
**WORKSHOP ON IMPACT ASSESSMENT: METHODS
AVAILABLE**



VERBATIM PROGRAMME REPORT – P941

Submitted by

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DAY -1
Session 1

Dr. Geeta Oberoi: It is only one minute before I say good morning to all of you. I am just waiting for that clock to make nine but I suppose in every one is over here. Yes, it is right time, very good morning, first of all even before I start that we all introduce each other. I just want you to understand as to why we are meeting for the five days. This year, we are meeting four times and this is first meeting. On first meeting, we are laying emphasis on the subject of evaluation and why we are laying the emphasis that is what I am want to tell you... the reason being the Supreme Court is asking us actually...ok from past 11 years National Judicial Academy is operating, giving training, you have conducted...this is our 941st programme that means we have conducted so far 940 programmes more than 35,000 judicial Officers have come here and gone from here. Then apart from that State Judicial Academies are functioning now there are 23 State Judicial Academies. When we started in 2004 there were only 4 State Judicial Academies and today we have 23 State Judicial Academies. That's why the Supreme Court is now putting this question that what is the cost benefit analysis, can you give us what is outcome of State Judicial Academies, what is actual utility of all this training, is it making any impact. These questions are being asked from us so we thought that today may be we cannot answer this question because we do not have methodology to calculate the impact. But maybe we can start from somewhere and may be this could be first conference where we at least lay down the foundation all of us together to understand how we should take and calculate the impact and prove by report or a document a proof saying that yes these training have resulted in these benefits so there has to...because there is a cost involved. All of us are functioning on grants...all of us are given grants by government of India....somewhere by state government...somewhere by central government. But it is all public money whenever in an institution functions on public money some answers have to be given. That what we are doing with that public money...some justification has to be there and apart from justification that yes training is needed and mandatory and at the same time what it is resulting in is also

need to be proved with that objective...broad objective which off course not that we will achieve through this conference. This conference is just to lay down the foundation so let's start with this subject of evaluation. Evaluating that what we are doing is it actually resulting in some better performance of judges and if it is resulting how we can say that partly we as a judicial academy how much you can say that because of your training this has resulted because it is a difficult proposition to prove because judge has a change in his decision making style or attitude or behavior can it be completely made that is result of training given by State Judicial Academy or National Judicial Academy or are there many personal and professional other factors that also make change in heart, mind, change in perception so off course calculation is difficult task but then let us start somewhere. And also one of the thing that if you have seen all these literature that has been prepared by programme coordinator, Sanmit Seth. Books are there with you if you have gone through, they say you can't do evaluation unless and until you have some goals and objectives set for yourself. What are you training for? what is that education?, off course we are not imparting basic education through State Judicial Academy or National Judicial Academy that judges already have because they have those degrees LLB and everything. They are well read people so then what we are training there has to be some goal and objective each and every year only then actually you can evaluate that have we met this goal or not from institutional side with all these things off course we will be learning much more in these five days. Also just for the sake of programme I need to remind you that you were given last minute there had been changes in the nomination and so forth. so I want to tell you that you all have to make presentation in certain sessions for example session 13 and 14 is actually presentation by you each one of you, if you see. We have given 13 and 14 materials to you, right! Questionnaire was sent to all of you. Yes! If there is someone has not received please ask if you have not received then Sanmit will give you that questionnaire on the basis of which you have to make presentation. There is format given for the presentation also for Session 17 again all of you were sent materials of our two evaluation forms, P 820 and P 935 both are NDPS court evaluation training we have done on NDPS Court.... we have done in two different academic year. We have taken their evaluation and sent to you...all of you have received that so for

Session 17, you have not got....you have received...we sent everyone by email to directors of state judicial academies and registrar generals also. But, if you have not received, no issues we will give today itself hard copies will be given to you so that you can make presentation. The format and questionnaire is attached with that. So that you will get chance to interact and present your views also. Today, we will be hearing our experts...our experts are today...first expert who will be speaking to us is Santosh Snehi Mann. Ms. Santosh Snehi Mann has been in this ...I can say...should I say a profession of judicial training I dont know...we are yet to reach at that stage in life...I am surely we will reach one day but she has been coming to national judicial academy from year 2004 and I mean...we been wishing that she should be here from 2004 but due to her personal reasons she refused...no issues and then one day she became additional director and director Delhi Judicial Academy...she has a vast experience of 7 years..5 and a half years in Delhi Judicial Academy. So will be actually hearing from her that how Delhi judicial academy carries our evaluation exercises and for what it carries and we also have then honorable justice R. C. Chavan and Justice Chavan is like born educator I must tell you. everytime when I sit with him I learn 100 things actually. I go ahaaa.....I learnt this this this this...he always makes you richer and he will make all of you rich in knowledge and content. I am so glad that sir is agreed to be with us for this programme and sir will be there guiding all this 4 days. He was also...I would say with JOTI...I would say JOTI sir..arr for Nagpur...he has founded that institute JOTI Nagpur. Then we have two professor...many professor from IIM...two professor from IIM for at least two sessions, Mr. Subhash Bhatnagar and Jerome Joseph, both from...both are very renowned professors, who good body of work done in the evaluation discipline. And we will actually learn the basics of discipline and why this should be done and why IIM do this because IIMs are reputed institution of this country we should learn from reputed institutes that what they do in evaluation and why they do it and we also can incorporate whatever is applicable which you think in your opinion concepts you can import them in your institute. With this...also we have Mr. Otojit and Shankar Chaterjee. Mr. Shankar Chaterjee is from national institute of rural development. He has also done lot of evaluation work for ministries and he has huge of body of work in this field/discipline. Today, we have these

experts and let see how much we are all able to learn from this but off course we can learn if we can switch off our mobiles and stop actually..ahh... fiddling with sms and watsapp over here. Because in classroom mobiles are totally not allowed. With this I think I hand over to Miss Santosh Snehi Mann or sir..we should have brief introduction about...ahh...it would be good idea if we take 5-10 mins to know about yourself also.

Participants introducing themselves

Santosh Snehi Mann : Very good morning to all of you. I would say Geeta means thank you for such a generous introduction then there is a there is a risk if the introduction is to generous that expectation level are too high so I would like to make it very clear in the beginning itself. I am a very average person and very average judicial officer and average performer. I think what makes a difference is that I try to get involved in it and enjoy that. Geeta is right that my first brush with national judicial academy was 2004 when I came as a magistrate. A team of magistrate and such a good outing and a break for all us it was a big batch and we were looking for holiday and that too period holiday. And we really had good time. but then I had the privilege to learn and get used to this concept of judicial education from Prof. Madhav Menon and I would say means if would have to give credit to one person for being for introducing this interest of judicial education in me is him and he is a hard task master..means..I am quite sure that you all will agree and geeta was there then she had tough time you know keeping us youngsters in control and tamed. 2004 was the first experience and then 2006 I was there as an additional director for two and half years and recently I left in May 2015 and brother colleague, Mr. Dinesh has taken over. Three years I completed as directorship. Whatever I am going to speak today because I am supposed to tell you how Delhi judicial academy we were doing and on the basis of my own experience and my understanding and there also would also put my rider, my limited understanding of things. I have tried to put them in order because when you are making a presentation when you are telling an audience how you were doing this then off course there has to be some continuity and there has to be some you know sense in the thought process which you deliver so rather

for past two days I was reading these concepts and I probably thought that I am more aware and I understand the concepts which we were using....I where using in routine when I was an educator so with this I will just...this how I have you know you know planned my talk with you starting from the assessment and evaluation for me till I receive this schedule from geeta there was no distinction between evaluation and assessment. It just being a matter of chance that If a feel like speaking assessment I will use the word assessment if I want to If impact comes to mind I will use the word impact for me it is one and the same thing till this schedule came to me and I was sitting and preparing this discussion and realised that yes they are not one thing and there is a huge difference between these two concepts then though I have been asked to share with you how we were evaluating the impact of the training programmes but in order to reach that stage it is very important how we have understood the training needs because there is a direct connection between the need and the impact so I will be giving a brief understanding of how the training needs where identified there the challenge is again on the basis of how I have seen this system and way forward the things which can be incorporated in this exercise. So before I share with you the definition of assessment and evaluation with lot of you know information from the internet its flooded it's great that I am going to show you can I have some you know snapshots from some of the participants means you have the same category like me where assessment and impact meant the same thing or do you think there is distinction between assessment and impact. Wow! Yes please! One or two please. Comment. Just one or two more...I heard somebody has been in judicial education for the long time, lawyer, sir, assessment and evaluation.

Participant: Assessment is the initial stage just to asses it but after coming to the conclusion we can evaluate it.

Santosh Snehi Mann I think you nailed it! this is what the definition of assessment and evaluation which I found very closer to my understanding of these two concept. Assessment as said isn't the beginning.....it's an ongoing process, it is a positive value which one determines, it is individualize, provide feedback and evaluation is finally the score of the exercise which is done. It provide a closure, it is judgmental,

it is applied against standards and shows shortfalls, it is actually evaluation the way in which our answer sheets are evaluated in the exam. But they have the common measure and areas also for both making assessment and evaluation also you need certain criteria you need certain measurable values on which you will assess either evaluate. So these are the common things and it has to be demand driven. The other picture which I really found really interesting and which actually which I feel very useful in the judicial education was this. we start thinking, planning programmes with some assessment....please don't waste time taking notes...I have told geeta that there is no copyright to it whatever I am speaking I have gain from this national judicial academy. So I am not taking any claim, take the copy, and use the copy. So please spare yourself don't take notes. Assessment is a vision document it actually the most idealistic picture one makes before taking any exercise. So in terms of judicial education when we sit and plan the programmes we making an assessment to do certain things to increase the quality. Evaluation is to judge the quality once we have done the programme and that is what generally comes that we find is to short and not enough and that is what we have not planned, but what we have got that's how we proceed and again I will pick up two things which geeta had said in her introductory note. To understand this exercise and to understand every slide which I am going to discuss with you. Please keep in mind why we are doing this...and how we are doing this and we will keeping many things open for you to ponder over and think over making improvements. Again, last two challenges and way forward is not on the basis of my experience because I never had an exposure to think beyond we were doing. This is on the basis of the study which I was doing for three four days and material which they have provided to us. I got this in my room yesterday so I had some time so I made these points yesterday night only. Yes, how do we understand by training need assessment, this definition is also I have picked up from somewhere means nothing original that ways. But then when we talk about need training need assessment and why we are doing this is very important if you are eating food you know why you are eating food. You eat food because you are hungry you need energy to surviveneed according to me my understanding my assessment is need to be assessed and we were doing that informally two reasons : need for training keeping in view judiciary as an institution where how you perceive

judiciary from insight and from outside. Inside means how the judges in the system would want system to look and appear to people at large and outside means how the system is perceived by an onlooker an onlooker can be a person who comes in close contact with the system and person where fortunately or unfortunately he has to be litigant, he has to be witness etc etc. and an outsider where an academicians some activist, professors like Prof Chatterjee and IIMA resource persons how they the institution performing institution level need would depend on building the image and perception of judiciary in terms of its credibility because we always say when we talk about judiciary the first sentence is this is the one institution of government and the state where the people repose faith and we know in our heart of heart is it really that where the most scary phenomenon is so the perception of this institution from public perspective is very relevant that would depend on the credibility, quality and efficiency. for training needs, individual level would be what ...performance and institution depends on actually the performance of individual judge so from that perspective would be what things which are required to build that competency and again I have picked up these two words from my previous visits in the NJA that these are the areas of knowledge and skill. So when we proceed with liability further please keep these things in your mind. I would like read this definition that assessment of a need, assessment of a training...judicial training education need will mean a process by which the existing capacity level is compared to desired level and that is why I said this an exercise when you are creating a vision document which is at times 50 % of this is ignored for the reason that this not practical, this is not feasible. These are the challenges we don't have the resources we don't have the funds. So what remains is that the vision document which (not audible) ultimately is reduced to very minuscule and what we get is we all know then how we been doing in the academy I'm gonna share with you in Delhi judicial academy...we do some exercise I would say means aa not the planned the say I understood it now but we were doing it some loose exercise where which will fit into both these categories which will give us which gave us feedback from institution point of view also and from individual point of view also and these were the academy still continuing because I receive a correspondence from Dinesh that they are again seeking our feedback. This was method and tool so whenever every year we are making

calendars and then in the middle of the year we will start this exercise where we take feedback and we send those requests to the high court judges. Please tell us which kind of areas you want to be included in the programme and how we should go about it. When we talk about feedback would ask not only the topics we would ask about the methods also and we would ask about the resource persons also. We take feedback from the judicial officers also. And we do take feedback from the academicians, lawyers and other experts also. I will just quickly show you those formats I have one copy with me and probably it is generally send to the directors of other academies also and this will this is what oh yaa. earlier there used to one common format then we would pick up topics keeping in view as the no. of judges wanting a particular area and actually the fact that need would depend on the no. of years and experience in the judiciary and this was one area which I was made aware in one of the programmes at NJA. It was during Prof. Mohan Gopal's tenure where there was a talk and there was lot of discussion that you can't make programme because of the limitation we finally agreed that we have to address the needs and two concepts which are very important while this training programme is that if you say that you are making an assessment of need and it has to be need based which demand driven. There are also two side of the same coin; need and demand. If this is what we claim then the no. of years a judicial officer put in the service is very very important. we have included ubuntu awareness also because you all know the legal system this is one operating system the legal system has adopted challenges faced and court management and case management etc etc we ask the judges to suggests topic also and again this four components of judicial education knowledge, skill, attitude and ethics I have picked up from the first report of committee of which Prof Madhava Menon was a member which was submitted in the Supreme Court in on case. On the basis of which this legal education and training was formalized and institutionalized in the country. the training impact evaluation how we do the training impact evaluation and you must have seen as far as the criteria parameters are concerned I have kept them the same it is only that the title definition there is a change that this to assess the extent to which the learning and training outcome are being used in practice. In practice is the catch word and the training and learning outcomes on the parameters which we had identified when we were in the process

of making those training programmes. Generally, the experts in the judicial education they say that exercise of impact evaluation actually starts the same time when you are doing the training need assessment. I was not able to understand this in the beginning but when I reading and reading they were giving illustrations I realise that yes what they say is correct because when you are identifying the training needs you are creating a dream/vision document to put on record what you are trying to achieve so if you are in process of creating a things which certain things in mind whether you are able to achieve those targets or not those parameters would remain the same. That is why means for impact assessment need assessment I have kept the parameters same because impact also the assessment would be how the training would be training has affected the performance of judges so that the quality and efficiency improves which in turn improves the efficiency and credibility of the system and has direct relation to the perception of judiciary. For training impact evaluation what we are doing at Delhi judicial academy is that we take one feedback at the beginning which is before they start the session at the registration time. We ask them to actually tell us what are there expectation from this programme and this is also means we picked up this idea and introduced this from here in one programme and had that privilege of going to an international institution that's where we learnt some of the techniques of evaluation otherwise in the beginning the information form all used to contain information the posting etc etc your personal address, your email id blah blah it never had the component of what have you come for and still recollect which was made by the speaker there even when we are going for a movie we have some ideas this is going to be like this and then we come out of the theatre either we will say see this what we are expecting or you come out shocked or you just come hassled or it was a wastage of money and time and made one information very relevant enrollment cum personal sheet we have date of birth but we never realised whether we should write date of birth or age. This after which we started taking feedback after every session if you see this this I feel happy that we develop there are so many changes the participant still will not write good or bad they would write good, very good, excellent they would not write bad. So then there may be certain areas where we have been miserable in conducting the programme so we use these words and these are the words which NJA is probably using. Nobody will be

hesitant in putting a tick mark on not satisfactory. if you write bad nobody would tick mark. The people who knowledgeable are not able to deliver. People we thought that were very average they were rated excellent. But if you say your programs are need based or demand driven you cannot ignore this. It came out really really handy to us. After every session those memory are fresh before breaking for tea, every participant would fill this form and then will leave the hall. If you take the feedback in the last stage then what has happened in previous two days-three you are going to forget. Everybody is in hast to wind up and people at times will leave in those feedbacks unfilled and so you will not get that information. I would say on the basis of my experience in the school and in the college I means I was one student who was not interested in attending the classes. Sitting in the classroom is a painful exercise listening to a person. The concept of this adult education was introduced for the first time during a programme which was training of trainers. They say it is the foremost responsibility of the speaker to insure that participants are interested in listening what he is speaking this is what the fun of the norms of adult education is. So I am not discounting on what you are saying but in the institution like this where you this an exercise which are meant for certain learning outcomes. Since time is the constraint I would like to wind up in 5 minutes I demonstrated how we do the impact assessment now looking at the slide what are your comments. Is what we are doing is impact, training impact evaluation because we designed the programme for gains at the institutional level and individual level. The feedback just recollect the columns for the feedback. The other information is relevant for assessing for how we have executed that programme I am not saying that is relevant it is relevant but then it will give you very little information or probably no information as far as the impact on judiciary is concerned and why? because most of them are from inside they will have no idea and that's what I am going to explain in my next slide challenges because the feedback which are using have very limited scope, largely to give evaluation mark. We cannot have information to make impact assessment of the performance of the system or the image because we are not taking feedback from the people who can or who can only give information about this. The learning has to be enjoyable and fun. And Delhi University has started making this rule that classes by student is really compulsory which I find very atrocious. They should make the

classroom and we all know there were some professors, some classes where entire college will go and attend if they are standing and there were many were no body like to go. I have a different take on that my personal...

Dr. Geeta Oberoi: You know the culture where it is.....it happens in all level. I understand actually what she is facing. If you are not judge they will just they will not attend they may go out.

Santosh Snehi Mann: Geeta will not give me more time...you will have 5 days to discuss all this all this. Let me complete what I have to say because my time is about to be over. I would say for impact evaluation it is very important that we involve these people to ensure the performance and quality of judges who were recruited is up to the mark. On the judicial side also because they are the judges who sitting in appeal and revision so they have to ensure that the application of law the decision made are in conformity with the vision of the high court. There people who are coming to the court because they are party to it. But then many people who are not party to it unfortunately or fortunately they come face to face with the court system and they are if you call an expert if you call a doctor witness or a person who has nothing to do what is happening because you want his assistance to decide the matter. Feedback from conducting surveys and studies on perception on judiciary and working of the court. Somehow we are always hesitant and this is not the scenario in India. Again I would say past three days I have read probably gone through the system how it works everywhere an around the world judiciary is very conservative. They are not open to exchange with the outside world and one reason they say is cost of independence of judiciary and that is one thing which highly debatable. until and unless you open doors and windows for these surveys and studies there is no exchange and the perception of the institution how it is viewed in because they are going to create the image of the judiciary and we are not there is no dialogue and participation so how we are going to bridge the gap it our need not their need. Media and press do not know how far and how much it should be used how we use it these information are important but the challenge is how we regulate this so it does not become an exercise which goes out of control because if you say

that you want media feedback you will be apprehensive suppose you want to have feedback from the bar associations as judges you will be very apprehensive so how to you actually regulate, analyse what are the tools and methods to be used is something which needs to be done by probably institution like NJA and now an idealistic situation which I have visualized how all these things can be tackled. 20 years back informally a policy of judicial education was created and institutionalized that was the result that NJA came and as geeta said that since there was a policy from 4 academies now we have 23. I go a step further we have a policy which is on place we need to work on developing a strategy. A strategy for execution, a strategy for need assessment, method and material and impact evaluation so that there is a continuity and there on scientific tools they are not at the mercy or they are not dependent on understanding of an average person like me you need to involve people from other streams and I am happy that geeta has called them. Yesterday when we all were together for dinner they were wondering why they have been called. I said I am so happy that you been called. You are not there to assess the judicial system you are here to tell us how you assess your systems where you are working. And that is for us to develop our local means and tools need assessment and impact evaluation. That's it!. Thank you so much.

Dr. Geeta Oberoi : We break for tea and then come back at 10.30 in cafeteria we can all discuss further issues whatever we have questions...thanks

Session 2

Dr. Geeta Oberoi ; I think you all had a good time. good tea time. and lot of things to discuss. I think that's why we have increased the tea timing so that you have more actually chance to know each other and each other views also. With this I will give it to without wasting a minute's time to my expert resource persons, Prof S C Bhatnagar. Sir, If you do not mind I would ask you to introduce little bit about yourself because that would be best actually.

Prof Subhash Bhatnagar: Good morning my name is subhash bhatnagar. I am being dinosaur at the institute actually came to the institute as a student from one of the IITs Madras in 1968. Kinda fell in love with the institute and my teachers told me dont go and sell soaps after your MBA do something productive so I decided I got interested in computing so I became the first employee of the very modern computer system IIM had established in 1970. And then since I was interested in academics you need to do Phd you cannot teach in these institutions so I decided to do a Phd and was fortunate to find my wife during those years and she was also academic she did a Phd and both of us taught at these institute for long while. In 2000 I went to World Bank primarily work on E-governance for last 15 years which is improving delivery of services to citizen and businesses and internal so last 15 years I have been working to main stream e -governance in their activities. so that's my kinda of life story I resigned 2003 and I have been adjunct professor since then which I means I teach one course in a year and I am not a paid employee I have an office and a secretary and I do whatever I like to do. I am associated with the institute but not fully a part. My presentation what I speak to you has changed completely from what I thought I will do after listening to Mann. I thought in the initial part I have to I am speaking for half an hour and in subsequent session. In subsequent session I will speak about assessing impact of e-governance projects in India because like the questions have been raised in every programme or activity that we do whether we established a management institute or judicial training institute or e-governance programme public resources are spent. And they governments of the day the society

should know whether those resources are being well spent are they getting commensurate value of those resources. We are a resource poor country and cannot afford to waste resources and these is something we need to realise. However, is not easy done as we say because to understand impact and cost and benefit somebody was asking can you monetize everything, you cannot monetize everything. But that does not means that you does not attempt to assess impact. It only means don't go blindly by quantitative numbers there is some qualitative aspects to the sole exercise and you have to combine judgment. So I will talk about the assessment the methodology what we did and so on...in the second session. In this session I thought let me share the experience of having spent 40 years in the IIM Ahmedabad. It seems to be a successful institute and let me first layout the difference between an institute like this and your state institute and management institute like IIM. You see we are market driven people come to our institute out of their own volition. We have several programme where they pay their own money to come in. You have many other indicator of whether you create an impact or not because how does a company assess if they have repeat purchases they think they are doing ok. If people come to you again and again and want to pay money you understand that you are creating some impact somebody is finding some good. Now, in a government judicial training institute it is not necessarily true. People are being sponsored by somebody else and that aspect is very limited I must say even though we have existed for 50 years and we are considered very successful I can't say we have understood very directly what impact we have created. How you judge and impact of an educational programme. How much your student earn later is that the impact, how much they contribute to the society is that the impact. Do you ask the employer that they are doing well, do you ask them whether they are doing well. So these very difficult questions and we have not made a serious effort in understanding impact we go by very general assessment of other people. In Management somehow institution are being evaluated. Programme are being evaluated. You know there are rating systems which are public which rank institution globally. Although I would trust a ranking system anybody can find a hole in any ranking system. But I think by in-large if you look at many inputs you do get to understand whether you are doing well or not. It is how you use these results which is extremely important. They are not a something

cast in stone or god given thing you have to take them judiciously. That's why there were many questions earlier you have to ask the instructor also how they felt in the class not just the student. These things provide you the sense but not absolute measure of how good or bad a class has gone, a programme has gone or institution is doing. Other thing Ms. Mann talked about was the multiple stakeholders there is multiple perspectives on everything and therefore just relying on quantitative feedback taken on at the beginning or the end of the class does not help so with all of that let me say both in terms of our programmes at the institute what kind of assessment or evaluation we do and as an institution how do we judge and how well we are doing or what contribute to the success in many of these things. Let me first talk about the programmes, I think the best feedback that you can get from the programmes are creating impact you talk about knowledge, skills, attitude and ethics. Knowledge whether has been gained is easier, skills also possibly easier, attitude whether there had been changed or not is very difficult proposition you dont know whether that will happen. But I find that in the institute the best way we learnt we have done in the programme or not was off course partly the feedback and the kind of feedback that has been discussed we also have similar formats and collect the feedback. But it was much more when faculty resources of the programme were inter mingling with the participants on the constant day to day at lunch time, dinner time that were you actually learn whether people have become when you are writing something you are very formal. Sometime you feel it's a wastage of time. I have taught for so many years I find 5 student who write very detailed and there are 15 student who just who just tick away and give you any qualitative comments. So there are limitation to collect this kind of feedback you need to actually intermingle and that is what as an institute when we were conducting training programmes earlier years one advantage we had was that we would conduct our programmes not in the institute campus but outside. Faculty and participant were together for 24 hours and the amount we learnt in terms that we have made any any in road is phenomenal. I don't know whether we can replicate that everywhere I know that even in our own institution because of many constraint we have brought the programme on campus and once they come on campus we have our own lives to deal with and no body inter mingled that much. Although we try and suggest that there has to be more

intermingling then possible. We were talking about assessment earlier what do you want to deliver what kind of course you want to design, how do you think that content should be delivered to the participant. I remember my early days as faculty we will in a programme we will not be a collection of resources we will be a team of faculty who is delivering that programme and that team will have intensive discussion on what should be delivered, how should be delivered, how can it be delivered, is that right so that is what contributes. I would say more time we spend on that exercise possible at least you have covered the first step that you are on a common platform as to what the team is planning to achieve, what the participant want to be achieved. Then only feedback can be meaningful because we write in the feedback these were the objective but unless we discussed the objectives I don't think there is clarity.

Impact is a change in behavior that can be sustained over time. It is not what we measure with all this that have people learnt what we wanted to teach. Has learning process been efficient may be use say it is effective but that does not means impact is created. Impact is in your workplace. Impact is when you go back. We often teach course which are elective and market driven. Bulk of our courses are market driven. People take your course repeatedly then we feel there is an impact sometime these courses just die down. You can't judge impact from people who are supposed to have been impacted. When I was doing e-governance project, you cannot judge impact by talking to project managers you have to go out to stake holders who are supposed to have been impacted and ask them directly. Impact assessment would often require research of teams who will then design how to assess impact so on...the use that we make of our feedback is off course we have many of the things that you have talked about that is not enough for people to tick mark two point five point all that. Make them to write what are the three important things that they have learnt. Some people take it seriously and some do not take it seriously. In longer programmes it becomes possible you make write people write reflective notes. Please write one page on how you think it might change you because you also can't say it right away. That this is the way I you can only anticipate that it might change

or it has given you new ideas. So may be if institution really wanted to understand they have created an impact you need to collect people after they are passed out for 5 years 10 years or after they have attended training programmes for two years have some kind of workshop to discuss what changes that will be lot more valuable than a written feedback you get. But these are exercise you need to do once in a while. You can't do them on a continuous basis. We have been guilty of not doing them as much as we ought to be doing because we all see our activity and efficiency as delivering some many programmes. This all an additional effort. Designing an evaluation system and having so many components and spending so much energy is all additional so I am really arguing that qualitative discussion, teamwork, faculty exchanging ideas is lot more important activity or at least equally important activity as it is to get you know on paper quantitative feedback and we must build mechanism within institution to be able to do that. I dare say that I feel IIM Ahmedabad is where it is because primarily two things stand out in IIM Ahmedabad we are entirely a faculty driven institute and at least in the earlier years we encouraged lot of discussion among faculty about everything. About delivering a programme, about delivering an educational course, about the purpose and objective of the institution. We have these kind of evaluation feedback system I will tell you how we use them for. First unique thing about our institute is which is not proven in any other institute is that feedback is not simply for the instructor or the director it is shared among everybody. When I was a student we used to have a student newspaper called Indian Man and result of that feedback survey will actually be published and they will not only be circulated to all the alumni so it will be a global disclosing of how different people are doing. So I am saying how you use this now when you use this in a public sharing mode it has a very salutary effect. I may disregard a feedback in one year I may say student were bad they were demotivated they didn't come prepared I was very good. I can disregard for the second year but consistently 4 or 5 year my feedback is not good than I began to reflect my own assessment. Then we talked about the benchmarking you see when I get a 8 point in rating out of 10 what do I think do I think it an excellent or do I think it is ok or I won't think it is poor but how do I make a judgment. So that is where when everyone's feedback is shared with everyone else you begin to see because they are bench mark appears. I find

people consistently who teaches my type of courses because again somebody who get 9 in behavioral course and somebody who gets 9 in economic course may be different. So, we have to use judgment these figures are not god given. It is really for people to use this kind of feedback and overtime you began to understand whether you know whether your course are at least making an impact or not. Finally as I said all of this kind of feedback only tells you what transpired in the classroom was it effective or not effective. Did people learn what you thought they should be learning? Whether behavior change is really a first of all when you research in these areas you will make out that behavior changes because of many things. It is your 5 day training you have attempted to make people conscious. But it is the environment of the institution which is much bigger influence the in which they practice. Let me...because I have to close in 5 mins and have prof jerome joseph compliment supplement what I have said let me show you one or two slides of our feedback because we had a discussion in the morning saying is it the responsibility of the teacher to make the class interesting. I think it is. Because you have to influence the learning process and we need to recognize that the learning process is not just you it is you it is the participant and participant are driven some interested some not interested some very bright some not so bright whatever it is your business make to make the delivery of the content in a manner I can give a specific example. When I was a student at IIM organizational behavior which is all about behavior was taught through lectures and I was given some Harvard business school papers to read and I find them extremely boring. To theoretical papers and deal with it. I don't thing so it influence my behavior even iota. Even though I have secure a good grade in that thing didn't at all. I find today most of these behavioral courses actually mix games, exercises and off course theoretical frameworks and case studies all of that. I think that's where you can make a dent on self-reflection and thinking that I need to change because what you want in behavior is not what you should change to. But the fact that you can sensitise people that I need to change I am not working as a team. I need to change. People will find their own mechanism to change so it is really everywhere is reflection. If you can get reflection in people to think about themselves what they are doing that's fine these are just inputs, the methods that we are talking about just inputs because we are not talking about economy or GDP it is something

very interactive learning process so let me just show you couple of forms I will deal with all of this later in my second this thing. This is the long term course, these are the dimensions we have in our courses and it is interesting. This is the instructor feedback so ask our students to provide a feedback on both the course and the instructor. First of all, we have not designed this, it is the student body that has designed this feedback. They administer this feedback. So it reflect the student's perspective of what they want to see in a course not the instructor. So this entirely from the student perspective this has been designed clearly there is an aspect motivating and making the course interesting. It is very important. If you don't do that then ok. Then of course we have, you can see that purpose of this entire exercise is seems to provide the feedback to the instructor on which dimension the instructor could improve because these are individually rated you have not only the average is given you have the standard deviation which means was the class opinion dispersed around an average or it was very narrow. Did every one thing that you are 4.5 out of 5 or did some people thing that you are three and some people thing you are 10. So also get that feeling. The Course off course held to understand the subject effectively achieved the stated objectives, material. You also have all of that. Interactive process of the course how did it go. Now one thing we do and that is very interesting I don't know obviously because we encourage lot of participation which was being done in the...infact in the education programme we grade that participation. So there are courses in which 30 % of the evaluation of the student actually depends on what he spoke in the class and we take great deal of pains to understand. Class participation and cases that's a very important way in which we teach because it makes the whole exercise...we have recognised that learning process there is equal onus on student to learn as it is for the instructor. My son did a MBA from Carnegie Mellon I remember one of his words he said: Dad, I learned more from the very bright Americans and some of the bright Americans are extremely bright in their profession they come to experience. That learning cannot take place unless you speak up I am sure in a group like this where you get all practicing people we need to have this as an aim they should also learn from each other. Presentation is a good idea because that is also a feedback when you want to know and you cannot really exam and test which is very dysfunctional. presentation often time gives you a good feedback in terms of whether

it tells you both whether people have learnt and whether people are serious they have put the effort and presentation. But that is very good idea to kind of so involvement is extremely important. Student are concerned about I gave them a project they spend 80 % of the time there whether I give course weight age 100 % there 80 % there so what I am saying is that we are really stakeholder driven. We are student driven in terms of because recognize them as equal partner in the process of learning and when you are training people they are even more equal than the younger student. This is about philosophy that I think that if the institution have to kind of thing about institutional impact all of that. Those question have been asked of IIM now. Government is always after our running after us and we are thinking about how to but we have at least we have few indicators which are externally driven on impact so one thing is that impact will always be judge by external people not you and not the institution but the third party and only that can be trusted seriously if it comparative that much better. So I will then this part I will just close here and jerome will add and then I will come in the second session. Sorry I kind of departed from all of this and I said let me.....

Prof Jerome Joseph: So good morning! my name is Jerome Joseph and I also have been with IIM Ahmedabad for 29 years and she said would you like to introduce yourself I don't introduce myself because it's all over. Whatever has happened so far is over we have now and we have the future to do something with. But I can tell you one thing if there is one way I would like to describe my life I have just been teacher and trainer all my life and I enjoyed every moment of it and if there is another life they say there is I don't know I haven't met anybody who has come to tell me there I would like to be teacher again. That much I can tell you about myself and let's move forward. Off course we did all the thing which a teacher does professor does in an institution we have done all that and today we are talking about evaluation...I will tell you one thing I never like this question of being evaluated. There is always been tension, there is always been discomfort, there have been anxieties because you know institution in which I work everybody evaluates you. beginning with the students and it is absolutely relentless and I would even use the word ruthless. They say what they want to say and it is out in the public domain for everybody to see. So

that's the kind of situation in which one is. But then you see Subhash talked about instructor feedback you know feedback by the student of the instructor. There is always tension about what I am doing etc. Now, other thing is also evaluated because you know grades in fact my personal grievance as an educator is most degrading thing about educational grading to call a student F or D or C and that's the only thing showing on the transcript nothing about who this person is what he/she has done it is only C or D or A or B. Therefore, you sometime one wonders when we talk about that is why you gonna talk about e-governance so how I thought about evaluation. Whatever we done believe me there is no final answers to how to you evaluate teaching learning. We can keep on experimenting, exploring, debating, questioning, improving maybe but there is no final answer. So believe me we need to continuously experiment, explore. What worked last time may not work this time. So we may have to find....feedback form for the last batch if I use for the next batch will be total disaster. That is also been my experience so what we need to do is continuously as you rightly said many thing which are available we need to put them together like cooking. There are ingredients, process but the final dish has to palatable and tasty you got to get everything right to ingredient right and process right. So it a big challenge there are no answers as I said and the other thing I have evaluated others also and that is something which I have never enjoyed as a teacher. To evaluate somebody, rate somebody, grade somebody that is something which I find is not human because who am I to judge. I am sitting there and talking about performance of a personnel and assigning some mark or a grade to it. These two things we need to keep in mind. Jack Welsh, chairman of General Electric from 1981 to 2001, he finished his Phd when he was 23 years old. And off course he did his Phd in Chemical Engineering not management and in his autobiography he writes that I never intended to be scholar in chemical engineering but one thing I learn from Phd which helped me later on as a professional that there are no finite solution to problems. But there is a way of approaching a problem so that we can come up with a relatively more sustainable solution. And that is a continuous process it is not something which is once and for all we have something so magic formula, magic wand which suddenly going to make everything we do very exciting very interesting kind of a thing so Jack Welsh says therefore it making use of all the factors available

and keep on producing, reproducing changing modifying so that there is nothing like a formula but for a particular situation yes that is when he talks about the intensity of engagement among the faculty members who are producing a programme that is important. I have there at IIM for 29 years and have not heard some saying I cannot do, I am not available I have to go somewhere never ever, believe me. People are always willing to stretch a little more and who...I would give credit to founding Vikram Sarabhai's, Ravi Mathai's, Kamla Choudhary and when I joined in 1986 he was already there and learn from them about what this IIM is all about. Then I said ok I want also to be part of this wonderful dream, idea called IIM. That's the way it works so there second thing is whatever we do should energise, people should get excited about what we are doing. Because this evaluation business sometime can have very depressing effect. The way it is utilised for instance everybody including the individual like instructor. For instance, because I am being feedback is coming up then dangerous I tend to become a performer, I just want to perform so I look at how I can improve my performance. But that's not my role I am not there to perform I am there to facilitate learning and make sure that every participant who comes into the programme goes away thing I have learned something for life. therefore sometimes dysfunctionality come into some of these and sometime there is politics also sometime doing things in order to get higher rating but this very marginal whatever we have seen. Another thing is empowering in other words this evaluation should not take away the freedom the independence of those involved produce exciting programme. Because if continuously keep saying because it is right said even those who may got 5 out of 10 in the beginning today may be getting 9 out of 10 why because this is not used in order to make them feel small. Infact, gandhiji in my experiments with truth in one of the chapters say I always wondered why people exalt in making other feels small. This is in my experiment this can be used in order to make people feel small. On the contrary you say alright work on it do something reflect on what is happening it is more for introspection rather than for supervision and for reward and recognition kind of a thing. Finally evaluation should not lead to lower level engagement. Infact it should continuously improve engagement levels among all the stake holders delivering programme. It should actually keep on increasing above. So keep some these things in mind so evaluation is four e's

whatever we do folded hands it should lift everybody to higher level because I find you know I will give you story : Raj Mohan Gandhi, had come for one of our convocation when he was addressing our students in course of the conversation he said you know I have heard that IIM A the graduating student sitting there known for their quantitative skills I will give you a simple mathematical problem. He asked the student what is one plus one equal to in America, one plus one in japan and one plus one in India. Off course it was rhetorical question so he didn't expect answers from the student but I am sure all the student were wondering what is this simple addition which I learnt when I was in preschool. What do you think one plus one in America....two, in Japantwo, in India.....one. Ok! Since we have very little time I will just give you the answer. One plus one in America is one i.e. once they decide to something everybody pulls together, one plus one in japan is two that when they come together they do twice the amount individual will do. In India, one plus one is equal minus two.. (Laughing) That is Raj Mohan Gandhi not me so therefore this evaluation should not be used for this purpose for pulling everybody down. It should be down in order to help people and create environment so that everybody sort of you know gets into whatever. Why I am saying I am not giving you the nuts and bolts of how to evaluate I am just sort of talking about what should be behind what I call silent world behind all these things that world what we need to be very careful about because all these things can be used for all kind of purposes. Now just let me move quickly to little circle quickly. if you want I can send it to you. I will give it to Dr. Geeta. This is an ecosystem within which we do whatever we do because ultimately believe me just like IIM Ahmedabad, National Judicial Academy or State Academy what you do is deliver programme. It may be five day programme, three day programme whatever may be the duration isn't. So you keep on producing these programme. Now if you look at the center there is a learner, I think when we talk about evaluating the instructor I think we need I have a slightly different view here I think what we should evaluate us learning which has happened to the learner. And the learning which has happened to the trainer also in the course of engaging with learner. That should be evaluated. Every time I stepped in a class do I go out with a deeper insight because the student I am what I am today because of my students because they get involved, engaged and they are so sharp they keep you on your feet.

So I am what I am. That is why I feel very important what are we evaluating. What we are evaluating is learner and the trainer both have learnt more when they are finished with a particular engagement. As an instructor I do my evaluation before the programme not after the programme. When we are evaluating we have to look at what is design like. Subhash will testify to what I am saying our PGP student young chaps who come from college they have classes only from 9 to 1. Only four hours and remaining 20 hours...I am mean outside world will think what is this only four hours we pay so much for education remaining hours what they do....they have enough to read, think, reflect in team and individually for next day when they come and other they will be hauled over in course by the instructors. So many a times you see whole question of number of sessions, no. of minutes per session that is irrelevant. What is important is overall what has happened to the learning both the instructor and trainee. We have to create that kind of an environment where quality is not something...something everybody wants then there are certain competencies obviously we have to evaluate that relationship professional. It is very producing quality mean that only boss I recognise is the learner who come into my programme. No one else. We are in the business of adult learning that is totally different ball game. It is not like teaching my post graduate student who don't even know what shop floor looks like. You know when I am teaching labor relationship or something they have never seen a shop floor. Now there andragogy there are different types of learning so we need to ask our self whether this different learning can be incorporate in our design and thinking. No. 1 is conceptual learning which relevant to whatever may be the domain of expertise. But in law as you all know every word has its own nuances. I don't think I need to talk to you about these things because your ability to be able to take even one word and write a tree is tremendous. I don't think we can match that because I have read Justice Krishna Iyer's judgments because I have you know one of my areas industrial relation and you know the kind of language, it's a literature actually. It is not just judgment there are many others also. I am only mentioning one which come because I have collection of all judgment and it is a fascinating read. What we do in the case method is we throw the question back to the class. Teaching is not about talking it's also about the silences which help individuals to respond/react to whatever is going on in a class kind of a thing. Use

interaction as a mode because we are talking about adult learning. Investigative learning - get people to get explore and talk about it. Instead of me investigating and giving solution to whatever kind of...then you see therefore there are four broad conceptual learning, interactive learning....what we need when we are evaluating is our we in our design the way we go but not only the content but method also can be informed by these modes of learning. Then the other two introspective and diagnostic. Introspective meaning when they come it is also an opportunity because you have mentioned ethics in your list of judicial conduct, I think. It is very important also that opportunity is given for introspection because people may not want to talk about it but if atmosphere is provided one can introspect, reflect and can go with their own solutions to some other dilemma. Diagnostic would be using the concepts to get the deep understanding of a problem. Once again, question of capital punishment is back and there is a debate going back. My son is a lawyer, he has done law so his first paper was on capital punishment when he studies in these NLU and then I said ok and Professor appreciated that I went and said I though I will get him some more additional reading and found such big volume just on capital punishment and that was a very useful read for me. What I do also is I know who is going to come to my programme. There are two kinds of programme one is continuing education and one is what we call as open enrollment where people from different companies may come. Other is the customized programme where people from specific companies come for a programme. What I do is we know who is coming even in open registration I spend 30 mins with each participant on the phone before the programme. For instance I do a programme on negotiation skill I tried to understand what are their advantage and really it's worth it. And this relationship which you built which help me capture their expectation and then I try to feed it into the programme. There are different solution to different situation. We need to be able to convert expectation into actions which will respond to the need of the....motivation is very important. You see one thing I tell the most shall we say most destructive thing about the trainer is when we blame somebody else for class, people being absent or people not paying attention. I think believe me what we need to do is go back to the office and think about why today's session went wrong. Where did it go wrong? Next day come back with that insight. We have to reflect. I have

always done this before class silence I don't like talking and then after class I don't liking talking to I will quietly go and think about what I did and see what I can do next time. You know I see most difficult student or the most indifferent student as my challenge those who are already excited there is no challenge no credit to the instructor isn't it. So may be if you find somebody just have chat outside and we learn and we go on. After all in a residential programme they are right there I do it all the time. There is no reputation lost as a result of finding out kind of a thing evaluation at the end of the programme is useless. Let me tell you, when I go next time...because you talked about assessment and evaluation I think what she is talking about is continuous assessment and terminal assessment you know what is at the end. Now continuous assessment, one I introspect after every session two I talk to participants also. If there is anything I take correction on second or the third day because once they go away they go away the impression. If you want to stay on top you got to stay on state of art of knowledge and effort that is the only answer to becoming better. More effort, more effort and on what becoming a great facilitator in adult learning environment. Finally, innovation I can tell IIM Ahmedabad provides an environment for innovating to your heart's content. Once you cross the boundary line inter a classroom it is your platform. You can innovate as much you want. So ultimately for what to make sure that participant learn and I also learn. Many a time I find end of my after all these years I have learnt more than my students by engaging with the student and that is because...these are the five areas therefore learner, the content, method we use, process which we follow, overall you know pre class through class, after class and finally the culture I have been talking about behind the whole thing. And the Ultimate thing is we are in the business of making others more what more can one ask for. There is no more punya then making others more. Thank you very much!!

Dr. Geeta Oberoi: Sir, thank you very much it was really brilliant and you real made us more actually. Now we know what one plus one means over here. It's really brilliant! So what we do we come back at 12 for our next session we have some oxygen also look at our gardens and have a coffee so we do not dose away and then we come.

Session 3

Dr. Geeta Oberoi : You have enough of oxygen, tea, coffee. So now we proceed to our third session third technical session by Prof Subhash Bhatnagar.

Prof Subhash Bhatnagar : Ok! So for this hour I am going to speak from my strengths because I work in there are of e-governance. I don't know whether this will be directly relevant to you. However, so far we have kind of spoken about philosophy, culture, and environment. How do you think about these things? But we really not had the specific way of how do go and measure something. Here I am presenting a case where we had to go beyond that we have to introspect and all that and we have to finally deliver. Had these project created an impact or not or how much. This is going to be something very concrete and specific but from a different domain. A paper of mine which essential in the booklet which talks about this whole thing. Just an interesting anecdote about the paper that I paper I presented in Doha and then I had the opportunity having a 25 mins conversation with Mr. Bill Gates personally individual conversation because he has also come conference and Microsoft has arranged that. I made a brief presentation to him and he inquired. When I was being introduced, my introducer said Bill he is Prof Subhash Bhatnagar, Senior Professor from Indian Institute of Management- Ahmedabad and Bill has not recognition at all. He was blank. This guy said what to do so he said you know IIMs are IIT of management and suddenly. I always tell my colleagues that don't think you are IITs of Management you ...but one think I took away was that he is very perceptive person. These guys have lot of hype about technology in India so he did not think that we are using technology to its full potential. When I got involved in e-governance soon after I moved to World Bank to work there. One of things I realised it is a legitimate question for a government to ask whether use technology is delivering any value. Is it changing something or not changing something. Infact from World Bank I funded few projects I gave some funds to London school of economics, some to IIMs to my fellow colleagues to actual study 2 or 3 projects that were touted to be very successful that age and time. We are talking about 2000 early.

Then when I came back I funded myself from the World Bank and said I will do some studies in India and then I convince department of IT. Fortunately at that time even the government of India at the highest levels were concerned whether this whole move about technology and using technology in government is actually you know they launched a major programme in 2006. It is called the national e-governance programme, it outlay was 40000 crore or something like that. So indeed the question is relevant whether whatever resources we put in whether... as I said it easier said than done. So these are issues and challenges let me get all on board and then we can discuss. First of all, confusion between monitoring evaluation and impact assessment as we have been discussing since the morning. Impact is something result we evaluate e-governance project we said first we will evaluate those projects which have reached the certain level of maturity you intervene you just can't go evaluate that project. So we said two year they should have worked, they should be working now then only we will say that we will go and assess impact. Why the evaluation can be an ongoing thing, monitoring certainly an ongoing thing. The way impact is defined in social science literature is systematic analysis of lasting changes, positive or negative in beneficiary lives and behavior. How to isolate effect of different interventions. I mean one of the purposes of e-governance is to introduce transparency, reduce corruption and increase accountability. Now whether computerization reduce corruption or whether powerful active lokayukt reduce corruption or whether an honest chief minister reduce corruption is very difficult to these things keep changing all the while. So how do you isolate the impact of the programme that you are interested in talking about? Can all benefit be monetize when we talk about cost benefit analysis? And how do you monetize transparency, corruption, accountability which is what governance is all about. How do you monetize that How do you put a value to that so those are issues you need to grapple with. Why do different assessment, so when we looked at past assessment of e-governance projects in India and other countries we found that same project different assessment gives different results. Some places it is very high so began to wonder so obviously there is something in the methodology that it produces different result for the same project because we are not using if we have to be comparative we have to you standard methodology something that is defensible and then many everyone

who does it more or less does this. If everybody evaluates in their own manner than there is no comparison you cannot understand. Assessment from whose perspective we were looking at it in the morning and education from teachers perspective, from the institution perspective, from the participants perspective from the society perspective there are many so here also I mean government introduces computerization possibly for the benefit why possibly public ally for the benefit of making the life of the citizen easy. So that's one perspective citizen's perspective. The agency also gains. How do you put them together when you talk about cost benefit? Macro vs. micro approach in e-governance there is been an approach that people will look at investments by nations in e-governance and try and relate with very let's say World Bank corruption index and do correlation. So micro study that is a project level study so there are many issues relating to degree of quantification vs qualification so perhaps some of these will get illustrated in what I present to you as something that we had to do and we did an hour study so these are the projects that we studied. There has been land record computerisation in 10 states. This is not a new study, we are talking about 2006-7-8 so these an old study. Perhaps it's time to do another study now because these projects have matured and evolved over the last five years. These cannot be done once in a life time. You need to do this periodically. Registration of Property deeds i.e Sub-Registrar's office and transport we did the driver license issue part of the transport because many states in India had done this computerisation. Then prior to that we had studies World Bank funded study again land titles, property registration, and treasury. E-seva is a typical thing in Andhra Pradesh whoever is from Andhra Pradesh would know. Multiple services being offered under one roof and then Ahmadabad Municipal Corporation and interstate check posts. This is an interesting interstate check posts is when trucks pass interstate check post they were earlier flagged off for over loading and they were fined. You know given our environment that most of the flagging off was fined but fine was not fined because there will be a negotiation and you know fine would settled. What was computerisation involved that the trucks will come and flagging off they will come on an electronic weigh bridge once they stand there the weight of the truck will be known since these trucks pass frequently in these paths it is previous weight or unladen weight would have been captured at some point of time so the

computer will calculate what load it is carrying and decide the fine and give print out a receipt that this much fine has to be paid so you have automated a discretionary process of flagging and charging. But it is interesting that when we evaluated the project did not come out to be so good. Bribery was continuing, people had to pour dakshina pour in basket they would do you know sometime take raids and all that and these places and cash will be stored in cars. One commissioner of transport was telling me that when he went to inspect he saw burning car because he knew he was coming and the entire cash was burnt in the car. They just douse petrol and took the evidence away but person who had done it reviews to the government tremendously because earlier there were flagging of and checking only some. Now every vehicle was checked so I think from 37 crores in over 2-3 years it went to 500 crores and that was a big justification for computerisation. That question that was raised was that purpose of doing this project was to reduce the make road safe that means reduce overloading of trucks. So when we began when IIM Ahmedabad was commissioned to these studies by department of IT and we worked very collaboratively with the department of IT. Fortunately we had a very good senior officer there. Lack of standard methodology and also when you import these methods from other countries your basic situation is different. In other countries, e-governance means you go to a website and do all the transaction. In India you still go to the office where somebody else is sitting on a terminal and it is assisted. You can evaluate a website project with this project with same methodology. So can't import these things we have to create our own kind of weigh of assessing. When you have various purposes and you want to assess a project then there are various dimensions on which you can go. You need to understand the project context, basic information on the project how much input has gone, technology, man power resources, funding and all of that. What is the process outcome in designing the process what did they do did they change any methods of delivery, did they change the way data is captured. Ideally while assessing the outcome can you understand enough about what happened in the design so that the design is like this and was partly our objective to do that only say this is successful and this is failed but also understand a little bit about why is it successful. So our propose framework was first of all we focused on only benefits to the citizen. We said primarily e-governance because it can give political dividend

to the politician is implemented because citizens are benefitted. Aspect of agent and government benefitting is a secondary aspect so we said we will only focus on has the citizen benefitted because that is the primary objective we were not looking at the other and we said this will be retrospective assessment because how do you know citizen is benefitted. either you have a group which is using the old system and group which is using the new system and you use enough statistics and large sample then you can say that those who are using the old system this is there experience those who are using the new system this is there experience the difference is what is computers might be producing. But unfortunately we were in a situation were in all these 10 states there was no old system. Everywhere the new system had come. there were no use we could go and ask so we said we will do it with the same people because they have after all use the old system also and they have...but that has a it is called a recalled methods and it has some disadvantages. When I want service what is the real cost. Repeated going to the government office is that a real cost. No. For poor people....somebody is from north east I have visited north east every state because I have kind of delivered lectures on e-governance there. There are villages in some parts of the north east which could be 8 days away from the District head quarter. 8 days of travelling time is involved. Can you image a service delivery in which a guy has to come 3 times? His life is lost in that process. For poor person every trip cost money because you have spent on bus whatever it is. It provide convenience....they have expanded time because generally when you computerize at least you can open from 9 to 5. It is not that the some clerk has put a coat on the chair and has gone away for half the time. Fair deal and courteous statements, less error prone it can be more accurate because every error requires a correction if my name is wrong I need to go back and if need to go back there is another cost of trip. If you really talk about impact then the behavior change that we talking about in the end that you improved service delivery the impact should be there should be much lesser power distance between service provider and citizen. Today, citizen is scared to go to a government office, he is scared to go to a police station, and he is scared to enter sub-registrar's office. Can we in the end impact would be that behavior change that I can stand up and challenge the guy and make him accountable that is what you want to achieve and that is what existed in rest of the world. So many

dimension we are looking at. Ok. These is what we actually measured so let me we did surveys of large number of ...for every state and every project we spoke to 800 respondents. Through these market research surveys but this is what we measured: No. of trips, average travel cost of making each trip, average waiting time in each trip, estimated weight lost, total weight lost, total time elapsed availing the service, amount paid as bribe to functionaries, amount paid to the agents, overall assessment, composite score, quality of service, quality of governance. Now something's were you can see can be measured directly: No. of trips but quality of service you cannot measure accurately. It perhaps can be done on a scale of 5 point 10 point whatever it is similarly transparency can't be measured in a...it is to be a perception about transparency. You have to use different methods to measure qualitative and something that can be measured. Bribery perhaps can be a more inaccurate because people may not declare equally honestly how much bribe they paid. so you need to understand the different that's why we say this is nothing god given you know you can't completely trust a measurement quantitative thing and say this is what it is everything has its own flaws we need to interpret these things. Questionnaire design and survey this is I am getting into very specific details I don't know whether this is valuable to anybody. But what we found valuable was that you need to think about what reports or what analysis you want to do prior to conducting the survey because otherwise you will discovery at the end you wanted answer to this important question but you never collected data about that important question. Now if you are looking at citizen's perspective on a court and you wanted something which is related to you know perception about judge favoring famous lawyers vs not so famous lawyers or ordinary lawyers then you must remember that you want this later if you don't ask this question in the first place you will not get an answer. So you need to think about what you want out of the study before hand before you design the...many time it is easy to say again we don't do that. I really want to focus on results because in the end we were talking this morning the result of whatever methodology we use for assessment and all that it ought to make you reflect, it ought to provide you some inputs. I was reading the article by the director here on evaluation, she gave me the book yesterday and she talks about impact for policy inputs for the government. I

want to illustrate what does it means can it actually impact policy can you do thinks which also have a micro impact on projects and also at a policy level.

Showcased the slides.

You begin to get some kind of design improvement answers policy answers overall it produces some value. You see similar story across everywhere there has been a gain across sub registrar office and transport. This is just what could go wrong why people make two trips or three trips or four trips functionary not available. Now we recognise that in remote and taluka this thing you see can't do without physical supervision. It is not as if you use computers that you can rest. Physical supervision is required to see whether people are actually sitting on the chair where they are supposed to sit. They are sitting from 9 to 5 you cannot dispense away with that so successful projects will not dispense away others will. Incomplete applications sometimes you don't have all the documents so you once you discover don't have all the documents you have to go there the second time or third time. Counter was not operational because power failure. Very long que, you come back saying that I will come another day. Application form was not available. Now I can give you an example I think whenever the government is giving something to the poor people by enlarge your front staff in the government offices feels that they are obliging the poor person as if the government funding is coming out of their own and they feel it is their right to take some money. We studied many projects: old age pensions, the panchayat officer who gives the money just keeps out of the some money in his pocket. Now you have to look at the procedure not clear to the client. Why documentation not there, procedure not there I once asked my academic associate at IIM who had studied abroad who wanted a driving license I said narrate your experience she said first time I went to find out how it is given, do you have to go to office to find out in this age how a driver's license is issued. Why do people need to go there because first of all we do not have a standard way if we have standard way we do not communicate well, you read the website you don't understand what it is trying to say there are hundred questions that is not been able to answer. So there are many reasons, this all seems ridiculous to me, this is all part of design process. You

put computer you make sure that you can communicate what is the procedure in the simplest of the language that people can understand.

Show cased the slide.

This was a story for waiting time which was again the waiting time was actually reduced. Now this is an important slide for me I work on corruption for last 10 year. I really come here and go everywhere to really talk about this slide. Look at this, this presents you what is the percentage of transactions that are done with a bribe in the manual system and computerized system. We are talking of millions of transactions taking place in all of these domains. Can you see the percentages? In the manual system, Delhi 70 % of all transactions required a bribe to get this piece of paper of how much land do I own and in MP 90 % or 80% I can't read that figure. Can you imagine 80 % of poor farmers have to pay Rs. 50 or Rs. 100 to get this legitimate piece of paper which is simply saying this the amount of land I own? So that's the ridiculous extent to which small corruption...big corruption I am not talking about. This is pretty corruption.

Slides in discussion.

First of all I can say that it very high and intolerable level of corruption across all the three services. That is one conclusion you can write away draw. Only in land record can you say that in 5 states out of the 10 there has been a significant reduction in bribery. To me this situation is not acceptable after computerization. Because what is the meaning of bribery, it means a consistent harassment of the person when does a person give bribe after you harass a person to a point that your work will not get done. Every bribe is preceded by this number of trips running after somebody being agony and pain that I am not getting what I want to get. This has to go. Actually computers have the possibility of which the first chart is showing. That 5 states have virtually illuminated bribery. But why only in one application why not in other application. That's the question we need to debate that's the question government need to debate, the question designer need to debate. As I said people in property

registration in Karnataka now, you cannot right your name as the owner of the land and the square foot area on the application when you go and register a property. It is taken from the land record system which is already computerised. Now if you do that there can be no hanky panky. Owner cannot be changed the area cannot be changed. Think about redesigning the process with expectation of the citizen and then computerise it.

I am a little property man I have 2-3 registrations. In every registration after the event like a dakshina you have to pay people. It is painful to the poor. We just lent my paid servant some 14 -15 lakhs to buy a house at zero interest. Their cost of registering paying to the fellow who showed them the house, paying membership of society, paying for the vakil who went to registrar is 5 % of the total value of the house, isn't ridiculous. I find it atrocious. That these poor people cannot afford housing and even if they could afford they must spend 5% to do all of these. It can all be changed and the que to change is first you have to assess and learnt that these things are happening that is the first step to change. Then off course you have motivation to change variety of other things. You have to simplify the processes to the extent common people can go themselves and understand and in the legal thing this is the really very very complicated.

Slides in discussion.

Five dimension we have taken quality, efficiency, cost, quality of governance absence of corruption. And we have plotted on zero to one scale the achievement in each of these case. It clearly shows you if whatever hexagon is larger than project has done more. So you can see somewhere that two lines are narrow.

This one this is ok...area of improvement that you see. The difference between the two is areas of improvement. You can visually see the areas of improvement.

Now I will close.

Lesson is need to push hard. Now just things that data can be inaccurate you need to check data validity because if result can be challenged anywhere its credibility will be lost. You need to make sure data is as accurate as is possible. You can do several things in kind of checking data, check extreme values and triangulate. We ask three questions about bribery one this way one that way and if you look at the responses you will find that responses are mix signals and then you know that this question has not been understood by the people accurately. Data you have got is not accurate that's a great difficulty. When we go qualitative what people understand and what we want them to understand can entirely different and the responses you get may be very inaccurate and if you are going to make judgment and policy on that it can be very problematic. So I would say qualitative things can be understood this way. But always better understood in a focus group because there you have chance to cross question to understand whether they have understood properly or not. Finally this was in a different context I don't know whether you can pick up anything out of this for your programme or education but I just want to go back to what jerome said I said I just want to re-emphasize 3 or 4 points. Feedback systems are all ok but what is important is the culture of the organisation which helps people to introspect which keeps student motivated which conveys to the students that here is the sincere group that is interacting with him that is extremely important. Just feedback system without the organisation culture will not achieve the objective. Second is that recognition that education, training is a cooperative process between participants, trainer and the participants it is an interactive process that has to be the prime way we think about training. But once in a while when you want to understand policy impact and real impact is the citizen afraid of going to a court why don't you ask people that you cannot judge there are so many stakeholders. So those are the three kind of I don't know if jerome has any other message. Thank you!

Dr. Geeta Oberoi: Any other question?

Hon'ble Justice R.C. Chavan: About feedback forms we need to ask the same questions in three different ways. In order to validate the answers. Straight questions and straight answers won't do. We are all used to do cross examination in our courts.

So in order to get answer, correct answer something like cross examination has to be there, cross check has to be there. When you device a feedback form see that question are so put that you get correct answers.

Dr. Geeta Oberoi : Participants have any feedback on this session? You want to say something. So we break for lunch and come at 2'o clock sharp over here for our last session. Then we have one hour in library reading and one hour computer training. May be radha can help us. She is master trainer.

Participant:is also a master trainer.

Dr. Geeta Oberoi : Ok! Great so we are going to make use of everyone who is master trainer today? How many others are master trainers? Thank god. I know some are. I would say.

Session 4

Dr. Geeta Oberoi : Good afternoon to all of you. Again. The last session. So you have to bear with us. Lunch was good and it's a post lunch session. I hope you enjoy it. Yes. Ok. So, Otojit, we have very limited time so Mr. Otojit has 30 mins to himself. We will first hear Mr. Otojit. Mr. Otojit if you don't mind if you can introduce little bit about yourself.

Otojit Kshetrimayum: Best university in Delhi from Jamia University. Then for my MPhil Phd programme. Basically, I am a sociologist dealing with the society and before joining national labor institute I was working in Sikkim Central University Gangtok in the department of sociology where I was the founder like head of the department where we introduced MA and MPhil programme. Right now I am based in Noida, residing in Delhi and there national labor institute we basically do research on various labor issues and we have around 130 programmes both international and national. We are the participant level are from trade union, NGOs , labor officials, research scholar, young teachers and this is one of the areas I have been working on on. I have been doing government sponsored schemes. Today I will be discussing on some of the methods and concerns of evaluation study where I tried to incorporate the ways like perspective of social research and relating it with evaluation and judicial training.

Respected chair, I am very glad to be part of this workshop. Basically as I said I have been doing lot of training programme and basically handled one international programme under ministry of external affairs on social protection where I interact with different officers from different countries so it's my I think definitely my first time to interacting with judges like directors of various academies so when I was invited for a lecture so I was very much happy to be part of this whole line of workshop. I think it should be more interactive that I want you participative in whole

process of interaction it should not be one way traffic that I go on speaking and you just listen and like. I will be dealing with some of the case studies of two judicial academies. Friends, When you talk about evaluation what does it you mean my idea of evaluation? Yes. Any recap from the morning session.

Participant: It is just like rethinking how much you had achieved.

Otojit Kshetrimayum: that means you have certain goals and you have performed the activity and after that you try to have an assessment of objective has been fulfilled or not. Before we move on to evaluation let us try to understand what is social research? I think many of you must have done like no some courses on it on social research method. But let me just recollect what social research is and try to move on to evaluation studies. So when we talk about social science why social science is science? Basically social science is a science because we follow certain systematic methods. Unlike we do research or projects in the laboratory like the physicists do, like the chemist do...etc. We as a social scientist do not do that kind of experiment in the laboratory that means I universe our sample is our society. That means we are dealing with human beings. We are dealing with the society. So there is difference between kind of research we do as a social scientist and pure scientist. And why we say social science is science or it is scientific. Social science is scientific because we follow certain methodology. The way pure science people do. Can you follow me?

We follow certain structure that means we follow a methodology like the way pure scientist people will do. That means we have a structure well develop structure so that we need to have a design that is called social research design for that matter you try to locate evaluation S part of their social science research then we need to have that kind of design that means when you construct a house why we have architecture because they give layout of the building. So in that way when we do some kind of study we also need to have that kind of design and that is also known as social research design. So let us try to understand best processes so frame is like this. Like we have social research design I will be dealing with because in the morning also there has been lot of discussion I will be touching some of the issues related to social

science research. Then moving onto evaluation with various that we have to like follow. Then some of the like model which very very efficient or effective in doing judicial training evaluation I will be discussing with you. Finally I will be dealing with training methods we need to adopt in the judicial academies for effective implementation of the objectives. So this a basic framework of my presentation. As I said: It is a blueprint and when you talk about design, blue print for research dealing with at least 4 problems. First question what questions to study. That means we have to have understanding of what are we going to study. That means we need to have understanding of what question or what research question we have to explore, to examine, to investigate and what data is relevant. What data to collect? Once we are clear that this data is required then how one should collect that information or data? It may be from field or it may be from secondary sources (literature, publications etc.). Once we have this data collected then how to analyse the results is also very significant part of the research. Why I am discussing social research is because evaluation is also part of the research. When you talk about evaluation methods or evaluation studies it is also part of that whole larger group called Social research. So these are the 4 points that we have to have when we conduct particular study or particular evaluation. So then we talk about social research alright when we want to start a particular project study for various reasons may be for MPhil may be for Phd thesis, may be for some projects. That means we have to have that kind of design in front of us. Then Once we through with the problem, then we review the literature related to the issue. When you talk about poverty, when you talk about child labor, when you talk about women empowerment, when you talk about various schemes that means we try to look at those literature available to us, you have lots of literature available to you. So that means we try to look at those literatures and try to develop through research questions. Once we are clear that research methodology is very very important to us then you have to develop a methodology. That means the whole structure of doing a study. That means you should be very very careful with what kind of data are we going to collect or what kind of study I am going to do. That means based on your decision whether it is qualitative or it should be quantitative. There are methods where we can combine both the methods which is called interdisciplinary method. Because we have to decide whether our study is purely

qualitative or quantitative or mixed method. Basing on that we have to devise certain techniques of data collection. Once you are clear about this you have data collection that means you are confining to quantitative plus qualitative. It may be field based or it may secondary sources. Once you get on with those information then you can analyse data whatever you have. This you during feedback that means whatever information you get you try to analyse it and interpret. Try to rank them accordingly and give suggestions.

Hon'ble Justice R.C. Chavan : basically it will be concerned about this last. The feedback and how we evaluate it.

Otojit Kshetrimayum: So, I will just go through I have.. 19 minutes have already gone. So quantitative methods alright that means I just because it is very very important for all of us to have a very clear idea of what is quantitative and what is qualitative. Because if you are not very clear about this when you do some kind of evaluation study in your academy. Generally in evaluation what we do is quantitative because we try to collect the ratings of programmes. We do big surveys, focus group then we have interviews where we try to get information. So both these methods of data collection have advantages and disadvantages so we generally try to use both these methods in many of the studies in many of the cases. One compliments the others so it is not that one is like compartment segregation. Then there is a need for judicial training. To update yourself, your information that we have, new ideas, new cases. I came to know that states like Tripura they have started very recently Judicial Academy so like we need to have this kind of training because that is need for the hour and people and judges all those officer associated with it need to update their skill. Now days we talk about skill development. We have national skill policy and entrepreneurship 2015 that has come up with a new government. So that means every government everywhere it talk about skill so for judges we need to have like skill up gradation or skill development in whatever form. It is not only judges it is not only the people official out there but also we need to train those officials involved in the training. Training to staff shall also be given. Because they are the one who are dealing with the public. Importantly what is happening is as an organisation you are

directly dealing with the people. That means you are doing a public service, public dealing and services to other stake holders. Then evaluation is basically a systematic acquisition and assessment of information to provide useful feedback about some object. We generally have to have that kind of understanding of what are the steps that we need to follow while doing an evaluation study so we have an overview of the programme as I said then identification of the problem, as I mentioned in my social research design. We are trying to confine our self to a particular kind of a method where we talk about evaluation. So generally it has come from the comprehensive idea of social research design. These are step one need to follow. I am not going into detail of this.

Then types of evaluation is very very significant because when you talk about evaluation and this is the topic of this particular workshop. We need to understand two types of evaluation; formative and summative evaluation. When you talk about formative evaluation which is basically deals about pre training evaluation that means you try to assess yourself what are the resources you have, what kind of objective we need to develop, what kind of resources you are going to invite, course material and what is going to be main structure of the programme so that is very very significant. That's why you have mis-assessment, evaluatabilty assessment, structure conceptualization, implementation evaluation and process evaluation. These are the types and kind of evaluation that we have in the formative evaluation. So it is basically conducted during the planning and design of the programme. The next one is summative evaluation compromises of impact evaluation. Then I have gone to some of the literature because I talked to Madam Director, I was trying to discuss the expectation from me about the interaction that I have gone through some of the literature and trying to understand like some of the judicial training like IOJT then about the judicial educator like different principles I have gone through.

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This particular model by Donald Krip Patrick's is one the models judicial academies follow. This four level of evaluation. Generally, judicial academies all over the world follow this method. There is four level of evaluations I.e. reaction, behavior,

learning and results. It takes lot o hard work to have that kind of evaluation study. Then case studies...I am just winding up.

I have gone through the NJA website then it has 22 academies and out of these 22 academies some of them have updated their training calendar. They are still fix up with 2014, 2013 alright this is my sincerely request kindly update you training calendar and many of the academies have updated their academic calendar clearly given about their yearly calendar. One case study, Delhi Judicial Academy, so I am going to reflect on 2015-16 No. of Programmes 42, No of programme for ministerial staff is 3. They have covered wide range of topics. For each one needs to have different dimension and perspective.

Participant: I happen to be from Delhi. One is that instead 42 have 60 programmes. So nice of you that you have taken this. We have also included programmes of other stake holders. We had the programmes for the police officers also where the top most functionary came. We have planned symposium for POCSO all other stakeholder came.

Otojit Kshetrimayum : Thank you sir, what I am trying to reflect here is like that every academy has different training programmes on different subjects so what I am trying to reflect is that for every programme you need to have different perspective : what are the areas, what are the issues to be covered. So what I am trying to say is that you need to have a very clear objective, structure I was talking about. For every programme you have different topics, different issues. That means you need to have very clear cut design, objective and out lay of training programme.

Finally, my concluding remark would be like when you talk about training methods in judicial academy, we need to have

1. A need assessment and what is the requirement. what do we need, analyse and assess participants need

2. Learning objective shall be clear to the participants and should be measurable.
3. Promote active learning participation.
4. Learning environment is very very important
5. Evaluation as one of the part of that particular training methods.

This some the remarks that I have. Thank you so much for patient hearing and hope that there would be some more interactions after professor deliver his lecture.

Shankar Chatterjee : Friends! I am Shankar Chatterjee as you see. This is my email and you are most welcome to write me email. Friends, this a great opportunity I am thankful to madam, the director because she invited me as I belong to different service. As part of this service I have traveled India and abroad. Friends every day we are doing monitoring evaluation in our life. So before starting up the session I am Shankar Chatterjee, I have worked in India abroad in various capacities and it is good always feel happy to work in India and 50-60 countries I visited. Last week I was in Afghanistan. I have share my experience that I have done in the field because time is limited I will just take hold an hour. We monitoring evaluation question comes none other than this famous book published by the united nation. When they found in the world that people use the word monitoring evaluation different way so they held a high level committee. I will show you an Indian case study.

Excellent material prepared by madam yesterday night I was going through, If possible have a look. Ms Mann took a very beautiful session. But for whom training. Training cannot be new entrant training and already experienced person like yours training cannot be same. Need assessment cannot be done every time because we are conducting course my specialisation monitoring evaluation income generation, welfare group like this. Like this it has to be assessed. In training need assessment age is important, how many time he/she has undergone training. Training helps for capacity building. In world it is called TCB: Training & Capacity Building. Friends, last week I am came from Afghanistan many afghan ladies told that we are not getting any training, we are not getting any teaching, and we hate Taliban. They

never allowed us. The knowledge, the training, degree, diploma is the greatest asset in the world. People can develop with this kind of training. Friends this is the programme and project when government takes some decision in our country five types of government only central and state can take decision to address a problem that it is called programme. Another name in this world is mahatma gandhi NREGS. Under this any study is taken place is called project. This is throughout world.

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I was just noting down, in our life I will just touch upon my, madam requested me you show what you have done in India and abroad. Friends you remember when higher education system...how sincerely we are doing monitoring evaluation so when our children, daughter or son first started going to school we identify school. What is the identification: How far school is located? So based on time and based on resource that is called time and budget. So always we send based on time and budget. It is called project identification. What corrective measure will do that is the judges that is the judiciary family we do. It is the judge's judgment. Some father or mother will abuse will beat will slap...every day we are doing judiciary in our house. It is not a great thing. And finally... when I am assessing your assessing she is assessing he is assessing when final assessment done by whatever we talk...don't feel free I have traveled all over the India and abroad. I know my son will or daughter will do but the final result will be given by board or university. Agree Sir! That is called evaluation. When it is proved officially that cannot be helped. So mercy petition this petition public demand public dhanjoy case our friend is here supreme court agreed dhanjoy, who was given the same case supreme court rejected somewhere in India and told no our judgment is different. Agree sir! it came all newspaper. I was reading in the newspaper few days back I was reading name is not important it may goes against the feelings very senior minister of political party name all of you know what has happened he has told law degree and his law degree is fake it has created lot of sensation in the country that judges called an evaluator. You kindly highlight how to identify it is his adamant he is very strong political party and I will not tell name we are all matured at this age nothing to be feeling sad

even then this feeling that feeling always it happens in India. Judges called an evaluator kind evaluate his degree is not false it is a political stunt then with the evaluator he is going to that college and you know ask that minister because minister case is very sensitive case and made lot halla gulla all you know but I will not tell name because it is not very fair so evaluator asked him in the presence of the judge it is called the remake situation it has to be visited with the situation every time need not in the court room. The evaluator asked him ok sir you are very famous minister fine, your law degree fine, then you tell me which classes you have attended who was your teacher when this classes were held. Any name in this two years or four years now it is five years remember incident sir agree sir! This is evaluation judiciary using evaluator. It is the question of mind sensing of the mindset so like this every day we are judiciary we use judicial system at our home for our children whether son daughter.

Last example I am giving with this I will show some two three case studies because time is very limited for me and.mother when cooks food assuming fish we all eat fish or paneer. It is a team work...judiciary is also a team work....legal law advocate one is telling his or she is not culprit another is telling culprit there is somebody is wrong one is telling he has done crime another his favorite he has not done the crime. It is a team work like programme. so friends what happens when father brings chicken or paneer so brings best quality of fish or best quality of paneer then after cleaning fish etc mother knows cooking father may be highly qualified supreme court judge father never cooked fish mother is not an ordinary graduate mother knows it is a team work servant washes cleans so friends the mother is cooking...mother knows ow much salt how to put sugar little chilly powder and time to time assess taste it because mother knows that children family members may be liking it or not. So your training programme one may like another may not like. Otherwise that session is useless. MEAT is Monitoring Evaluation Arrangement Techniques. These are international whatever discussed here London, Paris.

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This I will not read. If you write article, Book....I have donated some books to madam. It is not a great work in our country we are doing. Indicators are there but I have written valid reliable relevant this are United Nations that's why I am telling everywhere in the world this has been discussed.

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Types of Indicator. This is the book published by European Union Network on what are the indicators. I will show few of my cases. This. I am in charge of West Bengal, SLO and there is district called bakuda, my friend is there. Such a poor backward district I have never seen in the country because I visited all district in the country. That Jungal Mahal area 2007 everyday killing, CRP, Army, government of west bengal prepared a CD with help of IAS officer/district collector so killing, judiciary failed because so much killing ...what they will do...death bodies are lying on the road,bakuda. So that district they developed a mango it was barren land, dry land, vegetables never grown. So they keep it and rise. This district mango has been planted they tasted that soil is only suitable for Mango. That's what west bengal officers told me. The god has given me some unique facilities. We cannot identified the land so with this mango garden last 2-3 years they have changed the situation people are smiling, children are going, mothers are enjoying....that is why friends here this is dry district. Chavan sahib is from that belt. Like you there was very senior civil like you Maharashtra civil service officer my good friend he invited me Chatterjee Sahib Aap Aye Aye fine Chaliye I will go but no money God has given me my need is fulfilled never agreed why I take bribe drivers for grid bride is never for need whatever we are getting a need is fulfilled. Agree sir.

greed is unlimited so when with my wife and son enjoyed to period of time it is called evaluation period time line this poor people background I am telling 62 poor people Maharashtra civil service officer told them who are from that village originally you come from group under Government of India program it is not important swaran gram jayanti yojna you will get money I will help I am a guarantor, he arranged a irrigation scheme this much you told whole day class will go. so friends 2000 I did yesterday 2002 I have done study 2010 I have done study

evaluation that is also elder brother justice Chavan is there he is also telling very dry area kuch mar dunga so you see friends beauty of this area is is world famous there is a village in this district Shani Shingnapur In this village there are hundreds of families there are no doors in houses and In shops. Thousands of foreigners come every year in this village and that area is very famous for Shirdi Sai Baba. Have you visited? Worthy place to be seen. So friends in this area poor farmers 1 hectare land dry our sir is also telling she is like an elder brother also telling very knowledgeable I visited very dry. So friends here you see indicator is there. You see before project only Bajra groundnut and javahar, onions after project Dal Bajra groundnut vegetable sugar cane pomegranate like this. 6 months before getting irrigation they were getting food another 6 months they used to go to other villages. After irrigation projects you see that it is not that book other books there lifestyle has been changed they are enjoying life this is my study over a period of 8 years. What ultimate we provide food if we provide employment provide social security like pension so Lifestyle will be changed. Otherwise simple judiciary whatever corrupted non corrupted cannot do the issue. Coorg is very famous coffee growers. There is a place at least you friends can do why I always believing that government why I cannot do personally. I am in Tamil Nadu many universities member not ahankar. Friends this one very very Million year I will take 2 3 minutes madam. No problem. So madam.....has given.....I have started.....10 minutes late...no problem. I adhere to your decision but not feeling bored na. If feeling bored I will.....friends now madam is also having other assignments time factor is important it is called observation I was observing madam that is why because madam is the key person in this chair. So here Virendra Kumar Hegde you know madam. He supposed to get Bharat Ratna but Padma vibhushan. he decided why we let do something she is like a saint wearing white clothes only daughter so he decided women's group he decided Poor Men's group he decided farmers group. They were told you will be dying why you don't form a group self-help group. You do one thing free sharing of labor all person should have contiguous land. Friends same thing of course this area gets more rainfall Karnataka is having two areas Raichur and Bijapur madam is here very dry. But southern part Coorg Dharamshala Uttar Kannada Dakshina Kannada. you take money from our bank if you desire if you want to stay and the group I will certify

recruited lots of young person's mostly girls. On what condition: free sharing of labor. Friends with this I complete. Now you see this man.

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Christian Hindu all together very nice brotherhood feeling so you see 5 acres of land these crops work growing and you see in the house 1 hectare 2 hectare 5 acres means to just 2 hectares. Quality of life has been changed. With this I complete. Thank you very much! namaskar!

Dr. Geeta Oberoi : we conclude now we move to library library reading. During this hour you can also have tea coffee if you want to have and also in the library itself the computer training is arranged for you. Off course, Miss Radha would be helping she knows about Ubuntu. You would also be helping no...You decline to help. Mr Sudhakar you will help so Miss Radha and Mr Sudhakar will be helping you with the Ubuntu. so you can learn many things about new software, new operating system new and see how you actually incorporate In your all state judicial Academy and learn many things they have been given master training maybe you can invite each other and it is a good opportunity to learn whatever you have what your state judicial Academy has done. Look at each other's website. Look at what can be done next sit together. So you can proceed to the library but please do not go to your rooms this is not like ok first we used to finish at 5 now we are finishing at 3. It's not like that. also we have now plenty of books from different writers so you can see these also suggest us if you want certain books which are there National judicial Academy may not be even aware of so please suggest as certain books which we should buy we always welcome your suggestion and also see that different kind of books sociology economics psychology all kinds of books are available. So try glimpse some pages and there is light reading like magazines and newspapers if you want to have access to them. This session we have kept because all the time judges who have come over here have complained to us that we are working from morning 8 to night 10. We are so burden with the work that even night we go and we start doing reading for next day cases. We are so trapped in this work that never get time to read if you ask us any reading any book sorry we don't know. With this thought in mind we

have we have this year introduced this one hour library reading so that at least we can glimpse through these books. Thank you so much.

DAY -2
Session 5

Dr. Geeta Oberoi: Good Morning to all of you. So you all had breakfast and morning walk. I just thought we will just go back to what happened yesterday. If you all agree to, let's think about the first session we had with Mrs. Santosh Ne, who have spent 5 years with Delhi Judicial academy. And she acquainted us with the forms of questionnaire that are developed by Delhi Judicial academy. To assess training needs: pre training as well as post training Assessment of every session. Now these forms actually which Ms Maan showed us can help us in only two ways one, to what training should aim for and second, how did the actual training was appreciated by the participants. These are the only two things that we could take from these two forms But none of the two forms if we realize seriously none of these forms can help us actually to know the larger impact on the system, so they can't help us to do the cost-benefit analysis of the training in the terms of which we are thinking about evaluation. So we have these two formats for at least internal assessment of how successful we were in carrying out particular training. Then we had Mr. Subhash Bhatnagar, apart from giving what this whole concept of evaluation is all about, on management disciplines in e-governance, he also acquainted us with the shortcomings of evaluation as such, how difficult it is to actually carry out evaluation. Then we had third speaker Mr. Joseph who clearly told us that evaluation is for supervision and control it's not about judging a particular individual, evaluation has a larger purpose. And that larger purpose is about the whole institution about the whole judicial academy as such. It can't be about how this trainer came, whether he was liked or disliked or we should repeat him or we should discard him. Because people think evaluation as there will be a trainer and he will be assessed he will be given some marks. This one has got highest marks so we will call him. This is not at all purpose of evaluation. This is what Mr. Joseph told us. Then we had Mr. Otojit, who gave us the theoretical framework, form where the evaluation has risen that learning reaction four stages of knowing evaluation. When

you are actually delivering training programs and then we had Mr. Shankar Chatterjee who acquainted us, what he meant to say is that, any scheme or project of government, wherever government puts money. After five or six years government evaluates. If it puts money in particular district or scheme whether it is agriculture scheme or water irrigation scheme. After 7 and 8 years it sends its people to find out what is the impact of the scheme, only if the impact of the scheme of the cost benefit analysis of the scheme is done, next time The NITI Ayog will think of putting money over there. For e.g. he was showing us chart of you remember that before 2002 in particular district only groundnut was grown and then they went after 8 years and then saw no there were you know 4 more crops were grown, why these studies are done? These studies are submitted. These studies are submitted to Ministry of Finance. And only when Ministry of Finance has clear proof, yes it is resulting in something. It's going to put its money back again in that scheme and open some more schemes it is going to apply to other districts. So it is all purpose of evaluation. Because wherever government is going to put money, one day or other, it's going to ask us, give us the results. Because actually we state judicial academy and national judicial academies

Because actually we state judicial academies and national judicial academies are totally run on the government money. Isn't it? and there were many other institutes also they were fully funded by government like we being a like labour institute we were other day talking, it is fully funded like we are fully funded now. It was fully funded by government. Government funds up to certain years ten years twenty years. After twenty years government says okay fine we have done this much either show us the results, results mean these improvements these reports. You should have these studies or you make you make your own arrangement of funding your own initiative. We will give certain percentage and we have funded you up to 20 years we have given you money for infrastructure so now because if u see IIMs all management institutes, first they were totally funded by the government of India and then after 30 years they withdrew, now IIMs earn their own money. What I am actually thinking may be after not now, but after 20 yrs. from now onward, this may happen, because otherwise even in this has happened with Federal Judicial center,

Washington DC, it was under US department of justice, the funding is withdrawn by US government. FJC has told to look for its own fund, create its own funds. That is what US Supreme Court has been told. This is so for the UK Judicial studies Board also which is now UK Judicial College its happening all over the world and it may happen in India also after 20 years. the state Judicial academy and national Judicial academy will be said that okay we have done up to this much we have given u infra fund we have est you we have funded you for 20 years and now look for your own funds go to the ministries get ur projects and do the training under them and ministries are also willing to give projects for training. So I am eventually we have to show report. We have to these like yesterday that crop thing was shown of course it's not relevant to us but you have to have this impact. That no whatever we r doing actually it is resulting in certain transformation.

I know we are very far away and we have to learn because I remember lot of things were making tangents it's the making to us also. Because it is a different discipline altogether. We are from different discipline and this monitoring and evaluation is totally different statistical science. So, yes I do agree it's a something alien subject but never-the-less if we know about this discipline, if we appreciate this discipline and its relevance to what we are doing in state Judicial academy and national Judicial Academy may be in future may be in 3-4 years from now on maybe we will engage monitoring and evaluation consultants who are specific I their field and they will do these impact studies for us. So but then we should also know. What others, what we want others to do for us. With this brief introduction, about yesterday actually I recap we go for today's session today we may have slight change from your initial program because we have called one Indian institute of forest management professor. She came last week for a program to do how we do transactional analysis this could be like take way back how you can do in state Judicial Academy transactional analysis, so you just introduce that extra session cutting from one of the seesions but time remains same. now I before I get to speakers for today Mr Otojit and Mr Shankar Chatterjee, I would like to ask the speakers, if they don't mind, that may be they can teel like, may be they can tell what are their constraints because our concern is that what are the constraints faced by generally all evaluators, so they also must be doing some evaluation may be while learning may be of a session may be pre-training

session, so what kind of challenges you face, may be if all of you can think about the challenges that you face because you are yourself a trainer now.

Participant: one of the problems is that senior judges don't disclose what actually his position is. Junior judges can easily say and they can give feedback about any of the faculty and any of the subject any other topic but senior judges keep themselves refrain from disclosing the true fact before the Academy.

Participant: can I ask one question because you are also senior judge, can I ask you why do they do that actually?

Participant: when judge becomes senior, some sort of fear comes in his mind, it happens, generally junior judges who had just joined the service they don't know about Judiciary. So they are not accused what is custom and what is...so they feel free to say anything but seniors don't.

Participant: another problem we do face madam, I am from Orissa, infact the officers who are invited for training and if their duration is less they don't bother to give any comment any feedback after the training session is completed, so in that process we lack and we didn't receive proper feedback from a group or a section of people who are invited for training programme. That is one of the drawback.

Participant: In assessment in respect of a particular session, particular resource person. In respect of same resource person same session different off are giving different officers are giving different sort of opinion, so hardly I can gather as to whether the session was useful or not. Whether the resource person was actually to the trainee officers or not. Another aspect is there cannot be uniformity in assessment these are individual perception these depends upon each everybody's individual perception.

So you cannot have any uniformity in perception what you can after getting the feedback, you can address them. And let them know what is actually needed.

From here give a chair.....

We need everyone to give feedback. We guess all of you face challenge rather what is your challenge and some of the fields are left blank and we cannot force them to write it down. Really difficult to you know evaluate....

Madam, Andhra Pradesh, in some topics the trainee officers are well versed if the topic s given for training they will be more interested in writing evaluation, if they

don't have that any idea with regard to that any particular subject they will give they will not give anything but the understanding the subject itself is difficult....

they means right nominations for the right program...

I mean the subject concern with the people who are related to that particular area of like...

Suppose magistrate sir they will exclusively deal with criminal cases in junior civil judges they will deal with civil cases

if any civil case is taught to any criminal trial like magistrates they will not show that much interest because they are not regularly dealing with that particular subject to that particular period. When they reach their stations so they will not create much awareness among them so they will not pay that much retention. That...

So you are senior so many years you know much more tell, we are giving the evaluation forms at the end of the program because they will have very short time to fill those form, and sometimes what rather said the same thing is happening in Hyderabad also, they are simply ticking one word or two words, they are giving the evaluation forms and they are not giving sufficient even though we r giving stuff time they are not in a position to write down all the forms that is the major problem now what after the discussion, we have to give the evaluation form in the beginning ii in the afternoon session that is better, for only the last session we have to give another evaluation form that's what I thought in my mind today. Therefore they may write down their feelings and all these things. Should not be the general evaluation, it should be specific evaluation like what you did in JJBs which was provided in the aa.. Book material.

sir, in our Academy, it was not mandatory to fill up the feedback form although we supply after every session, but so far as feedback is concerned, as so many suggestions are given, as per in respect of Academic matters as well as infrastructure matters. Yes, no. we don't put pressure upon them to fill up the form.

sometimes participant do not fill some of the columns they left out them therefore in respect of their point of view we don't get full response from the participants. It is one of the problems.

Participant: any one has some sir like from Chandigarh what have you as a faculty member.

Participant: low voice.... evaluation...

Then they will scared no...

Participant: if you tell them to write their name that means you are scaring them actually

Participant: this is in the process we are telling them to write their name.

Participant: we should all remove the name part act then only we will come to know the true picture actually

Participant: yes it should be anonymous

Participant: very anonymous yeah

Participant: In UP Judicial Academy we write in sorts of evaluation form, first sort of form is provided to them on daily basis in which they are expected to give their feedback regarding each and every session and at the end of the program they are provided another form in which overall program evaluation regarding overall program, is sought from them including hospitality and other infrastructure facilities provided to them training aids

Participant: no but are there any problems in that... Do you face some problems?

They, we assist on them to fill up the form in all respects but

but why should you assist the participants to fill the form. Participants are mature above 18

Participant: no sometimes they leave the form half-filled half blank in casual manner. That's why we have to putupon them to fill the form in all respects.

Participant: I have one thing to say... actually normally the participants are confused about the objectives of the training they are not clear so they are able to fill it properly so normally what is happening is objectives of the training are not clear to the participants, one thing is there, another thing is Academies are facing less coordination with the courts, high courts because structures are different everywhere, somewhere it is headed by some sitting judge, somewhere it is headed by retired judge, some judges are having time some are not having time. at times there is a indecisiveness in the Academy to take policy decisions, so there is lack of coordination selecting the training program there is lack of coordination in nomination of the trainees, to whom we should cater a particular training program. This is the problem. This is the most significant problem in my concern because

even for the aa.. calling the persons as speaker we circulated a proforma to all the district judges and additional district judges. Only twenty percent responded despite to reminders. This is the problem. That's it.

Participant: I have a different take on this. Around twenty five years in the profession I have attended Academy more as a participant. I joined director Academics only four months back. this evaluation thing is being discussed for the first time I think in the Judicial Academies and after I was nominated here I read little bit of lit try to converse myself but Mr. Otojit mentioned yesterday crip formula and level one level two level three level four. we are still I think at level 1 my experience as a participant I would like to share, more because as an educator I don't consider myself to be having any experience, infact Judicial officer as Mr. Pant said, earlier my senior also said we infact have never been serious about filling up the feedbacks, and it is being done very very casually I should be very straight forward and honest about it, at the end of the sessions or at the end of the program forms were used to be given and I used to look at my colleagues sitting to me but he is writing and if he is writing and if the honorable judge of the high court or honorable judge of the supreme court is means you can't take other than excellent or outstanding or if somebody is there you take anything. so first I think it is very good that we have come to this and we have to I don't think now we have any other escape route, then to assess actually training is making any impact or not, because in very short tenure of four five months some officers, I will not give the percentage because it will not be correct to say here.

But some come to the training institutes only to avoid the court work, and some come to the training institutes or the Academies actually where they have some desire to learn. How much is the percentage we should left it here only? Because its. to first when we discuss this evaluation prospects, constraints what are the difficulties, I think first each and every member of the Judiciary has to be sensitized that this is very important you have to do it and they have to tell what is the orientation, like many time I feel when I sit in the Academy when I take the sessions that the training is also req to be imparted that how training has to be taken, not only that you invite the best of the speakers and best of the things but were to do if they

are not ready to have it. So that orientation I am very sorry is lot of effort is being put. But Judiciary I feel is a separate class but p

Prof Bhatnagar said Professor Joseph, Mr Chatterjee said. Mr. Otojit said, they all are expert in their field but Judiciary, is entirely a different ball game, we can have the parameters what they said in them but our constraints our evaluation and feedback is different and it can be sorted out only when the last person in the Judicial who has joined only yesterday is told that look it is very important for you, these Academy for you not for the directors or the joint directors or for the chairman's. It is not the question of whether we are able to make the decisions or not. It is question whether the recipients are actually taking interest in it.... I think till we hit that point, all this will be yes definitely this is an exercise which now we cannot escape it we have to do it, this is my very limited experience to tell here.

Participant: I would also like to add something, from Jharkhand Judicial Academy, that there is complete shortage of man power, our Judicial Academy was earlier managed by just two persons just two officers.

interruption...

Hon'ble Justice R.C. Chavan: let us focus right now on feedbacks

Participant: yes no no only feedback aspect I m telling,

Participant: well I say in feedback they are lacking the specific and the suggested, the feedback is not specific and they are not suggesting what the faculty should give, that we are lacking.

Participant: So in Kerala we face the difficulty is that none of the officer is giving proper feedback because they are feared of because Academy is giving training Academy is managed by the 5 senior judges of the High Court. So if I express my opinion freely it may affect me that is what so that we will not get authentic data.

Participant: anonymity feedback

Participant: anonymity is still there. Still they fear that they will be identified by handwriting or some other thing. Anonymity is there, there is no fear and give them a assurity that it has to be destroyed as soon as the analysis part is over. So that handwriting also not identified and second thing is that again considering the time constraints, let us restrict form the you have to say the same thing which already somebody else has said. Don't say anything.

Dr. Geeta Oberoi: okay so then sir aa... Mr Otojit and Mr. Sankar Chaterjee both of you have twenty four minutes to yourself.

Otojit Kshetrimayum: so definitely it is very good right now interactive sessions like it's good that you have come out like you know aa...For like discussion and all so definitely these are the issues that one has fairly come out with certain problem or certain constraints in its Academy. So definitely it reflects, in my presentation also the kind of problems that you generally face in your Academy, in your institute and basically like the first significant thing like this is one of the like you know gentleman has said like definitely Judicial training or Judiciary is different ball game like the kind of research we do, the kind of like ----we do, the kind of hidden work it does. It will be different definitely different but, as madam has rightly pointed out in the beginning. We marked that definite outcome, the impact, the assessment is very very significant because we have to show the result.

So keeping into that aa... like in mind so definitely we can say that it is complex inherently subject nature of the Judicial, that means definitely there is a different perspective a different --- as we look, at Judiciary or the Judicial activities, and no single performance indicators we can have. As some of you have rightly pointed out that we have to have different set of indicators, depending on the kind of subject we take up, so we have to really design depending on the kind of learning subject that we take up and basically that who designs the feedback forms. Anyone? Any... in Academy, who designs the feedback forms. Academy is Academy whether it's the resource-person whether it's the director whether it is the faculty member. Then what about the involvement of the faculty member or the resource-person. Is there any involvement while we design the..

Someone answers..

right, right, right.

okay okay okay then you have different designs for different programs not as you mentioned that there cannot be uniformity because different subject different training program different topic will have to be assessed in a different manner. Because we cannot have one set of like you know, points just to do that uniformly you distribute in every program, you cannot have that kind of you know that kind of exercise. so we have to rely on what subjective and objective indicators, it's not that

we always confine our self to subjective indicators or surely on objective, that means it has to be combined, that means we have to have this kind of like you know information to indicators on this on board of this like indicators. So that is very very significant and one point that you have pointed out, that the anonymity of the, then is kindly like you know try to follow that there should not be any name or designation in the feedback form. So that I mean no. so that that anonymous anonymity is there. So that one cannot be like you know fear enough like okay if I wrote something negative about a particular resource person or about the whole overall experience of the program

Someone interrupts..Yes if computer is possible, then definitely its computerization definite would be great. So that means you have to devise that kind of you know technological sort of but it's good enough if you have that kind of...and aaa... interesting is what about a name is then...then objectives also we have discuss about, if there is unclear about the objectives of the training program, so that means, what we generally do like aa... the best part would be like you know to send the clear objectives aims and objectives of the program prior to you know coming to the particular Academy that means we send them what is the objectives of the program. What kind of lectures we are going to have so that they are aware of it. What are the kinds of sessions they are going to take up in the training, so that is also very essential that we have to devise that kind of aa mechanism. so that participants also know well in advance that what kind of sessions we are going to discuss they can also have the some kind of idea that okay these are the things that has to be discussed in the Academy so that means you have some kind of a input before coming there. So that is very very significant. Then, as I said as we have discussed there should be a flexibility, there should not be rigidity at all that means you talk about evaluation or impact assessment, and the methodology process should be flexible. that means you need to have that kind of flexibility so that it's not that, the director has met the particular like you know feedback form and something concept something some new idea or depending on the group, something new idea or something like know something like new input has to be like know aa.. to took in. then there should be a mechanism that is flexible in nature, that one should not be rigid enough that you cannot change the particular process or not, so flexibility should be there, then if I

try to discuss some of the issues why there is need for flexibility, so we have some of the studies by ----- experimental design for magistrates, so when he try to understand then one of like you know scholars try to understand the sentencing policy and attitudes towards defendants, so he adopted experimental design, that means the way the kind of you know pure scientists do, that means, when this magistrate joins. they are given one year of training, but he has a control group there, that means in one group the magistrates one set of group were given training for one year and other group he didn't give training for one year and the control group is the same so that means they try to compare what is the analogy, what.. is there any different between this sort of magistrate then definitely he can say that there is a major different between the said of magistrates who attended the training program and who did not attend the training program so that is the experimental design then question is like in pack of gender training. So that means you have questionnaires for lawyers and court staff but you have interview methods for judges and monitoring the judgments. What kind of judgments they have given related to gender, so that means you are adopting certain methods of data collection. as we have discussed last time also that we have different sorts of techniques in data collection that means it's not the same, that means you are try to understand the impact of gender training but depending on the respondents, you try to adopt different techniques. question is for court staff and lawyers and you have interview method for collecting information from the judges and you are trying to monitor evaluate the judgment that the judges gave so that is one way of like know looking at it, evaluate and assess the whole process then you have another interesting models called Judicial systemic performance model, where they try to understand trial disposal and thorough put times to check the efficiency then reversal rates and up to outcome to assess the Judicial mistakes and the complaint rates to say or to assess the satisfaction level. The level of satisfaction of the Judiciary like you know activities. Then impact of training definitely you have to have a pragmatic like you know a practical practicality should be there, the pragmatic approach should be there when you absorb the methodology. Like I as I mentioned yesterday also that means we have to have a very clear cut methodology when we devise this kind of like evaluation. That means we should be very clear what kind of methodology we are

going to adopt, so there has to be very very clear. then you talk about effectiveness of a training program definitely we have to have I mean this is ideal situation that means we have to have pre, post and yearend focused group or service, participants satisfaction and assessment of court records, personal interviews with designated officers and independent expert appraisal that means form an independent expert, appraisal that means from an independent expert again she are going to like you know make an assessment of the training program. So then is this....some of the effective mechanism to like know go about the evaluation or impact assessment. This the ideal situation but definitely as we have been discussing yeah lot of constraints. despite the fact that we always look for effectiveness efficiency of the training programs in dealing with the like know Judicial activities, but definitely as we have been discussed, we have noted down some of the points that yes, there are lot of constraints like constraints like narrowness, like evaluators too often select for attention that issues that are very close or very easy to study available social scientific tools that we have been discussing about that model one that we have. that response, the level of satisfaction they have just level one, when you talk about the products like you know model then you have unrealistic that means evaluators often choose methods that are difficult to.....that means they choose that kind like know often measures then irrelevant . Most of the data collected and analyzed is unresponsive to the real needs of the trainees. then unfair, really consider then needs and wants of the trainees then un-used that means once you have the evaluation done, then it is like know shelf. so no one use that, once the training is over you got the feedback form and nobody looks on that, what are the like know how constraints or what are the kind of good feedback whatever may be so that means one training program second training program third program fifty hundred it pile up pile up pile up then nobody care to look at so that means it becomes unused. then as some of you have mentioned rightly, that there is a sureness, that means whether real or imagine of having one Mr. exposed of seeing once or undermine of being too complicated, and that means for proving what is director says that is to be done. That is right, that means you go you carry on that, means you try look for improvement. That means if something is going wrong that means you try to improvise it you try to change it so that means try to like know learn from those like know mistakes. for whatever

you have then limited resources just as the judge from the director from Jharkhand has mentioned, I mean that is one of the points, that means when you don't have manpower, you don't have resources how can you think about because you need people to do those evaluation you have to have design you have to have people to like you know calculate whatever may be assessment, analysis of the result then, coming out with or those observations so that means you need resources you need time, you need money, you need expertise, so that is also one of the major constraints we have I think many of the Academies like do not have permanent buildings permanent like campus so some of them are coming up, so there is a kind of infrastructure issues that we have, then lastly constraint number three, selection of pre-dominantly formative reaction base as we have discussed by aa... the judge, the director from Delhi, sir has already mentioned about is that we are trying to adopt the first level that means, just providing for you know feedback form, read it, for one two time or one to five right, then telling them okay just just provide some comments about the particular sessions you like it or not, so that kind of simple like know feedback that you have, then we are not trying to assess or we are not trying to find out the objectiveness, of that particular training program and concentration on education process rather than outcomes. so as some of you have rightly pointed that means just for the sake of like know attending a training, so really not looking at the what will be the outcome what will be impact in our daily functioning, as an individual, or like no likewise. So general avoidance of any meaningful measurement in terms of enhanced result performance, so this has some other some other constraints that we have, if we have time we can discuss a bit more about it and I think Professor Chatterjee will also discuss some more points with you.

Thank you so much.

Shankar Chatterjee: Good morning friends, as you have seen yesterday, my line is different but it is the evaluation not only Judicial Academy, infact I was telling you can do film study case of a criminal case. Why he has become criminal of you document, if you do the case study, it will be very nice given something to madam for distribution, I would like to on touch up in some of the points as evaluation generally the world faces that was the issue. It is the whether Judicial Academy, it

may be and the practical crime rates to assess, national crime research bureau they do lot of evaluation study to get an idea. here many I will skip up the things and I will touch up on basic things see when we talk things, there are two things that are internationally used for basically for three things: article writing, when we go and ask feedback form, collecting data from feedback form it is internationally known as will not questionnaire, so if you say like that, there will be problem, because it happened with the Indian Forest Service Officers when World bank team came there and found they are not using. So this wording should be important. When indirect way of data collection that is called questionnaire. Why under Judicial Academy. I suggest friends, yesterday shown agriculture, agriculture is example. I have done the study, so you kindly I suggest, you after you're as a Judicial Academy if say you are in three years four years five years you kindly contact some of the persons. If you can because if your state, it is fine but as India we cannot go in every state, some of the participants you go and talk. Four years back have got the training and how now you are finding that how it is useful. He or she may two three four five persons, if he or she may tell that yes it was very useful I have learned this. Say for example, Mahatma Gandhi NREGS it is only rural development program, scheme, yojana which is having legal entity. The officer will....or collector will be prosecuted if within fifteen days of asking job, cannot give employment of 100 days, it is implemented from 2005-06, if we do not know the Judicial Academy persons so now, he or she may tell you contact him or her, after some years, three years five years, through now, these are the two methods in the world, if you contact through questionnaire method by sending email, sending by post-card, earlier post card was there, so indirect way of it is called questionnaire, feedback form, you use the word schedule, so like that I suggest, please kindly, not evaluation feedback form is one time... no... Please collect the data after two years, not all, few, sampling... that is called sampling. and document, this person says, Sujata got training and used under Mahatma Gandhi and she learned and this child labour law and this criminal law like that one two three four pages, that is a very good case study, what are you writing, information for me, you the people are many knowledgeable in their field, that's I am telling, time constraints, this staff constraints, as some of the local but life is challenging job, when you face the challenge, when you face the challenge, when

you face the problem if you can do the work, that is the main work, otherwise we cannot smooth... there will be speed breakers in the road, we cannot assume the road will be very good, everywhere there are speed breakers so location staff, these are the very much problem, within the constraints, so this has to be done. so friends, when we do the evaluation, if possible in your Academy, install the computer, may be five computer, terminal and five persons at a time can sit, computer person can help in our institute also it is through, direct computer evaluation, no feedback form like schedule method. I have seen that format yesterday that Mrs. Mann was discussing. So 25 people means 25 minutes, less than time allotted they require, if it is a 40 people 50 people, cannot be 100 200 people, no Academy in the world 100 people take. So this number should be proper, so all these things are general type of discussion. friends, sampling error, non-sampling error, there are two types of errors occur, sampling and non-sampling, that Professor sir also discussed, this not required because we are dealing with Judicial Academy for designing questionnaire schedule that Academy I suggest friends, you must consult other Academy feedback form, actually there is no word called feedback, feedback is a general word, but form is known as schedule form internationally, you cannot write the feedback. data has been collected, normally just plural sense, data has been collected through schedule not questionnaire that will give a bad impression to the other people, undoubtedly so, it's an open-ended sometimes you can ask do you like the session, yes/no, but no opinion not applicable is not there, so computer will be there, otherwise computer will not accept, so computer person....(interruption).. I am just coming because it is not Judicial Academy. see, here open ended questions are more difficult to categorize means actually what happens open ended, open end, like do you like the food of National Judicial Academy, very good very nice, with sporting attitude, I discussed, do you like food of National Judicial Academy, if I ask sir, take sportingly, do you think it is a good question? Though what is okay opinion that is not..... sir sir, what is your opinion about the food of Judicial Academy? haan open ended that is why it was close ended, but it is not a good question sir, why you know, now I am telling. What is your opinion about the food in Judicial Academy, it should be specified, breakfast lunch dinner, breakfast may be good, lunch may not be good. Lunch may be good, breakfast may not be good, it should be what is your opinion

about the National Judicial Academy's food: a) breakfast b) lunch c) dinner. Like Judicial Academy when you take you take these issues, think about the issue, some like what is your suggestion, sir, it is nice question sir what is your suggestion about the training program? So he or she may suggest this training program should be three days, some training program may be five days. So if you cannot put one two three four five six seven eight ten days, some programs may be 21 days... Interruption... not questionnaire or schedule, you are telling, it depends upon the situation, situation means type of activity, or do you like Chatterjee's session? yes/no. what is your opinion about the Chatterjee's session? Now, yes. If you think that he or she it's that, it upon the situation, if you are sure that it can be yes / no. in that case put yes/no. but whenever open ended it should be categorized. Now under open ended, lunch breakfast, good or bad if you say or satisfactory, yes that is closed. But if you say give your opinion. That is open...

That is why I am telling...

So do's and do not's now also it's there. So you have seen these are very important, worldwide people having EQ, Madam also will be taking that..... its judgment criteria, indicators, so these are the issues, so have a look, you contact in email, personally anybody is interested because you will get the CD, I am leaving the CD this is all internationally, all in the Academy are used, so these are again, research techniques, like this, because I request you, take up your individual one two cases of your Judicial Academy persons who are new entrance, take one or two case studies and take little aged persons, and take another persons who took 16 or 7 times training, your tenure or not your tenure, with this five minutes I conclude because within stipulated time I have to adhere. There is famous international technology, methodology is called PRA. and it is in short form, full form is Participatory Rural Appraisal, rural means only rural, narrow sense, but can be used everywhere, urban, rural, aa.. Assessment, monitoring, and evaluation yesterday we have discussed lot of assessment, evaluation all cases. Friends any one of you have heard PRA? It is a new method. Worldwide people are using for saves time. Though the full form is Participatory Rural Appraisal but not used now, it was just in fifteen years back, Prof Robert...University of Physics developed, worldwide accepted, lot of children are doing PhD, boys and girls are doing PhD are doing, if you use word like this

worldwide people will appreciate. Now how you can do, I am telling both sides, in your Academy plus outside of the Academy, if you do field study, that's what I wanted to tell because see lot of judges, I am very happy sir at this age has documented his cases very nice and lucid manner in used please listen it and under here there are different tools. PRA is a methodology and there are tools some of the tools I have mentioned, it requires lot of discussion as with your background many of the things are not required but simple way. friend here you see ... if we go the village sometimes it is remaking, we are seeing in the TV and the newspapers we read that how he has done the crime. Taking to the village and situation and walking, it is called strolling under PRA, different tools it is called transact walk. So like during festival season they require more money, what type of season, season may be related to festivals reason may be related to months. It is for seasonality analysis, so friends here, this qualitative research some tools are used so fiends when we do under Judicial Academy PRA, persons they are hesitant, the persons will not give proper reply, individually with two three persons you ask, that is called focused group discussion, under PRA, that is a beautiful research methodology, you can write an article. based on the Judicial Academy or state Judicial Academy training, few women were contacted, under PRA, methodology, under the tools of focus group discussion, so give their opinion so how, because sometimes writing as you were telling, they may not give, but personal discussion, they will give lot of documents, see they know you are not taking the hidden camera like that what they are doing, so focus group discussion is very good idea to design new program. Those who are dynamic, as you are telling, many of them are not interested, many of them are do not like ot come, they have come to spend time, or to avoid workload. So, these are different types of methodologies, tools are available under PRA. so friends, if this I am telling the daily time use, we always daily time use, when we take that as case study,, that what is your this is known as under the research methodology, it is called daily time use. These judges or these persons are using this type of times. Most of the 15 16 awards they have to read the law-books use the word, daily time use analysis that I told that seasonality analysis. it is a research study of course, which serve that season crime rates are taking place, why, naturally we have read and many people told, due to festival seasons it goes up, they require money, other

festival season less, and area based, again some area, again some communities these are the very important research studies, so use the word PRA. Though it was agriculture, I told that I have done study on agriculture, I have shown the example of Maharashtra. Why don't you take a study? that your persons who came, the given feedback, say 2013, you take up some persons, meet them and their PRA, focus group discussion that these persons, say five to six persons, ten persons you meet them, collect data, that is called the timeline, say 2012 they have come, 2015 some of them again you meet, how the difference is, what is the training and capacity building, enhances persons knowledge. So friends, this is called the timeline. Yesterday I have shown mu case over a period of eight years, so different types are there and report writing has to be done and I have done some studies of course naturally it is not Judicial Academy, like this, so which I am showing, so with this I am concluding as Madam was telling the time is stipulated. Yes different yes of things, see it was a credit plan study. It was different areas of the country actually. These are the cases and with this I am concluding. They have been benefited actually, these two ladies,..... very poor lady of Andhra Pradesh of my area and it is my evaluation study over a period of time and after same thing like yesterday how they were benefited and with this time is important, Madam yesterday told, because I am from different line, but you can use the idea is same throughout the world, that is why you see one child become lawyer another becomes doctor, another engineer same parents but it is the different things are same only roads are different with this I am conclude any question, anything you are welcome to ask.

Session 6

Dr. Geeta Oberoi: Welcome from the tea break. I think Mr Otojit you can handover to sir later on, sir please come back to your seat we are just introduced something which is not there in your program schedule or it is there you got a new program schedule today. We just inserted one different kind of a session and let's see what is your take on this new thing that we have just introduced today will be asking you I think, Ms Parul will start with the exercise, yeah? so will be just giving you just one page, all of you, we all will be doing one exercise and then we will know why we did, what we did and how we did, yes, so, yes Ms Parul Rish I will be conducting this session, she will give you instruction what to do please hear her because you will be unable to do this exercise without hearing her.

Ms. Parul Rishi: so friends welcome to this session. As Madam has already briefed you that we are starting some exercise and that exercise and that exercise is having some statements to reflect the kind of things, which we do, which we feel, and just find out whether it applies to you yes, you have to write just why, before the number that is given over here instructions are already written also if you are also, if you are not agreeing with that, that you don't do like that, you have to write 'N', and if you feel, to some extent it applies to you, then you write 'S'. So you have to write three alphabets either 'Y' or 'N' or 'S'. Now statement number one two three, I hope because I have hurriedly photocopied it so it's not very properly printed. But please bear with me and just before I say you have to turn page down, you are not supposed to do like that. The scoring part we will doing at the later part of the exercise okay so you have to just write now, 'Y' or 'N' or 'S' okay against every statement. 'Y' for yes, 'N' for no, 'S' for to some extent you have to write 'S' at the hand side. If you feel like writing, your name you can do that. We will be using this data to just without your names, to communicate back to the similar kind of groups, if I get some opportunity later on it's just for that purpose.

So please keep it aside we will come back to this exercise later for other time. How many of you have some idea about transactional analysis, if I have some big round so that accordingly I may start it further. You know about it. None of you? Okay so

I will be just starting. Okay so, basically when we talk about transactional analysis, it is something about communication. When we communicate with others, there are lots of mental states which are there within us and in the person with whom we are just trying to communicate, so it's a tool of communication to understand the way people are analyzing the latent content the way you are saying, that means when you are saying one thing many times its not in the verbatim sense of the term, we are trying to communicate something but within us something else is going on, so what that something else I going on is what we call as ego state we are taking to the person, and were we are talking to the other person analyzing the ego state of other person and then coming back to us and accordingly behaving these are some of the background factors which play a role when we are talking about transactional analysis. so just a brief background that this concept was given by Eric Bern, who was an American Scientist and he has written a very famous book- games people play, which is very interesting book which explains that when people try to play various tricks they are talking something else, something else, is going on in their mind, how to analyse that, how to effective communicate with them. that kind of live examples are there in that book and he was primarily influenced by another very big name in psychology....., who has given the psycho analysis, so the basis for transactional analysis starts with Sigmund..... id super ego states. so because you don't have any background of what it is, so I will just try to explain it just for the very beginning when we talk about Froid's principles. He has indicated that there are three ego states within us. not ego states exactly there are three principles which he has given that they operate within us when we behave with people which is a pleasure principle many times what we are doing that is to please ourselves. We just try to do what makes me happy, what doesn't make me happy, I just try to avoid that, so this is an id ego state. The next one is the reality principle, the ego state, ego is n kind of term ego that we use in our say to day life that if a person is an egoist so is proud of himself. It's in Froidain terms it's a bit different it says that the person is in contact with reality, the person is trying to behave the way he is supposed to do, looking at the social scenario in which the person is operating and super-ego is basically ethical principle, what we should do, what we should not do, we try to analyse within our self that this is right, this is wrong, this should be done, this should

not be done now you relate these three ego states with the way we have grown in our life, if we go back to our childhood or we try to see our small kids around us, they operate at the id level, id level means, they just want just makes them happy, if they want something, they want it immediately you can't delay the gratification, they can't tolerate that there is any delay in whatever they want, starting with the hunger, when a very small infant is hungry immediately want to be feeded, if not the child will cry. So this is an id this is operated at the id level. Now gradually in our life we learn that there are certain social systems, within which we have to, so every time now we all know when we are hungry we don't cry but all of us used to do that when we were at our early stages of development, so this is the development, so this is the development that we now we understand, this is acceptable, this is not acceptable. In this context it is acceptable, in this context it is not acceptable form where it comes, from ego, development of ego with the process of socialization, we start developing our ego that we are supposed to do this, we are not supposed to do that. Further to that we come at the level of super ego which is the ethical principle now okay, it is to be doesn't is not to be done, fine, but, whether it is ethically correct behave in a particular way in this context or not? So we go at the principle of conscience or guilt. our guilt pricks us if we are doing something wrong, if we are unnecessarily punishing a person, being in a administrative position, feel bad at the end of it that may be got temperamental at that point of time and I shouted at that person, I was not supposed to do that. So, our super ego reminds us our conscience pricks us that I have to control the way I express myself in practice others. So these are the ego states, not necessary, not although with all age we grow with the ego states, but not necessary. You will find still there are people who don't have developed super ego, who have not able to differentiate between right and wrong and just behave in the way they want, the pleasure principle. They are holding a position and they feel that I am holding such a senior position, and I am supposed to get whatever I want pleasure principle is important so as a boss, what makes me happy, everyone should do like that, and what makes me unhappy, people should themselves understand and they should not just do it. why should I say that this is acceptable this is not acceptable, it is up to them to understand all by them-self and behave accordingly, and if somebody id not doing like that, not necessary that

everybody is able to get it within him or her that, what you are thinking about, so they may be behaving in natural manner and you get angry and you shout at them, you are feeling offended, and you react and we react, there can be various kinds of outcomes so that indicates, that we must that we are growing in our ego states we know that it impulses, our desire to be executed at a particular place at a particular time, and when we are in an official position ego and super ego must dominate our behavior if we don't do that then we may invite various kinds of troubles or at least our mental peace is disturbed or we are effecting other person negatively, which we are not supposed to do. In this way, these ego states operate okay so not necessary that we all are at the super ego or at the ego state. I am not denying the importance of it also many times we have to get pleasure the way we want, but what are those times with whom we can have that pleasure, with whom we cannot have that pleasure, that kind of sense must be there within us, that what this ego states talks about. now what I am trying to relate this to what Eric Berrni has indicate about child adult and parent ego state, that you can just the small cartoons which are indicating that this is it I want I need satisfy me, many times we have this kind of tendency that whatever I expect, I must get it. So this is a kind of child ego state, we are behaving like that not like an adult. We are behaving like a child. Now child can be of two types, there can be natural child, there can be an adaptive child and there can be a rebellious child also. You must have experienced different kind of children around you, when you interact with your children or people around you, that many times whatever you say, if you are scolding the child, so the child says okay I am sorry, I am not supposed to do that so the child accepts. That is a kind of adapted child, the child is behaving properly, trying to just, keep your respect in his mind and trying to behave in a proper manner so this is adaptive child and there can be two other reverse to that, one is natural child' no like doing like this only, I will do like that, I don't like. always behaving in a very very idealistic manner in all situations, we cannot be very very idealistic, so that is a spontaneous child that the way I used to do I will do like that I have no particular intention to offend you by doing a particular kind of behavior but because I do like that, I will be doing like that only and the rebellious child which is not given over here, responds back to you...no I am like that only, I will do like this only. If you say don't do like this, I will definitely do that, similar

kinds of behavior we observe in our organization also with employees, when we are dealing with people who are coming for training. when we are dealing with our administrative staff who is working under us, so there are certain kind of people if you try to explain something, they will accept it, and they will do accordingly, some people; no I have been doing like that since so many years, why should I change at this point of time you are hear for a particular period, I am here working since long, so that kind of explanation they try to give and they feel offended or they just respond back at you so all kinds of possibilities are there, so looking at the other person you have to change your style of communication that's what we are going to do further. Let me tell you it a huge topic, in one hour I am just trying to restrict myself about the overview about what this is all about. otherwise topic is basically through role playing, when we just make you people practice behaving at a child ego state or at an adult ego state, all transactions, crossed transactions we are practicing over here and then the learning takes place how to actually do it. So, it's okay that I am trying to be a little theoretical at this point of time but will be using some good examples to connect you with that the second one is adult ego state, you can see the ego is just pressed between the child and the parent, the adult person, the same thing applies in our life also when we are adults, we have the pressure from our seniors and at the same time we have the pressure from our children or our subordinates, or the new people who have joining the organization and we are kind of balancing force as an adult, we have to be logical, we have to just, do what is right, what is correct, looking at the situation so all kinds of consideration we have to make when we are behaving at an adult ego state. Then super ego, another side, super ego is just trying to pressurize, you can't do this, this is not written in the rule, how can you do like this, so there are pressures, lots of pressures are there on you, then you must not. It's not allowed, so all these statements are basically the statements of super ego, what is wrong what is wrong like that. so there are again two types of parents, it is a parent ego state as per Eric Berni, as our parents used to advise us that, don't do this, don't do that it is not right, it is not correct, similarly when we become in administrative positions, we try to advise our subordinates to behave in a particular way, to do or not to do a particular kind of work in that way we just try to be advisory. If they do particular thing wrong, we nurture them okay you have done something wrong.

Please try to do it in this way so this is all the nurturing behavior, so as parents can be nurturing as well as parents can be controlling. Controlling means, I was not expecting you to do in this particular way, so how can you do like this, so you are just trying to control, you are just trying to push that person that he has done something wrong, you are making him realize that something wrong has been done. So this is what controlling parent is all about. So that's what we have discussed till now, that Freud's mental states are about id ego and super ego and Eric Berni's ego states are about child adult and parent. Child natural child as well as adaptive child as well as rebellious child and nurturing parent as well as punishing parent or controlling parent and this whole process of transaction analysis is more than words. It operates a non-verbal behavior, our gestures, and our eye contact. if we are just, going close to the person, suppose I am standing here, and I am going to talk to u like that, you can just sense even though I am not speaking a single word but you can sense that you can sense that you are coming something bad to me or I have done something wrong. so we many times, we don't realize, we try to talk to the person, with a finger pointing you, so again this is gesture, this is a kind of aggressive gesture. if you are using that no matter have no intention to just target you in an aggressive manner or say something bad, but if I am not having the understanding of body language, and I am using a wrong body language to communicate a right thing...things get reverse. That person has already framed kind of mindset about you and his reaction will be influenced by his mindset and not actually what you are saying about it so, our non-verbal behavior plays a very important role in that. there are three kinds of behaviors, one is passive behavior and other is assertive behavior and the one is aggressive behavior, so when we are operating at a passive manner, we are just trying to be indifferent, we don't give much importance and we don't know what we are expecting from others, so we keep on imagining that someone should understand our needs and accordingly try to behave, and then we are assertive er have the strength to say and as a subordinate as a person who is working with you and is expecting you to behave in this type of manner and your making things clear, you are making your expectations clear, similar thing happens with the family also that we have expectations and we don't make those explanation clear and we keep on imagining that at some point of time the person will understand our explanation

and will accordingly be meeting them, but sometimes the day may not come, so try to express your expectations whatever you have and people who are aggressive they are so strong in making their expectations clear that their body language speaks that I want this, they just want the kind of means, they want their rights' to be fulfilled all the time and they are not concerned about the way others also have their right, they also have their demands, they are unconcerned about all these things, so these passive, aggressive and assertive ego states are also related with that. Now this the complete cycle of transactional analysis, so will not be covering just trying to tell you about that it starts with the structural analysis the ego states we talked about. The transactional analysis, the stroke analysis at the script analysis, so these are the five components of it and all five are basically a session in itself, so we are just trying to touch upon them. Like when we are talking about structural analysis, we are trying to analyse our personalities, what kind of person we are, when we are on transactional analysis, we try to analyse how to communicate with each other, what are various kinds of transactions which take place while communicating with each other. Then stroke analysis talks about how people are recognizing in the real sense of the term, no matter the way they are trying to project. then there are certain ulterior transactions also which comes under Game analysis that they are just trying to, I will come to the example that will make it further clear that what game analysis actually is and we will talk about definitely the life positions, I am ok, you are okay, very common script about which we used to just talk about. so Eric Berni believed that when we interact with people the way our mind is operating, that decides how we are going to talk to that person, you will find, a parent, an adult and a child, all the time parent within all of us it's not that one person is adult all the time, or child ego state all the time, or at parent ego state all the time. It's not like that we all have all the ego states within us and we try to use them in a constructive manner at different points of time while dealing with other people looking at their ego state, the most imp point is that not to operate as per your ego state all the time but to operate as per looking at the ego state of other person like the parent, they have taught the concept of life, so when you are operating as a parent ego sate, when you are holding a position, you are trying to be advisory in nature, so you try to explain the people, the way things are to be carried out, and sometimes the people are still

not able to follow you, the way you are trying to communicate, then try to explain them, that I have told you many times, you are not supposed to do like that, this is the way then adult thought concept of life, one is taught concept of life and other is thought concept of life, the different between taught and thought is, adult analyses within himself or herself, self-analysis, we use logic, we try to analyse within us that, is it appropriate or not from my perspective, nobody is saying from outside, but it is your logic that operates, what is right what is wrong, that you decide accordingly as we do an assertive communication, we are not bothered whether the person is liking me as a director or not, that is none of my business my business is that whatever I am doing must be correct, as per rules and procedure and as per the logic that applies to me, as per my own principles, and child is a felt concept of life, taught, thought and felt, felt is related with feelings, what feels good, I want to do that, what feels bad, I don't. So, children operate at the feeling level. Similarly many times in our organisation, we also operate at feeling level. We have a right to be angry. But in front of whom, at what point of time, how much, when, when not these are all the decisions which are given to you by your ego state, the adult ego state that you decide I can angry but not now, at this point of time, this person has done something wrong, I agree but at this point of time five people are sitting over here, and if I scold that will have a very negative impact on this particular person because he has been scolded in front of five people okay not to say but you will be at your child ego state at one point of time, to communicate that you did wrong, and impact may be many times better, than if you would have done in the previous situation. So these are all the analysis that leaving our-self to our child ego state and just spurring out whatever anger or aggression is there or controlling at a point of time and releasing it at a reasonably better time so this is taught, thought and felt concept of life. So parents think, feel and behave in the way that is copied by your parents or advisory nature. Child thinking feeling and behaving as you used to do as a child and these are all the...you are in touch with the reality as ego is a reality principle, so you in touch with reality. So parent ego states says, do as I do, means I am idealistic, whatever I do is correct and many times we live in this false perception that because I am holding a position, I know everything. Whatever I do is correct and others are supposed to follow so parents ego state, so as I do child: what shall I do, I don't

know, just tell me. So this is a kind of child ego state and adult I will be frank with you, what is right, I should do it, what is wrong, I shouldn't so it is a frank one to one behavior, it is no confusion between that. This we have already discussed. the nurturing parent just try to pacify and trying to explain in a proper manner, and controlling parent will just try to strongly communicate that you are not supposed to do like that. Adaptive child is in between and just trying to reconcile between the controlling parent as well the nurturing parent. So, this is a natural child, rebellious child and the adaptive child in between. Now there are certain strokes also, which play an important role in transactional analysis. There can be passive as well as negative strokes. Strokes is way you just try to communicate the person his evaluation in the sense that if someone has done something good you have the strength as well as mindset to communicate that to the person, you appreciate that okay, this was the kind of work I was expecting from you, I am very happy to see that so this is a positive stroke, which you are giving. And many times we don't understand, the strength of the positive stroke for taking the work form the person, we just live in a kind of perception that if we are strongly communicate to that person only if forcefully we are trying to say something only then person will work, not necessary, we should try giving positive strokes also and see what is the impact of it, many tines its very very strong. Some people by positive stroke get so motivated to work that they are just ready to do anything for you, that kind of scenario may occur but when to give stroke and what should be the intensity of stroke, how genuine it should be, when you are giving that. So try to find out appropriate moment when people who are participating in a training or who are just working under you in the administrative capacity, if they are able to do something good, try to find out and communicate your good feelings about that person and again there is a difference, that when you are communicating good feelings about a person, it should be in front of many people present and the effect multiplies, if you are appreciating a person in front of many people, the effect multiplies, but if you have to give a negative stroke, always try to see that it should not be in presence of people, it may just work in contradiction to the way you are expecting it. It can become counter-productive. You are trying to explain the person that he has not done something good but in presence of others but it's counterproductive that person has some ill feeling

about you. that he just embarrassed me in front of so many people, I am not able to do like that, let him do whatever he can do, so that kind of negative feelings may also generate, so we have to be careful and it, so there are three kinds of transactions, some complement, crossed and ulterior/games, that we have already discussed and using a very simple example of an ego state which is in front of us and will try to relate it to our work situation also. So, like the situation is that drink husband is spilt on a carpet, so what the child is saying, it's not my fault. That my drink got spilt on your new carpet, what can I do it's just got like that, so this is a child ego state. if you are a person operating at adult ego state, what you will say, I wonder what might have caused that accident, you try to get into the analysis form of it, then, let us clean up this mess, as a parent, whatever happened has happened, at least do something to clear out that mess. shall we clean with the wet cloth, this is a nurturing parent, that ok let us work together to clean up this mess, I refuse to get involved in the incident, why should I do it, I have nothing to do with that, so these are all the kinds of transactions that are operating. I will give you another example of these kinds of cross transactions also. So above ego states are present in all of us simultaneously. one of them will be in command at a time, you have all the three ego states all the time, but when you are communicating at one point of time only one ego state operates and rest of the ego states remain at a dormant state, but they can be operative at any point of time depending upon the way the other person is going to respond. Another example of shift in ego states, parent: why don't you prepare a time plan to handle your things properly, advisory. you are just as a parent state, you as a director of an institute are trying to just communicate to people working you are you, that why don't you prepare a time plan to handle your things in a proper manner, he is at the child ego state, he is saying at the parent ego state and he is expecting that you should be at child ego state, and respond, ok but reality is lot of times we make time plans but actually they are not operational and after some time, all get disturbed and we are not going to follow it properly, follow it properly, so he is trying to be adult and saying what is the point if we are not able to follow it so here there is a parent ego state and he was expecting him to be at the child ego state but the person actually at behaved at the adult ego state, so naturally parent is not happy, parent is offended that oh, how can he say like this, I was trying to advise him, and he is doing like that

so, there is a conflict. Whenever there is this kind of transaction, there is a conflict, the ideal three transactions are: parent to parent, adult to adult and child to child and there are nine combinations of these ego states which are possible. Now I will give you some example of nurturant child. What kind of statements are used when a person is trying to behave as a nurturant child. People find me warm hearted and exuberant. Sometimes people find me inconsiderate, I enjoy speech and natural child, or not nurturant child it is natural child, I enjoy speed and whenever I get the chance I drive quickly then I have a tendency of getting angry and becoming impatient more often than I like, I enjoy eating and drinking and all too often indulge beyond a reasonable limit also sometimes we are accepting it and I am not just in the boundaries of society and parental guidance all the time, intention to offend you but, I am like that. I am impatient with people who don't understand right away, I have got lot of friends and we regularly get together to have a good laugh. All natural behaviors, I know the right thing to make people feel at ease and create an atmosphere of good humor, this is all the spontaneous behavior of a child. Now, when we become logical, at the adult ego state, I have the habit of planning my work and private life, your trying to be logical and calm, when my ideas are challenged during discussion when as a director you are giving statement in meeting and somebody is challenging you, I readily question some of your points of you, you are trying to be logical you are analyzing that, when I reflect in my life, I see that I frequently change my ideas on fundamental issues. It's okay that I am not just sticking to my view point all the time, it depends on the situation and inputs other people are providing in the meeting, that I may change my viewpoint also that is possible, whatever is logical I will go with that, not just my own ego, that because I have said it, and how can I take my words back, I will be smaller in front of other people, that kind of scenario is not there in adult ego state. although I do not agree with my boss on a number of issues, I none the less get on very well with him, its fine, that we may have the differences on issues but still, we have a good relationship, we are getting along well as an adult person, at work moral work and values are more important than many people believe, I take part in number of activity and have the feeling, that I am not bored as most people, I enjoy my life, I have variety in my life and I am able to operate like that, I am able to have a work life and

I enjoy my family life, I have buildup and continue to build up a positive relation with my spouse and children these are kinds of balance and logic, these are the two kinds of adult ego state, so nurturing parent, comforts raises and helps others, critical parent finds faults, displays prejudice, I always knew, that you are not able to do like that, this is a kind of that, that you are expressing a kind of prejudice within you that I was always aware of that, this work although I have given you, but never expected that you will be able to do it up to my expectation, so your prejudice is being affected, that is a kind of critical parent. and prevent disapproves, if the person has done something wrong, he is strong enough to disapprove, no this is not the way to do it, it's all a matter of communication, in a similar manner, you can say okay you have done a good job, from your side, but if you can do it in this way, you can improve upon in this way, it can be a little better, so if the same thing you are saying but the first, statement and its impact on the person, the way that person is going to improve, your ultimate objective is to improve, you have to find out in what way there is a possibility of improvement so if you are able to improve that person by controlling it's okay, but likely a little less, but if you are using a your positive statement, by being assertive you are trying to impress the person, there is a likelihood that you have improvement may be better. This is a critical parent, I like work that is done well, that is precise and is finished within the limit, you are trying to make your expectation fine. but you are trying to be too critical and the person may feel that I am under so much pressure, boss is having this kind of expectation, I don't know whether I will able to do or not. Since clarity is fundamental to human relations, I am not afraid of telling others, means you are giving a kind of impression that I can be even blunt, if you are behaving in an insensitive manner. You can be but if you say like that it is taken otherwise. when faced with difficulties I do my duty, it is sad that certain forms of politeness and propriety are dying out, are trying to be too idealistic, kind of person, before making a decision, every possible choice should be looked into, greatest joys in life are to be self-effort and go beyond ones limit, again high expectations which you have. Life takes on meaning, when one fights for a righteous cause, again idealism, principles, ethics, it's all fine, but if you are trying to reflect it in a very strong manner, many times people just are not comfortable to work within that scenario they are all the time working under fear that I don't know

whether I will be able to work like that or not. So there are certain complementary transactions, certain cross transactions and certain ulterior transactions, like you can say complementary transactions, parent adult and child, it is for P, A and C here and here is the director who is making a statement, you are three hours late, I want an explanation, it's a common statement that people at the senior positions generally make, you are three hours late or three minutes or whatever the scene may be, so this is parent to child complementary transaction. Now, what is the employee's response? Can anyone tell me what the possible response of employee is in that case? Okay he try to give explanation that due to this reason he got delayed.

It is a normal transaction that it will be like that only, because employee is accepting the child ego state, assigned to him by the director and is responding at the child ego state only. So in this case there is no conflict, you are expecting him to behave at child ego state, and he is behaving like that, no problem, but now when the crossed transaction takes place, director, say you are three hours late, I want an explanation, suppose employee is trying to behave at the child ego state, what is the possible response? Okay I will apply for half day leave, no problem, I am not taking any benefit from you, adult ego state. So, the employee says, oh, didn't you get held up on the road accident as well. He is just, crossing back to him, that oh you didn't get trapped up on the accident as well. So he is trying to behave at the adult ego state, he is being extra smart by giving that kind of statement or saying you forgotten that you have already given the work to me, so you are not very comfortable and you sometimes feel that okay, this person is trying to act so smart, so that kind of scenario may be there, but still you have to come back to the adult state, from parent to you have to come down over here, whenever a person is operating at adult ego state, you have to come down at the adult ego state, and say ok I had forgotten, doesn't matter. So communication is comfortably closed down, but there is a possibility that you are coming down from parent ego state to child ego state while responding to him. You are trying to act too smart, don't you know to with whom you are taking to, then that person again responds back, so when there is a clash of child and child ego state, always the end result is very very negative and so when there is a clash of child and child ego state, always the end result is very very negative and communication outcome is not good the way it is expected. So you have to just shift your ego sates

very quickly looking at the scenario, looking at what ego state the person is operating. So these are the cross transactions although the manager parent ego state, attempted to address employee as a child, but employee refuses his ego state and responds in adult ego state to the manager or to the director and this is a cross transaction in which person being spoken refuses the ego state, so that kind of possibility are there, so it's a tricky kind of situation and when you are dealing with people and different kinds of responses which they make, cross transaction causes most difficulties in social situations, complementary means whatever is desirable, parent to child, child to parent, adult to adult, it is a complementary transaction, but cross transactions like another statement may be you should improve your way of delivering lecture. you are not satisfied with the way a person is taking a class I your academy and you are saying may be you should improve your way of delivering lecture, now what are the possible responses from you, how people respond, if you say like that, now you are going to teach me, how to take the lecture? I try to improve if it is like that, it is parent to child, it is not a cross transaction, it is a complementary transaction, absolutely fine, but as the person is saying, you always find fault with me, so this is again a kind of cross transaction that it was supposed to be the parent, child transaction but definitely he is offended and he is just trying to behave in a crossed manner, then there are different kinds of games also which people play, they say something, they have something else in their mind, so they have different degrees of games which people play. the first degree games which insert a kind of minor upset, then second degree games they inculcate a kind of bad feelings in the minds of people, then third degree games, which may also enjoy kind of physical injury, so, whatever game is being played, either there are these people who are playing some position, there is a victim, prosecutor and there is a rescuer, who is trying to sort out the situation like the game between director and faculty, this training is challenging you can't take it I believe, you are trying to just trigger a kind of sense of self respect in that person, oh this is a tricky thing, I don't know whether you can handle it or not. So in that way, you are triggering that person to say something, how can you talk like that I can definitely do it, or that person is having a bad feeling, this person is not trusting me, why should I do it for him, I am not doing, let him manage the way he wants, so all kinds of possibilities are there, so

between a teacher and a student, this is a good topic but you can't handle it, so these are all the game based statements that you are just trying to trigger a particular kind of response by making this statement you are either trying to challenge that person so that the person take up that challenge, try to do it positively or the person may back off, we are playing the games, they can end in positive or negative result also. That if you challenge, the person may take the challenge, or have ill feelings about you, that person is not trusting me why should I put in efforts for that person. Yes I can't do it, you handle it with the person you want, so you have to be tricky and controlled manner you have to just play the games. They are necessary to be played you I am not saying that all games are always negative but they are required. But now we are on TA style the questionnaire, you have already filled that, please come back to that and turn back on the scoring side of it, there are item numbers which are given, so you will find that there are three section numbers which are given in section one, okay so on these questions, whatever you have written , have written why, you have to score one, if you have written S, you have to give score 'half` , if you have written N, you have to give score zero. Like that for all the item, you have to record, your scores, you have to scores looking at your response, at the back of it, is it clear to all of you, okay some people are already doing, please hold on for them..... so similarly, for all the twenty five items, or twenty six, whatever the number is, in case of any confusion, and then you will score for ... which you can transfer in this table.

We are starting with the hurry up style, just a minute, number one, is hurry up style, let us see what this style is all about, in whatever category you are having the highest score, indicates your dominant style and the second level is known as your back up style so let us see what this hurry up style, if your score is highest in column one, then you are having the hurry up style, which is a kind of style where type A personality, means such people are all the times rushing to do the things, bothered that things should be done within the deadline, they try to do work as quickly as possible all the times, they are energized by having deadlines to meet, deadlines give them energy, they are not bothered by the deadlines, and they always try to work within the deadlines, they tend to be quick to come up with solution whenever there is a problem, oh that is a solution for that, they just can't wait for the situation

to be analyzed and decision to be taken. So when they are in mentoring role or leader, they want an instant relationship, without getting to know their mentoring partner, immediately they want to just come across the transaction, if they are in the transaction analysis situation, they are very quick to understand the ego state the other person and quickly respond to that, they can't wait and watch, they can't take time to just accommodate to the current scenario and all, and they can't see why there is a need to have so many stages in mentoring stages in mentoring process, why can't we just straight away go the action stage and do it, so that kind of tendency people in the hurry up stage have, and they will work under time pressure, because their energies will be high, when they are working under, their energy level is very high, when no time pressure, their work slows down they are not very much enthusiastic about it. So for improvement if you are in hurry up style is fine, if it suits your work requirements, but still you have to think and plan ahead, in regard to the reality and time available, because in many times, in hurry up style people compromise with the quality output, which is not supposed to be there, you have to give time to certain things and if you have enough time available should try to behave in a way, so that the quality of work is not being influenced, and they should have a short term goals, rather than long term goals, with the defined standards, if you find somebody working under you, it's not just a self-assessment exercise, so you have to give that person short deadlines. If you are just explaining the work for the year to do, that person will not be able to manage it properly, and they will either leave it or do it at the last moment, so give such people short term goals, and with a defined standard you are supposed to complete it within this time and this is a standard which you have to meet, then, be perfect, that is number two, if your score number two, you are in perfect personality, such people are very very perfectionist, they want things to be done very minutely, precisely, in a perfect manner, and the aim for perfection in everything, they set very high standards, so that kind of thing is there, and for doing that, for the sake of perfection, many times they even miss the deadlines, because they have a weak sense of priorities, they can't just prioritize the work in proper manner, their concern is that work should be done in perfect manner with a defined standard that is very important in a mentoring relationship, they make little allowance for human feeling, it is okay that many times human beings make

mistakes, there cannot be a precise and protectionist as you are but they can't understand that, they can't allow that kind of leverage to be given to people, they may get discouraged if they fail to live up to their own expectation, they are not doing that kind of perfectionist behavior for others but for themselves, and sometimes because of time pressure, if they are not able to do that, they feel bad because they lose faith in themselves, oh I can't do it, I used to be so good, a B perfect personality works well in jobs, where details are important, in that kind of scenario is they are very good, but for improvement less than their best may be what is needed at early stages, not always best is needed, many times quantity is required which is to be done. And they have to realise that quality of accuracy and organization may have poor impact on different mindset, everyone cannot be perfectionist, so it's okay, I am like that but not necessary, that everyone is going to behave in similar manner. Then, the third category, please, such people are always working for others, whatever they are doing they want to interact the positive attention of others, they like to get on with everyone, energize by approval and harmony. If somebody is saying you have done a great job, for that person it is everything, no matter it is compromising quality or compromising quantity, or deadline or whatever may be whatever they are doing, they are going to please others. So if this is a dominant style, such people are very good team members, when they are working in a team they are very good team players they make others happy by appreciation, they are very good in giving positive strokes all the time to people, they use their intuition to pick up when someone has doubted and they can notice that with their body language and all these signs and they will be very eager to clarify the doubt of that person so that, that person feels very happy, and it is their energy, if they are able to make others happy, that gives them energy, so in mentoring relationship they may worry too much about gaining the approval of their partner, whatever they are doing if somebody is not saying it is correct, it is nicely done, if somebody is giving positive stroke to them, they will be very poor performer, they feel that something wrong has happened, they may attempt to read their partners mind and they say what they think their partner wants to hear and all the time analyzing doing self-analysis and they will just try to speak the language of other person, and we all are human beings if somebody is speaking our works we

feel very happy and that is what gives energy to the people who are in the category of please others. When they talk, they may make everything sound like a question so that they can quickly get back to the point of agreement, in what way the people are responding and they will just quickly come back to the agreement, they can hold the team together and they can perform the maintenance function of involving people, if you want to have a kind of work where so many people are to be involved with different mindsets, people in the category of please people, they are very good in, because they are sympathetic, empathetic, they are tolerant they are very flexible, so such people are very good in managing the work in a team or in a collaborative manner.

Another category try hard the fourth one, try hard, such people are enthusiastic they get involved in lot of different activities they take lot of initiative in work, they are energized, if they have something new to try, all the time enthusiastic to try something new, sometimes, they turn small jobs into major projects because they are so enthusiastic, so it's a very small job but they will highlight in a way that it is such a big thing, and they will put all their energy which may not be always required but they will try to behave like that. They may then become bored with the detailed work, when that ends into a much extended kind of project and detailing starts, entering in. So they even work at the point of leaving the work undone, because they are now excited for some new activity and they are jumping that, so you must have experienced many times people are like that they are all the time excited with something new and they don't have the patience to complete that and carefully come to the next one. Try hard are likely to be very enthusiastic mentoring partners to begin with, but later on they will be keen to try out various new aspect, introduce new ideas, they are very good in startup where the energy to start that is needed but to finish that and put something and put some full stops into their sentences that is very much desirable, it's good to take up new projects, but full stops are equally important as continuation of the work is. Then the last category is 'be strong', people with 'be strong' working style, they work, they take pride in ability to stay calm in any circumstances, whatever is happening, such people are very good in handling the crisis, they are energized by the need to cope, okay whatever situation comes I have that capacity to cope with that that strength is there behind them, they are good

in dealing with crisis, handling difficult people, handling work load, when it is coming on them. However their desire to have everything under control, means that they are left aloof, in order to manage everything well, manage crisis and all, at one point of time they start thinking what for I did everything. I am left out, nobody is with me, and they are even reluctant to ask for help, when they are in trouble, because they feel that they are very very strong and no one can just help them out. and their lack of awareness about their own emotions what they are feeling, and many times they are insensitive to the feelings of others also, just for the sake of managing the crisis or situation, they may find it difficult to take help from others or even talking about problems that is also difficult for such people and 'be strong' are reluctant to admit their weakness, good in accommodating in poor conditions, if working conditions are not good, such people are not the kind the people who will complain all the time, this is not there, that is not there, they will accommodate with that and putting up with things that may others are finding them unreasonable, they will still find, OK I can manage, that kind of tendency, they should learn to relax, admit to being weak in some situations, its ok in some situations we have to 'be strong' weak also, we cannot 'be strong' all the time very very strong. So these are the four scripts, I am okay, you are not okay, which is the ideal situation, then I am okay, you are not okay, get away from me, then I am not okay, you are okay I will never get anywhere nothing can happen to me and I am not okay, you are not okay, get rid of each other, this is the breakdown of the situation will explain it with the help of this model, which is talking about attitude towards oneself, if your attitude towards yourself is positive, attitude towards others is negative, you will 'be strong' on this script, I am okay, what I am doing is fine, you are not okay, what you are doing is wrong, then the second one, your attitude towards you is also negative at the same time you are considering other also at the negative manner, so I am not okay, you are not okay, means, nothing can happen we just can't do anything that kind of scenario, then your attitude towards other is positive but towards yourself is negative, your self-concept is very low, you don't understand your potentials, so this is I am not okay, you are okay, means you are appreciating others, but you are not confident about yourself, your self-esteem is very very low. And the final is I am okay, you are okay, this is the best possible situation, where you are positive about yourself at the same time

you are able to understand others also in a positive manner so when we are in the situation of managing conflicts, will have this kind of scenario where there is one avoiding style where I am not okay, you are not okay, low concern for others need, low concern for your need also. this is the avoiding style, this is the accommodating style where you are highly concerned about others need but you are passive about yourself, passive behavior, I am not okay, you are okay, yourself concept is low, you are accommodating with other is saying, okay whatever you say I am ok with that, that kind of scenario. Then forcing style high concern for your own needs, you are aggressive but low concern about other's needs, I am okay, whatever I am doing about others need, I am ok whatever I am doing is correct as a director, you are absolutely wrong, you are not able to behave as expected, your work is not up to the mark, so this is aggressive behavior when as a controlling parent you are strongly communicating to people that their work is not up to the expectations, and this is the collaborating style, which shows assertive behavior on your part, means you are okay I am okay, means we are having adult to adult transaction, you are also logical I am also logical, we are having a kind of balanced behavior, and in between is the compromising style where you are compromising with the scenario. so this session on transaction analysis has utility for communication, utility for motivating the people who are working with you who are coming to have programs in your intuitions, they are useful for leadership role that you are playing in your organization while dealing with your subordinated, you can develop various interpersonal skills using transactional analysis like you can develop assertiveness within you, you can be competing and compromising and able to collaborate, but sometimes accommodative style is also required. What are the factors which hamper the way we interact with people, poor listening skills, we are emotionally aroused we get angry quickly, we can't control anger, sometimes it is lack of time, so because of the time pressure we are forced to behave in a way which we wouldn't have done with time, there is a differences in the objectives of s of our own objective. So, for building positive relationship, many times we have to use word I expect like that to make my expectations clear, we should focus on problem solving, we are not supposed to deceive others in any way, being empathetic, listening skills, 'be strong' specific when we are using strokes, we have to 'be specific about them, we have to

praise the progress of the person the way that person has progressed so that he is motivated, we can 'be sincere and we are not supposed to overdo the praise, or else it again becomes counterproductive and timing, when you are giving the stroke is very important and in front of whom you are giving the stroke is very very important, when you are dealing with criticism we have to understand the reason behind, empathy, don't personalize criticism, I am hurrying up because of managing the time, don't 'be judgmental and don't overload, so with that we are just ending up this session. Post eleven minutes, sorry for that.

We break for tea break and come back at twelve o'clock over here.

Session 7

Dr. Geeta Oberoi: so we meet again after the break. We are all excited...what we have got what we have not got what are our styles. Now let's learn something more Dr. Manju Mehta is like all of you know her those who are visiting national judicial academy that she is been coming here from past all most 8 years and she is been part of our trainings on juvenile justice boards she is been our resource person for all our ADR trainings that we do. She is been also part of training for family court judges. So she has experience she...I have also seen I have gone somewhere attended national legal services authority conferences on JJB so she is regular resource person dealing with child psychology, human psychological angles so there we have involved her actually to understand from her that how because we have been doing these trainings over 7 8 years. I think in JJBs we have conducted nothing less than 32-40 trainings in national judicial academy alone. I don't know about the state judicial academies. I think all of you must have conducted by now at least these many trainings. ADR, Family Court Judges and all these...matrimonial court judges so let hear the expert that how the think from other disciplines how we should evaluate these trainings. So with this I leave it to dr. manju mehta to say something about herself also and about this session.

Dr. Manju Mehta : Thank you Dr. Geeta. I have been lucky that I could come and interact with judges from time to time but today the task that has been given to me is little difficult because I heard in the morning from all of you that evaluation in your academies also has been actually a new step and which you are finding difficulties and I am sure that some of the things about evaluation that you have done yesterday also. what I have planned is I was initially given 3 assignments for today one was about framing questionnaire for evaluation questionnaire for family courts and second was for Juvenile justice boards and third was for implementation of Mental Health act. so what I have come prepared for all 3 of them but since it is a common topic about how to evaluate a questionnaire so issues become different in

three of them so I was not too sure about what all has gone into that first I want some information from all of you about the content that you and what are the areas on which training has been given because the valuation is on the thing on which the training has been given. so if we take it as family court I think there are several issues into that it is not just that one topic but there are a number of times likes when I have also come here sometimes I have been called on couple therapy that what is the therapy sometimes and causes so there are different topics and your training module would also be in your this thing.. If it is an entire 2 day course on one particular thing then what are the topics that you have included that all will have to be included in the evaluation questionnaire. so since u have heard quite a lot and this period we could take and we could make a list of things that are covered under family courts. The trainings which have been given in the state judicial academies so can we make a list of over here some volunteer can come and let us make a list. Ok.

But everyone has to contribute do this list about what are the topics because any evaluation questionnaire that would depend upon the content that has been provided during the training.

Participant: fault theory no fault theory

She also mentioned about child rights. Child custody. Child Psychology as this has been covered here also... let it be specific emotions and ego yes. It is there. Reconciliations...matters relating to domestic violence parameters determining Juvenile. Adoption and Foster care. Guardians and ward act shared parenting this is what we are taking on the entire list because evaluation will includes all these things. Adoption has already been covered. You all agree that these are the topics which are discussed during the training which has been given for the family courts. Ok. now when we have to make you know evaluation program so it may be a little repetition but we have to go in a serial order and that is that first of all for any evaluation program when we are making we need to have aim of the evaluation and always it is about assessment of the training it is also capacity building which we are doing most of the time. Sometimes we are also trying to analyse the policy weather this training program should be given or not and then there will be some strategies development and action plans and some research can be done on the basis of on this.

So aim of evaluation is also very important when we are framing questions because if we first started doing for the research purpose it would be different type of questionnaire. if it is something we are doing for the assessment of the training whether this training was effective whether it was able to enhance knowledge skill change the attitude of the persons then questions will have to be related to that. So any valuation first is linked with the aims of the assessment why we are trying to do that evaluation. So all of you would be later framing questions for that. So that you have to keep this into mind that's why we're doing this because 60 percent of the time you are evaluating the efficacy of the training in terms of Knowledge in terms of attitude in terms of skill building. Also, with assessment it is capacity building like capacity building that we are trying to make the evaluation questionnaire then it will be that how much you have gained out of this knowledge that you can use those skills in understanding family disputes understanding what who should be given guard ship so that knowledge can be applied to your work and that is capacity building that would come. some changes you want to make in law that would be related to policy issues so maybe sometimes you want to do evaluation to see which are the areas in which certain changes are to be brought and also the mode of training evaluation for example whether the training should be given through role play, lecture form, how often the training should be given, how expensive it should be given. So in evaluation if you want to bring in all those details then in strategy development and action plans the questions will have to be like that. For example here the question would be do you think this period of training was sufficient, it was too long, or it was too short. So for that purpose you will have to think into that perspective. This reminds me in the morning in the first lecture you had a presentation in which it was said that evaluation can be done questionnaire and it can be done through schedule. clinical psychologist we include one thing more which is the rating scale and the rating scale is 1 to 5 very you like it strongly agree agree neutral don't agree strongly disagree so it could be a rating scale form of thing also in which it is not categorized Nike some of the questions even when we are doing that it was very much strong for you so just yes or no would not reflect that particular thing but when you strongly agree and You strongly disagree you are so what moderately agreeing that also varies is that show rating scale also comes when

we are making a questionnaire. it could be inform of rating scale which is very important and then for the research purpose again the evaluation becomes you know if you want to say that after giving this training after 5 years what was the rate of like in mediation how many cases could be settled how many disputes could be resolved so in that way you may do a research for that matter. so then any valuation questionnaire would be different so this is all aim of the evaluation has to be kept in to mind when we are framing questions related to evaluation this would apply again whether it is family court, whether it is juvenile justice board whether it is implementation of Mental Health act so this information is common for all the 3 programs that you are going to do. The second you have done earlier also that there are qualitative methods of evaluation in which it could be interview case studies and Focus Group discussion. Again there was a little discussion in the morning that you had quantitative means yes or no types and rating scales are there. But in qualitative sometimes experiential information in brought in and that information many times can be very useful in research or whatever we don't rely only on the quantitative results we also likes to take certain qualitative information also because that helps us in improving the type that we are doing and generally when we are doing an evaluation for a particular program both quantitative and qualitative is important and also it is very important that the evaluation can be done at different levels one for example is that when you have done your particular course so immediately after that one evaluation is taken, isn't where you say whether there was clarity of presentation, whether it was use useful or it was not useful so sometimes it is immediately after the training evaluation is done but many times that evaluation what you have given related to what was the presentation type how much you have gained out of that training may not come immediately after the end point of training but if you do it periodic or after some interval at that time how much have been able to apply to your work so situation that is also many times very useful information because that helps in saying that how much you are able to remember, how much were you able to apply to your work so that it becomes very important. So there are different techniques which are used in evaluation. One is observation questionnaire interviews self-Diaries and self-recording of specific incidents. this is sometimes we use observation or it could be self-observation on it could be sometimes that let you

make an observation that after doing this particular course I could use this technique and I found that this is useful. So you reflect upon yourself observation is self-observation. then you can also do your reflection about being used questionnaires and interviews you know but self-diaries again because you can maintain a logbook sort of thing in which include that in this particular case this technique could be used for example I have come here sometimes to give which are the different types of techniques you use to resolve a conflict so later if you have been able to use that particular thing you mention that and it becomes important that yes that this technique is there and sometimes making incident, recording of the incidents were you could do a particular thing like when you make self-diary it could be for each and every case that you are doing. But specific incidents where it was really of use to you that becomes different a thing which can be quoted later. you have also gone through this which is formative evaluation, process evaluation, outcome evaluation, and impact but this I will not repeat because you know that formative is when while the training is going on you do the evaluation at that time. I think this all was this done yesterday?

If it has been done then I can skip all this. It was done. So I can skip this. I can come on to the this again has been done for you but I will repeat this again because it is going to help in framing the questionnaire that we are going to do today. This is about reaction, learning behavior and results. Now reactions are for example I am going to use again for the family courts and I have experienced it myself also it was especially with Delhi Legal Aid this thing had happened that for the Counselor of the all the counselors who are working with child sexual abuse to them I had given then strategies about how to elicit the impact of abuse on the child. For example transactional analysis immediately your response which could be seen but all of you felt that this is very important we could use this in our Academy, in our training programs so this was the reaction, the immediate reaction most of you were giving that you found that useful and these reactions for both verbal and nonverbal.

Evaluation should also be change in the behavior that is especially when we take it on that...person's motivation will be there whether you want to change or you don't want to change. In evaluation program you have undergone training which was

mentioned that many times people come for training because they get off from their work. so whether that behavior is also associated with motivation so that motivation has to come into that it should also include what to do and how to do it. For example for family courts when I am saying you want to do a mediation but husband and wife at that time are so anxious and aggressive so how will you deal with them. That will not be the right time to talk to them you have to give them time for them to settle because they are not in a condition to understand what you are saying. So you will have to have a right type of climate at that time, a psychological climate. When a person is ready to accept what you are saying.

Then ability to handle conflict and aggression that is also very important because sometimes when a mediation is going on and couple may become very aggressive and they may be shouting at each other and it may be unpleasant for other people who are sitting there and you may get irritated you may also start shouting at them this is again you are not going to lead into something. So your ability to handle your own emotion when the other person is fighting in presence of you. Ok. That also become one of the important issue during the family court programmes. There are lots of methods for doing couples therapy so little bit of that information is given that information would help dealing with child custody problem is also there. Any evaluation program means that it should be...it should cover the program which has been given into that. So the entire program for one or two questions for each sub topic which has been there that should be brought into this particular program that is there and then it will be behavior and result would be the delivery of judgment, mediation counselling, increase in mediation success meet me there. Now with this list we can make an attempt because here that we have to make an evaluation questionnaire or a rating scale. I would prepare a rating scale is a better thing. Ok. So if we are having these topics so how we are going to make some questions. What we are going to do because of the time factor we can divide in groups we can take some topics and we can you know your list and this list can match together. So with that first table, you can make questions to first thing: understanding causes of marital problems. Second table can take mental illness. The third table can take the 4th topic. So 2 2 questions you can make so that we can make so that we can compile questionnaire additionally we would add reaction and behavior change into that.

Let's make a questionnaire. We have got 11 tables and we have got here topics from here and some of the topics which are not covered here. Evaluation questionnaire is always made for the participants. Here you have given the questionnaire to the participants and you have to evaluate it. These would be collected so you write on a separate sheet of paper because then we will compile make a discussion whether this questionnaire is meaningful or needs to be changed. This has to be done before lunch because after lunch we are going to do Juvenile justice board also. We are going to cover till 1:30 questionnaires related to family courts and juvenile justice board and then after lunch we will have implementation of of Mental Health act. So are we ready! We can share with each other? Ok. Can you read out your questions one by one? Please read out and all of you would have to find out whether these questions they are true or not. Ok.

Participant: understanding causes of marital problems- I try to learn the problems for difference of opinion between the couple. So the rating would be as you said agree, disagree and other things.

Dr. Manju Mehta: first one is ok that you tried to learn causes of difference. Any other questions you would like to frame for causes of marital problems? Do you think you can make something relevant expectation from each other?

Participant: can we say finding out of deadlocks persons who are responsible and then solving those problems girls' conflicts can be solved. but as a mediator experience if deadlocks are there it is little difficult but when we find out where the deadlock is and who is putting that lock we have been able to solve this problems. Therefore, when we are training we should also tell them. Find out where the deadlock lies and what the reason is for it and then try to solve it.

Dr. Manju Mehta: that's a very good this thing. Probably you can put this as your as your second question about finding the dead locks and who is responsible for that. Now will talk about questionnaire under mental health issues. So here we are talking about different types of Mental Health issues.

Participant: do you believe that marital dispute can be resolved through counselling.

Dr. Manju Mehta: But in this when we are talking about counselling skills in mediation so this question can go in mediation. Can you recognise a person with symptom of anxiety or symptom of depression? Can you recognise symptoms of mental illness? That would also be very important because one is different types of mental disorders, second thing is when you are doing a mediation you should be able to recognise that this person is feeling depressed or he is anxious so identification and symptoms of of mental illness that is also very important. you may not be an expert but by enlarge you can make out if the person is the way he's talking, the thought flow, the behavior and number of things are there which will give you certain idea that something is wrong with this person. So that way it becomes important that you make it about having idea about different types of disorders. Second would be to identify and recognise mental disorders. So you enjoyed the final forms so that later you get that typed.

Any questionnaire that we are making any sentence it should be simple it should be easy and then it should be understood easily by others also. . these three things are very important. We have to be specific about questions that we are asking. Ok. Here it would be very clear which counselling skills help in mediation you agree or you disagree. You have not understood the meaning of counselling and mediation you will not be able to answer that. ok. Out of counselling skill we can take one thing that listening skill mediator should dictate so in that it become because you are not dictating what to do what not to do. When helping the person to help himself get the solution to his problem. So sometimes you have to put when you make a questionnaire some negative questions in that because there is a response bias when you make all positive questions. Some positive some negative questions are formed when we are making a questionnaire so the person is not simply taking the questions on to that so in counselling you can bring in can bring in some negative questions also. So there is a difference between advice, dictating between preaching, between counselling so you can use that the person has learnt that these things are different or not. So you will frame the questions accordingly. Ok. Yes.

Participant: ability to handle conflict and aggression. Are you able to handle the conflict? Yes, no or to some extent or not at all.

Dr. Manju Mehta: we will have the standard scoring. Any questions that you see or the rating scale with each questions we don't change the scoring pattern. Ok. So the question answer would be the same things that the categories are same. So it is the only stem of the question that we have to make.

Participant: have you been able to learn methods to resolve conflict between the spouses.

Dr. Manju Mehta: we can make this simple, marital therapy can be useful. There is a couple therapy, marital therapy, behavior therapy, congenital therapy all types of different programs which are built into that. Ok. So modifying behavior of a couple can be helpful resolving a problem.

Pre or post any assessment evaluation we need to frame for that you need to have knowledge about how those questions are frame what are the methods that you can use so I am trying to give you that information. Ok. We have to rush because your lunch time is there.

Participant: training is helpful to me in protecting the interest of the minor on guardianship act.

Dr. Manju Mehta: again and again you have not use those points. Yes or no we are not bringing. We are framing the questions onto what you have learnt about these things and then how much do you agree with the change that is going to come in that. Your question was related to guardianship, guardianship we are already done.

Now, all your sheets will be gathered and then on the computer it would be there and we will make corrections on that and try to make out final copy of the questionnaire that is there for evaluation of a training program in a family courts.

Ok. what you can do is even if we can't wait till 3:30 I would modify that questionnaire into language because we have by enlarge seen that and will give a final shape of how a questionnaire should look like and I will send you that on mail end of the program you will have that copy and it go in your report with this we will break for lunch and will come again.

Geeta Oberoi: We will break for lunch and can we come at 2:20 is it alright or 2:15 what do you think. By 3 we can finish as usual.

Session 8

Geeta Oberoi: good afternoon everyone everyone I hope the lunch was good I have to do the evaluation was it good, very good, excellent, satisfactory, poor...

Dr. Manju Mehta: It could be in different way : whether it was spicy , non-spicy

Geeta Oberoi: yeah this is what I was talking about spicy.non spicy, oily....

Dr Manju Mehta: you have to be very precise about your evaluation.

Geeta Oberoi: I think you have got the reading material prepared by Mr Sanmit Seth, our program coordinator. It's there with you, if you can open page number 186 of material.

Dr. Manju Mehta: after this we did the family court questionnaire we have to make a questionnaire for evaluation of Juvenile justice board. Since, that is a very common thing and many of you have been involved in conducting courses and attending courses in that. so before we go on to make this questionnaire this 186 these are four pages 5 pages in which an attempt has been made and I want you to go through that and tell me that what information is lacking in this. This is more of MCQ type questions. Like what we made earlier was evaluation and in that we had made it as a rating scale and this is example of what sometime people use for pre and post assessment evaluation where they keep MCQs questions also. MCQs are purely based on knowledge that before doing a course how much knowledge you had about a particular thing and after the course how much information you have gained so that is pre and post comparison of scores after going through a training and this is more of MCQs. Ok. So in this...this form has been used which I want to give you a different format so now in this MCQs that have been made kindly go through this and tell me that what part can be included in this. So you can take 5 mins glance through it and give me option we will rub off this and we will make a new list of things which should come for the juvenile justice board.

Participant: As per statute juvenile justice board has to be supervised by chief judicial magistrate so it may not be possible for a retired district judge chair person. So anybody below that...so in Kerala we are going to notify the judicial first class magistrate as the presiding officer of the JJB.

Dr. Manju Mehta: I am not asking you to find out the finer things more or less you have seen that this is dealing with the it is the policy matter that how a Juvenile justice board should...what it should constitute who all should be there... it is more the organisation and certain policy matters what here what I want to tell you if we want that you know capacity building is to be done in terms of a magistrate the organisation and certain policy matters what here what I want to tell you if we want that you know capacity building is to be done in terms of a magistrate of Juvenile justice board if you want to understand a child who has committed crime, child who is terrorized or who is not speaking at all or what are the different ways that child should be given remedial training so that you can help that information is not coming into this. So what I want to propose over here is that this type of information this is one type these are MCQs which are given which can be used for pre and post about that when we are doing an evaluation program and very often the program that I have attended are conducted in that they were more related to where there was a capacity building in terms of understanding why child has committed crying and what circumstances related to other things they make him to get into the crime and also about characteristics about the child and the family also about his certain things are there so those all information where you can understand where you can improve upon the treatment which is to be given all those things are not there ok. Training is provided in these things so in this list I have pointed out there are certain things in which training is given when justice board training is there. This is one related to child development and now I have included child development because certain age period are there where telling lie is a normal behavior. Lot of small children's at sometimes tell lie. Ok. when they are growing up it becomes a persistent thing so when we call it a normal behavior and when we call it normal behavior distance has to be there I have seen in Juvenile boards child ones has done any theft if you see there is no past history any theft or crime and all then generally trying to give him a little help new release a child and you don't put him into remedial custody.so you try

to look into that part of growing up behavior is sometimes normal you leave that so understanding little bit about child development becomes very important. I was going there is a psychologist to this in Delhi where lot of young boys they had got into sexual crimes because I wanted to experiment because they were empty because they were not engaged in any activity just sitting then they were getting into that because empty mind is a devil's mind and you want to explore/experiment with things that was there also. Sometimes peer group pressure like 16 17 years old many times peer group pressure to get into the crime so they get persuaded. There was another thing which I had seen over there is many times there were school dropouts and school dropouts again were not able to getting on the wrong company and doing it because all these things have implications of different type of remedial training that is going to be given to them. So I have listed these factors which you need to have understanding of child development adolescence period what are the characteristics of adolescence period what are the factors which can lead you to criminal behavior.

Intelligence plays a very important role in this if you are not of average intelligence you are not able to decide what is right and wrong and you get persuaded by the people and you get into criminal behavior. Then methods used to modify behavior: reward method is there, giving them certain training is there, and then manipulative behavior is there. Understanding and using different methods and to elicit information that is also very important so some more can be added onto that. So taking into consideration we would need to make now a different question again which has been asked by Dr. Geeta that we need to have an evaluation questionnaire for Juvenile justice boards where the training can be evaluated. so now we have to make a questionnaire again now I will give me an example that's what we did earlier was that immediately after the training is over when you are trying to assess this all information they have learnt are not in this generally what we did last time what we did was that we made a rating scale now this time we can change it. Ok. We can change it in terms of like we can even use this MCQ form also. What again we will do is that we will make questionnaire now the time is less so he will may one one question per table so that we are able to have a questionnaire. So we can have learning and behavior which means you will make 2 questions one will be something

which is dealing how much learning has been acquired and one will be how much behavior this particular training can bring into. Fine. We can do it very fast because you are not making very long questions. The same form can be used for pre-training also because pre-training is how much you know Infosys training is how much you have learnt. So many a time same form can be used. 10 minutes we have then we have to discuss that also. It will be 1 question to assess learning and second will be on behavior that can be assessed. Topic is same for you. If you find behavior part is confusing you can leave that make one statement with three options. In options we will have to see that very often the question should where one is right two are not right. If all the three are right then we have to make the third option as all of these. If you have all scene Amitabh Bachchan's Kaun Banega Crorepati that is also MCQs type. There is a stem and then he gives for options but here for the possibility of time I'm giving you three options so you can work faster on that. This is one example that I am quoting to you: how would you judge the intelligence of a child?

a) By asking simple questions and observing in behaviour b) help of an expert c) watching his conduct. Ok. So this is like three options are given you have to choose one and we are not doing yes no or sometime. We are giving what could be the out of psychosocial development we have to bring some points. No this itself is too broad so you have to be more specific..... We are making options for that. what you will do is that now you are talking about psychosexual development so in this it is.....you are talking about stages psychosexual development so in this you will make it psychosexual stage child is prone to criminal behavior then you will bring 3 stages of development and the person will say latency period or genital period so that in this period he knows in which he is prone. The stamp should not be big, the stem has to be very short if the child is having below average intelligence then take the assistance of experts or his parents or deal without assistance from anyone. the question has to be crisp and it should be meaningful again there is something it should be communicated and should be appealing to other person if you make a questionnaire which it is too big then what will happen is that person will not be able to concentrate on what you are giving so any evaluation program will be successful if the questions are presented which can hold your interests you find your attention concentration your interest your understanding everything is possible in

that if you are not able to comprehend you will not be able to answer the question. So that is why it is made very brief and to the point. sometimes you also put it according to the difficulty level and there are number of techniques which are used in which know as I was telling you in the previous one that we have to see that there is not a desirability response and some other people are saying that if the program has been done by the Supreme Court judge then there is everywhere there is a tendency to Mark everything as excellent. so that type of information should not be given near questionnaire we have to put a question some of them in positive way and some of them in a negative way so that when it is a mix and match of positive and negative when you read the question and you try to answer them in a more honest way then rather than taking it out. so response bias is taken away from the questionnaire which is there so we have to take that into consideration when we are making it so the questionnaire have to be very brief and precise so that it can hold your attention and the participants. It should look relevant to the person. So it has to be precise, it has to be interesting, it has to be presentable, and it has to be relevant. with these qualities when we make the questionnaire then evaluation will be feasible and it will be possible that you get what you want to do that and plus as we said in the beginning any evaluation questionnaire it should relate to what is the aim of evaluation and accordingly you should see what is being done. So this was related to how to frame evaluation questionnaire. There is one more question but I think there is not much time so we have to leave that one but there is one thing which I Would Still like to mention in the program it was mentioned implementation of Mental Health act... I was trying to talk during lunch time and I could get a feedback that very few of the judges are using this mental health act. How many of you are familiar with that. Are you using reception orders? Reception order is the most important thing. Generally admission to mental hospital is with the signature of the magistrate so there certain conditions that the magistrates have to know and again in that your knowledge about mental disorders and your ability to recognise this is a fake case and this is a real case. any questionnaire that you will make where you are trying to see where mental health act is being implemented in your program so attitude will be very important because most of the police officers, most of the

magistrates toward mentally ill person is some time is very negative they get scared of person who is violent so you will have to be:

1. Attitude is very important when you're doing any assessment program
2. It is very important that your knowledge about different mental... because all mental disorders they are not harmful. All people with mental disorders are not untreatable. They are treatable and they need not be in the mental hospital for very long thing.
3. It is very important many times motive of the family members is very important why they are putting that person in a mental hospital. Motive sometimes would be because they want to get rid of that person, they want to take the property of the person or they could be very ulterior motives why they are putting the person in mental hospital. it may be not a genuine case number of times where they are trying to put the person in the hospital because the person is really very sick and he may be harmful to other people that you have to judge on to that. So these are simple things which we have done for the family courts and Juvenile justice. simply a questionnaire can be made for implementation of Mental Health act will also...but in this motives of family members, attitudes, and knowledge about mental disorders and methods of how who make observation and to interview the person are 4 things I think included India program you will be able to make a questionnaire for that. So this is my humble submission when you want to questionnaire for that procedure would be the same. So I think with this we can finish this program.

Geeta Oberoi: Give a big round of applause to Dr Manju Mehta, who is with since morning. Now you are free to go to Sanchi I know someone of you want to go Sanchi.

Day 3
Session 9

Dr. Geeta Oberoi: I was just thinking about our yesterday so what do you think like every day I come and some up the session I thought today I ask you whether you can come up any one will voluntarily to come up our yesterday discussion, see you all are state judicial academy directors it's a big post and big responsibility now specially we are national judicial academy not going to do Additional District Judge and District Judge and civil judge junior division orientation at all.

One of the participant: yesterday we learn how to prepare the questionnaire on this part we can prepare the short course and give it to the participant and get the feedback

Dr. Geeta Oberoi Great thank you!

Participant: same is my reply that we learn how to prepare questionnaire and how to read the psychology of the juveniles and then how to deal with them and to train them according and prepare the questionnaire and how to read the mind of participants.

Dr. Geeta Oberoi: I see only women are participating great I am so happy, you see only women actually do work in this country ohhh great.

It is very difficult now a days to get feedback from even the already trained judges who live in our academy when we send them request to please send us your feedback, but apart from that is an effort which we should continue but yesterday lesson I learnt that we can get the more than that feedback in the academy and session wise and that will be helpful for our future execution of the programmes.

Dr. Geeta Oberoi: Also I was thinking about sometime sorry I also give out you sometime feedback is not good we need to reflect as that Parul Rishi showed us that there are ways of communication parent to child, child to child, parent to parent, maybe there is somewhere gap in those communication in you getting across

different kind of audience around you may be that is an issue may be that is why some people get negative feedback, but then we should remember what Jerome Joseph said to us day before yesterday that this evaluation is not for supervision and control and you know judging on individual because one person session may not be like by say one person because he may be sleeping and dosing of but may be like by others at the same time how do we improve this communication because I am sure most of you are state judicial academy directors not faculty members so as a director how do you ensure that you get person right kind of ingredient in your plate. it's how to engage people in that one whole day if you doing whole day for example if you are thinking it's a seven or eight hour session in a day how do you engage how do you give different things to people so that they remain engage throughout that day. its proved by neuroscience that after forty minutes the attention span goes out of window person may be sitting physical but mentally he or she not there that for sure this is science and you have to by the science so how much of summons and preaching you can do in a day it can be only twenty minutes you have to engage other person so how do you ensure when you are designing you programme this is all about learning this will all ultimately go into positive feedback for us and our effectiveness.

Now if you have seen your page number 185 onwards you all are carrying your reading materials we use to do juvenile justice programmes this academy like from year 2004 because juvenile justice was actually our first director professor Madhav Menon's favorite subject he was very attached to this subject as such so we might have done till now some 50 60 training in juvenile justice issues but and we use to get feedback but as it happening I all academies we get fee those responses we collect those responses we file them that's all after that we don't proceed we all have rich source of information but what we do with that information is important and today this session by Mr. Assem Shrivastava is about the process of you get information but you do about that information is also important because feedback has to result in a report now we did this programme with National Commission for Protection of Child Right we collaborated with them they prepared this questionnaire which must be seen on page number 185 onwards this is prepared by them in collaboration with us hundred participants came hundred participants fill this form so generated a huge

source of data with us now the question we never knew what to do with data. We also had like you know our people are not trained in analysis and evaluation of those feedback forms. So Mr. Assem Shrivastava did that for us and his report can you showed it's on the internet his report is published because of this hundred form the information that he collected in a process and he projected is actually pointed out to us that ok what can be done. We collect the information but what can be done what are the next step of collecting that information and then we read that is the actually making use of. you are asking all judges to take their 10 minutes and 15 minutes to fill the form but what are you doing next that is more important so today we learn what to do next about that and how to do analysis of those feedback and evaluation form and that is why Mr. Assem Sahrivasta has come to actually take us to that process he is a member secretary of National Commission for protection of Child Right New Delhi it's on page number 285 the report these were the forms which you see on page number 185 to 196 these form were filled by hundred participants and then this is the report we made which you see on page number 285 to 364 so what can you do through your feedback is given in this you must go through and off course the process should be dealt by Mr. Assem Shrivastava.

Assem Shrivastava - Good morning everybody. Once again I am happy to be back here and I have been coming here in different context thanks to Dr. Geeta Oberoi and once again I am welcome you all for this session my task is little bit different normally I speak on the child right issues and the status of protection of children in the country and its very easy to know and I really don't find it difficult but this time when Dr. Geeta called me I ask that what is this that you are expecting from me she said impact assessment you know how do you do that and data analysis all those things I have not an expert in impact analysis I have done lot of impact analysis but I still don't call myself as a great expert on assessing the impact or something. But I believe that this is an area where we need to improve because it's not a rocket science it's something all of us do on day to day basis you must have seen some youngster moving at very high speed in highway and they don't know what would be an impact of moving great speed and then driving rash and they meet with an accident. There have been a very systematic impact analysis studies in one of the best I have seen so far is the impact of atomic explosion on Hiroshima and Nagasaki and the study still

continues how the bomb was on Hiroshima and Nagasaki was drooped in and every detail has been minutely observed and analyzed its worth read if you have come across some of the book please do read its highly scientific impact analysis and it was all conscious attempt where the bomb must consider what should be the height of the bomb of the explosion to have maximum impact on the infrastructure and people what happens how the shock waves moves and what happens immediately after the explosion and so forth and how did they recover and what kind of genetic changes took place from there on they have observe all the impact in detail what I am trying to say is it has a positive side of if you analyzed the impact it helps you in decision making. morning I was thinking what to do after coming back from morning walk so I was just sitting and I came across this picture so I thought to begin with in a lighter way this will be something good so I just projects this you have some question please in case you have any question please interrupt me then and there. now coming back to the specific issue we had organized one national conference of the juvenile justice board there was a reason behind this I requested Dr. Geeta for a National Conference for the specific region in this country we have never organized such a conference so far. I was aware of the fact that the juvenile justice boards do not function effectively there are many gaps in the functioning and there were many factors which are responsible whenever I visit any place I would go and meet the juvenile justice observation homes officials and children everybody and the kind of feedback that we were receiving from different places I didn't come across even a I would say a normal juvenile justice board or a normal observation home in that prompted me to request professor Geeta to organize this workshop. The idea was to understand what is happening at the national level what is happening to the juvenile why these are not functioning the other way was that you visit every city or write to all juvenile justice board and request the registrar of the high court and go through that process send them the questionnaire and receive the response which is a very difficult task because it is not a priority thing for any one and it will take ages so we thought and she was very kind enough to organized it, it was not a calendar activity for them, but despite that she made every attempt and because of that we had very wonderful participation of the chairperson of the juvenile justice boards and the members also. Then when it was finalized I thought to myself as to what are we

going to ask what is it you can simply ask the people that what are the issues and what are the gaps and people will come out with their own comments and suggestion. I request some friends of mine in Delhi to spare some time and come to our office and we had several sittings to prepare a set of questions. The advantage of having the questionnaire is that you get the information quickly and in the shortest possible time and it is almost of very good reflection of whatever you have in mind at that time, give very little time to people to respond and prepare the questionnaire in such a way that they don't have to write much, otherwise if i ask you to write or somebody ask you to write go and write I will probably hesitate to do that at this point and everybody does that so the plus point was give them objective type question asking them for minimum energy to be spend on writing. the questionnaire was prepared and then we thought how to go about it because it was two days conference so the first day we started with the group discussions and that was strategically prepared, we divided the whole conference in four different part and four different themes and requested the participants to divide themselves in different groups and then they started the group discussion in the afternoon, there were facilitators and there is some information the question or the issues were almost same which was there in the questionnaire but they are divided on the basis of the theme and the participants were allowed to participate and mentioned whatever they had in your mind at that time. Next day one of the leaders we also requested them to select their own representative who will lead the group in the discussion and also make a presentation the next day that makes if you request the group to select its own leader or a representative that gives at least one percent and a lot of confidence that he or she is going to make some presentation and that will make a very good attempt to remain very serious during group discussion and that keep on writing you can see yourself when you are organize any such workshop and that is exactly what happen. Now here you can see in the slide. Hon'ble Justice Vimla is sitting and she is a wonderful orator she is from madras high court a wonderful person and wonderful orator she mobilize everybody I was and my presentation was precisely focus on and my presentation only deals with certain issues some data and other things, but she spoke from her heart and from her own experience of the cases and prompted people to respond you can see one lady magistrate who responded well and started participating in the

discussion she has so many questions and so many suggestions to offer in similarly other participant also they participated and this was the primarily session and then once the group disperse in different room they have the level of participation was very high. I will also share with you my recent experience in one of the sport authority centers we received a request after this Kerala episode where some sportsperson commits suicide we went to the center we didn't know what was the response and it was our first visit I had a very good team of medical professional from Delhi.

We were discussing that whether they will respond or not so strategically what we did was divided the group in two parts one the sportsperson on the first day and official on the second day believe me when we started there is a lot of resistance from the officials not for the sportsperson because they use to sitting in the hall they are used to jogging in the morning do all kind of physical work in the morning then they come back and have good food relax for some time then they go for the sport. They are not meant for teaching in the class it was a difficult task to keep them together and to get things out of them but by the time we raise the post lunch session some of the sport person they were so open they told everything frankly same thing happens in next day because we know you children are very honest their mind process official don't release anything so we have use the hot and cold methodology to get information and to ensure that they come out with the truth except tell us what is happening don't hide anything by the time you reach afternoon session thing start falling in place is a very difficult task and that's why I took the help of psychology for this session and it really helps in extracting information I hear somebody is saying that judges don't respond once you give the questionnaire its true normally people don't respond we have inner in built... taking that information out is a job of good facilitator.

So I am with you on this account when you say getting information is difficult especially from people who are experienced who are old even police founds it's difficult to extract information during investigation process so coming back to the whole process that we are adopted it was not very difficult thing because most of the participants were youngster so i take you to the planning exercise how we plan this you know this was the proforma that we prepare the questionnaire now the

questionnaire was not very easy I had to seek the help of people were fairly experienced in dealing with the JJBs in dealing with the children and dealing with the social members and dealing with the officials of the JJB homes and great difficult it took us nearly five to six sitting to prepare(showing slide and you know this is how we prepare and divided the different group one was about functioning of the JJB and we also gave them the hint this was infarct helpful to the facilitator of the session they know what are the parameter which need to be discussed.

during the group discussion the it was bottle neck and effective functioning among juvenile justice board and since this was the major aim of this conference to understand the bottle neck and the gaps we had two different groups who are responsible for group discussion and then preparing their report during the next session then the next group was group three was about factors that determining order under section 15 of the Juvenile Justice Act section 15 the juvenile justice board is responsible for taking decision under section 15 that's a very crucial section now we wanted to know what kind of decision are being taken by different JJBs so we gave them this responsibilities and the group four was functioning and efficacy of the police officer for example, the social investigator report and other things.

and group five was about the management of the institutions now irrespective of the title the idea was to give them some hint as to work within those parameters during the group discussion and the sets of question which were given to them simultaneously we have two different sources of information on similar issues one was through group discussion and the other was through of questionnaire right. After receiving this information the task of feeding the data this is something which is very very important otherwise what will happen is you will have lot and lots of information available with you but you do not know how to make use of it there are 81 participants 79 questions every question has to be fed and every response has to be fed into the the excel sheet it was huge task and we did that and I would like to share this with you like let's say what we did the name of the participants and..... so all responses of the participant for all 79 questions category and the question then the response one person all question and all responses which means that if you take this there were 81 multiply 79 rows were data was fed for all participants and that's a massive task you know somebody has to sit and work and fed the data now what

do you do after this, how do you analyze it having fed this data for each question there are two ways of analyzing I can use the same sheet how many you are conversant with excel sheet many of you there are two ways of analyzing you can use the pivot sheet also a slightly difficult but once you know that the analysis become very easy and if not you can simply use the same sheet for analysis both ways or in whatever ways you are comfortable with analyzing you can do now for each of the questions then we analyzed what was the response of all participants for every question now in this case if you look at the question then question was in you district the Juvenile Justice board function our issue was and we were aware that in many district of the country the JJBs run from the court premises which itself is illegal not only illegal it is unrealistic and threatening thing to the child who goes to the court so.

The response out of 81 participants 19 said that it runs from the court premises 41 said that it runs from the observation homes 2 said that it runs from some other institution may be the children home or some other place and 16 any other place three chose not to respond from six thousand odd sheets we have now reduce it to 79 very easy i am taking that example only in all these cases what i said you can that convert this into graphical form see once you convert the data into graphical form an ordinary person can appreciate that if you convert this this is what you get the graph is already there you can convert into pie chart or bar charts and select the answers give your data on the answers.

Now a small child of nine year mostly it is he who will waste his precious year of his life because of a minor felony committed by him of a theft of 500 rs or some watch where he could have been admonish there is a provisos under section 15 to release the child but because the chairperson of JJBs they have this addition responsibility and they are not to be blamed altogether for this they are holding addition charge and they mention once we ask this question they said that they are holding additional charger and because they are holding additional charge they don't get sufficient time.

Number one some of them also mentioned that in the forenoon they are attending the adult court and afternoon session they go the Juvenile Court switching and changing the mindset from the adult court to juvenile court is impossible for them

they are also human beings though they have heart but then they are human being they cannot be switch over and therefore they are not able to deal with those cases some of the cases where the children having release on bail they may be grown up 20 or 25 but the cases are still pending the file are not being closed how do you close it then they them self-arrive at the decision sitting in the same hall because once they saw all these they realize that some solution is required they started deliberating among themselves that some solution is required and they found the solution within the group itself so analysis group discussion such things they help in quick decision making within the group the second day they were able to make some decision and they took lot many good things from here it will be worth in fact going through this report and you can download this report from our website and go through that as to how we have been able and it was new information for me there are several new thing which I also learnt and this will somebody picks up in the parliament this document and then takes the decision to improve the functioning of the Juvenile justice boards.

I will be the happiest person if the decision or the policy maker in the country they make use of this data and that one of the ways and I am not very fond of writing big report because I have seen many international report you can see the world bank report UN report and Government of India report and planning commission of India report they all are very volumarize documents very nicely written but tell me and let be realistic how many of us have sufficient time to go through the whole report so everybody start looking at the summary even while taking the decision you always look at the summary if the summary is good it helps you. you should make the short and very good report but it has been prepared in house I ask my own consultant to prepare this report I gave them and this exercise is done by me personally but I ask them now you can analyze print it and write whatever you want to write here I don't want to give it to the professional so collecting the data analyzing the data making use of the data you can or what medical Representative does is he will tell you look this is a new medicine coming into market I have seen the result he will show you in graphics.so explaining to the person who is a decision maker in a very short time helps in a big way.

Dr Geeta Oberoi: I was thinking if you just see the questionnaire then 79 question may be you can go back and 20 questions prepared take this feedback then putting this in excel sheet would you like to generate this kind of data from that feedback you think this graphical representation will be helpful after all we have to show the impact of our training may be if you make such kind of reports as what he said if you prepare lengthy report then it's like nobody is much interested in reading to that verbatim reports, if we prepare something graphic like that what do you think, it will be good idea or not, so basically if I take from you Aseem it's like putting all this data into excel sheet and then.....

Aseem Shrivastava: one thing is very important that you have to use the excel sheet yourself for the first time you can actually it's very difficult to project everything on screen there is something with the screen here I am analyzing POSCO data we have around 500 complains of POSCO which are lying on the desk ok now pay attention here because everything may not be visible right now (Mr. Shrivastava referring to the slides) the second is the subject which is written on the file the title as such it has been copied third column is about state and fourth column is District the fifth is the location of the offence. now I am very keen to know why I said date month and year is very important I am keen to know in how many cases happen is there any particular month when the rape case against children will go and go down so out of 200 cases so far but from 200 hundred when I try to analyze I found that such cases have been reported almost in equal number in all months police most of cases noncompliance or for apathy but so you can with this data you can come out with your finding and ok look we have to improve the police system what we did as after having fed this data the first thing we ask all the police officer the moment we receive the complaint and which we were not doing earlier we were simply writing to the district magistrate or the DG police to send us the complete report we had stopped doing that what we do is give them a list we want an authentic copy of the FIR number one we want authentic copy of the medical report this what the Act says, we want the authentic copy of whether medical was done or no? Whether the forensic examination was done or not? then the things come give us the copy of investigation these are five six documents which we have started asking there was a case there were two girls were raped in one village here in Madhya Pradesh and for six seven

days the police did not register the case because they were poor children from a very poor family and then the accused was influencing the police so the moment we received the complaint we ask the DSP to send us the FIR believe me that they had not register the FIR once we ask them he fax the FIR immediately, so it helped us this kind of analysis will help us to improving our own functioning now every child in the commission and every consultant most of them are very young they know what is to be asked for. Second decision that we have taken through such analysis we earlier people were sending reminder ok seven days you have not send we will send the reminder, third reminder then ask the chief secretary then ask the DG police or so and so forth and it will continue so I keep on insisting that all case of kidnapping, murder and sexual assault should have zero tolerance now how do you ensure that we have started video conferencing now video conferencing is convenient for them the officer is sitting he cannot deny and NIC has a center in every district officer is sitting we call them and tell them look this is the complaint this is what we want you to send us the document immediately 100 percent not 99 cases we get the cooperation of.....and that's a great achievement for the complainant otherwise what are we paid for this is the question which I used to ask from myself and my colleagues what are we paid for the person is coming to the commission as last resort they cannot go to court they cannot hire lawyer every day and is not necessary lawyer will lead to the right path so they seek help with such commission as a place where they have heard they have no their place to go so the point is that such analysis or creation of data base and appropriate creation of data base you much have clarity in your mind as to how you will create the data base with this example again if I have the date in one square I cannot analyze but with separate date separate months and separate timing may be once I have put in time factor also details of the incident you see here. How many cases are happening where one good example again I am sharing with you most of the cases of the sexual assault are happening in farm area most of the cases of sexual assault are being done by the person who are known to the child this is my hard core data base speaks truth and once we did all this I converted them to the graphics. then analyzing but if I give you the ready make cake here I am not asking to prepare but I am giving you the cooked food and it's for you to take the decision, participating category there were 54

principal magistrate, 24 social members, three chose not to answer, sitting frequency of JJBs, jurisdiction of JJBs.

Dr. Geeta Oberoi: I was thinking more about how will they go if they prepare this kind of questionnaire how will they prepare this kind of report is my main session all about because report is already there questionnaire is already there and you have given ok that we already supply and how to prepare cake is what this session all about so like so first thing in this session that we take is that you have to have and if you collected this evaluation form then you have to feed in excel sheets now the first question will come many of you don't know how to work on excel but yes may be you do not know may be you engage, may be your computer data operator will be there I think every judicial academy now have this computer person support am I wrong about that, otherwise you can take from I think from your registrar IT you can request and you have the computer person in your academy may be on deputation or may Saturday Sunday he can come you can give over allowance and give him that feedback form so that the first step would be feeding all this information to excel sheet.

Participant: we have to collect so many information number of trainee one thing, how many are principal Judge, Judges of the family court, how many are not principal judges, additional charges these type of information can be given but other descriptive type of information how you can analyze meaning there by we have to concentrate on a different way na yesterday we were discussion that information was a type of descriptive information whether the behavior can be mandate by this or other way if we have given three objective to somebody how that can be used in this type of method.

Mr: Aseem Shrivastava: I have a suggestion this is not the last day I think you should have hands on excel because his confusion is how to analyze he is given the options till that point he is right but now he is getting stuck after that how to fed that information you said welfare of the child health, education, and another three ok, 100 people say ok we will rate as the top most priority for the welfare of the child another thirty say it is education so you have fed the data but the computer the excel

sheet will tell you that out of 130 participants 100 were in favor of health and 30 were in favour of education that is the advantage that is what excel sheet does for you.

Dr. Geeta Oberoi: Any kind of information can be put in excel sheet, but yes may be Sanmit can in the tutorial programme today sorry in computer skill training can you take you to excel sheet and tell them how it works because excel sheet especially now a days which Microsoft word is releasing it is actually coming with automatic pie chart you say this is the information I fed you just say what you want upstairs you click and the chart is prepared. So the whole session was how do you actually fed data and prepare analysis evaluation sheet just can't be collected in files and kept in fact they can be used to demonstrate how this programme is useful to us we could prepare this report and just two three page report and you know giving it graphically and send it to high court for each programme rather than writing twenty pages this person came that person came this happened that happened because that what supreme court and high court telling us we don't understand all this we don't have time to read big reports we want to understand in one page what was the impact of that programme so that is why this session is so important for us that we understand the we have to do something about evaluation forms rather than just merely asking people to fed and keeping with us with this we task a tea break and come back at 10:30 thank you

Session 10

Dr. Geeta Oberoi: When we engage a data entry operator, he will put all the things in excel sheet and then, see Sangeeta does for us she has two data entry assistant, they just put all information and the information. Ya that is like one thing, then there are...ok and also Sanmit will take one class. You know if you all remember we all had asked you data for physical infrastructure human resources and knowledge infrastructure and most of you have given data's, where you have not given datas there we have put value zero because for excel sheet, and for preparing that pie chart some value has to be entered, not available you can't write so we have put the value as zero, so Sanmit will demonstrate how to do it, he will just sit before you and see how your data is prepared and analysed. Sanmit will do that here only from four to five, from three to four we will plan something, exactly one o clock we will let you know what we are planning for you, today you have lot of things variety entertainment.

So now we give it to Sampath Iyengar, I think now we will ask you to introduce yourself because he introduces himself very well, I won't be able to do justice to him. So over to you sir.

Sampath Iyengar:

You will have to excuse me, I can't really sit and deliver a lecture so I will be one among you. I also want to watch over the gallery so just as he says watching from the gallery is the best thing to happen. Important thing today is, for many of you today it's the first exposure, so how do we try in in a corporate world. In a corporate world things are done very differently than in an academic world and you will have a sample of how do we try in...the president of the company or the vice president of the company or the senior people or the junior people, students for that matter in some of the institutes that I go and try. Some of you may have a shock of life a little bit but that's ok. Sometimes shocks are good for us to wake up. You will enjoy the

session to the core if you decide to enjoy. You also have an option to sit back and give me feedback at the later that this session was not helpful to me not useful to me. Because in my opinion the best feedback can be given by only us. I have to give the best feedback to me and you will have to give the best feedback to yourself. You are the one who knows what is happening and in which context you are speaking and what you are doing why you are doing, what is the outcome that you have expected verses what you have got.

So without much ado I will jump into the session. The session itself is trunk. Before I get going let me set up the phone. I leave this, the national anthem, but since it is the start of the session or the middle of the session it might not be appropriate one to do it. Legally I don't know but I don't want to take chance. Before we get going how many of you have given feedback since morning, one very good, two three four five. Ok I just want full hands no half hands, energy, energy, energy, energy, energy, energy, what you give to life gives back to you, so no half hands only full hands. Who do you think has not received a feedback since the morning? Tell me yes or no. when I asked how many of you have received feedback only few hands, implicit meaning is that most you have not received feedback. When I asked other questions many of you have raised hands, but those hands were not up. You have no option. I cannot use this option but you are compelling them to use. When I ask this question in the corporate world or in the student's world, suppose if I ask how many of you are male here? O! Raise your hands. How many of you are females? How many of you belong to others? It's really nasty its really tuff. But I am the funniest guy, who will do lot of entertainment. I will not let you sit on your seats. You are here to have learning. Am I right? Do you want to have a learning with fun? Or do you want to have a learning with pain? You decide. With fun. Right. So can somebody give you fun. No you will have to decide. So reduce your age, dramatically to five years. Is it a good idea? Or bad idea? Ok good idea. Take out your ties your jackets. Be free. When I say dance all of you should be able to get up and dance. When I say sing, when I put a song then somebody who can sing please go ahead and sing. If you can't sing or can't dance then you can clap and increase others, go ahead and do it. You have only one life and we never know when is that going to end. You live you're before you go to the death bed. You live your life. Take what you do very very

seriously but don't take yourself seriously, but most of us do exactly the opposite. My sincere request to you is don't take yourself too seriously take yourself lightly have fun. The best way to learn is to enjoy what you are doing. If you are enjoying what you are doing then you are not working you bare only playing. Sachin Tendulkar never gets tired of playing because he enjoys playing. But how many of us have the energy to do a session before six o'clock seven o'clock, for next four hours five hours, six hours? If you are enjoying what you are doing then you are not tired of what you are doing, but otherwise you will only be looking at the watch.

Three hours session is the smallest session that I do. Every time I come to NJA one of the hard core bargain that I do with them is don't give me one hour two hour session I can't really do it. Because by the time people adjust and tune with me it takes an hour. My normal session in a corporate is about eight to nine hours. The longest session that I have done is a nonstop nineteen hours twenty six minutes. We started at five in the morning and ended at one twenty six a.m. I can have the same energy at that hour also. I will give everything that I know and IF I am not giving anything then squeeze me, I am here committed to share everything that I know and I have. Do not let me go home otherwise. Promise. Are you ready? Are you warmed up now? Are you warmed up?

Participants: Yes

Sampath Iyengar: What is this I can't hear you. Twenty five people and still I can't hear you. I am alone much better than all of you what is this? Are you ready? What is this? Are you ready?

Participants: Yes, yes, yes.

Sampath Iyengar: I can't hear you and till the time I can't hear you I can't start. Are you ready?

Participants: Yes, yes, yes.

Sampath Iyengar: is it the best that you can give? Still you are attaching your age to all that you are doing. Come on yaar. Leave out all those things. Five year kids...come on. Are you ready?

Participants: Yes

Sampath Iyengar: still you can't beat me. You want me to give up? Better? You are all learned people so I can't really challenge you. But go back you are all giving a

feedback to yourself. And this time, you don't want to come up. It's like I don't want to leave my wig, I don't want to come up, I want to leave my position, I don't want to be a kid. If you are unhappy and people tell you to be happy and you have problem with that. The best feedback that you can give is to yourself. Life is yours. Ok let us start with something more interesting than we feel. You have a beautiful picture on the screen/ can you explain, can you describe, can you give feedback in one word. Just one work.

(Participants Judges give the following feedback in one word)

1. Amazing
2. Determination
3. Challenging
4. Commitment
5. Enjoy
6. Fun
7. Exceptions

Sampath Iyengar: very good. My feedback is I am very lucky. Do you think we are so lucky compared to these kids there? But how many of us do what they are ready to do? But how many of you use your legs for the purpose that it is made? So life gives us a whole lot of opportunity. So how do we make use of every single opportunity that is given to us when we have it and when we don't have it?

Death is the common destination for all of us. All of us share there is no escape from that. So when life is given all that you can do when you are alive you should be doing you should do. Feedback is the major topic that we are taking up today. Feedback is the breakfast of the champions. If you want to become a champion you should have feedback. Feedback is critical. Breakfast is the most important meal of the day. You can skip your lunch you can skip your dinner, nothing will happen if you had a great breakfast. But unfortunately many of us do the opposite of what is to be one. The good old saying is that have your breakfast like an emperor, have your lunch like an ordinary person and have dinner like a beggar. But most of us do the opposite. We take breakfast like a beggar and take dinner as an emperor, then we develop all health related issues. So if you really want to be healthy you have to

change your lifestyle. In the same way if you want to do good in your role, in your profession in whatever you take back home you need to learn the feedback and use it during the day because that is the time when you can bring the change in yourself because if you have the feedback in the night and then you sleep sleepover and get up in the morning and then start your day in a rush then the feedback will be of no use. If you want to dream big then dream in the morning not in the night.

(Slides were shown)

So these are the three topics I will touch up on. Fortunately or unfortunately I do not follow a structure. For me life is a structure. I will go all around and mix up the thing but I am sure I will touch up everything and will do something more than that. What does “End in the beginning means”? Anybody?

Let me tell you any answer that you give me is a right answer so never hesitate to give an answer. Ten out of ten is the marks given to you so never hesitate to give an answer. You are giving me the answer based on the opinion that you have, based on the prospective that you have, and based on the knowledge that you have. So every answer is an right answer in every session that I have so never hesitate to give an answer. What are the meanings probably?

(Participants Answer)

1. Fixed opinion
2. Judgments
3. Not flexible
4. Well planned
5. Negative

Sampath Iyengar: very good. Now I have a different opinion on it. How many of you knew today that you are coming here today? When you got up in the morning you knew that you were coming here. But if it was not known to you what would have happened? If a destination was not given to you before you started from home what would have happened? You come to the airport then we will decide where to go, or you go the station and then decide where to go.

In everything we do in life we know the destination before you start. In most important things, when you are a student you don't know what you are getting by

studying and when you are working you don't know what you will achieve at the end of the day or end of the day, or end of the week. You just go come, go come, go come, go come. This is what happens. A common statement that we get to here is I am doing the best. But what is the best. So let us decide what your expectations are so that we know what we have achieved at the end of the session.

What do you want to learn? What is that you have put in your pocket, head and heart while going back? I want each one of you to set one expectation.

(Participants Answer)

1. Something new
2. Something you can share
3. Something which can be utilized
4. To inculcate
5. To improve
6. To introduce
7. We are struggling with some novel idea by which we can get the real feedback from the participants in our academy. So we want that.

Sampath Iyengar: If you are willing to participate I will give you the best technique that we can use in collecting the feedback without wasting too much time. I will give you accurate, positive, productive every aspect of what you want but you should be participative. I can teach you swimming provided that you come inside the water. You are sitting on the bank and telling me I want to swim I want to swim, sorry I can only swim, you can only see. Are you ready to get wet? Are you ready to get messy? That is the requirement. What I am doing today is what you are supposed to do when you go back and if you don't rehearse in front of me where you will?

There is a beautiful saying that children do what parents do and not what parents say. But unfortunately most of us as parents we say something and we do something else. Sorry. Scientifically the connection between your eyes and your brain is much faster than your ear and your brain. The message goes and sits there fast. In your judiciary if there is an accident and one guy goes and files the case first what happens to the next guy, the next guy is treated second. So that is what it is. So participate. I have planned two or three activities, apart from wonderful fantastic videos, but I

want to know more from everybody else. We have not heard from everybody still.
Everybody quick quick

(Participants Answer)

1. Innovative ideas.
2. No expectations
3. How to access the impact

Sampath Iyengar: I have a problem with this something. What is this something? Write down whatever you want to use every trick to take everything home. See specific is terrific. Right? If you tell me this is what I want it will be very easy for me to do it exactly the way you want. One the contrary general is terrible. So if you give me general, I will be at a terrible situation and then I will make your situation terrible at the end of the day. So you want to have terrific or terrible, that decision is up to you. In the beginning of your training you know very well the destination that you are going. So what are your expectations? How will you know even if you reach there? I want to achieve a satisfaction score of nine at the end of the day then you can go back and measure what you have achieved at the end of the day. Whether nine you have achieved, nine point five or seven, but if you don't know where you are going how will you measure? What gets measured is the one which is done, what gets rewarded gets repeated. We do that with the kids na. if you score nine I will get you a chocolate. There is a mechanism to measure the performance and there is a reward for performing. How many times you do it for yourself. So any one wants to refine and give me specific expectations please.

(Participants Answer)

Whatever training is imparted at the academy after going to the field some are implementing and some are not. What you said just now that there is no mechanism to reward such performance. So in absence of such mechanism we are failing to get our feedback and evaluation also. So how to get it done.

Sampath Iyengar: So if any of your expectations are not fulfilled at the end of the day then just ask me. It's not for the sake of asking that I am asking this. I am not promising you that I will be satisfying everyone's all of the expectations. But I am available throughout the day, today and tomorrow. All the hours I am available to you and beyond that I will share all my contacts, my e-mail id my facebook my

twitter details. Anytime of the day I am at your service. Having said that let me express my expectations. So you decide whether you want to have a serious session or a playful session. Playful and interactive together we can have.

I know professionally you have been conditioned to have to be serious but today you have the opportunity to interact. So use the opportunity. All questions are welcomed, as I have said. Agree with me whenever you like disagree with me whenever you like. There is no one right thing in the world, there are number of right things. I am very very open to that. End of the day I want to take some of the learning from you. The only difficulty is that I am going to eat all your breaks. But I will keep you entertained. Yes but I am not going to take your nineteen hours. But tell me how do I get my battery charge? My battery is only going down depleting I need a charger. But if you are participating, you are having fun you then that is the way I can charge my battery. If the session is bored, if it is not up to your expectation then I am telling you I am not the problem it is you. I am escaping from the responsibility already.

I am very very happy. Twenty five people, all the kids there, you can't have fun at the cost of anyone all of you participate. Commit to follow at least one of the thing every day. So we might be discussing hundred things every day. Just listening here and going off will be of no use. Pick up one idea that is dear to you and use it all your life. Can you promise that?

Participants: yes yes yes

(Audio was played)

Participants Answer: where did you learn this art.

Sampath Iyengar: I will introduce myself a little later, then you will come to know what I am and why I am what I am. So that would be the next slide that I would show. I want to put a warning before we really get going that everything that we are discussing today you already know. If you are expecting some miracle it is never going to happen. Only thing is you have forgotten that. Ok these are my official credentials. I am a civil engineer by profession. But except building my house I have not done anything related to civil engineering in my life. I am a certified global professional from IIM Calcutta. I have done my personality development programme from US. This is the thirtieth year in corporate world for me. I have started my carrier as a sales executive and my first salary was fifteen rupees on a

daily wage basis, Sunday it was no work and no pay. I was the vice president of Infosys I was managing a team of four thousand people. So that's where I started. When I finished my engineering I had three qualities. I reproduce this everytime in my sessions. I couldn't make one sentence in English. I have spoken to a single girl in my life other than my sisters, its not that I dint have the courage to speak to them but it's because in college most of the girls used to speak in English. So anybody who doesn't know English is my biggest enemy. I went to Bangalore after my college. But in these thirty years I have gone to thirty five different countries have set up business in nine different countries. I am a certified MBTI practitioner. Twenty five lakh people in seventy different countries take this programme every year. I am the only one who does this in the entire country in an open forum sessions ones a month. All other practitioner does it only in the corporate world. I am a marathoner which is 42.2 kms running.

I am a certified trainer for global leaders for the future, because leadership qualities bring a dramatic change from the past to present to future. I am an international mentor, part of...in the US. I try and mentor people from everywhere. I am also an international corporate trainer. I also go to number of schools and colleges as a guest faculty. I am considered to be a good motivational speaker. So thanks to Dr. Geeta who called me here?

So let's understand what feedback is all about. What is feedback? Can you have in your table's discussion and come up with one pointer. You have two minutes. Quick. Just write down, please write down I will come to each table. I will not let you skip I will ensure that each one of you participate there is no other way. Done?? Okk..

(Participants Answer)

1. Reaction
2. Response
3. Reflect
4. Understanding of the programme
5. Effect of the cause
6. Learning
7. Impression
8. Reflection

Sampath Iyengar: Who gives you reflection? Who gives you the best reflection?

Participant: We ourselves.

Sampath Iyengar: we ourselves might sometime give biased reflection. But who gives you an unbiased reflection. Mirrors. That is why I asked you. Many of you were not responding, that is why I was wondering that you got up and came here. Like most of our serials if you look at it. While sleeping also they will be wearing the same costume, when they are partying or out in the swimming pool also they will be wearing the same costume. We don't know if they slept or not got up or not. So all the time top to bottom is completely decked up. So mirror gives you a fantastic reflection. What type of feedback the mirror gives?

Participant: exact replica.

Sampath Iyengar: how many of you have not seen the mirror? Always say I, take ownership for I, don't use we in my session. For me "we" is everybody except "I". Because we are the only one who can take control of what I do.

So these are the topics that I am going to do:

1. What is feedback?
2. What are the types of feedbacks?
3. What is the importance of feedback?
4. What are the features of feedback?
5. Feedback techniques.
6. How to handle negative feedback?
7. And just not to understand but also realize the importance of feedback.

What is the difference between understanding and realizing?

Participant: understanding can be frivolous but realization has to come from inside.

Sampath Iyengar: if you understand that you're not good what you will do to make it good is realization. Yes I have to do this is the realization that I am talking of. It might be different for different people. I agree. Ok so plane mirror will give you an accurate, hundred percent accurate feedback. All mirrors will not give you. When you are looking in your car, do you get exact feedback from the rear mirror? When you look through a concave or convex mirror you get a screwed feedback. So let's stop lecture for some time and have a little video going there.

(Video was played)

Sampath Iyengar: wherever you like something make a noise. How will I understand that you have liked something? Make some noise please.

Participant: it was a good entertainment

Sampath Iyengar: give me a verbal feedback when you like something. Make some noise. Well clap. So next one minute turn on the other side and till it changes you are going to clap and clap vigorously.

(Everyone clapped)

Sampath Iyengar: ok. Thank you. If you don't do it I am still going to get it. How many of you are feeling less energetic because you have spent energy now?

Participant: Sir, I would like to share something. I am a faculty in my academy. We use to say in the beginning, if you say that male are female, if you are so clap loudly, otherwise you will become the third category in the next life.

Sampath Iyengar: not in next life, because in this life only you are appearing so. Got some feedback? Ok. The next best is, can you imagine a situation if no mirrors was ever invented?

Participant: there would have been no cosmetic company.

Participant: I am married for past thirty seven years and I do everything for my wife but she says kya kiya aapne. What should I do?

Participant: I met a nun she told me that she has not seen her face for last forty years. Either it was a commitment, order, or direction.

Sampath Iyengar: just to cut short the discussions. We would be no different than other animals in this world. We are the only one animal who uses a mirror. Many things. Many things. I was doing my running practice in the morning, and Mr. Shrivastava asked me you are the one who was doing running in the morning? I said yes. But you were running without shoes? That is how I was born. I greeted everyone I met, except two three ladies who turned their face when they saw me, so I thought ok they are giving me a nonverbal feedback so let me not disturb them. Otherwise whomever I came across I said good morning to them. Ok on that point for you information, since last thirty years I am in corporate world. The last time I took an injection is 19th April 1883. I am very very proud of it, but with the humbleness that it does not guarantees me anything because tomorrow I may be sick and next day I

may be dead. It's like some driver saying that I am driving since last 30 years and I haven't met with an accident. But next day he might hit against a truck and god may say that last time I am giving you concession. But I am certainly very happy with my health and fitness. I invest on myself because I am the most beautiful and most important asset for me. If I am fine then I have the ability to take care of so many people. If I am sick it's of no use. As I say I would like others to enjoy with me, but not at my cost.

I have a friend who was hundred and four kg and she started running with me after 2013, and today after two years, you won't believe she is sixty one kg. My wife had problem in every single part from head to toe, including thyroid. She is completely fine now without any medication. I am not saying that running is the only thing I just want to focus on the point that "you" are very important for you. Take care of you. Don't get into a situation where others have to take care of you.

You have to be like you that is the main point that I take. What I do may not work for you, but you have to take things which work for you. All that scientifically I want to say that you have to exert your body for a minimum of thirty minutes, an indication for that is you have to sweat properly. It is all about if you want to build a muscle you will have to break the muscles. Whichever muscle you want to grow make sure that you have to break it, because when they grow they become less effective, for getting a new one you have to make it work. Scientifically speaking, when we do it there is a hormone called Endorphine (happy hormone) is released in our body, and it remains for twenty four hours. So for rest twenty four hours you will be fit and running. Lots of life has changed just by getting up early and getting a little blood circulation. How many of you are ready for 5.30 a.m tomorrow morning. So front of the restaurant I will come there and we all will have some sort of fun.

Appreciating is also a form of feedback. Suggestions and advices are feedback, of course exam results are also a feedback of how well you have written an exam, it's not for how well you know the subject. You are hungry, you are happy, you have a smile, your appearance are all feedbacks, and the judgment that you give is a feedback on what you have heard of. Consulting is a phenomenal profile in this world. The best people that have come are from consulting. Everything that we do

from morning to night is a feedback. Can you give me one instance where there is no feedback? I am speaking you are listening that's a feedback for me, I am speaking you are smiling that's a feedback for me. I am speaking you are smiling is a feedback for me, I am speaking you are sleeping that is feedback for me. Everything is a feedback for me. If we remove feedback from life, we are dead. How alert are you in the class is the feedback for how well you slept at night and how have you done since you woke up in the morning. You just got up and had your breakfast and come here you will be very lazy, but if you woke up early morning, did some physical exercise, had your breakfast spoke to some of your love ones, came two minutes before the session, then you are all thumbed up, and your mind and heart is all ready to receive everything. What is your purpose to live the next day when you don't live and did something useful today. Don't you think that you are wasting the resources of the universe? Where you stand today in life is the feedback for what you have done with all the feedbacks that you have received so far. I stand in front of the mirror, the mirror is saying that there is a crease on your shirt, I say its ok I don't care. Why to present oneself like that. But on the contrary if I change the shirt or do someone makeover I will be more presentable. You yourself is giving you feedback, and all your near and dear ones are giving you feedback but we don't take. We feel we ourselves are very successful so why should I listen to anyone else at all. We have all the options to decide what we want to do with all these feedbacks.

Next one is current health is the feedback for how have you taken your body and mind so far. Are you with me? Yes? If you are strong today it's a feedback on the work that you have put in for several years. Your current financial status is the feedback on how well you have invested your money. We all earn but it all depends upon how we spend, that is your financial status. I have a beautiful formula. It is called "10 80 10". What it means is ten percent of whatever you earn doesn't belong to me. Keep it out. It is meant for emergencies only. All of us will come across difficult situation. How many of you need a break. Want a break? I don't think you need a break. So what we will do is we will take a twenty minutes break. So what I will do I will show you a couple of wonderful videos. If the breaks are only for tea it can be served here only. For me getting warmed up and getting you warmed up is a real challenge. I have put up the heat. Now if you let go, and everything would get

cooled up. Ok so what I was saying was what your current financial status is? How many people will help you when you are in need depends on how well you have maintained your relationship with people. Lot of us realize that see we did this we did that when I am in need no body is helping us. But have you done what they wanted when they wanted rather than when you can do. You have done when you can but that is not probably when “A” wanted it to be done. None of us expect any big thing to happen to us, none of us expect anything big. All that matters is that. All that I demand from you is your clap for me. So always reflect upon small things. If you are living in a room full of mosquitoes, you will find a way to kill them or you will leave the room, but if there is a mosquito in your net in the middle of the night, and it is bothering you if you don’t get up it you cannot sleep. Am I right? So pay attention to the smaller details that is where the real bug is. How you sleep in the night is the feedback of how well you spend your day. You did all wrong things during the day, can you expect to get a sound sleep in the night. Life is always a thing where you have to give first and then get, but the expectation is to get first and then give. Ones I get it then I will give. Sorry that is not going to work. Sorry I forgot about the ten eighty ten formula. Ten percent for future. Eighty percent you spend on what you need today. We don’t know we are going to live tomorrow or not, why should we save so much for our kids. Are we trying to say that our kids are useless? They can’t stand on their own legs? Make them empowered. Make them capable that they are able to do ten times more than you. Take them for different exposures. Expose them to different challenges that the world will bring to them, invest on them now, do not save money for them. And other ten percent is a difficult factor, and will differentiate what is the next ninety percent. Can anybody guess?

(Participants answer)

1. Health problem
2. Charity

Sampath Iyengar: ten percent you must spend on yourself. Invest on yourself. You are the most important asset. Upgrade yourself. If you are not able to do better than what you did last year why you should be paid more income. You should be able to run faster, you should be able to do things more better, only then you will be able to

give more to the organization that you work for, only then you can expect a higher reward in life. Make an effort to improve your position, improve your mind. So invest on yourself, your ten percent money to improve yourself. Many of you are elder here, motivate your kids to do this from day one. That is the important critical factor in success. That is how you can fly high. Everything depends upon what attitude you wear.

How your children do in life is the feedback on what values you live by. Lot of people say what values you can give them, you cannot give values to others, you can only have values. Preaching is of no use. Kids are going to observe simulate exactly what you do. It so happens that you will teach the kids, lying is bad, that's what the lesson says. If you ask the kid to write the kid gets full marks. If you got ready you have got to live and the phone rings and your kid rushes to pick up the phone now. What will you say to the kid now? What will you tell? Tell I have already left. Are you teaching the kid lying? You do whatever you like. Our kids are many time smarter than us, they may not have the wisdom, they may not have the maturity they may not have the experience that we have, their IQ level is much higher than us. This is a challenge even I used to have with my son. I used to tell him either you eat or you use your mobile phones don't do both. He told me, papa why do you want this I can do both. After many years I realized that it's my limitation that I can do only one thing at a time, it's not his. The matter of fact is that he can send a message without even looking at the keyboard, he keeps eating and keeps the phone on the table and he keeps messaging also. The realization is that this generation is more intelligent than ours and they can do multitasking with same effectiveness, so we don't need to limit them to what our limit is. I can see some smiles flashing over here, because many of us have experienced this. Everyone is blessed differently. Each one of us are onetime event in the universe. How many people actually cry when you die is the ultimate feedback on how well you have lived your life. Not because you have left so much of loan that your kids are crying. That's why I have put the word "really" in capital. Some people change dramatically. The origin of noble prize happened because of this. The person Alfred Noble when he invented when he invented the gunpowder so it was used predominantly for dynamite, so ultimately when his brother died the newspaper published that Alfred Noble who

invented gunpowder died so the whole world for his surprise was feeling good about it. So he realized that people are not understanding what I have done but only the other side of what I have done. So I must do something. I must tell the world that I am not the one who is spoiling everything. So he pulled in all his resources, and that is how the noble prize started because of it. So we must not be fortunate or unfortunate enough to see how people will react when we die, but we must see this recent case of Abdul kalam. Nobody saw from where he comes, which caste, which creed, the whole country stood up and mourned the gentleman. So that is what we should take it from that. So please share the best feedback from your life. We will come to that a little later. Probably we have a video here. So thanks to Justice Chavan. We were having an evening meeting last evening then he said Sampath, I want videos in your session, nothing doing. I said this session has very senior people and they might not like it but he said no no no, I want you to put it. The reason why he is sitting that side is for that. But believe me I have taken a lot of pain to select this video out of the ten thousand videos that I had with me.

Session 11

Video was played.

Sampath Iyengar : Before somebody gets this kind of a performance in front of a live audience. Can you imagine how many hours of practice has gone behind the scene? How many times they have received feedback from experts. Every time you fall back you'll get a feedback that you are not throw, you are not perfect, you are not focusing, and you are not balanced. If I refuse to take it back then what will happen? All of us when try to do something new or otherwise going to fail unlimited number of times. But when we fail what we do is the critical differentiator. Failure by itself is not sin. But not trying is not definitely one because you can succeed only when you try. There is no other way succeeding without trying. Is it possible, without trying you can be successful? When you try more number of times we fail. Hundred things you do 97, 98, 99. We fail. That one we are looking at that is the truth to success. That will differentiate us from the rest. What do we do to our kids? At home you have a little kid, a one and a half year old kid it is just trying to get up and start walking. What do you do? Kid will fall down. What do you do? We keep telling the kid, it is ok. Go I am there. Is it what we do? Yes.

When you try either you succeed or you learn there is nothing beyond that. If you are trying, you are not going to go anywhere. I know what I am saying is sounds easy, doing is difficult. Saying is easy, doing is difficult. But how do you make the difficult thing easy? There is only one option there. You just do it. Learn from your mistakes, get better, get better...one day you come and showcase that wow hundreds, thousands, millions of people. Everything that we take it for easy today we all struggled when we started with that. Was eating an easy thing, how much our parents have struggled to make sure that we eat or how much struggled do you put to know that your baby eat. Failure is final when you give up otherwise when you fail there are two options for us all of us are going to fail, we have been failing. When we fail there are two option: either to give up or to get up. If you get up you have not failed, you have just learned. You got better. We do a quick activity here within the table, as well. Close your eyes for 30 seconds and he called the best feedback that you

have received from anybody in life so far which is on top of your mind and share with your partner please. If there are more than one please share with everybody then we take few examples of that and what feedback means to us. 30 seconds close your eyes and recall those memories in the next 2 minutes. Go ahead!

Participants:

My friends says police has blinded some people and he was so affected by that he wrote to the chief justice in the later treated by chief justice as celebrity.

...my father was a medical practitioner. he once told me not to take the medicine is the best medicine. You wanted to point out the side effect of medicines and he used to follow it in his life also. So I learnt a lot from him it was a great feedback for me.

Sampath Iyengar : like this we all have some beautiful memories to share...is not to...that I have done this I've done that. The credit for getting that feedback is not in me. The credit for recognise that thing is very important. How many times we give those feedback to others? When we find something beautiful, really nice....

So why do we need feedbacks? Some these things I will run through fast because my expectation is that you know all of this. Helps to identify areas of improvement, imparts ways to improve and correct performances, boost confidence in the areas they have correct performance and behavior, act as caution and as well as a motivator, helps you to understand where you are compared to where you want to go. We want someone to tell us that we are the most handsome hunk in the world but if I don't have a mirror I don't know how good I am. You may be aishwarya rai but if the mirror is not saying that you are well dressed or if the people are not telling around: you are stunning, you are looking wonderful, you are looking beautiful. What is the use of all that dress and makeup, all that you have done so far? So irrespective of who you are feedback is critical. Good as well as not so good. If you come and ask me then I expect you to listen to me. Unsolicited feedback is something which is very dangerous.

Give when receiver is the right person identify whether he is the right person or not. Don't give feedback to Tom Dick and Harry. So you're telling me that I'm giving feedback to wrong set of people or you saying I am the wrong person. Ok. I am taking it right.

Refrain from giving feedback behind the person. We are very good in this. Never talk about somebody especially when it is negative behind the person. If you have the courage and conviction say that in front of that person. Let the other person have that opportunity to defend his side or an opportunity to correct thereby you are doing a favor to that person. If there is any good feedback go ahead you can do behind their back. so that's what throughout my carrier I have made it clear to all my people whether they are my managers or peers or they are my subordinates if you find something good about me don't tell me tell others. On contrary if you find something wrong with me tell me don't tell others. When you find problem with me please tell me don't tell others. When you are getting feedback.....what is this SME (Subject Matter Experts) if you have health problems, you will go the doctor to get the suggestion. If you have a legal problem, go to a lawyer to get the suggestion or your feedback. If you have problem with your kid, go the teacher and find what the problem is, don't talk with neighbors. Go to that person who is having knowledge and ability to give you the feedback. If you ask me directions in Bhopal and I show you the direction do you think you can go to your destination. If you come to Bangalore and ask me for direction and I will you direction you will definitely reach the destination. I am a subject matter expert when it comes to Bangalore but I am not when it comes to Bhopal. Get from unbiased, non-judgmental people you have to make a judgment of the person before you do it. Get from trustworthy people. How do you find out whether somebody is trustworthy or not? Difficult? How do we make it easy?

Participant: Impossible

Sampath Iyengar: why do you say it is impossible? Possible is built-in impossible. If you spell impossible there is possible in that. Try to avoid this impossible, never, all these things. One of the easiest thing to find out whether the other person is trustworthy or not? Whether he or she is bitching about others to you is a clear indicator. If he's coming and talking gossip and blaming others to you. This person will go back and do exactly the same about you to others. But we enjoy somebody is telling about others but we feel bad the same thing is done about us with others. What you give to life get back from life. I am repeating this many many times because each one of us is responsible for whatever we are, whatever will be will be

irrespective of how many times, how many people we continue to blame is not gonna change. I am responsible for whatever I am and I am also responsible for whatever I am not. Are you with me? Yes. Don't think too much just keep it on top of your mind. If you want you can scribble it or on recording mode keep recording it when you return back you can use it.

How to give feedback now you're coming to that point. The feedback provided is credible in the eyes of feedback recipient that is critical if you don't respect the person who is giving your feedback then there is no value attached to feedback that you are receiving. Am I right? I don't care who he is.... I don't care what he is saying. Feedback provided is trusted by the feedback recipient which we touched upon. Feedback is conveyed with good intention that is great feedback should be conveyed with great intentions. when I'm giving you a wrong or negative feedback if I feel more pain in giving feedback then when she is receiving that I am absolutely right But when I am giving feedback to her and she is playing ...I am internally very happy about it then I am a criminal. My intentions are not right. that is what happens when we do it with kids when they do something wrong and we have to punish them we find pain for kids actually go through. Many times we go back and repent for that many times we go and cry. The timing and circumstances of giving the feedback should be appropriate many a times great feedback is taken very wrongly because you gave it at wrong place and in a wrong situation. When you are already stressed up and when you have and someone comes and say why you don't do this why don't you do that? How does it look like so check the right place right time and right environment to give us the feedback? The feedback is given in an interactive manner. What is interactive manner? Opposite of what is happening now. Interaction there should be two way communication. What is happening now predominantly except here and there a little bit one-way communication?

Hon'ble Justice R.C. Chavan: I tell you one thing what I wanted is that his methods of communication how he communicates because we are all faculty members in our academies. I requested him not just subject which is given to him some videos and therefore there is some diversions. let us try to replicate these things in academies which will give us not just correcting feedback but apart from that see whether the musician renders musical note how the listeners respond not his.....I plead guilty to

this. I am delighted in receiving your feedback. I said in the beginning that I will go in multiple directions but at the end of the day if I don't deliver what you have expected please I am willing to take your words and make the corrections.

Feedback is given in interactive manner, the feedback message is clear. Your communication should be clear. The person should what you are actually trying to tell. The feedback is helpful to the recipient. It is helpful to me to re-orient or to run a little faster for me to know to cover up so we don't skip on the time being. If there is I know I will take part of Sanmit's time, break time or all these time I have already planned I will tell you. So that's why I put that expectation be flexible with your timings. Ok. Sorry about it, I want to deliver what I am want to deliver everything that I want to deliver. Ok. What do you see here?

Showcased slide.

This is a demonstration I wanted to do it. Many a times we mistake this only as a frog. Have seen in my own eyes. This is how it is, sitting like this, about to jump, all explanation we give but we forget there is horse as well. It is a drowning horse going like this can you see the horse? I can't rotate but you have to rotate yourself. So this is the neck of the horse and this the face and this is the eyes. Can you see it now? Yes. So that is feedback. So only I am right but there is a different perspectives. If we are willing to listen to others feedback we get better. While you are giving feedback as the title says be sensitive. If you don't analyse the situation and you just want to be giving a hundred percent true honest feedback you may be putting yourself in trouble and also the other person in trouble. You know that if you tell that patient has a cancer and you tell a heart patient that your wife has cancer without being sensitive about the situation you will kill both. Right? Assume that you go to dinner with your spouse you go for a dinner date, it may be you anniversary day and you really wanted to go out. It was long time kids were bothering on that day no body was there you decided to go for a dinner and you ask your partner where we have to go honey and then your partner will suggest a place and you have already gone to that place couple of times and you did not like the service, you did not like the taste, they did not give you the table on time. And you let's not go there that's not a right place but your spouse says no..no.. I have heard a lot about that place my friends have gone it really..I..should be liking the taste I have never gone there I

want to go there. The situation will come to everybody if it has not come. You go the hotel they make you wait for half an hour then they will give a table which is not clean. They will take order but serve later. When they serve the soup is cold. The served food is not tasty. What do you do now?

Participant: You express yourself.

Sampath Iyengar: How?

Participant: I told you. You did not listen to me.

Sampath Iyengar: But what is the purpose. Have you not eaten earlier any time in your life? You are not going to eat any time later in your life. That is the only dinner that you are going to have. The purpose of you going for dinner is to have good time. What did you do? And who is responsible for that. That is where the sensitivity comes into picture. Be very sensible. Analyse the situation ease it and find a right way to give feedback. Learn more by probing and questioning just don't trust people many times we get into trouble because we just simply trust this is how just how it is. That person is a great guy. This is how it is. For want of time probably I will skip this story. Let me see if we have time we will come back. Look from alternate perspectives. What you are seeing as I said may not be the only way to look at it. But there could be other ways to do it. Tell me what do you see guess me the shape. There is a object there. What is the shape of the object there? I have purposefully masked it. You say there is a one square and one round object? All of you have to express then I will go and express.

Participant: One Square and one circle/round. One running and one stopping.

Sampath Iyengar: Is my question is difficult. No Na! Have I discouraged you at any point of time with your responses, no na? Then what is the feedback you are telling me. Is it so silly why are you showing all these things, is this response? So please express your selves. What is the shape of the object?

Participant: No feedback is a feedback. No decision is a decision.

Sampath Iyengar: P V Narasimha Rao was like dekhengein, karengin...very common language he used to use. I know sanmit is getting worried because I am not letting people go for lunch. Well once we finish this we will go. Any other guesses please, ladies are not actively participating? Three rectangles. So this is the object so from direction you are seeing will determine the shape of the shadow. If you are

watching from this angle, then I am getting a circle. If I am watching from this angle then I am getting a square. So seeing is not not always believing. Even after seeing you need to testify it. You need to ask. If I am saying circle whereas users are saying a square you should be asking me how come you are seeing something which I am not seeing. Typically what we do is that go and get your eye tested man! You have gone mad otherwise.

Participant: That's why judges differ from on the same issue.

Showcased slide.

Sampath Iyengar: That is the message I wanted to give you and focus on the important things. Have a quick...what is the first thing you saw in that screen? So typically we say the black dot first. You have made yourself so well and you go out something is here. You have put on so much of effort to wake and spend one and a half hour in the mirror and then one thing little here..we dont appreciate no. of good things...we are very very very very very good at catching things which are wrong which are minute and insignificant in life but we want to expand it to the full sheet. We have so many good things about our profession but we pick the holes which are there. Small small...yeh nahi...woh naih hai....small little things. But in a entire entity you are so lucky you are so blessed you have been a given so many things. But we are very particular, we are crazy. We use the magnifying glass to figure out where things can go wrong. If you can figure out what is good and what is not good what is important and what is not important what is right and what is not right then you have done your job better. I have no legal background no. of things I am saying may be looking very absurd for you I like to be a baby, like to be a kid with ignorant about number of other things which are required. I am acting like a 5 year old kid even if I know probably I will not show it. So this the sheet that this as well as this so there is so much place for us to write whatever we want to write. There is enough space. But we looked at what is not available to us. So my request to you is either at home or at your work place or in our society look for no. of things which are good. Even when it is another individual you will many many things to do. Since things are not good so make sure that you pick up those things before you pick up this. Play hard, pay attention to final outcome, intermediate steps may not be all that great but finally everybody is destination we want to be right at the end. The end may not be

life only. In every situation end should be there. So when I said, by end of this session you judge me..in between if you are getting distracted then it may not be a great idea.

I am skipping the video for want of time.

Golden rule for giving feedback: Positive in public and negative in private. Never give a reprimand to anybody in front of others. All of us have self-esteem and you puncture the self-esteem then it a gone case. Call the person inside your cabin or take the person outside and say I did not like this behaviour of yours. This is not right. Don't you think you could have done better? Keep it interactive. Why did you do this in the first place? Before saying, ask. Bottom of the pyramid you need to get in. So that is what very very critical. With that its 1:11 it is right number to leave and we will be back by 2.

Participant: We are tired give us little more extra time.

Sampath Iyengar: Fair. 2'O Clock we will start.

Session 12

Dr. Geeta Oberoi: So this session will be till 3:30, from 3:30-4 what we will do...may be Sanmit you can make that presentation how to analyse data and make chart so 3:30-4 we will have that demonstration here., and then from 4 to 5 we will have library reading, one of our research fellow, Jyoti will be actually presenting a book before you, so we will do like that so instead of computer skills training we have how to convert data into pie chart after converting into excel sheet and then book reading..

Sampath Iyengar: We should reduce AC to normal because when temperature is low sleep comes automatically so that's what we do in post lunch session in corporate, we reduce it to 14, 15, 16 so that people should be shivering there is no option for people to sleep, so these are the techniques which you can borrow from me and use it in your sessions, another technique which works wonderfully for me is every session I do, which I don't enforce it here respecting your profession and seniority is I don't let same set of people sit, after every break they have to find a new seat and a new partner, neighbors can't be same, all these are opportunities for each of us to find more about each other , to know each other otherwise we settle into the comfort zone and stick around with same set of people which is not a good idea, ideally you have to change your seat and change your neighbor both, the requirement is different seat and different neighbor, quick quick....if you are taking time we will carry on....what is the problem we are not carrying big things, we are just carrying this and that...change your partner....not in life only here...partners in the class, see the moment we do this there is some energy flow happening, DO you feel good? Is it simple or difficult? first time they will resist, second time fifty percent will move, by the second time they will know that they are not allowed to sit there.....Ok now let's get going....based on your feedback I am going to run a little faster because I have had lunch and have some extra energy to run faster, so solicited and unsolicited....all of us know English I am not going to repeat and of them, but all these are very important, there are number of explicit and implicit feed backs, verbal and nonverbal, positive and negative, instant and evaluated feedback, many a times we get an instant feedback but many a times we get a thought through feedback, both

are important, today there are smart phones with everybody and there are lots of apps available, if you have seen Kaun Banaega Crorepati. there is a situation that audience participation is required, what is that....that is an instant feedback....and it gets reflected within few minutes or few seconds, so if I put an audience poll, we all are on the same app, you get a question and immediately you press whatever the four option then in next second I will get my feedback.....so technology has to be used, today you are the slave of technology but fortunately or unfortunately technology is the slave of us, you have to master and it is not difficult, you have to believe that you have to know it, shed your ego, go to people who knows it, many of them are younger to you, the way you use your mobile phones and the way your children or grandchildren use it is very difficult, you don't need to be ashamed if you ask your children how to do it, how to set up an app, what's wrong with that, knowledge is no body's property, the moment you shed your ego ask people and learn new things ...what is the problem, my suggestion is identify a coach or mentor in technology...today if you go and tell a third standard child that i am learning Excel, they will laugh at you, you will become the butt of their jokes, I am saying that all that is takes 15 minutes of self-belief to learn, just 15 minutes that all, you will make mistakes, very fair...but you continue and you will master it....technology has gone so much, I can...we can find out what is happening in the world just by sitting in my room through my smart phone...so self and others...number of times we give feedback to ourselves, others will give only a few times, right and wrong both are possible, suggestive and judgmental feedback.....somebody says what I did is now part of judgmental, what I said is you are not paying attention to technology, suggestive was find somebody within your organization, within your family set up who is smart in terms of technology usage and learn from them....open and anonymous, the one which I have underlined with red are the ones we will deal in deep, past and future, those are the best things which can happen and we will discuss them in little more detail....examples of anonymous feed backs which we know very well...elections, voting, secret ballot, apps voting in reality shows, customer service by telecom operators, by telecom operators they get survey from all quarters and get the feedback and see what part of the service is good, what is bad, what has to be improved , all these information is available etc, employees satisfaction service

that we do in organization, how much money a movie makes is another feedback, so some of these examples I have picked up from the real life.....so anonymous feedback lot of people feel that it is best thing and we always get right thingbut it is not the true...both of them have their advantages and disadvantages....the advantage is your identity is not revealed, it is fearless so you are more free to express yourself...this was not good, the food was not good or hospitality was not good whatever you feedback you are giving, when you don't reveal your identity you are more comfortable in giving your feedback, it gives transparency because you are expressing yourself freely....easy to give negative feedback....we are all human beings, we don't want to hurt people, for example lying...face to face it is very difficult but on phone we will lie...you say you are busy when you are doing nothing, I have gas and this and that...but that does not happen when you are saying face to face, so it has its own advantages and disadvantages.....it is appropriate with large number of people to involve, if you want to involve hundreds of people, thousands of people it is very difficult to do face to face at that time anonymous survey will help. for example voting, what is the point when five lakhs people are voting that this fellow has voted for this party or that party....end of the day results which this party is favored by this constituency people, the disadvantage is lack of trust, I am saying that I want to say but I don't want to reveal my identity, this means that I don't trust you with what I say, right? are you with me?.....ambiguous and general in nature....we summarise, for example going back to elections part of it, so some part, some pockets of the constituency did not vote for a particular party, you will never know, they may be sending you feedbacks that my area is not developed, my area is having potholes, I am not getting water, so in the mass the critical component may go missing.....lack of context to leave the incorrect, many times people do not know why they are doing, yesterday there was a Bharat band, so somebody said I have a holiday.....there is a bharat band so there is a strike...so many times we get stuck in the mass mafia, everybody is doing so I should also do, why should I get into the details of it, so they don't even know, the organizers may claim that band was successful but why was that band very less people are aware why the band was done, all they know is there is a holiday and you can enjoy, you don't need to go to work or school.....difficult to take specific corrective action, when it is general it is

terrible, specific is terrific so when we don't have specific feedback it is terrible to act on it, when we know this is problem then only one can act....you go to the doctor and say that my body is paining, how the doctor will give medicine when you don't tell that which part of the body is paining....you want him to give for stomach pain, you want for shoulder pain, you want for neck pain, head ach...which pain does he address....anonymous feedback say that the doctor did not give me right medicine, how will he give? so when it is a smaller number, one on one, little crowd then go for face to face feed backs.....demands more time and money...these are quiet expensive, not easy, you have to use expensive tools and technologies so it will cost you more....amount of time and energy you spend if you take that as resource, expense...imagine the money you are actually spending...so not realizing because it is done by your staff but your staff is getting salary and he would have done something more important, more productive so everything has a cost...so we get into the details of anonymous feedbacks, here one of the techniques which we use is called 360 degree feedback...have you heard it? let's understand if you know it...if you know it then I will not get into the details of it, 360 degrees feedback is....suppose you want to take it as a person, or you want to take it in your office, so 360 degree is what, I start with self, i will give feedback, then I go up and my boss will give feedback then I go side , my peers will give feedback and then my bottom my subordinates will give me feedback, so everybody will give me feedback, this is likely to be more appropriate because people are seeing me form different sides and different functions, different activities which I am doing...if it is your boss depending on his liking towards you, you will get positive or negative feedback so here personal dependency, if it is your bottom if you are in position of power they will always give you positive feedback because their career, their life is connected to what you're going to hear from them, so they give you what you want to hear rather than what they want to tell you, so it's a biased feedback, the peer group is always competing with you so they will always find faults with you, but when you are having all 360 you will be able to do a better analysis of what the data says ...I will show you what is 360 degree feedback is, what does it look like some samples, but we will do an activity to understand how do we create of one these questioner, so this is the permission which I have taken for this...so there is a video for

this....(The Speaker Played a Video) So unless and otherwise you know how to interpret the results and to how to convert the results into actionable any survey is useless ,it means my expectation of me is much higher than my expectation of others for examples I say technology utilization, I know some of my friends use technology much more than what I use, so I rate myself on scale of one to ten say three, but other people involved in the survey may not use as technology as I am using and many a times they come to me for learning technology and for them I am rated nine or ten, so many of us are self-critical, I am useless, I can't do this, we really do not appreciate what good we have many many many many times, so the requirement is that if it is balanced it is works fine, don't be under impression that this is accurate all the times, this is what it means....so let's get into...I will show you some reports how to look at it, Mr. Sirvastava said excel is the best thing, without countering his ideas I would like to submit to all of you that you do not need to learn excel , there are lots and lots of technology available and you do not need to do it in excel, define graphs and all these.....technology is available, when people are doing the survey...there is online survey, you submit it automatically you will get all the graphs that you want, you want you will get, only what is that you want that you should be clear and you should be able to tell the person who is setting the survey that I want these five results and believe me most of it is free of cost, it does not cost even one rupees, but you should be open enough to explore, exploit and use it for your benefit, and there are no errors possible because it is self-driven, there is not even clerical error, here there is no possibility of error because the moment you submit as a user or whatever your participant submit it get captured as it is, so I will give you some of the tools where you can use it, go ahead and try, play with it...the best thing about technology is it is all easy they are all games play with it like kids and you will learn it....why do kids do well they play with it they do not take it as a burden, they keep on experimenting, NIT did an experiment 20-30 years ago, I wanted to bring it to your notice, they went to a very remote village where people haven't seen what a computer is at that point of time, so all that they did is they installed the computer in village center, all that they could access is the computer mouse, nothing else they can touch, and they installed the CCTV cameras to observe what the kids will do, they did not make any announcement, no publicity nothing, they were sitting in the

control room watching what is happening, how much time do you think the kids took to understand what is it and what to do with it....can you guess? something they have never heard, never seen like a alien has put something and gone...10 minutes, 15 minutes, an hour....how much time it will take for you, somebody has delivered something in your office, at your table which looks very terrifying, you touch it and some sound will come...today computer look very simple for us but years ago it looked so difficult the moment you touch it some sound will come, looks like a bomb...they took 36 minutes to master it, they figured it if I press this this will happen that will happen...because of the curiosity to learn, as an adult we come to conclusions very fast...ye mere bus ka nhi hai, this is not my cup of tea...we think more negative...unfortunately our kids are great, good thing is that we were kids years ago and the bad thing is that we have to lean this in this classroom, become kids become curious, learn learn learn....the day you stop to learn it is time for you to die.....ok...so how does a typical form which I have used from one of my clients, a live form I am going to show you, first you should be very clear about purpose of the survey, if you don't know what you are doing, why you are doing it is of no use doing, if you want to improve the effectiveness of your training that is the objective, if you want to engage your participants more that is the objective...am I clear? so understand, brain storm with your people, be very clear about the objective that you are trying to achieve, what is the purpose you try to achieve....so this was the anonymous survey, ten participants took part.....so there are multiple items, once you have identified the objectives you have to identify the pillars for that, what drives that behavior, what are the things that you need to have under the ideal situation, that's an activity which we will do after this, so we will develop a questioner here itself, that is an activity which will help you when you go back and implement things...(The speaker explained the details of an anonymous survey to the participants) In some areas the self-rating is bad and others rating is also bad this is the area that you need to work upon, in some areas you will find that your rating is high but others rating is low.....that means you are leaving in fool's paradise, it is very very dangerous you are not aware that you are bad, if you don't know the problem you cannot learn....this is much bigger problem because my imagine in my eyes and my image among others is different....you will find in some case that the

others are rating high but self is rating low, that means I am doing much better than what others are thinking...others are not expecting me to be that bad...any questions on this? so you will have to identify the parameters that will influence the objective that will and your questions are related to that, once you are able to do this then putting a survey and getting the results is very easy...put the data say generate report, it will generate report.....there are tools which I will mention to you when we come to the technology side....this is a graphical representation., all of us understand this? I am not hearing anything from you, say yes or no or may be.....all of us understand that there is a graph and the graph is showing two lines, where ever it is together there is similar opinion, wherever it is differing there is a difference of opinion, it is a 49 page report, I will show you few....this is competency summary, it gives you components....there is a five scale rating here...you can have 5 or 10 scale as you want, your direct manager cannot have a anonymous survey, if he is afraid of you he is not fit to be your manager, if you don't want to give your subordinates candid feedback then you are not fit to be a manager, then you are afraid of that person, but your subordinates have to be covered.....it also gives you how many people have given you different rating(showed slides to the participants of a survey and showed then different parameters mentioned in it)....you cannot concentrate on all the things , you have to concentrate on where it pains....doctor is interested in which part is paining, he is not interested in your autonomy, if somebody's head is paining you treat the head, if somebody's chest is paining you treat the chest, the important thing is what part is hurting you that is where specialization comes into play, you need to develop the questions first identify the purpose then look into the attributes, critical elements required to achieve that within which you frame the questions, when you frame the questions also make sure that you have to frame it in such a way that the person should not be clearly able to say that this is what I want so I will give you this, we do most of the questions in opposite direction what I mean is....a question says do you like your trainer? May be another question will give the opposite of it but the ratings will be high....you give five here and five there it means that you are contradicting what you said...if you give five here and one there it means that you are answering it right, are you with me? So when you are preparing your questions you have to put this bouncers and spinning elements so that you get accurate

information....any question? then we go to....all the parameters we have gathered, right and wrong we have captured....details are available on every parameters, in each category you have to find which is high which is low, is there any challenge in understanding this? I found it quiet difficult when I looked at it first time? so this is how a 360 degree report will be, you have to analyse this report then you have analyse this report, then you have to work with each individuals or with whoever the survey was done, how or what...you don't have to try to improve all the things at a time, try to take two or three attributes at a time, pick up one or two things that are critical, then automatically all other things will work over a period of time, because everything is linked....listening skills contribute to 40% of or communication but this is a thing which is never studied in our schools and colleges, unfortunate God did not put bone on our tongue so we can talk much more than we hear....when you change your behavior, when you say that we want to improve our listening skills , when you want to improve your listening skills what happens...when it improves what is the communications that you are actually doing, when I am listening to you what are you actually telling me, it means that I respect what you are saying, I accept what you are saying, this means your relationship has improved....I leave it to you I take it as a feedback...heheh....but true meaning is that a good listener is participative he says aaha, oho, hmm, what it means, they are not silent, they are not dumb, they are participative...they are encouraging you to continue to speak that means they are demonstrating respect for the speaker..

Participant: But for judicial officers it is different. You cannot encourage others to speak.

Sampath Iyengar: But we are talking about the training, are you not to encourage the participants in the training, purpose....we have to understand the purpose, in the corporate world when it comes to leadership skill development we use this...so whatever is required for you to be better judge that attribute you should work on...don't hold me responsible for giving you examples, real life examples...today's kids are much smarter than us...when I finished my engineering...I am very very honest with you..I had a computer science subject though I did civil engineering but

we had one subject, but believe me I passed engineering without seeing what a computer looks like....but today my niece she is only two and half year and she keeps going tak tak atak atak....she will go to you tube, find out which videos are there which pictures are there, which game to play...this is how they are...so be comfortable, you tube gives you beautiful audios and video...there is nothing you can't find if you want it...just five minutes for five days...when you sit in the loo just take your mobile and play with it and you will figure out what to do with itHearing is getting ready to answer, listening means you are just listening, Bill Clinton is supposed to be the best listener, for him you are a security guard or President of a country, if he is listening to you , you are everything for him...no other distractions...that means you are not just listening through your years but 100 your mind, your body is listening...Ok....so these are the various slicing and dicing on that and then you figure out what are one or two things you have to work on and then we work on it...there are few subjective questions...typically when we ask such questions we ask what is that one thing you like and you want us to continue, what is one thing you want to further develop, what is one thing that you want us to stop, so like this simple questions and one or two line answer you are expecting , no long stories.....you are getting twenty different ideas from twenty different people you need to take out some of them and implement...OK? Any questions? In one of the organizations these were the questions on value profiling of individuals, if you go through them in details these are actually questions which are opposite of each other's...so there are about 25 questions. Actually 30-32 questions because a b c are there....so if you see that people have given me rating 2 but if rating is high for 'has no convictions and values in life' what does it mean....it means negative...if scoring is less it means opposite but there will be another question in the middle of it which will be exact opposite, so if the person is casual, if the person is not consistent, you will be able to capture here....right? He is not organized and systematic in general and the rating is high, it means it is negative feedback...right? so you have to build these bouncers and googlies so that you capture the things as it is...initial stages put all the positive questions then in the middle purposefully put few questions...change the meaning of that, put an opposite, mix it in between...don't have all the attributes in one logo, you mix them all...for you, you are answering every question, the

purpose is known to everybody but that's how you get the confidential information....for example you take an university. Academy you are taking....you don't need to talk about particular person, make the questions very specific, as long as you are not confused the responders will not get confused, if you find it is little complicates or confusing simplify it, don't try to address more than one purpose in the same questions....don't add and, or, about....make it simple straight forward questions...Do you like this? reverse the questions and then you will get it , add a no or not, never that is how you twist the question....that is what they have done here...for example if they have written have no conviction in his life, you remove no, the rating should be higher, just by adding a no the meaning has changed....for example is not organized and systematic...just by adding no the meaning has changed, bowling at bouncer is not that difficult...I will not say you do this or you do that, I am exposing you to world standards, if global standards are not applicable to you at this point of time because of the nurturing part of it, it is still at infancy go one step at time and then later six months later or one year later when things get better go ahead with it, we didn't do post-graduation on the day one, we went from l.k.g, u.k.g and so on.....you have to understand the participant level and accordingly you stitch the question, so for this my report also I will show you, I am showing you how it is done.....so this is how my value profiling was done...so different attributes they have taken , achievement orientation is the first stage and the system is developed in such a way that the moment it will get the score it will say what it means....so these are the attributes.... aspiration level, responsibility level, ,organizational level, time sense and initiative so these are the pillars considered in this survey, against each of them there are scores and against each of them what is good and what is to be improved... the system are developed and the moment I get the score it will tell what is good and what has to be improved....what I am showing is generating your own standards to figure it out....so for example you say high initiative and low involvement, if you see my involvement score was much lower than initiative score, my initiative score was 8.2, my involvement score was 6.5...it may not independently be a bad one but within this it is lowest, so that is an area of improvement for me...can you see my ratings vs team rating both are looking good so it is good, but this is one area where my rating is also low and my team rating is

also low so that is the area of my improvement if I have to get better I have to work on my involvement...ok..questions? so I am going to leave this here..MBTI is world's most famous psychometric tool, existence from 1921..and about twenty lakhs people undergo it every year...what it does, whatever we are today is because of two primary parameters..one is what is in our DNA that is what is the preferences and strengths we are born with, the second attribute is what are the things we have learnt in life , what are the changes that have taken place since we were born, our upbringing has played a role, our education has played a role, our friends has played a role, our families has played a role, many of you were not quiet when you were students but because of your professional requirement you have learnt that art, so like this we keep changing for our own survival, what MBTI does it is it finds out what is your DNA, within it they have four vertical attributes they have defines...one how do you recharge battery..what is your source of energy, one set of people for them source of energy is being alone , quiet, reflecting, they need space, some of you when you go home you ant 10-15 minutes quiet time, you don't want anybody to talk to you, but some of you the moment you leave your court you will start planning your dinner, isko bulao, usko bulao all that because you want people around you when you reach home because that is how you recharge your battery...some of us are like solar battery you need to put it outside, and some of us are like neon battery the battery we use in then laptops you have to plug it leave it quiet plug it into socket and it will recharge...second attribute is how do we gather information all the time we are gathering information using our sensory organs..some of us go step by step and some of us are blessed to reach the destination very fast using our gut feeling, so all or most of the entrepreneurs are gut feeling people, most of the problem solving people are gut feeling people, most of the people who are artists they don't look at the practicalities they look at the possibilities and architect has to be a intuitive person whereas a structural engineer has to be a methodological guy, so the third attribute is having this information how do you build information, one set of people do it based on the standardization. They have a formula, up lay the formula whatever fits in the formula works that way but the other set of people go by what will it have effect on the people involved, so the people is more important for such set of persons and the first set process is more important, so the first set of people use brain

predominately and the second set of people use heart predominately in the decision making process, the fourth one is having made the decision how do you execute it, some of us have a do list, plan A, B C everything is there and second set of people work only under pressure very well, but they take their life very easily do not get under stressed up easily, each one of us has positive and negative and this lists 16 different possible combination among human beings and each one of us have a role play so if any one of you is in LinkedIn go on and see I have written an article saying replace horoscope with MBTI profiling, so I can tell you exactly, if you and your wife come and sit with me I can tell you exactly what is the problem, where is the problem, if as student comes to me and say this is his profiling I can tell which area should he pursue for his higher studies and career and many more things can be done...so now I wants you to look 15 minutes...we have 30 minutes more left...a...10-15 minutes we can spend on this activity and define what are the core objective and 2-3 questions from each table ...is it possible? what I will do is that I will drive it quickly but you have to follow the instructions if you don't we will go out of time and I have few more things to show you...if you want only to show them and do not want this to be done I am ok with it..whatever you suggest....don't be the ownership of others.;..be the parent of your kid not the whole town...most of the training fail around the world and the reason for this is lack of follow up, you go back, you get back to your work, your daily mundane things will take over, your daily behavior will take up...because it takes time for a new behavior to shape up and on top of it whether there is somebody measuring it or not. Imagine if the our exams were not mandatory we would not have taken them...if there was no marks given we would not have bothered to answer the questions, we need to build a mechanism to measure and put up consequences for that, whether that is within the system whether it is possible not possible..

Participant: How can we measure that the improvement has taken place due to my training?

Sampath Iyengar: It can be measured provided you are doing follow up..so they say..for example we have set a questioner at the beginning of the session and after

my training we give a similar set of questioner to understand what was your level of competency earlier and what is it now...but actual implementation again you have to do after a month so we need to have a regular mechanism, so when I take sessions for corporate I don't take sessions or atleast I don't recommend a one off session, I always say if you are giving me six months and in these six months if you are giving me six interventions then I can take responsibility for growth and development otherwise people just sit here and go,your boss says ye karo.. Whatever you learnt in training is off, ye practical me nhi hota hai ye karo, I am your boss I have attended hundreds of these trainings they are all useless...

Participant: May I say something? About saying or speaking, kehne ki tammana kiski nhi kabil ye juban agar ho jaye...number two about listening, hum kehte rhe tum sunte raon raten yuhi beet jaye, it depends to whom you are talking and what you are talking..

Sampat Iyyenger: So unless and until there is accountability from both the sides it does not work, its not only from the provider for receiver also there should be consequences for doing and not doing, but unfortunately in the large structure of our government structure some of these things are very difficult to define and measure, so you have certainly different kind of limitations so let us accept those are the limitations we have and do what we can do and should be doing only those things....when rhine falls on the ground there is stone also and mud also, the impact on both is different, so some people are like stone, you cannot do much about it but consequences they will see over a period of time..ok...ok..so we go to the next part of it..feedback..anonymous feedback we learned but something latest..considered best in the world is rather than giving feedback give feed forward, so what does it mean...if I go and ask how I am doing, it will be very difficult for you to say that I am not doing good, am I right? feed forward is if I go and ask you how can I do better..all of you will say no you should stick to the time, you should not do this..that..etc..actually you are giving me feedback but you are telling in a different way and you are not realizing that you are telling me negative things because improvements are all about how could you have done better, but the person who is giving you feed forward is quite comfortable, can you appreciate the difference between feedback and feed forward?....very subtle, the impact is tremendous..so

comparison I have made, feedback is feed about the past, feed forward is suggestion about the future...whatever I have done in this class it is done there is no point digging about it, it's all about how can I do better now, so that is the suggestion and a suggestion is always positive provided you want to improve, if you don't want to improve everything is negative..third...need to know the person..can you ask a stranger to give feedback? no...but can you ask a stranger to give suggestion? you sit in a flight tell him I am a judge and ask him how do you think a judgement should be, he will give you a hundred suggestions..anybody can give feed forward to anybody, again when it come to the awareness level or the knowledge level for feedback you need to consider an expert, if you ask me feedback about judgement you are asking a wrong person, so you need to know a person who is giving you feedback, if you remember , consult an SME, you need to consult an expert...but here anyone can give feed forward...many a times giving feedback is a painful affair mainly negative feedback, whereas giving feed forward is while lot of fun...you agree or disagree? feed forward is a balanced way of taking things, when you are driving the car where you look, we predominantly look at the front but where ever there are turns we look at the rear view mirror, so your feedback should be limited to the rear view mirror you look and your feed forward should be equivalent to looking at the windshield, that balance you need to have for the best drive..so these are some of the typical feedback mechanism...this is called sandwich feedback..I am sure all of you must be aware of this, always start with a positive, they say whatever you have to say and then close with a positive, especially with your kids you should practise...start with you are such a wonderful kid, how come you did this, you should not be doing this, teacher will give you less marks...I am sure you will learn from this mistake and you will get star grade tomorrow, then the acceptability is there...so this is another version..rather than telling ask...ask tell and ask, interactive feedback which we discussed..ask what happened, then the kid will tell you this and that then tell him don't you think this should be done that way..then ask what will you do next...so give them the control, give the remote to them make them happy...don't give too much feedback , pickup one or two attributes, work only on those things, don't go on twenty different things...so this I am going to skip..express gratitude for giving the feedback, gratitude is the best attitude, be thankful, be thankful to God,

be thankful to everybody who helped you with the feedback...identify one or two changes don't get into too many, develop an action plan to bridge the gap, having identified the gap, now you have to have an action plan, knowing is nothing if you don't do anything about it, close loop with people who share the feedback, many time you don't get qualitative feedback because once we take feedback and you keep quiet, go and tell the person that yes you gave me the feedback, this is the action plan which we have developed, this is the result, I am working on it..thank you very much, if you do this the person is more interested in making things happen to you, otherwise why the person who gave the feedback is more interested in actually coming back to you, it keeps going one way traffic, it will not work, ask same people to give you feedback on regular interval to check on your progress, develop a mechanism whereas it is a continuous interactive process, it goes back and forth, one of the beautiful system Marshal Goldsmith suggest you want you decide these are the ten things I will do today, your personal life, professional life whatever it is, appoint somebody to call you every night , you decide the time, these are my 10or 15 questions, I will wake up at 5 o'clock, I will have my breakfast, I will sleep at 10 in the night, I will right a diary, whatever you really want to achieve in life which you think are important, have somebody to call you every night at time fixed at night, all they are going to do is they are going to ask you this, they are not going to be judgemental, they will just ask you the ten questions listed by you, what have you done on those questions, how many days can you skip, how many days you are going to tell that person that I have not done that, after 5 days you will start feeling how many times I am going to tell this person no, if that person is somebody who is good he will tell you why you don't remove this item why are you keeping this and saying no to it everyday, fifth day you will do 5 percent, 10th day you will do 20 percent 30th day you are doing 90 percent, small sutle but 100 percent guaranteed way of making progress, you keep your own excel sheet, put up all these things, every night evaluate yourself on scale of one to ten, what is the marks you want to give, you will only start feeling guilty, the best thing is giving accountability to somebody else, it could be your friend, partner or children, all that is required is the discipline to follow it for 30 days and then your behavioural change, anything you do for 21 days consecutively becomes a habit good or bad, so you have to do it for 21 days

consequently, that is important part, anything you want to tell me or ask me? Daily questions it is a superb idea, 100 percent success guaranteed, there is no escape route left in this technique, ok..how to handle negative feedback, that is the topic...first say thank you, it does not mean every feedback you get you have to act, different people will give you different directions which direction you will go, you stay where you are right, or whomever you trust you will follow him but the least you can do is say thank you, what's the harm in that, he took the time and effort to give you feedback just say thank you, give them a smile...when I was constructing my house everyday people use to come ye karo, wo karo, vastu this that...all that I use to do is give a smile, I have hired an architect, I have a structural engineer whom I am paying heavily, I am myself a civil engineer, but they will say..just give a smile, don't get into an argument just say hie thank you and you do whatever you want...apologies quickly for the inconvenience even though it does not mean you agree with it....90 percent of people told you the food was fantastic, one or two will say no, problem is with him , he should have identified and said I want sada meal because I have gastric, I have ulcer etc that's why when you go to airlines they have 200 different types of meal, provided you ask, If you don't say they will give whatever they have...keep calm, get into basics, don't get into superficial part of it, get your fundamentals right...don't just wash off consider what they have said , if you can do something do it, if you can't its fine...ignore if it can't make sense, take it easy if you are helpless especially in your context it is very common, number of things you like to change but the system does not allow you to do that, you probably want to dispose off a case very fast but the system does not allow you to do it, they you become helpless, rather than becoming stress full for that take it easy, say this is the best I could do under the given situation, whatever happen let it happen, work on changing, develop an action plan if it makes sense, if you think it is an idea for change then work on it, if you don't work it is not going to work, go back express gratitude especially if they have given you negative feedback and you have developed an action plan, implemented it and it has benefited it , please be kind enough go back and say thank you because of you I am better today, on that day when you gave me the feedback I did not like it but today having learnt that skill I am in a much better position...Sanmit can we give the feed forward forms, so this is how negative feedback people go

through, usually when you get a negative feedback you get into a shock then you are in denial mode, nanana I am not like that I have never done it, then the frustration builds up then the depression goes down, then you start experimenting let me change and then you make decision to change , you integrate it and then you become more and more comfortable, if you look at it curve goes up from where it started in the beginning, so that is the...now coming to technology, mobile app like imprese, drop thought, there are many, I just did a quick search and I am sure there are many more, you can use email, sms, whatsapp for lot of other things that you want to do, google doc as our Justice Chavan was saying, fantastic collaboration, even if you are sitting in a different town share with whomever you want to share, these 25 people want to share the document you go and share, it gets updated to everybody, you want to add value, you agree disagree whatever everybody can see it, any change that you do everybody can see it, there is nothing secret but it is limited to the group, people who are authorised to do it can also do it, next is survey monkey No knowledge of computer is required for this. Just go to surveymonkey.com, it will ask you, do you want to do your survey, say yes then it will ask you few questions, which is very simple just answer that, then you say what question no. 1, question no. 2, question no. 3, you want to make it objective make it objective if you want to make it descriptive make it descriptive. Whatever you want to do you can do with it and world can only get smarter by the day probably tomorrow you will have something better than this but whatever you have its always fantastic. So no, no time for this game which will live it and this is what when I finish my full marathon this is how I finish this is the last fifty meters and besides me is my wife. Look at the joy the satisfaction when you do something really really tough, so she joined after running 21 she joined me for last half a kilometre so suddenly she is looking more charming than what I am, in real life also she is like that and she is also a a very senior professional watch with IBM, has loads of responsibilities, but it is life how you live how you take it.

So if you want to really consolidate your learning so these are some of the best techniques which we use it internationally consolidate, send out an email at least with 200 words what you learned, what you liked, what you did not like, how you could have done better, how you are going to use what you learned, or you want to

say anything else, then trying somebody within next 24 hours before your computer loses the memory make sure you go and talk about what you learnt today to somebody else. Observe your own behaviour, practice one or two things consciously..you may not find it easy but that's the best thing to do. Connect with me these are my phone numbers anybody wants to know..get in touch with me 9945199901 is my no., sampath @bluetiger.in is my email id. (Repeats phone no.). So I have a quick feed-forward form, we don't use feedback forms so we use only feed-forward forms. Please fill in that in between while your filling I will show you a video with that we will close it. Thank you very much.. (Applause). (Video)..I am assuming that everybody has done am I right? No? So that is a critical differentiator between assuming and asking.

Participant: You can assume whatever you like..No problem!

Sampath Iyengar: Assume creates all the problem and asking solves all the problems assume has 6 letters whereas ask has only 3 letters so the effort is only half but we prefer assume more than ask.

Hon'ble Justice R.C. Chavan: Till you are writing your feedbacks and since after this we are not going to say a word. You can continue with your writing just give me your ears, not so attentively also, it can do no issues. It was my request to Prof. Geeta that we call Mr. Sampath Iyengar for the program where faculties of our academies come because it is you who can take a lot from him and give it back to your charges in the academies, so we conduct programs we conduct many programs unmindful of what our boys really need. This whole exercise was about first finding out about assessing, the needs of our boys and girls off course there are many girls now and then trying to give them what they want. What we have been doing is like a cloud being driven by from one place to another and discharging at places where that water is not going to be of any use. Sometimes we discharge ourselves on seas where there is lot of water already, sometimes on the rocks, it flows off, so let us stop being clouds let us be horticulturists, sow seeds, nurture saplings, let them grow and see them grow. This is not something about cost benefit analysis for the state this is something about our own satisfaction. If you plant a sapling nurture it and you

find that it is laden with fruits after years that gives you satisfaction. So for that satisfaction we are working. Forget government, forget its expenditure, forget your positions in the judiciary, just take it that you are connecting with some human being trying to make the life of that human being better. Sampath Iyengar we all know is a very busy person in spite of that because of our request he spares time for this academy judicial officers as he said this is his corporate social responsibility. But there are very few who would otherwise undertake such a corporate social responsibility for the social cause. CSR if Iyengar: would forgive me to say CSR for many companies is a device to save tax but he does it for our sake, I am sure when you meet him next or when you connect with him on the email id or telephone you would find that he would have with the content we gave him today, improve the content he delivered to you, because he works that way and he wants all of us to work that way, he has said that within 72 hours he will find some reason, when you communicate you will come to know, so if one Iyengar who has nothing to do with our system, who does not have to appear in court, does not have any cases in courts, can spend time with us, says you connect with me, talk to me, I am ready to give you why can't we, the judicial officers for our fraternity do this, why can't we connect with judicial officers we train say keep in touch, how are you doing, it means I give you some time, if we do try we will be more close knit family, we will be able to confront the world, face the nation more efficiently, right now judiciary is passing through extremely bad time , it is necessary that each of us hold our hands firmly and show to the nation and political class that we mean not only to improve our self but remove the dirt from the society without fear or favor, affection which is the oath we have taken, Mr. Iyengar I really have no words to thank you personally..(clapping) because every interaction has benefited me and even at age of 63 I feel that the benefit should come, I am sure at your age you must feel the need to benefit. Thank you, we have a very good thing now. Please stand up...

(National Anthem's tune playing)

Day 4
Session 13 and Session 14

Hon'ble Justice Madan B. Lokur: Good morning everybody. I am coming here after a long time but its good to be back. Yesterday, I was given a brief, round up of the programme that has taken place over the last 2-3 days and I am very happy that Justice Chavan was there with all of you. Today, I believe, you all have to make presentation on the evaluation of judgment writing skills so shall we start that I think we can start with that. Alright shall we start with Allahabad...Judicial Academy Allahabad.

Hon'ble Justice R.C. Chavan: May I say a word.

Hon'ble Justice Madan B. Lokur: Sure sure..

Hon'ble Justice R.C. Chavan: Today is teacher's day. All of you may have been judges, may have been advocates, but right now you are teachers. So on behalf of society we pray to you Guru Brahma, Guru Vishnu, Guru Devo Maheshwara, Guru Sakshat Parabrahma Tsmi Shri Guruve Namaha. So give as much as possible to disciple and make things happier in society. Thank you!

Participant : I am R.M.N Mishra, Addl Director, JTRI, Lucknow. The institute was established by government of Uttar Pradesh become functional on 25th April, 1987. The vision of the institute is Ceaseless up-gradation of skills and appropriate attitudinal reorientation through induction level and in-service training in consonance with the imperatives of national and global environment. The question which have been provided to be answered in the questionnaire are being replied like that.

Whether the assessment of judgment writing is conducted by your academy?

Yes

Methodology adopted for evaluation of Judgement writing skills.

- Specific Session on Assessment/Evaluation of Judgement is conducted in every refresher programme.
- 4 Best Judgements pronounced in last one year (2 Civil & 2 Criminal) is sought from each Officer, nominated for refresher programme.

- On the first day of training the Judgements are collected and Distributed amongst the Director & 2 Senior most faculty member.
- Before the session on Assessment of Judgement Writing skills are conducted, an elaborate meeting is conducted by Director with the senior most faculty members. Finer points are discussed during the meeting.
- The Evaluation/Assessment is conducted in which the Gap is discussed in detail with the Judicial Officer during the Session, as well as personally.

What is the period during which the assessment of judgment writing is done during the year?

- Monthly
- Quarterly
- Half Yearly
- Annually

Answer : Annually

Whether your academy gives any exercise/problem to the judicial officer for writing a judgment, which is to be assessed?

- Yes. During Induction & In-Service Refresher Programmes.
- We have a number of Case files which have been decided in near by Districts.
- During the Training programmes, such case files are given to Judicial Officers in the area of Civil and Criminal for writing Judgments and Orders.
- Evaluation/Assessment exercise is conducted in detail.
- Every officer is assessed and graded. The Gaps are identified and are informed to all the participants. The Individual assessment is also done.

Whether the assessment of the judicial officer is being reflected in their future prospects/obligation in the judiciary?

The Quality of Judgement is one of the Criteria for Annual Assessment of Judicial Officers. This is being done by the District Judge/Assessing Officer. Concerned Officer has to submit Copy of 2 Judgements alongwith the Self Assessment to the District Judge, on completion of Financial year.

- However, Generally no involvement of Judicial Academy exists in such process.
- The Annual Assessment of newly appointed Civil Judge (JD) for first year after Joining is done by Director, Judicial Training & Research Institute, Lucknow.

What are parameters established for evaluating judgment writing skills?

General

- The Outline of Judgement.
- Language including grammar and communication.
- Paragraphing and sequencing.
- Whether oral, documentary evidence taken into account or not.
- Appreciation of evidence.
- Reasoning: proper, connected or not.
- Whether, referred to any provisions of law and Judgement of Hon'ble Courts.
- Whether, the author has been able to apply the Judgement to the facts and Circumstances of matter.
- Operative Portion – proper or not.

Whether different parameters are established for assessing the judgments in civil cases and judgments in criminal trials?

Yes

- Elaborate differences through which assessment is made.

CIVIL CASES	CRIMINAL CASES
Based on Principles of Preponderance of probability	Conviction based on the basis of guilt proved beyond reasonable doubt.
Points of Determination/Issues framed : Proper and complete or not.	Whether, every ingredient of offence discussed.
More focused towards documentary evidence. Whether appreciation in light of Documentary evidence done or not.	Whether Medical, expert evidence appreciated or not. Whether connected with Ocular evidence.

Reasoned order :Reasoning proper or not with respect to the claim	Well reasoned order or not, while acquitting or convicting
Whether referred to provisions & case laws and whether it is applicable to the facts.	Whether referred to provisions & case laws and whether it is applicable to the facts.
Operative portion of Order – Specific or not.	Sentencing: Whether proper in light of provisions & Circumstances; Whether provision made for Fine & Victim Compensation.

No. of sessions that your academy devotes to conduct training for judgment writing skills?

- About 20 % in induction programme. (including practical Sessions)
- About 10 % in Refresher programme (including practical Sessions)

Whom do you invite as Speaker/Resource Persons for imparting judgment writing skills?

Yes. If possible, kindly name some of them.

- Justice S.U Khan, The Chairman, Judicial Training & Research Institute, Lucknow .
- Justice Sunil Ambwani, The Chief Justice, Rajasthan High Court.
- Justice Vishnu Sahai, Former Acting Chief Justice, Allahabad High Court.
- Sh. Mahboob Ali, Director, JTRI
- Sh. A.K Awasthi, Former, Addl. Director, JTRI.

Whether a continuous evaluation system is developed to assess improvement in quality of judgments post training?

Yes. It is optional

If yes, then please specify the process through which it is done.

- In the matter of Induction programme, copy of Judgements pronounced by them are sought, for submission of Individual Annual assessment report, by Director, JTRI.
- Individuals are requested to send their latest Judgements pronounced after the training is completed.

Thank you sir.

Hon'ble Justice Madan B. Lokur: Thank you. Andhra Pradesh.

Participant: Good morning my lord. My name is Rajender and I am director-in-charge of AP Judicial Academy. This is the Academy for the states of telangana and andhra pradesh. This is...

Whether the assessment of judgment writing is conducted by your academy?

Yes.

a)If no, then how you assess the judgment writing skills for judicial officers?

Ans: ---

b)If yes, then describe the methodology used for evaluation of judgment writing skills?

- The faculty of the academy formulates the model judgment in civil and criminal side. We direct the trainee officers to bring their judgments from both criminal and civil side.
- Every day after the teaching hours, faculty members personally assess the judgments and discuss with the trainees and highlight the errors in their judgments.
- We personally suggest the trainees the areas where they have committed errors and where they need to rectify to improve the quality of the judgment.
- In academy we collected materials both civil and criminal side from the local courts. We supply material to the trainees and ask them to write the judgment in the class itself.
- Some time we explain the material and giving homework to the trainee offices. Basing on the material the trainee officers prepare judgments and submit it to the academy.

- We evaluate the judgments and suggest method to the trainee officers for improving quality of the judgment.

What is the period during which the assessment of judgment writing is done during the year?

- Monthly
- Quarterly
- Half Yearly
- Annually

Ans: We are evaluating the judgments of the trainee officers, but not that of the in service officers.

Whether your academy gives any exercise/problem to the judicial officer for writing a judgment, which is to be assessed?

Ans: Yes.

- For trainee officers we are supplying the materials of both civil and criminal cases and asking the trainees to write the judgments in the class itself.
- Sometimes we are giving materials of case and instructing the trainee offices to prepare the judgment at the home and submit on the next day.
- Every judgment is personally evaluated and discussed with the trainee officers in the academy.
- We are highlighting the errors and giving suggestions and same will be discussed among the officers to improve the quality.

Whether the assessment of the judicial officer is being reflected in their future prospects/ obligation in the judiciary?

Ans: The Academy is not assessing their judgments, after they are posted in the regular Courts.

Whenever, they are coming to the Academy, the Academy is discussing about their judgments.

What are parameters established for evaluating judgment writing skills?

Ans: Judgment writing creates a multitude of challenges for a judge.

- Method of presenting the case in nutshell.
- Framing the issues in civil cases and charges in criminal cases.
- Marshalling the facts and evaluation of the evidence.
- Reasons for the conclusion
- Organizing a week class on 'English Language' with the English Professors from the Universities.
- They are some of the parameters that we are considering in our teaching process to enhance the judgment writing skill.

Whether different parameters are established for assessing the judgments in civil cases and judgments in criminal trials?

Ans: Yes.

If Yes, then elaborate such differences through which the assessment is being made.

- In civil cases Academy will verify, whether issues are actually framed by the officers or not.
- Further we will assess whether all the issues settled in that particular suit are answered or not.
- In criminal cases whether charges being framed by the officers on their own or not.
- In criminal cases, whether officers are dictating the 313 Cr.PC examination to the accused personally or not and also answering the charges framed in that criminal case.
- Academy will further verify the judgments are pronounced in the stipulated time and delivering reasoned judgments.

No. of sessions that your academy devotes to conduct training for judgment writing skills?

Ans: Academy is imparting practical training in judgment writing in all training courses conducted in the Academy.

Whom do you invite as Speaker/Resource Persons for imparting judgment writing skills?

Ans: Apart from the in-house faculty of Academy, the Academy is inviting sitting Judges of Hon'ble High Court of Judicature at Hyderabad, retired High Court Judges, retired and working District and Sessions Judges.

If possible, kindly name some of them:

- a) Hon'ble Sri Justice C.V. Nagarjuna Reddy
- b) Hon'ble Sri Justice C. Praveen Kumar
- c) Hon'ble Sri Justice M.Seetharama Murthi
- d) Hon'ble Sri Justice K.C.Bhanu, former High Court Judge
- e) e) Hon'ble Sri Justice N.Ravi Shanker, former High Court Judge
- f) f) Hon'ble Sri Justice T.Ch.Surya Rao, former High Court Judge
- g) Sri Y.V.Ramakrishna, District Judge (Retd.)

Whether a continuous evaluation system is developed to assess improvement in quality of judgments post training?

Ans: No.

Thank you my lord.

Hon'ble Justice Madan B. Lokur: Thank you. can we have from Bombay.

Participant: Very good morning my lordship, dignitaries on the dais and off the dais. I am sudhakar yarlagadda, addl director Maharashtra judicial academy, uttam Bombay.

First point- Whether the assessment of judgment writing is conducted by your Academy?

Yes, the assessment of judgment writing is conducted as a main component, during the induction, orientation and refresher training programmes, at the M.J.A.

Methodology for evaluation of judgment writing?

- Planning and designing: We are having training modules of different durations for different categories of judges.
- One year training for the newly inducted Civil Judges and J.M.F.C.
- 5 to 7 days orientation training for Senior Civil Judges.
- 10 to 12 days refresher training for Civil Judges Junior Division and J.M.F.C.
- 3 days refresher training to Chief Judicial Magistrates.
- 3 to 4 weeks orientation training to newly promoted District Judges.
- 8 to 10 weeks induction training to newly inducted district judges.
- Methodology used for evaluation of judgment writing skills
- Training in judgment writing skills:
 - Lectures and Sessions on judicial ethics, human values and how to be a good judge.
 - Theoretically explaining the judging, reasoning, art of judgment writing and judgment writing skills.
 - For induction batches, practicals of judgment writing are shown on the smart board and rehearsals are held through Mock trials etc.
 - Screen shorts of common errors appearing in the judgments are shown on the screen.
 - Supplying CDs containing articles on the subject.

Assessing the Judgments Beforehand

- Before commencement of the training programme, printouts of the judgments of the trainee judges are taken by the Academy either calling from them through email or by downloading from the website.
- Those judgments are thoroughly assessed and analysed to understand the judgment writing trends. Screenshots and Discussion of Common Errors and Best Practices
- Screen shorts of glaring errors (without disclosing identity of the author) and best practices observed in the judgments, are shown in the class.

- Common errors in the judgments are discussed in the class. Specific errors are discussed with the trainee judges during the personal interview during the training period.
- The response of the trainee judicial officers, has been encouraging, as they request for assessment of their judgments.

The former director of the N.J.A. said during the J.E.E.P. programme (May 13 – 17, 2011)

“a pilot cannot afford to err in his Judgment, but a judge can”

The reasons are well known.

- Every case has attached to it, a life of a person.
- They may be mere cases and units for the judges.
- But, for the litigants, they are life and death.
- Hence, we sensitize the judges in this regard

What is the Period during which the assessment of judgment writing is done during the year?

Monthly/Quarterly/Half yearly/Annually

Ans: No specific period has been prescribed. During the training periods, it is done.

There is a practice of:

- Random assessment of judgments by the Faculty members, by visiting the District Court website.
- Calling the judgments for assessment by the Principal District Judges and Hon. High Court for the purpose of writing A.C.R.
- Assessing the judgments by the Hon. High Court Judges in writ or otherwise.

In such process, they recommend for training of the judicial officers who are found in need of the same. Accordingly, the Academy imparts training.

Whether your Academy gives any exercise/problem to the judicial officer for writing a judgment, which is to be assessed?

Ans: Yes.

- Paperbook and short problem are given for full judgment writing.
- Some exercises are given to write short judgments I.e. points for determination, Reasons (by way of bullet points) and full operative part.
- Problems given for judgment writing include the cases decided by the Hon. Supreme Court, by making some changes like names of the parties etc.
- Ratio writing exercises are given.
- Precise writing exercises, book review writing exercises, english grammar exercises are also given.

Whether the assessment of the judicial officer is being reflected in their future prospects/obligation in the judiciary?

Ans: Yes.

- At the time of promotion and completion of probation, the judgments are called and evaluated by the High Court. Some specific marks are assigned for judgment's quality.
- Judgments are called and evaluated at the time of writing the A.C.R. Some specific marks are assigned for the A.C.Rs. Also, Some marks are assigned for the special reports of the Principal District Judge.

At that time also, they take into consideration the attitude, personality, integrity etc.

What are the parameters established evaluating judgment writing skills?

- Knowledge of Law.
- Knowledge of Procedure.
- Reasoning.
- Clarity.
- Precision.
- Language and Lucidity.
- Capacity to marshal and appreciate evidence.
- Application of law.
- Reference to caselaw.

Whether different parameters are established for assessing the judgments in civil cases and criminal trials?

- Preponderance of probability and proof beyond reasonable doubt criteria are applicable to civil and criminal cases respectively.
- Concepts like proved, not proved and disproved are common for civil and criminal matters.
- However, some parameters are different for assessing the Civil and Criminal Judgment writing skills. eg. Pleadings are taken as the basis of the respective parties, in civil cases.
- In criminal cases, in police cases, sections may vary from F.I.R., Chargesheet

Till the Charges. Hence, this issue needs to be clarified. Defense is to be gathered from statement of accused etc.

Prof. (Dr.) Mohan Gopal used to say that most of our criminal judgments are like judgments by jury and not judges. Hence, this difference should be reflected in criminal cases.

- In every conviction case, it is mandatory duty of the Court under section 357, Cr.P.C. to consider compensation to the Victim Ankush Shivaji Gaikwad Vs. State of Maharashtra, AIR 2013 SC 2454.
- The Criminal Court shall comply with the mandate of Section 361, Cr.P.C. and reasons for not dealing with the convict under the Probation of Offenders Act and in Maharashtra, the Bombay Borstal Schools Act also.

No. of sessions that your Academy devotes to conduct training for judgment writing skills?

- During the induction training, Saturdays are utilized for judgment writing and discussion of judgment writing skills.

- During the refresher courses two Sessions are being devoted specially for judgment writing skills.
- In addition to them, this topic is dealt with while discussing the judgments written and the problems solved, at the Academy.
- The topic is also dealt with during the sessions of procedural laws and appreciation of evidence.
- In many other sessions also, the topic of reasoning, operative part and final order part of the judgment, are dealt with.

Whom do you invite as Speaker/Resource Persons for imparting judgment writing skills?

- For imparting judgment writing skills, the Academy has the regular faculty members, Mrs. P.V. Ganediwala, Joint Director and S.V. Yarlagadda, Additional Director, who are experienced and are from the District Judge Cadre.
- In addition to them, we invite some experienced and inservice judges also.
- We invite Hon. High Court retired judges to conduct Mock trials from drafting the cases till delivery of judgments.
- Further, every guest lecture on specific topics like Hindu Succession etc., deal with the part of final orders and operative part of the judgment.
- Smt. Justice Mridula Bhatkar conducted sessions on logic for two batches.

Whether a continuous evaluation system is developed to assess improvement in quality of judgments post training?

- The Faculty Members, Principal District Judges and even Hon. Judges of the High Court are continuously watching the judgments.
- If any judge is found in need of training in judgment writing, they are deputed to the Academy for such training.

- Recently, our Academy conducted two one day special sessions for two District Judges batches followed by two more Orientation Training programmes for the newly promoted District Judges.
- A problem of bail application by an young boy falling in love with a 16 years old girl, both of them leaving home, having sexual affair and finally the boy being arrested under the POCSO Act and S.376, 363, 366, I.P.C.. was given to all these four batches.
- When the problem was given to the first batch, in the beginning of the session, majority of the participant judges overwhelmingly rejected the bail.
- When the same problem was given to the second batch, but after the sensitization session was over, majority of them granted bail.
- When the same problem was given to the third batch, without discussing the subject, they overwhelmingly rejected the bail.
- The analysis report was sent to the Hon. High Court.
- The Hon. High Court has now called the information of number of such love affair boys languishing in jail due to rejection of bail.
- Recently, while dealing with a similar case, the Hon. High Court has observed that such cases should not be compared with the serious cases like “Nirbhaya” case to reject the bail.
- Thereafter, the same problem was given to the fourth batch of District Judges. This batch overwhelmingly allowed the bail.
- To conduct special training programmes on judgment writing.
- For that purpose, conducting T.O.T. on judgment writing skills, which will help in training all the judges in a specific period.
- Simultaneously, with the help of such T.O.Ts, assessment of the judgment writing skills can be done on regular basis, which will improve the quality of justice delivery system.
- The judgments should be simple that even a middle school student should be able to understand the judgment and say that the judge has rightly decided the case.

- It is possible only when a simple language is used, evidence is properly marshalled and appreciated and the judgment is self-explanatory as to why the matter was decided in that manner only.
- The judgment should tell the reader upto which extent, the Court accepted, which party's case and where and why that party failed

Hon'ble Justice Madan B. Lokur: Thank you. Can we have additional director from Calcutta.

Participant: Good morning my lord and all are present here. I am Ajoy Kr. Mukherjee, Additional Director, West Bengal Judicial Academy.

Whether the assessment of judgment writing is conducted by West Bengal Judicial Academy ?

The Academy provides assistance for writing judgments to the Judicial Officers. Assessment of judgment writing is beyond the purview of the Academy. Evaluation of Judgment writing skills with regard to the ADJs (FTC), ADJs and District Judges, is conducted by the respective Hon'ble Zonal Judges of the Hon'ble High Court and the evaluation of judgment writing skills is conducted by the respective District Judges upto the level of the Judicial Officers in the cadre of sub-Judge/Civil Judge (Senior Division) and the Magistrates.

What is the period during which the assessment of judgment writing is done during the year?

The assessment of judgment writing is done by the respective Hon'ble Zonal Judges of the Hon'ble High Court and the respective District Judges annually. At the end of each year the officers are asked by the Hon'ble High Court/District Judge to submit 10 copies of judgments comprising of civil and criminal cases, decided by them during that year. After evaluating the aforesaid judgments the Zonal Judge/District Judge accord comments regarding the performance of the concerned Judicial Officer in terms of quality of judgment delivered by him/her and the rate of disposal of cases as aforesaid in the annual confidential report of the respective officers.

Whether West Bengal Judicial Academy gives any exercise/problem to the Judicial Officers for writing a judgment, which is to be assessed?

The Academy gives exercise/problem to the Judicial Officers for writing judgments as a practice during the training programme with provisions for improvement of the same and not for the purpose of assessment of the skills of judgment writing. Exercise of Judgment writing is usually imparted during Induction Level Training Programme for Civil Judge (Junior Division) as well as District Judge (Entry Level). Our Academy gives exercise /problem to the Judicial Officers for writing a judgment, which is to be evaluated. For this purpose, a person of the Academy presents problem in the form of argument on behalf of the petitioner and another person presents on behalf of the OP and then Trainee Officers are asked to write judgment which is to be evaluated to enhance judgment writing skill.

Whether the assessment of the Judicial Officer is being reflected in their future prospect/obligation in the Judiciary?

The Hon'ble Judges of the High Court and the Hon'ble Chief Justice of the Calcutta High Court is the ultimate determining authority with regard to the assessment of Judicial Officers in terms of his or her future prospect and the obligation in the Judiciary which is beyond the periphery and jurisdiction of the Judicial Academy, which only provides training to the Judicial Officer devoid of any control over the individual Judicial Officer's development and advancement in career.

What are the parameters established for evaluating judgment writing skills?

Being distinct of evaluating judgment writing skill, the Judicial Officers are trained to write judgments with regard to the chronological instances in a judgment, comprising of the points to be followed, which constitute the same, for example, in a judgment pertaining to Civil Suit, the Complaint Case to be followed by the summary of written statement, the Framing of Issues and dealing with the issues point-wise and disposing the same thereof with reasons along with the observations incorporating the submissions of Ld. Lawyers on both sides, interpretation of legal aspects, dealing with the cases culminating in the Ordering portion are dealt with systematically.

Whether different parameters are established for assessing the judgments in civil cases and judgments in criminal trials?

In civil cases emphasis on pre-ponderance of probability, discretion of the Judicial Proceedings etc. are primarily cited and in criminal cases- theory of beyond reasonable doubt to be the basis of a Judgment is considered to be a formative proposition.

Number of sessions that West Bengal Judicial Academy devotes to conduct training for judgment writing skills?

8-10 sessions in an Induction Level Training course are devoted to conduct training for Judgment writing skills.

Whom do you invite as Speaker/Resource Persons for imparting judgment writing skills?

We do invite the Speaker/Resource Persons for imparting judgment writing skills amongst whom are Hon'ble Justice Bhaskar Bhattacharya, Former Judge, High Court, Calcutta, Hon'ble Justice Partha Sakha Dutta, Former Judge, High Court, Calcutta, Sri Sujit Kumar Nandy, Faculty, West Bengal Judicial Academy, Smt. Ananya Bandyopadhyay, Director, West Bengal Judicial Academy .

Whether a continuous evaluation system is developed to assess improvement in quality of judgments post training ?

We have not yet developed any evaluation system to assess improvement in quality of judgments post-training since the procedure of assessment of judgment writing is within the exclusive authority of the Hon'ble High Court.

In the Feedback Form we generally ask the trainee officers/participants to answer about the Resource Persons as to whether there has been any Case Study or not. Whether the participants have participated in the deliberation or not and what questions are required to be addressed during the deliberation. We also ask the participants to answer general standard on communication level of the resource person, value of the classes, whether the subject has been interesting and practical oriented and we also ask the participants to suggest for improvement.

On the basis of the aforesaid evaluation we have prepared database for each resource persons and also in respect of the topic covered by the resource persons.

During the training courses we generally divide the participating Officers into four groups and select a legal topic for discussion amongst them asking them to opine on the scope, implementation, procedural and obligatory norms as well as the discrepancies involved therein and then we ask group leaders to make deliberation made by their group.

Impact Assessment through Power Point presentation made by the trainee officers at the end of the training programme

During long term training courses we generally select one particular topic for each trainee officer for making research work over the same and to submit the result of the research work at the end of the course through power point presentation. Such power point presentation made on the basis of research work are being evaluated by us and also kept by us in the Academy's archive.

In the Induction Level Training Programmes, we generally make field study for certain days on a particular topic after dividing the trainee officers into distinct groups and after such field study, we ask them to submit a report derived from such immersion programme. We send those Project Reports to the Hon'ble High Court for evaluation.

Whether the assessment of Judgment writing is conducted by your academy?

Yes, Assessment of judgment writing has been conducted in our academy.

Thank you all.

Hon'ble Justice Madan B. Lokur: can we now call Delhi, Mr. Dinesh Kumar Sharma.

Participant: Good Morning Sir! It is a privilege to be here on the very auspicious day as Hon'ble Justice Chavan said..teachers day. It his his modesty that he termed as teacher where as we are in the capacity of the students sir and we all are very lucky that and very privileged to be blessed today with presence of Hon'ble Justice Madan B. Lokur, Hon'ble Justice Chavan and I had particularly the privilege of working directly under Justice Lokur and that changed me for better alot and made an impact on my life which is very far lasting. Good morning friends! Mr. Srivastav, Registrar (administration), National Judicial Academy, interns and my dear brothers and sisters. So I will confine to the time given because what the judgment should be like

has already been explained by my brother Maharashtra I only say what judgment should not be like on a lighter way if I am permitted because the atmosphere has become very heavy here... so once I like I heard I can't vouch for its veracity that a judge passed an order and both the lawyers came and said what is the order he said the copies be given to both of them. The copies were given to both of them so next day they came so the judge ask why you have come: they said sir, have you not got the copies? We have got the copies. Have you read the judgment? Yes sir, we have read the judgment. Then what's the problem? Kindly tell who is to file the appeal, we are not able to find out so judgment should not be like that. I will not go into what is..because my friend from Maharashtra has already quoted lord denning, there is nothing left beyond that. So I straight come to the questionnaire which is...onething like though I had read it many time but when I was entering today this management hall the preamble was written and on the top of it justice was there so the framer of the constitution was also aware that justice is at the top and how the justice is to be imparted that is through judgment so that way it becomes a very important component in the entire justice delivery system. Whether the assessment of judgment writing is conducted by your Academy? Yes sir. It is an essential part of the induction training conducted by the academy for the newly recruited judicial officers both in the DJS &DHJS. For in service officers too, judgment writing is an essential component of all jurisdiction and specific programmes and all such session on judgment writing are generally chaired by Hon'ble judge of High Court and a language professor. The methodology is more or less the same as discussed here by my friends. We assess on the two parameters: legal and expression. On legal we have critical appraisal of judgments. On expression we evaluate on restructuring sentences, paragraphs and sequencing of narration. What is the period during which the assessment of judgment writing is done during the year? We conduct at least 10 jurisdiction specific programme in which every judicial officer in the specific jurisdiction is nominated in once a year meaning thereby that it can be more but at least once in a year that DJS gets an opportunity to assess the judgment of an officer. Whether the exercise/problem to the Judicial Officers for writing a judgment, which is to be assessed? In the induction training, mock exercises are given to the judicial officers and are asked to write judgments which are then analysed and discussed

with resource persons and the faculty. For in-service officers, though there no specific requirement of giving such exercise of writing judgments but still in order to highlight the grammatical errors and improve the expression of language certain smaller exercises are given. What are the parameters established for evaluating judgment writing skills? In civil law, we lay more emphasis on pleadings of the parties, prayer of the plaintiff and defense of the defendant. Issues involved: factual and legal. You are most welcome to share your experience by writing letter to us or sending an email. Thank you very much!

Hon'ble Justice Madan B. Lokur: Thank you. Mr. Vakaria from Gujarat.

Participant: Whether the assessment of judgment writing is conducted by Gujarat State Judicial Academy?

Answer: No

If no, then how you assess the judgment writing skills for judicial officers?

Gujarat State Judicial Academy devotes some sessions to conduct training for judgment writing skills. However, this is done only for academic purpose. Academy thereafter does not do any work of assessment either for the future prospect or for the purpose of assessment of work of the judicial officers. In Gujarat Judiciary, the judgment writing skills of the judicial officers are assessed by Hon'ble the High Court of Gujarat, on its administration side. This is done through: Annual confidential reports.

Copies of certain numbers of judgments are submitted by judicial officers concerned along with the self-appraisal report which is a integrated part of the Annual confidential report.

Then, the judgments so received are assessed with reference to the following points touching the skill of judgment writing, namely:

1. Discussion of law and facts in judgments / orders.
2. Capacity to understand, discern and apply ratio of decisions of the Supreme Court and High Court.
3. Whether he has sufficient understanding of and grounding in law.

4. Whether he has studious habits and keep himself abreast of the case law, statutory law and development of law in general?
5. Whether he reaches right and just conclusion?
6. Common sense

Judgments of the Judicial Officers of the cadre of Civil Judges and Senior Civil Judges are assessed by concerned Principal District Judges, while judgments of the Judicial Officers in the cadre of District Judges are assessed by concerned Hon'ble Unit Judges of the High Court of Gujarat.

What is the period during which the assessment of judgment writing is done during the year?

- a) Monthly
- b) Quarterly
- c) Half Yearly
- d) Annually

Gujarat State Judicial Academy devotes some sessions on the subject and gives exercise/problem to the judicial officer for writing a judgment.

As stated earlier, in Gujarat Judiciary, work of assessment of the judgment is part of the assessment of annual Confidential Report of the judicial officers concerned and accordingly, assessment is done annually by Hon'ble the High Court of Gujarat.

Whether the academy gives any exercise/problem to the judicial officer for writing a judgment, which is to be assessed?

Answer: Gujarat State Judicial Academy devotes some sessions on the subject and gives exercise/problem to the judicial officer for writing a judgment.

Exercise / problem so given to the Judicial Officers are assessed by the Academy and allot grade on the basis of marks as under:

Total Marks obtained	Grade allotted
21 to 25	A
16 to 20	B
1 to 15	C

However, Judicial Academy do this only for academic purpose.

Whether the assessment of the judicial officer is being reflected in their future prospects/obligation in the judiciary:

Answer: Yes, assessment of judgment writing is part of the annual confidential report and marks obtained on this score, is counted in aggregate of the marks allotted in respect of the annual confidential report and grades granted on the basis of aggregate is reflected in the future prospects/obligation in the judiciary.

What are the parameters established for evaluating judgment writing skills?

Answer: In Gujarat Judiciary, evaluation of judgment writing skills is integrated part of Annual Confidential report. Annual Confidential Report is consisted of total marks 100 out of which maximum 35 (thirty five marks) are allotted to the evaluation of judgment writing skills.

Following grades are allotted on the basis of total marks obtained

Total Marks obtained	Grade allotted
Above 75	Outstanding
61 to 75	Very Good
51 to 60	Good
40 to 50	Fair
Below 40	Poor

For the purpose of promotion of the Judicial Officer, the Hon'ble High Court call for 2 judgments of civil cases and 2 judgments of criminal cases. These judgments are assessed by the Hon'ble High Court weight-age of 60 percent are kept for skill of Judgment writing.

Whether different parameters are established for assessing the judgments in civil cases and judgments in criminal trials? If yes, then elaborate such differences through which the assessment is being made.

Answer: No, no difference parameters are established.

No. of sessions that your academy devotes to conduct training for judgment writing skills?

Answer: Averagely annually total number of 22 sessions are devoted to conduct the training for judgment writing skills.

The Gujarat State Judicial Academy contemplated planning total number of 22 training programmes (each of four days) in the current Academic year. in each of these programmes one and a half hours is devoted to the subject of judgment writing skill.

Methodology of conducting training for judgment writing skill

1. Self Study – A group of four participants present the subject by way of power-point presentation. There after questions –answer session follows.
2. Invitation of questions –In this method, the Academy invites questions on the subject from the participants. Questions so received are compiled by the Academy and solutions are discussed in the live session.
3. By delivery of lecture on the subject.
4. Exercise of Judgment / Order writing

Whom do you invite as a Speaker / Recourse person for imparting judgment writing skills? If possible, kindly name some of them.

Generally, Hon'ble Former Judges of High Court of Gujarat and Former District Judges are invited. So far following were invited.

- a) Hon'ble Mr. Justice H. H. Mehta, Former Judge, High Court of Gujarat
- b) Hon'ble Dr. Jyotsnaben Yagnik, Former Principal Judge, City Civil Court, Ahmedabad.
- c) Hon'ble Director, Gujarat State Judicial Academy.

Whether a continuous evaluation system is developed to assess improvement in quality of judgments post training? If yes, then please specify the process through which it is done.

Answer: No. Continuous evaluation system is not developed.

Thanks.

Hon'ble Justice Madan B. Lokur: Thank you. Mr. Kainthla, Himachal Pradesh

Participant: First of all, let me submit that the academy that HP Judicial Academy does not conduct any assessment of the judgment writing skill of judicial officers because that is the job assigned to Hon'ble High Court and I will not be commenting on the job of the Hon'ble High Court. However we are imparting training on the art of writing judgment to newly appointed judicial officers during the induction training and one session per day is kept specially reserved for this purpose and which an officer is supposed to write a judgment on the basis of the files which have been requisitioned for various courts in the state and thereafter the judgments are assessed and they are discussed with the judicial officers and they are told about the same.

Whether the assessment of judgment writing is conducted by your academy?

The assessment of judgment writing skills of the judicial officers is not made by the Academy. However, the Judicial Academy is regularly imparting training on art of

writing zimini orders and judgments in civil and criminal matters to the newly appointed Judicial Officers during the induction training. They are given the exercises/ problems on writing zimini orders and judgments and also for framing of issues and charges etc. The judgments written by the newly appointed judicial officers are being checked.

If no, then how you assess the judgment writing skills for judicial officers?

The academy had called five civil and criminal files of each officer to determine the quality of the judgments, reasoning, appreciation of facts and law earlier this year,. This assessment will be used for designing the training programme for the next year. If yes, then describe the methodology used for evaluation of judgment writing skills. Judgments are checked taking into consideration the elucidation of facts of the cases, framing of charge/Issues, correctness of legal reasoning, appreciation of evidence, statutory principle and case law in the judgment. Style of writing judgments is also evaluated with regard to narration of facts, case laws, language etc.

What is the period during which the assessment of judgment writing is done during the year?

- a) Monthly
 - b) Quarterly
 - c) Half Yearly
 - d) Annually
- Not Applicable

Whether your academy gives any exercise/problem to the judicial officer for writing a judgment, which is to be assessed?

Yes, the Judicial Academy gives exercise/problem on art of writing zimini orders and judgments in civil and criminal matters to the newly appointed Judicial Officers during the induction training programme, which are being checked and after checking the same the main points involved in the problems are discussed with the participant-officers and they are apprised about the shortcomings, if any found in the judgment.

Whether the assessment of the judicial officer is being reflected in their future prospects/obligation in the judiciary?

Not applicable

What are parameters established for evaluating judgment writing skills?

The judgments written by the newly appointed judicial officers during the training period are checked taking into consideration the elucidation of facts of the cases, framing of charge/ issues, appreciation of evidence, statutory principles and case law in the judgment. Style of writing judgments is evaluated with regard to discussion of facts, case laws, language and style of writing of orders/ judgments etc.

Whether different parameters are established for assessing the judgments in civil cases and judgments in criminal trials?

No different parameters are established for assessing the judgments in civil and criminal cases except that it is checked whether correct standard of proof has been applied or not.

If yes, then elaborate such differences through which the assessment is being made. Civil and Criminal judgments are checked to determine if the correct standard of proof has been applied or not.

No. of sessions that your academy devotes to conduct training for judgment writing skills?

The Academy has already included lectures on art of writing judgments, orders and appreciation of evidence in civil and criminal cases for all the Judicial Officers of the State of Himachal Pradesh, during the trainings/ courses organized by the Academy from time to time. Last year one session per training was devoted to this purpose. This year one session has been devoted to the same in the training of Additional District Judge.

Whom do you invite as Speaker/Resource Persons for imparting judgment writing skills?

The Hon'ble Retired Judges of the High Court of H.P. and the retired District Judges are being invited as Resource Persons for imparting training on judgment writing skills. The Director, Joint Director and Deputy Director of the Academy also impart training on judgment writing skills to the newly appointed judicial officers during the induction training programmes.

If possible, kindly name some of them.

- Hon'ble Mr. Justice S.S. Thakur, Retired Judge, High Court of H.P.
- Hon'ble Mr. Justice V.K. Sharma, Retired Judge, High Court of H.P.
- Shri J.L. Gupta, District & Sessions Judge (Retired)

Whether a continuous evaluation system is developed to assess improvement in quality of judgments post training?

No

If yes, then please specify the process through which it is done.

Not applicable

Thank you.

Hon'ble Justice Madan B. Lokur: I think we seem to over shot our time so what we do is we will break for tea just now and come back at 10.30. We have 13 mins.

Participant: Good morning to dignitaries on the dais and off the dais. I will be straight away answering the questions post by NJA.

Assessment of judgments written by

- In service judicial officers
- Newly recruited judicial officers

Assessment done by a panel of Evaluators -

- Retired District Judges [Civil Judges & Sr. Civil Judges]
- Former Judges of the High Court – District Judges

Evaluation of Judgments: In Service Officers

- Refresher courses conducted once in six months. One civil and a criminal judgment of the judicial officer deputed to attend the same is called for well in advance.
- Whenever subject specific refresher courses such as, 138 N I Act, Motor Accident Claims, Child Custody, NDPS, POCSO etc., are conducted, judgment on the subject of those deputed to attend the same called for well in advance.
- Interaction & Appraisal - after the evaluation, there would be one to one interaction between the Evaluator and the Judicial Officer.
- The evaluating judge is also required to furnish his remarks.

Newly Recruited Judicial Officers:

- Writing judgments, orders, order sheet etc., is a part of the curriculum during the induction training.
- Copies of pleadings, depositions and documents of disposed of cases obtained from the Central Record Room are supplied for the said purpose.
- Approximately 8 to 10 sessions in a week - devoted for practical sessions on writing judgments
- The judgments are evaluated either by the panel of Evaluators or the faculty of the Academy.
- Assessment Report/ Evaluation Report Sheet: [Prescribed in the training module prepared by the committee headed by Justice V.S.Malimath]
- Evaluation Report Sheet contains various parameters with gradation for evaluating the judgments
- Rewriting of judgment - If in the opinion of the Evaluator, a newly recruited judicial officer ought to re-write the judgment, he/she is asked to re-write the same and it is once again evaluated by the same Evaluator.
- The report of the evaluation/assessment is placed before the Hon'ble Board of Governors of the Academy for further action.

Parameters for evaluating Judgment writing skills:

- Summarising the pleadings/facts.
- Clarity of expression & Language
- Marshalling of facts & appreciation of evidence.
- Logical reasoning
- Comprehension of law
- Knowledge of procedure
- Precision & clarity in formulating the final decision

Gradation:

- Evaluation Report provides for following gradation
 - Very Good
 - Good
 - Satisfactory
 - unsatisfactory
- Remarks of the Evaluator - Separate column is provided in the evaluation report sheet
- Parameters & Gradation are the same for assessing judgments in Civil and Criminal Cases for all the judicial officers.

Resource Persons

- Justice R.V.Raveendran, Former Judge, Supreme Court of India
- Justice U.L.Bhat, Former Chief Justice of M.P. & Guwahati High Courts
- Justice S.Venkatraman, Former Judge, High Court of Karnataka
- Justice B.Padmaraj, - do –
- Justice V.Jagannathan, - do –
- Justice K.N.Keshavanarayana -do-
- Justice N.Ananda, - do –

Resource Persons

- Sitting Judges:
 - Justice Raghavendra Singh Chauhan, Judge, High Court of Karnataka
 - Justice B.V.Nagarathna, -do-
 - Justice A.V.Chandrashekhar, -do-

Resource Persons

- In service Judicial Officers:

Sri.John Michael Cunha, Registrar General, High Court of Karnataka

Sri S.R.Somashekara, Prl. District and Sessions Judge, Bengaluru Rural District, Bengaluru

- Retired District Judges:

Sri.B.A.Muchandi

Sri.S.Siddalingesh

Post Training assessment and methods adopted:

- ACR Entries - On the basis of the entries relating to writing of judgment in the ACRs, judicial officers are deputed for training to improve the judgment writing skills.
- Capacity Building Training – conducted to improve judgment writing skills in addition to orientation in English.
- Judgments written during capacity building training are again evaluated.

And this end of my presentation. Thank you!

Hon'ble Justice Madan B. Lokur: Madhya Pradesh. Mr. Kapil Mehta.

Participant: Good morning all of you. Wishing happy teacher's day my lord Justice Madan B Lokur, Judge, Supreme Court of India, Hon'ble Justice R C Chavan, respected prof S P Srivastav sir, esteemed participants and members of NJA team. From behalf of Madhya Pradesh judicial academy, our responses are as follows:

We regularly conduct assessment of judgments and we ask the participants to send their judgments civil as well as criminal cases before the commencement of the induction courses, refresher courses, advanced courses and for newly inducted judges we give exercise for writing civil and criminal judgments and after submission of the exercise we discuss judgment in classroom and for the newly appointed judges posted in the districts their work is being monitored regularly by the district judge concerns and the officer nominated for overseeing the training of the new judges. District judge inspection also periodically inspect the judicial work of judges posted in taluka level and so far the second question is concerned assessment is not done in monthly, quarterly or half yearly or annually basis but depend on the training courses and schedule of the academy. We evaluate the work of judges while they attend the training programme in the academy and further district judge (inspection) and officer overseeing the training of the newly appointed judges regularly assess and monitor their work and as far as third question is concerned: yes and specially in the induction training courses for both civil judges and directly appointed ADJs and whether the assessment is being reflected, the answer is again yes and... is further reflected in their further assessment carried out by the academy as well as by the district judge (inspection) and so far as question 5 and 6 are concerned : the joint answer is yes. So far the question no. 7 that number of session that your academy devote to conduct training is concerned the academy gives judgment writing as home work to to the judicial officers attending induction and refresher courses. Participants are required to submit the judgment on the following day or day after that day and these judgments are then evaluated by the faculties of the academy thereafter two sessions every week are devoted for discussion and participants are appraised of their short comings in judgment writing by withholding their names in addition to that we call cases of conviction and acquittal in contested criminal cases or civil cases and orders passed under various acts by the participants well in advance before the commencement of the

programme. We evaluate them and discuss in the class. We invite hon'ble high court judges, registrar general and other registry officers for imparting judgment writing skill, language writing experts : hon'ble Justice N K Gupta, Registrar General : Shri Prakash and our faculty members. And so far as question number 9 is concerned in Madhya Pradesh, the academy has not evaluation system to assess the improvement in quality of judgment post training. However, senior officer of the cadre of Principal District Judge works as District Judge inspection and they regularly inspect and scrutinize the work of judges at district level. They submit their report to hon'ble high court and incase the high court finds the scope for further improvement, the academy is directed by the High Court to conduct scale enhancement courses for the judges of all cadre. Thank you

Hon'ble Justice Madan B. Lokur: Mr. Satish Kumar from Madras.

Participant : My lord Hon'ble Justice Madan B Lokur, Hon'ble Justice Chavan and Prof Srivastava and my dear friends, good morning to everyone.

Whether the assessment of judgment writing is conducted by your academy?

Yes.

b) Methodology for evaluation of judgment writing skills.

During the induction training programmes for District Judges and Civil Judges, the trainees are given draft pleadings/final report, depositions and sample documents, as required, and they are asked to write the judgment based on the evidence as available from the above-said materials. The judgment so written by the trainee judicial officers are evaluated by the senior District Judges and wherever scope for improvement is needed, the judicial officers concerned are apprised of the same.

What is the period during which the assessment of judgment writing is done during the year?

During the induction training programmes, as often as possible, assessment of judgment writing is done. During the first one year of their taking over the charge, after induction training, the judgments of the judicial officers are called for and

evaluated by Senior District Judges. During the refresher courses, though, at present, such practice is not in place, there is a proposal to include the practice in the refresher courses, for the judicial officers during the initial 2-3 years of their service.

Whether your academy gives any exercise/ problem to the judicial officer for writing a judgment, which is to be assessed?

Yes.

During the induction training programme, the judicial officers are given exercises for writing judgment. During the refresher courses, sessions on problem solving are also earmarked for better appreciation of evidence while writing judgments.

Whether the assessment of the judicial officer is being reflected in their future prospects/obligation in the judiciary?

Every year three to five judgments of the judicial officers are called for along with the Annual Confidential Report (ACR) and the assessment of such judgments are done, by the High Court, and the reflection of the same in the future prospects/obligation of the judicial officers is also done by the High Court.

What are the parameters established for evaluating judgment writing skills?

- Concise of pleadings
- Framing of issues/charges
- Discussion of fact and Law
- Findings
- Result

Whether different parameters are established for assessing the judgments in civil cases and judgments in criminal trials?

Yes.

a) Civil Cases

- Gist of the prayer(s)
- Pleadings in the plaint
- Pleadings in the written statement

- Framing of issues
- Discussion of facts and law issue-wise
- Findings for each issue
- Result of the suit
- Granting or dismissal of prayer(s)

b) Criminal Cases

- Gist of the final report
- Compliance of Section 207 Cr. P. C.
- Narration of the incident and the investigation aspects in chronological order
- Discussion of each charge both on facts and law
- Findings for each charge
- Result - whether conviction or acquittal?
- Sentencing, if conviction

c) Other Parameters (Common for both Civil and Criminal Cases)

- Compliance of legal provisions
- Understanding of charges
- Narration of facts
- Appreciation of evidence
- Language skills
- Reasoning for findings □ Lucidity in discussion
- Sentencing vis-à-vis the gravity of offence and other relevant factors
- Update of latest positions of law □ Interpretation of legal provisions

No. of sessions that your academy devotes to conduct training for judgment writing skills?

- For newly recruited District Judges: 5 Sessions (Approx.)
- For newly recruited Civil Judges : 5 Sessions (Approx.)

Whom do you invite as Speaker/Resource Persons for imparting judgment writing skills?

a) Hon'ble High Court Judges (sitting and retired)

b) Senior District Judges (serving and retired)

Whether a continuous evaluation system is developed to assess improvement in quality of judgments post-training?

Presently continuous evaluation system is not in place but, however, it is being developed and it will be put in place in the near future.

With this I conclude my presentation. Thank you.

Hon'ble Justice Madan B. Lokur: Thank you Mr. Loknath Mahapatra from Orissa.

Participant : My lord Hon'ble Justice Madan B Lokur, Hon'ble Justice Chavan, esteemed brother Prof Srivastava and my brothers and sisters in the fraternity. Before presenting my view I would like to share that writing of judgment is an art which is to learned at the beginning at it gets purified and polished due to constant supervision of the senior officers and due to mind set of the officer to improve. So I would like to.....I will be very specific with the task given to me. I will straight away go question number 1.

Whether the assessment of judgment writing is conducted by your academy?

Ans- Yes, as per our training module prepared for the purpose.

a)If no, then how you assess the judgment writing skills for judicial officers?

Ans- Not applicable

b)If yes, then describe the methodology used for evaluation of judgment writing skills.

Ans- Methodology used for evaluation of judgment writing skills.

Judgment writing assessment is conducted in our Academy in phased manner. Initially the fresh recruits are provided with training for 3 months and thereafter they are placed at different judgeships to undergo field training. In the field training, the judicial officers under whom they are placed as trainees give some records to the trainees who prepare the judgments of their own which are assessed by their respective District Judges. After receiving their Field training when they come to the Academy again evaluation test is conducted about the ability of writing Judgment on hypothetical subject as well as on sample case records.

What is the period during which the assessment of judgment writing is done during the year?

Ans-

- I. Quarterly
- II. After 3 months of institutional training on substantive and Procedural Law along with allied subjects like Constitution of India, GRCO(Civil and Criminal) and general clauses Act etc, they move to fields(District Courts) for 3 months. Then Academy undertakes the test on the ability of the trainees to write Judgment as well as orders and evaluate their performance.

The feedback availed from the district Judiciary where they use to undergo training helps the Academy to guide the trainees about the deficiencies in their judgment writing skill and tries to make good the shortfall. The process continues on weekly basis.

Whether your academy gives any exercise/problem to the judicial officer for writing a judgment, which is to be assessed?

Ans-Yes, the Academy supplies them old case records collected from different district courts of the state both in civil and criminal side and directs the trainees to write the judgments which are subsequently evaluated by experts (resource persons

and Faculty members) of the Academy. Sample case records and hypothetical problems are also given to the trainees for writing Judgments.

Whether the assessment of the judicial officer is being reflected in their future prospects/obligation in the judiciary?

Ans- Yes, on the eve of completion of the training schedule of the trainees tests are conducted to prepare a final evaluation sheet depicting the details of their training during the two years period as prescribed which is subsequently put/attached in their personal files for perusal of the Hon'ble High court as and when required .

What are parameters established for evaluating judgment writing skills?

Ans-

- I. Clarify own thoughts basing on the facts of the case.
- II. The circumstances and modus operendi.
- III. Appreciation of evidence both oral and documentary.
- IV. Discussion of evidence in proper perspective and reasons for arriving at a finding.
- V. To consider ratio of different judgments.
- VI. To become specific rather than vague.
- VII. To be precise and to the point.
- VIII. To use simple language and avoid abstruse words.

Whether different parameters are established for assessing the judgments in civil cases and judgments in criminal trials?

Ans- Yes, assessment is made whether they've followed the basic tenets of Judgment writing on both civil and criminal cases or not and accordingly gradation/mark is awarded with instructions to them for improvement who falls short of the parameters as discussed in the regular classes.

If yes, then elaborate such differences through which the assessment is being made.

Parameters for assessing the Judgments in Civil and Criminal cases

It is insisted that the principles for appreciation of evidence being different in civil and criminal cases , the judicial officers are required to be cautious about the difference. In civil cases they are told to stick to the issues framed and to follow the principles laid down for appreciation of evidence meticulously. In civil litigation onus lies on the plaintiff to establish his case , and that the onus and burden of proof sometimes shifts according to the defence taken. Whereas in a criminal case the burden of establishing beyond all reasonable doubt lies upon the prosecution. The accused has a liberty to shift his stand. The mode of appreciation of evidence is explained to the judicial officers with caution by expert resource persons.

No. of sessions that your academy devotes to conduct training for judgment writing skills?

Ans- 2012 Batch (55 judicial officers)

Annexure-1

1. 28/06/13-Judgement writing in Criminal cases
2. 29/06/13-judgement writing in Civil Suit .
3. 17/09/13-Bail Orders.
4. 19/09/13-Writing orders in G.R. Cases
5. 20/09/13-Order sheet writing disposal of Seized property
6. 21/09/13-Judgement Writing in Criminal Case
7. 23/09/13-Order sheet writing
8. 27/09/13-Judgement Writing
9. 23/07/14-Writing Bail Order

2013 Batch Judicial Officers(22 Judicial Officers)

Annexure-2

1. Writing Order of Injunction
2. Judgment writing
3. Writing order sheet on framing of charges.

Annexure-3

2014 Batch Judicial Officers(52 Judicial Officers)

Sent to different Judgeship for field training after receiving 3 months institutional training from the Academy.

8. Whom do you invite as Speaker/Resource Persons for imparting judgment writing skills?

Ans

1. Retired & Sitting High Court Judges
2. Retd. District Judges
3. Prof. of repute
4. Faculty members

If possible, kindly name some of them.

1. Hon'ble Justice A.S. Naidu
2. Hon'ble Justice P.K.Tripathy
3. Hon'ble Justice M.M. Das
4. K.N.Panigrahy, Faculty Member
5. S.K. Pradhan, Faculty Member

9. Whether a continuous evaluation system is developed to assess improvement in quality of judgments post training? If yes, then please specify the process through which it is done.

Ans- Yes. The process through which it is done is a continuous evaluation system followed by refresher programmes for all District cadre officers I.e. Civil Judges , Senior Civil Judges, CJMs and District Judges of the state in updating them as per the changing need of the society and law .

Hon'ble Justice Madan B. Lokur: Ms Mandeep Pannu, Punjab Haryana.

Participant: A very good morning to worthy dignitaries and my colleagues. I, Mandeep Pannu, Faculty member-cum-Addl. District & Sessions Judge, represent Chandigarh Judicial Academy established under the aegis of Hon'ble Punjab and Haryana High Court.

In the context of "Workshop on Impact Assessment: Methods Available" I take the privilege to present a brief presentation on evaluation of judgment writing skills- pre and post training. My presentation is based upon nine questions posed by National Judicial Academy, Bhopal.

Before proceeding further, I would like to share that we, the Faculty Members at Chandigarh Judicial Academy have been entrusted with the solemn task of imparting one year long induction training to the newly appointed Judicial Officers from the States of Punjab & Haryana. The module of training is a harmonious blend of institutional and field training which runs off and on.

A considerable phase of the training module is devoted on imparting the skills of judgment writing.

1) Whether the assessment of judgment writing is conducted by your academy?

In answer to 1st question, it is submitted that assessment of judgment writing is conducted by our academy during the training of judicial officers.

a) (a) Describe the methodology used for evaluation of judgment writing skill?

With regard to the methodology used for evaluation of judgment writing skills, following methods are adopted:

- The trainee Judicial Officer is introduced to an actual case file in which he is provided with photocopy of pleadings, issues, evidence, contentions of counsel and case laws relied upon by both the parties.
- Thereafter trainee Judicial Officers are asked to render judgment after going through the above said case file introduced to them.

- The faculty members then assess the judgment of each trainee Judicial Officer.
- It follows with the discussion and evaluation of various judgments of all officers in the class.

2) What is the period during which the assessment of judgment writing is done during the year?

Now coming to the 2nd question, the assessment of judgment writing of trainee Judicial Officer is done annually during the last phase of the training schedule when Judicial Officers are made to write the judgment on given problems.

3) Whether your academy gives any exercise/problem to the Judicial Officer for writing a judgment, which is to be assessed?

In relation to 3rd question, it is submitted that the academy gives exercises/problems to the Judicial Officers for writing a judgment, which is to be assessed.

4) Whether the assessment of the Judicial Officer is being reflected in their further prospects/obligation in the judiciary?

However with regard to 4th question, it is hereby submitted that the assessment of the judgment of Judicial Officer is not being reflected in their further prospects in the judiciary.

5) What are the parameters established for evaluating judgment writing skills?

Now coming to the parameters established for evaluating judgment writing skills as asked in the 5th question, the same are as follows:-

It is seen that

- Whether the judgment has been typed in proper format.
- Whether facts of the case have been clearly stated in the judgment. If the interest of the defendants clash and they have filed different written

statements, whether the pleadings of different written statements have been mentioned in separate paragraphs.

- Before returning findings on issues, whether the judgment finds mention of the facts that any of the issue was settled between the parties before taking evidence.
 - Whether the judgment finds mention of the fact that preliminary issue, if any, was decided before going into merits of the case and that whether judicial officer has given findings on each and every issue.
 - Whether relevant evidence has been discussed and appreciated by taking into account oral as well as documentary evidence.
 - Whether cross-examination of witnesses has been scrutinized carefully.
 - Whether the judgment states the contentions of the counsel on the points of determination and whether all the contentions have been met in the judgment.
 - Whether the reasons for arriving at the findings, which are the soul of the judgment are sound and whether the conclusion is based on sound reasoning.
 - Whether the cited case laws have been properly discussed in the judgment.
 - Whether the judgment clearly explains the decision.
- 6) Whether different parameters are established for assessing the judgments in civil cases and judgments in criminal trials? If yes, then elaborate such differences through which the assessment is being made?

In reply to the 6th question, it is hereby submitted that different parameters are established for assessing the judgments in civil cases and criminal trials.

- While evaluating the judgment in civil case, it is seen that whether judgment quotes proper issues and whether all issues have been properly disposed of by giving separate findings on all issues.
- Whether the judicial officer has clearly stated the operative portion and relief paragraph.
- In criminal case, it is seen whether the charge has been properly framed.

- Whether the judgment contains the points of determination, the reasons for the decision, the section of IPC or other law under which the accused is convicted and punishment to which he is sentenced. Whether separate sentences have been passed by the Court in each proved offence.
 - Whether the judgment indicates that sentence should run concurrently or consecutively, the period of detention, if any, undergone by the accused to be set off or not.
 - In case of acquittal, whether the judgment states the offence of which the accused is acquitted and whether there is direction that accused be set at liberty.
- 7) Number of sessions that your academy devotes to conduct training for judgment writing skills?

Regarding conducting sessions, our academy devotes 15 to 20 sessions to conduct training for judgment writing skills.

- 8) Whom do you invite as Speaker/Resource Persons for imparting judgment writing skills? If possible, name some of them?

To impart judgment writing skills, the Speakers/Resource Persons are:

- Hon'ble Judges of the High Court.
 - Faculty Members
 - Hon'ble Mr. Justice Surya Kant, Judge, Punjab & Haryana High Court is one of the resource person.
- 9) Whether a continuous evaluation system is developed to assess improvement in quality of judgments post training?

In response to the last question, it is hereby submitted that at present there is no continuous evaluation system developed in our academy to assess improvement in quality of judgments post training. However on conclusion of the training, the trainee judicial officers join as full-fledged judicial officers at their respective stations, thereafter, the evaluation of their judgment writing skills is undertaken by their

worthy District Judges on regular basis and Hon'ble Administrative Judges annually. The matter regarding post training evaluation of judgment writing skills of officers by our academy is still under consideration. The academy proposes to frame a module to conduct such an evaluation to impart further training, if required.

Since the art of judgment writing is an integral part of training module, hence till now the endeavor and the stress of our academy was to train the newly inducted judicial officers in order to develop their judgment writing skills. However the academy is on a mission to undertake and develop training module in order to train in-service officers so as to hone their judgment writing skills. Such an exercise is in the pipe line, yet I would wish to throw some light on our future planning in this regard. The emphasis would be on assessment of the judgment of in-service officers with the assistance of concerned District Judge. Before I conclude, I would like to reiterate that the emphases of training the officers on judgment writing would always be on the following areas:

- More precise and reasoned judgments & orders.
- Proper appreciation of evidence.
- To sharpen the analytical power of judicial officers.
- Awarding just compensation to victim.
- Proper consideration of the provisions relating to Probation of Offenders Act.
- Awarding costs of proceedings.
- Reasoned orders regarding disposal of case property in criminal case.

With these observations, I conclude my presentation. I hope I was able to convey the ideas conceived by our academy and we would be privileged to accept recommendations and advice so as to help us in further refining our training programme.

Thank You.

Hon'ble Justice Madan B. Lokur: Thank you. Mr. Om Prakash from Rajasthan

Participant: Whether the assessment of judgment writing is conducted by Rajasthan State Judicial Academy?

Answer: No

- a) If no, then how you assess the judgment writing skills for judicial officers?
- b) If yes, then describe the methodology used for evaluation of judgment writing skills.

Points to assess the judgment writing skills for judicial officers are as follows:

- Brevity, Simplicity and Clarity are the hall marks of the good judgment but no compromise with the quality. Judgment is also a reflection of the conscience of a judge who write it.
- Judgment is also express impartiality, integrity & intellectual honesty of judicial officer.
- Application of sound principle of law.
- Relevant evidence is discussed or not.
- Reasons for arriving at the findings.
- Free from partiality and bias.
- Public faith and confidence.
- It is no longer prudent to write a long and verbose judgment with uncontrolled expressions and citations.
- It is to better to avoid examples, unnecessary quotations & lecture, sharp criticism, pinching comments.
- Avoid with passive voice sentences.

What is the period during which the assessment of judgment writing is done during the year?

- a. Monthly
- b. Quarterly
- c. Half Yearly
- d. Annually

My humble submission is that it depends upon the discretion of Hon'ble the High Court.

Whether the academy gives any exercise/problem to the judicial officer for writing a judgment, which is to be assessed?

Answer: My humble submission in this regard is that regular workshop or seminar assembled by academy on topic of writing judgment.

Whether the assessment of the judicial officer is being reflected in the future prospects/obligation in the judiciary:

Answer: Judgment writing is part of capacity building. Judgment writing is art and every judicial officer of every rank has his own distinct style of writing, efficiency of judicial officer may be adjudge by draft judgment by him.

What are the parameters established for evaluating judgment writing skills?

Answer:

Subjective parameters

- Statement of facts or clear recitals of facts of the case and cause of action.
- Points for determination.
- Discussion of evidence
- Reasons for arriving at conclusion.

Objective parameters

- Brevity, simplicity & clearly without compromise with the quality
- Complete adjudication
- Free from partiality & bias
- Public faith and confidence

Whether different parameters are established for assessing the judgments in civil cases and judgments in criminal trials? If yes, then elaborate such differences through which the assessment is being made.

Answer: Standard of proof are different but no different parameters can be established for assessing the judgment in Civil Cases and Criminal trial.

No. of sessions that your academy devotes to conduct training for judgment writing skills?

Answer: My humble submission in this regard, is that regular workshop or seminar arranged by academy on topic of writing judgment.

Whom do you invite as a Speaker / Recourse person for imparting judgment writing skills? If possible, kindly name some of them.

At the time of induction training of newly appointed judicial officers Hon'ble the Chief Justice Shri Sunil Ambwani sir invited as Resource person for imparting training of judgment writing skills.

Whether a continuous evaluation system is developed to assess improvement in quality of judgments post training? If yes, then please specify the process through which it is done.

Answer: Judgment for evaluation may be collected from Courts. Evaluation of judgment writing is meaningful to improve and enhance the skill and quality of judgment writing of judicial officers.

Thank you.

Hon'ble Justice Madan B. Lokur: Thank you. Tripura, Mr. Lodh.

Participant : My lord Hon'ble Justice Madan B Lokur, Hon'ble Justice Chavan, Prof Srivastava sahab and officer in staff of the national judicial academy, Bhopal and my dear brothers and sisters. My lord Hon'ble Justice B Lokur, who was the Hon'ble Chief Justice of our Guwahati high court covering the jurisdiction of all north eastern states including Tripura. So my lord knows about the all the existing position of all

north eastern states. However, I am coming to the point on abolition of judicial education on judgment writing skill. First question: If yes, then describe the methodology used for evaluation of judgment writing skills.

- Receiving Judgments for Evaluation
- Categorizing It
 - “Good Judgments”
 - “Other Judgments”.
- Circulating In The Classrooms
- Discussing The Same
- Feedback / Comments.

What is the period during which the assessment of judgment writing is done during the year?

- a. Monthly
- b. Quarterly
- c. Half Yearly
- d. Annually

We do it Annually

Whether your academy gives any exercise/problem to the judicial officer for writing a judgment, which is to be assessed?

Yes, our Academy does give exercise/problem to the judicial officer for writing a judgment for its assessment and evaluation

Whether the assessment of the judicial officers is being reflected in their future prospects/obligation in the judiciary?

Ans. No. It is not being reflected in their future prospects/obligation in the judiciary, as far as assessment in the Academy is concerned. However, assessment of judgment writing is always considered by the Hon’ble Court for their future prospects.

What are parameters established for evaluating judgment writing skills?

For the assessment of judgment following parameters have been established for evaluating judgment writing:

- Language & literature of the judgment.
- Application of legal knowledge.
- Clarity of concepts.
- Appreciation of Evidence.
- Structuring of the entire judgment.
- Application of recent case laws & authorities.
- Preciseness of thoughts and expression.
- Simplicity of expression.
- Technicality of operating part of the judgment.
- Operating part of the judgment. (Final order/Sentence)

Whether different parameters are established for assessing the judgments in civil cases and judgments in criminal trials?

Ans. Yes, different parameters are established for assessing the judgments in civil cases and judgments in criminal trials.

If yes, then elaborate such differences through which the assessment is being made.

CIVIL	CRIMINAL
PLAINTIFF'S CASE	PROSECUTION CASE
FRAMING ISSUES	FRAMING CHARGE
ONUS OF PROOF	BOURDEN OF PROOF
RELIEF SOUGHT	SENTENCING POLICY
STRUCTRUL DIFFERENCE	SAME

No. of sessions that your academy devotes to conduct training for judgment writing skills?

Ans. Our Academy devotes one session per week to conduct training for judgment writing skills.

Whom do you invite as Speaker/Resource Persons for imparting judgment writing skills?

Ans. Apart from in house faculty i.e. members of our directorate we invite Retd. Judges and former judges of Hon'ble High Court for imparting judgment writing skills.

If possible, kindly name some of them.

- Sri Pathak Alok Kaushik
- Sri Anil Kumar Srivastava
- Sri Kanhaiya Prasad Verma
- Sri M.P. Srivastava
- Sri G.K. Jha
- Sri S.K. Verma
- Sri Sushil Kumar

Whether a continuous evaluation system is developed to assess improvement in quality of judgments post training?

Ans. Academy has already formulated continuous evaluation system to assess improvement in quality of judgments post training, however it is yet to be implemented.

If yes, then please specify the process through which it is done. We collect judgments and planned it. Evaluate it for training purposes. Good & touching aspects of the judgments for proper appreciation. Supplying the copy of the judgments to probationers to write gist of the judgment after proper discussion. This has been proved very fruitful, up-till now.

Hon'ble Justice Madan B. Lokur: Thank you. Now, Mr. Pradeep Pant, Uttarakhand Participant: Very good morning to all. Myself Pradeep Pant, Director, Uttarakhand Judicial and Legal Academy. I am here to present scenario available in our state regarding the assessment of the judgment and evaluation of judgment. Since time is very short I will straight away come to the point. The Academy while assessing/evaluating the judgment writing skill of the trainee Judges keeps in mind the following parameters. Whether the judgment in the criminal side or a civil side matches up to the statutory requirements of the Civil and Criminal Procedure Code (section 354 Cr.P.C and Order 20 CPC). Whether the actual matter of controversy has been dealt with or not? Whether the Judgment is sound on fact and law, well-reasoned and expressed in good language? Whether the trainee Judicial Officer has written the judgment easily understandable by the litigants, for whom it has been pronounced? Whether operative portion of the judgment is clear and decisive or not? Whether adequacy of punishment awarded and rational given for awarding lesser punishment? Whether issues or charges as framed have been addressed while rendering the judgment? Whether the judgment is prolix or whether it is laconic? Whether the Trainee Officer has adopted the correct mode of citation and whether the law laid down by the Hon'ble Apex Court and Hon'ble High Courts that has been mentioned by the officer in his /her judgment has been correctly applied? Whether the Trainee Officer has weighed and given due importance to the injury report/ medical report, if any, produced by a party. Whether the Trainee Officer has taken upon himself the obligation to express criticism upon matters with which he has no concern and are alien to the matter in consideration? In the backdrop of the above parameters, the judgments of Trainee Officers are graded based on the overall quality of the judgment as unsatisfactory, good, very good, or excellent. Apart from the above parameters in assessing the judgments in civil and criminal cases, the Academy also ensures that the judgments comply with the statutory requirements which may be noted as under:-

In civil cases as per Order 20 of the Code of Civil Procedure 1908, whether the judgment written by the trainee officer contains the findings of the court on each issue, the decision there on and the reasons for such decisions.

In criminal cases, as per section 354 of the Code of Criminal Procedure, 1973, the Academy checks whether the judgment contains the following:-

- Whether the judgment is written in the language of the court;
- Whether it contains the point or points for determination, the decision thereon and the reasons for the decision;
- Whether the judgment specifies the offence (if any) of which, and the section of the Indian Penal Code (45 of 1860) or other law under which, the accused is convicted and the punishment to which he is sentenced;
- If it be a judgment of acquittal, whether it states the offence of which the accused is acquitted and direct that he be set at liberty.

The Academy also invites Hon'ble Judges of District Courts and Hon'ble Judges of High Courts for imparting judgments writing skills to trainee participant as well as to the Judicial Officers of the State.

The Academy also requests the Judicial Officers who come to the Academy for different training programmes, to bring along with them, a certain number of Civil and Criminal Judgments delivered by them in the preceding months.

Regarding the evaluation of judgment writing by the Judges, currently the Academy is not entrusted with the task of evaluating the judgments of the officers posted in the different district of the state. However the said evaluation is done by the District Judges at the district level and at the Hon'ble High Court level, by the Committee of Hon'ble Judges of the Hon'ble High Court.

- In this context the following circular letter of the Hon'ble High Court is explanatory on the subject c.l. No.14/UHC/XVII-31/D.R(I)2010,Dated : November 24,2010
- It provides that assessment of the judgments of the subordinate Judicial Officers has to be done every month.
- It also provides that the Hon'ble District Judges shall peruse minimum 05 Judgments recorded in the course of calendar-month by each subordinate Judicial Officer posted in his/her judgeship and submit a report to the

Hon'ble High Court along with their comments every month for being scrutinized by the Hon'ble Judgment Committee.

- It also provides that all the District Judges and additional District Judges shall submit 05 judgments recorded by them during succeeding months for being scrutinized by the Hon'ble Judgment Committee at Hon'ble High Court Level.
- While assessing the judgments of Judicial Officers the Hon'ble District Judges shall make the evaluation in light of the circular letter no. 08/UHC/D.R(I)/2011) which inter alia provides that a judgment must be clear, decisive, well reasoned, expressed in good language, sufficiently dealing with matter in controversy and whether the punishment in criminal cases commensurate the gravity of offence .
- The Hon'ble District Judges while assessing the judgments of the subordinate Judicial Officers also checks whether the Officer has adopted the correct mode of citation as prescribed by C.I no. 36/iv-h-35 dated 11th April, 1956 read with C.I no. 105/iv-h-35 dated 3rd December, 1956 and whether the law laid down by Hon'ble Apex Court and Hon'ble High Courts that has been mentioned by the officer in his/her judgment has been correctly applied?
- It has also to be seen by the Hon'ble District Judge whether the Judicial Officer has reproduced the injuries from the injury reports of the injured person as prescribed by C.I. no. 13/VI-b-47 dated 3rd march, 1982 ?
- The assessment of the judgment of a Judicial Officer has a deep impact on his future prospects as it affect the annual assessment of the Judicial Officer. It is one of the most important criteria to award the annual remark to the Judicial Officer by the District Judge that whether the judgment are sound on facts and on law, well-reasoned and expressed in good language. The circular letter no.03 dated 12 march 2001 specifically provides for the same.
- Learning is a continuous process and a continuous evaluation system is a must for the same. Post training, once the Judicial Officer commences judicial work at his/her respective working stations, the evaluation and assessment of the judgments of the Officer concerned is done periodically

by the Hon'ble District Judge and the judgment Committee at the Hon'ble High Court level.

Session 15

Justice R. C. Chavan: If everybody is in his seat, may I begin.

Participant: Yes Sir!

Justice R. C. Chavan: For me its always a privilege to be at the Academy and an added privilege to be in the company of Hon'ble Shri Justice Lokur. We have been meeting here itself for the last ten years. Every interaction has produces something good. not only that he supports the programmes here, but it is only because of him that the court computerisation project has taken off otherwise, we know that it was almost doomed but for a push given by him while in Delhi High Court and thereafter now, off course as Judge of Supreme Court he is ensuring that our system does not lack behind other wings of the Government in the matter of modernization. I came for this programme out of my curiosity, I was curious to know how the management experts which Dr. Geeta Oberoi had invited could help us in knowing how many knots KNOTS had this rocking boat in children's park travelled all these years. Our Academies are rocking boat in Children Park, we never tried to access whether we at all moved. So, for the first time we are doing this exercise of finding out what is the impact of what we have been doing. Have we travelled any distance?, or we are still stagnating where we were? I was curious to know whether management experts has really something to contribute because we have never allowed any outside agency to peep inside us, to look at our system, therefore, naturally their response or their contribution in last four days was based on what they knew about their systems, rather than what they know about our system. All of us in these four days must have gone through this excellent material collected by Sanmit and must have realised that we are really nowhere here making our training programmes really effective. We are like clouds which discharge ourselves wherever air currents push us. Sometimes, it is on the sea where it is not needed, sometimes it is on the rock where it doesn't serve any purpose, and rarely on the field where it nurtures some plants. Let us try to make our programmes more effective by understanding how impact of training is to be assessed. The sessions by the experts might have made some of us to wonder if anything of what was conveyed had any practical utility for us and how it could be translated into action at our end. We all witnessed communication gaps all through the four days of the programme. Dr. Mehta who had some knowledge, some

acquaintance with our system tried to talk to us into preparing a questionnaire, but I suppose thereto there was some gap. It is necessary for us to accept that there is a gap because this helps us in understanding deficiencies in our communication. In preparing questions, today also we saw presentations, questions and the answers given, all of us can at leisure analyse them. I understand that under tremendous pressure of time, these answers have been prepared. But, these answers have been prepared at the end of the programme, not at the beginning of the programme, so we had sufficient linking as to what was the context in which we were supposed to answer. So, therefore all this would make our task easy because we will then understand that assessing a judicial officer when he comes for training is indeed difficult. It would require some effort on our part. It's not as easy as formulating some ten questions, passing them to the officers and expecting that those replies would tell us as to what that officer is. The experts who spoke to us whether it is Dr. Mehta, or Parul Rishi, or Joseph, or Dr. Bhatnagar, they spoke from their experiences, and their experiments from the fields. Dr. Shankar Chatterjee, in fact spoke exclusively from his field, it had nothing to do with us. But then as judges, we are adapted looking at other things, we don't just decide one type of cases know, we decide engineering, we decide medical problems, we decide what everything under the sun. Therefore, even that rural development experiment would be useful for us, for deciding as to how we assess the impact of this programme, these programmes; how money spent is to be accounted for; cost benefit analysis that was his basic fuel. Now, please again in your mind recall what he said and then try to translate it, he had not...a..given a presentation which was readily applicable too us, but we would make it applicable to ourselves after we go back.

Systems from business or industry may not be usable for us as there is a fundamental difference between business or industry and judicial culture, judicial systems. Judiciary is highly individualistic in its structure. We are not an organisation. We are a very loose group of individuals collected together, who act individually, decide cases which come up to our courts. It is not that a Sessions Judge could dictate to a Magistrate that decide the case in a particular fashion, or for that matter even the Supreme Court Judge telling a Magistrate that decide the case in a particular fashion. We are not a link in the chain. Every judicial officer, every judge, at whatever

position is independent. So, this individualist group of persons is naturally different from a management, system, business or industry and therefore, the parameters by which training assess, impact of training in industry or business is assessed would be altogether be different from measuring parameters, parameters of measuring impact in judicial training. We have got many difficulties, we have to overcome ourselves, rather than any expert helping us.

For impact assessment, the first thing that is necessary is deciding what the goals are. Page 1 of this book, Lakshmi was part of this Academy, if some of you remember long ago. So, page 1 of the book mentions 'Organisational Goals'. Goal of organisation, goal of judiciary as an organisation is one thing, and goal of our training institute or training academy as an organisation is another thing. Have we ascertained, have we settled those goals? For what purpose do we hold trainings? What is our object? Is it like Garibi Hatao, a general slogan? Garibi , by changing the parameters of garibi it never moves know, like that, know, general improvement in judicial performance will it do unless we have some concrete goals, we will not be able to measure ourselves up properly, therefore we cannot afford to have a nebulous goal of generally improving performance of judicial officers without any parameters to measure these improvement. We devise and administer programmes in a reactive rather than responsive manner. Many of you have been parts of these programmes. You may remember CEEP and PMJD, Court Excellence Enhancement Programme, and Programme for model Judicial Districts organised by this Academy. Why were these programmes initiated? They were initiated because judicial officers had adamant that you are taking us to do this, do that but, what about the other stakeholders, address them as well, then we called them, didi it produce any impact? No, it did not. Sporadic buds, or sporadic sprouts were noticed here and there, they dried up, the moment the functionaries in that court changed. Therefore, a sustained effort to evolve programme which would improve performance all over the country would have to be done and not in a reactive manner. Assessment for need of a programme, this is on page 48. When you devise a programme, or when the calendar is devised, this is basically an activity which is to be undertaken when a calendar is prepared. How much time do we give for preparing a calendar? How do we assess the need for a programme? Somebody says that no, no do this; and we

say okay we will have a programme on NDPS Act because somebody said it. Do we balance the availability of resources with the dire need to have a programme on a particular subject? I have my own doubts. This impact assessment has to be undertaken at three levels and this is where today's responses coming for sort of criticism; forgive me if I looked, appeared to like a crow which would find out faults rather than looking at positive things.

This impact assessment is to be done at three levels. First, is the participant himself, who comes for the programme. What is the impact on him? Where was he? Where has he reached? Second aspect is the trainer that I.e. you and me, whether we have achieved the object which we had decided, with which we had decided to launch the programme? If we have no objectives in view, if we are generally giving whatever I have, for suppose I come here and I talk to you about choice of jurisdiction clauses in conflict of law rather than talking on Section 9 of Civil Procedure code because I know that; will it do? It will be a learned lecture, but of no use. So, the for the trainer and the faculty also there is impact assessment. Whether I created the desired impact? What did I desire to do? So, for that there has to be a baseline. Third, last is the academic or institutional impact; here that cost benefit, etc comes. I am not much worried about cost benefit because Government wants to spend and we are also eager to spend, there is no issue. So, right now we are not over spending. Right now, we are experimenting. Therefore may be that cost benefit, to take to be placed on a back burner. But what about us. It's not just a question of about being in Academy as a part of service. It's about spending some time of your life. So, what have I achieved by being in the academy for two or three years. Have I lighted some lamps? Have I being able to do something which would be lasting, which would have a lasting impact, or whether I have just spent my time in giving lectures which had no meaning to the listener, no meaning to myself? Infact, somebody has defined a lecture as transmission of contents of a book in the hand of a lecturer in the notebook of the student without effecting the minds of either. So, all these is in books that judgment should be like this, like this, etc. Law is also in the books. If we just read out those things to the trainees, tell them this has to be done without their doing it, I suppose we would have as persons failed. In fact the continuous assessment which you were speaking of has nothing to do with assessment performance

appraisal for the purpose of promotions, those things, etc. We are concerned, I have planted a sapling, or I have sown a seed, whether the seed has come out, whether it has generated, whether sapling has grown it should be my concern, it ultimately helps all of you individually because you will be keeping in touch with so many persons. You will be coming to know how a person whom you have nurtured has come up, whether he has shaped well or not? Forget institutional goals, think of your own personal goals, be selfish and I am sure that you get a lot of pleasure in all this. Now, ..a..what objective the institution has set for the programme that goes in preparation of calendar. Were these objectives in tune with system goals, system goals are missing? The system goals in judiciary is generally this, reduce pendency. Tackle numbers, quality really doesn't matters. That somebody quoted Denning in the morning, how to write a judgment and examine that with reference to reported judgments and then send that Denning's message to persons concerned. This percolated down, it's not just a question of their being something wrong at the higher level. When such a person rises to that level he create an all-round bad impact. For this we are responsible. Nursery teacher would be responsible for crime in the society and we are those nursery teacher to whom newly recruited judicial officers come. What is the objective set by the trainer for a particular session? After this session what are you going to achieve? Are you going to see a particular change in your trainees? For that you have to know what is the trainee, isn't it? If you don't know him, you wouldn't be able to decide on the change which you want to make. So, for measuring movement of any object or system from one place to another we have to first ascertain what is the first place, where is the system, where you have to take it? So, the baseline has to be first drawn and for drawing this baseline we ask whether there is an assessment before the trainee comes to you. Don't depend on assessment which the high Court makes, or which the District Judges make, they are perfunctory, they are done for the sake of doing it. ACRs are totally undependable. Some people have excellent ACRs, and when it comes to posting that fellow in higher position, then we realise that somebody had not done his job properly in writing ACRs, assessing the fellow properly. Therefore, ACRs for us won't do. For us what would be required is an assessment carried out when the person comes to you. When the academy says that call for the judgments before the trainee comes to

us, we assess those judgments and then decide where the trainee has to be taken. I feel that that would be best, but apart from that, we could be carrying out a sort of diagnostic test the moment the trainee has come, by framing a questionnaire, taking answers, we could do this exercise so that we know, we carry, first, unless you do pathological, radiological examination, what type of treatment are you going to give. So, first, put him in a pathlab, and a radiologic lab, get him x rayed and then decide what type of treatment is to be given to the person, for this questionnaires are important. Forget what Dr. Chatterjee said about scheduling and questionnaire, this...a...technical terms need not bother us. We put it simply as the questionnaire at the beginning of the session. So, when he comes, he answers those questions. So you come to know who he is. Anonymity, is okay at the end but anonymity at the beginning may not be okay may not be okay because then you'll not come to know what he needs or who needs you. Somebody has given an answer like in 3 Idiots, fellows go to the examination hall late, they feed up the answers but the invigilator is not ready to take the answer sheets. So, they ask him do you know us? He says no. Then they put their answers, shuffle the answer sheets; the fellow does not know whose answers they are, therefore the answer sheets go. Like that if anonymity if there in the first appraisal, I.e., when the judicial officers comes to you then you would not come to know who needs what. In every group, every group which comes to us there are three types of persons. One, minority is a challenge for the trainer, they know nothing or they are at the very bottom; very elementary knowledge which is required of a judge they may not have. There is a majority, which knows something, needs something; and there are, there are a few who don't at all need your help. Unless you identify these three groups in your class you won't be able to interact with them in the times to come. Now persons don't remain in these three groups permanently. Some persons in the lowest group are like a blotting paper, they realise that I am at the bottom, I need to do a lot, and then quickly move upwards. Some persons in the top group feels that I am far better than others, so I can afford to slip down, they tend to sleep down. Therefore, the trainers job is to ensure that rather than sleeping down they are taken from good to excellent, pulling everybody up. For this, you have to connect yourself to the trainees, you have to find a base line and all this can be done. Page 38 section one 'evaluation, assessment', you can read

it at leisure, I am just bringing you so that you quickly go through those pages. Assessment of legal knowledge etc would come there. Then after ascertaining the baseline, we go further, we ask them to write judgments, you said that there is a process of whether, whatever name you call it, and there is a process of continuous assessment in the academy itself. You give them paper books and ask them to write judgments. Somebody had at some point of time said about reversals, reversals of judgments. Reversals are not necessary a good guide for finding out whether a judge is performing well or not. There are two reasons, first is reversals come after a long time, in the meantime the judge may have realised his mistake, may have improved. Sometimes the reversal itself will be wrong. I recall an instance, there was a group of thirteen judicial officers who had come for training which was imparted by an institution having a retired High Court judge as Director and two District Judges as Professors; out of those thirteen trainees, eight decided the case in a particular fashion, and the five, the minority decided exactly in the opposite direction, I.e. suit was decreed by one group dismissed by the other group. The two Professors upheld what majority has said, and told these five persons that you are wrong. These five, though they were newly recruited, newly appointed officers, they were rebellious enough and they took up the matter to the Director, they said that Sir we want a judgment from you on this and the Director overruled these two District Judges, Professors and said that these five are right and others are wrong. So, right and wrong cannot determine whether the judgment is good or bad. Right or wrong could change according to the perception of the persons. All of you have infact formulated correctly and this is, this is nothing great about it, this is our job, how a judgment is to be written all of us know since beginning. So this is the test of getting a good judgment and this performance can improve everyday by examining not just whether the judgment is in proper form but even the cosmetics of the judgment, shape may be good what about the dress which is worn, what about the makeup which is worn. So, everything can be improved. If somebody is already having a good shape you can say, now you can choose this dress, this will suit you. Now you put these things in your judgment, they will make your judgment more attractive, more easy to understand.

A..goals of training , you can see on page 92. On formulating questions, we had two long sessions. Sampath Iyengar's session , you might have felt that it was ..a.. slightly tangential because we look at everything from point of view of issues and points for determination . If anybody strays here and there, we say that he is off the mark. But just recall what he tried to give, and then when you frame questions, how to frame questions, you realise what he said was quite relevant. Now even after ..a.. anonymous feedback. He had mentioned that anonymous feedback has its own pluses and minuses, please recall that. Feedback in judiciary, we have also discussed it yesterday, day before also, feedback in judiciary can be ranging from courteous to outright dishonesty, people may write anything. If it pleases you, I may say that you are for me Lord Vishnu itself, I say in the morning said that out of my heart, it was not superficial, okay Gurur Bramha Gurur Vishnu was out of my heart, this may happen, therefore even while seeking feedback there have to be some controlled questions which would enable you to know whether the feedback is honest or dishonest. Apart from feedback if you have a parting interview, it takes time, some 30-40-45 minutes you had to give to the trainee, parting interview also helps, you know from the body language from how he communicates. He says Sir your lecturers were very good, but when he says you know what he meant is exactly opposite, isn't it. So, a parting interview is also good alongwith evaluation at the end of the session, this could be anonymous and interviews could be personal. Mix up these two things and you know where you stand. Now for preparing these questions, tomorrow, I think Question Pro is going to be introduced to you. QuestionPro, or GoogleForms, or LiveSure, there are many programmes available, you need not feed up everything, feed everything in the database, don't have to take all this trouble. Even in formatting questions, multiple choice questions, or a range etc. all this is available in all these programs. And I think you tried it yesterday na, GoogleForms, so you can this is again a learning exercise for us. We use these tools in order to form questionnaires, we use these tools in order to refine our ability to form questionnaires and put them, administer them to our trainees, tell them that this has to be anonymous and then analyse how you have done. Just as I said in the morning you had nine questions, nine questions were understood by us differently, assessment what was sought by assessment was not assessment for the purpose of

promotion or assessment which the High Court makes, it was not the context, the context is impact assessment know, assessment of training. So, therefore but even in that context we answered the questions differently, the fault is not yours, fault is ours in formulating wrong questions in the wrong fashion which were not understandable by you, or the context was missed by you. So, this can happen when you frame a questionnaire for your trainees, bear this in mind, use these forms, do these exercises over the next two or three months hundred times, and then you would have perfected in the science of preparing questionnaires.

You would say why should I do it, after all I am there for a few months or a few years, this is not my basic job. My basic job is judging, true. But will this not help you in judging people to come up before you, ultimately what is judge's job, atleast trial judges' job? Judging people know. So, all this helps you understand human nature. Everyday every activity would add too you qualities as a judge, therefore do it.

About formulating questions apart from page 92, there are pages 128, 129 and generally page 253 onwards, specifically pages 258, 260, and 261.

So, these three questions on page 260, where I am going? Where am I going? How am I going? And where to next? Are not just for the trainee, they are for you as well where I am going? How am I going? And where to next? Because as a trainer also, where I am going? Is important what are you going to do with your charge which is given to you? How you are going to do it? Sometimes, you deliver a talk which may be monotonous, sometimes you use the tricks which Sampat Iyengar did. I suppose many of us are not using videos as a part of our delivery and therefore we complain that ohh they don't sit at all, they are not in the class. If they are not in the class whose fault it is? It is the fault of the person who cannot attract attention and true we are not performers after all, we are not persons who act on the stage , we are judges basically. So, within those limitations if we imbibe something which is available on the net, something which can break the monotony, something which can ensure that attention is attracted, thats good enough know. Infact yesterday's digression was on my count, I wanted him to because he had not spoken before an audience of judicial,..a.. Directors of judicial academy, he had spoken before civil judges etc. So if you pick up that much that also is good enough. Now evaluating

questionnaire, administering them is a matter is a easy job because of these QuestionPro, GoogleForm etc, analysis is also done by those programs and you get readymade results. Every academy has atleast five computer terminals, so you don't have to ask them to write answers on paper, that also ensures anonymity if you want, infact because writing you can make out from the handwriting, so if you do this I suppose you would be able to know better as to how your charges are performing. Now, again we go back to Sampath Iyengar, I am sort of ..a...bringing him back again and again in discussion because see yesterday what did he say, we can form a group, I don't know how many of you joined his group, we can form a Whatsapp group or something like that. Why can't we do something like that? Don't go for Whatsapp group if you don't want it, but why can't we keep in touch with each other. If a total stranger, who has nothing to do with the system, who need not have any affinity with us, is ready to spend his time on us, what about us? We are not just a part of the system, we are very much concerned about the system because if the system does not get a good name in public eye, you and I also suffer, know. If one judge misbehaves or attracts bad publicity, it affects all of us because we are also a part of that system. Therefore it is in our interest to keep in touch, hold everybody's' hands firmly and therefore it is necessary to keep in contact with our trainees. Once he goes out of the academy don't forget him. It may not be possible for you to remember or contact everyone, and you need not also, there may be some persons who may be totally incorrigible, on whom you need not spend your time, but there may be some persons, some careers which you could nurture. So, don't leave his hand, keep in touch with him, ask him after six months also have you written something new, pass it on to me, send it by email, I'll check it check it up on the net if you have uploaded the judgment. You can tell them oh I saw your judgment it was terrific but, as in judgments when you come to word 'however', it is a turning point know, if you say but, he understands there is something to be done. So, let us keep in touch, if we keep in touch this question of continuous assessment, continuous assessment need not necessarily by the High Court or the institution, forget the institution we are concerned about ourselves, we are concerned about spending our time, and since last three days, infact I am harboring a serious idea, I.e., nobody does anything, I will float something on the website also where with anonymity, freedom

and without expenditure people will be able to connect, you'll connect with your charges, not me alone, everybody contributes by interaction, and then ensures that we all of us improve. This can be done by state websites also, our websites can provide this platform, a blog space where people can connect with you, doesn't take much time and see time, for a busy man there is always a lot of time, and for a lazy man there is always pressure of time, he doesn't have time. It's it is up to us to decide whether we are going to be busy or lazy. So, the question is of the will to make an impact of our own and to assess that impact and help the system. Simple tools like keeping in touch with each other will change, will bring about a lot of change in the system as a whole. This will also help you suppose someday you have to become the registrar Generals of the courts concerned, High Courts concerned. I had this benefit. I have served in the judicial training institute for some time and then eventually became the Registrar General also, because I had been keeping in touch with fellow officers. Even the new officers who came after I had left the institute, somebody would tell that arre talk to him, if you have a problem talk to him he will listen to you. By the time I became Registrar General I knew whole of judiciary like back of my palm. Off course, big courts like Allahabad or even Mumbai it will be difficult for everyone to know everyone. But then at least try to know maximum number of people, your affectivity increases, and your affectivity as an administrator increases because you know many people, you can get things done easily, so ultimately it is the question of our selfishness. Be selfish to the core because you are spending your time, forget the system, forget the academy, forget that cost benefit analysis. How have I done? If I have planted a sapling I must know whether it is now bearing fruits or not? That helps, and that is the whole object of this whole four day exercise. We came together for impact assessment, not for the purpose of Government of India's money, it's irrelevant, Government spends a lot of money, Government splendors a lot of money, but our lives, our time, is precious for us, how we spend it is important. Thank you.

Justice Madan Lokur: Thank you Justice Chavan. Does anybody like to say anything in addition to anything to what was said in the morning, any comment, or any thought,

or any suggestions. We still have about ten minutes so we can utilize that time. Yes, please.

Participant 1: What I forgot to mention while I was making a presentation is that in addition to assessing their judgment writing skills we also do an exercise wherein they can improve on their dictation skills, we ask, we give them the material required for writing a judgment. Induction batches are normally very big in number, we may not get time to know how they dictate in the, you know when they are on the Bench, when they record evidence and other things, we ask them to concisely state the facts and frame issues, and other things and we sit in the classroom ask each trainee to close his notes and summarise the pleadings without looking into the material supplied to them or without looking into what they have already reduced to writing, that is improving their dictation skills to some extent, this is one exercise we have recently undertaken for 2014 Civil Judges Batch, thank you.

Participant 2: May I, I would like to add, My lord, last session, I remember the representative from Assam Academy has shared one thing. Hon'ble Justice Chavan was there, he was sharing that for the induction batches, at the end of the training the academy would conduct an examination and this time it's not there, I enquired, last programme My Lord, and after conducting the examination they will determine the ranking as per the result of the examination. I think this is a good idea how to integrate academy training into the administration also, because earlier ranking was only on the basis of the exam, they were not training, what we need is to train them and groom them into good judges. So, this is beginning, I think it can be, if it starts from the Hon'ble Supreme Court there will be some impact, that's all.

Participant 3: National Police Academy is doing the same thing, what he said National Police Academy. National Police Academy Sir, for IPS Probationers, they will conduct examination and after by seeing to the marks they will give the grades to the states they are allotted. The grades which are allotted in the interview is not immaterial and the grades allotted by the judicial academy, I am sorry, Police

Academy is considered, but however I don't know, whether it is correct or not, but they are doing the same thing.

Participant 4: In the, My Lord, in Uttar Pradesh

Participant 3: My Lord, another thing, in both the states of Telengana and Andhra Pradesh, in every districts in this month we are conducting programmes of judgment writing and appreciation of evidence, this month, this month September

Participant 4: In Uttar Pradesh, after my conclusion of induction training programme, a junior division cadre , a report is sent by Director, Judicial Academy to Hon'ble High Court under Rule 22 sub clause 3 of UP Judicial Services Rules to work and conduct of judicial officers who had undergone induction training programme, and in that report , prior to sending that report, at the...a.... an examination is conducted and on the basis of marks obtained in the departmental examination and on the basis of rating and gradation made by Faculty member and Director as to their judgment, and exercises on judgment and orders an overall assessment on basis of gradation is is is done, and edited report is submitted to the Hon'ble High Court as to their work and conduct, keeping with their overall performance in the induction training programme.

Participant 5: Lordship, in Madhya Pradesh also, we did the same, we took some examinations were taken but I have a difference of opinion in this regard, memory based test are now not helpful for the judges particularly assessment of their work on the basis of examination may not be good. How they are performing in their districts and how they are performing in their courts is the criteria which should be taken in assessment of the work, thank you Sir.

Justice Chavan: When I was interviewed for the post of Civil Judge in 1975, the panel consisted of some President of the public Service Commission, a Judge of High Court and an expert, Bar Council. They asked me many question, at that time this new CrPC was just introduced. They asked me many questions about tis that, I said I don't know, I don't know, I don't know, they said you don't know so many things and how are you going to become a judge? What would you do when you sit on the dise? I said I believe that there will be a library, you know, so I will read and then decide. That saw me sail through.

Participant 6: Sir, one thing like, it's not my, it's my query rather in the next session, Lordship may like to. After hearing all the presentations, particularly Hon'ble justice Chavan said that this quote unquote assessment of judgment, there is some confusion in that, because some of my fellow colleagues said that it is the privilege of only the Hon'ble high Court and then as Hon'ble Justice Chavan said that it is for the purpose of like whether as an academy, it's the duty of the academy, then as a suggestion came that as in the Assam , I presume it was earlier, but now, not now I am not sure, that after the training some test was used to be conducted and as my senior colleague said that in Police Academy. I consider Sir that for all the judicial academies in India we should have some structure some protocol for this that what are the duties what are the limits what are the contours for the academy in which it has to work and assess because one level, one tier, two tier, three tier assessment and what is the category, what is the parameter of those assessment, Lordship may like to enlighten us on this.

Justice R. C. Chavan: The assessments which we are speaking of are not at all for the career enhancement or what High Court is doing or what District Judge is doing, we are assessing or evaluating only for the purpose of assessing training needs. First, what treatment does the fellow need, does he require a crocin or an anacin, or something else? This is the first question and whether that treatment has worked or not , it has nothing to do with career advancement or assessment for the purpose of career and therefore there is no question of any authority or the duty of the academy, this is my own duty, the patient has come to me, I want to see what treatment he needs and I want to give that treatment for my sake, for the sake of my practice, I am not going to disclose it to anyone else, this is in the academy would be torn out in due course, this does not goes to the dossier of the judge, the judicial officer. What he said, or what he said it will require amendment to Rules etc, thats a different issue, but what I request you to do is for your own sake.

Participant 6: My means, anxiety would be that when we all work at this platform of national Judicial Academy as one, where all the State Judicial Academies can have the guidance and some protocol set for them because as we have been discussing for the last three four days, now this impact assessment thing which we had not discussed earlier, possibly has become very important for us, and for the

State Judicial Academies in particular, where do we know that what we have done, where do we stand, what improvements we are required, because the paradigms are totally changing the context is totally changing, need of the training is also changing, so this can be a perfect platform where we can be guided that where should we proceed

Participant 7: Yes, yes My Lord

Participant 8: I think I am quite impressed about this impact assessment but this requires a complete structure in itself in every academy. Just I was mentioning about the Jharkhand Judicial Academy, prior to May 2015 it was manned by just two officers, so this requires a complete structure in itself that impact evaluation process, unless we have that much of manpower it is not possible to indulge in all these activities and at present this Academy is manned by three persons, three Judicial Officers and that too we are not sure about our permanency , today I am in the Academy , tomorrow I may be somewhere else, so this structural requirement is all the more necessary.

Participant 9: My personal opinion with regard to the uniformity in the academy, it may not be feasible My Lord, because we are know country of diverse culture and diverse practice, what is practice in Tripura may not be practice in Chennai or in Delhi, so they'll have to mould the judges according to their practice and what is available in their system, every endeavor is to be made by the academy to see that person has come to a right judge, this is my personal perception.

Hon'ble Justice Madan B. Lokur: True, what will happen if supposing they have this All India Judicial Service.

Participant 9: Same confusion Lordship, how they'll suppose everywhere Lordship, even take for example in Tamil Nadu there is a different cultures in different districts lordship, even the language is a different from Kanyakumari to Chennai, every district has a distinct, what may not be offending in Kanyakumari the same Tamil language speaks in Chennai will offend the person, the culture there Lordship, that is the problem, unless the person you know something, the common man people, I think there will be a problem in All India Service Lordship.

Justice Madan B Lokur: Ya anybody else.

Justice R. C. Chavan: Yes

Participant 10: In criminal cases My Lord, out of ten cases, around seven to eight cases....remaining two cases only it would require elaborate discussion and covering the various aspects of the judgments, off course in those first ten cases also, we are required to give a ..Judgment. But it takes more time as we see in those cases a discussion about...Evidence takes more time. What is the policy to be adopted in those cases, I would invite comments for it.

Justice Madan B. Lokur: Sorry, okay ya, anybody else would like to say anything before we break for lunch, okay I think we will break for lunch but, where is the group photograph to be taken...at the porch. There will be a group photograph just now and then after that we can go for lunch, okay thank you.

Session 16

Hon'ble Justice Madan B. Lokur: Alright good afternoon everybody. You know the topic that we have today is about evaluation of Judgment writing skills. Now, before I go to that there are just a few words that I would like to say about judgment writing. A..I have picked up some of the issues...a...that had come out during the course of your presentations, so, I would just like to make it clear that we have to look at the subject we are talking about in a manner that we are able to know what we are wanting to do; So, we you are talking about judgment writing or judgment writing skills. For whom you are writing the judgment is the first question you have to ask yourself. There are various shades of opinion: somebody may say that well I am going to write for the benefit of the litigant because after all it is his case and he must know what is the judgment delivered in his case. Now, that litigant may be an illiterate person, you write in English what is he going to understand, so, are you writing for him, you are not writing for an illiterate person? Ok. Are you writing for the lawyers? How are the lawyers concerned? There are hundreds of cases, its another one that will come in the book of precedents. Are you writing for law students? For whom you are writing the judgment, i.e. something that you know you should be clear about. A..one of the participants mentioned that about the appellate court. Are you writing, so that, you know, the appeal is upheld by the high Court, or are you writing so that the judgment against your appeal is upheld by the Supreme Court, right? Are you writing for the common person, your friend, the neighbor, who does not know what the law is, but he is interested, he is going to perhaps enter into some contract and he wants to know what is the contract, wants to know what is a offer, what is an acceptance, he wants to know that. Or, a friends of yours is being involved in some kind of a crime, falsely implicated in a crime, somebody has filed a case against him for dowry harassment and he not done anything, he doesn't know what is to be done.

So, the first question that you have to ask is for whom are you writing the judgment and a lot will depend on the audience, you know, now, you will have a film magazine, they are , they are writing for people who are interested in films. They will concentrate on issues pertaining to films but they will write in a language which a film goer will know. Bumbaiya Hindi, for example, they will write in that kind of

Hindi or English. Shobha De, she writes in that kind of English, which is a mixture of both Hindi and English, but that is the audience that she is writing for when she was in charge of Stardust magazine. You have newspapers, Economic Times will write for a person who is interested in economics, use big words which you and I have not heard of or do not know the meaning of. You could have Hindustan Times, Times of India, they are writing for all of us. So, they will not use these big words, they will not use the articles on economic issues. They will just write what we will understand. So, really you are writing a judgment; a person is writing a judgment for society. He is writing a judgment which can, which is valid for the next five years, next ten years, and next twenty years. So, he is actually writing a judgment for society. He is, he knows that the litigant is illiterate, he can't help it, he can't write in the language of that illiterate person. Somebody from Haryana, well, there is no Haryanavi script, so, he can't write in Haryanavi even if he wants too. A lawyer will be able to explain what that judgment is to the litigant. A law teacher will be able to explain what that judgment is to the law students. Somebody is standing on the roads, your friend, or your neighbor, will say, yes, I have read your judgment; I have understood the judgment, it's a very good judgment; you have dealt with many issues that have arisen and I have been able to understand the judgment. But, I may have some one or two doubts or I may disagree with you. So, really you are writing for the common man, or the common woman, or the common person. I think that is the first thing, you know that judicial officers should be impressed upon that they are writing for the common person.

Now, that common person, can be anybody, like I said it could be a friend, it could be your neighbor, it could be a student, it could be a person who is not concerned with the dispute, may be, an academic, may be a researcher, could be anybody. So, therefore, when you look at judgment in this context that you are writing it for the common person, the style becomes important. Now, the judicial officers, many of them may be writing judgments for last ten- fifteen years, thirty years, can they change their style? Perhaps; perhaps not. But, that is where you come in. That you have to guide them, that you have to change their style, so that it becomes more readable, it becomes more intelligible, and it is pleasant to read. If you read

judgments of Lord Denning, they are not, some of them are not applicable to the Indian context. But, we read them. There are some old judgments, British judgments, not applicable to the Indian context, but we read them, why? they are written in good English; they are written in a good style. That quotation from Lord Denning that was mentioned. The idea is that you are able to communicate your thoughts to the person. So, you have to try and all the judicial officers have to try and develop that style, so that the reading is easy, you can understand what is being written, it's clear, it is lucid, it is to the point. You have Justice Holmes of the American Supreme Court. Also, a very great Judge. He also wrote in very easy, simple English. In fact, one of the most famous dissents given by him is just two paragraphs. He said in two paragraphs why I do not agree with the majority and law students have actually learnt those two paragraphs, they just consist of five sentences, five-six or seven sentences, not more. But, with that short judgment of two paragraphs which was delivered by him as dissent is now the law in America. Very clear, in which he has said that we are not here to, you know, put in somebody's philosophy of economic theory and all that, we are here to decide what is the law and according to me this is the law, may be contrary to the political theory of the day, but I think this is what law is and his views, it is accepted. In about twenty, thirty years took his views to get accepted, but, his views got accepted.

You have, Justice Krishna Iyer. Nobody can understand his judgment. A great judge, wrote very well, but you can't understand what he is writing. So, he has some very good, interesting phrases in his judgment which we know and we say that yes Justice Krishna Iyer has said this and this what we understand that one phrase, but if you read a paragraph, you won't know what he is trying to say. There are people who used to say that he used to invent his own words, which is correct that sometimes he used to invent his own words. You won't find them in the dictionary. Now, a great judge, very readable in parts, but you and I can't understand it. So, for whom was he writing for. You know, was he writing for himself? Or, was he writing for the common man? If he was writing for the common man, then the common man can't understand what he is writing. If he is writing for the lawyers, the judges; lawyers and judges can't understand what he is written. Law students? They can't understand

what he has written. But, there are a few phrases, undoubtedly, his style was very readable. So, you know you feel like reading it, but you don't understand what he is writing. Contrast this with Lord Denning, very readable, but you understand what he is writing. Justice Holmes, very readable, but you understand what he is writing. Different styles, you know that are there. There are some judges who, today they write in bullet point: Fact one, Fact two, Fact three, Fact four. Well, that a style, may be good, may not be good; may be appreciated, may not be appreciated. One way of looking at it is well, if it is communicating the thoughts of the Judge. Fine, that's good enough, how does it matter; you don't have to write a long paragraph to communicate your thought. So, the style is something which all of us have. There is not much we can do about it. We can try and improve it to some extent. Some novelist, you feel like reading the novel because their style is like that. There are some novelist you don't feel like reading their novels because you find it so difficult to understand it, whether they are story books or whether they are, you know law books. GP Singh on Interpretation of Statutes, you like to read it, because its so simple. But you take some other book on interpretation of statutes, if you don't understand, what and how you are going to interpret the statute. So, communication is really important and communication to whom that is important. On style, I just want to say that you just have to determine the importance of the judgment. Now, we have come across judgments on several occasions where a condonation of delay application is being filed, forty days delay, fifty days delay, sixty days delay and twenty page judgment. Is, is, is it commensurate with the importance of the subject. There is no point in citing fifteen judgments: Supreme Court has said this in 1965, Supreme Court has said this in 1975, 85, 95, 2005, 2015; give a list of ten judgments, ten passages, twenty pages and say that on therefore, no sufficient case is made out, so, I refuse to condone the delay. Now, is, is it commensurate with the importance of the subject, it is not. Interim orders, sometimes, interim orders, ten pages, because it is something simple, you don't have to think too much and you write twenty pages, it will reported in some journal or somebody will say, oh very good this man has written twenty judgments of forty pages each, so he must be working very hard. But, those forty pages are just rubbish. You know, condonation of delay, or interim orders. So, there has to be this, you know, proportionality between the importance

of the subject and the length of the judgment or what it is seeking to convey. You can have some very important judgments like the Bombay Blast, you know or, this Kasab or something, two hundred pages, three hundred pages alright; Keshvananda Bharti, one full book; the subject is important. But, you can't write one book on condonation of delay judgment, you know, you will, if you look up AIR, you will find one thousand cases on condonation of delay. So, if actually you want to write a book on condonation of delay, you can write it, but that is not important. The content of the judgment, now I had mentioned to you about Justice Holmes dissent. Justice Holmes when he was appointed as a Judge, he was I think about sixty, when he was appointed as a judge of Supreme Court and there the appointment is lifelong. His judgments were very short, his judgments were very crisp. Somebody asked him that how is it that you write short judgments and very crisp judgments. He said I do one thing. He said, I stand up and write judgments in long hand, I don't dictate. I stand up and write in long hand and because of my age either I get tired of standing up or I get tired of writing. So, therefore, my judgments are always very short. Right now, whether he actually did that, we don't know. But that is the anyway explanation he gave for writing short judgments. But he conveyed what he wanted to convey. Justice M. J. Rao, Andhra you will be knowing him. A large number of his judgments were written by hand. There are, in the Supreme Court, we have while doing the process of scanning we have come across a few judgments which were written in hand. Now, it may be because in those days, you know typists were easily available or something or because the judges thought why write such a long big judgment of forty-fifty pages when we can say the same thing. And when you write it in hand, you can actually, you know pretty clear about what your thought is and you will put it precisely otherwise you will just go on and on and on writing and ultimately your hands are going to get tired. So, the length really of a judgment is not important, it may be important given the context. But, it should be concise and I think this is one area which you should try to emphasise. People say that if you look at the Commonwealth Courts, or you know that Privy Council judgments were very short. Today the judgments are five times the size or ten times the size. May be, but today the issues are somewhat more complex. If you see the European Court of Human Rights, for example, their judgments run into 80-90 paragraphs. If you see,

which has in fact come on TV, when one of these international criminal courts, one Mr. Charles Taylor was the convicted. The judge was reading the judgment for the whole day. It went upto about three hundred-four hundred paragraphs. So, you do have long judgments, but issues are more complex today, but, you can contrast it with the importance of the subject, averments of a written statement, you don't have to write hundred pages.

Corrections and re-reading of a Judgment:

Now, very often what happens is that it could be because of paucity of time, it could be because of over confidence. But, the tendency is not to read, or re-read, or correct the judgment. You know earlier one can understand when the manual typewriters, somebody types it out; if you have to make corrections, five words here, or five words there, that means the whole page has to be retyped. Sometimes, by retyping those five words, may be the whole subsequent pages have to be retyped, one can understand. But, today we don't have that problem. We have computers, we don't have that problem at all. So, you can go on making your corrections. It is said about novelists that they rewrite the novel three- four –five times, and sometimes seven times. Now, you can imagine if somebody is writing a novel which is going into three hundred pages or three hundred fifty pages and writing it seven times; that means, that means, the contribution is about two thousand pages. So, there is no harm at all and in fact it should be encouraged that a judgment should be read and re-read so that corrections are made, the clarity is there. May be, at some point of time the judgment writer has forgotten some issue or has not made it explicit in the judgment or the conclusion is not very clear, so that later on an application for clarification will be filed, or an application for review will be filed. So, its a good practice to re-read the judgment, so that it is intelligible and understandable by everybody who reads it.

Cut and paste is one area where I think we need to be a little careful about. Thanks to computers, where you are just alright pick up two pages from here, put it over here, pick up three pages from here, put it over there, so that you get a twenty page judgment. But, that's not relevant, you know or necessary in the sense that you don't

have to pick up everything from every judgment, and if you do that, you'll get a long judgment but you'll get a judgment which nobody is going to read. They will say just alright, this man has what has he done, he has just copied, you know have done cut and paste here and there written a judgment, but there is no application of mind. And there are instances where passages have been copied without understanding whether they are relevant or not and the judgments have been, you know, delivered. I have come across a case where the judge said copy A to A and the typist wrote copy A to A, and certified copy showed copy A to A from page thirty six. That is because the judge did not read what he had written. So, it's a cardinal mistake not to or to imagine that my first draft is the best, the correct draft. I don't need to rewrite again, I don't think any one of us has that capability. In a short order, yes, he is asking for an adjournment and I say, I am not giving an adjournment, I don't need to rewrite or correct, that OK, two- three-five-ten sentences. But if you writing a judgment which is going to effect the interest of a person; I think its necessary for the judgment writer to go through the judgment and to see whether there is any corrections, whether it can be polished, whether it can be improved and so on.

Headings, that's also another area. Sometimes, long judgments, you require headings. Many judges in the Supreme Court have now adopted this practice. Some judges in the High Court have also adopted this practice, so there is clarity. When you are talking about point A, you are talking about point A. In income tax cases for example, the High Court level, you have a question of law that is framed or Section 100 substantial question of law that is framed.

Question number one- this is the answer; question number two- this is the answer; or, in civil suits: issue number one-this is the answer. It just adds clarity, otherwise you can write; issue number three, then issue number five, then issue number six, then issue number one. So, there will be, you know, a utter confusion. So, these issues actually form the headings that make it easy for the person to write that judgment; that he writes. If you are concerned with issue number five, you will read only issue number five; you don't have to read anything else. One to four is not necessary; issue number six to ten, not necessary. I am concentrating on issue

number five. So, these are you know tactics which, I think you should encourage...a.. the judicial officers to adopt in writing judgment.

One area that where a person has to be careful about is hidden influences. You know, this is I think an area where we are unfortunately not paying too much of attention, but we need to.

Public opinion, now, or the media, this Indrani Mukherjee, which is already been found guilty. Her lawyer said that why do you want a trial, just pronounce a sentence, that's it. You know, you have already found her guilty. The dead body has not been found, they don't know whom she has murdered, but she is guilty, alright. Now, these things, you see, tend to have a subconscious influence. Recently, in this Uphar case, the Supreme Court gave ...a...the sentence. There was a lot of discussion on TV. Now, if a review application is filed will it have an impact on the judges or will it not have an impact on the judges. If the judges watch TV perhaps it will have an impact on them. That you know, yes, we should perhaps review. Now, assume for the sake of argument that what they have done is hundred percent correct that media pressure or that public opinion will make them reconsider what they have done, right. There are so many cases like this...a...there was not much time for discussion on this Yakub Menon hanging but if there was again there would have been a lot of things, should he be hanged or should he not be hanged. Does it affect the mind of a judge, perhaps, it does. You know, we, we perhaps don't realise it, you know, we think haan theek hain, this people may say whatever they like. But, I am quite independent, I am not influenced by all this. But, subconsciously we may be influenced by this. None of you have tried Yakub's case. But, tell me if Yakub's case came to you today, would you ever have guts to say that he is not guilty (eheheh), that Bombay police has framed him. Nobody would have the guts to say that. Why? because everybody in the country has been told with pictures of this fellow carrying guns and so on and so forth that he is guilty. So, these are, you know hidden influences which are there in the public...a...which public can influence you. There are hidden influences from the media which can influence the judgment writer. I think that is an area where the judgment writer has to be careful about. Expression

of personal views, I may have some personal views. My personal views that girls should not go to school, alright, I write that in my judgment girls will not go to school. But, is that the law, that's not the law. So, why should I put my personal view and make it into law. And if I write something like this, media will say what kind of a judge is he. Next time, I will be very careful about what I am going to say. I will think ten times and even if it's contrary to my beliefs I will say something which is equally silly. So, expression of personal views should never come into judgments. There are so many cases, you know, where people say alright, in matrimonial offences, many cases that I have come across wife is not cooking the food properly, wife is supposed to cook the food properly. Why? what is this why she is not cooking properly, so, therefore the husband is entitled to beat her up, that's a personal view. That's not what the law is, so, people have these kind of personal views, I am giving extreme examples. But there are influences that we have from our school days, from our personal experiences, you know, if you go to sudden, if you go to Delhi, for example, and you are a lawyer, people will not give you house on rent. They'll say he is a lawyer, why should I give him house for rent, he will take me for litigation. Now, there may be no fact in it, but, it's a belief that I have, that oh if I am a lawyer and I am looking for a house in Delhi, I'll not get a house in Delhi, right. North-east, people believe that oh people from north east are very liberal, so you can take advantage of them, especially girls, where is the evidence of that. But, these are, you know, personal beliefs that people have picked up rightly or wrongly, from school days, from college days, from their work experience, from their experience in life, which has stuck and which somehow get reflected in the judgment. So, that also an area where, you know, judges have to be very very careful that personal influences, personal biases, personal thoughts, personal views, views expressed by others which can influence you should not enter into the judgment. I think this is, you know, a very critical area. Things also change over a period of time, what may be acceptable twenty years ago, is not acceptable today. So, you have to have that social context also when you are writing judgments. I have mentioned about the fourteenth Report of the Law Commission, of the Fourteenth Law Commission that was chaired by M.C. Setalvad, a very very eminent lawyer, at that time Attorney General for India. I was very surprised to find, he said that...a...the district court judges are very scared of

convicting people and they are acquitting a lot of people who should not be acquitted, this is a fear amongst district court judges of convicting people. Is that the position today? Today is just the opposite. People are scared of acquitting judges, because the High Court will pass a stricture against you that so much of evidence, how on what basis you are acquitting him. But, see he wrote his report in 1958, and the position was completely opposite and well may be those judges were doing the right thing by acquitting persons because they deserved to be acquitted. But, some kind of a feeling, you know, got generated that oh these district court judges just want to acquit people, this that and other. So, why should we do it and result of it we are facing after forty years, may be fifty years, or may be thirty years, where acquittals are converted into convictions. So, the person who deserves acquittal is now being converted into conviction. So, this is passage of time. Bail, he doesn't talk about bail in 1950s, but if he did, he would say that people are being given bail. Today, no judicial officer will give a bail. So, you go to a higher court and you get a bail from there. So, things have changed, right, so if they are changed for the better or they have changed for the worse, we can't say, may be some historian will tell us, you know, whether the things have improved or things have not improved. But, the point that I want to make is that society changes, things change and we have to be alive to the social context and that is again the importance of a judgment writer, he has to be alive to the social context. A...gender issues, nobody talked about them in the 1950s, or 1960s, or 1970s, nobody talked about them. Today, you say anything, it'll be attached to gender. Child rights, nobody talked about it, even in the 1990s, today, you talk about it, issues pertaining to child rights, people are discussing it. Heinous offences, sexual offences, people didn't talk about it fifty years ago, people said that oh this lady is of loose character, so it is alright if she gets raped, there is a judgment of Supreme Court. But, today, you try saying that and you'll have a lot of trouble. Nirbhaya, that case, she was not the first lady to get raped or gang raped, now hundreds of people before that. But, the brutality was there offcourse, but, it generated all this huge amount of , you know, public interest. So, things have changed over a period of time and judges need to also change their views with the passage of time and that is where I think these Judicial Academies are extremely important because you have to look or you have to teach or educate the judicial

officers about the social context of judgment writing, that is equally important. It is not only the content, but also the social context in which the judgment is being written, right. Issues of language, now, that is something, which I think really cannot be helped..a..judgments we are talking about all our discussion today has been writing about in the English language. But in most states you have to write in the local language. In Maharastra, the district courts, you have to write fifty percent of your judgments in Marathi Marathi...

(someone stated: incentive is also there)

Hon'ble Justice Madan B. Lokur: hmm..incentive is also there. In UP, perhaps majority, hmm..Hindi, ya. Chattisgarh, Hindi; Jharkhand, aise Madhya Pradesh, Hindi; Rajasthan, Hindi; Gujrat, Gujrati. One of the problem we are having in computerisation of the courts is giving dual language. We have to give English and local language. So, we wanted to do it in Karnataka, they said you better tell us in Kannada. So, that is now got delayed, anyway, we'll resolve it next week. So, what about our discussion, we are discussing about English language, we are not discussing about regional language, but the principles will remain the same, you know, but you cannot get that kind of literature. Now, you can't get Lord Denning in Marathi, you can't get Lord Denning in Hindi. But, you know the principles will remain the same, nuances may change, different kind of difficulties may arise. Translations are very, very, very important. I think, somebody, you had mentioned about Tamil Nadu, where from district to district the language is different. Now, you translate that into English and the nuance of the question and the answer in the cross-examination will be completely different. If you translate that into English, that Judge will say this witness is a hopeless character, he is insensitive he must have committed the murder, but in the local language may be he has said something which the trial judge must have felt, was good justification for whatever he did or good explanation for whatever he did. So, these are you know the challenges which I think we need to look at, you as a you know, officers who are in charge of judicial Academy need to look from the point of view of regional languages also. English, of course is important but please keep many of your, if not all judicial officers are required to write in the local language. So, please don't forget that when you have skills in or evaluation of skills in judgment writing or when you are teaching

judgment writing skills. What should a judgment contain? Of course this is very basic, it should contain the facts, what is the case about right, what what are the facts of the case, submissions I will come to later, reasons and law: why, why have you come to this decision? right and what is the conclusion. Now there are two ways of looking at reasons in law. I am the plaintiff and Justice Chavan is the defendant. I have succeeded in the suit that I have filed against him, but the judgment says that the contention of Madan Lokur was so and so, Counsel for Madan Lokur was so and so I agree, Counsel of Madan Lokur relied upon 1965 Supreme Court, page so and so AIR, I agree that law is laid down; learned Counsel for Madan Lokur says referring to exhibit 25 that this is what it means, I agree, the judgment is in my favour, I am very happy. But, he doesn't know why he is lost, his lawyer also made some arguments. Has, has the judge considered as argument. His lawyer relied upon 1975 Supreme Court but there is no reference to it or if there is a reference to, why is 1975 Supreme Court not relevant; why is 1965 relevant. His Counsel refer to the exhibit 25 but no reference to it. So, again when you are writing the judgment or when the judgment is being written, why the person who has succeeded does not need to know why he has succeeded, he is happy I have succeeded, you know, I have got my decree, but the person who has lost the case, he is the one who is interested in knowing why have I lost the case I had such a good case, I had a good lawyer, I had a good case, my lawyer argued very well, my witnesses spoke the truth but still I have lost the case, why I have lost the case, the Judge doesn't tells me why I have lost the case, he just tells why he has won the case. I don't want to know why he has won the case, I want to know why I have lost, that is important for the litigant that he must know why have I lost the case, not why you have succeeded the case, that's not important for me. So, again when, when the judgment is to be written, it has to be written, like I said from the point of the civil society but also keeping in mind the litigant, he must know what has happened, why is it that his judgment has been rejected. So, very often you will come across situations where, you know, the judge says I agree with the petitioner, or agree with the respondent, or agree with the defendant, without saying why the other side is wrong. So, that is also an important aspect of judgment writing, and I think that is something which you need to take into consideration when you are trying to evaluate the judgment. Look at it from the point

of view of the litigant not from the point of view of a judge, look at it from the point of view of the litigant when you are evaluating a judgment, look at it from his point of view that have his requirements met or not.

Submissions, I have put a question mark over the, the reason why I have put the question mark is that is it necessary to write all the submissions given by all the counsels, or sometimes counsel may give useless submissions also, Submissions that have got no sense at all, you know because they want to prolong the case , or they want to impress their client, they'll make some absolutely silly submissions, are you supposed to record it? Right, may be not , may be yes, the lawyer will say that you don't know, you think its a stupid submission but I think its a very important submission and I am going to succeed in the High Court on this submission, who are you to say that my submission is irrelevant. So, there are situations like this, there have been instances in the Supreme Court, let me tell you, where one judge has said that these are the submissions made by the petitioner: one, two, three, four, five; another judge has said that these are the submissions made by the petitioner: one, two, three, four, five, seven. So, one judge says five and one judge says seven; and the decision is give, and the review application is filed saying that listen that I have made two additional submissions recorded by that other judge, you have not dealt with those submissions, you have not recorded them: good ground for review. How can you say that I have not argued these points? I have argued these points, the other judge has mentioned it, and review petitions have been admitted on these grounds. So, when submissions have to be recorded, sometimes submissions are recorded, sometimes submissions are not recorded. If they have to be recorded, they have to be recorded accurately, but there is a dilemma, sometimes submission is foolish, are you oblige to record it, or are you not obliged to record it. You know, these are issues which arises, there are some styles of judgment writing in some High Courts where submission is going to ten pages, twenty pages, and the reasoning is five pages. Is that good judgment writing, I don't know, I can't, I am not a critic, but I don't know whether it is good judgment writing or not where you write twenty submissions made by these people, judgments, this that, learned counsel drew my attention to this, learned counsel drew my attention to paragraph 15 in the counter affidavit, drew

my attention to paragraph 6 in the written statement, twenty things are right, but at the end of the judgment I just deal with it in five pages. Somebody may say that listen why did you not refer to this, you have mentioned that I argued about paragraph 6 in the written statement, you have not dealt with it. I have mentioned over, you have written in your submissions that counsel, learned counsel has submitted that exhibit 15 is important, were have you dealt with it, you have not dealt with it. So, if you write exhaustive submissions, you are perhaps inviting troubles also. So, thatswhy I have put a question mark, I don't have any answer to this, you know, may be its a style of writing, may be it's a good style, may be its not a good style, I don't know. But, there are inherent dangers in being far too accurate. So, I think these issues you know, you, some of them I did not find over here in your method of evaluation and so on. But, ya , I think these are areas that you must consider. What should you do as judicial educators? I believe that leadership in a judicial academy is very, very important and now from this year, from May or July this year changes have been brought about in the National Judicial Academy. I don't know whether you have noticed. But, a from the calendar you will find that Regional Conferences are no longer to be held. We used to just hold them earlier, they are not going to be held. Earlier there used to be two programmes or three programmes, every Saturday Sunday that is stopped, now it's only one programme. May be on some occasion there are two programmes, I don't know, but by and large there is only one programme. Earlier there used to be 80-90 programmes, 100 programmes, today 50 or 52 programmes. Earlier there used to be two day programmes, now 4 day programmes, 6 day programmes, you have been here for now 4 or 5 days. Last year if the same programme was to be held, last time it was on Friday, Saturday, Sunday. So, there are changes made in the Judicial Academy, that's going to have an impact on all of you as judicial educators, and as Directors, or as leaders in the judicial academy because the focus is now slowly shifting towards you. The National Judicial Academy is going to limit itself to some issues, its not going to deal with every issue. So, the focus is now going to shift on you, that's where leadership is important. If you don't take the leadership now, you're judicial academy is going to get sunk. so, please take the issue of leadership in your judicial academy very seriously. You are the leaders of your judicial academy, you are the ones who are

incharge of your judicial academy and if you don't show the leadership, well the persons who are going to suffer are the persons, the judicial officers within your jurisdiction. So, that leadership is, I think important. You have to sit down, you have to decide with your judicial academy committee, with your faculty, with your colleagues that this is what we want. This is what our judicial officers want, this is the direction that we are going to take, this is what we are going to do to achieve that goal. So, leadership is very, very important and I think you should take that very seriously whether it's on questions of judgment writing or evaluation or programmes, or it could be a programme on anything. It could be a programme on juvenile justice, well it has to be taken equally seriously, it has to have that leadership. So, this point I am not confining only to judgment writing or evaluation or the subject of today's programme. I am saying generally, please take that leadership in your hands and control the judicial academy in consultation with your committee, or the Governing Body, or Governing Council you have in your state, so that you lead the judicial academy in the right direction. I think it is very very important considering the fact that things are now changing.

Selection of participants: Very often we have found over here, I have been part of such programmes where the participants who have been sent by the high Court, or by the registry, or by the judicial academy have no concern with the programme that is over here. I have been a part of a programme on juvenile justice and one of the participant was Presiding Officer Motor Accident Claims Tribunal. Now, what, what concern does he have with this. He is an Additional District Judge. Juvenile justice Principal Magistrate is a Magistrate but Presiding Officer Motor Accident Claims Tribunal has been sent. He had abso..what interest did he have, he had absolutely zero interest, its just that he came, sat nicely, had a nice holiday, went back. So, you have to decide who has to be called for which programme. I have a great interest in human rights and you send to a motor accident claims programme. I will not be interested. I have great interest in motor accident claims, you send me to a labour industrial disputes programme, I have no interest. I have a great interest in industrial disputes, you send me to a programme on juvenile justice, I have no interest. So, whom you select for your programmes. Judgment writing is good enough for everybody but you have a variety of other programmes. All of your programmes are

not only about judgment writing, there are about various issues. So, you have to also be selective about who is to be invited about a particular programme. This is the needs assessment that was been mentioned. What does a person needs? Okay, if you have a programme on Motor Accident Claims, my all means call all Presiding Officers of Motor Accident Claims; if you have a programme on NDPS, call the Special Judges dealing with NDPS, don't, don't call some Magistrate who is dealing with Juvenile Justice Board for NDPS, may not be interested at all. So, this is one area where you as leaders of the academies have to think about, I.e. the selection of participants, participants who come here to the National Judicial Academy, participants who come to your judicial academies for your programmes. You need to discuss this. You see that very often it happens that High Court says alright send this person. May be you have no say in the matter; may be, the Committee, or the Governing Body or whatever it is, may say alright send these people, okay, may be you have no say in the matter. But, as leaders, I think you should begin to have a say in the matter. You should go back to your state, to your academy. Tell the person who is incharge, the learned judge who is incharge of the academy that I think we need to be careful about the persons whom we select. Let us select the persons who need that kind of a programme. If a person is writing hopeless judgments, he needs a , he needs a programme on judgment writing. But if a judge, if a person is writing excellent judgment, you know whats the point of calling him. You are not going to call Justice Krishna Iyer and say list to judgment writing. You are not going to call Lord Denning and say list to judgment writing. He'll say I know ten times more than you know, what you are going to teach me. So, the selection of the candidates, or the selection of the participants is also very very important. And I think you as leaders need to take that under control otherwise you'll be sending the wrong people to do the wrong thing. It'll be a waste of your resources, it'll be a waste of that person's time and the result is going to be zero. Again, as a part of leadership, new subjects, you have to look at new topics, new social context I had mentioned about there are new things which are happening, cybercrimes, are we dealing with them? Perhaps yes, perhaps no. Gender issues, are we dealing with them? Perhaps yes, perhaps no. Sensitization on gender issues, sensitization on child rights.land acquisition, its a new law, are we dealing with it? Food security, are we dealing with

it? Genetically modified foods, are we dealing with it? You know, so, as leaders you need to look at these things. I have just given you a handful of topics. on judgment writing, there is a world of literature, there is a huge amount of literature on judgment writing. So, if you want to concentrate on judgment writing, go to the internet, you'll get a lot of information on judgment writing, so, if you treat it as a new subject, alright, research has to be done to find out that you know, what are the various ways of writing a good judgment, what are the various styles, what is the thought that other people have. There are Indians who have written about it, there are foreigners who have written about it, every judge writes judgments. So, its not only peculiar to foreign country or peculiar to India. It's there in every country, you may get good articles from New Zealand, you may get good articles from Canada, you may get good articles from India. So, look at it from that point of view of expanding your horizon, you know, in terms of subjects, in terms of quality, in terms of availability of information, whether it is judgment writing, or whether its Motor accidents, or whether it is child rights, or whether it is cyber, or whatever it is. That where your leadership, you know will count. Analysis of existing judgments, I didn't find that in any of the presentations, it's one thing to say that listen I am giving you the facts, and you write a judgment, I will write a judgment; you know, or I have written some, what I think are three of my best judgments, I give it to you for evaluation. I may feel good that my judgments are being evaluated; I may feel bad, I don't know, But, you have judgments which are already reported, right, may be of Judicial Officers, may be of High court Judges, may be of Supreme Court Judges, or may be of judges outside the country; can we critiques them? Can we look at them and find out what is right and what is wrong about these judgments, I don't see anything wrong in that, you know, you pick a judgment of Justice Denning, Lord Denning, find out? Why, why is it good? What is so special about it? After all, he has used the same words that I use; he is using the same language that I use. but, what is so special about it, why is it so good? Or, you pick up the judgment of some other judge, is it good?, or is it not good? If it is not good, why is is not good? Is it because the reasoning is lacking, or is it because the facts are lacking? Sometimes, I have come across judgments here when we don't know what the facts are. So, the easiest way out is that we say the case is disillusioned, because the facts we don't know. So, not a good

judgment because the facts are not there or the facts are presumed. It could happen in India, it can happen in any country of the world. So, as a part of the education on , you know, judgment writing or evaluating judgments, critiquing is, I think important; issues that have been raised...a...commonly somebody had mentioned about hostile witnesses, I think you had mentioned about witnesses turning hostile, why do the witnesses turn hostile? Is there any indication in the judgment, perhaps there is, perhaps there is something below the judgment, namely, the order sheet which shows that the witness came ten times and on the eleventh time, he said he had enough, I don't want to come again, therefore, he has turned hostile. So, that research had that been done? That's also a part of evaluation of the judgment, that why is it that inspite the witness turning hostile the judge has accepted a part of his statement, or why is it that the judge has rejected the entire statement because the person has turned hostile.

Errors, that are ...a...arise in naming a victim, very often, I have come across judgments given by the High Court, one or two by the Supreme court, somewhere the District Judges, where a victim of sexual offence is named contrary to law is that a part of evaluation? I would suppose it is. Should you name the judgment, I mean should you name the victim; juvenile, should you name the juvenile? But, we sometimes do, I mean, not that we want to, you know, but perhaps you just overlook it, that's a part of evaluation as well, that's a part of judgment writing as well. The fact of the matter is that damage is done, you know, if, if you look at it at that point of view. How do I know if some by the name of X in some state in India has been raped in some village, I will never meet her? I will never be able to identify her. That's not right, but the people in that village will be able to identify her, the people in that village will know. So, again one has to be careful about you know, these things.

Legal options, do we look at legal options probations, in between, people were not you know, being sent on probation at all. Now, for the last, I think three or four years some judges have begun using of Probation of Offenders Act. Is that a part of evaluation? Yes, why not. Does everybody have to be sent to jail? No, everybody doesn't have to be sent to jail. Somebody has stolen a mobile phone, do you have to send him to jail? You don't have to send him to jail, you can put him on probation.

Compoundable offences, 420, 420 is a compoundable offence, bail is declined, why? Its a compoundable offence perhaps, it can be compounded, has the judge taken that into consideration while writing his judgment? Has the judge taken that into consideration while denying bail? Again, a part of evaluation. Victim compensation, sometimes we don't even provide that victim compensation. So, there are a lot of things that go into you know, a judgment. Alternative dispute, mediation, has that been tried out? If not, why not? On the first date of hearing, why did the Magistrate not say that..a...this is a compoundable offence, are you people prepared to settle it? On the first day, why is it that the judge did not say that this is a matter that can be settled through mediation, please have a look at it. So, there are these legal option that I think are also important as a part of our judicial education.

Involvement of academics, I did not find when you had mentioned, you know, that who are the resource persons, I don't think any , unless it slipped my attention, I don't think anybody had said that we had called somebody from university or something as a resource person. I can tell you, there is..a.. Professor of English in America, he is the bussiest person for judgment writing. He is a Professor of English, he holds programmes in Australia, he holds programmes in America, he hold programme every year for Supreme Court Judges of Canada. Judges of the Supreme Court of Canada, take are his students for ten days only on the topic of judgment writing and he does not have a law degree, he is a Professor of English. We don't take the benefit of these kind of people, why?

Participant:..

Hon'ble Justice Madan B. Lokur: Ya, okay, alright, thats good, thats good, hmmm, ya , they can tell you something about style, they can tell you something about content, they can tell you something about making a sentences short, what Jus, what Lord Denning talk about. Let's take the help of outsiders, whats wrong with it? You know, particularly professors of English, or if you are in a regional language, professors of Hindi. They can tell you that don't use such words that are highly sanskritised that nobody can understand it. Use simple Hindi or use simple Gujrati, don't use such complicated words, which nobody can understand. It's not only that English has complicated words, other languages also have complicated words.

Articles: I had mentioned this to you that there are so many articles that are available on the internet. You can make a collection of them on judgment writing or on any other topic, NJA does this, time and time again.

Hmm, ya, okay, very good, but ya may be, four five of you are doing it, may be all of you are doing it, its very good, those of you who are not doing it, please do it there is value to it, you will get viewpoints from others on how to write a judgment, how not to write a judgment, what to say, what not to say.

Discussions, when you talk about critiquing a judgment, you can have an internal critiquing, may be of Supreme Court judgment, may be of a High Court judgment. A particular judgment has been delivered on..a..., you know, by the Supreme Court which perhaps is not necessarily correct, why, why, why can you not discuss that, or judgments delivered by the High Court, or if you have some embarrassment about discussing judgment of your own High Court, take the judgment of some other High Court. You can have internal discussions, inhouse discussions, there is nothing wrong with it. Outside experts ..a..can be invited if you are dealing with say, a judgment of Canada, fine, may be that English professor can tell you whats wrong with that judgment. So that if you don't want to discuss judgment of your own High Court or some other High Court, take a foreign judgment.

Impact Assessment, this was referred to, I think this is important, I think from the point of view of judicial academies, I am not talking about judgment writing or evaluation of judgments. Impact assessment, what is the impact of your programmes, do you know what is the impact of your programme? or you just have a programme that alright we don't know whats going to happen. We need to have that impact assessment. Justice Chavan was mentioning about the eCourts Project. We have an impact assessment of the eCourts Project. They said you select four states or five states, I don't remember. We told them that alright you take four or five states. NCAER, National Council for Applied Economic Research, it's an autonomous body, we said you ask them to conduct an impact assessment. They conducted an impact assessment, gave a big report of about 60-70 pages and said that the eCourts Project is going on very well, there is some deficiency in training, alright we realised that there is some deficiency in training, and we decided to improve the training. But, if we did not have that impact assessment, we would not

have known that there is deficiency in training. But, now we know right. Social audits, today many of the Acts contain provision for a social audit, Right to Education, Juvenile Justice Act, this NAREGA, social audits are there by independent persons. So, if there is a scheme, is the NAREGA scheme working properly or not, is the eCourts Project working properly or not, is the Right to Education Act working properly or not, we can have audits for that, or impact assessment, why can we do that for judicial education? We will learn that, it's not that if somebody tells you that your Academy is not working properly, okay it's not good news, but that's a reason for improvement, you know, not a reason for closing down the Academy, alright if it's not working properly lets close down the judicial academy. But that's a professional will be able to tell you and you had professionals in the last couple of days. They will be able to tell you that listen that this is what is wrong and perhaps, this is the solution, or perhaps you can find out the solution yourself. But unless somebody tells you what is wrong with what you are doing you can't improve. So, I don't think there is anything wrong, like I said that for our eCourts Project we did have an impact assessment and I have told them that we are going to start probably next year we'll have another impact assessment so that if there are any shortcomings, we know how where we are falling short and how to improve. So, these are some areas where I think that you know, you need to look at overall as a part of judicial education, as a part of evaluating your judgment writing, to understand what are the basics and then on the understanding what are the basics, then you find out what are the deficiencies, once you know what are the deficiencies, you know, what how what you can do to improve, or overcome those deficiencies. So, thank you very much.

(Everyone clapped)

Hon'ble Justice Madan B. Lokur: As in anybody would like to ask any question before we...ya..ya

Participant: With the sensitization of the Juvenile justice boards and members, they stopped disclosing the names, but what is happening in adults courts, the jailers are mentioning the names of the juveniles, the charges as well as the names also, so there is a need to sensitize.

Hon'ble Justice Madan B. Lokur: Ya ya you are correct at all levels you are correct, at all levels it needs to be done.

Participant: Regarding the personal biases, I used to go to Mahatma Gandhi..., regarding the sedition charges faced, pleaded guilty and told the judge, Mr. Judge I pleaded guilty, you have no alternative, either you'll punish me or you will...

Hon'ble Justice Madan B. Lokur: Hmmm, hmmm, ya, ya

Participant: I had a question regarding the submission, as whether it should be mentioned in the judgment or not? Section 354 Cr. P.C. and Order 20 Rule 2 Sub - Rule 4 says what a judgment should contain, but there is no mention of mentioning submission in those contents. So, if it is not mentioned in the judgment what's wrong in it?

No, there is nothing wrong in it. You see, like I said, there are some places where submissions are mentioned in great detail, you know, if you see some judgments of the Supreme Court also, have a look Learned Counsel submitted, Learned Counsel submitted, Learned Counsel submitted, now is that necessary, and if it is necessary to what extent? I am not sure what the answer is that why I put a question mark in my presentation, perhaps you need to discuss that. If the laws says that it need not be there, fine it need not be there. But, look at it from the point of view of a litigant, he will say that means that my lawyer didn't argues anything. you know, so that I have no definite answer for this perhaps you need to discuss this and find out you know, an answer yourself.

Participant: I want to add My lord, the Appellate court will come to know that if it is written in brief so that whether the submissions are made in the lower court or not

Hon'ble Justice Madan B. Lokur: Ya ya ya ya

Participant: So that they can.

Hon'ble Justice Madan B. Lokur: Ya, actually, the point I was trying to make out that how detailed should be the nature of submissions, should you mention, you can mention it in one paragraph, you can mention it in ten pages, you know, but how detail should it be I have no answer to that question, there are some judges who mention it in one page, but there are some who will mention it in ten pages, so, that's I think something all of you will have to decide on what to do. Ya ya ya. Okay anybody else, so

Participant: My Lordships, so far as participant is concerned, I submit that normally we talk to the participants on telephone and take consent and interest also, and then we nominate

Hon'ble Justice Madan B. Lokur: Okay that's good, that's good, Only point I want to make is that when we talk about needs assessment which Justice Chavan was talking about we need to be clear that, I am not saying that your High Court doesn't do it but there are High Courts which do not do it.

Participant: Lordship, also rightly pointed out that media trial should not have effect on us, but how it can be avoided Sir, this is the most

Hon'ble Justice Madan B. Lokur: It's a very difficult question, it's a very difficult question, you see, it seems to me that many of us because of the training that we have, we don't get influenced by this because of the training that we have had as lawyers, or judges, or as students of law, but, there could be a subconscious influence, you know how to get rid of that subconscious influence is, is something very difficult. You know, you, you may not have ..a..like I said about lawyers in Delhi, there may be no instance but ever since I was in the Bar, people were saying that oh if you are a lawyer you won't get a house on rent. So, it may not be correct but it is, there in my mind, so, so, it is something which is subconscious. So, if ten times if on the media or TV people say this Indrani Mukherjee is guilty, she has committed murder, she has committed murder, she has committed murder, perhaps you begin to think, you know has she done it? There is no evidence so far, there is no trial also, but the question will still be in your mind has she done it? So, that's subconscious, you know so perhaps, it will be difficult to get rid of it, but you have to watch out for it.

Participant : have one question left, Your Lordship has mentioned about the social audit and their training.. Lordship can give you the example on how to begin the social audit and assess the training impacted on the

Hon'ble Justice Madan B. Lokur: Ya, I think you need to have some professional agency, now, for example, for our eCourts Project, we had this professional agency NCAER, so they will devise their own questionnaire, they will devise their own methodology, they will visit in this, NCAER visited these four or five states. They talk to litigants, they talk to lawyers, they talk to judges, they talk to people who had

nothing to do with law, you know, what is your perception and so on, so they have their own method of doing it, perhaps you may have to find, there there many of these agencies, you know autonomous bodies, or semi government bodies which can carry out these kind of programmes and I don't know whether they can do it for one programme. Supposing you have one programme on judgment writing, perhaps they may not be able to evaluate it, but if you have, if you tell them that evaluate you know, the performance of the judicial academy over the last one year, perhaps they might be able to do it, and in that evaluation it may come out that yes, that the programme they had on judgment writing was very good. I remember that because they called a lot of people who were knowledgeable, or I remember that they had a programme on such and such topic which was absolutely useless, I think those things can come out but they are professionals you can find out,hmm, Okay so thank you, next is your Reading

Day 5
Session 17

Hon'ble Justice Madan B. Lokur: Ya Okay good morning to everybody and today we are joined by Hon'ble Justice Kurian Joseph, Judge of the Supreme Court, former Judge of Kerala High Court, Chief Justice at Himachal, so we will have the benefits of his views also today and also the acting Directors here today. So, today the programme we are going to have is on the Comparative Analysis of the Evaluation, the FORMS that have been prepared. Now both the programmes you would have seen were NDPS Act, were related to the NDPS Act, the questionnaire was different, the content of the programme was also perhaps slightly different, hmm or it was the same.

Dr. Geeta Oberoi: It was almost same.

Hon'ble Justice Madan B. Lokur: Almost the same, ya. So, qualitatively more or less it was the same, but the responses would off course be different , one of the things that came out yesterday, if you remember the selection of participants. Whether the person who is dealing with the subject should be sent for that programme, or somebody else should be send for the programme. In this evaluation you would have seen perhaps that there are some persons who had nothing to do with NDPS but they were sent, so for them it was a waste, for the high Court it was a waste and nothing has actually come out of that. You see, so these are things that you as , you know , persons in charge of judicial academies have to look at and therefore I think this exercise is of immense importance so far as you are concerned and so far as the management of your programmes is concerned. So, having said that we can start with the presentation. We can go High Court wise and so we'll start with Allahabad High Court, Mr. Mishra, Ram Manohar Narayan Mishra.

Mr. Ram Manohar Narayan Mishra: Karnataka ka yeh hai, this one. My Lords, Hon'ble Justice Madan B. Lokur, Hon'ble Justice Kurian Joseph, Supreme Court of India, esteemed participants. I have, I feel honored and privileged to make presentation on 'Comparative Analysis of Feedback Forms' used and utilized in two training programmes carved out for Special Judges NDPS Act across the country, which took place, the training programme took place in 2014 and 2015 respectively.

The impact assessment of training is of immense importance as we have learnt in previous sessions. Training and need analysis is made before embarking on any training programme target groups are selected as to who are the persons to whom the training is to be imparted, nominations are made in our state through Hon'ble Court, although nominations are proposed by the Academy, training module is carved out and designed by the Academy at the head of Director, training is imparted, feedbacks are obtained from the participants and the target groups as the case may be, data are analysed and we decide as to what what sort of improvements are to be made in further training programmes, what are the fields which may be further addressed in the training programmes, what we like is the proper assessment of impact of training, impact, therefore impact assessment is very essential and we will try to apply the tips we have received here in our further training programmes which we will impart to different level of judicial officers in our Academy. We have even analysed two training programmes, proforma utilized in two training programmes, Special Judges NDPS Act. Programme number 820 and 835. As to question number one, what kind of impression we draw from responses provided by participants in both training programmes. The answer is overall the training programme was useful and appreciated by participants, structure of the programme has been meaningful and rated as useful. Second, as to second point's question, what methods are available to tabulate the response received collectively? Categorization, the answer is categorization of nature of response of content dealt content, delivery, presentation, methodology adopted by trainers, other facilities, appropriate use of training aids, general suggestions regarding training programme and regarding stay and hospitality. In addition to that learning acquired by training , study material, updated with case law or not, data can be tabulated in pie chart form as well as in excel sheet as well because the number of participants are not so large. As to third question, what use can be made of responses received? It's an effective way to organise future programmes, identifying the gap between what is required and what has been delivered for future purposes, improvement in facilities, study of immediate impact assessment training. With regard to, now question number four, how it can help you in designing your next programme for the NDPS courts? The answer is number one, the feedback will enable in identifying the problematic area, and

whether it has been addressed or not in training programmes, what are the grey area where the participant expect to be imparted training, how to reconcile the conflicting judicial precedents like search and seizure, presumption of guilty intent against accused as envisaged under Section 54 NDPS Act, and effective designing and conducting of programme. Question number five, compare the forms and response submitted with that of second set of forms and responses from which format and responses better information can be collected. We have examined two sets of forms utilized in feedback given under programme number 820 zero named as 'Evaluation of Feedback Forms' and Programme number 935 'Response proforma', both programmes were designed for NDPS courts. Out of the two formats, evaluation form P-39, Programme number 935, 835 has been more specific, elaborate and informative for the Presiding Officers of Special Courts of NDPS Act, but form designed for Programme number 820, eight two zero is comprehensive and very useful for regular courses like induction and refresher training programme. As to question number sixth, can come up with your own revised version of form, format better data collection post training? Yes, the form, the format should not be generalised, it can be more specific to the related thematic programmes, like..a..programme..a... scheduled and moduled for Special Judges..a... Presiding..a..NDPS courts, general feedback can be developed for induction and refresher training programme, covering various topics, subjects on pattern of feedback form prescribed for programme number eight twenty zero , eight two zero. As to question number seven, can you devise pre training evaluation form to be distributed to participants in advance before conducting programme on NDPS court? The answer is yes, we can know the expectation of participants before training, and area and the area which they need to be addressed. Day to day problems faced by judicial officers in judicial decision making with respect to the particular topic session so that programme could be more focussed, we can..a... although..a... I have not designed the envisaged pre training evaluation form right now but it can be..a..devised..a..in due course and be submitted submitted to this prestigious Academy. As to question number rr...eight, are you aware of professionals, schools, disciplines engaged in the business of evaluation and monitoring, has your state judicial academy ever approached such professions? The the the answer of half

question is yes, indian prestigious institutions like Indian Institute of Management, may be engaged for the purpose of evaluation and monitoring work but so far as our state judicial academy that that is know as Judicial Training and Research Institute, Uttar Pradesh Lucknow has not approached any such type of institution for evaluation of their training programme and training modules, thank you Sir.

Hon'ble Justice Madan B. Lokur: From Andhra, Mr. Rajender, she is alright Ms. Pratibha Devi.

Ms. Pratibha Devi: Haan, My heartly pranams to the respective dignitaries on the dise and off the dise. The workshop on impact assessment methods available. I have answered the questions, first one is with regard to the impressions drawn from the officers. Most of the officers were satisfied with the type of training they had undergone, so we have to taken into consideration of the major part thatswhy I have answered like this, some few have said negative, but it dosen't matter. With regard to the second one, methods available to tabulate the responses, by the use of software we can collect the data and tabulate the data received that means, Google Maps, some there are so many software's nowadays available in the..a...so we can make use of that. With regard to the third one, what use can be made of responses received? The future programmes can be designed according to the requirements of participants. With regard to the question number, how it can help you to designing your programme, the suggestions given by participants can be incorporated in the next programme. So it will be beneficial for them. With regard to the fifth one, with regard to the comparison of the forms given to the officers, both sets of forms were helpful because first set of form is helpful to know about the programme, and the second set of form is helpful to know the practical problems actually faced by the participants because some questions were given, what are the what are the grey areas and the officers facing problems, so they have come up with some explanations, so those can be answered in the future programmes. Sixth one, can you come up with your own re revised,. Yes, because due to time constraint and in our academy I can say we can prepare that module to reach to that extent. With regard to the seventh one, a can you devise pre training evaluation form to be distributed to participants? Yes, we can it depend on the time of the programme we can design accordingly. With regard to eight one, are you aware of professionals, because at present the

academy is not consulting the professionals, but in future our academy has so far, in future training programmes we are going to consult professionals, thank you.

Hon'ble Justice Madan B. Lokur: Okay, next is from Bombay, Mr. Yellagada.

Mr. Yellagada: A very good morning Lordships and my friends. Regarding the kind of impression what I have drawn from the responses provided by the participants is that overall part in the form the responses seem that the responses are probably pleasing, I am talking about the latter programme. General suggestions part seems to be more reflective, the last part of the second part seems to be reflective what they wanted to frankly say. Available methods to tabulate. As my earlier speakers said, tabulation can be by way of statistical data and different kinds of graphical charts it can be tabulated. Use of the responses. It is useful to evaluate the utility of the programme and consider the shortfalls, etc in the next programme. To share with the concerned functionaries i.e. the judges, officers and other stakeholders for correctional steps, to submit a critical report with the concrete suggestions to the law makers, to plan similar programme after a certain period to review the impact, sorry impact of the programme, how can it help you in designing your next programme for the NDPS court? To choose most appropriate models for conducting the next programme in a better manner, to choose new speakers, and resource persons instead of repeating those if the participants would be the same. Comparison of the forms, I compared them, the prior form includes the more the important bio data and statistics and is useful for analytical study of the entire work environment and mindset of the participants, it made the participant to respond practically; latest form is mostly regarding the programme, second form appears to be the regarding the programme conducted here and hence I won't say it is not useful, it is for different purpose. Regarding revising version of the evaluation, use the previous questionnaire, my suggestion in my view, use the previous questionnaire for pre training evaluation for filling up in advance from the station, use the latter one regarding the programme only, provide questionnaire related to hospitality, etc at the concerned counters for filling up them daily periodical basis during more than two day programmes. revised pre training evaluation. The questionnaire provided in the previous one is useful for pre training evaluation, both are useful, they have to be merged infact, and we shall have a third one third part also which will be post programme post training

evaluation. Regarding help taking help from the professional. Infact there are many in place but barring a few TASS, there are other also, I did not name them, none of them authentically proved to be effective, we are taking help of Tata Institute of Social Sciences Mumbai and Gokhale Institute Pune. We are in cooperation with them, thank you very much.

(Clapping)

Hon'ble Justice Madan B. Lokur: Now, thank you, ehh ehh from Calcutta Mr. Joy Kumar Mukherjee.

Mr. Joy Kumar Mukherjee: Very good morning Your lordships and Dr. Oberoi, my dear friends and research associates. Due to time constraint, we confine to the questions only, regarding the first what kind of an impression you draw from responses provided by participants. From the responses of the participants, it's transpired that they have individually participated in the sessions minutely and actively engrossing and endowing with the contents thereof, appreciating the contribution of the resource persons, and further ventilated their ideas and information. Regarding the impediments faced by them while adjudicating a matter and a possible extent to which the same can be eradicated and improvised. What methods are available to tabulate the responses received collectively? The response of the participants can be categorised on the basis of similarity in answer through distinctive scrutiny and such equality of opinion can be emphasised accordingly, and the divergent views can be addressed and assessed simultaneously in proper perspective. Next one is what use can be made of responses received? The response of the participants provide the gleams of the practical and real scenario and they are the ultimate source to weigh the objectivity of a particular case and the responses based on immediate knowledge have to be used to develop a maximum to effectuate the statutory obligation and liability enumerated therein to the optimum level with the active participation of all the agencies concerned including the police, prosecution, forensic laboratory authority etc without blaming each other and.. ones responsibility. How it can help you in designing your next programme of the NDPS court? Evaluation of feedback form as supplied by the NJA will help us in creating a module addressing the problems faced by the officers with regard to the NDPS act. Which format better information has been given? The responses obtained from

proforma being course number P-935 reflects better information than the other one because the other one mechanically tick mark has been given and it hardly carries any information. Now, from the two feedbacks ..a..I have collected ..a...some points wherefrom the officers are unanimous in their opinion. First of all number of cases under NDPS Act pending for disposal above four years are few; secondly, in majority of the cases under NDPS Act the public witnesses turned hostile during trial; thirdly, witness protection can be secured if trial is conducted on day today basis considering a section or keeping in mind Section 151 and Section 152 of the Evidence Act. The detriment factor for granting bail, the sorry the determining factor for granting bail in NDPS case is the quantum of the seized article. From the evaluation of the feedback forms, it also appears that most of the judges opined that fabrication of false cases by police, implicating innocent persons under the NDPS Act are rare. Most of the judges are extremely dissatisfied with the delay caused by the FSL authority, Forensic Science laboratory in sending report. Among the seized drugs and substances, ganja stands in first position which is generally confiscated and brought before the court. A common problem faced by the judges in adjudicating NDPS cases comprising of non attendance of witnesses who are not available or traceable due to various reasons. For non compliance of Section 41 to 52 by IO specially relating to proper search and seizure, the judges feel that the proper training of other stakeholders shall be incumbent. Most of the judges recommend that in order to achieve the objective of speedy trial under NDPS Act, FSL Report must be obtained expeditiously. Many judges recommend that in order to get speedy justice, NDPS courts must not be assigned with other cases. Let us see some divergent views obtained in evaluation of feedback forms during workshop. First of all assessment of units given to officers given in deciding one full NDPS trial or disposal of interim application, or examination of witnesses is different in different states. Secondly, the judges differ in determination of the quality of drug imposing liability of the FSL authority for preparing vague report vis-a -vis blaming the police for mixing original substance with imitated substance. Now we have prepared our version of post training evaluation format as has been asked by the NJA. A..first one is name of the officer and name of the course and date, then did the course met your expectation? Yes/No, If no what were your expectation? Then the second one, were the course

notes beneficial, yes/no? If no what were your expectation? Question number three, which topics under the NDPS Act that were covered in the training? Did you feel developed knowledge in your training, did you feel developed in your knowledge? Fourth one, do you have any suggestion on ways in which the training might be improved to met the aims more effectively? Number five, has there been case study on NDPS Act during training? Sixth, was there any judgment, order writing exercise, practice class on a given set of circumstances? Were the sessions inter interactive? Do you participated in the deliberation? What questions do you have which were not addressed? Do you recommend that refresher training programme on NDPS Act should be conducted by NJA (in every three months, every six months, every one year, and every two year)? A.. please recommend the topics on which more emphasis should be given in the training programme. Whether audio visual programme used in the training programme? Whether discussion in individual session were effectively organised? Number fourteen, do you think more units are required to be awarded by the High Court to encourage more disposal of cases? Give suggestions how attendance of witnesses can be secured in a better way? Number sixteen, why according to you in many cases public witnesses turn hostile? Number one, threat for the accused; number two, long period of time taken in attending courts; number three, lack of concern for the problems posed by drugs to the society; number four, accused bribed the witness to turn hostile; number five, for some other reason. Number seventeen, suggest how the seized vehicle can be disposed off to avoid cost to store it depreciation. Number eighteen, give suggestion, and how delay in sending FSL Report can be curbed? Number nineteen, whether trained doctors are available in court,...a...in government hospitals , it is the wrong...in government hospitals to identify whether the suspect consumed drug or not? Yes/No, because consuming drug is also an offence. A..our version for post training programme. Number twenty, give suggestion, how the problem in determining drug quantity can be solved. Number twenty one, it is the last question, please give your assessment in the scale one to five on the performance of following: hostel accommodation, mess, library, reception; and at the same time if you have any suggestion please give suggestion, thank you for taking the time to tell us of your experience which will help us in improve our resource for the better. Now we have also prepared pre training

evaluation format and in this case name of the officer, name of the course, date , designation, date of joining NDPS court, total experience as judicial officer, number of training programme attended at NJA on NDPS Act, number of training programme attended at SJA on NDPS Act. Number two, number of NDPS cases pending at your court. Number two, what is the average age of such cases. C, number of cases received and registered in your court in last one year and D , number of cases disposed off by your court during last year. Number three, how many cases are pending for more than one year in your court; how many cases are pending for more than two years, three years, four years, five years in your court. Number four, in how many cases charge sheet is pending for non submission of FSL Report. Number five, how many cases ended in acquittal in your court for last one year? How many cases ended in conviction for last one year? Number seven, what problems you are facing in determining the drug quantity? Number eight, what problems you are facing in adjudicating the cases under the NDPS Act? Nine, whether seized articles are being kept generally? Court malkhana or police malkhana. B. whether drugs are being stored in malkhanas under the supervision of a Gazetted Officer? Yes/ No. Number ten, average time taken for conspicious of seized article. number eleven, what topics under the NDPS Act that required to be covered in the training programme to develop your knowledge and understanding. Number twelve, do you think visit to FSL Forensic Laboratory should be part of such training. And last, do you think the resource persons should include officers like Director Narcotic Bureau, imminent advocates of the field to make direct interaction with them to solve the practical problems.

Are you aware of professional schools, disciplines engaged in the business of evaluation and monitoring? Has your state judicial academy ever approached such professions? We are not aware of any such professional schools, disciplines engaged in the business of evaluation and monitoring and we have never approached any of the professional to that effect. Thank you all.

(Clapping)

Hon'ble Justice Madan B. Lokur: Thank you Mr. Mukherjee, that was a very good presentation. You have done lot of work, very good. Mr. Shiv Mangal Pandey from Chattisgarh.

Mr. Shiv Mangal Pandey: Manniye ucchatam nayalaya ke nayayadesih mahodayae aur mere saathi nayayadishgan. Beheno evam bhaiyo, me Chattisgarh pradesh ka pradhinitatva kar raha hu jahan ki karyaleen bhasha hindi hai aur ye sanyog hai ke vishwa hindi sammelan ka sakshi banne jaa raha hai yeh nagar is samay me yahan upastith hu, me hindi me apna presentation prastut kar raha hu. Jaisa ki format angrezi me diya gaya hai toh me uske anusar hi presentation de raha hu. Pratham prashn ke jawab me, I think that participants are not seriously evaluate the programme objectively may be due to shortage of time and they are reflecting short term impression only. Answer number two collective response can be tabulated as programme success to a greater extent, to some extent and to satisfactory. Answer to question number three, what use can be made of response sheet. Answer, it can be used as feedback for designing the next programme in the subject after inviting those actual problems facing by concerned judges in adjudication of cases pending in the court and the resource person are also suggested to come out with the tools and ideas for designing. Next, that problems specific law. Answer to question number four, it can encourage the repetition of the same programme without or with corrections. Answer to question number five, from second set of forms better information about the problem faced in adjudication of the cases can be collected which may be useful for designing your next programme. Answer to question number six, no Sir, but participants can be asked to submit their reports after three or four months that how they are using the knowledge and tools provided during training in their day to day working, practically and that version can be treated as actual post training evaluation. Answer to question number seven Sir, second set of forms can be distributed to participants in advance before conducting programme in NDPS court as pre training evaluation devise. Question number eight answer, no Sir, thank you.

(Clapping)

Hon'ble Justice Madan B. Lokur: Thank you, ..a..Delhi, Mr. Sharma.

Mr. Sharma: Good morning Sir, good morning Mr. Justice Lokur, Hon'ble Mr. Hon'ble Justice Kurian Joseph, Professor Geeta Oberoi, interns and my brothers and sisters. Its not a good proposition to come to bat after a batsman, a good batsman has already batted, after Mr. Mukherjee, there is hardly anything left to be said, but still

I try to bring out something from this. Sir, on this assessment evaluation be, as we have been discussing for last three four days also, this continuous judicial education is valuable if presented well, without evaluation of the education we cannot be sure it is worthwhile, so it is very important that we do. I'll though I had prepared this because I'll skip because we are short of time, this is infact on the second day Mr. Ottojit had come from Noida V. V. Giri Institute and told us about this four level of evaluation, reaction, learning, behaviour, result and I think mostly we are at the stage of reaction level one where at the end of the Conference to take off little boxes to solicit , their immediate reaction to Conference there is also place where participants can write, so these are basically the four feedbacks which are worldwide accepted in the judicial education. Second is learning evaluation, and third is behaviour evaluation, and fourth is results evaluation. This is the last where we tries to identify whether the education generated change in the recipients organisation to the journey is further, judicial education educators are from level one to level four ..a..whatever little literature I could read on the evaluation and the judicial education, there are two kinds of evaluation Sir, qualitative and quantitative. Quantitive is easily is comparatively easier to have which we saw in form P-820 I think where we had the sought the data from the participants and on the basis of that data we tried to formulate the programme, but quantitate qualitative evaluation is difficult and particularly in the field of judicial system because there has been a world wide concern that if we start accessing the judicial officers, judges on the qualitative then there is necessary to create a fire ball firewall between qualitative evaluation and disciplinary proceedings, this is something which we have to consider in the long run. Now coming to the impressions which we draw from the responses provided by the participants. A..P-820 and 2014, I think Mr. Mukherjee has already covered all the points, they have been appreciating, they said they are enlightened, and that led to the development of clear vision and philosophy underlined the provision of NDPS legislation. P-935 if we evaluate I have tried to put it in the bullet forms, one the thing which show is that there is a disparity in criteria if we see the chart, this is means like shows that there is a huge disparity in the unit which is being given to the judicial officers when the disposal of the NDPS case. This is very can be a basis of a good study and take some action and what are the units given on interim

application, bail matter and examination of witnesses. Disparity in average number of cases, and average age of person, public witnesses turning hostile, steps taken on the information received for turning hostile examination on day to day basis, like a dysical attitude, basis of the grant of bail, FSL Report are the some of the...a..highlights which made by the participants. The and other the problems which they face while adjudicating the cases under NDPS, poor investigation, hostile witnesses, disinterested prosecution, I think more than the factual things which we go on what were the responses, this is this can be a basis of a good study for the purpose of brining reforms in the trial of the NDPS cases, which is very important. What methods are available to tabulate the responses? A..one can be we have tried to do it in the word document like P-820, we have analysed on the hospitality where only the data was there, we have done in this manner that if you say arrangements, 81.48% are saying good, satisfactory 18.51%, reception so we have taken out the percentage so immediately you have a bird eye view that what kind of arrangements we have and this is the we have also have the graphical representations also, we can assess and evaluate the data in an very attractive manner and easily understandable, you can have a table also, we can have as I said graphical representation also. P-935 we can have word document in a table format that I'll show just now, or we have also the excel sheet, we prepared an excel sheet for this P-935 and we found out that it is very easy to have the bird eye view of all the responses of all the participants and it can be, it has all the columns, name of the participant and the state from which they belong and what is the reasons, like average number of cases, average number of cases finally disposed off, ..a..I wish I could go into the entire details, but I know the time is short and my other colleagues would also like, I'll be leaving the presentation here, but use can be made of response received to determine future module, to determine the structure, duration and content of the session, selection of resource person, and determine the standard of other logistics and other arrangements catering, transport etc..How can it help you in designing your next programme? Best practice, resource person, common concerns can be tagged, important topics can be highlighted, and other stakeholders, investigation agencies, FSL, this is one of the thing which after taking over Delhi Judicial Academy I have tried to do it in almost all the programmes like in the CBI programme for these

Special judges we had invited the senior most officers of the CBI and their we had one to one interaction with learned Special Judges and senior officers of the CBI where the judges told their problem and the CBI officers also highlighted the constraints in their investigation. Similarly in the NDPS programme we can call like judicial officers highlighted their problem regarding the delay in the FSL Report. So, lets call them also and hear them say their problem, and sometimes it so happen that the persons in position who are at the helm of affairs come to the academies and they are told personally there may be a possibility of some reforms. Compare the forms. Orientation I have found is different, we have tried to compare it also, it's a simple we have tried to do it in a tabulate form, a bird's eye view you get what are the difference in the form, but P-820 is generally confined to the reaction to the programme, whereas P-935 is ..a..much well thought of form evaluation form, its very comprehensive wherein an attempt has been made to assess the structure of unit, criteria, pendency of cases, issues relating to investigating agencies, hostile witnesses, FSL Report, and it can bring, it has potential of brining far reaching reforms and is research oriented. P-820 with our little experience, is post conference, and P-935 is pre conference kind of form which can be good. A...its qualitative in nature also, had specific questions where overall object of the programme, knowledge acquired after obtaining the structure of the programme, individual sessions, programme material , resource person and hospitality. These are the subjective questions, pre conference average number of cases received, average age of persons, I think I have already talked of this, we we have tried to come up with our proposed evaluation form also. Characteristics we feel that it should be short and precise, it should be clear and unambiguous, must cover all the spheres of the conference, open for suggestions, adequate space for expression and their learning experience I can say that is the most important which can give the judicial academies to improve upon further. This is a humble attempt. A...post training evaluation form, this is these are the to some basic particulars then we had tried to find out, the session plan, relevance, content of the subject, quality, relevance and organisation, overall design, how well the, basically I should be honest we have tried to combine the forms which we are using and the form which is being used by the NJA, and we have tried to bring some kind of new novel thing which can be helpful for all of us. So, we

have put which part of the session, which topics according to you should have been included please indicate how you intent to apply, more in..a..more in the form of suggestions I think it should be instead of interrogatories kind of thing, critically, and I feel that if you ask the participant to critically evaluate the programme they can be more forthcoming to tell any other suggestion. Similarly we have also pre training form also, we have evaluated, average number of cases, average number of cases finally disposed off, number of cases same I think Mr. Mukherjee has already dealt with it in very comprehensive manner that it is also our humble effort if it can be ..a..any use further participants, what problems you face in determining the drug quantity, adjudicating, determining cases of multiple usual and common problems faced in adjudicating the cases under ND, recommendation for speedy trial, narcotic generally confiscated, basically the questions which NJA has mentioned in 820 and 935 are very comprehensive, but some other things also we have tried to put in. We are also working on the idea of online feedback google forms but I do not know rather ..a..I'll request further guidance from the Hon'ble judges, because tehse googleforms privacy can be an issue, beacuse tehse will be online, so this may be a good , may not be a good idea also, so we'll have to look at this. I end with quote of Albert Einstein, "everything that can be counted, does not necessarily count and everything that counts, cannot necessarily be counted", Albert Einstein, thank you very much for bearing me.

Hon'ble Justice Madan B. Lokur: That was very good Mr. Sharma, covered almost everything. A...from Gujarat, now Mr. Vikaria.

Mr. Vikaria: Good morning my Lord, question number one, what kind of impression you draw with ten responses provided by the participants? As most of the participants were satisfied with the programmes, and benefitted to considerable extent they rated the same as useful, so far as the second set of the questionnaire is concerned ..a..questionnaire is received the responses of the participants on the points of identified problem of the programme faced by the participant during the conduct of NDPS patterns. Problems faced while deciding the determing the drug quantity, unusual and common problem faced in adjudicating the cases under the NDPS Act. Invitation, the second set of questions also invite suggestion and recommendation for speedier trail speedy disposal of the trail under NDPS Act, and

this suggestion and recommendation are useful data for solution of speedy trial. What methods are available to tabulate the responses received collectively? My answer is that similar or identical responses of the participants can be put together in tabular form and can be categorised as such. The identical or similar responses can then be analysed in its perspective at the same time the divergent responses can also be formulated in tabular form and then same can be addressed and assessed. The responses can be presented in graphical forms as well as in tabular forms. Question number three, what use can be made of the responses receive? My answer is that the responses received can be used to improve the future programme, the responses shows us the shortcoming regarding the training programme, such shortcoming can be removed in future programme. From the responses, we can better identify the need of the trainings, thus the information can be used for designing better programmes in future. Question number four, how it can be help, it can help you in designing next programme for the NDPS court? The shortcoming pointed out, my answer is that the shortcoming pointed out by the participant can be removed in the next programme. Moreover, the suggestion made can be used to make effective the future programme. The answer for five, my answer is that question number five, my answer is that on examination these two sets of forms utilised in feedback in programme, it transfers that both the programmes were designed for NDPS courts. Out of the two formats, evaluation form P-935 is more specific, elaborate and informative. Can you come with your own revised version of evaluation format? My answer is that the formats can also be prepared for more specific to the subject or topic. It can be made more specific to the theme of the programme. Question number seven, can you devise pre training evaluation form? My answer is that yes, it can be devised so as to know in advance the expectation of the participant so as to enable the academy to design the programme in consonance with the expectation of the participant. Question number eight, are you aware of the professional school or discipline, in the business of evaluation? My answer is that I am not aware of the same, our state judicial academy has not ever approached any such professional. Thank you.

Hon'ble Justice Madan B. Lokur: Thank you. From Shimla, Himachal Pradesh, Mr. Rakesh Kainthia.

Mr. Rakesh Kainthia: Nai agla alag se ...Himachal ka. A very good morning. So, first of all what kind of impression you draw from the responses provided by the participants? So, this is the impact assessment of P-820, 27 forms were received, 27 were processed and this is the first category, the overall, from this we can see that maximum participants were satisfied with the objective of the programme, the subject matter of the programme was useful, this green bar to great extent and this red bar to some extent. Thereafter the programme provided knowledge, or provided links, here we can see that the blue bar is going down now that means the ..a.. participants were not were not able to relate to the international legal norms. Twelve of the participants said that it can be done to some extent, ten said it can be done to great extent, they failed to connect to constitutional vision of justice. While evaluating it the content whether it was up to date or not? The participants were satisfied, they were satisfied that it was comprehensive, relevant caselaw was given and they were they also thought it was useful to their work. And then structure of the programme, again the participants were satisfied, the structure and sequence of the programme was clear to them, it was adequate combination, but as far as case study is concerned we can see that blue and red bar is almost the same, so participants did not feel that adequate case studies were there. Interactive sessions, some of the participants thought that it was satisfactory to a great extent, stimulation exercises as well. So, the problem area we can see here is the case studies. Regarding individual sessions, the participants now again the to a great extent, the discussion in individual session were effectively organised and session theme was adequately addressed by the resource person, to some extent, yes. And then the programme material, the programme material is useful? Maximum participants felt that to a great extent the content was updated, and the content was organised and easy to follow. A..then we come to the resource persons, if we see the blue bar it represents highly effective and useful, then moderate, then green is not satisfactory. We can see that in the case of Mr. Pradeep Saxena, the red bar is quite high, 16 participants thought that he was moderate. In the case of Mr. K. Pattabi Rama Rao, again 13 participants thought it was moderate, Dr. J. Barolia, 11; and Hon'ble Ms. Justice Anjana Prakash, 15 and 11; while in the case of the Hon'ble Justice P. K. Mishra and Hon'ble Justice Joy mala Baghchi, the satisfaction level was quite high. Hospitality here, participants

were quite happy with it, assistance to travel desk to change in travel destination, arrangement and dining hall, quality of the food, hygiene and facilities in the room. Arrangement in the dining hall can be improved as nine persons were only satisfied with it, they did not rank it as good, so that is the evaluation of P-820 as it could have been done. We come to 935, because this was the area which could have been tabulated in 935, arrangement for reception to and from railway station and airport. This is the services at the reception desk, hygiene, 12 persons said it was excellent, 10 said good, a very good, 5 said good. Now quality of food, very good, by and large fine. Arrangement in dining hall, very good, 10 according to ten, it was excellent. P-820, we have seen it already. so, that was the picture where we can this is what we had already seen that some of the speakers were found to be not effective while some are found to be effective. In response of P-935, different participants had given the details of the units provided to them in deciding NDPS trails, interim application, bail application, examination of witnesses, they have given different details regarding average number of cases, we have again tabulated it, but due to the paucity of the time, they can be tabulated as shown here in the form of the excel sheet and thereafter the pie graph can be prepared. The responses can be used for designing the course in a better manner, the shortcomings which have been pointed out by the participants can be removed, the speakers who failed to deliver can be replaced by other effective speakers, while the speakers who were appreciated can be repeated. We can examine the methods of the effective speakers in order to find out why their content delivery and dissemination of knowledge was better and it can be replicated in the case of other speakers as well. Then, where the problem areas were like the participants failed to connect to international legal norms and constitutional vision of justice, these areas can be improved and the contents can be modified in order to enable the participants to see this connection and case studies can be improved because that was another problem area. The audio visual method, that was another area which can be improved and the assistance from travel desk and arrangement in dining hall can also be improved. The response form of P-935 it was aimed at a very different objective, it desired to get information about the working of the NTS NDPS Act in the court and will help in identifying the problem areas while in working of the courts and thereafter it will help in improvement of the

condition. I as I said the responses will help in removing the shortcomings and improving them while emphasizing the important aspects of the programme. The forms were aimed at different type of the study while P-800..820 was regarding the evaluation of the training programme, P-935 was concerned with the working of the court, they delivered different kind of information, and therefore we cannot say that one is better or other is better. If we are trying to get the information regarding the course content, course evaluation, off course P-820 is better, and if we want to get the working then P-935 is better, so it depends upon the purpose for which we are collecting the information. Regarding the forms, so here is the proposed course evaluation form, it defined the programme, useful, which one was the useful, to what extent it defined the programme, then we can give how to rate the programme overall, to what extent was attending the programme worth your time, please rate the programme on the following items, we have tried to divide the programme into different parts, content, organisation, use of instruction so that we can identify the problem area instead of saying that this part of the programme was better, so why it was better , why it was not better we can try to identify it, creating interest in the topic, involvement of the participant is of delivery, reading material, then to what extent do you think you can apply the information presented to your work, of the information presenting how much is useful to it, so that we can find out whether the we need to improve the information should the programme be repeated, would direct the training programme to others, then evaluate the each session, we have tried to evaluate each session. Most useful, single best thing, weaknesses of the programme, strong points, quality of the programme, and the things that could have been omitted from the programme, when I was looking from this programme, but did not get what I feel to get, then we have tried to compare it with other programmes organised by other State Judicial Academy, then how can training programme be improved, how can it be made more useful, then these are the presentations, their evaluation, evaluation of the resource persons..a..on different parameters, instead of saying a resource person was good, or a was bad, we have tried to find out why he was good or bad: he knew the subject, encouraged the participation, he answered the question, respected the knowledge, used appropriate examples, provided clear explanation, generated a desire to learn, used an effective mix of lectures and exercise, then again

the assessment whether he was well prepared, was interested in helping in the learning, stimulated the desire to learn, answered the question clearly, related programme content to real life situation because ultimately we have to apply the knowledge to the court work, then gave clear explanation, held attention, presented information that would help him. Then again the rating one , two, three, four. This is evaluation, the preparation, knowledge of the subject matter. Its quite comprehensive running into eleven pages, can be curtailed ofcourse, but we have tried to include as many things as possible so that we can pick up the things which are suitable to us and we can again regarding the stay, convenient, date, so that was the post evaluation and this pre evaluation. We have tried to find out whether the participation is voluntary, or forced. Whether the attending..a..training is being attended for the first time, when since when the person is holding the charge of the NDPS court so that we can modulate our training programme suitably. Then whether he is a fresher or he is a repeater. Then we have tried to find out the knowledge of the NDPS Act, according to the assessment of the participant, then knowledge of various kinds of laws, we have tried to find out whether he require training in specific area, so that the course can be designed or modified. Difficulties which can be addressed during the courts, relevant judgments on the NDPS Act, it will help in improving the course content, then analysis, major drawbacks, effective implementation, how it can be made better, whether the training period is sufficient and we have also tried to find out whether the participant would like to be addressed by a particular faculty member so that we may come to know whether there are some faculty members who are not known to us but who may be better and then what is the expectation from the training..a.. any kind of information which would help in preparing the course in a better manner, any topic , article which can be included or any additional comment which the participant would like to tell us. So, that was the tabulation, how it can be tabulated, see this is the remarks given by the different persons, they have been collected at one place, it is regarding 935, because it was subjective, the persons were required to give the remarks, so the remarks may be different, not necessarily that they were same so we have collected them, we will under a particular head and while the tabulation of this is the this is the information regarding the units given, whether the bail is being granted so, again this data has

been tabulated and can be made use of. So, as far as the awareness regarding the professional, school, discipline, engaged in the business of evaluation and monitoring is concerned, we are not aware and we have not approached any. Thank you.

Hon'ble Justice Madan B. Lokur: Good, that was very good Mr. Kainthia, excellent presentation. Now from Jharkhand, Mr. Manoj Prasad.

Mr. Manoj Prasad: My respected Justices and my dear friends, a very good morning to all of you. First of all I would like to say that I do not have any power point presentation for today's presentation, so I may be permitted to make an oral presentation. Going through the two formats, evaluation formats programme 820 and 835 , I have been able to answer to the questions which were put before us by the National Judicial Academy. On to the first one, i.e., what kind of impression do you draw from the responses provided by the participants? The first set of forms which relates to programme 820, I would like to say that the responses were almost casual, ..a..the training imparted Academy, evaluation was almost casual ..a..it may help in redesign, it may not help rather I say, it may not help in redesigning the course course structure, as we may see that the anonymous responses were a bit critical about the resource persons, so far the persons who had given responses on by mentioning their names, almost all the resource persons were rated to be very high, so distinction can be seen that when the responses were anonymous, they were critical even about resource persons who were Hon'ble Judges, but when it was by mentioning about their names, they were never critical, they said they gave the remarks excellent or outstanding or whatever it was. The second set of forms , one more aspect, the first set of forms were purely feedback forms , the second set of form was not a feedback form, it was a feed forward form in the words, I am using the words of one of our resource persons, day before yesterday Mr. Sampat Iyengar, so it was a feed forward form and not a feedback form and this obviously this feed forward form can be used for futuristic programmes, for future training modules. Coming to the second question, what methods are available to tabulate the responses received collectively? The first set of forms lead to self analysis, while the second set requires critical analysis, or futuristic analysis. The first set could be tabulated in various diagrammatic forms by using various tools but the second one requires a

research work, it requires some investigation work. Coming on to the third question, what use can be made of the response received? Obviously, the same thing, since the first one is the self evaluative, self assessment form so it can improve upon the resource person, if the resource person gets an idea they can improve upon themselves, while the second one helps in designing our structures, our future structures. Coming on to the fourth question, how it can help you in designing the next programme? An evaluation of the feedback form i.e. the first set helps in selecting the working sessions, providing study material in advance and also in proper selection of the resource persons; the second set is designed towards identification of the bottlenecks and can help in designing the research work, selecting various agencies, public organisation who requires training and make recommendation for improving coherence between the different stakeholders. Onto the fifth question, which requires a comparison of the two forms, in terms of the response received. I would like to say that first set of forms are feedback forms for self assessment and improvement; and second set of forms are feed forward and are to be futuristic, the two forms are for two different purposes, they cannot be directly compared as it is for two different end. Coming on to my own suggestions with regards to post evaluation form, I would like to say that the post evaluation forms for first set of form for programme 820 it is sufficiently defined but subject to the only condition that if we have a beforehand information with regard to the training, so to my view I feel that before the training is imparted the nominated trainees will be required to inform the Academy as to what he thinks are his needs for the training at Academy on the subject matter, this can form a source for designing the training module whereafter this second, first set of form can be used. Coming on to question number seven which speaks about the pre training, yes I have four aspects to be designed while preparing a questionnaire for pre training, and those are what are the problems faced by the trainee in trial of NDPS cases, this can be sent as a pre training question; second what are the institutional problems, i.e., failure of prosecution agency or investigating agency, this can be taken up taken care of getting the response; third, what is your strength, what is your strength while working as NDPS court; and fourth, what is your weakness, what is your strength while working as NDPS court; so the assessment of strength and weaknesses can be addressed in

course of training. Last one, obviously all of us are aware about different agencies available in conducting evaluation and monitoring and those information is also available on the net, but our academy has also not till date used any such agency for evaluation or monitoring, but one thing which i would like to say as on date Jharkhand Judicial Academy is working on a research project on study and bottle major bottlenecks in procedural laws effecting expeditious conclusion of criminal trails and measures needed to remove such bottlenecks, this research is sponsored by Ministry of Justice, Government of India, and we are taking the service of Dr. N. R. Srinivas Murthy and his team from NURSL, Ranchi i.e. National University of Studies and Research in Law, Ranchi, the National law School Ranchi. this is what all I have to say about questions, but before concluding I would like to quote one quotation from Abraham Lincoln, when he said "if you have six hours to chop a tree, spend four hours in sharpening the axe", and that is I think is the motto of academies, thank you very much.

(Clapping)

Hon'ble Justice Madan B. Lokur: Good thank you Mr. Prasad, ehhehh ehh, from Karnataka, Ms. Radha.

Ms. Radha: Good morning My Lords, and good morning my dear friends, and Dr. Geeta Oberoi. I'll be very quick in my presentation because I had no time to prepare the same, while I was in Bangaluru, i did it yesterday, this is the impression I gathered from the responses: discussion, participation and interaction was encouraged during those sessions, participants were benefitted by the programme, participants had sufficient time to share their experiences, resource persons were able to hold the attention of the participants all through the programme, above all the object of the programme as well as the goal was very clear to the organisers as well as the participants, most of them enjoyed the hospitality at NJA. Methods that can be used form tabulating these responses are using excel sheets, bar charts, pie charts and pivot charts, etc.. Use of the responses so received can be categorised like this: it helps in setting benchmark for the resource person, in selection of the subjects for such programmes in future, in identifying strengths and areas for improvement, in finding out ways to improve and correct the performance levels, indicate change in attitude of any of the participants, post training feedback forms and gaining

knowledge on a new subject or if participant has gathered additional information about the subject he already was aware of. Using the information in designing the next programme, how these feedbacks , feedback forms can help us in designing the next programme? This would help in selecting subjects for the training in the next programme, in selecting the right resource person for the subjects to be dealt in the next programme, in identifying and selection of right group of participants for the next programme and in including different and interesting methods of teaching in the future training programmes.

Mr. Manoj Prasad: My respected Justices and my dear friends, a very good morning to all of you. First of all I would like to say that I do not have any power point presentation for today's presentation, so I may be permitted to make an oral presentation. Going through the two formats, evaluation formats programme 820 and 835 , I have been able to answer to the questions which were put before us by the National Judicial Academy. On to the first one, i.e., what kind of impression do you draw from the responses provided by the participants? The first set of forms which relates to programme 820, I would like to say that the responses were almost casual, ..a..the training imparted Academy, evaluation was almost casual ..a..it may help in redesign, it may not help rather I say, it may not help in redesigning the course course structure, as we may see that the anonymous responses were a bit critical about the resource persons, so far the persons who had given responses on by mentioning their names, almost all the resource persons were rated to be very high, so distinction can be seen that when the responses were anonymous, they were critical even about resource persons who were Hon'ble Judges, but when it was by mentioning about their names, they were never critical, they said they gave the remarks excellent or outstanding or whatever it was. The second set of forms , one more aspect, the first set of forms were purely feedback forms , the second set of form was not a feedback form, it was a feed forward form in the words, I am using the words of one of our resource persons, day before yesterday Mr. Sampath Iyengar, so it was a feed forward form and not a feedback form and this obviously this feed forward form can be sued for futuristic programmes, for future training modules. Coming to the second question, what methods are available to tabulate the responses received collectively? The first set of forms lead to self analysis, while the second

set requires critical analysis, or futuristic analysis. The first set could be tabulated in various diagrammatic forms by using various tools but the second one requires a research work, it requires some investigation work. Coming on to the third question, what use can be made of the response received? Obviously, the same thing, since the first one is the self evaluative, self assessment form so it can improve upon the resource person, if the resource person gets an idea they can improve upon themselves, while the second one helps in designing our structures, our future structures. Coming on to the fourth question, how it can help you in designing the next programme? An evaluation of the feedback form i.e. the first set helps in selecting the working sessions, providing study material in advance and also in proper selection of the resource persons; the second set is designed towards identification of the bottlenecks and can help in designing the research work, selecting various agencies, public organisation who requires training and make recommendation for improving coherence between the different stakeholders. Onto the fifth question, which requires a comparison of the two forms, in terms of the response received. I would like to say that first set of forms are feedback forms for self assessment and improvement; and second set of forms are feed forward and are to be futuristic , the two forms are for two different purposes, they cannot be directly compared as it is for two different end. Coming on to my own suggestions with regards to post evaluation form,I would like to say that the post evaluation forms for first set of form for programme 820 it is it is sufficiently defined but subject to the only condition that if we have a before hand information with regard to the training, so to my view I feel that before the training is imparted the nominated trainees will be required to inform the Academy as to what he thinks are his needs for the training at Academy on the subject matter, this can form a source for designing the training module whereafter this second, first set of form ca be used. Coming on to question number seven which speaks about the pre training, yes I have four aspects to be designed while preparing a questionnaire for pre training, and those are what are the problems faced by the trainee in trial of NDPS cases, this can be sent as a pre training question; second what are the institutional problems, i.e.,failure of prosecution agency or investigating agency, this can be taken up taken care of getting the response; third, what is your strength, what is your strength while working as NDPS

court; and fourth, what is your weakness, what is your strength while working as NDPS court; so the assessment of strength and weaknesses can be addressed in course of training. Last one, obviously all of us are aware about different agencies available in conducting evaluation and monitoring and those information is also available on the net, but our academy has also not till date used any such agency for evaluation or monitoring, but one thing which i would like to say as on date Jharkhand Judicial Academy is working on a research project on study and bottle major bottlenecks in procedural laws effecting expeditious conclusion of criminal trails and measures needed to remove such bottlenecks, this research is sponsored by Ministry of Justice, Government of India, and we are taking the service of Dr. N. R. Srinivas Murthy and his team from NURSL, Ranchi i.e. National University of Studies and Research in Law, Ranchi, the National law School Ranchi. this is what all I have to say about questions, but before concluding I would like to quote one quotation from Abraham Lincoln, when he said "if you have six hours to chop a tree, spend four hours in sharpening the axe", and that is I think is the motto of academies, thank you very much.

(Clapping)

Hon'ble Justice Madan B. Lokur: Good thank you Mr. Prasad, ehhehh ehh, from Karnataka, Ms. Radha.

Ms. Radha: Good morning My Lords, and good morning my dear friends, and Dr. Geeta Oberoi. I'll be very quick in my presentation because I had no time to prepare the same, while I was in Bangaluru, i did it yesterday, this is the impression I gathered from the responses: discussion, participation and interaction was encouraged during those sessions, participants were benefitted by the programme, participants had sufficient time to share their experiences, resource persons were able to hold the attention of the participants all through the programme, above all the object of the programme as well as the goal was very clear to the organisers as well as the participants, most of them enjoyed the hospitality at NJA. Methods that can be used form tabulating these responses are using excel sheets, bar charts, pie charts and pivot charts, etc.. Use of the responses so received can be categorised like this: it helps in setting benchmark for the resource person, in selection of the subjects for such programmes in future, in identifying strengths and areas for improvement,

in finding out ways to improve and correct the performance levels, indicate change in attitude of any of the participants, post training feedback forms and gaining knowledge on a new subject or if participant has gathered additional information about the subject he already was aware of. Using the information in designing the next programme, how these feedbacks , feedback forms can help us in designing the next programme? This would help in selecting subjects for the training in the next programme, in selecting the right resource person for the subjects to be dealt in the next programme, in identifying and selection of right group of participants for the next programme and in including different and interesting methods of teaching in the future training programmes. Better format for collecting the information, of this which was better format for collecting the information? First set of formats i.e. for the programme 820, I have written here it as anonymity, but they are mentioning the name and designation was optional. If one officer participating therein exercise option in not disclosing his name , the grading was also provided, this would help in better tabulation of the outcome of the programme because there they'll be hundred percent in genuine in expressing whatever they felt about the programme and contents of the programme, delivery of course by the resource persons. Second second of format relating to P-935 requires the participants to disclose name and designation and it is in the form of questionnaire with open ended questions, making it difficult to tabulate the questions because it is qualitative analysis is always difficult is what we have learnt in these four days programmes attended by us. I think the first format will be a better format. Designing pre training evaluation form and revised version of post training evaluation format..a..certainly yes, we'll be able to design it, it's being quite long time since I asked for an adjournment, today I am please, you know I may be pardoned I am praying for some time to prepare these two formats because I had no time to look into these aspects, awareness of professionals, disciplines engaged in the business of evaluation and monitoring, Karnataka Judicial Academy is definitely aware of some of the professional schools and disciplines who are engaged in the business of evaluation and monitoring, they are Ms. Satyashree Goswami from New Delhi, and Shri Pradeep .., Bengaluru, they are free lancers, National Law School of India University, Bengaluru, and Karnataka Health Promotion Trust, Bengaluru are the two institutions which are involved and

this because our academy was involved in a programme relating to evaluation of social perspectives of marginalised women programme that was sponsored by UNTAS and KHPT was also a part of that, we have recently concluded the whole training sessions for the judicial officers, police officers, prosecutors and we are at the level of evaluating the outcome of these programmes, so we are making use of their knowledge in this field, thank you.

(Clapping)

Hon'ble Justice Madan B. Lokur: Thank you, from Kerala, Mr. Suresh Babu.

Mr. Suresh Babu: Hon'ble Justice Madan B. Lokur, Hon'ble Mr. Justice Kurian Joseph, Madam Geeta Oberoi, the respected Director of the Academy, Sanmit, the Programme Co-ordinator, and my dear participants. So, I will make a short presentation on the subject. The ongoing through the entire of the forms the what I gather is that the programme achieved its objective. Had the response of the participants showed that they have understood the objective of the programme, it is clear from the evaluation of the forms. Then, methods available, excel , spreadsheets, which we are already using, there are some software which is not introduced into our academy and we are also introduced in this training programme about Google Forms or LiveServe, which probably may have security issues, but excel, spreadsheet we are using because we have a training programme in Kerala, called District Level Training, which was going on , last year we have switched on to another programme, which is called Regional Level Programme and then we supplied forms and evaluated it by using the Excel Spreadsheet and found that the earlier programme was good, so that in this year we have again switched on to the district Level Programme. Then, use of response, the responses can be used utilised to assess the programme, the same can be helpful to design the future programme and ongoing through these forms, we will find that extremely useful that such a response form is obtained because three things very shocking things have come from this P-935 form which shows that in some states hundred percent, in some states ninety percent, in some where it is seventy to eighty percent official witness has turned hostile, that is a shocking news and then the great delay in getting the FSL Report also, that has been revealed, except unless that response is collected this shouldn't up have been revealed, so which is a great use for not only for designing

future programme but also for developing the how we can dispose of cases, what what really is the defect in the system. So, the first form is mainly intended to collect the effect of the programme upon the participants and probably the second set of forms are intended to collect, I feel that the second set of forms which has done the good, because which has unearthed what are the difficulties being actually faced by the courts in adjudicate the process, which includes the turning of hostile of witnesses , the FSL Report, and the other the delay in getting the FIR, and so so many things, which will help even in policy taking policy making decisions and after a introspection on the part of the judges how to tackle these issues, especially these the phenomenon of turning hostile. Then revised version of evaluation forms can be prepared, yes certainly it can be prepared, I have kept in touch with our director, he says we can first approach our few officers, these Special Court officers, and then only we can prepare such question and it will be more useful, that why I have not prepared and presented it. Then, ability to create forms, can create evaluation forms to be distributed prior to training, that also we can do but only in consultation with the present working judges. Awareness about professionals. Till I came to this training I have not thought of approaching a professional agency for the purpose of evaluation, but I have to say that we are already availing the service of the professionals because the Kerala Judicial Academy for last one year has a closed tie up with Indian Institute Management, Kozikhode, and we are conducting classes on Time management, which is handled by IIM, and now the Hon'ble Chief Justice has also given us permission to involve in the research activities for developing a curriculum for training judicial officers on commercial laws, court and case management techniques, in association with the Indian Institute of Management, Kozikhode. Two faculties from the IIM, Kozikhode, the Director of the Kerala Judicial Academy and another District Judge who has a Doctorate is the member of the team, we are soon starting the research. So, the now I am aware that it is necessary to have professional help to evaluate certain aspects also, so we can approach the same institute for the evaluation purpose also, but primary evaluation can be done by the Academy, which we are doing, thank you.

Hon'ble Justice Madan B. Lokur: Thank you Mr. Suresh Babu, ehh ehh, Madhya Pradesh, Mr. Kapil Mehta.

Mr. Kapil Mehta: My Lord Hon'ble Shri Justice Madan B. Lokur, My Lord Hon'ble Shri Justice Kurian Joseph, Professor Geeta Oberoi, director, NJA, esteemed participants and members of NJA team, a very good morning to all of you. All the members in this regard have already delivered material and they have said everything. I have tried to deal with other matters which have been untouched or which have been not been given importance. All the participants have mostly appreciate the contents of the programme as well as the material provided by the NJA and the resource person selection and their contribution to the workshop has been appreciated by the participants, other matters which I would like to impress upon that Judges must be imparted trainings on the Special Acts frequently in NJA as well as SJA, and more and more open interactive sessions and practical sessions must be included in the programme and from the feedback, I have found that they have demanded that relevant text books, soft copies of bare acts alongwith reading material should be provided to the participant judges. And ..a..I have also found that although most of the judges are comfortable in English language, but there are few Hindi belts states and judges are coming there from are not well versed in English, therefore sessions must be in mix languages. I have also found that some of the judges have so far as the unit ..a..allotted for the matters is concerned, for final disposal of cases in doing substantive work in pending cases, units must be given to judges for encouraging judges to do their work both qualitatively as well as quantitatively. Entire sessions proceedings may be videographed and the soft copy of it may be provided to the judges, so that they are able to see the proceedings as well as when in needed in near future, and they will be beneficial to them, and there are some only two negative comments, which I have found, some of them have said that training sessions must be from 10:00 am instead of 9:00 am and should be concluded by 5:00 pm as extend timing is tedious and lengthy too a which adversely affect the grasping power and receptivity of the participants, and some of the participants shown their dissatisfaction about the cleanliness and hygiene in the rooms and toilet but I don't agree with this because NJA has taken good care of all these things and so far as the hospitality, cleanliness and other things are concerned, it is the most appreciable and it is the most satisfactory, beyond satisfactory, upto mark, so I am not agree with this, ehh, offcourse now we have learnt that there are

so many methodologies and methods available for evaluation but mainly the data received from the participants may be scrutinised and views and suggestions which are similar in nature should be entered collectively by using Excel sheet or spread sheet. And so far as the question number three and four are concerned, common answer is that it can be utilised for preparing and developing module, curriculum of the programme, it will help in selection, selecting the resource persons as far as feedbacks received from the participants. Apart that it will help in improving the arrangements to be made for the participants like lodging, boarding, stay , hospitality, etc.. The feedback form used for the NJA Conference of Presiding Officers of NDPS Court (P-820) is better and comprehensive so that so far as collection of data and inputs are concerned, so far as these two formats are separate formats and they are at different aspect so, proper comparison is not possible. So far as the improved or revised version of evaluation format is concerned participants have already discussed about programmes evaluation form, this is I have focus only for the assessment of faculty members, personality and bearing knowledge about the subject, teaching methodology, communication skills, command over language, quality of reading material provided, commitment, administration and general remark, this is only for the purpose of evaluation of resource person so far. Can you devise pre training evaluation form to be distributed? Yes, it will help in identifying the areas in which the participant coming from the course needs training which will further help in developing and designing the module and curriculum of the programme, and so far as the eight question is concerned, our academy has yet not utilised any of the help from these institutions and steps are yet to be taken, thank you.

(Clapping)

Hon'ble Justice Madan B. Lokur: Thank you, thank you Mr. Mehta, from Madras, Tamil Nadu Judicial Academy, Mr. Satish Kumar.

Mr. Satish Kumar: Second. ..My Lords, and respected Director and my dear friends. I compared the feedback forms of both the programmes, with regard to the question number one, with respect to the feedback number form number 820, I found that overall participant found the programme useful to great extent and they also enlightened on the legal provision of the statute, they also addressed that the

normally their problems have been addressed, their day today problems based in the courts have been addressed. And with regard to the form number 935, the particulars showed in the form are more of the statistics of the cases, the questions asked in the proforma are subject based and there is a little mention with regard to the learning from the programme, except question number nineteen, other questions are only with regard to subject based and practice for conducting the trials and yardsticks for the disposal of the NDPS cases in the from these forms it can be seen that there is a lot of difference and they differ to the state to state, the trials and procedures and other aspects differ to state to state, it could be seen from the response given by the participants. Regard to the question number two, off course we are all aware na that tabulation can be made by the use of the software and by doing so for every heading the response can be categorised on the basis of rating, some rating can be given, certain points like ten for the rating to a great extent, five for the rating to some extent, and so on and so forth can be given for overall findings, at the same time like the same thing for form number 935, state wise unit system for disposal of cases and the practice for conducting the trial can be tabulated by use of softwares. Statistical data regarding the institutional disposal and pendency, court wise can be tabulated so it will be useful to arrive at the conclusion have the accurate data all over the country, by using this method. For use of response with responses so received form the participants future programmes can be devised, not only the contents, but also the pedagogy could be improved, it need be the better resource person could be drawn, the similarly, uniformity unit system per disposal of NDPS cases for all the state could be developed, statistics regarding the NDPS cases like institution, disposal and pendency could be gathered and with help of the statistical data, justice dispensation system with regard to the NDPS cases could be improved by taking up matter with authorities concerned. By use of this responses, you can devise a programme in such a way that it improves not only the knowledge but also the capability of the Presiding Officers of the NDPS Courts to dispose off more number of cases also expeditiously. Similar thing can be applied also for the form number 935. The comparison of the forms, both the forms with regard to question number five, the pattern of form number 820 has in general nature, they seem to common to all the programmes, is not specific for the NDPS programme, whereas the form

number 935, I find that is a specific to the title of the programme and the ..Presiding Officers, this is actually specific to the NDPS Courts, but is not the previous one. The methods for managing courts and case, and procedure for conducting trials find a mention in the subsequent form may be the form which was dealt with regard to the drug and drug abuse and drug trafficking, is not in the form originally meant for the NDPS Courts. The question asked in the proforma are subject based and there is a little mention, only at question number nineteen with regard to the learning from the programme. Offcourse, the both the formats are independent of each other and can be used for devising a future programme and it can use both responses for better utilisation devising of future programmes. Off course revised version of the form is also possible, I have devised a one form for the forms I individual sessions can also be included like the name of the subject of the session, and grading also given, to great extent, some extent and like that and the issue is whether the issues are addressed adequately or defectively, such grading also given, subject wise, all the subject wise can give a grading, and knowledge wise also, you can get a response from the parti...whether the knowledge imparted is great extent, to some extent to little extent and whether it has been the knowledge has been updated, whether it is useful, and it is updated, up to date, all those things can be included in the new form, and module of the programme, you can carve out certain things, whether group discussion is important, case studies, interactive sessions, stimulation exercise, audio visual aids, the structure and sequence of the programmes was rightly are based, such things you can give also give gradings. And study, with regard to the study materials also you can include certain columns, and also offcourse the resource persons, all the resource persons, also that can be graded, we can use such forms, subject specific also, the similar grading can be used, overall whether the subject and the entire programme was useful to them the grading can be used..a..off course the hospitality and general suggestions..required from the participants. And pre training, the forms also can be done and you can get the particulars of the officer and the problem faced by them even before the trainings, and these are the some of the examples, is not exhaustive, I can ask how do you apply the statutory presumption, these are the general provision what are the, what they faced in the day today their courts, we can get such particulars and accordingly we can mould our programme

after getting the suggestions from the participants, pre trial programmes because these questions are not exhaustive, I just illustrate some examples here, the question eight where that professional be used, but is not placed in our academy but it'll be taken it to consideration, I will definitely bring it to the notice of our High Court to take decision on this aspect, thank you very much.

(Clapping)

Hon'ble Justice Madan B. Lokur: Thank you, thank you Mr. Satish Kumar, from Manipur, Mr. Brij Kumar Sharma.

Mr. Brij Kumar Sharma: Very good morning my Lords, Mam Director, Faculty of NJA, my dear friends. Number one impression I draw, friends, I am immensely benefitted on my humble part feedback it was taken so lightly before I came here as if it was a routine method and I apologies some of the trainings in my academy were held even without circulation and securing the opinion of the participants. I completely surrender my ignorance before you. Now I am sense and values I received from this training. Number two, computerised...sheet to record the statistical data make be used and number three responses I received in this regard is very much useful is it it highlighted regarding the NDPS cases, it highlighted on the negligence of the police to come forward to give evidence before the court and its from some of the data's I have collected it shows the pendency, number of pendency of NDPS cases everywhere in India are not much higher BUT i WOULD like to add one thing, one session, on the manner of areas would be useful that I did not find in the feedback because it is said we believe that once legality of the areas and ..a..legality of the seizure are proved then case is over in the NDPS cases, it is shall not be. A...this feedback number four, it is helpful, it will be very much helpful in designing future programme in my Academy, the methods number one how to deal with police witnesses and how to deal with bail matters, number C, necessity to protect witnesses, number D, mode of seizure. Number five, the second format is much better in my humble opinion which I found in the first format, comparison of the intelligence of the trainers, in my humble opinion I am not preferring this one. And feedback number six, can you come with your own revised version of evaluation format for better data collection post training, yes I will, that will be format will be on pre training then post training. Number seven, can you devise pre

training evaluation form to be distributed to participant in advance before conducting programme on NDPS Court? Yes, I have ideas as well as material but still the ...knowledge it needs time to consider over it along with the faculty members. Eight feedback number eight, My Lord sorry no idea, thank you.

(Clapping)

Hon'ble Justice Madan B. Lokur: Thank you, from Orissa Mr. Loknath Mahapatra.

Mr. Loknath Mahapatra: My Lord Justice Madan B. Lokur, My Lord justice Kurian Joseph, Director Judicial, national Judicial Academy, Madam Geeta Oberoi and my dear brothers and sisters and fraternity. I beg excuse I couldn't prepare power point presentation due to my ill health and then I , thatswhy I'll give an oral presentation if My Lord says. So afr as question number one is concerned, what kind of impression you draw from responses provided by the participants? Answer to the question is I received positive response from the participants who had undergone training in the Academy, most of them have given the feedback that training programme was useful for them, for the judicial functions they have ranked the resource persons according to their choice and given favourable comments about the knowledge and skills. So, far as number question number two is concerned, the what methods are available to tabulate the response revealed received collectively? So, different methods and devises are there, electronic methods are there. So, my suggestion is that the datas available be segregated from the data available in the feedback form be segregated according to the choice given by the participants and different components and the quality of the the training programme imparted to the trainees be assessed accordingly and the utility of the training programme for the participants can be visualised from the information collected through their feedback and accordingly the future training programme amy be moulded so that that will be immensely benefit the trainee participants. The feedback relating to sanitation, food and conveyance are to be looked into in terms of majority view. So far as question number three is concerned, what use can be made of responses received? To me, I can make use of the responses. The responses can be taken into consideration for designing the course module, because the participants will give their own view how it can be made better or in what area they want some better training, what are the grey areas which have to be covered up by the resource persons, I'll take those

aspects into consideration and accordingly I'll design the training module for the future participants to come. so, far as question number four is concerned, what it can help you in designing your next programme for the NDPS Court? Certainly it'll help our Academy in designing the training course for NDPS Courses because I took the view rather tips given by My Lord Justice Madan B. Lokur yesterday by heart, he has told that the trainees should be selected for the subject, or the subject to be selected for the trainees. If we invite the Magistrates for NDPS training, it has no meaning; our Academy though our Academy sponsored the name of the participants but we used to give them the target group, what group will be selected out of the officers for the particular training purposes, thats why it is highly important that we have to select the participant according to the topics chosen in the training module and I took it by heart and it will help me in designing training module in future because I have recently joined Academy, only on first June 2015, I joined in the academy and I am in the process of the learning and I learnt a lot from resource persons and I learnt great from My Lord Madan B. Lokur, since all the practical aspects are touched during his session. So, the answer to this question is that it gives the feedback that the persons dealing with NDPS cases should be invited to the training sessions, study materials must be supplied well in advance and the resource persons should be selected considering the expertise in the field so that they can guide the trainees in proper way. So, far as question number five is concerned, compare the forms and responses submitted with that of second set of forms and responses from from which format and responses better information can be collected? In my humble view better responses can be collected from the forms relating to NDPS cases because constructive suggestions are received from the participant and the trainees under the Workshop on legal Framework to deal with during drug addiction and drug trafficking, they have avoided many questions, because the questions were in voluminous, and they have avoided lot of questions. So, when we are imparting any training programme, our focus is to give maximum effort on the training instead of collecting feedback. In fact when we supplied them with the form, with 10 to 11 or 15 questionnaire, they started working upon it before concentrating on the training, so it will be better if we supply them study materials and will collect information from them what are the grey areas and will focus our

attention on those areas and the latter part will give them the questionnaire so that they can give us proper feedback and we will improve ourself in the future training to come. Question, so far question number six is concerned, can you come up with your own revised version of evaluation format for better data collection post training? Certainly, I learnt a lot for collection of data post on post training session during the course of the training session because lot of questionnaires have been provided and I thought that each one of it is useful, that's why I couldn't make a brief note of it, when I'll return back to my Academy I'll certainly exercise upon it and I'll think which one will be best suited for which programme and accordingly I'll prepare the questionnaire and I'll provide it to the trainees, since they do not..a..they cannot divert much time on the giving the feedback by filling the questionnaire, I will make it short but each each questionnaire is very very important for different training module, so I will apply my mind so far as training modules are concerned and for each participant different kind of questionnaire will be prepared by my Academy and i'll try my level best to collect the realistic feedback from the trainees so as to make the future training programme a great success. Can you advise pre training evaluation from the...forms to be distributed to the participants in advance before conducting programmes on NDPS Courts? Yes, that can be done because NDPS courses or NDPS training programmes are conducted fairly senior Judicial Officers, probably the district Judges who are empowered with , notified to deal with the NDPS cases re invited to participate in the training programme relating to NDPS, so we can give them pre training questionnaire and we can also provide them with study materials, soliciting their suggestions, soliciting what they want from the Academy, in what way the sessions can be interactive, so we can give them pre training evaluation form as well as study materials and we can get them before the training session begin, but i have got my own innovation that before we ask for any feedback, we get it because the trainees they speck out, after each session, each interval they used to speak amongst themselves which one is the best and what shortfall is there and we could be we could notice it during that CCTV footage when the training session just ends, they themselves talk that this resource person is the best one and the Academy should invite this resource person time and again because we are immensely getting benefit out of the .. and the learning experience of this trainer, so

in that way instead definitely the written feedback i.e. the questionnaire feedback gives us maximum input but apart from that James Joseph has in suggested that intermingling with participants and to get instant feedback is ALSO necessary, I'll also look into it. So far as question number eight is concerned, it is last question are you aware of professional,schools , disciplines engaged in the business of evaluation and monitoring, has your state academy ever approached such professionals? To be very frank and honest, since I have joined in the month of June I have never come across with any such institution and our acad...and I have also verified the records and from the records I do not find that our Academy has entrusted the work of evaluation to any institution, but we will do it in future, thank you Sir.

Hon'ble Justice Madan B. Lokur: Thank you, ..a..we had just four minutes left, I don't think we can finish anything in four minutes, so what we'll do is we'll break for tea just now and come back at ..a..11:30..sorry, ya 11:30 and then we'll proceed with Patna, Punjab Haryana, Rajasthan, Tripura and Uttarakhand, okay.

Hon'ble Justice Kurian Joseph: Since we are going for tea Justice, small question to Mr. Prasad from Jharkhand, its a food for thought. I just wanted to know since you asked the same set of questions both anonymously and by names, you got one set of answers where the ratings were very good when their names were mentioned, but the same set of questions about the rating of the the the ..e..resource persons. Anonymously you got answers very poor, so which one did guide you for the future programmes. Which one did you take for..a.. the future guidance? Were the officers who knew about the ratings as very good, why names will be annoyed?

Mr. Prasad: There was a suggestion from the academy, it's in this training that this can be used on ..a..by taking help of computers where the feedback can be taken on computers straightaway where there is no problem of handwriting.

Hon'ble Justice Kurian Joseph: The academy was guided by the anonymous version.

Mr. Prasad: Sir, I am very new to my academy, I have just joined four months back, we do not have, we have also optional naming of name, optional in naming yourself, you can name , you cannot name. It can be anonymous, or you can name yourself, so I am still in the process of learning, I am just very new to this.

Hon'ble Justice Kurian Joseph: Which is the true version according to you?

Mr. Prasad: I think the anonymous should go.

Hon'ble Justice Kurian Joseph: Okay.

Participant 1: My opinion is assess our assessment and it will the feedback will guide us to assess the guest faculty or resource person or the class. Initially, we will will the Director or the Faculty will have the assessment about the guest faculty, resource person. They will also be sitting in the classroom, they will also assess and the feedback will guide them to assess the correct position.

Hon'ble Justice Kurian Joseph: I was totally worried our officers have learnt to be diplomatically insincere, so I was only asking better to have an assessment anonymously only or by naming, which which would be better?

Participant 2 : By Name is better, let the officers express themselves.

Hon'ble Justice Kurian Joseph: They go by name, they don't give you true answer, they give you a diplomatic answers, insincere answers, untrue answers, they go by the safer path. To be safe they will only say excellent.

Participant 3 : My My Lord, we cannot take give priority to anyone , we should do analyse the reasons, if somebody is saying like or dislike is not enough. I t may be anonymous or it may be named, but if we put reason we will consider them, it will be useful.

Hon'ble Justice Kurian Joseph: But any officer, will any officer in your academy will dare to say that High Court judge who gave a lecture or class was not good, was poor , was average, ...name.

Participant 3: Generally do not but we have in the feedback forms.

Hon'ble Justice Kurian Joseph: Rarely also, why do you say generally, rarely also, in Bombay will anybody do, arre I am only asking a ..a.. larger question, assessments is it better to go by anonymity?

Participant 4: It was discussed that anonymity is better.

Hon'ble Justice Kurian Joseph: It was discussed only?

Participant 4: It was discussed yes yes it was discussed in previous year when some expert came it was discussed that anonymity is better.

Participant 5: Option name should be removed from the forms, you are are so many , all the majority of the academies mention that naming, your name is optional, it should be more, totally anonymous.

Participant 6: If it is optional, some

Participant 5: some people will mention the names, some people will not mention the names, then there is a problem, we may, faculty may guess who has written all this things, who has not written all this things, there is a problem of guessing and identifying the person who has written against to a particular judge or against to a particular resource person.

Hon'ble Justice Kurian Joseph: If you give optional also, some

Participant 5: No, no we should not give option, we should you have to remove the option

Hon'ble Justice Kurian Joseph: I am just saying there is risk in giving option also, somebody wants to say something very high about a officer which he knows will be reported, will say that was excellent, very good, exceptionally good.

Participant 7: My Lord, if questions put put in feedback form are subjective nature just like form form put for for 820 zero, then certainly it may an option should be given that that whether he he can participant can disclose his name or not as per his wishes, or or names designation need not be disclosed but when questions..a...are of quanti qualitative nature then then there is..a..no need of anonymity..a...and the questions are are ans answered on objective basis just like pro pro form prescribed for progra programme number 835.

Session 18

Hon'ble Justice Madan B. Lokur: So, is everybody back? We'll continue with Patna, Mr. Navneet Kumar Pandey.

Mr. Navneet Kumar Pandey: My Lord Hon'ble Justice M. B. Lokur, Hon'ble Mr. Justice Kurian Joseph, both Judges Hon'ble Supreme Court of India. Ms. Geeta Oberoi, Director, National Judicial Academy, and the learned participants. First of all, I beg pardon of my Lordships that I could not prepare powerpoint presentation of the evaluation of feedback forms and I will prepare it and give it today and give it to Sanmit after conclusion of the Programme. So far as I gathered, we have been given task to evaluate two sets, two sets of the feedback forms relating to two different programmes of Programme Number 820 and 835. Programme Number 820 was held in July, 2014 and 935 was held on in July 2015. Both the Programmes were on the topic NDPS Act and after comparative study of both the forms..a..I had to submit my presentation in the format of questionnaire that has been been formulated by the National Judicial Academy. The first question, questionnaire is that what kind of an impression you draw from responses provided by participants. So, as Hon'ble Justice M. B. Madan B. Lokur has already mentioned that in some programmes the judges who are not dealing with the subject are invited, I have also found in Programme 820 that some judges who were not dealing with the NDPS Act were invited, not invited by the National Judicial Academy, but from the respective High Courts to attend the programme. One of the Judges has clearly mentioned that he dosen't deal with the NDPS Act and one the judge had mentioned informed that he is assigned, he is designated to try the offences under Prevention of...a...Prevention of Scheduled Caste and Scheduled Tribes Act..a..Atrocities Act, so after perusal of the second set of feedback forms, I find that some officers not dealing with the NDPS, thats thats my answer as per question Number One. Second questionnaire relates with how to tabulate the answers given in the feedback form, In that respect, Excel bar charting method may be used, by word, the word charting method may be used and MS Word , Google Forms, LiveServe Forms as mentioned by Hon'ble Justice Chavan may be used. The third questionnaire what use can be made responses received. The main cause of delay in disposal of NDPS cases is delay in receiving the Reports from FSL, we may put emphasis on to follow up the call for FSL Reports expeditiously. The

next question is for comparison of the forms of both the sets of the forms and responses submitted. In first set, the participants were asked about the utility of the programme as well as whether was it beneficial to the participants but in second part weirdly statements were required to be furnished and the services of catering and cleanliness etc were emphasized which has nothing to do with the utility of the programme. The next question is that can you come up with your own revised version of evaluation format for better data collection. So far the answer is that, so far only data collection is concerned they may be received from the respective High Courts as all the data's are available with the respective High Courts. I have gone through the second set of evaluation forms and questionnaire 1 to 17 was related to the statements of the cases such as average number of cases finally disposed off in one month, please provide the number of cases pending for more than one year, please provide the number of cases pending in more than two years; these data are available with the High Courts and they may be called for, they need not be to be filled up in the feedback form. The next question is can you devise pre training evaluation form to be distributed to the participants. In this respect, my view is the evaluation of a programme can only be done after performance of the programme, pre training evaluation form how..a...I am unable to stand..a.. understand how pre evaluation of a programme could be done. So, the NJA has already devised that format relating to statements and if it is supposed to be pre evaluation form, it may be called for from the concerned High Courts and it is my feedback, thanks, thanks all of you.

Hon'ble Justice Madan B. Lokur: Thankyou, Punjab and Haryana, you'll be coming good, Mr. Mehndiratta.

Mr. Mehndiratta: My greetings to the Hon'ble Judges of the Supreme Court and the participating colleagues and all others present. My straight away answers to the questions are: Question Number one: From the perusal of the material supplied by the National Judicial Academy it has been found that participants took keen and active interest in the programme. They gave their responses about many aspects of the working of the courts as well as the programme including causes of delay in investigation and trail, and of the measures for expeditious trail and they also commented that they found the programme to be very useful and relevant. Some of

the responses which I noted separately which I have not mentioned in it but I will narrate were that there was need to engage experienced practical resource persons including Hon'ble High Court and Supreme Court Judges who were elevated from the cadre of the Session Judges, so that they could narrate from their own experience how to deal with the particular situations, they also requested that the programme should be sent to them sufficiently in advance so that there is no unnecessary adjournment at the neck of the hour and the litigants and the witnesses do not suffer , and also the study material be sent to them in advance, sufficiently in advance; then they also mentioned that during the programme wherever the need be the bare acts and books be made available to them and then they also stressed the need for more refresher courses, more group discussions , they also made the suggestion that for improving the working of the trail of criminal cases including these special act cases, the public prosecutors and the police officers should also be sufficiently trained. Then, they also requested that before being posted in the special courts of this such like NDPS courts there should be given some minimum training in advance so that immediately after starting their work they know the nuances of the work which they are going to do for the first time. And, then some of them from the Hindi states also made a request that during the course of these programmes use of Hindi language should also be made and then they also made a request that practical problems and their solutions should also be made part of discussion during these training courses. And in the second part of this programme , the second programme the suggestions were that their causes of delay for example late submission of reports by the forensic Science Laboratories about the samples, then non service of the prosecution witnesses, non-production of the case property resulting in delay in the trail of cases then one of the main features narrated by many of the participants was that an officer had been entrusted with so many duties with so many special Act cases and that apart from the normal work ,it was very difficult to devote time to a special Act case. One of the officer said that he had been entrusted with duty of trail of cases under nine special Acts including the NDPS Act, then one officer suggested that there was need of Special Investigating Agencies and Special Public Prosecutors. Improper investigation was also stated to be one of the causes for acquittal of many of the accused and need for proper training of the police officers was stressed so as to make

them aware of the mandatory provisions of Section 41, 42, 43 and 50 of the NDPS Act and then one officer suggested that the Investigating Officer had not joined the owner of the vehicle seized with the contraband which resulted in improper investigation then it was also suggested that there was need to need for day to day trail in special Act cases in order to avoid delay and this witnesses becoming hostile and one of the suggestions made for proper and expeditious service of the prosecution witnesses especially the official witnesses was that their mobile numbers should be mentioned in the list of witnesses itself so that even if they are transferred from a station or if they retire it is easy to contact them and to arrange their testimony in the courts. So, these were some of the responses received from the officer on which I have based my answer to Question Number One. The Second Question is about the methods, what are the methods to regulate the responses, these as we have learnt from this programme itself, two of these are Excel Sheet method I.e., Chart method and pie diagram. Then the third question is what use can be made of the responses received. Now, these responses can be used for improvement in quality of training program, working of courts, quality of boarding and loading at the National Judicial Academy, enhancement of the participants about the knowledge of law, and taking steps in securing the FSL Reports in time. Then fourth question, is how to use this information in the next program, ..a..these feedback received in these programs can be used for solving the problems faced by the courts while making this time table of the next programme . Next question is whether better format for collecting information can be prepared? Yes, given the time it can very well be prepared. Now, this is about the comparison of the two question, two questionnaires for two programmes, the first set of format is better as it highlights the aspects of the evaluation of the training programme, while the second format tends to bring out only the problems faced by the participants in the trial of drug addiction and drug trafficking cases. Sixth question , revised version, it can be prepared but sufficient time is needed to design a better evaluation format for post training sessions. We got this questionnaire only today as earlier and did not find sufficient time for making the exercise. Then, the next question is pre training form , for it also sufficient time is required but some sample questions we have prepared such as, have you undergone any training to deal with the NDPS cases?, how many

NDPS cases are pending in your Sessions revision?, what is the procedure followed by judicial Magistrate First Class for disposal of the property in NDPS cases?, in what particular aspect provision of the Act you need to be trained the most?, so these are some of the sample questions but these are not comprehensive. The last question is that we were, our academy was not devising such a programme of this impact evaluation, so neither there was any need was felt for knowing the experts and professional in field nor anyone was invited. Now when programmes are prepared we will be joining in this exercise. Thankyou very much Sir.

(Clapping)

Hon'ble Justice Madan B. Lokur: Ya thankyou. Now from Rajasthan, Mr. Omprakash.

Mr. Omprakash: You're Lordships, Director Mam, NJA, senior judicial officer of my fraternity, very good morning. In continuity of topic of evaluation of feedback forms available to us. Regarding question number one, my humble submissions are that participants are very responding with methodology adopted by NJA regarding judicial education in audio, video, electronic media and personal interaction make participant too much responding with the topics obtaining. Regarding second question, my humble submission Sir, feedback forms are available for response received from participants but for response received collectively by participants no tabulation method adopted in our academy. In future the concept of result based evaluation method will be implemented, collection of accurate data, analysis of data, and use of data is the hallmarks of the feedback. Question number three, my humble submission is that optimum use of resources, area of deficiency may be identified, where need of improvement new courses or training programme may be added or conduct to improve efficiency of judicial officers. Regarding question number four, when areas of deficiency identified then next training programme may be designed on relevant and important topics, new points of deliberations may be suggested. Regarding question number five, my humble submission is that short questions regarding participants' self-satisfaction on topic may be put to them in feedback forms and independent expert appraisal may be taken for better information. Regarding question number..., my humble submission is that after workshop on impact assessment method available we can revise version of evaluation format for

better data collection, post training. Regarding question number seven, my humble submission is that, evaluation form may be distributed to participants in advance or prior to session, therefore reasonable available to participant to enable their remarks or view. Regarding question number eight, my humble submission is that our judicial academy in future try to best level to approach such professionals, schools, disciplines, thanks.

Hon'ble Justice Madan B. Lokur: Thankyou, ..a.. from Tripura , Mr. Lodh.

Mr. Lodh: Still I can say good morning. Good morning My Lord in the dice, Director National Judicial Academy, and her officers and staff, my esteemed brothers and sisters. I am sorry that I could not prepare PowerPoint presentation, so I may kindly be permitted to submit orally. So, question number one is what kind of impression you draw from responses provided by participants. After comparative study, so for Programme Number 820 is concerned, it appears that training undertaken by the participants on NDPS cases were very useful to them, the participants are updated with the latest position of the laws, and many confusions are removed by the deliberation of the distinguished resource persons. As far as Programme Number 935 is concerned, it appears that in drug addiction and drug trafficking cases generally the witnesses are turned turning into hostile. There are lapses, loopholes on the part of investigating officer in investigating the cases as they are not well conversant with the practice and procedure of NDPS cases. Charge sheet are not filed in time, forensic reports are also not filed in time, so IOs are to be trained and forensic reports have to be filed alongwith the chargesheet. Number two, what methods are available to tabulate the response received collectively? My answer is the methods to tabulate the response collectively are available on the basis of results based evaluation I.e., RBE through which we will be able to enhance the quality of justice, which is the ultimate objective of the judiciary. RBE is a continuous RBE is a continuous process of collection and analysing information to compare how a programme is being implemented. Number three, what use can be made of responses received? my answer is since trainees are considered as the final beneficiaries their responses/feedback is valuable focusing on each training activities and depending on the evaluation results centralised at institutional level and interpreted following internal methodologies the judicial training institution may decide according to its

own internal regulations , what are to be taken , what actions have to be taken; secondly, it would be easy for the evaluators to work out where the problem is, how big it is, and how to solve the problem. The impact tabulation determines the effects of the programmes, this involves trying to measure whether the programme has achieved its intended outcome. Question number four, how it can help you in designing your next programme for NDPS courts? By the , my answer is, by the two sets of questionnaire supplied on NDPS courts and the feedback received from the participants, since the issues and loopholes of the investigation identify it would help in designing our next programme by fulfilling those gaps. Number five, compare the forms and responses submitted with that of second set of forms and responses of from which format and responses better information can be collected? According to me, from format number 935 better information can be collected, I will also, I would also like to include part six and eight questionnaire of format number 820 with form format number 5 935 for collecting more information. Question number six, can you come up with your revised version of evaluation format for better data collecting..a.. collecting post training? Yes, we can come up with our own revised version but according to me questionnaire 935 is more, is more than sufficient for post training data collection, our Calcutta, Delhi, Himachal Pradesh and Tamil Nadu High ..a..Judicial Academy have given a detailed proforma which will surely help all of us. number seven, can you devise pre training evaluation form to be distributed to participants in advance before conducting programme on NDPS courts? Yes, we will be able to devise pre training evaluation form for participant in advance before conducting the programme on NDPS courts. Number, last question, are you aware of professional, discipline, engaged in the business evaluation and monitoring, has your state judicial academy ever approached such professionals? Yes, I am aware professional, discipline, engaged in the business monitoring, but as I told yesterday also, our academy has taken its journey only three months back..a.. the question of approaching such professional has not arisen, thank you My Lord.

Hon'ble Justice Madan B. Lokur: Uttarakhand, Mr. Pradeep Pant.

Mr. Pradeep Pant: So, very good afternoon to you all. My Lord Hon'ble Mr. Justice Madan B. Lokur , Hon'ble Mr. Justice Kurian Joseph. So, I am the last batsman and the ball. Everybody is now interested in second inning because they have put up a

very good scores on the boards, so I want to sum up that very quickly. Two training programmes were organised by NJA, one is P-820 National Conference for the Presiding Officer of NDPS from 25 July to 27 July , 14 , three days and P-935, Workshop on legal framework to deal with drug facility..drug trafficking for four days. In P-820, the evaluation was collected in objective questionnaire form, whereas in 935 , evaluation of training was collected in descriptive type of questionnaire. By and large the responses provided by the participants were positive regarding the achievements of the objective os the programme. It appear that there are following information may be gathered beside other feedback, number one what I can say, its in addition to this , whether the nomination of the participants was proper, whether the course content was proper, whether the methodology was proper in disseminating the knowledge during training programmes, feedback regarding the resource person and areas for future improvement. In fact most of the participants in their learning achievement highlighted the approach of NJA to provide the practical position of the statutory position under the NDPS Act regarding these three words, updation, disclosure and exploration. Now the responses may be used as databank and with the help of excelsheet this data may be tabulated and analysed to find out the areas where the workshop training programmes for successful and where it lacks. Tabulation and preparation of graphics may be done by filtration of some data and these all were my dear friend from Delhi, from Himachal , they have done far far better , I could not lay my hands to these material prior to coming to this place, and really they have wonderfully analysed the data and prepared it. Now, regarding the question number three, the query that what can be the , can be made of response received. I have dealt already that these responses may be used as databank but to add the something, this data can be used for evaluating the training programme. ..A..and for improving the same by taking appropriate measures ..a..like designing these redesigning the course curriculum as well as the study material and to introduce most appropriate methodology of learning. Regarding the response by these response after the analysis of data better programmes may be organised for NDPS courts as now we can use the information for designing the training programme, selection of the course content, selection of the material, selection of the training methodology, distribution of sessions and commensurate to the need of

the subject , topics, selection of the resource person. We can all do the analysis of this data for the future training programme. Regarding the fifth question..a...when we compare these two types of questionnaire..a..what come to my mind is questionnaire prepared for session 820P was better in some way , reason being it can be deduced that the second set of form are more relating to the pre training survey purposes and also for conducting the TNA, I.e. training need analysis and first set of forms was actually the responses after the training for the evaluation of the training but analysis of information in the case of first type of forms are easy , second are is more descriptive, it itself shows that the collection of response in such forms are more difficult. It's in some last sessions it was told to us that we have to extract the information from the participant and if we can give them lengthy feedback form then they will be very hesitant, they will be hesitant to write up after the conclusion of the training, so if it is objective type, it is more facilitating and its can be easily gathered. Regarding the six seven ..a..regarding the des..redesigning of these training evaluation sheets for pre training and post training purposes obviously after these sessions I will be , I am in a position that now we can develop our own module for the pre training evaluations and for the post training evaluations by putting some time , putting with the consultation of our participant, but at present I have not done it but I will I will emphasise on certain things that I will not try to include certain questions which are included in the forms 935 like the average age of accused person, because I will put myself in the position of the participant ki whether I can give this information correctly or not. A judge of NDPS court is not having this data with him readily, so when we call the average age it's not possible to him to give this correctly and one more question, in how many cases, in how many percentage of cases you think that police has falsely implicated, this is very difficult, it is assumption only, this can be assumption only, this question cannot be answered on the basis of fact, reason being a case will culminate either in conviction or acquittal, so this can be assumed that this person who is acquitted was falsely implicated may be possible that he was not convicted because of not following certain provisions which are contained in the NDPS Act. So, at present our state judicial academy has not approached any professional for evaluation and monitoring of these trainings

...a..training conducted by our academy and therefore we are not in touch with any professional and so thats all from my end . Thank you My Lord.

(clapping)

Hon'ble Justice Madan B. Lokur: Thank you. Okay so, I think it's being an interesting session and good feedback, you know there are just five points that I want to make, I will not take very long and one point I want to make which is ...a..not fully relevant to the discussion that we are having. The first point that I want to make is that why should we have an evaluation?, what is the need? I mean after all I am doing my best, I am coming out with a good programme, people are happy atleast they appear to be happy, so why should I have an evaluation? I think thats a question that we need to ask ourselves ...a..that we need to have evaluation to see how the progress , how the programmes are progressing, whether they have been received well, they have not been received well,...a...the perception that I may have about the work that I am doing, I may think that I am doing a wonderful job, but that does not mean that everybody thinks that I am doing a wonderful job, somebody may have different opinions, so this evaluation gives you idea not from the perspective of one person or two persons but from the perspective of all the participants. So if you have twenty participants or thirty participants, you may get thirty different views, it is possible, you may also get 3 or 4 views, some people having one particular view, another group having a particular view and from that you are able to evaluate what exactly has been the response to the programme that has been conducted by the Academy. So, the process of evaluation itself is very good, is is is very necessary and that involves this is the second thing asking the correct questions, you see, one is to evaluate and say that people say my programme is very good, ten people say satisfactory, five people say very bad, six people say average, but if you don't ask the correct questions you will not get the correct answers. All of you are judicial officers, all of you must have conducted some trial at some point of time, if the lawyer asks the wrong question, he is going to get the wrong answer and that wrong answer can in some cases be very damaging to the case of the defence or the prosecution or the plaintiff or the defendant, so it is necessary to ask the correct questions. Now, you have got some very good suggestions from here on what kind of questions to ask. Its not that you devise a form and well I have devised a form and

I am sure that I have asked the correct questions, may be you have not asked the correct questions, may be you need to formulate the questions slightly differently. One, one of things that came up yesterday was about the assessment..a...the question was not clear to some of the participants. Now, it is not as if you didn't understand what the question was , but you understood the question in a way different from somebody else sitting on the same table, so that question has to be clear, it has to be a question which will illicit response, which response should also be clear so that you know what the person is telling, otherwise he will tell you, he will understand something from the question, he will give some other answer, and you will come out with a third interpretation.

So, the second thing is to ask the correct questions and if you ask the correct questions you will be able to make the correct evaluation. In computer terminology, long time back it used to be said Garbage In Garbage Out, you ask a silly question you will get a silly answer so its the same way with all of us that if you ask me a question which you know is ambiguous I will give you an answer that is ambiguous. If you ask me a question which is not clear I will give you an answer which is not clear because I have not understood what question you are asking. So, frame the correct questions, don't think that because you have framed the question therefore it must be correct, you can think about it, discuss it, mull over it and then finally come to the conclusion that yes this is the question that should be asked perhaps even after all that study you may still get strange answers then you can realise that when your question which you thought is very clear , which you discussed with the colleagues was after all not so clear thatswhy you started getting some strange answers, so this is a process of ..a..this checking, counter checking, improving your questions and the responses that are received to those questions.

The third important thing is the analysis of ..a..the answers that you received. What are the answers that you received and what what is the analysis of those answers? Very simple, you can say good, bad, average, satisfactory, amy be that thats not what you are looking for, may be you are looking for something very specific. Can there be improvement in the programme? Yes there can be an improvement in the programme. What is the nature of improvement in the programme? The programme

can be more better if it is more interactive. The programme can be more better if there are some slideshows or power point presentations. So, that analysis which will come about from the responses that the participants will give you will tell you how to improve the programme. So, the analysis also has to be done meticulously, you know not put it into slots of good, bad, average, satisfactory, poor, but what is it that the participants are trying to convey to you, they are trying to convey something to you, you ask them a question, they are trying to convey to you. What is it they are trying to convey to you that is the analysis that you will have. Again coming back to the legal terminology, ..a..cross examination question and answer, you analyse the cross examination of the witnesses, you believe some witnesses, you disbelieve some witnesses, you feel that well this witness has said this which is important, he has said that he visited the site and found such and such a thing happening over there. So, that is the analysis of the evidence you are doing, so in the same manner offcourse it will be different because you are putting it like a question, you are getting it like an answer, but principles are broadly the same, that you have to analyse the responses that you receive, come to the conclusions on the basis of the analyses, and then you will get an idea of where you are going.

The fourth thing that is important in this is possible critiquing and possible improvements in the programme. Somebody will tell you that your programme was poor, somebody will tell you that the resource person communication skills were poor. I am assuming that you get honest answers whether it is by disclosing the identity or keeping it anonymous, I am not going into that but assuming you get honest answers, you will somebody will tell you good, somebody will just tell you poor, somebody will tell you very good, just because somebody says poor, facilities were not good, resource person was not good, it dosen't mean that everything is a flop, it means that there is some improvement that you have to make, you know, its its not its not a question of failure, you are not sitting in an examination or something but you are asking for an honest opinion and somebody gives you an honest opinion, you should accept that honest opinion, and find out that well yes he says ..a...resource person was useless or this slide presentation was useless, or the reception at the airport or railway station was useless, why? Can you improve it? Otherwise, if you feel that haan, you know people are only criticizing me then you'll

never improve. Its not a question of criticism, thatswhy I am using the word critiquing that they will tell you that listen this is what it is, don't take it as a criticism but take it as something being critical about a particular situation, or a particular event which a person feels needs to be improved that is one aspect of it. The second is the improvement aspect of it. Somebody will say that yes the programme was good, why was it not very good? There must be some reason why it was not very good, or somebody may say that programme was very good, why was it not outstanding or excellent? So, whether you get a negative response or whether you get a positive response, there is always room for improvement, you know, please look at it from that point of view, because what you are doing eventually is you are helping out your colleagues, your judicial officers, you are helping out the justice delivery system, you are trying to make justice delivery system more effective, more responsive to the needs of the people, you are trying to,..a.. you know give them access to justice, you are trying to give them justice which is expeditious, justice which is fair, justice which has got quality, so the whole lot of things that you are doing , I mean that you are not just organising a programme, but there are a lot of things that you are doing, so ultimately from negative, you have to come to positive, from positive you have to come to more positive, so regardless of whether the critiquing is such that you get negative responses or the critiquing is such that you get positive responses, the idea is to try and make the programme as good as is possible, off course no programme can be perfect, but people should say that yes this is the programme that I attended, I was very happy, I enjoyed it, and that I recommend that to you. Next time when you become the NDPS Judge, or the moment you get appointed as NDPS Judge you must attend this programme, or the moment you get a appointed as Principal Magistrate JJB you must attend this programme, that should be the ..a.. you know..a...feeling that the participant should have and that is the feeling that you should be able to inculcate in the participant that yes somebody asked me for my opinion, I have given the opinion , my opinion may be write, may be wrong, my view may be write , may be wrong, but atleast it has been considered, and may be some steps have been taken, or may be my opinion was wrong and may be steps recommended by somebody else were taken, good enough, its not my personal programme, or is it your personal programme, so don't feel that

you know...a...a negative response...a...from the side of your participants is something which is being a criticism of what you have done, nor should the participant feel that well, you know, that not accepting his suggestion is like telling him that listen I I don't care for your opinion. I think every opinion should be taken seriously, should be deliberated upon, and then that's the only way perhaps in which you can improve. The last thing that I would like to say in this is that we need transparency in what we are doing and that transparency comes hand in hand with accountability. The reason why I am mentioning this is that all of us know that the government is spending a lot of money in judicial education programmes. Last, 13th Finance Commission, they gave a lot of money for infrastructure, setting up of judicial academies, 15 crores per state. They gave a lot of money for...a.. training , for judicial officers. 14th Finance Commission also there is a lot of money that is available. So, that money is coming from us, we are the tax payers, that's coming from us in a sense. So, we need to utilise whatever we get effectively. One, is for the sake of doing it. The money is there, it's coming from our pockets, we should utilise it effectively to the best of our ability without squandering the money. The other aspect is that questions are now being asked you know that's why accountability also comes in. Questions are being asked, the NJA has been asked questions by Parliament. How many programmes have you held? How much money have you spent? What answer are they going to give. We have had 900 programmes. Alright, very good. Member of Parliament is happy, but if somebody says what is the impact of the programme? I don't know what is the impact of the programme? I have had 900 programmes, but I don't know what is the impact. So, this is going to be their next stage, you know, people will ask you in your judicial academy? Alright I am having one programme every weekend. How much are you spending in each programme? I am spending 5 lakh rupees in each programme. So, how much you have spent in one year? I have spent 5 crores in one year. What is the result of that five crores? You don't know because you have not evaluated. So, you know, these these are questions that are now going to be asked, I mean they have already been asked of the NJA. I will not be surprised if somebody in the State Legislature asks some question what is happening to this Academy, we have given fifteen crores, they will receive fifteen crores for setting up of a new building, what are they doing with it? So, I think we we are also

answerable in a sense, you know, and if we are in a position to be transparent about our activities, I mean we don't have to put advertisements in newspapers and so on but I am looking at from the point of view of needs assessment where you are asking the participants, you are doing it as a transparent process, you are getting views, you are getting ideas, you are getting evaluations, you are studying those evaluations, you are analysing those evaluations, you are coming to some conclusions, so that's all a part of transparency, so somebody asks you, your Chief Justice asks you why you are having the programme on NDPS, this is the reason I am having the programme on NDPS because the people have said that there must be a programme on NDPS. Why do you say that there should be a programme had said pre posting training, orientation kind of a programme. This is the reason why we should have it. Why do you have induction training after all a person has worked as an advocate six months, one year, two years, may be seven years, he has been selected as a judicial officer, why do you have to train him, doesn't he know what the law is? He knows what the law is, he has been practising in the court for seven years, he knows what the procedure is, why do you have one year training, why? Because it's necessary and why it has been necessary? It has been necessary because some experts have found through experience, through their study that well, when you are a lawyer and you become a judge, there is world of a difference, you are going from, stepping from one shoe to another shoe which is completely different, so therefore you need that adjustment, that's why you have this training. Why one year? It can be six months. Well, somebody has to fix some arbitrary figure, nobody has done a study whether it should be six months, or whether it should be one year, or whether it should be two years, earlier Supreme Court said two years reduce it to one year, why? There is no reason for it. It's an arbitrary period, you know that has been fixed. But, at some point of time there is bound to be some arbitrariness which has to be accepted. Why do we say that ..a..lunch should be at one o' clock, why not at 1:30, well it should be at one o' clock, what's wrong with it, so you know there's no answer to every question. So, we have to go by what we are guided..a..by persons who have been in the business, persons who have got this experience, persons who have got more knowledge, or know more wisdom than us. Judges of the Supreme Court who has been associated with the Academy or judicial education, say that well it should

be one year, you know, we thought two years was good, but now we realise that two years is not good, that's a process of their evaluation where they must have come to some figure, to you know, to reduce it from two years to one year on some basis, they must have got inputs from somewhere, they must have got a feedback from somewhere. They say alright reduce it to one year. There's a feedback now, there's a judgment of the Supreme Court that the moment you got a law degree you can sit for an examination. But there is a feedback coming in now that it's not such a good idea. The person needs to be a lawyer for one year, two years, or three years, whatever the period is, and only then you should be you know, allowed to sit for the judicial service examination. Fine, that's a feedback which has been analysed, which has been evaluated and a conclusion has been arrived at. Maybe one day the Supreme Court may modify the judgment and say that alright it's not that a person with a law degree can become a judicial officer by just passing the judicial examination. So, all this is really a part of you know, our accountability, our transparency in the process, we are not hiding anything. Our judicial education programmes are known to ..a.. those who are concerned with it, the High Court judges, the judicial Officers, people in the Registry, they know that you are coming over here, they know that some participants are going to Bhopal, or they are going to the State Judicial Academy, there is nothing secret about it. But the process of conducting these programmes, I think should be transparent in the sense that not that I am sitting in my office and I say that alright tomorrow I am going to have a programme on motor vehicles, so I pass an order programme on motor vehicles. That's not transparency. Do we need a programme on motor vehicles? We don't need a programme on motor vehicles. A... Manipur I don't think you have too many accidents, right, now, if you decide to have a , you know, state wide programme on motor vehicle that's going to be a waste. So, all this has to be taken into consideration for, you know arriving at programmes and this where evaluation of the entire range of activities, starting from conceptualising the programme, to delivering the programme, and to finding out the outcomes of the programme has to be looked into. This is all that I have to say about ..a..this programme I just want to say something about ..a.. not connected with this programme, about mediation and computerisation...a..We have written letters from the Supreme Court requesting the

State Judicial Academies to, you know please have Refresher, not have refresher but to have programmes for Referral Judges..a..since all of you are here from the various judicial academies I just want to reiterate that request..a..the reason is that we have got a very large number of mediators in the country, we have a very large number of pending cases, we have to find solutions to disposing of these pending cases, mediation seems to be a very good way of doing it , Lok Adalat seems to be a very good way of doing it. But there is a qualitative difference between Lok Adalat and mediation. Lok Adalat could be a very simple case, you have 30, 40, 50 cases listed in lok Adalat, but you can't have 30, 40, 50 cases listed in mediation. I mean one mediator cannot do 30-40 cases, so there is a qualitative difference between mediation and Lok Adalat. mediation we need, we need to have more and more cases for mediation, have them resolved, it will not only dispose off the case that is pending but it will make sure that theres is no appeal, it will make sure there is no revision. Even at the level of Supreme Court, we are sending cases for mediation, we have a mediation centre in the Supreme Court, we are sending cases over there, High Courts are doing it, many High Courts are doing it. But what we have found is that not many referral judges are aware, not many judicial officers are aware of referring cases, how to refer cases, what are the cases to be referred and so on. So, please have a look at that. Second is computerisation,..a.. we have requested that you know, you should have programmes on use of computers. I think you need to look at that seriously. Phase- II of our computerisation project has started. Yesterday and today we have , we are having a meeting of CPCs in Delhi, ..a..I had said I am coming over here, I didn't want to back out from this programme at last minute,..a..but there is an important programme going in Delhi with the CPCs, we will need the assistance of the Judicial Academies, so please help us out in the process of computerisation. If you are in a position to train the judicial officers in the use of computers, some of you have given some wonderful power point presentations. Can you imagine if every judicial officer in the country is able to give a presentation like this, where will we be, California and all will close down , they'll have to come here, right so we have that potential, I mean none of you are experts, but you have given some wonderful power point presentations. We can encourage our judicial officers to do that. We have tools as a part of judicial education, you

know, videos, youtube, you can go there you'll get some good material on many topics, lectures are available on the internet, study materials are available on the internet. All these study materials they have got, they are from the internet, it's not that these people have found it lying around, they have found it from the internet. Computerisation, I think is very important for all of us, and you know we are reaching a stage where...a.. Some people are getting impatient that we can't wait for ten years for a case to be decided, we can't wait for five years for a case to be decided. I can send an email, I can send an sms to America, will reach there in five seconds, but for filing a written statement, I have to wait for one year, why should that happen, you know these are the things which are going to have some impact and since all of you are here, you know, senior persons in the judicial academies, my request to you is to help us out in both these issues of mediation and computerisation. So, thank you very much, its been a wonderful two days as far as I am concerned. Hope all of you have enjoyed your four days over here. Thank you very much. Justice Kurian Joseph.

(clapping)

Hon'ble Justice Kurian Joseph: Thank you very much my dear brother. On Friday, when we just going to the respective courts, my brother invited me for lunch to his chamber. I said I have to go to Bhopal, he said I am also going. Then I said if you are going I'll back out, because assured Dr. Geeta that we'll try to have at least one Supreme Court Judge in each programme and if there is nobody I am always on available as far as so that ..so once I found that my brother was here, I told brother now then let me back out so that one you are already there. Brother told me look Kurian this is a programme of Directors of judicial academy. So, its a very serious programme. Now, that this year we have a a paradigm shift in training that the lower level judicial officers will not be trained in NJA and they will be trained only in the respective judicial academies. So, the role of the Directors have gone very high and its a very serious programme, lets please don't go, you also come, lets both of .., that really opened my both eyes, I was just trying to close my one eye, but opened my both eye I said I'll also come. I had gone to Kerala yesterday for a child trafficking programme, but still I thought I'll make it and then I came and I am happy that I came, because I can see the the people who are actually involved in the training

process, taking up the programme very seriously and as my brother pointed out it has been a wonderful session for all of you for last four days, you have been actively involved as to what you would do in turn in your respective academies, from what you have learnt, or what you have understood, or what do you have analysed. These days by being in the NJA. So, NJA and the Supreme Court use this Programmes and particularly the programme of Directors in a very different and very serious mode, I wanted to tell you that by of an introduction and thanks my personal thanks to my elder brothers encouragement to me in the sense that its a very serious programme of Directors here. Well I just wanted to know how many of you have actually sat on the NDPS jurisdiction, any one of you? in NDPS jurisdiction and in sometime in your career. There are three four of you, yes thats very good because this is a very very technical jurisdiction in the sense, it needs a lot of technical knowledge of the procedure rather than the substantive law because if you go through the judgments which have ended in acquittal, majority of them on technical non compliance on technical aspects only because this deals with very serious offence and the detention, incarceration also is mandatory minimum of very high period also, so therefore the courts particularly, the supreme Court has always being insisting on actual complaints otherwise it's very easy to plant these on poor people and the the the very very ingenious police officers can very well book and infact they are doing all sorts of, people are telling also in the garb of NDPS they will book a person they otherwise want to take in but are not otherwise able to so thatswhy the courts have been insisting for the technical compliance to be scrupulously followed, particularly from Section 40 to 50, this is within the ..as far as NDPS Act is concerned. But I want to ask you two three questions. Has any academy conducted a study in a block period of say, now see the initial period of NDPS the law has been emerging and now its almost stabilised as far as the search seizure issues are concerned, because this has been this way that way, but it has been stabilised now, thanks to a few judgment, for the last any be ten years, so have you conducted a period of a study on a block period of say five years or ten years, take it as five years as to how many ..a..what is the percentage of conviction and what is the percentage of acquittal in NDPS cases in your respective states. Has any academy undertaken such a study? Its time for you, NJA has done it, state wise?

Participant: For past ten years we have done, Section 37, 40 -50

Hon'ble Justice Kurian Joseph : Right, has it been done state wise?

Participant: Not state wise.

Hon'ble Justice Kurian Joseph : This is the point, I would like to make, from the point of view of the point I would like to make, this is very important, so conduct a study in your respective states as to the conviction rate or the acquittal rate in the state as per as NDPS cases are concerned, these are all going to be, these are actually special courts and in every state there is a special court, one or more special courts as far as NDPS cases are concerned, so take a block period of say five years or so, easy for you to take a block period of five years, and study on a percentage of conviction, percentage of acquittal, and come back to acquittal, and if you conduct a study and if you find that the acquittal has been more, acquittal be minimal whatever it is, what was the reason for the acquittal. That is one study, was that acquittal at the trial stage or was that acquittal at the High Court, or at the Supreme Court stage, this is the second aspect, why I again come to that. So, on acquittal this is the three aspects you may have to analyse, at the trial court, then or by the high Court , or by the supreme court and take the conviction, suppose the case has been convicted by the trial court, has it been reversed, what was the rate of reversal in High Court and what is the rate of reversal in Supreme Court from the state is concerned, so this will help you since you are handling a very important portfolio of training the judges and say one observation passing though, see it need not persons actually handling now, because in High Courts now they keep on rotating every two years, or three years, there is a transfer, new people come in, its not as if one person is designated forever as NDPS, no they keep on changing also, but when you call people handling then its always better to have those people actually in in that particular jurisdiction to attend the training, but otherwise there is no harm in others also attending, because tomorrow, today it's a non NDPS judge designated NDPS judge tomorrow, in your lifetime certainly the high Court will keep on rotating the jurisdictions for you also. So, there is no harm in others also attending the programmes when you are in the state academy not in NJA. NJA calls for people who are actually in, so what is the rate of reversal by the High Court and what is the rate of reversal by the Supreme Court. What is the reason for that reversal, or what

is the reason for the acquittal? And, despite the the reversal and point of law getting finally decided or settled by the High Court or by the Supreme Court, has the same mistake been repeated, how many cases this has been repeated. This is the point of view, point I wanted to stress because sitting in this jurisdiction we find that see the courts will keep on settling and reaffirming , stating, restating the law, but the trial judges will keep on repeating the very same, because they have a particular particular mindset as far as search is concerned, seizure is concerned, despite any number of corrections being given, they will only follow what they have in their mind, so, this is the area where the trainers or the judicial academies have to tell them that you cannot repeat this mistake because you have been told, you may have a different mindset, but your jurisprudential mindset should be different once the law is settled either by the High Court or the Supreme Court, once the law is settled that way , you have simply to follow that and you cannot have any innovation on that. You may have innovations in grey areas where the law is not settled by the Apex court or by the High Court as far as the state is concerned. So, that is where the the judicial academies have a great role to play as far as this conviction rate or acquittal rate. So this will be discernible only if you conduct a study in taking it as a block period in your respective state and somebody said the ganja is the most repeated, or most of cases ganja, reason is very simple, they have a quota. This police officers have a quota of booking a minimum number of cases because they have a special units also, easy for them and disposal off the ..a..this contraband is easy and the the least complicated of the NDPS contraband is actually the ganja, thatswhy the police officers are very lazy people they won't book and you look at the people whom they have booked for ganja, because I have been in Himachal three years, I know poppy husk, is very very common, so they have a quota to fulfil, though they will fulfil the quota also and they will be booking simple people, ordinary people, I have been judging Kerala for ten years, if you see the excise Abkari Act cases, who are they booking for illicit ..a..illicit liquor..a...its called Kerala it is called arak, country liquor, who who has brought in, they will be booking the poor people ad they will never touch, never ever dare to touch big people, and its a fact there is a rackets, every states , everywhere, no police officers will be touching them, why? They have their own political backing, and who are the people brought to the court? Poor,

innocent people, who do not know anything about it, maybe they are scapegoats, may be they are led into it, or they are made..a..as accused for different reasons altogether. So, this must be one convenient reason for the police before you taking the ganja all the....and on the FSL also, has anyone of you,taken up the matter with the High Court that there is an unusual delay in the state as far as FSL Reports are concerned and has the High Court taken the matter on the administrative side..a...a.. for taking up the, for following it up through the respective Ministry, or the concerned portfolio ..., anything like that

Participant: Our Government has already taken steps, Maharashtra,

Hon'ble Justice Kurian Joseph: A..hmm

Participant: They have issued notification, and what they are trying to bring it in place with every Ministry

Hon'ble Justice Kurian Joseph:Right, has it come into force already or

Participant: Committee has been constituted.

Hon'ble Justice Kurian Joseph: Committee has been constituted.

Participant: One the issue..eleven twelve Circulars, she asked pertinent to exclusively the courts.

Hon'ble Justice Kurian Joseph: Thats right, on the very same issue?

Participant: On all issues, on rate of conviction right from that..

Hon'ble Justice Kurian Joseph: Try to them help them to make a one circular, it is whole problem for them also.

Participant: Twelve Circulars Sir.

Hon'ble Justice Kurian Joseph: If twelve Circulars come in , it becomes so confusing.

Participant: Not different, related to the courts.

Hon'ble Justice Kurian Joseph: But in respect to.

Participant: FSL is no doubt.

Hon'ble Justice Kurian Joseph: FSL, that said on very issue, FSL is one among, one among, alright. I am asking, we are now concentrating on FSL, this could be one area also.

See the the circular issued by the High Court, this is one role the academies could play, I am on the general aspect also stressing it because we will be closing by one

o' clock. The various circulars issued by the high Courts on the issues and you can also bring it to the notice to the High Court also there is time for the high Court to revise the circulars and make it a codified ..a...new codification could be necessary also, because the very same subject there could be 3-4-5, once I found a High Court has

Participant: My Lord, my High Court, Patna High Court, although has not issued any circular, but personally called Director FSL and asked the reason about late sending the report and thereafter the

Hon'ble Justice Kurian Joseph: situation was improved

Participant: situation was improved

Hon'ble Justice Kurian Joseph: A..thats right, thats very good, thats very good, once you are able to take up the matter with Judge concerned, or the Chief Justice then say this has proved wonderful results. This is the way, follow it up , you can you have the access to your Judges in the Governing Committee, bring it to their notice. They will be in a position to take the further follow up action, either on the judicial side or on the administrative side. So, this delay also will be on account of some racket playing, this is where I wanted to, I am not always suspecting things but there are ..a..places I have found the the matters being dumped, the sample has been dumped. So, because they got some hold in the FSL laboratory, so nobody could see the light of that sample anytime. So, always take the things forward. Has anyone of you conduct, any academy conducted a study that judges keep on and you have a mandatory duty also in the Cr PC, if you find a deliberate lapse in investigation, you have to name that officer and take things forward from there also which is that particular portion in Cr P C.

Participant: Cases by case investigation, ..

Hon'ble Justice Kurian Joseph:.. also, CrP C also mandates you, if you come across deliberate lapses you have to ..a..its not in the tip of my tongue, but I will to guide you later, so have you conducted a study that the in the judgments where the deliberate lapses have been found by the ..a..trial judge and naming the officer also, in how many cases the state has taken up the matter and there have been proceeded against appropriate disciplinary proceedings, this is one area where a academy, particular in NDPS jurisdiction, because NDPS is a big racket, all of you know it,

all of us know it, not all of you, all of us know its a big racket, the the forces handling the ..its not very simple people, all tycoons are be handed, so if we catch atleast one of them, or two of them , or three of them, through these three also it'll give a great message for this ..will be very careful also, so conduct a study on those aspects also. And on this, if you have any idea about, now on the judicial side, since we are on the academic aspects only, we are now dealing with a case on search seizure, dispersal interim and final of contrabands in NDPS cases, a matter on the judicial side, Justice Thakur and me are now hearing it, and if you have any suggestions with regard to search, sampling, inventorisation, disposal, four aspects- interim and final. Search- is very important, sampling - is very important, inventorisation- is important, disposal-is important, on these four aspects , if you have any practical suggestions, which you come across your knowledge when you conducted the seminar, conferences in your respective academies, or when you sat as judicial officers also, if you have anything you can just bring it to the notice Director Academy, who in turn will forward to us, we can take this forward also, just address to us also, there is no problem because its not an adversary jurisdiction, we are doing it in a public interest litigation, on these four aspects on NDPS goods, contrabands, on search, sampling, improvise inventorisation and disposal , interim and final of the contraband, because its a very very very sensitive area. By the time the case comes up for trial, the goods that have been seized and the goods that are produced are totally different, either they might have the the time itself might have taken up the property or the people in the custody might have..a.. substituted the property because the very very very expensive in the market so the the type of, not the ganja or poppy husk but there are other contraband in NDPS particularly the psychotropic substances are very expensive, so that now the people handling will always be very very cunning about it, just you have any suggestions on the time when the sample is to be taken, the time the the the inventorisation is to be taken, rather the stage, the stage of sampling, stage of inventorisation, stage when t is to be sent, and where it has to be kept, we have an amendment in the rules you know about the sampling also also, but still the situation has not improved. So, if you have any suggestions from the practical point of view also that is also most welcome. So, thank you very much for this opportunity to be with you, and one final question I want to ask you,

since you are trainers also, what makes the courts litigation friendly or rather not litigation friendly, litigant friendly.

Participant: Attitude of the Presiding officer.

Hon'ble Justice Kurian Joseph: Attitude of the Presiding officer is one answer, one response.

Participant: welcoming attitude

Hon'ble Justice Kurian Joseph: hmm, welcoming attitude, right

Participant 1: information to be given to the litigant wherever we go procedures are already explained. You go the hospital, they will explain, there will be a list, this is the procedure for ..., such type of information is not available at the courts.

Hon'ble Justice Kurian Joseph: So what do you say, suggestion for that

Participant 1: we should.., for example if you are issuing the summons to the witnesses, the summons should carry a hand bill inform him how to go to the court , whom you will contact and what will be the procedure. In this information should be there then only people will ...otherwise the moment he gets these summons they become terrified, such type of information should be there, though ...those persons are missing..

Hon'ble Justice Kurian Joseph: So, we have a help, does every court now now legal service provided from front office

Justice Madan Lokur: it is supposed to be

Hon'ble Justice Kurian Joseph: from front office. There's a front office

Participant 1: My Lord, ...issued the summons.....guide me...atleast that intimation should be there.

Hon'ble Justice Kurian Joseph: So, alongwith the statutory prescribed form there could be an information material sent to the people, either the witness or accused whoever it is, whoever has been summoned to the court, should be in a position to know what is the procedure you have to follow when you have to come to that place, and if you have any doubt whom to contact.

Participant 1: Yes, atleast that helpdesk number , etc. that will help a lot

Hon'ble Justice Kurian Joseph: There could be something which the NJA could take note of so that we can, because we have a prescribed forms in Cr P C and C P C as far as the the

Participant 2: These mobiles and all were not there, now we have that advantage.

Hon'ble Justice Kurian Joseph: Yes, yes we have all these front offices, back offices also, PROs also, Court Managers also, can guide them, its a good idea, yes, attitude, then information then

Participant 3: Two things, Hon'ble Justice Lokurtransparency and accountability. And transparency and accountability.. as far as possible discretions of the ...one thing which has come very useful from the computerisation is like the law, the evidence recording of that day is available on the net, so the litigant does not took up the time and ...copies, one major thing, in fact three four days back we had connected a, I was posted in Saket, toh ...Law Commission has asked us to conduct a study in the district court...Divisions..one of the ..causes for.. one of the ...Presiding officer was on leave, if one thing like this and secondly the continuous visits of witness to the court which causes them lot of inconvenience. If computerisation is in full form and we adhere to it and if the judge has planned his leave in advance I.e.,

Hon'ble Justice Kurian Joseph: scheduled scheduled

Participant 3: schedule, and that is available on the computers. Similarly, the witnesses like whatever the you have fixed the witnesses you have to come on that day is available on computer, these thing I think only the computerisations and the more and more dependent on technology can make the litigant friendly things

Participant 4: I would like to add My Lord, I attended this Cyber law Conference recently in Mumbai, it was conducted by the Cyber Law Cell, they were describing how the crimes are committed. I just made one suggestion to them, why don't you provide one cyber room for every police station, it will cost very less

Hon'ble Justice Kurian Joseph: cyber cell

Participant 4: cyber cell is different, electronic recording of statement

Hon'ble Justice Kurian Joseph: okay

Participant 4: For 161, if it is done, this question of hostile witnesses, why the police has a vested interest in not implementing this, the mechanism we are already having, Section 4 of the I T Act permits, if certain things are to be done in writing, its electronic will be sufficient compliance, if it is again reusable, it means that is available, only problem is some security related problem, authentication is required.

Hon'ble Justice Kurian Joseph: And that 65 procedures you followed

Participant 4: 65 followed My Lord not for original, that is for primary, secondary
Hon'ble Justice Kurian Joseph: Later, later when it comes for evidence

Participant 4: Yes, yes only authentication is the issue

Hon'ble Justice Kurian Joseph: Even for contradiction also if it comes 161, it has to be contradicted, then it has to be authentic one also, so 65 may have some relevance there also

Participant 4: Yes yes My Lord, but I am talking about how to deal with...

Hon'ble Justice Kurian Joseph: Right right right,

Participant 4: Hostile witnesses...So it will be very useful

Hon'ble Justice Kurian Joseph: Those of you who have listened me earlier also, I used to ask a question to the all the judicial officers whenever I go for a training , so you are in a court, a person who comes to the court,a litigant who comes to the court and when he comes out from the court, does he go with a satisfaction that I have come to a place..a.. in a dignified because as matter of right, there is a constitutional right have come and when you goes out of the court he feels well I have found a place in Constitution as a citizen I have found a place but I as a matter of out of right have come, if at all I have a problem tomorrow also, I come to this place only, from here I experience can you say any litigant has gone with a satis...sense of satisfaction.

Participant 5: Sir, nobody will come to the court..a.. nobody will go out of the court in such a manner

Hon'ble Justice Kurian Joseph: Right, so everybody goes from the court cursing the system saying that if at all I have a problem, I will never come to this place, go hell, I will go to the hell rather than coming to this place, this is the attitude, why? Its a fact why?

Participant 5: Sir, there is a negative cost benefit ratio.

Hon'ble Justice Kurian Joseph: Negative, negative cost benefit ratio. Is it because of the cost?

Participant 5: The person who has come to the court is being penalised though being in the right end the person in wrong is rewarded

Hon'ble Justice Kurian Joseph: Why?

Participant 5: A..because of the systematic delays

Hon'ble Justice Kurian Joseph: Delay, is one reason. Treatment given in court. Who is responsible now that time is running out, who is responsible for the treatment given in court? Who who is the master of the situation in court?

Participant 6: Presiding Officer of the Court of the court, Lordship.

Hon'ble Justice Kurian Joseph: The Presiding Officer

Participant 7: ..can't be held responsible, alone can't be held responsible for this, there are many factors Sir, Judge is one of the , yes very important

Hon'ble Justice Kurian Joseph: Major factor.

Participant 7: Major, can I will

Hon'ble Justice Kurian Joseph: On introspection, lets now only 2 minutes left now.

Participant 7: Yes, in introspection I will say, we we have there is lot of room for improvement, lot of scope for the improvement, but if a litigant goes back with the heavy heart, it is not only the Judge, there are many many

Hon'ble Justice Kurian Joseph: I am saying the system

Participant 7: System system but

Hon'ble Justice Kurian Joseph: Yes

Participant 7: Then system that is also part of that system

Hon'ble Justice Kurian Joseph: Right

Participant 7: But thats right.

Hon'ble Justice Kurian Joseph: This is like our Constitution, however good be the Constitution if it is handled bad by bad people, end of democracy. However bad the Constitution, if it is handled by good people, there is still room for a hope. Likewise, I only wanted to conclude like this. See we have so many problems with our infrastructure we have so many problems with our system. But if you as a Presiding Officer, or if you tell your presiding Officers that please communicate these to the litigant and make them also aware of our problems as well and make the litigant understand that the difficulties and the shortcomings of the systems and the litigant also getting impressed as to the the the systemic deficiencies, then the litigant will turn to a feeling that the sys the the judge is not to be blamed but the system. But the people go cursing not the system but the judge. Atleast if you have an attitudinal change from the part of the Presiding Officer, half of the maladies can be resolved, so, don't think that we are not sitting there, we are servants of the people, we are a

Government servant, we are servant of the people and not master so the people sitting there. If you have an attitudinal change there even addressing the people from that high raised platform shouting and commanding and ordering, disciplining always think that poor man who has come with a cry for justice, you must be in a position to listen to his cry. If you listen to the even when you listen to the highly paid lawyers also, but there is a man crying for justice, that cry you must open your inner ears, you must tell your officers to open their inner ears and inner eyes to see the cry and to hear that voice. I feel there will be a lot of improvement and that will make a litigant feel that I have a place where I come of right and I got a dignified treatment atleast from the officer. I may loose or I may not be satisfied but my dignity and self-respect is protected, that will make a a great change in the system, Thank you All the Best.

(clapping)

Dr. Geeta Oberoi: I thought that was concluding remark.

Academic point of view.

Dr. Geeta Oberoi: No, academic point of view is only that you know, as you know as you know Shanker Chatterjee that brought you know that after eight years he went and saw those districts. Similarly, we have to also think about whether we have made change through judicial education. So, after five years may be we can call same judicial officer and ask, may be that one of the methodology we can use. So, with this thank you very much for all of you being here. We should also thank Sanmit Seth, our Programme Coordinator. Then thank you so much Sir, both of you being extremely busy but they take time for National Judicial Academy, it belongs to them actually, thank you so much Sir.

Participant 8: To us.

Dr. Geeta Oberoi: Yes, its yours.

-----The End-----