

RAJASTHAN STATE JUDICIAL ACADEMY

C-7, Near JNV University Dispensary, Residency Road, JODHPUR-342 001 (Raj.)
Tele: 0291-2654701(O), 2654702(Fax), Email:rsjadir@bsnl.in

RJA/ACY/F-3(iv)/2010-11/1531-1564

December 07, 2010

The District & Sessions Judge,
All Judgeships

Subject:- General Instructions for Workshop/Seminar for Second Block, 2010-11
(November, 10 - February, 2011).

Sir,

I am directed to state that the Workshop/Seminar for Second Block, 2010-11 (November, 2010 - February, 2011) on the following topics is to be organized on some holiday, falling in this block:

1. **Balancing the hazards of sex based division of society and implementation of law relating to reservation, Domestic Violence Act etc.**
2. **Examination of party or the pleader under Order 10 CPC.**

The date and the time of the Hon'ble Judge, who will chair the Workshop/Seminar, will be conveyed later on. The General Instructions on the above topics is being sent to you with the request to circulate its copy amongst all Judicial Officers posted in your district so that proper preparation may take place in advance.

With regards,

Yours faithfully,

Encl.: General Instructions.

[B.N. BHATT]
Director

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WORKSHOP / SEMINAR AT DISTRICT HEADQUARTERS for Second Block, 2010-11 (Nov., 2010 to Feb., 2011)

Topic-1:

Balancing the hazards of sex based division of society and implementation of law relating to reservation, Domestic Violence Act etc.

General Instructions

Besides overall general discussion, area of discussion may cover the following issues:

1. Whether the remedy under the Protection of women from Domestic Violence Act, 2005 (Act of 2005) is of civil nature and the non compliance of order passed under the Act creates Criminal liability ? How does this affect the required standard of proof ?
2. Can women be a respondent under Act No. 43 of 2005 ? Whether a mother-in-law can complain for domestic violence against her daughter-in-law ?
3. Whether an action under the Act of 2005 can be brought in case of violence against a male child also ? What are the procedural or other requirements for initiating such action ?
4. What should be the practical approach in dealing with an application for residence order moved by an applicant who is brought up in diverse / different cultural or religious background where, the house in question is occupied by joint family ?
5. What is the scope of expression: "the over all facts and circumstances of the case shall be taken into consideration" as used in explanation II of Sec. 3 of the Act of 2005 ?
6. What are the procedural hindrances and ways & means to expedite the proceedings under the Act of 2005 ?
7. The ancient Indian values are of 'co-existence and non violence towards the universe'. Whether the Act reminds it or intends to narrow down this concept or runs contrary to it ?
8. What are the aims and objects of protection of women from Domestic Violence Act, 2005 (Act No. 43 of 2005) and what are the contents and background of: (i) Vienna accord of 1994 & (ii) Beijing declaration and the platform for Action 1995.
9. Section 26 of Act of 2005 makes permissive to seek relief u/s 18 to 22 in any other pending Civil, Criminal or Family court proceedings also. Where litigation between same parties is pending before more than one forums,

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whether relief under different sections of Act of 2005 can be claimed in different forums ?

10. What are the provisions in Act of 2005 regarding territorial jurisdiction ?

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Topic-2:

Examination of party or the pleader under Order 10 CPC.

General Instructions

Besides overall general discussion, area of discussion may cover the following issues:

1. Whether examination under Order 10 Rule 2 should precede direction under Order 10 Rule 1A of CPC ?
2. Whether at this stage, either party to the suit may also put question to the opponent directly or indirectly ? If such party seeks indulgence of the Court, what should the approach ?
3. Whether such examination should essentially or generally refer to the documentary evidence ?
4. Whether an examination under Order 10 constitutes "Evidence" in a suit ?
5. Whether examination under Order 10 is mandatory at any or every stage?
6. What is the true import of "Companion of party" as used in Order 10 Rule 2 ?
7. Whether oath should be administered while making such examination ?
8. What is distinction between examination under Rule 1 and examination under Rule 2 of Order 10 ?
9. Where there are more than one defendants and the direction for appearance is given to some particular defendant who fails to appear for examination, but judgment against him will necessarily adversely affect other co-defendants also, then in that case, still whether court should pronounce judgment under Order 10 Rule 4(2) ?
10. What are the consequences of refusal by the maker to sign the substance of statement recorded under Order 10 Rule 2 CPC ?