Front elevation of the proposed new building of Orissa Judicial Academy

Side elivation with auditorium of proposed new building of Orissa Judicial Academy

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VIDYA

NEWS LETTER

A QUARTERLY PUBLICATION

Issue No.-1 (1st & 2nd Quarter - 2011)

For Brighter Tomorrow

ORISSA JUDICIAL ACADEMY
CUTTACK

ORISSA JUDICIAL ACADEMY, CUTTACK

Patron-in-Chief:

The Hon'ble Mr. Justice **V. Gopala Gowda**
Chief Justice

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Hon'ble Mr. Justice **L. Mohapatra**

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Hon'ble Mr. Justice **H.S. Bhalla**,
Hon'ble Mr. Justice **S. K. Mishra**

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Editor : **Dr. D. P. Choudhury**

Induction Batch - 2010
with Hon'ble Judges, Orissa High Court

Hon'ble Mr. Justice, L. Mohapatra, Judge High Court of Orissa, Chairman Orissa Judicial Academy visiting the Computer Lab.

Hon'ble Mr. Justice B. K. Nayak, Judge Orissa High Court addressing the in service Judicial Officers under Refresher Programme 2010.

Hon'ble Mr. Justice P. K. Tripathy, former Judge Orissa High Court addressing the in-service Judicial Officers under Refresher Programme 2011.

Hon'ble Mr. Justice A. S. Naidu, former Judge Orissa High Court addressing the in-service officers under Refresher Programme 2011.

Hon'ble Mr. Justice, B. K. Mishra, Judge Orissa High Court, addressing newly recruited Judicial Officers 2011.

Dr. D. P. Choudhury, Director, Orissa Judicial Academy addressing the in-service Judicial Officer under Refresher Programme 2011.

JUSTICE V. GOPALA GOWDA

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July 16, 2011.

MESSAGE

This is the first issue of the Newsletter of the Orissa Judicial Academy and I have great pleasure in releasing the same. Good governance requires transparency in action and this Newsletter aims at bringing the various activities and achievements of the Academy to public notice.

Judicial Academy at State Level is entrusted with the duty of providing in-service training to Judicial Officers. As we know, pass-outs from Law Colleges are recruited to Judicial Service. Though they have legal education, they need judicial education to cope up with the onerous task of dispensation of justice. Judicial education imparts teaching in various aspects like procedural law, Case Management, fairness, skill, attitude, quality justice and ethics which are necessary for attaining excellence in dispensation of justice. The Orissa Judicial Academy since its inception has been successfully imparting training to the Judicial Officers to improve the Justice Delivery System. In this first issue of the Newsletter endeavour has been made to project in brief the activities of the Academy.

I hope that the readers will find this issue of the Newsletter informative and attractive. Any suggestion and even criticism would be gladly acknowledged which may guide us in future.

(V.GOPALA GOWDA)

Justice Bimala Prasad Das
Judge
ORISSA HIGH COURT

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July 20, 2011

M E S S A G E

I am glad to know that the Orissa Judicial Academy is shortly bringing out the maiden issue of its News Letter.

The Judicial Academy is entrusted with the onerous task of imparting training to the Judicial Officers, which will help them in dispensation of justice. News Letter is always intended to showcase the activities of the institution which publishes it and I am sure, this issue of the News Letter will bring various activities undertaken by the Academy in the last quarters to the information of the public.

I wish the publication all success.

.....
Justice B. P. Das

Dr.D.P. Choudhury,
Director,
Orissa Judicial Academy,
Cuttack.

Justice L. Mohapatra
JUDGE, ORISSA HIGH COURT &
Chairman, Orissa Judicial Academy

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21st July, 2011

FROM THE DESK OF THE CHAIRMAN:

This is the first issue of News Letter of the State Judicial Academy. The idea of publishing such a News Letter had been conceived earlier but it could not be published because of lack of manpower. Now it has been possible because of creation and posting of two more Officers and supporting staff. This News Letter shall bring to the knowledge of its readers all the informations in brief with regard to the activities undertaken by the Academy.

In future we intend to publish more lectures of eminent jurists, Hon'ble Judges as well as established Resource Persons, who are invited to the Academy and I am hopeful that once these lecturers are published on different aspects of law, it will be of immense help not only to the Judicial Officers but also to the Advocates as well as the entire judicial system.

I am sure this publication would throw some light on the different activities undertaken by the Academy in the past.

Laxmikanta Mohapatra

(Justice L.Mohapatra)

Justice Indrajit Mahanty
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Message

I am delighted to know that Judicial Academy is going to publish Quarterly News Letter. It is indeed need of the hour. Every effort on the part of Academy to publish the lectures of Hon'ble Judges, articles and information for the knowledge of all concern is admirable. This News Letter not only gives picture of the Academy but also a mirror for all Judicial Officers' talent.

I wish all the best of this News Letter.

(Justice Indrajit Mahanty)

Justice H. S. Bhalla
JUDGE
ORISSA HIGH COURT

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July 22, 2011.

MESSAGE

I am glad to know that the *Orissa Judicial Academy* is bringing out its 1st news letter highlighting the achievements and activities of the Judicial Officers as well as their schemes and programmes. The news letter being informative and educative, will benefit the Judicial Officers for rendering speedy justice. The training programme of the Judicial Academy will be helpful for all the Judicial Officers. I heartily congratulate the Director and all other associated with the Academy for their sincere efforts in bringing out this issue and wish them success. I hope this idea will be very constructive and take the academy to a new level of prosperity. The light, which the *Orissa Judicial Academy* is illuminating, will illumine the judicial world in Orissa for many more years and thousands years later also, this light will still be seen and it will give solace to all the newly recruited Judicial Officers working in the State of Orissa.

I aspire that each day the academy will continue to take beneficial step towards the training of the Judicial Officers in order to impart better justice. I wish the publication a great success.

(Justice H.S.Bhalla)

Justice S. K. Mishra
JUDGE
ORISSA HIGH COURT

Cuttack
Dt.....

Dated, July 27, 2011

It is a matter of pleasure to know that Orissa Judicial Academy has decided to publish Quarterly News Letter. The endeavour on the part of Academy to disseminate lectures of the Hon'ble Judges of Supreme Court, High Court, articles and other information in the present News Letter to all concerned including Judicial Officers is laudable one. Judicial Officers shall get benefit from such publication.

I wish all success to the Orissa Judicial Academy in its endeavour.

(***S. K. Mishra, J.***)

Editorial Key Note ...

The Judicial Education gains momentum while there is stress laid on knowledge in Substantive and Procedural Law and Judges should be trained on knowledge in law, skill, attitude and ethics beside other matters including Information Technology for comprehensive capacity building. Although the pass-outs of the law are Judges but the Judicial Education imparts teaching in various aspects to improve the Justice Delivery System. Considering the necessity of Judicial Education to be imparted to Judicial Officers of the State of Orissa, the decision to open a Judicial Academy was resolved by High court of Orissa on 30.03.2001. The decision was implemented by the State Government by establishment of a permanent Judicial Academy for Orissa at the old building of Board of Revenue, Cuttack. On 02.04.2003, the State created a post of Director to commence the function of Academy for enhancing learning and training, and a platform for Judicial Officers for attending Excellency in dispensing of Justice. Accordingly, the first director being appointed resumed the duty on 20.12.2003. Since then, the Academy is running in the Old Building of Board of Revenue. The new building is expected to come out within span of 2 years as it's construction has already commenced. The main objective of the Academy is to develop and to deliver educational programmes in order to make them available to Judiciary as far as possible, further to strengthen value based society.

Judicial Education is different from the Legal Education for which the fresh pass outs from the Law Colleges; Universities undergo Induction Programme at the Academy the Refresher Programme for the in-service Judicial Officers are equally important to refresh their memory about the up-to-date law and the decisions. Academy has made endeavour always to sensitize the Judicial Officers about the duties and functions, but in the last two years, all efforts have been made to address Judicial Officers with the Substantive Law as well as procedural Law. The excellence of Court depends on the mind set, attitude of the Judicial Officers and these are imparted through the Judicial Education at the Academy. News letter undoubtedly is forum to express the views and talents of Judicial Officers and in this first issue attempts have been made to make it more closer to the heart of the readers for disseminating knowledge, informations and brilliant ideas. The suggestions from the judicial fraternity is most welcome.

Director,
Orissa Judicial Academy, Cuttack

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Valedictory address* by Hon'ble Mr. Justice Dalveer Bhandari, Judge, Supreme Court of India

on

ENHANCING QUALITY OF ADJUDICATION

I am deeply indebted to the National Judicial Academy, the High Court of Orissa and the Orissa Judicial Academy for inviting me to deliver the Valedictory Address. It is always a great pleasure and privilege to address such a distinguished gathering.

The subject of this East Zone Regional Judicial Conference is of great significance. It is the bounden duty and obligation of the judges functioning at various levels to enhance the quality of adjudication. This must be our constant endeavour.

The judges should continuously make serious efforts to acquire higher skills and greater competence to meet the new challenges in the judicial system.

The judges of the present generation are called up to deal with the complex legal problems because of globalization and liberalization. New litigation relating to computer, internet etc. require updating of knowledge constantly. The general level of education and awareness are rapidly increasing. People have become conscious about their fundamental, constitutional and other rights and make all efforts to protect and preserve these rights, they do not hesitate in approaching the courts. All this makes the job of a judge far more demanding and challenging.

Another reason for enhancing the quality of adjudication is rapid changes in legislation and enactments on new laws. It would be very difficult to discharge the duties of a judge efficiently unless a judge acquires up-to-date knowledge and information of the latest developments in the field of law and other fields.

Friends, I would like to divide my address in two parts - In Part-I, I propose to deal with broad parameters which if applied properly should lead to better adjudication - and, in Part-II, I plan to deal with broad parameters which should be kept in view while drafting the judgments and orders. Excellence in adjudication can be never acquired unless there is judicial integrity and credibility.

* Valedictory address by Hon'ble Mr. Justice Dalveer Bhandari, Judge, Supreme Court of India in the East Zone Regional Judicial Conference on "Enhancing Quality of Adjudication" being organized by the National Judicial Academy, the High Court of Orissa and Orissa Judicial Academy on 28th to 30th January 2011.

PART - I

Our earnest efforts should be to give special attention to the following aspects which may help in enhancing the quality of adjudication. These aspects are accessibility, equality, competence, skills, knowledge, ability, prompt adjudication, effective management of human resources, training and continuing legal education. We must ensure that there is total fairness, transparency, openness and impartiality in the judicial functioning. Independence is the backbone of judicial integrity and credibility.

ACCESS TO JUSTICE :

Our constitutional mandate is that everyone must have access to justice. We must ensure that all those who require legal aid must have full access to the judicial system, otherwise judiciary cannot acquire true credibility. The Courts at all levels must ensure that all those litigants, who cannot afford legal services, are provided free legal aid at the cost of the State. The programme of free legal aid to the poor must be broad based and the legal aid be provided by competent lawyers to all the needy and deserving litigants.

TRANPARENCY, INTEGRITY AND CREDIBILITY

It is the bounden duty of all of us who are directly connected with the judiciary to ensure total transparency, openness, credibility and integrity in our functioning is fully maintained. The judiciary has to develop culture of zero tolerance for corruption. Corruption is the sworn enemy of transparency and the integrity.

PUBLICATION OF RELEVANT INFORMATION BY THE COURT FOR ENHANCING CREDIBILITY :

All courts should regularly publish information which is relevant for the litigants because the courts exist for the litigants. The litigants may have easy access to court proceedings and information to the litigants. A high level of public trust will enhance higher voluntary compliance of court orders and strengthen respect for the rule of law and increase support for the provision of resources to meet court needs.

Erosion of credibility of judiciary in the public mind, for whatever reason is the greatest threat to the independence of judiciary. Therefore, we must always ensure that public trust and confidence is fully maintained.

EFFECTIVE MANAGEMENT OF HUMAN RESOURCES :

Effective Management of Human Resources should lead to optimum benefits from the judges and the supporting staff of the Court. There should be proper analysis of the work load of the court and the court staff be assigned the work accordingly. Effective court management would lead to excellence in adjudication.

EVALUATION OF JUDICIAL PERFORMANCE :

There should be a mechanism where quality of adjudication is continuously evaluated by an Expert Body and a regular report is submitted pertaining to the cases of Subordinate Courts to the District Judge and in the case of High Courts to their respective Chief Justices, who in turn should send those reports to the concerned Judges. This exercise must be carried out honestly, transparently and without any fear so that the concerned Judge has an opportunity to improve his or her performance on getting feedback on their performance.

JUDICIAL DISCIPLINE :

Judicial discipline and restraint are imperative for the orderly administration of justice. Majesty of Court would be enhanced by practicing discipline and self-restraint in discharging of all judicial functions.

HUMAN OR COMMERCIAL PROBLEM :

Every pending case should be taken either as a human or a commercial problem and serious endeavour should be made to resolve the problem promptly and to the best of our ability. The concerned judge must reflect and broadly decide how promptly the concerned problem can be solved within the framework of law and broadly fix the time schedule and proceed accordingly.

PROMPT ADJUDICATION :

The general impression is that judiciary has not been able to keep pace with the large institution of case which has led to huge pendency. We must make serious endeavour to remove this impression by deciding pending cases expeditiously. Fair, effective and efficient court proceedings, orders and judgments are indicators of court's efforts to acquire excellence in adjudication.

EXTENSIVE USE OF MODERN TECHNOLOGY :

Information Technology and extensive use of modern equipments can help all Courts to do what they do, faster, cheaper and better. Computerization allows Courts to dispense justice in the face of increased expectation of efficient and instant service. Effective use of information technology can improve public access to justice and quality of adjudication.

WRITTEN SUBMISSIONS :

The court at all levels may consider limited oral arguments and insisting the counsel on written submissions. It would not only save the time of the court, but no litigant or his counsel would have the grievance that his arguments have not been dealt with in the judgment or appreciated by the Court. It also helps the court to properly comprehend the case of the parties and prompt adjudication. Incidentally cases can also be decided promptly.

CONTINUING LEGAL EDUCATION & TRAINING:

Training and Continuing Legal Education are extremely important for judges at all levels including High Courts and the Supreme Court. There are new emerging areas of law, such as, cyber laws, computer, internet, antidumping and World Trade Organization related cases. Training and Continuing Legal Education are bound to be beneficial for the purpose of enhancing quality of adjudication. Unquestionably, the comprehensive judicial training would produce not only efficient and effective judicial officers but the judicial officers and judges who are particularly sensitive to the problems and cases pertaining to human rights violations and cases of indigent and the poor.

In order to acquire excellence in adjudication, it is imperative to provide training and continuing legal education to the judges. They have to keep pace with the legal and judicial developments. The experts from different disciplines should interact with judges on a regular basis. We have to take judicial training and continuing legal education very seriously.

We must evaluate the performance of every court periodically to enhance the quality of adjudication.

An International Consortium consisting of groups and organizations from Europe, Asia, Australia, United States and Singapore have developed this International Framework for Court Excellence. The goal of the Consortium's effort has been the development of a framework of values, concepts and tools by which courts worldwide can voluntarily assess and improve the quality of justice and court administration.

We must introduce a system of evaluation and assessment of judicial functioning of Courts at all levels in order to enhance the quality of adjudication. This in my view is absolutely imperative for enhancing the quality of adjudication.

Scientific approach of dealing with the cases and extensive use of modern technology would certainly enhance quality of adjudication. Now we have access to all cases decided by all the courts all over. We also have access to all legislations of all the countries of the world. We have access to all law journals. The knowledge and wisdom from all over the world should be assimilated for improving quality of adjudication.

Time management, Court management and total control on the supporting staff of the Court are important effective tools for acquiring enhancing quality of adjudication.

PART - II

Friends, in Part-II of my address, I would deal with the parameters which should be kept in view while writing judgments. On some aspects of Part-1, at time the judge may not have total control but as far as Part-II is concerned, the judge has complete control i.e. on Judgment Writing :

1. No exact instructions could be given or guidelines be formulated as to how the judgment /order is to be prepared. A judgment is the expression of the opinion of a Judge arrived at after due consideration of the evidence and of the arguments advanced before him.
2. The judgment should ordinarily contain (a) statement of facts, (b) points in dispute, (c) findings on points in dispute on the basis of evidence and documents; and (d) reasons for granting or refusing order / relief.
3. The pen of the Judge should be just like the knife of a surgeon which probes into the flesh only inasmuch as it is absolutely necessary for the purpose of the case before it. Disparaging remarks which are not warranted by evidence against a person should never be made.
4. The language of the judgment should be sober, dignified, restrained and temperate and in no case satirical. Judges should see that their pronouncements are judicial in nature and do not normally depart from sobriety, moderation and reserve. They should refrain from being sarcastic in their

judgments. They should try to avoid expressions which may attract a comment that the Judge had either made up his mind even before he initiated proceedings or had identified himself with a case to an extent that he was unable to appreciate the case or weigh the evidence before him impartially and without any bias.

5. A judgment should not be based on conjectures and surmises or personal knowledge. It should be based on proper appreciation of evidence on record.

6. A judgment must be calm and balanced and neither should it show prejudice nor sympathy. There should never be any display of emotions or sentiments in the judgment. A Judge neither rewards virtue nor chastises vice. He only administers even-handed justice between man and man and between a citizen and the State. This cardinal principle should always be remembered while writing a judgment or the order.

7. Judges should not make sweeping remarks of general nature about any class of people - women, lawyers, politicians, businessmen, landlords, tenants, doctors, moneylenders, policemen, etc. etc.

8. Judges should not be unduly sensitive to honest criticism of their judgments and should avoid jurisdiction of contempt as far as possible. I narrate you a very interesting incident. The London Times carried an Editorial referring Lord Templeman, a very distinguished English Judge and two others Justices of House of Lords - the title of the editorial was - "Those Old Fools". When Lord Templeman was asked why no contempt proceedings were instituted, his apt reply was "Well old I am and my wisdom is always a matter of somebody's opinion. How it is contempt." He laughed over.

Friends, now I would like to deal with the role of superior courts towards subordinate courts.

DUTY OF THE SUPERIOR COURT TOWARDS THE SUBORDINATE COURTS :

(I) The role of superior courts is like a friend, philosopher and guide of the judiciary subordinate to it. The judicial officers have to be treated with parental care and affection.

(II) The superior courts should always bear in mind that the judicial officer is not before it and should ordinarily refrain from passing strictures, derogatory remarks and scathing criticism. The passing of such order without affording a hearing to the judicial officer is clearly violative of the basic principles of natural justice.

(III) The superior courts must always keep in mind that it is a herculean task for the judicial officer to get the derogatory remarks expunged by the superior court. He is compelled to take assistance from lawyers and such a practitioner may be appearing before him. It is embarrassing, humiliating, time consuming and an expensive exercise.

(IV) The superior courts must always keep in mind that the much cherished judicial independence must not be presented only from outside but from within, by those who form the integral part of the judicial system. Damage from within has much larger and greater potential for harm than danger from outside. We alone in judicial family can take care of it.

(V) It must be remembered that the subordinate judicial officers at times work under very difficult and at times under charged atmosphere and are constantly under psychological pressure with all the contestants and their lawyers almost breathing down their necks and more correctly upto their nostrils.

(VI) Friends, we must keep centuries old proverb in mind that :-

Err is human and no one is infallible. A judge who has not committed an error is yet to be born. Judicial decorum has to be maintained at all times and even where criticism is justified. It must be in a language of utmost restraint always keeping in view that the person making the comment is also fallible.

(VII) Judges of the superior courts have a duty and obligation to ensure that dignity and respect of subordinate judiciary is properly maintained. The respect for the judiciary is not enhanced when judges at the lower level are criticized intemperately and castigated publicly. Our legal system acknowledges the fallibility of the judges and provides for appeals and revisions.

(VIII) It is the duty and obligation of the judges of the superior courts to ensure that independence of judiciary is not compromised and every judicial officer should feel that he can freely and fearlessly give expression to his own opinion. This is absolutely imperative in maintaining the independence of judiciary.

Before I conclude, I would like to draw the attention of this august gathering towards two main problems faced by judiciary. One is of existing huge pendency of cases and other problem is of tremendous inflow of new cases consequently leading to inordinate delay in disposal of cases at all levels. As on date, we have more than three crores cases pending at all levels.[1]

In order to achieve constitutional goal of access to justice for all within reasonable time and for enhancing the quality of adjudication, it is absolutely imperative to dispose-of pending cases within reasonable time to the satisfaction of all.

The real task of the judge at all levels is to engage in an enquiry to ascertain the truth. One who is able to cross all hurdles and obstructions and reach the truth of the matter would be doing real justice. The adjudication in true sense would get excellence only when there is victory of the truth within reasonable time.

In my view, strict adherence of aforementioned parameters would certainly enhance the quality of adjudication.

I once again convey my deep sense of gratitude to the organizers of this Conference for giving me an opportunity to express my views on a subject which is vital for enhancing the credibility, confidence and trust in the judicial system.

Thank you.

***

[1] **IN SUPREME COURT**

Year	Balance of Pendency at the end of previous year	Institution	Disposal	Total Pendency As on 31st Dec.
2000	20,334	37,111	35,300	22,145
2009	49,819	77151	71179	55,791
2010 As on 30.11.2010	55,791	72917	74064	54644
IN HIGH COURTS				
2000	27,57,806	11,16,622	10,19,001	28,55,427
2009	38,74,090	17,79,482	15,93,369	40,60,709
2010 As on 30.06.2010	40,60,709	8,88,438	7,67,427	41,83,731
IN SUBORDINATE COURTS				
2000	2,04,98,400	1,28,13,919	1,26,38,523	2,06,73,796
2009	2,64,09,011	1,69,65,198	1,60,98,779	2,72,75,953
2010 As on 30.06.2010	2,72,75,953	87,71,762	83,03,797	2,78,89,465

Note:- The Statement is compiled on the basis of data made available by the High Courts to the Registry of Supreme Court of India. The total of figures may vary on account of amalgamation of matters and for certain other reasons.

SPEECH* OF
HON'BLE MR. JUSTICE V. GOPALA GOWDA,
CHIEF JUSTICE OF ORISSA HIGH COURT

Hon'ble brother and sister Judges of this Court, Learned Members of Orissa Superior Judicial Service and the Chief Judicial Magistrates, Officers and staff of the High Court Registry; and Representatives of Press and Media,

Good morning every body. I on behalf of my brothers and sister Colleagues and on my own behalf cordially welcome the Judicial Officers of the State to this Conference.

2. It is first time for me to attend such a Conference since I resumed office here on 25th of March, 2010 as Chief Justice of this Court. I am told that we are meeting here after two years since the last conference was held in March, 2009.

3. This Conference is aimed at interacting and discussing on the achievements with regard to dispensation of justice and the problems and hurdles that come in the way of such dispensation. No doubt the Judge-population ratio is very less in our country in comparison to the other countries world over. The infrastructure available is not sufficient enough to provide a better working condition. In my casual visits to some of the stations I found that our judicial officers are discharging their duties under more trying circumstances in the sense that infrastructural facilities are considerably inferior to the ones which are available to the judicial officers of other States. Still you have to strive hard to achieve the goal surmounting the hurdles because the common man staring at you silently a begging speedy justice. Therefore, this Conference has assumed importance and this is a moment of introspection as to whether we have been able to achieve the goal.

*Inaugural Address in the District Judges' Conference held on 9.4.2011

4. You are well aware that the judiciary is one of the three limbs of the State and has been put on a very high pedestal. Our constitution has assigned to the judiciary the role of sustainer of the rule of law. The subordinate judiciary nay the District Judiciary is the lifeline of the fabric of judiciary. It is the bulwark on the basis of which the independence of judiciary is founded. Judiciary is the only machinery which safeguards the interests of the general public and is comparatively on a higher pedestal than the other machineries functioning under the Constitution.

5. You are all officers of the Judicial Service. It is a dignified and lucrative service charged with the responsibility of dispensation of justice. People call you as Darmabatar. You have been provided with better salary, better perk and better amenities and kept on a higher pedestal only to deliver the goods. All these have not been granted with a view only to reach the prescribed yardstick. People expect much more from you and you have to live upto their expectation.

6. Docket explosion has been a constant source of concern in our country. A cursory glance at the institution, disposal and pendency of civil criminal cases in the subordinate courts of the State indicates steep increase in the pendency of cases. From the statistics of institution and disposal of cases, it is found that the judicial officers are trying to achieve the prescribed yardstick mostly by disposal of criminal cases giving secondary importance to civil cases. So many long pending civil cases, appeals more than 12 years are pending not only in subordinate judicial courts, but also in High

Court. Therefore, we have to give a little more priority in disposing of the old cases.

7. A Judge of the Subordinate Court must strike a balance between fair trial and expedition and his approach should be to decide a case than to invent the reasons for not deciding it because the function of the Judge is not to avoid deciding a case on some ground or the other but to decide a case by applying the law, because the parties have failed to come to terms or other authorities failed to decide the dispute between the parties in accordance with law. In a State like ours, majority of the people live below poverty line, thousands and thousands have not got education from school and the society still discriminates people on the basis of sex, religion, caste and they required legal literacy and awareness. To guarantee equality-social, economic and political, legal service has a vital role to play so that the constitutional goal of ensuring equal justice to all can be achieved. We require a new vision accompanied by a concrete strategy to accomplish that vision. The whole emphasis is to develop a legal system which does not stop at giving empty rights but backs it up with concrete rights. There is a need for better allocation of funds for development and achievement of judicial infrastructure in the State. All members of judicial fraternity must remember that delay in justice administration is the biggest operational obstacle which has to be tackled on a war footing.

8. I would like to remind that delay in justice administration and huge pendency have brought about some amount of frustration among lawyers and litigant public and it is attributed as a failure of the system. However, I am of the view that overflowing dockets of the courts are not and cannot be signs of failure of the system but are signs of faith in administration of justice. Overflowing dockets in Courts are the signs of confidence and trust of people in responsiveness and ability of the justice delivery system. However, the problem of delay in disposal of cases in a challenge to the judiciary and each one of you has to rise to the occasion and try your best to evolve innovative methods for early disposal of cases, in no way sacrificing merit or quality and provide speedy relief to the litigants.

9. Some of you had the opportunity of interacting with the Hon'ble Chief Justice of India during his Lordship's visit to the State in the recent past. His Lordship expressed unhappiness over the manner in which infrastructure projects is dealt with which is one of the obstacles on the way of providing speedy justice. Hon'ble CJI suggested that if land is not being allotted despite reminders, a report should be sent to the Registrar General in writing so that the follow up action can be taken up. His Lordship also suggested that Judicial Officers should select from themselves one Nodal Officer who will collect the feedback from all the districts and then take up the matter with High Court and the concerned authorities. The Law Secretary agreed to become the Nodal Officer. Pendency and disposal of cases in the subordinate courts were discussed. Hon'ble CJI opined that Judicial Officers need to put in more efforts for disposal of cases. His Lordship also suggested that the Judicial Officers shall pay special attention to the provisions of Sections 258, 436 and 436A of the Code of Criminal Procedure to control pendency and for decongesting jails.

10. During this period, I have received complaints relating to misbehaviour by some Judicial Officers with the lawyers in court proceedings which will not doubt create hindrance in obtaining cooperation from the lawyers, but that does not mean that a judicial officer shall become prey to the needs of the lawyer always in order to get cooperation from him.

11. During this period I have the opportunity of opening the Courts of J.M.F.C. at Jaleswar,

Buguda and Jaipatna as well as Family Courts at Bhubaneswar, Khurda, Puri and Berhampur. A good number of new Courts are also in the pipeline and I am told, the Government has assured to extend all possible help in this matter during the next coming budget.

12. During the last one year appropriate care has been taken to fill up the promotional vacancies in order to avoid stagnation besides creating impetus for better performance.

13. For speedy disposal of cases the Government has introduced E-court project and under E-Court project all subordinate courts have been computerized and linked with the High Court and you have to take advantage of it.

14. The plea bargaining system of the court proceeding is another advantage for early disposal of cases. At the National Judicial Academy judicial dialogue at the National level and also State level are constantly going on with the purpose of improving the system and you must actively participate in the process. Video Conferencing is another step introduced by the Government and we have to take recourse to the same system.

15. In the last Conference of Chief Justices and Chief Ministers of the country it was decided to have evening courts pursuant to which Evening Courts were established throughout the State. But again taking into consideration the grievances represented by different Bar Associations through the State Bar Council, the Evening Courts have been rescheduled as Shift Courts. Similarly the Family Courts at Cuttack and Rourkela were made to function on Sundays for facilitating the attendance of serving litigants. All of you must see to it that the purpose of creating these additional court hours yields good result in disposal of cases.

16. No doubt, through Lok Adalats a considerable number of cases are being disposed of and I hope, with our persistent endeavor and ceaseless efforts in the coming years the figures of disposal will be much higher. But this would not be done without the active cooperation of the District Judges, the officers and the staff of the subordinate judiciary and the members of the bar.

17. Before I conclude, I must tell you that with the establishment of the Judicial Academy in the State and the National Judicial Academy at the National level, steps have been taken for providing training and continuing learning with emphasis on lesson on ethics, morality and modernization of Courts. Adoption of A.D.R. Methodology like conciliation, mediation and disposal of cases through Lok Adalats would greatly contribute to relieve the burden and, as such, endeavour should be made in Permanent and Continuous Lok Adalats for disposal of cases.

18. I must tell you that at times questions have been raised on the credibility and ability of judiciary on account of some aberrations, which are definitely not the product of the system but are individual in nature and are isolated cases. But however, these are factors having tendency for bringing bad name to the entire system. Each one of the members of the legal fraternity should not that any aberration even by an individual reflects on the entire judiciary. There will be no place for any corrupt or indolent in the system and any aberration shall be strongly dealt with by the High Court. Each one of us should think of developing a system in which best of talent and most of character and integrity shall alone have the place. Legal Aid and Legal Literacy Programmes have to be expanded to take care of the poor and ignorant. The problems faced by justice delivery system are very many but definitely not insurmountable and therefore I request all of you to rise to the occasion and dispel the misgivings by some quarters that justice delivery system is crumbling with the pressure of backlog of cases or isolated cases of aberration, which are individual and not collective.

With these words, I inaugurate this Conference of the District Judges and Senior Civil Judges and declare it open.

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SPEECH* OF HON'BLE SHRI JUSTICE B P DAS, JUDGE
ORISSA HIGH COURT & EXECUTIVE CHAIRMAN ORISSA STATE LEGAL SERVICE AUTHORITY

My Lord Chief Justice, My dear brother and sister Judges and Judicial Officers.

It is my deemed privilege to speak a few words on legal services activities in the State on the occasion of this conference.

I am glad to start with a note of appreciation that the last financial year 2010-11 has proved to be a year of success and achievement for us. During the last financial year up to February, 2011 as per the statistics available, total number of 2 lakhs 54 thousand 1 hundred 54 number of cases of different categories have been disposed of through Lok Adalat organized at different level in the State. This figure includes disposal of Three Thousand One Hundred Two number of Civil Cases, 1 Lakh 1 Thousand 9 Hundred for criminal cases, 2 Thousand 6 Hundred-Sixty one number of cases under N.I. Act, 2 Thousand 8 Hundred-Nine number of MAC cases etc. A record amount of 39 Crore 98 Lakhs 85 Thousand 8 Hundred 54 Rupees has been awarded as compensation in MAC cases, and a sum of 1 Crore 79 Lakhs 99 Thousand 1 Hundred Twenty-one rupees has been realized as Criminal fine. Besides, an amount of 4 Crore 46 Lakh 43 Thousand 3 Hundred 56 rupees has been collected as Revenue dues through those Lok Adalats in the State.

During the period from April, 2010 to February, 2011 a total number of 2963 persons have been provided legal aid in view of Section-12 of the Legal Services Authorities Act. These beneficiaries include 269 persons of S.C. community, 210 persons of S.T. Community, 105 of O.B.C. category, 791 Women and 1032 Under Trial Prisoners.

In disposal of total number of cases in Lok adalat the District Legal Services Authority, Ganjam tops the list having disposed of 26,376 number of cases of all categories. The District Legal Services Authority, Khurda occupies 2nd position having disposed of 21,012 cases and District Legal Services Authority, Balasore is in 3rd position having disposed of 19,849 cases during the period from April, 2010 to February, 2011. In disposal of MAC cases, the District Legal Services Authority, Cuttack tops the list having disposed of 612 number of MAC cases with award of compensation to the tune o 8 crore 5 lakh 88 thousand 5 hundred rupees through Lok Adalat during the last financial year. The District Legal Services Authority, Puri remains in 2nd position having disposed of 345 number of MAC cases with award of a sum of 4 Crore 21 lakh 61 thousand 5 hundred towards compensation, and the District Legal Services Authority, Balasore remains in 3rd position having disposed of 265 number of MAC cases with award of a sum of Rs.3 crore 85 lakh 76 thousand 2 hundred 55 towards compensation.

During the aforesaid period, total 1241 number of Legal Literacy Programmes have been organized in the State which consists of 12 programmes at State level, 397 programmes at District Level, 821 programmes at Taluk level and 3 number of Programmes organized by High Court Legal Services Committee in association with the State Authority. The District Legal Services Authority, Ganjam along with its taluk committees has organized 105 number of legal literacy programmes which is the highest during this period.

In September 2010 the 16th Meeting of our State Authority was convened in which a number of resolutions have been passed, some of the important resolutions are; enhancement of staff strength of the State Authority, filling up the vacancies in the field units, enhancement of fee structure for legal aid Advocates, engagement of staff in Mediation centre, enhancement of honorarium for ex-officio staff, enhancement of expenditure for Lok Adalat, and Legal Aid Awareness programme etc. Concurrence of State Government in respect of some of the resolutions are awaited, and some other resolution have already been implemented.

During the last financial year, we introduced

* Address in the District Judges' Conference held on 9.4.2011

some new strategic programmes in the State while implementing the schemes and guidelines of NALSA.

To disseminate information about legal aid programmes at grass root level and generate legal awareness among student community and spread mass legal literacy, the State Authority has launched the programme of Student Legal Literacy Club. In a short span of time, with active cooperation of the District Authorities and Taluk Committes we have been able to establish more than 6000 Student Legal Literacy Clubs in the State by involving about 1 Lakh 50 Thousand number of High School students of Class-IX and below. The State Authority has formulated a scheme with the approval of the Government of Orissa for functioning of these clubs.

In implementation of the NALSA regulation on Free and Competent Legal Services, Front Office-cum-Consultation Office has been opened in 23 District Legal Services Authorities and 44 Taluk Legal Services Committees with engagement of Retainers. The Retainers are intended to render necessary legal services to the poor litigating public in the Front Office while assisting the concerned Legal Services Institutions to facilitate provision of legal services to the weaker sections of the society as enumerated under Section 12 of the Act.

With the fund allotted by NALSA, we have purchased a Van for being engaged in various Mobile Legal Services across the State and the said vehicle will be moving to different districts and Taluks to carry on the Legal Services Activities like conduct of Mobile Lok Adalat, Awareness campaigning through Audio-visual system etc..

We have started publishing the monthly official Newsletter of the State Authority for dissemination of informations in relation to different legal services activities conducted in the State.

We have also started implementation of Para-legal Volunteers Scheme in the State. Para-legal Volunteers of different target groups have already been enrolled by most of the field units and to facilitate training for those volunteers, we have already formed a pool of trained trainers comprising Judicial Officers, Law teachers and Advocates. Nearly 60 of those trainers have been imparted training at the instance of the State Authority. The Para-legal Volunteers are intended to act as a bridge between the weaker sections of the society and Legal Services Institutions so as to secure access to Justice for all.

In so far as Mediation Programme is concerned, we have already established 11 number of District Mediation Centres one ach in the districts of Cuttack, Khurda at Bhubaneswar, Balasore, Baripada, Bolangir, Ganjam at Berhampur, Koraput at Jeypore, Sundargarh, Sambalpur, Keonjhar and Puri. That apart, at State Level the Orissa Mediation Centre is functioning at Cuttack for Mediation of High Court Cases. During the last year our State Authority organized Intensive Mediation Training Programmes in which total 78 number of Advocate-Mediators and 55 number of Judicial Offices have been given training. This Mediation Training programme will be frequented henceforth keeping in view the recommendation of the 13th Finance Commission and allotment of fund there-under. We have also selected 6 districts namely Bolangir, Koraput, Puri, Balasore, Ganjam and Sambalpur at the initital phase for construction of Permanent building for ADR-Cum-Mediation Centre by utilizing the 13th Finance Commission Grant. The construction work will be expedited in those six districts besides some more districts to be selected during the current financial year.

As all of you know, to the credit of our State as well as the State Legal Services Authority, a grad event like the 9th All India Meet of the State Legal Services Authorities was organized at Bhubaneswar last month, and the entire event went smoothly and successfully.

All these could happen due to the kind patronage and able guidance of our Hon'ble Chief Justice, all other Hon'ble Judges of Orissa High Court and also due to the active support and cooperation extended by the District Judges and other functionaries of Legal Services Institutions in the State. But we have still many miles to go in-as-much as the concept and philosophy of legal services are being expanded in order to cater to the need of the weaker sections of the society. With the growth of population and rise in the legal disputes, the role of Legal Services Institutions

assumes enhanced significance. To ensure access to Justice for all and reach out Legal Services to the poor, down trodden and marginalized sections of the society, we have to address some grey area in our sphere.

At present, fund is not a constraint for us to carry out legal services activities in the State. Pursuant to 13th Finance Commission Recommendation, we have received enough fund to spend on ADR Centres, training of Mediators and conciliators, Lok Adalat and Legal Aid activities. But there is a distinction between expenditure and utilization. Fund has been granted for proper and effective utilization to achieve the object for which it has been granted, but not for mere spending for sake of expenditure. Every expenditure is subject to A.G. audit as well as social audit. The legislation in its wisdom has entrusted the functions of legal services to Judicial wing because it is the judiciary only who can make endeavour to ensure access to justice for all. Society has high expectation from the Judicial Wing, and Judicial Officers are still in high public estimation. It is, therefore, we should act in such a way that the solemn object of the Legal Service Legislation and schemes are achieved and at the same time our social accountability is sustained. Spirited and committed efforts are expected from our Judicial Officers especially those who are involved directly with the Legal Services Institutions. Although the State Government have already sanctioned 30 posts of regular Secretaries for the 30 District Legal Services Authorities, with kind approval of the Hon'ble High Court we have appointed so far 14 regulr Secretaries in the 14 District Legal Services Authorities functioning in all the Judicial districts, and in course of time the remaining vacancies will be filled up. Since those Secretaries have not been entrusted with any judicial work, the respective Chairpersons should explore the competence of those officer and utilize their service for effective conduct of legal service activities and strategic programmes.

We are conscious that in some of the field units there are vacancies of Class-III and Class - IV staff. So far as the Class-III posts are concerned, the District Judges of the respective districts may depute the staff from their establishment to meet the requirement pending conduct of recruitment process for regular appointments. For the newly constituted Taluk Committees the State Government has already been moved for sanction of those posts. Further, the State Government have approved for establishment of 14 Permanent Lok Adalats for Public Utility Services as provided under Section 22-B of the Legal Services Authorities Act and for that purposes the posts have also been sanctioned. Since the staff strength of those Permanent Lok Adalats includes some promotional posts like Senior Stenographer, Senior Clerk, Bench Clerk etc., we may seek cooperation of the concerned District Judges for deputation of the required staff. At the first phase, we have decided toestablish seven Permanent Lok Adalats in the district of Balasore, Cuttack, Ganjam, Khurda at Bhubaneswar, Sambalpur and Sundargarh. The concerned District Judges have been requested to either locate suitable accommodation in the court premises or look for Government accommodation or private accommodation on rent basis for functioning of those Permanent Lok Adalats.

So far as implementation of the scheme on Free and Competent Legal Services is concerned, the respective Chairpersons of the Legal Services authorities and Committees should ensure that the lawyers brought into the panel or retainer-ship have an attitude of social service with commitment for legal aid activities. Since we are paying montly fee to the retainers, their conduct6 and performance should be properly monitored. Steps should also be expedited to constitute Monitoring Committee and Evaluation Committee in every District Legal Services Authority and Taluk Legal Services Committee as provided under the said scheme.

In this context it is also to be noted that although sufficient grant is being received for providing legal aid to the persons as categorized under section 12 of the Act, very negligible amount is being spent on that count. Compared to the number of the field units functioning in our State, the number of legal aid applications received appears to be less. This is largely attributable to the ignorance of the litigating public about the availability of the facility of legal aid through the legal aid institutions functioning in their locality. The legal aid functionaries working at district

and taluk level should ponder upon this issue and make best of their efforts to make publicity and spread awareness in their respective local limits so as to invite more number of legal aid applications.

As already mentioned, by utilizing 13th Finance Commission Grant we have started action to construct Permanent building in every district for ADR or Mediation Centre. Some of the districts have intimated us about availability of land for the purpose. The District Judges and Chairpersons of the District Legal Services Authorities of the other districts where land is not available inside the court premises are impressed upon to take steps in consultation with the District Administration for making the required land available for construction of ADR Centres. In this connection, I may mention here that although District Mediation Centres are functioning in the court premises of 11 districts namely Cuttack, Khurda at Bhubaneswar, Balasore, Mayurbhanj at Baripada, Bolangir, Ganjam at Berhampur, Koraput at Jeypore, Sundargarh, Sambalpur, Keonjhar and Puri, as it appears, reference of cases to the Mediation Centres and settlement of cases through mediation is not encouraging. The District Judges should impress upon the referral courts to make endeavour for reference of more number of cases to mediation for successful implementation of ADR Scheme and reduction of pendency. The conduct and performance of the mediators and conciliators should also be supervised by the District Legal Services Authorities concerned.

The Training Programme for Para-legal Volunteers should be well planned by the District Authorities in consultation with the trained trainers under the scheme so as to create a strong base of Para-Legal Volunteers at every Taluk. Keeping in view the recommendation of the 13th Finance Commission and taking note of the pendency of cases in different districts and the prospect of disposal of cases on conciliation basis, we have fixed five number of Lok Adalats to be organized at every court location per year and also fixed the target of disposal. There is no point in frequent organization of Lok Adalats without taking preparatory steps for disposal of sufficient number of cases. Disposal of more Civil cases should be given importance and the District Judges and 2nd MACTs should sensitize the Insurance Companies so also the claimants for disposal of more number of MAC Cases through Lok Adalats on the basis of amicable settlement.

As to the programme of Student Legal Literacy Clubs, the Chairpersons and Secretaries of the Legal Services Institutions should take steps and make sincere efforts to activate those clubs for successful implementation of the Scheme. In this regard, they should have consultation with the respective Headmasters of the High Schools and Teachers-in-Charge of the Clubs for organization of training classes and awareness programmes without causing any hardship to the students and detriment to their study schedule. Our State Authority is contemplating to publish some books in vernacular language containing informations about legal services, and material provisions of law for being supplied to the Para-legal Volunteers as well as to the Student Legal Literacy Clubs for spreading legal awareness.

The State Authority will give due weightage and consideration to innovative ideas and throughtful proposals, if any, received from the learned District Judges and Legal Aid functionaries working in field units for rendering effective and efficient legal services to the weaker sections of the society. I am hopeful that we will continue with our concerted efforts and carry forward the Legal Service Mission in our State to reach the goal set by the Legal Services Authorities Act.

Thank You.

AGE MATTERS PSYCHOLOGY OF A CHILD

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INTRODUCTION

A child is mentally and physically incapacitated for which the psychology of the child is a matter of concern. Raising a child is just like a building a nation. Psychology is evolved from the Greek word of "Psyche" which means soul or mind and "Logos" which means speech. So the psychology is an academic and applied field concerning the study of mind brain and the behaviour, both human and nun-human. They the psychology of a child to take care of the mind, brain and behaviour of the child.

IN-EMBRYO

The Growth of a child in embryo of a mother gets recognitions. He or she recognizes a song and smells of the mother while being in womb and after birth. Human Development is a life long process of physical, behavioural cognitive and emotional growth and change. So in early stages of a life from babyhood to childhood, childhood to adolescence and adolescence to adolescence hood, enormous changes take place. So through out process, each develops attitudes and values that guide choices, relationships and understanding.

0-2 YEARS

There is a famous Scientist namely "Piaget" who pioneers in his working towards foundation of child psychology. According to him, the mind of the child works very fast and development occurs enormously influential particularly in educational theory. Piaget has developed the theory about the childhood development. Beginning with infants he noticed a certain type of behaviour that reveals something about the way children explore the world. He has pegged specific skills to specific age group and called them "Schemas". The first level (0-2) years old is called as "Sensori motor" stage. The child seems born with what he called "Primary circular reactions". That does not mean babies actions move in a circle rather actions are self reinforcing. The baby sucks its thumb and likes it, so it sucks it thumb again. After about 4 months the baby begins to extend reactions outside stimuli. Instead of being attracted to its self. It becomes attracted to toys and other objects, performing actions on these objects repeatedly to achieve the same reactions. At this stage, they begin to understand that out of sight does not mean out of existence, it is called object performance.

2-12 YEARS

At the age of two, the child enters what Piaget called the "preoperational" stage. This stage usually lasts until about age seven. Since a child can now pretend and remember, it can now begin to understand symbols more complex than simple words. It picks up these symbols and uses them to communicate and to play, pretending now becomes easy for the child, but he or she tends to be extremely self-centered. A child in this stage may not understand, for example, that he can be seen when he has his eyes closed. He thinks because he is in the dark that everyone else must be too!

ABOVE 12 YEARS

From age twelve or thirteen through adulthood we live in the Formal Operations Stage. This means doing abstract thinking and applying that thinking to the real world. It means experimentation and understanding that experiments can have broad applications. Anthropologists have discovered that not all cultures educate their children in a way that brings them to this stage. Also, not all people in

our culture reach this stage of development for varying reasons.

Children are influenced by the family and school. As they grow older, their peer group and the culture of the wider community influence their responses. Certain types of behaviour are deemed to be acceptable while others are unacceptable. During role play it is acceptable for children to talk together, but at story time all the children are expected to listen quietly to the storyteller. It takes time for children to learn to comply with the complex rules that define behaviour.

Children don't need air-conditioned class rooms, expensive schools, toys and exotic entertainment to make them happy. They need unconditional love and a sense of security from the adults responsible for their well-being. They are as happy playing with mud or sand, chasing butterflies or simply running around, jumping up and down, or cracking stink bombs.

Real education lies in enabling each child to discover his own genius within. The present-day school system revolves around penalizing us for our weaknesses and mistakes and the inability to tread the beaten path in learning predetermined skills.

Further it may be explained about adolescent stage and the corresponding problems of the transitional phase. Adolescence is the intermediary stage of growth between childhood and adulthood. It represents the period of time during which a person is subjected to an array of biological transformations and runs into a number of emotional tribulations. The ages, which are termed to be part of adolescence, vary by ethnicity and extend from the preteens to nineteen years. According to the World Health Organization (WHO), adolescence encompasses the epoch of life between 10 and 20 years of age. Adolescence is an especially unstable as well as a vibrant period of any person's life.

Psychological issues of adolescents may include maturity in body, which leads to a curiosity about sexual activities, sometimes leading to teenage pregnancy. Apart from that, there is a tendency to experiment with drug and alcohol use. In some cases, cerebral problems such as schizophrenia, eating disorders and depression may also arise during adolescence.

The emotional insecurity among some adolescents may also tend to cause instances of crime among youth. It is often seen that searching for a distinctive identify is one of the problems that adolescents face. It is also common for individuals to express their desire to be more like their role models such as athletes, rock or pop stars, and film and television performers.

CONCLUSION

Relationship with peers plays an important role in analyzing adolescent psychology. It is seen that 90% of adolescents associate themselves with a peer group. Adolescents receiving support from their peers are less probable to fall into depression or face anxiety. It is also seen that depressed individuals find it difficult to make friends. The nature of an adolescent's behaviour is greatly influenced by his friends and companions. Our education system is making nervous wrecks out of otherwise perfectly healthy individuals by privileging robotic learning the cut-throat competition which takes all joy out of learning and makes children slaves to the insane world we have created under the pretence of promoting excellence and rewarding merit.

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CHILDREN-PROMISE OF THE FUTURE

Smt. Suchismita Misra
Addl. District & Sessions Judge, Jajpur,
Chairman, D.L.S.A., Jajpur.

"I am the child.

All the world waits for my coming.

All the earth watches with interest to see what I shall become.

Civilization hangs in the balance.

For what I am, the world of tomorrow will be.

I am the child.

You hold in your hand my destiny.

You determine, largely, whether I shall succeed or fail.

Give me, I pray you, these things that make for happiness.

Train me, I beg you, that I may be a blessing to the world"

The above lines of Mamie Gene Cole were quoted by Justice B.L. Hansaria in the judgment rendered in the case of M.C. Mehta Vrs. State of Tamil Nadu and Others (AIR 197 S.C. 699).

2. The above appeal by the child brings to the fore the stark reality that despite the oft repeated sayings that 'Child is the father of man'; 'Children of to-day are the robust and responsible citizens of tomorrow'; and 'Child shows the man as morning shows the day' - are mere rhetorics - though they are and continue to be the exploited lot from the moment they take shape in the mother's womb and get born and grow up in families suffering penury and mostly uncared for.

3. Children, disadvantaged as they are because of their tender age, mental immaturity and incapacity to look after themselves, therefore, need special care, attention and protection so as to be able to grow in to their maturity, both physically and mentally, in order to become useful members of the society. A nation could only be vibrant if its children are allowed to grow up in the correct environment. Such being the position, throughout the world including in our country there is realization that special care and attention should be bestowed for healthy growth of children and shaping them mentally and physically so that so that they would become tomorrow's responsible citizens.

4. In the context of what are said above, we may look in to the existing conditions of infants and children in our country. Democracy and its three pillars - Liberty, Equality and Fraternity - enshrined in the Constitution of India are relatively meaningless in view of the fact that millions of children are working to earn their livelihood and of them, more than fifty percent between the ages of 6 and 14 are languishing in servitude. They are employed mostly in agriculture and industries and are engaged in doing hazardous works. Poverty and lack of minimal education are two basic factors which tell upon healthy growth of a child. Economic exploitation of children in India has always been an area of concern. In rural India the child who does not attend the formal school is a working child. He is engaged in collection of water, fuel, household chores and taking care of younger siblings and all these constitute important elements of a child's life. Though many of those activities can not be said to be hazardous works, they certainly interfere with the normal development of a child and his/her ability to reach true potential. In the context, promotion of education and elimination of child labour may be considered as supportive processes. Imparting of primary education would aid elimination of child labour and reduction of poverty. At this stage, we

may notice that 'Right to Education' embodied in Article 21 A of our Constitution is a fundamental right and schooling of children between the ages of 6 and 14 has become compulsory. Non-implementation of laws in our country is, however, a common phenomenon. Elementary education in our country is characterized by fictitious enrollment, high drop-out rates and mounting number of illiterate children.

5. Governments at the Central and State levels have been engaged to find out wage and means to bring all children to schools but the problem is baffling. Existence of child labour and its inevitability is based on the factor that the family, poor as it is, needs the wage of the child to supplement its income. Without addressing the question of increasing the earning power of a family, it would, perhaps, be unjustified to deprive it of its source of income by forcing a child to go to school. The Child Labour (Prohibition and Regulation) Act, 1986 and the National Policy on Education, 1986 would not achieve their goals unless and until there is economic growth amongst the poorer sections of the population. Though attempts are being made to sensitise the parents of working children to the issue of the child labour and to motivate them to curb the menace associated with it and overcome the problem of illiteracy, the goals have remained a distant possibility on account of lack of desirable economic growth and co-ordination amongst the implementing agencies.

In my opinion, appropriate schemes should be formulated to inculcate the idea of a better and secured life for the children in the minds of men, women and the children.

(i) Achieve abolition of Child Labour and universalisation of Child Education;

(ii) Motivate the parents of the working children to make adjustment to enable their children to go to school;

(iii) The family should not depend on the income of the working child for a living;

(iv) Setting up Government Schools and institutions providing necessary infrastructures for imparting elementary education; and

(v) Involving village communities for carrying forward the object of elementary education.

6. Our Constitution has taken care of the aforesaid basic issues and has embodied appropriate provisions therein to prevent exploitation of children. There are several Articles embodied in the Constitution of India which aim at protecting the rights of children and preventing exploitative acts perpetrated against them. In the case of M.C. Mehta Vrs. State of Tamil Nadu and others (Supra) the Hon'ble Apex Court, besides mentioning the relevant provisions of the Constitution of India, also noticed the International Commitment made in regard to the issues relating to Child Rights. The Hon'ble Apex Court noticed the fact that India has accepted the Convention on the Rights of Child which was concluded by the UN General Assembly on 20th November, 1989. This Convention affirmed that Children's right required special protection and it aims not only to provide such protection but also to ensure the continous improvement in the situation of children all over the world as well as their development and education in conditions of peace and security. It has been aptly observed that the convention not only protects the Child's civil and political right but also extends protection to child's economic, social, cultural and humanitarian rights. Government of India has accepted the declarations made in the aforesaid Convention.

7. Our statutes also contain several salutary provisions with a view to protecting the rights of a Child and have provided penalties for violation of the same by the wrongdoers. There are crimes

against children which are made punishable by the Indian Penal Code and several Special Laws.

(a) Foeticides (Crime against being born) - Sections 315 & 316 of the I.P.C.

(b) Infanticides (Crime against unborn child) - Section 315 of the IPC.

(c) Abetment of suicide of child - Section 305 of the I.P.C.

(d) Exposure and abandonment of child - Section 317 of the I.P.C.

(e) Concealment of birth by secret disposal of dead body - Section 318 of the I.P.C.

(f) Kidnapping, abduction and rape - Sections 361, 363, 363-A, 366, 366-A, 367, 369, 372, 373 and 376 of the I.P.C.

(g) Immoral Traffic Prevention Act, Child Marriage Restraint Act, Child Labour Prevention Act, Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (57 of 1994).

8. All said and done there could not be any desirable improvement in the status of the Children of our country so far as their rights declared in our Constitution and the laws and the sympathetic proclamations made in respect of the same from time to time are concerned - unless the basic attitude, feelings and treatment towards them are properly addressed. It has been aptly said by Dr. Sarvepalli Radhakrishnan, the great philosopher and President of India on 9th May, 1961 in his speech at Visvabharati, Santiniketan -

"If we do not respect the child's personality but misunderstand it, he becomes sullen, rebellious, neurotic, stupid. Tragedies of the human hear result in callousness and Crime. Causes of distemper lie within the mind. Children are the promise of the future. They must be trained to reveal the treasure that is in the human soul".

9. It is, therefore, high time that our countrymen must strive incessantly to remove the discrimination and exploitation suffered by our children, particularly from poor and weaker sections, so as to be able to march towards a vibrant and powerful India at the shortest time.

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"The principle of independence of the judiciary is not an abstract conception but it is a living faith which must derive its inspiration from the constitutional charter and its nourishment and sustenance from the constitutional values." (Para 26)

(Per Hon'ble **Mr. Justice P.N. Bhagwati**)

AIR 1982 SC P-149, S.P. Gupta & Ors. Vs. R. Prasad Sinha & Ors.

INDOOR POLLUTION

Dr. Pabitra Mohan Samal
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We all know about problems of air, water and noise pollution. Many of us are not aware of the fact that the indoor pollution within four walls of our own house, office, hotel or factory etc. may prove lethal and some times fatal for human health. The danger of indoor pollution is inherent in the fact we spend most of our time inside closed doors. Thus the closed door pollution has become one of the top listed environmental hazards.

In Indian villages, each lady cooking in such a smoke filled kitchen inhales the smoke equivalent to smoking number of cigarette packets, in three to four hours of kitchen work. The same amount of smoke (which is found in our village kitchens) has killed a number of people in Britain, who died out of suffocation in a major tragedy in 1954. The only difference between our rural wood cook Chulla pollution and the indoor pollution in London is that here we cook only for three to four hours at a stretch, whereas there the air pollution persist for a number of days at one go. A recent study in India revealed that the pollution inside four walls due to wood cook is spreading beyond the limit and even twenty times more than the desired or prescribed safety limit, in terms of air pollution.

The smoke belching wood cook Chulla is responsible for the indoor pollution as it has no provision for secondary source of air or proper ventilation. More than 70% of the people in India reside in the rural areas and use the age old wood cook Chulla and inhale smoke, resulting in various diseases. The using of wood as sole material to cook in the rural areas endangers the green forest, thereby causing ecological imbalance. However, due to vast rural development programs, the rural mass moving towards using of gases and other products to cook. Almost all the urban people using the cooking gas for preparing food. But such harmless looking gas appliances used for cooking release nitrogen oxide, which causes breathlessness and other problems.

The modern energy saving closed door houses are more polluted than the old well ventilated houses. The modern world we live in, does not spare anybody from such indoor pollution due to various consumer items we use at home. Right from the dry cleaned or laundry washed clothes to naphthalene balls for repelling insects and spray used for killing mosquitoes, cockroaches, all are having such dangerous chemical that badly affects human health. Our office too is not free from fungal and different air borne bacteria which have a negative impact upon one's health. Similarly people working at factories exposed to several air pollutants always present inside the factory premises. It is better to say less about the conditions of hospitals, specially the Govt. hospitals which are vulnerable to indoor pollution.

The hazardous indoor pollutants called formal dehyde found in plywood, synthetic glass, chip boards, carpets, paints, furnishing insulation. It is surprising to know that the harmless looking house dust may cause wheezing, coughing, asthma, sneezing, blocked nose and breathlessness. At the same time we must be careful about the use of household pesticides, even various detergent and disinfectants as well as chlorine bleaches comprise harmful air pollutant which irritates eyes, throat, lungs and skin.

In our society the fashion of using perfume, air fresheners and deodorizers are all harmful and risky for health and do not annihilate the source of bad odour. Further pleasant looking cosmetics like nail polish containing formal dehyde, resin, acetone, xylene and phenol cause headache, respiratory

problem, lung irritation and cancer. From the prolonged use of cosmetics like lipsticks, hair removers and hair dyes and other chemical products may harm the skin.

In our Constitution it has been enshrined a commitment to environmental awareness and protection. There are many laws in India which directly or indirectly relate to environmental protection. The Shore Nuisance (Bombay and Colaba) Act was first adopted in the year 1853 and the Environmental protection Act is the latest one. Despite all legislation, Constitutional direction and safeguards, establishment of pollution control board at centre and State level, judicial decisions, the success in arresting environmental degradation particularly indoor pollution has been negligible.

Law can guarantee protection of environmental rights only if a consciousness to protect the environment is inculcated in the public. The law by itself is inadequate to bring about a desired change in the society without public awareness and mass participation. The lack of awareness and apathy of people towards environmental hazards have acted against changing the situation. The Honorable Supreme Court in a case i.e. M.C Mehta Vrs. Union of India, has issued directions to all the district Collectors to show two slides on environment and pollution in cinema halls as condition for issuing license, Doordarshan and all India radio to produce daily programs of five to seven minute duration with message on the environment and a regular weekly program, Education board to take steps to enforce compulsory education on environment up to Matriculation, U.G.C to consider the feasibility of making environment a compulsory subject at every level in college education. In fact as per direction of the Honorable Apex Court the environmental study became a compulsory subject from school to college level but other directions are not followed scrupulously. Now-a-days every house has got more than one T.V, apart from other communicative options. It is high time for the Govt. to air the program in T.V especially with regard to indoor pollution apart from regular program of message on environment and should direct all the private T.V channels in this regard.

It is very much necessary to understand that the time has come to turn our modern life style from such chemical exposure at home. There should be proper ventilation in houses for air circulation, as the more ventilated houses are the lesser the fear of air pollution. A recent step of the Govt. banning smoking at offices, companies and other public places, though a welcoming step towards safeguard of public health, but it will stimulate the people to smoke more inside the house, endangering health of the inmates . Therefore cigarette, bidi or other tobacco smoke which spread highly poisonous gases like Carbon Monoxide, causing headache, breathlessness, unconsciousness or even death, should be totally banned even at private places. A ban on using the household sprays, perfumes, aftershaves etc. is utmost necessary as it affects not only the Ozone layer but also the good health of public. Stringent action should be taken by the law enforcing authority against the erring companies of producing cosmetic items that badly affect the health. The people of India should unite and wage war against indoor pollution. They must sit together with the State and take notice of indoor pollution before it is too late, as right to pollution free environment is fundamental.

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Ref. : • Sahara Magazine
• M.C. Meheta Vs Union of India
• Enviornmental Protection Act.

Everything has been said already, but as no one listens, we must always begin again.

– Andru Gide *(French Thinker)*

RAGGING IN EDUCATIONAL INSTITUTIONS - LAW & BEYOND*

Sri Anupam Patra
Special Railway Magistrate, Khurda Road

"Youth ! Youth ! How buoyant are the hopes;
They turn, like marigolds, towards the sunny side."

Of course, our young always turns to the sunny side like marigolds to blossom fully, to grow perfectly and to shine out distinctly. They need to expand the horizons of their talent, their skills and their expertise through the pilgrimage of education. Education is a fulfilling, sustaining and developing artistic experience through which they take an arrow-like flight towards their grandest goal and distict aim. Imagine when the institution which is supposed to be the platform of such pilgrimage, turns into a breeding ground for fear, suppression, and humiliation brought about by the menace of ragging. Love thy juniors. Quite a simple precept. But when it comes to practice it fades out as a mere rhetoric and is bogged down by ragging in educational institutions. Interestingly, there exists and entrapping conundrum in the ragging discourse which is that though now virtually everyone rejects the idea of defending ragging, it is practiced virtually everywhere with burgeoning impunity. Beneath every reported incident of ragging lies an unimaginable pile of cases - unheard, unattended and unsolved.

The Aman Kachroo Case - an eye opener :-

The horrific death of Aman Kachrooo in 2007, due to ragging by his seniors at Dr. Rajendra Prasad Govt. Medical College at Kangra, in Humachal Pradesh shook the nations' conscience In the intervening night of 6/7 March, 2009, four senior students allegedly entered the junior boys hostel in a inebriated state in wee hours. All the freshers were called in the common room and were thrashed. Despite his desperate pleas, Aman was badly thrashed by them. The sort of ragging continued till early morning in the common room and Aman was beaten so badly that he died. Accordingly to the forensic report, he died of brain hemorrhage induced by injury inflicted during excessive beating.

WHAT CONSTITUTES AND CAUSES RAGGING :-

In common parlance, ragging means playing practical jokes on somebody or teaching someone a lesson. The word "ragging" colloquially means to tease or play practical jokes on someone, especially on students who are the fresh entrants in the schools, colleges, Universities or any other education institutions. **Ragging, Hazing, Fagging, Bullying, Pleading, Horse-playing** etc. are different terms used in different parts of the world but each signifying the same old practice of welcoming the fresher in a barbaric manner. In the case of Vishwa Jagriti Mission through President Vs. Central Government through **Cabinet Secretary**, the Hon'ble supreme Court has defined ragging in an elaborate manner which is as follows :-

> *"Any disorderly conduct whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness any other student, including in rowdy or undisciplined activities which causes or is likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof in a fresher or a junior student or asking the students to do any act or perform something which such student will not do in the ordinary course and which has the effect of causing or generating a sense of shame or embarrassment so as to adversely affect the physique or psyche of a fresher or a junior student."*

In its judgment dated 11.2.2009 in the case of **The University Of Kerala Vs. The Council Of Principals Of Colleges in Kerala & Ors** the Hon'be Apex Court has defined ragging as follows :-

a) "display of noisy, disorderly conduct and great high spirits considered by perpetrators (raggers) as excellent fun

and by many outsiders as a bloody nuisance".

b) to question vigorously and jocularly, horseplay or assail roughly and noisily".

c) Display of noisy, disorderly conduct or doing any act which causes or is likely to cause physical or psychological harm or raise apprehension or fear or shame or embarrassment ot a student in any educational institution and includes,

   (i) teasing, abusing of, playing practical jokes on, or causing hurt to, such student; or

   (ii) asking the student to do any act or perform something which such student will not, in the ordinary course, willingly do;

d) doing an act which causes or is likely to cause insult or annoyance or fear or apprehension or threat or intimidation or outraging of modesty or injury to a student.

e) causing, inducing, compelling or forcing a student, whether by way of a practical joke or otherwise, to do any act which detracts from human dignity or violates his person or exposes him to ridicule or to forbear from doing any lawful act, by intimidating, wrongfully restraining, wrongfully confining, or injuring him or by using criminal force to him or by holding out to him any threat of such intimidation, wrongful restraint, wrongful confinement, injury or the use of criminal force.

The cause of indulging in ragging is deriving a sadistic pleasure or showing off power, authority or superiority by the seniors over their juniors or freshers. An unpleasant incident of ragging may leave a permanent scar in the victim's mind that may haunt him for years to come. The victim declines into a shell, forcing himself into ignominy and alienation from the rest of the world. It demoralizes the victim who joins college life with many hopes and expectations. In extreme cases, incidents of suicides and culpable homicide take place. One can also imagine the plight of a ragging victim's family, especially his or her parents who see their child suffering in pain and stress. Besides incurring medical and other incidental expenses to rehabilitate their child, they also have to bear the trauma of seeing his or her prospective career coming to an end. As far as the educational institution is concerned, severe media barrage in extreme cases of ragging lowers the character of the educational institution and destroys the respect and faith it commands from society. Ragging does not spare even its perpetrators. Those found guilty of ragging may be suspended, blacklisted and even permanently expelled from college. Thus, we see that the practice of raging does good to none. From those who are victims of ragging to those who commit it or encourage it, ragging spares none.

RAGGING & LAW :-

Presently, there are 5 state legislations in India that prohibit ragging. These are:

1. The Prohibition of Ragging Act, 1996. (Applicable in the state of Tamil Nadu).
2. The Kerala Prohibition of Ragging Act, 1998.
3. The Maharashtra Prohibition of Ragging Act, 1999.
4. The Prohibition of Ragging in Educational Institutes Act, 2000 (Applicable in the State of West Bengal).
5. Assam Prohibition of Ragging Act, 1998.

The common essential features of the aforementioned legislations are

1. Firstly, they provide a statutory definition of ragging. For instance, The Maharastra Prohibition of Ragging Act, 1999 & The Kerala Prohibition of Ragging Act, 1998 define ragging.
2. Secondly, they provide for setting up of Disciplinary Committees for taking immediate and effective steps against ragging.
3. Thirdly, the legislations declare ragging to be a cognizable offence and prescribe punishment for the same.

Unfortunately, despite the widespared stir in the public against ragging after the Aman Kachroo's case, a central law against ragging is yet to see the light of the day. However this does not mean that in other states a victim has no recourse to law against ragging. There are at least 11 sections of the IPC

(Indian Penal Code) which can be used against the perpetrators. These are as follows :-

S.341 - Punishment for wrongful restraint - simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

S.432 - Punishment for wrongful confinement - imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

S.294 - Obscene acts and songs - punishment is imprisonment of either description for a term which may extend to three months, or with fine, or with both.

S.506 - Punishment for criminal intimidation - imprisonment of either desription for a term which may extend to two years, or with fine, or with both and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, then he shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

(in cases of extreme ragging that includes violence) :

S.323. Punishment for voluntarily causing hurt- imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

S.324. voluntarily causing by dangerous weapons or means - imprisonment of either description for a term which may extend to three years, or with fine, or with both.

CONCLUSION

The Hon'ble Supreme Court had cautioned the people those who are indulged in ragging and advised to be restrained from activity of ragging and their Lordships have directed the educational institutions to adopt a pro-active role in enforcing anty-ragging Law in "UNIVERSITY OF KERALA V. COUNCIL, PRINCIPALS, COLLEGES, KERALA & Others". It has been rightly said that the end may not always justify the means. Behind the façade of 'welcoming' new students to college, ragging, is a notorious practice wherein the senior students get an excuse to harass their junior counterparts, and more often than not, make them easy targets to satiate their own perverse sadistic pleasures. Apart from sustaining grievous physical injuries, those unfortunate students who succumb to ragging either develop a fear psychosis that haunts them throughout their lives, or worse, quit their college education even before it begins. For any student who slogs day and night to secure admission into a prestigious college, ragging can be his or her worst nightmare come true. To put it in the simplest possible perspective a person who indulges in an act of ragging must put his own brother / sister in the shoes of the victim. Healthy interaction is and should always be encouraged since it breaks the ice between the freshers and the seniors and makes the college ambience cohesive. But ragging in the pretext of interaction cannot be endured at any cost.

Ragging is a problem of the students and by the students; and therefore, the solution to it also lies with the students. With ragging becoming rampant in colleges, it is about time that the student community awakens its conscience to this inhuman practice before more and more innocent students become victims of it and before more and more educational institutes and lives are degraded by it. They should remember that ragging proceeds a lose-lose scenario for both the perpetrators and the victim. While the victim lives under severe physical and psychological stress and stigma, the ragger too exposes himself to social flak, hatred, curse and definitely the iron hands of law especially in today's changed circumstances where stringent anti - ragging rules and deep rooted anti - ragging spirit have pervaded our society and where we have avowed to uproot the menace in to.

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* University Of Kerala Vs. Council, Principals', Colleges, Kerala ... on 11 February, 2009 [source : http://www.indiankanoon.org/doc/1460097/]

* " The Horror of Ragging that Aman Kachroo Faced" (Source - http://news.outlookindia.com/item.aspx?657216)

* AIR 2001 SC 2793

PROGRAMMES

INDUCTION PROGRAMME FOR NEWLY RECRUITS

During 2009-10 and 2010-11 total 87 newly recruited Civil Judges (Junior Division) have undergone Induction Training. Similarly, 2010-11 six newly recruited Additional District Judges (from Bar & limited Examination) were also imparted Induction Training for 6 days before their joining. Detail report is as follows;

Duration of training programme is one year out of which six months at Academy, three months at the field and last three months again at Academy. Each day has five periods with lunch break. Each of the periods is 75 minutes. The day commences at 10.15 A.M. and ends at 5.15 P.M. At the end of each day of programme, the trainees shall make presentations half an hour as to what they have learnt during the day. Evaluation of each day's performance of Resource Persons is being made by participants.

The Syllabus consists of three parts.

(i) Law, Justice and Constitutional governance: One month.

(ii) Law, Courts and Administration of Justice: Four months.

(iii) Administration of Justice vis-à-vis select problems in Society: One month.

For the selection of problems of common man the trainees have to visit the remote villages to understand their problems and make some interaction so that they will understand whether the social justice is rendered to them and how for they have got benefit of justice delivery system.

Simulation exercise should be made frequently in the class room training. Clinical training during class room training is also required. In the later part of training, live case study is imperative. During training period trainees have to visit open Air Jail, Jail together knowledge on Human Rights Issue, Prison Justice System & Criminal Justice System.

Similarly, they have to visit Hospital to acquire knowledge about the post mortem and clinical examination of injuries. They are also required to visit Forensic Laboratories where the Experts share their forensic knowledge with Judicial Officers. The Judicial Officers have to visit the Homes established under J.HJ. (C.P.C.), Act 2000 so that they will acquire knowledge about Juvenile in conflict with law.

- Presentation, discussion by using LCD Projector.
- Group Exercises and Presentation.
- Case Studies, experience sharing and sharing best practices.
- Mock Trial between the participants.
- Simulation Exercise.
- Participatory learning.
- Learning goals.
- Evaluation & follow up.

For the present, our Academy has made Induction Programme for six months commenced in the last part of December 2010 in following manner. During 2009-10, 43 numbers of fresh recruited Judicial Officers on Probation were given Class Room & Field Training from 21st December 2009 to 29th April 2010 at the Academy. they had been sent back to respective stations to hold court and to come back again to the academy to remove the doubts and they were to be given class room training on the matter already they have dealt. Accordingly, they have been given reflection training from 01.12.2010 to 15.12.2010.

Thus the capacity buildings of Judicial Officers are well addressed. In Second Induction Training

of same batch, they have been sensitized about the records, cases parties and the problems of society, they experienced and their opinion / difficulty on the same are well diluted.

REFRESHER PROGRAMME

During 2009-10 and 2010-11, 497 Officers have been imparted training on different training module. Details are as follows;

Since the in-service officers have got already some experience in disposal of the cases, their experience is shared in interactive sessions. But in order to give shape to their mind set, they are sanitized more in substantive law than the procedure law. So, the subjects relating to adjudication management in Civil , Criminal cases, Environmental Law cases and other laws relating to marginalized community are undertaken. Further they are addressed more in Constitutional Justice by resorting to poverty, Social Exclusion, Eelfare Programmes, Access to Justice, Struggle for Equality, Social change, Economic Justice & Social Justice.

In every month one or two programmes are held. Each programme consists of eight sessions and each of the session has span of 1 hour 15 minutes.

- Presentation, discussion by using LCD Projector.
- Group Exercises and Presentation.
- Case Studies, experience sharing and sharing best practices.
- Evaluation & follow up.

PROGRAMME FOR PUBLIC PROSECUTORS

Orissa Judicial Academy has undertaken the training programme of 751 Public Prosecutors of the State.

In order to improve the Judicial System and capacity building of Public Prosecutors the training for the Public Prosecutors was felt necessary. So for the first time training for Public PROSECUTOS WAS UNDERTAKEN BY Orissa judicial Academy. Public Prosecutors/Add. Public Prosecutors/Asst. Public Prosecutors have been imparted training on various subjects such as Role of Public Prosecutor, Criminal Justice system & other subjects including Juvenile Justice, Finger Print, Question document, Psychology etc. thus in each batch 25 nos. of Public Prosecutors are imparted training on training module on rotation basis.

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FRAMEWORK FOR INDUCTION EDUCATION C.J. (J.D.) FOR 2010-11

Four Phases :

1. Preparatory - **Vision and Knowledge**.
2. Adjudication - **Simulation**.
3. Clinic - **Immersion** (Observation, Simulated in-situ Practice; Problem Solving Puzzles).
4. **Implementation / Impact Evaluation.**

Conclusion :

Four Focal Area :

1. Judging.
2. Court Management.
3. Substantive Knowledge.
4. Comprehension / Analysis / Expression.

Sl.No.	Topic	Duration	Remarks
	Phase I. Becoming a Judge		
1.	Grassroots Experiential Learning Programme (GELP)	3 days	
2.	Justice :	3 days	
3.	Challenges Facing the Country :	3 days	
4.	Challenges Facing the Judicial System:	3 days	
5.	Challenges of Facing the Judge :	3 days	
6.	Qualities, Attitudes, Skills and Knowledge (QASK) :	3 days	
7.	Judicial Method :	3 days	
8.	Core Judicial Knowledge :	2 weeks.	
9.	Court Management for Enhancing Timely Justice :	3 days	
10.	IT and Judging :	3 days	
	Phase II. Judging		
1.	Adjudication Management:	1 week	
2.	Managing Criminal Justice Adjudication.	2 weeks.	
3.	Managing Civil Justice Adjudication : Family Dispute.	2 days.	
4.	Managing Civil Justice Adjudication : Family Dispute.	2 days.	
5.	Managing Civil Justice Adjudication : Property Disputes.	2 days.	
6.	Managing Civil Justice Adjudication : Injunction Suits.	2 days	
7.	Managing Civil Justice Adjudication : Other Disputes.	2 days	
8.	Managing Public Law Adjudication (adjudication under special statutes advancing public policy)	2 days	

Sl.No.	Topic	Duration	Remarks
	Phase III. Clinic		
1.	Criminal Justice Clinic (Observation, Simulated in-situ Practice; Problem Solving Puzzles)	8 weeks.	
2.	Civil Justice Clinic.		
3.	Public Law Clinic (Observation, Simulated in-situ Practice; Problem Solving Puzzles.		
4.	Appellate Court Clinic - District Court.		
	Phase IV. Implementation / Impact.		
1.	Effective Implementation of Execution of Court orders and decrees.	3 days	
2.	Assessing and evaluating quality of judicial systems, including feed back.		
3.	Establishing and operating a Quality Assessment Framework (QAF) in each court.	3 days	
4.	Assessing and evaluating impact of judicial decisions and the working of the judicial system.	3 days	
	Conclusion		
	Key Learning, Envisioning Indian Subordinate Courts in 2040, Way Forward.	3 days.	

FRAMEWORK FOR INDUCTION PROGRAMME C.J. (J.D.) FOR 2011-12

1. **Phase - I : Becoming a Judge.**
2. **Phase - II : Adjudication Management.**
3. **Phase - III : Evaluation**

Conclusion :

Four Focal Area :

1. Judging.
2. Court Management.
3. Substantive Knowledge.
4. Comprehension / Analysis / Expression.

PHASE ONE: BECOMING A JUDGE

PART ONE: DEVELOPMENT OF THE INDIVIDUAL

Month 1 Month 2 (FIRST HALF)	Module 1	Values Individual Values (Creating a Constitutionalist) (Constitutional Value & Constitutional Vision)

Month 2 (SECOND HALF)	Module 2	Individual Skills, Interpersonal Skill, Domain Skill & Communication
PART TWO: PUBLIC SERVICE ORIENTATION		
Month 3 (FIRST HALF)	Module 3	Judge as Public Servant in a Democracy
PART THREE: CREATING A JUDICIAL PROFESSIONAL (Covering Judicial Decision Making; Judge as Leader of the Court; and Judge as Catalyst of Social Change)		
Month 3 (SECOND HALF)	Module 4	Role of a Judge (Role of Court, Organization Effectiveness, Knowledge in Law, Methodology, Management & Access to Justice Preliminary)
Month 4 (FIRST HALF)	Module 5	Judicial Method & Conduct (Quality, Attitude, Skill & Knowledge)
Month 4 (SECOND HALF)	Module 6	Access to Justice & Docket Inclusion.
Month 5,6	Module 7	Core Judicial Module: Theory (Substantive Laws with Procedure)
PHASE TWO: ADJUDICATION MANAGEMENT		
Month 7, 8, 9 & 10	Module 8	Core Judicial Module: Field / Practical Learning.
PHASE THREE : EVALUATION		
Month 11	Module 9	Integration, Reinforcement
Month 12	Module 10	Evaluation

PROGRAMMES WITH OTHER AGENCIES IMPARTED TRAINING TO JUDICIAL OFFICERS & OTHER STAKE HOLDERS

1. TRAINING PROGRAMME FOR PUBLIC PROSECUTORS

Orissa Judicial Academy has undertaken the training programme of 756 Public Prosecutors of the State.

In order to improve the Judicial System, the training for the Public Prosecutors was felt necessary. So for the first time training for Public Prosecutors was undertaken by Orissa judicial Academy, on 7th, 8th February 2011 & from 12th to 14th February 2011, 22 Public Prosecutors have been imparted training on various subjects such as Role of Public Prosecutor, Criminal Justice system & other subjects including Juvenile Justice, Finger Print, Question document, Psychology etc. thus in each batch 25 nos. of Public Prosecutors will be imparted training on training module on rotation basis.

Similarly, 2nd Batch of Public Prosecutors has taken undergone training from 7th to 11th April 2011.

2. TRAINING PROGRAMME IN ASSOCIATION WITH WOMEN & CHILD DEPARTMENT GOVT. OF ORISSA.

The Academy has undertaken series of programme on Juvenile Justice for the sake of children, who are marginal community in society, research programme as such on Juvenile Justice has been thus undertaken. During December 2009 one programme and 2010 seven such programmes have been conducted. Judicial Officers and other stake holders have attended programme.

3. TRAINING PROGRAMME IN ASSOCIATION WITH ORISSA STATE LEGAL SERVICES AUTHORITY, CUTTACK

This Academy has undertaken intensive training programmes on "Mediation" which is part of Alternative dispute Resolution System, 5 such programmes have been conducted in 2010. 56 nos. of Referral Judges & 69 nos. of Advocates have attended such programmes.

4. TRAINING PROGRAMME IN ASSOCIATION WITH STATE INFORMATION COMMISSION, BHUBANESWAR

A work shop on right to Information Act to sensitize first Appellate authority under Judiciary as per R.T.I. Act & Rules about the implementation of the Act was conducted on 10.04.2010.

5. TRAINING PROGRAMME IN ASSOCIATION WITH COMMISSIONARATE OF POLICE, BHUBANESWAR & CUTTACK.

In order to understand the problems and difficulties for the poor persons to get Access to Justice, imparted Judicial Education to Executive Magistrates on 02.04.2010.

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TRAINING CALENDAR OF ORISSA JUDICIAL ACADEMY, CUTTACK

FOR THE YEAR 2009-10 (Refresher Course)

(The number of participants in each programme will be 25.)

Sl. No.	Training Curriculum	Date(s)	Participants
1.	Learning Fundamentals of Computer	11th & 12th July, 2009.	Civil Judges (Jr.Divn.) & Judicial Magistrates.
2.	A course on Delay & Techniques for Arrear Reduction.	8th & 9th August, 2009.	Civil Judges (Sr. & Jr.Divn.) & S.D.J.M.s
3.	Workshop of Framing of Charges & Recording of Evidence in Criminal Cases.	12th & 13th Sept. 2009.	Judicial Magistrates.
4.	Workshop of Framing of Issues & Recording of Evidence in Civil Cases.	26th & 27th Sept., 2009.	Civil Judges (Sr. & Jr.Divn.)
5.	Plea Bargaining.	10th & 11th Oct., 2009.	S.D.J.M.s & Magistrates.
6.	Gender Justice.	14th & 15th Nov.. 2009.	C.J.M.s & S.D.J.M.s & Magistrates.
7.	Court and Docket Management.	28th & 29th Nov. 2009.	Civil Judges (Sr.& Jr.Divn.) & S.D.J.M.s
8.	Judicial Administration with special reference to Financial & Resource Management.	12th & 13th Dec. 2009	District Judges & Registrars Civil Courts.
9.	Appreciation of Evidence in Civil & Criminal Cases.	29th & 30th Dec. 2009.	Civil Judges (Sr.&Jr. Divn.) & S.D.J.M.s.
10.	Cyber Law & Challenges of Cyber Space.	6th & 7th Feb. 2010.	District Judges.
11.	Alternative Dispute Resolution with special reference to Section 89 C.P.C.	27th & 28th Feb. 2010.	Civil Judges (Sr.& Jr. Divn.)
12.	Juvenile Justice Act.	27th & 28th March, 2010.	C.J.M.s. & Civil Judges (Sr. Divn.)
13.	Environmental Law.	24th & 25th April, 2010.	For all cadres of Officers.
14.	N.D.P.S. Act & S.C.S.T. (P.A.) Act.	15th & 16th May, 2010.	District Judges.
15.	Workshop on Writing of Judgments.	24th & 25th May, 2010.	Judges of the F.T.C.
16.	Domestic Violence Act.	26th & 27th May 2010.	S.D.J.M.s & Magistrates.
17.	G.R. & C.O., Court Fees Act, Suit Valuation Act, Stamp Act & C.P.C.	1st & 2nd June, 2010.	Sheristadars & Bench Clerks of Subordinate Courts.
18.	Intellectual Property Rights.	4th & 5th June. 2010.	District Judges. & Addl. District Judges.
19.	High Court Rules, Court Fees Act, Suit Valuation Act, Stamp Act & C.P.C.	10th & 11th June, 2010.	Superintendents of Orissa High Court.
20.	Laws of procedure with special reference to C.P.C. & Cr.P.C.	18th & 19th June, 2010.	Civil Judges (Jr. Divn.), S.D.J.M.s & Magistrates.

ANNUAL TRAINING CALENDAR OF ORISSA JUDICIAL ACADEMY, CUTTACK FOR THE YEAR 2010-11 (Refresher Course)

(The number of participants in each programme will be 25.)

Sl. No.	Date(s)	Training Curriculum	Participants
1.	17th & 18th July 2010	Poverty, Social Exclusion, Welfare Programmes and Access to Justice: Role of District Judiciary.	Dist. Judges & Addl. Dist. Judges.
2.	21st & 22nd Aug.2010	The Struggle for Equality, Social Change and Social Justice: Contribution of Courts.	All Cadres of Officers.
3.	18th & 19th Sep. 2010.	Enhancing Timely Justice.	Civil Judges (S.D.) including C.J.M.
4.	20th & 21st Oct. 2010	Commercial and Economic Law.	Dist. Judges & Addl. Dist. Judges.
5.	27th & 28th Nov. 2010	Environmental and Wildlife Protection.	All Cadres of Officers.
6.	18th & 19th Dec. 2010.	SC/ST and Social Reform Cases.	Dist. Judges & Addl. Dist. Judges.
7.	25th & 26th Dec. 2010.	Criminal Adjudication : Sessions Cases and Cases in Magisterial Courts. Plea Bargaining.	Sessions Judges & Judicial Magistrates.
8.	15th & 16th Jan. 2011.	Criminal Adjudication under Special Laws	Sessions Judges & S.D.J.Ms.
9.	29th & 30th Jan. 2011.	Juvenile Justice (C.P.C.) Act & Rules.	C.J.Ms. & S.D.J.Ms.
10.	26th & 27th Feb. 2011.	Civil Adjudication in Civil Cases.	Civil Judges (S.D.) & Civil Judges (J.D.)
11.	19th March 2011	High Court Rules, C.F. Act, Suit Valuation Act, Stamp Act.	Stamp Reporters & Superintendents of Orissa High Court.
12.	26th & 27th Mar. 2011	Trafficking, Sexual Offences.	S.D.J.Ms. & Magistrates.
13.	16th & 17th Apr. 2011	Domestic Violence Act Cases.	Judicial Magistrates.
14.	7th & 8th May. 2011	Family Disputes.	Family Court Judges & Civil Judges (S.D.)
15.	23rd & 24th May. 2011	Large Scale Litigation : MACT Cases; Section 138 Negotiable Instruments Act Cases.	M.A.C.Ts. & S.D.J.Ms.
16.	25th & 26th May. 2011	Judging (Appreciation of Law and Facts, Sentencing; Responsive Judging, Quality of Judging)	All Cadres of Officers.

Sl. No.	Date(s)	Training Curriculum	Participants
17.	27th & 28th May. 2011	Management and Administration Skills for Judges.	All Cadres of Officers.
18.	6th & 7th June 2011	Judgment Writing and Communication.	Civil Judges (S.D.), Civil Judges (J.D.), F.T.C.
19.	8th & 9th June 2011	Judicial Conduct and Ethics.	All Cadres of Officers.
20.	10th June 2011	G.R.C.O. (Civil), C.F. Act, Suit Valuation Act, Stamp Act.	Shirastadar & Bench Clerk of District Judiciary.
21.	11th & 12th June 2011	IPR and Cyber Law.	Dist. Judges & Addl. Dist. Judges.
22.	17th & 18th June 2011	Court, Case Load and Case Management.	All Cadres of Officers.
23.	25th June 2011	ADR with reference to Sec.89 C.P.C.	All Cadres of Officers.

ANNUAL TRAINING CALENDAR OF ORISSA JUDICIAL ACADEMY, CUTTACK FOR THE YEAR 2011-12 (Refresher Course)

(The number of participants in each programme will be 25.)

Sl. No.	Date(s)	Training Curriculum	Participants
1.	16th & 17th July 2011	Poverty, Social Exclusion, Welfare Programmes and Access to Justice: Role of District Judiciary.	Dist. Judges & Addl. Dist. Judges.
2.	13th & 14th Aug.2011	The Struggle for Equality, Social Change and Social Justice: Contribution of Courts.	All Cadres of Officers.
3.	22nd & 23rd Aug. 2011	Enhancing Timely Justice.	Civil Judges (S.D.) including C.J.M.
4.	10th & 11th Sep. 2011	Adjudication of Commercial and Economic Cases.	Dist. Judges & Addl. Dist. Judges.
5.	17th & 18th Sep. 2011	Environmental and Wildlife Protection; Current Issues & Challenges	All Cadres of Officers.
6.	10th & 11th Oct. 2011	SC/ST and Social Reform Cases.	Dist. Judges & Addl. Dist. Judges.
7.	15th & 16th Oct. 2011	Criminal Adjudication: Sessions Cases and Cases in Magisterial Courts.	Sessions Judges, S.D.J.MS & Judicial Magistrates.
8.	5th & 6th Nov. 2011	Criminal Adjudication under Special Laws with reference to Combating Anti Corruption & NDPS Offences.	Sessions Judges & Special Judges

Sl. No.	Date(s)	Training Curriculum	Participants
9.	19th & 20th Nov. 2011	Juvenile Justice (C.P.C.) Act & Rules.	C.J.Ms. & S.D.J.Ms.
10.	10th & 11th Dec. 2011	Adjudication in Civil Cases.	Civil Judges (S.D.) & Civil Judges (J.D.)
11.	17th & 18th Dec. 2011	High Court Rules, C.F. Act, Suit Valuation Act, Stamp Act.	Stamp Reporters, Oath Commissioners & Supdts. of Orissa High Court.
12.	7th & 8th Jan. 2012	Trafficking, Sexual Offences.	S.D.J.Ms. & Magistrates.
13.	14th & 15th Jan 2012	Domestic Violence Act Cases.	Judicial Magistrates.
14.	4th & 5th Feb. 2012	Family Disputes.	Family Court Judges & Civil Judges (S.D.)
15.	11th & 12th Feb. 2012	Large Scale Litigation: MACT Cases	M.A.C.Ts..
16.	3rd & 4th Mar. 2012	Judging (Appreciation of Law and Facts, Sentencing; Responsive Judging, Quality of Judging)	All Cadres of Officers.
17.	17th & 18th Mar. 2012	Management and Administration Skills for Judges.	DJs, ADJs of Independent Stations & CJMs
18.	7th & 8th Apr. 2012	Judgment Writing and Communication.	Civil Judges (S.D.), Civil Judges (J.D.), F.T.C.
19.	21st & 22nd Apr. 2012	Judicial Conduct and Ethics.	All Cadres of Officers.
20.	5th & 6th May 2012	G.R.C.O. (Civil), C.F. Act, Suit Valuation Act, Stamp Act.	Shirastadar & Bench Clerk of District Judiciary.
21.	12th & 13th May 2012	IPR and Cyber Law.	Dist. Judges & Addl. Dist. Judges.
22.	19th & 20th May 2012	Court, Case Load and Case Management.	Dist. Judges & ADJs.
23.	9th & 10th June 2012	ADR with reference to Sec.89 C.P.C.	All Cadres of Officers. (Except Dist. Judges of the Dists.)
24.	16th & 17th June 2012	Plea Bargaining	S.D.J.Ms & Judl. Magistrates
25	23rd & 24th June 2012	Sec, 138 Negotiable Instrument Act.	S.D.J.Ms & Judl. Magistrates

Hon'ble Mr. Justice A. K. Pattnaik, Judge, Supreme Court of India addressing newly recruited Judicial Officers 2010.

Hon'ble Mr. Justice V. Gopala Gowda, Chief Justice, High Court of Orissa addressing newly recruited Judicial Officer 2010.

Hon'ble Mr. Justice Deepak Mishra, Chief Justice, Delhi High Court addressing newly recruited Judicial Officers 2010.

Hon'ble Mr. Justice B. P. Das, Judge, High Court of Orissa and Executive Chairman Orissa State Legal Services Authority addressing newly recruited Judicial Officers 2010.

Hon'ble Mr. Justice L. Mohapatra, Judge High Court of Orissa and Chairman Orissa Judicial Academy addressing newly recruited Judicial Officers 2010.

Hon'ble Mr. Justice S. K. Mishra, Judge, High Court of Orissa addressing newly recruited Judicial Officers 2009.

Hon'ble Mr. Justice G. B. Pattnaik, former Chief Justice, Supreme Court of India addressing Judicial Officers under refresher programme.

Hon'ble Dr. Justice V. S. Mallimath, former Chief Justice of Karnataka High Court addressing newly recruited Judical Officers 2010.

Hon'ble Mr. Justice Y. Vaskar Rao, former Chief Justice of Karnataka High Court addressing the in-service Judicial Officers under refresher programme.

Hon'ble Mr. Justice P. K. Mishra, former Chief Justice of Patna High Court addressing the in-service Judicial Officers under refresher programme 2011.

Hon'ble Mr. Justice M. M. Das, Judge, High Court of Orissa addressing in-service Judicial Officers under Refresher Programme 2011.

Hon'ble Mr. Justice I. Mahanty, Judge High Court of Orissa addressing in-service Judicial Officers under refresher programme 2011.

Hon'ble His Excellency Mr. M. C. Chandrakanta Bhandare, Governor of Orissa inugurating the East Zone Regional Judicial Conference in presence of Hon'ble Mr. Justice V. Gopala Gowda, Chief Justice of Orissa High Court, Hon'ble Mr. Justice B. P. Das, Judge Orissa High Court, Hon'ble Mr. Justice L. Mohapatra, Judge Orissa High Court and Shri B. K. Arukha, Hon'ble Minister, Rural Development & Law of Orissa.

Hon'ble Mr. Justice Dalveer Bhandari, Judge Supreme Court of India delivering valedictory address in the East Zone Regional Judicial Conference.

Hon'ble Dr. Justice B. S. Chouhan, Judge, Supreme Court of India addressing East Zone Regional Judicial Conference on Enhancing Quality of Adjudication.

Hon'ble Mr. Justice S.B. Sinha, former Judge Supreme Court of India, Hon'ble Mr. Justice M. K. Sharma, Judge, Supreme Court of India, Hon'ble Mr. Justice A. K. Pattnaik, Judge Supreme Court of India and Hon'ble Mr. Justice M. M. Das, Judge Orissa High Court grace the occasion on East Zone Regional Judicial Conference.

Hon'ble Mr. Justice S.B. Sinha, former Judge Supreme Court of India, Hon'ble Mr. Justice M. K. Sharma, Judge, Supreme Court of India, Hon'ble Mr. Justice A. K. Pattnaik, Judge Supreme Court of India, Hon'ble Mr. Justice V. Gopala Gowda, Chief Justice of Orissa High Court, Hon'ble Shri Justice B. P. Das, Judge Orissa High Court & Hon'ble Mr. Justice S. K. Agnihotri, Judge, Chhatisgarh High Court grace the occasion on East Zone Regional Judicial Conference.

Prof. Dr. G. Mohan Gopal, former Director, National Judicial Academy, Bhopal addressing in East Zone Regional Judicial Conference.

Hon'ble Mr. Justice A. K. Pattnaik, Judge Supreme Court of India addressing in East Zone Regional Judicial Conference.

Shri Naveen Pattnaik, Hon'ble Chief Minister of Orissa attending Valedictory session at East Zone Regional Judicial Conference being welcomed by Dr. D. P. Choudhury, Director, Orissa Judicial Academy.

Hon'ble Mr. Justice, P. K. Mohanty, Hon'ble Mr. Justice H. S. Bhalla, Hon'ble Kumari Justice S. Panda, Hon'ble Mr. Justice B.N. Mohapatra, Hon'ble Mr. Justice S. C. Parija, Hon'ble Mr. Justice C.R. Das Judges High Court of Orissa and Hon'ble Mr. Justice N. Prusti former Judge, Orissa High Court and Chairman, S.A.T. attending the East Zone Regional Judicial Conference.

The participant Judicial Officers from different state at East zone of India in presence of Hon'ble Mr. Justice Dalveer Bhandary, Judge Supreme court of India, Hon'ble Chief Justice and other Hon'ble Judges of Orissa High Court and other High Courts.

Hon'ble Mr. Justice P.K. Mishra former Chief Justice of Patna High Court, Hon'ble Mr. Justice M.M. Das, Hon'ble Mr. Justice R. N. Biswal, Hon'ble Mr. Justice I. Mahanty, Hon'ble Justice S. K. Mishra, Hon'ble Mr. Justice B. K. Mishra, Judges of Orissa High Court graced the East Zone Regional Judicial Conference.

Hon'ble Mr. Justice S.B. Sinha former Judge Supreme Court of India and Hon'ble Mr. Justice M. K. Sharma, Judge Supreme Court witnessing the proceeding of East Zone Regional Judicial Conference.