

**TRAINING PROGRAM FOR JUDGES FROM THE
REPUBLIC OF THE UNION OF MYANMAR (SE-16)**

15th – 19th DECEMBER, 2025

Session 1

Theme: Elements of Judicial Behavior: Ethics, Neutrality, and Professionalism

Speakers: Justice P.K. Srivastava & Dr. Humayun Rasheed Khan

The opening session of the training programme for Judges from Myanmar focused on the foundational aspects of judicial behavior, emphasizing ethics, neutrality, professionalism, and the conscious elimination of bias in adjudication. The session underscored that ethical judicial conduct is not merely aspirational but forms the bedrock of a just and fair justice delivery system. Judicial ethics, it was emphasized, provides the moral standards against which the conduct, motives, and character of judges are assessed, reinforcing public faith in the institution.

The session opened with reflections on the core constitutional values of independence, impartiality, and integrity—the “three I’s” essential to responsive adjudication in a constitutional democracy. Judges were reminded that conscience, rather than convenience or popularity, must guide judicial decision-making. Diligence was explained as a composite of skill, care, attention, and reasonable promptness, highlighting that efficiency and ethical responsibility go hand in hand.

A significant portion of the session was devoted to the **Restatement of Values of Judicial Life (1997)** and other guiding instruments such as the **Bangalore Principles of Judicial Conduct and the Code of Judicial Ethics (2017)**. These documents were discussed as practical benchmarks governing judicial conduct, including maintaining appropriate distance from the Bar, avoiding conflicts of interest, refraining from speculative financial activities, declining gifts or undue hospitality, and practicing a degree of aloofness consistent with the dignity of judicial office. Judges were reminded that they remain under constant public gaze and that even personal conduct must uphold the esteem of the office they occupy.

The concept of judicial accountability was addressed with clarity, distinguishing it from political or electoral accountability. Judicial accountability, it was emphasized, flows from the

trust vested in judges as independent decision-makers and does not dilute judicial independence. The importance of intra-judicial independence was highlighted, particularly in the context of administrative superintendence, reiterating that erroneous judicial orders, absent malice or dishonesty, cannot form the basis of disciplinary action.

The session then turned to the centrality of **reasoned orders**, described as the “heartbeat” or “lifeblood” of the judicial system. Reasoned judgments were presented as indispensable for transparency, accountability, and public confidence. Recording reasons ensures that justice is not only done but also appears to have been done, restrains arbitrariness, and demonstrates objective consideration of relevant factors. Participants were cautioned against unreasoned or “rubber-stamp” orders, which undermine the rule of law and the doctrine of precedent.

A critical and reflective segment of the session addressed **bias, stereotypes, and prejudices in judicial decision-making**, particularly in cases involving gender-based violence. Through discussion of judicial orders and international perspectives, the session highlighted how stereotypes can trivialize trauma, compromise fairness, and erode the dignity of litigants. Common myths about women were identified, and judges were urged to consciously guard against preconceived notions that may influence assessments of credibility or culpability.

Practical scenarios were used to illustrate cognitive biases such as anchoring bias, halo/horns effect, confirmation bias, and affinity bias. These examples demonstrated how unconscious mental shortcuts can affect judicial reasoning and outcomes, even among well-intentioned judges. The session emphasized the need for continuous self-awareness and intellectual discipline to protect impartiality.

The session concluded by reaffirming the role of judges as teachers and thought leaders in society. It stressed that impartiality in both words and actions, along with a steadfast commitment to ethical conduct and freedom from stereotypes, is integral to judging at all stages of the judicial process.

Session 2

Theme: Developing Efficient Judicial System: Court and Case Management

Speakers: Justice P.K. Srivastava & Dr. Sunnam Srinivas Reddy

Session 2 of the training programme was devoted to an in-depth examination of the fine nuances of case management, with particular emphasis on docket control, trial efficiency, and the proactive role of judges in reducing delays. The session addressed the growing concern of pendency across different tiers of courts and highlighted that effective case management is central to ensuring timely justice without compromising fairness.

At the outset, the concept of a **docket** was explained as a systematic register or logbook containing details of all cases pending before a court, including case numbers, parties, filing dates, and hearing schedules. Efficient docket management was presented as the foundation of judicial administration, enabling judges to track progress, prioritize matters, and allocate judicial time effectively. Building on this, **case management** was defined as a coordinated and structured process aimed at streamlining court proceedings to ensure fair and efficient resolution of disputes.

The session elaborated on the essential components of case management, including case assignment and scheduling, case tracking and monitoring, pre-trial hearings, discovery management, resolution planning including ADR, and trial preparation. Judges were encouraged to view case management not as a mechanical exercise but as a judicial skill that directly impacts litigant satisfaction and public confidence in the justice delivery system.

A significant portion of the session focused on identifying the **primary sources of delay in criminal trials**. Witness testimony, delays in securing documents after commencement of trial, frequent adjournment requests, and competing cases on a judge's docket were highlighted as recurring causes. The resource person emphasized that unmanaged adjournments and overcrowded boards often lead to prolonged trials, increased hardship for litigants, and erosion of faith in the system.

Practical **case management strategies** were discussed to address these challenges. Judges were advised to “manage the board” by avoiding over-listing of evidence and argument matters on a single day, prioritizing older cases, and giving precedence to matters where higher courts have issued specific directions. Board management and time management were described as inseparable, requiring careful assessment of the number of evidence cases and argument cases listed each day.

Special attention was given to **witness management and evidence scheduling**. Judges were encouraged to ensure that both prosecution and defence gather and disclose evidence in a timely manner, establish admissibility of formal evidence with consent wherever permissible, and develop efficient schedules for recording evidence. The possibility and desirability of continuous trials within the framework of the Criminal Procedure Code were also examined, underscoring the judicial duty to minimize avoidable interruptions.

The session also examined the law relating to **adjournments**, emphasizing that indiscriminate adjournments undermine the mandate of speedy trial. Judicial pronouncements were discussed to reinforce that adjournments should not be granted mechanically and that courts have a duty to balance the rights of the accused, the interests of society, and the convenience of witnesses.

Further, the session identified **other causes of delay** at pre-trial and post-trial stages, such as issues relating to legal aid, supply of documents, electronic evidence, multiple discharge applications, and additional prosecution or defence applications for summoning witnesses or experts. Judges were encouraged to anticipate these issues and address them through structured scheduling and early intervention.

The importance of **communication and consultation with counsel** was repeatedly emphasized. Judges were advised to set comprehensive schedules for each stage of proceedings, communicate expectations clearly to all stakeholders, seek inputs on potential delays, and collaboratively develop plans to address them. Adherence to schedules, coupled with reasoned flexibility where necessary, was presented as key to effective case management.

The session concluded by reiterating that robust case management enhances efficiency, reduces pendency, minimizes litigant hardship, and ultimately strengthens the credibility of the justice delivery system.

Session 3 & 4

Theme : Cyber Crime: Emerging Trends and Threats and AI in Judicial Governance

Speakers: Dr. Harold D'Costa, Dr. Anant Prabhu G & Dr. Sumit Bhattacharya

The session commenced highlighting the growing vulnerability of individuals and institutions in the digital ecosystem, with particular emphasis on cyber-attacks, data cloning, privacy breaches, and data theft. The speaker underscored how the rapid proliferation of digital devices

has expanded the attack surface for cybercriminals and discussed the range of devices that can be misused for hacking, cloning, and surveillance. The session also examined the utility of AI tools in judicial and professional contexts, particularly for transcription, research, content search, and note-taking, while simultaneously cautioning against threats to digital safety arising from excessive app permissions, digital footprints, and unchecked access to personal information. Devices such as RFID scanners, Faraday bags, and drones were discussed to illustrate emerging surveillance and data-theft risks .

The speaker explained that the internet is a public, globally distributed network without single ownership, used by billions of people largely for legitimate purposes but also exploited for criminal activity. He clarified the conceptual relationship between cybercrime, cyber fraud, and cyber scams, identifying cybercrime as the umbrella category, with fraud and scams as subsets primarily aimed at financial gain or unauthorized access through deception. He elaborated on the architecture of the internet, including the global distribution of root servers, to demonstrate how data routinely travels beyond national jurisdictions, thereby compromising privacy and complicating enforcement. The defining characteristics of cyber scams—such as remote operation, urgency creation, exploitation of trust through impersonation, and resultant financial or data loss—were outlined, along with common forms of fraud ranging from lottery and job scams to OTP, sextortion, and deepfake scams. The discussion also covered advancements in cybercrime, including AI-driven fraud, deepfake-enabled deception, cross-border operations, cryptocurrency-based laundering, dark web marketplaces, and the exploitation of IoT devices and cloud infrastructures .

The session further examined investigative bottlenecks in cybercrime cases, including jurisdictional challenges where data is stored abroad, delays in mutual legal assistance processes, limited cooperation from service providers, strong end-to-end encryption, volatility of digital evidence, and the increasing use of VPNs, proxies, and ephemeral messaging platforms. The complexities of evidence control in cloud environments were highlighted, particularly the distinction between data ownership and custodianship, and the reliance on treaty-based mechanisms such as MLATs and instruments like the Budapest Convention on Cybercrime. Judicial best practices were discussed, emphasizing the need for early preservation orders, reliance on metadata and financial trails, expert testimony, recognition of blockchain records, and coordination with national cybercrime units, especially in cross-border cases .

The speaker addressed the integration of artificial intelligence into judicial governance, framing AI not as a neutral efficiency tool but as a transformative force raising fundamental questions of due process, transparency, fairness, and accountability. He emphasized the tension between AI-driven efficiency and the judiciary's obligation to maintain credibility and openness, particularly when courts encounter AI-generated or AI-assisted material. Concerns were raised about admissibility, authenticity, and reliability of such material, given the opaque "black box" nature of many AI systems, which undermines the principle of open justice and the ability of parties to meaningfully challenge decisions. Algorithmic bias, hallucinations, and deepfakes were identified as serious threats to judicial fact-finding, with reference to judicial decisions demonstrating the real consequences of uncritical reliance on AI-generated legal content .

The judiciary's evolving stance on technology was noted, including recognition by the Supreme Court of India that technological literacy is now an institutional necessity, while simultaneously cautioning against delegating core adjudicatory functions to machines. A SWOT analysis was used to situate AI as an assistive tool capable of enhancing efficiency, reducing backlog, and supporting research under a human-in-the-loop model, while also identifying weaknesses such as lack of explainability, privacy erosion, data provenance issues, and unresolved questions of liability. The compatibility of AI-generated material with existing evidentiary frameworks was emphasized, reinforcing that such material must satisfy established tests of relevance, admissibility, and proof, rather than being treated as exceptional or exempt from scrutiny. The session concluded by advocating a calibrated approach in which legal norms evolve alongside technology, ensuring that AI remains subordinate to constitutional values, judicial accountability, and human judgment.

Session 5

Theme - Appreciation and Admissibility of Digital Evidence

Speaker - Dr. Harold D'Costa

The session provided a comprehensive examination of electronic and digital evidence in the contemporary legal landscape, focusing on its increasing relevance, inherent vulnerabilities, and the safeguards required to ensure its reliability within the justice delivery system. The speaker began by demonstrating how digital content can be easily manufactured, morphed, or altered, underscoring the growing threat of fake and manipulated electronic material. With the

rapid expansion of digital devices and online platforms, electronic evidence has become central to investigations and adjudication, while simultaneously creating new challenges for courts, investigators, and legal practitioners.

A key theme of the session was the distinction between legal admissibility and evidentiary reliability. Reference was made to Section 4 of the Information Technology Act, 2000 which accords legal recognition to electronic records by equating them with written or printed documents. However, it was emphasized that mere compliance with statutory form does not guarantee the truth, authenticity, or factual correctness of an electronic record. Courts must therefore avoid conflating admissibility with reliability, and must subject electronic evidence to careful technical and factual scrutiny before relying upon it.

The speaker highlighted the wide range of sources of electronic evidence, including mobile phones, computers, servers, cloud storage, social media platforms, emails, and telecom records. Discussions focused on cybercrime and emerging digital threats, illustrating how increased digital reliance has expanded opportunities for offences such as data manipulation, identity theft, cyber fraud, impersonation, and misuse of electronic communications. While digital technologies have enhanced efficiency and access to justice, they have also intensified the risk of misuse and wrongful implication if electronic evidence is accepted uncritically.

Through practical demonstrations, the session examined commonly used messaging platforms such as WhatsApp and Telegram, showing how chat messages can be edited, altered, or fabricated. Examples illustrated how a benign message can be manipulated to appear threatening, thereby converting a minor dispute into a serious criminal allegation with grave consequences, including denial of bail. Participants were cautioned that screenshots, forwarded messages, and printouts cannot be treated as conclusive proof unless they are properly examined, verified, and corroborated. Similar vulnerabilities were highlighted in relation to digital images and multimedia content, which can be altered, intercepted, or substituted during transmission, resulting in recipients receiving content different from what was originally sent.

The discussion repeatedly emphasized the necessity of corroboration. Electronic evidence, by its very nature, is susceptible to manipulation and should never be relied upon in isolation. Independent and reliable supporting material is essential to establish credibility. In this context, the role of telecom service providers and Call Detail Records (CDRs) was examined in detail. Although service providers do not retain the contents of SMS messages, they maintain

metadata relating to calls and messages, including time, date, duration, and numbers involved. Such records are crucial in verifying whether a communication actually occurred. If an alleged message does not reflect in the sender's or recipient's CDRs, serious doubts arise regarding its authenticity. The session also addressed sophisticated methods of cyber offending, including VoIP-based messaging and number spoofing, highlighting the need for specialized technical investigation.

Email authentication was another important area of discussion. Participants were shown how to examine email headers and verify SPF, DKIM, and DMARC values to assess the genuineness of emails. It was explained that while an email address may appear genuine, the contents could still be fabricated or sent by an unauthorized person. Only when all technical authentication checks are satisfied can an email be considered technically authentic, and even then, corroborative evidence remains essential.

The session further addressed forensic examination of electronic devices in cases involving disputed SMS messages, chats, or other digital communications. Since message contents are not stored by service providers, forensic analysis of the sender's and recipient's devices becomes critical. Certified forensic experts can detect whether data has been altered, deleted, or tampered with, thereby assisting courts in ascertaining the truth. The importance of engaging trained, authorized forensic professionals and following standardized procedures was emphasized to preserve the integrity of evidence.

Finally, the speaker outlined the lawful methods for collection, preservation, and appreciation of digital evidence, including search and seizure under statutory authority, requisition of records from regulated entities, electronic surveillance, voluntary disclosures, and forensic analysis. The seven stages of digital evidence handling i.e. preparation, securing the scene, identification and documentation, protection of integrity, imaging and data acquisition, forensic analysis, and presentation before court were explained to highlight the importance of maintaining an unbroken chain of custody. The session concluded by reiterating that electronic evidence achieves legal reliability only through proper forensic verification, procedural compliance, and corroboration, ensuring that technological advancements strengthen rather than undermine procedural fairness and justice.

Session 6

Theme: Criminal Justice Administration

Speaker : Justice Ashim Roy & Mr. Manmeet Singh Suri

The session undertook an extensive examination of the foundations of criminal justice administration, with focused attention on the interrelated principles of fair trial, evidentiary standards, bail, and personal liberty within the constitutional framework. The discussions began by interrogating the notion of an “unfair trial,” particularly in administrative and quasi-judicial proceedings. It was emphasized that fairness is not determined merely by the formal label of a proceeding as a “trial,” but by the substantive realities of equality, access, and procedural compliance. Social disadvantage, lack of empowerment of litigants, and departures from prescribed procedure were identified as factors capable of undermining fairness, even where institutional mechanisms exist. The speakers reiterated that equality before law, impartial adjudication, and adherence to due process must inform all adjudicatory processes, including administrative tribunals and regulatory bodies.

A significant portion of the deliberations focused on distinguishing civil and criminal trials from the standpoint of legal philosophy and evidentiary burden. While both systems place the burden of proof on the party asserting a claim, criminal law was described as fundamentally distinct because offences are treated as wrongs against society rather than private disputes. As a result, the State assumes responsibility for prosecution, coupled with a duty to ensure that only genuine and sustainable cases are pursued. The speakers clarified the conceptual and procedural distinction between investigation and trial in the Indian criminal justice system, noting that investigation culminates with the filing of the charge sheet, whereas the trial formally commences only after charges are framed by the court.

The principle of presumption of innocence was emphasised as a central and defining feature of criminal jurisprudence. It was emphasized that an accused must be treated as innocent until guilt is established beyond reasonable doubt in accordance with law. References were made to the Code of Criminal Procedure and the Indian Evidence Act, which collectively embed this principle by placing the burden of proof on the prosecution. While limited statutory exceptions involving reversal of burden exist in specific offences, the speakers cautioned that such departures must be narrowly construed and accompanied by heightened judicial scrutiny.

Transparency, procedural compliance, and reasoned adjudication were underscored as essential to maintaining public confidence in the justice delivery system.

Personal liberty was highlighted as a core value underpinning criminal justice. Drawing upon social, philosophical, and constitutional perspectives, liberty was described as indispensable to both individual development and societal freedom. Quotations from Dr. S. Radhakrishnan and Swami Vivekananda were invoked to emphasize that freedom is central to human dignity and democratic governance. Judicial pronouncements reiterating that “liberty is the rule and deprivation of liberty is the exception” were highlighted as guiding principles in criminal adjudication. Article 21 of the Constitution of India was identified as the backbone of the discourse on personal liberty, protecting all persons, including non-citizens, from arbitrary State action and ensuring that life and liberty are preserved with dignity.

Landmark judgments including *Maneka Gandhi v. Union of India* were examined to demonstrate the expansion of Article 21, particularly the requirement that any procedure curtailing liberty must be just, fair, and reasonable. The decision in *Gurbaksh Singh Sibbia* was discussed to illustrate the role of anticipatory bail as a safeguard against arbitrary arrest and misuse of State power. At the same time, the speakers emphasized that the right to personal liberty is not absolute. The need to balance individual freedom with legitimate State interests such as public order, national security, and societal welfare was highlighted, with references to judicial approaches in public policy contexts, including slum eviction cases. This balancing exercise was described as central to constitutional jurisprudence in a welfare state.

A comparative dimension was introduced through references to constitutional safeguards in Myanmar, particularly provisions relating to judicial oversight and limits on custodial detention. These comparisons underscored that the principles of legality and judicial supervision over deprivation of liberty are widely recognized across jurisdictions. The discussions reaffirmed that the credibility and legitimacy of the criminal justice system depend on strict adherence to fair trial standards, robust evidentiary principles, and meaningful protection of personal liberty.

The session also comprehensively examined the role of bail as a critical safeguard within the criminal justice system. Bail was presented as an extension of the presumption of innocence and a mechanism to prevent unnecessary pre-trial detention. The speakers explained the legal meaning of bail as the transfer of custody from the State to sureties, subject to conditions, and

identified its objectives as securing the accused's presence at trial, preventing arbitrary detention, enabling preparation of defence, and upholding constitutional rights. Parameters governing grant or refusal of bail were discussed in detail, including the nature and gravity of the offence, prima facie evidence, likelihood of absconding, risk of witness intimidation or evidence tampering, antecedents, and personal circumstances such as age and health. Various stages of bail, including pre-arrest protection, regular bail, default bail for investigative delay, and bail during appeal, were outlined. Landmark decisions such as *Hussainara Khatoon*, *Arnesh Kumar*, and *Satyendra Kumar Antil* were analyzed for their transformative impact in curbing arbitrary arrests, recognizing the right to speedy trial, and streamlining bail practices. The importance of strict procedural compliance by police and courts, as well as the role of technology such as the Interoperable Criminal Justice System in enhancing transparency and efficiency, was emphasized.

The discussions in the session also focused on appreciation and admissibility of evidence in criminal trials. Detailed discussions covered documentary, electronic, direct, circumstantial, and confession-related evidence. The growing relevance of electronic evidence, including CCTV footage, was highlighted, along with the distinction between primary and secondary documentary evidence. Circumstantial evidence was explained through illustrative hypotheticals, emphasizing that courts must evaluate admissibility and legal value rather than the gravity of allegations. Particular attention was paid to the statutory bar on confessions to police under Sections 25 and 26 of the Evidence Act, the limited admissibility of discoveries under Section 27, and the need for consistency and credibility in recovery evidence. The session concluded by reiterating that criminal convictions must rest not on suspicion or moral belief, but on legally admissible, reliable evidence tested against constitutional and statutory safeguards.

Session 7

Theme: Forensic Evidence in Civil & Criminal Trials

Speakers: Dr. G.K. Goswami & Ms. Nisha Menon

The session drew attention to the fact that in the present “age of access”, almost every human activity leaves behind a digital footprint, making electronic evidence an inevitable component of criminal, civil and corporate adjudication .

At the outset, the session explained the concept of electronic or digital evidence. Participants were introduced to statutory and forensic definitions, emphasizing that electronic evidence includes any information of probative value that is stored, transmitted, received or generated in electronic form. Simplifying the concept, the resource person explained that digital evidence essentially consists of data broken into binary units, processed and retrieved through software, and capable of establishing facts in issue. The categorisation of digital evidence into data at rest and data in transmission was discussed, highlighting the distinct challenges involved in handling each category.

A major focus of the session was the unique nature of electronic evidence. Unlike physical evidence, digital evidence is intangible, volatile, and highly fragile. It can be altered, damaged or destroyed with ease, sometimes even without leaving visible traces. The participants were made aware that technology pervades all aspects of life and crime, with digital devices functioning as tools, targets, or repositories of criminal activity. This reality necessitates specialized training, tools, and protocols for the collection and preservation of such evidence.

The session then dealt with the forensic foundations governing electronic evidence. Concepts such as volatile and non-volatile data, metadata, and the order of volatility were explained to underline the importance of prioritising evidence during seizure. The principle of Locard's Exchange was applied to digital environments, demonstrating how user interactions with devices inevitably leave digital traces linking a person, platform, application, data, and time. The four core forensic processes—identification and collection, examination, analysis, and reporting/presentation—were outlined to provide a structured approach to digital investigations.

Considerable attention was devoted to the collection and seizure of electronic evidence. The session highlighted what devices and data sources may be seized, ranging from computers, mobile phones, and storage media to cloud-based logs and configuration settings. Best practices such as maintaining an enumerated list of seized items, creating verified forensic images, and documenting every transfer through a robust chain of custody were emphasized. The importance of hashing as a method to ensure and demonstrate the integrity of digital evidence was repeatedly underscored.

The legal framework governing admissibility formed a substantial part of the discussion. Participants were guided through the evolution of the law relating to electronic records under

the Indian Evidence Act, with particular emphasis on Sections 65A and 65B. The session clarified the misconception surrounding primary and secondary evidence in the context of electronic records and explained why, in practice, electronic evidence is generally produced as secondary evidence. The mandatory requirement of a certificate under Section 65B (4), the technical and non-technical conditions prescribed by law, and the consequences of non-compliance were analyzed in detail.

Landmark judicial pronouncements, especially the decision in *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal*, were discussed to explain the current settled position of law. The session highlighted the role of judges as “gatekeepers” who must ensure the authenticity, reliability and integrity of electronic evidence while balancing technological realities with procedural safeguards.

In conclusion, the session reinforced that while the Indian judiciary has made significant strides in recognizing and appreciating electronic evidence, continuous capacity-building is essential. Given the rapid evolution of technology and the comparatively slower pace of legal adaptation, judges and legal professionals must remain vigilant, informed and methodologically rigorous in dealing with digital evidence to ensure fair and effective adjudication.

Session 8

Theme: Evidentiary Standards in Civil & Criminal Cases

Speakers: Justice Ashim Roy & Dr Humayun Rasheed Khan

The session aimed to strengthen judicial understanding of the conceptual foundations, statutory framework, and practical application of evidentiary standards across civil and criminal adjudication. The talks emphasized that trial courts are engaged in a “voyage to truth,” and that evidence must be assessed with prudence, fairness, and judicial balance.

At the outset, the session examined the philosophical underpinnings of evidence, highlighting that proof does not imply mathematical certainty but such evidence as would induce a reasonable person to reach a particular conclusion. The definition of “evidence” was explained with reference to Section 2(e) of the Bharatiya Sakshya Adhinyam, 2023, which includes oral statements (including electronic statements) and documentary evidence, encompassing digital and electronic records. A key theme reiterated throughout the session was that the object of

judicial evaluation is the quality of evidence rather than its quantity, encapsulated in the maxim that evidence should be weighed and not counted.

The session then focused on evidentiary standards, clarifying the rules that govern how much and what type of evidence is required to prove a case. The principal standards discussed were “beyond reasonable doubt” in criminal cases, “preponderance of probabilities” in civil cases, and the intermediate standard of “clear and convincing evidence” applicable in certain civil proceedings. The golden rule of criminal jurisprudence—the presumption of innocence—was emphasized as a cornerstone of fair trial rights, with reference to Article 11 of the Universal Declaration of Human Rights, 1948.

A significant portion of the session was devoted to the right of the accused to a fair trial, illustrated through the Supreme Court of India’s decision in *Anokhilal v. State of Madhya Pradesh*. This case was used to demonstrate how undue haste and procedural shortcuts can undermine fairness and result in grave miscarriage of justice. The judgment underscored that while expeditious disposal of criminal cases is desirable, it must never come at the cost of fundamental fairness and the opportunity of defence. The session highlighted the Supreme Court’s insistence that fast-tracking must not bury the cause of justice, leading to the setting aside of the conviction and a direction for de novo trial.

The concept of proof beyond reasonable doubt was further explored through comparative perspectives, including the “golden thread” doctrine articulated in *Woolmington v. Director of Public Prosecutions* and the nuanced approach adopted by courts in other jurisdictions. In contrast, civil adjudication was discussed through examples such as personal injury cases, where courts assess medical reports, physical evidence, witness testimony, and expert opinions, recognizing that not all evidence carries equal probative value.

The latter part of the session addressed burden of proof and presumptions, with comparative references to the Evidence Act of Bhutan, 2005 and the Bharatiya Sakshya Adhiniyam, 2023. The distinction between the burden of establishing a case and the shifting onus of introducing evidence was clearly explained, along with illustrations from property disputes, insurance claims, specific performance suits, and money recovery actions. The session also covered legal presumptions, reverse burden provisions, and the court’s wide powers to elicit truth by questioning witnesses and directing production of documents.

The session concluded by reiterating the central judicial responsibility to balance procedural efficiency with substantive justice, ensuring that evidentiary rules serve the ultimate goal of truth and fairness in adjudication.

Session 9

Theme: Admissibility & Relevancy of Evidence

Speakers: Justice Ashim Roy & Dr Humayun Rasheed Khan

The objective of this session was to enhance judicial understanding of the conceptual foundations of evidence, the distinction between admissibility and appreciation, and the practical application of evidentiary principles in both civil and criminal adjudication. The session underscored the central role of evidence in the judicial process, emphasizing that without legally admissible and relevant evidence, no judicial determination can be sustained.

At the outset, the session examined the meaning of “evidence” in its legal and conceptual sense. Evidence was explained as the medium through which facts are established to the satisfaction of the court, distinct from “proof,” which is the effect produced by evidence. The discussion clarified that evidence signifies that which makes a fact plain or apparent to the judicial mind, and that courts must carefully assess its tendency to persuade regarding the existence or non-existence of facts in issue.

A key theme of the session was the well-established principle that courts are concerned with the quality, not the quantity, of evidence. Oral testimony was classified into three categories: wholly reliable, wholly unreliable, and neither wholly reliable nor wholly unreliable. The session highlighted that a conviction or acquittal can be safely based on the testimony of a single witness if such testimony is found to be wholly reliable and above suspicion. Conversely, where evidence falls into the intermediate category, courts must exercise caution and look for corroboration in material particulars.

The session then focused extensively on circumstantial evidence, its nature, and its role in criminal trials. Circumstantial evidence was explained as evidence of independent facts which, though individually insufficient, may cumulatively form a complete chain pointing to the fact in issue. Through judicial quotations and illustrations, it was emphasized that circumstantial evidence must be assessed in conjunction with other evidence on record and not in isolation.

The faculty explained that circumstantial evidence operates cumulatively, eliminating alternative hypotheses and leading logically towards the guilt or innocence of the accused.

Particular emphasis was placed on the “five golden principles” governing conviction based on circumstantial evidence, as crystallized in *Sharad Birdhichand Sharda v. State of Maharashtra*. These principles require that the circumstances relied upon must be fully established, consistent only with the hypothesis of guilt, conclusive in nature, exclude every other reasonable hypothesis of innocence, and form a complete chain leaving no reasonable doubt. Judges were reminded that failure to satisfy even one of these conditions would vitiate a conviction based solely on circumstantial evidence.

The session also examined the distinction between direct and circumstantial evidence, illustrating how conduct such as fleeing the scene of a crime constitutes circumstantial evidence, while eyewitness testimony of the crime itself amounts to direct evidence. The practical relevance of drawing reasonable inferences from proved facts was highlighted as an essential judicial function.

Another important segment of the session dealt with the standard of “clear and convincing evidence,” positioned between the standards of preponderance of probabilities and proof beyond reasonable doubt. This standard was explained as requiring a high degree of probability, though not absolute certainty. Practical illustrations were discussed, including challenges to wills on grounds of undue influence and proceedings involving termination of parental rights, where courts require stronger evidentiary assurance due to the serious and irreversible consequences involved.

The session concluded with applied examples involving family law and child welfare, demonstrating how evidentiary standards operate in real-life adjudication. Overall, the session provided judges with conceptual clarity, comparative insight, and practical guidance on admissibility, relevancy, and appreciation of evidence, reinforcing the judicial duty to ensure that findings are based on legally admissible, relevant, and persuasive evidence rather than conjecture or suspicion.

Session 10

Theme: Global Challenges in Environmental Law

Speakers: Mr. Samir Sinha & Ms. Shruti Jane Eusebius

The session provided a comprehensive overview of the constitutional, philosophical, and judicial evolution of environmental protection, with a particular focus on India and comparative references to Myanmar. The discussion commenced by situating environmental law within constitutional frameworks, highlighting how environmental protection has moved from a policy aspiration to a justiciable concern. Reference was made to Article 21 of the Indian Constitution, through which the Supreme Court has read the right to a healthy environment into the right to life, complemented by Article 48A as a Directive Principle and Article 51A(g) as a fundamental duty. The speaker highlighted the criticality of the preservation of the environment and ecology. The speaker traced the constitutional and legislative provisions regarding the preservation of the environment and the right of all people to a healthy environment. Reference was made to the judgment in *M K Ranjitsinh v. Union of India*, 2024 SCC OnLine SC 570 as a significant development, recognizing protection from adverse effects of climate change as part of constitutional guarantees. The principles of environment law – public trust doctrine, polluter pays, absolute liability, strict liability, intergenerational equity and sustainable development were explained at length.

The session then examined the schools of environmental jurisprudence, distinguishing between reactive and proactive approaches. Reactive jurisprudence was explained as a damage-control model, activated after environmental harm has occurred, relying on principles such as polluter pays, strict liability, and absolute liability. Landmark cases such as *Municipal Council, Ratlam v. Vardhichand* and *M.C. Mehta v. Union of India (Oleum Gas Leak)* were discussed to illustrate judicial intervention aimed at fixing responsibility and compelling compliance despite economic or administrative constraints. In contrast, proactive jurisprudence was presented as preventive and forward-looking, grounded in principles such as precaution, sustainable development, public trust doctrine, and intergenerational equity. The continuing mandamus in *T.N. Godavarman Thirumulpad v. Union of India* was highlighted as a transformative tool in forest governance and ecological preservation.

A key conceptual axis of the session was the shift from anthropocentric to eco-centric approaches. Anthropocentrism, which prioritizes human welfare and development needs, was illustrated through cases such as *Narmada Bachao Andolan*, *Lafarge Umiam Mining*, and pollution-related decisions where courts balanced environmental protection against economic growth and livelihoods. In contrast, ecocentrism was discussed as recognizing the intrinsic value of nature independent of human utility. Decisions such as *Animal Welfare Board of India v. A. Nagaraja* and *State of Telangana v. Mohd. Abdul Qasim* were identified as marking a jurisprudential shift, emphasizing environmental preservation as a primary concern to which development must be subordinated.

The session also explored complex case studies reflecting judicial balancing in practice. The issue of ex post facto environmental clearances demonstrated tensions between environmental rule of law and economic compulsions, with divergent judicial approaches ranging from strict invalidation to pragmatic regularization. Similarly, the discussion on rivers as living entities illustrated the promise and limitations of radical eco-centric jurisprudence, noting the Supreme Court's stay on the Uttarakhand High Court's declaration of legal personhood for rivers due to institutional and enforcement challenges.

The session emphasized that environmental adjudication operates in shades of grey rather than moral absolutes. Judicial decisions reflect evolving value choices shaped by developmental pressures, governance realities, and risk management considerations. The discussion underscored the challenge faced by courts in harmonizing environmental protection with economic development while accounting for past harms, present needs, and future generations, reaffirming environmental law as a dynamic and evolving field of jurisprudence.

Session 11

Theme: Law Relating to Injunctions

Speakers: Mr. Anurag Panwar & Mr. Nishant Dev

Session 11 was devoted to an in-depth discussion on the law relating to injunctions in civil matters in India, with particular emphasis on the statutory framework under the Specific Relief Act, 1963, procedural aspects under the Code of Civil Procedure, 1908, and guiding principles evolved through landmark judgments of the Supreme Court of India. The session aimed to

equip participants with a clear conceptual understanding of injunctions as equitable remedies and to highlight the judicial discipline required in granting such relief.

The session commenced with an outline of the statutory basis of injunctions. It was explained that injunctions constitute preventive relief and are governed primarily by Sections 36 to 42 of the Specific Relief Act, 1963. Section 36 recognizes injunctions as a form of preventive relief, while distinguishing between temporary and perpetual injunctions. Temporary injunctions are regulated by Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, whereas perpetual injunctions are granted upon final adjudication under Sections 38 to 42 of the Act. The interplay between substantive law under the Specific Relief Act and procedural law under the CPC was highlighted as central to injunction jurisprudence.

The session discussed various types of injunctions commonly encountered in civil litigation. Temporary injunctions were explained as interim measures intended to preserve the subject matter of the suit and maintain status quo pending final disposal. Perpetual or permanent injunctions were examined as final reliefs restraining the defendant from infringing the plaintiff's rights on a continuing basis. Mandatory injunctions, provided under Section 39 of the Act, were discussed as a distinct category compelling performance of a specific act to prevent breach of an obligation. Participants were cautioned that mandatory injunctions, especially at the interim stage, require a higher degree of judicial scrutiny as they alter the existing state of affairs. Prohibitory and preventive injunctions were also explained, emphasizing their role in restraining threatened or anticipated injury.

A substantial part of the session focused on the well-settled principles governing the grant of injunctions. The three-fold test of prima facie case, balance of convenience, and irreparable injury was discussed in detail. It was clarified that a prima facie case does not mean proof beyond doubt, but the existence of a serious question requiring trial. Balance of convenience requires the court to assess comparative hardship to the parties, while irreparable injury refers to harm that cannot be adequately compensated by damages. The discretionary and equitable nature of injunctions was emphasized, along with the requirement that the plaintiff must approach the court with clean hands, without delay, suppression of facts, or acquiescence.

The session also examined statutory limitations on the grant of injunctions. Section 41 of the Specific Relief Act was discussed to highlight circumstances where injunctions must be

refused, such as restraining judicial proceedings, interfering with lawful contracts, or where equally efficacious alternative remedies are available. This segment reinforced the principle that injunctions are not to be granted as a matter of routine.

Important judgments of the Supreme Court of India were referred to throughout the session to illustrate the application of these principles. The Supreme Court's consistent caution against mechanical grant of injunctions, its guidance on appellate interference with discretionary orders, and its strict approach towards interim mandatory injunctions were discussed. These decisions were used to underline that injunctions are intended to prevent injustice, not to confer undue advantage or create new rights.

Session 11 concluded with the observation that injunctions are a powerful judicial tool requiring careful and balanced exercise. The combined reading of the Specific Relief Act, 1963, the CPC, and authoritative Supreme Court pronouncements ensures that injunctions serve their true purpose of preserving rights and preventing irreparable harm, while safeguarding against misuse of the judicial process.