

**From,**

**Krishna Swaroop Dhar Dwivedi, HJS,  
I/c Joint Registrar (Judicial) (Services),  
High Court of Judicature at  
Allahabad.**

**To,**

**The Director,  
Judicial Training & Research Institute, U.P,  
Vineet Khand, Gomati Nagar,  
Lucknow.**

**No. 466/Admin. (Services)/2022, Dated Allahabad: September 08, 2022**

**Subject: Regarding nomination of Judicial Officers for two Days Conference on "Justice Delivery System: Challenges and Solutions" on Saturday and Sunday, 10<sup>th</sup> & 11<sup>th</sup> September, 2022 at JTRI, Lucknow.**

**Sir,**

With reference to your Letter No. Spl.Prog./JTRI-1311, dated 05.09.2022, on the above noted subject, I am directed to say that Hon'ble Court has been pleased to nominate all the District & Sessions Judges, Special Judges (SC/ST), Special Judges (POCSO), Chief Judicial Magistrates and Civil Judges, (Senior Division) of the State of Uttar Pradesh for participation in the two Days Conference on "Justice Delivery System: Challenges and Solutions" on Saturday and Sunday, 10<sup>th</sup> & 11<sup>th</sup> September, 2022 at Judicial Training & Research Institute, U.P., Lucknow.

I am further directed to inform you that the Hon'ble Court has also been pleased to grant exemption to **Sri Sudhir Kumar-III**, District & Sessions Judge, Baghpat, **Smt. Pratima Srivastava**, District & Sessions Judge, Unnao and **Sri Surendra Mohan Sahay**, Special Judge/Addl. District & Sessions Judge, (POCSO), Aligarh from participation in the aforesaid conference.

I am, therefore, to request you kindly to take necessary steps accordingly.

**Yours sincerely,**

**Sd/-**

**I/c Joint Registrar (J) (Services)**

**No. 466(i)/Admin. (Services)/2022, Dated Allahabad: September 08, 2022**

Copy forwarded for information and necessary action to:

1. The Principal Secretary (Law) & L.R., Govt. of U.P., Lucknow.
2. All the District & Session Judges subordinate to the High Court of Judicature at Allahabad with the request to kindly attend the aforesaid Conference which is scheduled to be held on 10<sup>th</sup> & 11<sup>th</sup> September, 2022 at JTRI, Lucknow and to direct the Special Judges (SC/ST), Special Judges (POCSO), Chief Judicial Magistrates and Civil Judges, (Senior Division) who are posted in their judgship to participate in the aforesaid conference. The programme details of the aforesaid conference are annexed herewith.
3. **Sri Sudhir Kumar-III**, District & Sessions Judge, Baghpat, **Smt. Pratima Srivastava**, District & Sessions Judge, Unnao and **Sri Surendra Mohan Sahay**, Special Judge/Addl. District & Sessions Judge (POCSO), Aligarh with request to inform you that Hon'ble Court has been pleased to grant you exemption from participation in the said conference.
4. The Joint Registrar (J), Computer, High Court, Allahabad.

**Sd/-**

**Deputy Registrar (Services)**



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JUDICIAL TRAINING & RESEARCH INSTITUTE, U.P.,  
LUCKNOW

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**Conference**

**On**

**“Justice Delivery System: Challenges and Solutions”**

**Participants: District Judges, Special Judges (SC/ST), ADJs (POCSO), CJMs, Civil Judges (Senior Division) and other Stakeholders of the State of Uttar Pradesh**

**Venue: Auditorium, JTRI, U.P., Lucknow**

**Date: 10.09.2022 & 11.09.2022**

**I. Background and Concept Note on Criminal Matters (True Excellence is a Product of Synergy)**

The ultimate object of all the stakeholders of the criminal justice system namely the police, judiciary, prosecution, doctors, forensic experts and even the jail administration is to secure justice, which must not only be done but must be seen to be done. Every fresh law suit or FIR or a criminal complaint is an indicator of the fact that there is still faith of the common man in the judicial system and so it is the responsibility of all the stakeholders of the criminal justice system to ensure that this faith is maintained.

But if the stake holders continue to work in their strict compartments then the cause of justice will suffer. It's the need of the hour that all the stakeholders of the criminal justice system come together to share their expertise and skills and make a combined endeavour for the cause of justice. It is important for each system to know its lacunae and work towards its rectification.

The journey of a criminal trial comprises investigation, inquiry and trial and each stage is interconnected and so are the stakeholders who must make a combined endeavour to make justice speedy, inexpensive and convenient. A police officer might not know the procedural lacunae that are taken advantage of by a defense counsel to escape liability, while a judge might be unaware of the forensic and medical technicalities of investigation that might be very relevant for better appreciation of evidence and so might even the jail authorities be completely ignorant about the rights of under-trials or even convicts, the rights of pregnant jail inmates and so there is a need of synergy, coordination and cooperation among all these stakeholders of justice.

Coming together of all the stakeholders of justice delivery system on a common platform can play a major role in bridging this gap by sharing of data, expertise and skills between these organizations and in this era of technology there is a need to address the common deficiencies and share the best practices data to ensure that truth shall triumph and the faith in the criminal justice system is maintained.

The idea behind bringing all the components of criminal justice system such as courts, police, prosecution, prison authorities, health department officers and other stakeholders together on one platform is to learn and share good practices and address the common deficiencies to achieve concrete outcomes so as to serve the cause of justice in most effective manner.

## II. Background and Concept Note on Civil Matters

Every court is constituted for the purposes of administering justice between the parties and therefore must possess all such powers as may be necessary to protect the right and undo the wrong in the course of administration of justice. The purpose of the Code of Civil Procedure, 1908 is to further the ends of justice and its provisions require to be liberally construed by the civil courts. It is in this context that the civil courts are provided inherent powers in addition to the powers specifically conferred on civil courts. These powers are complementary in nature and civil courts are free to exercise them for the ends of justice or to prevent the abuse of process of the court. Sections 148 to 153A of the Civil Procedure Code, 1908 provide the law relating to inherent powers of civil courts in different circumstances.

It is, indeed, settled position of law that discretion should be exercised wisely and judiciously. A wise and judicious exercise of discretion would require objectivity in judicial approach and exercise of the powers in view of settled principles of law and justice. Discretion plays a very vital role in the system of delivery of justice and is inseparable from the judicial system both for civil justice system and criminal justice system. So, what is required is regulation on the exercise of judicial discretion so as to serve the purpose for which it is provided in law i.e., dispensation of justice to parties.

It is in this context that the discussion will be made on important aspects of Civil Procedure Code, 1908 such as use of lawful force for execution of decree under Order 21 CPC and Rule 97, questions to be determined by the court executing decree under Section 47, Ad-Interim Injunction etc. Interim Orders may be passed either under Specific Relief Act, 1963 or in terms of Section 151 CPC which recognizes and retains inherent powers with civil courts. These orders enable the protection of subject matters of the suit and aid in the due assistance of the parties. These orders serve as important tools to prevent abuse of the process of law by a party and serve the interest of justice as in the absence of these

powers there would have been high chances of injustice done to a party seeking immediate relief.

The discussions on second day of the conference will focus on inherent powers of the civil courts, use and limitations on the exercise of discretion by civil courts, preventing abuse of the process of courts and serving ends of justice as well as various facets of alternative dispute resolution mechanism.

### **III. The Framing of Objectives of Conference**

- i. Sensitization of the participants on various aspects of criminal justice system with special emphasis on investigation and appreciation of evidence.
- ii. To emphasize the value of the testimony of witnesses, veracity and authenticity of documents.
- iii. Sensitization of judges, police officers, prosecution officers, prison authorities, officers of health department and other stakeholders to coordinate and interact effectively to achieve quick dispensation of justice.
- iv. To generate awareness on gender issues, evidence related issues and appreciation of medico legal evidence, forensic evidence etc.
- v. To sensitize the participants that evidence in sexual violence/abuse matters is conducted in a respectful manner, in camera and no revictimization takes place.

**Annexure "B"**

**JUDICIAL TRAINING & RESEARCH INSTITUTE, U.P.  
LUCKNOW**



**Conference  
On**

**"Justice Delivery System: Challenges and Solutions"**

**Date: 10.09.2022 & 11.09.2022**

**Venue: Auditorium, JTRI, U.P., Lucknow**

**Participants: District Judges/ Special Judges (SC/ST)/ADJs  
(POCSO), CJMs, Civil Judges (Senior Division) and other  
Stakeholders of the State of Uttar Pradesh**

**Date: 10.09.2022**

**CRIMINAL MATTERS**

Time	Topic	Panel
10:00hrs. to 11:00 hrs.	Inaugural Session	Chief Guest, Guest of Honour & Other Dignitaries
HIGH TEA		
TECHNICAL SESSIONS (11.30 hrs. to 13.00 hrs.)		
11:30hrs. to 13:00 hrs.	<b>Strengthening Justice Delivery System</b> <ul style="list-style-type: none"><li>• Fair Trial Rights of Accused</li><li>• Participation of the Victim in Trial Process</li><li>• Statutory Requirements of Investigation and Fair Trial</li></ul>	<b>Hon'ble Mr. Justice Ramesh Sinha</b> Senior Judge, Allahabad High Court at Lucknow <b>Hon'ble Mr. Justice Rajesh Singh Chauhan</b> Judge, Allahabad High Court <b>Hon'ble Mrs. Justice Saroj Yadav</b> Judge, Allahabad High Court at Lucknow <b>Hon'ble Mr. Justice Dharnidhar Jha</b> Former Judge Allahabad High Court

		<p><b>Sri Avnish Saxena</b> District &amp; Sessions Judge Gautambuddha Nagar</p> <p><b>DGP (Training)</b> &amp; <b>Sri Ashutosh Pandey</b> ADG (Prosecution)</p>
13:00hrs to 14:00hrs	<b>LUNCH - BREAK</b>	
<b>TECHNICAL SESSIONS</b>		
14:00 hrs to 15:30hrs	<p><b>Investigating Trial Rights, Mishandling of Evidence and its Repercussions</b></p> <ul style="list-style-type: none"> <li>• Recovery of Incriminating Articles and Other Materials in Narcotics, Arms &amp; Stolen Property: Addressing Discrepancies</li> <li>• Proper Exhibits/Recording of Link Evidence &amp; Circumstantial Evidence by Courts.</li> </ul>	<p><b>Hon'ble Mr. Justice Manoj Misra</b> Judge, Allahabad High Court</p> <p><b>Hon'ble Mr. Justice Samit Gopal</b> Judge, Allahabad High Court</p> <p><b>Hon'ble Mrs. Justice Renu Agarwal</b> Judge, Allahabad High Court, at Lucknow</p> <p><b>Sri Abdul Shahid</b> District &amp; Sessions Judge Raebareli</p> <p><b>DG (Medical &amp; Health)</b> <b>DG (Medical Education)</b> <b>Director, FSL</b></p> <p><b>Sri Aishwarya Pratap Singh</b> ACJM</p>
15:30 hrs to 15:45hrs	<b>TEA - BREAK</b>	
15:45hrs to 17:15hrs	<p><b>Sexual Assault Cases, Confidentiality, Medico Legal and Forensic Evidence</b></p> <ul style="list-style-type: none"> <li>• Collection and proper handling of Medico-legal and Forensic Evidence by Police and other Investigating Agencies.</li> <li>• Appreciating Evidence and Addressing Discrepancies in Medico-Legal and Forensic Evidence in Sexual Assault Cases.</li> </ul>	
<b>TEA</b>		

JUDICIAL TRAINING & RESEARCH INSTITUTE, U.P.  
LUCKNOW



Conference  
On  
“Justice Delivery System: Challenges and Solutions”

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(POCSO), CJMs, Civil Judges (Senior Division) and other  
Stakeholders of the State of Uttar Pradesh

Date: 11.09.2022

**CIVIL MATTERS**

Time	Topic	Panel
10:00 hrs. to 11:30 hrs.	<b>Preventing Abuse of Process of Court and Serving the Interest of Justice:</b> <ul style="list-style-type: none"><li>• Enlargement of Time and Ends of Justice</li><li>• Handling Interim Prayers and Requests for Adjournments</li><li>• Preventing Abuse of Process of Law, Interest of Justice and Limitations on Use of Discretion Under Section 151 CPC</li><li>• Ensuring Execution of Interim Orders: Extent and Limitations</li></ul>	Hon'ble Mr. Justice M.C. Tripathi Judge, Allahabad High Court Hon'ble Mr. Justice Saumitra Dayal Singh Judge, Allahabad High Court Hon'ble Mr. Justice Ajit Kumar Judge, Allahabad High Court Sri G.K. Singh Senior Advocate Allahabad High Court Sri Sanjay Shanker Pandey District & Sessions Judge, Lucknow & Civil Judge (Senior Division)
11:30 hrs to 11:45 hrs	TEA - BREAK	

<p>11:45 hrs to 13:15 hrs</p>	<p><b>Discretionary Powers of Civil Courts: Scope and Limitations:</b></p> <ul style="list-style-type: none"> <li>• Ad-Interim Injunction: Scope and Limitations</li> <li>• General issues relating to Interim Injunction &amp; Interlocutory orders,</li> <li>• Contours of Order 39 R 2A CPC,</li> <li>• Automatic Vacation of Stay by and Post-Asian Resurfacing case.</li> <li>• Practical issues relating to the execution of various kinds of decrees.</li> <li>• Measures to be taken by Courts for achieving speedy execution of decree.</li> <li>• Disposal of Substitution Application in Execution Matters</li> </ul>	<p><b>Hon'ble Mr. Justice D.K. Upadhyaya</b> Judge, Allahabad High Court at Lucknow <b>Hon'ble Mrs. Justice Sangeeta Chandra</b> Judge, Allahabad High Court <b>Hon'ble Mr. Justice Jaspreet Singh</b> Judge, Allahabad High Court at Lucknow <b>Sri Jaideep Narain Mathur</b> Senior Advocate, Allahabad High Court at Lucknow <b>Sri Rajeshwar Shukla</b> Principal Judge Family Court Fatehpur</p>
<p>13:15 hrs to 13:45 hrs</p>	<p><b>VALEDICTORY SESSION</b></p>	<p><b>Hon'ble Dignitaries</b></p>

LUNCH & DEPARTURE