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PATRON-IN-CHIEF

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Chief Justice, Allahabad High Court

SUPERVISORY COMMITTEE OF JTRI

Hon'ble
Mr. Justice Rajan Roy
Judge, Allahabad High Court, Lucknow Bench
& Chairman Supervisory Committee JTRI

Hon'ble
Mr. Justice Ajay Bhanot
Judge, Allahabad High Court

Hon'ble
Mr. Justice Jaspreet Singh
Judge, Allahabad High Court at Lucknow

Hon'ble
Mr. Justice Om Prakash Shukla
Judge, Allahabad High Court at Lucknow

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TRAINING ACTIVITIES IN THE INSTITUTE

I. Special Training Programme for Newly Appointed Deputy Collectors of U.P.

The institute organized a Special Training Programme for newly appointed 32 deputy collectors of Uttar Pradesh from 04.09.2023 to 06.09.2023. Important legal topics such as relationship between executive, police & judiciary, effective pairavi of cases by or against government in various courts, state administrative tribunals etc, executive magistrate under Cr.P.C., & other Special Acts, role/duties and functioning of magistrate under the Legal Services Authorities Act, 1987 etc. were included in the three days programme.

II. 40 Hours MCPC Training of Advocate Mediators

In compliance of the directions of Hon'ble Court, the Member Secretary, U. P. State Legal Services Authority, made a request to this institute for arranging the 40hrs Mediation training for 90 Advocates of different district courts of U.P. In response of the request of Member Secretary, U. P. State Legal Services Authority, Lucknow, the Institute organized 03 training programmes for 90 Advocates Mediators in the month of September. The details of the Proposed Programmes are as follows:

S. No.	Programme No.	Target Group	Duration	No. of Participants
1.	40 Hrs Med. Trg. – 1	Advocates	11.09.2023 to 15.09.2023	30
2.	40 Hrs Med. Trg. – 2	Advocates	11.09.2023 to 15.09.2023	30
3.	40 Hrs Med. Trg. – 3	Advocates	11.09.2023 to 15.09.2023	30

III. e-Court Programme for Court Staff of District Courts

Under the directions of Hon'ble e-Committee, Supreme Court of India, the training program was held on 23.09.2023 at District Court Muzaffarnagar. All class III employees working in the District Court were divided into five groups for training. The third group attended the training program on 23.09.2023 at the Video Conferencing Hall of the Court. The training program was attended by 32 employees. The technical staff of the computer section provided concise and useful presentations and the participants found the presentations to be clear and easy to understand.

IV. Refresher Training Programme for Civil Judges (J.D.)

A refresher training programme for Civil Judges (J.D.) was organized from **25.09.2023 to 07.10.2023** in which about **64** officers participated. This refresher training programme was organized in the institute which was inaugurated by Sri Vinod Singh Rawat, Director of the institute.

The refresher training programme covered diverse areas of discussion from execution of decrees, execution of injunction decree including mandatory injunction, procedure for seeking police help, application under Order 21 Rule 97 & 99 CPC, various facets of Section 311 CrPC and 313 CrPC, legality of imposition of costs for recall of witness, remand and its practical issues vis-a-vis challenges and precautions, change from Section 167 to Section 209 and Section 309 CrPC, dealing with various applications filed during remand, administrative works of civil judge (J.D.), work and duties of nodal officers, inspection of office, practical issues with respect to cancellation of instrument, standard of proof in case of will & sale deed, valuation and payment of court fees, protection orders under Domestic Violence Act and Senior Citizens Act, plea-bargaining, compounding, conviction order, principles of sentencing, necessities associated with recording of statement and confession u/S 164 Cr.P.C. etc.

SHORT ARTICLES

Adult Learning Pedagogy in Judicial Education with Special Reference to Foundation Courses

By Dr. Humayun Rasheed Khan*

The concept of continuous judicial education is a recent phenomenon even in common law jurisdictions as there was a lot of resistance to judicial education and training for a long time. Initially, it was thought that any type of training to judges was a threat to independence of judiciary but it has now become a necessity everywhere.[1] A number of concrete steps had been taken in India during last two decades for strengthening judicial education and training and a pivotal role is being played by the National Judicial Academy (NJA), Bhopal in this regard.

The shift in attitude was inevitable and can be attributed to a number of factors. Legal profession as do other professions, had recognized the need for continuing education and ongoing education programmes had become commonplace. It was, therefore, natural for newly appointed judges to expect that opportunities for ongoing education would continue after their appointment as judges. Undoubtedly, due to the pace of change there had also been more specialization within the legal profession. This meant that it was no longer true, if indeed it ever was that newly appointed judges came equipped with the general skills needed to perform their role. Moreover, the task of judging had become more complex with the emergence of new and difficult social and technical issues. Judges everywhere are now working in a climate where their work is being scrutinized more closely. It is now firmly established and recognized that judge-led judicial education programmes could enhance rather than threaten judicial independence.[2]

When litigants access the courts, they are not merely seeking a resolution of their disputes but they are actually in pursuit of a broader notion of "justice" which is located in some general societal consensus about what is fair, right or morally acceptable. To the extent that individual perceptions about rightness differ, our challenge is to demonstrate some standard of legitimacy that is grounded in something more substantial and credible than the caprice of the individual judge hearing a case, and that attracts public trust and confidence as public trust and confidence is at the heart of the administration of justice. The objective of judicial training therefore, is to locate, articulate, communicate and ultimately to apply those principles of rectitude to which our personal preferences, desires and emotions must be subordinated and we call it the rule of law[3] as it is and must continue to be an important focus of judicial education and training.

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* Additional Director (Research), JTRI

[1] Justice Susan Glazebrook, 'Introduction', IOJT Journal, Vol. 1, No. 1, August, 2013, p.9

[2] Ibid

[3] Justice Ivor Archie, "Judicial Training and the Rule of Law", IOJT Journal, Vol. 1, No. 1, August, 2013, p. 15

I. An Inclusive, Pedagogical approach

It is well accepted and recognized that qualitative and timely justice is an important requirement for the maintenance of people's trust in the institution of justice which in turn requires good judges and judging. Judicial training is certainly an important tool to imbibe best qualities of judging in the new entrants to judicial system which ultimately improves the quality of justice. Induction and in-service judicial training not only improves the level of knowledge of judges but also leads to attitudinal changes and paves the way for professional skills. Judicial training also increases confidence of judges and helps them in rendering speedy and qualitative justice to litigants.

From the acceptance of the declaration of Judicial Training Principles, 2015 to its final adoption in 2017, most of the work consisted in highlighting the values of, and the consensus between, judicial training institutes around the world. An international working group was set up with representatives from four continents and from a variety of legal and judicial systems. Its work was organised in three main stages[4]:

- Compiling a list of national or regional declarations or texts that define the principles of judicial training.
- Writing a draft declaration and circulating it among all IOJT members for their remarks.
- Presenting, debating and adopting the text at the 2017 General Assembly.

In order to ensure that the declaration was as broadly representative as possible, yet without renouncing the fundamental values of judicial training, preference was given by the working group to an inclusive approach. The 129 members of the IOJT were consulted at all three phases and had the possibility of expressing their views at each of them. All the remarks, on which there was a consensus, were included in the final version of the text. The working group also decided to annex explanatory commentaries to the 10 articles of the declaration for the purpose of clarifying the content and scope of the articles themselves, as well as their adaptation to certain national specifics. These commentaries are an integral part of the declaration and were debated and adopted in the same way as the preamble and ten articles of the text. This inclusive approach and the addition of commentaries provided a balance between asserting values and seeking broad consensus. They resulted in the unanimous adoption of the declaration by the IOJT members represented at the General Assembly.

II. Declaration of Judicial Training Principles

The idea of adopting a worldwide declaration on the principles of judicial training was initiated in November 2015 at the 7th conference of the IOJT. A call was put out at the inaugural session of the conference to conceptualize and proclaim these principles. It was accepted

[4] Benoît Chamouard and Adèle Kent, 'Declaration of Judicial Training Principles: A look back at its adoption and forward to its future prospects', IOJT Journal, Issue 6, 2018, p.44

immediately by the members of the organization who scheduled the adoption of the declaration for the 8th conference in 2017.[5]

The declaration is divided into four parts addressing the different dimensions of judicial training. The first part comprises Article 1 and is dedicated to "Principles". Part I emphasizes the essential role of judicial training in the rule of law, judicial independence and the protection of fundamental rights.

The second part addresses the "Institutional Framework" (Articles 2 to 5). These four articles refer to the governance of judicial training institutes, each from a different angle. The administrative organization and positioning of judicial training institutes are intimately linked to judicial system organization. They, therefore, vary considerably from one country to another and cannot be modelled or standardized to any great extent, unlike other areas of judicial training. The declaration accordingly seeks to set out the essential principles of the governance of an institute: independence in course design, content and delivery (Article 2), the support of the judicial authorities (Article 3) and the provision of sufficient human resources and funding (Article 4). Article 5 provides a reminder that these principles also apply to relations with any international funding agencies which may provide support to the institutes.

The third part (Articles 6 and 7) address the place of training in the professional life of members of the judiciary. It stresses that training is not only a right, but also a responsibility for the latter, and that they must enjoy the benefit of both pre-service and in-service training. Finally, the fourth part (Articles 8 to 10) is dedicated to the "content" and "methodology" of training. It states that judicial training should not be limited to the law, but must also cover non-legal knowledge, skills, social context, values and ethics, which means that it should mainly be dispensed by peers using specific and modern techniques.

The fact that these standards were adopted unanimously should not be taken as suggesting that they represent only the lowest common denominator between today's judicial training institutes. Few institutes around the world can claim to apply all the principles that have been adopted, demanding as these principles are. For instance, pre-service training is not always mandatory, in certain common law countries. The institutional rules are not applied in all the civil law countries. In-service training throughout the career of members of the judiciary does not exist in many countries. The adoption of these principles by IOJT members therefore represents a demand for strict compliance with their own principles and the wish to progress together. Despite their consensual nature, the adopted principles show the way forward and form "the common base and the horizon uniting judicial training institutions throughout the world".

III. Upholding the Judicial Training Principles

The adoption of a declaration of judicial training principles is more than a mere expression of values by the institutes, no matter how solemn and important. In order to become genuine standards, the principles set out in this declaration must be recognized, accepted and

[5] Ibid

applied by the judicial world outside training schools. Institutes do not act alone, and the principles governing their action can only take root if they are relayed by all judicial stakeholders.

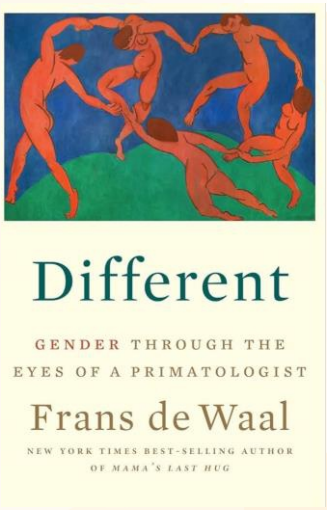
It is, therefore, incumbent upon the members of the IOJT to uphold this declaration nationally by bringing it to the attention of their major partners, having it accepted or adopted by their boards or steering committees, and making reference to its content in their day-to-day action. Internationally, the declaration would benefit from being cited and taken up by the organizations acting in the area of justice, whether funding authorities, international or non-governmental organizations. In many ways, the declaration provides a useful, objective framework for the intervention of these organizations in the field of justice.

Finally, the IOJT is the right organization to uphold these principles. As a forum for exchanges, the organization can place itself at the disposal of its members to implement the principles it has adopted. One concrete proposal that the IOJT is considering, is a series of regional meetings of IOJT members within that region, likely by tele-conference or other electronic means, where members could discuss the challenges of delivering judicial education in accordance with these principles, either because of issues within the institute or within the broader judicial structure.

The global effects for ‘continuous judicial education and training programmes’ is a remarkable event in the training of judges with an inter-disciplinary approach to improve the quality of judicial work and positively change the judicial approach across the continents. The increasing emphasis on non-legal issues in continuous judicial education will certainly broaden the horizon of judges and will improve the quality of judgements and orders in future.

BOOK REVIEW

By Nishant Dev*



Title of the Book
Different: Gender through the Eyes of a Primatologist

Author
Frans de Waal

Publisher
W. W. Norton & Company

Year of Publication
2022

Gender has been a matter of immense debate throughout the world. It is a perception among a large section of population that gender is the result of biology and therefore beyond the pale of criticism. Western Philosophy has always been disdainful about the innate abilities of women. The list of thinkers ranging from Arthur Schopenhauer to Hegel always justified the gender inequality. Even Charles Darwin didn't escape the trend and opined about the women as, "There seems to me to be a greater difficulty from the laws of inheritance in their becoming the intellectual equals of men".

The Book under review is a well-researched work of Dutch-American Primatologist Frans de Waal. He is the Charles Howard Candler Professor of Primate Behavior in the Department of Psychology at Emory University in Atlanta, Georgia. He has authored many books like Age of Empathy and Peace Making among Primates.

Difference between sex and gender is at the core of the book. Sex differences in animal and human behavior raises questions that lie at the heart of almost any debate about human gender. The question is often raised does the behavior of men and women differ naturally or artificially? How different are they really? The author tries to answer these questions on the basis of his decades of observation and study using Chimpanzees and Bonobos.

The stereotypical view of other primates is often used to defend inequalities in human societies. It is popularly believed that male monkey is the "boss" and owns the females while the role of females is baby rearing and following the orders of the male. The famous experiment at Monkey Hill in Regent's Park Zoo at London created the wrong metaphor exaggerating Primate Patriarchy. The author by his studies tries to dislodge this notion of the obligatory male overlord.

The difference in body size and buildup is found in almost all the primates. The male are more aggressive and female possess the attribute of maternal protectiveness. The trait of

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maternal protectiveness is a universal mammalian trait. The author tries to argue that this trait of male aggressiveness is not in order to dominate the female. It is biological but cannot be used to justify gender disparity.

Dismantling of gender disparity in power and privilege requires the effort of both the genders. Women cannot alone do it. Also there is not point is stigmatizing an entire gender for the whole cauldron. It is nearly impossible to know the origin of most human differences in everyday life. His solution comes very close to the famous feminist writer Simone de Bouverior where she urges that the point is not for women simply to take power since that wouldn't change anything about the world. It's a question precisely of destroying that notion of power.

The author tries to deconstruct the difference between nurture and nature. The study in chimpanzees and Bonobos is used to de-clutter the concepts like alpha males, alpha females, same-sex-rivalry, friendship and cooperation. The author beautifully analyses the concept of duality of mind and body as creation of masculine mind and not a proper reflection of reality. He quotes with approval the Potuguese- American neuroscientist Antonio Damasio that 'a mind is so closely shaped by the body and destined to serve it that only one mind could possibly arise in it.'

The book is an attempt to put the biology – the sex – back into gender. For too long, the author thinks, gender was regarded as a purely social construct and talk of inborn sex differences was taboo. The fact that we have genders is related to the fact that we have sexes and sexual reproduction. Sex (male/female) is approximately binary, while gender (masculine/feminine) is a spectrum. The fact that the latter grew out of the former should not stop us questioning the cultural components of gender, some of which are based on a misunderstanding of biology, nor rejecting gender-based discrimination. Different doesn't mean better or worse.

The work is questioning the doyens of current feminist assertions like Judith Butler and Donna Haraway. It seems to move away from the helplessness of postmodernism to an enthusiast domain of Meta-modernism.

The book overall, is a work of long period of research among our closest species. It is an interesting read. The book is replete with great stories, fascinating data and thought provoking ideas. It is a must read for any one entering the study of gender justice.

LEGAL JOTTING

"If it was the case of the first defendant that there was no transfer of title under the said Sale Deed, there was no reason for him to unilaterally execute a document of cancellation of the sale deed. In any case, such a unilateral cancellation deed was not binding on the plaintiff as he was not a consenting party. The second defendant will not get any right by virtue of the gift deed as the first defendant had no transferable title. As the ownership of the plaintiff is proved, the decree for possession must follow."

Hon'ble Mr. Justice Abhay S. Oka
Judge, Supreme Court of India
Yogendra Prasad Singh (Dead) throughs LRs. v. Ram Bachan Devi and others
AIR 2023 SC 3637: AIR Online 2023 SC 577

SUPREME COURT

1. Jitendra Nath Mishra v. State of Uttar Pradesh and another, (2023) 7 SCC 344

S. 319- Summoning of Additional Accused – It was alleged that complainant and his wife were assaulted and abused by accused persons. On the evidence adduced by complainant and his wife in course of recording of their depositions, trial court exercising power under S. 319 CrPC, summoned appellant for trial along with D (appellant's brother already facing trial), which was upheld by High Court. It was held that for the purpose of passing order under S. 319 CrPC, it is sufficient to form satisfaction of nature indicated in para 106 of decision in *Hardeep Singh, (2014) 3 SCC 92*. It was held that in facts and circumstances of instant case, trial court formed requisite satisfaction prior to summoning appellant to face trial with D (appellant's brother). Hence the order of trial court (Special Court under the SC/ST Act, 1989) and impugned order of High Court upholding it, cannot be faulted.

2. Mohd. Muslim v. State of Uttar Pradesh (now Uttarakhand), (2023) 7 SCC 350

Section 302, IPC: Deceased allegedly assaulted to death by two appellant-accused father and son, using "tabal" and "axe." Land dispute between appellants (Appellants 1 and 2) and deceased, alleged cause. The Hon'ble High Court upheld conviction of appellants under S. 302 IPC.

It has been held that the facts and circumstances of instant case show that prosecution failed to prove to the hilt that appellants were persons involved in assault and death of deceased. In absence of any credible eyewitness to incident and fact that presence of appellants at place of incident is also not well established, both appellants are entitled to benefit of doubt. FIR is also found ante-timed, losing its evidentiary value. Even if certain other minor discrepancies in oral evidence are ignored, it is a case where prosecution has miserably failed to prove that appellants have committed offence, beyond any reasonable doubt. Hence, judgment and orders of courts below were set aside and appellant 1- accused was acquitted by giving him benefit of doubt.

3. Pattali Makkal Katchi v. A. Mayilerumperumal and others, (2023) 7 SCC 481

Articles 14, 15 & 16 of the Constitution – Sub Classification of reservation

The 105th Amendment Act being prospective in operation, it is the 102nd Amendment Act which held the field at the time of enactment of the 2021 Act. As the 2021 Act dealt with sub-classification and apportionment of certain percentage of reservation for the purpose of determining the extent of reservation of communities within the MBCS and DNCs, it is a permissible exercise of power by the State Government under Article 342-A of the Constitution in terms of the judgment of Supreme Court in *Jaishri Laxmanrao Patil.* Prior to the 105th Amendment Act, what was prohibited for the State to carry out under Article 342-A is the identification of SEBCS, by inclusion or exclusion of communities in the Presidential List of SEBCs. It is clear that the exercise of identification of MBCs and DNCs had been completed by the State pursuant to the 1994 Act.

There is no bar to the sub-classification amongst backward classes, which has been expressly approved in *Indra Sawhney*. Even considering the judgment in *E.V. Chinnaiah,* which dealt with the sub-classification of Scheduled Castes identified in the Presidential List under Article 341 and held that any sub-division of Scheduled Castes by the State would amount to tinkering with the Presidential List, the State's competence in the present case to enact the 2021 Act is not taken away on this ground as, admittedly, the Presidential List of SEBCS is yet to be published, making the question of tinkering with such list redundant.

It has been held that placing of the 1994 Act under the Ninth Schedule cannot operate as a hurdle for the State to enact legislations on matters ancillary to the 1994 Act. Legislative competence of the State Legislature can only be circumscribed by express prohibition contained in the Constitution itself and Article 31-B does not stipulate any such express prohibition on the legislative powers of the State. Detailing the extent of reservation for communities already identified as MBCs and DNCs, which is the thrust of the 2021 Act, cannot be said to be in conflict with the 1994 Act, as determination of extent of reservation for various communities was not the subject-matter of the 1994 Act.

It was further held that the 1994 Act, having received the assent of the President under Article 31-C, does not prohibit the State Legislature from enacting a legislation with the approval of

the Governor on matters ancillary to the 1994 Act, as Article 31-C does not place any fetter on the legislative powers of the State. The State cannot be compelled to seek the assent of the President for a legislation granting internal reservation, when it is empowered to provide reservation and other special measures for backward classes, by way of legislation as well as executive orders, under Articles 15(4) and 16(4) of the Constitution.

On the issue of caste-based classification, *Indra Sawhney* has, in precise and unambiguous terms, stated that caste can be the starting point for identifying backward classes, but it cannot be the sole basis. Accordingly, while caste can be the starting point for providing internal reservation, it is incumbent on the State Government to justify the reasonableness of the decision and demonstrate that caste is not the sole basis. As regards the letter of Justice Thanikachalam, Chairman of the Tamil Nadu Backward Classes Commission, which forms the basis of the 2021 Act, we find that the Government has committed an error in accepting the recommendations therein for the following reasons:

Recommendations have been based on the Report of the Chairman of the Janarthanam Commission, which had relied on antiquated data, and there is a clear lapse on the part of Justice Thanikachalam in having readily dismissed the reservations expressed by the majority members of the Janarthanam Commission, who had observed that in the absence of updated caste-wise data, recommendations on internal reservation could not be fruitfully made.

Apart from approving the Report of the Chairman of the Janarthanam Commission with respect to internal reservation for the Vanniakula Kshatriyas and making additional recommendations on the grouping of the remaining communities for specific percentages of reservation, the letter from Justice Thanikachalam does not refer to any analysis or assessment of the relative backwardness and representation of the communities within the MBCs and DNCs. Population has been made the sole basis for recommending internal reservation for the Vanniakula Kshatriyas, which is directly in the teeth of the law laid down by this Court.

Finally, on the 2021 Act, there is no substantial basis for classifying the Vanniakula Kshatriyas into one group to be treated differentially from the remaining 115 communities within the MBCS and DNCS, and therefore, the 2021 Act is in violation of Articles 14, 15 and 16. The Supreme Court upheld the judgment of the High Court on this aspect. The court said that given our conclusion on the 2021 Act being ultra vires Articles 14, 15 and 16 of the Constitution, we have refrained from delving into the issue of non-compliance by the State Government with the consultation requirement prescribed under clause (9) of Article 338-B at the time of enactment of the 2021 Act.

4. Satish Chandra Yadav v. Union of India and others, (2023) 7 SCC 536

Judicial Review of Administrative Action – Nature & Scope of Article 136 of the Constitution.

On review of a catena of decisions rendered by the Supreme Court on issue pertaining to dismissal/termination of services of employee for suppression of material information or furnishing of false information in character and antecedent verification form at the time of recruitment, broad principles of applicable law are enumerated below:

1. Each case should be scrutinized thoroughly by the public employer concerned, through its designated officials more so, in the case of recruitment for the police force, who are under a duty to maintain order, and tackle lawlessness, since their ability to inspire public confidence is bulwark to society's security.
2. Even in a case where the employee has made declaration truthfully and correctly of a concluded criminal case, the employer still has the right to consider the antecedents, and cannot be compelled to appoint the candidate. The acquittal in a criminal case would not automatically entitle a candidate for appointment to the post. It would be still open to the employer to consider the antecedents and examine whether the candidate concerned is suitable and fit for appointment to the post.
3. The suppression of material information and making a false statement in the verification form relating to arrest, prosecution, conviction, etc. has a clear bearing on the character, conduct and antecedents of the employee. If it is found that the employee had suppressed or given false information in regard to the matters having a bearing on his fitness or suitability to the post, he can be terminated from service.
4. The generalizations about the youth, career prospects and age of the candidates leading to condonation of the offenders' conduct, should not enter the judicial verdict and should be avoided.
5. The Court should inquire: whether the authority concerned whose action is being challenged acted mala fide, or there was any element of bias in decision of authority, and whether the enquiry procedure adopted was fair and reasonable.

ALLAHABAD HIGH COURT

1. Vijay Agarwal v. Smt. Suchita Bansal, 2023 (8) ADJ 484 (DB)

Hindu Marriage Act, 1955-Section 13-B-Divorce by mutual consent- Waiver of six months period. The court below has refused to waive the condition of six months as imposed under Section 13- B(2). Though the provision of Section 13- B(2) postulates a cooling period of six months, that stipulation of time was not mandatory. Admittedly, parties have been living separately for last 12 years. Efforts for mediation were made on more than one occasion, which failed. Appellant also agreed to pay in terms of settlement and parties also have no children born out of wedlock. Thus, waiver of six months period granted and *Amardeep Singh's case* relied on.

2. Mahendra Kumar deceased and others v. Chhawali Devi deceased and another, 2023 (9) ADJ 93

Code of Civil Procedure, 1908-Order XLI, Rule 21-Rehearing on application of defendant for setting aside ex parte decree. Defendant-appellant failed to establish fact that he had no knowledge of proceeding of appeal and he was prevented from appearing in Court on account of transfer of appeal from Court of District Judge to Court of Additional District Judge

when appeal was called out for hearing. There is no illegality in rejection of application under Order XLI, Rule 21.

3. Mohd. Azam khan v. State of U.P. and another, 2023 (9) ADJ 25

Criminal Procedure Code, 1973-Sections 53, 53-A and 311-A-Voice Sample - Judicial Magistrate has power to order a person to give his voice sample for purpose of investigation of crime-Issue as to what is nature of disputed cassette is a question of fact and will not have material bearing on merits of order passed by Magistrate for giving voice sample. Once original cassette was itself placed before Court and has been admitted into evidence, correct description of same can be taken note by Court in its judgement. Merely on ground that Court below without deciding nature of disputed cassette i.e. whether it is an audio cassette or a video cassette had directed accused-applicant to give his voice sample, order of Magistrate cannot be said to be illegal causing prejudice to applicant and therefore liable to be set aside.

By –

Dr. Humayun Rasheed Khan,
Additional Director (Research), JTRI

ABOUT US

Judicial Training and Research Institute, U.P., Lucknow

The Institute was established by the Government of Uttar Pradesh in pursuance of a decision taken at All India Conference of the Chief Justices of High Courts in August/September, 1985 in New Delhi. This landmark conference which was also attended by the Chief Ministers and the Law Ministers of the States, mooted the idea of providing institutional induction and in-service training to the judges of the subordinate courts in the country. The initiative of the state government after being readily agreed to by the Hon'ble High Court of Judicature at Allahabad, saw the Institute coming into existence and becoming functional on 25th April, 1987 with Hon'ble Mr. Justice K.N. Goyal as its first honorary Director. Sri Vinod Singh Rawat is its present Director.

The institute has been established with the overall vision of ensuring ceaseless upgradation of skills and appropriate attitudinal reorientation through induction level and in-service training in consonance with the imperatives of national and global environment.

In the training programmes, case studies, discussion sessions, exercises and activity based studies; book review and case law presentation are used extensively. To make the discussion effective, background material is given before discussion. This helps the trainees to develop analytical skills and decision-making power in addition to enable them in writing orders/judgments.

Keeping in view that in a healthy mind rests a healthy body, the institute has established and developed a gymnasium with latest equipments and machines. The physical training is compulsory part of the training programmes organized by the institute. The facilities of gym have been made available to the trainee officers as well as faculty members.

The Institute believes in continuous involvement of officers in sports activities to relieve the stress and keep them healthy. Besides Volley Ball and Carom, the hostel is also having Badminton Court as well as Table-tennis facilities. The hostel is fully furnished and equipped with the best house-keeping and hospitality facilities. The institute has a big air-conditioned Dining Hall with a dining capacity of about 150 persons at a time. The dining Hall is housed with the officers' hostel in one and the same building.

Judicial reasoning, indeed, is both an art and a science to be cultivated by every judge through study, reflection and hard work. The institute has a beautiful and big library housed into two spacious air-conditioned halls in the 'Training Wing' with one being dedicated to law books, law digest, encyclopedia, commentaries and general books including classics, biographies, fictions (Hindi and English both) memoirs, letters, speeches, words and phrases, books of philosophy, religion, history, politics, computer, management, personality development etc. and the other wing is exclusively meant for storing Journals. This centre of knowledge has more than **25000 books**. The institute has been subscribing **15 Law Journals** of varied nature, **seven newspapers** and **four magazines**. The library has All England Law Reports from 1936 to 2014, Halsbury's Laws of India from 2004 to 2008, Halsbury's Laws of England from 1973 to 1987 and Corpus Juris Secundum from Vol. 1 to 101A, Canadian Law reports, American Law Reports Annotated and Law Commission of India Reports. The institute is working on to develop e-knowledge hub and e-library in near future.