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10.	Marie Hagsgård, <i>Internal and External Dialogue: A Method for Quality Court Management</i> , 1(2) International Journal for Court Administration 10–18 (2018)	<b>276</b>
<b>Judgments</b> <i>(Judgments mentioned below include citations and short notes for reference. Please refer full judgment (available in pen drive) for conclusive opinion)</i>		
<b>1. Yashpal Jain v. Sushila Devi, AIR 2023 SC 5652: AIR Online 2023 SC 863</b> The Supreme Court of India issued the following guidelines for the civil courts to achieve the objectives of timely disposal of cases; 1. All courts at district and taluka levels shall ensure proper execution of the summons and in a time bound manner as prescribed under Order V Rule (2) of CPC and the same shall be monitored by		

Principal District Judges after collating the statistics they shall forward the same to be placed before the committee constituted by the High Court for its consideration and monitoring.

2. All courts at the District and Taluka level shall ensure that written statement is filed within the prescribed limit namely as prescribed under Order VIII Rule 1 and preferably within 30 days and to assign reasons in writing as to why the time limit is being extended beyond 30 days as indicated under proviso to sub-Rule (1) of Order VIII of CPC.
  3. All courts at Districts and Talukas shall ensure after the pleadings are complete, the parties should be called upon to appear on the day fixed as indicated in Order X and record the admissions and denials and the court shall direct the parties to the suit to opt for either mode of the settlement outside the court as specified in sub Section (1) of Section 89 and at the option of the parties shall fix the date of appearance before such forum or authority and in the event of the parties opting to any one of the modes of settlement directions be issued to appear on the date, time and venue fixed and the parties shall so appear before such authority/forum without any further notice at such designated place and time.
  4. It shall also be made clear in the reference order that the trial is fixed beyond the period of two months making it clear that in the event of ADR not being fruitful, the trial would commence on the next day so fixed and would proceed on a day-to-day basis. In the event of the party's failure to opt for ADR namely resolution of the dispute as prescribed under Section 89(1), the court should frame the issues for its determination within one week preferably, in the open court.
  5. Fixing the trial date shall be in consultation with the learned advocates appearing for the parties to enable them to adjust their calendars. Once the trial date is fixed, the trial should proceed accordingly to the extent possible, on a day-to-day basis.
  6. Trial judges of District and Taluka Courts shall as far as possible maintain the diary to ensure that only such number of cases can be handled on any given day for trial and complete the recording of evidence to avoid overcrowding of the cases and as a sequence of it would result in adjournment being sought and thereby preventing any inconvenience being caused to the stakeholders.
  7. The trial courts shall scrupulously, meticulously, and without fail comply with the provisions of Rule 1 of Order XVII and once the trial has commenced it shall proceed from day to day as contemplated under the proviso to Rule (2).
  8. The courts shall give meaningful effect to the provisions for payment of cost for ensuring that no adjournment is sought for procrastination of the litigation and the opposite party is suitably compensated in the event of such adjournment being granted.
  9. After the trial the oral arguments shall be heard immediately and continuously and judgment be pronounced within the period stipulated under Order XX of CPC.
  10. The statistics relating to the cases pending in each court beyond 5 years shall be forwarded by every presiding officer to the Principal District Judge once a month who shall collate the same and forward it to the review committee constituted by the respective High Courts for enabling it to take further steps.
  11. The Committee so constituted by the Hon'ble Chief Justice of the respective States shall meet at least once in two months and direct such corrective measures to be taken by concerned court as deemed fit, and shall also monitor the old cases (preferably which are pending for more than 05 years) constantly.
2. ***Rahul S. Shah v. Jinendra Kumar Gandhi and others***, AIR 2021 SC 2161: AIR Online 2021 SC 222

The Supreme Court of India, while considering the delay in execution matters, issued the following directions;

1. In suits relating to the delivery of possession, the court must examine the parties to the suit under Order X about third-party interest. Further exercise the power under Order XI Rule 14 asking parties

- to disclose and produce documents, upon oath, which have the parties including declaration about third party interest in such properties.
2. In appropriate cases, where the possession is not in dispute and not a question of fact for adjudication before the Court, the Court may appoint a Commissioner to assess the accurate description and status of the property.
  3. After examination of parties under Order X or production of documents under Order XI or receipt of commission report, the Court must add all necessary or proper parties to the suit, to avoid multiplicity of proceedings and also make such joinder of cause of action in the same suit.
  4. Under Order XL Rule 1 of CPC, a Court Receiver can be appointed to monitor the status of the property in question as *custodia legis* for proper adjudication of the matter. The Court must, before passing the decree, about the delivery of possession of a property ensure that the decree is unambiguous to not only contain a clear description of the property but also have regard to the status of the property.
  5. In a money suit, the Court must invariably resort to Order XXI Rule 11, ensuring immediate execution of a decree for payment of money on an oral application. In a suit for payment of money, before settlement of issues, the defendant may be required to disclose his assets on oath, to the extent that he is being made liable in a suit.
  6. The Court may further, at any stage, in appropriate cases during the pendency of the suit, using powers under Section 151 CPC, demand security to ensure the satisfaction of any decree.
  7. The Court exercising jurisdiction under Section 47 or Order XXI of CPC, must not issue notice on an application of third-party mechanically.
  8. Further, the Court should refrain from entertaining any such application(s) that has already been considered by the Court while adjudicating the suit or which raises any such issue which otherwise could have been raised and determined during adjudication of suit if due diligence was exercised by the applicant.
  9. The Court should allow the taking of evidence during the execution proceedings only in exceptional and rare cases where the question of fact could not be decided by resorting to any other expeditious method like the appointment of a Commissioner or calling for electronic materials including photographs or video with affidavits.
  10. The Court must in appropriate cases where it finds the objection or resistance or claim to be frivolous or mala fide, resort to Sub-rule (2) of Rule 98 of Order XXI as well as grant compensatory costs in accordance with Section 35A.
  11. Under section 60 of CPC the term "...in name of the judgment-debtor or by another person in trust for him or on his behalf should be read liberally to incorporate any other person from whom he may have the ability to derive share, profit or property.
  12. The Executing Court must dispose of the Execution Proceedings within six months from the date of filing, which may be extended only by recording reasons in writing for such delay. The Executing Court may on satisfaction of the fact that it is not possible to execute the decree without police assistance, direct the concerned Police Station to provide police assistance to such officials who are working towards execution of the decree. Further, in case an offense against the public servant while discharging his duties is brought to the knowledge of the Court, the same must be dealt with stringently by law.
  13. The Judicial Academies must prepare manuals and ensure continuous training through appropriate mediums to the Court personnel/staff executing the warrants, carrying out attachment and sale, and any other official duties for executing orders issued by the Executing Courts.

3. **All India Judges' Association v. Union of India**, (2018) 17 SCC 555 [The Supreme Court held that without robust judiciary will not be able to function at its optimum level. Strengthening judicial infrastructure requires immediate attention in terms of planning, budgeting and execution]
4. **Hussain and Another v. Union of India**, (2017) 5 SCC 702 [The Court held that speedy trial is a part of reasonable, fair and just procedure guaranteed under Article 21. This constitutional right cannot be denied even on the plea of non-availability of financial resources. The court is entitled to issue directions to augment and strengthen investigating machinery, setting-up of new courts, building new court houses, providing more staff and equipment to the courts, appointment of additional judges and other measures as are necessary for speedy trial]
5. **Imtiyaz Ahmed v. State of Uttar Pradesh**, (2017) 3 SCC 658 [The Supreme Court endorsed view of the Law Commission in its 120th Report and directed that ratio of 50 Judges per million be achieved within a period of five years and not later than 10 years. The Court further issued directions for revision of unit method]
6. **Ramrameshwari Devi v. Nirmala Devi**, (2011) 8 SCC 249 [The Court provided steps to trial courts in order to curb delay in civil litigation through which the existing system can be drastically changed or improved]
7. **Swapnil Tripathi v. Supreme Court of India**, (2018) 10 SCC 639 [The Court observed that technology can be used for expeditious disposal of cases and enhance transparency. The court also explored the feasibility of live streaming of court proceedings]
8. **Pradyuman Bisht v. Union of India**, (2018) 15 SCC 433 [The Court directed for installation of CCTV cameras inside courts and at such important location of court complexes as may be considered with monitor thereof in the chamber of District Judge]
9. **In Re: Children in Street Situations**, 2022 SCC OnLine SC 189 [Standard Operating Procedure for recording evidence of children through video conferencing to be followed in all criminal trials where child witnesses, not residing near Court Points, are examined and not physically in the courts where the trial is conducted. Remote Point Coordinators to ensure that child-friendly practices are adopted during the examination of the witnesses.]
10. **Pradyuman Bisht v. Union of India**, (2018) 15 SCC 639 [Directions for installation of CCTV Cameras in court complexes.]
11. **Swapnil Tripathi v. Supreme Court of India**, (2018) 10 SCC 639 [Directions regarding Livestreaming of court proceedings - virtual access of live court proceedings will effectuate the right of access to justice or right to open justice and public trial, right to know the developments of law and including the right of justice at the doorstep of the litigants., live streaming of court proceedings in the prescribed digital format would be an affirmation of the constitutional rights bestowed upon the public and the litigants in particular. Sensitive cases, matrimonial matters, matters relating to children not to be livestreamed. Discretion of the judge to disallow live-streaming for specific cases where publicity would prejudice the interests of justice.]

## SESSION 2

### QUALITIES, ATTITUDES, AND SKILLS FOR EFFECTIVE JUDGING

1.	Lord Denning, <b>"Into the Conduct of Judges"</b> in The Due Process of Law, Oxford University Press (2012), pp. 58-66	<b>285</b>
2.	Justice Sunil Ambwani, <b>Ethical Reasoning in Judicial Process</b> , (2012) 4 SCC J-35	<b>296</b>

3.	Aharon Barak, <i>The Role of the Judge: Theory, Practice and the Future</i> in The Judge in a Democracy, Princeton University Press (2008) pp. 306-315	306
4.	<i>The Bangalore Principles of Judicial Conduct, 2002</i> [The Bangalore Draft Code of Judicial Conduct 2001 adopted by the Judicial Group on Strengthening Judicial Integrity, as revised at the Round Table Meeting of Chief Justices held at the Peace Palace, The Hague, November 25-26, 2002].	316
5.	Shazia Singh, <i>Friend Request Denied: Judicial Ethics and Social Media</i> , 7 CASE W. RES. J.L. TECH. & INTERNET 153 (2016).	327
6.	Kelly Lynn Anders, <i>Ethical Exits: When Lawyers and Judges must Sever Ties on Social Media</i> , 7 CHARLESTON L. REV. 187 (Winter 2012-2013).	350
7.	Judith Gibson, <i>Social Media and the Electronic "New World" of Judges</i> , 7 IJCA 1 (March 2016).	371
8.	Maxine D. Goodman, <i>Shame, Angry Judges, and the Social Media Effect</i> , 63 CATH. U. L. REV. 589 (Spring 2014).	382
9.	Dennis A. Rendleman, <i>ABA Ethics Committee Issues Opinion on Judges and Social Media</i> , 21 PROF. LAW. 17 (2013).	419
10.	Benjamin P. Cooper, <i>Judges and Social Media: Disclosure as Disinfectant</i> , 17 SMU SCI. & TECH. L. REV. 521 (Winter 2014).	421
11.	Peter M. Reyes Jr., <i>To Post Or Not to Post: Judges on Social Media</i> , 58 JUDGES J. 20 (Summer 2019).	442
12.	Theodore F. Claypoole, <i>Privacy and Social Media</i> , 2014 BUS. L. TODAY 1 (January 2014).	448

#### **Judgments**

*(Judgments mentioned below include citations and short notes for reference. Please refer full judgment (available in pen drive) for conclusive opinion)*

1. **Harendra Rai vs. State of Bihar and Others 2023 SCC OnLine SC 1023** [The Trial Court and the High Court miserably failed to notice the sensitivity and intricacies of the case. Both the Courts completely shut their eyes to the manner of the investigation, the Prosecutor's role, and the high-handedness of the accused as also the conduct of the Presiding Officer of the Trial Court, despite observations and findings having been recorded not only by the Administrative Judge but also by the Division Bench deciding Habeas Corpus petition. They continued with their classical rut of dealing with the evidence in a manner as if it was a normal trial. They failed to notice the conduct of the Public Prosecutor in not even examining the formal witnesses and also that the Public Prosecutor was acting to the advantage of the accused rather than prosecuting the accused with due diligence and honesty. The Presiding Officer of the Trial Court acquitting the accused as also the learned Judge of the High Court dismissing the revision, were both well-aware of the facts, legal procedures, as well as the law regarding appreciation of evidence in a criminal case. Both the courts below ignored the administrative reports as also the judgment of the High Court in the Habeas Corpus petition. In fact they should have taken judicial notice of the same. They completely failed to take into consideration the conduct of the accused subsequent to the incident, which was extremely relevant and material in view of Section 8 of the Evidence Act. They failed to draw any adverse inference against the accused with respect to their guilt.]

2. **Muzaffar Husain v. State of Uttar Pradesh and Anr.** 2022 SCC OnLine SC 567 [*Showing undue favour to a party under the guise of passing judicial orders is the worst kind of judicial dishonesty and misconduct. The extraneous consideration for showing favour need not always be a monetary consideration. It is often said that "the public servants are like fish in the water, none can say when and how a fish drank the water". A judge must decide the case on the basis of the facts on record and the law applicable to the case. If he decides a case for extraneous reasons, then he is not performing his duties in accordance with law. As often quoted, a judge, like Caesar's wife, must be above suspicion*]
3. **Mathew Z Pulikunnel v. Chief Justice of India**, WP(C) NO. 17654 OF 2021 [*If it is held that a party who is directly or indirectly connected with a dispute decided by a Judge can approach the Court in a proceedings under Article 226 of the Constitution seeking direction on a complaint lodged against the Judge concerning the decision taken by him alleging that the same is not one conforming to the Restatement of Values of Judicial Life, there cannot be any doubt that the same will have a deleterious effect on the institution.*]
4. **Sadhna Chaudhary v. State of Uttar Pradesh** (2020) SCC Online 307 [*Judicial officers must aspire and adhere to a higher standard of honesty, integrity and Probity*]
5. **Shrirang Yadavrao Waghmare v. State of Maharashtra**, (2019) 9 SCC 144 [*The first and foremost quality required in a Judge is integrity. The need of integrity in the judiciary is much higher than in other institutions. The judiciary is an institution whose foundations are based on honesty and integrity. It is, therefore, necessary that judicial officers should possess the sterling quality of integrity*]
6. **Registrar General, Patna High Court v. Pandey Gajendra Prasad**, 2012 STPL(Web) 305 SC [*There is no gainsaying that while it is imperative for the High Court to protect honest and upright judicial officers against motivated and concocted allegations, it is equally necessary for the High Court not to ignore or condone any dishonest deed on the part of any judicial officer*]
7. **Rajendra Singh Verma (Dead) Through LRs. v. Lieutenant Governor (NCT of Delhi)**, (2011) 10 SCC 1 [*In case where the Full Court of the High Court recommends compulsory retirement of an officer, the High Court on the judicial side has to exercise great caution and circumspection in setting aside that order because it is a complement of all the Judges of the High Court who go into the question and it is possible that in all cases evidence would not be forthcoming about integrity doubtful of a judicial officer*]
8. **Tarak Singh v. Jyoti Basu**, (2005)1 SCC 201 [*There is nothing wrong in a Judge having an ambition to achieve something, but if the ambition to achieve is likely to cause a compromise with his divine judicial duty, better not to pursue it. Because, if a Judge is too ambitious to achieve something materially, he becomes timid. When he becomes timid there will be a tendency to make a compromise between his divine duty and his personal interest. There will be a conflict between interest and duty*]  
[*"Integrity is the hallmark of judicial discipline, apart from others. It is high time the judiciary took utmost care to see that the temple of justice does not crack from inside, which will lead to a catastrophe in the judicial-delivery system resulting in the failure of public confidence in the system. It must be remembered that woodpeckers inside pose a larger threat than the storm outside."*]
9. **High Court of Judicature at Bombay v. Shashikant S. Patil**, (2000) 1 SCC 416 [*Honesty and integrity are the hallmarks of judicial probity. Dishonesty and lack of integrity are hence the basic elements of misconduct as far as a Judicial Officer is concerned*]
10. **Union of India v. K.K. Dhawan** (1993) AIR 1478 [*The judicial officer, if acts negligently or recklessly or attempts to confer undue favour on a person or takes a decision which is actuated by corrupt motive, then he is not acting as a judge*]
11. **High Court of Judicature at Rajasthan v. Ramesh Chand Paliwal**, (1998) 3 SCC 72 [*Judges have been*



- described as 'hermits', further reminding that, "they have to live and behave like hermits, who have no desire or aspiration, having shed it through penance. Their mission is to supply light and not heat]
12. **High Court of Judicature at Bombay v. Uday Singh**, (1997) 5 SCC 129 [Maintenance of discipline in the judicial service is a paramount matter. Acceptability of the judgment depends upon the credibility of the conduct, honesty, integrity and character of the officer. The confidence of the litigating public gets affected or shaken by lack of integrity and character of Judicial Officer]
  13. **Daya Shankar v. High Court of Allahabad**, (1987) 3 SCC 1 [Judicial officers cannot have two standards, one in the court and another outside the court. They must have only one standard of rectitude, honesty and integrity. They cannot act even remotely unworthy of the office they occupy]
  14. **C. Ravichandran Iyer v. Justice A.M. Bhattacharjee & Ors.** (1995) 5 SCC 457 [Judicial office is essentially a public trust. Society is, therefore, entitled to expect that a Judge must be a man of high integrity, honesty and required to have moral vigour, ethical firmness and impervious to corrupt or venial influences. He is required to keep most exacting standards of propriety in judicial conduct. Any conduct which tends to undermine public confidence in the integrity and impartiality of the court would be deleterious to the efficacy of judicial process]
  15. **K.P. Singh vs. High Court of H.P. & ors.** 2011(3)KLJ11 [A judge is judged not only by the quality of his judgments, but also by the quality and purity of his character and the measurable standard of that character is impeccable integrity reflected transparently in his personal life as well. One who corrects corruption should be incorruptible. That is the high standard, the public has set in such high offices of institutional integrity. Therefore, any departure from the pristine codes and values of discipline and disciplined conduct on the part of the judicial officers will have to be viewed very seriously lest the very foundation of the system would be shaken and, if so, that will be the death knell of democracy...]
  16. **R.C. Chandel v. High Court of M.P.**, (2012) 8 SCC 58 [There can be no manner of doubt that a Judge must decide the case only on the basis of the facts on record and the law applicable to the case. If a Judge decides a case for any extraneous reasons then he is not performing his duty in accordance with law. In our view the word "gratification" does not only mean monetary gratification. Gratification can be of various types. It can be gratification of money, gratification of power, gratification of lust etc., etc.]
  17. **All India Judges' Association v. Union of India**, 1992 AIR 165 [Para 61 – It is time we mention about society's expectation from the Judicial Officers. A judge ought to be wise enough to know that he is fallible and, therefore, even ready to learn and be courageous enough to acknowledge his errors. The conduct of every judicial officer should be above reproach. He should be conscientious, studious, thorough, courteous, 'patient, punctual, just, impartial, fearless of public clamor, regardless of public praise, and indifferent to private, political or partisan influences; he should administer justice according to law, and deal with his appointment as a public trust; he should not allow other affairs or his private interests to interfere with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity.]
  18. **Rajesh Kohli vs. High Court of J. and K. and Anr.** (2010)12SCC783 [Upright and honest judicial officers are needed not only to bolster the image of the judiciary in the eyes of litigants, but also to sustain the culture of integrity, virtue and ethics among judges. The public's perception of the judiciary matters just as much as its role in dispute resolution. The credibility of the entire judiciary is often undermined by isolated acts of transgression by a few members of the Bench, and therefore it is imperative to maintain a high benchmark of honesty, accountability and good conduct.]
  19. **In Re: "K" a judicial officer**, AIR 2001 SC 972 [Adverse remarks - appeal filed for seeking deletion of adverse remarks passed by High Court in judgment delivered - judgment delivered in appeal filed

*against decision passed by appellant - appellant (Metropolitan Magistrate) contended that remarks made in judgment was not essential and adversely affect her career growth - no opportunity of explaining herself given to appellant - remarks passed were not necessary for matter decided - they were not formed the part of reasoning given in judgment although found prejudicial to appellant's career - remarks directed to be deleted.]*

### SESSION 3

#### SUBJECTIVITY VIS-À-VIS OBJECTIVITY, AND RATIONALITY IN DECISION-MAKING

1.	Justice R. V. Raveendran, <i>Rendering Decisions- Basics for New Judges (Decision-Making &amp; Judgment-Writing)</i> in <i>Anomalies in Law &amp; Justice: Writings Related to Law &amp; Justice</i> , EBC Publishing (P) Ltd. (2021) pp. 319-361	<b>453</b>
2.	S. I. Strong, <i>Writing Reasoned Decisions and Opinions: A Guide for Novice, Experienced, and Foreign Judges</i> , 2015(1) <i>Journal of Dispute Resolution</i> 93 – 128 (2015)	<b>477</b>
3.	Paula Lustbader, <i>Listening from the Bench Fosters Civility and Promotes Justice</i> , 13 <i>Seattle J. Soc. Just.</i> 903 (2015)	<b>513</b>
4.	Justice R.V. Raveendran, <i>How to be a Good Judge: Advice to New Judges</i> in <i>Anomalies in Law &amp; Justice: Writings Related to Law &amp; Justice</i> , EBC Publishing (P) Ltd., (2021) pp. 277-317	<b>546</b>
5.	Dr. Humayun Rasheed Khan, <i>Judges &amp; Judging: Some Lessons for Newly Inducted Civil Judges as to What it Means 'To be a Judge'?</i> , Published In AIR 2019 [Online]	<b>589</b>

#### **Judgments**

*(Judgments mentioned below include citations and short notes for reference. Please refer full judgment (available in pen drive) for conclusive opinion)*

- 1. Kanailal v. Ram Chandra Singh**, (2018) 13 SCC 715 [*Reasons are live links between the mind of the decision-taker to the controversy in question and the decision or conclusion arrived; Objectivity in reasons; Adjudging validity of decision; Right to reason is indispensable part of sound judicial system; Salutory requirement of natural justice*]

### SESSION 4

#### JUDGMENT WRITING

1.	Justice G. Raghuram, <i>Art of Judgment</i>	<b>599</b>
2.	Justice Sunil Ambwani, <i>The Art of Writing Judgment</i> in <i>Judgments and How to Write Them</i> , Eastern Book Company (2018)	<b>609</b>
3.	S.D. Singh, <i>Judgments in General</i> , in <i>Judgments and How to Write Them</i> , EBC Publishing (P) Ltd. (2018) pp. 8-45	<b>621</b>
4.	Prof (Dr.) Balram K. Gupta, <i>The Art and Craft of Writing Judgments</i> in <i>My Journey with Law and Justice</i> , Law and Justice Publishing Co. (2022), pp.157-165	<b>642</b>
5.	<i>Criminal Trials Guidelines regarding Inadequacies and Deficiencies, In re. v. State of Andhra Pradesh &amp; Others</i> , (2021) 10 SCC 598	<b>652</b>



## Judgments

*(Judgments mentioned below include citations and short notes for reference. Please refer full judgment (available in pen drive) for conclusive opinion)*

1. **SBI & Another v. Ajay Kumar Sood**, 2022 SCC OnLine 1067 [*The judgment replicates the individuality of the judge and therefore it is indispensable that it should be written with care and caution. The reasoning in the judgment should be intelligible and logical. Clarity and precision should be the goal. All conclusions should be supported by reasons duly recorded. The findings and directions should be precise and specific. Writing judgments is an art, though it involves skillful application of law and logic.*]
2. **Shakuntala Shukla v. State of Uttar Pradesh**, 2021 SCC OnLine SC 672 [*“Judgment” means a judicial opinion which tells the story of the case; what the case is about; how the court is resolving the case and why. ... It is also defined as the decision or the sentence of a court in a legal proceeding along with the reasoning of a judge which leads him to his decision. ... It is not adequate that a decision is accurate, it must also be reasonable, logical and easily comprehensible. The judicial opinion is to be written in such a way that it elucidates in a convincing manner and proves the fact that the verdict is righteous and judicious. What the court says, and how it says it, is equally important as what the court decides. ... The judgment replicates the individuality of the judge and therefore it is indispensable that it should be written with care and caution. The reasoning in the judgment should be intelligible and logical. Clarity and precision should be the goal. All conclusions should be supported by reasons duly recorded.*] (Refer Para 9)
3. **Ajit Mohan v. Legislative Assembly Delhi**, 2021 SCC OnLine SC 495 [*it is the need of the hour to write clear and short judgments which the litigant can understand. The Wren & Martin principles of precis writing must be adopted.*]
4. **Surjeet Singh v. Sadhu Singh**, (2019) 2 SCC 396 [*there was no need to cite several decisions and that too in detail. Brevity being a virtue, it must be observed as far as possible while expressing an opinion.*]
5. **Joint Commissioner of Income Tax v. Saheli Leasing & Industries Ltd.**, (2010) 6 SCC 384 [*State only what are germane to the facts of the case; Must have correlation with applicable law and facts; Ratio decidendi should be clearly spelt out; Go through the draft thoroughly; Sustained chronology in judgment – perfect sequence of events; Citations should afford clarity rather than confusion; Pronounce judgment at the earliest*]
6. **Board of Trustees of Martyrs Memorial Trust v. Union of India**, (2012) 10 SCC 734 [*Brevity in judgment writing; Due application of mind; Clarity of reasoning; Focussed consideration; Examination of every matter with seriousness; Sustainable decision*]
7. **Reliance Airport Developers v. Airport Authority of India and Ors**, (2006) 10 SCC 1 [*Judicial Discretion – Parameters to be followed while exercising Discretion - Relevant Paras 26-35*]
8. **B (A Child)(Adequacy of Reasons)**, [2022] EWCA Civ 407 (Lord Justice Peter Jackson & Lady Justice Nicola Davies) (Relevant Paras 59 and 60)

*Judgments reflect the thinking of the individual judge and there is no room for dogma, but in my view a good judgment will in its own way, at some point and as concisely as possible: state the background facts; identify the issue(s) that must be decided; articulate the legal test(s) that must be applied; note the key features of the written and oral evidence, bearing in mind that a judgment is not a summing-up in which every possibly relevant piece of evidence must be mentioned; record each party's core case on the issues; make findings of fact about any disputed matters that are significant for the decision; evaluate the*

evidence as a whole, making clear why more or less weight is to be given to key features relied on by the parties; give the court's decision, explaining why one outcome has been selected in preference to other possible outcomes.

The last two processes – evaluation and explanation – are the critical elements of any judgment. As the culmination of a process of reasoning, they tend to come at the end, but they are the engine that drives the decision, and as such they need the most attention. A judgment that is weighed down with superfluous citation of authority or lengthy recitation of inessential evidence at the expense of this essential reasoning may well be flawed. At the same time, a judgment that does not fairly set out a party's case and give adequate reasons for rejecting it is bound to be vulnerable.

9. **Siddharth Vashisht Alias Manu Sharma v. State (NCT of Delhi)**, 2010 6 SCC 1 [Adverse remarks - Trial Judge made adverse remarks against prosecution-And Division Bench against trial Judge-Such adverse remarks expunged. The higher Courts in exercise of their appellate or original jurisdiction may find patent errors of law or fact or appreciation of evidence in the judgment which has been challenged before them. Despite this, what is of significance is that, the Courts should correct the error in judgment and not normally comment upon the Judge. The possibility of taking a contrary view is part of the system. The judicial propriety and discipline demand that strictures or lacerating language should not be used by the higher Courts in exercise of their appellate or supervisory jurisdiction. Judicial discipline requires that errors of judgments should be corrected by reasons of law and practice of passing comments against the lower courts needs to be deprecated in no uncertain terms. The individuals come and go but what actually stands forever is the institution.]
10. **Criminal Trials Guidelines regarding Inadequacies and Deficiencies, In Re v. The State Of Andhra Pradesh & Ors.**, (2021) 10 SCC 598 [All High Courts shall take expeditious steps to incorporate Draft Rules, 2021 as part of the rules governing criminal trials, and ensure that the existing rules, notifications, orders and practice directions are suitably modified, and promulgated (wherever necessary through the Official Gazette) within 6 months. If the state government's co-operation is necessary in this regard, the approval of the concerned department or departments, and the formal notification of the said Draft Rules, shall be made within the said period of six months]

## SESSION 5

### SENSITIZATION ON THE USE OF LANGUAGE RELATING TO CHILD, WOMEN, AND DIFFERENTLY ABLED VICTIMS & WITNESSES

1.	Andrew Goodman, <i>The Use of Language in Judgments</i> in How Judges Decide Cases: Reading, Writing and Analyzing Judgments, Universal Law Publishing Co. Pvt. Ltd. (2007), pp. 78-84, 101-11	<b>669</b>
2.	<b>Handbook on Combating Gender Stereotypes by Supreme Court of India</b> Retrieved From: <a href="https://main.sci.gov.in/pdf/LU/04092023_070741.pdf">https://main.sci.gov.in/pdf/LU/04092023_070741.pdf</a>	<b>691</b>
3.	<b>Bangkok General Guidance for Judges on Applying a Gender Perspective in Southeast Asia</b> Retrieved From: <a href="https://www.icj.org/wp-content/uploads/2018/06/Southeast-Asia-Bangkok-Guidance-Advocacy-2016-ENG.pdf">https://www.icj.org/wp-content/uploads/2018/06/Southeast-Asia-Bangkok-Guidance-Advocacy-2016-ENG.pdf</a>	<b>722</b>
4.	Arzoo Chaudhary & Akarsh, <b>Recognising Intersectionality and Ability of Disabled Persons to Testify: Patan Jamal Vali v. State of A.P.</b> , ILI Law Review, Summer Issue 2021.	<b>738</b>

5.	<b><i>Aparna Bhat v. State of M.P.</i></b> , 2021 SCC OnLine SC 230	<b>755</b>
6.	<b><i>Patan Jamal Vali v. The State of Andhra Pradesh</i></b> , (2021 SCC OnLine 343)	<b>769</b>
<p style="text-align: center;"><b>Judgments</b></p> <p style="text-align: center;"><i>(Judgments mentioned below include citations and short notes for reference. Please refer full judgment (available in pen drive) for conclusive opinion)</i></p>		
<p><b>1. <i>Aparna Bhat v. State of M.P.</i></b>, 2021 SCC OnLine SC 230 [Court to make sure survivor can rely on their impartiality and neutrality. Sensitivity in judicial approach/language/reasoning. Sensitivity to the concerns of survivors of sexual offences. Embargo on orders that reflect adversely on the judicial system/undermining the guarantee to fair justice. Removing gender bias.]</p> <p><b>2. <i>Patan Jamal Vali v. The State of Andhra Pradesh</i></b>, (2021 SCC OnLine 343) [The case pertained to the rape of a visually challenged dalit girl, and the conviction of the accused u/S 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Section 376(1) of the Indian Penal Code. The High Court of Andhra Pradesh upheld the appellant's conviction for crimes punishable u/ S 3(2) (v) of the S.C. and S.T. (Prevention of Atrocities) Act 1989 and Section 376(1) of the IPC. A life sentence was imposed on the appellant. In the appeal before Supreme Court, it was asserted that the components of offense u/ S 3(2) (v) had not been established.</p> <p><i>The judgment is noteworthy for its emphasis on intersectionality, which recognizes the interconnectedness of discrimination based on multiple social identities such as caste, gender, and disability. The court acknowledged that the survivor's identity as a Dalit and as a visually challenged person informed the nature of the offense and the vulnerability and marginalization experienced by her. The judgment also made significant observations regarding judicial sensitivity towards sexual violence cases, highlighting the need for trauma-informed approaches, training for judges and court personnel, and the use of established legal frameworks to ensure the fair trial of survivors. The judgment displays a conscious effort by the Supreme Court to ensure that the intersectional realities of sexual violence survivors are accounted for within the legal system and that justice is served appropriately.</i></p> <p><i>Intersectional lens analysis of the case has broadened the gender perspective. Moreover, through this lens, oppression can be viewed from different perspectives, with each disadvantage compounding the others. The court gave the prosecutor's testimony serious consideration while also taking intersectionality into account. Her physical and social circumstances made her vulnerable as a victim, so the court recognized that she was at more risk and more susceptible to oppression compared to people who shared just one or a few of the victim's traits. In this case, the Supreme Court established a precedent for the country's courts to examine oppression from a variety of perspectives.]</i></p> <p><b>3. <i>XYZ v. State of Maharashtra</i></b>, 2022 LiveLaw (SC) 676 [In cases alleging sexual harassment, sexual assault or any similar criminal allegation wherein the victim has possibly already been traumatized, the Courts should not further burden the complainant and should press upon the police to investigate. Due regard must be given to the fact that the complainant can't retrieve important evidence regarding her complaint.</p> <p><i>The importance of courts dealing with complainants of sexual harassment and sexual assault in a sensitive manner reiterated. The court laid down certain guidelines: a . Allowing proceedings to be conducted in camera, where appropriate, either under Section 327 CrPC or when the case otherwise involves the aggrieved person (or other witness) testifying as to their experience of sexual harassment / violence; b. Allowing the installation of a screen to ensure that the aggrieved woman does not have to see the accused while testifying or in the alternative, directing the accused to leave the room while the</i></p>		

*aggrieved woman's testimony is being recorded; c. Ensuring that the counsel for the accused conducts the cross-examination of the aggrieved woman in a respectful fashion and without asking inappropriate questions, especially regarding the sexual history of the aggrieved woman. Cross-examination may also be conducted such that the counsel for the accused submits her questions to the court, who then poses them to the aggrieved woman; d. completing cross-examination in one sitting, as far as possible.*

- 4. *Nipun Saxena v. Union of India*, (2019) 2 SCC 703, [Keeping in view the social object of preventing the victims or ostracising of victims, it would be appropriate that in judgments of all the courts i.e. trial courts, High Courts and the Supreme Court the name of the victim should not be indicated. This has been repeated in a large number of cases and we need not refer to all.]**