



Curriculum for Training

of

District Judge Cadre

(Including District & Sessions Judges, Principal Judges
and Additional District & Sessions Judges)

(Approved by Full Court of Hon'ble Patna High Court)

Bihar Judicial Academy

Gaighat, Gulzarbagh, Patna-7

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2	Details of numbers of Training Programme/Courses for District & Sessions Judge Cadre
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(a)	Civil Law & Procedure
(b)	Criminal Law & Procedure
(c)	Subjects Related to Principal Judge/Addl. Principal Judge (Family Court)
(d)	Judicial Administration and Court Management

S.N.	Target Group	Type of Course	Course Title	No. of Days
1.	District & Sessions Judges	Special Training	Judicial Administration , Court Management, Disciplinary proceedings & Topics related to Criminal Law, Financial Rule. etc	02
2	District & Sessions Judges	Special Training	The commercial Courts, Commercial Division & Commercial Appellate Division of High Court Act, 2015	01
3.	Principal Judges/Addl. Principal Judges, Family Courts	Special Training	Subjects related to Family Court , Judicial Administration , Court Management and Topics related to 125 Cr.P.C. etc	02
4.	Additional District & Sessions Judges	Orientation Programme	Criminal & Civil Law Procedure, POCSO Act, J.J. Act, SC/ST Act, NDPS Act, Claim cases under MV Act,1988, Prevention of Corruption Act, 1988, Excise Act etc.	04
5.	Additional District & Sessions Judges	Refresher Programme	Criminal & Civil Law Procedure, POCSO Act, J.J. Act, SC/ST Act, NDPS Act, Claim cases under MV Act,1988, Prevention of Corruption Act, 1988, Excise Act etc.	02
6.	ADJs – I	Special Training	Protection of Children from Sexual Offence Act, 2012 J.J. Act, SC/ST Act, NDPS Act, & other related Act.	02
7.	ADJs from Bar (depends on their joining)	Foundation Training Programme	1.Core knowledge on Specialized Act relating to Criminal Laws, the Code of Criminal Procedure, 1973, Indian Penal Code, 1860, Information & Computer Technology & Evidence Act.	40

			<p>2.Core knowledge on Act relating to Civil Laws & Code of Civil Procedure, and topic relating to that.</p> <p>3.Judicial Management</p> <p>4. Reflective & Integrated learning</p>	
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Bihar Judicial Academy, Patna

**Precise Curriculum for Four Days “Orientation Training Programme” and
Two days Refresher Course
for
District & Sessions Judge Cadre.**

Course- Criminal Law & Procedure & Special Act	
No.	Subject
1	Criminal Procedure Code, 1973-
2	Indian Evidence Act, 1872-
3.	Indian Penal Code, 1860-
4.	POCSO Act, 2012 with Rules
5.	N.D.P.S. Act, 1985
6.	Drugs and Cosmetics Act, 1940
7.	Prevention of Corruption Act, 1988
8.	Bihar Special Courts Act, 2009
9.	S.C. & S.T. (Prevention of Atrocities) Act, 1989
10.	E. C. Act
11.	Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 1013
12.	General Topics- Stress management, Judicial Ethics and Code of Conduct for Judges, Case Flow Management & Timely Justice etc.
13.	Juvenile Justice Act.
14.	Civil Procedure Code.

Course- Civil Law & Procedure	
No.	Subject
1	Civil Procedure Code, 1908-
2	Indian Evidence Act, 1872- Oral & Documentary Evidence, Registered Document
3.	Motor Vehicle Act, 1988
4.	Indian Succession Act, 1925-
5.	Limitation Act, 1963
6.	Specific Relief Act, 1963
7.	Contract Act
8.	Transfer of Property Act, 1882
9.	Laws related to Land Acquisition
10.	Hindu Succession Act, 1956
11.	Hindu Marriage Act, 1955
12.	Hindu Minority & Guardianship Act, 1956
13.	Hindu Adoption & Maintenance Act, 1956
14.	Muslim Law- Marriage, Divorce, Gift, Succession
15	The commercial Courts, Commercial Division & Commercial Appellate Division of High Court Act, 2015
16.	Benami Transaction Act.
17.	Prevention of Money Laundering Act, 2002.

Course for Principal Judge Family Court	
No.	Subject
1	Void Marriage and Voidable Marriage,
2	Restitution of Conjugal Rights,
3.	Judicial Separation,
4.	Divorce
5.	Maintainable
6.	Custody of Child
7.	Injunction by Family Court
8.	Execution of Decree by Family Court
9.	Use of ADR Mechanism for settlement of Matrimonial Disputes

Course- Judicial Administration & Court Management for District Judge	
No.	Subject
1	Establishment of Courts and Offices
2	Inspection of Subordinate Courts and offices
3.	Maintenance of Registers etc.
4.	Case Flow Management
5.	Appointment
6.	Office Administration
7.	Financial Rules
8.	Sexual Harassment at Work Place (PP&R) Act
9.	Personality Development
10	Disciplinary Proceedings

**Precise Curriculum for Foundation Training Programme
of
District & Sessions Judge (Entry Level) from Bar.**

No.	Subject
1	Core knowledge on Specialized Act relating to Criminal Laws, the Code of Criminal Procedure, 1973, Indian Penal Code, 1860, Information & Computer Technology & Evidence Act.
2	Core knowledge on Act relating to Civil Laws & Code of Civil Procedure, and topic relating to that.
3.	.Judicial Management
4.	Reflective & Integrated learning

Detailed Curriculum for District & Sessions Judge Cadre

Course- Civil Laws & Procedure

1	Civil Procedure Code, 1908	
		<p>Res Sub-judice (Sec. 10)</p> <ul style="list-style-type: none"> • Essential Conditions • Effect of Contravention of Sec. 10 • Stay of suit vs stay of probet when dispute is related to same property <p>Res Judicata (Sec. 11)</p> <ul style="list-style-type: none"> • Essential conditions for res judicata • Res judicata and Res sub judice • Res judicata and Estoppel • Res judicata and O. 2 R. 2(Suit to include the whole claim) • Constructive Res Judicata • Effect of waiver of plea of res judicata • applicability of res judicata in execution cases
		<p>Amendment of pleadings</p> <ul style="list-style-type: none"> • Leave to amend when granted? • leave to amend when refused? • stage of amendment • Amendment in appeal • Amendment after remand • effect of amendment • failure to amend • amendment of Judgement, decree, order and stages
		<p>Death of a party</p> <ul style="list-style-type: none"> • Consequence of death of a party to the suit • Consequence of death of a party during pending appeal • Substitution of legal representatives • Transposition of a party • Abatement/partial abatement of suit/ appeal • Whether an appeal will abate if legal representatives of deceased are not brought on record? • Effect of non-substitution of LRs in Cross-appeal • Order 41 Rule 20 and Abatement- Can an appellate Court use power under Order 41 Rule 20 to brought the LR of deceased on record? • Determination of question of legal representative • Duty of pleader to communicate to court to death of party • Procedure where no legal representative • substitution relating to cases arising out under Indian succession Act, 1925
		Injunction

		<ul style="list-style-type: none"> • Temporary and Perpetual Injunction • When Temporary Injunction can be granted • When Temporary Injunction can be refused • Whether a temporary injunction can be granted where there is no perpetual injunction sought • whether injunction can be granted against person not party to the suit • Ex-parte order of injunction • Disobedience or breach of order of injunction • Duration of Injunction
		<p>Receiver</p> <ul style="list-style-type: none"> • Appointment of receiver • Whether a Court can appoint a receiver suo-moto? • Whether a a receiver can be appointed on the petition of a person not party to the suit? • Duration of receivership • How a receiver can be removed?
		<p>Appeal</p> <ul style="list-style-type: none"> • Right to Appeal – a Statutory right • Who may appeal • Whether appeal by a person not party to the suit is permissible, If yes under what circumstance? • Appeal against ex parte decree • Appeal against consent decree • Whether appeal against Final Decree can be filed when there is no appeal against Preliminary Decree? • Dismissal and Restoration of appeal • Whether an appeal can be dismissed on merit for appellant's default? • Ex-parte hearing in appeal • Ex-parte decree in appeal- its re hearing • Cross-objection & Cross-appeal; Cross-objection in appeal from Cross Suit/ Counter Claim • Power of court under appellate jurisdiction • Remand & partial remand of an appeal • Additional Evidence during appeal. When fresh/additional Evidence is required and how it be collected at appellate stage? • Appreciation of evidence at appellate stage • Power u/s151 & O. 41 R. 33 C.P.C. of Court of appellate jurisdiction • Stay & Status-quo by appellate Court • Addition, substitution, transposition of the parties at appellate stage • Abatement, withdrawal and abandonment of appeal • compromise, use of sec. 89 at appellate Stage • Whether Execution by appellate court is permissible, if yes under what circumstances?

		<ul style="list-style-type: none"> • Whether party can argue beyond the grounds available in Memorandum of appeal • Scope of Rejection, Return & Amendment of Memorandum of appeal • Appeal from orders • Limitation and condonation of delay • Imposing cost at appellate stage • Writing of Judgments and Orders in Appeal
		<p>Review</p> <ul style="list-style-type: none"> • Power of the Court to review • Grounds for Review • To whom application can be made? • Whether a second Review application can be filed? • Sec. 151 and Review • Appeal and Review • Limitation
		<p>Inherent Powers</p>
2	Indian Evidence Act, 1872	
	Evidence in Civil Cases	<p>Oral & Documentary Evidence</p> <ul style="list-style-type: none"> • Oral evidence • Evidentiary value • Documentary evidence • exclusion of oral evidence by documentary evidence • Public Document and Private Document- How it can be proved? • Primary Evidence • Secondary Evidence- When admissible <ul style="list-style-type: none"> ◦ Certified Copies ◦ Photo/xerox copies ◦ Copies compared with original ◦ Whether copy of a copy is admissible in evidence ◦ When the contents of a document can be proved by oral evidence? • Whether Proof of document and proof of contents of documents are similar?(PL Valvi vs State of Maharastra AIR 1979 SC1949; State of MP vs Kumari Nivedita AIR1981 SC 2085, 2092 • How the contents of a document can be proved? • Electronic Records- Admissibility of, and how it can be proved
		<p>Registered Document</p> <ul style="list-style-type: none"> • Whether registration proves due execution • proof of execution of registered document • Admissibility and Evidentiary value of a document required to

		<p>be registered but not registered</p> <ul style="list-style-type: none"> • Unstamped/insufficiently stamped document – admissibility
3	Motor Vehicle Act, 1988	<ul style="list-style-type: none"> • Role of Motor Accident Claims Tribunals • Cognizance of Accident Information Report by MACT • Inquiry to be Conducted by MACT <ul style="list-style-type: none"> • Scope of Inquiry • Nature of Inquiry • Procedures of MACT • Computation of Compensation <ul style="list-style-type: none"> • Just Compensation • Computation of Compensation in Death Cases • Computation of Compensation in Injury Cases • Protection of Award Amount <ul style="list-style-type: none"> • Deposit of amount directly in banks • Disbursement of award amount in phased manner • Deposit of Award Amount and Interest • Role and Liability of owner, driver and Insurance Company • Liability of the Insurance Company in Respect of Pillion Rider/Occupant in Two-wheeler/Private Car/gratuitous passenger in goods carrier • How to apply Multiplier • Compensation under Section 163-A and 166 • Substitution- When permissible
4	Indian Succession Act, 1925	
		<p>Succession</p> <ul style="list-style-type: none"> • Concept • Limitation in succession • Substitution in succession • Abatement • Effect of creating 3rd party interest during pendency of case
		<p>Will</p> <ul style="list-style-type: none"> • Capacity of making will • capacity of making will by deaf, dumb, blind and lunatic • Effect of old age, illness, infirmity, drunkenness • Will by a Mohamedan • Will obtained by fraud, coercion, importunity etc • Registration of will. • Presumption and burden of proof • Can a Will requiring attestation be proved without calling attesting witness

		<ul style="list-style-type: none"> • Whether certified copy of a Will is admissible • Un-probated Will- use of • Revocation of will or codicil • Rule of construction of will • Misnomer or mis-description of object • Rejection if erroneous particulars in description of subjects • When part of description may not be rejected as erroneous • Extrinsic evidence in case of patent ambiguity • Where words are capable of a twofold construction which of two possible construction preferred • Effect of death of A when bequest to A for the benefit of B • Bequest to person not in existence at testator's death • Rule against perpetuity
		<p>Grant of Probet and Letter of Administration</p> <ul style="list-style-type: none"> • Probet and letter of administration- when can be granted • Revocation of probet • Jurisdiction and power of District Judge • Limitation for filling application for probet and letter of administration • Question of title regarding subject of will • whether probet can be granted on mere consent • effect of creating 3rd party interest during pendency of case
5	Limitation Act, 1963	
		<ul style="list-style-type: none"> • “Period of limitation” and “Prescribed Period” • Bar of Limitation <ul style="list-style-type: none"> • Consent /Agreement of parties to extend the period of limitation • Consent decree for time- barred debt • Duty of Court when no plea of limitation taken in defense • Non-consideration of issue of limitation by trial court • Limitation bars claim but not the right • Admitting time barred appeal subject to objection • Set-off and counter claim shall be treated as cross-suit • Res-judicata and limitation • Extention of prescribed period <ul style="list-style-type: none"> • Only for appeal or application • Not for an application under Order 21 of CPC • Not for suits • Condonation of delay in filling appeal- when can be made, when not • Condonation of delay in filling appeal without hearing the respondent

		<ul style="list-style-type: none"> • Delay in filling cross objection • Each day's delay should be explained • Sufficient cause for delay- how to be determined • Condonation of delay in filling- when to be granted, when not • Continuous running of time • Computation of period <ul style="list-style-type: none"> • Exclusion of time in legal proceeding • Exclusion of time in case when leave to sue as a pauper is applied for • Exclusion of time of proceeding bonafide in court without jurisdiction • Acknowledgement of right or liabilities in writing • Effect of substitution of new plaintiff or defendant
6	Specific Relief Act, 1963	<p>Scope, ambit & latest amendments.</p> <ul style="list-style-type: none"> • When a suit for recovery of specific immovable property can be brought ? Against whom such suit may lie ? What is limitation for it ? [(1975) 4 SCC 518] • What is adverse possession ? What is test for proof of adverse possession ? (Study of case laws) • A comparative study of S. 6, TP Act & S. 145, Cr.P.C. • What is remedy to an unsuccessful person in a suit u/s 6 ? • When a suit for recovery of specific movable property may be brought ? (S. 7) • When a suit for specific performance of contract or part of contract may arise ? When it is enforceable ? • When a suit for specific performance of re conveyance may lie ? • Whether title may be decided in a suit for specific performance ? • What are the rights of purchaser or lesee against person with no title or imperfect title ? • What is doctrine of frustration ? (AIR 1975 SC 261) • What are the contracts which may not be enforceable ? • Who is entitled for specific performance ? • What is significance of “readiness & willingness” in a suit for specific performance of contract ? • What are the discretion available to the courts in a suit for specific performance ? How it could be exercised ? • When a suit for rectification of instrument/ rescission of contract/ cancellation of instrument may lie ? What are different perspectives in such suits & role of Courts ? • When a declaratory decree' may be passed by the Court ?What is its impact ? • Provisions of “Injunction” (S. 36-42).
8	Transfer of	Scope & ambit of the Act.

	Property Act, 1882	<ul style="list-style-type: none"> • Transfer of property in respect of movable & immovable properties • Who is competent to transfer ? • In whose favor transfer may be done ? • What are modes of transfer ? • What is rule against perpetuity? • What is rule of election ? • What is 'part performance' ? • What is 'sale' ? How sale is made ? • What is contract for sale ? How a suit of contract for sale may be dealt with ? • What is 'mortgage' ? What are its kinds ? How it is redeemed ? • What is 'foreclosure or sale' ? • What kinds of cases come before a civil court and how to deal with them ? • What is lease ? How it may be done?
9	Hindu Succession Act, 1956	<ul style="list-style-type: none"> • Hindu Law Amendment Act 2005- effect on the status of a Woman in a Hindu family • Succession under Hindu Succession Act
10	Hindu Marriage Act, 1955	<ul style="list-style-type: none"> • Marriage, restitution of conjugal rights, judicial separation, divorce and maintenance
11.	Hindu Adoption & Maintenance Act, 1956	<ul style="list-style-type: none"> • Adoption under Hindu Adoption & Maintenance Act • whether a woman is capable to adopt a child in the life time of his husband? • Maintenance under the Act
12.	Muslim Law	<ul style="list-style-type: none"> • Marriage • Divorce • Inheritance • Gift • Partition under Muslim law • Maintenance • whether there is adoption child under Muslim Law • What is acknowledgement under Muslim Law
13.	Indian Contract Act, 1872	<ul style="list-style-type: none"> • What is “agreement”? • Void/voidable agreement • What is “contract”? • Privity of contract • Contingent contract • Condition for a valid contract • Who are competent to contract • Contract by a minor • Performance of contract • Breach of contract • Consequences of breach of contract

		<ul style="list-style-type: none"> • Compensation for breach of contract
14.	Sale of Goods Act,1930	<ul style="list-style-type: none"> • Sale and agreement to sale • Condition and warranty • Formation, effects and performance of the contract • Concept of Caveat emptor
15	Benami Transaction Act	<ul style="list-style-type: none"> •
16	The commercial Courts, Commercial Division & Commercial Appellate Division of High Court Act, 2015	<ul style="list-style-type: none"> •

Criminal Law & Procedure

1	Criminal Procedure Code,1973	
		<p>Investigation by Police</p> <ul style="list-style-type: none"> • Information to police as to cognizable cases • Role of Police as to non- cognizable case • Procedure for investigating a cognizable offence • Examination of witness by Police • Maintenance of diary of investigation proceedings • Procedure to be followed on completion of investigation • Further investigation
		<p>Arrest, Search and Seizure and Production of Materials</p> <ul style="list-style-type: none"> • Arrest without warrant • Duty of Police at the time of arrest • Rights of arrested person(DD Basu Case) • Provisions related to Search and Seizure and Production of Materials
		<p>Local Jurisdiction of Courts</p> <ul style="list-style-type: none"> • Basic rule regarding inquiry and trial • Offence triable where act is done or consequences ensued • Place of trial where act is offence by reason of relation to other offence • Place of trial in case of certain offences • offences committed by letter etc. • Offence committed on journey or voyage • Place of trial for offences triable together
		<p>Criminal Proceedings bared by limitation</p> <ul style="list-style-type: none"> • Basic rules regarding limitation • Commencement of the period of limitation • Exclusion of time • Extension of period of limitation • Inapplicability of limitation in Economic Offences
		<p>Framing of Charge</p> <ul style="list-style-type: none"> • Form and contents of Charge- Its Importance • Amendment, Addition and Alteration of Charge during trial • Joinder of charges • Separate Charges for distinct offences and its exceptions

		<ul style="list-style-type: none"> • Conviction of an offence not charged when such offence is included in offence charged • When a Charge can be framed- more specific in Sessions Cases and warrant Cases • Discharge under Sec. 227 • Effect of omission to frame, or absence of, or error in charge (sec. 464)
		<p>Principles of Bail, Anticipatory bail and Cancellation of Bail</p> <ul style="list-style-type: none"> • Discretion in granting bail– how to be exercised • Bail in case of offence punishable with death or imprisonment for life • Bail to habitual offender or person previously convicted • Bail to approver • Cancellation of bail during investigation and during trial-conditions • Interim Bail, Conditional Bail and Provisional Bail • Bail in case of appeal against conviction • Power of appellate Court to grant bail • Maximum period for which an under trial prisoner can be detained (Sec. 436A) • Release of appellant on bail • Suspension of sentence pending the appeal (With judgement of DB of Patna High Court) • Parole <p>Anticipatory Bail</p> <ul style="list-style-type: none"> • When can be granted and for which period • Wide discretion in granting anticipatory bail • Anticipatory bail with condition • Ordinarily no “blanket order” of anticipatory bail- its exceptions • Cancellation of anticipatory (Punjab Vs Ravinder Singh AIR 2008 SC609)
		<p>Criminal Appeal</p> <ul style="list-style-type: none"> • Power of court under appellate jurisdiction • Right to appeal • No appeal in petty cases

		<ul style="list-style-type: none"> • No appeal when accused is convicted on his plea of guilty <p>Dismissal of Appeal</p> <ul style="list-style-type: none"> • Reasonable opportunity to appellant of being heard • Non-appearance of appellant • Whether Appeal can be dismissed on the ground of non-appearance? • Whether criminal appellate court subordinate to High Court have jurisdiction to dismiss criminal appeal for default then restore the same are not ? • Whether appellate Court has power to allow with drawl of appeal • Appellate Court may take further evidence or direct it to be taken • Abatement of appeal • Passing of sentence in appeal
		<p>Revision</p> <ul style="list-style-type: none"> • What kind of order may be passed • Power of the Court • Concurrent Jurisdiction • Suo moto exercise of power • Grounds for revision • Revision against acquittal
		<p>Sentence</p> <ul style="list-style-type: none"> • Judicial Discretion in sentencing • Death Sentence, Submission of Death Sentence for Confirmation • Situations of Rarest of the Rare Cases
		<p>Compensation to Victim (Under Sec. 357-A Cr.P.C & other Acts) (With Bihar Victim Compensation Scheme, 2014)</p>
		<p>Disposal of Property (Sec. 451 to Sec. 459)</p> <ul style="list-style-type: none"> • During Pendency of trial • After conclusion of trial
		<p>Probation (Sec. 360 of Cr.P.C. and Sec. 3 to 6 of Probation of Offenders Act, 1958)</p> <ul style="list-style-type: none"> • Sentencing a sensitive exercise of jurisdiction • Probation can not be claimed as of right • Considerations

2	Indian Evidence Act, 1872	
	Evidence in Criminal Cases	<p>Approach to Evidence (Appreciation) Competency of a witness</p> <ul style="list-style-type: none"> • Quantum of Evidence • Credibility of a witness • Criteria for assessing eye witness • Evidence of victim of rape • Witness interested and relationship • Witness part of whose story is found false • Minor and major contradictions • When omission amounts to contradiction • How to prove the statement u/s 161 for the purpose of contradiction (Tahsildar Singh Case) • Evidence of accomplice • Evidence of approver • Chance Witness • Child witness • Circumstantial evidence • Hearsay evidence- its admissibility and exceptions • Non production of some material evidence • Assessment of evidence by Appellate Court • Tendering of witness • Hostile witness- use • Appreciation of cross examination • Defence Witness <ul style="list-style-type: none"> ◦ Injuries to the accused ◦ Plea of Alibi • Statement of accused under section 313 Cr.P.C.- its utility
		<p>Admission & Confession-</p> <ul style="list-style-type: none"> • confession: What is? • Admissibility in Evidence (Cases of Pakal Nr. Swami; Palvindar Kaur ; A. Nagesia) • judicial Confession • Extra Judicial Confession– Its admissibility (Mulk Raj vs State of UP AIR 1959 SC902) • Whether Extra Judicial Confession can form basis of conviction? • Admission • Admission other than Confession & its admissibility • Whether an admission can be used in part? (Hanumant Vs M.P. 1953 CriLJ 129 SC; Karnail Singh Vs Punjab 1954)

		<p>CriLJ 580 SC; A. Nagesia Vs Bihar AIR 1966 SC119; Nisi kant Vs Bihar AIR 1969 SC422; Bhagwan Singh Vs State of Haryana AIR 1969 SC 1797)</p> <ul style="list-style-type: none"> • Confession before police- admissibility • Whether a confessional statement not intended to be made to a police officer is admissible? (Yusufalli vs State of Maharastra AIR 1968 SC147; Mt. Maharani vs Emperor 48 CriLJ 939 Allahabad.) • Confession in letter addressed to Police (Sita Ram Vs State of UP AIR 166 Sc 1906) • Statement of accused in different circumstances- Law summarised in State of UP vs Deoman Upadhyay AIR 1960 SC 1125) • Restrictions on use of confession • Statement leading to Discovery of a Fact • Confessional statement to Magistrate under 164 CrPC- whether examination of Magistrate is necessary to prove the confession ? (Nazir Ahmad, Kashmiri Singh vs State of MP 1952 CriLJ 839 SC; Madi Ganga vs State of Orrisa AIR 1981 SC1165) • Confession of a co-accused
		<p>FIR and Investigation by Police</p> <ul style="list-style-type: none"> • Evidentiary Value of FIR • Whether contents of FIR forms substantive evidence • Effect of omission of Important Details • Delay in lodging FIR • Not mentioning name of a witness in FIR • Test Identification Pared • Delay in TIP • Defence complaint of accused being shown to witnesses before TIP • Identification in Court for the first time • Refusal by the accused to join TIP • Investigation by Police Officer who Lodged FIR • recording statement of witness by magistrate during investigation • witness not examined by I.O. • Case Diary- Use and Sec. 27 • Error, Illegality and Defect in Investigation • Examination of I.O. – Necessity & relevancy
		<p>Dying declaration</p> <ul style="list-style-type: none"> • What is Dying Declaration (statement about cause of his death or as to circumstance of the transaction which

		<p>resulted in his death)</p> <ul style="list-style-type: none"> • Its Evidentiary Value • Statement of any circumstance connected with death is admissible • Dying declaration can form basis of conviction • Corroboration when necessary • Survival of the Person made statement
		<p>Evidence of Experts</p> <ul style="list-style-type: none"> • Competency of the Expert • Opinion when relevant • Opinion not conclusive • When two experts differ • Basis of evidence of expert to be established
		<p>Finger prints</p> <ul style="list-style-type: none"> • How to prove • Nature of the evidence • Classification • Patterns • Number of similarities required to be established • Evidentiary value • Footprint
		<p>Hand writing</p> <ul style="list-style-type: none"> • How to prove hand writing and signature • Method of comparison • Expert to indicate points of similarities and dissimilarities • prudence and caution required taking assistance of expert • opinion of hand writing expert needs corroboration • Role of Judge
		<p>Medical Evidence</p> <ul style="list-style-type: none"> • Evidence of Doctor may be of facts as of opinion • Record of medical examination • Correct way of taking evidence of a Doctor indicated by the Supreme Court • Use of medical evidence • Approach in case of inconsistency with other evidence • Direct evidence cannot be thrown out unless totally ruled out by medical evidence • Quality of evidence of a Doctor is to be assessed like any other evidence • Post-mortem report– who it can be proved and When its content can be read in evidence

		<ul style="list-style-type: none"> • Role of chemical examiner- only analyses material sent him, cannot give opinion about cause of death
		<p>Circumstantial Evidence</p> <ul style="list-style-type: none"> • Proof by circumstantial evidence when direct evidence is not available • Elimination of alternative possibilities • Requirements for basing conviction on circumstantial evidence • Complete chain
		<p>Burden of Proof and Presumptions</p> <ul style="list-style-type: none"> • By whom and in what manner evidence may be produced • Burden of proof and onus of proof • Presumptions- how to discharge <ul style="list-style-type: none"> ◦ Presumption of facts ◦ Presumption of law <ul style="list-style-type: none"> - rebuttable presumption - conclusive proof
		<p>Electronic Evidence</p> <ul style="list-style-type: none"> • Admissibility • How it can be proved
		<p>New investigation strategies and evidence</p> <ul style="list-style-type: none"> • Narco Analysis, DNA Finger Printing, Brain Mapping, Voice Test etc
3	Indian Penal Code, 1860	
	Specially Sessions Triable Offences	<p>Constructive and Joint Liability</p> <ul style="list-style-type: none"> • Principle under Sec.34 and 149 of IPC as a rule of evidence • Participation in crime • Same intention, Similar intention and common intention • Whether an accused charged for an offence r/w S. 149 IPC can be convicted by aid of S. 34IPC?(Karnail Singh vs State of Punjab AIR 154SC 204; B.N. Srikantiah vs State of Mysore AIR 1958SC 672) • Common Intention and Common Object- Distinction
		Abatement & Criminal Conspiracy

		<ul style="list-style-type: none"> • What is abatement ? What acts amount to 'abatement' ? • What may be different perspectives of offence of abatement ? • When an abettor may be held liable ? • What is criminal conspiracy ? What are its essential ingredients ?
		<p>Principles Governing Doctrine of Just Sentencing and Rights of Victim- Changing Concept of Criminal Jurisprudence (A detailed discussion with reference to Criminal Amendment Acts of 2008 & 2013, POCSO Act, 2013 and other Acts)</p>
		<p>General Exceptions</p> <p>Exceptions to Criminal Liability- reason behind Right of Private Defence – When available? Extent of right of Private Defence When the of right of Private Defence of the body extends to causing death? When the of right of Private Defence of property extends to causing death? Acts against which there is no private defence</p>
		<p>Homicide</p> <ul style="list-style-type: none"> • Meaning and Scope of homicide, justifiable homicide , excusable homicide and unlawful homicide • Culpable homicide - meaning, essential and mental element • Causing death and its different facets • Section 300, its Scope, culpable homicide and murder- distinction • Exceptions to murder
		<p>Rape</p> <ol style="list-style-type: none"> 1. Extent and Scope of Law of Rape, Mens rea in rape 2. Marital rape, custodial rape and concept of abuse of trust 3. Distinction between against her will and without her consent, consent by unlawful means, consent and submission, consent of minor 4. Effect of reasonable belief that victim is major 5. Burden of proof, presumption of absence of consent, corroboration to the testimony of the complainant, circumstantial evidence, medical evidence etc. 6. Punishment, mitigating circumstances and interest of public 7. Presumption- when arises 8. Attempt to commit rape vis-a-vis indecent assault u/s 354 IPC

		<p>9. Attempt to commit rape when amount to preparation to commit rape?</p> <p>10.Compensation and rehabilitation of victim of rape.</p>
		Kidnapping and Abduction
		Dacoity
		Mischief
		House Trespass
		Counterfeiting Currency Notes or Bank Notes(Sec. 489A to 489D)
		Attempt
4	POCSO Act, 2012 with Rules	
		<p>Protection of Children from Sexual Offence</p> <ul style="list-style-type: none"> • Why a separate law on Child Sexual Abuse? • Key Features • Who can Complain? • Against whom can a complaint be filed? • Who is a Child? • What is Child Sexual Abuse? • Kinds of Child Sexual Abuse • Presumptions • Punishment for sexual Offence • Special Courts and Special Procedures under the Act • The Burden of proof • Alternative Punishment • Trial of offence when victim and accused both are juvenile • Order for Compensation and rehabilitation of victim child
5	N.D.P.S. Act, 1985	
		<ul style="list-style-type: none"> • Prohibition of certain operations regarding NDPS • Search, seizure, testing and sealing- how, when and where? • Presumption of culpable mental status etc. under NDPS • Bail and Anticipatory Bail under NDPS Act • Disposal of seized narcotics before conclusion of trial- its necessity and Procedures • NDPS Act & drug & Cosmetics Act – Their exclusivity and

		overlapping
6	Drugs and Cosmetics Act, 1940	
		<ul style="list-style-type: none"> • Standard quality, Misbrand, Adulteration and Spurious Drugs and Cosmetics • Penal provisions, Procedure • Compounding of offence • Bail and anticipatory Bail
7	Prevention of Corruption Act, 1988	
		<ul style="list-style-type: none"> • Offences & penalties • Sanction for prosecution • Procedure & Power of Special Judge • Presumptions
8	Bihar Special Courts Act, 2009	
		<ul style="list-style-type: none"> • Jurisdiction of Special Court under the Act • Procedures & power of the Special court • Confiscation of Property
9	S.C. & S.T. (Prevention of Atrocities) Act, 1989	
		<ul style="list-style-type: none"> • Definition of Atrocities • Cognizance and Trial of cases under the Act • Principles applied for adjudication • Presumption to an offence • Punishment • Externment • Bail and Anticipatory Bail
10	Essential Commodities Act	
		<ul style="list-style-type: none"> • Essential commodities- means and it includes what kind of things • Confiscation of essential commodities • modes and procedure for confiscation & seizure

		<ul style="list-style-type: none"> • appeals and bar on jurisdiction • cognizance, procedure , presumption, burden of proof and penalties.
11	Sexual Harassment at Workplace (Prevention, Prohibition and Redressal)Act, 2013	
		<ul style="list-style-type: none"> • Sexual Harassment – Definition • Workplace • Process for Complaint & inquiry • Internal Complaint Committee & Local Complaint committee • Interim Relief • Duties of Employer
12	General topics	
		Judicial Ethics and Code of Conduct for Judges
		Stress Management
		Time management and Management of Personal Affairs
		Case Flow Management & Timely Justice (with special reference to Bihar Civil Courts Case Flow Management Rules, 2008)
		Being a Judge & Public servant – role, responsibility & accountability

Detailed Curriculum for Principal Judge/Addl. Principal Judge, Family Court

	Subjects Related to Family Court	
1		<ul style="list-style-type: none"> • Role of Principal Judge under family Courts Act, 1984 and Family Courts Rules of Patna High Courts • Jurisdiction of Principal Judge
	Marriage	<p>Void Marriage and Voidable Marriage- under different Personal Laws</p> <ul style="list-style-type: none"> • Whether legitimacy of a child of a void marriage can be considered in a proceeding under section 11 of H M Act <p>Restitution of Conjugal Rights under Sec.9 of Hindu Marriage Act</p> <ul style="list-style-type: none"> • whether a petition for restitution of conjugal rights can be converted into a petition for divorce u/s 13? • Whether a decree under this section will debar the other party to file a petition for divorce? • Execution of decree of Restitution of Conjugal Rights • Limitation <p>Restitution of Conjugal Rights under other Personal Laws</p>
2	Judicial Separation	<p>Judicial Separation</p> <ul style="list-style-type: none"> • legal Status of the spouse after judicial separation • Difference between judicial separation and divorce
3	Divorce	Divorce- Under Hindu, Muslim and Other Personal Laws
4	Maintenance	<p>Maintenance</p> <ul style="list-style-type: none"> • Permanent Alimony, maintenance, Interim Maintenance and Conditional order for Maintenance • Proceedings under Sec. 125 Cr.P.C. and Family Court Act, 1984 • Maintenance u/s 125 Cr.P.C. • Sec. 125 Cr.P.C. and Hindu Adoption and Maintenance Act, 1956 • Sec. 125 Cr.P.C. and Hindu Marriage Act, 1956 • Maintenance of Muslim Woman (with Spacial study of Shah Bano Case, Danial Latifi Case and Muslim Woman (Protection of Rights on Divorce) Act, 1986) • Whether wife's right to maintenance is absolute? • Whether a husband can file a petition under HM Act for maintenance pendente lite and expenses of proceeding against his wife? • Whether a husband can claim under HM Act for permanent alimony and maintenance against his wife? • Maintenance in case of - <ul style="list-style-type: none"> • Void Marriage

		<ul style="list-style-type: none"> • Voidable Marriage • Live in relation • Employed wife • Incapability of husband to earn • Validity of marriage for maintenance • Proof of marriage- extent • Sentencing in case of default to pay maintenance- procedure and quantum
5		Custody of Child
6		Injunction by Family Court
7		Execution of Decree by Family Court
8		Use of ADR Mechanism for settlement of Matrimonial Disputes

**Detailed Curriculum of District & Sessions Judge/Principal Judges
for Judicial Administration and Court Management**

1	Establishment of Courts and Offices	
		Functioning of - <ul style="list-style-type: none"> • Accounts • Nazarat • Library • Copying Department • Record room
2	Inspection of Subordinate Courts and offices	
		<ul style="list-style-type: none"> • Working of Establishment • Working of Presiding Officer with regards to ability, temper, discretion, punctuality, out-turn of judicial work and pendency
3	Maintenance of Registers etc.	
		<ul style="list-style-type: none"> • Maintenance of Registers, Periodical returns and statements, annual returns and statements
4	Case Flow Management	
		<ul style="list-style-type: none"> • Mechanism to reduce backlog of cases • Implementation of Bihar Civil Courts Case Flow Management Rules, 2008 • Use of ADR Mechanism to reduce back of cases • Equal distribution of cases by transfer from one Court to other Courts of equal jurisdiction
5	Appointment	
		<ul style="list-style-type: none"> • Rules regarding regular/permanent appointment • Rules regarding appointment on contract basis • Rules regarding appointment on daily wages • Reservation rules • Roaster
6	Office Administration	
		<ul style="list-style-type: none"> • Disciplinary action

		<ul style="list-style-type: none"> • Departmental Enquiry • Writing of Confidential Report • Sanction of Leave • Sanction/reimbursement of allowances like TA, LTC, HTC, Medical etc. • Cost to witness
7	Bihar Financial Rules	
		<ul style="list-style-type: none"> • Rules regarding purchases of goods • Purchases committee- its power and role • Stoking of goods • other relevant provisions • Rules regarding Sanction of Loan from GPF • The Bihar Finance (Amendment) Rules, 2005
8	Other topics	
		Budget <ul style="list-style-type: none"> • Preparation of Budget • Provision of funds in budget for future developments
9	Sexual Harassment at Work Place (PP&R) Act	
		<ul style="list-style-type: none"> • Sexual Harassment – Definition • Workplace • Process for Complaint & inquiry • Internal Complaint Committee & Local Complaint committee • Interim Relief • Duties of Employer
10	Personality Development	
		<ul style="list-style-type: none"> • Leadership • Communication Skill
		<ul style="list-style-type: none"> • Etiquettes
		<ul style="list-style-type: none"> • Stress Management and Management of interpersonal conflicts