



NATIONAL JUDICIAL ACADEMY

WORKSHOP ON DEVELOPMENT OF  
INNOVATIVE PEDAGOGIES FOR  
DELIEVERY OF TRAINING

1<sup>ST</sup> -5<sup>TH</sup> NOVEMBER

**Rapporteur: Mr. Akhilendra singh**  
**7<sup>th</sup> Semester, B.A., LL.B (Hons.)**  
**Institute of law Nirma University.**

## Table of contents :-

### Introduction :-

➤ Day 1

- **SESSION 1 -10:00 AM – 11:00 AM** What motivates adults to learn
- **SESSION 2- 11:30 AM – 12:30 PM** How to increase intrinsic motivation & willingness to share knowledge amongst judge participants?
- **SESSION 3- 1:30 PM – 02:30 PM** Natural Learning, Formal Learning, Personal Learning
- **SESSION 4- 3:00 PM – 4: 00 PM** Andragogical principles: collaborative process of adult learning

➤ Day 2

- **SESSION 5- 10:00 AM – 11:00 AM** Designing role play exercise for judicial training
- **SESSION 6- 11:30 AM – 12:30 PM** Designing simulation exercise for judicial training
- **SESSION 7- 1:30 PM – 02:30 PM** Impact of debate participation on transfer of learning
- **SESSION 8- 3:00 PM – 4: 00 PM** Designing questionnaire for effectiveness of judicial training

➤ Day 3

- **SESSION 9- 10:00 AM – 11:00 AM** Impact of power point presentations on transfer of learning
- **SESSION 10- 11:30 AM – 12:30 PM** Impact of case study method for transfer of learning
- **SESSION 11- 1:30 PM – 02:30 PM** Impact of documentary /film screening on transfer of learning
- **SESSION 12- 3:00 PM – 4: 00 PM** Impact of theatre play/drama participation on transfer of learning

➤ Day 4

- **SESSION 13- 10:00 AM – 11:00 AM** Impact of group activity on transfer of learning
- **SESSION 14- 11:30 AM – 12:30 PM** Designing game exercise for judicial training
- **SESSION 15- 1:30 PM – 02:30 PM** Impact of field visits on transfer of learning
- **SESSION 16- 3:00 PM – 4: 00 PM** Impact of meeting with stakeholders on transfer of learning

➤ Day 5

- **SESSION 17- 10:00 AM – 11:00 AM** Exercise 1 by participants
- **SESSION 18- 11:30 AM – 12:30 PM** Exercise 2 by participants
- **SESSION 19- 1:30 PM – 02:30 PM** Exercise 3 by participants

### Resource Person

1	Hon'ble Ms. Justice S. Vimala	Judge, Madras High Court
2	Hon'ble Ms. Justice Manju Goel	Former Judge, Delhi High Court
3	Ms. Aditi Chaudhary	ASJ (Special Fast Track Court), South Saket Courts, Delhi
4	Prof. M. R. K. Prasad	Principal, V. M. Salgaocar College of Law, Goa
5	Dr. M. Rajendra Prasad	Professor & Head, Centre for Youth Development and Studies

## **Introduction:-**

National judicial academy organized the workshop of the directors/join directors and faculty members of the state judicial academies on the “development of the innovative pedagogies for the delivery of judicial training” from November 1<sup>st</sup> to 5<sup>th</sup>, 2015. 19 representatives from the judicial academies across the country participated in the workshop. Each day was divided into four sessions in which different method of knowledge dissemination like group discussion, simulation, PPT presentation, role play were discussed as well as practiced. Different kind of movies were shown to do the same. Each day one session was being taken by the resource person. Former Delhi high court judge Justice Manju Goel, Dr. Rajendra Prasad are among the few who guided the session. Another exercise in the evening was introduced which was to watch movies and to discuss over the same law related movies like Bol, welfare related movies Hawahawai, and the movie officially nominated from the India to the Oscar “the court” were shown.

**SESSION 1- 10:00 AM – 11:00 AM** What motivates adults to learn

Day 1 session there was a formal welcome of all the participants by the director and at the same time the participants were asked to give their introduction of themselves. After the introduction the director stated that why it is being so important to undergo a proper training when a person has become a director of the judicial academy. The first and foremost points are:-

- 1.) Training of the civil judge junior division has been stopped by the NJA and many other training which will now be conducted by the state judicial academy like workshops on PDJ and so on:- the exercise which earlier used to be taken up by NJA of the training of junior division clerk and so on will now not be conducted. The same would be conducted by the state judicial academy because of the circular of the Supreme Court as well as the prevalence of the local laws in India as the NJA is not able to guide over all the local laws.
- 2.) No lecturing:- the director made the emphasis that now participant must understand that they will now not be teaching the students rather they are now lecturing the adults and there is a lot of difference in them which must be understood that a lot of passive resistance would be there in teaching the adults.
- 3.) Transfer of learning:- the transfer of the knowledge will take place only when the students or the participants in the various courses will able to apply what they are being taught and it is the duty of the resource person that knowledge disseminated should be such that the learner is able to apply
- 4.) Importance of the judiciary:- the judiciary is the third pillar of the democracy and that the participants must consider while teaching the coming new judges and it is their duty to strengthen that pillar.

After this the first resource person of the day Justice S. Vimla shared some of the points as her experience as the head of Tamilnadu judicial academy and as a resource person what are the problems she was facing and they are as follows :-

- Importance of sharing is gaining:- the speaker is of the view that the knowledge can be added with more speed through sharing when one is teaching the adults as it is their experience which will help to add up, thus when the participants will be teaching the judges their own knowledge gathered at the time of preparing for the judiciary can be utilized.
- Example of Ramanujan:- once a question was asked in class by a teacher that all the number divided by the number itself would be 1 is any other solution can also come ? all the students were knowing the answer but they were reluctant to answer as they were fearing that if they are wrong then they will be mocked off only one of the students that answered that if 0 will be divided by the zero will come zero and the student was later came to be known as ramanujaan. Thus this fear cyosis of the students must be taken out even at the level of adult training.
- Example of unsigned petition :-
- First promise of the constitution:- the constitution says that it is the foremost duty of the government to provide justice to its people and which must at the same time dynamic also.
- The speech of mahatma Gandhi :- says that a patron must always be ready to defend his country against his govt. and accordingly in the similar way the judges must not always become lopsided toward the government in their decision rather they have to critical of the situation and on this point the speech of mahatma Gandhi was discussed as his speech says My first contact with British authority in that country was not of a happy character. I discovered that as a man and an Indian, I had no rights. More correctly I discovered that I had no rights as a man because I was an Indian. But I was not baffled. I thought that this treatment of Indians was an excrescence upon a system that was intrinsically and mainly good. I gave the Government my voluntary and hearty co-operation, criticizing it freely where I felt it was faulty but never wishing its destruction. The main stun came fit as a fiddle of the Rowlatt Act-a law intended to loot the general population pf all genuine flexibility. I felt called upon to lead an escalated unsettling against it. At that point took after the Punjab repulsions starting with the slaughter at Jallianwala Bagh and finishing in creeping requests, open lashing and other

incredible mortifications. I found too that the plighted expression of the Prime Minister to the Mussalmans of India with respect to the uprightness of Turkey and the sacred spots of Islam was not liable to be satisfied. The Khilafat guarantee was not to be recovered. The Punjab wrongdoing was whitewashed and most guilty parties went unpunished as well as stayed in administration, and some kept on drawing benefits from the Indian income and now and again were even remunerated. I saw too that not just did the changes not check a change of heart, but rather they were just a system for further raining India of her riches and of drawing out her bondage.

**SESSION 2- 11:30 AM – 12:30 PM** How to increase intrinsic motivation & willingness to share knowledge amongst judge participants?

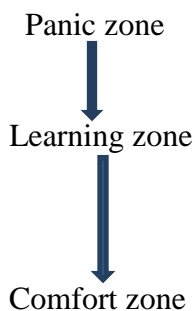
The second session was based on determining that what is that which is so important in the teaching of the adults the speaker started with stating the importance of the andragogy:-

- 1.) Historical relevance:- pedagogy was developed when the rich people used the monks to teach their children, in this way the monks used to lecture them and they use to learn it by heart, but now the learner is more informed and moreover when the teaching is of the adults then sometime they are more learned then the need was felt and another method was devised and is known as andragogy .
- 2.) Characteristic of the learner has changed :- earlier the student used to be dependent on the teacher now they have become more of directive in the nature and it must be understood by the academia and such process of teaching must be taken up which are compatible to this type of situation
- 3.) Autonomous learner :- the participants must be understand now they will be teaching adults they are leader in themselves and if such recognition is not given to them then their ego will become a hindrance in the teaching .
- 4.) Fear physisosis :- the student must always be first realized that if they will be asking question no fun of that question will be made how worst it is.
- 5.) Performance oriented :- the speaker wanted us to learn that the person the participant would be teaching are more of performance oriented person they are not children who would work on the basis of result oriented theory rather they would provide them with procedural problem which might help them practically and hence they canmake their teaching meaningful.
- 6.) Asks respect:- the speaker is of the view that the adult always command respect and the teacher at the same time must respect the experience they possess and the knowledge they possess and until that is done their will be passive resistance coming from their side
- 7.) Video :- a video regarding the adult education was shown.
- 8.) Readiness :- the speaker told that the teacher while teaching the adults must make them receptive by asking some question and such question must hesitate them and then they will surely try to participate in the class.



After this explanation the participants were divided into the groups and they are asked to prepare and present a program as they are director of the respective judicial academy to the fresher group and that is one day program on the basis of the above information being rendered the main points highlighted by the speaker after the presentation of the various representative of the group are as follows :-

- 1.) Suggestion from the participants:- the best way to involve the adults in the teaching is to ask them what they want to learn and what is the goal of them while undergoing a program and what are the process through which they wanted themselves to be taught.
- 2.) Fixation of topics :- the selection of the topic must be such that it is not boring and must be a fine mixture of practical issues as well as the substantive issues.
- 3.) Fixation of the resource person:- they must also appoint the resource person who is more active and pro-active and which can be understood whit how mush passion he is working and whether when you will be calling him next time then has he add up to the same.
- 4.) First session must be opening up session:- by that the speaker wanted to say that in the first session only the students must be made free of the fear-mycosis that if they will ask question then mockery will be made.
- 5.) No confrontation must be made rather a way must be looked up for the proper presentation of the differences :- the teacher must avoid having confrontation while teaching the adults because this will seriously effect and even aggregate the passive resistance they pose.
- 6.) Innate sense of learning:-



The speaker is of the view that there are three level of learning the first is that when the person is in the comfort zone, it is the duty of the facilitator to bring him up to the learning zone and to see whether he does not fell in the panic zone and if he had done so then you have to take them up.

- **SESSION 3: 1:30 PM – 02:30 PM** Natural Learning, Formal Learning, Personal Learning

The third session was more of emphasizing the teaching pattern and what are the technique one must apply while teaching the adults :-

- No authority:- while teaching the students they can be taught as they do not know anything and a teacher is always making a compulsion over them, the same type of technique must not be used with the adults because in the time of information everyone is having an access to the goggle and they might sometime be knowing more then they teacher so while teaching adults no act should be made which implicate as exercise of authority.
- No reason:- a child learns without resistance because he is not having any reason to confront while at the same time the adults might be having many reason to confront
- No control :- while teaching the adults no exercise of control must be made over them.
- Understanding the role of facilitator :- while teaching a student one can perform as a teacher but while teaching the adults they must understand that they will be performing the role of the facilitator and there is a lot of difference init , their role is only limited up to facilitating them and is not similar to the spoon feeding.
- Learning must become self directive :- as in the adult age the learning must come from inside of the person , like from self- realization. Self- motivation and these are the things which must be inculcated by the facilitator.

Role of facilitator :-

- Diffusing situation:- if during a discussion between the adults on topic there is a deadlock which has formed it is the duty of the resource person to break the deadlock and help in the continuance of the discussion.
- Bringing objectivity:- the duty of the resource person while teaching the adult is to bring the objectivity to the discussion and this can be done by asking mindboggling question and giving them related examples.
- Equating the needs of learner with the needs of the society :- a parlance must be taken care off where the needs of the learner must be equated with the needs of

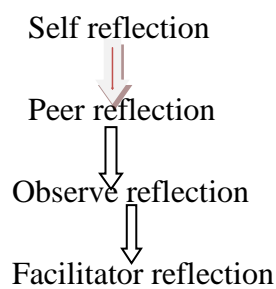
the society from the adult as then only it will become effective teaching otherwise not.

- Curriculum matching:- the curriculum must be always set accordingly to the above given points.
- Process based learning rather than learner based learning :-the topic selected for the teaching of the adults must be in the form of process based learning and not a learner based learning as they are interested in the practical experiences rather than theoretical knowledge.
- No spoon feeding :- no spoon feeding or one way transaction must be made while teaching the adults as it will block the idea which might be coming from their side and ultimately they will loose the interest in the class
- Understanding emotion :- the teacher must try to provoke an emotions of the participants by asking some of the mindboggling question.
- Knowledge is created :- the resource person must understand that knowledge cant be imparted to the children rather it can only be created through a discussion among themselves, as their will be no barrier on learning through such a exercise
- The format must be compatible to the participants.

**SESSION 4 3:00 PM – 4: 00 PM** Andragogical principles: collaborative process of adult learning

After this an exercise of simulation was being conducted and after few points to conduct simulation were discussed which are as follows:-

- Goals :- whenever the exercise of simulation is being conducted then it is the duty of the facilitator to formulate a problem which is having a goal related to the interest of the participants.
- Format :- the format of such exercises must always be given at the front.
- Some level of uncertainty :- a small level of uncertainty must always be left then only there will be an area of interest which will be put on by the participants.
- Role of participants :- the role of the participants must always be ascertained
- Collaboration :- if there are more than two groups then the work of several groups can be clubbed together.
- Practical constraints :- as far as it is practicable then only the practical constraints must be put on the exercise.
- Person of free ride :- a person who can always exercise a free ride over the groups must always be the one who at the time of blockade can make a simulation go through.
- Discussion on four levels of reflection:- the speaker is of the view that there are four kinds of reflexes which must be looked upon by the facilitator and it is his duty that he take up the resource person to the level of the self-reflection



Some of the type of learner as discussed by the Dr. Prasad are as follows and according to him it is the duty of the facilitator to understand what kind of listener he is getting ;-

- Read and hear :- some are that type of person that only understand the things when they hear and read.
- See and hear ;- in the same their are person who learn though watching and hearing
- Back bench hearing :- there are certain kind of person who are learning while doing jokingly who are generally known as back benchers.
- Physical learning their are some person who always learn while roaming here and their.

**Session 5 and 6 were organized as a field visit of the participants to the court by the NJA**

- **SESSION 7:1:30 PM – 02:30 PM** Impact of debate participation on transfer of learning

How to disseminate knowledge?

Prof(Dr) Geeta Oberoi , director –in-charge of the national judicial academy warmly welcomed everyone. A brief introduction and objective of the exercise was discussed which was concerning the ways of the knowledge dissemination strategies to the adult (judges),it was to emphasize the importance of the knowledge dissemination ways which has to always be two way participative process i.e. how one can learn to disseminate knowledge. The exercise was not concerning the content of the knowledge rather it was emphasizing over the issue how to disseminate it.

Exercise:- the participants were divided into 5 teams and each team was required to do a field visit in the previous session of the respective high court and district courts. The teams were required to present the information gathered by them in innovative ways. The five teams divided are as following:-

Sn. No		Exercises
Group A		Role play
Group B		Panel discussion
Group C		Role play
Group D		Simulation
Group E		Ppt presentation

The different pedagogies for the training were discussed like what is simulation()role play()ppt presentation() group discussion and so on the importance of these methods were discussed by Prof(Dr) Geeta Oberoi are as follows:-

- Such methods increase the way of range of information.(as a single person may require 50 minutes to make a thing understand to others where as the same task can be done by the 4 persons in few minutes time and in a more dramatic way)
- Such methods are always transcending the passive resistance which are offered by the adult listener
- These exercises includes the involvement of all
- Optimum use of the information can be made in such exercises.

The importance of such kind of exercises including field visit were discussed which includes that such exercises always gives a freedom to the learner but such freedom always comes with responsibility to utilize the freedom in the correct and productive manner.



- **SESSION 8:3:00 PM – 4: 00 PM** Designing questionnaire for effectiveness of judicial training

A movie “the court” which has been officially nominated to Oscar by India was shown depicting the dilatory tactics. This film has been directed by Chaitnya Tamhne. Te film examines the Indian legal system through the trial of an aged folk singer at a sessions court in Mumbai. It flays down alive the Indian judicial system and some of the findings inferred as well as discussed by the participants are as follows

- Lawyers in the trial court are not good orators
- Documents in lower courts are always misplaced
- Arguments in the trial court are always technical and redundant.
- Outdated elephantine views are taken in the courts
- The problem is not with the books but also with the people presenting them.
- The picture clearly shows how law and order which possess power to crush protest through delay, demands for further justice and deferred hearings.

At the end of the session an assignment was given to the participants to present their views in form of presentation over the book “the nature of judicial process” by Benjamin.N.Cardozo. they were also required to do presentation on a book of their choice.

- **SESSION 9:10:00 AM – 11:00 AM** Impact of power point presentations on transfer of learning

The session started with the presentation sharply.

The first presentation was given by the **group C** participant, they presented it in form of role play:-

The scene depicted an aggrieved party which had come all the way from Hyderabad. They had purchased a house in Bhopal 5 years back and the same encroached upon by the goons. The aggrieved party goes to the munshi and asks him about the lawyer's. The munshi guided them to a lawyer who has been depicted to take the undue advantage of the circumstances and started grilling the aggrieved parties, he first makes inquiry about their property size, their neighbor, their documents and stated them the various remedies they have like injunction and lokadalat. Then the lawyer took hefty amount from the parties of about 1,10,000rs. He treated them in very shrewd way i.e. first grilling them then taking them into his confidence that they will obviously win. Certain problems as shown in the play are language barrier, distance barriers.

Overall the role play was informative about the prevailing circumstance and in a very few minutes they were able to present the whole scenario.

**Group A** also made a role play in which they depicted three scenes of the interviews are:- taken by the NGO named Sarthak regarding the problems of the layman. The said scene

*Scene 1<sup>st</sup>* :- NGO persons went to the victim of vyapam case and listened their plight which was regarding the date taking by the judges. They made an allegation that they have to pay bribes to the munshi,s to get the dates and judge was not concerned with it and they suggested that the judge should be compelled to monitor the case himself.

*Scene 2<sup>nd</sup>* :- NGO persons went to a victim of an accident case who told that 5 years back she met with an accident and after 3 days of it a case was registered against her. Since then she was bribing the police officials to get the date

*Scene 3<sup>rd</sup>* :- NGO persons went to a person who had given an application for the cancelations of his bail bond. He was asked to report by 10 and so he was here but was able to stay his plight to the judge by 12.30. certain recommendations made by the NGO are that their should be fixation of times, services like online messages must be introduced

**Group B** presented their collected information in form of panel discussion which is summarized as follows:-

They discussed about the relationship between the police and judges and certain issues were put when police persons feel perplexed by the judges such as when they forced to serve the summons, when they are pressurized by the judges to present the witness, at the time of execution of orders specially when they are faced by the goons and influential people at the time of execution and they say that court expect them to be radars at the point of time when they are facing the problem of the migrants. Sometimes their relationship are co-ordeal i.e. judges are understanding. But they are happy to be posted with judges as they find their field duty very tiresome as in comparison with the ground duty. They stated that there is need to look at why the police is not interested in their primary duty which is maintenance of law and order.

**Group D** presented their views in form of simulation in which they presented that:-

Each and every person in the court from the police to clerk to typist are working as a munshi and each one of them is trying hard to put a clients to their advocates. First they went to the policemen who suggested them a lawyer then to clerk. Later they went to the typist who suggested them a lawyer who was his son (here we see the substitution of the work of lawyer by the typist) he straight away told them some solutions to their problem which was related to the domestic violence, the aggrieved party had came from the Calcutta, thus their was a barrier of distance and language. The munshi took them into confidence took the fees of his brother by stating that all the laws are now in the favors of the women.

Group E presented their information in the form of ppt presentation:-

The main objective of their study was to observe the working of the ministerial staff by asking for a certified copy of an order from the copying section, regarding the same they also meet the protocol officer Salman Khan. For the sake of convenience they splited their work into the three one went to the peon to get a certified copy another went to the copying section. In either of the section no definite information was given to them regarding the rates and all, at the most they were instructed by the peon to get the copies by giving 100 RS to the lawyer. At the last they were thrown into a marry go round situation.

- **SESSION 10:11:30 AM – 12:30 PM** Impact of case study method for transfer of learning

In this participants were required to do the presentation over the book “ the nature of judicial process” by Benjamin.N.Cardozo.

Seven of the participants gave presentations over the topic they were

- 1.) MR. PRADEEP.K.SINGH
- 2.) MR. K. REDDY
- 3.) MR. PRASAD
- 4.) MR. SS. KANTHANLE
- 5.) MRS. ANANYA BANDHOPADHYAY
- 6.) MR. GAUR
- 7.) MR. SUDHEER

The book started with the base that something or the other is always guiding which gives coherence and direction to thought and action and William Jmaes says that “ pragmatism that everyone of us has in the truth an underlying philosophy of life, even to those to whom the names and notions of the philosophy are unknown.” It is the duty of the judges to get rid of these preoccupied ideas and notions as they have to understand that there are no pre-established universal truth which are inflexible allocating to the conclusions and at the same time judgments of today will make right and wrong of tomorrow. The books starts with the question that what is it that comes to the mind of the judges while deciding the cases. The writer explains that their sre different ways in which judge has to find the law which he embodies in his judgment. The writer stated that it is the duty of the judge to find the statute and the relating articles of the constitution to the given case and if the statute is in contravention to the constitution then the constitution will prevail otherwise the statute will prevail. Secondly his duty does not remain only to finding of the statutes rather to find out the latent as well as the patent meaning which the legislature might have intended to give it. He has to think that what legislature would have intended regarding the statute if

they have made it today. While doing so to decided among the generalities he is empowered to do the free decision which is the best possible ways to fill up the gaps of the statutes which is often fragmentary.

The judge has also look down upon the subject that he dose not only mean to supplement or modify the law rather it has to be revolutionize and transformed. Thus the judge is having double discretion to take care in this respect while deciding the cases i.e. he has to take out the precedent which is similar to the given case and after it he has to determine a way along with which the principle will move. Thus he stated that law has moved from particular to general and such things have to be understood through experience rather than logic although it is also an important parts. They all have mentioned in their presentation that to decide in the free decision or while filling up the gaps of the statute or while determining a way in which the principle will evolve he has to look down the four probable methods which are used in different proportions while deciding the cases. They are :-

- 1.) Method of philosophy:- it is also known as the rule of analogy to locate and implement the laws in the line of progression i.e. there are two guides which must be taken care off in this method which are logic and philosophy and it has to be considered that justice is nothing but the formula through which conscience of the equity finds expression. But when the lines of logical progression converges both stemming from the established legal principle then comes the role of the other three methods to rescue the anxious judge but in all such cases reason must always control the play of the sentiments.
- 2.) Method of the history :- the writer says that this is the method which may be used to only clarify the law rather than solving it, it basically relies on the investigations of the origin of the law, thus no solution must be searched in the historical jurisprudence. The writer clearly states that historical school starts with an apology to the history and end s with the apology to the sociology.
- 3.) Method of customs:- the writer had a moderate view as he says that, in these days all the events we look to customs, not so much for the creation for the law but for

the tests and the standards that are to determine how established rule should be applied

- 4.) Method of sociology:- this methods tells us that finally when the social needs, demands one settlement, rather than another there are times when we must bend symmetry, ignore history and bend the customs in the pursuit of the other and larger ends. As the final cause of the law is the social welfare which must be given by the courts and for the same they must possess unbridled powers

These are the methods which must be considered to fill up the gaps of whatever size. The balances of these interest in the proper choice of method is the hallmark of judicial process.as what really matters is that a judge is under an obligation to put his power of innovation, to maintain a relation between law, orders and moral between the precedents of the jurisprudence and those of reason and good conscience. Then only he would be able to give the dynamic precedents.

Mr. Gaur has very beautifully substantiated the book with an example in his presentation of an case in which a writ was filled in the Delhi high court for restricting the firing of the crackers during the Diwali days thus the judge has to look upon the different issue in this case as the economic view of the cracker manufacturers, who were not informed in time , the social stigma related to the festival and the raising environmental concerns. These competing interest must always be satisfied in the judgment by the judge.

Mr. Pradeep k. Singh and Mr. Kanthale,s PPT presentation were appreciated by the participants.

**SESSION 11:1:30 PM – 02:30 PM** Impact of documentary /film screening on transfer of learning

In this session the participants were required to give presentation over a book of their choice:-

Mr. Hansraj made a presentation over the book “the seven habits of the highly effective people” by Stephen R. Covey by emphasizing the importance of the self management in the life of the judges. The seven habits as stated in his presentation in his books are:- be proactive, personal leadership, think end before the beginning, personal management, first understand than understood, synergy, renewal. These qualities were very widely discussed by him in the given time. He stated the importance that such qualities must be taught to the peoples in the induction courses.

Mr. GK Choudhary has discussed the book named “justice courts and realeze” in which he clearly mentioned that 90% of the cases are such in which one of the patries knows that he is wrong which becomes the motive for delay in the civil suits. Now even after sometime to take 15 years the party losses the case still he is in the win-win situation.

Mr. Sashidhar. Shetty had made presentation over the book “legends in law” in which he discussed the two cases of the first high court judge in India “Barnes Peacock.J.” one of the two cases was when the judge was questioned by the munshi of the court who was being alleged to appoint his son under him that it is the Peacock J. who has started such practice by employing his son on the position of the registrar. Peacock J. immediately cancelled his sons employment as registrar of the high court.

Mr. A.N.Bapu has discussed the book by Ziya Modi“ 10 Judgments Which Changed India”



Mr. Mehbub started with his presentation and conducted an exercise in which he told each person to pronounce the words which were spelt by him and they were :-

Step brother

Step sister

Step brother

Step uncle

Step father

Step hen

The last word was pronounced by every one as step hen rather than being of “Stephen” which is the correct pronunciation. By that exercise he was able to convince that only five words can confuse our mind then their cant be any doubt that how the mind can be confused by different views of the world. After that he cited the importance of the conclusion of the book by CARDOZO.

At the end of the session a brief about the book “The State Of The Nation” by Fali S Nariman and “Reclaiming The Vision” by PP Rao was discussed

- **SESSION 12:3:00 PM – 4: 00 PM** Impact of theatre play/drama participation on transfer of learning

In this session there were different types of exercises which were conducted by Dr Prasad and the director. They are :-

- 1.) Fish and bowl technique :- in this technique the chairs are placed in two circles, one smaller and inside the big circle. In this exercise the number of chairs in the inner circle would be the same as the outer circle. Now the topic for the discussion would be given to the participants in the inner circle and they have to speak on those topics and if they are not able to speak then the person sitting right behind them in the bigger circle would come in the smaller circle and will have to speak on the topic. And the one who has spoken will after speaking will again go back in the bigger circle. According to the speaker in this exercise each and every participant will have to speak and he will be able to give his inputs.
- 2.) Perception of mind exercise :- in this exercise the participants were divided into two groups and then they were given different photos, one was of an old woman and another was of a young lady. Then both the groups were made to see the picture of the lady who resembles both the faces, young and old, and both the groups were able to determine the age of the shown picture according to the photos which were given earlier. i.e. one group which was given the picture of the young girl was able to determine the young girl, whereas the group which was given photos of the old women were able to locate the old women. Through this exercise the speaker was able to convince the participants that it is up to the perception of mind what we have the pre-notions about the things and what are the images we have built up and we will identify with only those things whom to which we are acquainted with and it is the duty of the individual that we are preparing ourselves in such a way that we are possessing always an open mind.

3.) Pair exercise :- it is the exercise conducted by the director in which she had divided the participants into pairs and in each pair two set of instruction were given to each individual, they were the numbers which were represented through the codes and then the individuals were asked to memorize the same things, after a break of ten minutes the participants were made to teach their set of papers to the other side then and then again after the break of ten minutes the participants were called on the stage for a test and in this test they were asked to write the codes of then instruction which were given to them individually and then the code of the person which were taught to them by their partners. Interestingly the codes which were learnt by them were all can be reproduced and not the ones which were taught to them b the other person. According to this exercise the speaker was able to tell the participants that we must always rely on the knowledge that we have received primarily and not of that knowledge which we have received or acquired with the help of other person.

**SESSION 13:10:00 AM – 11:00 AM** Impact of group activity on transfer of learning

**SESSION 14:11:30 AM – 12:30 PM** Designing game exercise for judicial training

Group 1 :- the case was related to a situation where there is divorce happening between the parents and the issue of the case was who was more suitable enough to handle the responsibilities of their girl child. In a situation where the mother of the child is doing job and puts on her views that she will not marry again and handle the responsibilities of the child well whereas on the other hand the contention of father was that he plans to marry again, so that his child gets the benefit of both father's and mother's love. In such situation where the mother is educated and doing job then the welfare of the child is in the hand of the mother fully and she will be able to pay much more attention to her daughter and raise her up well whereas in the other case the second wife of the child's father will not be able to take care and also the child was much more attached to her mother with respect to her father. Moreover the child will be allowed to meet her father on the occasions like festivals birthday's etc. which can act as an exemption to the same.

Group 2 :- the second group focused on the situation where it will be beneficial to give the custody of the child to the mother with respect to the father. It focuses on certain situations where mother will be able to take care of the child in much more better way than the father. It highlights on the issues where the child is of tender age in which the mother will be able to understand her problems and situation much more than the father. Since the mother is not going to remarry it adds on to a situation where she will be able give more of her attention to the child in comparison to the father where he is going to remarry which can also acts as a disadvantage for the child because in such conditions maximum cases involves the second mother not giving that much amount of love to his daughter as her own mother would do. It can also give rise to a situation where the second mother would want to have her own child with which it will be impossible for both, father and mother to pay attention to the child. Since the child is much more attached to the mother which has also been admitted by the father then it automatically gives the conclusion that the child will be much more attached with the mother. Since

the mother is educated she will pay much more attention to her daughter education which will lead her to the carrier which will be more beneficial to the child.

#### Group 3 :-

This group discusses the situation where the contentions laid down by the mother have been duly admitted by the father. Such contentions include her remaining single for her entire life, father's probability of remarrying formative years of the child's growth where she is in much more need of the care and the love given by the parents in such cases where the custody of the child has been given to the mother and thus visitation rights can be given to the father. Visitation rights can be awarded by the court in different ways such as father can visit his daughter once in a week or the child can stay at her father's place for the weekend.

Group 4 :- talks about the case where the custody is given to the mother or the contention that luxury provided by the father cannot equate with the moral support and the overall well being of the child as provided by the mother .

Dissenting opinion of the participants for the situations mentioned above is that the child can be comfortable with the father just like her mother. Six years of the age is not that level of tender age where she will be uncomfortable with her father as compared to her mother. Where everyone said that the child will be uncomfortable with her step mother, what if such situation arise where her stepmother agrees to give her that much love as her real mother would do which can act as an add on to the situation where staying with her father will give her love of both the parents and on the other hand staying with her mother will deprive the child of those things which the father can only give to the child. They also suggested the situation of shared parenting where both the parents will equal right over the child. It was also discussed that father can be settled as equally as the mother so this gives him the benefit of handling the responsibility of his daughter.

#### Ruling precedents :-

The benefits which arose out of the discussions between the participants regarding the solutions which can be used in this situation are :-

- Sharing of the ideas :-their will be different views regarding this same topic which shows how differently a situation can be interpreted.
- Discussions of pros and cons :- the situation was like a coin which has two sides of the same situation. As it is popularly told, if a situation has a positive effect then it will also have a negative effect which only few people can see.
- Immediate evaluation of ideas :- their were different ideas from different participants relating to the same situation which led to its different interpretations.
- Narrowing down the differences:- such discussion helps to bridge the gap between the pros and cons f the situation. Evaluation makes it easy to understand the situation and reduce the gap in fast and effective manner.
- Involvement of all :- these kind of discussions made those people active who were till then looked least interested in the discussions which were taking place till that time.
- Optimum use of information :- since this was that kind of discussion where the different minds were involved it brought in that amount of information which was hard to find if there were less people involved.
- Valuing differences is one of the benefits arising out of this discussion.

- **SESSION 15:1:30 PM – 02:30 PM** Impact of field visits on transfer of learning
- **SESSION 16:3:00 PM – 4: 00 PM** Impact of meeting with stakeholders on transfer of learning

The day was concluded by stating the importance of the resource person and the invisible work done by him, the director told the gathering the work of the resource person in such type of group exercise is to fill the gaps which are left by the various groups, she illustrated this by an example :-



In the given pie chart the whole of the pie chart represent the study matter and the black areas are the matter which are represented through various groups in one form or the other, now the remaining blue area represent the gaps which are to be filled by the resource person. He has also to do the time management of the exercise, according to the speaker this is the invisible work of the speaker. This type of andragogy dissemination of knowledge helps in the passive resistance which are generally shown by the adult learners as it would compel them automatically to work in the subject or in the given task.

Then another method of teaching the adult was discussed and it was through the way of the quiz. The quiz was conducted by Justice Manju herself on the issues of the domestic violence and some of the topics discussed there are as follows

- a. Violation of equality as there is no such act for males.
- b. Convention and declaration document which is signed by India thus our country is bound to follow the rules for the domestic violence.
- c. Sec 26 of the DV act
- d. Sec 12 of the DV act

The speaker in the end illustrated the duties of the resource person and the importance of the exercise of the quiz and they are as follows:-

Duties of the resource person:-

- They must really work hard to prepare the key of the answer and the question paper :- the resource person must always work hard to prepare the question because if they are not good or rational then the participants will lose the interest at the same time if the question which are not answered by them if they will not be getting the answer then they will also lose the interest and hence it is very important that they prepare the key and question accordingly.
- He must always look who are the participants for whom he is making the quiz:- the resource person must always have the kind of participants which he going to address and then prepare the quiz accordingly because if either it is made too easy according to their level or too hard , in both the situation the participants will lose interest.
- All the three type of question must always be their :- whether the quiz is prepared for any kind of gathering the speaker is of the view that their must be all three kind of question which must be their in the quiz easy difficult and of mediocre level otherwise there is a probability that the gathering will lose the interest if all the question are made easy or hard. To avoid such situation all type of question must be their.



- There must be time given to the participation for the reflection:- after the completion of the quiz there must always be time which must be given to the participants that they are able to reflect on the exercise as well as on the question.
- The resource person must construct timeframe in his mind also :- the quiz should be made such that it can be attempted in a given small time frame otherwise the adult listener will give a passive resistance.

Importance of the quiz method as discussed by the speaker :-

- Teaching tool :- the speaker was of the view that is very important teaching tool as it covers all kind of technical points in a nutshell and represent them in a interesting way.
- Raising thought:- such exercises are some times thought raising in the mind of the speaker .
- Discussing views :- such exercise provide a platform where the several ideas can be discussed on the same point of view this will help the understanding of the subject.
- Fission and fusion method:- such method are told as fission and fusion method in such method the person is bound to apply his mind to the question first and then at the time of discussion the subject matter is discussed among many.
- Take care of the eventualities :- if anything new has taken place in the area of the subject matter such exercise will surely help to take into the consideration of such points as at the least one of the person must be knowing the eventualities which have taken place.
- Involvement of all :- such exercise always take care that each and every participant is involving in the exercise.

- **SESSION 17:10:00 AM – 11:00 AM** Exercise 1 by participants

The first session of the last day started as the speaker gave a warm welcome to the participants. He stated that there is some sense of achievement when there is imparting the knowledge by one and judiciary is such organ that it is constant with learning. He stated the importance that the adult mind are such which gave passive resistance to the learning which is imparted to them and they must be made to learn only through the activities. Experience sharing is the great way of learning and in that way either we succeed or we not but if we are not bale to get success then the other's present will might probably give the solution and this brain storming exercise would be very helpful in the way of collective learning.

The session was started with presentation of the participants telling the problem which they are facing in the running of the state judicial academy.

**Mr. Gaur** :- he started his presentation with his experience as the director of the judicial academy of the Delhi and he started that no administration is free from the problem and to resolve such problem it is necessary that their must be clear hierarchy too address the various types of problem and the hierarchy in the Delhi which is followed is as follows :-

- Head of the department
- Training program committee
- Director academics/administration
- Additional directors
- Chief administration officer
- Branch –in-charges.

He told that decision making at all the levels is monitored by the faculty-in-focus and which are considered as think tank of their academy and is comprised on number of person. They have done the budgetary allocation in the similar way and that they are having three heads as following

- Major head in this section budget is allocated to the department of law and justice.

- Minor head in this section it is taken care of by the high. Court of Delhi
- Sub-minor head it is taken care of the by the academy itself.

And in the similar way they have distributed the financial powers for example the chairperson can take decision till 5 lakhs and accordingly the other person are taking care up to the limits provided. As in case the expenditure is considered they have bifurcated the work in the three committee, they are plan committee and non-plan committee and the later one is the new invention in the area by their judicial academy .

Their judicial academy is also possessing three types of committees and they are :-

- Purchase committee
- Staff guidance committee
- Grievances redresal committee

They have developed another new innovative process that when they are sending the messages to the participants in the telephonic message they at the same time provide in the message the address and the all required material. They are now satisfied with response of he faculty member and they are more concerned with the delivery of the study material, they have asked the feedback and they are also been providing the e-books. They are also conducting various programs to make the lower judiciary aware of the new trend which are being put forth by the supreme court. To substantiate his example he gave the changing role the supreme court has adopted in the listening of the environment related cases.

After the presentation the speaker told that after each presentation their must be a feedback as it is very important as there is no one to which an adult feels to be accountable he can be only made to learn from the colleagues he posses and hence a feed back session was conducted for the presentation made by the participants.

The first query was asked by Mr. Choudhary and he posed that the issue of the class 4 staff members as they are also one of the pillar which is helping to function the judiciary in a particular way. Now a days they are not having a requisite strength to function and at the state government is not helping them in this.

In the reply to this query they had told that in the Delhi they had developed a MTS scheme and they have trained these multi task committee to work all kind of ministerial to clerical work. They have also been taking people on the deputation basis from the other government bodies and there is appreciation which is made by everyone of the e-books pattern which they have developed.

Another critical analysis of the problem made another participant was that the presenter has not presented the eventualities and presented only the goodies of the judicial academy and he has not talk about the financial constraints staffing problem, budgetary allocation.

Another presentation was made by the participant from the Bihar and he also shared his experience as the head of the state judicial academy. They have divided their training programs into the following parts :-

- Academic experience: they have allocated different type of programs according to the participants and they are induction, refreshing programs, internment seminars and workshop and capacity building courses for the staff members.
- Organizing the circuit programs :they have divided their state into four parts and then each branch there is a head and this method help them to reduce the travel time of the participants as well as rich experience is given to everybody
- Research activity: they have made two types of tie-ups that are one with the law ministry and another with the national law professor.
- Methodology for preparing the calendar they have devised their calendar they have taken care of the chief judicial resolution on training and made their calendars according the holidays which can be provided by the courts.
- Other exercise of the trainees they are now also working on the conduct of thee workshop which is concentrating more on now a days law, they are reviewing the study material in which they are able to put up the recent laws. They are planning of sharing of the faculty from different law schools and otherby.
- The feedback of this presentation was asked to be presented by MrMehbub and he very specifically appreciated all those points referred as above and he was of the view that the different topics must come from the areas which are of interest of the district judiciary

level at the same time the speaker must also take into the account that if any state there is more number of cases relating to any particular law then it is very necessary to do a particular training in the given field it will help the justice delivery system and the judicial education would be more effective.

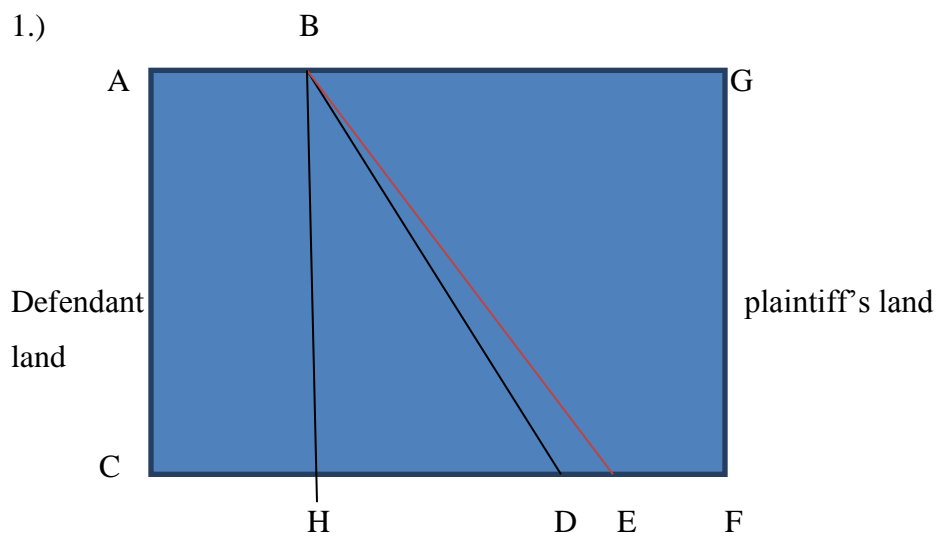
- Then the speaker also told that they have developed a panel of resource person and in the panel they have :-
  - a.) Retired judge
  - b.) Advocates
  - c.) Academician

At the end he discussed the problem of resource person faced by the judicial academy and they are now developing a program through which they will be upload the whole reading material on a website which can be used by the other judicial academy and this method was uprightly appreciated by the judges.

At the same time they also discussed that the judges are reluctant to come to the academy on the days of the holidays but the same argument was countered by the need of the judges in the court during the working time as we all know that the working of the court can't be sacrificed and thus the academy must always call judges on the holidays.

- SESSION 18:11:30 AM – 12:30 PM Exercise 2 by participants
- SESSION 19:1:30 PM – 02:30 PM Exercise 3 by participants

The second session was conducting of two different exercise they are follows :-



In this problem the area represented by the trapezium ACEB is claimed by the defendant where as the plaintiff claims that he has area BDCF and that is the root cause of the issue now the area of DEF is the area disputed . Below we see the land holding pattern of the Punjab. The full area constituted by the numbers 1-25 represent the mustati whereas this mustati is of 200 karnal in length and 180 karnal in breadth. Now the area disputed is of 5/12/1/ this implies that the block no umber 12 is in dispute and the best way to the judicial officer to not to rely on the revenue officer is that they themselves can find out the area of the trapezium and by simple formula and to relate it with the area what is given in the revenue records.

According to the speaker this is the land holding pattern which is generally followed in the whole of India and such technique must be told to the judicial officer so that they are not relying on the other departments to gave the judgment.

In the above said example the area of the given trapezium is 3 Karnal 18 Marlas

And the 1square kalan = 1sarsahi

9sarsahi=1marla

1marla=1kanal.

Now if the judicial officer divide the trapezium into triangle and rectangle and if finds the area of the rectangle ACBH it would come around  $36 \times 12 = 432$  and after calculating the area of the triangle BHG it would come around 324

Now he had to add up  $432 + 324 = 756$ ,  $756/9 = 84$  marlas and if we divide the marlas by 20 then it would come to 4.4 karnal which is very big then the claim of the defendant. Thus by doing simple calculations the judicial officer can save the time, resources and so on and it is the duty of the resource person to make them learn such technique and habits. Below is the landholding pattern as discussed above and the issue was regarding the 12block

1	2	3	4	5
6	7	8	9	10
11	12.....	13	14	15
16	17	18	19	20
21	22	23	24	25

At the end of the program one of the participants has prepared a quiz which was conducted their on the INDIAN EVIDENCE ACT and at the same time answer key was provided. He was appreciated by the resource person to prepare the quiz in the given time. At last the feedback forms were filled.