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NATIONAL JUDICIAL ACADEMY



TRAINING PROGRAMME FOR BANGLADESH JUDICIAL OFFICERS
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READING MATERIAL

VOLUME: II

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Objective of the Programme

Training and Capacity Building programmes for judicial officers of Bangladesh, covering all District and below judicial officers, to be organized and conducted under the aegis of the Academy, was formalized during the recent visit of the Hon'ble Prime Minister of Bangladesh to India. MOU for the purpose was entered into between the Academy and the Supreme Court of Bangladesh, for training of about 1500 officers, during 2017 to 2023. During this academic year 4 batches of about 40 officers each would participate in a course of 15 days training programme. The batches would include Junior Division Judges, Magistrates, Subordinate judges, District and Sessions Judges and equivalent rank judicial officers. Identified and designated State Judicial Academies would organize part of the training programme after a stint of training at the Academy, within the framework of a training module and curriculae designed by the Academy. The Programme will include sessions on judicial skills, constitutional, civil, criminal, environmental and human rights laws and correlative jurisprudence. Domain experts and Justices of High Courts and the Supreme Court will be invited as resource persons to guide deliberations.

Session 8: Evidentiary Presumptions; Onus and Burden of Proof		
1	Justice Dharnidhar Jha, Section 106 of the Indian Evidence Act: A Case of Special Burden or Reverse Burden on Accused	
2	Allen, Ronald J. and Stein, Alex (2013), Evidence, Probability, and the Burden of Proof , Arizona Law Review, Vol. 55, 2013, pp. 557-602	
3	Ingram, J.L. (2009) Criminal Evidence, Burden of Proof , Lexis Nexis, 43-74	
Session 9: Electronic Evidence: New Horizons, Collection, Preservation and Appreciation		
1	Justice Kurian Joseph, Admissibility of Electronic Evidence , (2016) 5 SCC J-1	
2	Vaidialingam A. (2015) Authenticating Electronic Evidence : 65B, Indian Evidence Act,1872 NUJS Law Review, 8,43-66	
3	Cameron A. and Melanson N. (2010), Obtaining Electronic Evidence from Non –Parties , The Advocates Quarterly, 36, 470-508	
Session 10: Forensic Evidence in Civil and Criminal Trials; DNA profiling		
1	Law Commission of India (2017) Human DNA Profiling- A draft Bill for the Use and Regulation of DNA-Based Technology . Report No. 271, 4-53	
2	Goswami, G.K. (2015). Forensic Law , Annual Survey of Indian law, 51, 597-630	
Session 11: Criminal Justice Administration and Human Rights		
1	M. Cherif Bassiouni, Human Rights in the Context of Criminal Justice: Identifying International Procedural Protections and Equivalent Protections in National Constitutions , 3 Duke J. Comp. & Int'l L. 235, 298 (1993)	

2	United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems , United Nations Office on Drugs and Crime, United Nations, New York, 2013 https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf	
3	Fali S. Nariman, Fifty Years of Human Rights Protection in India -The Record of 50 Years of Constitutional Practice , NLSIU Bangalore - National Law School of India Review(NLSIR), 2013	
Session 12: Human Rights : Fair and Impartial Investigation		
1	Peter Tillers, The Fabrication of Facts in Investigation and Adjudication , 9 J. Comp. L. 281, 310 (2014)	
2	Peter Tillers, Discussion Paper: The Structure and the Logic of Proof in Trials , 10 Law, Prob. & Risk 1, 6 (2011)	
3	Tiwana, M. (2005) , Human Rights and Policing: Landmark Supreme Court Directives and National Human Rights Commission Guidelines, CHRI, New Delhi, 3-5	
Session 13: ICT and E-Judiciary: Indian Perspective		
1	Justice G. C. Bharuka. (2016), Technology and Timely Justice , Common Cause, Vol. XXXV No. 1, 5-12	
2	Atul Kaushik, (2016), Bringing the ‘E’ to Judicial Efficiency: Implementing the e-Courts System in India , State of the Indian Judiciary: A report by DAKSH, Section-1, 25-40	
3	Justice R. C. Chavan, (2014), Using Information and Communication Technology in Governance- An Experiment in Maharashtra Judiciary , Cries in Wilderness, 17- 27	
4	Justice R. C. Chavan, (2014). E-Courts Project: Citizen at the Center of Court Processes , Cries in Wilderness, 28- 33	
5	Dr. Setlur B. N. Prakash, E Judiciary: A Step towards Modernization in Indian Legal System , Vol. 1 No. 1; June 2014	
6	Marco Velicogna, Justice Systems and ICT What can be learned from Europe? , Utrecht Law Review	
Session 14: Identification of Ratio in a Precedent		

1	Maltz, E. The Nature of Precedent , North Carolina Law Review, 1988, Vol 66, 367-393	
2	Stone, J. (November 1959), The Ratio of the Ratio Decidendi , The Modern Law Review, 22(6), 597-620	
3	Elizabeth Y. McCuskey,(2016), Submerged Precedent , 16 Nev. L.J. 515, 584	
Session 15 & 16: Landmark Judgments in India <i>[Full Judgments are provided in CD]</i>		
1	<i>Justice K S Puttaswamy (Retd.) & Anr. vs. Union of India & Ors. (Right to Privacy Judgement) Supreme Court of India Dated – 24th Aug. 2017</i>	
2	<i>Shayara Bano vs. Union of India & others (Triple Talaq Case) Supreme Court of India Dated – 22nd Aug. 2017</i>	
3	<i>Supreme Court Advocates on Record Association vs. Union of India (2016) 5 SCC 1</i>	
4	<i>Shreya Singhal vs. Union of India 2015 Indlaw SC 211</i>	
5	<i>State of Tamil Nadu vs. State of Kerala and another (2014) 12 SCC 696</i>	
6	<i>Manoj Narula vs. Union of India (2014) 9 SCC 1</i>	
7	<i>State of Maharashtra vs. Indian Hotel and Restaurants Association (2013) 8 SCC 519</i>	
8	<i>K. T.Plantation Private Limited vs. State of Karnataka (2011) 9SCC 1</i>	
9	<i>A. K. Behra and another vs. Union of India (2010) 11 SCC 322</i>	
10	<i>Glanrock Estate (Private) Limited vs. State of Tamil Nadu (2010) 10 SCC 96</i>	
11	<i>Union of India vs. R. Gandhi, President, Madras Bar Association (2010) 11 SCC 1</i>	

12	<i>I.R. Coelho (Dead) By Lrs vs. State of Tamil Nadu AIR2007 SC 861</i>	
13	<i>M. Nagaraj and Others vs. Union of India AIR 2007 SC 71</i>	
14	<i>P.A. Inamdar and Others vs. State of Maharashtra (2005) 6 SCC 537</i>	
15	<i>Moulana Mufti Syed Md. Noorur vs. State of W.B. AIR 1999 Cal. 15</i>	
16	<i>L. Chandra Kumar vs. Union of India AIR 1997 SC 1125</i>	
17	<i>People's Union of Civil Liberties vs. Union of India AIR 1997 SC 568</i>	
18	<i>Ajay Canu vs. Union of India AIR 1988 SC 2027</i>	
19	<i>L N Mishra Institute of Economic Development and Social Change, Patna vs. State of Bihar AIR 1988 SC 1136</i>	
20	<i>Bijoe Emmanuel & Ors vs. State of Kerala AIR 1987 SC 748</i>	
21	<i>Minerva Mills Ltd. vs. Union of India AIR 1980 SC 1789</i>	
22	<i>Maneka Gandhi vs. Union of India AIR 1978 SC 597</i>	
23	<i>Indira Nehru Gandhi vs. Raj Narain AIR 1975 SC 1590</i>	
24	<i>Kesavananda Bharati vs. State of Kerala AIR 1973 SC 1461</i>	
25	<i>Raghubar Dayal Jai Prakash vs. The Union of India AIR 1962 SC 263</i>	
26	<i>Kedar Nath Singh vs. State of Bihar AIR 1962 SC 955</i>	
27	<i>Babulal Parate vs. State of Maharashtra AIR 1961 SC 884</i>	

28	<i>State of Bombay vs. Kathi Kalu Oghad AIR 1961 SC 1808</i>	
29	<i>Guru Datta Sharma vs. State of Bihar AIR 1961 SC 1684</i>	
30	<i>Ranjit D. Udeshi vs. State of Maharashtra AIR 1965 SC 881</i>	
31	<i>E. M. Sankaran Namboodiripad vs. T. Narayanan Nambiar AIR 1970 SC 2015</i>	
32	<i>Vrajlal Manilal & Co. & Ors vs. State of Madhya Pradesh AIR 1970 SC 129</i>	
33	<i>C. K. Daphtary & Ors vs. O. P. Gupta AIR 1971 SC 1132</i>	
34	<i>State of Bombay vs. R. M. D. Chamarbaugwala AIR 1957 SC 699</i>	
<i>Recent Judgments by the Supreme Court of India</i>		
1	Justice K S Puttaswamy (Retd.) & Anr. vs. Union of India & Ors [Writ Petition (Civil) No. 494 of 2012]	
2	Navtej Singh Johar & Ors vs. Union of India [Writ Petition (Criminal) No. 76 of 2016]	
3	Common Cause (A Regd. Society) vs. Union Of India And Another, [Writ Petition (Civil) No. 215 Of 2005]	
4	Public Interest Foundation & Ors vs. Union of India & anr [Writ Petition (Civil) No. 536 Of 2011] (disqua;ification)	
5	Swapnil Tripathi vs. Supreme Court of India [Writ Petition Number 1232 of 2017]	

Table of Contents