



TAMIL NADU STATE JUDICIAL ACADEMY

Professional Development Programme-II for Civil Judges (Batch-III)

03.12.2022 & 04.12.2022

Programme Report

The Professional Development Programme commenced with Mr. D. Lingeswaran, Director, Tamil Nadu State Judicial Academy throwing light on the Scope and Object of the Programme. He briefly explained the topics that were to be discussed in the two-day Professional Development Programme and their importance and relevance. He briefed on Gender sensitization; it is the modification of behavior so that there are greater awareness and empathy to create gender equality. The root cause of gender discrimination is the patriarchal mind prevalent in Indian society. Although this is now changing with urbanization and education, there is still a long way to go.

The First session was on the topic “*Breaking stereotypes through gender sensitivity*” by Dr. I.S. Parveen sultana, Assistant Professor, Department of Tamil, Justice Basheer Ahmed Sayeed College for Women, Chennai. The focus area was on 1. Personal values should not affect public duties 2. Setting aside preconceived notions based on appearance, behavior and language.

She emphasized that gender inequality is a long-term problem in our society, even these days in spite of urbanization and educational development there still exist discrimination in many ways. To eradicate such difference in society parents, have a responsibility in the proper upbringing of a children. Boys and girls should

be raised in an atmosphere of freedom and a culture of mutual respect. It is important to implement policies that promote gender equality by ending discrimination against women in marriage, divorce and custody laws, inheritance laws, and ownership of assets.

After a short tea break, the session was “*Case Laws Presentation*”. Mr. R.A.S. Anandaraj, Deputy Director, TNSJA Headquarters, Chennai, was the moderator of this session. Ms. B. Soundharya, X Judge, Court of Small Causes, Chennai gave a detailed presentation on the case law *S. Muruganandam Vs. J. Joseph*. She elaborated the objectives of Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act of 2017 and also discussed various other case laws in relation to Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act.

Mr. G. Thamarai Ilango, District Munsif, Chengam discussed the case law *In Re: Expeditious Trial of Cases u/s 138 of N.I. Act 1881*. He elaborated on guidelines for expeditious disposal of case under section 138 of Negotiable Instrument act 1881, the High Courts are requested to issue practice directions to the Magistrates to record reasons before converting trial of complaints under Section 138 of the Act from summary trial to summons trial. It was aid that in suitable cases, the Magistrate can restrict the inquiry to examination of documents without insisting for examination of witnesses. One trial has to be conducted against a person for multiple offences under section 138 of the act committed within a period of 12 months. He had also discussed various case law in relation to complaints under Section 138 of Negotiable Instrument act.

Ms. J. Starli, Additional District Munsif, Tiruvallur discussed about *Sasikala Vs. Revenue Divisional Officer-cum-Sub-collector*. She discussed the facts of the case; whether the registrar has the power to accept the deed of cancellation to nullify the deed of conveyance. She elaborated on gift settlement

with relevant case law.

Post lunch session was on “*Court and Case Management Techniques*” handled by Mr. B. Karthikeyan, Secretary to Government, Law Department, Chennai. He emphasized that court and case management would improve efficiency, reduce delay and cost optimization in courts. He focused on staff management; in which he suggested to utilize court’s staff to the fullest and in delay management; he suggested that workload of Judges will have to be equally distributed and also asked Judges to exercise Plea bargaining, pre-trial conference and Probation of offender’s act.

The last session was Discussion, by Mr. B. Karthikeyan, Secretary to Government, Law Department, Chennai. The participants raised their queries and the resource person explained on how to overcome constraints.

4.12.2022

On the day two, the first session was on the topic “*Effective Methodology in Case Property Disposal in Criminal Cases*” handled by Mr. A. Muralikrishna Anandan, III Metropolitan Magistrate, George Town. He briefed about Chapter XXXIV of Criminal Procedure Code 1973 explained the provisions relating to case property under sections 451 to 459. He elucidated that Court cannot retain the case property either in the custody of court or in the custody of the police for any time longer. Therefore, it is the duty of the court to pass appropriate property orders according to law without any delay. The participating Judges clarified their doubts regarding disposal of property under various scenarios.

Post lunch, the session was on “*Criminal Rules of Practice 2019 – An Overview*” handled by Mr. S. Prakash, I Assistant Judge, City Civil Court, Chennai. He elaborated rules which deals criminal trial, the main object of Criminal Rules of Practice 2019 is for the smooth conduct of criminal cases. He emphasized that

criminal trial is a voyage of discovery in which truth is the quest. It is the duty of presiding Judge to explore every avenue open to discover the truth and to advance the cause of Justice.

The vote of thanks was delivered by Mrs. D. Shoba Devi, Registrar, Court of Small Causes, Chennai. She thanked all the resource persons and participants for their active participation in the training session.
