



TAMIL NADU STATE JUDICIAL ACADEMY

Training Programme for Bangladesh Judges & Judicial Officers (SE-02) – Phase II from 22nd to 28th October, 2022

23.10.2022



The Programme began with the Invocation song "தமிழ்த்தாய் வாழ்த்து" (Tamil Thai Vazhthu). The Welcome Address was delivered by Hon'ble Mr. Justice M. Sundar, Judge, High Court of Madras / Member, Board of Governors, TNSJA. Firstly, His Lordship welcomed all the dignitaries

and the participating Judicial Officers of Bangladesh. His Lordship then, explained the scope, objective and the probable outcome of the training programme. His Lordship also reiterated that, many statutes are similar in both India and Bangladesh.



Hon'ble Mr. Justice T. Raja, the Acting Chief Justice, High Court of Madras / Patron-in-Chief, TNSJA honoured Hon'ble Ms. Justice Indira Banerjee Former Judge,

Supreme Court of India.



Mr. D. Lingeswaran, Director, TNSJA honoured Hon'ble Mr. Justice T. Raja, the Acting Chief Justice, High Court of Madras / Patron-in-Chief, TNSJA.

Mr. R.A.S. Anandaraj, Deputy Director, TNSJA honoured Hon'ble Mr. Justice M. Sundar, Judge, High Court of Madras / Member, Board of Governors, TNSJA.



Mrs. D. Shoba Devi, Registrar, Small Causes Court, Chennai honoured Hon'ble Mr. Justice C.V. Karthikeyan, Judge, High Court of Madras / Member, Board of Governors, TNSJA.



The Keynote Address was delivered by Hon'ble Mr. Justice T. Raja, the Acting Chief Justice, High Court of Madras / Patron-in-Chief, TNSJA. His Lordship thanked the National Judicial

Academy, in particular Hon'ble Mr. Justice A. P. Sahi, Director, National Judicial Academy / Former Chief Justice, High Court of Madras, for having chosen the Tamil Nadu State Judicial Academy to impart training to the Judicial Officers from the Bangladesh Judiciary.

Hon'ble Mrs. Justice J. Nisha Banu, Judge, High Court of Madras, Hon'ble Mr. Justice C.V. Karthikeyan, Judge, High Court of Madras / Member, Board of Governors, TNSJA; Hon'ble Mr. Justice N. Sathish Kumar, Judge, High Court of Madras and Hon'ble Mr. Justice S. Nagamuthu, Former Judge, High Court of Madras graced the occasion with their presence.



The Inaugural Address was delivered by Hon'ble Ms. Justice Indira Banerjee, Former Judge, Supreme Court of India. Her Lordship thanked Hon'ble Mr. Justice T. Raja, the Acting Chief Justice, High Court of Madras / Patron-in-Chief, TNSJA, the Director and other

officers of the State Judiciary for the opportunity. Her Lordship then, spoke about

Penal Code drafted by Lord Macaulay, which is still in force in both India and Bangladesh with few amendments.

Her Lordship reiterated that, the entire object of judicial education envisaged by Judicial Academy is to provide a platform for judges all over the country to exchange their ideas and in the process also to have discussion on various topics related to law and recent developments. Her Lordship also said that, both India and Bangladesh have similar issues as culturally both the Countries are quite similar.

The Vote of Thanks was delivered by Hon'ble Mr. Justice C.V. Karthikeyan,



Judge, High Court of Madras/
Member, Board of
Governors, TNSJA. The
inaugural session came to a
conclusion with the National
Anthem.

The working session began with a lecture on the topic "**Criminal Laws and Procedures: Recent Developments and Precedents (IPC, CrPC, and Preventive Detention Laws)**" was delivered by Hon'ble Mr. Justice S. Nagamuthu, Former Judge, High Court of Madras.



His Lordship said that as far as India and Bangladesh are concerned the administration of Criminal Justice system is more or less the same and most provisions are intact and is being administered in the same way. His Lordship

discussed the important decisions pertaining to the Criminal Law. His Lordship thoroughly explained the important concepts with relevant provisions.

The topic "**Process of Trial of Criminal Cases**" was handled by Mr. S. Karthikeyan, Secretary to Government, Law Department, Secretariat, Pondicherry. He explained Framing of Charge in India and Bangladesh. The resource person with the help of a Comparison table of Cr.P.C 1973 in India and Cr.P.C.1898 in



Bangladesh explained the classification of offences. He also touched upon the Procedure for recording evidence which is more or less similar in both the countries. He also discussed several landmark decisions.



The topic "**Jurisprudence of Circumstantial Evidence**" was handled by Hon'ble Mr. Justice M. Sathyannarayanan, Former Judge, High Court of Madras. His Lordship elaborately dealt with the principles governing Circumstantial Evidence with

illustrations and landmark decisions of the Apex Court. His Lordship explained that, the court after considering the evidence presented before it and hearing the arguments should come to a definite conclusion as to whether, such facts are

proved or not. His Lordship said that Circumstances sometimes speak as forcefully as direct evidence.

The topic "**Sentencing Policy including Restitutive Justice: Trends Theories, Policies, and Approaches**" was handled by Hon'ble Ms. Justice Indira Banerjee, Former Judge, Supreme Court of India. Her Lordship said that the objects



of punishment are to prevent the offender from committing further offence. Her Lordship spoke about proper investigation and reiterated that proper and fair trial should be conducted. Her Lordship also spoke about the application of rarest of rare formula while passing death sentence. Her Lordship further emphasised on the POCSO Act and the special status of the Act.

24th October 2022

In order to learn and explore the architectural beauty of India's rich cultural heritage, the participants were taken to Mamallapuram as part of educational tour.





The participants with Hon'ble Mr. Justice Krishnan Natarajan, Judge, High Court of Karnataka.



25th October 2022



The first session was handled by Mr. Sharath Chandran, Advocate, High Court of Madras on the topic "**Emerging Issues in IPR Related Disputes**". He lucidly explained the statutory protection of various

Intellectual Property Acts. The resource person reiterated that property doesn't merely mean physical property, but it also includes intellectual property. Mr. Sharath Chandran told the participants about Commercial courts which deal with all the commercial disputes and which follows slightly modified procedures of CPC. He further enlightened the participants on the various legislations on the Intellectual Properties with the latest decisions of the Apex Court and various other High Courts in India. Mr. Chandran also compared the Copyright Act of Bangladesh with similar Acts of India.



The topic "**Alternative Dispute Resolution and Plea Bargaining**" was handled by Mr.S.Arunachalam, Advocate/Arbitrator/Mediator and Trainer, High Court of Madras. He explained the various alternate dispute mechanisms followed in India. He also spoke about the Sec. 89 CPC and the landmark judgments. Mr. Arunachalam spoke about the various alternate disputes mechanisms such as; Arbitration, Mediation, Conciliation, Judicial settlement and mini trial, which are non adversarial in nature. He explained each mechanism individually with illustrations.

The session on "**Parameters of Interference in Criminal Appeals**" was also handled by Mr. S. Karthikeyan, Secretary to Government, Law Department, Secretariat, Pondicherry. He explained the provisions in Appeal against Acquittal, Appeals from convictions and the Appeal against inadequate Sentence. Mr. Kathikeyan elaborated on the criminal appeals at different stages of the trial. He also touched upon the hierarchy of criminal courts in Indian and compared it with that of Bangladesh.



The topic "**Civil Laws and Procedure: Recent Developments**" was handled by Mr. V. Lakshminarayanan, Advocate, High Court of Madras. He dealt with the topic extensively by mentioning about the recent trends in the Civil Laws. Further, he spoke about the amendments of various civil legislations with a prelude on the need for the amendment. Mr. Lakshminarayanan also explained the procedures followed in India in a detailed manner.

In the evening, the participants visited the Sub-jail at Saidapet to learn about the structure and functioning of jail/prison in India.



26th October 2022

The participants were taken for a Heritage walk in the Madras High Court in the morning.





The first session was handled by Mr. R. Selvakumar, Advocate, High Court of Madras on the topic "**Principles of Interpretation of Contracts**". He started his lecture with the concept of Legal realism and slowly moved to the law of contract. He spoke about the various doctrines entailed under the Contract

Act and explained them in detail with necessary illustrations. Mr. Selvakumar also spoke about common law aspects and discussed the landmark precedents. He touched upon the concept of liability and non compliance.

The session on the topic "**Injunctions: Law and Practice**" was handled by Mr. B. Karthikeyan, Secretary to Government (Legal Affairs), Law Department, Chennai. He explained that Injunction is equitable remedy. He spoke about the reliefs that are granted invoking equitable remedy.



Mr. Karthikeyan explained the various types of injunctions and when they can be granted. He also discussed several case-laws pertaining to Law of Injunctions.



The session on the topic "**Environment Laws: Legal Developments and Challenges**" was handled by Mr. Sanjay Kumar Srivastava, I.F.S. (Rtd.), Former Principal Chief Conservator of Forests. He explained the Indian Environmental Laws and International Environment Law. He also explained the Air (Pr. & Control

of Pollution) Act 1981, Environment (Protection) Act 1986, Public Liability Insurance Act 1991, Indian Forest Act 1927, Forest Conservation Act 1980, Wildlife (Protection) Act 1972, Biological Diversity Act 2002, ST & OTFD (Forest Rights) Act, 2006, National Green Tribunal Act 2010. He then elaborated on the Issues & Challenges of the Environment Laws.

The session on the topic "**Role of the District Judiciary in Protection of Forest, Wildlife and Biodiversity**" was handled by Mr. M. Santhanaraman, Advocate, High Court of Madras. He explained the various provisions of the Wildlife (Conservation And Security) Act, 2012, The Forest Act, 1927, The



Bangladesh Environment Conservation Act, 1995. He also threw light on the similarities and the differences between the Indian Laws and The Bangladesh Environment Conservation Act, 1995. He also explained in detail the procedures to be followed by the judiciary in cases relating to forest and wildlife offences.

Mr. Santhanaraman reiterated the need to conserve and preserve forest, wildlife and biodiversity.

In the evening, the participants visited the Tamil Nadu Police Museum at Egmore to learn about the history, structure and functions of the Police Department.



27th October 2022

The first session was handled by Mr. E.V. Chandru @ E. Chandrasekaran, Advocate, High Court of Madras on the topic "**Crime Against Women: Law and Practice**". He started with the legislations that protect women in India and



mentioned some of the legislations such as, Tamil Nadu Prohibition of Harassment of Women Act, 1998, Prohibition of Child Marriage Act, 2006, Protection of Women from Domestic Violence Act, 2005, Protection

of Children from Sexual Offences Act, 2012, Sexual Harassment of Women in Workplace Act, 2013, Sexual Harassment of Women in Workplace Act, 2013. He elaborated on the various provisions which aid in safeguarding women and prevent the crimes against women. Mr. Chandru extensively discussed the famous case *Vishakha Vs. State of Rajasthan*. He explained the various Landmark Judgments and clarified the participants doubts. This session was an interactive session.



The topic "**Protection of Child Rights: Procedure while dealing with a child in conflict with the law**" was handled by Mr. D. Lingeswaran, Director, Tamil Nadu State Judicial Academy. He emphasized that when a child in conflict with law comes before a judge, one has to not merely see him as a child who is deviant, but as a child in need of care and protection. He then spoke about the General

Principles enshrined in Section 3 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Mr. Lingeswaran discussed the various principles such as the Principle of fresh start, the Principle of Diversion, Principle of non-stigmatizing

semantics, Principle of non-waiver of rights. He also touched upon the Legislations which dealt with Juvenile Delinquency prior to the enactment of the 2015 Act. He also compared the Juvenile Justice Act, 2015 of India with the Children's Act, 2013 of Bangladesh. This session too was an interactive session. The participants raised several queries which were duly answered by the Director.

Valedictory Session



In the Valedictory Session, Hon'ble Mr. Justice R. Suresh Kumar, Judge, High Court of Madras / Member, Board of Governors, TNSJA welcomed the dignitaries. Hon'ble Mr. Justice Paresh Upadhyay, Judge, High Court of Madras, Hon'ble Mr. Justice M. Sundar, Hon'ble Mr. Justice S. M. Subramaniam and Hon'ble Mr. Justice A. D. Jagadish Chandira Judges, High Court of Madras / Member, Board of Governors, TNSJA, graced the valedictory session with their presence.



Two of the participants, Ms. Sharmin Nigar, District and Sessions Judge,

Brahmanbaria, Chattogram Division and Mr. Fowzul Azim, Team Leader, Judge, Nari-O-Shishu Nirjatan Daman Tribunal, Chattogram, Chattogram Division shared their feedback and learning experience from the training programme.



Hon'ble Mr. Justice M. Sundar delivered a Special Address and Hon'ble Mr. Justice Paresh Upadhyay delivery the Valedictory Address. At the end of the Valedictory Session, Hon'ble Mr. Justice A. D. Jagadish Chandira, proposed the vote of thanks. His Lordship thanked all the Hon'ble Judges of the Supreme Court and specially thanked Hon'ble Mr. Justice A. P. Sahi, Director, National Judicial Academy / Former Chief Justice, High Court of Madras for giving Tamil Nadu State Judicial Academy a chance to conduct training programme for the Judges and Judicial Officers of the Bangladesh Judiciary. His Lordship thanked all the resource persons and the participants for making this programme a grand success.



The Valedictory Session was followed by Cultural Programme where the Judges from Bangladesh sang songs, followed by dinner.
