed Mir, Chief Justice, High Court of H.P while highlighting the importance of “justice” in a civilized system, portrayed the evolution of our judicial system right from the year 1600 A.D. His Lordship expressed concern on the nominal budget spent on the growth of the judiciary and stressed upon the need to increase the spending on the judiciary to make the judicial system more capable and effective. His Lordship also emphasized the need of conducting a systematic study to identify the causes of delay and other bottlenecks choking the Justice delivery system in India. His Lordship called upon the participants to share the best legal practices followed across the country and underlined the importance of such conferences in which the knowledge can be gained by sharing experiences and learning. His lordship highlighted the plight of a litigant who takes pain to come to the Court from remote and far flung areas of the State for the redressal of his immediate sufferings, but has to spend years together to get justice. His Lordship called upon the participants to devise means and ways to come to the expectations of such a litigant and to contribute towards speedy delivery of justice.

Sh. Virbhadra Singh, Hon’ble the Chief Minister of H.P speaking on the occasion said that such conferences are indispensible to upgrade the knowledge of the Judicial Officers. The Chief Minister also expressed his satisfaction on the reduction of the percentage of the cases older than five years in the State. Hon’ble Chief Minister also announced the opening of the National Law University attached to the Himachal Pradesh Judicial Academy and stated
that the aim of this institution would be to impart quality education of law, so that the students can be prepared to serve the Justice Delivery System in a better manner.

Sh. Kaul Singh, Hon’ble Law Minister of the State outlined the progress made by the state judiciary and the role played by the state govt. in strengthening judiciary. He stated that the State Government would be taking all steps to bring quick justice to the people and exhorted the judiciary to ensure that no case remains pending for more than one year.

Soon after the inauguration; lectures and deliberations took place on the topic “Justice Delivery System in India—an overview”. During these deliberations Hon’ble Mr. Justice Alok Singh, Judge, High Court of Uttrakhand shared his Lordship’s valuable views with the participants on the subject matter of the deliberations. His Lordship stated that “a vibrant and non-pliable judiciary” is one of the parameters to recognize a country as a developed nation. His lordship also highlighted the practical difficulties being faced by the Subordinate courts and asked the gathering to take steps to remove the difficulties to ensure quick delivery of justice.

Hon’ble Mr. Justice K.S. Panicker Radhakrishnan, former judge, Hon’ble Supreme Court also graced the occasion. His Lordship, in his thought provoking address, highlighted the pivotal role played by the subordinate judiciary in the dispensation of Justice and pointed out that the behavior and conduct of judges are always under vigil of the General public, lawyers, litigants and the court staff; therefore, the judges must be cautious of their reputation. His Lordship also cautioned the participants not to be swayed by the newspaper reports and the image of a lawyer, while adjudicating the cases. His Lordship exhorted the participants to do their homework and not to merely rely upon the arguments addressed by the Advocates, while adjudicating the matters before them. While quoting various
provisions of Constitution of India, his Lordship emphasized that delivery of socio economic justice is not only limited to Supreme Court, but it can be delivered by the Subordinate Judiciary as well depending upon the facts and circumstances of the case. His Lordship further guided the participant judicial officers to work judiciously and not to be swayed by the factors like caste, creed, religion and region. His Lordship also observed that the language used in the judgments should be sober and controlled and reading of the judgment must not reflect that judge was influenced by some particular factor. Lastly, his Lordship highlighted the need of holding such conferences frequently, so that the judicial officers can upgrade their knowledge in the present day scenario, when the concepts of the law are changing speedily.

Hon’ble Mr. Justice S.K Mukhopadhaya, former judge, Hon’ble Supreme Court pointed out that the conditions of the services have now improved substantially and discussed the role of National Judicial Academy in achieving these improvements. His Lordship further highlighted the reasons for the delays in disposal of the cases and appealed the participating officers to discourage unnecessary adjournments. His Lordship further underlined the need to use the emerging technology to reduce the time of disposal.

Session 2

This session was chaired by Hon’ble Justice Sanjay Karol, Judge High Court of H.P. The topic for discussion was “Transforming our Justice Delivery System: from Legalistic to Justice Orientation”. His Lordship while enlightening the participant officers said that the Justice was not confined to the four walls of the court room, but the justice also comprises of our behavior and conduct outside. His Lordship further motivated the participants to deliver the Justice without favour or fear.

Hon’ble Mr. Justice Alok Singh, Judge High court of Uttrakhand; while addressing the participants, highlighted the need to evolve the innovative methods for dispensation of justice speedily by adhering to provisions of the law. His Lordship emphatically stressed the need to use provision contained in section 206 Cr.P.C. so that the
graph of petty cases can be brought down speedily. His Lordship further suggested that the government should take steps to transfer the cases under section 498-A I.P.C to the family courts, so that all the family disputes can be decided by one court.

Hon’ble Mr. Justice Ashok Bhan, former Judge of Hon’ble Supreme Court of India highlighted the causes and effects of the delay in the disposal of the cases with apposite examples. His Lordship pointed out that the low judge population ratio was the major cause of delay in disposal of the cases as courts were over burdened. His Lordship called upon the participant Judges to prosecute the witnesses resiling from their previous statements. His Lordship also stressed upon sensitization of the judges through proper trainings in Judicial Academies. His Lordship also suggested resorting to the tools of the Court management, self improvement, modern technologies for effective dispensation of justice.

Session 3

In this session the participating Judicial Officers broke out in five plenary groups and every group randomly chose a topic for discussion. Members of the group deliberated upon the topic and prepared a paper on it for presentation in the next session.

† GROUP 1 TO 5
Session 4

In this session, the breakout groups presented their papers.

Hon’ble Mr. Justice P.S. Rana, Judge, High Court of H.P., Hon’ble Mr. Justice Ashok Bhan, Former Judge, Supreme Court of India and Hon’ble Mr. Justice Alok Singh, Judge, High Court of Uttrakhand, during Session.
Group No. 1

Judicial Officers of this group deliberated upon infrastructural issues in the Courts. They highlighted issues of scarcity of manpower, stationery, adequate service agency and other resources in the Courts. They emphasized the need for enhancing security system in the Courts. They also pointed out that Court staff has been overburdened due to the additional duties assigned by State Legal Service Authority and other functionaries.

Hon’ble Mr. Justice Alok Singh, Judge, High Court of Uttrakhand, asked the participants to utilize available resources to the maximum, so that the optimum results can be obtained.

Hon’ble Mr. Justice Ashok Bhan, Former Judge, Hon’ble Supreme Court of India also addressed the participants on this issue and regretted that the main focus was being given on the construction of the buildings rather than providing other necessary facilities. His Lordship stressed upon the need to focus on providing basic amenities in the Court buildings.

Hon’ble Mr. Justice P.S. Rana, Judge, High Court of H.P. underlined the dire need of adequate infrastructure and observed that the views of the participants were based upon actual problems faced by them.

Group No. 2

Members of Group No.2 discussed “The issue of Court Managers and their Functions” and pointed out that no specific work has been allotted to the Court Managers and they were being either asked to prepare the data or to do other non productive activities. Various suggestions were given by the participating Judicial Officers including that Court Managers should be asked to undertake the work of data entry and data management, so that Ahlmads and Readers of the Courts can be relieved of this additional duty.
On this occasion, Hon’ble Mr. Justice P. S. Rana, Judge, High Court of H.P. observed that the Court Managers should have legal background apart from their being MBA or BBA, to ensure better understanding of legal system.

Group No. 3

Members of this group discussed the topic “Bench and Bar relation and challenges faced by the Judicial Officers while working in the Courts” and concluded that non cooperative attitude of the some of the bar members adversely affects the smooth functioning of the Courts and speedy disposal of the cases. Hon’ble Mr. Justice Alok Singh, Judge, High Court of Uttarakhand shared His Lordship’s personal experiences while working as an Advocate and also as a Judge. His Lordship called upon the participating Officers to be polite and courteous with bar members and stressed the need for avoiding unwanted comments in the Court proceedings. His Lordship cited many examples from His Lordship’s judicial career to illustrate as to how the situations can be handled in a pleasant manner.

Hon’ble Mr. Justice P.S. Rana, Judge High Court of H.P. observed that 90% of the problems in the Courts can be solved if Advocates are given patient hearing and due respect. His Lordship further stressed the need of a congenial and unbiased environment in the Court.

The participating Judicial Officers also referred to the issue of strikes by the Advocates paralyzing the entire functioning of the Court. On this issue Hon’ble Judges on the Dias observed that such strikes should be dealt with strictly. Once the Members of the Bar realize that the judges are not prepared to succumb to the pressure, then the strikes are automatically called off.

Group No. 4

The participating Judicial Officers of this group gave their presentation on “Performance Assessments Unit System”. They felt that unit system should be scrapped as it results in unnecessary pressure and unhealthy competition amongst the judicial officers resulting invariably in the lowering of the quality of the judgment. It was also suggested that the Miscellaneous Applications etc. should be given weightage to complete the quota. Officers suggested that quota should be done away with but they could not suggest some alternative mode of assessment of the performance of judicial officers. It was then
pointed out by the Chair that quota system cannot be done away with. However, it can made more liberal and relaxed.

**Group No.5**

The members of Group 5 expressed their ideas after deliberating on the issue “**Low Civil Filing & Causes and What does it indicate**”. They pointed out that the main cause of low filing of civil cases in the Courts was the existence of various Tribunals and other alternative mechanisms of dispute resolution. This reason was accepted by Hon’ble Judges on the Dais also. It was felt the civil disputes were settled outside the civil courts. Hon’ble dignitaries on the dais expressed their concern over the delay in disposal of the civil cases. It was emphasized that judicial officers should give priorities to the old cases, besides speeding up the disposal of civil cases to benefit the litigants.

**Session-5**

On the second day of conference, Hon’ble Mr. Justice Deepak Gupta, Chief Justice, High Court of Tripura chaired the 1st Session. Hon’ble Mr. Justice S. Ravindra Bhat, Judge, Delhi High Court and Hon’ble Mr. Justice Hasnain Massodi, Judge, High Court of Jammu and Kashmir also shared the dais on the occasion. Hon’ble Judges dealt with the subject “**Criminal Justice System in India - Constitutional Perspective**”.

Speaking on the occasion Hon’ble Mr. Justice S. Ravindra Bhat, Judge, Delhi High Court highlighted the importance of Article 21 in our legal system. The Hon’ble Judge cautioned the participating Judicial Officers to deal with the application for bail very sensitively and consider the impact of denial of bail upon the mind and reputation of the accused, especially when he is not involved in a heinous offence. His Lordship reiterated the principle that bail should be rule and jail an exception.
Hon’ble Mr. Justice S. Ravindra Bhat, Judge, Delhi High Court emphasized the need of fair and speedy trial and invoking of the provisions of awarding compensation to victims as contained in Sections 357 and 357-A of Cr.P.C. Referring to Special Laws like TADA, POTA and MACOCA, his Lordship cautioned the participating Judicial Officers to value the fundamental rights of the accused and ensure that innocent person be segregated from the guilty.

Hon’ble Mr. Justice Hasnain Massodi, Judge, High Court of Jammu and Kashmir observed that an ideal legal system is one wherein criminals are punished and rehabilitated, victims are compensated as far as possible and law and order is maintained in the society in such a manner that offenders are deterred from repeating criminal activities. His Lordship while referring to the grim condition of our legal system cited an example from Nagaland, where an accused under Section 376 of I.P.C. was dragged from the judicial custody and afterwards killed by the unruly mob. His Lordship further highlighted the need of a legal system in which the victim can be adequately compensated irrespective of acquittal or conviction of the accused. It was emphasized that the rights of the accused as well as rights of the victims or their representatives are equally important, which have to be recognized especially in view of the fact that fundamental rights of the citizens have been given top priority in our legal system. His Lordship cited an example of a husband and wife who were awarded death sentence and life imprisonment respectively for kidnapping and murdering a child. His Lordship outlined a need to incorporate a provision in legal system to satisfy the need of a couple to have a child.

Session-6

This Session was presided over by Hon’ble Mr. Justice T.S. Thakur, Judge, Supreme Court of India. Hon’ble Mr. Justice Surya Kant, Judge, Punjab & Haryana High Court and Hon’ble Mr. Justice Hasnain Massodi, Judge, Jammu & Kashmir; High Court also shared the dais on the occasion. The topic under discussion was Management Tools to Reduce Life Span of Civil Litigation.

Hon’ble Mr. Justice T.S. Thakur, Judge, Supreme Court of India termed the topic complex. His Lordship referred to the low strength of the judges as one of the reasons for the delay in disposal of cases
and emphasized the need of increasing the judges’ strength in a scientific manner. His Lordship also informed the participants about the constitution of committee of distinguished jurists and the judges to address this problem. His Lordship called upon the participating Judicial Officers to effectively use the statutory provisions for curtailing the period of litigation and also emphasized the need of paying personal attention by the judges at every stage of the case to reduce the unnecessary delays.

Hon’ble Mr. Justice Surya Kant, Judge, Punjab & Haryana High Court and Hon’ble Mr. Justice Hasnain Massodi, Judge, Jammu & Kashmir High Court also suggested innovative methods to cut short the delays. This session was quite interactive and the participating Judicial Officers also shared their views.

**Session-7**

This session covered the topic of “**ADR Mechanism and Role of Judges**” and was chaired by Hon’ble Mr. Justice Kurian Joseph, Judge, Supreme Court of India, Hon’ble Mr. Justice A.K. Sikri, Judge, Supreme Court of India and Hon’ble Mr. Justice Rajiv Sharma, Judge, High Court of H.P.

Hon’ble Mr. Justice Kurian Joseph, Judge, Supreme Court of India while highlighting the importance of ADR Mechanism and Role of Judges, stressed the need of active involvement of judges in educating and motivating the litigants to opt for ADR by detailing its benefits. His Lordship also emphasized that the judicial officers should utilize every moment to achieve aims and objects of ADR mechanism.

Hon’ble Mr. Justice A.K. Sikri, Judge, Supreme Court of India also highlighted the importance of ADR and suggested that period between settlement of issues and date fixed for adducing evidence can be used for conciliation, mediation etc. as it will ensure that the litigation will not be delayed even if the lis is not compromised. His Lordship reminded judicial officers of their duty of sensitizing
the litigants, advocates and public about the ultimate benefits of the ADR. His Lordship also emphasized the duty of maintaining confidentiality of the disclosures made by the parties during process of mediation, if the dispute is not resolved.

Hon’ble Mr. Justice Rajiv Sharma, Judge, High Court of H.P. stressed the need of cool, polite and comfortable posture of judges in the courts, so that litigants do not hesitate in apprising the judges about their grievances. His Lordship termed ADR as a potent weapon to bring down ever increasing arrears of cases. His Lordship while highlighting the important role of the advocates in making ADR a success, cited example of Hon’ble Mr. Justice Kurian Joseph, when his Lordship was Chief Justice of High Court of Himachal Pradesh, who used to refer the disputes to ADR.

Session-8

8th Session of the conference was presided over by Hon’ble Mr. Justice A.K. Sikri, Judge, Hon’ble Supreme Court of India. The topic was “the Judicial Initiatives for Litigant Friendly Environment in the Courts”.

Speaking on the occasion, his Lordship pointed out the various problems being faced by the litigants in the Courts. His Lordship referred to the absence of basic facilities like water, sitting space etc. for the litigants and witnesses in the court premises. His Lordship pointed out that the witnesses come to the court to assist the adjudication process, but they are not given proper treatment and respect, which they deserve and this fact discourages public to come forward as witnesses ultimately affecting the judicial system adversely. His Lordship called upon the participants to reduce unwarranted adjournments and pointed out that these add to the plight of the litigants. His Lordship also called upon the judges to refer the parties to ADR for effective and amicable settlement to avoid the difficulties being faced by the litigants in the adjudicatory process.
Hon’ble Mr. Justice A.K. Goel, Judge, Supreme Court of India also addressed the participants and referred to various situations arising in the courts causing hurdles in providing healthy and friendly atmosphere to the various stakeholders in the courts.

Hon’ble Mr. Justice Dharam Chand Chaudhary, Judge, High Court of H.P. emphasized the need of ensuring that poor litigants are not deprived of their livelihood due to unnecessary wastage of time in the court. His Lordship sensitized the participating judges about the difficulties being faced by poor litigants who come from far flung areas to the court and impressed upon the judges not to adjourn the cases on the petty and flimsy reasons. His Lordship also highlighted the importance of congenial atmosphere in the court saying that same helps the litigants to open their minds.

The participants also shared their views about the difficulties being faced by the litigants. Various suggestions were also given from the Chair as well as by the participating judicial officers to make the atmosphere of the Court litigant friendly.

Session-9

9th Session of the conference on “the use of I.C.T. Tools” was presided over by Hon’ble Mr. Justice Madan B. Lokur, Judge, Hon’ble Supreme Court of India.

His Lordship traced the history of computerization in Indian Judiciary and pointed out that in Phase-I of computerization, efforts were made to have unified Case Information System across the country. His Lordship further outlined the details and challenges in implementing Phase-II of the computerization. His Lordship asked the judicial officers to ensure that the entire
data of the cases pending in their Courts is uploaded with accuracy in National Data Grid as it will help
the litigants to know the exact status of their cases and assist the various researches being made to address
the various problems being faced by the judicial system. His Lordship also informed that a Kiosk was
being opened in every Court building for providing free information about the cases. Besides this, such
Information would be transmitted on mobile phones of respective litigants. His Lordship also spoke about
introduction of GPS system and online libraries giving daily information of the decisions of Hon’ble
Apex Court and High Courts for the benefit of litigants.

His Lordship further informed that Video Conferencing Units were being established in almost
every District court complex and in most of the jails to generate cost effective, time saving and secure
provision for production of prisoners in the Courts. His Lordship also apprised that computers were being
supplied to every Court in the ratio of 1+7 so that staff would not find the scarcity of the computer
systems as an obstacle in the smooth functioning of the courts. His Lordship emphasized on the need of
impacting trainings to the court staff and judicial officers by the respective High Courts and the concerned
Judicial Academies. His Lordship concluded that much was yet to be done in this direction and relentless
efforts need to be made to achieve the goals.

Exhibition of Himachal Traditions and culture

Himachal Pradesh is known as Dev Bhumi and is famous for its rich culture and traditions. A
cultural evening was organized wherein the audience enjoyed and appreciated the grand show of this rich
heritage.
Himachali cultural program and traditional dance being performed by the famous artists of Himachal Pradesh in the honour of the Dignitaries and participant Judicial Officers.

GROUP PHOTOGRAPH
THREE DAYS COURSE ON “PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, NEGOTIABLE INSTRUMENTS ACT, PLEA BARGAINING, LAW RELATING TO CHILD MARRIAGE AND PROCEDURAL ISSUES OF TRIAL IN CRIMINAL CASES”

The academy organized a three day course on “Child Marriage and Procedural Issues of Trial in Criminal Cases” w.e.f 16.03.2015 to 18.03.2015. It was attended by 21 judicial officers of the rank of Civil Judge Sr. Division and Junior Division respectively. The course was inaugurated by Hon’ble Mr. Justice Mansoor Ahmad Mir, Chief Justice, High Court of Himachal Pradesh and Hon’ble Patron of Himachal Pradesh Judicial Academy. Speaking on the occasion, his Lordship highlighted the benefits of such courses and called upon the Judicial Officers to deal with the matters pertaining to domestic violence with utmost sensitivity and dispose of the same within statutory time frame. His Lordship further guided the judicial Officers to keep themselves abreast with the latest law and understand the objectives behind the latest amendments incorporated in various Acts so that time bound justice could be delivered to the litigants. During the course, the Resource Persons shared their rich experiences in the field and made the participating officers aware of
the latest law on the subject. Shri J.L. Gupta, District and Sessions Judge (retired) delivered a lecture on compounding of offences, withdrawal of criminal cases and art of writing judgments/orders in criminal matters. He also deliberated upon cognizance and bar to taking cognizance, charge-sheet, final report and protest petition, remand understanding the law and procedure and recording of confession and statements under Section 164 of Cr.P.C. Shri Rakesh Kainthla, Director delivered lectures on onus and burden of proof in criminal matters, trial in criminal matters, trial of cross cases, identification of persons and property, disposal of property in criminal cases, power to proceed against other persons under Section 319 of Cr.P.C., examination and cross-examination of witnesses, salient features of Negotiable Instruments Act, identifying bottle necks of trial and procedure in dealing with complaint under Section 138 of the Act, sharing best practices and finding solutions, referral to Lok Adalats and pronouncements of Hon’ble Apex Court and High Courts. Prof. Mrs. Trisha Sharma, Director Law College, APG University, Shimla deliberated upon plea bargaining-concepts application and jurisdictional shift, interpreting law and understanding the procedure, latest amendment in Cr.P.C, framing of charge and Section 294 of Cr.P.C, Joinder/mis-joinder of charges and committal proceedings. Dr. J.N. Barowalia, District and Sessions Judge retired delivered lecture on various aspects of protection of women from Domestic Violence Act, 2005. Shri B.S. Chauhan, District and Sessions Judge, retired talked about various provisions of Prohibition of Child Marriage Act, 2006, Prevention of Child Labour and Directions of Hon’ble Supreme Court in Bachpan Bacho Andolan Vs. Union of India. The participating judicial officers showed keen interest in the discussions and put forth various practical problems faced by them pertaining to these topics and fruitful deliberations took place with the Resource Persons benefitting the participants considerably. On the occasion of Valediction, Hon’ble Mr. Justice P.S Rana, Judge, High Court of Himachal Pradesh urged the participants to make best use of the knowledge gained in the course during the discharge of their duties. His Lordship further called upon the officers to make best use of their time and also to contact the Academy, whenever they face any difficulty or require any guidance on any topic.
Similar three day course on “Protection of women from Domestic Violence Act, Negotiable Instrument Act, Plea Bargaining, Law relating to Child Marriage and Procedural issues of trial in criminal cases” was held w.e.f 23.03.2015 to 25.03.2015. It was attended by 20 Officers. Shri J.L. Gupta, District and Sessions Judge retired deliberated upon compounding of offences, withdrawal of criminal cases and art of writing judgments/orders in criminal matters. Shri B.L. Soni, District and Sessions Judge retired delivered lectures on the topics cognizance and bar to taking cognizance, charge-sheet, final report and protest petition, remand understanding the law and procedure and recording of confession and statements under Section 164 of Cr.P.C., identification of persons and property, disposal of property in criminal cases, power to proceed against other persons under Section 319 of Cr.P.C, examination and cross-examination
of witnesses. Shri Rakesh Kainthla, Director delivered lectures on onus and burden of proof in criminal matters, trial in criminal matters, trial of cross cases, salient features of Negotiable Instruments Act, Identifying bottle necks of trial and procedure in dealing with complaint under Section 138 of the Act. Mrs. Anuja Sood, Deputy Director of the Academy chaired the Session on sharing best practices and finding solutions, referral to Lok Adalats and pronouncements of Hon’ble Apex Court and High Courts. Prof. Mrs. Trisha Sharma, Director Law College, APG University, Shimla deliberated upon plea bargaining-concepts application and jurisdictional shift, interpreting law and understanding the procedure, latest amendment in Cr.P.C, framing of charge and Section 294 of Cr.P.C, Joinger/mis-joinder of charges and committal proceedings. Dr. J.N. Barowalia, District and Sessions Judge, retired, delivered lecture on various aspects of Protection of Women from Domestic Violence Act, 2005. Shri B.S. Chauhan, District and Sessions Judge, retired talked about various provisions of Prohibition of Child Marriage Act, 2006, Prevention of Child Labour and Directions of Hon’ble Supreme Court in Bachpan Bacho Andolan Vs. Union of India. The participating Officers showed keen interest by making fruitful discussions and deliberations with the Resource Persons. Shri Rakesh Kainthla, Director and Smt. Anuja Sood, Deputy Director, H.P. Judicial Academy delivered the valedictory addresses and chaired the session on group discussion.

GROUP PHOTOGRAPH
ORIENTATION COURSE ON “LAND REVENUE MATTERS, H.P. TENANCY AND LAND REFORMS ACT AND H.P. URBAN RENT CONTROL ACT”

The academy also organized the orientation courses on “Land Revenue Matters, H.P. Tenancy and Land Reforms Act and H.P. Urban Rent Control Act” for the Judicial Officers of the State. First course was held w.e.f 18.05.2015 to 20.05.2015, which was attended by 19 Officers in the rank of District and Additional District Judges. The course was inaugurated by Hon’ble Mr. Justice Mansoor Ahmad Mir, Chief Justice, High Court of Himachal Pradesh and Hon’ble Patron of Himachal Pradesh Judicial Academy. While underlining the importance of such courses, his Lordship called upon the officers to interact with the faculty and to discuss the problems being faced by them while dealing with the matters pertaining to the Land Revenue, tenancy and rent control. His Lordship further urged the participating judicial officers to dispose
of the cases in a time bound manner to ensure the delivery of quick justice to the litigants. Shri Gopal Sharma, HPAS, Special Secretary, Co-operation and Transport to the Government of H.P. outlined salient features of H.P. Land Revenue Act, Prevention of encroachment on land under Section 163 of H.P. Land Revenue Act. Shri I.S. Chandel, IAS retired highlighted the instructions of financial commissioner and High Court Rules and Orders regarding demarcation, main defects pointed out by the Courts in demarcation, land measurements- type of measurements and its conversion. Shri G.D. Verma, Senior Advocate, High Court of H.P. gave an overview of H.P. Vesting and Utilization Act. Dr. Man Singh, HPAS, Additional Secretary Personal and Revenue to the Government of H.P. deliberated upon Record of Rights, Harvest Inspection, Bar of Jurisdiction of Civil Court and conferment of proprietary right under H.P. Tenancy and Land Reforms Act. Shri Rajeev Bhardwaj, District and Sessions Judge gave an overview of H.P. Tenancy and Land Reforms Act, while Shri Bhupinder Gupta, Senior Advocate discussed various provisions of H.P. Public Premises and Land Eviction and Rent Recovery Act, 1971. Shri B.R. Verma, Advocate discussed the salient features of H.P. Urban Rent Control Act, 1987. Demarcation was conducted by local kanungo and Patwari in one sessions to apprise the officers about the actual procedure of demarcation. During the course, the participating judicial officers showed their keen interest and participated in the discussions on the topic. On the valediction, Hon’ble Mr. Justice Tarlok Singh Judge, High Court of Himachal Pradesh addressed the participating judicial officers and rendered valuable guidance to them.
Sh. Gopal Sharma, HPAS Special Managing Director Co-operative Bank (Resource person) during the session in the course.

Sh. I.S. Chandel, Retd. IAS Officer (Resource Person) during the Session

Dr. Man Singh, Additional Secretary(Revenue & Personnel) to the Govt. Of H.P. (Resource person) during the session in the course.

Sh. Rajiv Bhardwaj, District & Sessions Judge, Bilaspur (Resource Person) during the Session.

GROUP PHOTOGRAPH
REFRESHER COURSES ON SERVICE & EXECUTION OF PROCESSES FOR NAIB NAZIRS, CIVIL NAZIRS, BAILIFFS & PROCESS SERVERS.

Five Refresher courses for Naib Nazirs, Civil Nazirs, bailiffs and process servers were organized on different dates to enhance their efficiency in the performance of their duties and to avoid mistakes committed by them frequently. Dr. S.N. Ghosh, Department of Sociology H.P.U. Shimla talked about stress management and time management. Mrs. Anuja Sood, Deputy Director, H.P. Judicial Academy outlined aims and objects of training, national flag, national anthem, personality development to bring functional and attitudinal change and overview of institutional organization of Nazarat Branch and its relationship with civil and criminal justice delivery system, leadership and development of skills for optimum utilization of available resources efficiently. Shri Naresh Kumar, Administrative Officer, H.P. State Legal Authority talked about maintenance of records and register in Nazarat Branch, maintenance of daily diary by Bailiffs and Process Servers, mode of services and process of execution. Shri J.L. Gupta, District and Sessions Judge Retired highlighted the various difficulties being faced by the Bailiffs and Process Servers in effecting service, in execution of warrant of attachment, arrest and sale and acquiring knowledge as process servers and bailiffs. Shri Rakesh Kainthla, Director H.P. Judicial Academy discussed High Court Rules and Orders, Instructions issued by Hon’ble High Court and District and Sessions Judge, Shimla regarding the service of processes. Shri Rati Ram Sharma, Superintendent Revenue gave an overview of C.C.S. conduct Rule, 1964 and CCS Leave Rules, 1972. In some of the sessions, Shri Ranjit Singh, Civil Judge (Sr. Division)-cum-CJM, Shimla discussed various provisions regarding the maintenance of record and register in nazarat branch and daily diary maintained by bailiffs and process servers. While, Shri Amit Mandayal, Civil Judge (Sr. Division)-cum-ACJM, Court No. 2 Shimla gave an overview of Institutional Organization of nazarat branch and its relationship with civil and criminal justice delivery system. While, Shri Rakesh Kainthla, Director deliberated upon stress management, time management, leadership, development of skills, optimum utilization of available resources efficiently and productively. Shri J.L. Gupta, District and Sessions Judge, retired dealt with the effective services of summons and processes. In one Session Shri Yashwant Singh, Member Secretary H.P. State Legal Services Authority, Shimla discussed the aim and objects of the training, national flag, national anthem and personality development to bring functional and attitudinal change. Dr. Usha Bende, Formal Fellow Institute of Advance Studies talked about stress management and time management, leadership, development of skills for optimum utilization of available resources efficiently and productively. In one Session, Shri B.L. Soni, District and Sessions
Judge, Retired talked about various High Court Rules and Orders and Instructions issued by Hon’ble High Court and District Judge Shimla. The officials actively participated in the discussions with the faculty members and were able to remove the doubts during the discussions. The courses were appreciated by the officials and they acknowledged the effective fruitfulness of the same in the future discharge of their duties in the feedback forms.

COURSE ON OFFICE ADMINISTRATION AND SERVICE MATTERS TO THE MINISTERIAL STAFF WORKING IN CIVIL AND SESSIONS DIVISIONS OF THE STATE.

Four courses on the aforesaid topic were organized on different dates by the Academy in which the officials from various Civil & Session Divisions participated. The courses were aimed at increasing the efficiency of the Judicial Staff in office Administration. Dr. J.N. Barowalia, District and Sessions Judge, Retired discussed various provisions of Right to Information Act and Rules. Shri Rakesh Kainthla, Director H.P. Judicial Academy outlined aims and objects of training leadership, functional and attitudinal change, right and dignity of women at work place. Shri Rajinder Gupta, Senior Audit Officer, Retired discussed various provisions of H.P. Financial Rules and Government Accounts. Shri A.R. Sharma, Deputy Controller (F & A), Treasury Retired talked about maintenance of service book, dealing of receipts, noting and drafting, filing systems, routine office procedure, records, office manual, principles of natural justice and reasonable opportunity. Shri Rati Ram Sharma, Superintendent Revenue gave an overview of CCS Conduct Rules, CCS (CCA) Rules, CCS Leave Rules. Smt. Sunita Bhardwaj, Superintendent Grade-I, Office of District and Sessions Judge, Shimla highlighted the duties and responsibilities to be performed by Superintendent and Readers, maintenance of file and register, confidential and administrative matters, attestation and preparation of decree-sheet. The courses were appreciated by the participants and feedback given by them showed that they learnt a lot and that learning would be utilized by them in the field.

CHANGE MANAGEMENT- UBUNTU- LINUX 14.04 TRAINING PROGRAMME FOR THE JUDICIAL OFFICERS & JUDICIAL STAFF
Master Trainers during the Sessions

Two day programme on Change Management- UBUNTU-LINUX 14.04 for the Judicial Officers was organized w.e.f 20.06.2015 and 21.06.2015. 18 officers participated in the same and Master Trainers Sh. Rajesh Tomar, Additional District & Sessions Judge-(II) Shimla, Dr. Parvinder Singh Arora Civil Judge (Sr. Division)-cum ACJM Paonta Sahib and Ms. Akshi Sharma, Civil Judge (Jr Division) cum JMIC Shimla imparted the trainings.

During the first half of the year two training programmes on UBUNTU LINUX-12.04 & 14.04 were organized for the Judicial Staff in which the officials were trained so that they could make best use of the computers and enhance their skills.

EVENTS HELD FROM JANUARY TO JUNE, 2015

<table>
<thead>
<tr>
<th>Month</th>
<th>Events</th>
<th>No. of Events</th>
<th>Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>January, 2015</td>
<td>Three days Refresher Course on “Service and Execution of Processes” for the Nazirs, Bailiffs and Process Servers of Subordinate Courts of Himachal Pradesh.</td>
<td>1</td>
<td>25</td>
</tr>
<tr>
<td>February, 2015</td>
<td>Three days Refresher Course on “Service and Execution of Processes” for the Nazirs, Bailiffs and Process Servers of Subordinate Courts of Himachal Pradesh.</td>
<td>1</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>Orientation Training Programme on Ubuntu-Linux-12.04.1 LTS, LibreOffice-Writer &amp; Internet for Ministerial Staff working in the Subordinate Courts of Himachal Pradesh.</td>
<td>2</td>
<td>30</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
<td>Participants</td>
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<td>------------</td>
<td>--------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------</td>
<td></td>
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<tr>
<td>March, 2015</td>
<td>Three days Orientation Training Programme on “Office Administration and Service Matters” for the Superintendents, Readers and Senior Assistants of Subordinate Courts of Himachal Pradesh.</td>
<td>1 20</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Three days Refresher Course on “Service and Execution of Processes” for the Nazirs, Bailiffs and Process Servers of Subordinate Courts of Himachal Pradesh.</td>
<td>1 25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Three days Orientation Training Programme on “Office Administration and Service Matters” for the Superintendents, Readers and Senior Assistants of Subordinate Courts of Himachal Pradesh.</td>
<td>1 20</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Three days Course on Protection of Women from Domestic Violence Act, Negotiable Instruments Act, Plea Bargaining, Law relating to Child Marriage and Procedural Issues of Trial in Criminal Cases for the Civil Judges (Senior and Junior Division) of Himachal Pradesh.</td>
<td>2 41</td>
<td></td>
</tr>
<tr>
<td>April, 2015</td>
<td>Three days Refresher Course on “Service and Execution of Processes” for the Nazirs, Bailiffs and Process Servers of Subordinate Courts of Himachal Pradesh.</td>
<td>1 25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Regional Judicial Conference on “Strengthening Justice Delivery System: Tools &amp; Techniques” (North Zone) for the Judicial Officers of Northern State of India</td>
<td>1 102</td>
<td></td>
</tr>
<tr>
<td>May, 2015</td>
<td>Three days Refresher Course on “Service and Execution of Processes” for the Nazirs, Bailiffs and Process Servers of Subordinate Courts of Himachal Pradesh.</td>
<td>1 25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Three days Course on “Land Revenue Matters, H.P. Tenancy and Land Reform Act and H.P. Urban Rent Control Act” for the District Judges &amp;</td>
<td>1 19</td>
<td></td>
</tr>
</tbody>
</table>
### MONTHWISE EVENTS: At a Glance

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<thead>
<tr>
<th>Month</th>
<th>No. of Events</th>
<th>Recipients</th>
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<tr>
<td>January</td>
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<tr>
<td>February</td>
<td>4</td>
<td>75</td>
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<tr>
<td>March</td>
<td>4</td>
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<tr>
<td>April</td>
<td>2</td>
<td>127</td>
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<td>May</td>
<td>3</td>
<td>64</td>
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<tr>
<td>June</td>
<td>3</td>
<td>53</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>17</strong></td>
<td><strong>430</strong></td>
</tr>
</tbody>
</table>
RECIPIENTWISE SUMMARY

<table>
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<tr>
<th>Recipients</th>
<th>No. of Events</th>
<th>Participants</th>
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<tr>
<td>Judicial Officers</td>
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<td>162</td>
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<tr>
<td>Court Staff</td>
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<td>268</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>17</strong></td>
<td><strong>430</strong></td>
</tr>
</tbody>
</table>

GRAPHIC PRESENTATION

TRAINING ATTENDED OUTSIDE H.P. JUDICIAL ACADEMY

The Judicial Officers are also being nominated to attend training programmes / Conferences/ workshops at the National Judicial Academy, Bhopal, LNJN, NICFS, Delhi, etc. from time to time. During the period from January to June 2015, the Academy has nominated the Judicial Officers as under:

<table>
<thead>
<tr>
<th>S.No</th>
<th>Name of the Academy where training attended</th>
<th>No. of trainings for which the Officers nominated</th>
<th>No. of attended trainings</th>
<th>Officers the</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>National Judicial Academy, Bhopal.</td>
<td>18</td>
<td>21</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>LNJN (NICFS), New Delhi.</td>
<td>17</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Other Judicial Academies / Institutions</td>
<td>4</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>39</strong></td>
<td><strong>52</strong></td>
<td></td>
</tr>
</tbody>
</table>
ACADEMY’S NEWS:

PURCHASE OF BUS

The Academy is involved in regularly organizing trainings/refresher courses/workshops for the Judicial Officers, court staff and other functionaries of the State apart from providing induction training to the newly appointed judicial officers. Various officers and officials regularly visit the Academy as participants/resource persons. The academy was facing acute problem of the transport facility and proposed to purchase a Mini Bus for this purpose. The proposal was approved and a Bus was purchased by the Academy. The Bus was flagged off by the Hon’ble the Chief Justice, High Court of H.P. This bus is of great utility to the Academy and is being used to transport the Judicial officers and the court staff to the Academy and back to the places of their stay during the training or any other course.

HELP DESK

Hon’ble Mr. Justice Mansoor Ahmad Mir, Chief Justice, High Court of H.P. and Hon’ble Patron of H.P. Judicial Academy, inaugurated the Help Desk in the website of the Judicial Academy, which will provide a platform to the judicial officers to share their knowledge and experience to help others in the effective discharge of their duties. The judicial officers will also have an opportunity to ask the questions, if any, through the Help Desk, which will be answered by the Judicial Academy. The Judicial officers of the State had been provided specific “User Name and Password” to access the help desk and to post the queries regarding legal prepositions and problems being faced by them during their working in the courts. All the queries are promptly answered by the Academy and
relevant case law is displayed on the page without disclosing the identity of the judicial officers. Apart from this the ILR (H.P. Series) compiled by the Academy and important reading materials regarding the trainings, workshops and conferences/refresher/orientation courses is also being provided to the Judicial officers on the Help Desk. Video Lectures of important events are also provided to the Judicial Officers on the Help Desk. The Judicial Officers of the State have been highly benefitted from the aforesaid material in the discharge of their duties.

**ILR (H.P. Series)**

H.P Judicial Academy is also compiling Indian Law Reports (H.P Series) giving a wide coverage to the reportable Judgments by the Hon’ble High Court and Apex Court apart from publishing the important notifications of the High Court and H.P Government. This Journal is being published bi-monthly and is being edited by the Director of the Academy. The Journal covers precedents by the Hon’ble Court on every law point. Hon’ble Mr. Justice Mansoor Ahmad Mir, Chief Justice, High Court of Himachal Pradesh and Hon’ble Patron of Himachal Pradesh Judicial Academy released the Fifth Volume of ILR (H.P. Series) for the month of September & October, 2014. On this occasion, other Judges of the Hon’ble High Court of H.P, Advocate General H.P and Solicitor General for the State of H.P and other dignitaries also remained present.
FACULTY

The following Faculty Members addressed the participants in the trainings/workshops organized by the judicial academy during the First half of year, 2015:

Sh. Rajiv Bhardwaj,  
District & Sessions Judge, Bilaspur  
Prof. Mrs. Trisha Sharma,  
Director, Law College, APG University, Shimla

Shri Rakesh Kainthla,  
Director,  
H.P. Judicial Academy, Shimla-05  
Shri B. S. Chouhan,  
District & Sessions Judge (Retired).

Sh. Yashwant Singh Chogal,  
Member Secretary, H.P. State Legal Services Authority, Shimla  
Shri J.L. Gupta,  
District & Sessions Judge (Retired)

Sh. R.K. Tomar,  
Additional District & Sessions Judge-II, Shimla  
Dr. J.N. Barowalia,  
District & Sessions Judge (Retired).

Mrs. Anuja Sood,  
Deputy Director,  
H.P. Judicial Academy, Shimla-05  
Shri B.L. Soni,  
District & Sessions Judge (Retired)

Shri Naresh Kumar,  
Administrative Officer,  
H.P. State Legal Services Authority, Shimla  
Dr. Usha Bende,  
(Former Fellow, Indian Institute of Advance Study), Lower Kaithu, Shimla.

Sh. Ranjeet Singh,  
Civil Judge(Sr. Division)-cum-CJM, Shimla  
Professor Usha Pathania  
Professor (Retd.)

Sh. Partap Singh Thakur,  
Central Project Coordinator,  
High Court of H.P., Shimla  
Sh. I.S. Chandel,  
IAS (Retd.)

Dr. Abira Basu,  
Civil Judge (Sr. Division)-cum-ACJM, Court No. 2, Nurpur.  
Sh. G.D. Verma,  
Sr. Advocate,  
High Court of H.P.

Dr. Parvinder Singh Arora,  
Civil Judge (Sr. Divn.)-cum-ACJM, Court No. 1, Paonta Sahib, Distt. Sirmour (H.P.)  
Sh. Bhupender Gupta,  
Sr. Advocate, High Court of H.P.
PROPOSED KEY TRAININGS:

The Academy is in a process of organizing the following key Advance Courses/Workshops/Conferences, for the Judicial Officers and ministerial staff of the State of Himachal Pradesh:

- One Day Conference on “NDPS Act & Related Issues” for all the Judicial Officers of Himachal Pradesh.
- One Day Conference on “Gender Sensitization” (in collaboration with National Commission for Women) for all the Judicial Officers of Himachal Pradesh.
Three Days Advance Course on “Civil & Criminal Adjudication” for the District & Sessions Judges and Additional District & Sessions Judges of Himachal Pradesh.


One day Workshop on “Land Acquisition Act” for the District & Sessions Judges and Additional District & Sessions Judges of Himachal Pradesh.

Three Days Course on Office Administration and Service Matters for Superintendents, Readers and Senior Assistants of Subordinate Judiciary of Himachal Pradesh.

Two Days Fundamental Course on “Computer System & Applications” on choice basis for the Judicial Officers of H.P.

Two Days Intermediate Course “Computer System with Ubuntu-Linux: 12.04.01 LTS & Important Applications” on choice basis for the Judicial Officers of Himachal Pradesh.

Two Days Advance Course on “Ubuntu-Linux: 12.04.01 LTS, Useful Application & Internet” on choice basis for the Judicial Officers of Himachal Pradesh.

Orientation Training Programme on Ubuntu-Linux-12.04.1 LTS, LibreOffice-Writer & Internet for Ministerial Staff working in the Subordinate Courts of Himachal Pradesh.

Refresher Course on Service & Execution of Processes for Naib Nazirs, Civil Nazirs, Bailiffs & Process Servers working in the Subordinate Courts of Himachal Pradesh.

UPCOMING EVENTS JULY TO DECEMBER, 2015*

<table>
<thead>
<tr>
<th>Month</th>
<th>Events</th>
<th>No. of Events</th>
</tr>
</thead>
<tbody>
<tr>
<td>July, 2015</td>
<td>Three days Orientation Course on “Land Revenue Matters, Tenancy and Land Reform Act and H.P. Urban Rent Control Act” for the Judicial Officers of Subordinate Judiciary of H.P.</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Three days Orientation Training Programme on “Office Administration and Service Matters” for the Superintendents, Readers and Senior Assistants of Subordinate Courts of Himachal Pradesh.</td>
<td>1</td>
</tr>
<tr>
<td>Month</td>
<td>Event</td>
<td>Participants</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>August, 2015</td>
<td>Three days Refresher Course on “Service and Execution of Processes” for the Nazirs, Bailiffs and Process Servers of Subordinate Courts of Himachal Pradesh.</td>
<td></td>
</tr>
<tr>
<td>August, 2015</td>
<td>Three days Orientation Course on “Land Revenue Matters, Tenancy and Land Reform Act and H.P. Urban Rent Control Act” for the Judicial Officers of Subordinate Judiciary of H.P.</td>
<td></td>
</tr>
<tr>
<td>August, 2015</td>
<td>Three days Orientation Training Programme on “Office Administration and Service Matters” for the Superintendents, Readers and Senior Assistants of Subordinate Courts of Himachal Pradesh.</td>
<td></td>
</tr>
<tr>
<td>August, 2015</td>
<td>Three days Refresher Course on “Service and Execution of Processes” for the Nazirs, Bailiffs and Process Servers of Subordinate Courts of Himachal Pradesh.</td>
<td></td>
</tr>
<tr>
<td>September, 2015</td>
<td>Three days Orientation Course on “Land Revenue Matters, Tenancy and Land Reform Act and H.P. Urban Rent Control Act” for the Judicial Officers of Subordinate Judiciary of H.P.</td>
<td></td>
</tr>
<tr>
<td>September, 2015</td>
<td>Three days Advance Course on “Civil &amp; Criminal Adjudication and Appreciation of Evidence” for the Additional District Judges of Himachal Pradesh</td>
<td></td>
</tr>
<tr>
<td>September, 2015</td>
<td>Three days Orientation Training Programme on “Office Administration and Service Matters” for the Superintendents, Readers and Senior Assistants of Subordinate Courts of Himachal Pradesh.</td>
<td></td>
</tr>
<tr>
<td>October, 2015</td>
<td>One day Workshop on “The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989” for the Sessions Judges and Additional Sessions</td>
<td></td>
</tr>
<tr>
<td>November, 2015</td>
<td>Three days Orientation Training Programme on “Office Administration and Service Matters” for the Superintendents, Readers and Senior Assistants of Subordinate Courts of Himachal Pradesh.</td>
<td>1</td>
</tr>
<tr>
<td>November, 2015</td>
<td>Three days Orientation Course on “Land Revenue Matters, Tenancy and Land Reform Act and H.P. Urban Rent Control Act” for the Judicial Officers of Subordinate Judiciary of H.P.</td>
<td>1</td>
</tr>
<tr>
<td>December, 2015</td>
<td>One day Workshop on “Land Acquisition Act” for the District Judges and Additional District Judges of Himachal Pradesh</td>
<td>1</td>
</tr>
<tr>
<td>December, 2015</td>
<td>Three days Orientation Training Programme on “Office Administration and Service Matters” for the Superintendents, Readers and Senior Assistants of Subordinate Courts of Himachal Pradesh.</td>
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<tr>
<td></td>
<td>Total</td>
<td>15</td>
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</tbody>
</table>

*This training Calendar is tentative and many more training programmes are likely to be added in the same with the prior approval of the Competent Authority from time to time.*

**IMPORTANT JUDGMENTS OF HON’BLE SUPREME COURT OF INDIA**

The Hon’ble Supreme Court in *Sunil Bharti Mittal vs. Central Bureau of Investigation decided on 09/01/2015* dealt with the ‘taking of cognizance’ of the offence and issuance of the process to the accused. While referring to the settled law in the past the Hon’ble court has observed that the taking of the cognizance of the offence is an application of mind by the Magistrate and his satisfaction that the
allegations, if proved, would constitute an offence. It is therefore, imperative that on a complaint or on a police report the Magistrate is bound to consider the question as to whether the same discloses a commission of an offence and is required to form such an opinion in this respect. The Hon’ble Court has further observed that Magistrate is competent to summon even those persons who are not named as an accused in the police report by the police. At the stage of taking cognizance if the Magistrate finds sufficient material in the police report to show the involvement of a person; he can ignore the police report and summon the person as an accused who has not been forwarded by the police.

Hon’ble Supreme Court of India in Narinder Kumar Amin vs. C.B.I decided on 15 January 2015 has held that filing of full set of documents with the charge sheet is not mandatory but only directory. It has been further held that the accused cannot be granted bail in default on expiry of 90 or 60 days as the case may be, for the reason that some documents have not been filed with the charge sheet.

The Hon’ble Supreme Court of India in Sonu Gupta vs. Deepak Gupta & others decided on 11/02/2015 has held that at the stage of cognizance and summoning of the accused; the Magistrate is required to apply his judicial mind to find out as to whether a prima facie case is made out against the accused for his summoning. The Magistrate is not required to consider the defence; hear the arguments and find out as to whether there is sufficient material on record to lead the conviction of the accused or not.

The Hon’ble Supreme Court in Ravi Parkash Singh @ Arvind Singh vs. State of Bihar decided on 20/02/2015 has observed that while computing the period of 90 or 60 days of the remand, the day on which the accused was remanded in custody should be excluded and the day on which the challan was filed in the court has to be included.

The Hon’ble Supreme Court in a judgment of far reaching importance in Mrs. Priyanka Srivastava & another vs. State of U.P & ors. Decided on 19/03/2015 has been pleased to direct the Magistrates to remain very cautious while directing investigation under section 156 (3) Cr.P.C. Hon’ble Court observed that the stage has come in this country where an application under section 156 Cr. P.C has to be supported by an affidavit duly sworn by the applicant who seeks the invocation of the Jurisdiction of the Magistrate. Magistrate should in appropriate cases, verify the truth and also can verify the veracity of the allegations.

The Hon’ble Supreme Court in Shreya Singhal vs. Union of India decided on 24/03/2015 had struck down section 66A of Information Technology Act being wholly unconstitutional and void and not saved by Article 19(2) of the constitution of India.
The Hon’ble Supreme Court in **Shamima Farooqui vs. Shahid Khan decided on 06/04/2015** has observed that sometimes, a plea is advanced by the husband that he does not have the means to pay, for he does not have a job or his business is not doing well. These are only bald excuses and, in fact, they have no acceptability in law. If the husband is healthy, able bodied and is in a position to support himself, he is under the legal obligation to support his wife, for wife’s right to receive maintenance under Section 125 Cr.P.C, unless disqualified, is an absolute right.

The Hon’ble Supreme Court in **Ms. S. Versus Sunil Kumar & Anr. Decided on 10.04.2015** has been pleased to hold that substantive evidence is the identification of an accused in court by a witness and prior identification in a test identification parade is used only to corroborate the identification in court. Holding of test identification parade is not the rule of law but rule of prudence. Normally identification of the accused in a test identification parade lends assurance so that the subsequent identification in court during trial can be safely relied upon. However, even in the absence of such test identification parade, the identification in court can in given circumstances be relied upon, if the witness is otherwise trustworthy and reliable.

The Hon’ble Supreme Court in **Krishna Textport & Capital Marketing Ltd. Appellant versus ILA Agrawal & Ors. Respondents Decided on 06.05.2015** has been pleased to hold that Section 141 states that if the person committing an offence under Section138 is a Company, every director of such Company who was in charge of and responsible to that Company for conduct of its business shall also be deemed to be guilty. Section 141 again does not lay down any requirement that in such eventuality the directors must individually be issued separate notices under Section 138. The opportunity to the ‘drawer’ Company is considered good enough for those who are in charge of the affairs of such Company. If it is their case that the offence was committed without their knowledge or that they had exercised due diligence to prevent such commission, it would be a matter of defence to be considered at the appropriate stage in the trial and certainly not at the stage of notice under Section 138.

The Hon’ble Supreme Court in **Khenyei Appellant versus New India Assurance Co. Ltd. & Ors. Respondents; decided on 07.05.2015 ( CIVIL APPEAL NO.4244 OF 2015)** was posed with the question, whether it is open to a claimant to recover entire compensation from one of the joint tort feasors, particularly when in accident caused by composite negligence of drivers of trailor-truck and bus has been found to 2/3rd and 1/3rd extent respectively.

**The Hon’ble Apex Court was pleased to sum up as under:-**
(i) In the case of composite negligence, plaintiff/claimant is entitled to sue both or any one of the joint tort feasors and to recover the entire compensation as liability of joint tort feasors is joint and several.

(ii) In the case of composite negligence, apportionment of compensation between two tort feasors vis a vis the plaintiff/claimant is not permissible. He can recover at his option whole damages from any of them.

(iii) In case all the joint tort feasors have been impleaded and evidence is sufficient, it is open to the court/tribunal to determine inter se extent of composite negligence of the drivers. However, determination of the extent of negligence between the joint tort feasors is only for the purpose of their inter se liability so that one may recover the sum from the other after making whole of payment to the plaintiff/claimant to the extent it has satisfied the liability of the other. In case both of them have been impleaded and the apportionment/ extent of their negligence has been determined by the court/tribunal, in main case one joint tort feasor can recover the amount from the other in the execution proceedings.

(iv) It would not be appropriate for the court/tribunal to determine the extent of composite negligence of the drivers of two vehicles in the absence of impleadment of other joint tort feasors. In such a case, impleaded joint tort feasor should be left, in case he so desires, to sue the other joint tort feasor in independent proceedings after passing of the decree or award.

The Hon’ble Supreme Court in A.C Govindaraj and Ors. Appellants versus M. Krishnamoorthy & Ors. Respondents Decided on 15.05.2015 (CIVIL APPEAL NO. 4473 /2015) while interpreting the provision under Order 9 Rule 13 has been pleased to hold that it is well settled that the expression ‘sufficient cause’ is to receive liberal construction so as to advance substantial justice. When there is no negligence, inaction or want of bonafide is imputable to the appellants, the delay has to be condoned. The discretion is to be exercised like any other judicial discretion with vigilance and circumspection. The discretion is not to be exercised in any arbitrary, vague or fanciful manner. The true test is to see whether the applicant has acted with due diligence. While exercising the discretion for setting aside the ex-parte decrees or condoning the delay in filing the application to set aside the ex-parte decrees, the court is competent to direct the defendants to pay a portion of the decreetal amount or the cost. However the court should not impose unreasonable and onerous condition of depositing the entire suit claim.
SOME COURT BUILDINGS IN THE STATE

- Judicial Court Complex at Joginder Nagar District Mandi, H.P

- Judicial Court complex at Kangra, District Kangra, H.P

- Judicial Court complex at Kasauli, District Solan, H.P
SOME OF THE HISTORIC DOCUMENTS & ARTICLES

Historic Document [17-12-1941]

- Certificate of enrollment as an Advocate to practice in the High Court of Judicature at Lahore [17-12-1941].

- Title Deed in Tankri which Raja Raj Singh of Chamba confers the Pargana of Dhundi on his Wazir Zorawer Singh, in recognition of services rendered by him in Jundh. Dated 7th Kati, Sastra year 58 (A.D. 1782).

- Historic Articles
Notable quotes by great men

- There is a higher court than the court of Justice and that is the court of conscience. It supersedes all other courts. ~Mahatma Gandhi
- Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser -- in fees, expenses, and waste of time. As a peacemaker the lawyer has a superior opportunity of being a good man. There will still be business enough." ~ Abraham Lincoln
- No law or ordinance is mightier than understanding." ~ Plato
- "He who has never learned to obey cannot be a good commander." ~ Aristotle
- "Three may keep a secret, if two of them are dead." ~ Benjamin Franklin
PROPOSED NEW COMPLEX OF JUDICIAL ACADEMY – Progress at a Glance
GLIMPSES OF MY BEAUTIFUL HIMACHAL

Fascinating view of beautiful Barot valley in District Mandi during winter

Magnificent view of Renuka Lake, District Sirmaur the largest natural lake in H.P.

Women folk collecting tea leaves in tea garden at Palampur in their traditional attire.
Traditional slate posh houses in the remote area of Himachal Pradesh.

Traditional dance, backbone of Himachal culture, being performed by the ladies in a village.

Traditional Nagara being played by an elderly man in a village in H.P.
**Bi-Annual Editions: At a Glance**

The H.P. Judicial Academy has published seven issues of [HIM NEWS]- Bi-Annual e-News Letter so far which are available on the website of the Academy. Although, out of seven editions, two issues have been provided printed as well as web editions for the year 2014. The Academy is making its best efforts to share knowledge by publishing the Bi-Annual News Letter besides incorporating the training events held during the period.

**Previous Editions:**

- [HIM NEWS]- e-News Letter  Online Issue
- [HIM NEWS]- e-News Letter Vol-1, Issue-2, Online
- [HIM NEWS]- e-News Letter Vol-2, Issue-1, Online
- [HIM NEWS]- e-News Letter Vol-2, Issue-2, Online
- [HIM NEWS]- News Letter Vol-3, Issue-1, Printed/online
- [HIM NEWS]- News Letter Vol-3, Issue-2, Printed/online
- [HIM NEWS]- News Letter Vol-4, Issue-1, Printed/online

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