



HIM NEWS

News Letter

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Bi-Annual Edition

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

HIMACHAL PRADESH JUDICIAL ACADEMY

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INDEX

TOPIC #	STORY HEADLINES	PAGE #
1.	Constitution of H.P. Judicial Academy	3-6
2.	Message from Hon'ble Patron of the Academy	7
3.	Message from Hon'ble President of the Academy	8
4.	Foreword from the Desk of the Director	9
5.	Mega Event	10-28
6.	Important Events	29-47
7.	Important Events held from [January to June, 2014]	48-49
8.	Monthwise Events: At a Glance	50
9.	Recipient wise Summary	50
10.	Financial Years-Events & Recipients	51
11.	Training attended outside H.P. Judicial Academy	52
12.	Academy's News	52-53
13.	Redefined Activities of H.P. Judicial Academy	54-55
14.	Guest Faculty	55-56
15.	Proposed Key Trainings	56-57
16.	Construction of Judicial Academy Campus at Ghandal	57-58
17.	Upcoming Events [July to December, 2014]	58-60
18.	Important Judgments of Hon'ble Supreme Court of India	60-63
19.	Legal Quotes	63
20.	Laughter is the best Medicine-Legal Jokes	63-64
21.	Building of Hon'ble High Court of Himachal Pradesh	65
22.	Some of Court Buildings in Himachal Pradesh	66-67
23.	Himachal Pradesh: At a Glance	68-70

CONSTITUTION

PATRON OF HIMACHAL PRADESH JUDICIAL ACADEMY



**Hon'ble Mr. Justice Mansoor Ahmad Mir,
Chief Justice, High Court of Himachal Pradesh**

PRESIDENT OF HIMACHAL PRADESH JUDICIAL ACADEMY



**Hon'ble Mr. Justice Rajiv Sharma,
Judge, High Court of Himachal Pradesh**

MEMBERS OF BORAD OF GOVERNORS OF
HIMACHAL PRADESH JUDICIAL ACADEMY



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



Hon'ble Mr. Justice V. K. Sharma,
Judge, High Court of H.P.



Hon'ble Mr. Justice D. C.
Chaudhary,
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

Justice Mansoor Ahmad Mir
Chief Justice, High Court of H.P.
Patron of H.P. Judicial Academy



HIMACHAL PRADESH JUDICIAL ACADEMY
CURZON HOUSE, BOILEAUGANJ, SHIMLA – 171005

MESSAGE

It gives me immense pleasure to learn that Himachal Pradesh Judicial Academy is publishing Volume-III Issue-I of newsletter, for the first time in physical form as well, highlighting the activities of Himachal Pradesh Judicial Academy, undertaken during first half of the year, 2014. Judicial education is necessary not only to enhance the knowledge, skill and qualities of the Judicial Officers but also to bring attitudinal and functional changes in them. The judicial education provides opportunities to the judges to share their experience. A glance of Newsletter reveals that the Academy is not only engaged in imparting training to the Judicial Officers and ministerial staff of the State Judiciary, but also to the State Government functionaries discharging quasi-judicial functions.

Judicial Academy has taken a step forward and has widened its sphere of activities and has also started editing of ILR (HP Series). The instant news letter not only contains reports of seminar, extensive trainings and programmes, but the important judgments of the Hon'ble Supreme Court of India for the first time.

Volume-III Issue-I of newsletter also shows that the Academy has conducted 40 events in the first half of the year, 2014 in which 745 persons were recipients.

I sincerely believe that the Academy will continue to impart the judicial education to the judges and would contribute significantly in sensitizing them.

I wish the officers Incharge of the newsletter a great success.

Jai Hind


(Mansoor Ahmad Mir)

Justice Rajiv Sharma
Judge, High Court of H.P.
President of H.P. Judicial Academy



HIMACHAL PRADESH JUDICIAL ACADEMY
CURZON HOUSE, BOILEAUGANJ, SHIMLA – 171005

MESSAGE

I am pleased to know that Himachal Pradesh Judicial Academy is coming out with Volume-III, Issue-I of Newsletter. The instant newsletter provides detailed information of the activities and achievements of the Judicial Academy undertaken during first half of the year 2014 and also what the Academy proposes to do in the remaining half of the year.

The Academy has made tremendous growth under the stewardship of Hon'ble the Chief Justice (Hon'ble Patron of Himachal Pradesh Judicial Academy) and the brother Judges of Hon'ble High Court of Himachal Pradesh.

Through this newsletter, I call upon the Judicial Officers to rededicate themselves for the cause of litigant for whom we are here to serve. The instant newsletter comprises of the data of development of law and reports of conference, workshops, trainings and refresher courses, which I trust would be useful and informative for the judicial fraternity.

It is my proud privilege being President of the Judicial Academy to offer this issue of newsletter which portrays various facets of activities of the Judicial Academy.

I convey my best wishes for success of this Newsletter.


(Rajiv Sharma)
Judge

High Court of Himachal Pradesh
(President, H.P. Judicial Academy)

Rakesh Kainthla
District & Sessions Judge,
Director, HPJA



HIMACHAL PRADESH JUDICIAL ACADEMY
Curzon House, Boileauganj, Shimla-171005

FOREWORD

It gives me immense pleasure to bring out Vol.-III, Issue-I of newsletter, a chronicle of the activities of the H.P Judicial Academy during January to June 2014. The Academy had organized trainings on ADR for the judicial officers of the state of H.P. to keep them abreast of the latest developments in alternative dispute redressal mechanism, a bypass to the clogged dockets of the courts. Keeping in view the recent clamour of gender injustice, One day conference on Gender Justice was also organized to sensitize the judicial officers on the occasion of International Women's Day.

Judiciary has undertaken computerization on a massive scale to introduce transparency and to spread information. However, mere introduction of hardware is not sufficient and the officials have to be taught the use of computers. With this aim in mind, the judicial academy is organizing extensive trainings for the staff periodically. Academy has also introduced a special session of one hour in every training being imparted to the judicial officers devoted to the computers to ensure the optimum utilization of the hardware.

Academy has introduced a new feature titled important judgments of the Hon'ble Supreme Court in the news letter where the abstracts of the important judgments of the Hon'ble Supreme Court of India are being published to apprise the judicial officers of the latest judgments. I hope that this feature would prove to be a useful addition to the newsletter.

The Academy is able to undertake all these activities with the active support and able guidance of Hon'ble the Chief Justice Mr. Mansoor Ahmad Mir, Hon'ble Patron in Chief of the Academy who meticulously look after every detail of the activities of the academy. Hon'ble Mr. Justice Rajiv Sharma, Hon'ble President of the Academy has provided dynamic leadership to the Academy, which is helping it to achieve its cherished goal.

I will be failing in my duty if I do not recognize the efforts made by Mrs. Anuja Sood, Deputy Director and entire staff of Judicial Academy in preparing this issue of newsletter. I trust that the newsletter will be a true reflection of the activities of the academy. Any suggestions for improvement of the newsletter will be highly appreciated.


Rakesh Kainthla
Director, H.P. Judicial Academy

MEGA EVENT

► Conference On “GENDER JUSTICE”

Himachal Pradesh Judicial Academy had organized one-day Conference on Gender Justice on 8th March, 2014, on the occasion of Women’s Day in the High Court of Himachal Pradesh, which was attended by 117 Judicial Officers, Students from Law Department of H.P. University, Law College of APG University and University Institute of Legal Studies, Shimla. The conference was organized with an objective to enhance the skills and knowledge of the Judicial Officers and to sensitize them on gender issues. The Judicial Officers were apprised of the latest provisions relating to Gender Justice, prevention of crimes against women and role of Judiciary in effective implementation of gender laws. This Conference was inaugurated by His Lordship, Hon’ble Mr. Justice Mansoor Ahmad Mir, the Acting Chief Justice, High Court of Himachal Pradesh (as His Lordship then was), and Hon’ble Patron of Himachal Pradesh Judicial Academy.



Hon’ble Mr. Justice Mansoor Ahmad Mir, Acting Chief Justice (as His Lordship then was), High Court of H.P. (Hon’ble Patron of the Academy) being escorted to the venue.



High Dignitaries rising for National Song in the Inaugural Session



Hon'ble Mr. Justice Mansoor Ahmad Mir, Acting Chief Justice (as His Lordship then was), High Court of H.P. being honoured by Hon'ble Mr. Justice Rajiv Sharma, Judge, High Court of H.P.(Hon'ble President of the Academy)by presenting a bouquet.



Hon'ble Mr. Justice Mansoor Ahmad Mir, Acting Chief Justice (as His Lordship then was), High Court of H.P. (Hon'ble Patron of HP Judicial Academy) and Hon'ble Mr. Justice Rajiv Sharma, Judge, High Court of H.P. (Hon'ble President of the Academy) illuminating the lamp of knowledge, in the Inaugural Session.

INAUGURAL ADDRESS:

A few golden words were delivered on the auspicious occasion of 'Women's Day' by Hon'ble Mr. Justice Mansoor Ahmad Mir, Acting Chief Justice, High Court of Himachal Pradesh (as His Lordship then was).



In the inaugural address, His Lordship, congratulated the women on the occasion of 'Women's Day' and said that the issue of gender equality is a very old and burning issue. For centuries, women were not treated equal to men in many ways. Neither they were allowed to own property nor did they have a share in the property of their parents. Even they had no voting rights. Not only this, even they had no freedom to choose their work or job and so on. Now, we have come out of those dark days of oppression of women but there is a need for strong movement to fight for the rights of women and to ensure that they get all the rights which men have. His Lordships further stressed that the Preamble of the Universal Declaration of Human Rights, 1948, mandates the recognition of the inherent dignity, equal and inalienable rights of all members of the human family, which is the foundation of freedom, justice and peace in the world. His Lordship also threw light on the human rights of Women, such as:

- (i) The right of equality before the law;
- (ii) The right against gender discrimination;
- (iii) The right against harassment;
- (iv) Right to abortion;
- (v) Right to privacy and
- (vi) Right to economic empowerment.

His Lordship referred to some of the provisions contained in the Constitution of India, which provide rights and privileges guaranteed to women, such as, Articles 14, 15(1), 15(2), 15(3), 16(1), 16(2), 39(a), 39(d), 42, 51(A)(e), 243D(3) and 243T(4). His Lordship emphasized that these rights not only provide equal protection of laws to women but also confer certain

affirmative rights. Various Fundamental duties, contained in Part IV-A of the Constitution, also enshrine the principle of dignity of women. His Lordship further added that Indian Judiciary has played an important role in recognition and enforcement of the various human rights of the women and children in India. The Supreme Court of India, has exhibited a welcome judicial activism in recognizing, popularizing and enforcing these rights. His Lordship referred to some important judgments of Hon'ble Supreme Court of India, such as **T. Sareetha versus T. Venkata Subbaiah, AIR 1983 AP 356, State of Maharashtra versus Madhukar Narain, AIR 1991 SC 207, State of Punjab versus Gurmit Singh, AIR 1996 SC 1393, C. Masilmani Mudaliar versus Idol of Sri Swaminathaswami Thirukoil, AIR 1996 SC 1697, Vishaka versus State of Rajasthan, AIR 1997 SC 3011, Dr .Upendra Baxi versus State of U.P., AIR 1987 SC 191, Sheela Barse versus State of Maharashtra, AIR 1983 SC 378, All India Democratic Women's Association versus Union of India, AIR 1989 SC 1280, Pratul Kumar Sinha versus State of Orissa, AIR 1989 SC 1783, Gaurav Jain versus Union of India, AIR 1990 SC 292, Vishal Jeet versus Union of India, AIR 1990 SC 1412 and Gaurav Jain versus Union of India, AIR 1997 SC 3021**. His Lordship also added that the Apex Court and other High Courts have exhibited a dynamic attitude in ensuring that gender equality is maintained at the work places. His Lordship emphasized that female foeticide, domestic violence against women and sexual harassment at work places, are serious concerns before the society and judiciary can play an important role to curb these menaces. His Lordship called upon the Judicial Officers to render quick, speedy and economic justice to the victims of such crimes. His Lordship also stressed upon evolving strategies to sensitize the duty holders on these burning issues.

SEPCIAL ADDRESS



Hon'ble Mr. Justice Rajiv Sharma, Judge, High Court of H.P. (Hon'ble President of HP Judicial Academy) delivered the Special address.

Hon'ble Mr. Justice Rajiv Sharma, Judge, High Court of Himachal Pradesh and Hon'ble President of Judicial Academy also congratulated the women on 'Women's Day'. Speaking on the occasion, His Lordship said that we are not unaware of the menace of female foeticide prevalent in India. This is a barbaric act. The work places are not generally safe for the women. The houses are also not free from domestic violence. The issue of gender justice is closely related to human rights. His Lordship called upon to create an environment free of gender inequalities in the society. His Lordship further said that all the stakeholders in the administration of justice must be responsive to the women issues. His Lordship also referred to report of the citizen's Commission, Justice Michael Kirby of Australia, Anasuya Sengupta, Gandhiji and Justice Leila Seth (who was the first lady Chief Justice of state High Court) in relation to gender equality and women empowerment.

JUDICIAL OFFICERS PARTICIPATING IN THE WORKSHOP ON “GENDER JUSTICE”





TOPICS DISCUSSED IN THE WORKSHOP:

In different sessions of the Workshop, the Hon'ble Chairpersons and the Resource Persons enlightened the participant Judicial Officers of the State on various topics, such as, the Domestic Violence Act, Role of Judiciary in prevention of Crime against Women, role of mediation in Family Law adjudication, matrimonial disputes vis-à-vis observance of human rights, bottlenecks in speedy disposal of matrimonial disputes and remedies thereof, Pre-Conception and Pre-Natal Diagnostic Techniques (PC & PNDT Act) vis-à-vis Human Rights & Empowerment of Women, role of Judiciary in implementation of PC & PNDT Act and discrimination & harassment of women at workplace.

FIRST SESSION:

Hon'ble Mr. Justice Rajiv Sharma, Judge, High Court of H.P. and Hon'ble President of Himachal Pradesh Judicial Academy chaired the First Session.



Hon'ble Mr. Justice Rajiv Sharma, Judge, High Court of H.P. and Hon'ble President of the Academy (in the middle) and Professor (Dr.) Paramjit S. Jaswal, Vice Chancellor, Rajiv Gandhi National Law University, Patiala (on the left) and Mrs. Gous-ul-Nisa Jeelani, retired Principal District & Sessions Judge, J & K and presently posted as Vigilance Commissioner, J & K State Vigilance Commission (on the right) during the First Session.



Professor (Dr.) Paramjit S. Jaswal, Vice Chancellor, Rajiv Gandhi National Law University, Patiala, addressed the participants.

Professor (Dr.) Paramjit S. Jaswal, Vice Chancellor, Rajiv Gandhi, National Law University, Patiala addressed the participant Officers on the topic “The Salient Features of the Domestic Violence Act.

While addressing the Judicial Officers, he said that the Domestic Violence Act, 2005, mandates an obligation to fix the first date of hearing within three days from the date of receipt

of the application and the magistrate shall make an endeavour to dispose off every application within a period of 60 days. He added that the Domestic Violence Act is a welcome legislation to give justice to the aggrieved person at the earliest. He also said that if the Protection Officers do not perform the duties casted upon them, punitive action can be taken against them, which ensures the effective implementation of the Act. He also apprised the Judicial Officers of the positive features and the grey areas of the Act. He urged the judicial officers not only to read the Act thoroughly, but also the rules framed under the Act before passing any order. He thanked Hon'ble the Acting Chief Justice for affording him an opportunity to sensitize the Judicial Officers and added that with such conferences and sensitization of Judicial Officers, most of the problems relating to gender justice would be resolved.



Mrs. Gous-ul-Nisa Jeelani, retired Principal District & Sessions Judge, J & K and presently posted as Vigilance Commissioner, J & K State Vigilance Commission, addressing the participants.

Mrs. Gous-ul-Nisa Jeelani, Principal District & Sessions Judge (Retired), J & K and presently posted as Vigilance Commissioner J & K State Vigilance Commission addressed the participant-officer on "Prevention of Crime Against Women- Role of Judiciary".

She emphasized that it takes a sensitized head and heart to talk about issues relating to women. The development of a nation mainly depends upon the status of women. She suggested that duty lies upon the judges to read between the lines to check the violation of rights of the women. Since the power of writ jurisdiction vests with the Hon'ble Apex Court and different High Courts, by use of this power violation of fundamental rights of the women can be checked. She also suggested that judiciary can play a dynamic and pro-active role in the social and economic upliftment of women. Progressive judgments by Hon'ble Supreme Court and

different High Courts can be looked into for the upliftment and for giving equal status to the women.

Hon'ble Mr. Justice Rajiv Sharma, Judge, High Court of H.P. (Hon'ble President of H.P. Judicial Academy) answered the queries raised by the participant-officers and enlightened the participant officers with His Lordships' concluding remarks.

SECOND SESSION:

Hon'ble Mr. Justice V.K. Sharma, Judge, High Court of H.P. and Hon'ble Member of Board of Governors of Himachal Pradesh Judicial Academy, chaired the second session.



Hon'ble Mr. Justice V. K. Sharma, Judge, High Court of H.P. (second from right), Hon'ble Mr. Justice (Retd.) Bashir A. Kirmani, President, J & K State Consumer Disputes Redressal Commission (second from left), Mrs. Rita Goswami, Advocate, Vice-President, H.P. High Court Bar Association, Shimla (left) and Mr. J. N. Barowalia, District & Sessions Judge (Retired) (right) interacting with the participant Judicial Officers in the Second Session



Hon'ble Mr. Justice (Retd.) Bashir A. Kirmani, President, J & K State Consumer Disputes Redressal Commission, addressing the participants.

Hon'ble Mr. Justice Mansoor Ahmad Mir, Acting Chief Justice (as His Lordship then was), High Court of H.P. (Hon'ble Patron of the Academy) (in the middle), Hon'ble Mr. Justice Rajiv Sharma, Judge, High Court of H.P. (Hon'ble President of the Academy), Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge, High Court of H.P. and participant Judicial Officers during the Session.

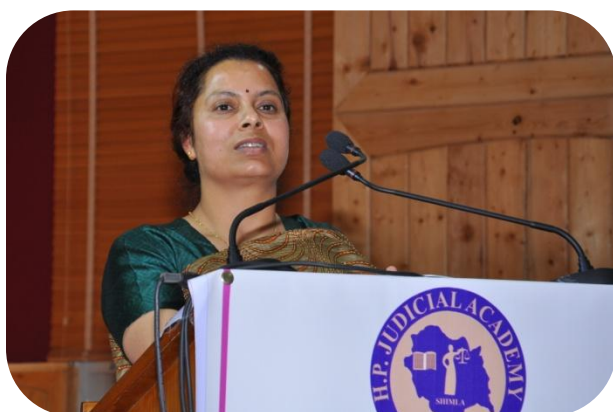


Hon'ble Mr. Justice Bashir A. Kirmani, President, J & K State Consumer Disputes Redressal Commission sensitized the Judicial officers about the role of Mediation in Family Law Adjudication. According to his Lordship, reconciliation and mediation are the proper medium for settlement in family disputes. His Lordship observed that despite various laws and statutory protection to women, gender discrimination is still prevalent. His Lordship stressed that the family is corner stone of the society. If family breaks down, society ceases to exist. Legislature must take into consideration, the idea or the central theme of life while enacting the law. His Lordship further stressed that Gender discrimination is not male versus female, but it is a social problem. Male and female are part of one family. One cannot indulge in regimentation, which would amount to dividing the entire society longitudinally. We may dispose of cases, we may solve the legal rigors, we may assess the evidence on one side or other side, but we cannot settle the problem unless there is an element of mediation and reconciliation. Family discords normally arise not so much out of the disputes or greed for property, but sometimes due to trivial matter like the tone and tenor of the speech, reluctance to reciprocate, hesitation of interaction in domestic environment etc. His Lordship observed that family has to be preserved at any cost, if we are interested in keeping orderly society.

Dr. J. N. Barowalia, Retired District & Sessions Judge, addressing the participants.



Dr. J.N. Barowalia, Retired District & Sessions Judge, shared his valuable views with the participant-officers on the topic “Matrimonial disputes vis-à-vis observance of Human Rights”. While addressing the participant officers, he said that the matrimonial disputes directly affect human rights of all stakeholders especially the women and children. He stressed upon the need to change the attitude towards women in our modern Indian Society.



Mrs. Rita Goswami, Advocate, addressing the participants.

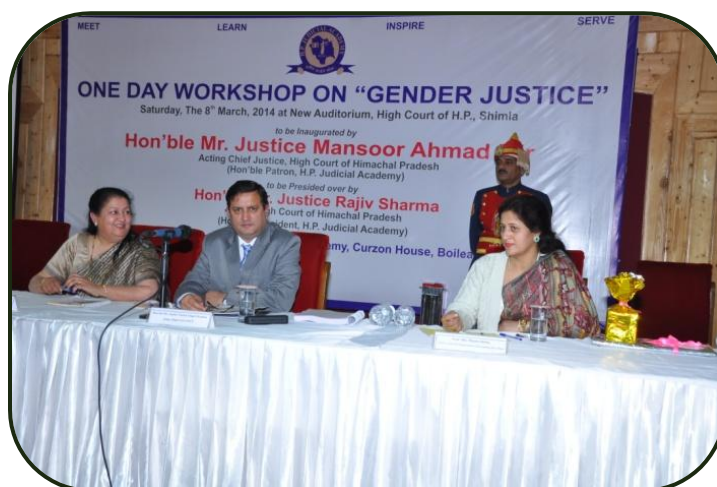
Mrs. Rita Goswami, Advocate, Vice President, H.P. High Court Bar Association, Shimla, addressed the gathering on “Bottlenecks in speedy disposal of matrimonial disputes and remedies thereof”. She emphasized that endeavour should be made to fill up all the vacant posts of Judicial Officers and the Judicial Officers must curb the tendency of granting frivolous adjournments.

Hon'ble Mr. Justice V. K. Sharma, Judge, High Court of H.P., answering the queries of the participants.



Hon'ble Mr. Justice V.K. Sharma, Judge, High Court of H.P. answered the queries raised by the participant-officers and enlightened the participant officer with His Lordships' concluding remarks. His Lordship thanked Hon'ble the Acting Chief Justice and Guest Speakers. His Lordship shared his experience as a lawyer and as a Judge and said that the family disputes are the most difficult disputes to be dealt with. The best solution is to bring the spouses together and if it seems impossible after using all the means within the power of the courts then the best option is to depart. His Lordship stated that he had seen people coming to the Court as young couples and going back as old people, wasting precious time of their life.

THIRD SESSION:



Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge, High Court of H.P., Professor Mrs. Trisha Sharma, Director, Law College, APG University, Shimla (left) and Professor Mrs. Mamta Mokta, Director, Centre for Women Studies and Development, H.P. University, Shimla (right) during the Third Session of Workshop.



Mrs. Mamta Mokta, Director, Centre for Women Studies and Development, H.P. University, Shimla, addressing the participants.

Mrs. Mamta Mokta, Director, Centre for Women Studies and Development, H.P. University, Shimla, addressed the gathering on PC & PNDT Act vis-à-vis Human Rights & Empowerment of Women.

Mrs. Trisha Sharma, Director, Law College, APG University, Shimla, addressing the participants.



Prof. Mrs. Trisha Sharma, Director, Law College, APG University, Shimla threw light on the role of judiciary in effective implementation of the PC & PNDT Act. She highlighted the latest developments and pronouncements about the implementation of PC & PNDT Act and Role of Judiciary in effective implementation of the Act. She emphasized on the sensitization of Judiciary on women issues as the judges are part of the same civilization. Man cannot live without woman, and woman cannot live without man. She further added that issue of female foeticide and female infanticide require urgent attention of society. She said that as far as female foeticide is concerned, it is very disturbing and worrying act. The reason of enactment

and passing of the PC&PNDT Act is to save the life which has not even opened her eyes. It is time that judges should think differently, and talk about the welfare of such child. She impressed upon the judges to ensure:-

- a. Faster disposal of cases;
- b. Less adjournments
- c. Certainty of law and certainty of sentence/ punishment

She concluded the address with the words “solution is not in creating more and more institutions, but the need is to focus on strengthening of old institutions”.



◀ Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge, High Court of H.P., addressing the Judicial Officers during the Third Session of Workshop.

Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge, High Court of H.P. answered the queries raised by the participant-officers. His Lordship stressed upon the fact that education is necessary for empowerment of women and only an empowered woman can achieve equality of status in society, which in turn will help to curb the dowry demands. The economic empowerment of women will also reduce dependence on sons as the bread-earners or the care-takers in the old age. His Lordship further said that what is required to be ensured is that legislative measures are employed to achieve empowerment of women, which in turn will reduce female foeticide.

FOURTH SESSION:

Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge, High Court of H.P. and Hon'ble Member of Board of Governors of Himachal Pradesh Judicial Academy, chaired the Fourth Session.



Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge, High Court of H.P. (in the middle), Hon'ble Mr. Justice (Retd.) Bashir A. Kirmani, President, J & K State Consumer Disputes Redressal Commission and Mrs. Satwant Atwal Trivedi, Inspector General of Police (Cyber Crime), Shimla during the Fourth Session of Workshop on "Gender Justice".

Mrs. Satwant Atwal Trivedi, Inspector General of Police (Cyber Crime), Shimla, addressing the Judicial Officers during the Fourth Session of Workshop on "Gender Justice".



Mrs. Satwant Atwal Trivedi, IPS, Inspector General of Police (Cyber Crime), Shimla apprised the gathering about Discrimination and Harassment of women at work place. She stressed the Judicial Officers that a woman feels unsafe at a workplace even after so many enactments. She also discussed the various provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. She elaborately discussed the guidelines issued by the Hon'ble Supreme Court of India in **Vishaka versus State of Rajasthan, AIR 1997 SC 3011**.

VALEDICTION:



Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge, High Court of H.P., delivering the valedictory address at the end of Fourth Session of Workshop on "Gender Justice".

Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge, High Court of Himachal Pradesh, enlightened the participant Officers with His Lordships' Valedictory Address. His Lordship, thanked all the guest Speakers, who enlightened the participant-officers in the workshop on "Gender Justice". His Lordship also said that despite constitutional safeguards, statutory provisions and plethora of pronouncements to support the cause of equality of women, change in social and institutional attitude is required. It is necessary to accelerate this process of change, by deliberate and planned efforts so that the social evil of gender inequality is buried deep in its grave. Laws written in the black and white are not enough to combat the evil. Awakening and collective consciousness is the need of the day.



GROUP PHOTOGRAPH

IMPORTANT EVENTS [JANUARY TO JUNE, 2014]

Course on “ADR MECHANISM, EFFECTIVE COURT, CASE MANAGEMENT AND PROCEDURAL ISSUES OF TRIAL IN CIVIL CASES”

Himachal Pradesh Judicial Academy has organized four batches of three days Course on **“ADR Mechanism, Effective Court & Case Management and Procedural Issues of Trial in Civil Cases”** for the Judicial Officers of State of Himachal Pradesh during the first half of year, 2014. 78 Judicial Officers of the ranks of Civil Judge (Senior and Junior Divisions) participated in the course.

All the four courses were inaugurated by His Lordship Hon’ble Mr. Justice Mansoor Ahmad Mir, Acting Chief Justice (as His Lordship then was), High Court of Himachal Pradesh (Hon’ble Patron of Himachal Pradesh Judicial Academy). In the inaugural address, His Lordship stressed that Section 89 and other provisions of the Code of Civil Procedure should be effectively used to provide speedy and economic justice to the litigant public.

His Lordship emphasized that efforts should be made to settle the disputes by adopting the techniques of Alternative Disputes Resolution Mechanism, such as, arbitration, conciliation, mediation, Lok Adalats and judicial settlement. His Lordship apprised the Judicial Officers of various provisions of the Code of Civil Procedure and how to effectively deal with the procedural issues of trial in civil cases. His Lordship further advised the Judicial Officers to act impartially and uphold the spirit of the Constitution of India, so that the faith of the people in the judicial system is strengthened. Subsequently, the Judicial Officers were also addressed by the Guest Faculty/Resource Persons of the Academy.

Hon’ble Mr. Justice Rajiv Sharma, Judge, High Court of Himachal Pradesh who is also Hon’ble President of the Academy, and Hon’ble Mr. Justice Sureshwar Thakur, Judge, High Court of Himachal Pradesh addressed the Judicial Officers during the valedictory sessions of these courses and enlightened the participants with their valuable valedictory addresses. Their Lordships also answered the queries raised by the participant judicial officers.

FIRST COURSE



Hon'ble Mr. Justice Mansoor Ahmad Mir, Acting Chief Justice (as His Lordship then was), High Court of H.P. (Hon'ble Patron of HP Judicial Academy) illuminating the lamp of knowledge in the Inaugural Session

Participants Judicial Officers rising for National Song in the Inaugural Session.





◀ Hon'ble Mr. Justice Mansoor Ahmad Mir, Acting Chief Justice (as His Lordship then was), High Court of Himachal Pradesh (Hon'ble Patron of the Academy) addressed the Judicial Officers in Inaugural Session.

Dr. J. N. Barowalia, District & Sessions Judge (Retired), addressed the participant Judicial Officers in the First Course. ▶



◀ Hon'ble Mr. Justice (Retd.) S. S. Thakur, Judge, High Court of Himachal Pradesh addressed the Judicial Officers in the Session.

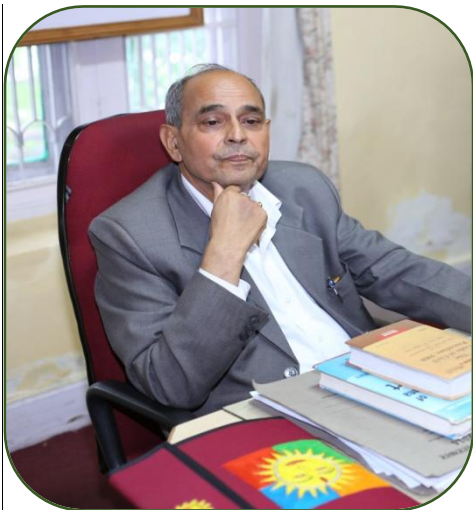


Sh. Virender Singh, Member Secretary, H.P. State Legal Services Authority, addressed the Judicial Officers in the Session.

Sh. J.L. Gupta, District & Sessions Judge (Retired), addressed the Judicial Officers in the Session.



Sh. L.R. Sharma, District & Sessions Judge (Retired), addressed the participant Judicial Officers in the First Course.



◀ Sh. B. L. Soni, District & Sessions Judge (Retired), addressed the Judicial Officers in the Session.

Mrs. Trisha Sharma, Director, Law College, APG University, Shimla, addressed the participants. ▶



◀ Sh. B.S. Chauhan, District & Sessions Judge (Retired), addressed the Judicial Officers in the Session.

Hon'ble Mr. Justice Rajiv Sharma, Judge, High Court of Himachal Pradesh (Hon'ble President of the Academy) addressed the Judicial Officers in the Valediction Session.



Hon'ble Mr. Justice Rajiv Sharma, Judge, High Court of Himachal Pradesh (Hon'ble President of the Academy) distributed the certificates of participation to the Judicial Officers.



GROUP PHOTOGRAPH

SECOND COURSE



Hon'ble Mr. Justice Mansoor Ahmad Mir, Acting Chief Justice (as His Lordship then was), High Court of H.P. (Hon'ble Patron of HP Judicial Academy) illuminating the lamp of knowledge in the Inaugural Session of Second Course.

Hon'ble Mr. Justice Mansoor Ahmad Mir, Acting Chief Justice (as His Lordship then was), High Court of Himachal Pradesh (Hon'ble Patron of the Academy) addressing the Judicial Officers in Inaugural Session in the Second Course.



Dr. J. N. Barowalia, District & Sessions Judge (Retired), addressed the participant Judicial Officers in the Second Course.

Hon'ble Mr. Justice (Retd.) S.S. Thakur, Judge, High Court of Himachal Pradesh addressing the Judicial Officers in the Session.



Sh. Virender Singh, Member Secretary, H.P. State Legal Services Authority, addressed the Judicial Officers in the Session of Second Course.

Sh. L.R. Sharma, District & Sessions Judge (Retired), addressed the participant Judicial Officers in the Second Course.



Sh. B. L. Soni, District & Sessions Judge (Retired), addressed the Judicial Officers in the Session of Second Course.



Mrs. Trisha Sharma, Director, Law College, APG University, Shimla, addressed the participants in the Second Course.

Hon'ble Mr. Justice Rajiv Sharma, Judge, High Court of Himachal Pradesh (Hon'ble President of the Academy) addressed the Judicial Officers in the Valediction Session in the Second Course.





GROUP PHOTOGRAPH

THIRD COURSE



Hon'ble Mr. Justice Mansoor Ahmad Mir, Acting Chief Justice (as His Lordship then was), High Court of H.P. (Hon'ble Patron of HP Judicial Academy) illuminating the lamp of knowledge in the Inaugural Session of Third Course.

Hon'ble Mr. Justice (Retd.) S.S. Thakur, Judge, High Court of Himachal Pradesh addressing the Judicial Officers in the Session of Third Course.



Sh. Virender Singh, Member Secretary, H.P. State Legal Services Authority, addressed the Judicial Officers in the Session of Third Course.

Mrs. Trisha Sharma, Director, Law College, APG University, Shimla, addressed the participants in the Third Course.



Hon'ble Mr. Justice Rajiv Sharma, Judge, High Court of Himachal Pradesh (Hon'ble President of the Academy) addressed the Judicial Officers in the Valediction Session in the Third Course.

FOURTH COURSE

Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge, High Court of Himachal Pradesh addressed the Judicial Officers in the Inaugural Session of Fourth Course.





Hon'ble Mr. Justice (Retd.) S.S. Thakur, Judge, High Court of Himachal Pradesh addressed the Judicial Officers in the Session of Fourth Course.

Sh. Rakesh Kainthla, Director, H.P. Judicial Academy, addressed the Judicial Officers in the Session of Fourth Course.



Sh. A.C. Dogra, District & Sessions Judge, addressed the Judicial Officers in the Session of Fourth Course.



Sh. George, District & Sessions Judge (Retired), addressed the Judicial Officers in the Session of Fourth Course.

Hon'ble Mr. Justice Sureshwar Thakur, Judge, High Court of Himachal Pradesh addressed the Judicial Officers in the Valediction Session in the Fourth Course.





GROUP PHOTOGRAPHS

Refresher Course on “**CIS Application Software**”

Himachal Pradesh Judicial Academy has organized three events of Refresher Course on “**CIS Application**” for the Master Trainers on Case Information System (CIS) Software under the able guidance and support of Hon’ble High Court of Himachal Pradesh on the recommendation of the e-Committee, Hon’ble Supreme Court of India. These events were organized by the Academy during the first half of year, 2014. 63 officials working with the Subordinate Courts were trained on case information system.

The events were inaugurated by the Director Judicial Academy who threw light on the importance of the role of master trainers. He highlighted the importance of computerization in the Justice Delivery system. Usefulness of real time data feeding in CIS Application was deliberated in detail. The Director Judicial Academy apprised the official that the Data entered in CIS reflects simultaneously on the website (<http://www.ecourts.gov.in>) from where the litigants would be able to know the status and orders of their cases, on the click of the mouse. He urged the Master Trainers to ensure the proper implementation of the CIS Application in their respective courts.

Orientation Training Programme on “**UBUNTU-LINUX-12.04.1 LTS/ Libre Office / Internet**”

During the first half of year, Himachal Pradesh Judicial Academy has organized 18 events of three days Orientation Training Programme on “**Ubuntu-Linux 12.04.1 LTS / LibreOffice / Internet**” for the ministerial staff of the Subordinate Judiciary of Himachal Pradesh. 267 participants which included Superintendent, G-I & G-II, Steno-Typists, Judgment Writers, Nazirs, Copyists, Clerk-cum-Typists, Translators and Execution Clerks attended the programme. In addition to this, two events of three days Orientation Training Programme on “**Ubuntu-Linux 12.04.1 LTS / LibreOffice / Internet**” were also organized for the ministerial staff working in the office of Ld. Advocate General, Himachal Pradesh. 20 participants benefited in

these Orientation Training Programmes. The courses were inaugurated by the Director of Judicial Academy who, enlightened the participants about the benefits of Ubuntu-Linux based system and importance of computers in reduction of work and consumption of time. The participants were encouraged to raise their queries regarding Ubuntu-Linux based system during the course.

The participants were introduced to Ubuntu-Linux 12.04.01 LTS and associated applications. They were encouraged to learn the installation and maintenance of Ubuntu-Linux System so as to reduce their dependency on others. The participants were introduced to the trends of paper-less Information System i.e. e-Dispatch and the e-Governance concepts.

The Course was designed in such a manner so as to enhance the skill and knowledge of the participant officials on Ubuntu-Linux computing environment and, they were acquainted to various techniques and application of Ubuntu-Linux system.

Induction Training Programme for newly appointed Law Clerks:

The Academy is engaged in editing and preparing I.L.R. (HP Series) and Law Clerks working with the Hon'ble High Court of Himachal Pradesh have been appointed as Reporters vide Notification No. HHC/Admn.1(27)/74-X-5247-59 Dated 1.3.2013. Himachal Pradesh Judicial Academy organized two five-days Induction Training Programmes for newly appointed Law Clerks on the direction of Hon'ble High Court of Himachal Pradesh which were attended by nine Law Clerks. The newly appointed Law Clerks were addressed on the various important aspects like Ethics: Approach, conduct & behavior of Law Clerk, etiquette and Court Discipline, Broad eye view of Criminal & Civil Courts etc. by the Registrar (Judicial), the Registrar (Admin.), High Court of H.P., the Director of the Academy and the Deputy Director of Academy.

In the Valedictory Session, the Director of the Academy distributed the certificates of participation to the Law Clerks.



Sh. Rakesh Kainthla, Director of the Academy distributed certificates of participation to the Law Clerks.



FIRST BATCH OF LEGAL RESEARCHER-CUM-LAW CLERKS UNDER WENT INDUCTION TRAINING IN THE JUDICIAL ACADEMY

EVENTS HELD FROM JAN TO JUNE, 2014

Month	Events	No. of Events	Participants
January,2014	Three days Refresher Course on “Service and Execution of Processes” for Nazirs, Bailiffs and Process Servers of Subordinate Courts.	1	25
	Three days Orientation Training Programme on “UBUNTU-LINUX-12.04.1 LTS/ Libre Office / Internet” for Ministerial Staff of Advocate General Office.	1	10
	Induction Training for Civil Judges (Junior Division) <i>continued....</i>	1	2
	Three days Orientation Training Programme on “UBUNTU-LINUX-12.04.1 LTS/ Libre Office / Internet” for Ministerial Staff of Subordinate Courts of H.P.	2	29
Februry,2014	Three days Orientation Training Programme on “UBUNTU-LINUX-12.04.1 LTS/ Libre Office / Internet” for Ministerial Staff of Subordinate Courts of H.P.	3	45
	Three days Refresher Course on “Service and Execution of Processes” for Nazirs, Bailiffs and Process Servers of Subordinate Courts.	1	25
	Three days Orientation Training Programme on “UBUNTU-LINUX-12.04.1 LTS/ Libre Office / Internet” for Ministerial Staff of Advocate General Office.	1	10
	Two days Training Programme on “Quasi Judicial & Revenue Matters” for S.D.O.(C), Tehsildars & Naib Tehsildars of Shimla Collectorate (H.P.).	1	5
	Three days Orientation Training Programme on “Office Procedure and Financial Rules, 2009” for Ministerial Staff of Subordinate Courts of H.P.	1	22
March,2014	One day Conference on “Gender Justice” for all the Judicial Officers of Himachal Pradesh.	1	117
	Three days Orientation Training Programme on “UBUNTU-LINUX-12.04.1 LTS/ Libre Office / Internet” for Ministerial Staff of Subordinate Courts of H.P.	3	45
	Three days Orientation Training Programme on “Office Procedure and Financial Rules” for Ministerial Staff of Subordinate Courts of H.P.	1	25
	Three days Refresher Course on “Service and Execution of Processes” for Nazirs, Bailiffs and Process Servers of Subordinate Courts.	1	25

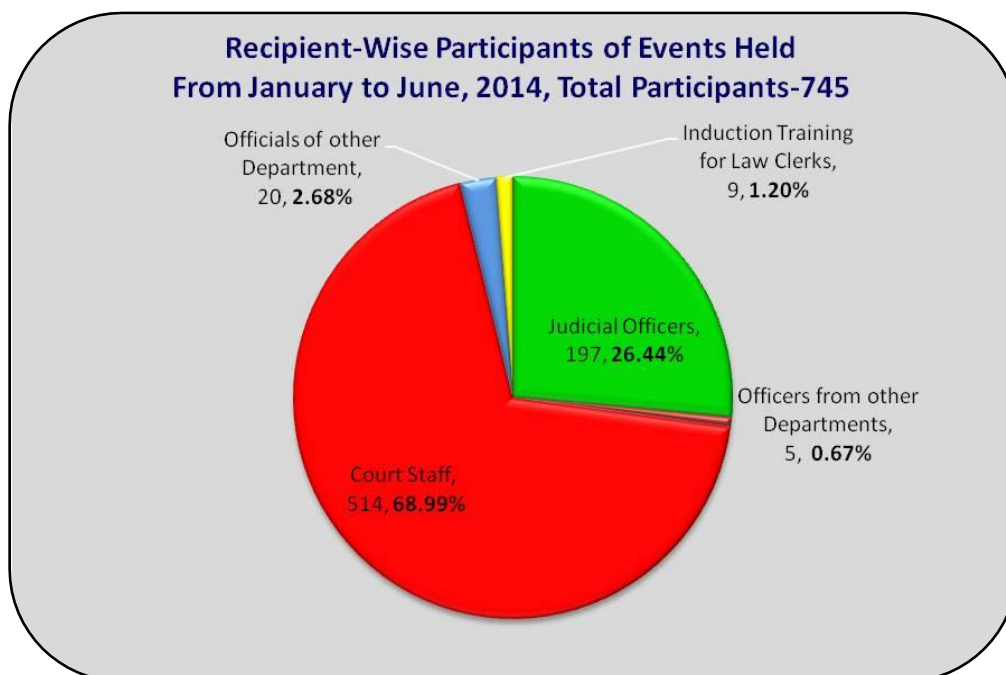
April, 2014	Three days Course on “ADR Mechanism, Effective Court & Case Management and Procedural Issues of Trial in Civil Cases” for Judicial Officers(Senior and Junior Divisions) of Subordinate Judiciary of H.P.	1	21
	Two Days Refresher Course on “CIS Application Software” for Ministerial Staff of Subordinate Judiciary of H.P.	1	19
	Three days Refresher Course on “Service and Execution of Processes” for Nazirs, Bailiffs and Process Servers of Subordinate Courts.	1	19
	Three days Orientation Training Programme on “UBUNTU-LINUX-12.04.1 LTS/ Libre Office / Internet” for Ministerial Staff of Subordinate Courts of H.P.	3	45
May, 2014	Three days Course on “ADR Mechanism, Effective Court & Case Management and Procedural Issues of Trial in Civil Cases” for Judicial Officers(Senior and Junior Divisions) of Subordinate Judiciary of H.P.	1	18
	Two Days Refresher Course on “CIS Application Software” for Ministerial Staff of Subordinate Judiciary of H.P.	2	44
	Three days Orientation Training Programme on “UBUNTU-LINUX-12.04.1 LTS/ Libre Office / Internet” for Ministerial Staff of Subordinate Courts of H.P.	3	43
	Three days Orientation Training Programme on “Office Procedure and Financial Rules” for Ministerial Staff of Subordinate Courts of H.P.	1	19
June, 2014	Three days Refresher Course on “Service and Execution of Processes” for Nazirs, Bailiffs and Process Servers of Subordinate Courts.	1	24
	Three days Course on “ADR Mechanism, Effective Court & Case Management and Procedural Issues of Trial in Civil Cases” for Judicial Officers(Senior and Junior Divisions) of Subordinate Judiciary of H.P.	1	23
	Three days Orientation Training Programme on “UBUNTU-LINUX-12.04.1 LTS/ Libre Office / Internet” for Ministerial Staff of Subordinate Courts of H.P.	4	60
	Induction Training Programme for newly appointed Law Clerks	2	9
	Three days Course on “ADR Mechanism, Effective Court & Case Management and Procedural Issues of Trial in Civil Cases” for Judicial Officers(Senior and Junior Divisions) of Subordinate Judiciary of H.P.	1	16
		40	745

MONTHWISE EVENTS: At a Glance

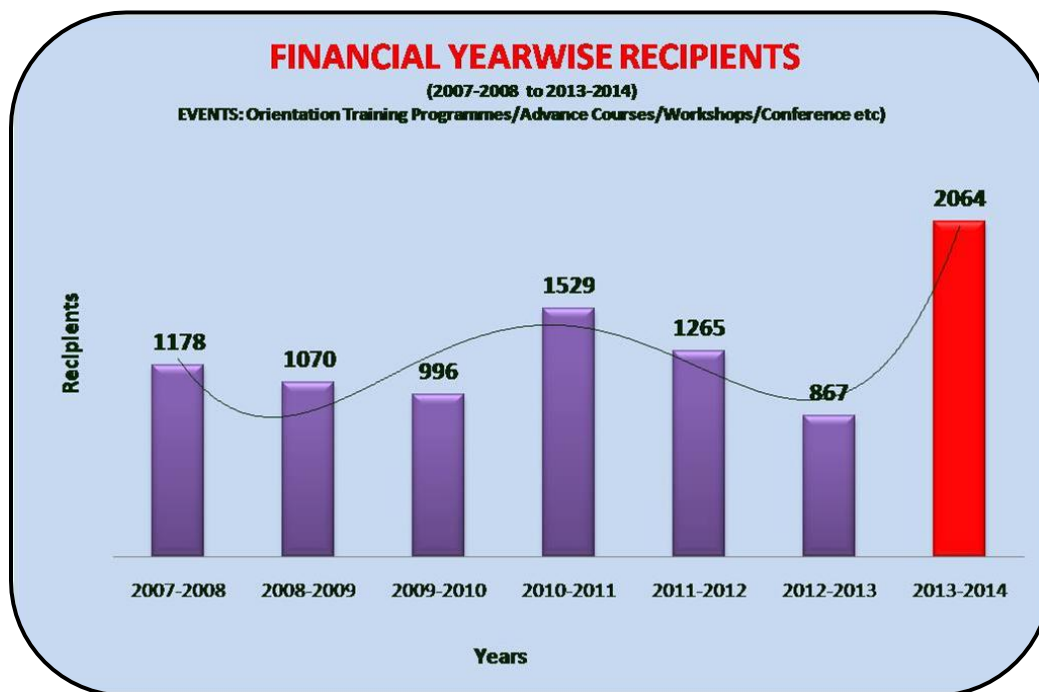
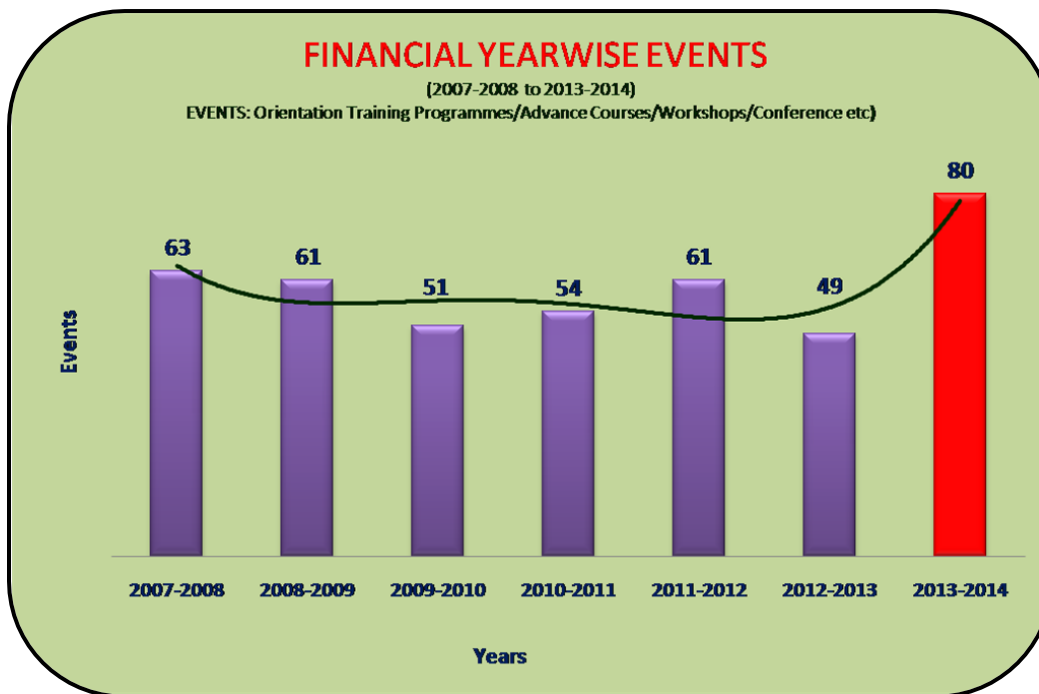
Month	No. of Events	Recipients
January	5	66
February	7	107
March	7	233
April	6	101
May	8	153
June	7	85
Total	40	745

RECIPIENTWISE SUMMARY

Recipients	No. of Events	Participants
Judicial Officers	6	197
Officers from other Departments	1	5
Court Staff	29	514
Ministerial Staff of other Department	2	20
Induction Training for Law Clerks	2	9
Total	40	745



FINANCIAL YEARWISE- EVENTS & RECIPIENTS



TRAINING ATTENDED OUTSIDE H.P. JUDICIAL ACADEMY

The Judicial Officers have also been 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 July to December 2014, the Academy has nominated the Judicial Officers as under:

S.No	Name of the Academy where training attended	No. of trainings for which the Officers nominated	No. of Officers attended the trainings
1	National Judicial Academy, Bhopal.	19	36
2	LNJN (NICFS), New Delhi.	14	14
3	Other Judicial Academies / Institutions	1	1
	Total	34	51

ACADEMY'S NEWS:

- Hon'ble Mr. Justice Tarlok Singh Chauhan took oath as Additional Judge of Hon'ble High Court of Himachal Pradesh on 23rd February, 2014.
- Hon'ble Mr. Justice Pyar Singh Rana and Hon'ble Mr. Justice Sureshwar Thakur took oath as Additional Judges of Hon'ble High Court of Himachal Pradesh on 5th May, 2014.
- The site plans/maps for the construction of 1st and 2nd phase of Himachal Pradesh Judicial Academy have been approved by the Town and Country Planning Department. The construction work of the Judicial Academy campus at Ghandal, Shimla (Rural), is likely to commence soon.
- Sh. C. B. Barowalia, Director, H.P. Judicial Academy was transferred and posted as Worthy Registrar General, Hon'ble High Court of Himachal Pradesh and relinquished the charge of Director, H.P. Judicial Academy on 19th May, 2014.
- Sh. Rakesh Kainthla, President, District Consumer Forum, Dharamshala, on his transfer and posting as the Director of H.P. Judicial Academy, Shimla assumed charge on 19th May, 2014.
- Sh. Yashwant Singh Chogal, Joint Director, H.P. Judicial Academy on his transfer, is posted as Registrar(Judicial), Hon'ble High Court of Himachal Pradesh.
- Hon'ble Mr. Justice Mansoor Ahmad Mir, Acting Chief Justice, High Court of H.P. took oath as Chief Justice of High Court of Himachal Pradesh on 18th June, 2014 at 5:00 PM.

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Hon'ble Mr. Justice Mansoor Ahmad Mir, Acting Chief Justice, High Court of H.P., while taking oath as the Chief Justice of High Court of H.P.



Hon'ble Mr. Justice Mansoor Ahmad Mir, Acting Chief Justice (as His Lordship then was), High Court of H.P. while administering oath to Hon'ble Mr. Justice Tarlok Singh Chauhan, as Additional Judge of High Court of H.P.



Hon'ble Mr. Justice Mansoor Ahmad Mir, Acting Chief Justice (as His Lordship then was), High Court of H.P, while administering oath of Hon'ble Mr. Justice P. S. Rana and Hon'ble Mr. Justice Sureshwar Thakur as Additional Judges of High Court of H.P.

REDEFINED ACTIVITIES OF H.P. JUDICIAL ACADEMY

The State Government vide Notification No. Home-B (E)3-17/2003 dated 1st July, 2013, in consultation with the Hon'ble High Court of Himachal Pradesh, has been pleased to add the following more functions in addition to the functions already notified vide Notification No. Home (E)3-17/2003-II dated 24th November, 2005:

1. Research

To associate the Judicial Officers in the research work in order to provide evidence about the judicial process and development. The training programme/ refresher programme should be followed by "impact assessment" by taking the feedback from the judicial officers. Thereafter, the OSD-Legal Research and Rules, High Court of H.P. will process the same and prepare the research paper, for being placed before the H.P. Judicial Academy Committee and Board of Visitors for overall working of Judicial Officers Training Institute, National Law School and all matters relating thereto. The Law Students of Final Year from the Law Colleges should also be associated in research work. H.P. Judicial Academy to devise modules in this regard.

2. Teaching

To make aware the Practitioners in other fields as well as the next generations about the laws and the Judicial system. The Judicial Academy to evolve a module for the innovative teaching about the laws and the judicial system in association with State Legal Authority.

3. Policy Input

To assist the development of judicial policies through research and provide a high level forum for policy discussion between the Judges, Academicians and the policy makers with a view to provide ultimate benefits to the society as a whole and to prepare a draft paper in this regard.

4. Professional Development

To start professional development courses of short duration, for practicing lawyers. Some of these courses are to be designed to fulfill the need on educating practitioners about the judiciary prior to applying for judicial posts. The other short duration professional development courses should

provide Legal Practitioners with new skills and understanding of judicial functions. To devise modules in this regard, by taking up the matter with the Bar Council of H.P.

5. Public Debate

To hold programmes of public discussion about the key role of the judiciary in law and society by holding seminars in collaboration with the H.P. Legal Services Authority and Para Legal Volunteers working with the District Legal Service Authorities in the State by devising modules.

FACULTY

The following Faculty Members addressed the participants in the trainings/workshops organized by the judicial academy during the first half of year, 2014:

1. Professor (Dr.) Paramjit S. Jaswal, Vice Chancellor, Rajiv Gandhi, National Law University, Patiala
2. Hon'ble Mr. Justice (Retd.) S.S. Thakur, Judge, High Court of H.P.
3. Hon'ble Mr. Justice (Retd.) Bashir A. Kirmani, President, J & K State Consumer Disputes Redressal Commission
4. Mrs. Gous-ul-Nisa Jeelani, retired Principal District & Sessions Judge, J&K and presently posted as Vigilance Commissioner, J&K State Vigilance Commission
5. Sh. A. C. Dogra, District & Sessions Judge, Shimla.
6. Sh. C.B. Barowalia, Registrar General, Hon'ble High Court of H.P.
7. Sh. Sushil Kukreja, Registrar (Rules), High Court of H.P.
8. Sh. Arvind Malhotra, Registrar (Vigilance), High Court of H.P.
9. Sh. Virender Singh, Member Secretary, H.P. State Legal Services Authority, Shimla
10. Sh. Rakesh Kainthla, Director, H.P. Judicial Academy, Shimla
11. Sh. J.K. Sharma, President, District Consumer Disputes Redressal Forum, Shimla
12. Sh. Yashwant Singh, Registrar (Judicial), High Court of H.P.
13. Dr. Baldev Singh, Registrar (Administration), High Court of H.P.
14. Mrs. Trisha Sharma, Director, Law College, APG University, Shimla
15. Dr. J.N. Barowalia, Retired District & Sessions Judge⁹
16. Sh. George, District & Sessions Judge (Retd.).
17. Sh. B.S. Chauhan, District & Sessions Judge (Retd.)

18. Sh. J. L. Gupta, District & Sessions Judge (Retd.)
19. Sh. L.R. Sharma, District & Sessions Judge (Retd.)
20. Sh. B.L. Soni, District & Sessions Judge (Retd.)
21. Mrs. Satwant Atwal Trivedi, IPS, Inspector General of Police (Cyber Crime), Shimla
22. Sh. Madan Kumar, Additional Secretary(Law) to the Govt. of Himachal Pradesh
23. Mrs. Anuja Sood, Deputy Director, H.P. Judicial Academy, Shimla
24. Sh. Naresh Kumar, Administrative Officer, H.P. State Legal Services Authority, Shimla
25. Mrs. Rita Goswami, Advocate, Vice President, H.P. High Court Bar Association, Shimla
26. Mrs. Mamta Mokta, Director, Centre for Women Studies and Development, H.P. University, Shimla
27. Prof. (Retd) Usha Pathania, Pathania Dental Clinic, Shimla.
28. Sh. Pawan Kumar, System Analyst, H.P. Judicial Academy, Shimla.
29. Sh. Rajinder Gupta, Sr. Audit Officer (Retd.), A.G. H.P.
30. Sh. A.R. Sharma, Deputy Controller (F&A) (Retd.)
31. Sh. Rati Ram Sharma, Superintendent (Home-B), H.P. Secretariat, Shimla

PROPOSED KEY TRAININGS:

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

- One day Workshop on **“Law Relating to Motor Accident Claims”** for the District Judges and Additional District Judges
- Three-day Courses on **“ADR Mechanism, Effective Court & Case Management and Procedural Issues of Trial in Civil Cases”** for the Judicial Officers
- One day Conference on **“Cyber Laws & Juvenile Justice”** for all the Judicial Officers
- One day Conference on **“Sentencing and Victimology”** for all the Judicial Officers
- Three-day Courses 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)
- One day Conference on **“NDPS Act & Related Issues”** for all the Judicial Officers

- One day Workshop on **“Adjudication of Offences under the Prevention of Corruption Act, 1988”** for the Sessions Judges and Additional Sessions Judges
- One day Conference on **“Environmental & Health Issues”** for all the Judicial Officers
- One day Workshop on **“Negotiable Instruments Act, 1881”** for the District Judges and Additional District Judges
- Three-day Refresher Courses on **“Service and Execution of Processes”** for Nazirs, Bailiffs and Process Servers of Subordinate Courts
- Orientation Training Programmes on **“Office Procedure and Financial Rules”** for ministerial staff of the subordinate courts
- Orientation Training Programmes on **Ubuntu-linux-12.04.1 LTS/ Libre Office**, for the ministerial staff of the State Judiciary
- Orientation/ Refresher Courses for Officers of State Government Departments who are discharging judicial and quasi-judicial functions, as requested by the Departments from time to time.

CONSTRUCTION OF JUDICIAL ACADEMY CAMPUS AT GHANDAL

The site plans/maps for the construction of Himachal Pradesh Judicial Academy have been approved by the Town and Country Planning Department. As per the approved maps the construction of Judicial Academy campus has to be carried out in three phases in the following manner:-

PHASE-I.

- (1) Administrative Block.
- (2) Hostel Block.
- (3) Staff Hostel.
- (4) Staff Qtrs. (Type-I, Type-II and Type-III).
- (5) Road & Boundary Wall.
- (6) Helipad.

PHASE-II.

- (1) Officer's Residence (Type-V & Type-VI).
- (2) Auditorium.

PHASE-III.

(1) International Mediation Centre.

H.P. Public Works Department has submitted revised estimates to the tune of Rs.165.38 crores for the constructions of Judicial Academy campus at Ghandal, i.e. for Phase-I, Phase-II and Helipad. The State Government vide letter dated 18.03.2014 has conveyed the Administrative Approval to the tune of Rs.165.38 crore subject to the condition that Rs. 130 Crore will be made available from the funds of 14th Finance Commission.

UPCOMING EVENTS JULY TO DECEMBER, 2014*

Month	Events	No. of Events
July,2014	One day Conference on “Cyber Law and Juvenile Justice Act” for all the Judicial Officers of State of H.P.	1
	Three days Refresher Course on “Service and Execution of Processes” for Nazirs, Bailiffs and Process Servers of Subordinate Courts.	1
	Three days Course on “ADR Mechanism, Effective Court & Case Management and Procedural Issues of Trial in Civil Cases” for Judicial Officers(Senior and Junior Divisions) of Subordinate Judiciary of H.P.	1
	Refresher Training Programme in “Ubuntu-Linux Operating System and LibreOffice Writer” for the Judicial Officers of Subordinate Judiciary of H.P.	1
	Three days Orientation Training Programme on “UBUNTU-LINUX-12.04.1 LTS/ Libre Office / Internet” for Ministerial Staff of Subordinate Judiciary of H.P.	3
	Three days Training Programme on “Quasi Judicial and Revenue Matters” for the SDO (C), Tehsildars and Naib-Tehsildars of Collectorate of Shimla (H.P.).	1
August,2014	Three days Orientation Training Programme on “UBUNTU-LINUX-12.04.1 LTS/ Libre Office / Internet” for Ministerial Staff of Subordinate Courts of H.P.	3
	Three days Course on “ADR Mechanism, Effective Court & Case Management and Procedural Issues of Trial in Civil Cases” for District & Additional District Judges of Subordinate Judiciary of H.P.	1
	Refresher Training Programme in “Ubuntu-Linux Operating System and LibreOffice Writer” for the Judicial Officers of Subordinate Judiciary of H.P.	1

	One day Workshop on “Law relating to Motor Accident Claims” for District & Sessions Judges/Additional District & Sessions Judges of Himachal Pradesh.	1
September, 2014	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 the State of H.P.	1
	Refresher Training Programme in “Ubuntu-Linux Operating System and LibreOffice Writer” for the Judicial Officers of Subordinate Judiciary of H.P.	2
	Three days Orientation Training Programme on “UBUNTU-LINUX-12.04.1 LTS/ Libre Office / Internet” for Ministerial Staff of Subordinate Courts of H.P.	4
	Three days Refresher Course on “Service and Execution of Processes” for Nazirs, Bailiffs and Process Servers of Subordinate Courts.	2
October, 2014	Three days Refresher Course on “Service and Execution of Processes” for Nazirs, Bailiffs and Process Servers of Subordinate Courts.	2
	Three days Orientation Training Programme on “UBUNTU-LINUX-12.04.1 LTS/ Libre Office / Internet” for Ministerial Staff of Subordinate Courts of H.P.	4
	One day Workshop on “Adjudication of Offences under the Prevention of Corruption Act, 1988” for District & Sessions Judges and Additional District & Sessions Judges.	1
November, 2014	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 the State of H.P.	1
	One day Conference on “Environmental & Health Issues” for all the Judicial Officers of the State of H.P.	1
	Refresher Training Programme in “Ubuntu-Linux Operating System and LibreOffice Writer” for the Judicial Officers of Subordinate Judiciary of H.P.	1
	Three days Orientation Training Programme on “UBUNTU-LINUX-12.04.1 LTS/ Libre Office / Internet” for Ministerial Staff of Subordinate Courts of H.P.	4

	Three days Refresher Course on “Service and Execution of Processes” for Nazirs, Bailiffs and Process Servers of Subordinate Courts.	2
December, 2014	Three days Orientation Training Programme on “UBUNTU-LINUX-12.04.1 LTS/ Libre Office / Internet” for Ministerial Staff of Subordinate Courts of H.P.	5
	Three days Refresher Course on “Service and Execution of Processes” for Nazirs, Bailiffs and Process Servers of Subordinate Courts.	2
	One day Workshop on “Negotiable Instruments Act, 1881” for District & Sessions Judges and Additional District & Sessions Judges.	1
	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 the State of H.P.	2
		49

*

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 However, as per approved calendar above, the Academy shall remain busy for 213 days during this calendar year.

IMPORTANT JUDGMENTS OF HON'BLE SUPREME COURT OF INDIA

Hon'ble Supreme Court of India in **Deepak Bhandari Vs. Himachal Pradesh State Industrial Development Corporation Ltd. Civil Appeal No. 1019/14** decided on 29.01.2014 held that the period of limitation for the recovery by the Financial Corporation shall start after adjusting the proceeds from the sale of the assets of the industrial concern. It was further held that the mortgage of the industrial concern will come to an end but the indemnity furnished by the Director/Company will continue and Article 55 of Limitation Act, 1963 would be applicable in such a case.

Hon'ble Supreme Court of India in **State of Maharashtra Vs. Vijay Kumar Aggarwal & Anr. Civil Appeal No.1020-1021 of 2014 decided on 29.1.2014** held that the employer will not be entitled to conduct departmental inquiry against the employee after his retirement. It was held that the relationship between the employer and employee would come to an end after the retirement and thus the employer will not be justified in taking action against the employee.

Hon'ble Supreme Court of India in **Vishal Agarwal & Anr. Vs. Chhattisgarh State Electricity Board & Anr. Criminal Appeal No. 275 of 2014** decided on 29.1.2014 held that the police would be competent to register the FIR for the theft of the electricity and Section 151 of the Electricity Act will not constitute a

bar to the registration of FIR. It was further held that the Court would be competent to take cognizance on the basis of the police report.

Hon'ble Supreme Court of India in **Pawan Kumar & Anr. vs. M/s Harkrishan Dass Mohan Lal & Ors. Civil Appeal No. 5906 of 2008 decided on 29.1.2014** held that in case of contributory negligence involving two vehicles, the negligence of the claimant has to be determined and the compensation has to be reduced to that extent. However, in case of composite negligence when the claimant is not negligent, he is entitled to sue both the tortfeasors or either of them and it is not necessary to apportion the liability between the tortfeasors in such a situation.

Hon'ble Supreme Court of India in **Sanjay Verma Vs. Haryana Roadways Civil Appeal No.5256 of 2008 decided on 29.1.2014** held that, an addition of the income has to be made in case of a person who is on a fixed salary without provision for annual increment or who is a self-employed person to assess the loss of future income and the compensation has to be determined on the basis of enhanced income.

In **Indian Bank Association & Ors. vs. Union of India & Ors. Writ Petition (Civil) No. 18 of 2013 decided on 21.4.2014** Hon'ble Supreme Court of India issued following directions in cases filed under Negotiable Instruments Act:-

- (1) Metropolitan Magistrate/Judicial Magistrate (MM/JM), on the day when the complaint under Section 138 of the Act is presented, shall scrutinize the complaint and, if the complaint is accompanied by the affidavit, and the affidavit and the documents, if any, are found to be in order, take cognizance and direct issuance of summons.
- (2) MM/JM should adopt a pragmatic and realistic approach while issuing summons. Summons must be properly addressed and sent by post as well as by e-mail address got from the complainant. Court, in appropriate cases, may take the assistance of the police or the nearby Court to serve notice to the accused. For notice of appearance, a short date be fixed. If the summons is received back un-served, immediate follow up action be taken.
- (3) Court may indicate in the summon that if the accused makes an application for compounding of offences at the first hearing of the case and, if such an application is made, Court may pass appropriate orders at the earliest.
- (4) Court should direct the accused, when he appears to furnish a bail bond, to ensure his appearance during trial and ask him to take notice under Section 251 Cr.P.C to enable him to enter his plea of defence and fix the case for defence evidence, unless an application is made by the accused under Section 145(2) for re-calling a witness for cross-examination.
- (5) The Court concerned must ensure that examination-in-chief, cross-examination and re-examination of the complainant must be conducted within three months of assigning examining them in Court. Witnesses to the complaint and accused must be available for cross-examination as and when there is direction to this effect by the Court.

Hon'ble Supreme Court of India in **Ashish Kumar Mazumdar Vs. Aishi Ram Batra Charitable Hospital Trust & Ors Civil Appeal Nos. 4011-4012 of 2010 decided on 22.4.2014** held that the principle of res ipsa loquitur can be applied in a situation where the happening of the accident is more consistent with the negligence of the defendant than with the other causes.

Hon'ble Supreme Court of India in **Kalpanaraj & Ors. Vs. Tamil Nadu State Transport Corporation Civil Appeal No. 3461 of 2003 decided on 22.4.2014** held that the Courts are required to take into

consideration a gross income of the deceased and not the net income shown by him in the income tax return, while assessing the compensation under Motor Vehicle Act.

Hon'ble Supreme Court of India in **Puran Chand Vs. State of H.P. Criminal Appeal No. 1708 of 2010 decided on 23.4.2014** held that in a rape case testimony of the prosecutorix cannot be doubted due to the medical evidence. Section 114-A casts a duty upon the Courts to raise a presumption of absence of consent in a case of rape which cannot be doubted by referring to medical evidence.

Hon'ble Supreme Court of India in **M/s Bharat Coking Coal Ltd. & Ors. Vs. Chhota Birsa Uranw Civil Appeal No. 4890 of 2014 decided on 25.4.2014** held that Government employee is not entitled to dispute his date of birth at the fag of the service and a representation regarding the correction in the date of birth of the employee should be made immediately after joining the service.

Hon'ble Supreme Court of India in **Tarsem Lal & Ors. Vs. Ram Sarup & Ors. Civil Appeal No. 4919 of 2014 decided on 28.4.2014** held that landlord is not entitled to curtail or terminate the supply of water to the tenant, which he was getting immediately before the commencement of the H.P. Tenancy and Land Reforms Act. His right to enjoy the water will not come to an end by the conferment of the ownership upon him.

In **State of Karnatka By Nonavinakare Police Vs. Shivanna @ Tarkari Shivanna Special Leave Petition (Criminal) No.5073 of 2011 decided on 25.4.2014** Hon;ble Supreme Court of India issued the following direction regarding the procedure to be adopted in the rape case:-

9. On considering the same, we have accepted the suggestion offered by the learned counsel who are pleased to issue interim directions in the form of mandamus to all the police station incharge in the entire country to follow the direction of this Court which are as follows:

(i) Upon receipt of information relating to the commission of offence of rape, the Investigating Officer shall make immediate steps to take the victim to any Metropolitan/preferably Judicial Magistrate for the purpose of recording her statement under Section 164 Cr.P.C. A copy of the statement under Section 164 Cr.P.C should be handed over to the Investigating Officer immediately with a specific direction that the contents of such statement under Section 164 Cr.P.C should not be disclosed to any person till charge sheet/report under Section 173 Cr.P.C is filed.

(ii) The Investigating Officer shall as far as possible take the victim to the nearest Lady Metropolitan/preferably Lady Judicial Magistrate.

(iii) The Investigating Officer shall record specifically the date and the time at which he learnt about the commission of the offence of rape and the date and time at which he took the victim to the Metropolitan/preferably Lady Judicial Magistrate as aforesaid.

(iv) If there is any delay exceeding 24 hours in taking the victim to the Magistrate, the Investigating Officer should record the reasons for the same in the case diary and hand over a copy of the same to the Magistrate.

(v) Medical Examination of victim: Section 164-A Cr.P.C inserted by Act 25 of 2005 in Cr.P.C imposes an obligation on the part of Investigating Officer to get the victim of the

rape immediately medically examined. A copy of the report of such medical examination should be immediately handed over to the Magistrate who records the statement of the victim under Section 164 Cr.P.C.

10. A copy of this order thus be circulated to all the Director Generals of Police of all the States/Commissioner of Police in Metropolitan cities/Commissioner of Police of Union Territories who are then directed to send a copy of this order to all the police stations in charge in their States/Union Territories for its compliance in cases which are registered on or after the receipt of a copy of these directions. Necessary instructions by the DGPs/Commissioners of Police be also issued to all the police station incharge by the DGPs/Commissioner of Police incorporating the directions issued by us and recorded herein before.

LEGAL QUOTES

- ▶ There is an orderliness in the universe, there is an unalterable law governing everything and every being that exists or lives. It is no blind law; for no blind law can govern the conduct of living beings.

Mahatma Gandhi

- ▶ “In matters of conscience, the law of the majority has no place.”

Mahatma Gandhi

- ▶ “An unjust law is itself a species of violence. Arrest for its breach is more so. Now the law of nonviolence says that violence should be resisted not by counter-violence but by nonviolence. This I do by breaking the law and by peacefully submitting to arrest and imprisonment.”

Mahatma Gandhi

LAUGHTER IS THE BEST MEDICINE- Legal Jokes

- ▶ **A university committee was selecting a new dean.** They had narrowed the candidates down to **a mathematician, an economist and a lawyer.**

Each was asked this question during their interview: **“How much is two plus two?”**

The mathematician answered immediately, **“Four.”**

The economist thought for several minutes and finally answered, **“Four, plus or minus one.”**

Finally the lawyer stood up, peered around the room and motioned silently for the committee members to gather close to him. In a hushed, conspiratorial tone, he replied, **“How much do you want it to be?”**

- ▶ A pick pocket was up in court for a series of petty crimes.

The judge said “Mr. Banks you are **hereby fined \$100.**”

The lawyer stood up and said **“Thanks, my lord,** however my client only has \$75 on him at this time, But if you’d allow him a few minutes in the crowd he will gather all the required fine.”

- ▶ **One afternoon,** a wealthy lawyer was riding in the back of his **limousine,** when he saw two men eating **grass** by the roadside.

He ordered his driver to stop and he got out to investigate.

“Why are you eating grass?” he asked one man.

“We don’t have any money for food.” the poor man replied.

“Oh, come along with me then.”

Building of Hon'ble High Court of Himachal Pradesh



Some of the Court Buildings in Himachal Pradesh



District Court Complex – Sirmour at Nahan



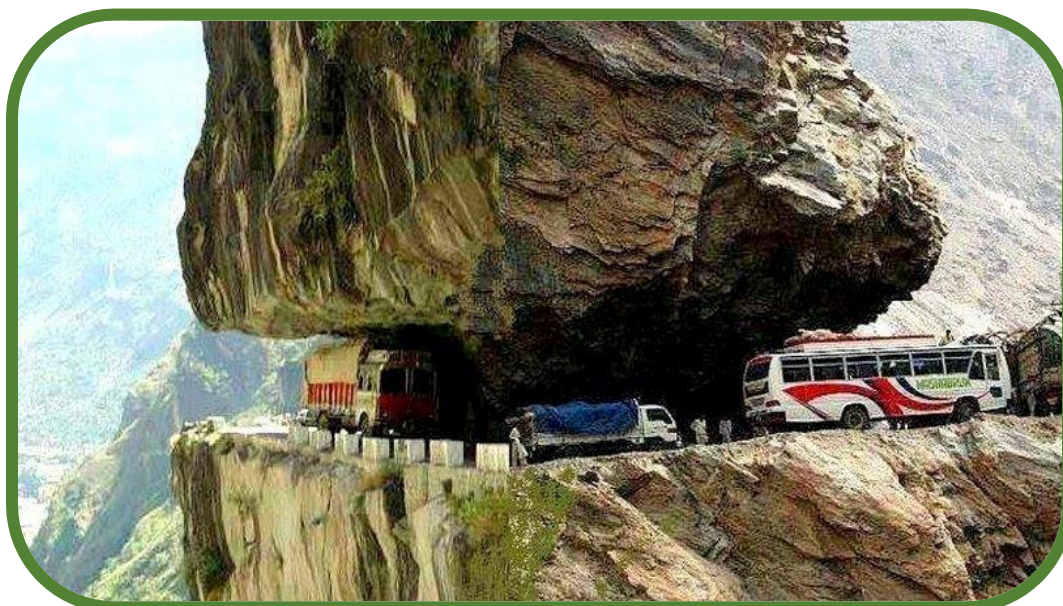
District Court Complex – Chamba



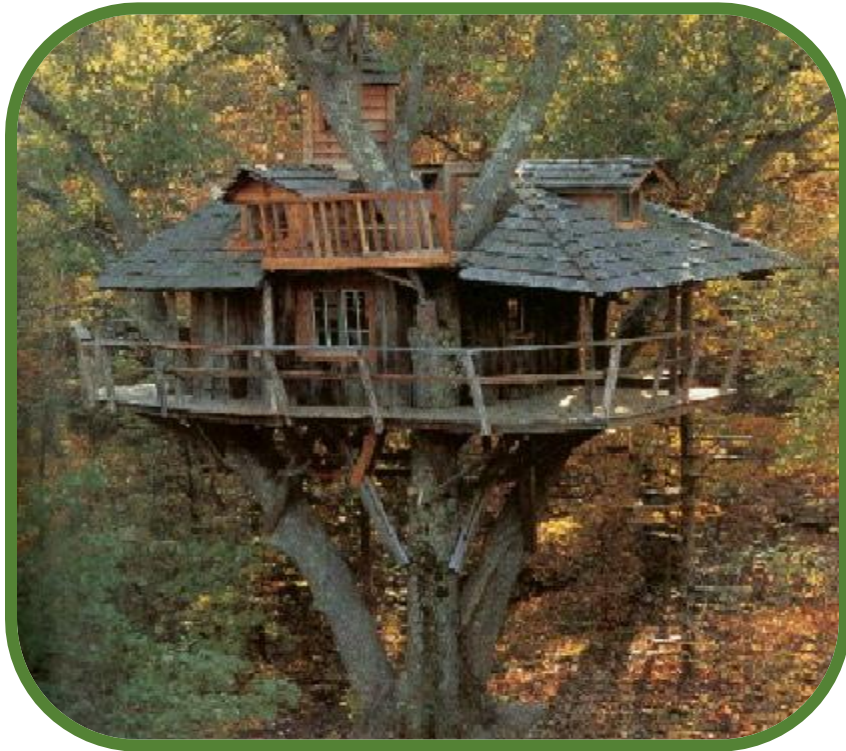
District Court Complex – Kinnaur at Rampur



Budha at Lahaul & Spiti



Tranda-Road in Tribal Area of Himachal Pradesh



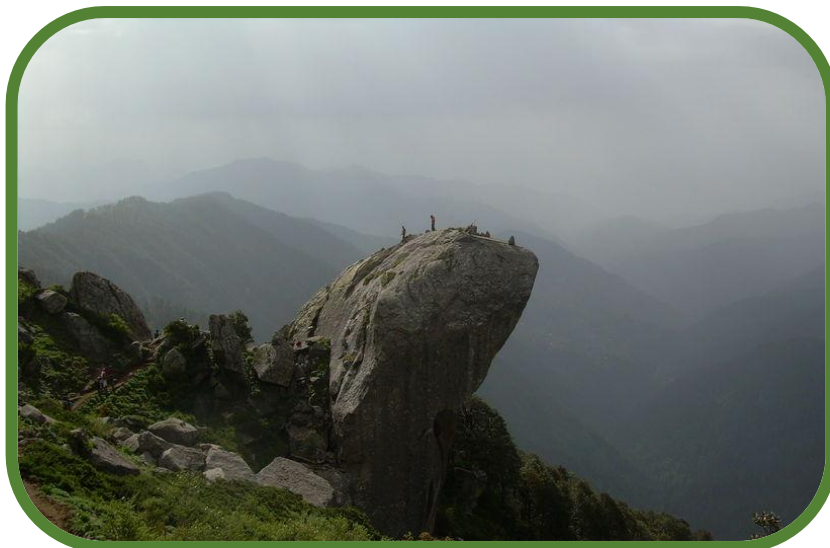
Tree-Hut at Kullu



Terrace –Farming in Manali



Skiing at Kufri, Near Shimla



Churdhar, Sirmour