

**SOUTH ZONE REGIONAL CONFERENCE ON ENHANCING THE EXCELLENCE OF JUDICIAL INSTITUTIONS: CHALLENGES & OPPORTUNITIES**

**TABLE OF CONTENTS**

<b>SESSION I: IMPORTANCE OF ETHICS, INTEGRITY AND DISCIPLINE</b>		<b>Pg. No.</b>
1.	<p><b><i>Judicial Ethics: Exploring Misconduct and Accountability for Judges, by A. Wayne Mackay</i></b></p> <ul style="list-style-type: none"> <li>• <i>The Judicial Tradition</i> <ul style="list-style-type: none"> <li>➤ <i>The Traditional Role of the Judge</i></li> <li>➤ <i>The Judicial Role: Myths and Realities</i></li> <li>➤ <i>Judicial Power</i></li> <li>➤ <i>"Judicial Ethics": A need for definition</i></li> </ul> </li> <li>• <i>Judicial Codes</i> <ul style="list-style-type: none"> <li>➤ <i>The rise of Judicial Codes</i></li> <li>➤ <i>Resistance to Judicial Codes</i></li> <li>➤ <i>Creating a Judicial Code</i></li> </ul> </li> <li>• <i>The Beneficiaries</i> <ul style="list-style-type: none"> <li>➤ <i>The Public</i></li> <li>➤ <i>The Judiciary</i></li> </ul> </li> <li>• <i>Ethical Realities: Issues</i> <ul style="list-style-type: none"> <li>➤ <i>Rural Judges</i></li> <li>➤ <i>Public v. Private Lives</i></li> <li>➤ <i>New Issues: Ethical Considerations</i></li> <li>➤ <i>Judiciary and the media</i></li> </ul> </li> <li>• <i>Judicial Speech: A Canadian case study in the need for guidance</i> <ul style="list-style-type: none"> <li>➤ <i>The Berger Inquiry: Out of Court Speech</i></li> <li>➤ <i>The Nova Scotia Court of Appeal Inquiry (Marshall Affair): In Court Speech</i></li> <li>➤ <i>Judge Ruffo: Activism in and out of Court</i></li> <li>➤ <i>The Bartlett Inquiry: Speech beyond the Pale</i></li> <li>➤ <i>Quo Vadiso on Judicial Speech?</i></li> </ul> </li> <li>• <i>Enforcement</i> <ul style="list-style-type: none"> <li>➤ <i>The Tennessee Judicial Code</i></li> <li>➤ <i>The Kenya Experience</i></li> <li>➤ <i>The Canadian Experience</i></li> </ul> </li> </ul>	
2.	<p><b><i>The Bangalore Principles of Judicial Conduct, 2002</i></b></p> <ul style="list-style-type: none"> <li>• <i>Preamble</i></li> <li>• <i>Value 1 Independence</i></li> <li>• <i>Value 2 Impartiality</i></li> </ul>	

	<ul style="list-style-type: none"> <li>• Value 3 Integrity</li> <li>• Value 4 Propriety</li> <li>• Value 5 Equality</li> <li>• Value 6 Competence and Diligence</li> </ul>	
3.	<p><b>Canons of Judicial Ethics, by Justice R.C. Lahoti</b></p> <ul style="list-style-type: none"> <li>• <i>Cannons vs. Principles</i></li> <li>• <i>Judicial Ethics- A Definition</i></li> <li>• <i>Attempted Codification of Cannons of Judicial Ethics</i></li> <li>• <i>The Concept of Judgeship in Gita</i></li> <li>• <i>Three Documents</i> <ul style="list-style-type: none"> <li>➤ <i>Restatement of Values of Judicial Life (1999)</i></li> <li>➤ <i>The Bangalore Draft Principles</i></li> <li>➤ <i>The oath or affirmation by the Judge</i></li> </ul> </li> </ul>	
4.	<p><b>Judicial Ethics, by Justice G.S. Singhvi</b></p> <p><b>Matters of Concern</b></p> <ul style="list-style-type: none"> <li>• <i>Independence vs. Accountability</i></li> <li>• <i>Isolation vs. Involvement</i></li> <li>• <i>Presumptions—Impartiality vs. Partiality</i></li> <li>• <i>Appearance vs. Reality</i></li> </ul>	
5.	<p><b>Court Review: The Changing Role of Judge and its Implications, by Roger Hanson</b></p>	
6.	<p><b>Important Observations Of Court On Judicial Ethics And Conduct Of Judicial Officers</b></p> <ul style="list-style-type: none"> <li>• <i>K.P.Singh vs. High Court of H.P. &amp;Ors, 2011(3)KLJ11</i></li> <li>• <i>Tarak Singh vs. Jyoti Basu, (2005)1 SCC 201</i></li> <li>• <i>High Court of Rajasthan vs. Ramesh Chand Paliwal, (1998) 2 SCC 72</i></li> <li>• <i>High Court of Judicature at Bombay vs. Uday Singh (1997) 5 SCC 129</i></li> <li>• <i>Daya Shankar vs. High Court of Allahabad (1987) 3 SCC 1</i></li> <li>• <i>High Court of Judicature at Bombay vs. Shashikant S. Patil (2000) 1 SCC 416</i></li> <li>• <i>Registrar General, Patna High Court vs. Pandey Gajendra Prasad (2012)6SCC357</i></li> </ul>	
7.	<p><b>Judicial Observations on Judicial Ethics, Integrity, Misconduct, Discipline and Corruption</b></p> <ul style="list-style-type: none"> <li>• <i>State vs. Chief Editor, Manabjabin and Others, Supreme Court of Bangladesh</i></li> <li>• <i>C. Ravichandran Iyer vs. Justice A.M. Bhattacharjee and ors., (1995)5SCC457</i></li> </ul>	

**SESSION II: STRENGTHENING INTERNAL VIGILANCE MECHANISM AS RESPONSE TO RISING JUDICIAL INDISCIPLINE**

1.	<p><b><i>Judicial Accountability to the Community: A Democratic Necessity, by V.R. Krishna Iyer</i></b></p> <ul style="list-style-type: none"> <li>• <i>Hands off doctrine outdated</i></li> <li>• <i>Code of Conduct for Judges</i></li> <li>• <i>Code of Judicial Ethics</i></li> <li>• <i>Dynamic Dimension of Accountability</i></li> </ul>	
2.	<p><b><i>Corruption within the judiciary: causes and remedies, by Mary Noel Pepys</i></b></p> <ul style="list-style-type: none"> <li>• <i>Introducing the problem</i></li> <li>• <i>Comparative analysis of judicial corruption</i></li> <li>• <i>Remedies to Corruption in the Judiciary</i> <ul style="list-style-type: none"> <li>➤ <i>Enhancing the Independence of the Judiciary</i></li> <li>➤ <i>Introducing Accountability Mechanisms</i></li> <li>➤ <i>Enhancing Competency of External Controls</i></li> </ul> </li> <li>• <i>How Prevalent is Bribery in the Judicial Sector?</i></li> </ul>	
3.	<p><b><i>Speedy Disposal of Corruption and Vigilance Cases, by Hon'ble Mr. Justice P. Sathasivam</i></b></p> <ul style="list-style-type: none"> <li>• <i>Enlarged Definition of Public Servant</i></li> <li>• <i>Minimum sentence prescribed</i></li> <li>• <i>Presumption in Favor of Complaint</i></li> <li>• <i>Determination of Quantum of Fine</i></li> <li>• <i>Freezing of Ill-gotten Properties during Trial</i></li> <li>• <i>Preliminary Investigations</i></li> <li>• <i>Previous Sanction for Prosecution</i></li> <li>• <i>Delay in Disposal of Cases</i></li> <li>• <i>Strategies for Speedy Disposal</i></li> </ul>	
4.	<p><b><i>Resolution of Chief Justices Conferences on Registrar Vigilance and Vigilance Cell</i></b></p> <ul style="list-style-type: none"> <li>• <i>Chief Justices Conference, 2009</i></li> <li>• <i>Chief Justices' Conference, 2015</i></li> </ul>	
5.	<p><b><i>Committee on Reforms of Criminal Justice System Government of India, Ministry of Home Affairs Report</i></b></p>	
6.	<p><b><i>Ancient Indian Jurisprudence on Judicial Ethics, Integrity, Impartiality, Corruption and Vigilance System</i></b></p>	

	<ul style="list-style-type: none"> <li>• <i>Qualities of a judge</i></li> <li>• <i>Integrity and impartiality</i></li> <li>• <i>Punishment for corruption</i></li> <li>• <i>Judicial Discipline</i></li> <li>• <i>Vigilance System</i></li> <li>• <i>Whistleblowers</i></li> </ul>	
7.	<b><i>Importance of Vigilance and Inquiry, Calcutta High Court</i></b>	
<b>SESSION III: IMPACT OF MEDIA ON PUBLIC PERCEPTION REGARDING VITALITY OF JUSTICE DELIVERY</b>		
1.	<b><i>Reasonableness of Restriction on Reporting on Sub-Judice Matters, by Justice G.N. Ray</i></b>	
2.	<b><i>Media as an Instrument of Public Accountability, by Justice Raghuram Goda</i></b> <ul style="list-style-type: none"> <li>• <i>Truth and Verification</i></li> <li>• <i>Who do Journalists work for?</i></li> <li>• <i>Independence from those they cover</i></li> <li>• <i>Independent Monitors of Power</i></li> <li>• <i>Journalism as a Public Forum</i></li> <li>• <i>News must be Comprehensive and Proportional</i></li> <li>• <i>Responsibility to Individual Conscience</i></li> <li>• <i>Media and the Judiciary</i></li> <li>• <i>Trial by Media</i></li> </ul>	
3.	<b><i>Fetters on the Media?, by V. Venkatesan</i></b> <ul style="list-style-type: none"> <li>• <i>Strange Reasoning</i></li> <li>• <i>Disproportionate Response</i></li> <li>• <i>Old Petitions Included</i></li> <li>• <i>What is Obstruction?</i></li> <li>• <i>An Unusual Case</i></li> </ul>	
4.	<b><i>Media and Judiciary: Media and other Estates</i></b> <ul style="list-style-type: none"> <li>• <i>Contempt of Court</i></li> <li>• <i>What is Scandalizing?</i></li> <li>• <i>Constitutional aspects of Contempt of Court</i></li> <li>• <i>Upholding dignity of courts</i></li> <li>• <i>Elements constituting criminal contempt</i></li> <li>• <i>The press and contempt of court</i> <ul style="list-style-type: none"> <li>➤ <i>“The Bengalee” case: Writing for Independence</i></li> <li>➤ <i>‘Search light’ case: Unfair conclusion</i></li> </ul> </li> </ul>	

	<ul style="list-style-type: none"> <li>➤ <i>“The Hindustan Times” case: Misconceived as contempt</i></li> <li>➤ <i>Young India case: Gandhi for public criticism</i></li> <li>• <i>Procedure</i> <ul style="list-style-type: none"> <li>➤ <i>Shiv Shankar Case</i></li> </ul> </li> <li>• <i>Apology</i> <ul style="list-style-type: none"> <li>➤ <i>In re Vinay Chandra Mishra</i></li> </ul> </li> <li>• <i>Punishment</i> <ul style="list-style-type: none"> <li>➤ <i>Vasudevan Case: Enforcing the Order</i></li> </ul> </li> <li>• <i>Truth or Justification</i> <ul style="list-style-type: none"> <li>➤ <i>Baradakanta v. Registrar, Orissa</i></li> <li>➤ <i>2006 Amendment: Truth</i></li> <li>➤ <i>Mid-day Journalists Case</i></li> <li>➤ <i>Mysore Episode</i></li> </ul> </li> <li>• <i>Amend Contempt Court Law</i></li> </ul>	
5.	<p><b><i>200<sup>th</sup> Report of the Law Commission of India on Trial By Media: Free Speech and Free Trial under Criminal Procedure Code, 1973</i></b></p> <ul style="list-style-type: none"> <li>• <i>Chapter-I: Introductory</i></li> <li>• <i>Chapter-III: Do publications in the media subconsciously affect Judges?</i></li> </ul>	
6.	<p><b><i>Achieving the Aims of Open Justice? The Relationship Between the Courts, the Media and the Public, by Sharon Rodrick,</i></b></p>	
<b>SESSION IV: RELATIONSHIP BETWEEN HIGH COURT AND DISTRICT JUDICIARY</b>		
1.	<p><b><i>District Administration in Judiciary, Justice Dr. A.K. Rajan</i></b></p> <ul style="list-style-type: none"> <li>• <i>Judicial Matters</i> <ul style="list-style-type: none"> <li>➤ <i>Inside the Court Hall</i></li> <li>➤ <i>Out-Side the Court Room</i></li> </ul> </li> <li>• <i>Office Administration: Relatable to Judicial Matters</i> <ul style="list-style-type: none"> <li>➤ <i>Taking on File-Numbering</i></li> <li>➤ <i>Action for Dereliction of Duties</i></li> </ul> </li> <li>• <i>Staff Management</i> <ul style="list-style-type: none"> <li>➤ <i>Postings</i></li> <li>➤ <i>Fixation of Seniority</i></li> <li>➤ <i>Recruitment</i></li> <li>➤ <i>Promotion</i></li> <li>➤ <i>Enforcement of Rules</i></li> <li>➤ <i>Distribution of Works</i></li> <li>➤ <i>Complaints Received</i></li> <li>➤ <i>Assessment of Works</i></li> </ul> </li> <li>• <i>Rapport with other wings of government</i> <ul style="list-style-type: none"> <li>➤ <i>With the Revenue Department</i></li> </ul> </li> </ul>	

	<ul style="list-style-type: none"> <li>➤ <i>With the Police Department</i></li> <li>➤ <i>With Other Departments</i></li> </ul>	
2.	<b><i>Awani Kumar Upadhyay vs. the Hon’ble High Court of Judicature at Allahabad and ors. (2013) 12 SCC 392</i></b>	
3.	<b><i>Amar Pal Singh vs. State of U. P. (2012) 6 SCC 491</i></b>	
4.	<b><i>Registrar General, Patna High Court vs. Pandey Gajendra Prasad &amp; ors. (2012) 6 SCC 357</i></b>	
5.	<b><i>Khazia Mohammed Muzammil vs. the State of Karnataka &amp; anr. (2010) 8 SCC 155</i></b>	
6.	<b><i>Syed T.A. Naqshbandi vs. State of Jammu &amp; Kashmir (2003) 9 SCC 592</i></b>	
7.	<b><i>High Court of Judicature for Rajasthan vs. P.P. Singh (2003) 4 SCC 239</i></b>	
8.	<p><b><i>Landmark Judgements Pertaining to the Role of The High Court</i></b></p> <ul style="list-style-type: none"> <li>• <i>Chandra Singh vs. State of Rajasthan (2003)6SCC545</i></li> <li>• <i>Dhyan Investments And Trading Co. Ltd. vs. Central Bureau of Investigation (2001)6SCC607</i></li> <li>• <i>Baradakanta Mishra vs. High Court of Orissa (1976)3SCC327</i></li> <li>• <i>Gauhati High Court vs. Kuladharphukan (2002)4SCC524</i></li> <li>• <i>Chief Justice Of Andhra vs. L.V.A. Dixitulu (1979)2SCC34</i></li> <li>• <i>The State Of West Bengal vs. Nripendra Nath Bagchi AIR1966SC447</i></li> <li>• <i>R.M. Gurjar vs. High Court of Gujarat (1992)4SCC10</i></li> <li>• <i>High Court Of Judicature For Rajasthan vs. Ramesh Chand Paliwal (1998)3SCC72</i></li> <li>• <i>Ishwar Chand Jain vs. High Court of Punjab And Haryana (1988)3SCC370</i></li> <li>• <i>Samsher Singh vs. State of Punjab(1974)2SCC831</i></li> <li>• <i>Tej Pal Singh vs. State of U.P. (1986)3SCC604</i></li> <li>• <i>B S Yadav vs. State of Haryana AIR1981SC561</i></li> <li>• <i>High Court of Judicature at Allahabad through Registrar vs. Sarnam Singh and anr (2000) 2 SCC 339</i></li> <li>• <i>Bishwanath Prasad Singh vs. State of Bihar (2001)2SCC305</i></li> <li>• <i>In The Matter of: K, A Judicial Officer (2001)3SCC54</i></li> </ul>	
<b>SESSION V: SOCIAL CONTEXT JUDGING (SCJ) AS PRINCIPLE FOR EXERCISE OF DISCRETION AND APPLICATION OF SCJ IN GIVEN CASE STUDIES</b>		

1.	<p><b><i>Social Context Education for Social Justice Adjudication, by Prof. (Dr.) N.R. Madhava Menon</i></b></p> <ul style="list-style-type: none"> <li>• <i>Social Justice Adjudication- What and Why?</i></li> <li>• <i>Social Justice Implications of Adversarial Legalism</i></li> <li>• <i>Equality Jurisprudence and Social Context Judging</i></li> <li>• <i>Contextual Judging: Issues and Concerns</i></li> <li>• <i>Incorporating Social Context Judging as part of a Judicial Education in India: An Essential Step in Delivery of Equal Justice</i></li> <li>• <i>A Brief Review of Social Context Applications of Equality Jurisprudence in Indian Courts</i></li> </ul>	
2.	<p><b><i>Rule of Law: Protecting The Constitution and Democracy, by Justice A.K. Sikri</i></b></p> <ul style="list-style-type: none"> <li>• <i>Rule of Law</i></li> <li>• <i>Concept of Liberal Democracy</i></li> <li>• <i>Expanding Horizon of Human Rights</i></li> <li>• <i>Mandating Good Governance</i></li> </ul>	
3.	<p><b><i>In Re : Inhuman Conditions In 1382 Prison</i></b> (2016) 3 SCC 700</p>	
4.	<p><b><i>Dharam Pal vs. State of Haryana</i></b> 2016 (1) SCALE 635</p>	
5.	<p><b><i>Alsia Pardhi vs. State of M.P.</i></b> 2013 (14) SCALE 617</p>	
6.	<p><b><i>Public Union for Civil Liberties vs. State of Tamil Nadu and others</i></b> (2013) 1 SCC 585</p>	
7.	<p><b><i>Delhi Jal Board vs. National Campaign for Dignity and Rights of Sewerage and Allied Workers &amp; others</i></b> (2011) 8 SCC 568</p>	
<p><b>SESSION VI: E-JUSTICE: RE-ENGINEERING THE JUDICIAL PROCESS THROUGH EFFECTIVE USE OF ICT</b></p>		
1.	<p><b><i>Technology and Timely Justice: Intelligent use of ICT can Revamp the Indian Justice Delivery System, by Dr. Justice G.C. Bharuka</i></b></p> <ul style="list-style-type: none"> <li>• <i>Chronic Problems With The Indian Judicial System</i> <ul style="list-style-type: none"> <li>➤ <i>Judicial Processes And Management</i></li> <li>➤ <i>Lack Of Judicial Data Required For Management And Policy Making</i></li> <li>➤ <i>Infrastructural Requirements</i></li> </ul> </li> <li>• <i>Requisites For Enhancing Judicial Performance</i> <ul style="list-style-type: none"> <li>➤ <i>Management Of Courts And Cases</i></li> <li>➤ <i>Technology For Timely Justice And Effective Management</i></li> <li>➤ <i>Technology In Indian Courts</i></li> </ul> </li> </ul>	

	<ul style="list-style-type: none"> <li>• <i>Genesis Of E- Courts Project</i></li> </ul>	
2.	<p><b><i>Implementation of Information and Communication Technology in Indian Judiciary, by Dr. Justice G.C. Bharuka</i></b></p>	
3.	<p><b><i>Bringing the “E” to Judicial Efficiency: Implementing the E-Courts system in India, State of the Indian Judiciary, by Atul Kaushik</i></b></p> <ul style="list-style-type: none"> <li>• <i>The First Tentative Steps</i></li> <li>• <i>Unified Application Development</i></li> <li>• <i>Comprehensive ICT Enablement of Courts</i></li> <li>• <i>Data to Information: Benefits and Challenges</i></li> <li>• <i>Global Comparisons and Efforts to Meet Global Benchmarks</i></li> <li>• <i>The Way Forward</i></li> </ul>	
4.	<p><b><i>Technology and Reengineering, by Thomas M. Clarke</i></b></p> <ul style="list-style-type: none"> <li>• <i>The Emerging Technologies</i> <ul style="list-style-type: none"> <li>➤ <i>The Electronic File</i></li> <li>➤ <i>Making the Court Record through Digital Recording</i></li> <li>➤ <i>Conducting Hearings via Videoconferencing</i></li> </ul> </li> <li>• <i>The Challenges of Effectively Implementing Technology</i> <ul style="list-style-type: none"> <li>➤ <i>Current Court Capabilities and Resources</i></li> <li>➤ <i>The Importance of Effective Project Management</i></li> <li>➤ <i>The Importance of Effective Change Management</i></li> <li>➤ <i>Impact on Access to the Courts</i></li> <li>➤ <i>Impact on Service to Attorneys, Self-Represented Litigants, and Jurors</i></li> <li>➤ <i>Integrating Technology Capabilities with the Court’s Strategy for Reengineering</i></li> </ul> </li> </ul>	
5.	<p><b><i>ICT in Indian Court: Challenges &amp; Solution, by Rishi Prakash, T. Mohanty, Ramji Gupta &amp; Vinay Jain</i></b></p> <ul style="list-style-type: none"> <li>• <i>Introduction</i></li> <li>• <i>System Features</i></li> <li>• <i>System Working Overview</i> <ul style="list-style-type: none"> <li>➤ <i>Digitization of Case files</i></li> <li>➤ <i>Paperless Deposition</i></li> <li>➤ <i>Recording of court proceedings</i></li> <li>➤ <i>Video conferencing</i></li> <li>➤ <i>Evidences capture</i></li> <li>➤ <i>Provision for DVD writing</i></li> <li>➤ <i>Data sharing from remote location</i></li> </ul> </li> </ul>	



	<ul style="list-style-type: none"> <li>➤ Court live proceedings</li> <li>• Traditional System vs E-Court</li> <li>• Cost Benefit Analysis</li> <li>• Outcome of the E-Court</li> </ul> <p>Some Challenges &amp; Future Scope</p>	
6.	<p><b>Information &amp; Communication Technology Tools and its Implementation, by Mohammad Uzair</b></p> <ul style="list-style-type: none"> <li>• Video-Conferencing</li> <li>• Data Management</li> <li>• Digital Signatures</li> <li>• Web-Sites</li> <li>• E-Courts</li> <li>• E-Filing of Cases</li> <li>• IVRS &amp; SMS Facility</li> <li>• Touch Screen Enquiry</li> <li>• Dictation Capturing System</li> <li>• Digitisation of Record Room</li> <li>• E-Mail Communication System</li> </ul>	
7.	<p><b>Justice through Electronic Governance, by Praveen Dalal</b></p> <ul style="list-style-type: none"> <li>• E-Governance and the Justice Delivery System</li> <li>• Legislative Efforts to Bring Technology Revolution <ul style="list-style-type: none"> <li>➤ Legal Recognition of E-Records</li> <li>➤ Legal Recognition of Digital Signatures</li> <li>➤ Use in Government and its Agencies</li> <li>➤ Retention of E-Records</li> <li>➤ Electronic-Gazette</li> <li>➤ Non-Absolute Right</li> <li>➤ Possible Uses of E-Governance</li> </ul> </li> <li>• Judicial Reception of Information Technology</li> </ul>	
8.	<p><b>E Judiciary: a Step towards Modernization in Indian Legal System, by Dr. Setlur B. N. Prakash</b></p> <ul style="list-style-type: none"> <li>• Structure of Judiciary in independent India</li> <li>• Work Load and Ratio of Judge and Common Man</li> <li>• Need for a New Look?</li> <li>• Computerization of District Judiciary across the Country</li> <li>• Steps Taken to Implement the Policy of Computerization at District Level Judiciary</li> <li>• Preparedness with Software</li> <li>• Network and its Expansion to the Rural Setup</li> </ul>	