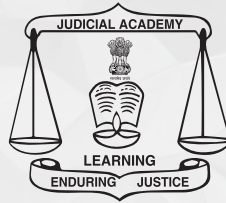


Tri-Monthly Newsletter

(April 2025 - June 2025)



**JUDICIAL ACADEMY,
JHARKHAND**

July, 2025



From the Desk of the Judicial Academy, Jharkhand

It gives us immense pleasure to present the latest edition of the Tri-Monthly Newsletter of the Judicial Academy, Jharkhand. This publication is intended to serve as an official chronicle of the Academy's academic activities and as a reflection of its ongoing commitment to judicial learning, professional development, and institutional strengthening.

Over the past quarter, the Academy has undertaken a series of structured training programmes, workshops, refresher courses, and interactive sessions covering a wide array of substantive and procedural legal topics. These programmes have been carefully designed to equip judicial officers, ministerial staff, and other stakeholders with the requisite skills, legal acumen, and ethical orientation to address the dynamic challenges facing the justice delivery system.

During this period, special emphasis was laid on critical areas such as vulnerable witness protection, civil and criminal trial procedures, juvenile justice, adjudication of motor accident claims, and appreciation of forensic and digital evidence. Concurrently, the Academy intensified its digital capacity-building efforts under the e-Courts initiative, facilitating programmes on case management systems, paperless court procedures, and registry operations.

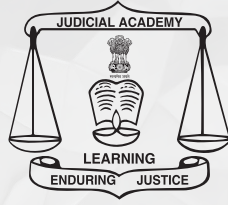
This newsletter encapsulates the highlights of these endeavours and provides a succinct overview of the key discussions, technical deliberations, and expert inputs received during each programme. It is our firm belief that this publication will serve as a valuable resource for judicial officers and legal professionals alike, contributing meaningfully to the broader discourse on judicial education and reform.

We express our sincere gratitude to the Hon'ble Chief Justice and Hon'ble Judges of the High Court of Jharkhand for their constant encouragement and visionary leadership. We are thankful to all the esteemed resource persons, senior judicial officers, and domain experts who have generously shared their insights and enriched the academic engagements of the Academy.

Finally, we acknowledge the enthusiastic participation of all judicial officers, court staff, and other stakeholders, whose commitment to continuous learning remains central to the success of our programmes and to the overall advancement of judicial excellence in the State.

Happy Reading!

Judicial Academy, Jharkhand



JUSTICE M.S. RAMACHANDRA RAO
Chief Justice, High Court of Jharkhand-
cum-Patron-in-Chief
Judicial Academy, Jharkhand

MESSAGE FROM THE PATRON-IN-CHIEF

It gives me immense pleasure to address the readers of the Judicial Academy, Jharkhand's tri-monthly newsletter, which reflects the Academy's steadfast commitment to judicial education and institutional excellence.

The judiciary, as the guardian of constitutional values, must remain ever vigilant and adaptive to the complexities of a rapidly evolving legal and societal landscape. In this endeavour, capacity building is not merely a function but a responsibility that ensures the judiciary continues to uphold the rule of law with wisdom, clarity, and integrity.

The recent programmes conducted by the Academy — ranging from sessions on vulnerable witness protection, motor accident claim adjudication, and civil law procedures to extensive training on sessions trials, cybercrime, and digital case management — exemplify the Academy's multidimensional approach to judicial training. Particularly commendable are the initiatives undertaken under the e-Courts Capacity Building Programme, which have reached court staff, advocates, and registry personnel across the State, thereby strengthening the very foundations of court administration.

The Academy's emphasis on procedural discipline, ethical conduct, and technological preparedness resonates deeply with our vision of a responsive, transparent, and efficient justice delivery system. I am pleased to note that the training modules have been thoughtfully curated to address both legal intricacies and practical challenges, with meaningful participation from Hon'ble Judges, resource persons, and members of the Bar and Bench.

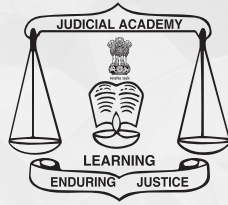
I extend my sincere appreciation to the Director, faculty members, and administrative staff of the Judicial Academy, Jharkhand, for their dedication to nurturing a culture of continuous learning and excellence. I also commend the enthusiastic participation of judicial officers and court personnel, whose commitment to self-improvement is vital to the institutional mission of justice.

May this newsletter continue to serve as a valuable medium for reflection, collaboration, and knowledge dissemination within the legal fraternity.

I wish the Judicial Academy continued success in all its future endeavours.

Warm Regards,

M.S. Ramachandra Rao



JUSTICE RONGON MUKHOPADHYAY
Judge, High Court of Jharkhand
Cum-Judge-in-Charge
Judicial Academy, Jharkhand

MESSAGE FROM THE JUDGE-IN-CHARGE

It gives me great pleasure to present this edition of the Judicial Academy, Jharkhand's Newsletter, encapsulating the diverse academic and capacity-building initiatives undertaken during the second quarter of the year 2025. The Academy remains unwavering in its commitment to fostering judicial excellence through structured training programmes aimed at enhancing the knowledge, skills, and ethical standards of all stakeholders in the justice delivery system.

During the months of April to June 2025, the Academy successfully organized a broad range of programmes covering critical areas of contemporary legal relevance. These included workshops and refresher courses on Motor Accident Claims, Civil Law Adjudication, Vulnerable Witness Protection, Juvenile Justice, and Sessions Trial Procedures, among others. The focus extended beyond substantive and procedural law to encompass pressing themes such as digitisation of courts, appreciation of digital and forensic evidence, judicial ethics, and effective court administration.

Special emphasis was placed on the orientation of judicial officers and court staff towards the evolving procedural and technological frameworks, particularly under the e-Courts Project. The training programmes for ministerial staff, court clerks, registry personnel, and advocates' clerks reflect our continued effort to ensure that every functionary of the justice system is equipped to meet present and future challenges.

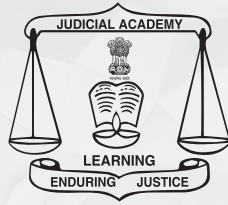
These initiatives were enriched by the gracious presence and invaluable contributions of Hon'ble Judges of the High Court of Jharkhand, domain experts, and senior legal professionals, whose insights greatly enhanced the quality of deliberations. I place on record my sincere appreciation for their active involvement and guidance.

As we look ahead, the Academy shall persist in its endeavour to deliver rigorous, relevant, and responsive judicial education, aligning with the highest standards of professional competence and ethical rectitude. It is my earnest belief that the knowledge imparted through these programmes shall meaningfully contribute to the administration of justice in the State.

Warm regards,

Justice Rongon Mukhopadhyay

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RAJESH SHARAN SINGH
Director,
Judicial Academy, Jharkhand

MESSAGE FROM THE DIRECTOR

I am extremely delighted to present this edition of the Judicial Academy, Jharkhand's tri-monthly newsletter, highlighting the various academic and training activities conducted during the months of April to June 2025.

The Judicial Academy remains devoted to its mission of promoting judicial excellence through structured learning, professional development, and knowledge-sharing. During this quarter, the Academy conducted a wide array of programmes, including workshops on vulnerable witness protection, motor accident claims, civil law adjudication, and sessions trials. Special focus was also laid on e-Courts training and digital capacity-building, which saw enthusiastic participation from across the State.

These programmes were greatly enriched by the insightful contributions of Hon'ble Judges of the High Court of Jharkhand, experienced faculty members, legal experts, and senior officers, whose commitment to strengthening the justice delivery system is truly commendable. I am thankful to all the participants—judicial officers, court staff, and ministerial personnel—for their active engagement and sincere dedication.

I would like to express my heartfelt gratitude to the Hon'ble Chief Justice and Hon'ble Judge-In-Charge for their continued guidance, encouragement, and support in all the initiatives of the Academy. I am also thankful to the faculty and administrative team of the Academy for their consistent efforts in making each programme meaningful and impactful.

A special note of thanks is extended to the Research Scholars of the Judicial Academy, whose diligent work in compiling, editing, and curating the content has made this edition of the newsletter both comprehensive and insightful.

It is my hope that this newsletter not only serves as a record of recent academic efforts but also as a source of inspiration for continued learning and collective progress.

A handwritten signature in blue ink, appearing to read 'Rajesh Sharan Singh'.

Rajesh Sharan Singh

Director

Judicial Academy, Jharkhand

Workshop On Qualitative Disposal Of Motor Accident Claim Cases



A Workshop on Qualitative Disposal of Motor Accident Claim Cases was held on 5th April 2025, bringing together esteemed members of the legal fraternity to deliberate on key issues surrounding motor accident compensation. The workshop featured a series of interactive sessions aimed at improving the adjudication process and ensuring fair and efficient disposal of claims under the Motor Vehicles Act.



The first session was conducted by Sri Ashutosh Anand, Additional Advocate General, Jharkhand, who addressed the topic of determining compensation in cases of death. His presentation focused on the principles of just compensation and the challenges in maintaining uniformity and consistency across cases. He also discussed the applicability of interest and penal interest, the concept of “pay and recover,” third-party liability, and the mechanisms for disbursement of compensation.

In the second session, Sri Manoj Prasad, Registrar General, High Court of Jharkhand, spoke on compensation in cases of injury. He provided valuable insights into the assessment of disability and various heads of compensation. The session also covered the determination of notional income in light of recent legal developments, the importance of fair compensation in settlements through Alternative Dispute Resolution (ADR), and relevant provisions under the MACT Rules, 2019.



The third and final session was led by Sri Ashok Priyadarshi, Senior Advocate, Patna High Court, who discussed the latest amendments to the Motor Vehicle Act, 1988, along with the new scheme introduced under the Central Motor Vehicle Amendment Rules, 2022. He highlighted the crucial roles played by the Tribunal/Court, Police, and Insurance Companies in the effective adjudication of motor accident claims.



The workshop served as a significant platform for legal professionals to enhance their understanding of motor accident jurisprudence, promote consistency in decision-making, and facilitate the timely and just resolution of claim cases.



Special Training Programme On Vulnerable Witness Protection And Infrastructure Development



On 12th April 2025, the Judicial Academy, Jharkhand, hosted a specialized training programme on *Vulnerable Witness Protection and Infrastructure Development*, aimed at strengthening systemic, legal, and infrastructural mechanisms to ensure the safety, dignity, and effective participation of vulnerable witnesses in the judicial process.



The programme was conducted under the chairmanship of Hon'ble Mr. Justice Ananda Sen, Judge, High Court of Jharkhand and Chairperson of the Vulnerable Witness Deposition Centre

(VWDC) Committee. The event was also graced by the presence of Hon'ble Mr. Justice Anil Kumar Choudhary and Hon'ble Mr. Justice Gautam Kumar Choudhary, Judges, High Court of Jharkhand and Members of the VWDC Committee.



Key dignitaries in attendance included Sri Nikesh Kumar Sinha, Registrar Judicial, High Court of Jharkhand and Nodal Officer, VWDC; Shri Rajesh Sharan Singh, Principal Secretary-cum-Legal Remembrancer, Law (Judicial) Department; Shri Satyakam Priyadarshi, Director-in-Charge, Judicial

Academy, Jharkhand; Sri Pankaj Kumar, Chief Engineer, Building Construction Department, along with members of the judicial registry, judicial officers, officials from the police department, and legal aid lawyers.



The training session was led by Hon'ble Justice Gita Mittal, former Chief Justice of the Jammu & Kashmir High Court and Chairperson, National VWDC Training Committee. In her compelling address, Justice Mittal emphasized the critical importance of treating vulnerable witnesses—particularly those from marginalized communities—with dignity, empathy, and respect. She noted that the transformation of existing courtrooms into safe, inclusive spaces is just as vital as new infrastructure development. Justice Mittal expressed appreciation for engineers and architects who play a pivotal role in facilitating these changes, especially in districts where land availability poses a challenge.



Drawing from her experience, Justice Mittal shared how the concept of vulnerable witness protection has evolved globally, and how India has emerged as a pioneer in institutionalizing such reforms. She highlighted the role of judicial officers and legal aid lawyers in upholding the constitutional rights of witnesses and stressed the need to support legal

aid professionals in building sustainable practices within the justice delivery system.

The programme addressed the growing concern over witnesses turning hostile in criminal trials, identifying this as a major barrier to conviction. It highlighted that manipulation and intimidation of witnesses—often by influential accused persons—remain key issues, underscoring the relevance of the Witness Protection Scheme, 2018. The scheme categorizes witnesses into three levels based on threat perception and lays down a structured mechanism for their protection.



Participants engaged in discussions around landmark Supreme Court judgments, including *Mahender Chawla v. Union of India*, which recognized the right to testify safely as a Fundamental Right under Article 21 of the Constitution, and *Smruti Tukaram Badade v. State of Maharashtra*, which reinforced the need for a barrier-free, secure, and sensitive environment for vulnerable witnesses, especially victims of sexual violence and individuals with disabilities.

To further aid understanding, visuals from model Vulnerable Witness Deposition Centres in Delhi courts were showcased. These served as practical examples of how thoughtful design and empathetic planning can significantly enhance the witness experience.

The programme reiterated key directives from the Hon'ble Supreme Court in *Smruti Tukaram Badade*, including the notification or modification of VWDC schemes in all High Courts, establishment of permanent VWDC Committees, estimation of infrastructure and manpower requirements, and the submission of cost assessments to respective State Governments. It also highlighted the need for collaborative efforts involving the Ministry of Women and Child Development and State authorities to ensure timely implementation.

Refresher Training Programme on Civil Laws



The Judicial Academy, Jharkhand, organized a two-day Refresher Training Programme on Civil Laws for Civil Judges (Junior Division) on 19th & 20th April 2025 with the objective of strengthening their understanding of key civil law principles, enhancing procedural proficiency, and reinforcing the ethical and professional standards essential for judicial office. The programme brought together eminent judges, experienced legal practitioners, and senior judicial officers to share insights on relevant legal issues and contemporary judicial challenges.



The programme commenced with a session delivered by Hon'ble Mr. Justice Ananda Sen, Judge, High Court of Jharkhand, on the topic "Elements of Judicial Behaviour – Ethics, Neutrality and Professionalism." His Lordship highlighted the paramount importance of impartiality, integrity, and ethical conduct in judicial functioning. The session underlined that a judicial officer must not only dispense justice with legal accuracy but must also exemplify fairness, patience, and accountability in public life.



This was followed by a lecture by Sri Pandey Neeraj Rai, Advocate, High Court of Jharkhand, on the "Salient Features of the Specific Relief Act and the Doctrine of Equity." The resource person explained the fundamental principles underlying specific relief, the scope and nature of discretionary remedies such as injunctions and specific performance, and the application of equitable doctrines. The session emphasized the harmonious coexistence of statutory provisions and equitable considerations in delivering just outcomes.



The next technical session was addressed by Sri Swarn Shankar Prasad, retired Principal District Judge, who spoke on "Recording and Appreciation of Evidence in Civil Cases and Execution of Decrees." Drawing from his rich judicial experience, he discussed practical methods for assessing evidence, maintaining the sanctity of judicial records, and

appreciating oral and documentary materials in civil disputes. He also dealt with procedural challenges in decree execution, highlighting mechanisms for ensuring effective enforcement.



Subsequently, Sri Rashmi Katyayan, Advocate, Civil Court, Ranchi, delivered a session on the Chotanagpur Tenancy (CNT) Act and Santhal Parganas Tenancy (SPT) Act, which are region-specific legislations with significant bearing on land rights in Jharkhand. The session focused on statutory protections for tribal communities, restrictions on land transfer, and the role of civil courts in adjudicating disputes under these special laws. The importance of being sensitive to socio-cultural contexts while interpreting such provisions was strongly emphasized.



On the second day of the programme, Sri Manoj Prasad, Registrar General, High Court of Jharkhand, delivered an extensive lecture on "Overview of Civil Laws with Special Emphasis on Frequently Invoked Procedural Laws." The session covered a broad spectrum of procedural law including provisions relating to temporary and permanent injunctions, the amendment of pleadings, the power to strike out or amend issues, and the application of the Limitation Act, General Clauses Act, and Transfer of Property Act. The deliberations were tailored to address the practical concerns faced by Civil Judges and to foster a deeper understanding of procedural intricacies.

The concluding session provided continuity to the topics discussed earlier, facilitating a more comprehensive understanding of the procedural laws applicable in civil litigation. The interactive nature of the session enabled participants to seek clarifications, share practical experiences, and engage in constructive discussions on judicial best practices.



Refresher Training Programme on Civil Laws



The Judicial Academy, Jharkhand, successfully conducted a two-day Refresher Training Programme on Civil Laws for Civil Judges (Junior Division) on 26th & 27th April, 2025 as part of its ongoing commitment to judicial education and capacity building. The training was designed to strengthen the core competencies of judicial officers in civil adjudication, procedural rigour, and professional ethics.

The programme commenced with an inaugural session on “Elements of Judicial Behaviour: Ethics, Neutrality and Professionalism”, delivered by Hon’ble Mr. Justice Ananda Sen, Judge, High Court of Jharkhand. His Lordship underscored the imperative of ethical conduct, impartiality, and professionalism in judicial life. The session emphasized that the legitimacy of judicial authority stems not only from legal knowledge but also from the moral and ethical rectitude demonstrated by the judge in and outside the courtroom.



This was followed by a session on the “Salient Features of the Specific Relief Act and Equity”, addressed by Sri Pandey Neeraj Rai, Advocate, High Court of Jharkhand. He highlighted the key provisions of the Act, particularly remedies like specific performance, declaratory reliefs, and injunctions. The lecture also dwelt on the interrelation of statutory reliefs and equitable principles, thereby stressing the necessity for a balanced and judicious approach in civil adjudication.



A technical session on the “Appreciation of Evidence in Civil Cases” was conducted by Sri Rajesh Sharan Singh, Principal Secretary, Law (Judicial) Department, Government of Jharkhand. The session provided a practical and structured understanding of evidentiary standards, including appreciation of oral and documentary evidence, relevance, admissibility, and credibility assessment. His discourse was enriched by illustrative references drawn from judicial practice.





Further, Sri Rashmi Katyayan, Advocate, Civil Court, Ranchi, delivered a focused session on the Chotanagpur Tenancy (CNT) Act and the Santhal Parganas Tenancy (SPT) Act. The deliberation highlighted the special provisions related to land ownership, transfer, and protection of the rights of tribal communities in Jharkhand. The session was particularly significant in view of the unique socio-legal context of land disputes in the region.



On the second day, Sri Ashok Priyadarshi, Senior Advocate, High Court of Judicature at Patna, delivered an insightful session on the "Overview of Civil Trial." He covered all stages of a civil trial, from the institution of the suit, framing of issues, leading of evidence, interlocutory proceedings, to final judgment. The resource person emphasized procedural discipline, timeliness, and the importance of reasoned orders in maintaining the credibility of the justice delivery system.

The concluding session continued the discussions on civil trial procedures, allowing for interactive engagement among participants and clarifying doubts. The emphasis remained on reinforcing judicial efficiency, legal reasoning, and consistency in applying procedural norms.



Refresher Training Programme for Principal District Judges



The Judicial Academy, Jharkhand, organized a one-day Refresher Training Programme for Principal District Judges on 4th May, 2025. The programme was designed to strengthen the administrative capabilities of judicial officers at the district level and to promote effective court management practices. The sessions were curated to address key areas such as judicial leadership, pendency management, financial accountability, and the use of information technology in court administration.



The programme commenced with registration and group photography, marking the formal initiation of the session. The inaugural address was delivered by Hon'ble Mr. Justice Anil Kumar Choudhary, Judge, High Court of Jharkhand, who spoke on the theme "Principal District Judge: A Leader and Source of Inspiration." His Lordship emphasized the pivotal role played by Principal District Judges as administrative heads and as exemplars of judicial conduct. He underscored the necessity of visionary leadership, integrity, and the capacity to inspire and supervise the subordinate judiciary effectively.

Following the inaugural address, the participants engaged in a session on the use of human resource management to enhance court efficiency. The discussion focused on organizational behaviour, staff management, role allocation, and methods to ensure the productivity and morale of judicial and ministerial staff. The resource person encouraged the adoption of professional HR practices within the judicial system.

A detailed session on strategies to manage pendency and reduce the backlog of cases was conducted thereafter. This session explored structured approaches to docket control, utilization of judicial time, streamlining procedural bottlenecks, and fostering a culture of proactive case management.

The session on "Use of Case Information System (CIS) for Effective Court Administration" emphasized the utility of digital case management tools in enhancing transparency, accountability, and data-driven decision-making. The participants were familiarized with practical applications of CIS in monitoring court performance and streamlining administrative functions.



Post-lunch, the training shifted focus to financial management in the judiciary. Sri Mithilesh Kumar Jha, Senior Audit Officer, Regional Training Institute, Ranchi, delivered a comprehensive lecture on the Jharkhand Finance Rules, with specific reference to government procurement processes. The session clarified the duties of drawing and disbursing

officers, the importance of procedural compliance, and audit preparedness.

This was followed by a presentation by Sri Arun Kumar Sinha, Under Secretary, Rural Development Department, Government of Jharkhand, on the Jharkhand Treasury Code and a brief overview of the Right to Information Act (RTI). He explained the treasury mechanisms applicable to court expenditures, and the procedural and substantive aspects of the RTI Act relevant to judicial administration.



The final session of the programme was conducted by Hon'ble Mr. Justice Ambuj Nath, Judge, High Court of Jharkhand. The discourse centred on the Code of Conduct, Departmental and Disciplinary Proceedings, and practical dimensions of the RTI Act. His Lordship offered valuable insights into the standards expected of judicial officers, the safeguards during inquiries, and the obligation to uphold transparency without compromising judicial independence. The programme concluded with an open discussion and exchange of experiences, enabling participants to reflect upon administrative best practices and to reaffirm their commitment to efficient and ethical judicial administration.



A Comprehensive Conference-cum-Consultation Meet on Juvenile Justice and Related Laws



A Comprehensive Conference-cum-Consultation Meet on Juvenile Justice and Related Laws was jointly organized by the National Institute of Public Cooperation and Child Development (NIPCCD), Ministry of Women and Child Development, Government of India, in collaboration with the Judicial Academy, Jharkhand, at Ranchi. The programme brought together key stakeholders, including judicial officers, child protection officials, academicians, and legal professionals, to engage in meaningful dialogue on strengthening the implementation of juvenile justice laws and enhancing mechanisms for the care and protection of children.



The conference was inaugurated with the ceremonial presentation of bouquets, shawls, and mementos to the dignitaries. The Chief Guest Smt. Annapurna Devi, Hon'ble Union Cabinet Minister for Women and Child Development, in her special address shed light on the socio-economic circumstances that often result in children coming into conflict with the law. Emphasizing the rehabilitative spirit of the Juvenile Justice Act, she outlined several central government initiatives aimed at improving access to education, healthcare, and welfare for vulnerable children. She also announced the establishment of a regional NIPCCD centre in Jharkhand, in partnership with the State Government, to reinforce child protection infrastructure across the region.



Hon'ble Mrs. Justice AnubhaRawatChoudhary, Judge, High Court of Jharkhand, commended the organizers for convening a forum of such depth and relevance. She reiterated the principle that juvenile justice must remain restorative in nature, aimed at rehabilitation rather than retribution. Justice Choudhary also appreciated the range of topics covered in the technical sessions, acknowledging their practical relevance in contemporary child welfare jurisprudence.



The welcome address was delivered by Shri Rajesh Sharan Singh, Director, Judicial Academy, Jharkhand, setting the tone for the day's deliberations.



A book published by the Judicial Academy, Jharkhand was also released during the event, followed by a Vote of Thanks proposed by Shri Satyakam Priyadarshi, Senior Faculty, Judicial Academy.

This was followed by the keynote address by Dr. Sanghmitra Barik, Joint Director, NIPCCD, New Delhi, who highlighted the objectives of Mission Vatsalya, the flagship programme of the Ministry of Women and Child Development. She emphasized the importance of procedural diligence and inter-departmental coordination in ensuring that no child is deprived of their entitlements due to technical or administrative oversights.



Shri Manoj Kumar, IAS, Secretary, Women, Child Development & Social Security Department, Jharkhand, elaborated on the grassroots implementation of the JJ Act and Mission Vatsalya. He drew attention to the pivotal roles played by District Child Protection Officers (DCPOs), Child Development Project Officers (CDPOs), and Child Helpline units in bridging the gap between legislation and field-level execution.

The technical sessions commenced with Shri Abhay Nandan Ambastha, IAS, Additional Secretary, Women and Child Development, Jharkhand, who provided an overview of various state initiatives in the child protection domain and presented data on the functioning of Child Care Institutions (CCIs).



In the next session, Smt. Vandana Singh, Advocate, High Court of Jharkhand, addressed the implications of the newly enacted criminal laws on juvenile justice. She also discussed emerging concerns such as juvenile involvement in cyber offences, parental liability under the Motor Vehicle Act, and the operational framework of Children's Courts.



The third session, led jointly by Dr. Sanghmitra Barik and Mr. Junaid-ul-Islam, Senior Advisor, Ministry of Women and Child Development, offered an in-depth overview of the Protection of Children from Sexual Offences (POCSO) Act, 2012, and highlighted best practices from across the country. Notable initiatives such as BHAROSA (Telangana Government) and NIRBHEEK (Delhi Police) were shared as successful models for child-centric policing and support systems. The speakers also provided a detailed explanation of the scope and implementation strategy of Mission Vatsalya.

In a thought-provoking fourth session, Hon'ble Mr. Justice S. Ravindra Bhat, Judge, Supreme Court of India (Retd.), delved into the constitutional philosophy underlying the Juvenile Justice Act. He emphasized that children represent a vision of the future, and their treatment under the law must reflect a commitment to justice that is empathetic, timely, and rehabilitative. Justice Bhat stressed the need for child-friendly, time-bound inquiries by Juvenile

Justice Boards and highlighted the importance of social reintegration of juveniles post-release.



The final technical session was led by Shri Chand Kiran Choker, Joint Director, National Informatics Centre (NIC), Ministry of Women and Child Development, who provided a comprehensive demonstration of the Mission Vatsalya Portal. He emphasized the platform's potential for real-time data integration, institutional accountability, and effective coordination among implementing agencies.

The event concluded with valedictory remarks by Shri Apurba Saha, Assistant Director, NIPCCD, who summarized the key outcomes of the deliberations and expressed gratitude to all the dignitaries, resource persons, and participants for their contributions. The conference marked a significant step forward in reinforcing a child-centric, rights-based approach to juvenile justice and building stronger institutional linkages for safeguarding the rights and well-being of children across the country.





Refresher Training Programme for District Judges on Sessions Trial

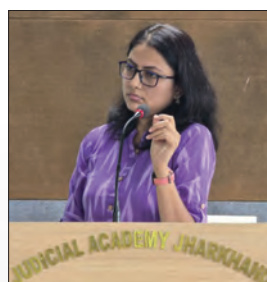


The Judicial Academy, Jharkhand organized a two-day Refresher Training Programme on “Sessions Trial” for District Judges on the 21st and 22nd of June, 2025. The training aimed at refining the judicial approach in handling sessions trial cases, particularly focusing on evolving standards in the appreciation of evidence, admissibility of digital and forensic material, and the role of judges in upholding procedural justice and truth-seeking during criminal adjudication.



The programme began with an insightful session by Hon'ble Mr. Justice Anil Kumar Choudhary, Judge, High Court of Jharkhand, on *“Appreciation of Evidence in Sessions Trial Cases.”* His Lordship shared rich practical insights drawn from judicial experience, focusing on the methods of assessing the credibility of witnesses, understanding inconsistencies in testimony, corroborative evidence, and the interplay between legal principles and judicial discretion in evaluating facts. The session reinforced the importance of nuanced and contextual reading of evidence in serious criminal matters.

The second session was conducted by Ms. Antara Jha, Senior Executive (Legal), C-DAC, Patna, on *“Admissibility, Appreciation, and Attribution of Digital Evidence.”* She addressed key developments in the admissibility of electronic



records under the Indian Evidence Act, challenges in ensuring authenticity and integrity of digital evidence, and the increasing reliance on digital trails in criminal investigations. She also explained technical safeguards such as hash values, timestamps, and metadata, and their legal relevance, equipping judges to better appreciate such evidence in court.



After lunch, Dr. A.K. Bapuly, Former Director, State Forensic Science Laboratory (SFSL), Ranchi, delivered an in-depth lecture on *“Evaluating Forensic Evidence in Sessions Trial.”* He systematically explained the scientific basis of forensic reports, including DNA profiling, blood and fingerprint analysis, firearm and ballistic reports, and chemical examination in poisoning cases. His session emphasized the need for judicial officers to develop a basic understanding of scientific processes, chain of custody requirements, and report interpretation, so that conclusions drawn from such evidence are accurate and legally sustainable. The session was extended for further deliberations, providing ample opportunity for discussion and clarification.



On the second day, Sri S.S. Upadhyay, Former District & Sessions Judge and Legal Advisor to the Hon'ble Governor of Uttar Pradesh, conducted two comprehensive sessions. The first focused on "*Criminal Revision and Appeal*", where he laid down the legal framework governing the revisional and appellate jurisdiction of higher courts, the

permissible scope of interference in findings of subordinate courts, and procedural propriety in the exercise of these powers. His analysis included landmark judgments and practical tips for judicial officers to avoid errors that may be subject to reversal.

In the final session, Sri S.S. Upadhyay spoke on "*Role of Judges during Recording of Evidence in Quest of Truth*." He emphasized the proactive but impartial role of the judge during the trial process—particularly during examination and cross-examination of witnesses. He discussed how a judge must remain alert to the nuances of testimony, ensure that vulnerable witnesses are protected, and intervene effectively when required to bring clarity to the proceedings without compromising fairness. The session reinforced that the quest for truth is central to the criminal trial process and that judges must be both guardians of the law and sentinels of justice.



Refresher Training Programme for District Judges on Sessions Trial



The Judicial Academy, Jharkhand, successfully conducted a two-day Refresher Training Programme (Course No. R-5) on “Sessions Trial” for District Judges on the 28th and 29th of June 2025. This programme marked the continuation of the Academy’s structured efforts to enhance judicial competence in conducting criminal trials, ensuring expeditious and fair adjudication in accordance with evolving legal standards and best practices.



The training began with an engaging session by Sri S.S. Upadhyay, Former District & Sessions Judge and Legal Advisor to the Hon'ble Governor of Uttar Pradesh, on the “*Concept of Criminal Revision and Appeal*.” He provided a thorough overview of the revisional and appellate jurisdictions, highlighting the parameters within which higher courts can intervene in criminal matters. He also addressed common errors in trial court proceedings that could lead to appellate reversals, emphasizing the importance of judicial caution and procedural rigor.



In the next session, Sri Upadhyay addressed the “*Role of Judges during Recording of Evidence in Quest of Truth*.” He emphasized that while judges must maintain neutrality, they also have an active duty to ensure clarity and fairness during examination and cross-examination. His address focused on the vital role of judicial intervention in filtering out falsehoods, protecting vulnerable witnesses, and preserving the sanctity of the trial.



Post-lunch, Sri H.S. Sharma, District Judge (Retd.), Delhi Higher Judicial Service, delivered two impactful sessions. The first was on “*Discharge, Framing of Charges, and Alteration/Reframing of Charges*.” He analyzed the legal framework governing the stage of charge framing under the CrPC and emphasized that this phase plays a pivotal role in shaping the direction of a sessions trial. His second session explored “*Sentencing: Aggravating and Mitigating Factors*,” where he discussed judicial discretion in sentencing and the balancing of retributive and reformatory approaches. The session stressed the importance of proportionality, victim impact, and individualized sentencing.



On the second day, Hon'ble Mr. Justice Pradeep Kumar Srivastava, Judge, High Court of Jharkhand, delivered a forward-looking session on *"Tools and Techniques for Speedy Disposal of Sessions Trials."* He shared innovative strategies to reduce pendency, such as strict case flow management, pre-trial scrutiny, improved coordination with the prosecution, and curbing unnecessary adjournments. The session highlighted the dual responsibility of judges to protect rights while upholding institutional efficiency.



The final session was taken by Hon'ble Mr. Justice Gautam Kumar Choudhary, Judge, High Court of Jharkhand, on *"Appreciation of Evidence in Criminal Trial vis-à-vis Civil Trial."* His Lordship drew a nuanced distinction between the standards of proof, burden of evidence, and judicial approach in civil versus criminal matters. He explained how evidence must be weighed differently in criminal trials, where the liberty of individuals is at stake, compared to civil disputes that center around rights and entitlements.



International Yoga Day Celebration

On the occasion of International Yoga Day, the Judicial Academy, Jharkhand organized a special Yoga Session on 21st June 2025 for its officers and staffs. The event highlighted the importance of physical and mental well-being in the demanding field of justice delivery. Participants enthusiastically engaged in guided yoga and meditation practices under the supervision of certified instructors. The session fostered awareness about stress management, mindfulness, and holistic health—reinforcing the significance of inner balance in judicial functioning.



Other Programmes



ONE-DAY TRAINING OF ADVOCATES/ADVOCATES' CLERKS ON E-COURTS PROGRAMME (ECT_4_2025 AND ECT_7_2025)

In furtherance of the directions of the Hon'ble eCommittee, Supreme Court of India, and under the guidance of the Hon'ble Judge In-Charge, Judicial Academy, Jharkhand, the Academy organized a one-day physical training programme titled "*Training of Advocates/Advocates' Clerks on e-Courts Programme (ECT_4_2025 and ECT_7_2025)*" across all District Judgeships between 20th and 27th April 2025.

The training was conducted by Advocate Master Trainers or, in their absence, by the District System Administrators (DSAs), and covered key components from both ECT-4 and ECT-7, focusing on enhancing the use of e-Courts services and digital court infrastructure. Each District Judgeship selected 50 participants in consultation with the respective Bar Associations, ensuring representation from Sub-Divisions as well.

The event was successfully conducted across the State with active and enthusiastic participation from Advocates and their Clerks. This initiative is a significant step toward promoting digital proficiency within the legal fraternity.

ONLINE TRAINING ON COMPLIANCE WITH SUPREME COURT GUIDELINES IN BAIL MATTERS

In compliance with the directions of the Hon'ble High Court of Jharkhand, the Judicial Academy, Jharkhand organized an Online Training Programme on adherence to directions laid down by the Hon'ble Supreme Court in *Arnesh Kumar vs. State of Bihar*, AIR 2014 SC 2756 and *Satender Kumar Antil vs. CBI*, (2022) 10 SCC 51, focusing on proper judicial approach in dealing with bail petitions.

The training was conducted in batches comprising judicial officers from four to five districts (excluding Family Courts, Labour Courts, and those on

deputation/administrative posts). Sessions were held from 29th April to 6th May 2025, in virtual mode, with each session lasting 45 minutes from 4:30 PM to 5:15 PM.

The sessions were led by experienced trainers including Mr. Mohammad Shakir (Principal District & Sessions Judge, Chaibasa), Mr. Nalin Kumar (Principal District & Sessions Judge, Garhwa), Mr. Nikesh Kumar Sinha (Registrar Judicial, High Court of Jharkhand), and Mr. Akhil Kumar (Principal District & Sessions Judge, Sahebganj).

The training was successfully conducted, aiming to reinforce judicial sensitivity and consistency in the application of bail jurisprudence in line with constitutional mandates and Supreme Court directives.

REFRESHER PROGRAMME FOR REGISTRY STAFF OF HIGH COURT (ECT_15_2025)

On 4th May 2025, the Judicial Academy, Jharkhand successfully conducted a oneday Refresher Programme for Registry Staff of the High Court (ECT_15_2025) in a physical mode. Under the guidance of the Hon'ble Judge InCharge, the event brought together registry personnel to enhance their technical proficiency and prepare for a paperless court environment.

The session commenced with an orientation and overview of the programme, followed by an indepth module on e-filing and the role of the registry. Participants then explored the computer infrastructure - both hardware and software - alongside networking fundamentals and an overview of servers. After lunch, the focus shifted to video conferencing and hybrid hearings, paving the way for future courtroom practices. A dedicated segment on data management and the use of paperless tools (office suites, PDF applications, etc.) rounded off the training.

Esteemed resource persons included Ms. Kumari

Muskaan (Sr. System Software & Database Support Engineer, CPC), Sri Tej Narayan (Sr. Programmer), Sri Rohit Kumar (Sr. System Software & Database Engineer), Sri Vinay Kondal (Project Coordinator), and Sri Sai Sandeep (Site InCharge). Their expert insights and hands-on demonstrations ensured an engaging and impactful learning experience, marking a significant step in the eCourts Capacity Building Programme.

COMPUTER TRAINING PROGRAMME FOR COURT STAFFS AND N-STEP TRAINING AT DISTRICT HEADQUARTERS (ECT_8_2025)

In compliance with the directions of the Hon'ble eCommittee, Supreme Court of India, and under the supervision of the Hon'ble Judge In-Charge, Judicial Academy, Jharkhand, a one-day Computer Training Programme for Court Staffs and N-Step Training (ECT_8_2025) was successfully conducted across all District Judgeships on 11th May 2025.

The training targeted Court Staffs, Nazir/Naib-Nazir, Process Servers, and similar personnel, including those posted in Sub-Divisions. The sessions were conducted in offline mode by the District System Administrators (DSAs) and CIS-trained staff, designated as trainers.

The programme focused on enhancing basic computer skills, familiarization with the Case Information System (CIS), and strengthening the digital functioning of subordinate courts. The initiative aimed to ensure effective implementation of e-Courts services at the grassroots level, improving case management and court efficiency.

The training saw enthusiastic participation across the State and marked another significant milestone in the ongoing e-Courts Capacity Building Programme led by the Judicial Academy, Jharkhand.

COMPUTER SKILL ENHANCEMENT PROGRAMME LEVEL I & LEVEL II (ECT_13_2025)

As part of its ongoing efforts to strengthen digital

capacity among judicial officers, the Judicial Academy, Jharkhand successfully organized an online session under the Computer Skill Enhancement Programme Level I & Level II (ECT_13_2025) on 16th May 2025 for all officers belonging to the Civil Judge (Senior Division) cadre.

The session was conducted in virtual mode from 4:30 P.M. to 5:30 P.M., and was led by Sri Bhaskar Kumar, Assistant-cum-DSA, Civil Court, Ranchi. The training focused on enhancing essential computer competencies critical for the efficient use of e-Courts infrastructure and digital tools in day-to-day judicial functioning.

The interactive session offered practical insights and guidance on core areas of digital court operations, forming part of the Academy's larger e-Courts Capacity Building strategy. The enthusiastic participation of the officers and the expertise of the trainer contributed to the overall success of the event.

ONLINE E-COURTS PROGRAMME – CASE MANAGEMENT THROUGH CIS (ECT_16_2025)

As part of the e-Courts Capacity Building Programme, the Judicial Academy, Jharkhand successfully conducted an online session titled "Case Management through CIS" under the banner of ECT_16_2025 on 20th June 2025. The session was organized for Judicial Officers of the Civil Judge (Senior Division) cadre across all District Headquarters.

Held in virtual mode from 4:30 P.M. to 5:30 P.M., the session was led by Sri Bhaskar Kumar, Assistant-cum-DSA, Civil Court, Ranchi. The training focused on efficient case management using the Case Information System (CIS), covering features that aid in digital docketing, tracking, and streamlined court administration.

The programme received positive feedback for its practical relevance and clarity, and it significantly contributed to strengthening the digital capabilities of judicial officers in Jharkhand.



REFRESHER TRAINING PROGRAMME FOR MINISTERIAL STAFF (MS-1 & MS-2)



As per the approved Academic Calendar 2025–2026, the Judicial Academy, Jharkhand successfully organized two refresher training programmes for Ministerial Staff (Assistants Of District Courts) titled MS-1 and MS-2 on 19th June 2025 and 22nd June 2025 respectively.

The first training (MS-1) was conducted at the Judicial Academy, Dhurwa, Ranchi, with participation of three staff members from each judgship including sub-divisions. The trained officials were instructed to act as resource persons for the second training (MS-2) held at the district headquarters on 22nd June 2025, which saw participation of up to 50 staff members—ensuring representation from each court or office within the judgship.

The training covered key areas including criminal and civil court rules, routine orders in both jurisdictions, stamp reporting, court fees, costs, and the roles and responsibilities of bench clerks and office clerks. The schedule also included time for interaction and practical discussions, enhancing the relevance and utility of the sessions.

REFRESHER TRAINING PROGRAMME FOR MINISTERIAL STAFF

The Judicial Academy, Jharkhand organized a comprehensive Refresher Training Programme (Course No. MS-1) for Assistants of District Courts on 19th June 2025. The programme aimed at equipping the ministerial staff with better understanding of procedural norms, judicial office management, and practical aspects of court administration.



The first session was delivered by Sri Rajesh Sharan Singh, Director, Judicial Academy, Jharkhand, who spoke on *“Duties and Responsibilities of Bench Clerks and Office Clerks.”* He highlighted the crucial role of court clerks in ensuring smooth and timely functioning of judicial proceedings, and emphasized diligence, accuracy, and accountability in daily responsibilities.

In the subsequent session, Sri Satyakam Priyadarshi, Additional Director, Judicial Academy, addressed the topic *“Routine Orders in Criminal and Civil Matters.”* He provided insights into the drafting, processing, and importance of day-to-day judicial orders, underscoring their legal significance and the need for procedural correctness.



After the lunch break, Sri Sanjay Kumar, Saristedar, Civil Court, Ranchi, conducted a session on *“Criminal Court Rules and Civil Court Rules.”* He explained the key provisions, comparative features, and practical applications of the rules, helping participants understand common procedural gaps and compliance requirements.

In the concluding session, Sri Sanjay Kumar also elaborated on *“Stamp Reporting, Fee, and Costs,”* providing detailed guidance on proper handling of court fees, stamp verification, and cost entries in judicial records. His session was practical and highly appreciated for its relevance to the participants' everyday tasks.

Recent & Relevant Judgments

Biswajyoti Chatterjee vs State of West Bengal & Anr. 2025 INSC 458

Coram: Justice BV Nagarathna, Justice Satish Chandra Sharma

Facts:

The appellant, Biswajyoti Chatterjee, a retired judicial officer, was facing criminal proceedings under Sections 376(2)(f), 417, and 506 of the Indian Penal Code (IPC). The complainant accused him of sexually exploiting her under the false promise of marriage. According to her, the appellant engaged in a physical relationship with her based on this assurance. The Calcutta High Court had earlier refused to discharge the appellant, holding that a prima facie case was made out for trial. Challenging this order, the appellant approached the Supreme Court, contending that the relationship was entirely consensual. He submitted that the complainant was fully aware that he was a married man, although living separately from his wife. He also emphasized that there was no coercion or dishonest inducement involved, and that the complainant voluntarily continued the relationship for over a year, during which he extended her financial and emotional support.

Analysis:

The Supreme Court examined the essential ingredients of the offences alleged. It held that the facts and materials on record did not disclose the offence of rape under Section 376 IPC, since there was no evidence that the promise of marriage was false from the outset or made in bad faith. The complainant, being an adult, was capable of making a reasoned and informed decision. The Court also found that the offence of cheating under Section 417 IPC was not made out, as there was no evidence of fraudulent inducement. Similarly, the charge under Section 506 IPC for criminal intimidation lacked basis, since no threats or coercion were alleged with sufficient specificity. The Court emphasized that consent under Section 375 IPC must be free, voluntary, and not induced by deceit. It clarified that a failed promise to marry, without fraudulent intent at the inception, does not constitute rape. Furthermore, the continuation of a consensual relationship, even if it later ends in disappointment, cannot be transformed into a criminal offence. The Court cautioned against the use of criminal law as a tool to settle emotional grievances stemming from failed personal relationships.

Held:

Allowing the appeal, the Supreme Court held that continuing the criminal proceedings would amount to an abuse of the process of law and would cause unnecessary hardship to both parties, who were no longer in a relationship and were living separately. The Court concluded that there was no legal basis to proceed with the trial and accordingly set aside the order of the Calcutta High Court, thereby discharging the appellant from all charges. The judgment reinforced the principle that criminal law should not be misused for vindictive or emotional reasons, especially where the evidence does not establish the necessary ingredients of the alleged offences.

Policy Strategy for Grant of Bail, In re, (2024) 10 SCC 685

Coram:

The judgment was delivered by the Supreme Court in *SMWP (Criminal) No. 4 of 2021*, with inputs from Mr. Gaurav Agrawal, learned *Amicus Curiae*. The Bench details are not explicitly mentioned, but the matter involved extensive interaction with various stakeholders including NIC, NALSA, and the Ministry of Home Affairs.

Facts:

The case arose from concerns over undertrial prisoners remaining in custody despite being granted bail, mainly due to their inability to furnish bail bonds or comply with conditions. The Court had earlier passed an order in *Sonadhar v. State of Chhattisgarh*, 2022 SCC OnLine SC 2156, drawing attention to this systemic problem. A report filed by NALSA on 30 January 2023 revealed that 5,000 undertrials were still in jail despite the grant of bail. Out of these, 2,357 were provided legal aid and 1,417 were subsequently released. One of the key issues identified was that many prisoners were involved in multiple cases, and chose not to furnish bail in one case until bail was granted in all, in order to maximize undertrial custody benefit under Section 428 CrPC. Additionally, poverty and inability to secure sureties were major reasons for continued incarceration.

Analysis:

The Court acknowledged several institutional and technological gaps hampering timely execution of bail orders. NALSA had begun the creation of a master data sheet in Excel, detailing prisoners

unable to secure release. Coordination with State Legal Services Authorities (SLSAs) and District Legal Services Authorities (DLSAs) was ongoing to resolve such cases. Further, NIC had developed a Standard Operating Procedure (SOP) to be implemented through its e-prison software used in 1300 jails. A new feature was added where the date of grant of bail must be entered, and if a prisoner is not released within 7 days, a flag and automatic email alert would be sent to the DLSA. This would enable paralegal volunteers or jail-visiting advocates to assist the prisoners. The Court also noted the possibility of allowing secure access to the portal by SLSA and DLSA Secretaries to facilitate better monitoring. Discussions with TISS (Tata Institute of Social Sciences) for further suggestions were underway, though more detailed work was required.

Held:

“9. With a view to ameliorate the problems a number of directions are sought. We have examined the directions which we reproduce hereinafter with certain modifications:

- “(1) The court which grants bail to an undertrial prisoner/convict would be required to send a soft copy of the bail order by email to the prisoner through the Jail Superintendent on the same day or the next day. The Jail Superintendent would be required to enter the date of grant of bail in the e-prisons software (or any other software which is being used by the Prison Department).
- (2) If the accused is not released within a period of 7 days from the date of grant of bail, it would be the duty of the Superintendent of Jail to inform the Secretary, DLSA who may depute paralegal

volunteer or jail visiting advocate to interact with the prisoner and assist the prisoner in all ways possible for his release.

- (3) NIC would make attempts to create necessary fields in the e-prison software so that the date of grant of bail and date of release are entered by the Prison Department and in case the prisoner is not released within 7 days, then an automatic email can be sent to the Secretary, DLSA.
- (4) The Secretary, DLSA with a view to find out the economic condition of the accused, may take help of the Probation Officers or the paralegal volunteers to prepare a report on the socio-economic conditions of the inmate which may be placed before the court concerned with a request to relax the condition(s) of bail/surety.
- (5) In cases where the undertrial or convict requests that he can furnish bail bond or sureties once released, then in an appropriate case, the court may consider granting temporary bail for a specified period to the accused so that he can furnish bail bond or sureties.
- (6) If the bail bonds are not furnished within one month from the date of grant of bail, the Court concerned may suo motu take up the case and consider whether the conditions of bail require modification/relaxation.
- (7) One of the reasons which delays the release of the accused/convict is the insistence upon local surety. It is suggested that in such cases, the courts may not impose the condition of local surety.”

Articles

"Mediation as ADR Mechanism: A progressive, effective, transformative and inclusive dispute resolution mechanism leading to emergence of conflict resilient and harmonious society"

By Manish Kumar Mishra

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"An ounce of mediation is worth a pound of arbitration and a tons of litigation".

Joseph Grynbaum

India's legal system is burdened with a rising case load and a backlog that creates difficulties in fulfilling the constitutional guarantee of speedy justice. Alternative Dispute Resolution (ADR) mechanism have emerged as an effective way of clearing the backlog by solving disputes in a manner outside of the judicial system. Alternative dispute resolution (ADR), a boon for the Indian judiciary, offers a lifeline to a legal system overburdened by millions of pending cases and procedural delays. The judicial system focuses on Alternative Dispute Resolution (ADR), that provides time-efficient, less formal and cost-effective mechanisms to resolve disputes. Section 89 of the Code of Civil Procedure, 1908 (CPC) formalizes the use of ADR i.e. arbitration, conciliation, judicial settlement including settlement through lok adalat or mediation to resolve civil disputes. Section 89 CPC mandates courts to make orders of referral for ADR in suitable cases. Statutory basis for arbitration and conciliation is captured within the Arbitration and Conciliation Act, 1996 and the Legal Services Authorities Act, 1987 for Lok Adalat. Law Commission of India in its 222nd Report recognized and favored the broader adoption of alternative dispute resolution (ADR), noting that many disputes could be resolved amicably without the need for judicial adjudication. Even Hon'ble SC in *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co.*¹ observed and suggested to encourage ADR at every stage of court processes. Amongst ADR mechanism, mediation² forms an integral part and plays a pivotal role in settling cases both pending as well as pre-litigation cases. Mediation is an advanced and effective unique model of dispute resolution that acts as an informal, non-adjudicatory process where parties themselves negotiate mutually to resolve their disputes adhering to key principles of mediation i.e. flexibility, self-determination, party participation, and autonomy.

The approach of the Courts towards mediation has been shaped in favour of Section 89(1) of CPC which empowers the courts to hear the parties and suggest them to settle their differences *inter alia* by way of mediation. Sec. 89 CPC was incorporated to promote mutual settlements, to reduce the cost of litigation, and to lessen the burden on courts. Pursuant to that, several Mediation Centres have been established in India and made mediation an instrument for the resolution of matrimonial or family disputes on the one hand and for civil, commercial, administrative, and some insolvency matters on the other hand.² The evolution of the laws relating to mediation in India has witnessed many important judicial pronouncements. The true nature of Section 89 CPC was well examined in *Salem Advocate Bar Association v. Union of India*³, by recognizing the significant importance of Section 89 in its ADR process, including mediation. The Apex Court expressed that clear modalities had to be settled for the operation of Section 89 and laid the foundation for uniform mediation processes across the nationwide, leading to the institutionalization of mediation within the Indian legal framework. Over the years, Indian courts have played a pivotal role in shaping mediation jurisprudence and in cases i.e. *Afcons Infrastructure v. Cherian Varkey*⁴, *K. Srinivas Rao v. D.A. Deepa*⁵, and *M.R. Krishna Murthi v. New India Assurance Co. Ltd*⁶, SC have emphasized mediation's effectiveness in contract, family, and insurance disputes. These cases laid the groundwork for a statutory mediation framework by validating its ability to resolve conflicts while preserving relationships and reducing litigation stress. In particular, the *Krishna Murthi* judgment encouraged regulatory bodies like the IRDAI to incorporate mediation into their grievance redressal systems, showcasing its potential beyond courts.

In this process, The Mediation Act, 2023, marks a significant milestone in India's legal reforms by formally establishing mediation as a mainstream dispute resolution mechanism. Enacted on September 14, 2023, the Act was introduced with the objective of promoting structured and institutional mediation, particularly

¹ (2010) 8 SCC 24

² Mediation, as defined under the Mediation Act, 2023 is a voluntary and confidential process led by a neutral facilitator who assists disputing parties in reaching a mutually acceptable solution without resorting to adversarial legal proceedings.

³ (2005) 6 SCC 344

⁴ (2010) 8 SCC 24

⁵ (2013) 5 SCC 226

⁶ (2019) 7 SCC 123

for civil and commercial conflicts. By providing a unified statutory framework, it aims to reduce the dependency on litigation, alleviate the burden on courts, and foster a culture of negotiation and dialogue in the country. The Act addresses systemic issues by mandating pre-litigation mediation in specific cases, thereby encouraging early settlement and saving judicial time and resources. In addition to improving access to justice, the Act enhances legal certainty by recognizing and enforcing mediated settlement agreements as equivalent to court decrees. It provides for conducting online Mediation at any stage of the dispute with the written consent of the parties. It sets a rigid timetable, where mediation must be completed within 120 days from the first appearance, extendable to 180 days upon party consent. The Mediation Act also standardizes procedures for both domestic and cross-border disputes, aligning India's framework with global practices such as the Singapore Convention on Mediation and the UNCITRAL Model Law. Among its core provisions, the Act lays out detailed guidelines for the selection and accreditation of mediators, establishes confidentiality safeguards, and promotes the registration of mediation institutions under a central regulatory authority known as the Mediation Council of India, a body tasked with overseeing the quality and professionalism of mediation services nationwide.

Mediation Act, 2023 makes provision for Pre-litigation mediation under Section 3(u)⁸ as mediation for the resolution of civil or commercial disputes prior to the institution of a suit or proceeding before court or tribunal. Even prior to Mediation Act, 2023, the Indian legal system recognized pre-institution mediation with the Commercial Courts Act, 2015 which was made mandatory by inserting Section 12A in the Commercial Courts Act. Recently, in *M/s Patil Automation Private Limited and Ors. v. Rakheja Engineers Private Ltd.*⁷; the Supreme Court held that pre-institution mediation under Section 12A of the Commercial Courts Act, 2015⁶ is mandatory for commercial disputes. The applicability of mandatory pre-litigation mediation in certain other categories of cases needs to be expanded. Recently, the Hon'ble Justice BV Nagarathna, Judge, SC of India, while addressing Southern Zone Regional Conference organized by the Family Courts Committee, Supreme Court of India, flagged need for pre-litigation conciliation/mediation as a mandatory procedure before cases reach Family Courts⁸.

Recently, the President of India, at the First National Conference on the theme of 'Exploring the

Efficacy and Reach of Mediation' said that Mediation Act, 2023 is aimed at unveiling the further evolution of a culture of alternative conflict dispute resolution. India has a long and rich tradition of judicial mechanisms in which such out-of-court settlements are more normal than the exception.⁹ The wide futuristic effect of mediation in existing Indian justice delivery system can be understood by the recent launch of 90 days long Pan India Campaign i.e. 'MEDIATION 'FOR THE NATION' jointly by National Legal Services Authority (NALSA) & Mediation and Conciliation Project Committee (MCPC), Supreme Court of India to settle the suitable cases pending in Court which shall begin from 1st July and will continue till 30th September, 2025.¹⁰

The Mediation Act, 2023, a historic piece of legislation, is a forward-looking step towards transforming India's legal landscape. By institutionalizing mediation, it offers a credible and efficient alternative to litigation that benefits litigants, businesses, and the judiciary alike. The Act's wide application signals a move away from drawn-out litigation and toward efficient ADR. Parties are reassured about the efficacy of mediation by the enforceability of mediated settlement agreements.

Confidentiality of Arbitration Proceedings

By Divya Aswani

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Introduction

The legal framework on the confidentiality of Arbitral proceedings is still a smokescreen. Confidentiality of the arbitral proceedings refers to the non-disclosure of the proceedings, statements made in the course of arbitration, documents, its content and the conduct of the parties partially or in entirety by either party to the public at large.

Legal framework in India and abroad

The Arbitration and Conciliation Act, 1996 does not provide for an express or implied obligation to treat an arbitration agreement, proceeding arising out of it and/or the arbitral award as confidential under the Act. However, the parties can agree to uploading of the confidentiality either by means of

⁷ 2022 SCC OnLine SC 1028)

⁸ <https://www.livelaw.in/top-stories/justice-bv-nagarathna-calls-for-mandatory-pre-litigation-mediation-says-reconciliation-unlikely-when-family-dispute-reaches-court-289266>

⁹ <https://www.livelaw.in/top-stories/mediation-a-key-instrument-to-realise-the-vision-of-viksit-bharat-by-2047-president-droupadi-murmu-291196>

¹⁰ <https://www.livelaw.in/top-stories/mediation-for-nation-campaign-to-start-from-july-1-to-settle-pending-cases-295853>

a confidentiality clause in the arbitration agreement or an independent confidentiality agreement between the parties and pursuant to this agreement the party adhering to the confidentiality can enforce confidentiality against the defaulting party. So far as confidentiality in case of protection of trade marks and confidential information is concerned there is no statutory provision providing for the same, nonetheless, the arbitrator has the power to order interim measures of protection under Section 9 of the Act only when claimed by the party.¹¹

It is imperative to mention here that if the parties do not have an explicit agreement with respect to confidentiality then one cannot presume that all jurisdictions would recognise the implied commitment to confidentiality.¹² However, the Singapore International Arbitration Centre (SIAC) Rules have a stricter approach - in accordance with Rule 34.6 of the SIAC the parties and the Tribunal shall at all times treat all matters relating to the arbitral proceedings and the arbitral award as confidential".¹³ However, the duty of maintaining confidentiality of an arbitral award is made conditional by the award itself, particularly, when such disclosure is reasonably necessary to establish and/or protect legal rights against a third party for forming a cause of action and/or defence to a claim.¹⁴

So far as the legal position in India is concerned there is only one express provision dealing with only the confidentiality of conciliation proceedings, that is, Section 75 of the Arbitration and Conciliation Act 1996.¹⁵ Except that, the Act does not provide for confidentiality.¹⁶ Nevertheless, confidentiality of the arbitral proceedings is generally expected to extend to the arbitral award as well, except where its disclosure is necessary for purposes of its implementation and enforcement.¹⁷

In India parties have the right to either choose (i) ad hoc arbitration or (ii) institutional arbitration. If the parties choose institutional arbitration then they are bound by the rules framed and provided for by the institution itself including the confidentiality rules, if any of that particular institution but if the parties opt for ad hoc arbitration then they preserve the autonomy to either insert a clause of confidentiality in the arbitration agreement or not.¹⁸ The confidentiality proceedings, however, refers to the procedure; the ability of disputing party, the arbitrator, the witness, and other who attended the arbitration to disclose publicly oral statement made in arbitration, document tendered in arbitration, the observation of conduct of parties, witnesses, and arbitrators during the course of arbitration and the same is different from privacy. The scope and effect of an arbitration agreement primarily depends on the terms of agreement and is the question of intention of the parties.

The Apex Court in case of *Shailesh Dhairyawan v. Mohan Balkrishna Lulla*,¹⁹ observed as follows:

"26. It hardly needs to be emphasised that the parties choose arbitration as a dispute resolution mechanism keeping in view that it offers a timely, private, less formal and cost-effective approach for the binding determination of disputes. It provides the parties with greater control of the process than a court hearing. The non-judicial nature of arbitration makes it both attractive and effective for several reasons. Apart from it *being a cost-effective and speedier method of settling the disputes when compared with court adjudicatory method, the confidentiality of the arbitration process may appeal to those who do not wish the terms of settlement to be known. Therefore, the first thing that has to be kept in mind, when in a pending suit the parties agree for reference to arbitration, though there was no arbitration agreement when the suit was filed, is that they have consciously preferred arbitration rather than the court process. It, thus, follows that the intention is to settle the disputes through arbitration and not the court.*"

The primary advantage of arbitration as a means of dispute resolution is the element of confidentiality. Arbitration is unquestionably more confidential than the settling of claims in an open court. However, more often than not confidentiality in arbitral proceedings is taken for granted, although it is one of the "attractions" in the eyes of arbitration users, it is also deemed to be an overrated attraction.

Arbitration in India is still nascent. Despite the

11 International Chamber of Commerce, Rules of Arbitration, Art. 21.3
 12 United Nations Commission on International Trade [UNCITRAL], *UNCITRAL Notes on Organizing Arbitral Proceedings*, 31, U.N. Doc. A/C.9/423 (Oct 4, 1996).
 13 Rules Singapore International Arbitration Centre, retrieved from http://www.siac.org.sg/cms/index.php?option=com_content&view=article&id=210&Itemid=130 (June 1, 2017)
 14 London Court of International Arbitration Rules, 1998, Article 30, retrieved from <http://www.jus.uio.no/lm/lcia.arbitration.rules.1998/toc.html>
 15 Confidentiality: Notwithstanding anything contained in any other law for the time being in force, the conciliator and the parties shall keep confidential all matters relating to the conciliation proceedings. Confidentiality shall extend also to the settlement agreement, except where its disclosure is necessary for purposes of implementation and enforcement. Also Proviso of Section 70 of the Act speaks that the party gives information to conciliation subject to confidentiality the conciliation shall not disclose it to another party.
 16 Norton-Rose Group Arbitration in Asia Pacific January 2010 India, retrieved from www.nortonrose.com/.../Arbitration%20manuals/.../file26265.pdf?lang..
 17 The Arbitration and Conciliation Act 1996, § 75 read with explanation to § 34(2)(b)(ii), retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2303687

18 Section 7 of the Arbitration and Conciliation Act, 1996.
 19 (2016) 3 SCC 619; 2015 SCC OnLine SC 995 at page 640

enactment of the Arbitration and Conciliation Act, 1996, India has failed to establish a clear standpoint on confidentiality or its transparency. The legal framework governing confidentiality in arbitral proceedings is silent on this crucial issue²⁰ especially so when it is becoming a popular means of dispute resolution.

CONCLUSION

Thus, in conclusion it is apparent that an arbitrator may direct that proceedings be kept confidential under the following circumstances:

- 1) *When Agreed by the Parties* - If the arbitration agreement itself or any separate agreement contains a confidentiality clause, the arbitrator is bound to uphold it, in line with the principle of party autonomy.
- 2) *To Protect Intellectual Property or Sensitive Information* - In cases involving trade secrets, trademarks, or confidential commercial data, a party may request interim protective measures under Section 9 (by the court) or Section 17 (by the arbitral tribunal) of the Arbitration and Conciliation Act and the arbitrator has the authority to issue orders preserving confidentiality to prevent harm or misuse of such information.

Cyber Terrorism: A Growing Threat to India and the World

Ms. Antara Jha

Cyber Crime & Cyber Law Expert

In the shadowy realm of ones and zeros, a new breed of terrorists wages war without borders. Welcome to the age of cyber terrorism, where keystrokes replace bullets, and firewalls are the new frontlines. As India's digital landscape expands at breakneck speed, so too does its vulnerability to these invisible assailants.

India's growing digital infrastructure, combined with its geopolitical position, makes it an attractive target for cyber terrorists. With vast amounts of data being exchanged online and critical systems—such as defence, banking, and healthcare—operating on digital platforms, any attack could result in widespread chaos. For example, a well-coordinated cyber-attack could

disrupt military communications during a time of conflict or cause economic instability by crippling financial institutions.

Furthermore, cyber terrorism does not only involve direct attacks. It can also include disinformation campaigns that seek to destabilize governments and create panic among the population. For instance, spreading fake news about an imminent terrorist attack or economic collapse can result in mass hysteria, further damaging the nation's social and political stability.

Picture this: It's a typical Monday morning and suddenly, the city's power grid goes dark. Trains screech to a halt, hospitals scramble for backup generators, and millions of smartphones fall silent. This isn't science fiction—it's a very real scenario that unfolded in 2020 when a Chinese state-sponsored group allegedly targeted India's power sector. The message was clear: in the digital age, critical infrastructure is just a code away from chaos.

But let's rewind a bit. Remember the WannaCry ransomware attack of 2017? It infected over 230,000 computers across 150 countries in just one day. India wasn't spared, with thousands of systems held hostage. From police stations in Andhra Pradesh to manufacturing plants in Gujarat, the attack exposed the country's cybersecurity gaps like never before.

Now, you might be thinking, "Surely, we've learned our lesson since then?" Well, yes and no. In 2021, Air India suffered a massive data breach, compromising the personal details of 4.5 million passengers. It wasn't just about stolen frequent flyer miles—we're talking passport numbers, credit card details, the works. This incident highlighted how even our national carriers aren't immune to the cyber onslaught.

Another significant case is the attack on the Indian banking sector, where hackers exploited weaknesses in the SWIFT financial messaging system. This breach not only compromised sensitive financial data but also raised alarms about the integrity of India's banking infrastructure. The repercussions were profound, affecting millions of customers and leading to substantial financial losses. These examples illustrate how cyber terrorism can manifest in various forms, from infrastructure sabotage to financial fraud, creating a multifaceted threat landscape.

But here's where it gets really interesting. Cyber terrorists aren't just after data or disruption—they're after minds. Take the case of the 2019 Pulwama attack aftermath. As tensions between

²⁰ Confidentiality Against Transparency in Arbitration — Facets of the Same Coin?(2015) 7 SCC J-40 at para J-43

India and Pakistan escalated, cyber space became a battleground of misinformation. Fake news spread like wildfire, threatening to incite real-world violence. It was a stark reminder that in the digital age, national security isn't just about protecting borders—it's about safeguarding truth itself.

So, what's India doing about all this? Well, buckle up, because this is where things get exciting. Remember how in sci-fi movies, there's always some super-smart AI defending against alien invasions? Well, India's cooking up something similar, minus the aliens.

Enter artificial intelligence, stage left. India's cybersecurity experts are harnessing AI to create predictive defence systems. Imagine an AI that can spot a cyber-attack before it even happens, like a digital fortune teller with a Ph.D. in computer science.

But India isn't fighting this battle alone. The country is teaming up with tech powerhouses like Israel and the United States to share knowledge and best practices. It's like the Avengers, but for cybersecurity—each nation bringing its unique strengths to the table.

And let's not forget about the human element. India is investing heavily in cyber education, training a new generation of digital defenders. From school curricula to specialized government programs, the goal is to create a cyber-savvy population. After all, the best firewall is an informed citizen.

Cyber terrorism is a looming threat that transcends borders and targets both virtual and real-world assets. As India becomes increasingly digitized, its vulnerability to such attacks grows. But perhaps the most promising development is the push for indigenous technology. India's "Make in India" initiative isn't just about manufacturing—it extends to the digital realm. By developing homegrown cybersecurity solutions, India aims to reduce its reliance on foreign technology, potentially vulnerable to backdoors or kill switches.

This all sounds great, but can India really pull it off? Well, if the country's success in fields like space technology is any indication, the answer is a resounding "yes." With the right mix of innovation, collaboration, and sheer Indian jugaad, the nation is poised to not just defend against cyber threats, but to become a global leader in cybersecurity.

As we stand on the brink of a fully digital future, India's battle against cyber terrorism is more than just a matter of national security—it's a fight for the very soul of our interconnected world. And while the challenges are immense, so too are the opportunities. In this silent war of bits and bytes, India is arming itself not just with firewalls and antivirus software, but with innovation, education, and international cooperation.

The cyber terrorists may be faceless, but India's resolve is clear. In the grand chess game of digital security, the nation is making its move—and it's playing to win.

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