



# Newsletter

Meghalaya State Judicial Academy  
2018-2020, Volume 2 | Issue 1



# Meghalaya State Judicial Academy

Newsletter Volume II / Issue 1

2018-2020



Hon'ble Justice Biswanath Somadder,  
Chief Justice, High Court of  
Meghalaya  
&  
Patron-in-Chief of the Academy

**Biswanath Somadder**  
Chief Justice  
HIGH COURT OF MEGHALAYA



3<sup>rd</sup> March, 2021

### **MESSAGE**

I am happy to learn that the Meghalaya State Judicial Academy is bringing out the second edition of its Newsletter, Volume 2, Issue 1, which takes into account the various activities of the Academy from 2018, till date.

I recall that on 15<sup>th</sup> July, 2020, in the presence of my esteemed colleagues, members of the Registry, officers of the Meghalaya State Judicial Academy, staff and other invitees, I had the occasion of administering oath to the second batch of Grade III Judicial Officers, 2019, comprising of 8(eight) Judicial Officers. Their training included institutional training at the Academy. The Academy, therefore, plays a significant role in shaping up the judicial officers' intellect and skills so that they can play a pivotal part of not only rendering justice but also participate actively in the evolution of law in order to render such justice effectively and timely. However, this is possible only when there is intellectual humility. In this context, I may be allowed to borrow the words of Justice Frankfurter, "indispensible judicial requisite is intellectual humility."

The Meghalaya State Judicial Academy has been in relentless pursuit for the purpose of empowering judicial officers in this regard by conducting various activities and training programmes, which will ultimately help the legal fraternity to uplift the cause of justice. This Newsletter is just a significant step in that direction.

I wish the Academy all the best and hope that we all evolve further in order to make our judicial system better than even before.



Hon'ble Justice  
Hamarsan Singh Thangkhiew,  
Judge, High Court of Meghalaya  
&  
Judge-in-Charge of the Academy

H. S. Thangkhiew  
Judge



High Court of Meghalaya  
M. G. Road  
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## MESSAGE

It gives me great pleasure that the Meghalaya State Judicial Academy is bringing out the Second edition of the Newsletter which will document and highlight the activities, programmes and achievements since the last issue was brought out in 2018.

The Meghalaya State Judicial Academy since its inception on 4<sup>th</sup> May, 2016, though functioning from temporary premises with minimal infrastructure has done commendable work in imparting training, creating awareness and knowledge building through its Seminars, Colloquiums and Workshops. In 2019, not less than 13(thirteen) programmes were conducted ranging from training programmes for the staff to conferences, seminars on various topics for Judicial Officers apart from training the newly recruited Judicial Officers of the Meghalaya State Judiciary. In the year 2020, with the onset of the pandemic, it was very encouraging to note that even with the new mode of functioning, where sessions had to be conducted virtually, which not only posed many challenges to the Academy but as well as to the participants, not less than 10(ten) major programmes such as Colloquiums, webinars, E-workshops, refresher courses apart from completion of training of the newly appointed Grade-III, Judicial Officers, were conducted successfully. In this regard, the commitment shown by the former and present Director, the Deputy Director, Staff of the Academy and all other persons involved in being more than equal to the task in ensuring that all objectives were achieved, is highly commendable.

Being associated as the Judge-in-Charge of the Academy, apart from being involved with the day to day affairs has also been a learning experience for me personally.

I wish the Academy further success in its mission of dissemination of knowledge and also in all its future endeavours, which I am certain will greatly benefit the legal fraternity.

(Justice Hamarsan Singh Thangkhiew)

Shillong  
16<sup>th</sup> February, 2021



Hon'ble Justice Ranjit More,  
Judge, High Court of Meghalaya



**Justice Ranjit More**  
Judge



High Court of Meghalaya  
M.G. Road  
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Dated 1<sup>st</sup> February, 2021

**MESSAGE**

*It gives me immense pleasure to know that the Meghalaya State Judicial Academy is bringing out the second edition of Newsletter Volume 2 Issue 1 covering the glimpses of the various activities of the Academy from 2018 and until date. From this Newsletter, I see, how the Academy had strove from a temporary base with limited infrastructure, yet nothing hindered its functioning when apart from the various programmes which the Academy had conducted, it has also fulfilled its task of imparting foundational course training to the eight newly appointed Grade-III Judicial Officers of 2019 batch as well to the two Grade-I Judicial Officers.*

*Of late, despite the Covid-19 pandemic which has engulfed the entire humanity, yet the Academy is not hampered but committed as always, it continued to deliver its services to the legal fraternity by holding various activities comprising of seminars, workshops and other courses through alternative ways and means which this internet driven world is offering, virtual training programmes being held to share concerns and provide innovative solutions to ensure the institution remains committed to the cause of imparting judicial knowledge at the same time ensuring safety and protection of Officers and staff and all stakeholders participating in the various programmes, with an ultimate goal to upgrade administration of justice and effective dispensation of justice.*

*I wish the Academy all the best in its venture to march ahead in its endeavours. Last but not least I wish all the Judicial Officers of the State to stay positive, for rainfall awaits sunshine. Jai Hind.*

  
(Justice Ranjit More)



Hon'ble Justice Wanlura Diengdoh,  
Judge, High Court of Meghalaya

**W. Diengdoh**  
Judge



High Court of Meghalaya  
M.G. Road  
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## MESSAGE

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The Meghalaya State Judicial Academy even through its infancy has proved to be a remarkable success in catering to the needs of the judicial fraternity, particularly the Judicial Officers in Meghalaya.

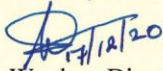
True to its objective, it has live up to its name by providing valuable inputs impacting society, inasmuch as, it has raised a new crop of judicial minds and talent by providing meaningful, resourceful and in-depth training to Judicial Officers, including new inductees.

Personally, I am indebted to the Academy, for as a Judicial Officer, I was part of a number of programmes conducted by the Academy which has greatly enriched my judicial knowledge and character.

I am sure that with the astute leadership and guidance of the Hon'ble Patron-in-Chief who is no less than our Hon'ble Chief Justice as well as my esteemed brother Hon'ble Mr Justice H.S. Thangkhiew, Judge-in-Charge of the Academy, I am positive we will see the growth and value of judicial life flourishing in the State of Meghalaya which will eventually have an impact even at the national level.

My heartiest congratulation goes to the Editorial team and all those who are a part of this publication.

I wish the Meghalaya State Judicial Academy the very best.

  
(Justice Wanlura Diengdoh)


Shillong  
17<sup>th</sup> December 2020



TOGETHER WE BUILD AND GROW

MEGHALAYA STATE JUDICIAL ACADEMY

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M. B. Challam  
Former Director  
Meghalaya State Judicial  
Academy



Kharmalki Road  
Dhankheti, Shillong  
Phone No: 2222286  
October 29, 2020

### MESSAGE

I am happy to learn that the Meghalaya State Judicial Academy is bringing out Newsletter vol 2/ issue 1 for the year 2018 to 2020.

The Meghalaya State Judicial Academy is a center to provide and fulfil continuing education to the judicial officers and other stakeholders of the state. Besides imparting foundation training course to the newly appointed judicial officers, it has taken many steps such as conducting workshops, refresher courses, seminars etc that will enhance the capacity of the judicial officers and other stakeholders to perform their judicial duties effectively and will definitely culminate in developing an effective justice delivery system to ensure just, fair and speedy justice.

I am sure, the Newsletter will provide a forum to highlight the efforts undertaken by the Academy and will benefit the judicial officers and other stakeholders by not only to impart and acquire knowledge, but to translate the same into action of law. The Newsletter will also provide them a forum by writing on various subjects of law and humanity.

I wish the Newsletter and the Meghalaya State Judicial Academy every success in its all round activities and I hope that it will continue to reach out to judicial officers of the state and others with judicial pursuits.

  
M. B. Challam

**Kerpa M. Lyngdoh Nongbri, MHJS**

Additional District and Sessions Judge  
cum Special Judge (POCSO), Shillong



***MESSAGE***

**The Meghalaya State Judicial Academy - My Reflection**

The Oxford English Dictionary has defined 'Newsletter' as "A bulletin issued periodically

to the members of a society or other organization".

Similarly, the Collins English Dictionary defines 'Newsletter' as "A newsletter is one or more printed sheets of paper containing information about an organization that is sent regularly to its members."

We may sum up that a Newsletter contains the recent activities of an organization published for circulation, information and record.

This being the second newsletter, I believe the information as to the inception and establishment of the Meghalaya State Judicial Academy on 4th May, 2016 has already been highlighted in the first issue and mentioning it now in this context is but for reference.

Looking back to 2016, the year of its inception, I stood as Dy. Director working and coordinating with the Director, both amateurs in a newly established Judicial Academy entering a new space and playing an altogether new role. We however formed a good team with only one supporting staff. We had equally fresh twelve newly appointed judicial officers who were yet to grasp the idea that they were to spend a one year induction training programme as boarders in a temporary set up at Tapovan Bungalow which was just a stone's throw away from Rockside Bungalow. The air of anxiety, was soon eased seeing that the Academy, although at an infant stage, was all geared up with a surge to mould the trainees in all possible areas while enhancing their quality of adjudication and their overall development as a judge.

Starting with limited resources in terms of infrastructure, faculty members and staff, the Academy with the support of fellow judicial officers, visiting professors and experts, experienced growth. Conduct the one year induction training programme accompanied by seminars, workshops on subjects to enable judicial officers and on topics with judicial setting involving the stakeholders too.

Upon reflection to something as recent as the period between October 2019 to mid August 2020 when I returned to the Academy and served as Director and faced yet another batch of eight newly appointed Grade III judicial officers, I found the new officers to be less anxious, perhaps because the Academy now stood as a more equipped body in terms of infrastructure but with the same (I repeat) surge to mould each trainee under it in all possible areas while enhancing their quality of adjudication and their overall development as a judge. Although the Academy still sought outside support, the office of the Director and Dy. Director worked with the office staffs who were a young vibrant lot with a tireless spirit to work. There has been an apparent development and growth in the Academy which cannot be unnoticed.

The library with a decent collection of books, journals and reading material with the list made accessible in the public domain with the KOHA software, appears extensive with a system for regular updates already put in place.

Reflecting on what can be further enhanced, there is a need to explore more on research work and to exploit the benefits of a world that has gone technologically advanced and also to focus on making the library more extensive in terms of making it a place of sharing resources. There is scope for initiating programmes inviting law students, law graduates, law clerks as interns for research work. Another area which the Academy can implore.

As a guiding force, the National Judicial Academy having established a national system for judicial education periodically nudges the state academies to frame modules and academic calendars in tune with the philosophy, vision and mission of national judicial education. It also invites participation in its various academic events and training programmes leading the state academies in a direction to improve the quality of the judiciary at all levels through their various programmes. Inclusion of all stake holders is encouraged understanding their role and contribution to an effective judicial system.

The Meghalaya State Judicial Academy was able to conduct sessions on general topics of pan India concern as well as on local subjects noting the unique structure of our place and society involving the participation of judicial official officers and all stake holders not forgetting law students and members of civil society.

Upon reflection and on a more personal note, the Academy has been a platform of learning, grooming and growth. It may not have reached its complete form but as I see it, the Meghalaya State Judicial Academy with the support received from the Hon'ble Patrons in Chief (with every change of guard) and the Hon'ble Judge in Charge, has evolved from what it was to what it is as a seat of 'seed training' and a channel of disseminating knowledge.

With the present team of dedicated officers and staff and the supervisory authority of our Hon'ble High Court, the Academy can and will continue to evolve into a center of learning par excellence and all I can say is "Press on".



**K.M.L. Nongbri**

Additional District and Sessions  
Judge cum Special Judge (POCSO),  
Shillong



**PROGRAMMES CONDUCTED DURING ACADEMIC CALENDAR YEAR  
2017-2018 (Backlog FEB 2018 - JUNE 2018)**



Sl. No.	DATE	NAME OF THE COURSE	TARGET GROUP	RESOURCE PERSON
1	24 <sup>th</sup> February 2018	Seminar on “Dorbar Shnong as an Institution of Local self Government”	Judicial Officers, Law Students	1. Shri. Fabian Lyngdoh, HOD of Cultural and Community Initiatives, MLCU, Shillong 2. Professor L.S Gassah, Dept Of Political Science, NEHU, Shillong
2	7 <sup>th</sup> April 2018	Seminar on “Emerging trends in Cyber Law and crimes”	Judicial Officers	1. Shri. Debaditya Roy, Deputy Assistant Director (Police Science) NEPA, Shillong 2. Shri. Arjun Chetri, Computer Programmer, NEPA, Shillong
3	24 <sup>th</sup> April 2018	Workshop on “Effective Investigation and proper Co-ordination between Police and Prosecution”	Police Investigating Officers, PP, APP	1. Shri. R. Muthu, IPS, SSP, CID, Meghalaya, Shillong 2. Shri. Thomas Diengdoh, Practising Advocate
4	19 <sup>th</sup> May 2018	Special Training Programme on “Practice Procedure for dealing with Matrimonial disputes with Special emphasis on the Matrilineal System in the State of Meghalaya”	Judicial Officers, officers from District Council Courts	1. Prof. Amena N. Passah Dept. of History, NEHU, Shillong 2. Dr. Ailinti Nongbri, Associate Prof, Dept of Khasi, Shillong College. 3. Smti. Lorinda D. Marak, Associate Prof, Dept of Garo, Shillong College.
5	30 <sup>th</sup> June 2018	Training Programme on the “Use of Video Conferencing”	Judicial Officers, Jailor	1. Shri. Shekhar Dey, Technical Director (Scientist/ Engineer E) & Additional State Information Officer, Meghalaya 2. Smti. K.M.L Nongbri, MJS. 3. Shri. F.S Sangma, MJS.

## PROGRAMMES CONDUCTED DURING ACADEMIC CALENDAR YEAR 2018-2019



Sl. No.	DATE	NAME OF THE PROGRAMME	PARTICIPANTS	NAME OF RESOURCE PERSON
1	11 <sup>th</sup> August 2018	Judicial Colloquium on "Anti Human Trafficking"	Judicial Officers, Officer social welfare, State/District Nodal Police Officers and District Level, PP, APP	<ol style="list-style-type: none"> <li>1. Shri. P.M Niar, IPS (Retd) Prof Tata Institute of Social Sciences, Mumbai.</li> <li>2. Smti. H. Kharbhih, Impulse NGO.</li> <li>3. Smti. I. Rapthap, Programme Manager Child Protection Scheme, Social welfare Dept.</li> <li>4. Shri. R. Muthu, IPS, S.S.P, CID State Nodal Police Officer.</li> <li>5. Shri. Noor Ain Khan, JO.</li> </ol>
2	29 <sup>th</sup> September 2018	Seminar on "Property Rights and Customary Practices within the Tribes of Meghalaya"	Judicial Officers, Judges/ Magistrates from District Council Courts, Law Students	<ol style="list-style-type: none"> <li>1. Prof. H. Lamin, Pro- Vice Chancellor NEHU, Shillong.</li> <li>2. Dr. Batskhem Myrbob, Asst Professor, Synod College, Shillong.</li> <li>3. Miss Upresia B. Sangma, L.L.M, Practicing Advocate of High Court of Meghalaya, Shillong.</li> </ol>
3	1 <sup>st</sup> December 2018	Seminar on "Mental Health"	Judicial Officers, Doctors, Police Officers, PP, APP	<ol style="list-style-type: none"> <li>1. Dr. Sandi Syiem, M.D (Psych) Director, Sanker Hospital, Shillong.</li> <li>2. Dr. Arvind Nongpiur , M.D, Asst Professor &amp; HOD i/c, NEIGRIHMS, Shillong.</li> <li>3. Mr. Shishir Tiwari, Asst Professor, Law Department, NEHU.</li> </ol>

## PROGRAMMES CONDUCTED DURING ACADEMIC CALENDAR YEAR 2018-2019



Sl. No.	DATE	NAME OF THE PROGRAMME	PARTICIPANTS	NAME OF RESOURCE PERSON
4	5 <sup>th</sup> March 2019	Training Programme on "Budget, Meghalaya Financial, FRs/SRs, Initial Pay Slip, Pension, DFP Rules 2006"	High Court staff and Subordinate Courts Staff.	<ol style="list-style-type: none"> <li>1. Shri. K.R Nongrum, MFS, F.A.</li> <li>2. Smti. F.P Phanbuh, MFS, F.A.</li> <li>3. Mrs A. Warbah, Dy. Director of Accounts and Treasuries.</li> <li>4. Mrs E. Wahlang, MFS, F.A.</li> </ol>
5	6 <sup>th</sup> March 2019	Training Programme on "Income Tax and Goods and Services Tax"	High Court staff and Subordinate Courts Staff	<ol style="list-style-type: none"> <li>1. Shri. Amanjoti Mazumdar, Addl. Commissioner of Income tax.</li> <li>2. Shri. B.F L Kynshi, Inspector of Taxes.</li> </ol>
6	16 <sup>th</sup> March 2019	Training Programme on "CIS version. 3.0"	High Court staff and Subordinate Courts Staff	<ol style="list-style-type: none"> <li>1. Shri. F.S Sangma, MJS.</li> <li>2. Shri. T.T.M Sangma, MJS.</li> </ol>
7	25 <sup>th</sup> May 2019	Conference on "Juvenile Justice (Care and Protection of Children) Act, 2015"	Judicial Officers, Principal Magistrate, Member Juvenile Justice Board, Police Officers,	<ol style="list-style-type: none"> <li>1. Shri. Miguel Queah, Executive Director, UTSAH, Assam.</li> <li>2. Shri. Surendra Kumar, IPS, IGP, CID Assam Police.</li> <li>3. Smti. Bandarishisha Kharlukhi, JMFC.</li> <li>4. Smti. M. Kharkongor, Chairperson, State Commission for Protection of Child Rights in the state of Meghalaya</li> </ol>

## PROGRAMMES CONDUCTED DURING ACADEMIC CALENDAR YEAR 2019-2020



Sl. No.	DATE	NAME OF THE PROGRAMME	PARTICIPANTS	NAME OF RESOURCE PERSON
1	6 <sup>th</sup> July 2019	Seminar on "District Council Courts"	Judicial Officers, Judges and Magistrate from District Council Courts and Public Prosecutors and Assistant Public Prosecutors	<ol style="list-style-type: none"> <li>1. Dr. O. L Snaitang, Author.</li> <li>2. Shri T. T Diengdoh, Sr. Advocate.</li> <li>3. Shri S. Kharsyiemlieh, Judge, District Council Court.</li> </ol>
2	27 <sup>th</sup> July 2019	Mediation training Programme for Referral Judges	Judicial Officers	<ol style="list-style-type: none"> <li>1. Shri. Dharmender Rana, Member Secretary, MCPC, Addl. Registrar, Supreme Court of India.</li> <li>2. Sh. K.M Jaiswal, Trainer, MCPC.</li> </ol>
3	31 <sup>st</sup> August 2019	Training Programme on "National Service and Tracking of Electronic Process"	Lower Court Staff	<ol style="list-style-type: none"> <li>1. Shri F.S Sangma, MJS.</li> <li>2. Shri T.T.M Sangma, MJS.</li> </ol>
4	21 <sup>st</sup> September 2019	Seminar on "Role of Prosecution in Criminal Justice System"	Judicial Officers, Prosecutors and Civil Doctors	<ol style="list-style-type: none"> <li>1. Shri. Kamakhya Prasad, Addl. SP.</li> <li>2. Smti Yorika Shylla, Advocate.</li> <li>3. Dr. Mitul Sangma, MD Forensic Medicine.</li> <li>4. Smti. F. Catherine Rymbai, Advocate.</li> </ol>

## PROGRAMMES CONDUCTED DURING ACADEMIC CALENDAR YEAR 2019-2020



Sl. No.	DATE	NAME OF THE PROGRAMME	PARTICIPANTS	NAME OF RESOURCE PERSON
5	30 <sup>th</sup> November 2019	Judicial Colloquium on "The Role of Law Enforcement in Combating Human Trafficking"	Judicial Officers, police Officers (AHTU), Social Welfare Department, Social Service Group	<ol style="list-style-type: none"> <li>1. Mr. Saptarshi Biswas, Director, Legal, International Justice Mission, Kolkata.</li> <li>2. Ms. Rosanna Lyngdoh, (IMPULSE) NGO network.</li> </ol> <p><b>Panel Discussion:</b> Chair: Smti. Kerpa M. L Nongbri, Director, Meghalaya State Judicial Academy.</p> <p><b>Panellist:</b></p> <ol style="list-style-type: none"> <li>1. Ms. A. Pariat, CJM, Shillong.</li> <li>2. Shri. Herbert Lyngdoh, SSP (CID), Shillong.</li> <li>3. Smti. Meena Kharkongor, Chairperson, MSCPCR.</li> <li>4. Mr. Saptarshi Biswas, Director, Legal, International Justice Mission, Kolkata.</li> <li>5. Ms. Rosanna Lyngdoh, (IMPULSE) NGO network.</li> </ol>
6	7 <sup>th</sup> December 2019	Training Programme on "Victim Compensation Scheme"	Grade - I Judicial Officers and Principal Magistrates	Ms. Reema Bhandari, Advocate, Supreme Court of India.
7	15 <sup>th</sup> February 2020	Deliberation for comprehensive review of criminal Laws	Judicial Officers	Director MSJA conducted the discussion with Judicial Officers
8	27 <sup>th</sup> June 2020	Webinar on "Trends in Technology and Cyber Crimes"	Judicial Officers, Public Prosecutor, Assistant Public Prosecutor, Law Lecturer & Law Students	<ol style="list-style-type: none"> <li>1. Shri. Krishna Sastry Pendyala, Executive Director, Price Water Coopers.</li> <li>2. Mr. Bivas Chatterjee, Special Public Prosecutor, Cyber Laws &amp; Electronic Evidence, Govt. Of West Bengal.</li> </ol>

## PROGRAMMES CONDUCTED DURING ACADEMIC CALENDAR YEAR 2020-2021(TILL DECEMBER, 2020)



Sl. No.	DATE	NAME OF THE PROGRAMME	PARTICIPANTS	NAME OF RESOURCE PERSON
1	8 <sup>th</sup> August 2020	Webinar on "Intellectual Property Right Enforcement"	Judicial Officers	<ol style="list-style-type: none"> <li>1. Dr. Alka Chawla, Delhi University.</li> <li>2. Mr. Saif Khan, Anand and Anand.</li> <li>3. Mr. Sanjeev Kumar Tiwari, K&amp;S Partners.</li> </ol>
2	12 <sup>th</sup> September 2020	Webinar on "Application of Procedural law before District Council Courts- Refresher Course"	Judicial Officers, District Council Judicial Officers	<ol style="list-style-type: none"> <li>1. Shri. T.T Diengdoh, Senior Advocate.</li> <li>2. Shri. V.G. Kynta, Senior Advocate.</li> </ol>
3	19 <sup>th</sup> September 2020	Virtual Training on "eFiling and eCourt Services"	Advocates Master Trainers	<ol style="list-style-type: none"> <li>1. Shri. F.S Sangma, MJS, Core Master Trainer</li> <li>2. Shri. T. T. M Sangma, MJS, Master Trainer.</li> </ol>
4	26 <sup>th</sup> September 2020	eWorkshop on "Child Psychology, Child behaviour, mental issue...etc., with special reference to POCSO Act"	Special Judges (POCSO Act), ICPS functionaries, Police Officers, CWC members, Public Prosecutors	<ol style="list-style-type: none"> <li>1. Dr. Kavita V. Jangam, Associate Professor, Department of Psychiatric Social Work (Child and Adolescent Psychiatry), NIMHANS, Bangalore.</li> <li>2. Ms. Priyanka Nambiar, Jr. consultant, Department of Psychiatric Social Work (Child and Adolescent Psychiatry), NIMHANS, Bangalore.</li> </ol>
5	3 <sup>th</sup> October 2020	Virtual Training programme on "eFiling and eCourt services"	Para Legal Volunteers, Legal Aid Counsels and Common Service Centers at district level	<ol style="list-style-type: none"> <li>1. Smti. B.Khriam, MHJS, Core Master Trainer</li> <li>2. Shri. T. T. M Sangma, MJS, Core Master Trainer</li> <li>3. Shri. Manoj Kr Mishra, IT Officer-Consultant-Change Management, SeMT.</li> </ol>

**PROGRAMMES CONDUCTED DURING ACADEMIC CALENDAR YEAR  
2020-2021(TILL DECEMBER, 2020)**



Sl. No.	DATE	NAME OF THE PROGRAMME	PARTICIPANTS	NAME OF RESOURCE PERSON
6	17 <sup>th</sup> October 2020	Judicial Colloquium on "Anti-Human Trafficking"	Judicial Officers, Judicial Officers from District Council Courts, Police Officers (AHTU), Child welfare Committee, Child Protection Commission, Impulse NGO's, Panel Lawyers Volunteer, Legal Aid Committee, Public Prosecutor	<ol style="list-style-type: none"> <li>1. Mr. Bhuwan Ribhu, Activist, Bachpan Bachao Andolan.</li> <li>2. Dr. Geeta Sikhon, Expert</li> <li>3. Shri. Salnam Momin, District Child Protection Officer.</li> <li>4. Shri. L. Syiem, MPS, Commandant 6th Bn, Umran, Ri Bhoi District, Nongpoh {Having vast experience with Anti-Human Trafficking Unit (AHTU)}</li> <li>5. Smti. Samanda N. Phanwar, Programme Manager, Lamjingshai Manbha Foundation.</li> </ol> <p><b>Panel Discussion</b> <b>Chair:</b> Ms. Sutapa Sanyal, Former DG Police, Uttar Pradesh, Consultant, Kailash Satyarthi Children's Foundation. <b>Panellists:</b></p> <ol style="list-style-type: none"> <li>1. Shri. Noor Ain Khan, Member Secretary, Meghalaya State Legal Services Authority</li> <li>2. Shri. Vivekanand Singh, IPS Special SP (CID), East Khasi Hills, Shillong</li> <li>3. Smti. Persara Syngkon, Addl District &amp; Sessions Judge, Shillong</li> <li>4. Smti. Iamonlang M Syiem, Chairperson, Meghalaya State Commission for Protection of Child Rights</li> </ol>

**PROGRAMMES CONDUCTED DURING ACADEMIC CALENDAR YEAR  
2020-2021(TILL DECEMBER, 2020)**



Sl. No.	DATE	NAME OF THE PROGRAMME	PARTICIPANTS	NAME OF RESOURCE PERSON
7	7 <sup>th</sup> November 2020	Refresher & Enrichment Course for Judicial Officers Grade II & III (Civil & Criminal)	Judicial Officers	<ol style="list-style-type: none"> <li>1. Smti. D. Kharbteng, MHJS.</li> <li>2. Shri. Shri. M.Y. Ciddikie, Advocate.</li> <li>3. Smti. C. Dkhar, Director MSJA.</li> </ol>
8	28 <sup>th</sup> November 2020	Panel discussion on "Land Transfer and regulation Act 1971 and its applicability"	Judicial Officers, Judicial Officers of the District Council Courts, Lawyers.	<p><b>Moderator:</b> Shri T.T Diengdoh, Senior Advocate.</p> <p><b>Panellists:</b></p> <ol style="list-style-type: none"> <li>1. Shri. K.S. Kynjing, Senior Advocate.</li> <li>2. Shri. L.M Sangma, (Retd) Law Secretary to the Government of Meghalaya</li> <li>3. Prof. L.S Gassah, (Retd) Prof. Political Science Department, NEHU.</li> <li>4. Dr. Batskhem Myrboh, Asst. Prof. Political Science Department, Synod College.</li> </ol>



## FOUNDATION STONE LAID FOR THE PERMANENT BUILDING OF THE MEGHALAYA STATE JUDICIAL ACADEMY



The laying of foundation stone for the permanent campus of the Meghalaya State Judicial Academy at Umsawli, Mawpat, New Shillong on 22<sup>nd</sup> February 2018 by the Hon'ble Mr. Justice Tarun Agarwala the then Chief Justice of the High Court of Meghalaya and Patron-in-Chief of the Academy in the august presence of the Hon'ble Mr. Justice S.R. Sen the then Judge of High Court of Meghalaya and Judge-in-Charge of the Academy.

## SEMINAR ON 'DORBAR SHNONG AS AN INSTITUTION OF LOCAL SELF GOVERNMENT'



The Meghalaya State Judicial Academy organized a one day seminar on 'Dorbar Shnong as local self government' on 24<sup>th</sup> February 2018 for the Judicial Officers and Law students. The programme was graced by the Hon'ble Mr. Justice Tarun Agarwala, the then Chief Justice, High Court of Meghalaya and Patron-in-Chief of the Academy. The speakers in the programme were Professor L.S Gassah from Political Science Department, North Eastern Hills University who spoke on the topic 'The sixth schedule and the Autonomous District Council'. While Dr. Fabian Lyngdoh, Head of the Department of Cultural and Community Initiatives, Martin Luther Christian University shared his wide knowledge on the topic 'Dorbar Shnong'. The session was enthralled with an open discussion and interaction between the resource persons and the participants.

## SEMINAR ON 'EMERGING TRENDS IN CYBER LAWS AND CRIME'



With the advance in science and technology has given us information, communication and digitization technologies – along with powerful search engines, social networks, robotics, artificial intelligence, machine learning, virtual reality drones, autonomous cars, 3D printing, quantum computing and so much more that transforms not only cyberspace, but also geospace and space. The Meghalaya State Judicial Academy organized a seminar on 'Emerging trends in Cyber Law and crime' on 7<sup>th</sup> April 2018 to all the judicial officers with an objectives to provide more knowledge and information on the emerging Trends in Cyber Crime and Cyber Law Challenges. The programme was chaired by then Director of MSJA Smti. M.B Challam, Retd. MHJS. The Technical session was taken up by Shri. Deb Aditya Roy, Deputy Assistant Director (Police Science) NEPA on the topic 'Bird's eye view of penal provisions regarding general cyber crime' and the second session was taken up by Inspector L. Biswa & Sub-Inspector S. Upadhaya, Cyber Crime wing, CID, Shillong who spoke on Cyber Crimes & Investigation.

## WORKSHOP ON 'EFFECTIVE INVESTIGATION PROPER COORDINATION BETWEEN POLICE AND PROSECUTION'



A one day workshop for Police and Public Prosecutors was organized at the campus of the Meghalaya State Judicial Academy on 24<sup>th</sup> April 2018. The programme was chaired by Smti. M.B Challam, then Director, Meghalaya State Judicial Academy. Shri. Thomas Diengdoh, Advocate, High Court of Meghalaya imparted training to them on the topic 'The role of Prosecutors in Investigation', while Shri. Kamakhya Prasad Addl. SP, East Khasi Hills District Shillong highlighted on the topic 'Judiciary in co-ordination with Prosecutions'.

**SPECIAL TRAINING PROGRAMME ON 'PRACTICE PROCEDURE FOR DEALING WITH MATRIMONIAL DISPUTE WITH SPECIAL EMPHASIS ON THE MATRILINEAL SYSTEM IN THE STATE OF MEGHALAYA'**



A special training programme was conducted for the Judicial Officers of the state and the Officers from District Council Courts on 19<sup>th</sup> May 2018 at the Conference Hall, High Court of Meghalaya. The resource person for this programme were Smti. A.N Passah, Professor of History Department, NEHU who delivered her speech on the topic 'Matriliney and Jaintia, Portrayal through gender lens'. Dr. Ailinti Nongbri, Associate Professor, Khasi Department, Shillong College also shared her knowledge on the 'Land tenure: Ri Kynti, Ri-khurid, Ri Tymmen, Ri lapduh, Ri Raid, and Decision on Disputes: Moral Dimension in Khasi Judgment and rewards/punishment'. While Smti. L.D Marak, Associate Professor, Garo Department, Shillong College spoke on the topic 'Marriage custom in the Matrilineal system in the state of Meghalaya with special reference to Garo'. The sessions ended after a lively open discussion and interaction.



The Meghalaya State Judicial Academy had organized a one day training programme on the use of video conferencing on 30<sup>th</sup> June 2018 for all the Judicial Officers. The main objective of this programme is to make the judicial officers be adept in the use of technology for online communication like video meetings, audio meetings, seminars, workshops or any other virtual meetings with built-in features such as chat, screen sharing or presentation and recording. Video conferencing is implemented to enable long distance communication no matter where the attendees are physically located. The programme was chaired by the then Director Smti. M. B Challam and Smti. K. M. L Nongbri then CJM, Nongpoh spoke on its requirement while the technical expert Shri. Sekhar Dey, Sr. Technical Director (Scientist/Engineer F) & Additional State Informatics Officer, NIC Meghalaya displayed the different features and show how to use the technology for Video conferencing which is well received by the participants.

## JUDICIAL COLLOQUIUM ON 'ANTI HUMAN TRAFFICKING'



On 11<sup>th</sup> August 2018 the Academy organized a Judicial Colloquium at the conference Hall, High Court of Meghalaya and the inaugural session was graced by the Hon'ble Justice Mohammad Yaqoob Mir, then Chief Justice of High Court of Meghalaya on being accompanied by Hon'ble Justice S.R Sen, then Judge of High Court of Meghalaya, in his address his Lordship said that Human trafficking is a crime against humanity and is the third largest organized crime across the globe. He also added that Human trafficking is not only a serious crime but it is a serious human exploitation and that millions of victims of human trafficking are from Asia. Catastrophe will occur if human trafficking is not stopped and we need to tackle it collectively and together we need to discharge our constitutional obligations to curb this menace.

The colloquium aimed at sensitizing the Judicial Officers and other stakeholders like Police Officers State government officials, State/District Nodal Officers, lawyers, NGOs and others as to how women and children experiences the process of law relating to trafficking, to take proactive decisions and exercise discretion as provided under the law that will be beneficial to the victim and most importantly to focus on procedures for speedier disposal of trafficking cases and for taking stringent punitive action against trafficker as pointed out by speakers Shri. P.M Niar, IPS (Retd) Prof. Tata Institute of Social Sciences, Mumbai. The Panel discussion was taken part by Smti. H. Kharbhih, Impluse NGOs, Smti. I. Rapphap, Programme manager Child Protection Scheme, Social Welfare Department and Shri. R. Muthu, IPS, S.S.P, CID, State Nodal Police Officer, Shri. Noor Ain Khan, Judicial Officers. The final session ended with an interaction between the audiences and the panellists.

## SEMINAR ON 'PROPERTY RIGHTS AND CUSTOMARY PRACTICE WITHIN THE TRIBES OF MEGHALAYA'



In this seminar the customary practice among the Khasi, Jaintia and Garo society was discussed as to how they follow the matrilineal system where descent is always traced from the mother from whom it traces origin back to the great common ancestress and never from the father. Being a matrilineal group, the general rule is that property is inherited by the youngest female daughter (Khadduh) but only for the ancestral property. Whereas, personal property which is not derived from ancestor can be inherited by anyone both male and female. The seminar was organized on 29<sup>th</sup> September 2018 at the conference Hall, High Court of Meghalaya. Prof. H. Lamin, Pro-Vice Chancellor, NEHU, Shillong spoke on the topic 'Property Rights and Customary practicing within the tribe of Jiantia'. Dr. Batskhem Myrboh, Asst. Professor, Synod College, Shillong spoke on the Topic 'Property Rights and Customary Practice within the Tribes of Khasi' and Miss Upresia B. Sangma, L.L.M, Practicing Advocate, High Court of Meghalaya spoke on the Topic 'Property Rights and Customary Practice within the tribe of Garo'.



## SEMINAR ON 'MENTAL HEALTH'



Mental Health includes the emotional, psychological, and social well-being. It affects how we think, feel and act. It also help determine how we handle stress, relate to others, and make choices. Mental health is important at every stage of life, from Childhood to adolescence and throughout adulthood. The Meghalaya State Judicial Academy organized a seminar on 'Mental Health' on the 1<sup>st</sup> December 2018 at the conference Hall, High court of the Meghalaya which was graced by the Hon'ble Mr. Justice Mohammad Yaqoob Mir, then Chief Justice of High Court of Meghalaya and Patron in Chief of the Academy accompanied by the Hon'ble Mr. Justice H.S Thangkhiew, Judge, High Court of Meghalaya and Judge-in-charge of the Academy. The Seminar was participated by the Judicial Officers, Police Officers, Civil Doctors of Meghalaya. The technical sessions was deliberated on different topic which includes biological factors such as genes or brain chemistry, Life experience such as trauma or abuse and family history of mental health problems. The resource persons in this programme were Dr. Sandi Syiem, M.D (Psychiatric) Director, Sanker Hospital, Dr. Arvind Nongpiur, M.D, Asst Professor & HOD i/c NEIGRIHMS Hospital and Shri. Shishir Tiwari, Assistant professor, Law department, NEHU.

**TRAINING ON 'BUDGET, MEGHALAYA FINANCIAL RULE, FRs/SRs,  
INITIAL PAY SLIP, PENSION, NPS, DFP RULES 2006'**



The Academy conducted a one day training programme on the above mentioned topic on 5<sup>th</sup> March, 2019 to the High Court Staff and Subordinate Courts Staff. The training to the management staff of the courts at all level was conducted with an aim to bring about a proper establishment and to acquaint them with the various mechanism that works at the grassroot level for the ultimate goal to improve the administration in the Judiciary. Finance as an integral part of the administration, the dealing staff were trained to work with ease and proper formula to manage the laborious task of financial work which is the genesis of all administration work in every office. Experienced senior officials were called to conduct this most important aspect of administration comprising of the resource persons Smti. F.D Phanbuh, MFS, F.A, Shri. K.R Nongrum, MFS, F.A, Mrs. E. M Wahlang, MFS, F.A and Mrs. A. M Warbah, Dy. Director of Accounts and Treasuries.



**Resource Persons:**

1. Shri. A. Mazumdar, Addl. Commissioner of Income Tax
2. Shri. B.F. L Kynshi, Income Tax Inspector

**Target Group:** High Court Staff and Subordinate Courts Staff

This training programme for the managerial staff of the courts was organized by the Academy with an objective to provide insights into the GST Act, 2017; deliberation was upon normative issues relevant to the evolution of indirect taxes; the shift from regime of discrete and multiple taxation to one substantial uniformity across diverse tax domains and jurisdictions. The above named experienced senior officials were called to impart training on this important aspect of financial matters and bills.



### Resource Persons:

1. Shri. F. S Sangma, CJM
2. Shri. T.T.M. Sangma, JMFC

### Participants: High Court Staff and Subordinate Courts Staff

This training programme was conducted by the Meghalaya State Judicial Academy, at its premises, on 16<sup>th</sup> March, 2019. Courts have to deal with papers and filings in bulk on a daily basis. The Case Information System (CIS) is a software tool through which the entire life cycle of a case and its various offshoots are managed in single window mode. Once details are entered into the system, it facilitates ease of information retrieval for the staff at the Court of the Judge concerned as well as for the lawyers and litigants through the “eCourts” interface. The shift, within the Court system, from manually recorded information, multiple registers and several diaries to a leaner, more efficient, single point system is the kind of dream that modern technology – software development – has ushered into reality. An integrated system allows for seamless follow up, on-time notification and continuous monitoring while at the same time bolstering transparency and accountability of all the participants.

The CIS version 3.0 marks a shift from CIS version 2.0, incorporating new tools within the software, simplifying navigation, apart from improving software performance. With the shift to the new and emerging trend of technology, special training was conducted to the staff of the subordinate courts by the above named master trainers.

## CONFERENCE ON "JUVENILE JUSTICE ACT"



The Meghalaya State Judicial Academy organized a conference on Juvenile Justice Act on the 25<sup>th</sup> May, 2019 which was held at the conference hall of the High Court of Meghalaya. The conference was graced by the Hon'ble Mr. Justice Mohammad Yaqoob Mir, then Chief Justice of the Meghalaya High Court and Patron-in-chief of the Academy accompanied by the Hon'ble Mr. Justice H.S. Thangkhiew, Judge, High Court of Meghalaya and Judge-in-charge of the Academy.

The Conference was divided into four sessions and the first session was delivered by Shri. Surendra Kumar, IPS, IGP, CID Assam Police who spoke on the principles of Juvenile Justice System and the genesis of the Legislation as a guide to the Juvenile Justice delivery system. He also mentioned about the composition of the Special Juvenile Police Unit (SJPU), difference between Social Background Report (SBR) and the Social Investigation Report (SIR), role of Child Welfare Police Officers (CWPO) and the protection given to Child in conflict with law (CCL) under the Juvenile Justice Act. The second session was delivered by Shri. Miguel Queah, Founder and Executive Director, UTAH, Assam, who spoke on the origin of the Juvenile Justice Act, its concept and history of Juvenile Justice System in different countries including India. He spoke on the role of the United Nations Human Rights Convention (UNHCR) and delved into the rights of children and facilities rendered under the Act. The third session was delivered by Smti Bandarisha Kharlukhi, JMFC who spoke on the Juvenile Justice Act 2015 and who also gave a comparative discussion on the Act of 2010 and of 2015 followed by open discussion. The last and fourth session taken up by Smti. Meena Kharkongor, Chairperson, State Commission for protection of Child Rights, who discussed on the Constitution of Juvenile Justice Board and its powers. She also gave certain suggestions on behalf of the Commission to improve working of the Juvenile Justice Board.

## SEMINAR ON 'DISTRICT COUNCIL COURTS OF MEGHALAYA'



The Sixth Schedule to the Constitution of India has its importance in the State of Meghalaya as it is a home for a number of Tribes. The Meghalaya State Judicial Academy (MSJA) held a Seminar on 'District council courts in Meghalaya' on the 6<sup>th</sup> July 2019 which was graced by his Lordship Hon'ble Mr. Justice A.K. Mittal, then Chief Justice, High Court of Meghalaya and Patron-in-chief of the Academy accompanied by the Hon'ble Mr. Justice

H.S. Thangkhiew, Judge, High Court of Meghalaya and Judge-in-charge of the Academy. As Chief guest the Hon'ble Chief Justice in his address said that the concept of the District Council Court is new to him and opined on the Sixth Schedule as a mini constitution-granting autonomy; guided by customary laws and practices and that our state is peculiar being infused with the normal areas of Shillong. That the three municipal wards of Police Bazar, Jail Road and European Ward and the Cantonment area where CPC and CrPC are applicable, whereas in the Deputy Commissioner's Courts and District Council Courts the functioning is in accordance with the spirit of the laws as the administration of justice in the tribal areas functions on the basis of the rules envisaged under Para 4 and Para 5 of the 6<sup>th</sup> Schedule. The second part of the seminar is the technical session comprising of topics on '6<sup>th</sup> Schedule historical background and the implications of sixth schedule for Meghalaya' delivered by Dr. O.L. Snaitang, writer on North East India Subjects. The last topic for the day was on 'Powers and functions of District Council Court' delivered by Shri.

T.T. Diengdoh, Senior Advocate who also shared to the participants the important Supreme Court decisions with regard to District Council Court.

## TRAINING ON MEDIATION FOR REFERRAL JUDGES HELD ON 27<sup>th</sup> July 2019



This programme was graced by the Hon'ble Mr. Justice H.S. Thangkhiew , Judge of High Court of Meghalaya and Judge-in-charge of the Academy and special training on mediation for referral judges was imparted by Shri. Dharmender Rana, Additional Registrar, Supreme Court of India and Shri. K. M Jaiswal, Judicial Officer/Trainer Main Mediation Centre, High Court of Bombay who spoke on the special proceedings and guidelines of mediation as one of the alternatives of the settlement of disputes outside court for expeditious resolution of cases.

## OATH TAKING CEREMONY OF TWO NEWLY APPOINTED GRADE – I JUDICIAL OFFICERS



**SHRI MITHILESH KUMAR**

**MS. PERSARA SYNGKON**

On the Completion of their initial training the two Newly appointed Grade – I Judicial Officers. Shri. Mithilesh Kumar and Ms. Persara Syngkon were administered oath during the ceremony on 9<sup>th</sup> August 2019 by the Hon'ble Mr. Justice Ajay Kumar Mittal, then Chief Justice of High Court of Meghalaya in august presence of Hon'ble Mr. Justice H.S. Thangkhiew, Judge High Court of Meghalaya accompanied to the dice by presently Hon'ble Mr. Justice W. Diengdoh whilst as District & Sessions Judge of East Khasi Hills District, Shillong then.



## PROGRAMME ON NATIONAL SERVICE AND TRACKING OF ELECTRONIC PROCESS (NSTEP) FOR BAILIFFS AND PROCESS SERVERS OF SUBORDINATE COURTS



The Meghalaya State Judicial Academy on 31<sup>st</sup> August 2019 organized a one day training programme on NSTEP for the bailiffs and process servers of the subordinate courts through the master trainers Shri. F.S Sangma and Shri. T.T. Sangma who enlightened on the NSTEP as an android operating system App developed for service and delivery of court processes. Case information System provides facility to generate electronic processes in PDF format. Once the electronic processes are generated, process admin of the respective court will assign the delivery of processes to bailiffs. To access the NSTEP App bailiff or process server need to register themselves and login into the system and the apps will provide the list of process to be served. The main part of the app is Process service which help the bailiffs to reach the address of the party to whom is to be served which he need to tap on the process from the list which display in PDF format. The NSTEP App provide upload menu like capture photo and signature and capturing location details of the person to whom process is served. While uploading the status of process to the server if any communication problem arises or device has network issues, then status gets uploaded locally on the mobile device of the bailiffs. The other menu of NSTEP App is Delete option which provide the bailiffs to delete the processes from the list. After completing the task the bailiffs can logout or exit from the App.

# SEMINAR ON ROLE OF PROSECUTION IN CRIMINAL JUSTICE SYSTEM



## SEMINAR ON ROLE OF PROSECUTION IN CRIMINAL JUSTICE SYSTEM



This seminar was organized by the Meghalaya State Judicial Academy on the 21<sup>st</sup> September 2019 at the Conference Hall, High Court of Meghalaya with the target group comprising of the Police, Medical practitioners and Public Prosecutors. The purpose of this seminar was to disseminate information regarding the role of prosecution in criminal justice system. The seminar was divided into four technical sessions and chaired by the Former Director, MSJA, Smti M.B Challam.

The first technical session was delivered by Shri K. Prasad, Additional S.P, Ri-Bhoi District, on 'the role of prosecution at pre-trial stage' by giving an overview of the role of police from the timely cognizance needed to be taken by the police on an FIR being lodged and how to expedite investigation till the filing of charge-sheet. He has also stressed on the importance of the contents of FIR. He also cited few landmark judgments by the Hon'ble Supreme Court.

The second technical session was delivered by Smti Y. Shylla, Advocate, who spoke on 'the role of prosecution at post-trial stage' by emphasizing on the role of the prosecutor during the stage of trial and there was active participation amongst the participants who raised certain questions which was answered and clarified by the resource person herself.

The third technical session was delivered by Dr. M Sangma, who spoke on 'the importance of medical examination report prepared by the doctors'. He then emphasized on the autopsy report and the things that a doctor should keep in mind while preparing the report namely, estimation of time of death, nature of injury etc. He also spoke on the duties of a doctor while performing medical examination.

The last and the fourth technical session was delivered by Smti C. Rymbai, Special Public Prosecutor, Nongstoin who discussed on the appreciation of evidence and role of prosecution in order to bring forth prima facie case. She has also briefed about relevancy and admissibility of evidence and has also cited few case laws. She also spoke about the examination of witnesses, duty of prosecution to make the witnesses comfortable and also about invoking section 154 CrPC by prosecution. The resource person has an active interaction with the participants as well.

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Knowledge is a treasure but practice is the key to it.

Thomas Fuller

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# JUDICIAL COLLOQUIUM ON "THE ROLE OF LAW ENFORCEMENT IN COMBATING HUMAN TRAFFICKING"



## JUDICIAL COLLOQUIUM ON “THE ROLE OF LAW ENFORCEMENT IN COMBATING HUMAN TRAFFICKING”



The Meghalaya State Judicial Academy, had on the 30<sup>th</sup> November, 2019 organized a judicial colloquium on “The role of law enforcement in combating human trafficking” in collaboration with the International Justice Mission held at Yojana Bhavan. The colloquium was participated by the Judicial Officers, Police Officers (AHTU), Social welfare Department and Social service group like Impulse NGOs and other stakeholders. The programme was inaugurated by the Hon’ble Mr. Justice H.S. Thangkiew, Judge, High Court of Meghalaya and Judge-in-charge of the Academy accompanied by Hon’ble Mr. Justice W. Diengdoh, Judge, High Court of Meghalaya.

The programme was segmented into 4 sessions the first of which, was delivered by Mr. Saptarshi Biswas who stressed on the effective enforcement of law in combating the crime. Mr. Biswas spoke on the need for having child friendly Court rooms, so that the victim especially a girl child can feel a sense of comfort. He urged for recording of evidence via video conferencing so that the victim child need not go to Court for identifying the accused. He lamented on the new trends of the crime and shared the statistics of 80% of victims who were lured with better jobs. He expressed concern on the slower rate of disposal of POCSO cases and stressed the need for the investigating agencies and the Courts to approach with a zero-tolerance policy towards human trafficking. The second session comprised of the survivors of human trafficking who were invited to share their experiences with the audience. In the third session which was taken care of by the Impulse NGO network who provided the audience with concerning statistical figures and information on search and seizure. The NGO also briefed on trafficking for labour in mining and industrial constructions or for domestic help in national and international settings. The NGO also gave statistical data appertaining to the North East and other parts of the country and said they had received 281 cases in 2019 alone. The final session ended with a panel discussion and interaction between the audiences and the panel members.

## WORKSHOP ON "VICTIM COMPENSATION SCHEME"



On 07.12.2019 the Academy organized a workshop on Victim Compensation Schemes in the campus of the Academy for the selected Judicial Officers of the State. His Lordship, Hon'ble Mr. Justice W. Diengdoh graced the programme and spoke on the 'Issues in implementation of the Victim Compensation by Courts'. Ms. Reema Bhandari, Supreme Court Lawyer, delivered her speech on the 'Victim Compensation Scheme 2019 and Compensation under the POCSO Act'.



Their speeches entail on the different shortcomings as to how criminal justice system being accused-centric while the role of the victim remains as informant only, having less focus on compensation and rehabilitation. That the Victim Compensation Scheme was limited, fragmented and uncoordinated prior to the 2009 Amendment giving rise to disparity in the compensation awarded to victims across different states in India for the same crime. That Section 357 CrPC could be invoked only in cases of conviction though under the provision of the Section - compensation can be given even for crimes committed prior to the 2009 amendment. Sensitizing about the present situation as per the *Landmark Case: Nipun Saxena v. UOI*, highlighted on a scheme which was implemented by NALSA for victim compensation to those victims of sexual offences and acid attacks, presently extended to child victims under the POCSO Act though yet to be amended. Commented on the Special Courts being given with the power to grant victim compensation under the POCSO Act, but while doing so, that the Courts are to read together Section 33 (8) of POCSO Act as well as section 357 A CrPC. They asserted on the lack of awareness as one of the major reasons for less compensation and on the implementation of victim compensation under the POCSO Act they said that Child victim/witness becoming hostile is also another reason for less victim compensation when not properly used. Emphasizing on the factors to be considered regarding the amount of compensation i.e., by considering the extent of harm caused to the victim or if death occurred or whether the act has left the victim in vegetative condition etc. Turning to the duties of the legal service authorities they suggested various activities that can be taken up i.e., to see those cases where victim does not have a bank account shall help to open one for them and to check when victim compensation scheme is not to apply, i.e., if the victim has already been insured by an insurance company, or whether the victim has not been compensated for loss or injury under any other scheme of the government and to see that victims are also not to claim benefit from more than one source, for e.g., from the accused/insurance companies/victim compensation schemes, etc., however, they lamented that the victim is free to choose from which of the avenues she is entitled to get the compensation.

## PROGRAMME ON "DELIBERATION ON COMPREHENSIVE REVIEW OF CRIMINAL LAWS" FOR JUDICIAL OFFICERS



On the resolution of the Government of India to make fundamental changes in the framework of criminal laws with a view to ensure speedy justice to all, the Hon'ble the Chief Justice of India requested the National Judicial Academy to undertake research on the cited subject by calling responses and suggestions from the Chief Justices of all High Courts and State Judicial Academies and stakeholders. Accordingly, our Academy held this deliberation on 15<sup>th</sup> January 2020 during which the Judicial Officers suggested reviews on the Code of Criminal procedures, such as:-

- 1) For enhancement of the power of JMFC regarding sentence of imprisonment and fine amount in section 325/380/392 IPC since they are triable by Magistrates First Class.
- 2) To amend the definition of the term 'Minor' in Indian Majority Act, 1875 for purpose of cases under section 125 CrPC to avail the maintenance to a person who though has attained majority but is still studying and also to include maintenance of husband under section 125 CrPC.
- 3) Suggestions was made to widen the scope of section 195 CrPC as the Hon'ble Supreme Court ruling in C. Muniappan vs. State of Tamil Naidu (2010) 9 SCC 567 para 28, 33 opined that provision of section 195 CrPC is mandatory and its non-compliance will vitiate the trial and that court cannot assume cognizance without such complaint. Whereas cases for offence under section 188 IPC are mostly registered on filing of FIR instead of a complaint.
- 4) It was suggested for increasing the amount of fine for petty offences and for that amendment of the definition of 'petty offences' under sub section 2 of section 206 is required.
- 5) On supplying of copy of police report and other documents u/s 206 CrPC they suggested to abide by the precedence in Hon'ble Supreme Court judgment P. Gopalkrishnan @ Dileep vs. state of Kerala & ANR {Criminal Appeal no. 1794 of 2019 (arising out of SLP (Crl) no. 10189/2018)} where was directed at para 44 thereof, that if contents of memory card/pen-drive being electronic record of documents is relied by the prosecution must be given a cloned copy thereof to the accused for his effective defence excepting such issues of privacy or identity of complainant/witness that the court may be justified in providing inspection thereof only. Further, as laid down in the judgment that section 207 CrPC to be amended for inclusion of copy of electronic records to the clauses (i) to (v) thereto.





- 6) They suggested omitting the words 'specially empowered in this behalf by the High Court' from sub section 1 (c) of Section 206 CrPC so that the magistrates can try in a summary way the offences as provided from (i) and (ix) as per power provided under section 260 CrPC.
- 7) They suggested for extension of hearing the aggrieved person/complainant apart from the public prosecutor or the Assistant public prosecutor in withdrawal of cases from prosecution under section 321 CrPC.
- 8) It was suggested for inclusion of the Sessions Courts and Special Courts apart from Judicial Magistrates Courts for exercising superintendence by the High Court under section 483 CrPC.
- 9) It was suggested that apart from the High Court and Court of Sessions and to reduce burden on them, to empower the Courts of Magistrates First Class also for reduction of bail under section 2 of section 440 CrPC since they are also taking up bail matters under section 437 CrPC.

On Indian Penal code, 1860 they suggested reviews as under;

- 1) To increase the fine and for higher sentence of punishment for second time commission of offence under section 188 IPC and section 510 IPC.
- 2) For addition of the word 'transgender' also in section 377 IPC and that considering the punishment prescribed that it should be tried by the court of Sessions rather than by the Magistrates First Class.
- 3) That the offence under section 409 IPC should be triable by court of Sessions.
- 4) To make section 325 IPC non bailable like section 324 IPC since punishment is higher than the latter.

On Indian Evidence Act, 1872 it was suggested that section 65 B (4) be amended as was laid in Shafhi Mohammad vs. the State of Himachal Pradesh AIR 2018 SC 714 for production of certificate not to be mandatory especially where a party is not in possession of device from which the document is produce on NDPS.



The Meghalaya State Judicial Academy held an e-Workshop on the topic 'Trends in Technology and Cyber Crimes' on the 27<sup>th</sup> June 2020 in collaboration with International Justice Mission, Kolkata (IJM). The participants in this webinar comprised of Judicial Officers, Advocates, professors of respective law colleges, law students and members of IJM.

The first session was on 'Understanding Electronic Evidence in Cyber Crime' which was delivered by Shri. Krishna Shastry Pendyala, Executive Director, Price Water Coopers, who spoke on the trends in technology, trends in cyber crime, he cited few case studies and spoke on the way forward. He then spoke about how to collect evidence, how to depose such evidence and the question that needs to be asked as a part of investigation as well on the revolution of internet. He delved into the details as to what constitutes cyber crime and the changing scenario in such crimes.

The second technical session on 'Prosecuting Cyber Crime' was delivered by Shri. Bivas Chatterjee, Special Public Prosecutor, Cyber Laws and Electronic Evidence, Government of West Bengal. He spoke about the new trends in evidence with technological advances of modern world and how investigation and trial of electronic evidence has taken a different shape altogether. He also spoke about forensic evidence in context of Lochard's exchange principle and the role of investigating officer in collection of electronic data. He explained about digital fingerprints and gave clues on appreciation of electronic evidence by the court. He discussed on a few Landmark Judgments of the Supreme Court. He discussed on the Information Technology Act, 2000 and touched upon the Cyber Laws and the adjudication issues in India.

## OATH TAKING CEREMONY OF EIGHT (8) NEWLY APPOINTED GRADE – III JUDICIAL OFFICERS ON 15.07.2020



**L-R : 1. SHRI. DON KITBOR KOSHY MIHSILL, 2. SHRI. FLAVIAN R. MARAK, 3. MS. GABRIELLA SIMRE SANGMA, 4. SMTI. STEFFI MICHELLE WANNIANG, 5. SMTI. K. EVANGELINE RYMBAL, 6. MS. VANESSA NENGMINZA SANGMA, 7. SMTI. INDAKERRI M. MAIROM, 8. SHRI. L. MAC MEWAN AMMIEL RYMBAL.**

The Meghalaya State Judicial Academy concluded the one year induction training programme for the second batch of Grade III Judicial Officers 2019, comprising of eight Judicial Officers in July, 2020. Their training included Institutional Training in the Academy, Court attachment and field visits.

The oath taking ceremony was held on 15<sup>th</sup> July, 2020 in the conference Hall, High Court of Meghalaya in the presence of Chief Justice Hon'ble Biswanath Somadder, Judge In Charge of the Academy Hon'ble Mr. Justice H.S. Thangkhiew and Judges of the High Court of Meghalaya Hon'ble Mr. Justice R. More and Hon'ble Mr. Justice W. Diengdoh, some members of the Registry of the High Court of Meghalaya and parents of newly appointed Judicial Officers were also present.

In his address, his Lordship the Hon'ble Mr. Justice H.S. Thangkhiew, Judge of High Court of Meghalaya and Judge-in-charge of the Academy impressed upon the newly appointed Judicial officers that as they were embarking on a new journey and they are to carry a heavy burden with various responsibilities apart from their judicial duties, such as to oversee the proper establishment and putting in place a mechanism that works efficiently at the grass root level, which is vital in the administration and dispensation of justice. Reassuring them about the benefits of training though truncated before its completion, due to the pandemic, he stated, but that they will not be affected as they had undergone through a major part. Sharing an article by Justice R.V. Raveendran, Retired Judge of Supreme Court on how to be a good Judge, and how one should conduct oneself while discharging his/her duty, he said the take away from the article is that "Rendering justice in its larger sense, is giving every person his/her due" and advised them to render justice in accordance with law and not to be mechanical or robotic, but to maintain and uphold ethical standards while deciding cases. Unraveling the wrong notion that a judge sitting in the chair is expected to know all rules, he said this was not possible, as being a judge is a continuous learning process. Highlighting the broad variance of procedural law its fundamental principles vis-a-vis substantial law, he accentuated that procedural law helps one to apply the law and conduct the trial, while substantial law helps to render proper and just decisions to prevent injustices, and advised the officers to use their skill to marshal the facts to settle interim matters at the earliest. On self-management and discipline, he gave them tips as how to regulate themselves, with commitment, punctuality, hard work, maintenance of good health, good habits and appearances to gain the confidence of people. On the use of technology, especially with the present situation of the pandemic when there will be lack of the feel of physical presence, he insisted that in spite such hindrance, they should be adept at using technology in deciding cases, and to know how to control and manage the tools. On judicial ethics, he adjured that honesty and integrity are pre-requisites a judge should possess which also extends to temperament, humility and impartiality. On judicial independence, he advised them to be unmindful of the consequences but not unmindful of the situation and he stressed 'Judicial Independence' does not mean that they are subordinate judges hence to be dictated, but that subordination rather means a pyramid in the hierarchy of administration, otherwise that they should be independent in their decision and

reminded them that they represent the entire judicial system in the State hence they were expected to regulate their conduct in a proper manner, lest it reflect upon the entire judiciary and other judicial officers, more so, to inspire faith and confidence of the common man in the judiciary and the judicial system.

On judicial temperament and humility, he emphasized that when a judge is sitting in the chair, deference is shown to him for the position he holds and that such power should not go to the head but to the pen he holds, and in this regard to maintain humility and refrain from thinking that a judge is infallible hence can do whatever he wants just because he is a judge. He also emphasized that 'rendering justice' should be the concern and the focus in the minds of the Judge and asked them to maintain a certain degree of aloofness while meeting with people and to maintain a mode of discretion in interactions with the public and forewarned to not look for favours or to be obligated just because someone is from the district administration or a bureaucrat or for that matter from any person that comes to court, though one has to be open. Expatiating that we all are humans having likes and dislikes and that sometimes a lawyer who is reasonable and can speak very well is more likely to succeed than a lawyer who is cantankerous though he might have a better case on merits, he cautioned and advised that a judge should look beyond and think about the litigant for whom the lawyer is representing in a case and to decide the matter on merits, than let appearances or whatever put before him influence the decision making process. He added that a judge should have consistency and ensuring uniformity and cautioned that 'prejudices' and 'their feelings' should not cloud their judgment. His lordship also spoke about leaning towards people from one's own community who feel they can access the judge at any time, he cautioned that a judge should know how to conduct oneself in such situations, and in matters before the court should not be prejudiced in favour of any community or person but should maintain impartiality and to examine the matter on its own merits. In summation, he reminded them that, they are to handle many types of courts and to wear many hats while working in the system and that they are to discharge their duty sincerely and with devotion, at all times.

His lordship the Hon'ble Mr. Justice Biswanath Somadder, Chief Justice of High Court of Meghalaya and Patron-in-chief of the Academy, in his address, impressed upon the Judicial Officers with a thoughtful speech when he related to the opportunity which we are getting where the law books are not in front of us but we are having a conglomeration of huge amount of judicial experiences and recounted that we all had in our long career come across instances where the answer/resolution of an issue cannot be found in the law text book. Reminiscing on the transition from the year 1950 when on 26th January we became a Republic, whilst we made a paradigm shift from the way we used to dispense justice by moving away from the common law regime to a statute law regime and that the most significant difference is that the entire development of common law was based on judgment laws or judicial precedence, whereas in the statute law regime which we have adopted while borrowing a common law principles like equity, equitable courts and good conscience and so on. Recounting how precedence is relied when grey areas in the statute prevails but apprised us of this fundamental difference when at the end of the day, because of the unique facts of the case we will be in a situation where statute will not give a direct answer to the issue posed and that which even the legislature in its infinite wisdom may have escaped going into those areas, he said this is where that our legal acumen comes in. In recapitulation of what has been highlighted, he cautioned us that following judicial precedence blindly is counter-productive due to the uniqueness of the facts in the case and that we have to be careful and see which ratio of a judgment that can be binding precedence, for only that ratio will apply which fits into the facts of the case before us and his Lordship warned us not to be prisoners of precedence but to understand law in the manner in which it fully applies to the facts of that particular case. His Lordship yearned upon a need to evolve the law in order to render justice, which he said, is possible only when there is intellectual humility, and he impressed with the words of a famous jurist of the world Felix Frankfurter who had said, 'the indispensable judicial requisite is intellectual humility'.

Pre-warning us on the exercise of Judicial Independence that it should be for dispensing justice without fear or favour, affection or ill-will and that the two words ought to be understood with caution and circumspect, lest one from amongst us will become a judicial maverick. Encouraging the newly appointed Judicial Officers, his Lordship said that one year - evolving themselves in the process is like metamorphosis into a butterfly and that they have been evolved at least by training as a judge and now they are to be amongst those who needed them the most, where they are to speak through their judgment as tools for a change to a better tomorrow, as their judgment will be the evolution of justice and urged them to dispense justice without fear or favour, affection or ill-will. Reminding them that being part of a Magisterial level where they will have the first-hand experience of providing justice to the poor litigant who does not have the wherewithal to access justice nor to engage celebrities' lawyers in the manner in which the privilege members of the society have, hence it is at this juncture that they will understand the true worth of a judge at the grass root level, which should be the time to test their character, which they undoubtedly have, that is, their conscience. His Lordship advised them to let their conscience be their guide while dispensing justice for they will be regulated by no one other than the letters of the law and their conscience. However, his Lordship cautioned them that while speaking through their judgment they are to remember the statutory warnings - 'not to be arrogant', 'not to become self-seeking' and 'not to become full of themselves'. Lastly, his Lordship gave them an inspirational note on the legacy that a judge can leave behind which will be his/her contribution towards making a just society, where inequalities which keeps surfacing are effaced, trampled by the equality of justice they dispense, which explication, he said cannot be found in any law books nor in training but that which they will discern every time they make progress in life as a judge, that is., by evolving and becoming better every day. Concluding his speech, his lordship said to fall back upon the pearls of wisdom from one of the poem by Rabindranath Tagore, which is significant to a great extent, since their role as a catalyst of change of a society for a better tomorrow shall not be restricted but expanded by these words:

'Where the mind is without fear and the head is held high'  
'Where knowledge is free'

'Where the world has not been broken up into fragments by narrow domestic walls'

.....'

Follow the link to get access to the Audio visuals of the Oath taking ceremony:

<https://youtu.be/wN9H94M5TkQ>

## WEBINAR ON "INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT"

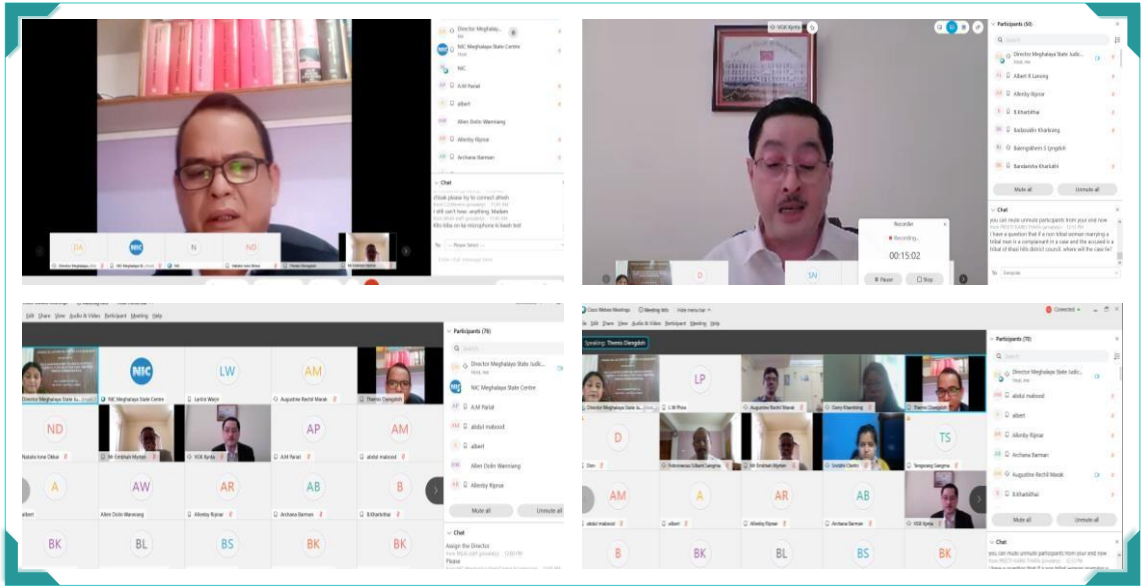


The screenshot displays a Zoom webinar interface. The main content area shows a presentation slide from CIPAM (Creative India Innovative India) and Anand & Anand. The slide title is "Introduction to Copyright Law & Related Rights: Objective, Infringement, Scope and Impact". The contact information for CIPAM is displayed: "Cell for IPR Promotion and Management (CIPAM)", "cipam-dipo@gov.in", "Speaker: Mr. Saif Khan, Partner, Anand and Anand (+913999966476, saif@anandandanand.com)". The bottom of the screenshot shows a grid of participants, including the Director of Meghalaya State Judicial Academy, and a list of names like Darry Kharshiing, B.Kharbithai, Balaram Joshi, Balkim Sangma, and Bandarisha Kharlukhi.

The Meghalaya State Judicial Academy had organized a webinar on IPR enforcement for the Judicial Officers on 8<sup>th</sup> August 2020 in collaboration with Cell for IPR promotion and Management. The technical session was moderated by Dr. Alka Chawla, Delhi University, Mr. Saif Khan, Anand and Anand and Mr. Sanjeev Kumar Tiwari, K & S Partners. The main objectives of the webinar is to sensitize judges on Intellectual Property Rights, to facilitate adjudication on IPR disputes, strengthening enforcement and combating economic crimes, to get acquainted with legal challenges emerging due to shift of societal interaction from physical to virtual space, the programme covered litigation challenges faced by parties and judges in such technical field.

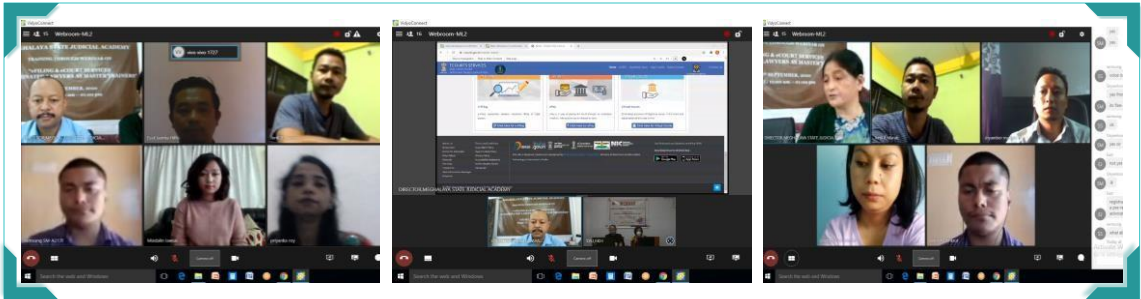


## WEBINAR ON “APPLICATION OF PROCEDURAL LAW BEFORE DISTRICT COUNCIL COURTS— REFRESHER COURSE”



The Meghalaya State Judicial Academy had organized a refresher course through ePlatform on the topic “Application of procedural Law before District Council Courts” on the 12<sup>th</sup> September 2020. The programme was chaired by Smti. C. Dkhar, Director of MSJA and the programme was participated by the Judicial Officers, Officers from District Councils Court, Public Prosecutors, Additional Public Prosecutors and Law students. The first technical sessions was taken up by Shri. T.T. Diengdoh, Senior Advocate who spoke on the topic “Application of Procedural Law before the District Council Courts in the state of Meghalaya”. The Second technical session was taken up by Shri. V.G.K. Kynta, Senior Advocate who deliberated on the topic “Powers and Functions of District Council Courts in the state of Meghalaya”. The programme was made lively with the interaction during the sessions.

## AWARENESS PROGRAMME FOR ADVOCATE AT DISTRICT LEVEL ON "eFILING AND eCOURT SERVICES"



The eCommittee of the Supreme Court of India has designed & set up the eFiling system which enable electronic filing of legal paper. The eFiling system can be filed before High Court and District Courts for both civil and criminal cases. On the 19<sup>th</sup> September 2020 the Meghalaya State Judicial Academy organized an awareness programme through ePlatform for the advocates at district level on the eFiling system with an aim for promoting paperless filing and creating time cost saving efficiency by adopting technological solution to file cases before various court. The awareness programme was conducted as per the schedule below:

 <b>Meghalaya State Judicial Academy</b> Awareness Webinar for Advocates at District Level on Efiling & E-Courts Services Dated: 19 <sup>th</sup> September, 2020 Resource Person: Shri. F.S. Sangma, Master Trainer & Shri. T.T.M. Sangma, Master Trainer		
SCHEDULE 2HOUR (Time: 11:00 am – 1:00 pm)		
S.No	Durations	Topics
1	15 Minutes	<ul style="list-style-type: none"> <li>Overview of eCourts project.</li> <li>Role of Advocate as Game changer.</li> </ul>
2	30 Minutes	<ul style="list-style-type: none"> <li>eCourts services for Advocates.</li> <li>eCourts Websites <a href="http://www.ecourts.gov.in">www.ecourts.gov.in</a>.                             <ul style="list-style-type: none"> <li>District Court Website.</li> </ul> </li> <li>How to get eCourts services 24x7.                             <ul style="list-style-type: none"> <li>Cause list/Case Status/Orders/Judgement.</li> </ul> </li> </ul>
3	20 Minutes	<ul style="list-style-type: none"> <li>Mobile App for Advocates.                             <ul style="list-style-type: none"> <li>eCourts services mobile application.</li> </ul> </li> </ul>
4	30 Minutes	<ul style="list-style-type: none"> <li>eFiling-the digital on line filing process.                             <ul style="list-style-type: none"> <li>Registration of Advocates in e Filing Website.</li> <li>eFile a new case.</li> </ul> </li> </ul>
5	25 Minutes	<ul style="list-style-type: none"> <li>Interaction Session.</li> </ul>

# eWORKSHOP ON "CHILD PSYCHOLOGY, CHILD BEHAVIOR AND HEALTH ISSUE ETC., WITH SPECIAL REFERENCE TO POCSO ACT, 2012"




The Meghalaya State Judicial Academy had organized an eWorkshop on the 26th September 2020 in collaboration with National Institute of Mental Health and Neurosciences (NIMHANS), Bengaluru. The participants in this eWorkshop are Special Judges (POCSO Act), ICPS functionaries, Police Officers, CWC members, Public Prosecutors and Asst. Public Prosecutors. The Technical Sessions were taken up by Dr. Kavita V. Jangam, Associate Professor, Department of Psychiatric Social Work (Child and Adolescent Psychiatry) ,NIMHANS, Bangalore, and Ms. Priyanka Nambiar, Jr. consultant, Department of Psychiatric Social Work (Child and Adolescent Psychiatry), NIMHANS, Bangalore as per schedule below:

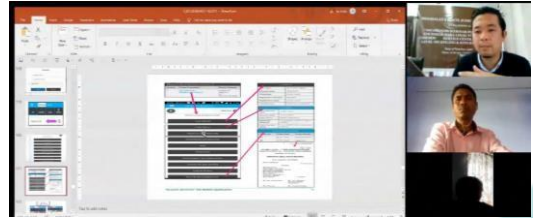
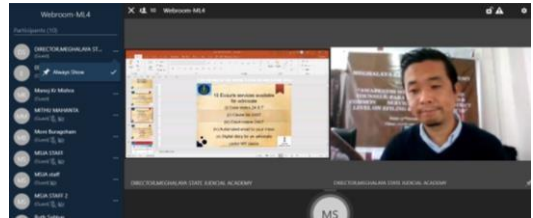
Time	Topic	Resource person
02.30 – 03.30 p.m.	Understanding child sexual abuse and its dynamics	Dr. Kavita V. Jangam Associate Professor Department of Psychiatric Social Work (Child and Adolescent Psychiatry) NIMHANS, Bangalore
03.30 – 04.30 p.m.	Understanding impact of sexual abuse on children and adolescents	Ms. Priyanka Nambiar Jr. consultant Department of Psychiatric Social Work (Child and Adolescent Psychiatry) NIMHANS, Bangalore
04.30 – 05.30 p.m.	Mental health of children with special reference to POCSO	Dr. Kavita V. Jangam Associate Professor Department of Psychiatric Social Work (Child and Adolescent Psychiatry) NIMHANS, Bangalore

# AWARENESS WEBINAR FOR LEGAL AID COUNSELS (LACs)/PARA LEGAL VOLUNTEERS (PLVs) & COMMON SERVICE CENTERS (CSCs) AT DISTRICT LEVEL ON "eFILING & eCOURT SERVICES"

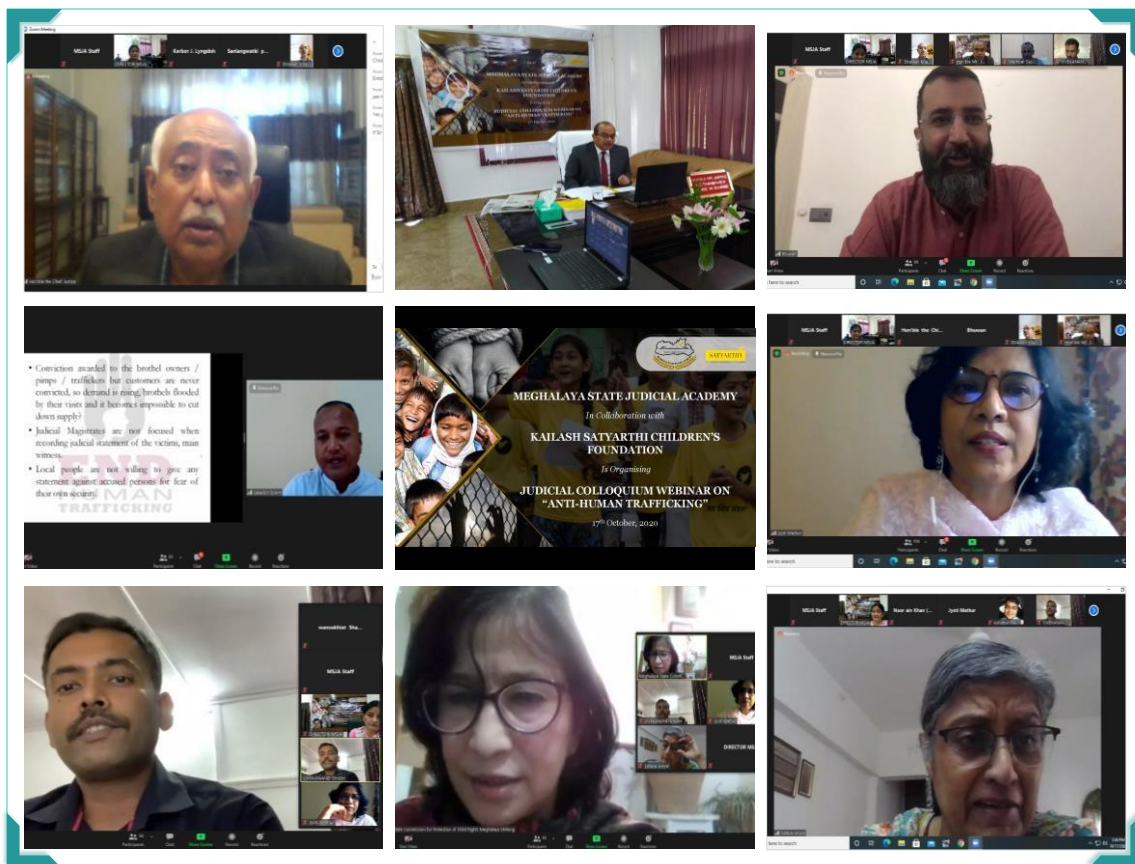


The eCommittee of the Supreme Court of India has designed & set up the eFiling system which enable electronic filing of legal paper. The eFiling system can be filed before High Court and District Courts for both civil and criminal cases. On the 03rd October, 2020 the Meghalaya State Judicial Academy organized an awareness programme through ePlatform for the LACs, PLVs, CSC at District level on the eFiling system with an aim for promoting paperless filing and creating time cost saving efficiency by adopting technological solution to file cases before various court. The awareness programme was conducted as per the schedule below:

Meghalaya State Judicial Academy			
Awareness Webinar for Legal Aid Counsels/Para Legal Volunteers & Common Service Centers at District Level on eFiling & eCourt Services			
Dated: 3 <sup>rd</sup> October, 2020			
SCHEDULE 3HOURS			
S.NO	DURATIONS	TOPICS	RESOURCE PERSON
1	5 Minutes	<ul style="list-style-type: none"> <li>Overview of eCourts project.</li> <li>Role of LACs.</li> </ul>	
2	15 Minutes	<ul style="list-style-type: none"> <li>eCourts services for Advocates.</li> <li>eCourts Websites <a href="http://www.ecourts.gov.in">www.ecourts.gov.in</a>.</li> <li>District Court Website.</li> <li>How to get eCourts services 24x7.</li> <li>Cause list/Case Status/Orders/Judgement.</li> </ul>	
3	15 Minutes	<ul style="list-style-type: none"> <li>Benefits of registration of Advocates in Court CIS.</li> <li>Automatic receipt of SMS and Email on Court listing, Next hearing dates, Orders and Judgements.</li> <li>Other Services.</li> <li>Virtual Courts/Nstep.</li> <li>Kiosks/Eseva Kendra.</li> </ul>	
4	20 Minutes	<ul style="list-style-type: none"> <li>Mobile App for Advocates.</li> <li>eCourts services mobile application.</li> <li>Case Management for Advocates.</li> <li>CNR/Case Status/Cause list Search.</li> <li>My Cases/Export and Import.</li> <li>QR scan option and its utility.</li> </ul>	
5	25 Minutes	<ul style="list-style-type: none"> <li>eFiling-the digital on line filing process.</li> <li>Registration of Advocates in e Filing Website.</li> <li>eFile a new case.</li> </ul>	
6	5 Minutes	<ul style="list-style-type: none"> <li>ePayments.</li> <li>ePayment of court fee, Fine and civil deposits.</li> <li>Registration of Advocates-Help Desk Details.</li> <li>Help Manuals &amp; Videos.</li> </ul>	
7	45 Minutes	<ul style="list-style-type: none"> <li>Interactive session.</li> <li>Role of PLVs.</li> <li>eCourt service for PLVs.</li> <li>National eCourt Portal.</li> <li>District court portal.</li> <li>eCourt service (District courts and High Court).</li> </ul>	
8	10 Minutes	<ul style="list-style-type: none"> <li>Case status.</li> <li>Court orders.</li> <li>Cause list.</li> <li>SMS facility.</li> </ul>	
9	20 Minutes	<ul style="list-style-type: none"> <li>Mobile App eFiling and ePayment service.</li> <li>Help Videos.</li> <li>Interactive session.</li> </ul>	
10	5 Minutes	<ul style="list-style-type: none"> <li>Role of Common Service Centers in eGovernance Services.</li> </ul>	
11	15 Minutes	<ul style="list-style-type: none"> <li>Assistance that can be provided by the CSCs to the PLVs/LACs.</li> </ul>	

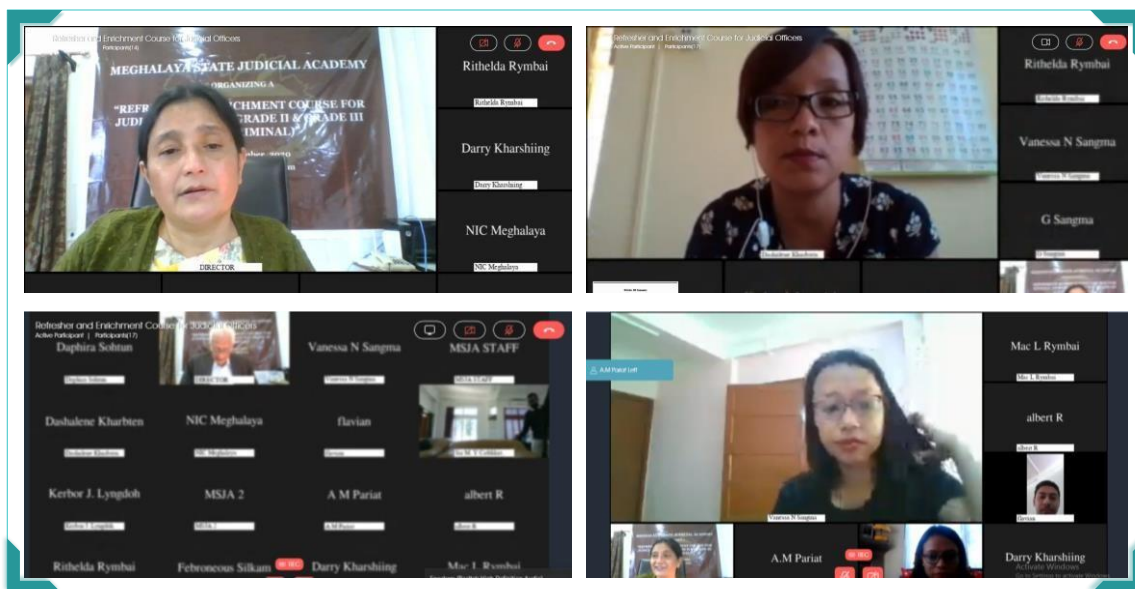


## JUDICIAL COLLOQUIUM ON "ANTI-HUMAN TRAFFICKING"



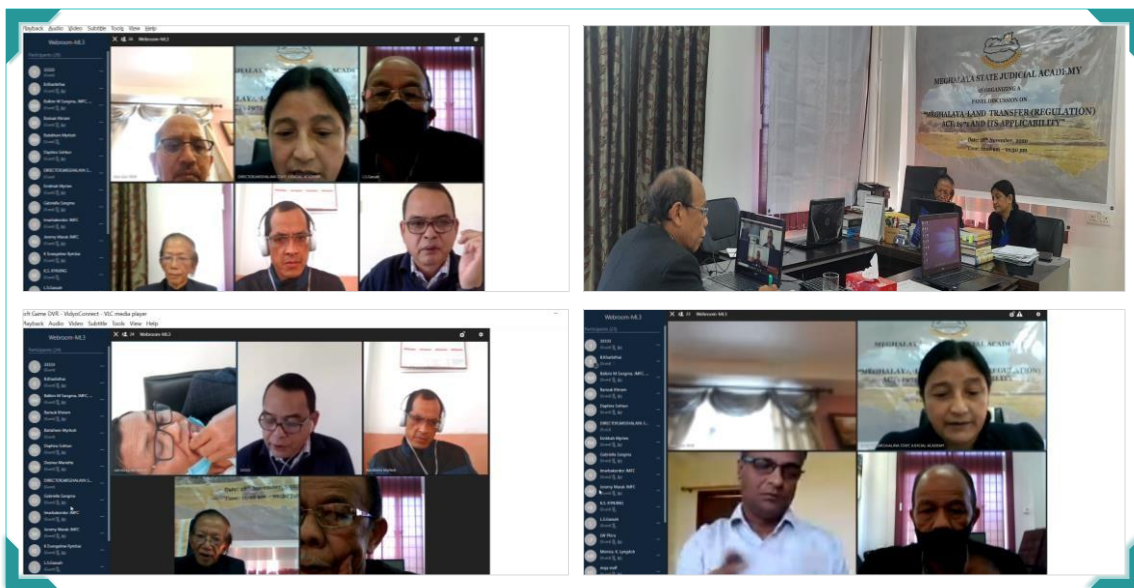
A one day Judicial colloquium on Human Trafficking was organized by the Meghalaya State Judicial Academy on 17<sup>th</sup> October 2020 in collaboration with Kailash Satyarthi Children's Foundation. The programme was conducted through zoom meeting platform and Chaired by Smti C. Dkhar, Director, MSJA which was inaugurated by the Hon'ble Mr. Justice Biswanath Somadder, Chief Justice, High Court of Meghalaya and Patron-in-Chief of the Academy and the Hon'ble Mr. Justice H. S. Thangkhiew, Judge, High Court of Meghalaya and Judge-in-Charge of the Academy. The Judicial Officers, Police Officers (AHTU), Prosecutors and different stake holders participated in the programme. Besides giving an overview of the international and national anti-human trafficking laws the colloquium emphasized on long term psychological impact on victims due to trafficking. Rehabilitation and compensatory mechanisms existing for the victims were discussed along with the role of NGOs in rescuing and supporting the rescued children.

## REFRESHER & ENRICHMENT COURSE FOR JUDICIAL OFFICERS GRADE II & III (CIVIL & CRIMINAL)



This refresher course is designed to facilitate discussions on issues related to both Civil and Criminal Laws. The course also aims to provide a platform for the Grade II & Grade III Judicial Officers to share experiences, insight and suggestion with resource persons on issues concerning CIVIL & CRIMINAL adjudication. The refresher course for Judicial Officers Grade II & Grade III was held on 7<sup>th</sup> November 2020 through eplatform which was provided by the NIC. The first session was taken up by Smti. D. Kharbteng, District and Session Judge, Tura who discussed on **'Framing of issues, Injunction, Preparation of Decrees, Execution of Decrees'**. The second session on **'Civil Procedure during trial, Documentary Evidence'** was taken up by Shri. M.Y. Ciddikie, Advocate and the last session was taken up by Smti C. Dkhar, Director, MSJA on the topic **'Trials by Magistrate, Bail - Various aspect, Duties of Magistrate during investigation, General provision of enquiry and trial (Chapter XXIV CrPC)'**.

## PANEL DISCUSSION ON "MEGHALAYA LAND TRANSFER (REGULATION) ACT, 1971 AND ITS APPLICABILITY"



Panel discussion is a useful way to trigger an exchange of viewpoints among experts, either with prepared statements or in response to questions from the participants because they involve on-the-spot interaction, they are more difficult to prepare for than presentations. The Academy organized this panel discussion on 28<sup>th</sup> November 2020 through eplatform for all the Judicial Officers of the state judiciary, Judicial Officers of District Council Court and Advocates. The programme was moderated by Shri. T. T. Diengdoh, Senior Advocate and the panelists includes Shri. K.S Kynjing, Senior Advocate, Shri L. M Sangma, (Retd.) Law Secretary to the Government of Meghalaya, Prof. L.S Gassah, (Retd) Prof. Political Department, NEHU and Dr. Batskhem Myrboh, Asst. Prof. Political Department, Synod College who also attended live to all questions and clarifications sought by the audiences during the programme.

**ONE YEAR INDUCTION TRAINING OF SECOND BATCH JMFC, 2019**



**VISIT OF HON'BLE MR. JUSTICE DINESH MAHESHWARI, JUDGE, SUPREME COURT OF INDIA**



**VISIT OF HON'BLE MR. JUSTICE H.S THANGKIEW, JUDGE- IN- CHARGE, MEGHALAYA STATE JUDICIAL ACADEMY**



**TRAINEE JUDICIAL OFFICERS WITH FACULTY (DIRECTOR AND DEPUTY DIRECTOR)**



# GLIMPSES FROM THE ONE YEAR INDUCTION TRAINING 2019 BATCH JMFC





**BY SHRI. DON KITBOR KOSHY MHSILL, MJS**

Having to put down thoughts to paper, taking the time to recollect the memories that seem so recent yet feel a physical distance away, it feels like a trick of the mind – an unpierced corporate veil of sorts, by way of an irredeemable analogy – that it is over fifteen (15) months since we first started at the Meghalaya State Judicial Academy. It would be cliché to say that the intervening period has flown in the blink of an eye: It has and it has not. It is the lot of a trainee – who either does not know enough or does not comprehend well enough – that time seems to be an illusion, oscillating between the pace of fudge, regretfully trickling and that of water bursting through the levee. The primary aftertaste, of training, is that much as time can be experienced deferentially, training equips us all sufficiently yet differently.

There is one elusive thread that separates training from the first day one sits on the bench: its the pull of gravity from the shift from simulation to reality. This elusive thread can be trained for, the mind can be prepared for the quicksilver turn, for the parting of that corporate veil and the step into corporeal reality. Our training, by alternating between classroom instruction and court attachment, helped us to better understand this shift, to assess the tools we would need to acquire and develop in order to prepare us for what seemed to be just around the bend: our first posting.

I have, in saying all this, fast forwarded the proverbial tape all the way to the end credits. To roll back, the first impressions of training was the driveway leading to the stately Assam-type house, the hint of rain in the moisture soaked air, the uniform – an alien concept to some of us – all crisp and fitted, the rumbling of expectant excitement and the tinge of the unknown. Each of these sensations, so familiar, experienced a hundred times over, yet their amalgamation, that day, produced a curious cocktail, a feeling hitherto not experienced and never, thereafter, ever replicated. It was one of those moments.

The next scene cuts to the first class: the purposeful gaze of the Director of the Academy, each trainee, in turn, introducing themselves, some with more detail than the others, but all with a coiled, nervous energy. Then the proverbial penny drops. The first classroom instruction session and the recognition of the yawning gap to be traversed: from theory to practice, from unknowing to knowledge, reconciling text to imperatives, law to action, question to decision, from fear to victory.



**BY SHRI. DON KITBOR KOSHY MIHSILL, MJS**

With acquisition of knowledge came the simulation of reality. A blank A4 sheet, a problem, a ticking clock, a response to formulate and mental shackles to spring free from. The pen paused, before ink could color paper through capillary action, as if wondering what an order should read like. This delicate task of morphing knowledge into practical tools, of transforming ideas into words that have effect became the province of the Academy. We were drilled, like musicians are, to learn the fundamentals, to practice over and over again till the notes could flow, to the new observer, as if by magic.

Just as the repetitions started instilling a feeling of control and destiny, we were sent for a taste of the real theater: attachment in the various courts. At first, it seemed like an assault on the senses: more like a cacophony than a symphony, a hundred instruments keeping their own time signatures. However, the hours of training slowly kicked in, patterns were discerned, options were thought of, new insights were gleaned and gradually, the unfamiliar started evolving into the familiar. With fundamentals hammered home, new issues were things to be puzzled over and solved. The seeming dark became a place to be illuminated and explored.

This cycle between acquisition of knowledge, assessing situations and using skills, on reflection, is the lasting impression from our training period. It is a necessary formula – a habit – drummed into us; a secret woven into our judicial temperament; a gift left in our nature that will, looking forwards and star gazing, enable us to continue to evolve and grow in our work.



**BY SHRI FLAVIAN R. MARAK, MJS**

The beginning of a journey is always filled with the fear of the unknown and yet, the thrill of knowing that mysterious unknown, somehow, always pushes us to keep moving forward. Similarly, life at the Academy sounded frightening at first, yet the mystery of how it will eventually mould us for the future always played a key role in ensuring we kept fighting on till we completed our training. The very first impression of life at the academy was a frightening one. The moment we stepped foot inside the premises of the Academy was a moment which will forever remain in my mind. The few minutes of delay in arriving to the academy was a lesson for us to be always punctual as we were subjected to the first lesson of being a judicial officer by our then Director, Madam M. Challam. Our Director stressed and emphasized on how a Judicial Officer should always be punctual.

Soon after that, classes started as our Director and our Deputy Director, Madam R. Rymbai, along with the staff of the Judicial Academy ensured we settled in comfortably at our new home during the training period. Right from the start our Deputy Director, like a leader preparing her soldiers for battle, ensured that we were well trained in judicial as well as administrative work as our foundations were tested time and again by her through Mock tests with Hypothetical Situations as examples, especially, in the field of civil law. On the Criminal side, our Joint Registrar (Judicial) Sir A. Lanong was like our Captain, ferrying us through the sea of complexities involved in criminal law. He ensured that not even a little room for doubt was left as he ensured each and every topic was well covered.

We then had a change of guard, as our new Director, Madam K. M. L. Nongbri took over. Like a blacksmith grinding the axe to sharpen them, our new Director spent countless number of days teaching us by way of mock tests and also ensuring we are taken to various Departments so as to enable us to observe how matters are dealt on the practical side by various officers of different Departments. Our Director, Deputy Director and our Joint Registrar (judicial) of the High Court had spent quite a lot of sleepless nights or in their own words, "burning the proverbial midnight oil" so as to supply us with the material to help understand complex legal situations. They were also assisted by almost all of our Senior Judicial Officers, Senior Advocate, Senior Officers of Various Departments, Senior Professors of various Institutions, who in spite of their busy schedule, ensured that they spared some time to come and teach us and share with us their experience of tackling complex legal situations in real life. The visits to the PS, the Forensic Lab and the Jail were also productive as the officers handling these Departments ensured that we were shown how they handle some of the matters which they deal with.



### BY SHRI. FLAVIAN R. MARAK, MJS

Birthday Celebrations and Holiday Celebrations were also a treat as the entire staff and my colleagues along with our Trainers would partake in a feast, which acted as a means of relaxation from the stressed filled work we all participated in everyday.

The Court observations were a bit more fun as we got to see our seniors at work, including how various advocates argued differently for different facts and circumstances and how our seniors tackled such matters. Thankful for our seniors for being patient enough to bear with our questions while having to concentrate on their work at the same time.

Then the unfortunate pandemic lockdown occurred, where we were all sent back home due to the nationwide lockdown call. As our Trainers stressed on how they will go about completing our training, they found a silver lining in technology as the online classroom platform was adopted and training continued via video conferencing. Not a pleasant experience as we had to overcome network issues, electricity issues, just to enable us to learn. However with the patience shown by our resource person, we were able to eventually learn and complete our training.

Our first meeting with our Hon'ble Judge-in-charge of the Meghalaya State Judicial Academy, Hon'ble Justice H. S. Thangkhiew, was a very pleasant experience as his Lordship interacted with all of us and gave us a wonderful speech on various topics of law and our judicial work.

Finally, our First Meeting with the Hon'ble Chief Justice of Meghalaya, Hon'ble Justice B. Somadder, was a frightening yet pleasant experience as we were given a very beneficial lecture on Court Management by his Lordship. Now, as we are posted at our own individual stations, I can proudly thank my Seniors and all the resource persons for having groomed us at the academy so as to enable me to perform my judicial duties without fear and with confidence.



**BY SHRI L MAC RYMBAI, MJS**

Summing up 2019-'20's experiences right from the earliest days at the physical academy, the intervening period of lockdown and down to MSJA's endmost resurgence in the later-than-never virtual realm, engenders a feat of storytelling that I am by no means qualified to do justice, much to the chagrin of some of my batchmates.

In divesting myself of said feat therefore, allow me instead to speak of the bonds, albeit few, that were struck in fire and ice during the past one year. Likening my personal experiences to that of Robert Frost's famous 1920 anthologized poem, I am grateful for having met and retained contacts to-date with some of the people connected to the MSJA by some form and factor.

Of particular note, I am especially grateful for having been given one. And in that knowledge, I've come to be able to make sense of things, of the path upon which I had stumbled myself into, and it was as simple as 2016! (personal reference). I am now in anticipated wonder of the journeys we will be carving out for one another. As to the bonds struck in ice, the 'less said the better' idiom shall suffice for now.



**BY SMTI. K. E. RYMBAI JMFC, MJS**

They say time flies when you are having fun and this past year has proven just that. It is hard to believe that a year has already gone by. I remember the day I first stepped foot in the Academy, my heart fluttered with excitement, wondering what the future would look like. Who would have thought that the days that I was going to spend there would turn out to be some of the best days of my life?

Looking back, I can't help but be grateful that I was given the opportunity to be mentored by such brilliant minds. In fact, the Director and Dy. Director have been more than mentors and I speak for each one of my colleagues when I say that they have left an indelible mark on our journey in not only the field of law but our lives as a whole. I am a proud witness of their hard work and dedication to their service and I hope and pray that I can emulate at least half of this admirable trait. Their readiness to go out of their way to make us feel at home is something that cannot be repaid.

I am deeply moved by the staff's kindness and willingness to serve. They will remain in my memories.

As I reminisce, I am also reminded of my colleagues who are now my dear friends. I have come to appreciate and treasure our bond that has only grown stronger with time. Certain aspects of my life have changed and I have them to thank. Each one has helped shape me and I am better because I met them. Considering the fact that we are complete strangers, it is overwhelming to think how they have been there for me through my professional and personal struggles and rejoiced with me in my happy moments. For these wonderful people, my dear friends, I am eternally grateful.

I consider myself extremely lucky to have been given a front row seat to an experience of a lifetime. Certainly, I have had to face challenges but they have made me a new person with a new mindset. My confidence grew and so did the faith in myself. I am who I am today because of this past year's experiences and it would be near impossible to describe the days that I spent at the academy. However, if I must try to speak my heart out I would say that it was a humbling experience. I learned about things that go beyond my profession. I discovered my tenacious spirit and the drive to serve for the cause of justice. It would take the rest of my life for me to express my gratitude for everything that I have been blessed with. But wherever life takes me, I am sure that I will look back to where it all began.

Thankyou.



### BY SMT. INDAKERRIM MAIROM, MJS

During my experience as a trainee Judicial officer at Meghalaya State Judicial Academy, I was fortunate enough to have experienced firsthand and learned many different sides of what goes into the making of a Judge, the general process of understanding and application of the law in different circumstances; as well as the immense work and details that goes into every stage. Another valuable lesson I have learned during this one year, was the different hats a magistrate has to wear, which in turn, have provided me with more insight into the different types of roles and responsibilities that I could perform as a sitting magistrate.

Reflecting back to my first day at the Academy, it was one of the most memorable days of my time there. We were first attached with the High Court for about 10 days from the day I joined. The long-anticipated day came and I arrived at what would be my home-away-from-home, the Academy. There were eight of us who have joined. As days and weeks passed, we all started becoming friends. This made me feel comfortable and definitely made me feel as though I was part of a family.

During the training, the Director and the Deputy Director were quite accommodating. We were taught from the basics. Gradually, we were taught in detail as regards the procedural laws and the important substantive laws. A number of resource persons varying from academicians, to judicial officers, to practicing lawyers, to police officials and to forensic experts took our classes. I have had the honor to learn from each of them as they have had years of experience in their respective fields. We were also sent for court observations. By observing and learning from them, I managed to pick up tips and learned different types of skills, from learning to communicate and deal with lawyers, to reading and understanding many different types of cases, to court management.





**BY SMT. INDAKERRIM MAJROM, MJS**

Working on order writing for the first few weeks after court attachment was enjoyable for me as it did make me use all the techniques I learned and what had been taught to me, I was happy that I had the opportunity to use all of my theoretical knowledge and applied them to given problems.

Everything came to a standstill with the outbreak of Covid-19. The government imposed a National Lock-down. Our training also came to a halt. But, the Academy resorted to online classes. There were a number of resource persons who took our classes. We were also given assignments and on receipt of our papers, discussion follows. This was the new normal and we learned to adjust accordingly with time.

Overall, my experience as a trainee Judicial Officer at the Academy was positive and constructive. I was very happy with the amount of things that I have learned and experienced in the one year of being a trainee. I ended up learning a lot more than I thought I would be able to in this time span, and everything paid off at the end of it as I stood at the podium in High Court taking my oath before God to do justice, confident and assured that I was taught enough to get me through. I feel blessed, happy, and proud that I have completed my training.



### BY SMT. GABRIELLA S.D SANGMA, MJS

My Experience in the Meghalaya State Judicial Academy.

The First of August 2019 was the day we joined the academy. My first recollection was of our Former Director, Madam Challam whom we had to report to and who was administering our training in the academy. Madam Challam was truly an inspirational woman and gave me guidance and mentorship during her time with us in the academy.

Apart from Judicial Officers, there were Academicians, Practicing Advocates, Forensic experts a Counselor and other resource persons who had come to the academy to share their expertise and knowledge in the various fields of Law, with us.

Besides The Theory Classes which were conducted in the well-equipped classrooms that were in the Academy, we were also given Practical exercises and assignments which enhanced our Learning and Re-search Skills adequately. The Academy was well equipped with an Extensive Library for references and research.

We as Trainees took active part in the various Seminars and Programmes hosted by the Academy from which we inculcated a great deal of knowledge and experience.

After the retirement of our Former Director, we were then guided by our New Director Madam K. Lyngdoh and our Deputy Director Madam R. Rymbai who were also very apt, experienced and knowledgeable.

During our stay in the Academy we were visited by the Hon'ble Justice Dinesh Maheshwari Judge of The Supreme Court, who spared some of his valuable time to visit the Academy and was kind enough to have an interactive session with us.

As a part of our training we were taken to various Police Stations in the District and also the Forensic Department to get a firsthand experience in the functioning of these departments. These visits proved to be very beneficial and were great learning experiences for me.

During the initial days of our Training we were given a week-long court attachment in The Shillong High Court which was a wonderful learning experience for me as I was afforded a firsthand experience of how the courts were presided and how matters were taken up.

We also visited the jail premises and had interactions with the jail authorities and the prisoners.



**BY SMT. GABRIELLA S.D SANGMA, MJS**

We went to observe the Lok Adalat Proceedings and observed how conciliators presided over, how reliefs were granted to the litigants and in the Sub-ordinate Courts of Shillong. We were given an opportunity to witness how the Test Identification Parade were conducted in the Jail which served as a good learning experience.

We were also given Court attachments for a period of one month in Shillong in the month of November and for a period of two month in the month of January and February in Tura West Garo Hills which conferred valuable knowledge and experience on me.

Despite the challenges faced by the trainee officers and the Academy during the Three Months Nationwide Lockdown, the Academy took every step necessary to ensure that we carried on with our training. We were availed online classes through the efforts of our Director and Deputy Director in collaboration with NIC. We also attended webinars hosted by the academy as part of our Training.

The Staff in the Academy were very cordial and took care of our needs. Our training would not have been a success without the assistance of the Academy's Staff.

Under the abled guidance of our Judge In-Charge Hon'ble Justice H.S.Thangkhiew, the Director and the Deputy Director the training in the Academy has imparted on me valuable knowledge, experience and proper professional etiquettes and ethics. I shall carry these values and the knowledge imparted on me throughout my Career.



**BY SMTI. STEFFIMICHELLE WANNIANG, MJS**

I still remember clear as day when we were informed that we were to be joined and report at the Meghalaya State Judicial Academy (MSJA) on the 15th of July, 2019 for our One Year Induction Training Programme. So, as exciting as it can be it was scary too as I am to be away from my home for a year however, it gives me immense joy for the future ahead that I am to learn and embrace on how to be a better Judge. On reaching the Academy I was welcomed by our Former Director Smti.M.B.Challam who gave a brief orientation on where we are to put up and what are the rules to be followed while being in the Academy. I exerted great effort to cope into this new environment that I would be indulged into. But, on seeing my colleagues and on interacting with them a sudden feeling of home rushed through. I knew that this training would serve as a big stepping stone to teach and mould me into how to be a good Judge, how to manage time, how to maintain Court Management and amongst others which are the qualities to imbibe with while being in this profession.

The next day we met our then Deputy Director of the Meghalaya State Judicial Academy Smti. R. Rymbai who gave us a warm welcome and briefed us up on our daily routine and the assignments that we were to take on. She has been one person who has always supported us and was always all ears. We were given a weekly routine which is to be followed throughout the day which is daily classes and in between taking breaks and lunch. We were taught substantive laws, procedural laws and other topics relating to our work as well by the Director, Deputy Director, the Judicial Officers, Professors, Lecturers and other Resource Persons from within the State and outside the State. We were made to write Spot orders, Judgment Writing and attend different seminars at the High Court of Meghalaya which was mostly conducted by the Meghalaya State Judicial Academy. We also had to do a practical learning on the Court Procedures where I was attached at the Shillong District Court and at the Nongpoh District Court. Then followed the lockdown period for which we had to complete our training through online teaching. This COVID-19 pandemic had created a challenge for us on how to complete the training but the Meghalaya State Judicial Academy with the advice and help of the Judge in Charge Hon'ble Justice H.S.Thangkhiew has not failed us but rather it has taught us a lot of things to face such challenges.



**BY SMTI. STEFFIMICHELLE WANNIANG, MJS**

At the latter part of our training, we were joined by our new Director Smti. K.M.L. Nongbri who had treated us with so much love, care and affection and would immediately cater to all our needs. On a lighter note, we also celebrated birthdays and Christmas in the Academy. I would remiss if I failed to mention Sir. Albert Lanong who made our stay at the Academy even better where birthdays and other celebrations would not start without him. He was always there to guide, support, cheer and advice us on any problems that we faced and had also given us a lot of insight during this training period. If this training has taught me anything, it is that it has gave me the inspiration to be more focused and determined on my new task which I am about to take on as a Judge. This training has indeed been a meaningful one and has helped me a lot to apply what I've learnt from it while sitting in Court and taking up matters.

Therefore, with deepest gratitude and appreciation, I humbly give thanks to the person who, with all they can, has helped me in making my One Year Training at the Meghalaya State Judicial Academy a possible one. I would like to thank the Judge in charge (MSJA), The Director (MSJA) , The Deputy Director (MSJA), The Judicial Officers of the Meghalaya Judicial Service, Professors, Lecturers and other Resource persons for taking your time out and for imbibing so much knowledge in me during this one year training. For also sharing your experiences and for giving us the love, care and affection for which I will forever be grateful. I would also like to thank the staff at the MSJA who has always been there to help me whenever I am in need of anything and for co-operating with everything. I would also like to thank the catering team at the Academy who has done an excellent job in providing us the meal during our stay at the Academy for which we could never survived. And from the bottom of my heart I would like to thank each and everyone of my colleagues for making my training a memorable one and for being there to support and comfort me whenever I have difficulties during my training. There would be no sound of laughter at the hall corridors without you all and for always looking out for me like family being companions in laughter and sorrows. Last but not the least, I would like to thank my parents, my husband ,my siblings and my -in-laws for your unending love and support, for providing all my needs, for your patience and being so understanding during a busy and tiring day. For always, encouraging me, believing in me to always pursue my goals and for being so proud and ever supporting to me. Lastly, I am extending my deepest thanks to those whom I have failed to mentioned but has helped me and mould me during this One Year Induction Training at the MSJA. Above, all, to our Almighty God, for his unconditional love and for showering all his blessings upon me each day of my life.



**BY SMT. VANESSA N SANGMA, MJS**

On 15<sup>th</sup> of July 2019, I, along with my colleagues entered the Meghalaya State Judicial Academy for the first time where we were warmly welcomed by the then Director Madam M.B Challam.

I remember feeling anxious thinking how my year long training would go. Even though I was glad to undergo this training, I was also nervous at the same time. But, as the classes started, the lectures delivered by the then Directors, Deputy Director, our senior Judicial Officers from almost all the districts, faculty members of NEHU, Shillong Law College, Police Officers, and Senior lawyers, my mind was at ease and I was more glad than nervous. Their lecture has helped me understand things that I feel were complicated and difficult. I feel the same goes for my other colleagues as well. Procedural Laws like CPC and CrPC were made understandable by the continued effort of the then Dy Director Ma'am R. Rymbai, then Director Ma'am K.M. Lyngdoh and Sir. A.W Lanong, who continued to push us even when we fail to deliver the correct order or answer, and for that I am personally thankful to them.

Apart from the classes at the Academy, we were also sent for Court attachments at Shillong District Court and then to different District courts where we could observe firsthand the court procedures. Our senior Judicial Officers with whom we were attached did not hesitate to help us whenever we needed their help. This attachment helped us understand the eventualities that we would face in the court and how we should tackle them. We also attended various seminars and Lok Adalats as well that helped us interact with other officers, apart from Judicial Officers, from other fields.

In the month of March 2020, I returned to the Academy after a two month attachment at Tura Court and classes has just resumed when the nation-wide lockdown was announced due to Covid-19 pandemic and we had to return to our respective homes. Then our training literally came to a stand-still. After a month or so, after the lockdown was relaxed, classes resumed and we started online classes.

As the time went by, it was already July and we were called back to the Academy for our swearing-in ceremony. I was feeling anxious again as we were going to step into another chapter of our lives not as trainee judicial officers but as Judicial Officers who would actually preside over a court.

After a year-long training, I felt as though the Academy was my second home and knowing that I would not be together with my colleagues anymore after our posting, I cannot help but wish the training to be a bit longer. The birthdays, midnight cake ceremonies, late night tea, chats, and debates during dinner, will always be remembered dotingly.

This one year Induction Training has trained me, and my colleagues, not only to be a Judicial Officer, but also to be a better human being.



**"DARKNESS CANNOT DRIVE OUT DARKNESS; ONLY LIGHT CAN DO THAT. HATE CANNOT DRIVE OUT HATE; ONLY LOVE CAN DO THAT."- MARTIN LUTHER KING, JR**

**The term 'custody' has not been defined in Criminal Procedure Code (CrPC). The word custody implies guardianship and protective care.**

Custodial death is the event of demise of an individual, who has been detained by the police on being convicted or being undertrial. It can be classified into three broad categories: death in police custody, death in judicial custody, and death in custody of defense/paramilitary forces.

Custodial death is one of the worst crimes in a civilized society governed by Rule of Law. The Constitution of India, the Supreme Court, the National Human Rights Commission (NHRC) and the United Nations forbid it.

The police plays vital role in safeguarding our life, liberty and freedoms. But the police must act properly, showing full respect to the human rights of the people, remembering that they are also beneath the law, not above it and can be held liable for the violation of human rights.

Not at each time the death is due to violent causes but at times may be due to natural causes or due to inadequate medical facilities or medical attention and diagnosis, or negligent behaviour of authorities.

From judicial perspective' the right to life and personal liberty' contained in Article 21 of Indian Constitution encompasses all basic conditions for a life with dignity and liberty. The right to life guaranteed by Article 21 of the Constitution of India is not merely a fundamental right but is the basic human right from which all other human rights stem. It is basic in the sense that the enjoyment of the right to life is a necessary condition for the enjoyment of all other human rights. The right existed even prior to the commencement of Indian Constitution.

Article 21 of Constitution provides" no person shall be deprived of his life or personal liberty except according to procedure established by law". The term 'life' or personal liberty has been held to include the right to live with human dignity and, therefore, includes within its ambit a guarantee against torture and assaults by the state or its functionaries.

The Constitution of India guarantees various rights to a 'prisoner' or 'person in custody', under Article 20, 21 and 22 of the Constitution. The Hon'ble Supreme Court of India has interpreted certain rights such as 'Right against Inhuman Treatment by the police', 'Right against handcuffing', 'Right to a fair and speedy trial', 'Right to free legal aid', etc. to be an integral part of Article 21 of the Constitution.

A police officer can be punished for custodial death under section 304 of IPC for culpable homicide not amounting to murder.



### **LANDMARK JUDGEMENTS ON CUSTODIAL DEATH:**

Joginder Kumar v. State of U.P and Others 1994 AIR 1349: 1994 SCC (4) 260:-

The rights are inherent in Articles 21 and 22(1) of the Constitution and require to be recognised and scrupulously protected. For effective enforcement of these fundamental rights, Hon'ble Court issued the following guidelines:

The police officer shall inform the arrested person when he is brought to the police station of this right. An entry shall be required to be made in the diary as to who was informed of the arrest. It was further directed that, it shall be the duty of the Magistrate, before whom the arrested person is produced, to satisfy himself that these requirements have been complied with.

### **J. PRABHAVATHIAMMA V/S THE STATE OF KERALA & OTHERS WP(C). NO. 24258 OF 2007 (K) AND CRL. R.P.2902 OF 2007:**

The two serving police personnel were awarded the death sentence by a CBI court, after hearing the case for over a decade, in Thiruvananthapuram, over the death of a scrap metal shop worker, who the court believes was murdered in custody. While sentencing the two, Judge J. Nazar had said: "This is a brutal and dastardly murder by accused (number) one and two". The acts of the accused persons would definitely adversely affect the very institution of the police department... If the faith of the people in the institution is lost, that will affect the public order and law and order, and it is a dangerous situation.

### **MUNSHI SINGH GAUTAM V STATE OF MADHYA PRADESH, APPEAL (CRL.) 919 OF 1999:**

The supreme court stated that:

"The dehumanising torture, assault and death in custody which have assumed alarming proportions raise serious questions about the credibility of the rule of law and administration of the criminal justice system... the concern which was shown in Raghbir Singh case more than two decades back seems to have fallen on deaf ears and the situation does not seem to be showing any noticeable change. The anguish expressed in the cases of Bhagwan Singh v State of Punjab, Pratul Kumar Sinha v State of Bihar, Kewal Pati v State of UP, Inder Singh v. State of Punjab, State of MP v Shyamsunder Trivedi and the by now celebrated decision in the landmark case of D. K. Basu vs. State of West Bengal seems 'not even to have caused any softening of attitude in the inhuman approach in dealing with persons in custody'."





### **YASHWANT AND OTHERS V. STATE OF MAHARASHTRA (2018) 4MLJ (CRL)10(SC): -**

The Supreme Court on upheld the conviction of nine Maharashtra cops in connection with a 1993 custodial death case and extended their jail terms from three to seven years each. Reportedly, a bench of Justices NV Ramana and MM Shantanagoudar upheld the order and said that incidents which involve the police tend to erode people's confidence in the criminal justice system. While enhancing the prison term of the cops, the apex court said, "With great power comes greater responsibility,". The police personnel were found guilty under Section 330 of the Indian Penal Code which involves voluntarily causing hurt to extort confession or to compel restoration of property.

### **D.K. BASU VERSUS STATE OF WEST BENGAL (1997(1) SCC 416): -**

The Honorable Supreme Court issued a list of 11 guidelines in addition to the Constitutional and Statutory Safeguards to be followed in all cases of arrest and detention. The guidelines are as follows: -

#### **REMEDIES AGAINST CUSTODIAL TORTURE:**

#### **CONSTITUTIONAL SAFEGUARDS**

#### **ARTICLE 20 OF THE CONSTITUTION OF INDIA:**

Article 20 primarily gives a person the rights against conviction of offences. The principle of non-retroactivity of penal laws "No crime, no punishment without a previous penal law." Article 20 also protects against double jeopardy, No one ought to be twice troubled or harassed for one and the same cause. This Article most importantly protects a person from self-incrimination. The police subject a person to brutal and continuous torture to make him confess to a crime even if he has not committed the same.

#### **ARTICLE 21 OF THE CONSTITUTION OF INDIA:**

This article has been understood in the Indian judiciary to protect the right to be free from torture. This view is held because the right to life is more than a simple right to live an animalistic existence. The expression "life or personal liberty" in Article 21 includes a guarantee against torture and assault even by the State and its functionaries to a person who is taken in custody and no sovereign immunity can be pleaded against the liability of the State arising due to such criminal use of force over the captive person. (D. K. Basu v. State of W.B, (1997) 1 SCC 416).

#### **ARTICLE 22 OF THE CONSTITUTION OF INDIA:**

Article 22 provides four basic fundamental rights with respect to conviction. These include being informed of the grounds of arrest, to be defended by a legal practitioner of his choice, preventive detention laws and production before the nearest Magistrate within 24 hours of arrest of the person. Thus, these provisions are designed to ensure that a person is not subjected to any ill-treatment that is devoid of statutory backing or surpasses prescribed excesses.



### **OTHER STATUTORY SAFEGUARDS**

#### **INDIAN EVIDENCE ACT, 1872:**

Sec. 25 Evidence Act – Confession to Police Officer not to be proved

#### **CODE OF CRIMINAL PROCEDURE, 1973:**

Sec. 46 and 49 of the CrPC

Sec. 50 and 56 of CrPC are in consonance with Article 22 of the Indian

Constitution Sec. 54 CrPC- Examination of arrested Person By Medical Officer

Sec. 482 of the CrPC- When the Magistrate does not follow procedure with respect to entertaining complaint of custodial torture, it calls for interference by the High Court.

Sec. 176 CrPC

Sections 167 and 309 of the CrPC have the object of bringing the accused persons before the court and so safeguard their rights and interests as the detention is under their authorization.

### **CONCLUSION**

#### **INDIA SHOULD RATIFY THE UN CONVENTION AGAINST TORTURE:**

It will mandate a systematic review of colonial rules, methods, practices and arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment.

It will also mean that exclusive mechanisms of redress and compensation will be set up for the victim besides institutions such as the Board of Visitors.

#### **POLICE REFORMS:**

Guidelines should be formulated on educating and training officials involved in the cases involving deprivation of liberty because torture cannot be effectively prevented till the senior police wisely anticipate the gravity of such issues and clear reorientation is devised from present practices.

#### **ACCESS TO PRISON:**

Unrestricted and regular access to independent and qualified persons to places of detention for inspection should also be allowed.

CCTV cameras should be installed in police stations including in the interrogation rooms.

#### **IMPLEMENTATION OF LAW COMMISSION OF INDIA'S 273RD REPORT:**

The report recommends that those accused of committing custodial torture – be it policemen, military and paramilitary personnel – should be criminally prosecuted instead of facing mere administrative action establishing an effective deterrent.

**THE STAFF OF THE ACADEMY WHO ARE WORKING BEHIND THE SCENE**



**HOISTING OF FLAG ON INDEPENDENCE DAY 15<sup>TH</sup> AUGUST 2020**



**OATH TAKING ON CONSTITUTION DAY ON 26<sup>TH</sup> NOVEMBER**



**CLEANING DRIVE IN THE ACADEMY ON 4<sup>TH</sup> & 5<sup>TH</sup> OF JANUARY**



**DIRECTOR & STAFF OF THE ACADEMY**

## FROM THE DESK OF THE DIRECTOR



This edition also accumulates the backlog training programme from the year 2018-2019 incorporated along with trainings conducted in the year 2019-2020. In the year 2018-2019 the Meghalaya State Judicial Academy had conducted many training programmes comprising of Seminars, workshops, Training programme, Judicial Colloquium, Conference, Mediation training programme and Induction training programme. In the beginning of the year 2020 the Academy could conduct training programmes on physical meeting on 'Deliberation on comprehensive review of criminal laws'. In the backdrop of COVID-19 pandemic the Academy conducted online training through e-platform comprising of webinar, e-workshop, training programme on eCourt, Judicial Colloquium, Refresher Course and Panel Discussion. In spite all odds, as the functioning office is still from a temporary base with bare infrastructure and limited staff yet the academy has been able to carry forward with the goals and objectives set-forth for it to strive in imparting judicial education not only to the Judicial Officers but also caters to spreading of knowledge and awareness even to all other stakeholders including law students for upholding the sanctity of the service - 'to render justice'. With this goal, MSJA always take endeavour to rope in the best of the resource persons not only from law fraternity like sitting Judges, Advocates, Public Prosecutors but also invited Police Officials, Government Officials, Universities Professors, Organizations and different Commissions and others to give the best inputs to the participants in order to get better output from them. Apart from the judicial knowledge MSJA also conducted programmes on managerial and leadership skills, NSTEP, eCourt services etc. in order to bring into focus the different dimensions of the new trends in legal, social, economic and technological aspects emerging from time to time. MSJA also incorporated programmes with the experts from outside like International Judicial Mission, Delhi and National Institute of Mental Health and Neurosciences Bangalore, Kailash Satyarthi Children's Foundation and various domain of law to take various sessions in the Academy and virtual sessions taken up during this pandemic period to cater to the needs of not only the Judicial Officers but also the other stakeholders involved in justice dispensation system. MSJA places on record its immense gratitude to all the resource persons who in spite of their professional commitments yet they spared their valuable time for the benefits of the judicial officers and other stakeholders.

During this Covid-19 Pandemic period when the entire humanity was engulfed in the virulent wave, yet keeping in mind the goals and objectives which we are to pursue, while at the same time maintaining constant alert for the safety of one and all, we experienced a shift of functioning from physical meet to online programmes. MSJA is also placing on record its gratitude to Shri Sekhar Dey, Sr. Technical Director (Scientist/Engineer F) & Additional State Informatics Officer, NIC Meghalaya who always comes to our aid in this critical juncture and provided us the ePlatform to hold the different virtual programmes with built-in-features such as chat, screen sharing or presentation and recording, and these innovations has not only reduced the distance factor but more importantly the sharing of thoughts, ideas, and knowledge has been met despite the odd feeling of the lack of physical meet. The latest requirement for educating process is also to hear some questions of doubt than just to know all answers, for the simple fact that everybody is intelligent or ignorant but only on different subject and sometimes good questions outrank easy answers.

Last but not least, from the desk, I expressed my gratitude to the unceasingly effort of the staff who are working behind the scene in making the different programmes of the Academy a success.

To all those reading this Newsletter,

“Stay positive, Stay safe”

*Thank you*

”


Education is all a matter of building bridges.


Ralph Ellison


”



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