



# **SIKKIM JUDICIAL ACADEMY**

## **HALF YEARLY NEWSLETTER**

January-June, 2022



### **Patron-In-Chief:**

Hon'ble Mr. Justice Biswanath Somadder,  
Chief Justice, High Court of Sikkim.

### **Editorial Board:**

Hon'ble Mr. Justice Bhaskar Raj Pradhan, Judge, High Court of Sikkim &  
Chairperson/Judge-In-Charge, Sikkim Judicial Academy.

### **Compiled by:**

Mr. N. G. Sherpa, Director, Sikkim Judicial Academy.

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**Sikkim Judicial Academy, Sokeythang , Gangtok**

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11<sup>th</sup> February, 2022

## **COURSE ON ELECTRONIC EVIDENCE**

**Resource Person:** Mr Yogesh Pratap Singh, Faculty, National Judicial Academy, Bhopal, M.P.

**Participants:** Public Prosecutors and Assistant Public Prosecutors of all districts of Sikkim.

The Resource Person deliberated on understanding electronic evidence obtained from computers/smart phones, mode of proof, admissibility and appreciations of electronic evidence in light of Section 65B of Indian Evidence Act, 1872. Discussions were also made on understanding various components, such as- files and logs, document and files, system and programme files, temporary files and cache files, deleted files, Bios, clock, e-mail, SMS, MMS, encryptions, etc.

12<sup>th</sup> February, 2022

**TRAINING OF TRAINERS PROGRAMME FOR ADVOCATE MASTER TRAINERS ON CYBER LAW AND ELECTRONIC EVIDENCE.**

**Resource Person:** Mr. Suraj Chettri, Legal Remembrancer-cum-Law Secretary, Law Department, Government of Sikkim and Ubuntu Master Trainer.



**Participants:** Advocates of the Bar Associations of Sikkim.

12<sup>th</sup> February, 2022



The Resource Person deliberated the session by introducing the meaning of Cyber Laws and Electronic Evidence. He also emphasized on the object of the Information Technology Act, 2000 as defined therein as under:-

*"to provide legal recognition for transactions carried out by means of electronic data interchange and other means of electronic communication, commonly referred to as "electronic methods of communication and storage of information, to facilitate electronic filing of documents with the Government agencies and further to amend the Indian Penal Code, the Indian Evidence Act, 1872, the Banker's Book Evidence Act, 1891 and the Reserve Bank of India Act, 1934 and for matters connected therewith or incidental thereto."*

The Resource Person also cited several examples of Cyber Laws drafted in various countries across the globe. The most prominent discussion was made on "Assessment of Electronics Evidence in France".

He also highlighted the difference in Laws of different countries and concluded the session by highlighting the parameters for assessment of Electronic Evidence.

12<sup>th</sup> February, 2022

## DISCUSSION ON CYBER LAW AND ELECTRONIC EVIDENCE.

**Resource Person:** Mr. Bivas Chatterjee, Special Public Prosecutor on Cyber Law and Evidence, Government of West Bengal, Kolkata.



**Participants:** Judicial Officers of Sikkim.

The Resource Person discussed about the rising cases of cyber crime and social networking menace with the onset of COVID-19 pandemic which necessitated people to enter into virtual world. He discussed the manner in which such cases should be handled and documented taking into consideration its relevancy, authenticity and admissibility. He also informed about the importance of cyber forensics in solving such crimes.

19<sup>th</sup> February, 2022

**WORKSHOP ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985 AND SIKKIM ANTI DRUGS ACT, 2006.**

**Resource Persons:** Mr. Dilip Robidas, Assistant Director, NCB Kolkata for NDPS and Mr. Sonam Detchu Bhutia, Additional Superintendent of Police, Police Headquarter, Gangtok for SADA.



**Participants:** Police Inspectors and Sub-Inspectors of Sikkim.

The concept of NDPS Act, 1985 and SADA Act, 2006 (including latest amendments) were discussed by the resource persons. The Resource Persons discussed in detail about the procedure of search and seizure, precautions required to be taken during such search and seizure and mandatory compliances under the respective laws. The participants were also informed about the manner in which charge-sheet is to be filed in the Court.



26<sup>th</sup> February, 2022

**SESSION ON DEVELOPMENT OF CONSTITUTIONAL LAW, CIVIL AND POLITICAL LIBERTIES AND RELEVANT JUDGMENTS.**

**Resource Person:** Mr. V Sudhish Pai, Senior Advocate, Bangalore.



The Resource Person discussed about the essence of the Constitution of India, the Rule of Law, and the division/distribution and management of State powers to prevent arbitrariness and establish accountability. He also discussed about the written and un-written Constitution of the world.



**Participants:** Judges of the Fast Track Courts of Sikkim.

13<sup>th</sup> March, 2022

**DISCUSSION ON KEY ISSUES RELATING TO: THE PREVENTION OF CORRUPTION ACT, 1988, LIABILITIES OF COMPANY DIRECTORS/OFFICERS, GRANT OF SANCTION: DOCUMENTS/MATERIAL TO BE CONSIDERED, CURING DEFECTS AND ERRORS IN SANCTION ORDER, CORRECTION AND MODIFICATION OF SANCTION ORDERS AND DEFINITION OF CRIMINAL MISCONDUCT OF PUBLIC SERVANTS: AMENDMENT, 2018.**

**Resource Person:** Mr. Soumya Chakraborty, Senior Advocate,  
Supreme Court of India.



**Participants:** District and Sessions Judges of Sikkim.

The Resource Person informed that the Constitution of India is the ultimate source of all laws in our country. He discussed in detail about the manner in which sanction orders have to be corrected and modified. The Resource Person informed the participants about the concept of criminal misconduct by Public Servants. He also discussed in depth about the Prevention of Corruption Act, 1988, liabilities of Company Directors/Officers, grant of sanction, and punishments under the Prevention of Corruption Act, 2018.



14<sup>th</sup> March, 2022

## TRAINING PROGRAMME ON DRAFTING, FRAMING OF ISSUES, PREPARING AND CONDUCTING CIVIL LITIGATION.

**Resource Person:** Mr. Soumya Chakraborty, Senior Advocate,  
Supreme Court of India.



**Participants:** Advocates of the Bar Associations of Sikkim.

The Resource Person shared his experience and expertise of how Complaint/Written Statement/Writ Petition are drafted and how to prepare Civil Cases. He also deliberated on the importance of framing of issues and how civil litigation is conducted.

23<sup>rd</sup> March, 2022

## DISCUSSION ON THE FOREIGNERS ACT, 1946 AND THE VISA RULES.

**Resource Person:** Mr. Kishore Pradhan, Additional Secretary, Home Department, Government of Sikkim.



**Participants:** Government Employees of various Departments of Government of Sikkim.

The Resource Person spoke about the old laws of Sikkim, Reserved and Protected Areas of the State, various Rules of the State Government on this aspect, the Foreigners Act, 1946 and VISA rules in the context of Sikkim.

26<sup>th</sup> March, 2022

## ORIENTATION PROGRAMME ON OFFICE RULES AND PROCEDURES.

**Resource person:** Mr. Chabilal Sharma, Under Secretary, ATI, Government of Sikkim.



**Participants:** Newly Appointed Staff Members of District Courts of Sikkim.

The newly appointed staff members of Subordinate Courts of Sikkim were informed about understanding the duties and responsibilities, the importance of punctuality in office, confidentiality, role and responsibility, skill development, maintenance of file. The Resource Person also discussed about the art of note-making, administrative skills and also appraised about relevant provisions of Sikkim Service Rules.



8<sup>th</sup> April, 2022

**REFRESHER COURSE ON JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015 AND THE ROLE OF STAKEHOLDERS UNDER THE ACT.**

**Resource Person:** Dr. Bipasha Roy, Child Rights Activist and Social Worker, West Bengal.



**Participants:** Juvenile Justice Board Members, Child Welfare Committee, District Child Protection Unit, Officers from Social Welfare Department, Special Juvenile Police Unit and NGOs.

The Resource Person discussed about the role of all stakeholders under the Juvenile Justice (Care and Protection of Children) Act, 2015. The role of Child Welfare Committee, Juvenile Justice Boards, Juvenile Police Units, Child Care Institutions and Protection Officers, were discussed. The laws under the Protection of Children from Sexual Offences Act, 2012 and how a child victim is to be managed in such cases were also deliberated at length.

16<sup>th</sup> April, 2022

## DISCUSSION AND DELIBERATION ON CHALLENGES IN RELATION TO GUARDIANSHIP, SHARED PARENTING.

**Resource Person:** Mrs. K.C.Barphungpa, District and Sessions Judge, Gyalshing.

**Participants:** Special Judges and Family Court Judges of Sikkim.

The Resource Person discussed about visitation rights, parent alienation syndrome, securing presence of parties/children, how warrant of arrest is issued and how custody orders are executed. She also informed about the contempt proceedings.

19<sup>th</sup> April, 2022

## ORIENTATION PROGRAMME ON DISASTER MANAGEMENT AND RELATED LAWS.

**Resource Person:** Prof. Anil Kumar Gupta, National Institute of Disaster Management, New Delhi.



**Participants:** Presiding Officers under the Disaster Management Act, 2005.

The Resource Person informed the participants about disaster management reduction and relief, disaster management concept, cycle and vulnerability profile (National and International context), institutional framework, pandemic

history, preparation of disaster management policies. He also deliberated on the Disaster Management Act, 2005.

**22<sup>nd</sup> April, 2022**

**SESSION ON UNDERSTANDING COUNSELING, ROLE OF COUNSELORS AND COUNSELING SKILLS.**

**Resource Person:** Dr. Sonam Ongmu Lassopa, Senior Clinical Psychologist, STNM Hospital.



**Participants:** Family Court Counselors of Sikkim.

The Resource Person deliberated on understanding of Counseling, different roles of the Counselors depending on different situations and context.

23<sup>rd</sup> April, 2022

**DISCUSSION ON ISSUES AND CHALLENGES IN ADJUDICATION MATTERS UNDER THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005.**

**Resource Person:** Mr. Jyotirmoy Adhikary, Advocate, High Court of Calcutta.

**Participants:** Chief Judicial Magistrates and Judicial Magistrates of Sikkim.

The Resource Person discussed about the concept of maintenance order (including interim and *ex-parte*), residence order, protection order, custody order. The remedy in cases of breach of protection order under Section 31 of the Domestic Violence Act was explained at length. He also deliberated on the challenges in execution of various orders passed under the Domestic Violence Act.



27<sup>th</sup> April, 2022

## **DISCUSSION ON THE ROLE OF EXECUTIVE IN JUSTICE DELIVERY SYSTEM.**

**Resource Person:** Ms. Anandhi, IAS, Deputy Director, LBSNAA, Mussoorie.



**Participants:** Government Employees of various Departments of Government of Sikkim.

The Resource Person discussed about the role of Executives. The provision of Section 3(4) of the Code of Criminal Procedure, 1973 relating to two categories of Magistrates, *viz.* Judicial Magistrate and Executive Magistrate, was discussed. Sections 6, 20, 21, 22 of the Cr.P.C, tasks of Executive Magistrates under the Cr.P.C, rejection of sureties, process in cases of custodial death, Order under Section 144 Cr.P.C and its contents, were also informed to the participants.

7<sup>th</sup> May, 2022

**SESSION ON POCSO ACT, 2012 AND SEXUAL OFFENCES AS PER SECTIONS 375-376E OF THE INDIAN PENAL CODE, 1860.**

**Resource Person:** Hon'ble Mr. Justice Debi Prosad Dey, Former Judge, High Court of Calcutta.



**Participants:** Judicial Officers of Sikkim.

The Resource Person informed about the manner of recording statement of witness under the POCSO Act, 2012 and the Indian Penal Code, 1860. His Lordship deliberated on the model guidelines under Section 39 of the Act, identifying unique problems related to children, appreciating child's inner voice, giving due regard to mental health during trials.

11<sup>th</sup> May, 2022

**MASTER TRAINERS PROGRAMME FOR NEW MASTER TRAINERS  
(ECT\_3\_2022).**

**Resource Person :** Mr. Tashi Rapten Barphungpa and Mr. Umesh Ranpal, Advocate Master Trainers.



**Participants:** Judicial Officers and Court Staff of Sikkim.

The Resource Persons discussed about e-filing, procedure of e-filing, features of e-filing portal-state-specific, e-filing Rules and e-Court assistance. The role and function of e-Courts across the country were also explained.

19<sup>th</sup> May, 2022

**MASTER TRAINING PROGRAMME FOR NEW MASTER TRAINERS (ECT\_4\_2022) AND (ECT\_7\_2022) ADVOCATE/ADVOCATE CLERK e-COURTS PROGRAMME.**

**Resource Person:** Mr. Tashi Rapten Barphungpa, Mr. M.N Dhungel, Mr. Anjan Sharma and Mr. Kumar Sharma, Advocate Master Trainers.

**Participants:** Advocate/Advocate Clerks of Sikkim.

The Resource Persons discussed about e-filing, procedure of e-filing, features of e-filing portal-state-specific, e-filing Rules, and e-court assistance. The role and function of e-Courts across the country were also explained.

21<sup>st</sup> May, 2022

**SESSION ON NEGOTIABLE INSTRUMENTS ACT, 1881 AND UNDERSTANDING ELECTRONIC BANKING TRANSACTIONS.**

**Resource Person :** Hon'ble Mr. Justice Debi Prosad Dey, Former Judge, High Court of Calcutta.



**Participants:** Judicial Magistrates of all districts of Sikkim.

The Resource Person discussed about (ECS) Electronic Clearing System, RTGS (Real Time Gross Settlement), NEFT (National Electronic Fund Transfer), e-cheque, scope of inquiry under Section 202, Cr.P.C., 1973. Deliberations on the presumptions under the Negotiable Instrument Act, 1881, Sections 118, 139 and 140 of Negotiable Instruments Act, 1881, trial-procedure, pre-summoning evidence, notice under Section 251 Cr.P.C, right of accused to be heard, Section

145 of the Negotiable Instruments Act, 1881, right to cross-examination and interim compensation: Section 143-A of the Negotiable Instruments Act, 1881, were made.



27<sup>th</sup> May, 2022

## WORKSHOP ON DYING DECLARATION AND POST MORTEM REPORT TECHNOLOGY.

**Resource Person :** Hon'ble Mr. Justice Partha Sakha Datta, Former Judge, High Court of Calcutta.



**Participants:** District Magistrates, Additional District Magistrates, Sub Divisional Magistrates and Doctors of Government hospitals of Sikkim.



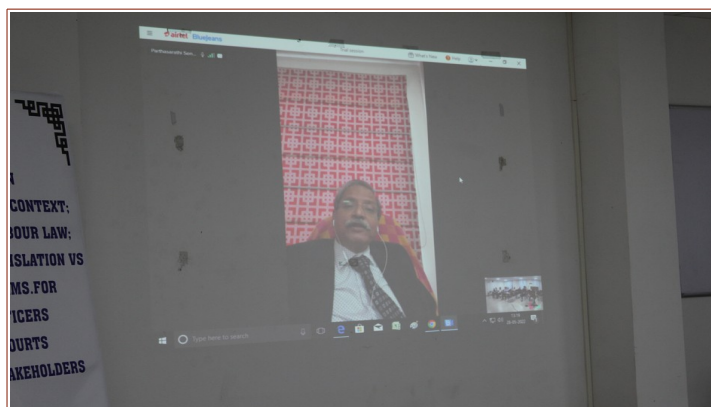
The Resource Person discussed about who should record dying declaration and the concept of Section 164, Cr.P.C. Deliberations were also made on multiple dying declaration, autopsy and post-mortem examination and various Court cases relating to dying declarations. Case laws on the subject were also discussed at length.

28<sup>th</sup> May, 2022

**CONFERENCE ON LABOUR LAWS: SOCIAL CONTEXT  
DEVELOPMENT OF LABOUR LAW, LABOUR WELFARE LEGISLATION  
VS. ECONOMIC REFORM.**

**Resource Person:** Mr. Partha Sen Gupta, Advocate, Supreme Court of India.

**Participants:** Presiding officers of Labour Courts and related Stakeholders.

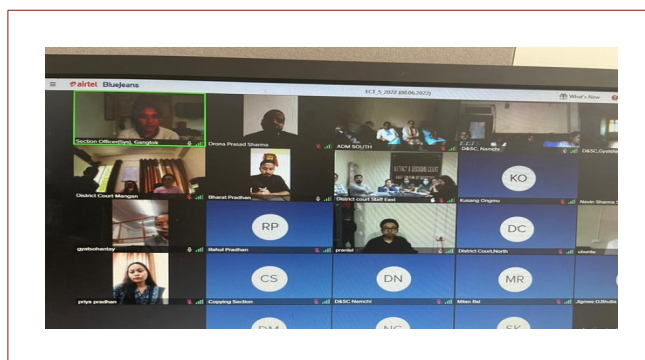


The Resource Person deliberated on what is Labour Law, general concept of Labour Laws, the history and how and why the need for Labour Law was raised.

8<sup>th</sup> June, 2022

**PROGRAMME FOR COURT MANAGERS AND ADMINISTRATIVE HEAD STAFFS OF DISTRICT JUDICIARY (ECT\_5\_2022).**

**Resource Persons:** Mr. Yoland Z Christopher, Section Officer (System) and Mr. Milan Rai, Senior System Officer, District and Sessions Court, Gangtok.



The Resource Persons discussed about Case Information System, Court proceedings, e-filing as per e-Courts module, importance of SMS, report of case file, etc.

11<sup>th</sup> June, 2022

## SESSION ON CONCEPTION AND PRE-NATAL DIAGNOSTIC TECHNIQUES ACT, 1994 (PC&PNDT).

**Resource Person:** Ms Anjua Gulati, State Program Coordinator,  
United Nations Population Fund, Thane.



**Participants:** Chief Judicial Magistrates/ Judicial Magistrates of all districts of Sikkim.

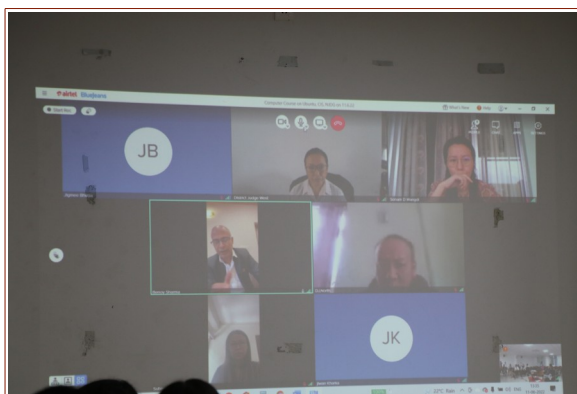
The Resource Person informed that discrimination against women is universal and manifests itself in various forms. Detail discussion was made about the data and law to address gender biased sex selection. The Resource Person also discussed about the concept of Pre-Natal Diagnostic Techniques Act (PNDT Act),

about various PILs filed under Article 32 of the Constitution by Centre for Enquiry into Health and Allied Themes (CEHAT), and leading cases laws on this subject.

11<sup>th</sup> June, 2022

## **COMPUTER COURSE ON UBUNTU, CENTER FOR INTERNET SECURITY (CIS), NATIONAL JUDICIAL DATA GRID (NJDG) (ONLINE).**

**Resource Person:** Mr. Suraj Chettri, Legal Remembrancer-cum-Law Secretary, Government of Sikkim and Mr. Benoy Sharma, Chief Judicial Magistrate-cum-Civil Judge, Gyalshing.



**Participants:** Judicial Officers of Sikkim.

The Resource Persons discussed about the UBUNTU Operating System (OS) and its importance in the Judiciary. UBUNTU is an advanced level Operating System and the main reason to adopt UBUNTU is its security. However, the challenges remain on its usage, as only a trained person can use this Operating System efficiently. Several application software like Libre Office Writer, Libre Office Calculator etc., were explained in detail.

The Resource Persons explained about National Judicial Data Grid (NJDG) which is a flagship project implemented under the aegis of the e-Courts Project, and has been recognized as a significant innovation under the Ease of Doing

Business initiative of the Government of India. They also focused on the relevance of the project, the portal is a national repository of data relating to cases pending and disposed of in all District and Taluka Courts of the country.

They then highlighted the importance of CIS (Case Information System). The Case Information System software is a giant move under the initiative of the eCommittee to make the Indian Judiciary more transparent and more litigant friendly. They also mentioned that the CIS versions are available for District Judiciary and High Court exclusively.

16<sup>th</sup> June, 2022

## SESSION ON JUDICIAL ETHICS AND WRITING OF JUDGMENT AND ORDERS.

**Resource Person :** Hon'ble Ms. Justice Indira Banerjee, Judge,  
Supreme Court of India.



**Participants:** Judicial Officers of Sikkim.

Her Ladyship discussed about the Bangalore principles of independence, impartiality and integrity for Judges. Proprietary, competence and diligence on performance of judicial duties were discussed. The art of writing judgments and orders were discussed at length. Her Ladyship mentioned about the discrimination of women and gender justice. Various cases, viz. Vishakha vs. State of Rajasthan, Bodhisattwa Gautam vs. Ms Subhra Chakraborty and Gurmeet Singh vs. The State of Punjab, were also discussed.





**23<sup>rd</sup> June, 2022**

**COURSE ON SIKKIM GOVERNMENT SERVICE RULES, 1974.**

**Resource Person:** Mr. Abinash Rai, Joint Secretary, Home Department, Government of Sikkim.



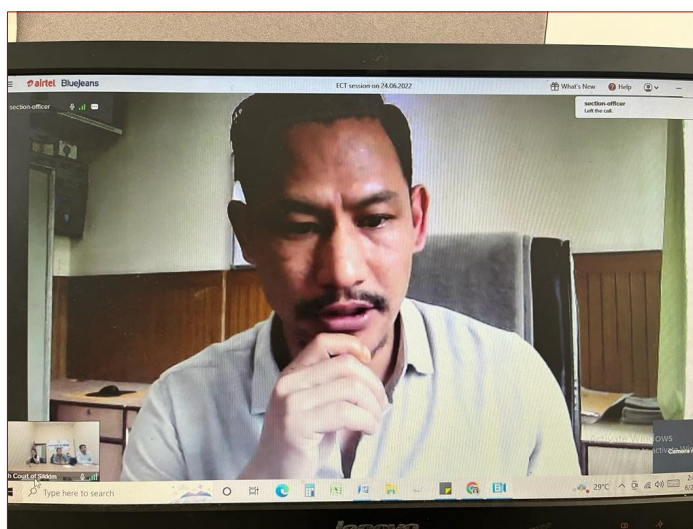
**Participants:** Administrative Officers and Staff of Government of Sikkim.

The Resource Person informed about the background of the Rules prepared in exercise of the powers conferred by Article 309 of the Constitution of India. He discussed about the regulations of Government servant's claim, appointing authority, compensatory allowances, service on deputation, general condition of service, concept of increment, etc.

**24<sup>th</sup> June, 2022**

**MASTER TRAINING PROGRAMME ON DIGITIZATION AT HIGH COURT LEVEL (ECT\_6\_2022).**

**Resource Person:** Mr. Deependra Dixit, Section Officer (System),  
District and Sessions Court, Namchi.



**Participants:** High Court Digitization Officials/Staff of Sikkim.

The Resource Person discussed about computer hardware/software maintenance, software update, Case Information System (CIS), progress made by the High Court of Sikkim and Subordinates Courts of Sikkim in computerization including (Software Applications and Website), services provided by e-Courts committee of the High Court and Subordinates Courts.



25<sup>th</sup> June, 2022

**DEMONSTRATION TRAINING ON UNIQUE FEATURES, BETTERING RESEARCH SKILLS THROUGH MANUPATRA, ALL INDIA REPORTER AND SCC ONLINE.**

**Resource Persons:** Mr. Sanjay Kapoor, Vice President, SCC Online, Mr. Satendra Kumar, Manager (Sales), Manupatra and Mr. Banan Bakshi, All India Reporter.



**Participants:** Readers, Law Clerks, Librarians of Hon'ble High Court and Subordinate Courts of Sikkim

The Readers, Law Clerks and Librarians of Hon'ble High Court and Subordinate Courts of Sikkim were trained on the use of online journals such as Manupatra, All India Reporter and SCC Online. The Resource Persons demonstrated on the features and facilities provided in various portals to improve and simplify their research skills.

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