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WORKSHOP ON NEED TO REVISIT CURRICULUM
DEVELOPED IN 2003

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Submitted To:

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**WORKSHOP ON NEED TO REVISIT CURRICULUM DEVELOPED IN
2003 (20 - 22April, 2016) [P-984]**

Session 1: DURATION: INDUCTION TRAINING AND FIELD TRAINING

Good Morning and welcome to this conference. Now that it's a workshop there is a lot of difference between a conference and a workshop and we are doing this workshop now as to whether we should revisit the curriculum that has been developed in the year 2003. Now it has 13 years, going by the international standards probably they revise their curriculum once in every 5 years there always curriculum is based on problem based and may be need based so the social context are always assessed and then they revise the curriculum that way. May be we are the stereotype one so we have not been able to or rather we didn't feel that urge or pressure to revise our curriculum because Indian social context doesn't change that fast unless other social context could be one reason we did not seriously think of the need or the requirement of revising the curriculum. Well after a decade and now its 13 years now certainly all of us agree unanimously that curriculum needs to be revised in what context that context also is relevant in the sense may be my esteemed brother Justice. Chavan and Dr. Mohan Gopal and other resource persons would certainly help us but Dr. Mohan Gopal certainly is in a position to have an article and a view on what we have done and what we intended to done what we have done and we want to do this is actually a very very important, important factor in revising the curriculum what we wanted to do, what have we done in 13 years and what do we want to do now. Well the one important difference between these two faces of 2003 and 2016 that almost all the states have state judicial academies now when we started this national judicial academy this was the only academy available for training of judicial officers be it the junior division or senior division or the district level or high court level thereafter from the last past 13 years including Sikkim, where the strength is 17 we have a state judicial academy over there, almost all states and in principle we have taken a policy decision that one is in principal other is the policy, decision that the training of the junior division and senior division would be now left to the state judicial academy and the National Judicial academy should concentrate on the special judges, district judges and high court judges and on major events of the academic world as all of you know we the judges from supreme court were here on this premises for 3 days we had a very serious retreat and it was wonderfully organised by Dr. Mohan Gopal with the active collaboration of the staff over here headed by the director in-charge Geeta and we are now going

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to get a director full time from the family the judiciary Justice GodaRaghuram will also be joining us so we were also thinking why such facilities are available now over here and when the context of state judicial academies have come up why should we not think of different avenues of training maybe it could be international level training or training on the Saar can discussed so we should go from and grow from what we are now that is one thought which went through our mind when we are here for three days us judges as a family together so in the context of this state judicial academies coming up in 2003 and after 2003 as of now what do we propose to do in revising the curriculum is the social context is same in all the states while prescribing a curriculum for the civil judges junior division or the actual situation forget about the social context in interpreting law is may be relevant but the actual situation that is available in the different states are actually different so what do we do from NJA as far as the curriculum is concerned all of us know that the whole purpose of the training is to equip our judicial officers for better court management and train them also as per the possibility of lesser costly litigation and also to enhance the public confidence in the judicial system and enhancement of public confidence in judicial system and judiciary is in a sense creating a public confidence in the judge who handles the court he represents the institution and for him we have to see that they should be trained or equipped in the knowledge part that is substantive law and while working as a judge you should know the application of the law in the social context these are the two angles where we have been concentrating and we generally have to in principle concentrate also one in substantive law and the application of substantive law in the social context or in the given context we can also say so that we always say that the knowledge part, the skills part, the judicial ethics part, the court management part, the trust management part, the saving of the judges in their languages and their media management, this was not an issue 10 years back, now it's a big issue where we agree or not we have to accept this fact media is a big, what we call player in the field so the media management is also an area where have been growth and also the growth of technology and one other aspect as an inspecting judge I have seen in places administration of the court and to the staff, handling staff as we all know in the lower courts level rather the junior division or the senior division level corruption is always an issue and the parties who are the middlemen they are the staff and to some extent some lawyers also but generally without the involvement of the staff and this area of corruption, a judge cannot be made corrupt without the staff knowing it or without the staff involved in it so the management

of the staff. So to me I feel the curriculum should address the problems and the needs we should have a curriculum which should address the problem and the needs or rather the needs and the problems when we say problem then we should be in a position to identify the vulnerable areas and when we speak about the needs we should also know what are our requirements. Well fortunately for us we have the one with us Dr. Mohan Gopal who has seen through all the phases of National Judicial Academy right from the first preparation of the training module and all the different places in between in fact the pedagogy to training was the paradigm shift was made by Dr. Mohan Gopal according to me which I have seen. 16 years I have been watching this as a judicial officer as a judge so I will ask him to brief us as to what all things have happened in between and as to what all that have happened in between and what is relevant for us in revising the curriculum and what is the way forward and before other resource person including my esteemed brother Justice Chavan taking over addressing us. I thought Dr. Mohan Gopal in a position to give us a background, better background than what I have suggested and also will help us to concentrate on the areas we have to. I have two observations also to make and then I will hand over the mic to Dr. Gopal one is the induction training is required for high court judges also this is my firm conviction we are now training high court judges but that training is post induction, pre induction training and post induction training make a lot of difference so what stage do we call them. We all know as per the existing system now once their names are cleared by the collegium concerned we call them that they are in the pipeline so in that pipeline period they could be given a training here at the judicial academy and that is the period where they will keenly attend and seriously participate. I don't mean that the people who become judges they don't seriously participate but still it makes a difference it's a fact. I have participated as a judge I have participated as a chief justice I have participated as a supreme court judge from last more than 3 years now so I have seen this so my request is to suggest that we should have a pre induction training where their names have been claimed whether they become high court judges or not even if they become the high court judges after the names have been sent we lose nothing because we are only teaching good lawyers or good district judges that way as to how to handle the constitutional courts and constitutional issues I still remember 12th July 2000 when I became a judge I was a lawyer very actively participative as an additional general in Kerala then a senior advocate so next day I am coming and taking oath and I sat with Justice Kapil and he asked me to dictate an order I said no

problem but what do people think he said don't worry you dictate an order in the bench. So, I asked my conscious whether I will be doing the right thing a person who have been arguing till yesterday without anything else I have been asked to dictate an order as such as a judge it's a small order that I did that's a different issue but next day onwards I have been writing judgments also my first reported judgement came on my sitting on 13th July I still remember I was only wondering not that it was ill-equipped, god's grace and thank to the training we had as lawyers we could do it also but I still feel and the change the times the lawyers and the district judges who are cleared by the collegium require a training and that training should be given by the NJAC and that training should be given before they become the post induction training is a different thing and pre induction training is different. My second observation is in the induction of a civil judge junior division almost all the state laws had a portion that they should have a minimum of couple of years bar experience after the introduction of the national laws course we thought if we ask them to go for couple of years of practice we may not get them to the main stream of judiciary so the judiciary said and the supreme court said that no they can straight away go for the competitive test and then the judiciary well this I have heard from all directors of the state academy that this lack of exposure as a practicing lawyer had a very serious adverse impact in the court management and many a situation they become sheerly helpless in handling the bar because they did not have a fellowship or some sort of rubbing the sole as a lawyer experience this is a different experience all together so that is something to be thought of as a judicial sedan and then told and then given to understand the bar councils also a filling a petition to the supreme court but good that we also think of those areas and the required experience for a person to become a judge what should be the level of exposure as a lawyer is also important .So, with this brief interaction and with the rest we will all participate at the time of our serious hour discussions. I now request Dr. Mohan Gopal to lead us now.

Prof. Mohan Gopal: thank you very much sir for as always a very insightful beginning to the programme. I would like to wish all the honorable judges a very good morning and express my great sense of happiness to be here amongst a number of old and respected judges and friends from whom I have learnt a lot I always say that I am the number one student of judges I probably have the privilege of of interacting with more judges than anyone else in this country (laughs) or may be in the world because India has so many judges and I say that I have learnt so much from them

so anything that I say if there is something wrong then it's my fault, I have not learnt properly but if there is anything of substance is because I have learnt from all of you including many sitting around this room so let me start with this sense of gratitude to all of you and I must also express my deep appreciation for the very extraordinary supreme court retreat that happened only this last weekend in fact Justice Kurian Joseph and I have back after only one day gap of two days in MondayTuesday here at NJA and it was remarkable and unique for a couple of reasons one is that it was extremely intensive it started in the morning and went on till late evening and till 2'o clock the flight was at 3:25 we finished the academic session at 2'o clock and then they had a rush lunch and went home so you could say that all except 2 judges because of very unavoidable reasons could not come all health reasons there surgery has been scheduled and all that came but so virtually entire supreme court was here and they worked extremely intensely till very late in the evening and they have set a bench mark i think for all the programmes here in terms of seriousness and I know all the other programmes are equally serious but they have reinforced that by approaching their time here with.. I felt exhausted (laughs) so I can imagine well actually now many of the judges are younger than me so I should not say that they will feel more including Justice Kurian Joseph by a few months younger than me so I also, they are practically of the same age as I am so I felt exhausted but exhausted in a very good way not bad way because we had some wonderful wonderful interactions including a 2 hour session from which I did not witness, I was not party to it I was outside, nearly 2 hour session with the President of India which was a historic session, first time in the constitutional history of this country that the head of state sat down with the virtually the full supreme court to have a very frank, no one else present, no records kept, no transcripts in fact there was a person very senior officer of the president secretariat who sat down and said president has asked me to take notes and i almost physically said no you have to leave you can't sit here and removed him from the room and only they spoke and it was an extraordinary infact we had to send somebody in to break it up because the president would have gone on till 5'o clock in the evening I think he was enjoying this rare opportunity so much similarly are the very very distinguished

Participant: this president is the first president
Prof. Mohan Gopal: Ya YaYaYa. He is the first president after the inauguration president Abdul Kalam came one president to inaugurate after that there has been no visit of the president except

on video conference we have had an interaction but not physically we sit and this kind of sitting just alone with the supreme court judges and having a very serious discussion and many others but main point is that there was very very intensive work done by the judges and secondly remarkable decision by the judges as a group this was managed by a committee which included Justice Kurian Joseph also committee of six judges or so appointed by the chief justice of India managed the whole planning and all aspects of the retreat and they took a decision so normally supreme court judges stay in the guest house no: 2 and since there are only 12 rooms their and 22 judges were coming so we suggested that we can get a room in either Raj Bhavan or some nice hotel nearby but they said no and they stayed in the same rooms as magistrate stayed for 2 and a half days
Participant: Including the Chief Justice of India

Prof. Mohan Gopal: Including the Chief Justice of India. In that other guest house that's where they and their wives stayed you know for these 3 days and they were very happy about it and they used the other guest house dinning facility is there you know all of them stayed there, great sort of show of fraternity and friendship so this was something which I think you know Chief Justice of India and all the Judges of the Supreme Court are using the same room that are allocated to magistrates in the National Judicial Academy this is something which I would request in your stay in Judicial academies you should share this. Media will not write about this, they will write about Jacuzzi and swimming pool but they will not write about this so you should kindly share it with your judges that this is how the retreat happened. So, we are here in the sort of aftermath I think in what has been a wonderful experience and the discussions were intense, were very good, excellent. Justice Kurian Joseph was one of the lead in discussions in various sessions and it was a very wonderful process of exchange why I am going into it in some detail as Justice Kurian Joseph said is that the big shift we made starting in 2006 and many of you are party to that shift is that we tried to shift National Judicial Academy away from teaching. So we used to say no teaching no preaching no training at the National Judicial Academy through a process of interaction where we come together and we think together that is the only way to move forward to think together I would argue as someone who is in the business of pedagogy and teaching and teaching law that is how it should be from 1st year of law school you know that the best way to engage in so called teaching is really to engage the minds of people and we know even as I speak now that only one percent or if at all no more than 1% of what you hear gets registered in any one's mind unless it is

repeated in multiple ways and then what is repeated may stick in your mind. You know very little otherwise of whatever I say very little of it sticks in your mind but when you engage your mind in what I say then much higher degree of retention is there because it is your mind so my job really so our job really as academies is to get people to think and that can be evidenced only by their participation so that is why lot of law teaching, I taught for 10 years and no actually 12 years outside this country also and all law education outside India has moved to that you know its case study method it's based on questions and answering there is no lecturing anymore anywhere. Lecturing is the worst way of a way of interaction because nothing is retained in the mind but the other method is much more difficult, much more difficult to evolve, much more difficult to go but if you go through a question answer process then there is much more of retention so we have to make that shift that is the main challenge, we started that shift so I told Geeta when she but unfortunately this title was put into the calendar so it cannot be changed but 2003 is we are not approaching this for the first time in 13 years infactI will just make a presentation to you of what was developed in 2008, 9, 10 and has been taken forward and sir from Delhi Judicial Academy would say that Delhi Judicial academy has gone further ahead than all that in these last since Prof. Ved Kumar he was there and now Prof. Kaul and his team are their they have gone way ahead and all the state judicial academies here because I go there I have been to Kerala Judicial academy I am the Mr. Babu lot of changes, lot of innovations constantly dynamically taking place so I don't know how this 2003 slipped in here but actually it has not been that we have doing nothing for the trainers a lot of fundamental change has occurred and the most important part of that change which is still only at the very early stage is to reflect what has happened in all education related to law all over the world which is to move away from lecture and go through it. So here we have done lot of simulation many of you have been party to that simulations, problem solving Delhi Judicial academy has implemented an approach we have developed here which is grassroots immersion so you know sir you can probably tell us about it, it has been a very successful programme that is the beginning of the induction programme for the last few years it was an idea developed here in 2008,9 or so the new trainee officers are sent to a village to stay there that is how it begins their induction programme at the early stage then you start to engage you know how do you.. And I have talked to the judges who have participated in that they have been powerfully influenced by that because you understand it is to help these people that we are actually taking our jobs so, lot of

innovation has occurred again in Delhi Judicial Academy many innovative ideas have come so we are in a. So, I request Jyoti that when you write the report of this please reflect that we are not going from 2003 to 2016 we are in a current process of change. I have been away from, here for a period of 5 years now but in these 5 years i have been going to various state Judicial Academies frequently and i am constantly seeing lot of change for example Delhi Judicial academy has a very unique programme which is not practiced anywhere including National Judicial Academy they have a set of programme where judges come voluntarily they are not assigned to it.

Participant: Optional Programme?

Prof. Mohan Gopal: optional programme. And so judges say I want this programme, i won't go to this programme they put and then they come voluntarily and also this we started in 2008, 2009 developing the curriculum we have a survey of judicial offices that what do you need that was never done before now that is still done, I think Kerala may be doing that at least some years ago it was doing that now maybe it is not, 4 - 5 years ago Kerala was also doing it. Many State Judicial Academies were doing a trainee's need assessment asking the judges themselves not just induction, induction you can't do that but other judges what do you need which area do you want

Participant: We had this literary programme we had called the judges from different institutions and we divided them into parts. So we called them took down the notes and feedback for the programmes that we had...

Prof. Mohan Gopal: so this is excellent. So, you see lot of innovation because we started with this judicial education needs assessment where we sent a survey I think 2007 to all the judges through the high courts of the country got their feedback compiled so that set in some judicial academy a process of planning properly so, I would say that there are 3 big changes that came up after to answer your questions after 2013. One is the recognition that lecturing is not effective so we need to move away from that so we need to do simulations, we need to do role play, we need to do multiple methods, we need to engage the minds of people because it is only when their minds are engaged that they will really absorb. The second thing i think really is to have much more elaborate understanding of goals why are we doing this and therefore much more effort to plan the programme including looking at needs and these kinds of methods that were just described

because otherwise what we found was that the kind of thinking that is going into planning that is why are we doing this what is our goal, what is the output and outcome that is expected now this is something that Chief Justice Thakur is constantly asking how do you know that this training programme is effective now you cannot know that it is effective unless you know what your aim is you have to measure effectiveness against the outcome and impact that you have already identified otherwise you will call someone on a programme on family law, you will teach them and then say what is the impact of it, you will never be able to find it because all you can find is always an impact but it is hidden unintended so a conscious effort to plan the programme and a lot of effort has to be and skills has to be put in this planning stage that is the second. The third and the last and the most important change is we see judicial education as a process of changing the judiciary. If I step outside for example after I went back after the retreat I have been asked by one of my colleagues I said to one of my colleagues I was in a judicial programme in Bhopal because I was away for 5 days from my office and the immediate reaction of the colleague of mine who is a Ph.D. in sociology and is a very thoughtful person was judiciary needs radical change. They don't understand how society is changing and how things are going so if you ask people outside everyone is saying that judiciary needs radical change. Now, where is that process of change so we have through the work in NJA done 2 things on that one is to see judicial education as an instrument of change not simply as training, training as I used to say, why I object to that word is that training is to teach somebody to follow something that's why we call a train a train because wagons follow each other. Training is good for executive branch which has to follow orders general says shoot the major has to shoot so, we have to train the major to obey but here see even if you are a civil judge junior division you have your own individual responsibility and even if you are in a bench in the Supreme Court ultimately you have to form your own judgement which may or may not be shared with others, you can't abdicate your judgement to anyone else you are working always as an individual not as a group, that individual judgement may be applied in the context of the group but you can't escape your responsibility to come to your independent judgement about the existence, non-existence, nature or extent of right liability and disability which is the core functioning of the judiciary drawing from the evidence act definition of fact in issue. So, training you can't train somebody to think independently there is a contradiction in term. Training is about extinguishing your capacity to think independently so when the soldier is told shoot, soldier should

not think should I shoot or not is it a good idea or not (laughs) you got to finish that mindset off, you need to destroy it so that when he hears shot he will shoot that's what training is meant for so that's why I object to the use of word training being used for any level of judge because here we are actually trying to support encourage sensitize even the most lowest, junior most judge there is no junior or senior judge but junior most in the position of hierarchy how to think independently that is a huge responsibility that is a much bigger responsibility than obedience to be told to think independently then you have to think the methodology of thinking independently has to be developed and has to be reflected upon, has to be agreed because you are accountable for that also if you are an executive branch officer you are only accountable for disobedience, if you are judge you are accountable for explaining how I reached my judgement in my own mind that you are accountable to the constitution and to the public and to your higher courts in the hierarchy. So, you must need to know how otherwise you may not succeed because you may give the wrong explanation, I came to this independent judgement because I looked at 1, 2, 3 and that is irrelevant then you will get into trouble so, it is about actually exploring the responsibility and accountability for independent judgement for a mandated legally authorized purpose that independence is given for a purpose by the law and the constitution not as arbitrary subjective power therefore we want to see how the process of specially induction training can be used as a process of change now here, I will just take one minute and move to my presentation which is because of the experience I have spent here I have always felt and I have also been vice-chancellor for law school and I am now the member of governing council of 4 or 5 national law schools I go and talk there and I go to other law colleges so I am very deeply involved with legal education also I find that legal education is only intended to produce advocates so moot courts I have been asking that why moot courts have only been evaluating and giving prizes for advocacy the judges are always invited so I have been telling many of them that it is not been implemented so far, you get some senior lawyers or young lawyers to come and argue you get students to be judges then you have a panel of experienced judges to judge their judging

Participant: we have started

Prof. Mohan Gopal: very good very good sir. So, i am saying that otherwise you are not giving them prizes or teaching them judging and you are not teaching them anything else except this narrow job of, I am not saying that's not important, that's important it must be done but what I

have found as an observer that the 2 functions and that's what Justice Kurian Joseph was telling us he was struggling with because he has got lot of capacity for self-introspection and reflection so therefore he is aware of that when he crossed the table from that side to this side because these are 2 different functions actually it is like being an anesthetist and a neurosurgeon they are both on the operating table on 2 sides but there functions are very different and you cannot say that now because I am an anesthetist I can therefore operate on my brain I don't want his to operate on my brain and sir sitting on your left is one of the most outstanding judges of our country, retired judge who has never been an advocate he went straight from law college to being a magistrate and spent his entire

Participant: there was a training period but there is a question how your trainers train you, my trainers were good

Prof. Mohan Gopal: but you did not practice?

Participant: not your honor. I am not enrolled.

Prof. Mohan Gopal: so there are many such, i am a great admirer of Justice Chavan and as a judge how much he has contributed to institution development he is actually the spirit behind this whole behind this national judicial grid because he started something in Maharashtra which was so good when I saw it I was amazed I said this is better than anything that I have seen anywhere in the world and it is being done between Justice Chavan and one young technologist called Ashish Dunker and so I started to invite him here to make the presentation and then all the high court's saw it then they wanted to take it up and then Justice Lokur saw it he wanted to take it up and then gradually it went to the national level of-course this young boy was called and scolded and threatened with disciplinary action by what's your name, by the NIC for doing something so good (laughs) you know and telling others about it sharing it because he was using free software completely free, open source and all that so you don't need my great respect I don't think you necessarily need to not that it hurts every experience is good but you can have a good experience even if you don't practice law I have seen much evidence of that but what I have done is and I have discussed this briefly with chief justice of Kerala and Mr. Babu knows and Justice Shankaran that we have now since then made certain progress we have now prepared a proposal which the Kerala higher education council has now received and has kept aside for the new government to consider after the elections to create the first justice university in India perhaps anywhere in the world and

the objective will be to get the children of the poorest BPL, manual laborers children and train them over a 6 year period to become judges and law professors in excellent free education but to give you know so we will all start to alter the social character of the judiciary because my concern now is because of the very good terms and conditions a lot of people from National Law Schools not like all of you from very elite backgrounds are coming in large numbers into the magistracy and they are going to make the magistracy sort of much more narrow in terms of its background not that they should not come but it should have a pipeline of common people coming in also but in addition to this programme we will also have in that school doctoral programmes, masters programmes, post graduate programmes on justice from social, anthropological, political, economic points of view and you can come there and do your master's degree in justice and can do your Ph.D. In justice without doing any law so it's not a law university alone it is a justice university. So, it is the first objective of the constitution "Justice" but we don't study it anywhere in systematically so this will be a whole university which is dedicated to the study of justice, the measurement of justice, is justice arguable, what do we understand, is justice being secured as a constitution?, does the constitution wants us to secure it? Or is it not? Deliver some research on it, empirical research so that we will start a national debate on our progress towards justice which is ultimately and justice has to be liberated from us lawyers also, justice is not a legal concept, justice is a much broader concept, legal justice according to law is one dimensional justice but you can call a 3 year old child and give smaller sweet to the child than to another child and the child will say no nono he will not use the word justice but will say that's not correct, essence of fairness and justice is there that we will find now in animals also so they had an experiment where 2 monkeys were given rewards for doing a task and suddenly they started giving better reward to one monkey then other monkey grapes the other monkey started to protest, why the other monkey is getting (laughs) better reward then me for the same job. So, justice is the primordial concept that is a part of all living beings [00:45:37]

We need to understand it better, we need to reflect on it better so someone said why don't you just increase the number of seats in the National Law School Kochi, why do you create another law university but we said we are not creating a law school, we are creating a justice school and we do not believe that to our knowledge there is no such institution anywhere in the world that is focused totally on the idea of justice and I know that I can count on Justice Kurian's active

involvement in leadership of this so basically I wanted to start off by saying that these are the three big changes that have occurred to judicial education. I hope you are noting it down Jyoti just for your record in the last 13 years that we have changed the approach from training to interaction understanding it not as a means of instructing people and putting ideas in their mind so that they will not think independently and they will follow orders the opposite to give them every support and every methodology so that they will think independently in an accountable and constitutional manner and as I said secondly you know we have seen justice as a means of change and reform and I want repeat myself we have gone through these various objectives these are very fundamental changes that will not happen overnight but will take time from this background I will show you, I said we start with clarity about objectives and goals of why and what is the goal of the work that academy does. So, clearly there we start from the preamble where the first objective of the republic is justice social economic and political and we also start from Article 39A which actually President Pranab Mukherjee also separately when he spoke here and I also separately not that I am comparing myself to him but independent of that consider 39A as setting out a mandate for the legal system from the constitution it says that the state shall ensure that the legal system promotes justice on the basis of equal opportunity

Participant: It's a mandate?

Prof. Mohan Gopal: it's a mandate of the entire legal system. Legal system includes not only courts but also bar includes legal educational institutions legal academies it includes all those who participate in the judicial processes the witnesses, the police, the court staff, everybody is part of the legal system and the constitution says that the state shall ensure that the legal system promotes justice two words "promotes justice" so everything we do must be to promote justice so for that we must have a clear idea what is justice, many of you are familiar with it and some of you may not be we have come up here or I have come up here with the definition of what is justice broken down into two based on the etymology of the word justice which is derived from "us" us means values us means values and "tice" means the stand like stick it means stand so justice means values that stand while other values change some value stand so if you take the sikh greeting 'sat shriyaval' they have been saying it now for centuries right, therefore those values are eternal for Sikh they will never change satya and shri god and truth are akal are timeless that exactly means justice now there is slightly difference of Dharma. Dharma means "dharyatiti dharma" right that which upholds

society, the values that uphold society but society is changing so dharma need not, can you include current values it changes from time to time but justice is slightly different it is more like sat shriyakal, it is values that never change that are eternal which constitute the fundamentals of human society .So, those values of human conduct which the society envisage by the constitution stands so constitutional values so not for everyone for all of us in the legal system specially for us judges and lawyers justice means constitutional values because those are the eternal values of the republic that is why the constitution says to secure justice social economic and political what does it mean it means to create a country where economic, social and political relations are governed by eternal values. All human conduct social, economic and political governed by eternal values stated in the constitution so ultimately when we say promote justice we say promote eternal constitution, the values of the constitution now what is the relevance of this induction training at the center of it must be a clear understanding of constitutional values and a deep process of cleansing a mind from samajik values inconsistent with constitutional values to absorb the constitutional values of equality, freedom, dignity, secularism, democracy, socialism so no one who goes through an induction programme of the judiciary should have any doubt about these values that's the oath that you take under the constitution really to uphold the values of the constitution what is the constitution, the constitution is only a set of values that constitute the republic so, I would say that the main purpose and main test of the induction training must be that our people absorbing and internalizing constitutional values .Now how do you know that I have one very very outstanding and young colleague come here and saying sir how can those who practice inequality protect equality she left NJA. So, are you practicing the constitutional values in your personal life, not only in the official life but also in your personal life towards your wife, towards your daughter, towards your domestic help, towards your relatives, are you practicing these values of equality, of freedom of dignity, so if you see this induction programme see we have made a lot of progress in the last 13 years since I have been involved in this from 2003 when I came as a young professor I have been involved in here for 13 years, lot of progress in terms of infrastructure, programmes, curriculum, seriousness, it takes time but we are making progress and we can see the results of that I am sure that you have been very much part of that for many years you have been coming here regularly even as a puny judge of the high court as a chief justice of a high court now as a Supreme Court Judge so you have seen that but the progress will not be over night or instant but we are

making progress consciously but ultimately I would submit of the induction training programme must be that are you able to internalize constitutional values or not then we have to construct a programme for that purpose for example I found one may be a left candidate in Kerala I saw on television he has invented a new way of campaigning no speeches, no loud speakers, nothing he is setting up small halls where he is showing films world famous films on fascism, Hitler, narcissist and Jews being tortured and he says nothing having a powerful impact on people so I found on one of these T.V. channels new style of campaigning because he also realizes that speaking is no use if people see a film about what happened in Germany and what happened with Jews we have to fight for our freedom we cannot sacrifice we cannot have any dictatorship

Participant: we used to show that movie thing

Prof. Mohan Gopal: yes yes we also used to show movies so, we have to find pedagogy in a way in which we can create values this I would say two things are the biggest challenge one is the values and the second is the tools the whole induction education programme must be oriented towards values and tools and values have to be explained to them , the internal there is a Mahabharata going on inside our mind between the constitutional values and samajik values, yesterday evening I met a friend I will tell you later otherwise others will not know a former chief secretary of our state Kerala who happened to be in Delhi and he has a cousin now they are Syrian Christians but from Kerala but very entrepreneurial so, you know he is a cousin's father went to Orrisa so, you know this young man was born and brought up in Orrisa so he is Oriya for all practical purposes so you know all though he has this Syrian Christian name and is a Malayali and all that but he is very Oriya so he was telling me five hours ago yesterday around mid-day somebody called him from Orissa and told him look he is facing a problem and what they do and I don't mean this with any disrespect I am just telling you what the social reality is as of yesterday he has some personal, financial or some other problem so what they do is there is a phrase for it as said in Orrisa you have to go and get the advice from a Brahman so immediately they found a Brahman and said what should we do, the Brahman said you must give a gift to an unmarried Brahman girl then your problem will be solved and he was telling me that he believes in this. This Kerala origin Syrian Christian man also believes in it now is that consistent with the constitutional approach to equality to say that somebody happened to be born in a particular caste has some

wisdom inherited in the birth in the gene that kind of belief has to be destroyed and we have to recognise that all human beings are the same one species and every group of humans have some insightful people and not some insightful people there is nothing unique about any group so very be current problem so how do you tackle how do you question are you prepared to do it or some other senior judges conducting this programme themselves a party to these values which are not consistent with these constitutional values not qua judges but as individuals and then how do we deal with it. This is the beautiful challenge of change which we have been engaging with here so therefore the first is we have put as many of you know we have summarized the court five, the court constitutional values FEDEF freedom, equality, dignity, equity and fairness and a social system based on socialism, secularism and a social welfare and social justice so we have S4 here socialism, secularism, social upliftment and sustainable development that is environment protection which is in the constitution and a political system based on democracy and sovereignty of the country and independence of a judiciary as a very important safe guard that is the main purpose of the judiciary at all levels is to promote justice this is justice according to the constitution see let me tell you my own academic understanding after thinking about it actually the word justice is an empty word, it means nothing the question is what content do you fill in that empty word, it is like a glass completely what will you pour into this glass you can pour anything into this glass even Hitler can pour fascism into this glass this is justice, this is justice it is empty what will you pour into it everybody is pouring something somebody is pouring lime juice, somebody is pouring water somebody is pouring nariyalpani what will you pour into this empty idea called justice and I am submitting to you this is what you must pour into this because you are constitutional functionaries. Whatever you pour into it has to be taken from the constitution so the vessel from which you pour this must be the constitution, this is the constitution you should only pour from the constitution into it nothing else then justice will be constitutional justice so idea of justice, everybody says justice is fairness actually justice is an empty word you can pour into it anything you want as judges it is your duty to pour into it constitutional values if not it would be occupied by something else. So this is the first slide. There are only 3 4 slides just to show you so as I said the goal, the aim must be very clear in Induction education and you must test your goal against the clarity of values and the tools by which the values are achieved. Krishna has said in a wonderful judgement he said social justice is actually for a judge is finding the tools to advance these values.

So, values and tools there are only 2 things to focus on induction education is values and tools for achieving a society if this aim if this set of goals is not seriously and sincerely followed this country will not stay together it will fall apart. This is the only reason why we all are together because we all want a society where there is freedom, equality, dignity, equity and fairness. The only idea that is uniting this country and nothing else in all other ways we are very different but you go to any part of this country north, south, east, west and you say tell common people do you want freedom equality, dignity, equity and fairness they will say yes and the judiciary has to play a very important role to achieve this. So this is the first slide.

Next slide is judicial education is a process this is the bit change we made in 2006. Judicial education is a process of strengthening the system of administration of justice so as to secure justice in society through and now we are getting into the methodology a little more 5 areas which we called we skip one is a clear vision of constitutional justice i have given you the material for that i don't want to convert this into a programme on that because time is passing but I am happy to discuss it more but there must be a clear vision of constitutional justice you must pour constitutional justice into this empty idea called justice you can do whatever you like I am not saying that you take this idea of constitutional justice but whatever idea of constitutional justice you pour must be justifiable with reference to the constitution. Second, skills, third knowledge, fourth ideas and practice so we call it "we skip". In judges and other stake holders of the justice system we cannot do this in isolation we had to start with actually law teachers that's where I am trying to set up a justice university that will produce future law teachers because the starting point the failure is happening in the law classrooms. So, as to materially strengthen the six variables that determine the quality of the judicial system this also many of you are familiar with this idea called ROKMMA these are the six factors that determine the quality of a judicial system role, organization, knowledge, management, method that is judicial method of decision making so, role, organization, knowledge, method, management and access to justice these six aspects, these are the six ways, the six elements of the judicial system on which you have to, the trained judge, the I don't know what the right word is the educated judge, let's use the word educated judge rather than the trained judge. The educated judge, educated in justice and its methods the sensitized judge, let's call it sensitized judge rather than trained and educated because the word we used must be acceptable to the public also because they must not think that till yesterday I was having an

uneducated judge today he has become an educated judge (laughs) I was having an untrained judge today he has become trained that is not possible so let's say sensitized judge

Participant: should we say conscientious judge?

Prof. Mohan Gopal: conscientious is a

Participant: (correcting) conscientious

Prof. Mohan Gopal: conscientious is a good word is a little complicated word i think sensitized is a sensitive is a simple word but I think the better word what you have said stood but this may role of the tongue a little more easily not even rolling of my tongue so, sensitize judge must be able to understand role, how to organize his court, what kind of knowledge he needs, what kind of method he must use, how he must manage the court and how he must ensure access to the court because the court exists to protect these values for people so there must be access and result in addressing current challenges and securing justice in society that is to secure the prevalence of constitutionally prescribed norms of human conduct that is the ultimate test of the effectiveness of a court. What is the standard of conduct prevailing within the orbit of that court can you influence it and there will be many examples now you should take the Nirbhaya case in Delhi and one of our students from National Law School Bangalore was a prosecutor and during that time i had lot of admiration for him, wonderful wonderful young man very very sensitive in every way, sensitized in every way he did such a wonderful job that the process of trial and conviction was picked up by the media through the media, through the trial all said and done there is still violence but I think you and I will agree that there has been a change in public attitude towards violence against women generally speaking, people have become more aware about that and started to think about it. I find that a judge and a court is above all not a dispute settler, I have a very strong view that judge's job is not of the dispute settler, judge is a teacher of society actually, a teacher on what are the acceptable norms of human conduct and what are not acceptable norms of human society, anyone can settle a dispute you know any arbitrator, any mediator, anyone can settle a dispute but judges are sages, should be sages that actually give guidance to society on what is the right norm of conduct and what is the wrong norm of conduct so, training must equip you for that, I always say that the judge is taken the role of the old Rishi who in a sense stands away from the society and says this is the right norm of conduct, it may or may not be justified by your current needs but you have to observe it if not your society is going to be destroyed and these

norms have to be constitutional norms therefore the ultimate test of the effectiveness of a court is are you influencing norms of human conduct, values of human conduct or not and training must equip you to that it is the job of the teacher, what do you expect when you send your child to school, what do you expect when you send your child to school or college that they should come out with right values. If he comes with all the knowledge and skills and technical knowledge but he has the wrong values will you be happy as a parent so, like the teacher the judge, teacher and judge are the two functions that together they both and the parents if you take parents, teachers, judges; where parents fail teachers come in otherwise teachers are redundant when the parents are very good, when the teachers and parents fail, then judge comes in to correct the norms of conduct which teachers and parents and teachers have not settled properly these three together if they work well society will be safe because we get a chance to deal, specially parents get a chance to deal with human beings before teachers, teachers get a chance to deal with human beings before judges, judges gets a chance to deal with them before the rest of society gets their hands on them, and people respect all these three functions and this is the ultimate test. So, I now talking about, this i will come back later, this is the outcome, this is the impact, the input and output is, this "we skip", the outcome is to have a stronger judicial system and the impact that we are looking for is are you influencing positively the conduct of society. The methodology should be appropriate for the adult professional learning to achieve the first two objectives above and for preparing the policy development proposal emphasis on experiential, interactive approaches, training, teaching, lecturing not appropriate as a dominant method if there is a room for it but not as a dominant method. ROKMMA we have said this I am goanna skip over this. Here, we have identified the 7 critical challenges in strengthening the administration of judges improving the quality of judges, bottleneck control. See now we are looking at the practical knowledge that judiciary induction and training must address itself to improving quality of judges, that is upto individual judges how to control the bottle necks service of process, adjournments, intermodals, appearance of parties, accused, witnesses, how to plan and manage your court, how to ensure cooperation of stake holders, then infrastructure strengthening, this is not upto the individual judge its upto the higher authorities, legislative reform not upto the judiciary at all, optimizing judge strength again high courts and governments have to do, so, when we look at this we understand what judicial education has to focus on improving quality of judging bottleneck control planning and managing courts

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ensuring cooperation of stake holders those are the 4 elements that the induction training must focus on but, more that that is required to achieve the outcomes that we want, so, we provide the inputs, we skip, we strengthen the functioning of the courts ROKMMA and we get the impact of prevalence of constitutional norms, now what we proposed and this is the new framework we came up with sir 5 elements and the distribution, this was developed through, this is not my invention or creation, this was developed through elaborate discussions among judges, these are the five elements we developed and are being applied through different ways and different places, 25% of the induction education programme structure must be devoted to being a judge module-1 : being a judge, what does it mean to be a judge and actually sir to gets input of this we brought here for the state judicial academies the people from the military academy, police academy and the administrative academy and I have a presentation on how the military is the best training in this country is the military training so, we had someone come here and give us a detailed presentation on that because there entire training is value based frankly they don't do training even the military they focus on values and the ability to think if there is time later I can show you that presentation and we brought in administration, police which were very week compared to the military so, then we developed all so , when we look at military training the first thing is create pride in the organization being a soldier, what does it mean to be a soldier so, we are similarly saying spend 25% of your time in telling this that what does it mean to be a judge what is this organization. Now, I put pictures of all the former chief justices and sitting Supreme Court Judges and all that here because I found that in these military academies they have pictures of all their you know their generals and war heroes and so on and so forth. So, that they look at their elders they feel pride in an organization when they come here they look at this facility they feel pride in their organization, we are part of a great organization you know, so we teach the pride in the organization, then we teach them the roles, structure, the history you see the army teaches the history of the Indian army and all that so we must teach them about great judges by the way there is a very interesting new publication coming out, i have been asked to write an chapter on that also on the Chief Justices of India from the first to the current chief justice and so when those kind of publications come they must be used in the induction training so that they become aware who the great heroes are , what the great battles are, you know like military academy will teach Bangladesh and will teach you know China, we must teach the great battles of the judiciary to these young Judges in the

beginning, H.R. Khanna's dissent, you know and so on and so forth and then they will get pride in this organization. 10% to planning and preparing adjudication so, this is before they get on the bench. 50% should be for learning adjudication that must be largely done through simulation or through lectures 50% of the time, 10% of the time must go to how you come up with implementable decisions and make sure they are implemented rather than theoretical decisions which are not implementable and then 5% of the time on evaluating judicial performance. Now, I looked at our programme and programme is talking simply about the methodology and location of judicial education you know is it in the laboratory or in the classrooms that has to come in every one of these that it has to you have a laboratory, field, classroom, lecture, simulation, movies, role play, we have played games here we have you know to make people understand inequality we play simple game called the Bindi game. Are you familiar with it sir? No, what happens is we take bindis of you know red bindi, blue bindi and black bind. Threecolours and we will ask everybody to close their eyes and some of the volunteer will come and put a bindi on your forehead. Now, you can't see which colourbindi is there on your forehead but I can see, you can see on my forehead but i can't see it. The game is everyone must try to talk to people with red bindis they are the superior people, people with blue bindis are middle class people boring, you can talk to them but not like the red bindis and black bindis are the people you should never talk to they are the lowest of the low you should avoid them, now, we start this game and within 15 20 minutes it is like curdling milk you see first of all very quickly people will realise what is the colour of bindi on their head by the way others treat so when I, first I assume like every child that I have red bindi, everyone assumes that I have a red bindi, so if you have a red bindi I will come eagerly to you Justice Kurian how nice to see you, now you have been instructed I have a black bindi you cannot talk to me so you will turn away, Justice Chavan will come to you with a red Bindi you will embrace him, you will say 'Oh Justice Chavan! How nice' (laughs) within no time and we also distribute the numbers like in society small number of red and, within no time the reds will gather together, the blues will gather together and the blacks will gather together. When you understand that what make theblacks join together is the behavior of the red to them and the blue to them and not that they are saying let us all join together. No, one wants to be with the black bindi no one wants to be marginalizedbut they are forced to come together because no one else will deal with them. We play another game called the Channa game, in channa game everybody is given a few

channa same number of channa then you bare told you have to bargain with each other in a particular way and within one hour you will find that the channas get re distributed roughly in the way income is redistributed in the society. 3 4 people have lots of channa, majority of people have no channa and people in between, then you understand how some people become rich and some people become poor. So, through these exercises you understand social processes so, what we are saying is that we have to use a variety of methodologies and now so many methodologies are available as many of you know that can be used to make this exercise very very interesting. So, this induction programme must be unforgettable for them right now, it is not in many cases. It is much better than it was, the number of pure lecturing has come down it has improved a lot so, this is the structure and distribution we have also put some numbers here if you know sir, 90 hours, 10 days, 5 days, 25 days, 5 days, 3 days, total 48 days to be delivered over three months with Bharat darshan equivalent added vat that time when we prepared this. So, we have done some detailed structure on that. Now, there is some another last thing i want to show you which is again I will just show it to you, I will not talk about it or explain it, this is a detailed curriculum we have developed around the structure, this is the purpose and structure, the philosophy behind it the detailed structure is, [what is this (ye kyu aa rahahai?, ye open karnahaina, ye open office), open with, but it may not have the, open with, ha ha, no we can just, no I think they have installed but not used open office (isme use nhikiyahai)

Participant: we can have Microsoft office also

Prof. Mohan Gopal: YaYaI don't think they have, Ya here here, (ye full screen kar do), view full screen (ha), full screen.] So, here module-1: culture and traditions, role of judges, role of the judge, social policy, Indian political history, state context, vision of justice, planning and preparing adjudication, so we have got the hours, we have got all the, see here we are talking about adjudication clinical and theory we have put all the, I am not going to go into detail at this point but all the, this can be distributed to everyone, there is one more document again which i will share with you. (I think, no this is, no that is not here, that I will show you.) We have prepared also a detailed framework of this proposal which also I will give you so, this is the rough format of the last 2009 around 2009 2010 whatever we have, thinking on the judicial education which have been discussed and to give it a new direction. So, I will leave it here sir, I will stop here and you can have a discussion, reactions on this, maybe we can take a tea break and then

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Participant: shall we do one thing, I just want to ask you we have a 10:30 break instead of that we can continue till 11 and then maybe take a break at 11 11-30 come back at 11:30 to say another 2 hours so, see 2 tea breaks, so just continue this session for half an hour

Prof. Mohan Gopal: yes

Participant: go for a break at 11, have a break upto 11:30 come back and then session will continue till 1:30 we will have lunch at 1:30.

Prof. Mohan Gopal: yes

Participant: that will be fine. We can have the lights on now.

Prof. Mohan Gopal: Ya, lights. Sorry, I took some time but I thought it's important to, any comments from Justice Chavan

Participant: Sir I am going to be with you for next two days, so today both of them are guilty,

Participant: so, just grill them as much as possible and take whatever we can from them this vision is more important then what would be doing afterwards, tomorrow on think of practical ways to implement these things but I suppose you should get the vision from Hon'ble Justice Joseph and Dr. Mohan Gopal is one who has examined maximum number of judges in the world he knows judiciary

Prof. Mohan Gopal; learned from sir not,

Participant: Ya, he has also good prescription for us but we are reluctant patients who I don't know would administer dose to us.

Prof. Mohan Gopal: No, No. I think there is

Participant: so, you have to take their time first today and then from tomorrow on we can always have interactions ok?

Participant: I propose to what Dr. Mohan Gopal said about when he came, went back and then said when he was here, the spontaneous response from his colleague was that the judicial needs a radical change we have had several discussions straight from heart in the retreat so, one subject to the panelist who spoke on a poverty eradication, he asked a question, he spoke about inequalities and asked him he is a radical NGO, he is not the normal NGO, radical NGO, asked me a question that whether this judiciary in India like in your experience was able to respond to the problems which

he has been addressing several inequalities and this. He had from time sir called me differently, short times he said no, he is an emphatic no, I have noticed this, by short time it is no but then he tried to explained the efforts taken by judiciary to address some of the concerns. So, this short answer no is from his experience for over 3 decades in working in the field, that the judiciary at grassroots' level is also not able to address this concerns of this constitutional values on justice so this also very important to have such perceptions to be kept in mind, we had a media, very senior media man also, we didn't have this much time but I asked him in private also, he also said yes in superior courts you are doing it but the judiciary is actually felt by people in the grassroots' level, so for them the judiciary is not the Supreme Court, in which you are in, it's the magistrate or it's the munsif or patwar as they call him under civil or criminal jurisdiction he says there the common man's perception on justice is not healthy, so he is keeping 3 responses from 3 angles one is philoscientist on justice now he is very serious media man and third is radical NGO has been working in the field for poverty eradication, the rural India,

Prof. Mohan Gopal: this is the more detailed framework i was looking for earlier, preparatory, adjudication, clinic and conclusion that first part vision and knowledge 16 weeks, simulation 12 weeks, clinic, immersion, observation, simulated to practice see to problem solving, (just put it on the screen) we will circulate all this, we can circulate all this, this is from where this grassroots learning programme have been implemented successfully by Delhi Judicial Academy for few years now and very very good reaction to that so focal area judging

Participant: it was there in Bundelkhand

Prof. Mohan Gopal: Bundelkhand yes it was very. Judges are also really you know justice, challenges facing the judicial system, challenges facing the judge, qualities, attitude, skills and knowledge required of judges we have got a detailed framework with the judicial method, judicial judging, decision making, reasoning court judicial knowledge on fundamental concepts thoroughly covered in new domains that is actual knowledge, public law constitution law, all these areas. Then court management for enhancing timely justice, ITN judging, adjudicating, adjudication management, how to do all that, all aspects, court goals, identifying key functions, parameters important time management all this and then other, sorry and then looking at different types of managing different kinds of adjudication because as you know better the me it requires different skills, family, property, junction suits other disputes, they are managing public law adjudication,

criminal justice clinic, observation, simulated, problem solving, civil justice clinic, attached criminal courts for one month, attached civil courts for one month, public law clinic, attached specialized courts in preventing public policy statutes, appellate court clinics attached with district judge, appellate court clinic attached to high court judge, then looking at effective implementation of execution of court orders and then assessing and evaluating so very detailed framework has been developed the difficulty I find sir this is where you can help is that the we developed all the state academies at that time together developed this not us, we just facilitated gave some our own perspective ambition but then when they take it back this has to be decided by the judge in-charge of education or the full court and there they run into a bottleneck even if they are convinced, they are not able to convince to, into action, but that's where I think we have a once you know the new director is in place and all this is reviewed and then maybe an discussion takes place once more with the state judicial academies and then a meeting is called with the judges in-charge of education and maybe the chief justice of India and some other judges can be there and a joint decision is taken that this is the broad format we will follow then it will happen I think much more easily, now we have had that for 4, 5, 6 years so people at Delhi has got experience others have got experience, I think there would be much more acceptability and I would request that apart from the sessions there if once this is distributed if you can make any further changes updating to this and this can then be sent to Justice Kurian Joseph by e-mail and these are, this is where this new framework we have developed. Then, we can, Justice Kurian Joseph can pass it on to the new director and they can decide you know how to take this forward suitably this is what I would with your permission sir suggest. So, let us have a discussion and reaction to what I have been saying so far because that's the main thing. [This I will give to Jyoti to, he has it I have put it in a form

Participant: this can be distributed also

Prof. Mohan Gopal: (isme 3 documents hai uska print out lijiye, ye le jaiye)

Participant: (Jyoti these books remain in the cupboards, start working on that)

Coordinator (Jyoti): yes sir

Participant: but this now we can get print out also

Participant: for this we will do both

Participant: we can make a drop box and all can have access from there

Participant: yes drop box is the best way

Participant: that is what we...

Prof. Mohan Gopal: yes but it has its value

Participant: certainly certainly here is the passing space. So, the old school certainly do this

Prof. Mohan Gopal: and also it is some people keep it then when, it is not meant to be read immediately but reference material

Participant: as a reference

Participant: in drop box the advantage that you get is you can use it selectively also you can download it immediately and read it so it is just well available to everyone and is suitable to everyone.

Prof. Mohan Gopal: no, but you have to move towards digital because of the space constraint but for purposes of discussion having a printout is easy because everyone doesn't have a laptop you know

Participant: for that matter you can receive that matter...

Prof. Mohan Gopal: yes yes

Participant: here it comes

Participant: you can also have it on your mobiles.... So there you can write something in terms of suggestions... So by the time the session is over the feedback is already there and analyzed on various aspects... Yes we use google, yes we use google

Participant: it's easy

Participant: yes it is easy

Participant: and when we are having this civil judge junior division also trained here, i used to come here. Since, Dr. Mohan Gopal's colleagues are radical change so I invariably used to ask a question to the participants and say judicial academy is where I had an opportunity to address also. The question is this, does the person go out of your court after case is over saying that hereafter also if I have a problem I would come here only, does he have a sense of satisfaction saying that yes I have found real place where I have justice and in future also if I have a problem I will come

here only and the answer invariably is that I have never had a single judicial officer saying yes invariably is this, people go out of courts saying that even if I get a second birth let me not see this place (laughs). This is the grassroots' level experience, so when we say radical change with our commitment and hard work and scientific efforts using technologies and taking extra efforts and trying personally over so to translate our constitution, to translate the constitutional values, through our life, through the institutional life and through our responses, efforts, etc. With all that people say oh i will never come again. Why is this perception amongst the public? I said about three perceptions earlier this is the fourth one that from us, so one was the media man, second is the colleague, the third is NGO and fourth is our own community, people who we serve, they themselves have this feeling that they will not come again to the court better they don't, better suffer rather, this was the second I heard, better suffer then go to the court and suffer there also, that means we can also keep in mind when we think about the renovation of our curriculum, how are we addressing these concerns, what is this to do with the social context we have been speaking about. So, can I have a quick response, I would like to quickly respond to some

Participant: who would like to respond?

Participant: thank you very much for inviting me, just a word of background so you know the context of my speaking I am an American lawyer, a legal aid lawyer for 9 years and headed something called the Virginia property law center, so state level working with all the legal aid lawyers on civil legal matters in Virginia, I then went back and got an L.L.M and went into law school teaching and clinical work and after 14 years started a community development clinic during that time I went to Srilanka as a full grade scholar and came to India Dr. Menon invited me to Bangalore to be a resource person, and since then came back as head of the... Commission for 8 years helped O.P. Jindal Global University and for the last 5 years I have been heading an NGO this is working on water, agriculture, good governance, and the good governance is really that grassroots work, we don't identify as a radical organization we identify as an organization that works with government and so my answer is different I think to the question of is it possible for the judiciary to respond to the need for poverty eradication and I think there are really important ways that the judiciary can, I understand most of your time is absorbed by the court, but what is done outside the court is critically important, the leadership of the legal services authorities is critically important to getting that justice out to India, to 70% of India. I also think that the

perception of Justice comes from interaction of judges with the community, again it's a very small part of your time but critically important, the head of the district legal services authority and one of the places where we work is Haryana , has made a very big difference their by coming to legal literacy camps and answering questions, in other words being there, being approachable, giving the public essence that the judiciary really cares about well India so, those are my comments. I am more of an optimist then the other NGO's.

Prof. Mohan Gopal: so, she gave a very brief intervention, in this new justice university idea, we are promoting the idea of justice literacy, not legal literacy.

Participant: these are new approaches

Prof. Mohan Gopal: yes ya because that's what people really need to understand law is the means, justice is the goal so we need to have a justice literacy programmes.

Participant: again just trying to what justice said, instructing very painfully because I have been very active in judicial services Kerala and in Himachal also but now I am not in charge of it. On this NGO who spoke about this issue, I asked him why don't you utilize the service of legal services because you are entitled, because the people whom you spoke about are entitled to free legal aid so you have no, so you don't have to bear the litigation expenses and they are there to serve you and it's no more a charity it's your right now, I told you, its you're right, it shocks me if asked about what is this legal service, how to avail the benefit etc., so I told him that that we started this as a free legal aid to the poor, this was the first concept from there we are grown to different stages as werethrows used to seat and we are now into the legal services so, that [01:43:22] sir I open it to me I spoke to couple of chairman of the legal services also and to these optimize legal services the NALSA somebody who is taking over NALSA I told him also see look we have been going to so many projects we have been doing several things but ultimately even an NGO who is in the field for 30 years does not know that there is a, that means are we only in books or know projects and never actually reaching out, but you know this is actually very encouraging to say that rural mass in Haryana have been really benefitted by the programmes of district level service and the expression madam used is access is accessible then something is very different unlike court access is very different but in legal services the person is also a judicial officer, successfully able to respond to the concerns the cries and the problems, so this is also an area, because many of you also have been secretaries or member secretaries or member secretaries sorry the secretaries in the

district or taluka level also, in a way, this is was picking up but we were here 2 days back in a major state in the country, he is working in the rural area, he said no idea about these things,

Participant: he is for the last 30 years, he spends 270 days every year in villages,

Participant: villages

Participant: so, he has a deep and, sir I had a very interesting when I was living here in Madhya Pradesh, I found that in a very remote village, about 150 kilo meters from here some attack had taken place in Dalit homes, so I went there just in a taxi wearing kurta pajama, nothing I am nobody so you know, I am nobody and so I went therewithout any pretense of being anybody and I am not cognito, so I did not mean cognito (laughs). I just went without any false appearance, so I talked to those families then near that village was a district court complex, with the principal district judge, about 2 kilometers from that village so, after listening to what happened, they have been attacked physically and all that, i told them look why don't you go to court, because I knew from my Madhya Pradesh experience the Principal District Judge there. Now, I know he is a very very fine judge, very very sensitive, very competent, very very good judge, but he doesn't know that this is going on so I said, and he can't suo moto so I told him look told these people why don't you go to the court complex I have heard there is a very good judge there, he will help you because you know you can get help. He looked at me as if I was a complete idiot and which i was, because he said look sir do you think if I (I will speak in English because ma'am is also here) but if I just go there i am a landless labourers Dalit, do you think if I go to the district court and say that I want to meet the judge, they will say oh please come in you know have some tea judge will meet you, he said sir they will not even let me in or they will drive me away. Then he saw that I was very visibly unhappy and disappointed so he solved the problem so he said do one thing I will give you a piece of paper if you are so keen then we will do it, you take a piece of paper write a letter in *sakht* English, strong English and you give it to me and then we will take. I said why *sakht* English, because the policeman at the gate should not be able to read it, so you write it and address it to the judge, and you give it and we will take it and so, I said ok and I wrote in *sakht* English and gave it because, addressing the judge he knows

Participant: *sakht* English means strong English

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Participant: strong English Ya. So, eventually I found that they tore up this letter and threw it away, they never got to go inside to the court, so, but then other reaction he gave me before i said go to the, before he suggested this to me he said sir you must understand that a court is the place that the police takes you to be punished nobody goes to a court

Participant: why is perception getting like this?

Participant: so a court is a place where the powerful go for protection from the powerless, not a place where the powerless go to be protected from the powerful, and you unless the culture of the institution changes and this has consciously happened in other countries that you remove your, see you can't be riding with red light and flag and police and then you say why are people not coming to me they will never come to you, you can't be wearing suits and say why do poor people not come to me, the whole culture of the institution has to change. The location has to change, sir you may have been there, you know where the, when it became independent the Supreme Court of South Africa decided to locate itself, you have been there sir to that court

Participant: I went there, I went there

Participant: they located themselves for the benefit of the others in the most horrific prison of Johannesburg, where even Gandhi had been a prisoner, they didn't build a magnificent building for a court like we have built all over, they went and made that prison a court and now they have kept the cells, when you walk into the, into the Supreme Court you walk past the cells in which prisoners were held and when you walk into the court room, I went there in the morning, the Supreme Court, the highest court, the constitutional court of South Africa, that is the constitutional court, the highest court, morning the session had taken place, the afternoon I hung around and i went there I found that ordinary citizens and children were coming into the court to see it and they were climbing upstairs sitting on the chair of the judges and going around like this

Participant: *acha*

Participant: Ya, because this is there court, so I thought I will never be able to sit in the chair of a Supreme Court judge

Participant: Magistrate

Participant: little on magistrate court, so this is my only chance and no other country, so I waited

Participant: you would ask me you could sit in the Supreme Court but not in the magistrate court (laughs)

Participant: so, but so I thought I should not miss this opportunity so I waited my turn after the children left and I sat in one of those courts and I said Ah! Then I saw something remarkable in the architecture when I sat there I saw that the court is at a level, see firstly the architecture of the court said that the court is at the lowest level not at the highest level people are at a higher level and when you sit in the lower level of the court there are, there is a patch of windows to the outside and naturally because the court is at the lower level you only see people walking outside, so when the judges look the sight they have is that they are sitting below the feet of ordinary citizens who are walking up and down so it has a big psychological impact that we are here to serve the people. So when you have a situation where people can walk and nobody is telling you know i have been to a court⁶ in where was it, I think I don't, that's the matter where in one of the cities i do remember but I don't want to name it because it will unnecessarily, it's not the issue where i went to see a court it was a district court complex I was standing like this suddenly a policeman came and said sir you cannot stand here. I said why because there is a door that is locked and that is the door of the chamber of the judge so it's like you can't stand in front of the door of a temple you can't stand there, that is like a temple you have to move aside I said why nobody goes in and out of this place it is a locked door what's wrong if I stand there. No, no you can't judge *Shahab* is sitting behind that. So unless the culture of this institution changes you cannot be hierarchical and and be open to poor people

Participant: we are having a 2 day judges system one of the components of the programme is general view stream and purpose of the discussion is that what will be the... Are the facilities which are there, the faculties you approach sometimes....For justice because you create magnificent buildings where people will feel i can walk into this place but it does not belong to me because culturally I come from a background where such things are what we call preached. So, there is a... So the purpose of extension of judges is that how do we improve the court as a system not in terms of the law like where you will feel more comfortable in coming to the court and approaching so, that is what we think

Participant: that's wonderful, I think these are the kinds of, these are all going on sir, you have done much many things like these yourself, there is a lot of this going on in our country and we

are moving i think in the right direction but these are the barriers but on the sort of positive side I recently was asked to go to a this Harvard conference on India to speak on a session on Justice. So, Gopal Subramanian and I were asked to go, he eventually last minute didn't come so I was the only one from India, the others were local people speaking on the same topic. So, I made the following simple point i said everywhere in the world rich people are able to ensure that they secure justice there is no problem nowhere in the world including United States and Europe have they figured out how to ensure that the poorest people get justice so if you go to American presence they are full of African Americans, poor Latinos, the poor and they don't get justice at all, the difference in India is that unlike in the other industrial countries, middle class here does not have reasonable access to justice.

Participant: yes

Participant: now justice for the rich, justice for the poor, justice for the middle class are 3 different challenges nothing to do with each other. Now, in the last 20-25 years a, a 200 million middle classes emerged they have become vocal we want justice so they are in journalists, they are T.V. anchors all from the middle class they are making lot of noise about justice because what are their concerns they want to protect their employment as consumers as family relationships crime. These are the 4-5 areas that concern them. Crime and law and order. They are concerns of middle class. So, I told them look as far as justice for middle class is concerned which is all your concern the NRI's who are there. I said over the last few years the judiciary has started working on this, the judiciary infrastructure has improved a lot the internal systems necessary to plan and deliver are starting to be put in place e-committee, various committees, NCMS all sort of capacities being built up and I can tell you within 25 30 years for a nation of 1000 million people that's not a very long time now the 25-30 years there will be reasonable access of justice for the middle class. But, we are unable, we haven't even really seriously begun to figure out how to give justice to the poor in this country and we have no global example no one knows how to do this. I know a doctor who for last 7 years has been, been working as an assistant district attorney in the city of Philadelphia. In a working of the courts there whenever I go there I go with her I talk about her experience, now she is moved as a U.S. Asst., Asst. U.S, attorney to Washington. So, when I ask her, she also, her experience all I talked a lot of the judges there at the local level, who deal with local justice they all say if you are a poor black woman, you know justice is a distant possibility for you, a very

remote possibility, so no one has figured it out so, if we figure it out in India we will be showing the way to the rest of the world. Difference is there the poor maybe 12% or so here is 80%. So, for us is much more urgent, if we don't do it there are very huge consequences and we have to do it. But, please remember that you will be solving a new problem but I don't believe therefore we should neglect justice for the middle class, we should ensure justice for the middle class and much of what we are doing will result in that so when we say woman many of the woman are middle class woman how to give justice to them is different from how to give justice to poor woman. So, I feel we should approach these two challenges justice for the middle class which is where India is lagging and justice for the poor as two different challenges and our judicial education or induction programme should sensitize judges to both challenges why because the the middle class has access to tools which the poor don't have access to phones, internet there problems are different. They are significant consumers where the poor are not consumers. You know there problems are very different so we are, we must built capacity now we are doing commercial courts, this is a very, justice for the middle class, including middle class entrepreneurs because frankly the big business people, they will fly off to London if there were problem they don't have to worry about commercial bench and all that and so this is also one perspective I wanted to share with you that induction programme must look at the financial, economic background of the litigants and not just generalize and say that use e-courts, it is meaningless for 80% of the people for whom Justice Kurian's question remains the most relevant question how do you change the perception, there perception about the role of courts and unless you democratize the judicial institutions, that perception will not change and many countries have done a lot to democratize the judicial institution including method of appointment of judges so united states at the lowest level 87% of judges are elected. So, there is a much that is why I am doing the justice university, I don't believe that elections are solutions but when judges come from the same background as the poor the poor will feel more comfortable to access the courts.

Participant: we will come back after tea now.

Participant: a little disturbing thought also, the way we go on tea Dr. Kalam asked a question, how many of the persons who have been hanged are from the above poverty line

Participant: ok. The exact question he asked sir was to the judges he said do you, do you give death sentences only to poor people

Participant: yes, he asked the second question was on the life convicts also, how many among the, above poverty line people he didn't say BPL and the presence of a life convict, you have seen a rich man there, well we will think about it when we come back.

Participant: we come back at 11:30, a real 30 minutes break

SESSION 2- FIELD TRAINING: CONTENTS TYPE

Still couple of minutes, shall we brief what we call round the table in the sense our ideas on what you have been doing with respect to state academies, you can as well also like to respond to some of the reflections also we can put in but since we, are in a mood to revise it

Participant: I just want to let us know it is coming from the another logic as such as i refer to different methodologies and there will be lectures to consider based on the... I somehow do look at it because I feel that...

Participant: shall we have this bit of a your responses from, decide on this it gives you an idea not that, so even also in, because we dint have an introductory session also so you can introduce yourself and say who you are and where you are working and what you have been doing this

Participant: and any thoughts or comments on what was discussed earlier

Participant: yes

Participant: like has just been given,

Participant: you can use the mikes also please so, mike is on

Participant: namaste everybody, I am director of A.P. Judicial Academy. Now, it is working for both the states of Andhra Pradesh and Telangana. I was posted as a director on 31st November, very short time for 4 months. So, I had no occasion to deal the long batch of junior civil judges for a period of 1 year though but i was inducted as a director to the district judge and i did training in

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the academy for 4 and a half months, 4 months 15 days in the academy but, right now we are organizing a refresher programme, orientation programmes, workshops and seminars regarding this junior civil judges one year programmes the curriculum followed in the academy is that will induction training in the academy for 6 months this includes all field visit and will also a lot them to the senior, other senior officers, they will sit along with the senior officers, they will guide them in the chambers after the session and that's how for 1 week or so and then will repute them for several important other departments so, after 6 months they are sent to the bench for 2 months or 4 months, then again back to the academy for 4 months again back to the academy for 2 months again to the bench and 2 months. So, it is split into 6+2+2 so that's how we are following the programme sir and that's what already pointed out that the judges directly from college to the bench they are not literally fit into the system, but what I feel is the perception should be changed at the higher level too sir so, how we were like a children is different from how our children are because there technical advance and all those things we should accept the generation sir intelligence, intellectual levels also, I feel that most of the time the senior officers are pointing out, they are not looking at the knowledge of the children sir, the junior civil judges who are coming up out of 13000 application they are screened at primary level and again they are writing main exam so, after facing the interview 18 members are inducted into the system so, definitely they are very knowledgeable but they are not absorbing it, I what exactly I personally feel; the senior officers always say that they are not obedient, they are not respecting us, they are not giving protocol, so instead of pin pointing these small issues sir which are from ages seen sir, i try to understand their knowledge levels and better to corporate with them like our children and make them to come into the system sir maybe they are not, they don't know how to deal with the, they may not be giving the equal respect which we were giving to our senior sir. But, definitely they are also giving respect that we should accept that's what I feel sir because we are stuck in the system that like a royal, we feel like a judges that royal treatment is required for us and we are expecting the same from them and feeling dissatisfied that they are not giving. So, definitely they will not give because they came from a modern era so they may no. So they say Hi instead of Namaste like bending like this all this thing so this we should also accept form our perception but they are doing very good to the system and they are dynamic in fact but that's not being appreciated by the higher courts when they express a long para mentioning the sociological events and

everything in their own perspective that's not being appreciated by the higher authorities or the appellate courts they point out why you make your personal observations so that's simply again making them to behold or maybe again so, this perception should also change at the senior level that's what I feel sir even I am inducting to the districts judges this perspective also in their this thing and I am just simply advising them to guide them properly instead of pin pointing them all the way. So, they not come up directly and that's how, because we also receive complains from the district judges also that what you are making them to learn in the academy. These people are behaving like this, like this like that but all the complains made by them are very silly it appears to me sir.

Participant: so, the

Participant: see ma'amit's not just today's boys when I joined judiciary 40 years ago, I had no background, I had not seen a court so when I went to see the district judge so somebody told me that you have to go and pay respect to the district judge before you join so I rang up from a P.C.O that I have come here to join as a judge and may I come and see you. He said come no problem at 4 o'clock I went to his house dressed in blue shirts, bell bottoms and chappals he had a look at me and then said what is it, I said I just called you up and you said come to see me and therefore I have come to see I am going to join civil judge tomorrow, next day I went it was summer so training programme had been given to me so I went in a shirt tucked in with a tie and shoes and all that no problem but no coat and no gown so he said what is this are you a medical representative or a judge and then asked me to get my robes and I had to swear you he said I had to give you oath and then but because of that man that old man I was trained to be a good judge it depends on how you treat your, every day he would call me ask me what I have done and then, so this how we groom the favour of the system is favour of the seniors, us, we have not paid sufficient attention to them.

Participant: a one advantage on my part is sir my father has worked as a judge and retired, so I was inducted directly as a judge and my brother and sister-in-law are junior civil judges so, I know the difficulties of officers from all levels and hope my father worked is different from the way we

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work and how my younger generation after 10 years how they are working so these three stages I had an occasion of observing in the system sir

Participant: just on the lighter side, people who are being inducted as junior division and on the district level they say we have suffered so you must also know the taste of it (laughs) so, you came as direct district judge so you have no problem so nothing to pass one other civil are certainly waiting for an occasion to pass on so i just want to tell you that this shows that there needs to be a change of mind set amongst the seniors also for integrating the incoming generation to the family. See if we need to have a family set up as you rightly said, my grandchildren telling me things which i cannot even think of the way they teach us certain things so this is a new generation, certainly a new generation what you call, I don't say issue but new generation factor which we have taken so more training to be given according to me if I can use that word training is to be to these people who are already in the family as elders, the elders mindset should be changed this on silly things, instead of treating them as your slaves, you have to treat them as your equals and then give them respect that they are entitled to, when you give respect you will get respect

Participant: exactly

Participant: always keep on demanding respect you will never get just command it by giving it to them they will give you. I think this must be the, in the article we call it ongoing training, ongoing training programmes this could be something which could, you could convey to the existing judicial officer what's the strength you have as of now in a batch?

Participant: in a batch we have 40 members sir. 30 to 40

Participant: 30 to 40 for both states?

Participant: for both states sir. For refresher course sir, for junior civil judge's recruitment is upto 80 to 90 sir

Participant: 80 to 90

Participant: so we make up two batches sir

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Participant: you make it in two batches

Participant: two batches sir simultaneously

Participant: what's the strength of ladies and gents?

Participant: ladies in our state you can say sir in out of 80 members more than 60 are woman sir because of the process of selection and because of the 1/3rd reservation, they are coming in the reservation and they are coming in the merit sir. Even in our batch we are five directly recruited district judges 3 are woman and 2 are man

Participant: ha. Great

Participant: sir now man became minority sir (laughs) so

Participant: the international women's day there was a complaint, saying look at the Supreme Court there is only one woman due to the number of High Courts. I said wait for 10 years after 10 years the man will be the minority and it will be the era of woman members I find in invariably all academies the number of young girls coming up bright, very good, smart and that will also give a face lift according to me though bit of adamance or

Participant: regarding woman officers have separate problem sir that also higher, I am sorry to say, that also higher judiciary has no idea of as a district judges when we pack all to the judges they call us that ok you come by 8 o'clock so we have to go there by 8 and return by night 1 or 2 so they don't have an idea of something because they never experienced that so some people are broad minded they know that their daughters-in-law and daughters are working so they say ok it's not convenient for you, you can so when we make a representation the spouses are not working with us we want a comfortable stay what else sir so how can we consider all those things. You just have to make your own family adjustments. Some are ok they are liberal they say ya without spouses you cannot

Participant: you can you can have lady judges in high court just make it through them, they will understand otherwise they will better understand

Participant: but ok anyway we are into the system we have to do all these things
[00:11:54] Participant: we had a chief justice who made a policy that husband and wife will not stay at one place

Justice Kurian Joseph: whereas in Kerala and Himachal we made a policy that they should be in the same station, it's a declared policy

Participant: mostly they accommodate sir but because of the

Justice Kurian Joseph: i think in Kerala they have said as far as possible, but Himachal I made it a point that they will be in one station, see we made them come, this is why I have always, make them comfortable they will work like anything and their integrity will increase, their commitment will increase, their quality of service also will go up, the moment they are made comfortable and the moment they get a feeling that there is somebody to understand this so this is something very great. So from your level of director itself you can do certain things, give them comfortable space.

Participant: greetings to you all

Justice Kurian Joseph: just one second from Andhra and Telangana, if you have any such observation, there are new recruits what about their economic background

Participant: mostly Telangana is a backward area sir except Hyderabad, the other districts, 9 districts are there mostly considered to be backward, so naturally in general competition the Andhra people will come into the recruitment so, that's the main grievance for them also, and they don't have economic

Justice Kurian Joseph: unless they are separate academies

Participant: separateseparate

Justice Kurian Joseph: sorry separate recruitments

Participant: recruitments, so that's what they are insisting for

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Justice Kurian Joseph: I asked them this question but they said unless the high court is different we cannot think of separate recruitments, but at least 1/3rd of the recruits are from economically weaker sections?

Participant : No, not like that sir

Justice Kurian Joseph: not like that

Participant: economic criteria is not there

Justice Kurian Joseph: no no, from your observation, I am asking you from your observation, there is no reservation, from your observation, from the children from the new recruits

Participant: yes sir because the criteria is only exam oriented so whoever is having the zeal and interest they are coming up sir

Justice Kurian Joseph: so, what do you see from the junior batch all are from the comfortable zone only, mostly

Participant: no sir, for junior civil judges they are coming up mostly from the economic strata, so, they are struggling hard to become officers

Justice Kurian Joseph: low strata also?

Participant : low strata also

Justice Kurian Joseph: oh that's what I asked, that's why I asked at least 50% are there or 1/10 are there?

Participant : because I had no occasion to observe personally, I cannot comment on that sir, because i have not dealt with their batch directly.

Participant: greetings to all, I am from Andhra academy I am working as a n assistant director in the academy, before entering into the service I worked as a lecturer, I did my doctorate in law,

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I worked as an assistant public prosecutor and then entered into the judicial services lately, because what I personally observed, I associate with about 3 batches of newly recruited judges in the training, the basic problem is, the attitude transformation and academic levels, these are the 2 areas which I observed, the attitudinal transformation is that they are not able to transform themselves to be a judicial officer from their heart and mind, the moment people are entering I not the service we are giving a laptop and I-pads and they are feeling that it is like a software employment, and we are teaching them that this is the institution where we have to commit ourselves to the public and to resolve their problems and as far as concerned the academic areas we are adopting teaching lecture method along with other important teaching methodology but once we are taking them to the field or actual when they are going to the work. Now one of the trainer officer asked me as for 2 feet of land the upland sustained five switchers, what is his problem/ then we realized that he is not having any knowledge about the village background, basically land is not the property, psychological attachment of the land or the property, important that attitude, that cultural understanding is not there, also the people who are coming from the cities. So, basing on their background we divided them at the beginning stage in order to explain the grassroots level problems in the country, some people are not aware of the caste-ism, people are not able to understand why they are upgrade classes for the Dalits, people are not able to understand what are the real structural, social problems in the country, immediately after there law schools they are entering into the service so unless we impart the cultural knowledge or the social problems, this is we address this problem to the judicial officer, they cannot be a desk judicial officer reasons for every incident which is coming to the court, the background has to be understand, unless the background structure is not, background problem is not understand, not perceived by the judicial officer, they cannot better address the problem for imparting justice, then the thing is every time as a judicial officer we are crucifying ourselves thinking that we are not rich in the standards, but all the stakeholders once we visited prison along with all the trainee officer and one question we addressed to all the prisoners as a prisoners they have faced all the systems in the country, first they went through the policing, then the court, then the advocates specially out of all these systems the wave that you have, negative impression out of all these systems and I am a bit panic if they say judiciary then how I should answer to my trainees but fortunately there is no complain against the judiciary and most of the prisoners they submitted that they faced much problems t=with

advocate and they have not properly communicated about the stage of the case, they have not properly communicated about the proceedings, they have not communicated about the arrangement, there was no such communication (laughs) but there is no need for ourselves to crucify ourselves thinking that we are not meeting the needs, but the maximum extent we are struggling to transform, but when we are considering about the curriculum grassroots problems which are special to the local areas, unless we impart it to the magistrates we cannot send them to the remote areas to work, this we must keep in our mind when we are formulating the curriculum. This few words I conclude. Thank you.

Participant (Administrative officer, Karnataka Judicial Academy): Good Morning sir, I am shrinoseGoda from Karnataka Judicial academy, since January I have been working as an administrative officer what our director of the Delhi academy as well we are following the same procedure to train the judicial officers but in the morning the lordship has told that there is a direct recruit for the civil judges, direct recruitment for the civil judges those who have not practiced in the bar, so we have also received such complaints in our academy so in that way I have an idea or suggestion that in addition to that we have to depute the judicial officers as a field training at least for 4 months let them work in the district court, taluka court, if in any, in any other department as my friend has told that the some persons have no knowledge about the village background the officers for born in metropolitan cities and they will be selected as a magistrate but they will have no idea what is agricultural land, what are revenue records if they are posted to work in the fields like taluka courts and district courts they will acquaint about the practical difficulties of the villagers and all that's why my

Justice Kurian Joseph: but the training that you give there is no such exposure

Participant (Administrative officer, Karnataka Judicial Academy): no, no we are not deputing them to the reports or training we are only giving the training as a practical sessions and we may deem to visit as city civil courts in metropolitan cities but in addition to that they will come to know about the legal service authority that what is their job

Justice Kurian Joseph: there is no other field training?

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Participant (Administrative officer, Karnataka Judicial Academy): no, no, field training sir,

Justice Kurian Joseph: oh that's something very important that you must

Participant (Administrative officer, Karnataka Judicial Academy): now in UK I.A.S. and I.P.S. officers they are given field training for 9 months. All that I.P.S. officer work has an in 9 months that they will come for court and they will go to taluka police station they will work in the S.P. office and all. Like that our officers also require field training at least for 4 months

Justice Kurian Joseph: but i think in many states these civil judges have this field training, revenue courts, police stations, forensic laboratories, in courts.

Participant (Administrative officer, Karnataka Judicial Academy): we are also giving but we are not exclusively deputing the work at the Taluka courts

Justice Kurian Joseph: taluka courts

Participant (Administrative officer, Karnataka Judicial Academy): so we are making the officers to visit the forensic labs and server department all

Justice Kurian Joseph: taluka courts also i think revenue courts, i think this, this the experience they should have

Participant (Administrative officer, Karnataka Judicial Academy): they are not going for revenue courts sir, exclusively we have to depute them for 4 months under the supervision of principal district judge, let them work as a revenue officer in the district in all sectors senior division, junior division and my request is sir

Justice Kurian Joseph: give them to district and then the district, district judge will give them the training.

Participant (Administrative officer, Karnataka Judicial Academy): thank you my lord.

Justice Kurian Joseph: yes

Participant (from J&K academy): My lord, i am from Jammu and Kashmir

Justice Kurian Joseph: Jammu and Kashmir, you can switch on the mic and speak close to the mic

Participant (from J&K academy): I am my lord from Jammu and Kashmir, first of all we are all overwhelmed by the presence of your lord, and it shows the seriousness of our apex court too

Justice Kurian Joseph: thank you. It's the same question I asked in fact I asked this from Jyoti, but she gave me a very valid observation for my presence here. Sir, somebody from Supreme Court is very important. That is for, that's why I come back when I reach here somebody welcomes me as welcome back

Participant (from J&K academy): greatly after the retreat you are present this shows the seriousness

Justice Kurian Joseph: thank you Mr. Malik

Participant (from J&K academy): we can very much realise it

Justice Kurian Joseph: thank you I appreciate, thank you Mr. Malik

Participant (from J&K academy): we are also grateful to doctor Mohan Gopal who have been here in the last 6 7 8 10 years I have almost heard him 5 6 times. Commitment to our constitution that is highly appreciated, presence of former Hon'ble judge we appreciate it and in the beginning in the morning session the lordships marks commitment to our constitution justice and access to justice to ours. It has survived our system because in Jammu and Kashmir we have seen no sort but it's the judiciary which bounce backs.

Justice Kurian Joseph: only judiciary?

Participant (from J&K academy): judiciary, when everybody left our judges worked, trial court worked, high court worked, they did not and because of the judiciary in our state that we have uphold the rule of law in the constitution any criticism of our judicial system is responded by the fact that situation which we give mylord we did not decide cases for 6 years between one year

between 90 to 91 but we did not dismiss them, there was a turmoil when a parallel system was imposed

Justice Kurian Joseph: we kept it parallel

Participant (from J&K academy): but that system failed within 6 months and people came back,

Justice Kurian Joseph: came back

Participant (from J&K academy): they had faith in the trial judges and the only weapon was that we were committed to the constitution

Justice Kurian Joseph: what is the strength there in the subordinate judiciary?

Participant (from J&K academy): it is 200 my lord, in 1990 it was only 75 now it is 200

Justice Kurian Joseph: now it is 200 that's very good. What's the ongoing trainee number over there?

Participant (from J&K academy): it is 30, 30 to 40 we call them in batches and there is an induction training my lord also. And in Jammu and Kashmir the judicial academy is oldest independent in 1973 Justice MurtazaFazal Ali, the chief justice, the former chief justice he set up an academy, felt the need that the judges also need till then thus area was stray that whether judges require a training or not but from 1973 that training helped when we, very sensitive situation and we had to deal with this situation. Had to take heart, had to be very courageous and bold that's why a state, therefore my view about this, we are facing the same our training is like the same the Delhi model. We are doing these field visits and we are also making our judicial officers to visit our free legal aid clinic because we talk of mediation , free and competent legal services and all that but the mindset has to be changed as far as a judicial officer I was sitting as a principal sitting judge in the court examining a murder witness, first being examined an old lady approached, then an application, she was all desperate, he came to the court, he tried to be stopped but I told him please allow her to take, he said that given an application I have been charges at 15000 electric for 2 months I did not consume it I am a widow. I what I do was in the court it was surcharged, but I could understand

that she was not heard by anyone in the administration, I stopped for a while analyzed it and told her please wait after court time was over I went to legal aid clinic and got a report from that engineer and when after more efforts I called the engineer he said there was a computer mistake, there are only 1500 rupees and when I told him that she is a BPL. He said that now she has to pay 700 but a lady then told me when I heard her she said I am not a widow I am more than a widow my husband has suffered and accident he has lost his brain power he is running away, I have no source

Justice Kurian Joseph: how did she must have courage to come to walk straight into your court?

Participant (from J&K academy): yes lordship, i have one or two legal awareness camps on free and competent legal services,

Justice Kurian Joseph: alright

Participant (from J&K academy): that lady came to know that this judge is hearing, his voice, she did not came

Justice Kurian Joseph: so she heard you there?

Participant (from J&K academy): yes yes lordship

Justice Kurian Joseph: in public?

Participant (from J&K academy): then when I said I told him that your husband has suffered an accident, is there any medical assistance, it is in your court when i called the file it first for issues, license was valid, everything and we held a lokadalat we paid her 3 lakh 75 thousand and my lord Hon'ble Justice Lodha gave the cheque to her while inaugurating ADR. Sir my point is, is bureaucracy is never called, they are very lethargic that is the reason that trial judges are also coming under pressure at the level of governance all the hopes are with the judiciary with the courts, high courts and with judiciary that is, this is, this has to be realized that small matters are not settled at the administrative level, governance level.

Justice Kurian Joseph: that's why even that widows case you could have simply said, you could have directed her to go to the legal aid council, after complain file it, send for report, get the report and then convert it into a regular suit, try it, say it and then it could have consumed a lot of time, lot of money and lot of what you call, the efforts this side also

Participant (from J&K academy): my point is

Justice Kurian Joseph: it all according to your experience from what you said bit all depends on how you

Participant (from J&K academy): how we deal with, our mind, but we have to hear everybody, if we hear him remedy will come, if we don't hear him, if that is how to address the marginalized sections in the society and my humble submission is that legal services have to be a part of judiciary. Judicial officers have to be, it's an arm to the judiciary it is very important hold in our hand to reach out to the poor people so that we can address them.

Justice Kurian Joseph: thank you, Mr. Malik. So walk an extra mile then the perception of people will change. This is a good example. Of the 30 people around in your training batch, how many are woman?

Participant (from J&K academy): we have 30% of them

Justice Kurian Joseph: only 30%. What about Karnataka?

Participant (Administrative officer, Karnataka Judicial Academy): we have 33%

Justice Kurian Joseph: 33% no, i am not asking about the reservation. I am asking about the actual presence of

Participant (Administrative officer, Karnataka Judicial Academy): training is going for 48 members.

Justice Kurian Joseph: out of 48 how many are?

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Participant (Administrative officer, Karnataka Judicial Academy): there is 6 members, totally we have recruited 150 from 2014 but we have divided 3 batches

Justice Kurian Joseph: now of the 150 there how many are?

Participant (Administrative officer, Karnataka Judicial Academy): there are 72

Justice Kurian Joseph: 72 so, yes 50 50 almost

Participant: lordship out of 51 candidates undergoing induction training, half of them are ladies

Justice Kurian Joseph: lady chief justice must be

Participant: judiciary is aware about the convenience of their advocacy sir

Justice Kurian Joseph: more convenient?

Participant: convenient. So, without couple sir

Justice Kurian Joseph: from your experience who turned out better as judicial officer man or woman?

Participant: sir by defense only by perception of officer sir, not on the basis of gender, there are very good man officers and bad woman officers, that's basically perception levels.

Justice Kurian Joseph: no, I am not asking about the perception. From your experience, you have found judicial officers who are serving as, man and lady, lady judicial officers serve better in terms of quality, better in terms of integrity, better in terms of commitment.

Participant: not better sir but they are also good judges. I can't claim that

Justice Kurian Joseph: don't say also. They are good.

Participant: absolutely sir, straight forward is someway, protocol as per those things we will not govern

Justice Kurian Joseph: forget about protocol, protocol

Participant: but as a judges they are successful, as judges they are successful

Justice Kurian Joseph: let me ask a blunt question. Integrity level is better?

Participant: integrity is better sir,

Justice Kurian Joseph: Better, better than Man

Participant: because they don't have any access sir, so integrity

Justice Kurian Joseph: you are on deputation, so that's why, so integrity level is

Participant: higher. High always sir

Justice Kurian Joseph: hmm. Can I say *pakka*?

Participant: you can say pakka sir, but pakka case is only little, is only factorly is meagre sir, out of 10 officers, out of 10 women officers only 2 sir and other 8 you can say that integrity is maintained.

Justice Kurian Joseph: and out of 10 man?

Participant: I think maybe 6:4 sir, 6 are ok but 4 are may not be directly taking the amount but they are doing favors because of their other influences, because they have lot of contacts in the society. So may be, so that's how they are doing lots of favors

Justice Kurian Joseph: that means

Participant: that is also at a slight easy way of dealing with it sir not like

Justice Kurian Joseph: cashier

Participant: so that's how they do the favour

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Justice Kurian Joseph: so, how do you address these issues in your ongoing training, according to you 40% of the man judicial officer are they are either casual in their work or they are accessible in terms of, in terms of what you call influence and or they are corrupt. What is the level of disciplinary action taken in your state/

Participant: sir disciplinary actions are not really working out sir because the gap between preparing of the project and imposing the, they are several levels and they are not really serious until the priority is there, and even at higher level also

Justice Kurian Joseph: in the history of your state has any judicial officer at senior level has been sent out?

Participant: not on the basis of corruption sir but, they take some steps at the stage of 58 years 55, 58 years

Justice Kurian Joseph: then so by then no retires as a civil judge junior division by 58, by the time 58 somebody is either,

Participant: they will not,

Justice Kurian Joseph: at least additional justice, at least

Participant: at that age there are some check sir and usually, my

Justice Kurian Joseph: that is the review

Participant: at the time of retirement they are going home for cultural events because they feel that anyway in two years they are going to retire so nobody can do anything, so, because across throughout the system, throughout the system after at that level they are more prone for corruption.

Justice Kurian Joseph: closer to retirement more corrupt they are?

Participant: yes sir,

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Justice Kurian Joseph: so the retirement is suddenly imposed on them at 50 then they will be free

Participant : sir we have a check at 55 and 58, from 58 to 60 they are, free so because after crossing all those things then they will maintain office and those things.

Justice Kurian Joseph: who said that there is a review only at 58, after 55 every any moment this review can be exercised

Participant: we have only at this time, they will have 2 check at 55 and

Justice Kurian Joseph: no, this is, this is something wrong, i said this

Participant: sir after 58 they are going for this thing

Justice Kurian Joseph: no no continued utility can be exercised any day after 55, it is not as if that you have been screened at 55 so, now you will be screened only at 55, no, any day after 55, if you screened also screening can be done at any moment, this is something which we can tell to highcourt chief justices as well. We are having the conference tomorrow onwards, it is not like you are having review only at 55 and 58 only, no, 55 is the first review and then the continued utility can be any moment it can be, so, 55 to 58 is almost vulnerable

Participant: they are posted as the PDJ's but then they are posted in the tribunals they get along upto 67, they don't take any action even if they know clearly that the office is occupied because they don't want to,

Justice Kurian Joseph: dismiss

Participant: create an issue before the time they retire, so that's the, that is one expect also making him to look, because nothing will happen

Justice Kurian Joseph: but does it not send a new signal to the incoming youngsters?

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Participant : it definitely sends sir but system is like this so, what, that's what, so many other senior officers are posted top the tribunals only but they continue till 67 only thing is that they are not elevated or posted as PDJ's but they are in tribunals

Justice Kurian Joseph: why are they continued? Why does the system suffer them?

Participant: sir, people feel that why should we trouble them at the age of, why should we make,

Justice Kurian Joseph: is caste a factor there?

Participant: sir?

Justice Kurian Joseph: is caste a factor there?

Participant: caste that could be higher judiciary all those issues

Justice Kurian Joseph: it's a factor

Participant: so who is at blame, the higher judiciary which is totally responsible for maintain discipline in the sub ordinate courts? We are independent but we are not ready to take the responsibility

Participant: somebody will come to their rescue sir

Participant: yes yes, approach it

Justice Kurian Joseph: got farther, got farther

Participant: even if the board out of 4 members, 4 agree to remove the 1 is so strong that he says no no not like that let him post to some other place

Justice Kurian Joseph: so, if you have a god father you can be corrupt

Participant: exactly sir, people feel that

Participant: and godfathers know and still they do

Participant: you have some strong support in the High Court, you can do anything, that signal is there sir in the system

Participant: sir she is telling right sir

Justice Kurian Joseph: I know that's why I asked, I know other factors also, so it's a big issue then, the god father is the root of the corruption

Participant: sir we have got a review at 50 also, from 50 onwards we go on reviewing, still we don't sat people on the places of corruption, because, though

Participant: sir the another

Justice Kurian Joseph: the word is utility

Participant: for taking any disciplinary action on retirement award, whatever things we should form

Justice Kurian Joseph: records, records

Participant: vigilance concern, so we will ask his advocate, if the spaces are not there in these 4 or 5 matters then he may give, for the administrative officers and the police officers may be because of them, they may not give proper report about the officer, so we should, the high court should have a proper vigilance cell to enquire about the things of the officers

Participant: still you don't get material that is the trouble

Participant: that's why the main issue

Participant: as lordship said not found useful

Participant: so, for that we should have some, infrastructure

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Justice Kurian Joseph: so, for this review, fortunately for us you are not required to have detailed research, you don't require the background of records, for a disciplinary action yes, you need the, there are records, but for continued utility, you are

Participant: only thing is sir at the time of the when you recently you are not to get an extension for two officers, the general perception because i am in the academy so what the people at lower level judiciary feel sir that they are removing the officers without any reason so that is creating sort of insecurity among officers, we are serving the system so long and they are removing

Justice Kurian Joseph: but you know that the officers were not good

Participant: but the general report is that they are not corrupt, but we don't know why they were sacked, so that should, the type of transparenance should be proved, there why they are sacked

Justice Kurian Joseph: see there are two perceptions, see you said for corrupt officer you may not have always the background of the records so we will have to sack them but, on that account to good officers have been sacked

Participant : that's true sir, we know certain corrupt officers are continuing and they are reaching even after retirement some good posts sir and we are saying that honest officers are sacked at the age of 58 for the reasons just known to them,

Justice Kurian Joseph: because they have no godfather

Participant: so that's creating insecurity feeling

Justice Kurian Joseph: that's why you have always been saying this protocol, protocol because you have to keep your social office in good chair

Participant: that's true sir, I have more importance to this protocol, then to the performance of officer's sir that is not on their part, that's what I feel personally

Participant: sir why this happens, once a judge from north India asked me about an advocate, i said he is a good advocate, very good, learned person but lacks in integrity, to Judge *sahab ne*

mujhepucha, vakeel kiqa integrity hotihaisahab (laughs), then if that *vakeel* becomes a judge, this is the trouble sir.

Justice Kurian Joseph: alright

Participant: Good Afternoon to all, I am Hansraj from Himachal Pradesh, i am joint director in the academy, I had joined 9 months back and we had a, new batch at that time, ours is a small state, so we have the batch of around 12 to 15 persons maximum, so in this batch what we did, we had a new, experience, firstly we observed, that all those officers were direct law graduates from law schools and they were hardly, someone was of 23 years age, 24 years age and they had no experience of the society, no experience of the court, after oath was given to them , we had a new exercise, what we did we asked them for next three days you will not wear your robes, you will just put the colorfulclothes as you used to put in the university and thereafter we asked them go to the district courts sit in the galleries with the litigants, and feel their pains and sufferings and talk to them as a lay man never disclose you identity that you have come here as judges, so they went to district courts for three days as a lay may, as as the people from the public as if they were not the judges, they had wonderful experiences to tell, this was our first effort to show them the mirror, what they are to do in the future so thereafter they came with wonderful experiences which they narrated with us that what the policeman was saying, what was the agony of a poor lady,. What was the agony of a female who had come there to claim maintenance from her husband and how many adjournments were being given, what was the reaction of the public about the adjournments, etc., etc., thereafter what we did, we gave them theoretical trainings just some lectures on law and the last lecture was that of the assignments we used to give them assignments so that they could give their idea, we used to check them daily and find out how these people are thinking, thereafter they were sent to these, various department like forensic, medical colleges, etc. Police, so they could have the practical experience how the departments which are connected with the judiciary works, thereafter they were sent to practical field training in the courts and they used to go there from Monday to Friday and on Saturday they used to come back to the academy and thereafter, discussed the problems they used to face there, discuss what was something new which they felt there, what was something which they could not understand and there all the queries were answered, and thereafter they were sent in the court after they have been now posted, what we did,

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we created a whatsapp group of all those 15 person and we asked them post every problem you feel and there were lots of, rather flood of problems they used to feel new problem, new problems, then what we used to do director, joint director and deputy director we would not answer any of their query, we would say discuss, then some other officer would write his own views, then other officer would write his own views we had fifteen different views on a same problem and the answer was there in one of the view, then if they were proceeding on a wrong direction we would correct them otherwise we would tell this officer has rightly answered the query and what we did we kept the record of whole of the problems they had discussed on the whatsapp group so whenever our next batch comes, we could train them with those things because we were surprised to know that many new things came from the field which were never in our mind, which we have never taught them while they were being trained, this is the way =we have trained our batch. Please your honor.

Justice Kurian Joseph: it's a very good and innovative idea of a whatsapp group and discussing among themselves and solutions evolving from themselves. How many are girls among them?

Participant: we have lordship 8 girls and 7 boys.

Justice Kurian Joseph: ok. This is something very interested i am asking in because this gives a new picture of all together the future of Indian Judiciary that way.

Participant: please your lordship.

Justice Kurian Joseph: thank you Hansaraj

Participant: only at basic level there are more women and not on higher level, only at the base level there are more women

Justice Kurian Joseph: no among the higher level too, among the director and district judges how many are woman at your place?

Participant: in our batch 3 woman sir, and the next batch out of 13, 8 woman sir.

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Justice Kurian Joseph: ah! So then the, the, what you call 33.33 they will come to the High Courts as well that way.

Participant: Good Afternoon Sir, I am A.K. Mehboob Ali Khan, Deputy director of Tamil Nadu state Judicial academy regional centered at Madurai, I recently joined as deputy director on 21st of February when the regional centers were inaugurated and even before joining that, I was here even in November and as well as in February, I underwent, I attended the workshops regarding the directors, faculty members and I also feel pride in sharing that I belong to the first batch of the judges who underwent the training in the state judicial academy of Tamil Nadu and I happened to serve the same academy as the deputy director now and my perception of judicial trainings as I were, I underwent when I was inducted into the Training, they have 3 academies now, one in Chennai, one in Madurai, one in Coimbatore, two regional academies so, we have 3 academies in the state look at the ways as national, district, regional

Participant: it is a great progress

Participant: it is a great progress, how many

Participant: it came in 2006, very few states had academies the regional conferences helped a lot

Justice Kurian Joseph: ha that's right, that's right which we forgot to an extent

Participant: we created a conducive atmosphere and got all the High Court involved in the process

Justice Kurian Joseph: the sharing of ideas

Participant: the recent programme

Participant: Sir, I am saying that NJA regional conferences in 2006 that helped in

Justice Kurian Joseph: of the states in the region, and regional conference is marvelously successful found in plenty of them

Participant: in the present time High Court takes a... So that they are obvious in role of... Districts

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Justice Kurian Joseph: ha, districts ha

Participant: so legal education lies in this

Justice Kurian Joseph: how many are there in the Madurai as new recruits?

Participant: new recruits, there are many, I was not directly associated with them my lord because i was recently appointed, and there were 172 candidates, 150 to 1609 candidates were directly recruited and they under went to training in two batches.

Justice Kurian Joseph: more than 50% are girls?

Participant: no, more than 30, more than 35, mostly

Justice Kurian Joseph: 50-50 at least?

Participant: 60% are girls?

Justice Kurian Joseph: 60% are girls?

Participant: yes sir and even before this setting up of regional centers my lord, our academy under took up the zonal

Justice Kurian Joseph: they come as girls to the academy and when they go they are ladies (laughs)

Participant: yes sir, it's like an acronomial term also, where the boys select the same batch or next batch.

Justice Kurian Joseph: ok ok (laughs)

Participant: so such officers are also there right from the 2003 batch

Participant: highest and brightest batch

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Participant: and for me my lord instead of showing into their throat the training, they must identify the problems as it is arising from their level, they must get the feedback rather even before setting up a curriculum or setting up a module for a particular training session we must identify, make them identify the problems, their needs and then we must frame such a training programme so that it is very useful to them, all of a sudden judges are being called for the training they don't have any idea about what is going to be taught to them, they sit in the morning from 10 o'clock to 5 o'clock in the evening and they are bombarded with subjects in the morning session there was a trial procedures in the afternoon sessions MCOP cases are there, something like that, but they don't have any idea what is going to be given training or what is going to be taught to them and previously when we went training our then director Mr. Akbar Ali he used to circulate the problems and questionnaires and we were told to give our own answers, prepare, we have to prepare their solutions and we will make presentations at the training session and by that we have a group discussion and there will be an exchange of views and rightly pointed out by Mr. Hansraj recently we have formed a WhatsApp group of 256 judges of various groups right from the district judge and to the newest recruit, so there is exchange of views and, I mean, I may say that drastically new information's are being given, I mean the perspective level of the junior most judge new recruits far more better than that of the idea or opinion of a senior most judge, so that generation gap has to be, I mean, that has to be let out and we must be broad minded enough to get inputs from our juniors also, and a, another main aspect of Induction training is, normally we have an attitude of why me, that is the normal attitude, why should I do that as Mr. Malik Sahab said, he has gone that extra mile but that attitude is lacking within the judges normally, why should I go there, why should I do it but instead of being that person he must make them realise that why not me, if you are not doing it who else will do/ that part of, I mean that kind of attitude change must be inculcated in the judicial officers my lord and another thing is we must make them contribute, I mean lecture method is very good, effective but the man, I mean the person who prepares for the lecture goes into the subject, deals with the subject more in depth than the person who receives it so if it is put in a, other way the other way, the person who is participating in the training is made to give a presentation, he will go into the subject very well then we can make them into groups, they will contribute, they will distribute among themselves, they will each and every one will select the topics they will put together make a presentation as a group and they will be well versed in that

particular subject this will not be useful for that particular session and even in future if any problem regarding that particular topic is being faced they will be helpful to their colleagues and I was I mean best example is myself my lord because I was made to contribute an article regarding execution proceeding when I was a magistrate and that article is available in the website of our judicial academy my lord because I was made to prepare because I was very hesitant, I was very inhibit but our director then Miss. MeenaSundaram told me that you can do it, he encouraged me and they prepared a consolidated execution proceeding, that helped me in solving many problems and even now my colleagues and my friends keep on asking me doubts regarding the execution proceedings and I am able to assist them and at least they can able to identify where to look out for the solutions, that way we can diversify the training modules my lord. Thank you my lord, thank you.

Justice Kurian Joseph: from you're, since its Tamil Nadu. I am asking you find at least few people from the economically weaker section and who studied in the rural colleges are also coming in

Participant: YaYaof course, that is

Justice Kurian Joseph: they are able to make it?

Participant: yes yes my lord, even there are some institutions which are inculcating free i mean education, coaching purposely for the recruitment.

Justice Kurian Joseph: recruitment. That's fine, that's good

Participant: there are paid coaching's also but even I had gone to , I was working in Trichavalli, I had gone to that particular academy, free training to give them free coaching

Justice Kurian Joseph: that's very good, thank you

Participant: apart from that my lord, one, one, one suggestion my lord, when we talk about the stake holders staff working in the court there are form a very important core group for effective functioning of the judiciary but they must also make the and we must make them realise their importance and the ethical; standards must be given

Justice Kurian Joseph: actually the staff is actually your P.R.O.

Participant: yes yes because if we keep on teaching ethics and other i mean ethical grooming of judges alone will not be sufficient my lord. My opinion is we must also groom the staff regarding the ethics and integrity wise, that is my humble opinion my lord.

Justice Kurian Joseph: thank you. Thank you Ali. Dr. Mohan Gopal

Dr. Mohan Gopal: in one state the retired High Court Judge who was director of the state judicial academy has started a training school, for applicants, for judicial selection.

Participant: bar council is taking as recruitment programmes at six division of headquarters we are having regular training and I am looking after that

Justice Kurian Joseph: that's great. Yes sir

Participant: Good Afternoon to all myself Pankaj Jaiswal, deputy director judicial training and research institute Uttar Pradesh, in U.P. one year training programme running for the newly appointed judges and one year is to be divided in 3 parts, 1st phase is institutional training for 3 months, second phase 6 months field training and again in 3rd phase 3 months institutional training. Field training which is 6 month is again divided into 2 parts, 2 months that is 60 days is an attachment training, at present 109 officers, 109, Ya

Justice Kurian Joseph: is there in, in state of U.P.?

Participant: approximate 2000.

Justice Kurian Joseph: yes, hmm

Participant: i just completed an induction training 11 April, 109 trainee officers

Justice Kurian Joseph: how many of them were ladies/

Participant: 46. I have observed, main problem is that there is lack of responsibility, I think in the time of induction, I think it may be the age factor, but they are just 25, 24 years, yes, yes lordship the correct word is immature, but I think with march of time they have understand their responsibilities. Yes definitely because I think that chair always gives experiences and responsibilities that they hold.

Justice Kurian Joseph: so, we got into service with very high expectations wanted to do something and the level of commitment when we walked in, very high and the moment we get out of the academy we were feeling that we have become hypocrites, we have been, we understand that we have to learn so many arts to be a successful judicial officer in the academy as well in the state so many arts so we have been learning, now we understand we have to learn arts not the real grooming of a judicial officer the arts to become, to be a successful officer, in Malayalam you call *aditada* just you know like the, what you call the (laughs) the acrobatics, to be a successful judicial officer not to give, not to be caught or not to be taught, this is the perception of the judicial officers

Participant: otherwise you cannot successfully

Justice Kurian Joseph: yes, to be a successful judicial officer does not mean that you know something but to be successful judicial officer is one who is able to handle your

Participant: sir you are one of the most senior officer says that your batch is very good but you don't have the elloquim you can't handle the things sir that's what he suggested sir

Justice Kurian Joseph: no, see just to console these interventions this is true in every domain, see i work in every domain so i can see, if you take an executive branch you will find that the people who become into high positions are not necessarily in the best offices, they know how to handle the politics and who to be nice to and not to be nice to, how to manage, navigate. Where the output from the work is not measurable then there is a lot of scope for manipulation and politics and all when the output is very measurable like in the private sector, do you sell or don'tyou sell, so you make a profit or don't you make a profit, or you don't make a profit then the room for all that then you will find that people can behave as they want but you know if you are able to make a plane

that flies, you can be very badly behaved you will still be, be very successful like Steve Jobs, was a very obnoxious personality in many ways but he could make you know amazing types of computers and laptops and so he could afford to be anything, they threw him out, they brought him back, difficulty about public functions, judiciary, collector he said there is no way of ,measuring, very difficult to measure, define or measure quality, that's another, when we talked about ROKMMA and all that the next level that you have to have clarity, if you want to have effective training programmes you have to have very precise clarity about what is it that you are trying to achieve, what is quality. So we say QRT some of you may remember quality, responsiveness and timeliness that's the ultimate goal of the judiciary, quality, responsive and timeliness and you have to timeliness is there is no performance standard that has been defined so you can't measure timeliness, there is no quality to measurements to responsiveness, there is no measurement of quality, what is a good judgment, who is a good judge, who is a good officer how do you measure that objectively. So here in our discussion we have developed certain measures for that we can discuss that in the afternoon if somebody is interested. But my, the difficulty is nothing not because something is wrong with the judiciary because you don't have clarity about role, responsibility, outputs, quality, responsiveness and to the extent you, wherever you don't have that clear then people will start playing other games and those games will be more important than your real job, so the response from an academic point of view is that we have to develop much better clarity and criteria on each of these factors, that is where we have been having many years of discussion but there is a reluctance to embrace it because in this vagueness there is lot of power on the part of High Court judges particularly, they have enormous power and discretion whether on the judicial side or on the administrative side, there is lot of power in discussion. So somebody says he is a very good officer on what basis, what are your criteria then they will say type of judgments, but his writing, how do you measure the quality of a judgment, how do you know what is right decision and the wrong decision, when you know when the Higher court reverses is the higher court right or is the lower court right and how do you determine that how do you answer that very difficult question but an academy and a judicial academician must have clarity, must be able to answer those question. If your child, 5 year old child ask you what is justice you must be able to answer, that's why the definition I am offering in the absence of any other definition is justice means constitutional values and constitutional values are federal, so father what do you do,

I promote constitutional values in human conduct, clear answer can be measured, similarly what is quality, if your child ask you when you say oh that young judge is very good then the child ask you if your child ask me as a professor that student is very good and the child bask me how do you know if is say he is very good i can answer that here is the answer paper, here is the criteria so, the problem with the academy is you are delivering things but you are not developing the theoretical foundations of clarity, that also you have to do otherwise no one knows, even we are constantly asked how do you know what you are doing is effective so we, I have an answer to that but unless the High Court's embrace that, it cannot become practical so there, so that is also another very big challenge for us when we talk of induction education otherwise we can spend a lot of taxpayer money as we are spending you know in this academy and all the state academies and, we won't have accountability unless, so what is now happening is the judiciaries facilities are getting better and better, thanks to the work that we have done actually once Justice Ravindran asked me Mohan what you have done, you know so much money is coming into, because of all our work 13th finance commission, 14th finance commission but people are not experiencing an improvement in their experience of the judicial system and that is not because judges are not doing well, it's not because of that it's because you don't have performance standards, and you are saying we are doing well but lot of people are saying we don't know what you are doing so expectations are to be set by performance standards so the induction programme can be a very must be beat around expected outcomes, expected performance standards which must be measurable, we can keep on changing them but without them all this will not lead to any you know any real improvement unless there is any measurable performance standards because there will always be a debate for whether improvement is there or, now most of the judges in spite of lot of time feel that system is doing well, i tend to agree that, but you ask people outside, it's a very negative view of the judiciary and they are not right, but we have to convince them so that is my point as academies we must since is our wonderful opportunity of state judiciary we must also ask ourselves, what is the goal of your programme are you achieving that goal and that goal must be as said improving quality, responsiveness and timeliness of the judicial system. Sorry sir.

Justice Kurian Joseph: good, that's a very good intervention, just for to say sings this *aditada* or someone might say hypocrisy, since all of you are from senior judicial offices, I tell you give them the space, make them feel free with you and give them the, the equality of status or at least the

magisterial status that they are also part of the judicial family and definitely have better output of work, I had an experience from this, this UP we have this Saturday business here no so, one day in again incognito I said to judicial officers there and both the other side so, after talking to sometime one judicial officer asked me sir who are you after some interaction at least you know sometimes you finally feel that somebody is not in our group so you ask him Sir who are you, I said I am so so so wisely its plate to fell down is stood up and there is junked up not even stood up he said out of my 50's is now aged 56 he said about 32 or something like that some, some not 32 years it must be 20 something, for the first time I am seeing an high court judge let alone a chief justice at that time I was a chief justice in Himachal Pradesh, first time talking to a High Court judge in our state we were not even able to go anywhere near to them and sit with them let alone talk to them so, this actually percolates so you can comment that in the sense if you in your state in your academies or in your districts you are in the space take with them give to them, with this comity make a lot of difference in the quality output, if in case they have the space they have the confidence that they have the space this is a settled one. Yes Mr. Jaiswal

Participant: i think Kerala is a very good example of that where the High Court judges and district judiciary treat each other with mutual respect and this high level of mutual respect I think that's a very i have seen that as a very positive

Justice Kurian Joseph: yes the equation is, Jaiswal you want to add anything more to that?

Participant: very good afternoon to all of you. Lordship I am Pradeep Mani Tripathi, joint director of Utrakhand Judicial academy, in, i am of 2005 batch officer, what has been changed since then is the period at that time we were given training for 6 to 8 month right now we are imparting training to the newly recruited civil judges for more than one year we have divided it into the 4 parts the first part is institutional training in which we, go for ethics, knowledge, attitude, etc. And the geographical conditions of our state and second part we send them to the, for the dais training to the designated districts and in third party it is a specialized training in other institution like Lal Bahadur Shastri judicial academy, sorry Lal Bahadur Shastri academy and academy of administration and police academy and last we took them to Utrakhand *darshan* that is visit to Utrakhand because they geographical conditions of our state is something different like Himachal

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Pradesh and the pendency of cases is very less in hilly district like not more than 100 cases are pending before a judicial magistrate but in the 4 districts like Dehradun, Haridwar, Nainital, some part of Nainital and Udham Singh Nagar district I cannot say huge pendency but, good amount of pendency in these district, the officer posted in hilly districts they are, they even never go through the problem like, the officer facing in the big district like Dehradun, we have create a forum to discuss like, not whatsapp group, but we have create a forum for those judicial officer who are posted in hilly areas that they can freely discuss their problems to the academy and what we do we also impart training to the other stake holders of the judiciary like police officials, doctors and the staff of the court, and also to the advocates, government advocates, then we call the judicial officer from the district we used to ask them to come with five oldest cases pending in there courts and to have a presentation with, among all other judicial officers and we always trying our best to solve their problems.

Justice Kurian Joseph: what's the strength of your batch, you are giving training?

Participant: right now we are imparting training to the 2013 batch and the total strength is 23 judicial officer and one good thing is that day by day the women's are increasing, the female candidates are increasing in our state

Justice Kurian Joseph: out of 23 how many are woman?

Participant: right now 12 female judicial officer and last batch it was the batch of 30 judicial officer and out of 30 it was 18 judicial officers

Justice Kurian Joseph: woman?

Participant: woman

Justice Kurian Joseph: right

Prof. Mohan Gopal: any state does not have any reservation?

Participant: 30% reservation in our state sir

Prof. Mohan Gopal: no, No reservation which are the

Justice Kurian Joseph: why why you don't know?

Participant: women?

Prof. Mohan Gopal: no, reservation SC, ST, OBC

Justice Kurian Joseph: it's in all state

Prof. Mohan Gopal: no, any state without it?

Participant: we have no reservation either for women, or for SC ST or for OBC

Participant: we also don't have

Prof. Mohan Gopal: Maharashtra does not have

Participant: it is in principle, we don't follow it strictly.

Prof. Mohan Gopal: ok. But any other state?

Justice Kurian Joseph: nobody has challenges it that, that thing is mandatory?

Participant: yes mandatory yes

Participant: Bihar itself there is a judgment

Participant: Sir, he is from Bihar, we don't have reservation for women.

Prof. Mohan Gopal: SC, ST, OBC?

Participant: no, nothing

Participant: SC, ST we have reservation for OBC also on this level only we have 10% reservation

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Justice Kurian Joseph: ok. But SC ST it is my constitutionally mandated

Participant: yes

Participant: so all other states are having

Participant: sir SC ST is there, no woman reservation

Justice Kurian Joseph: Ya, woman reservation is not there they have proved that even without reservation they are coming

Participant: sir in my batch our representation is very less, since you are asking about the percentage, our batch was 317 and only 33 were females

Justice Kurian Joseph: oh!

Prof. Mohan Gopal: Which year?

Participant: 2007

Prof. Mohan Gopal: so it's a decade there big change

Justice Kurian Joseph: big change, that's why I am asking and collecting the statistics from every state just to know the change that is taking place

Prof. Mohan Gopal: one other question especially in some other parts of the country, how many minorities are coming in, I am very very concerned because the number of Muslim judges is extremely low from my experience

Participant: may be in a batch 1 or 2

Prof. Mohan Gopal: Ya, this is the matter of grievance, in law school there are various

Participant: right now national training is going on and out of 85 civil judges only 2 are Muslims

Prof. Mohan Gopal: Ya you see national law schools and all there is very few Muslims

Justice Kurian Joseph: you know but Kerala it is

Prof. Mohan Gopal: Kerala it's a different story, Kerala is different

Participant: Karnataka also

Justice Kurian Joseph: in this batch, I ask the question how many Muslims are there

Participant: there are, there are, there is a reservation for Muslims as well

Justice Kurian Joseph: because we have a follow, Kerala they have to follow, I also belong to Kerala, they have to follow what you call is Roaster, Muslim is also OBC, and this is roaster is there so you can't skip

Participant: here also, there is a roaster, a 100 point roaster

Prof. Mohan Gopal: but, Muslims problem is that pipeline is weak also from my experience in law colleges there is not many Muslims coming into legal education and this can create a polarization in the country and this is a matter that we have to take up I think.

Justice Kurian Joseph: but, I think there is a change in UP, UP lot of Muslims are coming for

Participant: sir, in 109 trainee officers there are only 5 or 6 Muslim officers

Justice Kurian Joseph: that's all?

Prof. Mohan Gopal; whereas Muslim population is very high

Justice Kurian Joseph: yes

Participant: Karnataka we have good number of officers

Prof. Mohan Gopal: South I think generally it may not be just. Tamil Nadu?

Participant: Tamil Nadu also, we have reservation

Prof. Mohan Gopal: I mean Muslims

Participant: Muslims yes sir, but apart from reservation no extra candidate is there

Prof. Mohan Gopal: Muslims Ya, correct that's the other thing in SC ST OBC

Justice Kurian Joseph: Kerala in merit also Muslims are coming, that's a

Participant: you are right in my batch out of 1st five, three were Muslims

Participant: in Tamil Nadu what happened is, there was no representation that was also in 12 district judges recruitment in 2011 district judges recruitment, 2009 civil judges recruitment

Prof. Mohan Gopal: ST's?

Participant: FC's

Prof. Mohan Gopal: Forward Committees,

Participants: They are totally not applying autonomy, Judges also see

Prof. Mohan Gopal: That's also not good, every community must have due share and representation

Justice Kurian Joseph: Kerala in this system is good to know that. See in their selection 50% irrespective of any caste wherein they got select and then the rest 50% they have a 100 point roaster and then the 100 point roaster on basis of general then OBC, SC, ST then Muslim then Irwa then Latin Catholic few communities like

Prof. Mohan Gopal: But at the High Court level there is a problem and at the Supreme court level. For Example I think except for what 2 maybe 2 or 3 Muslims and all the Supreme Court Judges from Kerala have been from Christian there has not been a one single year where Supreme Court Judge in the history of this country biggest community many Chief Justices are not and not many

3-4 Chief Justices many High Court Judges. So there is that at High Court and Supreme Court level there is a tremendous exclusion but the because there is no

Justice Kurian Joseph: You are right in a way

Prof. Mohan Gopal: How many Muslim Judges we had - Justice Khalid, Justice Fatiwa Bibi. I think that's all know

Justice Kurian Joseph: In the Supreme Court yes

Prof. Mohan Gopal: In the Supreme Court two Muslims and zero Irawa send between these two communities that is about nearly half the population

Justice Kurian Joseph: Yes that. You are right

Prof. Mohan Gopal: So these are all things that we see in some European countries there are some statutory provisions on gender, representation because everyone the Judiciary must be representative and includes without of course sacrificing competence and

Justice Kurian Joseph: Merit

Prof. Mohan Gopal: And capacity

Participant: Gandhian Principle. It is for the people who are in honour, authority to ensure that people from all the communities come; we did not have any things to presentation as Gandhi used to say that I will get Muslims elected

Prof. Mohan Gopal: But due share must be there, there must be a rough relationship between proportion and share. Whether the men or

Participant: Otherwise, big fracture the communities. This divides the society into so many sections.

Prof. Mohan Gopal: Otherwise you fracture in other way by reaction lie the Bindi game if you discriminate against them they will form into a different community so inclusion is important anyway I was just asking since you are asking

Justice Kurian Joseph: These are the vital issues that should keep in mind

Participant: Lordship I have a suggestion regarding the pool of resource of person. Is we are suffering from scarcity of good resource person and mainly Judicial Academy are suffering. There must be a forum of

Justice Kurian Joseph: There could be a regional pooling

Prof. Mohan Gopal: NJA can play a vital role

Justice Kurian Joseph: Regional Pooling

Participant: Regional Pooling, there can be

Prof. Mohan Gopal: See, what we are doing, we have doing earlier on very good point what we are doing earlier is that we circulate all the material to all the High Courts. Agendas, programs so all the names of resourced person they are all there so you can always ask for the name and if you don't receive and then you call whoever you wish , we don't want to be I think there is not you know no time for to sought of suggest resource persons to you . You should apply your own mind take number of, because we also don't want to get into the habit that you just ask NJA here some program nearer the resource person and you will not develop your own set of resource person so you get that information but apply you mind and resourced person the methodology that I use is first you must set one objective for the program then you must set, for that objective for each section there must be an objective once you have those objectives then you say what is the session then you say what , who is the resource person who can handle this topic then you can easily find but if you simply I am not saying simply ask for resource person ask from others then you may not develop new and interesting resource persons so but that you are right it requires expertise. See one thing which Delhi has done very well the current Chairperson and previous Chairperson both extremely wonderful head of the State Judicial Academy call it Chairpersons are professors but

there are other examples Maharashtra had that example in fact Gita Obroei v Staff member in the Maharashtra Judicial Academy you again one of the recommendations made is have a blend of fact of staff of State Judicial Academy they will have their networks and contacts but you are coming from Judicial background you may not have the networks and contacts to know who is the researching what so try to bring in 2,3 good even on deputation from law colleges and law schools . Permanently it may be difficult to get like Lalbhadur Shastri Academy very difficult to get some on permanently to go on be a staff member there but you should have revolving arrangement you know some young good staff members from nearby law faculties call them , make them professors for two years and they will have their networks.

Participant: Sir, before we close for lunch on the your pooling of resource masses is something see can't we use some IT? Google Hangouts are there or you can have your Hangout or you can have your Hangout, you can design your own Hangouts suppose Prof. Mohan Gopal is giving a speech here on Political subject or having a session it could be webcast and you could tell every academy could say that you can join isn't it? There can be a live webcast so thereby we can have resources pooled, we can use best resources this is not a very difficult thing

Prof. Mohan Gopal: For Hangout it is webcast.

Participant: Yeah, it is a webcast. Live Hangouts on air are available that is free facility but we can develop on our own facilities if we want if you don't want to use Google Hangouts there is Hangouts there is Hangouts on air . So you can fix a time and at that time everybody can join in the Hangout. That's a 2-way discussion it's just not Prof. Mohan Gopal is speaking here we participants from Manipur also can ask a question and then he can answer. We have to just first decide what is the schedule that is a exchange what type of programmes we are going to have at what time and then if you find that a good resource person is going to speak in Uttar Pradesh or Delhi you can request them to have on Hangout on air so that we can all join. This is inexpensive if we use technology we can get the best resources person around the globe.

Justice Kurian Joseph: We are inquiring a video conferencing facility is already in the process

Participant: That is also not required; a small webcam camera is all that is required.

Justice Kurian Joseph: Just to have bigger

Prof. Mohan Gopal: Yes the quality

Participant: And quality every State Judicial academy

Justice Kurian Joseph: It can be connected 5 locations

Participant: Every Judicial Academy has good basic equipments now and at least Finance Commission grants for training. They have sufficient equipment for you so there is no problem and if not it's not expensive it can be purchased let's say 5-6k not more than that.

Participant: We have the IP address of all the State Judicial Academies and we are planning do to it for summer retreat for the inaugural session but because of some reason we don't have it so actually we have the pool created and whenever we want to have it at sitting at the NJA the same could be webcasted to all the State Judicial Academy.

Prof. Mohan Gopal: So let us start that in our next academic agenda so that we have few of that

Justice Kurian Joseph: No I am already doing it in my other capacities and law colleges often I am doing all because I don't want travel so much so wherever they have facilities I will just use webcasting and video conferencing

Participant: Not video conference. This is Hangout from air so everybody can join from around the world

Justice Kurian Joseph: Nearly put the web camera and then which we used to do in these e-courts and anything else?

Participant: Nothing. Thank you Lords

Justice Kurian Joseph: Thank you

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Participant: Good afternoon all of you. I am Subhendrapati. I am Deputy Director at Odisha Judicial Academy. I have joined 5 months back there. One batch is undergoing training there of 53 numbers. Actually we are following rigidly the curriculum developed by NJA and circulated earlier to modify the curriculum I would only concentrate on the tenure of its training program or in induction trainees before going to that aspect I was planning to say but I refrain myself I just intend to say that we are very sharing border with Andhra Pradesh corruption level is very less whatever one or two percent and because of the reason that our High Court has got zero tolerance level and the other reason is that whosoever is part corruption is proved is set but whosoever is caught but not be established is driven out at the age of 50 at the time we have caught of three tiers of evolution 50,55 and 50. We have around 600 officers there and you will find that more than 10 people are corrupt there and regarding this tenure of training program for induction trainees we have 3 years tenure for them for each batch which I feel is not necessary, no other states might be there as per All India Judges Association Case the mandate experience sort of thing was wiped out. Mandatory Training period was stated to be for one year which may be extended to two years and in our state actually that and after the Mallik Mazur Azhar's Case when recruitment is turn every the desired purpose of getting excellent people to judiciary's possibly achieved only thing is that we are getting straight from college and they got to join Courts as Magistrates when we put them in the academy for two years its that they are getting the feeling its like another college life which full of pocket moneys. I would suggest that tenure of training academic and institutional should be confined to one year and we inculcated in the curriculum.

Justice Kurian Joseph: This is intended decision of your state

Participant: Its upto our High Court but if uniformity is maintained. Its development it would solve problem and another year could be on the court training and court training is more effective and in every quarter they can come to the academy for seven days

Justice Kurian Joseph: Please tell your exact charge of your training that you are doing in your academy. How many of 53 are ladies?

Participant: Actually in Odisha we have reservation from all sorts of quotas including general 80% reservation

Justice Kurian: Women?

Participant: The reservation for women

Justice Kurian Joseph: Women also? Non reserved women also come?

Participant: Women do not have separate reservation quota but from out of the quota is available 30% are supposed to be women so all. Now in the last 4 years women have outnumbered men presently in this 53 trainees 34 are women.

Justice Kurian Joseph: Since Odisha we have experienced we have seen people from economical weaker sections came?

Participant: Yeah they are coming and regarding, regarding the

Justice Kurian Joseph:level is very kind but the states but I am asking

Participant: In Odisha which is poor state so 50% of them you find from weaker sections but those fresh equals to those 5 years integrated law course

Justice Kurian Joseph: It's good to hear that they did not become rich.

Participant: And Sir the methodology that I discussed I suggest that lecture method be continued because I have worked under Prof. Mohan Gopal also and seen him delivering lectures and seen him convincing the judicial officers and the fast track apathetical proposition which would be hardly acceptable to judicial officers and at the end of the program I have seen them that could carry on the things and they would also support the view points. Thank you Sir

Justice Kurian Joseph: Thank you.

Prof. Mohan Gopal: One very brief comment that I forgot to mention earlier that we have to take account an induction program , the reality that the quality of legal education of this country has collapsed so the raw material that you are getting really does not have sound theoretical understanding of the law there no cases, rules that we prepared for the exam but ultimately what

the judge needs in mind in my humble opinion that some theoretical foundation of law then only you can innovate unless your theory is not sound and that has not been given in law colleges so that's why in our thing if you look in detail in papers we are giving one big segment for teaching theoretical foundation of getting some good professors of law that can be done regionally also not in every academy. If you get I am not saying him but I am taking the best therapist in this country in my view Prof. Bakshi if you get people like him to come and teach them then they will become amazing judges because they will understand what the foundation of law and justice is so please when you cut down from 2 years rather then cut it down fill it as a supplement to the LLB program because it is very weak.

Participant: Good Afternoon. Myself Gauarnsh Shah. I am Assistant Director Gujarat Judicial Academy. I slightly disagree and slightly agree so far as the with uniformity of curriculum concern for that I agree with my learned friend but I have the opinion that the curriculum has to be more than one year because we have selected the lower range of one year but we should reach to the level which the Supreme Court has mandated. Our Academy is of the opinion that at least 2 years induction training to be given to civil judges. In our academy we are actually following one year training in which 6 months is institutional training, 4 months practical training that is in field training and 2 months integrative reflective training. Some suggestions from our academy that statutory reputed institutions to be increased and forensic science laboratory, police station and I also feel that moot court has to be adopted because at the civil judge or the JMFC the participant judges don't know how to work in th court houses when actually they perform their duty in the court if they have gone through the moot court then it would be more helpful to them and as earlier said by honorable Dr. Gopal I agree that the visit of the villages has to be there so we have to sensitize the participant judges about the poorness of the people at village level so it would be very helpful. I myself have experienced that because I have grown up in cities area only and when in worked in Taluka places I came across the litigants I really felt that I have not seen this world so it is very important that civil judges who are mostly coming from the cities areas must know that what is the rural area and what the litigants are and how they are spacing because the general feeling about the court experience at that level so it is necessary. One more important thing is the I have gone through this study material that Dr Mohan Gopal has said that judicial learning and the training , judicial education and training they are both different and the judicial education which

is concerned with the values while the training is concerned with tools when if the values of the judges is not proper or upto mark the tools even if are upto date will not work accordingly and will not deliver the justice so the curriculum has to be more focused and concentrated on the values rather than only tools because if character is not proper of a judge any module or any training you give him he will not deliver upto the mark. My belief is that the value has to be more emphasized and honorable Lordship has stated that judicial officers who directly without experience as an advocate come to the judicial becoming the judicial officer are not delivering but I am , other academies are stating that but I disagree that in Gujarat.

Prof. Mohan Gopal: Not delivering. They were delivering but they find it difficult to..... the court this is the

Participant: That is in initial stage in Gujarat we have experienced that they are far better than the earlier batches and we have very good batches and even the senior judges are feeling that they are better than us. It is advisable to have that judges even if they don't have the experience of the advocate they may be recruited and the transformation of an advocate into judge is also very important so curriculum has to be based on that aspect also and on another thing which I want to share because I have worked as secretary of District level authorities so the difficulties which the judges are facing because at village level the Sarpanch is in dominating position so what happens that for legal literacy if judge went to the village and most of the time Sarpanch cases are pending in that court so while addressing the legal literacy camp the Sarpanch sit beside the judge and the photographs has to be send to the District Legal Service Authorities and State Legal Authorities and that photographs are afterward misused so it is difficult and if judges don't go to villages then what happens that Sarpanch restricts Paralegal Volunteers to come to the village and educate by legal literacy camp. I have come across the Paralegal Volunteers complaining that when they went to the villages the Sarpanch told the villagers that you don't allow these Paralegal Volunteers to address you. When Paralegal themselves went to the houses of the villagers they are not ready to reflect to the paralegal volunteers. So even the legal aid clinic which are established at the Taluka level it is in the Talaties offices even the Talaties are not available and that room is open for one or two day only and the timings of Talaties is also not fixed. The Paralegal volunteers cannot go there because if they went there the room is locked and no time is fixed for Talaties even the

Talatis do not cooperate with the Paralegal volunteers and therefore these volunteers cannot assist through litigants and Sarpanch as dominating authority and he does not allow the villagers who come to the Paralegal Volunteers so the Legal Literacy camps and the Paralegal volunteers scheme which is very important but the Sarpanch and the Talati are restricting the scheme and they are not allowing the scheme to reach to the

Prof. Mohan Gopal: This problem is not connected to the training but this is also something that I cannot ignore. What's the of the batch , this batch of civil junior judge.

Participant: Actually at present we don't have any batch. Last time we gave training in 2012 but I have joined in 2013

Prof. Mohan Gopal: Why? Because after 2012 there is no recruitment?

Participant: No

Prof. Mohan Gopal: Gujarat? What do you do? There are vacancies now. You are violating that Mathura Sultan

Participant: At that time very big batch – regular batch and Ad-Hoc Judges. Almost 300 judges were recruited at that time therefore at present

Prof. Mohan Gopal: Every year you should have this recruitment and training

Participant: At present we are planning the training to the Registrars of the District courts

Prof. Mohan Gopal: If you don't have recruitment fro 2012 its five years now and 5 years is a huge gap because the number of the vacancies and all these vacancies should be with ad-hoc. This will pollute the system. Five years and no recruitment.

Participant: Those Ad-Hoc Judges are getting regular

Prof. Mohan Gopal: There is a back door entry. And recruitment of ad-hoc is very different. How come in this five year, there is no regular recruitment.

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Participant: In 2002 they were recruited and the training lasted to 2013

Prof. Mohan Gopal: 2002?

Participant: 2012

Prof. Mohan Gopal: Anything else?

Participant: We are also planning the new training to the Executive Magistrates also. We are preparing the module for that.

Prof. Mohan Gopal: Thank you

Justice Kurian Joseph: so there is nothing in the academy

Prof. Mohan Gopal: You have to utilize the academy that's why you are finding out the ways. But there is no regular training or recruitment is going on.

Participant: Actually at present only refresher course are going on

Prof. Mohan Gopal: This is something very strange that no recruitment is going on because its

Participant: But we are adopting group study method and we encourage and tell the participants judges who are there in batch to prepare questions on the topics. Those question are sort and we prepare the answer and we also made group of four judges or discussion or prepare the PowerPoint presentation on those questions and those questions are discussed in the classroom and they are giving their answers and we are also finding those answers. After discussion we are giving answers, it is very helpful in their day-to- day life like the problems they are facing in the court.

Prof. Mohan Gopal: Thank you

Participant: Good Afternoon Sir. Myself Santosh Kumar Tiwari from Chhattisgarh. I have only 3 working days as Additional Director therefore not much aware of all these training schedules but there is 2015 batch of Civil Judge of 50 and there are 32 girls out of 50 and in one year training

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Justice Kurian Joseph: In Chhattisgarh na? Out of 50 , 32 are girls , it's very good.

Participant: Yes. We have one year training schedule for civil judges.

Justice Kurian Joseph: Do the tribal come in. They are in merit?

Participant: Yeah

Justice Kurian Joseph: Good

Participant: One year training is scheduled for Civil Judges, putting practical..... I have said I have only three days not much aware of all the. I am direct recruited to 2013 batch

Justice Kurian Joseph: You had training when you were recruited?

Participant: Not much, 6 months only in which 5 months its practical training. I have been attended lectures of subjects and practiced as lawyer. There is no much difficulty in after 2 years I have been...

Justice Kurian Joseph: Thank you Tiwari. Anything else? No? We'll just have this sharing also before go to our last sharing this is from Coimbatore

Participant: I am Sri Kumar from Coimbatore

Justice Kurian Joseph: Judicial Academy of Tamil Nadu

Participant: Basically our academy both at Coimbatore and Madurai. We have started functioning only from February 21st. So the main academy at Chennai does training part and in 2015 we recruited about 1062 civil judges and initially we give them training for a period of two months at the academy and then we set them to the Taluka headquarters under the control of BDJM or CJM. They work there for 2 months and then they go to their centers that are their postings. There they sit in the morning in the open court and in the afternoon they have all the other revenue courts, police station visits all those things. That's our scheduled training program. One query of concern which I feel I should raise here is Psychology part because recently we saw 2 officers being sent

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out even before completing their 2 years of probation for various malpractices and the recently we have been the limelight for all the wrong reasons Tamil Nadu and about 10 senior level district judges have been sent out . Some at 55, some at 50, some of them were given extension.

Justice Kurian Joseph: All those sent out. They are good officers or

Participant: No they had a

Justice Kurian Joseph: Bad antecedents

Participant: And

Prof. Mohan Gopal: So justified

Participant: Justified but the real question is that pops up is that you suddenly discovered that they are

Justice Kurian Joseph: Bad

Participant: Bad or we just ignored it? And we have taken it only now.

Prof. Mohan Gopal: That question is a very hard question to answer. So something has to be done for that because academy, we don't look into the psychology part of the judicial officer. We don't see whether he has it in them to become a judge.

Justice Kurian Joseph: Seeofficers in one go may bring good name to the High Court that High Court has started a cleanup operation but it's like cutting the nose to spite the face. Ultimately our reputation as a system take a hitch therefore you please persuade all registries and all High courts whenever you want toofficers , do it one person at a time. Do it slowly and without any publicity because ultimately people think that if 10 have beenthere may be 100 others who may be like that whose misconduct has not been discovered.

Participant: In this manner within a period of 6 months. Therefore adverse publicity should be avoided because it hits us ultimately.

Justice Kurian Joseph: Thank you with that probably, anything else Sri Kuman? No? We can go for lunch, little cooperation from your side as per the time table given to us 3:00-5:00 is the computer training. So I was just wondering that we can come back at 2:30 pm. We complete this round and we can have final inputs from Dr. Mohan Gopal because he won't be available after tomorrow and me I won't be available after the source..... I have to take 2:30 pm flight because tomorrow is working day upon us in Supreme Court So thank you very much as Dr. Mohan Gopal always says coming here is always a big planning and we also want to show the solidarity with the judicial officers that the Supreme Court take this seriously and we are all always with you that is another thing which I always wanted to say so whenever I get opportunity I always tell the Director here when you find that there is any program there is no Supreme Court judge tell me I'll be here. That has been my policy, I always sticks to that no program goes without the presence of a judge from Supreme court that makes a lot of difference because as High Court judge I have seen this I have felt very bad that when I came to the training and find that nobody take it serious in the sense that it makes a difference. So thank you very much for your observations and this round meant to be here in this room only not we carry it in anywhere else not neither in your workplace nor in your college also. We'll have this psychological responses training in the afternoon inputs not responses and Ms. Schukoske, she will also have a bit of inputs in the afternoon sessions or so and certainly tomorrow or day after tomorrow I wholly left for my esteemed brother lot to learn from brother also. So thank you very much. All the best, we'll go for lunch and come back at 2:30.

On behalf of NJA thank you Sir. Sir before we disperse for lunch we have group photograph at the porch so everybody has to be there.

SESSION 3- Classroom Training

So we resume after lunch and I suppose let us resume interactions properly from Calcutta.

Participant: A very good afternoon to Lordship and Dr. Mohan Gopal. I am Ajay Kumar Mukherjee Additional Director from West Bengal Judicial Academy. West Bengal Judicial Academy is actually suffering from space constraint for a long time and our new building becomes completed and we are planning of shifting in the new academy in the month of July. At present we are giving training to 51 Judicial Officers of 2014 batch and we have divided those 51 officers into 2 groups because we don't have capacity to accommodate more than 30 judicial officers and surprised proportion of lady officers as I have already stated that out of 51, 35 are lady judicial officers and officers from the minority community is also about 15% because in West Bengal OBCA there 95% Muslims covered under OBCA category that is why at present they are coming a lot numbers then the previous and....Actually, what we are facing is the problem in the academy is that regarding the trainee officers usually at the beginning of the training we asked them what

are your requirements? What do you want from the academy obviously their answer is about the court management. Now regarding the deposition taking period they are facing a cross-examination, examination, they are facing a lot of problems this document will go this document will not go or it will admit as evidence and lot of trouble creates during exam nati0on, cross-examination period. So they want to know basically how to tackle the situation what would be the appropriate the proceeding for the court management and I think that a team of judicial officers should be trained to create a panel of resource person or the faculty so that they can actually see others experience and they can actually give inputs on how to tackle the situation and one more thing is that the recording of the evidence may be entrusted to the commissioners so that the valuable time of the court may not be wasted and Anyway now we are planning for giving training to the executive Magistrate to the High Court staff and the training being imparted to group discussion, field training.

Participant: Good Afternoon My lord and Ma'am. My name is K. Brajb Kumar Sharma. I am from Manipur Judicial Academy. I came from regular services and just joined the Manipur Judicial Academy as Joint Director which is now headed by one of the former Judge of the Guwahati High court. My Lord this contents of the induction program is more or less the same that we have taught in the training part and field training and the reflection part that we have conducted in the last two years that came to the conclusion of the program. Regarding the District Judiciary in Manipur. The strength of Judges is very less we have only 45 judicial officers in the State of Manipur and out of which 16 or 17 most probably 17 are lady officers but we don't have any representation from the Muslim community. We have some lawyers. I could see the presence of lawyers in the High Court, in District Court also is Muslim brothers but in the judiciary we don't have any representation from the side of the Muslim brothers, Muslim community and our High court resources is also very much new, it was established in India in 2013. In the month of March it came into being and couple of months later this academy starts functioning and since then we have conducted 43 numbers of programs only and all my brothers have expressed that their problem is the same thing that we have a lack of resource persons. I think regard this country wise classroom through video conferencing will be very much helpful. Thank you, Lord.

Participant: Good Afternoon My Lords, Prof. Dr. Mohan Gopal. I am Gautam Kumar Chaudhary from Judicial Academy Ranchi, presently we are having an induction training program of civil judge junior division. 107 officers are there . The program as it proceeds is divided into 2 batch - Batch 1 AND Batch 2. The constitution of these batches is also very important because normally from 1st to 50, 50% they are reserved so when we were constituting these batches we didn't opt on basis of seniority rather we preferred a mixed batch 1, 3,5 ,7 so that the batches can have decomposition otherwise if we have gone for direct senior basis then it would have be 1st batch of general category and 2nd of reserved category. In order to get away from this because training is something this is also dissolving of our identities because this identity is a dangerous thing. The identity, if officer takes this identity with them in the courts they are working somewhere that enters into prejudices also consciously or subconsciously. The very first step that was taken in constitution of the batch was that we should have a mixed batch and I must say during our when I was posted as a district judge and visited jails also . In jails, we have noticed that they are having separate enclosures for different communities and ofcourse this is something which need to be discourage. I asked them we can not have these separate enclosures so identity for the purpose of the statistics and better representation is one thing but during the process of training this should be completely dissolved to the great extent . Second thing is the point that the center part of training is as Dr. Mohan Gopal said is being a judge the value system should be the core area on which the skilled knowledge and other components can be added because values as we see without value system skill, knowledge can not put to for proper use so as we have in our training program at the first phase we have interdisciplinary classes from even from coming from different people such as professors of Sociology, Psychology to address this issue of value based and then we come to methodologies as we progress forward the problem is to identified with regard to our judicial work, what are actual problems. In our perception what we design in our academy that people are paying less attention to the civil side because of the complication of the civil law, land law, transfer of property, CPC so we had two-pronged strategy one was drafted strategic action plan for speedy disposal of civil cases that was completely devoted on civil side and we called an experts on that including Dr. Arun Mohan who is pioneer in that and very dedicated classes on that starting from presentation of plaint , first hearing, issues. They are very basic things then the third that I want to point is with respect to another methodology is presentation one of my brother colleague has just

said. The presentation by judicial officers also that also helps a lot instead of having a monologue in the form of only lectures it is vice-versa if the officers give the presentation that helps. The third thing is one more noble which we have made is regarding the physical training. We have introduced a 2 km jogging compulsory for the trainees in the induction course and 1.5 km for the ladies and followed by Yoga classes it starts from 6:00' O clock in the morning. Yes in the starting there was some grumbling but now we see that all are jogging of course 2 km is not much and we are not very rigorous like NCC or armed forces but it helps because unless they have a very strict physical regime the long run it comes into one's performance. One more point that I want to make with respect to what Prof. Dr. Mohan Gopal has said regarding training v independence of thinking practically at the subordinate court level there is not much independence of thinking suppose let us take a case -m a complaint is filed and three witnesses, the statement of the complaint is recorded and three witnesses come ad dispose. The court even if he thinks otherwise has no option that on the basis of the prime facie case he has to issue process. The same goes at the stage of charge before charge a complaint case, evidence are recorded and if the witnesses come and say even if we know that it is counter blast to another case but as the Supreme Court says that this is not the stage where the defense is to be evaluated so this independence of discretion at subordinate court level is not very wide. Thank you, Lordship.

Prof. Mohan Gopal: See the judge is not supposed to know what is not there not in the record therefore there is no question of his knowing that is the counter blast etc. He has to decide on the basis of record isn't it? The independence of thought is not regimenting yourself into a particular course of action the professor as time and again emphasize that this constitutional values, consequences of judgment on the society, consequences of decision on the society all this thing have to be kept in mind and it should not be mechanical job so, therefore that was just a sort of expression about what the appropriate for the activity which we are undertaking whether it should be called training or education or something like that . There is nothing more than that see we should not be teaching, teaching is also not correct word. We should not taking our judicial officers to act mechanically that is the point, simply because three witnesses have said that's not the end of the matter, he should apply his mind, finding out whether this is enough or not or something else is requires to done. So bring him out of the mechanical mode, in the military he has to be in that mechanical mode or for that matter even in a factory he has to be in a mechanical mode. You might

have seen that Charlie Chaplin movie called 'Modern times'. We don't times Modern Times Charlie Chaplin that's all. So I suppose both of you are on same wavelength but misunderstanding each other.

Participant: Yes My Lordship.

Participant: Why I referred to that because one of the I remember it was 2002, a new batch of civil judge division officers has joined and I still remember the officer , we were posted at the same place. For me, he was an officer without a doubtful integrity but somehow he passes a wrong discharge order. He dismissed an order of complaint 203. He passed an order to dismiss a complaint and ultimately that become a reason for his because he was on probation and that become a reason for his removal from his service. So, as far as the trainee judges are concerned at the civil judge junior division level, they have t follow a particular judicial discipline and cannot be experimental on that. Thank you, Sir.

Participant: Very briefly with your permission because Mr. Chaudhary has raised a very core issue for judicial education training that has really got to do with and there is no consensus on this and this where I feel that we have not make much progress. What is the role of judge? I find that there are two dominant views in the District judiciary one view is comparable to that of a is ...no one view is that the role of judge is to settle the dispute and that is not different from the role of the traditional old not the Panchayati Raj Panchayat but old Panchayat 5 people coming together to settle a dispute and

Prof. Mohan Gopal: So the judge's anxiety is always to find out what is the dispute with the best of intention. So wife may come beaten by the husband but he attempt of the judge would be to reconcile husband and wife and say that the family should be saved because I am dealing with the dispute settlement. The other is the bureaucratic angle I am here to apply the rules so the first dispute settlement role is not distinguishable from that of the head of family Dharvstala in Karnataka for example , the more people go to him for settlement then that go to courts. He settles the dispute. Second is I asked number of judges- What is the difference between what you do and District Collector does. If I am a stranger from another country like Madam here and I walk into a District Collector office or if I walk into District Judges office and I don't recognize the gown and

these things - How do I know what is intrinsic different ? If I walk into architect's office or doctor's office I know what the difference is but what is the difference he is also hearing people, determining rights, looking of the law, adjudicating. So the second view is that the role of the judge is like a bureaucrat. Bureaucrat will also say like you that evidence, facts are before me, I have applied my mind that's it. I have followed the law so bureaucratic approach is I follow the law justice is for higher courts not for us. Now I have been arguing that there is a third approach and the third approach is drawn from the I referred to this earlier deliberately the definition of 'Fact in Issue' in the Evidence Act. You know court can admit any evidence except on facts in issue and relevant facts. Am I right or wrong? And no decision can be made except on evidence therefore, the most fundamental definition of 'Fact in Issue' because its only on the basis of the Facts in Issue you can make a decision of a court. Now what is a 'Fact in Issue' , it is a fact which helps, which determines not determines which is relevant to existence and non-existence, nature or extent of right, liability or disability. So from this, I draw that the role of the court and therefore the judge as a presiding officer of the court is to determine the existence, non-existence, nature or extent of right, liability or disability and once it is found to exist to ensure that it is secured. So when a wife comes and say I have been beaten, you are not there to settle the dispute between husband and wife. You are only there to only determine whether there is a disability or a liability that exist in respect to the complaint of the wife. If there is a liability under assault or under Protection of Women against Domestic Violence Act or whatever law then that is found and the consequences followed. Sometimes finding that the right exist or liability exist may resolve a conflict or sometimes it may create a conflict like when the Bombay High Court Judge found that the women have the right the temple it created the conflicted, it did not resolve the conflict. That's not his job , his job or her job . I don't know which judge decided the case but whoever decided that only had one issue in mind - Is there right to enter the temple. He declared that right and secured it as right. Now what is a right and how do you determine the right? Right is a claim or a privilege that's actually there is definition if you interested. This is where I say theory is important. Hohfeld has a definition of rights privileges, immunities, power so basically a right is a claim sorry privilege is a claim, power is immunity. So privilege is my freedom to do something, my claim is to ask him to do something. This is what we mean by right and immunity and power is ability to preserve it as it is. So let me just quickly say if your job is to, now the Evidence Act can be interpreted to say

the job is to determine whether you have a claim or privilege. Now we have to see why do you have claim or privilege, that's where justice comes in. You have a claim or privilege because of a set of value, set of values is justice. In some countries let us say the or before 1947 let us say in Indian law, the wife and the husband didn't have the right to divorce. Before 1956 Hindus didn't have the right to divorce, today wife has a right to divorce. Why? Because of the high constitutional value of equality and therefore we have to interpret the facts, situation in front of us to advance the value which is what...justice is simply value. So when we interpret a claim or privilege we must advance those values but not defeat it. Now I am going to give very good example which we have publicized through this academy but as now I am very happy to know become very popular all over the country and that is the case of Ram Lakhan and Justice Badar Ahmed's decision. I think many of you are familiar with the decision, why I took up the decision and popularize it all over the academies because the question is... see it's in fact a it was decision of Magistrate, Additional District Judge and High Court Judge. The concerned Additional District Judge wrote me an email and said Sir why are you going around the country and talking about my judgment like this without my being presence. So I said if I have to get the consent of the concerned judgment then I cannot discuss Justice K. Iyer judgment, Justice Bhagwati judgment in this way I'll be not able to function. If you want to come you are most welcome to come but you can't put a condition on me that an academy can't discuss a judgment unless the concerned judge is present. I don't mean any disrespect so I apologize but i don't mean any disrespect to you. So the Magistrate and District Judge did exactly what you said, see Ram Lakhan was standing like this with 10 Rupee coins, 43 Rupees in his pocket. There was official witness but non-official witness will not come to get a beggar convicted, there is no bar against it as you know better than me. So therefore, there was charge, evidence. The law was very clear that soliciting of arms is prohibited. So what is wrong with what the Magistrate did or the Additional District Judge did. I have used this as a simulation I am going to little detail with an example of what I mean by pedagogy. So that's where see what now I am doing is not lecturing. I am trying to use simulations and examples. What I did which I would do if I'll have time here is that I gave Ram Lakhan's Magistrate judgment alone at the beginning when it was not well known. I remember in Maharashtra Judicial Academy and many others also but I remember vividly Maharashtra very large number of young junior division judges. I said ok here is the law, here is the judgment. Is there anything wrong with the judgment? All

except one judge said this is a right judgment. One judge put up his hand and said this is not the purpose of the law, this law is not meant to punish somebody like the Ram Lakhan. This isn't the purpose of the law. Same trainee judge read the statute, facts and said this is not the purpose of the law basically this is what the Justice Badar Durrez Ahmed said that is independence. To be able to read and understand so one of the very senior District Judiciary Judges once I spoke like this he told me Prof. what you are trying to say and he said every law has a good purpose not a bad purpose. Every law is made for a good purpose. This is someone who had been junior division judge then Additional District Judge and he was Additional District judge when he told me this. He said every law has a good purpose the challenge of the judge and he said it's not written what is good purposes very rarely. It is not in the objective clause, it's not in statutes. You have to find out what is this good purpose and you got to take that good purpose forward, that's a challenge for judge he told me. And I have repeated this many- many times that this is really the challenge of the judges. So you have to determine the existence of the right and liability to advance the good purpose of the law so therefore this young judge in Maharashtra Judicial Academy and Justice Badar Durrez Ahmed said this law is meant to help the poor not to punish them so when somebody is standing there who has nothing else to do instead of robbing somebody and picking up some pockets is standing there. We cannot punish him, what is the purpose of law then Justice Ahmed explains it with far greater experience. He said that there is four types of begging and the purpose of the law is only to take that beggar who can productively something else but isn't trained to do that, this I not the punitive law. Now the Magistrate and Additional District Judge used the word like 'convict', it's not a criminal offence; it's not a criminal statute. So they simply fail to understand the nature of the statute.

Participant: It's not even a proper trial, its only an inquiry.

Prof. Mohan Gopal: It's only an inquiry but they treated it as a trial. They used the word 'conviction', they used the word 'punish' because they did not choose to think. Now that is where the independence comes in because you have to determine the Ram Lakhan's liability can be imposed only if it advance the law that is justice. Why is Justice? So I find that you know this challenge of judging I don't think I am capable enough of becoming a judge but you know its like admiring a beautiful painting I am not a painter or listening to a good song, only genius can produce

that kind of singing like Lata Mangeskar or Md. Rafi. I can enjoy it but I can't sing like that. I can look at the works of Judges and can say that this is brilliant wonderful work, I can't do it but I can enjoy it when Justice Badar Ahmed does something amazing. I can enjoy it , I can appreciate it. So what I find that either you can look at it as a mere dispute settlor or you can look at it as bureaucrat or you can say here in the words of the famous experienced Additional District Judge who comes from the very first tier of the judiciary officers, professors discovering the good purpose of the law and he said not only discovering, really giving it more meaning then the legislators may have intended to advance a constitutional purpose that he says the job of judge. So that requires imagination, little bit of freedom but you are accountable for that as I said, you know as as judge I am accountable. Now my question is Justice Ahmed wrote Ram Lakhan judgment in appeal not on 226 that judgment could have been written by the Magistrate or Additional District Judge but not now I have reversed this case in case of Kailash Vadekar which I also I have used a lot. Kailash Vadekar case is a case where an Additional District Judge has absolutely written a brilliant judgment about an assault, a cruel assault on a tribal woman in Maharashtra who was in common law married to and living happily with a upper caste man and they had a child. And the upper caste didn't like that so they came and told us and beg this us that we are going to get married to someone else. She said he is my husband, he is my child and there is no question I love them so they came into our house and physically assaulted us, ripped her all of her clothes, beat her up and paraded her through the village without any clothes while beating her and finally the husband came to know and he came running, covered her with some clothe and took her to some place which was safe but she got assaulted. The police investigated fairly quickly investigation was completed and the trial happened and the Additional...the special court Atrocities Act and IPC both. The Atrocities Court which he was presided there were two defenses were raised one was investigation by office not at or above the rank of deputy Superintendent of police , the second defense was that there is no caste defense stating that she is from Beel tribe. The first objection that raised.....this is a brilliant judgment. He says look the purpose of this Deputy Superintendent t of Police provision is to ensure that the investigation is done properly. It's done properly so I have no problem with the investigation so I am not going to accept that as a basis. It was mot written into the law in order to give an escape route to accused when the evidence is all clear. Second he deals with the issues of tribal certificate, he said deliberately the authorities who all belong to upper caste has refused

to give certificate of caste in order to get acquittal so he says how I prove that she is a Beel. He says that women are punished in different way in different communities. Women are punished but in different ways this particular type of punishment is reserved only for SC/STs. I have never heard an upper caste woman stripped, beaten or paraded naked through a village, upper caste women are also punished but there are other ways of punishing them. Only a SC/ST woman is punished in that way therefore she is SC/ST he convicts her. It goes to Bombay High Court and it got reversed their accepting that these you know Superintendent Police and caste certificate argument. It goes to the Supreme Court Justice Katju dismisses the High Court order as does not dismissed it not even set aside disagrees with the High Court saying that it is hypo technical but he says being hypo technical himself he said I cannot reverse the order because is only against the IPC acquittal not against the SC/ST Atrocities Act acquittal but he agrees with the District Judge and disagrees with High Court and said on my personal side I tried to have someone to write to the Maharashtra Chief Minister saying please send another appeal under the SC/STs Atrocities Act. I didn't know the Chief Minister at all and I could not do it myself and I have no idea whether it happened or not. To my knowledge it did not happen.

But here is a opposite case of an Additional District Judge understanding and he writes beautifully why did he writes this why did the legislators enact the SC/STs Atrocities Act to prevent such incidence from happening, everybody know this happens and are not going to let this hypo technicalities defeat the law and the Supreme Court upheld that logic so I feel that there is a lot of room not in every case, a lot of room then they have not even gone in fact that even in the smallest case the Magistrate in the first instance is always the guardian of the constitutional right of everyone before that person. I am sorry I am taking I'll give you the last example. The program here of Magistrates, we used to have a national orientation program for Junior Division Judges. So some judges came here and Mr. Kartikeyan who was then the Director of the Judicial Academy. Where is he now?

Participant: He is now Chief Judge of Pondicherry.

Prof. Mohan Gopal: Talking of great leader of the Judicial Academy from whom I learnt a lot Mr. Kartikeyan is one, Mr. E.B Singh and we must all celebrate that he has been elevated as High

Court Judge on 12th April 2016 and he is one important leader of the Judicial education and contributed a lot here in this academy. So Mr. Kartikeyan told me this story that one of the young Magistrate who came here and we talk like this and he was sitting in a court when some convicts are brought before them without the shirts, just to humiliate them and he refused tohe got up from his chair and told the police that unless you produce them protecting their dignity I will not hear this case and went back to his chamber and then he told them you cannot take somebody else's shirt and put it on them. I want you to get them new shirts and put them on and produce them with dignity because their dignity cannot be compromised. This came into papers and lot of people expressed great appreciation. Mr. Kartikeyan told me that the Police Officers in the Tamil Nadu called them and said that the young Magistrates are now able to do what they have failed to do for a long time which is they know the police are catching some wrong people and producing them and that is not reducing crime. Only if you catch the real people then only crime rate will come down and so they have been trying their best to tell the police to not to catch innocent people but they would not do it. Ever since this orientation program started these young judges are coming back and they are protecting the constitutional rights of these wrongly accused people and they started closely examining whether these were genuine people or not, therefore they have started to refuse these people remand when there is discrepancies in the case diary and on the face of it they have started protecting people. And this Police Officer Mr. Katikayan has said told him that as a result the police people are saying that if we have to produce right people if not these people will not be remanded and if they will not get remanded we will get in trouble with our boss so simply consciously and independently when a Magistrate protects the constitutional rights of people who are brutally produced before him or her. It is producing a positive impact on law and order and lastly I have not time to show that but there is another case known as Singapore Judgment on a traffic citation case and how the judge analyses you know how I should punish, how I send a lesson to this person, to this society and the workload of Singapore judge is actually as much or more than our judges but they all are conscious of the fact that their job is to advance the purpose of the law which is justice. Justice is nothing more than the purpose of the law, they are conscious of that , the authorize purpose of the law not the purpose of the law that they see. So I just want to submit through this you know that we have to have judicial program so as to encourage them through such examples to say that I agree with you fully that we are not saying that you do what you please and

it is not just free run and you do what you want and you know you do what you believe is the right thing and do justice according to your conscience...No. Find out the objective of the legislator and the objective of the constitution which that objective of the legislator is based upon and see what you can do to advance that. Sometimes you may be helpless given the facts and circumstances but you have to apply your mind and some judges like Badar Ahmed may be able to find imaginative ways to do that if I would have a judge in his place then I would have decided frankly like the Magistrate and Additional District Judge. I could not have decided like Justice Ahmed but there are people who can decide like but everyone cannot be like Sachin Tendulkar so but there are Sachin Tendulkar. That's what I mean sir but I agree with you that it is not simply to give them license or creativity to do what you want. They have to work within the discipline, reasoning of law, purpose of law and purpose of the constitution.

Participant: Good Afternoon Sir.I am A.M. Babu from Kerala Judicial Academy. I am in the academy since June 2010. The duration of our induction training is also one year. First, three months in the academy, next two months in the civil court, next one month in criminal court and then they will come back in the academy for three months then they again will go to the civil court and criminal court for one month and last phase will be again in the academy and during the court training they have to sit on the dais with the regular judicial officers and they have to record the evidence. They have to prepare judgments and order and those judgments and order will be evaluated by the academy and we are giving individual counseling to all the trainees. And Psychologists and Psychiatrists are invited. They are given one to one counseling also and we have told them if there is something wrong with someone please don't disclose it to us and if it is necessary they can contact the Psychologists or Psychiatrists and mediation training is part of our curriculum then we are planning a stress it out for all the judicial officers with the association of IIM Calicut there and the faculty is not a very big problem because including the Chief Justice of Kerala High Court and 18 Judges have come this year and former Judges of High Court Justice Kurian Joseph have come there for five times to address the trainees this year. We have Justice Ravindra from Delhi Court and Justice Naagmuthu from Madras High Court, Dr. Mohan Gopan was also there and addressed our trainees once that we know all things and therefore for these freshers they are very much interested in learning and as Dr. Kurian Joseph said there must be a cordial relationship between the trainees and the person who is giving the lectures. So I used to

tell them I am giving the lectures and you are trainee because I was born much before you could and this is the only difference between us. They have very good relationship with us. They share their entire all their problems including financial help, up to the possible extent.

Prof. Mohan Gopal: See Kerala Judiciary is again because of the larger democratic nature of the society is very well functioning judiciary in many ways. I think the induction program is a very good program and runs extremely well and I think very well managed and if I am not mistaken I can't say that with full authority now because I was not fully in touch but I think Mr. Babu may be the senior most of the State Judicial Directors and therefore the Dean of the Judicial Academy community including the National Judicial Academy so as I see from point of view from academy so we are very lucky he just constructed a very beautiful, very modest but very nice new State Judicial Academy and they are moving over but one area that I feel that when I get feedback from people is that this justice aspect the law aspect is very dominant, learning rules, precedents but the justice aspect of why, what is the purpose of law that needs to be I think is absent and that you can get more from that is where NGO and other interventions come in.

Participant: Therefore people from IIM come there, Doctors come there and Psychologists, Psychiatrists..

Prof. Mohan Gopal: Finding Sir the people who are , see the justice , people are struggling for justice because they will inform you about the why you know like we called Mr. Sai Nath to this retreat and he was telling them about inequality so on and so forth. That's the purpose of this whole republic that exists so that we can advance phase idea of equality and this is the only area which I would say that but the reason I wanted to intervene was because if you have any written note or something on the Kerala, all the academies can kindly do that if that they can exchange to each other and send it to Joyti and then see can email it to everyone what you are doing , your faculty, your resources. I think we used to do this past every month, it will be very useful. That is how a lot of ideas have developed not because NJA has said anything but because they are talking to each other every month so I would request you to send.

Participant: We can dropbox

Prof. Mohan Gopal: You can simply send an email.

Participant: So there is another very lucky academy Delhi Academy..

Prof. Mohan Gopal: Yes this Delhi Academy is also an outstanding academy

Participant: I really don't know....

Participant: Thank you, Sir. First and foremost about the atmosphere in the academy, our attempt is to keep it open, free, easy and yet being very serious about what you are doing and in the process what happen is that there is lot of flowering of ideas. They are free about what they want to say and that keep them interested in the work. Suppose the atmosphere is not very open and when you say something and you are off and it does not keep you occupied and engaged in what you are actually doing that is what is the attempt that the atmosphere in the academy should be open, easy or whatever you want to say, everyone can walk into my room or my brother judge's room anywhere, anyways it's all open case is there. Now we have three kinds of programs like generally it would be in the academies. First set of program we have is the induction training program, I'll briefly refer to it....generally everybody is doing , we are also doing the same thing the only thing we are doing is that we are trying aligning it properly so that we can maximize the learning process that aligning process is handled by what I described as 4-step learning process is only aligning the whole process so that you get the maximum benefit out of it. The components remain the same you have an institutional part, you have the court attachments and everything. And the second part is core competence issues which are generally for the in-service officers which specifically related to jurisdictional requirement where you can have the core issues being there and generally you have the facilitators to run the discussion and lot of sharing take place, open discussions, presentations, talking about the developments of law and there is another component what sometimes is called as the third dimensional learning which we do under the panel of judges and we have lots of programs lined up there related to gender justice, human rights and sub-components such as Dalit rights, Poverty rights, all those issues we address and many of the programs are compulsory and many of them are optional, they could opt for one program and another whichever

they like. The reason is that there are 6 of them and you have to pick only 4 not all and the reason for it is that while you are training here you have to realize the fact that this person is away from the court therefore if you have large number of people coming to the academy, the courts would suffer so you need keep that balance going, you don't have too many people coming. We have another component of it, we also address the emerging issues such as issues relating to e-commerce, issues relating to electronic evidence, IPRs, even issues related arising out of the Arbitration law like how do you handle the interim application, execution related and the objections, awards. All those issues are handled. I would also say that still there is lot needs to be done and this is not the end of the story. We perhaps have not been able to evolve till this date, impact assessment of the programs. We do conduct the programs but we have not been able to design yet a scientific method of assessing that what impact did it have. I have a gender justice program but has it really made any difference to this person as a community or as a whole or may we need to look at those aspects may you need to create a panel, you need to selectively pick judgments but may not be able to design it in a proper way. It's very nice to say that we have a gender justice program, it's even become very fashionable to say that we have gender justice program but the point is has it really made any impact, it must have or it may not have. Some people must have come just to have a good feel of it and when they actually to the ground they do the same thing, exactly the same thing. I think this is something which needs to be addressed at our level or may be NJA can design something for us or we can sit together and work it out together on how we do that assessment. There is another role to the academy....I would say that a Judge you know become a tool for social transformation, therefore, the academy is also have a role to become a tool for making the delivery system better. What are you doing in terms of the research in that particular area are you devising new methods to be able to say that this is the method I have evolved for example I can just take one example - question of distribution of work in courts, one court has 100 cases, the other court has 30 cases so is there any scientific method which can be evolved like we would call as the.....what is that called? Loaded management that is in our case it will be called Case Load Management. So you think about it, we had undertaken this exercise couple of years back and we are still falling back and we are not able to assign the loads to different cases there is scientific cases of actually distributing the work therefore thereby maximizing the output if one court has too much work and the other court is under work that's also not good so

this distribution thing is still an issue which we need to look at. Now the other thing we are still struggling to do is talking about the making an assessment with regard to the legislations which are coming in, we are not doing on that account as well. First thing is about the impact assessment of the legislation itself, the infrastructure. We need to work it out, the academy should be able to tell that we need so many people to work because a new legislation is coming. And also at another level, I look at it that there are for example Code of Criminal Procedure itself, the Code of Criminal Procedure has lots of provisions inside it on the date which need not be there are lots of provisions if we start looking closely. May we need to start looking closely again and say let us say this Criminal Procedure Court becomes a 100 section less so we need to look at that also that is this legislation is good enough to serve the purpose, that we actually want to serve. Should we take away the provisions which are redundant. Now that's what I am saying that the academies need to.....No, no I am just saying.

Prof. Mohan Gopal: Let us not go into that domain.....

Participant: I said at academy level there are lot of things.....

Prof. Mohan Gopal: We should not dictate the Parliament, Law Commissions are there

Participant: No...no Law Commissions do also ask, there are lot of things that come to us also asking for that this a new law, do you want to say anything on this issue. They keep coming

Prof. Mohan Gopal: Let us focus on.....

Participant: No...no,no, loudly speaking that these are the areas which academy is may be looking at, may be not today, maybe tomorrow. Thank you,Sir.

Participant: It is said that successful people don't do different things, they do the same things differently and Delhi Judicial Academy is doing the things differently and therefore it is a successful academy. So I suppose they are doing a wonderful job but of course, Delhi is a different environment just as Kerala has a different environment, Delhi is also different. But they don't have enough good resource person.

Prof. Mohan Gopal: If they are kind to call me I will go there frequently whenever I am called but.....on this impact assessment Sir very brief comment because we have been struggling with that, now one thing that we have to recognise ourselves is that the beneficial or negative impact of education of any kind or interaction of any kind is very vary. There is no linear relationship logic between educational input and an outcome so at NJA we used to look at it very narrowly in terms of are we sensitizing judges so on one or two gender programs, what I did was, there were few gender programs when I was in the early stages here. I did a sort of an attitude assessment towards gender, at the very beginning of the program before anyone said anything so a questionnaire, then we went through 2 and a half days and then we again did it with a different questionnaire, not he same questionnaire but the same to understand the attitude and I started to realize that we actually are having a negative impact because lot of men who were fairly relaxed and had an open attitude towards women, 2 and a half days they heard nothing but women, women, gender, gender, genderfrom gender activists who said you all are prejudiced, you all are anti-women. So these activists are also attacking the male and saying that the judges are insensitive so after 2 and a half days they turned against the women so I said we got to rethink this as you know we are feeling good that we got all the activists and we are telling them everything rather scolding them,it's like scolding them anyone your colleague and you know if you scold them they will be more negative so we have to find an other way so I started to find the other ways with the same people but the other ways of dealing with the issue and framing it in different ways but good way is to simply look in a very different limited way not the impact of the program over all but in a narrow way so for that again it goes to back to the object of the academy and the objective of the each program. The overall objective of each program and if you are clear about that, then only you can measure that like we want to see what is gender bias or caste bias or you know attitude towards violence against women. We have number of simulations on rape law over the years so we have managed tothere we managed gradually to see that some attitudes are changing so I would be modest about looking at impact rather than at a very large scale we are changing society, it is difficult to say because the judges are tools for social transformation. We are engaging with the attitudes of the judges whether they are aligning with the constitutional values or are aligning with the samajik values so these are thebut it's a very difficult exercise and I want to say that at the end of the day it doesn't really matter because I believe there is a value just because what we are doing it, we are sitting across

the table and we are debating issues. Now I can tell you after having done this for 12 or 13 years sometimes I go back to what you know Ms. Anu Mehlotra may have said this in room 10 years ago will suddenly come to my mind now and I say Yeah that'sbecause I remember she used to question lot of things that we were doing and that was very helpful so at that time you may know not realize. So when you mental interaction, something goes in your head it's like a virus, it's sitting there God knows when it will come out and you can't take put take measure on it and say this is useful but at the same time our bosses want to know wheteher it is useful or not. So oe way is to track judgments and decision who come through academy, generally speaking . The other is to look at the attitude before and after immediately. So something modest like that but beyond that I would not worry too much.

Participant: I prepared with 30%-40% error into it but what I am saying is just to have an idea whether it is...

Prof. Mohan Gopal: This is where we have done some work and found out that what you are doing is important.

Participant: About this impact assessment unfortunately my views rather different. See, we are spending public money on all of this therefore it is necessary to demonstrate to the exchequer or common man that what we are spending are spent on something good. There is no doubt that what we are doing is good work but what is the impact on society, what is the impact of working of that Magistrate, Court or the Judicial Officer. That has to be measured in....to say that we cannot measure it or it's difficult to measure. It's okay, yes, it is difficult it's not like industry output or sales, agreed it's not easy but inputs from all of us over so many years can we not develop some parameters of assessing impact of judicial training of the officers who go out and if you can do it, High Courts and academies can do it....one thing that one thought come to my mind is that they are not doing it because they don't want to do it. Because the way academies are managed, postings are made so all this get exposed. We are not running out institutions the way we should be so therefore we are not serious about the impact assessment. This academy itself was hideous for one year now what may be the reasons, this is the seriousness which we take training. Today, Justice

Kurian Joseph came here and spent a day with us but how many directors of the academies are present here. So who are supposed to come?

Participant: Directors of the academy.

Participant: But who have come?

Participant: Many others

Justice Mohan: They are also welcome Sir equally, infact some of them are coming is very important...

Participant: But then seriousness that High Cort take is matter of doubt, anyway impact assessment we should be doing

Prof. Mohan Gopal: I agree with you Sir, I fully agree with you it is necessary but I am just saying let's be modest in terms of impact on individuals, the other thing I am actually struggling with the same thing because I am now working in a thin tank, the purpose of which is to catalyze social change and social transformation, egalitarian social transformation. That's what I work on that's my central interest and use of law and justice for egalitarian social change. Now I have to ask the same question what we are doing in having an impact now the measure I am using is that are we having an impact on public discourse, are we introducing ideas into public discourse or not. Now if we do that then the impact of that becomes really even if we say there is an impact I wouldn't believe it but what we can do is to say that we can measure the extent to which the issues we raised are coming up in public discourse for example- we identify a group of people who are basically called an organized sector and all that above BPL below middle class, we call them NRMB (Not rich, not middle class, not below poverty line). This is what 60-70% of India belong to this category, we created that idea, we put it into the picture and that came in a big way in public discourse and it actually had an impact on changing the manifest of content of both national parties and focusing attention on this some called it neo-middle class and some call it something else but behind that there is a fact that we introduce the idea into the public discourse so one way to measure for us is that you are not engaging in public discourse, we now talking as judicial

academy. So what we can do is to see whether we are bringing in to judgments into the discourse that take place amongst judges so judicial academy program, so now we can look back and say that NJA had a big impact on public discourse inside the judiciary, constitutional basis of judiciary. When we started in 2006, everyone said district judiciary has nothing to do with Constitution. Why are you talking about the constitution, today nobody ask this question and almost every State Judicial Academy is having a session or more than a session program on Constitutional Base of Justice. Now what is the impact of this have to say, the society has to say but certainly the academy has influenced the discourse within the judiciary. What is this discourse consist of? The similarly Sir, all the NCMs have been created because of us, 13th Finance Commission, 14th Finance Commission because of us. All these things are happening because of the work done at the National Judicial Academy when Chief Justice of India were explaining even in the retreat to an outside entity about the difference between errors and pendency because we clarified that. We have given the numbers 5+0 the whole initiative of tracking 5+0 cases because that idea was developed here. So there is a long list of items within the judiciary - judicial policy, judicial discourse, administrative policy, judgments have been impacted by the ideas we have been producing. What that has on the public.....the public is because we are not judges as the academy so we can't actually influence , we should not influence too much the role of the judge sitting in his judicial chair but if we can influence or add values to the discourse within the judiciary in a gentle way. We are not forcing them, we give ideas and now it takes 5-10 years I know for an idea to be judiciary cautious and now I can tell you it takes 5-10 years to be filtered, considered. Now take NCMs, SCMs this increase of 25% of High Court Judges, 50% of Subordinate Judges, all that is because of research and work we have done. This docket exclusion rather than docket explosion, everyone used to say that there are too many cases but now nobody say there is docket exclusion so actually a number of ideas have been produced which are now has changed the nature of public discourse so I would say immediate impact of the attendees to the program plus what is the nature of public discourse within in the judiciary or discourse within in the judiciary not public discourse that you are influencing ideas. If every State Judicial Academy can produce such ideas then it would be a very powerful and certainly some of the academies already are if you take Kerala Academy, Delhi Academy certainly almost every academy Calcutta, Jharkhand. I can think of many academies that I am familiar with. lot of them are producing, suggesting ideas which are

influencing judicial policies and judicial administration. You have Sir indirectly or directly through with association with us you have a huge impact on the judicial system through this and the work that you did with Ashish and that was a great project and did great impact so each of you in your regional conferences which you organize having a big impact. I think we are having a big impact but how do we measure that and how do we portray that. Let us not simply look at whether the individual poor judge comes here for 2-3 days for once in five years and you are telling him what are you doing. He or she comes here you know rarely or occasionally has got lot of work over his head and maybe they do or maybe not but last point is I also have started and you can also look into that the impact, the nature of the....Bhopal Judges used to get angry with me CJM Court of Bhopal I would like to study it for 5 or 10 years and see whether the nature of the approach to....How has there have been a qualitative change in the functioning in the CJM Court of Bhopal, I once calculated when I was here, there is something like 1 or 2 CJM a year in that Court. So let's say in 10 years there have been 20 CJMs , we are not going to put really any responsibility on the shoulder of these 20 CJMs but as a result of the NJA being located here , State Academy in Madhya Pradesh has there been a qualitative impact on the CJM Court of Bhopal and if so how has it changed? Can anyone of the change attributed to our work in a defensive and reasonable way that would be an interesting thing to do. Look at the work of Delhi Courts take a sample set of courts and look at the last ten years and see what is the qualitative change in the approach in those courts and to what extent that qualitative change on gender. Can it be attributed to the areas that you have been working on? If yes then you can say that you had an impact but my concern has always been not to put burden on the judges who attend these programs. I know that it's not your intention but lot of people outside want to do that. They want to say who has attended this program look at their judgments and see what they have done.

Participant: It can be in a format like where a research team in court, talk to people on certain parameters, finds it out and the set of people those who are...

Prof. Mohan Gopal: Over a long period of time so that you are not looking at one judge, you are looking at Participant: Absolutely, absolutely.

Prof. Mohan Gopal: And then we have to find who is changing, who is stopping the changes. Is this Judge, is this the Bar, is it the Police or is it the prosecution. I have done this analysis before. In Bhopal what you need is training in Bar. There is no Human Rights Bar at any District complex in this country. So one of my objective in this Justice University is actually the third objective is to create a public defender and create a Human Rights Bar in every Court Complex because without the Human Rights Bar even if your Judge is fully sensitized there is very little a Judge can do because there is no Bar which understand any of this neither on High Court nor on Supreme Court level. So its a very important issue and requires very careful consideration on this and I am very happy to share my knowledge and experience on this.

Participant: Good Afternoon my Lord. This is a very interesting talk and make me put forward what I have in my mind. See impact assessment doesn't necessarily mean what is the on the society. As Prof. said we should not put too much pressure on individual judge also but training or education or whatever we call it has something to do with human resource management also

Prof. Mohan Gopal: The Institution, it must impact the institution

Participant: Yes, see it must impact the institution and we must also look at the human resource which we have so the purpose who comes here, the person who comes here for training in institute. Do we analyze what type of deficiencies he have and then try to address or remove those deficiencies? So that his career can built up, it's not to expose him; it's not to demoralize him. Suppose somebody impatient by nature as I am, do we try tell him that a judge cannot be impatient? Do we try inculcating values, methods whereby he can control his impatience? Somebody isn't receptive, do we try to inculcate the values for receptiveness. Because these are the fundamental requirements of the judge. If you lacks in comprehension because of attentiveness or whatever it is, do we at all address all these issues. These are fundamental because see giving him the ideas about say women empowerment etc is okay. We are spoon feeding him rather than finding things himself we are spoon feeding him. Do we teach him or do we try to make him study for himself, do the research, get the research material? Now this has to be done by repeated exercises once telling them that this is the method of the research...you go to the internet find out on Google etc that won't do. Do we repeatedly make him search for himself things which try to spoon feed him.

It is said that give a fish to a man, his hunger will be quenched for a day but teaching fishing and he will not be hungry for whole of his life. So do we teach him fishing? No we don't. Most of our programs are not to build up capacities of the officer but just try to give him some sort of orientation so fundamental and this we don't know because this page no. 34 of your compilation. This is unfortunate but this is there. To resolve this problem, two alternative proposed in the questionnaire both of which seem to have not found favor with Judges. The first option was short term rigorous pre- selection education for weaker candidates at the instance of the High Court by some law teaching institution, the other option given was remedial coaching after provisional selection in the academy, the response of both the views results in discrimination and consequent complexes in the officers. See finding out what he lacks is not in order to discourage him; it is in order to help and build his own career. There is no discrimination, what we do in our training programs is one size fits all. Everybody comes, everybody goes through the rigorous thing whether he need it or not. Therefore, first is since we are basically on the duration of the training, first session was supposed to be duration. First week we spend to find out what are the officers, what is their mental make-up, what are the deficiencies and then individualize the contents that are to be given to them. We repeatedly say that judicial work is different from work in other branches. We repeatedly say that we are not here to produce workers, workmen in factories, judicial work is individual work. He works individually work in court then why not an individual treatment doesn't for him. Why do we treat everybody is equal? We know that our recruitment process is deficient, we don't test whether the person has necessary judicial qualities or not? Okay we will not complain about that whatever material is given to us, but when that material comes, should we not processing it? So let us consider this impact assessment, forget other things which may not be measurable. Some sort of mentoring, keep in touch with the officers who has come to you once. How do you react, somebody has been impatient, somebody has not been able to control his temper. Now after going through this training, does he control his temper in the court? Does he handle persons better or how does it feel? Is there any connect with us after he goes out of the training? He may be asking the questions about the difficulties in solving legal problems on whatsoever, whatever it is. These are not the issues, legal problems can be solved or even if they are not solved appellate courts are there to solve them. But problems arise in court because of behavioral issues. People do not understand the law, they do not follow the court because they are not receptive, and because they

don't comprehend sometimes they can't communicate properly as I may not be communicating properly, may be in a very reactive method. But then all these things, do we address all these issues? These are more important. A judgment gets reversed not because it is wrong but because of the lack of proper expression, tension escalates in the court room because of this reason. So how to deal with these issues or we have decided that these are the issues not be dealt with. We say many times about values, we say values are very important it is something very difficult to change, because this comes from family. But these things which are necessary, these things could be changed because these things are not value, these are behavioral patterns. Do we ever try to do this? That is the question and other things are incidental to training so one week or so. Do we spend time on understanding on charges one that comes to us, we should try to understand them, develop some test to find out what is deficient and then try to segregate them. Just as we segregate the recruits what have come with some experience at Bar and those who have come with experience. They can't be put together because the type of training to be given to them is different now the peer learning is also there but it may not have such an impact as we can create by individualizing the training. This book contains a lot of things, tomorrow I will tell you but individualizing training is also possible. We didn't need to say that resource constraint is there because IT enables us to connect with anyone. So do we have any such methods? Do we have resources? Do we have....can we not create a pool of resources for all of this? And identify and treat a patient, broad spectrum antibiotics are the things of the past. Now doctors also give localized doses to the place where the treatment is needed. What are we doing, we are giving broad spectrum antibiotics, we are giving Crocin because we have Crocin whether he need or not we don't know. I am sorry I was a bit reactive.

Participant: Good Afternoon My Lord and Prof. Mohan Gopal and everybody. Myself is Phatak Alok Kausik, working as OSD in Bihar Judicial Academy and I was appointed in Bihar Judicial Academy 2013 and I feel fortunate enough and immediately when I was signed with the work of induction training, I was made Course Director. I was bewildered also because I was not having any sort of experience of an academy, though I was having academic experience of teaching in National Law School. Fortunately, Prof. Mohan Gopal came in 2013, we had 2 sessions and 2nd meeting was Marathon Session with Prof. Gopal, an input and insight was given by professor and thereafter I started formulating module of induction training and fortunately now after that we have

few batches of induction training and still I am the Course Director of induction training. So what we do in induction training, right now I am just giving a small description to make aware all of my friends here. Generally at the onset of the induction training, we give them the idea of people, culture, and society of the place where they are going to work. It is a bare truth that out of some 100 commissioners you would find that almost 30-40% especially, people who are from village background, they are not confident in English so we conduct some classes of English literature and language also. There after our state have 5 regional dialects also. When judges go and work in the field, they have to record evidence which is mixed with the regional dialects also - Magdhi, Bhojpuri, Maithali, Angika and Vajika . These are the regional dialect so we conduct some classes of regional dialect also so that they must have a proper understanding of the regional dialect. Apart from that, there are some judges who are not confident in theory because they are directly from National Law Schools, Delhi University or some different backgrounds, they are not confident in Hindi and they have to pass Departmental exams also so we conduct classes for Hindi also like that we have some classes on interdisciplinary subjects as directed by Prof. Mohan Gopal. Teachers of History, Psychology, Geography, Sociology and Culture, they are invited to the academy. And we develop interdisciplinary approach; we give general outline and background of these subjects. Apart from that, we have computer training module also because most of the Judges they are not having proper knowledge of computers and computerization of e-courts which is now part of judges to know the basic intricacies of the e-court so computer training module is also there. What with is that in the whole course of one year is divided into two parts that is institutional training which is for eight months and field 2 months in the academy and subsequent in the field, this is the modest opredii. I the field what we did that we have special training outside the court which includes training with the district Magistrate, training with the Superintendent of Police, District Divisional Forest Officers, and all other departments for 21 days so that they may have knowledge of all the departments and the case is from where the cases are originating and generating like the forest cases, excise cases and the cases from RTO. They are trained in various offices outside the court and in the refractive and integrated training in the last month. We gave special training inside the court for 15 days apart from that gradually as per the guidance Prof. Mohan Gopal we have developed almost 55 Modules until now and the modules are flexi- modules as per example in the month of November when I came here, a group task was assigned to us and

we went to the Bhopal Court and learnt a lot. When I went back to our Judicial Academy, we introduced the same module, we assigned them group task and unlike Delhi Judicial Academy we can't go in village programs because of the most of the judges in our academy who are getting training, they are from village background. They have lived in the village; they have proper knowledge about the village. So what we do, they are immersed inside the courts with the litigants so the group task is there we leave then in the courts with the litigants and all other stake holders of the justice delivery system as you can see. There after they come back to the academy and they give their reports. This one methodology and yes in the morning session we don't go for running for 2 kms or 1 and half kms but Yoga classes are there for one hour and that is mandatory. And we have specially trained instructor for Yoga from University in our academy and apart from that as instructed by Prof. we have group discussion and every day we have presentations in the last class. And initially what we do that when they are coming to the academy they are free at their own free will. They present on the topics of their own choice and gradually we give them topics. Initially, the topics are of socio-legal issues but gradually it becomes topics related to legal issues and pure law. Presentation then seminars, seminars are generally based on case laws. Moot courts, mock trials are also conducted. Now we have introduced debates, creative writings, we are constantly conducting these things as instructed by Prof. Mohan Gopal for three years. Then apart from field study excursion tours, recently we have conducted field excursion tours in Bodh Gaya, Nalanda, Pawapuri and many places. They go to the field they discuss with people because you can say 40-45% of the trainee judges are from different states, they are not from Bihar. They must get acquainted with the all....they are from Chattisgarh, they are from Uttar Pradesh, they are from Madhya Pradesh, they are from Delhi, they are from Uttarakhand, they are from other states. And Sir as it was....Joyti was describing, in her batch the representation of female candidates were lesser but gradually it has increased and right now some 80 candidates are undergoing training and out of that we have 22 female candidates that is about 25%, and there is no reservation as such for ladies. Apart from that visit to Forensic Science Laboratories and getting training over there, visit to hospitals, jail, High courts, State Legal Authorities we have conducted. So we have created a module and obviously I do accept I have taken guidance from Karnataka induction training module which is there and Gujarat training module and other states training module and finally the insight given by Prof. Mohan Gopal. So what all I can say that we have.....apart from that we

are importing some faculties, I am using the word 'importing' because good faculty is not there for life management and stress management so we are calling them from outside the State and they are conducting the classes. We do not have dearth of faculties because we have National Law University there, we have Patna University is there and some other good universities are there and even our faculties goes to Jharkhand Academy also. Nalanda University is growing up Sir. The stress is given on recording of evidence the appreciation of evidence, court craft and case flow management. What should be the...How cases are listed? Different types of diaries in the courts, these things are expand in the academy and they get practical training in the field also. So this is our performance and views and I was jotting down all other's views and our future discourse. I am having my module also with me so I will make it available to Joyti.

Participant: To everyone

Participant; So you were talking about court craft, now court craft or judge craft is mentioned in the compilation at many places. Now this court craft and judge craft is something which we miss in our academies as Prof. Mohan Gopal said judiciary education in India is not good, it's standard are falling therefore, what we are concentrating on is deficiency left in the law colleges, usually what we are doing is filling up the gaps which legal education has left and therefore prepare boys to have that threshold standard.

Prof. Mohan Gopal: And ladies

Participant: Huh?...Boys yes, see boys because Prof. Geeta has put a paper in this, in which she has mentioned inadequate number of ladies in the judiciary and boys I say because boys need more work and ladies are already to judge, they judge everyday. So this court craft or judge craft is very necessary and on that we are not paying proper attention because we don't judge whether the person has those qualities and then decide to train him. See what happen that if you are talking to some person generally and if the persons, half of the group need not that training then they will not be attentive, they will be talking down to them so therefore, individualizing the training and at least forming small groups or clusters whom those you will give these doses will be helpful. As Prof. Gaur said they have some sort of ... training. So you could tell the people, judicial officers that you first undergo some sort of diagnostic test then if you are deficient then we can give you

another course for you. You can come and have that course, so that impact assessment also becomes easy. How he performed before the course and after the course? For him also it becomes easy. You are building up his career, forget the institution, you are building up his career therefore, he'll be more interested. There is one more page in this book Page 64 which says about skill database, this was in 2007-2008 with the approval of the High Court NJA is establishing National Skill Database of Judges that will provide the data of skills and knowledge of Judges across the country.

Prof. Mohan Gopal: This we could not be implemented.

Participant: This could not be implemented because naturally it requires the collaboration of High Court.

Prof Mohan Gopal: No at that time these judicial academies were only being put in place. Now we can start to move this.

Participant: Forget this database as far as an individual is concerned you can collect the database for that individual, for him not for public use. Isn't it? So that whatever deficiencies he has in his skills, those deficiencies can be addressed. At the younger age it is easier, at the age of 35, 40 it will be difficult.

Prof. Mohan Gopal: Yesterday Sir we have been had this discussion, again very detailed discussion some of you may or may not be involved in what we called QASK- Qualities, Attitude, Skills and Knowledge required for judging. There is detail list of those. So for me.....I personally would not as someone who is academics I don't use the words deficiency I simply say the required skill for that job. So you know Sachin Tendulkar is a great batsman but if he has to sing, then what is the skill he is required to sing that doesn't mean he is deficient. Let's be very clear to him what are the skills he needs to do the job and let him and help him to acquire those skills. So that's the way I thinkWe first must identify the skills required for the job. I would little bit hesitate just to take a slightly different view of building up an individual in isolation because you know that is very difficult to support or to understand and little intrusive also but if I say I am training pilots and I am training judges and these are the qualities to have to succeed in this line. Let's see which of

these you are in great shape and which of these you need for further working on. You are going to say something? Yes?

Ms. Jane Schukoske: Are you aware of any existing.... I mean we see test like that all the time but I wonder if you seen for the judges, the diagnostic test like you said

Participant: We don't have any diagnostic test, we have to evolve one. See these are the simple things based on receptivity andwhether you can This you can test whether he comprehend, understand. This test could be developed it's not very difficult and now ultimately the institution is going to build up an individual and therefore if we correct that if he doesn't listen at all. He is hearing but not listening, it is not registering in his brain then what is the point. His judgment suffers ultimately. Now some people.....Prof. Mohan Gopal said about Sachin Tendulkar has provoked some people but see on the cricket field you may have seen those fast bowlers they take long run for bowling. There are some advocates who make their long run to make their voice...what if the batsman is impatient and say what is this ball is not coming at all I will drop the bat and go away then who suffers. There are some who take short runs because they are spinners. Isn't it? So all these things the judge must understand that people have different type of way of communicating and he should be able to gather from what is been communicated to him because who suffers ultimately, he suffers, his judgment suffers because he have not followed the point. He has been sleeping through the arguments, drawing some painting on his book. So these things we need to deal with in the academies. These are basic skill sets which are required in the judges.

Prof. Mohan Gopal: We have actually identified , I tried to find the material on this QASK- Quality, Attitude, Skill and Knowledge through lot of discussion with large number of judges. We have actually identify them and we can.....Sir I suggest its 10 past four we take a much deserved tea break quickly and then we come back and we hear you because the people more receptive

Ms. Jane Schukoske: We can jump on conclusions tomorrow..

WORKSHOP ON NEED TO REVISIT CURRICULUM DEVELOPED IN 2003

Prof. Mohan Gopal: Okay, but still if you wish ..no,no,no we are going to take a tea break and come back because I found that....I just want to take 5 minutes and show that the Indian Military Academy approach because I think you will find it interesting. I found the display and I don't want to waste time as Justice Kurian is here and want to conclude on this new approach little bit. So these two things I would like to do but we would like to hear from two of you if you have anything to say or want to say anything today.

Participant: Sir again, page 285 and 286 go through it

Prof. Mohan Gopal: Okay no issues. So shall we meet in 15 minutes?

Participant: Yes Sir, we can have tea served here.

Prof. Mohan Gopal: No I think we need a stretch a little bit.you know body needs a break

Participant; But this is....

SESSION 4- CLASSROOM TRAINING

We must all appreciate the patience of Deeksha for waiting for her turn to come for such a long time so now we'll have some good presentation from her. I suppose all of us are refreshed after a cup of tea and therefore we'll enjoy this.

Ms. Deeksha Dhyani: Good Afternoon everyone. It is my privilege and honor to talk to you all though I am a student of Psychology and not of Law I have been thoroughly enjoying what you all have said and I am able to imbibe all of it and I am very happy to be here. So thank you for inviting me. As we have already talked about every training program requires recasting and this training program is no exception so any plan has to response to future challenges and if any mistakes are committed then they have to be cured. As far as civil judges of Judicial System is concerned they are the Kingpin of judicial system and grass root level emissaries because they are who.....it is who come for the first time contact with the litigants in the trial courts so every training program have some objectives, earlier in the morning Honorable Justice Joseph has stated and I would like to state his words that the objective of this workshop would be to equip our judicial officers for better court management and ensure public confidence in the judicial system. In my words, the objective would be to promote.....to have the participants to acquire improve professionalism in judicial decision-making and civil and criminal matters and also to develop OLQ. OLQ here means Officer Like Qualities. The first and foremost task is to judicial decision making which means the resolution of disputes in accordance with law. Well, this is not the only

thing a judge does after listening to you sir I came to know that a judge is not only the.....primary focus is not only on resolution of a dispute but he also has to act like a teacher so...

Prof. Mohan Gopal: Yes, he has to authoritatively say what the required norm of conduct is. In my view, there is only one core question that the whole entire legal and judicial system is involved in and that is a simple question- Is the human conduct right or wrong and if it is wrong what the consequences is? So the Judge has to say what is the standard by which we have to govern our life sometimes declaring the standards may cause conflict and sometimes it may end a conflict. But judge's job is to declare the standard this is the required standard of conduct. That's what I meant.

Ms. Deeksha Dhyani: At the same time he has not to lose sight of the fact that he has to develop OLQ to organize himself with other wings of the government. The training in such professional courses is horizontal and not vertical like the conventional courses like in our schools and colleges and it is here a two-way traffic that is there is stimuli and a response and there is a response and stimuli. So there is cross- fertilization of ideas, the trainer here is a facilitator and not a preacher and he is a more like catalyst to facilitate the discussion. Professionalism also includes attitudinal change which means psychological conditioning of mind in terms of job preference. We....many of you have already discussed that like Sir you have stated that the officers from your state they are not able to transform themselves from heart and mind. This exactly is the attitudinal change i am talking about. This is needed. For example before joining the legal services many students, many people they are law graduate students, they may be advocates or they may be from another stream. But once they become judge they have to share their biases for example an advocate who have tendency to protect the interest of his clients but a judge simply can't do that so a judge is more or less of an arbitrator so one has to learn the profile of a judge which should be discussed in these curriculums. I shall highlight various subjects in a short while now from now but at this juncture, it will be my endeavor to apprise the gathering the underline philosophy behind these subjects. Now all you are very experienced trainers so just briefly as a trainer is required to know the training needs of your student and only then a training program can be carved out. So if I just say in one sentence a training need is a journey between the entry behavior and the end product. What entry behavior refers to the present legal acumen of the participants and the end product can be referred to as what we suppose to become after you give the training. So the journey between these two is

the training needs. take for instance any training program it has to confirm to these attitude, skill, knowledge and Sir one more component that you had...

Prof. Mohan Gopal: QASK - Qualities, Attitude, Skill, and Knowledge because for judges quality's role is also very important as all the judges have been.....and from those qualities come attitude. I have list of that which I will show you later.

Ms. Deeksha Dhyani: And as you can see applied knowledge is skill and applied skill is attitude and this attitude is one which the participants have to transform into. Discussion on management aspect is also must, sessions on time management, mind management, stress management, nerves control, behavioral sciences, value-based program on attitudinal change, honesty, integrity etc is very necessary for a judge. I will explain what all I have said in just few lines for example- Time management, we all complain that we don't have time for things in our life. You are not able to take put time or we couldn't do a certain work because we did not have time for it. So there are lots of books on time management but they do inspire us but only momentarily and then the things fall back into the same rut and then we feel secure in our own comfort so poor time management has to do more with our attitude and thus comes the need for attitude change. Stress management, we have to get rid of our stresses in order to function well. We have to give time to family also, we have to give time to our parents also and as some of you said that in your academics you have started to emphasize on Yoga, running etc so to keep the trainees fit so other state academies who are not doing this, can come up with this because it is necessary for the healthy functioning of the mind then nerves control. Sometimes even if you have the time to think about an adverse situation that is not a very good time for you so you should always keep yourself busy. Psychologists always recommend that you should always take time to pursue thing you like, what you like, take 5 or 10 minutes a day read books, do gardening, listen to music. In fact, western psychologists say that anti.....the metal music, the heavy rock music serve as an anti- depressant. Attitudinal change one's ability may determine whether they are better suited to become a judge but it will never ensure their success so it is their attitude that will make difference in their life and career. According to a research that conducted in Harvard University regarding this and they looked at the success factors which...success factors like promotions and raises etc and they found out that 85% of the raises and other measures of success derive for the attitude of people and only 15% was there from their

technical expertise. so we can see that attitudinal change is more required. The need for behavioral science when an officer is encouraged for to achieve his full potential and thereby advance in his career path. He feels exciberent and he perceives organizational goals more clearly with his own objectives. SO here comes the necessity to understand the dynamics of human behavior. It is the manner in which an individual learns behavior appropriate to his position and group and interaction with others. As I was talking about psychological conditioning of mind, the judge should be free from prejudices and discrimination. Prejudice and discrimination creep into our mind naturally , our mind is kind of programmed in this way that the biases creep into our mind but we have to get rid of them because the job of a judge cannot permit him or her to be biased or prejudiced. Then he has to be a good listener, a good orator and should have good writing skills because a judge basically speaks through his judgment so being a student psychology I would first like to start with what is psychology, in a very lay man terms, psychology is the science of mind and behavior and it is everywhere around us. Since psychology.....since childhood psychology had been applied on us . The concept of reward and punishment we can take. We all are rewarded or punished for our behavior in the past so it comes from a very basic principle called reinforcement in psychology that if you reward a good behavior then the likelihood of that behavior to occur in the future will increase also in our schools and colleges. A college lecture usually spans around 40-45 mins, why is it so? It is because the human mind, the attention span of human mind last for this much after which the attention starts distributing in other areas also we usually tend to change our behavior in the presence of other people. What is this? In psychology we called this conformity because we want to be liked by others and we don't want make ourselves stand out so we confirm to other's behavior so what is.....if everyone is going in that direction so I will also go in that direction just because to confirm with the societal standard and also in presence of audience sometimes we feel nervous because of a phenomena called Social Inhibition, we inhibit ourselves from expressing ourselves openly. Sometimes it can have a reverse effect also on us a good audience can increase our performance and this psychology is called social facilitation so I was just giving you an example that how psychology is everywhere around us and we have experienced it every day we just don't know the technical terms for it and psychology is applied in varied fields like sports, military, space, organization, environment and law being no exception. The 41st division of American Psychological Association which in short is called APA has been dedicated to law and

is called American Law Society. I am referring to APA because does not have any parent organization for psychology and we follow the APA in every research works and in our theories and everything so it is relatively a new subject but I could see as it was discussed in the morning that the concepts of psychology have been already incorporated as Sir had given that handout, in it the first thing is mentioned there that the judges are going to the rural areas themselves and they are writing a journal on it. So this itself in psychology know as the Phenomenological, this phenomena called Phenomenology so in this it is experiences from the first person point of view and see things as they are so this came as a surprise to me that it has already..... the change has already begun and now I will come to a branch of psychology that is called social psychology that has been very closely associated with law. Social Psychology deals with how people's perception, misperception, cognitive biasness can effect a criminal investigations and court outcomes. Cognitive bias....what is a cognitive bias? Cognition is a term that implies any thinking, reasoning, judgment, anything that you made from your mind is called cognition and Social Psychology has many areas of legal and social significance in it. A lot of work has been done by a Psychologist on the accuracy and persuavisness of eye witness testimony. Now the works I basically summarize the work of that Psychologist, she has said that there is also a thing called misinformation effect. It is said that we see or we hear what we want to see or hear so you know there is sometimes false reporting in cases and every individual has its own frame of reference. My frame of reference will be different from other person's frame of reference that is because of external factors, internal motivation etc etc so every person has its own frame of reference according to which we see things. For example a same object that is a red truck kept in front of me, for me that truck may be a fire truck but for other person that could be something else. So in her research she saw that a lot of mis- information as been provided where they were told to report an accident for example. So the same thing was reported differently by different people because everyone had their own sets of perception. Also prejudices, discrimination and stereotypes as I have already said earlier they also form a part of social-psychology only that a judge cannot be prejudiced or stereotype. These are the components of...affect means anything means anything emotional or related to your emotion. Cognition I have already described so stereotyping is a cognitive aspect, discrimination is the behavioral aspect so it manifests in this way in your everyday behavior and a judge cannot stereotype his behavior and be prejudiced to others. Then I would like to highlight concept of

illusion we have in psychology, illusion is anything that distorts your perception. So I would like to give a small experiment that was conducted so the psychologists took three papers red and blue, blue and green and blue and grey and that grey was objectively lighter than the dark blue. I repeat that grey was intentionally lighter than the dark blue paper. So if you see with unbiased mind there was no slightest of doubt that the blue will be darker but when he conducted the experiment 1/5 of men wrote that the grey is darker. I will come back to this after this he conducted an another experiment in which, there were 100 participants and he stood in front and he took a color wheel in his right hand and started rotating it and he kept seeing it very eagerly so that the all the attention of the participant diverted to the color wheel and with his left hand and the participants were told that after he stops ding whatever he is doing, they have to report as it is whatever he has done so while he was doing this he did things with his left hand like took out a pen wrote something on the desk or he took out a packet from his left pocket and put it on the table and he did various things just to distract and not let the participants know what he was doing with his left hand but out of 100 people 18 people could not notice the color wheel but others could sorry they could not notice what he was doing with his left hand but others did so this is a just little experiment to prove that with a piece of blue and grey paper that could be performed in few seconds can be pick out for us those minds which are probably unfit to report whether an action has been performed in their presence or not. whatever they expect to see they do see and if the attention is turned in one direction then they turned blind and deaf to the other direction. So like Sir said we could develop testing methods for this as well because this could know turn the outcome in someone else's favor as well.

Participant: There is a missing Gorilla experiment if you can...

Ms. Deeksha Dhyani: Missing Gorilla experiment.

Participant: You can type on Google and get it. Go ahead

Ms. Deeksha Dhyani: Then coming to leadership and team building in judges

Participant: Everything that you said is in missing gorilla. Okay?

Ms Deeksha Dyani: Okay

Participant: This is name of the test

Ms. Deeksha Dhyani: No, no this is the name of experiment that you are referring to. The leadership , components of leadership is divided into vision, tasks, goals, and tools and be it any kind of organization the operational nature of leadership should be the right combinations of these four variables. Technical competence is necessary to achieve the results required but you must also have a requisite understanding in skill needed in this unique position to have in got the work done by others and lead others. For this we have a theory, a psychologist called McGregor in 1980s he has given this theory so there are two modes of ...according to him. There are two modes of operating theory X stresses the importance of strict supervision, external rewards and penalties which simply means that, he said that internally we are not at all motivated to do work. We have to be pushed, we have to be given external rewards for doing it and basically we are lazy people who do not want to do any work. On the contrast theory Y said that people are intrinsically motivated to perform their job and obviously external encouragement will help them but also they have internal motivation so in any kind of organization to achieve the efficient production, a combination of both the theories must be appropriate also a judge has to have the ability to build and reinforce the needs of the teamwork and team spirit and meeting the needs of each individual of the group for self actualization. This a very theory, this spangle was given by Abraham Maslow and this is called triangle of needs, Maslow's Hierarchy of needs. He said that at the base of the triangle is the physiological need that is our biological needs like hunger, thirst etc. They need to be fulfilled then there are safety needs, a person needs to feel secure and only then he can function properly. Social needs is need for love, need for belongingness, need for friendship, need for power then esteem needs self esteem there is an important role then self actualization, self actualization means realizing one individual's full potential that is you have grown fully as an individual and you have completed all these needs and now you are self actualized person. If you ignore the needs of the individual then the effectiveness of both task and the team members are reduced and this as a result reduces work considerably. Also an important part of psychology would be communication, communication is of various types verbal, non- verbal, written, accidental, incidental many kinds of communication and one important thing to note here is that it is said that

how we say is more important than what we say and this is what is critical to our success that is basically we have verbal and non- verbal communication, the major ones and in verbal communication we includes all our the verbal part that is what we are speaking, non- verbal include how we are speaking our body language, gestures, han movements, eye contact everything plays a very important role in non- verbal communication and non- verbal communication builds a basic part even if you are saying something else but your body language is representing something else that way you come to know that the person is lying so knowing how people are communicating around is very important and in order to understand the people around is better. So this can be very important tool. I missed on one slide on time management so we can be on right side of time and alternate time work with relaxation time, spend some time on wasting time because when we can't suppose find a solution to any problem then we can go away from it so that we can think about it from a fresh point of view. And use time productively, suppose you are sitting at the airport and you do not have anything to do s you can read a book at that time and as I earlier said to pursue your hobbies and etc. So nothing should go waste and use time constructively. Learn to say no at times, this is on of the most difficult because nobody wants to say no and be disliked by others but this is ...this makes one more focused and m ore productive. Also psychology and law has a very close relationship in the form that the psychology aims at understanding the behavior and law regulates the behavior. For example suppose we see traffic light, there is a red signal at the traffic light so we stop at that. Why do we do that? It is.....our mind is conditioned in such a way that we know that we have to stop in order to avoid fine and penalties. So psychology and law both are dealing with the nature of human behavior. I think I have covered all and.....

Prof. Mohan Gopal: Thank you very much

Ms. Deeksha Dhyani: Thank you. I think if we incorporate this then we can definitely competent judges for better judicial system. That's it from my part. Thank you. Also Sir I think I have...

Prof. Mohan Gopal: You have distributed this to everyone. Not yet?

Ms. Deeksha Dhyani: So with the help of law department of my university and the topics that I have discussed are there and you can take a print out of this. Sir has also given it in a very

comprehensive form in the morning but this is what I got with me so you can take a print out of this. Parts of the topics related psychology I have already explained. Thank you

Prof. Mohan Gopal: Right now if you have any question? if not then we can see..... I just quickly run through this. This presentation was made here in the NJA I am just happened to have it. The entire training program of the Indian Army is summarized in 2 words- Valor and Wisdom. That's the objective I have said in the morning that you must have a clear objective that why you are conducting this induction program? What is the outcome you want? They want to produce people with valor and wisdom. Pre- commission/ Induction Training, what is the equivalent for us? You all are very experienced judges, senior judges.

Participant: Honesty and Integrity

Prof. Mohan Gopal: No I don't know the right or wrong answer. It is to tell you each other and decide. Sir is saying honesty and integrity. Any other suggestion? Because I think you have clarity on that your whole program makes sense to the participants. This is what you are trying to achieve.

Participant: Commitment and

Prof. Mohan Gopal: Yes. Will you note these suggestions? This is the list of quality of QASK which I will come to later but the first line in this piece of paper is answer to this question that many other judges gave me. The court quality requirements comparable to wisdom and valor are faith in constitutional values and indomitable independence. This is not my...this is what another group of judicial academy's leader....see judicial academy is lead by some of the most senior judges and most experiences judges in any states even any High Court Judge is not as experienced as the Directors of the State Judicial Academy not all but some of the High Court Judges have been judges for less time than the director. So this.....I was suggesting to Joyti that tomorrow, today we have given lot of ideas from last 10myears discussion, ideas. Tomorrow if what I suggested to her that if few of you can volunteer to small group discussion and put all this together as to what you think is appropriate then discuss it tomorrow. Then tonight we can spend time to jot that down tomorrow you can discuss that and then the day after tomorrow you can put it together, then we will have an outline. And when the new directors come here then this can be discussed and may

be the directors and the education in-charge can meet later and consider the final output. This is just the process of developing that output. So one of the things is that.....see my suggestion is that you must have tremendous clarity otherwise you will have a lot of misunderstandings what is the proper.....you may have done very well. People will say what have you done? So that's why IMA starts with this valor and wisdom so faith in constitutional values and independence. Okay now let's move on.....these are the various ways to come into Indian Army short service commission, permanent commission, types of entry NDA, CCA. I am not going to go into all this. In 1932 the academy came in to being first core was established in British times then 1949 IMA being nucleus joint services being established in 1950 so nearly 18-19 years. Look at some of the graduates, you can see here. Here is Manic Shaw, Md. Musha, Bhagwati Singh all famous generals so this is also like that they are showing pride in their work. In few years we will be able to show graduates of our academies like I can now say that maybe Chief Justice Thakur is the first Chief Justice OF India who has attended NJA program as a trainee judge as High Court Judge, NJA is known to them. It's not a new thing, now the new generation of judges will come, who will get much interest in judicial education. This is the layout of IMA let's get to the.....look at this- The safety, honor of your country come first always every time the honor, welfare and comfortable men you command comes next. Your own ease, comfort come last always and every time. Can I be very honest and say that Judiciary is almost the opposite. I am always honest with you when I praise you also I am honest but I have to say honestly that judiciary is exactly the opposite. The safety, honor and welfare of senior most judges come first always and every time. The honor, welfare and comfort of men come next always and every time and the honor safety and comfort of men you command comes last.

Participant:

Prof. Mohan Gopal: Unless this changes see people can smell this out, people respect the army with all its deficiency because it is still committed to some of its values. By the way I am the son of an Army Officer so I have seen the effectiveness of the army training, my father left the army after the Second World War, came and trained the police in Kerala and then retired. But till his dying day you can take him out of army but you cannot take army out of him. All these values are there so how deep that training is.....If you adopt these values public will start to respect you in a

very different way. So here we should say that the honor, welfare and comfort you serve next after the men you command, your own that are judicial community ease, comfort and safety come last always and every time. So this is what we mean by values first country, then your litigants and then yourself. No they can't put this out unless it is credible if they are bluffing about it they will collapse. And you know they have a great combination of respect of hierarchy but great sense of brotherhood among fraternity. The most ordinary Jawan and the chief army official, they consider themselves brothers even when the chief officer is saluted by the Jawan, he salutes back the same way. The same greeting to each other, lot of ...

Participant: And that Sir see the impact...how many soldier lost their life. They knew they are going to die and they prefer to die and be martyr

Prof. Mohan Gopal: Yes, yes. It's because of the training so now they look at future scenario so when you prepare your induction program. can you have a page like this called future scenario tomorrow India. What is happening? What are the challenges Indian Judiciary is facing? You cannot have an induction program without looking 30-50 years ahead saying what is the scenario? I can tell you the scenario I have discussed with all of you many times; the Indian Judiciary suffers from docket exclusion the number of cases has to increase from right now ne w cases filed 2 crores per year. It will have to increase to 20-30 crores a year. If this country is to meaningfully, the citizens are meaningfully...why.....30 crores of Americans produce 10 crores of cases per year. So 120 crores of Indians should produce 40 crores of cases per year. If everybody have capacity to protect their rights then we should have 40 crores cases a year. 40 crores are not coming not because there are no violations of rights but because you are not allowing people to.....you don't have any institutional access to them to protect their rights. Those who can they are attacking each other on streets because there is no alternative. So future scenario is I am cutting that by half 20 crores and say you have to move from 10 times from 2 crores to 20 crores so 10 times will your number of judges go from 20 thousand. Now when we started NJA there were only 11 thousand judges in the country and now there 20 thousand judges in the country and I think the discourse we created about docket explosion sorry docket exclusion not explosion has helped to increase the number of judges. No we have 20 thousand of judges but no one in the government is saying that they are too few because I tell them China have 2 lakhs of judges and you have 20 thousand judges

otherwise they would have said my God there is judge explosion from 11 thousand to 20 thousand. Now they are saying too few judges but too few cases with this. You can't keep the case law 2 crores and have 2 lakhs judges that are not possible. People must exercise their rights must be in crores. So India budging as regional power....greater involved in CICT- Counter Terrorism Counter Intelligence operations asymmetric warfare likely to continue....whatever it is Peace enforcing operations, greater participation operation, and disaster management. They put 3 or 4 things here so if you say that are the emerging areas of litigation likely to come as India becomes more assertive as I said middle class is concerned, justice for middle class. People will emerge from middle class; the long term problem is justice for middle class not justice for the poor class because hopefully if you provide justice to poor class the poor will become middle class. When the constitutional laws are enforced that are supposed to be that is social revolution and the poverty will end. The poverty is there because the laws are not enforced then it will become the long term issue will be justice for middle class so it will be employment, it will be commerce, government...relations with the government, it will be property, it will be family in 5-6 years huge litigation will come. So just anyway this is future scenario so their training is based on future scenario. So they say what are the challenges in the country, social- economic changes Kerala Judicial Academy Mr. Babu ahead of all of us stress management, that's a big challenge they have identified, media value system are changing, transparency in the battle field, human relations, human resources, military conditions are changing additional responsibilities are being given to the army, modernization of the battle field, impact of information technology. So they have identified the 10 challenges, core objectives so this is all about the values. If the military gives value to the values system then you should also give first preference to the values not to teach them precedents. That is important but that's not the.....that's like that they are not saying....To inculcate honesty, values, integrity, loyalty which set soldiers apart from others so can we make it objective of the induction training to have an induction training program which sets judges apart from others. I can tell you as a son of an army officer trained in the Indian Army that until his dying day his qualities were very, very uncompromising integrity. He will destroy me but not his values integrity, honesty, selflessness, loyalty right. So what is it about the program that inculcate deeply these values in these people. Can you not do it for judges? You are in the academy, you have to do it for judges. Now for the army it is not achieved perfectly. We all know today's army

there isbut large number of them are doing it and now they are doing it. Should not that be our objective to develop future military leadership having courage and will power with a temperament of decisive action in distress and danger. This about what I said clarity of goals to teach how to think and communicate as military leaders. How to think and communicate is more important than to know how to fire a gun and Deeksha covered that thinking and communicating. That's what I said that what I am going to say is very complimentary to your discussion To foster deep impression and human nature in frailties and care for men and women under command. You're teaching army people how to have deep interest in human frailties and human nature, to be good soldiers. To encourage self study and analysis is the foundation of military thought and wisdom. To train basic military skills in battle.....now you are coming to technical skills like you know how to manage the courts and precedents and all that. Independently come out in rightful platoon and you are teaching soldiers to be independent Sir and you are saying judges should not be independent. The army' is trying to make their soldiers independent because when you are under attack nobody is going to tell you what to do, you have to figure out how to survive. To inculcate social ethics worthy of an officer and a gentleman I think my own views that these 3-4 slides should be adapted by you and then you will give a new direction to induction training. They are very similar to what you are doing except that they are articulated in a more clear way. I have seen this what you are doing also I am not saying that this is different, academy mission is to develop the qualities of leadership character and intellect demanding ofsee leadership, character, and intellect same thing for judge demanded of an army officer on commissioning to enabling to lead troops both in operations and peace time. To apply to a judge to develop the qualities of leadership, character, and intellect demanded of a judge to enable to lead a court and to train a motivated gentlemen as confident and professionally competent young leaders actually my father started life as a gentleman young candidate so it's exactly this program. I have no doubt the output of this program that's what I am telling you.....long time ago in 1916 this is his birth year. So professionally competent young leaders with a well-rounded personality capable of leading a.....independently leading a platoon and foster them with leadership qualities, committed values to duty and selflessness to serve the nation. My dream is that in every state judicial academy because we are not in training, we don't have any legal or mandatory authority to training, it's only High Court that can do it but my dream is that every state judicial academy will have such a

presentation so that one day I can go to IMA and show them similar presentation of judicial academy. The professional competence emphasize on 8 things professional competence, physical fitness which Jharkhand Judicial Academy is doing, intellectual ability by the way Mr. Chirag Singh who is now with Himanchal Pradesh, he keeps telling me Sir give this people few weeks.....all the induction trainee should be attached to army few days the they will learn you know.....leadership qualities, personal grooming, public speaking, spirit of adventure, personal financial management. Look at how comprehensive it is exactly as Justice Chavan said to build up their future career wherever they are teach them personal financial management, teach them all of these things. The scope of training character, service training, academics training. This is organizational way that I am going to skip all over this. Training period is only 1 and a half years, see they are taking only 1 and a half years for training, 3 terms of 6 months each- spring term, autumn term, first term more emphasis is given on physical training, elementary knowledge of basic army subjects and weapon training, military code of conduct then you move to military subjects- leadership, personality development, intellectual development, passing out parade. So they are reversing this actually they are first teaching them the weapons and tools and all that then building up their.....may be because like you also they will understand that this is dangerous. Actually when my children learnt to drive car I told them this not a car this instrument of death for you and for others. Please handle it like an instrument of death, it changed her attitude to the car similarly your power is an instrument of death your judicial power and you have to teach the judges that it can be an instrument of life or an instrument of death and then you will say why therefore you have such power therefore you need character, you need values. See these people are going to given a gun and independence; it is like the Magistrate he can shoot the gun and kill people. Okay then we come to routine 4:45 in the morning they wake up that in summer, 5:30 in the winter and they go on until 10:00 pm light on must have parade to PDS outdoor training PT drill and horse riding, breakfast, PDA, period, academic service subjects, lunch, break, quite period, company period, games club, tea break, study period, mess call, dinner, lights out 10:00 pm go to sleep, wake up at 4;45 am

Participant: It is quite important which we don't observe

Prof. Mohan Gopal: Here, frankly I find the junior division judges are very relaxed and having a nice time and they don't.....here are the pictures of their training. The training objective that is called OLQ- Officers Quotients that is what they call it, they don't call it OLQ, they call it OQL- Officers Quotient and Leadership, military aspects, intellectual aspects. I suspect that they have taken the word 'Officer Quotient' from IMA. I am NOT SAYING THEY have but very likely. Then they mark and many fail, everyone went in the program does not retain, many people fail and they are thrown out. Everything is marked and their marks ultimately determined that if two those of same rank become Chief of Army. These marks are going to determine who will actually become the Chief of Army staff, marked on scale of 10 by a platoon commander, 5 by company commander, battalion commander, each quality characteristic of the leaders. These are three characteristics of leader see how carefully they have talked through this, strong knowledge-based, practical intelligence, reasoning ability. Assess a situation chart course of action, set priorities make sound judgment. This is exactly what judges do and you must have practical intelligence. Judge is a leader, leadership, character building, military ethics and motivational models and values do these are the main points that you will inculcate. You must be seekers not followers, seekers of justice not followers not obedient servants, eye for detail this is very very important judges have it in abundance, senior judges have it in abundance but very few others have it. Judges are always looking for details. Military Campaigns, guest lectures, attributes of officers and gentlemen, empathy and concern for the man self-disciplined, dress code, code of a warrior, concept of regimental spirit, honor code, we will come to that core military values, organization, exercise appointments, military aspects, service subjects, tactical training, this is like our adjudication of law or procedure of law and court management. Clubs and adventure activities, syllabus divided over 2-3 terms of 6 months each, elementary tactics important to all arms and services taught to all from section level to platoon level in the form of lectures followed by tutorial discussion, then lecture demonstration. All tactic modules, see lectures are good for just giving plain information but when people think and have opinion lectures are not good. I am giving information all the time basically but if you want to do really.....to affect people you have to have simulations. Then weapon training, handling and firing so this is weapon training is like court room simulation, you have to handle handling and firing of weapons. **YOUR WEAPON IS YOUR pen**, it's is your decision making power culminating in to the battle involvement in service subject introduction army

law, Army Act, Regulations for army offenses, it's like legal knowledge offense reports, and charge sheets, arrest, summary court of inquiry, summary court marshal punishments, physical training, PT, speed marches 10 kms, 15 kms, Mr. Chaudhary is getting happy. I think he will go back and increase the kms, endurance runs 5 kms, 8 kms, 18 kms, 25 kms, sports. I think you should these people some common sports I am going to try and use this for Justice University training actually, I can say our Justice University training we should do that because teach all these skills because when the already come in to the academy they already have this intellectual development, academic syllabus, communication in Hindi and English, international relations, current affairs, history and geography develop a reading habit, get speakers, expose to cultural in heritage, men management and HR, defense management studies. So you can also get an arrangement with the university and give them diploma in justice systems so that they can something on top of doing their induction training. Minimum standard service subject 40%, academic course 50%, weapon training, minimum standard so they got minimum standards, drill, obstacle course and sports, written test one term only one test, second term midterm exam, third term all final exam all subjects map reading so they got all test assessment, outdoor exercise assessment, physical training assessment, weapon training assessment, speed marches. Merit is decided; at the end of training you are given number on the basis of your merit that decides your career. Club activities, adventure activities, extra- curricular activities, existing infrastructure, kingly block, officer's mess. I must say Judicial Academy now we can say our academies are no less then this in many places or memorial, these are like little museums, auditorium, cadet room, swimming pool, stadium, mess, etc. You should not do anything selfish and in your self interest that let down your colleague. You shall not by any action or omission bring the name of the academy to disrespect. You shall act voluntarily or responsibly or any infringement of this court. This is all some of the test and diploma in defense management studies, skill capsule drafting etc. I want to show you one more thing which is punishments taken, this is on a code I shall be truthful and shall not cheat or let down a colleague for self interest or tolerate those who do so. Look at this I am sorry if I am embarrassing anyone but Alok Kumar Tiwari 9 November was thrown out, withdrawal. He stole ATM card of another GCM and stole 80,000 rupees from his account without his knowledge, stealing was kicked out. See they are showing all this they are not hiding it all of this, this is beautiful. Code of the warrior I am a warrior, protecting my nation is my Dharma I will

train my body and mind to sprit to fight, excel in devices in war, always protect the weak, be truthful and be humane, cultural and passionate, fight and embraces the on sequences willingly. God give me the strength that I ask nothing of you.

Participant: Great, great , this is

Prof. Mohan Gopal: These are people who are going to die and saying God give me strength I ask nothing of you. I have prepared and I will try to find out adaption of it for the judiciary but I would.....something is with K.K so you can print it out and distribute it today to the rooms and then if you can see and based upon this adaption develop the framework of program. The content we can give that you know very well, if you can take one look at QASK very quickly its almost 5:40 so. Justice Chavan will say I am keeping my old bad habits. Qualities and Attitudes commitment to public. Now you can see there is lot of coming in IMA is tested and tried and each is very profound and meaningful not just mentioned. Function skills, listening, active listening and comprehension. Deeksha please let us know if anything missing meaning, speaking, writing, reasoning, dispute settlement, English and local language skills, bargaining then looking at domain skills appreciation of facts and law, judging and decision making, responsible judging, enforcing impact of judicial decisions, team work skills, judgment writing, administrative skills, then knowledge basic legal and judicial knowledge and 10 core subjects and I have listed those 10 and the judicial knowledge of the judicial tradition in worlds including their history and origin, civil law system, common law system history and origin and changing roles of judges in India from its Raj era to Swaraj era which is a framework I used to discuss here. Important developments in judicial history, current organizational framework of judicial system under Indian Constitution, most important judgments of the Supreme Court of Indian then social knowledge geography, sociology, history, civics, political science, economics, current affairs, constitutional history, freedom, movement. My feeling is if you can, if possible to use IMA presentation as a kind of framework and prepare something along this line and then fit in this content into that and then you may also look at this content that we have set here you know and other material given to you. Copies have already been given. Soft copy you can have by email

Participant: We have the pen drive, you can have it

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Prof. Mohan Gopal: No email will be sent to you. If there are some volunteers including senior most here as Mr. Babu and Joyti has also agreed, we can request 4-5 of you to spend a little time this evening and look at all these material, think of some approach and tomorrow you can suggest something. See you are presenting it to each other we are just facilitating it and some consensus may develop then we can have a new approach for induction training. We have also given you here these 2-3 modules of being a judge and so forth. So you can look at that material also, you also got a lot of ideas from each other about what is going on in other states so if you can take the best of that and think of a new small brief presentation on which you all may agree and then you can take back and say this what has been developed as a draft. It has to come back with your feedback, from your judges then we can discuss it with the new director when he.....so some preparatory work that's all. So if tomorrow such kind of discussion can take place and some resource person can also put some input also? By end of tomorrow if you can have a framework and discuss it in tomorrow evening and day after tomorrow we can have some rough idea. Your predecessors have come out with faith in Constitution values and independence as the two most important qualities of judges. I haven't come up with it, your predecessors and judicial academies have come up with it. I like it very much. Any questions? Thoughts?

Participants: Jane would you like to add something to this?

Ms. Jane Scukoske: No, tomorrow I will talk about adjournment or maybe now.

Prof. Mohan Gopal: Yeah, yeah, you look tired. I am here only for today I am leaving this evening so I wanted to bring you on this point. My apologies for keeping everyone little late but looking forward to being in touch. Please don't hesitate. My email id is mohangopal@gmail.com so whatever you need from me I am always at yur service so please let me know.

So all of us have enjoyed the day with Prof. Mohan Gopal and many of us may have come when he was the director. And it was good to go back in the old time, he was not so kind as he is to do. 5 or 6 is nothing for him at that time and after this we would have discussions in the room and it is very nice to see that he is still take so much interest in judiciary because he being a good citizen because he want to change things for the positivity.

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Prof. Mohan Gopal: And because I admire the work that judiciary does and I think the efforts that all of you put in. I tell you when I work with other groups I don't feel so you know so enthusiast. Here are many people who wants to do something and on the whole I see very positive movement and I think we all agree that from last few years there has been positive change. All the problems must not been solved but it is better than we used meet in 2003 or 2006 when there was lot of frustration, nobody cares, nobody wants to do anything. Now Supreme Court downwards everyone want to help and I am sure things will improve under all of your leadership.

Participant: And that is mostly because you brought everybody together here. Many officers on the finance department used to come here because of you so I don't know whether I can say on your behalf but on behalf of all of us Thank you sir.

Prof. Mohan Gopal: Thank you sir.

SESSION 5 & 6- LABORATORY TRAINING

Ms. Geeta Oberoi: A very Good Morning to all of you. So yesterday you had a very long time I suppose, till 6. Today we will be free by 3'O clock that is a promise. Now coming back to what we

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are going to do, we are thinking that for Session 1 all of you have come up with your own curriculum which you are imparting in your training academy for one-year induction course. Am I right? All of you carrying the curriculum. Soft copy? Okay, we will take print out, Joyti will help you take print out. So those who are not carrying hard copies Joyti will carry print out for you. So that all of you have hard copy. What we do is now in this first session, we will divide ourselves into 4 groups. Now the 4 groups can be random or as your country is north, south, east, west or it can be anything that you want but we divide in equal number of division among all of us. And then we will go to 4 classrooms and we will share curriculum with each other and see what we can take from each other in a small group. For example, what Andhra Pradesh can take from J & K like that and we come out with a model curriculum for 4 groups and then we discuss that. Is that all right?

Participant: These 4 groups.....

Ms. Geeta Oberoi: No, these four group is about, they all carrying 2003 curriculum and also the revision they all in their State Judicial Academy has done revisions.

Participant: Whole Curriculum? Every group has to discuss whole curriculum?

Ms. Geeta Oberoi: Yes

Participant: Yesterday, discussion was also not there, we cannot discuss it

Participant: But maybe....

Ms. Geeta Oberoi: What do you think; one hour would be good time?

Participant: What I was thinking was that you could divide them in focus groups , one group can look at forensic, one group can look at something else, subject wise I mean. Why to focus only one module that they have been given. So that everyone can focus on one intensive aspect rather than the whole one-year curriculum.

Ms. Geeta Oberoi: Actually this meeting is about changing the whole 2003...

Participant: I know...

Ms. Geeta Oberoi: No

Participant: Can I?

Ms. Geeta Oberoi: Yeah

Participant: I really want to understand. First, let me say Good Morning to you all. It was a great productive day yesterday but I think Dr. Oberoi what is important is that if you work 20 academies around a table. Have they exchange their own curriculum, administering....'

Ms. Geeta Oberoi: Have you all exchanged?

Participant: See what happens is that they all are set in unique features in curriculum of each one of you there are certain strengths and there are certain weaknesses and I think if National Judicial Academy

Ms. Geeta Oberoi: They have

Participant: They have shared, I think the first thing is to bring get together and then let them come out with some kind of draft module which can be reflected upon. That's my impression otherwise what will happen if one group does on forensic other group does on cyber, third group does on ethics, fourth group does on skills. Right? Then probably preparing a comprehensive document either you have a longer discussion bring all four and then let's have discussion on all four either you do that or divide four and let discuss all those four.

Ms. Geeta Oberoi: I think we should discuss the whole one-year induction course. The whole purpose of this meeting is because as you know on 9th May there is ACM.

Participant: Actually we want to suggest some suggestions and some additions to the existing curriculum. So these suggestions are some additions which we can highlight and among them

Ms. Geeta Oberoi: In the smaller groups we can discuss and come out with the..

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Participant: We can have another option because if we will divide into smaller groups we will not be able to know what the best thing is. So in the preliminary round we can have a discussion one by one so that every person can make a contribution on particular topic.

Ms. Geeta Oberoi: Okay

Participant: See for instance it is skill, then what is good in Delhi or Allahabad or somewhere else. Everybody should know that otherwise if it is in group then maybe we will not be able to know.

Ms. Geeta Oberoi: Okay. I leave it to you. What do you want, do you want one by one discussion or do you want to break into groups? All of you are self-educators. I leave it to you, all of you.

Participant: No, I was just thinking that maybe we, you know we got three sessions today...

Ms. Geeta Oberoi: But let them ...otherwise we'll be discussing

Participant: No, No, No...

Ms. Geeta Oberoi: Let me ask Participant's view point

Participant: No, I am just making a suggestion that in the first session can be given 5 minutes important, whatever they think is very crucial and what is good in their curriculum not the whole of it. What are the key points of theirs and then in the second session....

Ms. Geeta Oberoi: They have done it

Participant: They have done it?

Ms. Geeta Oberoi: Yes, they have done it already. Whole day.

Participant: That's what I want to say we have done it

Ms. Geeta Oberoi: They have already shared

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Ms. Geeta Oberoi: Then should we go group wise?

Participants: Yes

Ms. Geeta Oberoi: Because yesterday, you have done everything. We should not repeat what has been done yesterday but different players. So let's divide ourselves into a group and come out with model plan, four model plans then we work on that the final model plan. Will that be alright? So what you would be doing in the group? What would be your activity? You would be sharing with each other your curriculum. Then?

Participant: After that a group representative will represent the discussed report to the audience.

Ms. Geeta Oberoi: As to what is to be deleted from 2003 curriculum and what is to be added? These would be a basic because we have to prepare a document and give it to Supreme Court. So, you all have to 2003 Shetty Commission that report, plus your own curriculum. So we decide addition and deletion in that and then present draft and finalize the last draft. Is that alright?

Participants: Yes

Participant: Confined to ...

Ms. Geeta Oberoi: Sorry

Participant: Confine to induction.....

Ms. Geeta Oberoi: Yeah only induction course, one year induction course. It is now, we are not talking about refresher courses, we are not talking about usual conferences that we organize. We are only talking about one - year induction course and only for civil..when Magistrates are selected as a Civil Judge Junior Division or a Magistrate. We are only talking about that one- year course also the duration if you want to speak about. How much time you want to give? How much procedure, substantive law? How much skills, attitude, ethics? How much field training? Everything we have to come out comprehensive. What is the comprehensive plan for one year? What we do and what can be done? What are our suggestions? Because all of you....some are of

course like Tamil Nadu I can see, Jharkhand, Kerala and the West Bengal. All of you are old, you know everything about it. But then there are others also newly joined like Madam has joined two, three months ago. So there are others, so we just take up experience and the fresh mind and come out with something new.

Participant: One thing that I suggest that you must discuss and focus in your small groups is that we keep on saying that there are 4 components to training- knowledge, attitude, skill and ethics. So how much weightage, are we giving? Is it equal weightage to all the four or there is a difference about that. But I think there is something; we must specifically keep in mind in determining what all we are going to cover and second part how are we going to cover which part? So knowledge part usually is like charts, reading material etc, then how do you teach skills, how do you teach attitude, how to do you teach ethic? So what will be the teaching methodology is on that? So I think these both things certainly kept in mind while we are devising are curriculum.

Ms. Geeta Oberoi: So we break into groups in four roomsOkay

Participant: Maybe you know..

Ms. Geeta Oberoi: Should we do random?

Participant: Will do as 1,2,3,4

Ms. Geeta Oberoi: Okay that will be great

Ma'am, there are 18 participants

Ms. Geeta Oberoi: 18 participants, so how do we divide in 4 groups. Should we divide them into three groups? 6×3 .

Participant: Ma'am you can make 6 groups of 3.

Ms. Geeta Oberoi: 3×6 too much

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Prof. M.C Sharma: I have never been part of any Judicial Academy and I don't belong to a very prestigious community of yours. I am in the mundane of black- board and chalk teacher. Okay. But what I thought was that what has been said by Prof. Ved Kumari makes a great sense and particularly in the context of what Dr. Oberoi has said but how do you bring it under a one rubric because yesterday as now I have learned that you have devoted a great enough time in exchanging experiences with each other about practices, strengths, weaknesses also done distinction between judicial and legal education, also looking into various other developments, some ideas of course structure which NJA is proposing. I think in the light of that, that's what I propose and it's for your consideration and their consideration. That you divide yourself into three groups because you are 18. There has to be some critical marks...

Participant: 19

18

Participant: 19

18 Sir

Participant: 19

Now who is that 19th one

Participant: Numbering mistake

No, but, I have to count like that na

Participant: Okay. Count

Prof. M.C Sharma: Even if there is 19, you required a critical marks to generate a scientific knowledge, okay? So 6 or 7 hardly matters

There are 18

Participant: Then who is missing?

Sir this not important, that who is missing. Excuse me.

Prof. M.C Sharma: Therefore what I thought was you divide yourself into 3 groups, very loosely crafted but you are clear in your mind. What we are going to do like content of judging, what kind of contents of judging should curriculum proposed by NJA to be brought? How it is adopted by you? Where modification is done by you that could be one. The second theme could be crafted judging, you know when you bring all these. First, we will definitely when you are talking about methodology, what subject you are going to teach? What methodology you going to adopt? But second may be craft of judging and there you are professional training, your attitude, your understanding of computer, your understanding of cyber and third context of judging because after all judging is what, it is taking place in society, it is taking place in community, it is taking place in constitutional values context and therefore that becomes context of judges. So I have three context of judging, craft of judging and content of judging and if you then work on, firstly define in 3-4 sentences whatever report you are going to bring here then you are talking of content of judging, what do you mean because you mean that, what are your suggestions? Similarly when you say craft of judging, what do you mean by craft of judging, how do you bring? And what do you bring? Then context of judging, what do you mean by that and how do you bring that? I think that will give nice idea.

Ms. Geeta Oberoi: Uniformity also, we will come up with some uniform ideas also.

Prof M.C Sharma: And when you know you are working in a group then also you modify what you have been suggested here. It's not hard; I don't think we are going to lay any hard and fast rule.

Ms. Geeta Oberoi: No, no..

Prof. M.C Sharma: I think each one of you is more experience and therefore they can use their own understanding of what they can do

Participant: I was suggesting that if we can follow on these lines, not strictly, but keeping the track of that first I said the weightage issue then in each one of them which is knowledge, then what are topics which must be covered in the induction program when we talking about the attitude, which are the critical issues and we need to talk about

Prof. M.C Sharama; That is craft of judging

Participant: Yeah, then

Prof. M.C Sharama: It's how do you write judgment.

Participant: Not only writes judgment but I would say even..

Prof. M.C Sharma: That's one example

Participant: and then the skills, which skills are we talking about? The skills which we need to...made them to practice and then, ethics. What are the areas where most of the time judges are placed. In Delhi for example, majority of the judges said that the biggest problem that they have faced is the family pressure. Somebody won't do because nhi hamara naam So that was the highest, most of the time shared and other areas as well. So how do you handle those kinds of circumstances? So what are the critical areas of ethical issues that.... There might be corruption issues, independence issues, there may be within institutional independence issue, then outside pressure as well so all that. At third stage we can also discuss how we are going teach them, how many of them will be taught through field work, how many will be class lectures, how many will be practical, how many will be mock exercises. So that will be my suggestion to think about when you are constructing your developments of the course.

Ms. Jane Schukoske: I am here because in India. So I ask you as you are doing this criminal link of the aspects that need to be in curriculum, of course the field visits but in terms of making the court room and lay to people who don't have background in terms of appointment, the counsel, representative, in terms of your role as legal services authorities and the role of judges and having some public interaction through the legal services authorities so that the public knows you care and listen. So I know that, I just found yesterday that legal service authorities takes care

of all that orientation and I wonder if that's really the case in all the States that there is somehow a separate orientation for judges by legal service authorities.

Ms. Geeta Oberoi: Refresher courses are there not induction but

Ms. Jane Schukoske: But should not there be some induction because it's important, harder judge's role at some point of the career. So referring people..... minor role in the junior part of their career.

Ms. Geeta Oberoi: In induction it is taught right and Legal Services Authority act is because they have to take part in Lok Adalat and other teams

Participant: They work in ... centers also.

Ms. Geeta Oberoi: Yes

Ms. Jane Schukoske: Very Good

Participant: We believe that the exposure to legal service authorities and ADR mechanisms , group task intermingled with the common masses.

Ms. Geeta Oberoi: Under 13 Finance Commission, we also have exchange program where they were sending their Magistrate out of the State for exposure. So, what we do, we divide ourselves in 2-3 group because room number are 2,3,4 so we start 2,3,4 so that everyone will know which room to go. Ma'am you go to 2, you 3, you 4..

Participant: .

Ms. Geeta Oberoi: No,no you can be in different groups. Yeah so 2, 3, 4. Sir 2

Participant: 3

Ms. Geeta Oberoi: 4

Participant: 2

WORKSHOP ON NEED TO REVISIT CURRICULUM DEVELOPED IN 2003

Participant: 3

Participant: 4

Participant: 2

Participant: 4

Ms. Geeta Oberoi: 3. Sir, yours is 3

Participant: 3

Participant: 4

Participant: 2

Participant: 3

Participant: We are done

Participant: Both of you are from Tamil Nadu and both of you are in 3 so change

Ms. Geeta Oberoi: How come? Oh..they are sitting across each other

Participant: So both of them are in 3, so change your

Ms. Geeta Oberoi; No, its okay

Participant: There are two Tamil Nadu in same group.

Ms. Geeta Oberoi: No issue about that

Participant: You can exchange with someone you know

Ms. Geeta Oberoi: Okay first of all, go in to our respective rooms. 2 will go in room no.2. 3 will go in room no. 3 and so its 9:25 am almost going to be 9:30. Do you think 10:30 is a good time?

Participants: Yes

Ms. Geeta Oberoi: To come back and share. What do you think one hour is good..no?

Participant: 11:00 am will be fine

Ms. Geeta Oberoi: 11?

Participant; So then we followed by tea inside

Participant: That's right

Ms. Geeta Oberoi: Huh? Followed by time inside 11'O clock.

SESSION 7- PROTOCOL TRAINING

So we have worked on all three team, all three groups, so maybe we can go theme wise by all groups. Not theme wise? Okay, then who is the group leader for Team 1. You? Okay, you sit and submit.

Participant: Actually we thought that there is thin line between the content of judging and craft of judging so we cannot segregate while taking up the training level so we just want to include everything i one parameter. Actually, we added certain things to the previous curriculum, the curriculum is already designed in 2003 and I am submitting it for circulating in other academies also and apart from that in our discussion in first session Sir that certain judicial academies have their own geographical scenario like Uttarakhand they have only 208 officers in the entire state and so they are providing the field visit throughout the state which is not feasible for other states so they said that for customary exposure and cultural, social building of the people they allow the trainee officers to interact with villagers and every place and so that they know what are the problems of the villagers at the grass root level, which is not feasible with all other academies. Then we came up with another point that was mentioned by the director of the Kerala Academy because previously also in the last month discussion was suggested that one trainee officer to the court with an animoty that without disclosing their identities so that they can easily observe and mingle with the litigants and witnesses and can know the actually things that court is suffering

from. We came up with an idea that before attending the academy the trainee should be instructed to attend the court of their choice in their own place and then come up to the academy and give a report on the day of joining so that by that time they will be known by the officers and they get the true field experience and they will have the experience that how the public and litigants are facing problems in the court so that tomorrow at bench they can avoid certain things at least. So that is one pre-induction training, this is one issue evolved by our team and then we want to divide the trainee officers into two groups that is one directly from college to bench and other one which have one experience in BAR. The college to bench they have to be taught more regarding the judiciary, the role of judge and ethics and keeping the relation with.....so that they understand that they have to keep the reputation of their institution at a higher level because they should play the role properly otherwise the reputation of the institution as a whole will be at stake. The trainee judicial officer is drunk and caught then everybody will say that he is a judicial officer not by his name so it tarnishes the image of the institution as a whole but not of the officer and apart from that attitude is to be inculcated either by the sharing of the experiences or through movies, presentations and this personality development classes all these things so mainly we should inculcate him that how should he will be a better judge or as a good judge and how he will fit into the system. This comes like knowledge that we should inculcate in substantive and procedural laws and you know how far he digests it. We should give question bank like question- answer session and then.....we should evaluate their absorption levels. Then comes practical training the Kerala Academy has very good practice that they are sending 2 months to civil courts and 2 months to criminal courts. The participants officers are sitting along with and they are choosing the good officers and they are asking the permission of the High Court nominating these trainee officers to sit with the judges so these people were allotted to one judge for a period 2 months or 1 month so they are sitting along with the judge and observing the judge, writing their own depositions along with the judge and writing the decisions. These decisions are sent to the district judge and that judge sends it to the academy with his remarks so they are evaluated in the academy and told them where they went wrong and how they can be improved. As a shadow judge like an observer only whatever he writes that is for observation only but he writes along with the regular judge. He will record the deposition on its own and he will also write the orders. One judge to one trainee officers. At our state, the

practice is not like that we will send them to the district judge and the district judge will allot the officers one or two days.

Participant: One judge one or two trainees because we are identifying the officers also we should not sent an officer who is short tempered or who is not up to the mark so we are selecting the officers to whom the trainee should be sent and....

Participant: We will have the opportunity to evaluate the judges also because all the judgments will be sent to the academy and we can know who are good and who are bad.

Participant: This will be a message to them also that you need to improve also.

Participant: But the trainee judges should know how to act and not to act I am saying some persons should learn.....

Prof. Ved Kumari: Is it not also some kind of....I don't know hoe this would impact on trainee judge. When the trainee judge know that some judges are good judges and some other are not good judges...

Participant: They do not know

Prof. Ved Kumari: How do they not know?

Participant: So what we do is once we.....

Prof. Ved Kumari: Once you have a practice over the years do you think that students wpuld not know that why they are not sent to X judge

Participant: But anyway after induction also they'll know Ma'am who is good and who is bad because system definitely reflect several things. They have their own access and they will know many things.

Participant: But at trainee level this exercise is good Ma'am.....

Participant: There may be good judge and he may have good knowledge but his court management may be not that good so there is no point in sending a trainee to a person who is short tempered.

Participant: That's one aspect but usually we are also sending one month to the officers so that they will approach the concerned district judge and he will allot these trainee officer to the ADJ and he looks after their work every day of each section like Najarat. They are allowed to observe all the, like if you send a unit. There they will be allotted a central recording room and will take their services for one week, one week and one week. The ADJ will allot them work and feedback every evening and the entire report will be submitted to the academy at the end of month. That's all they do. We also discuss that some of the magistrate apart from the regular work also posted as special judges as JJB under ITP Act so the importance of the prominence should also be entitled during the training. And they are also posted as Principal Magistrates for courts so this issues also be dealt with because the additional work along with their regular work, how that should be managed. That's to be taken care of during the academy and already its present that we are sending to fields like forest academies, police academies, administrative academies and also to the different academies that our Andhra people are going to Kerala Academy and Karnataka Academy and that will be like inter action program or knowledge share program. So this can continued for the, this is more useful for the officers because they can interact with the participants of the other states and that will be beneficial and useful to them and regarding time management, attitudinal management, stress management, they have given lot of one to one counseling and psychology sessions. They are having all such things, though we are introducing it to minimum level so that should be enhanced and we are having general session for one hour so but that is more important. Our Additional Directors for doing that they are having one to one counseling and guiding the officers personally. They are doing that but not with the assistance of the Psychologists and then they will be deputed to not only to academies but jail, medical institutes and other institutions which will be helpful to them. The new emerging law have to be taken care of like mediation proceedings, actually we are reforming some basic training regarding mediation but Kerala Academy is providing 40 above modules compulsorily for all trainee officers which is a good thing which can be adopted by us also because our chief is very particular about the mediation then legal services Act is important to them so that they can play vital role when they become officers. Then Sir, this West Bengal Officer informed that the physical exercise like yoga, health programs and the

personal, indoor games should also be included in the curriculum so that it can be relaxing factor for the officers and this personal income tax management program is also given by the Kerala academy so that they can manage their income tax issue. We are taking care of treasury court, finance court but not this income tax issue then regarding skill management I think the website or webcast, in the academy as a institute we can take up the website, and design the website in such manner that any officer of the state can contact us for any query and we can be in position to guide them properly. We are having the plan still it is not executed but I feel that it is for the academy to take up the issue an academy site so that it will be more authentic to follow. So these are the issues Sir. No guidance but e have to actually discuss this issue..... and they have to mention in the judgment also as per the direction of the academy, we have that's Sir is very negative remark. Sir our faculty member said that this negative aspect is there and taking up the issue but we can guide, we are guiding in the academy sir. Whenever the batch comes we ask their all queries and we clarify by the time they go out. That's what we do. Only we can guide them where to look at. Thank you Sir for giving me this opportunity. And I request my team mates to add anything if I have missed anything.

Participant: I represent on behalf of group number 3 and basically I will discuss our old methodology and old curriculum and one thing that we have common regarding in methodology in Tamil Nadu, Andhra Pradesh and Uttar Pradesh is at the moment they get observed induction training after completion of 2 months induction training, we put them in the courts individually and they have to handle the courts, appreciate the evidence and they act as civil judge. In Delhi academy they follow that don't given an any independent and they are attached to the courts basically only after the completion of the training they are given charge. So we thought it to be fir since we have our own limitations when we place the independently in courts some sensitive issues will creep in and it would not possible for him to pass those issues and by that way litigants will suffer. And therefore adopting the methodology adopted by the Delhi in academy, we also thought that we will follow that on in new curriculum so the period of training in some year and it is divided into 6 months of institutional training and 6 months of other court attachment including field visits, that is for 6 months and regarding the contents of the judging we have.....having the substantial laws and procedural laws, it comes under institutional training so we impart them with constitutional training and all other substantive laws. I am not going very exhaustive but all the

relevant laws, substantive laws including the procedural laws are being taught in the institutional training and that comes under the part of the contents of judging. And that includes also the local laws peculiar to the state and peculiar to the particular areas even in a single state there are some areas which follow some particular rules and regulations so we also follow these and concentrate on it. And regarding the craft of judging, here I being exhaustive and we have included court crafts it includes communication skills and art of writing judgment and we mean to improvise their language also and apart from that it forms part of ethics. For ethics we have given a broad heading since we don't go into detail but we'll deal with it ethics though we have given ethics as a heading but we deal with ethics in very intricate manner. It includes everything, every part of it, including the manner which is to be conducted when it is conduct in the court, outside the court, with peer groups, with superiors, with staff, how he behave in public, social gathering everything comes under the broad heading of ethics and one other thing is we teach them appreciation of evidence. How he has to appreciate evidences, how he is to deal with vulnerable witnesses like child witnesses or victims of sexual harassment offences and it also deals with recording of dying declaration and other procedural aspect also and it includes court management. Court management is again a broad heading, we have sub divided it, it includes time management and case flow management. How to eradicate the delay, how to avoid delay and sentencing policy that is very much important. We have made stress on it and yes, NGOs are recommended we have given concentration on the ADR methodology also, legal literacy as well as Legal Service Authority, ADR. We have given special slot for specialized area and particularly regarding the rectification parade that is where Magistrates are lacking or we also concentrate on that particular area and apart from that we give practical training simulation exercise of judgment writing so we give them the facts and they have to frame issues in civil cases, they have to frame charges in criminal cases and they have to write judgment. This comes as a part of institutional training also. So their judgments will be assessed by the academicians, correction will be made and they will be individually appreciated where they have been found tuned like that is very important that constitutes the larger part of the institutional training and another thing is handling bail applications and interim orders that is very important. We thought it need special mentioning apart from judgment writing we also train them how to deal with interim and urgent matters, that is a vulnerable area where they slip. So we have made concentration on that also, and special area is

how to frame issues because that forms very corepart of judgment writing when wrong issues are framed or wrong charges are framed the anti- judgement goes out so we concentrate on that also and coming to the context of judging we give them exposure to the realities of what is rural life and what is the culture in specific area. In every state languages differ, like a person from urban area will not be able to understand what a witness from rural or tribal area is saying and if particular person even knows and can't understand the evidence, the moment he transferred the other person will come and he will not be able to understand and appreciate what a particular word means then he will be easily misguide or mis- directed so we impact on that also. We make them conversant with such special dialects of that special area and their special language so that they can understand that in such a way that they cannot be misinterpreted and may not be mis- guided and apart from that we give them specific guidance related to environmental laws and gender issues and gender sensitization and apart from that we give impact on human rights again this is a very broad area but again we deal it with very delicately and understanding the social and cultural environment of the local areas again, this gives sensitization how to handle the witnesses and the victims including the accused or the person whom is coming before the court and we teach them that the witnesses is not at the disposal of the court but the court must treat him as an invitee, he is there to help the court. The attitudinal change must be there unless the magistrates and the civil judges are trained and educated how to behave and how to treat a witness, he will not that have mood of help and patience so we will also teach them patience and regarding the methodology of teaching as yesterday we have followed the old method of lectures with interactive session, workshops and seminars and in seminars we make the participants to make presentation. We give them topics, they have to evolve the presentation, they can deal with the subjects in depth and they can come out with innovative idea and new other perspectives, mock trials, questionnaire methods, field visits doesn't mean we go and enter the office or enter the place and see it as if it is a museum and come back. We will make them to interview for example if they go to the jail they have to interview there the inmates like for what wrong he has been there, what is the idea and let them know what happenings inside the jail is. Interviewing the jailor, inmates and know the perspectives of the jailors also, all their controls. We will have different views and the basic institutional basics like forensic departments and other academies. How to handle the cases, police and other academies, it includes every institution except judicial institutions and role play also coming to the court and

know administrative and service conditions. We give them a basic principles of public administration and deal with treasury court and financial court which is very specific to very particular states and fundamental roles that are very important. They must know they are going to handle the staff, sub- ordinate to them and they are sub- ordinate to their superiors also so we thought it fir that they have fundamental and basic knowledge about the service conditions also. Service Conduct Rules, again this is something which is very important , that is where they slip and any mistake they commit will reflect upon their future so as we said it yesterday that we are molding them for their future so it become very important that unless a person is very comfortable and confident in his own conduct and in his own subjects, he can feel very confident and can deal with the court and other aspects effectively and disciplinary rules and procedures are very important, we give them training for particular, in handling the disciplinary areas. Then there have to undertake the queries and decide against the staff and judicial services. In Tamil Nadu there is no separate rules but we follow the.....but in Delhi and other states there are probably separate Acts for service rules and another thing is management of their financial resources, that is very important because any mismanagement in finance may lead into some stress and that he may vulnerable so that is very important and another thing I learnt from my Andhra friend is that they also teach them how to manages their taxes, that is very interesting so that we don't have.....in Tamil Nadu we don't do that but we will also evolve it. This is very interesting and very important and another thing is very, very important is handling, reserving and destructing the court records, we dedicate a special session it depends upon the reception, duration and duration is not fixed yet, it depends on the way we make them understand unless we make them understand there is no purpose in fixing it in one session or 2 session of 1 hour or 2 hours or 3 hours so that's why the duration is flexible and another thing is about the administrative records also. Official notice, how to address the official notes to superiors and drafting of official communication, that particular training is also been done. And this is what we have evolved into the new curriculum Sir. Thank you very much.

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Participant: In sensitizing the gender as Prof. Mohan Gopal said that the Bindi exercise...

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Participant: We also make them to participate in cultural events, so we also encourage their skills like acting, singing so that they will feel free and refreshed. No sir we play movies and other things.

Prof. Ved Kumari: Whether there should be? Can a woman judge go on a beach and just enjoy her or whether she has to be you know, Prathibha Patil former president went to the beach in full saree. Is that the only way? You know these are certain things, in the gender aspects should also brought out like how do you respond to a woman judge who has gone on vacation with her family and on or honeymoon with her husband and just e herself. Whether this is objectionable because she is a judge?

....

Participant: No, no I am aware of the two judges who were on holiday, and these are men I am talking about. They were in their bermudas shorts and which is perfectly fine when you are on beach but then unfortunately for judges when they came back on ferry, they were senior district judges high court at that point of time so when they came back the district judge has organized a formal receiving party, and they were received in their bermudas shorts and they felt very awkward and therefore somewhere the privacy of judges should be respected in somewhere in your protocols also. They set a protocol and there officers in proper suits receiving them and they were there in bermudas shorts and they don't know what to do now. These are very small things but very important as a part of personal life. Another point I wanted to make was that which experienced in the Delhi Judicial Academy, we send the judges in villages for programs and we also had gone on another trip and we took them to mental hospital you know, the residential institution and in both places we found that unless we do a proper d- brief the judges came back with what they have observed and when they came back from Kanpur villages, 11 villages were there and I have been talking a lot about of gender issues with them and they all came and saying everybody is gender equal in these 11 villages in Kanpur. That was there field work experience and I wasn't there so I could not do about it but I had word with the officer who accompanied these young officers to the villages should have de- briefed about what they are observing and what are the hidden things which have been happening and which are the apparent thing which are happening so it was

nothing there so they came back saying that we are not crap, this is all there is no gender inequality in the 11 villages we went to in Kanpur. And when they went to mental hospital, they came back and in de-brief session they came up with, you know before we were little hesitant in sending people to mental hospital but we knew the conditions now are so good that we will have no problem in sending people there, so this isn't our objective was , our objective was to understand the situation, whenever any field visit happens, have a de-brief on that visit and gathering the impressions and supplying the impressions which are very essential.

.....

Participant: One of the point that struck me you know that she said that I felt that as if I am no different, identifying that she has the same set of problems that the person is having to whom she was talking to..

Prof. Ved Kumari: when they went to the field people came up with , you were also talking about that when they go to the areas villages who got issues of access to justice , they share the problems because now the officers which are coming from and are part of the State Commission and coming from the judiciary even though they are there to learn but they expect a relief that becomes a very difficult thing and despite our very strong communication with our officers that you are not going to assure them anything they ended up assuring and that was a moral dilemma that they are certainly powerful, they are there and representing their state and all these people are voicing their concerns about the judicial system and they kind of say no, no we'll talk to the collector and, I mean they just couldn't help it and I think that's another dilemma of field work exposure that when you go in to the academy there will be expectations from community as well and it's not like that I will go there only to learn and I will give nothing in return. Yeah certainly, therefore in organizing we have to do a little follow up that if something crucial has come to at least voice he or carry that concern to the officers must be done that's how responsibility by doing the field activity. Another thing is about dialects, you are talking about dialects I have come across the situations where the same language but set of words is not used by everyone and those words are used differently and we have our Delhi High Court judgment in which the witness has said in a rape case where the witness in Hindi, everybody spoke in Hindi in Delhi and the child witness said - "Isne mere saath

galat kaam kiya (he did a bad thing to me)". Then the judge asked 'kya galat kaam kiya (What bad thing?)' and the witness said jo pati- patni raat ko karte hai (the thing that husband and wife does in night), this is the statement and the accused had been acquitted, the person was acquitted because it is the requirement of rape law that there must be penetration and this thing doesn't cover it because pati- patni (husband and wife) do a lot of things apart from sexual intercourse. So this is the example where in the same language mean different things to different economic and education background of people so I think we should certainly look into that aspect as well that who are the people who are going to be your litigants before or maybe their language. I may be the same language but with a different expression being used. Another thing that I thought is self learning that I had is identifying our own biases and judges and we had already, what is that called it is self psycho analysis. He asked the judges to present few of things on the board and they says reflect, identify what is your feeling regarding this one and what is your thought and they debate pursuant to that should judges be in touch with their feelings or because the judges are supposed to be impartial from whatever is being represented. You should not be getting affected emotionally and lot of judges are saying that we don't want to be touch about the feelings because then I may be getting sympathetic to this person, while the exercise was not about getting sympathetic to the person, the exercise was focused on that unless I identify that I have a soft corner there, I have a positive or negative feeling there I cannot keep my bias aside. I think addressing our own biases must be integral to this induction level because you said that there will be 2 one coming from the people and the other coming from the lawyer. I think both of them require special, converting a lawyer to judge is also very difficult task.

Participant: When we talked, we discuss but actually we had different opinions but later we agreed that if we segregate this officers from the same batch, it will be creating a ridges though customizing the training is necessary but within the whole period we can address specially, we can have the refresher courses later and once the induction training starts and we segregate them into one having the experience and others with no experience, it will create some problems and they may have misunderstanding with each other and that will cause groupism and it will be lifelong

till they end their service. That discrimination will be there so our groups said that this is not advisable and customized can be done in manner.

Participant: Usually you can go for counseling

Participant: Yes, counseling is there.

Participant: If they are not segregated they can learn from their colleague also because they are having experience that may also enlighten these people.

Participant: Yes, yes of course

Prof. M.C Sharma: What have spoken about by honorable judge and Prof. Ved Kumari I compliment both of you for presenting very concised and very focused report. When you were talking of context of judges and what I have got maybe I am absolutely wrong what Dr. Ved Kumari was telling and what honorable judges are telling is to be addressed largely in the context of judging that will automatically will get connected to craft of judges because you know this kind of question which is arised of biases, appreciating of their own biases, interpreting of their own biases. No, no, no and connecting them to constitutional biases, constitutional obligation, constitutional morality and then deciding the case is a very ...and the context craft and what we are looking here, maybe I am absolutely wrong but I hope I am not what we are doing here is we are taking these examples but taking these examples we want to create certain teaching modules, certain training modules and therefore what is coming around the table are these where each academy is drafting its own curriculum, drafting own syllabus and when NJA is doing in fact we are doing a huge agenda before them that what will come like that when you were talking of context of judging, you have to deal with a question that how do I, I don't like training work, this is very feudal word, orientation is more feudal but what kind of discourses should be built with those who are going to be inducted, that how should they will be sensitive about their own, sensitivity of their own language. How sensitive their own language could be when they are dealing with the constitutional values and its not only the question of Junior Division Officer, in fact constitutional spirit runs all through therefore it is very, very important whether you talk to a woman or you go to Bundelkhand and whether she says pati aur patni now that is in context of judging, the context

is there that you have got somebody as a witness, what is his/her background and how her background is translated into your craftsmanship, your understanding, your interpretation and your interpretation that cannot be said to be illegal. That is the course; those are the modules which need to be developed. I think Dr. Oberoi this is a huge task because what happens at emotional level, ideological level I may generate 200 examples and there is issue but question is how you prepare a module and then what will happen all these training programs, we will only run into some emotional discussion, some ideological discussions, and some pre- fix notions. I think that are some of the notions that I want you to make right here because some norms of civility is necessary right here since morning may be in our general discussion we have used certain terms and certain words, which we need to assess that how sensitive they are to sensitizes which may be articulated. I think that is very difficult...sorry I apologize for creating this...

Participant: I am speaking for the 4th group. In this 4th group we have officers from Bihar Judicial Academy, I am from Jharkhand and we have officers from Tamil Nadu, Chhattisgarh, Gujarat, and Orissa. The first thing is what should be the duration of the training. So in our discussion it came up that S.P Gupta case is very relevant at this point that academy training should be for 8 months and field training is four months although informally we came to now that the practice as it is in some states that power is wasted in last leg of training but when it is a curriculum which is being developed by national judicial academy then it can be only be in consonance with the judgment of the honorable apex court. So the first thing is that we can have this training module is to spend for one year of course in Orissa they have a training module for inductees for 2 years but as my brother colleague is not vet happy with that, he so wanted that it can be reduced to 1 year but it is going on there. Now coming to this one year training program as far as academic part is concerned, Prof. Sharma has said regarding the craft of judging, yesterday also as Dr. Gopal , taking a cue from him he said that you cannot have successful program unless you identify the goals of training, what is to be the goal of training. Taking a cue from him, he said that the the first task of an induction training should be to mould a person who has come from a legal profession from the colleges to being a judge. It was a very good presentation from IMA, basic qualities as my Lord Justice Chavan said that regarding etiquettes and another things that are so at the first leg of the training

the emphasis is to be that some form of discipline is to be enforced, some form of if we say because decision making is a very complex process. So that is the first leg we can focus on body, mind and heart of inductees, when we called about mind and body, basic fitness is necessary. On behalf of my group we have proposed that 2 km jogging should be made compulsory and yoga is not sufficient, it is written in our manual also because they have to endure the stress so the physical fitness part is there. The second part is about their mental training of being an judge to mind part starts from the learning and reconditioning because everybody come from different social background and have their own biases therefore we should focus on this because if he carries his biases then his judgments may be affected by that so this reconditioning process and that this identity, yesterday also I referred to that for any constitutional democracy a citizen can have only one identity that is of citizens. He can't have, we cannot afford to have multiple identities that should be the center of the identity in fact we have even use this line that I think citizenship, duties of an officer and role keeps on changing, yesterday he was a lawyer, today he is a judge tomorrow he will retire but basically he has to be a citizen first and foremost and when we please one has its own conscience then his thinking process may completely get changed because that's what Prof. Gopal yesterday said in his inevitable style in IMA they are taught that country comes first then the people who they command and at the last come their own individual self so these values have to be somewhere inculcate by way training that is the goal, what are the methods that can be deliberated, for that we can have interactive sessions with those who can speak about that and inculcate higher values. Apart from that come very interesting suggestions came normally when we talk we think only of reading books. Let us branch out autobiography of great man like Mahatma Gandhi, Helen Keller and there are plenty of that. They have to be reading, this should be the part of the curriculum it is not because... I came from Hindi belt so I think if a person hasn't read Premchand then...the taste for these things should be inculcated in them as for training modules are concerned, very good suggestions came from Patna also, during field training what they are doing, they are making the officers to sit with the judges but what extra step they are taking, they are recording the evidence on behalf of, on dictation of the judge. They are writing orders on the dictation of the judge, so this helps in, we have a feeling that if this a practice then we can actually join the court, they will not have that inhibition in writing judgments and orders because they have done this already in training period. This is something more that can be imbibed

and nothing special the points that have been made by my previous speakers. We agree with that.
Thank you

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Prof. M.C Sharma: I must compliment about the fantastic report you read and the way you represent it. I don't have much add on to what my colleague has said except few points one when you are talking of assigning reading not of law but about law like biographies, one very strong reading which I would recommend, you may find it very useless, it is a play written by Kafka 'The Trial' and when I was vice chancellor of National Law University.

....

I made two readings of Kafka and never made anything compulsory but Kafka. See it is about delay, laziness, arrogance and talk about judicial power and justice administration system is very reflected in Kafka and painfully reflected in Kafka and secondly when you people were talking about jogging and all these exercises, my bad luck I have never have the pleasures of this in my life. I have to start my day early in the morning and I will never get finished before 11 in the night so I have never had this privilege then came my health issues so this thing you all are talking about is very, very important. And one more reading that I will suggest is the Monk who sold his Ferrari. Now second suggestion that I want to give is that it is not only the questioning, I don't know how you deal when you are preparing the modules. See my opinions that I have you have already discussed, we can talk all these things but how to give them theoretical framework, how to give them a discourse which is objective oriented could be achieved and therefore when you are talking of unlearning, please also come out with certain techniques how do you unlearn because you know learning is still easier, for learning you can create modules, you can create sources but for unlearning, de learning, deconstruction and after deconstruction, a creative construction. You know unless you do that I doubt you know the real purpose it's very difficult and I hope and I wish, Joyti has done wonderful program and I must congratulate and compliment you, organize a small workshop or let any of these judicial academy organize this workshop where they should only talk of art of unlearning, skills of unlearning, skills of deconstruction and then skill of constructing what space has been vacated by deconstruction. You know I am not talking that it

must be but I am making concrete suggestions for you for you that you hold a workshop and where you, it's not necessary that you invite 50 people, you may invite just 10 people but you have that professional input that how to do deconstruction of mind, anything we have to deconstruct like what he said judge walking, do you want to follow it today because you are bound by unit system. In one month how many units, you have produced? Your promotion, your demotion therefore you know those things are very, very important that how do you unlearn your own biases, how do you unlearn your practices which may not suit of the discipline of being a judge and third thing which I think is the core and I must confess, I don't know how to come out with that but I always believe raising a question is half way to find an answer and what is that, please allow me as I already told you I am very mundane I call myself a senior student and not a teacher also judges take great pride and I am not in contradiction with it because it's a very great function they do. They take great pride in judging and I have important piece of sovereignty of which I am the master, I decide absolutely right, nobody can object to it. There are few judges who celebrate their judging, there are few judges who boast about judging and there are few judges who look into authoritarian aspect of judging, each one is fine. I accept all, I request one small thing and that's where my question is, I can't find the answer, you have to find the answer only from the trainee judges and question is how do you drive the satisfaction from the job of judging. If I may remain frustrated and remain unhappy never ever expect me to be my best and use my potential to optimal and therefore job satisfaction, please mark job satisfaction the satisfaction interns of deciding decision making, that has to be there, unless you somehow inculcate that and there are some theories available in Psychology, Sociology, Behavioral Sciences and in the Sciences of Judicial Behavior particularly ...I am forgetting because I haven't any opportunity to access them so preparing this curriculum highlight this because if you really want to prepare a modernize curriculum, everybody talk about medical sciences, forensic sciences we will also talk at some point of time but these are basic things which we shall start unless we do that I don't think the curriculum would rise to that level as honorable judge would have...

Participant: I have something to....

....

Participant: One more thing I want to add is that as many women officers are coming after completing their education and they may marry and they may conceive so the one year program should be extended to two year because 6 months to the academy and 6 months to the bench and again 6 months here , if they are on maternity leave and that period is going to 2 years but there are no facilities near the academies or High Courts to care that children and in some academies they are not allowing the parents or somebody to take care of children. This aspect has to be taken care, there is no facility in our High Courts also because when women employees are coming up, small example my stenographer she is very good, she went on maternity leave for six months, after six months she came and said that she is ready to come to the court but nobody is there to take of my child so I am again going to take leave for another 6 months. I cannot say no to her but if there have been any crèche facility near the Court. 2 years are there for only for central government jobs and for state.

Prof. Ved Kumari: I am very charged and two things I wanted to put on the table for you consideration which I also learnt it from you judges only, once a judge said that there are two kind of judges one kind of judges think that they are poppers unless the law has given them the power they can't exercise any power and the other kind of judges believe they are king unless the law has put an restriction to their power they can do it. Now this is something that we should discuss about, what kind of judges we want. we want popper kind of judges or king type of judges so that was very interesting to learn and other thing is that we have all been talking about is that you know whether the judge has the right kind of attitude, we are talking about the IMA, at the end of IMA you have to give a test but in the academy we don't have anything like this. At the end of year we may come to know that this person is not suitable for the job but we cannot do anything.

...

Participant: Discharge

Prof. Ved Kumari: Okay. I did not have exposure to that because at that time there were couple officers but I was told that we cannot do anything about that but it's good if they have something on it. Another thing is about this crèche I got huge, huge issues about that if you are a women judge, I mean they are breast- feeding children they are talking about they are talking about older

children so why it should not be shared by the couple, why should not men also given this facility so that two of them can decide. Why patriarchal approach only those women only so why he should men not take the responsibility, what happens to their experience, what happens to their promotions. This woman take 4 years off she loses her seniority but in the actual selection she was not there visible. So certainly we cannot say that till the age of 18, only the woman has the responsibility of taking care of children. I mean why the crèche should not be there for all people so that the women are not single out, men should also take the responsibility of children. It should not at all be considered, it will be huge women issues where we say that women are actually taking care so we will give them the responsibility. Why? Now when a law says you are responsible for the responsibility of children, you mean men or women.

Prof. M.C Sharma: It is not only mother, maternity leave is for mother but the child care leave which we have that is talking about parents

Participant: No, no, no it is talking about...

Prof. M.C Sharma: I'll tell you why I have taken...see when we say paternity leave what does it mean...that's what you know. See I told you again and again my concern is very different, we are generating and sharing our frustration and anguish around the table. What is important for this group to look is how that anguish and how that frustration should informed the content of the judging, the context of judging and craft of judging, that is the whole idea of this whole curriculum and a word that is used and she also brought is very important that unless you start process of because what is this all, this is stereo, this is a stereo which is in my mind right? Whether I am holding a judicial authority or whether I am holding a legislative power or I am holding bureaucratic power. I have certain stereo in my mind which not only I share even the others share it equally that there is like care is only her job you know when it comes to parenting you please to find out because I did some study on that, I don't want to disclose in the beginning. When I you are talking about the parenting 92.86% time whenever the child care leave is taken, it is taken by the mother and out of that 39% are working women and now my question is that don't you think her professional growth suffers, don't you think her exposure suffers, don't you think again we are creating a hierarchies of different kind of experiences, privileges, to one and cost imposing

responsibilities to other. I think that kind of unlearning, you know how beautiful you support there are certain judges because they have no restriction they got freedom. Now this anguish, this frustration many time must be used otherwise how could Vishaka could have been written because space was there, restriction was not here and therefore comes innovation and don't think that it does not resided the low level. My only last request is because mine is very I think second time in this academy, I was never a privileged person to have been invited here and thanks to you for that therefore I keep making request, my request is to chalk out whatever curriculum more important than your curriculum will be the training of the trainer unfortunately whether biases, whether values, whether communication, whether skill, whether craftsperson ship, whether appreciation of law and non appreciation of law. This all cannot be taught by a person who himself is not fully trained in this. For example country's education is suffering why because the teacher neither derive satisfaction nor they have confidence nor they take pride and nor they are trained. Therefore have shorter programs there is no big loss, loss will be caused if you give away ambitious agenda and then nobody is there to translate that agenda that will bring dis- creditability, that will bring frustration, that will all conduct impact I think that is crucial therefore my strong request is to please a note of a requirement of a good trainer what are the characteristics this trainer should have, what are the qualifications this trainer should have, if he himself is not a good listener if he himself does not know how to build dialogue, monologue and still remain stuck to the objective I don't think he can do the kind of training he is talking of, you know when you told me something I don't know if I should share because some civility is required what I fortunately I come from discipline. These feudal tendencies which every judge in public condenses but most of the judges are supposed not to forget. I think this is the major cause you cannot give the training because the trainer must first of all come to that level should refuse to believe in hierarchy like see he is sitting like one of us you have all the freedom talk to him. What she told me in the morning I can't share, what she told men in the morning I am not able to come out of that I don't want to tell you all at first but I am still very sad about that incident. So I very strongly plead to write a paragraph about what kind of trainers you required to engage in your academy. What kind of leadership you think is needed to run the own academies? Create a separate bench and choose judges who are competent to that what I'll be doing , stratification, classification in the area of marketization, economization

what we are saying these are the privileged judges now there is a big problem, what do you say, see the trainers what he would like to train.

Prof. Ved Kumari: I want to say few things because I did hear why are we talking about crèche, child and I do want to respond to that, this whole context came into because there are women judges in the academy during their training programs and this aspect is something certainly need to be focused at if is said that their concern is not the part of the academy planning and another thing which also came very prominently that when I am saying judge. Am I a woman judge or male judge or just a judge? What is the exact position here? And my colleagues at that pint of time, to start with when I came to the academy, judges do not have a gender and we have a very difficult time in convincing the judges that you do have a gender. To say that judges do not have a gender is to be blind to something which is a fact and look at a legal system, you say you have a family court; they put a woman judge there, why? If a judge does not have a gender then why to put her in a family court. Why? You have a gender and if you don't recognize that you have a gender then you are not clear about your position. What is it that makes a judge, a woman judge or a man judge? I think that's something which must be a dealt with sensitivity. Any judge can be a woman judge or a man judge depends upon your ideologies is and unless we actually recognize that if I say I am a judge and I don't have a gender then what about the clients. My colleague at a time did say in fact we were having a discussion that I have not thought about it but when I was dealing with a family matter I was harsher because a woman was asking for relief because she in her life was making lot of compromises and she was judging her on the basis of her sacrifices and her own family life, certainly our experiences do get translated when we are dealing with other people and unless we start recognizing that we have a gender, we have a class, we have a background and I need to keep it aside then only then I can talk about something else so I think it's very important that we talk about such others. Now we have third recognized, until now we don't have any third recognized but soon we will and as we get one unless we start talking about it. Delhi had a very tough time in holding my first session on Naaz Foundation Case given by Delhi HC. These topics are not main, why they are not main, why the issues of minority are not main stream, why the issues related to gender are not main stream?

Participant: See just now we had some very practical application, which can be included in our academies. Whenever a judge stress on obiter dicta, just now we saw what happens. Had I not broken yesterday's injunction I would not have received this so judges should not stray outside the issue which is before them .So this is the lesson we just learned before we break for lunch. We have not had our lunch.

We come back at 2:50 pm

SESSION 8: ETHICS TRAINING

I feel that everybody has received the letter by C. K Rajonia on behalf of the Chief Justice of India.

...

Participant: In our state what is the position, they have stopped. They have appointed the protocol officers in every district and when the judges visit in the districts for any reason whatsoever. Judges are not expected to leave their work ant to visit the honorable judge, this strictly

Participant: That is there everywhere,

Participant: Even if it is Sunday, the judge is calling to and the judge wishes to...it is only on paper everywhere

Participant: Yes, exactly that's what I am trying to say.

Participant: No, in Bihar district we strictly follow this

Participant: Did he informed you that he is not leaving in the evening also

Participant: No one leaves their desk actually

...

WORKSHOP ON NEED TO REVISIT CURRICULUM DEVELOPED IN 2003

Participant: When it is holiday,... the officers posted there are bound to go otherwise an adverse inference will be drawn, what I am saying that is a real thing. There is a big circular letter in my state.

Participant: On Sunday and holidays are visiting your place as it is a tourist place. So all of judges are supposed to go?

Participant: Not all officers

Participant: When District Judge, Chief Judicial Magistrate and Judge In charge as maximum

...

Participant: Yes, the CJM of Haridwar is only doing Protocol duties; I belong to that State that's why I know

Participant: They are supposed to be on holidays and not on any official work and therefore not all the officers

Participant: That was the circular that was issued by Apex Court

...

Participant: Sir the contention is

Participant: Better to teach them to be diplomatic.

Participant: The contention is when we are training the judges, they must know how to honor the judges, how to deal with them, how to assist them and how to accompany them

Participant: Also they should know how much distance have to be maintained, what to ask and what not to ask. Many people try to become during the duty try to be blue eyed girls and boys and we can't take action against the judicial officers because of doing protocol duties, suddenly

he or she becomes the quite favorite child of senior administrative judge. We have to tell magistrate

Participant: Then tell them to don't go

Participant: Then they will lose their jobs and who will be responsible for that

Participant: Ma'am tell me one thing how will the academy will tell the officers to do something which is against the circular issued by the apex court

Prof. Ved Kumari: There are so many procedures which are there which you do not follow

Participant: That is why Ma'am is saying to be diplomatic, it is better to

Prof. Ved Kumari: As teacher you are supposed to groom children

Participant: As teacher if we don't teach them practical and teach them only theory then

Participant: No if we show it in curriculum then it will go against the circular

Participant: No, no, no not necessarily because in protocol you can be teaching how much distance you have to maintain, what are the issues that you should not ask, asking favor. It also comes under the ethics part.

Participant: Let us formulate a protocol training and let us say that first don't go and see the judge during court hours, second don't make any purchases for the judge, three make the judges pay for their stay in the circuit houses, don't allow them to go before they pay the bills, fourth don't go shopping with them and don't pay bills for them. It is...

Prof. M.C Sharma: I feel only NJA can formulate such directives

Prof. Ved Kumari: When I come to NJA, I am entitled to concession I am not a judge so NJA is ready to have a tie- up with... to give concession with everybody who come to NJA because being the status of the guest. So we are saying that you know, a High Court judge will never say

that I am a High Court Judge but whoever is accompanying him will say that he is a High Court judge, so the concession will be given

Participant: The concession will be fine Ma'am

Prof. Ved Kumari: No,no, why the concession?

Participant: See, concession is given to all sorts of people. Okay? Forget that but payment, who is paying.

Participant: No, no, no at that moment the judge we are receiving will say that I have not brought money so you pay

Participant: Then they will say, I'll pay you back once we got back.

...

Participant: Protocol training in reference to there is a separate branch which functions in all the academies perhaps they must be having and this protocol branch handle lot of things, it handles the logistics for the resource person maybe and the other arrangements which required and they need to have knowledge that how do you coordinate with other institutions. I am not talking about taking them to the temple but also when they come to the academy

Participant: You can arrange something and ask them whether you are coming to the academy, when you will be at station and contact on this number and all

Participant: We are going to have a session from 12:00 pm to 1:00 pm on revising the curriculum for protocol training.

Participant: Not for judges.

Participants: For judges also

Participant: For the protocol officers

Participant: No, no, no not only for protocols officers but also for judges because judges do protocol duties.

Participant: Protocol is a professional job, which required some training.

Prof M.S Sharma: Can I give it a little twist because I am completely unfamiliar and I am not qualified to comment on this. My only story which goes back to my memories there was some Supreme Court Judge and his protocol demanded and the argument he gave was out of tradition that whenever a judge will walk, they will walk with 2 people on his left hand side and ultimately the judge faced the possibilities of getting... I don't know it's not very recent; I don't want to bring that, protocol thing you know I don't want. So you people may discuss but my impression Prof. Oberoi is that when you are talking of a protocol here, alright this protocol of shopping, stay, addressing all kind of thing. I can understand, you people are better qualified to talk about that but what about the protocol, you know you are becoming a judge, you are becoming a judicial officer, don't you owe certain protocol to the parties who are appearing before you, don't you have to follow a protocol or you call it discipline of being punctual, is this not a protocol because when Supreme Court Judge train will come and you as a protocol person will go in 20 min. in advance. You are only looking whether train is coming or train is not coming because you want to sound very punctual but what about when parties are there, is there not a protocol of being punctual. Is it not a protocol that you stick to a calendar as much as you can stick to the and therefore even if you are designing something on protocol please breaks it into sections? A section of the protocol may deal with the judiciary, a section of protocol should deal with these officers vis-a-vis, the public litigant, vis-a- vis member of the BAR. What kind of...no I am sorry you know I don't know how to put it, a judge coming in a jeans or what she said bermudas shorts and all but mind they were not in their court, they are enjoying their own freedom which they have constitutional right, that could be respected but what about a judge who goes in the court wearing jeans and therefore

Participant: I heard the Supreme Court judge say that it is a great achievement for me that yesterday I went cinema wearing jeans. So this achievement for a judge.

Prof. M.S Sharma: I said those are the questions of sensitivities, unlearning. I am telling you each word that is coming here goes so well into your curriculum. Give these as example and discuss about unlearning, deconstruction; forget that coming back to protocol. If you are really writing something on protocol it's not a easy affair because you owe protocol to many thing, you owe protocol to public litigants, you own protocol to the lawyers who are appearing before you, you owe protocol even to State which has appointed you. Right? Those protocols are as important as making their stay of you senior judge comfortable because what protocols you are talking about is only to ensure that they feel very comfortable and that they have the feel of the place where ever they want. If they gone to some Bundelkhand what kind of khaadi they can get, if they have gone Karnataka what kind of silk they can get. Who pays the bill? I don't know. I can understand that you talk about but please do not forget to talk about those protocols which are more important to the stake holders in the, I don't mind they have a course. They are preparing I am telling you Prof. Ved Kumari that very word which is spoken here will go on the curriculum because that is what, what you said context of judging, craft of judging, that will go in the craft and can they write in the craft that they will be going for shopping. You should understand their sensitivity also because those who will be coming to the academy to take the courses they too have a job and my idealism and your idealism should not unnecessary become too heavy and burden on them. Gradual shift they can do, and how they can do? That this vocabulary, this grammar itself of protocol being translated vis-a- vis only the higher authorities should also get supplemented with protocol. Now what should be in my protocol, judges after judges and I am not talking decade old even decade is not old but I am not talking of decade old tell a woman lawyer that what kind of dress should she wear when she is appear I think you all know what I am referring to when she is appearing before the bench. Now is that protocol, you are asking protocol from her bit is it the protocol of language you should follow. Even if you are unhappy, you can call her separately, you know every day you are giving in your judgment that it is bad, police impeaching what kind of dresses women should wear on the road, God what you are telling her and therefore protocol is a very wide term, it depend on you how do you interpret, what do you want to fill in there. I don't want to take out your liberty of writing all feudal protocol. You do it I don't have any problem but I have got certain protocol where protocol itself become sensitive to demand of justice.

Participant: We have to compromise now, we have to have a...

Participant: We have a protocol module, you are from Uttrakhand, are you in touch with Lal Bhadur Sahstri Academy?

Participant: No they don't cooperate.

Participant: No proper protocol is made for them.

Participant: It's absolutely right but you can go there and they have what a module on Shristachar, get it and circulate it.

Participant: We have IMA also

Participant: No. no forget military academy get it from the IAS academy and circulate it. IMA must be also having it, that is an elaborate instruction on who should sit on which side on the dinner table

Participant: But judges ka bhi toh hai, kya baat kar rahe hai Sir (But there is one for Judges also, what are you saying Sir?)

Participant: It has elaborate arrangements about dinner table, who should be serving, on what side and who should be sitting etc, etc. All these things are there, this is protocol. Therefore there are some content in the protocol module now one of the instruction there is that no lady would stand up or rise when anyone senior enters except President of India and Governor of State. Do we follow it? When a judges comes even your wife have to stand up isn't it? Wives don't have to stand up, they can remain seated, circulate it so that you can have some content in protocol and if you want one more story which is I am taking, somebody will recall it and you put it in your protocol Justice Vivian Bose was Chief Justice of Nagpur for sometime and he went for inspection and District Judge was M.R Khan who later become High Court Judge. M.R Khan brought before Justice Vivian Bose some special fresh water fish from Nagpur at the dinner in order to serve to Justice Vivian, he got that fish from Nagpur, by having dinner Vivian Bose asked did you get this fish in this district and he said that no Sir I have specially sent

someone to Nagpur and got it for you. Vivian Bose on hearing this, took out 15 rupees and gave it to judge and said call him and give it to him, you should have not done that. This is Vivian Bose so put this in protocol, put this story in protocol module. We had this tradition that no doesn't spend for judges. Justice Lahoti said kutta fund, somebody said I'll pay he said no need it will come out from Kutta fund, the judge blurted out kutta fund. This judge asked what is this kutta fund so he explained that every month we contribute for this kind of expenditure so do you want to make our superiors, having meals from their kutta fund. This is not the protocol, inviting judge for dinner is another thing, paying for dinner in circuit house is also another issue. Judge came for dinner at your home is no issue. SO SOME GOOD content don't give specific instructions because our giving instructions will sanctify the practice which is bad which has to be curbed just as we are not afraid of our lawyers and witnesses, we should not afraid of all these things. If we really want to clean the things then the cleaning should be like, if you allow cobweb in one corner and clean the whole room then what is the use cobwebs are still there, it's a question of purity of yourself if at one corner of your mind this dirt is there the what is the point. Just think of this, consequences, see nothing happens I have been repeating this many time, the average age of administrative committee is 6 months even if the judge is angry and he say that he will do this and do that and it is not necessary that the Chief Justice may get agree to that. Even if he agrees it is not necessary that you will get any punishment, nothing happens.

Participant: I have some different views for example in regional conferences some states people come and many Supreme Court Judges also come, now I am telling you, this very practical thing I am telling you so I remember in Shimla and all the Magistrates came and said we want to meet Supreme Court judges and we want to take photographs clicked and we want to them our problems, we want to tell them problems we are facing in our states. That were from Punjab, Haryana, Uttar Pradesh, Uttrakhand, Delhi but the problem is that those 6 judges were not ready to meet them. My problem is that if you have any problem in your district then you don't directly jump to Supreme Court Judges and told them that these are my problems and when I am talking about the protocol I am talking about this kind of protocol. I don't know what all of you tried to understand, suppose as a judge because we are supposed to like I have seen judges do go with judges for example there are duties even when we have retreats there were these all judicial officers who were posted over here, they were given certain duties that you take the judge if

suppose judge want to go out and all that so special liaisons officers or whatever they become now during that when judge is saying hello, from where you are?, how are you? Suddenly the person thinks that this is the only opportunity that I have and now let's catch it. This is what is going on this is why I am saying that yes in your training protocol should also be included saying that yes we have problem but it should not be that okay I got this moment and I must catch it now only. Now or never.

Participant: With the permission of the chair I was also like to say few things when I was newly inducted it was my first day at the court and we all know that in the civil court whenever there is a meeting the seniors sit in the first row then the next, then the next. It was my very first day and there is a meeting to be called and all of us like we were 30 of us. We did not know where to sit, we sat in between and some of us sat in the first row later on we were criticized that we don't know where to sit. So how I was supposed to know I was an one day young civil judge so when we talk about the protocol right, somebody should have told us.

Participant: Justice Ruma Pal told that she did not know that the CJI car goes first and then number wise your car goes. She said me and Justice S.N were new and we were very happy, some car came and we sat and we went away and next day we were given good thrashing. A Supreme Court Judge told me

Participant: Ma'am one question, in that retreat were the officers were asked to come in a particular dress

Participant: Yes

Participant: So lady officers wearing the same colour sarees?

Participant: No they were decently dressed

Participant: This has happened

Prof. M.C Sharma: No this happens I do agree that

Participant: In a place where some dignitary as speaking all lady officers were asked to come in a particular color of saree, are we creating waitresses, standing in the corridor like in a queue

Participant: Not only that many times it has been seen that they are asked to accompany the judges to the dais if this is protocol I must say that this should be abandoned and what I want to say as Lordship was saying protocol means internalization of good ideas and good traits into a judges. Do's and Don'ts should must know and the good traits must be internalized, this should be the protocol.

Participant: In sitting arrangements where were High Court judges then they had the academic then we have the judicial officers then we have Registrars and some office people with chairs, choice of chairs who will sit on what kin do of chair, you know in meeting, the Registrar will seat on that more comfortable chair so the degradation of chair depending upon your...

Participant: If we say point of precedence right from the level of Collector

Participant: It says at official function

Participant: If its official then it's okay but they expect it on personal level also

Participant: You know at personal visit where the question of protocol is anyway what I suggest is do a mix of

Prof. Ved Kumari: We are required a model to say that see this is the thing which should not be followed

Participant: We can do the mix of both the things, I will take you two instances of this protocol I was going for Jaipur conference from Patiala my daughter is staying there. I was to travel by road, the moment I cross Patiala there is place in Haryana so I was proceeding in a taxi, so somebody stop the car and one person came and said I am CJ of here, I said why are you here. He said your Lordship is passing so I said see first of all I am not judge of your High Court and I am passing on a private visit for a function in NJA and he was like no, no, Sir this a duty, that was a working day then he said the session judge and the district judge are waiting in the circuit

house I said I have no program of to visit circuit house. I have to reach Jaipur. No, no Sir they are waiting there so at circuit house we had tea etc then the district judge and SP was also there and they said that you should visit the local complex, it will take 5 min. only and see they took at least 2-3 hours of my time there. They also didn't do anything in those 2-3 hours. I was compelled to ask the young IAS officers that when do you do your own work, he said ADM does it. My work is only this. And once I went to Jaipur, the moment I enter their many High Court Judges were there at the airport. I asked what the problem they said CJI is coming today is. I said why all of you are here; they were looking at me with surprise because in Mumbai we don't have such type of thing. In Mumbai no judge goes to receive the judge but that is the thing followed here. Then a judge from North came to Mumbai High Court the Chief Justice, he said that CJI has to come, they said inform everyone to come to the airport, some of the judges were furious many came fuming. I was stuck in Mumbai traffic but this is the extent to which things are going which should not be and therefore at the beginning itself we should not be going. Don't waste your time and thereafter something happens let it happen what is there if you want to change the system, it will take some time. It will require some efforts. This is not only at the higher level but inspections at the Magistrate and District judges become very expensive for the Magistrates, first thing is in order to get leniency we have to take them to the temple, Dhoti is arranged and that must be expensive from there any place any place of visiting, from there we will go to guest room, there we have to arrange everything and from there at last to the court and there have to arrange some police people to salute and then we have to arrange guard of honor ant entrance and flowers

Ms. Geeta Oberoi: This is not in Kerala it is in every state.

Participant: No in Maharashtra we have stopped guard of honor

Participant: No, no Sir these things take place in our state

Participant: This is not general principle

Ms. Geeta Oberoi: But this is happening in almost all of the states

Participant: Somewhere even in Andhra guard of honor is given to High Court Judges only and prior to sunset only.

Participant: Topic got totally deviated I am telling you this is not the general principle with all the judges

Participant; There are exception and there are good judges and we have to prepare for both, the problem is with whom we should behave like this that's what become problem, we don't know with whom we should behave like that or with whom like that.

Ms. Geeta Oberoi; There are two sets of mind sets

Participant: Then in the protocol module should we not writing that this should be avoided or we want to perpetrate it and if we follow it, inspection notes will be very easy to get signed.

Participant: I worked under a ADJ who will follow protocol even in serving tea, he has to follow, the person who is serving the tea must serve first to the first additional judge then last person will be the newly inducted civil judge.

Participant: Include one more guy in that, that protocols demand that until everybody is served in the room nobody should sip tea or soft drink

Participant: I was denied stenographer for one year because I did not followed some protocol and I had to write the judgments in my own hand writing.

Prof. M.C Sharma: Dr. Oberoi, I may sound on wrong side individually speaking, personal speaking every word which has been spoken I endorse but please let us look the context and you know you can't avoid a context and then chalk out what you want to chalk out, more then 5 decades took my Lord and that's what I am saying that more than 5 decades took to the SC to realise what are the right protocol to address them any republicans. How many 50 ling years now at pen of stroke if you want to bend a revolution I am with you I endorse it but be careful it should not become counter-productive a tool of perpetuating a very different kind of feudalism therefore I still strongly believe there are two spaces for you one space for you is when you are talking of ethics take some of your talking there, condemn it there instead of bringing it here to use a space also to put protocol towards other also I think that way what will happen we will be able to strike fine, you would be able to express your anguish and frustration about what has been spoken here that you know hierarchy of , you know I think if I am not wrong somewhere you people have used a word skill of becoming a leader because judges are leader okay and then it goes in hierarchy that senior, junior judge. Now leadership should have some qualities and what are those qualities, not to practice feudalism otherwise how are u a leader, otherwise you

are a ruler, use that space when you are talking of that use that space when you are saying ethics and all that you know for place of worship. Now you asked me to take to place of worship and I am atheist then what happened and therefore I told you sitting SC judge I don't want to but you know all some Swami one of the charges against him for facing an impeachment was this and that he insisted upon this protocol and of buying that silver ace and when he was asked why do you introduced this he said no that is protocol I have been bought up when I was in Tamil Nadu and name is forget and name should be avoided and that is not important but again and again I say be careful to write your curriculum in a manner that it is appreciated, applaud and forget that if does not happen but it must be functional, otherwise what may happen it will be like some other charter. I don't know but that's what I think.

Participant: Let us wind up this discussion, we had enough of this. My request to you is that put which is legally permissible in the protocol module, don't add anything if you don't want to make change then don't make it no issues but at least don't teach these young officers. Its very very bad.

Prof. M.C Sharma: The protocol of language, you please mark only six-month order and no I have been doing some collection and I am not computer savvy so my resources are very limited so please mark the language which is being used from the bench. Sir I don't know are you conducting that course or not? Even yesterday one of the HC has said something and see that what they have said in the context of protocol you are talking I don't want to comment I simply request you to read today national newspaper, somewhere it is frontline news and somewhere on 2 or 3 language but you must mark the knowledge the court has used, probably what they are saying is right. I am telling you know when you talk about protocol you are talking of something big and don't lose that space of telling them what should be the protocol only because you are scared and therefore he is right, what they can legally don't mention that legally can't do but parallel tell them what is desirable and what is good and what are good practices. See I am talking of and I will be hauled by the judges, SC judges right from the bench I know why there is media, newspaper

...

Ms. Geeta Oberoi: Okay so I think we'll wind up today and somehow the protocol and ethics both got inter mixed so as I understand nither in 2003 nor in 2008 we have dealt with this subject and this is the first time so if you agree there should be a module on this then you can add into that and give it to us.

Participant: What we feel that it comes under the purview of judicial ethics only.

Participant: Why not discipline?

Ms. Geeta Oberoi: No, no the whole problem is that the discipline is too vast and protocol is only part of it, which actually, if you want to include it in discipline then do that.

Participant; using the word 'protocol' is dangerous actually

Participant: Hospitality

Ms. Geeta Oberoi: Yes hospitality, courtesy issues and

Participant: May I suggest something that we have already discussed it, let the matter withdraw

Ms. Geeta Oberoi: Lets' be practical also

Participant: We must be very careful reason is for every do and don'ts the academy is responsible.

Participant: Sir, am I permitted to share a small story which relates jurisprudence to protocol. Sir when I was child I used to see that on the day of Bhai dooj people used to make figures of Yam and Yami and at the end of the celebration they used to thrash on Yam and Yami. So I got totally confused and one day in LLM I was discussing with my Prof. and I raised this query and he discuss it with me and told me that this concept of Yam and Yami, why they are still punished by the society so what happened the first glimpse of law we find in Rig Veda that is in 10th Mandala of Rig Veda, there are so many conversations and one of the conversation is of Yam

and Yami hat is the 10th hymn of Rig Veda so what happened that the Yam and Yami they are brother and sister. They are son and daughter of Lord Sun and they were sitting in a garden and then Yami proposes to Yam for physical gratification to Yam asked three questions Yam asked whether it was prevalent in the society? Yami says no then Yam asked whether it is prevalent in the society, physical relationship between brother and sister? Yami says no then Yam ask is there any likelihood that it will be prevalent in the society tomorrow? Yami says no at all then Yam says it ought not to be meaning thereby what ought to be is law and obviously the set of norms which are set by the society by itself that is law so model code of conduct that is protocol, we are not supposed to say many things but ought to be there what ought to be done by the judge during the service and that is law also and see Yam was even the duty of adjudging the, Yam was privileged and he was rewarded and we say that we judges are at higher pedestal and even the Yam was not given pious job to adjudge the living being, he was given the duty to judge the soul and decide their fate, judges are given duty to judge the living being and decide their fate so this question I raised then it was explained by the professor and he explained in ancient Hindu Dharmshastra brothers and sisters when they attain the adulthood they were not permitted to sit alone so this was the concept. And yesterday Prof. Gopal was saying that Dharma is sattic law concept, I was little but confused and for me Dharma is a dynamic concept and it has got special and temporal dimension.

Ms. Geeta Oberoi: We end over here because I know yesterday you had a very long time so today I think it's time to say Goodbye at least for today and you can go to library and we will meet tomorrow. Also tea is there if anyone of you wants to. Tomorrow we are doing two sessions IT and skills and leadership, basically management skills.

Ms. Jane Schukoske: We will see what is this, so I just quickly point out that there is a lot of material publish since they relates to legal services authority related to 7 scheme, related to poverty elevation enforcement by..this text is old text and it does not have whole

Ms. Geeta Oberoi: Okay so we'll meet tomorrow. 9'o clock.

SESSION 9: COMPUTERIZATON OF SYSTEM

Ms. Geeta Oberoi: Movies to civil judge junior division.

Participant: Which one Ma'am? I think Ki and Ka, great movie.

Ms. Geeta Oberoi: Jungle book is also good.

Participant: We can have a film exhibition.

Ms. Geeta Oberoi: Ok Ki and Ka

Participant: Yeah it's a very good movie with a very nice social message. It's very comical and raising issues of a woman that how she is struggling in the society

...

Prof. M.C Sharma: The things we were talking about yesterday, books and movies. I strongly recommend a movie, have you watched the movie called Akrosh. I tell you entire criminal law, I think if Kafka is powerful Akrosh is no less than powerful. You remember when I was teaching your class I used to refer this Akrosh movie because in those days I used to watch movies and I took this fellow George to a cinema hall called Ribui to watch this movie and it was great.

Participant: You should start watching movies now also

Prof. M.C Sharma: No, in Delhi National Law University I organized a seminar on a movie called Brat, although I have not watched this movie. I have dissected it.

Participant: That's why you should start watching movies.

Prof. M.C Sharma: Now in Haryana we have another movie, some Army fellow, some sports guy I am forgetting the name who did not have the shoe and as a result

Participant: See this is my point you should watch movies more often

Ms. Geeta Oberoi: All the judges present here they went to see Talwar, all of them

Participant: The name of that movie is BhaagMilkhaBhaag

Prof. M.C Sharma: Yes, BhaagMilkhaBhaag

Ms. Geeta Oberoi: We had a High Court Judges program on the economic crimes, so we have this 20 High Court Judges and they said can you arrange see we want to see this movie Talwar and we said yes and all of them went to see this movie. So I think it's time that we also show because there are civil division judges are here at least with four- four months with us so we can show some cinema like ShyamBenegal without even thinking you can show.

Participant: Bol is there

Ms. Geeta Oberoi: Yeah we showed Bol, it is a Pakistani Movie and very strong movie specially if you are conducting the PCPNDT course I think this is the best movie, no amount of literature

can substitute for this movie Bol so sometime movie are shown because when we are doing like how people absorb, people can absorb through films which is another media. I think you should show films.

Prof. Ved Kumari: I think this an another teaching method by setting up a film and reflecting upon it and always chalk out some questions and keep that in mind while watching the movie and discuss before the screening and after the screening of the movie. I think and show movies related to court scenes

Ms. Geeta Oberoi: yes there is a movie called Court. Everybody must have seen that movie. Right? Court movie you all have seen. It went to Oscar.

Participants: Yes

Participant: Marathi?

Ms. Geeta Oberoi: It's a Marathi film.

...

Ms. Geeta Oberoi: So for our first session we come to this Computerization so this computerization of court system, court is missing system is there. See again 2003 and 2008 the whole system of e-committee at High Court level e- committee was not setup and now we are in the era of e-committee. E- Committee has already provide master trainers to each high court. 15 master trainer are for every High Court and here the question is how are you taking the help of those trainers and what is the relation between those master trainers and state judicial academy. You have to tell me.

Participant: Master trainer are helping in induction trainings

Ms. Geeta Oberoi: Okay so those master trainers are supposed to train. Right? In your case

Participant: Some of the officers in each district are calling them to the academy, now we are taking it at district level for officers and staff. It is the part of academy.

Participant: We are calling them to the academy and they are giving the training to all officers and also the staff as well.

Ms. Geeta Oberoi: So it is not part of but we are talking about induction course. Yeah I am talking about one year induction course when these people don't know anything about 121 and CIS. They are fresh law graduates.

Participant: It's already in the curriculum, it's part of the curriculum.

Participant: In induction also we evaluate the trainees..

Ms. Geeta Oberoi: How much SCC online

Participant: One week

Ms. Geeta Oberoi: I think one week is okay to make them master trainer. Can we make them master trainer? But this is a good opportunity to state judicial academy to tie up with e-committee and do something.

Participant: yeah some of the officers may coordinate.

Participant: This basically is introducing the virtual and...

Participant: Justice Chavan was involved in computerization first phase of Maharashtra, you and Mr. Ashish.

Mr. Ashish: We are still working. We can first start with paperless work meaning thereby we can computerized all our data and convert it into database. We can transfer the reports, FIR, orders and other documents and we can send it to Magistrates and charge sheet also. We operate paperless so we have to train our officers and we have to make them acquainted to the advantages of paperless courts and tell them that it is so easy to find things in digital form rather than shuffling pages. For example in a charge sheet you want to find the name of witness then you can easily to do it in digital form rather than the paper form where you have to shuffle hundreds of pages and go through each para to know the name of witness. How intel record evidence by this means that nobody is

and lawyers will also prefer it because instead of carrying a load of files if they will carry their laptop or tablet only which will have their all case files and all other documents that they may need at one place and that is also without any pile of files and video recording of evidences is also going on.

Participant: Not in all states

Mr. Ashish: Supreme Court judgement has come long ago on the recording of evidence by video recording. Isn't it? So this thing are bound to one way or another even the video conferencing on Skype, so what is it and you know we can start with the facilities openly so that you know once we know that it works like witness can be at one place, advocate may be at another place and the judge at another place and still it works. See eventually the question of controlling advocates will also vanish once we allow video conferencing because it will be recorded. It doesn't matter that we allow video recording or not, once this video conferencing comes in, this will be recorded half of the problems will come down. So eventually courtrooms will become smaller, court complexes will become compact, security issues will go away so all this is futuristic approach so we have to make our officers understand. We officers sometime make tick marks and something like this so bookmarking and creating notes on laptop is something which need to be taught.

Participant: Those who have gone undergone training but not is Master trainer

Participant: I have undergone the training but I am not the master trainer.

Mr. Ashish: Have you used this facility

Participant: No

Mr. Ashish: See the facility of bookmark is there but you have not used but there is a big danger bin using IP and such technology is concerned, if you don't use it for seven days you forget, for seven days if you don't use it for seven days you forget so what is necessary here is experience do it today, tomorrow, day after tomorrow once it is in the mind then there is no problem. Then you can use it after 10 years if you have experience. You learnt swimming in the childhood but you

don't go for swimming for a long time you will forget. So first is not just training but practicing that.

Participant: I am loud enough to address animals in the forest outside this building so therefore this training is necessary. see one thing that you have to follow is that don't allow anyone to go into the technicalities so the matter in the sense how a program is written etc. because half knowledge is quite dangerous what person is like then let's say aandhomaikaana raja. I know something of computers.

Prof. Ved Kumari: It's enough now I guess, we have raise lot of objections regarding this

Mr. Ashish: Yes indeed we have, but this is not meant to delegate to any group this is just meant to convey let's say there is something about cows also isn't it...in calves cow with a broken leg is wise among the calves so this is meant to convey some meaning so if everybody will take objection then the communication will come to its end. It will take time, anyway I'll still say that even if the objection arise that aandhomaikaana raja walihalat ho jaatihai if the person is not aware of the full knowledge. Like I try to tamper with the program and the program get distorted then we can't help anybody with tampering with basic programs, application yes. You may use it this way, that way. Many times it happens that you don't train a person you know he will find the better way doing things suppose you told a path that you should go through this path but if you are not told about any path then maybe you can find a better or more efficient path so this is what happens when people start using, see the youngsters who are coming are more computer savvy so they teach us many things and they teach each other but for that you have to create space and time. It's not something that one lecture will do, after the lecture there has to be some exercises actual experience if this happens then the things will improve. I have suggested that when you prepare a module don't give one week for computer, it won't help.

Participant; You know in our state, we have it in every classes.

Mr. Ashish: yes, just as our school and colleges like Chemistry, the teacher will not teach the Chemistry for whole day, there will be several period with different subjects. If you try to put the whole content then it may not be internalize, it may not be, officer may not be able to practice it

therefore small modules of 15 minutes or 20 minutes and practical training so that they can understand it. Apart from this there is second part which is necessary we are... receive of electronic evidence about that a lot need to be done because electronic evidence is something which we are not used to. So first I suggest that an overview of electronic evidence, introduction of various devices which is used and the type of evidence they can provide. All of you are using Smartphone I am not using an Smartphone, mine is old one but Smartphone can be, do you even realize that your Smartphone can provide the information of where you have been in last 7 days so there are many things which happen messaging and all that so all this must be demonstrated with the help of experts. These experts are costly but if we pool resources you know we can have them, we don't permit recording of their speeches. But if we pool our resources then we will able to at least see their activities and hear speeches. I'll suggest some names there is one Herald D' costa from Pune. Many of you might have heard him somewhere and Vijay Mukhi in Mumbai, Harshit he is lawyer but know all this. So these people are costly and they don't come so easily because they are always busy. As this Herald D'Costa he works in Income Tax department, he as a company which helps Income Tax department in conducting raids and in collection of electronic evidence and analyzing the evidence. So they are not available also but if we can pool resource we can do something. I am also trying individually to get D' costa to allow us to record his programs, we will pay him.

Prof. Ved Kumari: Reach of the High Courts in such kind of programmers who have the CIA's program, and all will go research to this computer training.

Mr. Ashish: Even a constable who is working with police department, forget IG even the IG will not be able to tell the things but the constable can be the resource person because he knows how to do things and there are many youngsters you know and see youngsters who are coming and joining they know, they do things so there is no harm in calling a constable if you find him good. So you find resources and its necessary to locate them and now she said about CIA's programmers in the High Court, they have some knowledge about video programs etc but actually search and seizure and other operations and collecting evidence they are not in the field therefore if we have the persons from the field who are actually collecting electronic evidence, handling electronic evidence that helps. So about this also we have to have some sufficient time given to

this. No certificates are required. IT Act is there, I suppose you all are teaching it already and if not include it. Then appreciation of electronic evidence is also one thing which we need to deal with because Rule of hearsay will be, has been dented because of the electronic evidence primary and secondary evidence, these notions have been changed in the course of time but at the same time temporality of electronic evidence, the volatile nature of that evidence has to see, simply because you see a video or picture does not mean that this is correct, when one see that oh this is a video we are hearing the voice, seeing the and you know if you permit anybody who have video in the academy you know I can make you dance with Aishwarya Rai in the video. That's easy because you are moving, like I raise my hand isn't it this could be a gesture in a dance so just cut and copy paste, and do it properly. I hear your voice and record your voice for 10-15 minutes I can put any words in your voice. So therefore all this has to be carefully studied and impressed upon so that there is no miscarriage of justice and mis danger is there which we have to be, there is a story of two American Senators to be photographed together one of the senator was absent then his photograph was inserted afterwards this forgery was done and the photograph was uploaded on the website so it happens. So all these things we need lot of thought and lot of action I suppose as I said we should not be equated with the 10 commandments or the basic structure of the Constitution but let all academies share whatever they do with each other because this is the area we don't have enough resources and we have to create that pool and this is all I have to say.

Prof. M.C Sharma; Few things that we talked about here, one thing is about the evidence part which consist collections, appreciation. And the other we are talking about is the IP and the third thing that we talked about is...Now what we have here the third party which is syllabus, have we arrived there to be able to in conceiving the program for that but I think we are still very far away from that. It is still not mainstream but as for electronic evidences it is, I am just really focused on that because more and more evidences are coming.

...

Mr. Ashish: I do agree with you. at this moment we can't have paperless courts but less of paper, if we start now then may be in 10 years, it may not take 10 years but only 2-3 years down the line because things change very fast nowadays, the second part which you mentioned there is assistance

to the courts for court management by the computers. Now here we have to elaborate CIA's program but many features of this program are not at all being used. For example in scheduling of the case at a particular time, caseload, what is the caseload? Putting the schedule for the entire case that is court management that this case is to pass through these stages and at this point of time. This is not being done therefore if we train officers that this is what the program can provide if you want to use it then things become easy, see preparing the schedule for a case that is case management that issues and submissions should be over by this date, trial should begin around this time. if you use this for cash flow management then the litigants will come to know that this is how the judges plans the case to move and if the advocates may create any problem then they can ask the advocates that this was on the website why it is not happening. It will become easy for witnesses to schedule their presence because everybody is busy, the case will come for trial after an year in this month I may not go abroad at that time and I will be available for this work so there are many things the program has lot of capabilities particular scheduling of the cases at particular time 10' O clock. 1 pm, 2 pm etc. We don't use it, we call him in the morning and say that your case is adjourned isn't it? This is inspite of the fact that we have a program, the program that provide for measuring actual time spent on each case but we don't use that. if use this we can have better time management and this court management will save a lot of time of the court and this video recording if we eventually permit video recording and permit lawyers to stay them in their offices don't come to the court, first nuisance is reduced secondly time because he has to schedule his work also according to the you know he will say that from 12 to 12: 30 I have to be in this court and need not physically go. There many advantages of this but this has to be known to our officers that these are the facilities that program provides try to use them may not be possible now, maybe possible after 5 years no issues. But we have to begin as far as the

Prof. Ved Kumari: SMS is also there.

Mr. Ashish: yes the lawyers get the SMS also like the first case is going on and his case is third then he will get the SMS regarding that so things are changing but in many courts SMS facility is not used. So

Prof. Ved Kumari: Is it freely available?

Mr. Ashish: Yes, it is freely available so there are many features of the program that are available but you are not using, we should start using those programs as far as the other party is concerned all the operating system functions same but we need to appreciate the evidences coming from that also so basically spreadsheets, word processors we should be talking about all that. I think this needs more of experience rather than lectures, lectures don't work here so there is a need for program not in the sense of computer program but a program imparting knowledge on these areas and sometimes we may feel that this may not to be put to use as you say because only one court is operating in Delhi and in Mumbai also only one court is operating. But this once people come to know what is happening and why it is not working because electronic filing is not compulsory and along with electronic filing you have to give a paper copy, signed paper copy now if you put the litigant to this expense he is not going to use the electronic filing you know if we are facilitating electronic filing then you need to print it at all. yes defendant has to be served we will print on our own cost it's cheaper for courts to print rather than the litigant, because we insist that physical copy along with an electronic copy must be given this is not working. Forget this, half of our cases or more than half of cases are criminal cases in trial courts now all police stations have been computerized across the country, is there any state where police stations are not computerized.

Participant: Bihar

Mr. Ashish: Bihar is not computerized

Participant: FIR is not received I Bihar.

Mr. Ashish: No for that there is a different reason, are computers not available in Bihar police stations

Participants; Sir, computers are available in police stations and almost all the courts are computerized.

Mr. Ashish: No the police stations, does the FIR is not registered on computers?

Participant: No

Participant: There is only one police station in Patna which is recording FIR on computer.

Mr. Ashish: So which ever state has that FIR recorded on computers in police stations you can tell them that FIR should be

Participant: In Kerala, very progressive state

Mr. Ashish: Do you know there was once a case where delaying in sending the FIR resulted in acquittal in a murder case. But what happens in police stations that sign are taken on FIR and the police officers sometimes after the creating the theory that how the crime might have committed or even tracing the criminals, now this fabrication of evidence will stop- once we say that FIR must be mail to the court immediately after it is lodged so immediately it is signed, entered in the database a mail should come to us. This is actually the mandate of CRPC...every seizure report must be send to the Magistrate, how many Magistrates take the trouble of ensuring that the seizure report is received by the court no they don't but if it is an electronic way the a log will be created on court website or court database, now the charge sheets also prepared on the computers and now the abuse or danger in that now the cut, copy and paste can be done you know, police officer records evidence or statement of one witness on computer and then cut copy paste job is done and his statement is also similar, he doesn't even change she too he or vice- versa and put it like that so this is not our bother as such but all this is now recorded so we should have it in electronic form. Now for the Magistrate it become easy to find out which witness you don't have to shuffle through the pages and you can search by name, so use of multiple screens because in recording evidence, multiple screens are to be used on one part of the screen you see the record as it is and on other what is been recorded so using multiple screens is little tiring to our eyes, multiple windows we use normally, we open new windows we use but multiple screens this has to be told as to how to do it without getting your nerves affected so these are very small things but this is something new therefore this will take some time.

Participant: May I Sir

Mr. Ashish: Yes please

Prof. Ved Kumari: I thought when you said that 3 or parts which need to be identified in the evidence category there are two different things, one we say evidence through electronic devices where we are saying recording of evidence through a person sitting somewhere else compared to an evidence which is electronic evidence itself where you are sending emails etc. and then the four parts that you are referring that the collection, appreciation, preservation etc. all then also I think there is another aspects is use of the IT by offenders and committing crime that's different category altogether so how theft, identity theft kind of offences, it's a IPC offence but done through the electronic medium so that has to be another component of that training program and another thing that I think is very important one is use of IT is in research and that's we know we have been horrifying to see the Supreme court judge to tell us what it means so I think such kind of thing should never happen and that is happening because our new research assistance is coming from National Law Schools which are not trained to make a decision between authentic source of research and non- authentic source of research and this is something which is very, very important which every judge must check out you know most of the judges at the district level would not have research assistants but if you have then certainly be careful about what kind of research assistance they are providing, what is the source of that information and some of you might be you know bringing out journals written by judges etc so I certainly think that checking that authenticity of the source is very important.

Ms. Geeta Oberoi: Cut, copy and paste

Prof. Ved Kumari: Cut, copy and paste have become a very big problem even by the judges itself.

Ms. Geeta Oberoi: You know recently there was a Delhi HC judgment was cut, copy paste, 37 paras have to be deleted. This should not happen, so we need to tell our new batch of judges

Participant: But some of the things can be taken as an inspiration or base of the judgment or reasoning that you are giving in your judgment.

Prof. Ved Kumari: But how much?

Ms. Geeta Oberoi: Under Copyright Law there is a certain amount which you can take, you cannot take the whole book of someone and paste it in your judgment.

Prof. M.C Sharma: All the time I quote Supreme Court judgments, things said by authors, judges etc to support my view but the question is are you giving the credit.

Ms. Geeta Oberoi: You also give credit but how much you take is also very important under Copyright law.

Prof. Ved Kumari: It is based upon Fair use principle

Participant: But we are using it to support our judgment and nothing else

Prof. Ved Kumari: Yeah but I think because of the copy, paste easy access to copy, paste option what's happening is that the judgment which could have been written in 2 pages is now running to 200 pages so what now is happening in every single judgment judges are referring to various thing which need not to and this happening at the High Court and Supreme Court level and the district courts are also starting to follow the trend.

Participants: Ma'am there are software which academies they have this software to check plagiarism.

Prof. Ved Kumari: Now every university has it, couple of more things one is that the other aspect was use of IT for communication purposes and another aspect is the database access so these are the different components of the IT support apart from the paper less context but there is one caveat in this whole expansion of evidence specially prisoners through the electronic media. It certainly facilitates the court, it administratively very useful for the court system but is it really in support of the prisoners, I certainly believe that prisoner's two certain rights are violated when you do not get them out of the prison, one is you know just the outing from that 4 walls that doesn't happen anymore and that's not right and I think that is the occasion where they get to meet their family members when they come to the courtroom, they are able to meet their lawyers, lawyers don't go to the prisons. They are better and easily accessible when they come to the courts.

WORKSHOP ON NEED TO REVISIT CURRICULUM DEVELOPED IN 2003

Participant: No Ma'am when they come to the court they are not supposed to meet anyone and this is misuse of facility. The police officers are not permitted to let them meet any one.

Prof. Ved Kumari: No. no there is a window in all the kotwalis

Prof. M.C Sharma: What she is saying that...because they can meet people?

Prof. Ved Kumari: No, no the windows are easily accessible

Participant: When they are coming to the court what happens they are...it is impermissible and it is completely private

Prof. Ved Kumari: No, no police is given the permission by the court, even if not meeting people just the outing, we know under trial situations where they remain in I think no prisoners, they remain custody for years without having committed the offence necessarily.

Participant: Judge can hear the accused online

Participant; It happened 10 years back in Visakhapatnam trial was conducted and the accused was in Mumbai and he was appeared by the video conferencing and he communicate with the judge and the trial was conducted .

...

Prof. M.C Sharma: Many would say why are the judges not...somehow the problems will come not being there may be one problem and

Participant; Why this is happened, this is because of mischief done by prisoner staff, police and

Prof. Ved Kumari: NO, no the powerless is the prisoner

Participant: No some of them are very powerful.

Prof. Ved Kumari: Some of them are not the all, majority is not

WORKSHOP ON NEED TO REVISIT CURRICULUM DEVELOPED IN 2003

Participant: Suppose there are 10 persons who are to be produced in prison today in one case so one of them will not be sent, 9 will be sent and they will come back without any, so the case where nothing is going to happen all the prisoners will be sent because they know that the summons are not issued and the prison van will be full of the persons who are required in the court. All sorts of mischiefs are done in order to stall the progress of the cases, now this is need to be resolved.

Participant: Trial can also take place at multiple places for various offences without issuing any production warrant.

Participant: This is an issue.

Participant; Sir I have a suggestion to make the court paperless, what has been discussed so far till the proceeding of the court after the proceeding are over the Magistrate or a Judge, we had a traditional system even now when we need to send a hard copy of an application to seek a leave and in the end of the month, half yearly and annually we are sending lots of reports but if they can provide some pop- up window and connect it to the output format

Participant: It is there

Participant: But it's not being used but once we take charge from pop- up window and put it the record will automatically go from general file to trial file.

Participant: From appointment to retirement everything is covered in PIs but therefore we need to know all the facilities which are available

Participant: Actually we are facing lot of problems that's why we are not very keen to use that suppose if a case has to transferred from one court to another court there is no scope to put a separate trial number for this.

Prof. M.C Sharma: What is the number?

Participant: The SMS we are sending, it's not the case number

Participant: It is for the identity of the case.

Participant: We need to reframe the, which regards to old

Participant: We have to remove this from all of people's mind that this has to be registered.

Mr. Mr. Ashish: It is registered, it has identified and we use that identity for the courts.

Participant: But lots of discoveries are made for maintaining the sowe have to change it now.

Mr. Mr. Ashish: Right now we cannot change because we still don't know that how it will work, once the consistency will be there then we will give the chance to it. Right now also cut copy paste you can use it and paste it in your if you want to maintain a register. Isn't it?

Participant; All the Masters in the CIAs can be changed by your administration?

Participant: Yes they can if they want they can do it

Participant: Advocates, litigants, and advocates even the SMS is being sent then they are able to recognize that it's their case.

Participant: We are not able to recognize if money isn't paid if money is paid even the name is different or the number is different, they will know that this is their case.

Participant: For making paperless court let's start with the administrative chain.

Mr. Mr. Ashish: Payments now are done in electronic form only. Right?

Participant: But still hard copy is received and we have to sign it, this is multiplying our task.

Participant: Digital signatures are available

Participant: Treasury people are steel seeking the hard copy that's why

Participant: Another 10-15 years this whole bunch of old people will get retire and the youngsters will come and say no, no I don't want this huge pile of documents. I just want soft copies, so this is the question of change now. So the change will come only gradually. The statements can be

digitized at the same time they were made and you don't have to ask anyone to do it you can do it yourself. High speed canons and al are there now. What is the capacity and what is the use of it? You guys tell me that. Its capacity is about 300 pages per hour so in 10 hours or 8 hours we can have 2000 pages scan. We don't need assistance.

Prof. Ved Kumari: The document management system must be there. Isn't it?

Mr. Mr. Ashish: Ma'am you are talking about document management software right, it is there. DMS and there is a software called D- Space, Supreme Court is using it.

Prof. Ved Kumari: D- Space will only recognize the work only if it is properly typed document.

Mr. Mr. Ashish: No, it also manages images so there is no problem, figuring the data out of that document is a task and this has to be done, you have to day to day data entry and that's all.

Participant: Regarding some prisoners...I am of the opinion Sir that this information technology will be of great help because our purpose of is to wrap up the things in as early as possible and save the time of the court. Even the Supreme Court have given the directions to judicial officers and legal services authorities to reach out the and instead of dragging them there is no harm in to have a setup nearest and regarding witnesses, video conferences because witnesses are our guest we say but we don't give them that respect. These are very important issues but use of information technology is also very, very important at least for witness and these under trials is very important and we have to encourage it despite the fact that nothing is perfection, to go after the perfection, perfection is nothing more than the distraction. At least these difficult things can be looked into.

Participant: See we have video conferencing facilities in Maharashtra and e- committees are also there. See the doctors half of the doctors in India are incompetence in India and don't have access to the information technology. So if in a village we will give some access to them that could help and we could have better options in collecting the medical evidence and therefore IT can help in that field too. Many police officers in the midst of a very important investigation and he had already received the summons for say appearing tomorrow and today a murder case proceedings is going

on, he has to attend...we need to realize that how many police officers are attending the court everyday...

Prof. M.C Sharma: No, no it was wonderful and also, no I am not so much tune in what you are doing and what you computerization and ultimately we are aiming to have e- Culture of judicial administration system I see great potential, I see great strength in it and I am equally aware and not any, this is not the platform where I can talk my own views but I see great strength and at the same time I realize that there are 3 revolutions which are taking place and one of them is definitely is e- revolution and societies and civilization. If they don't respond to the revolution which are coming and do not engage then they retard the promise. I fully accept and therefore there is need to make more use of computer to mass to adapt the e- culture but at the same time like yesterday I said that I raised only questions and cannot answer because I don't think that the difficult answer can be answered easily. The depth of difficult question if understood then we need to answer it at some point of time. in my question here is that you know when we are talking on this e- revolution and we are talking of old activity of administration of justice, right from procedures to content to methodology to skill being subjected to this e- revolution I have a question, you have e- shopping and now you got this Uber and Ola there is some Airbnb , I just communicated my address with an institute and I read some of this stuff and I was surprised that Airbnb is the biggest group in the business of hotel chains and surprisingly they don't own a single hotel room. What they own is only customer , your Google not owning any spectrum space and they are not owning any asset such where they have spent millions they are only working on 60 mg but these are but examples for what, you know this e- revolution is the response to what, it is engaging to what and what does it want us to engage with, that is the question which need to be taken with a little pinch of salt because trade, commerce , economy, market, profit right consumer, those are the constituencies this e- revolution is addressing to and successfully. Now we want to translate that success into administration of justice which is a very different art which is a very different science, which is a different culture, which is a very different kind of human activity because that judging will require very different kind of intellectualism, that will require very different kind of sensitivity that will require very different kind of thought process and therefore what is coming from this side I think that is already answered and to me the answer is that nuances which are very unique and very distinct to justice making, particularly making of what not making a hotel reservation, not making

a taxi reservation, not making you to buy sofa from you the screen but making justice enabled to it's a very different aspect, making justice and taking care of management of court and taking care of administration is a very different aspect to that much you please promote computerization but if you enter beyond that I doubt whether we are going to again evolve or vis- a- vis jurisprudence of realism or jurisprudence of I don't know fair equality, trade or what whatever therefore there is a little pinch of salt and my pinch of salt is and I will urge to the judges and Geeta Oberoi, Jyoti and all other to just 3-4 second when you are preparing this module or whenever preparing this curriculum at this stage what are the component which you don't write or which you don't want to write it at this stage because you would like to deal with it later and my owns expression is very unformed kind of expression that you can find me say to administration itself is like that you have to sign also and you have to send a hard copy also and you have to care of that okay and take care of docket filing and take care of fixing of date, I can understand those things but once you start writing judgment where you have to delete 37 paragraphs I think that form part of the skill oof judgment writing and you know that is unethical, unacceptable, unskilled, unprofessional and that is where my problem comes, that if you really do computerization without a heart and simply makes a job easy and makes the job dutiful, it may destroy the job and therefore judgment writing is one aspect which should be the determination in the mind, articulation there and your writing has to be little sensitive to the computer, that's my one thing, confined it to this only to management, docket management, case management, court management, disciplining the BAR which the court may easily have the bravery. These are my various chaotic, very disorderly reflections on whatever is being taught here and I'll cater serious apology for this.

Participant: No, no Sir what you said is correct but what is there is that we are not going into judging. Prof. Ved Kumari: On the discretion part I want to discuss some of my research I was the part of the program of training of judicial officers in Delhi in last few years on making vulnerable and I was running one session in which I gave an exercise to which they are supposed to fill the answers and it was an exercise on rape, the answers were like that the punishment has already been provided and they have to tell whether it is appropriate or not and if they think that it is not appropriate then what they will give as punishment. On the quantum of fine in that in the exercise there is no, everybody has the same but the quantum of fine given by the judges varied from no reference to at all but the judges would import and gave us figure varied from 5 thousand to 5 lakhs

on the same exercise and see this is the variations and that's why the problem is there. I think in academy training the instructions on appropriate sentencing, very rigorous training on this issue has to be there. The whole thing has been and for me in this case we have given them 3 options one was under 1983 IPC was the punishment prescribed and under 2012 under the case of child rape and third was under 2013 but this is one there and each one of them says that minimum sentence is of 10 years and I have responses in writing which says less than mandatory is given like 7 years is okay and nobody asked why it is okay? It was the father raping the girl, his daughter repeatedly and allowing his friend to do same and I have written responses from Delhi which says that okay the judge has given 7 years and the High Court has confirmed 7 years without asking questions and now I have this 2014 response that it is okay , majority of them said 10 years is fine because that is mandatory and what happened to the aggravated circumstances very few judges there were very few judges who were sensitive they took note of all these facts but for me I second that there is another area when you say that there is discretion sometime we do need

Participant; On the facts and circumstances I find that this sentence will be just because judge know what happened so this figure is not of individuals but this is the figure of academies, the system. And the result is that the state or legislature is acting very harshly and it is prescribing mandatory sentences and I will tell you one more thing for activists it is okay to fight for human rights and sentences but the reaction is more acquittals because the judges have this thing in their mind that this trial is going for 10 years, whatever punishment is prescribed I tell you first apologies Justice Satya Shivam on NDPS Act he has found as a fact that the amount of drug was of commercial quantity and the t proceeded to give sentence. The standard of proof does not have the proportionality with the harshness of the sentence whereas the legislator have done it for good reasons if you feel that offence is proved you must go for the prescribed sentence because that is what the legislature meant it and you know within this discretion which you have for example fine what happens with fine I'll tell you if you are exercising it in your academy it depends on the economic background of the person concerned and it depends upon the basis where he has worked like a Mumbai Judge will not hesitate to order to pay an officer 1 lakh rupees because he does... the moment he transfer to the rural area he will continue to have same practice and he will not realize that this is a different community so what happens is that what happens in place X cannot happen in place Y this is why discretion is given but this has to exercise very cautiously. It was

very nice of the both professors to give us so much their valuable time and to bring out so many important and intrinsic issues.

Ms. Jane Schukoske: Looking at from my perspective remembering, this probably goes more to your goals, interfacing the legal services authorities but now of course there is a lot of sharing of information with real people through electronic means so now there is e- panchayats in few places and there is pushing out of messages through SMS because a lot of people in rural have phones, IT solutions are very important, I remember when there was a flood one of thing that I have to done is that how to help people and the IT helps it in a lot. So I would urge judges in their capacities relating to legal service authorities to think how we can get more resources to people through lawyers, paralegals helping people on those legal services authorities website , I know Justice Chavan is working on clinical resources that will help ultimately law schools students who are working in poor communities. The point that I want to make is to thinking of the millions of people in rural India is the patterns of evidence this is really important for PIL and the use of electronics about masses of people is really important and I really hope this issue will come up in courts. For example so many people we work for don't have water so how we are going to solve the water problem, we are gonna do it one by one, there has to be some effort to accelerate the solutions for people in rural India and IT may play a role in that in terms of evidence. So just my

Participant: You mention PIL, PIL is a figure of our system at grass root to address the public. why can't we make changes in the PIL and instead of approaching HC or SC we approach municipality and legal service authorities for the issues that can be resolved at this level only, why can't we do this. We can ask them to initiate an action on the issues. So there are many things which we can do and if we say that we are powerful and responsible judiciary then we must take the responsibility. This is what we must inculcate in the young minds who come to us that you can do it and you will. Somebody said this yesterday that the judge has given so much power that we don't use and this power is given by the statute itself so feel that power and do something. See you are the slave of the statute but it still gives you a lot of power so all the power we must exercise. See we have to bring the changes that we discussed but in India there are many factors so it can take time but if we will, say nothing can be changed and what can I do, I can't see the results in 3 year frame which I have and if I can't see the results why I should do something then if we all think

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like that we would be disentitled to eat mangoes from the trees that you ancestors have planted, isn't it? But this is not something the result will come fast, you can spend years and still there will be no results but things will change. i am sorry there was a deviation please forgive me for this.

Ms. Geeta Oberoi: Okay now we will go for a tea break and we will come back at 11 then we have just one hour session from 11:00-12:00 and then we are free to go back to our destinations from where we all landed, so see you at 11:00., so that by 12;00 we are free.

SESSION 10: SKILL TRAINING

Participant: Regarding computerization my personal experience is little bit different, about 20 years ago when I was doing my Masters from Delhi School of Economics, and this was the first computer center facility in Delhi and mandatorily I was to get acquainted with the computer so the first and foremost sat on a desktop the first thought which came to my mind was that there must be likelihood that if I press any of the buttons it may explode also. You can say being from the background I was coming from Bihar I did my graduation from Patna University, it was All- India competition and I cleared it then I got admitted. The first experience or thought that was at back of mind then during the course of economics it was taught to me that according to the theory of diffusion theory of innovation if an idea pops- up and innovation is made there are certain stages of innovation of ideas and one of the stage is that stage of stagnation, stage of hindrance and then take off stage so what I feel that we are passing through the stage of stagnation and the same though say when I joined the service one of my trainer who was also from village background and on the date of his retirement I was little bit emotional, and he came in the morning to the court with his laptop and it was completely new and on that day I found that his laptop is in completely new condition, untouched and I asked him Sir what is this? He said Beta aisa hai ki I wrapped it in the blanket to save it so that if something happen to it and suppose I'll press one of its button and it will get exploded then what will happen. The same idea that popped up in my mind 10 or 15 years ago so this is theory of universalization, psyche of people is always same and Sir 3 years back when I was appointed as Course Director of Induction training and introduced this computerization into the module then I was sitting in the class and all these thoughts were coming in my mind and since laptops were supplied to all the new entrants I just told them because in these years I was having little bit expertise of computer and laptop. I told them just open your computer and this is the button you press it and they did and the first question I asked that how many of you are acquainted with laptop and computers so almost 50% of the new entrants raised their hand and the other 50% were from village background and they were not having any experience in of computers. So then immediately what I did the person who was having knowledge of computers will be sitting next to the person who is not aware of the computer so in class there was one teacher and one

learner everywhere then I told them computer is not a dangerous thing and if you are going to press any of the button it will not explode then all, of them were relieved and they started working with computer and then I told them password and all. And the next point that I mentioned that they can listen music or watch movies also then they suddenly became very interested in the computer so this was the mode of I can say the imparting of the knowledge and this ought to be.

...

Participant: So my ultimate submission to this August gathering is while we are training judges we must keep in our mind that as Cardoz said A judge when is going to the court he is not leaving his heart and soul and his background behind and he is carrying everything in his mind, in hi9s psyche and that is going to influence each and every deed of his in the court, the ultimately they are also human being.

Participant: We have a module of law and psychology also and we are constantly we are teaching psychology and one of the professor from Patna University took classes. One day a question was raised by one of the judge that what is need of psychology in law/ the professor tried his best but since they were new entrants so then In explained from my personal experience so what happens in the morning an advocate comes to your court and he tries to poke you and goes back. You got irritated and later you saw him standing behind one party immediately the psyche comes to your mind that this fellow is closed to that party and the whole psyche starts running again st the party and obviously affects the party so you know these are intricacies of the psychology which you can say brain games which are played in the court so the judge must know the reality of the court and how the psychology plays a role in the court itself so there are many aspects and what I completely agree with my professor that while we are dealing with the two machines we must keep in our mind that the machines are always tools and they must not take the place of our masters.

Participant: My submission is that Sir if you are allowing video recording of the court proceeding that would be somehow beneficial for the judges not only for the judges but also for all the stakeholders of the delivery system, advocates and public litigants also.

Prof. Ved Kumari: Why do I need a team worker skill then the third thing which come very prominently was that your job is to listen, are you able to listen from 10:00 am to 5:00 pm. 90% of time we are there and we did exercises to test out that how much concentration and listening abilities we have so I think this are skills which are very essential but somewhere under understood that what are the importance of listening abilities and concentration so when we are talking about Yoga yesterday we were not only talking for physical fitness, it is very necessary for improving concentration and I know that because I am a teacher so I get to speak most of the time but when I go to seminars and listening to people from morning to evening I know my mind wanders I am not used to listening but you job is listening primarily and therefore certain developing that skill how do you do active listening and how do you keep your mind on that is very important skill which you usually we do not focus and then teamwork and leadership, well teamwork is certain that two kinds of work you do certain administrative responsibility where you need to have team work but within your even in facilitating your judicial work you have to work with people who are supporting you files and you know who ever is part of court, your individual court, they are part of your team and you are their leader and therefore certainly somewhere making that connection to the judge is very important if you are open to the idea the time management was another skill which is very, very important because of the work load we have and unless we do the time management and there are lot of experts which came and told lot of exercises which shows that how to do the time management and how do you fit your own work within the work of court and how to have more impact on the outcome of the things that you are doing. So there are certain things that explaining the importance like first identification of skills and then explaining the importance of those skills in our judicial work and as our court manager, I think that is equally important.

Prof. M.C Sharma: What is been told by him I will put only one sentence listening is the most serious activity and that's the mistake we do that many time we think listening is have to do nothing no, listening is the most difficult and most engaging activity, the maximum concentration if one required then it is in practice of listening, you can't make a discourse, you cannot make an evaluation, you cannot make an assessment without getting engaged and for getting engaged listening to others story with greatest concentration and entire mind focused there is needed, I think that is the skill, how do you practice and mind, what is the word that you are using Skill

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practice, skills do not come easily, skills cannot be taught through a lesson, skills are practiced and therefore in these academies you have to organize big sessions to impart skill through practice like simulation exercises maybe mock trial whatever but it is very difficult, listening is very painful also, remember and one you can suffer.

Participant: That is permissible, no one is trespassing

Participant I just want to add one thing that our former Justice K.C, he is an expert on criminal side. We called him in the academy for lecture, he gave 150 judgments, the beginning to the end and with facts and with principle without seeing any paper, he said Sir that when he has gone for an interview a question was asked to him to give the citation of a judgment then this gave the idea to his mind that why can't he focus on this criteria of remembering the citation so that in the industry for 30 years I could be able to say like that even today he will give 150 citation and all the participants were surprised to hear him like that without seeing any paper before him and he took 3 hours session and again asked for 1 and a half hour session for district judges to complete the entire exercise so that he says that I keep my mind and body active with physical exercise and meditation so that is acquiring the skill, regarding this another aspect as a woman officer and I had headed 2 or 3 places as a unit head so the main blame that the women officers bear is that they cannot cope up with the institutional though their merits are very good, they could not manage the organize, they do not have the organizational behavior they have rift with the BAR, they have rift with the staff and they don't give deserving respect to the seniors. These are the main allegation that are put on female officers and this organizational behavior are need to be equipped them within the academy though as a judge they give judgment independently but for extracting all of these things we had to coordinate with our we have to coordinate with other wings at every stage like police, one lady officer who was a new entry was not allowing a police officer to enter the chamber because of the apprehension that tomorrow they blame that she is in a remote place working, the officer said that she is not allowing and the police officer said that she is not allowing to put forward my version whereas when I called the officer she said that how can I allow a police officer then I suggested that conduct a meeting of coordination once in a month to ensure things with other officers and you can call the officers once in a month to know what's happening and coordinate with others, so this type of exercise are require to sought out the issues and they should

know how to organize the issues and when one officer is posted to a place the entire staff complained that she should not be posted there we don't want to work with her, then we ask her and we asked her what is the issue, in fact she was from very harsh background and she had lost her father in childhood and to prove herself she came in the system, the only thing she don't know how to handle the staff members and this was very hard for her.

...

Participant: But still in judiciary that aspect is...but still in government sector especially in judiciary there is that kind of feeling

Ms. Geeta Oberoi: Yeah, so that is wrong and we have to remove

Participant: No, no no what I meant to say is that these small issues are propogated mostly by the man and they point out that they are incapable

Participant: Still that acceptance is also required in the system and as a trainee and as a trainer , I feel that institution requires to inculcate those issues at the training level and at the induction training, these leadership qualities and organizational behavior need to be dealt with the officers to coordinate with those issues.

Participant: Even in the family courts when we are conducting conciliation some of the officers have this habit of calling man first or segregating the entry of the couple but I think it should will be more beneficial for both parties and judge also that both party should know what other party is thinking of so I think they should be called together at the time of conciliation. But balancing is a tuff task for judge when they fit we should intervene.

Participant: Mediation is very important, it refers the party..particularly in matrimonial suits the lawyers do not allow the judge to reach out and they attempt to compromise the parties but when the judge will hear them and give them individual hearing there is a different problem and there is a meeting point, whenever there is a family dispute, dispute between family, the judges should have reach out the parties and instead of listening to their lawyers he has to reach out the parties and listen to them because that will not solve the problem, the judge should not lose the sight of

the fact and again there is a tendency in lawyers they engage judges in listening to the parties. So my experience is that judges must have the level playing field in matrimonial disputes, family matters, matters between son and father and other things because we required harmony and peace in the society.

Participant: Of course we do call management experts and give training regarding the time management and stress management as well but what I feel is that in my endeavor is that leadership skills are inculcated in the inductees that will play major role in their future and more than listening comprehension is more important unless the judge is able to comprehend he will not be able to write the judgment. I would insist and emphasize that comprehending part have to dealt in detail and in building exercise must be dealt, it is not the judges is only individual in court he has to answer his superiors and he has to manage his subordinate and he has to deal with his peer group and as well as the stake holders so he must realize that he is working their as a captain so the team building exercise shall be there. And we must inculcate the positive thinking also normally when the judges get their posting they develop a negative thinking because of the feeding, the feedback that is been given by the staff. They immediately inquire the staff about the negative and positive things that is prevailing in that particular area. Normally when the judge particularly inquire about the happenings in that area, prejudices come in if I ask particular court clerk that what is general prevalent he will definitely have his own biases, he will support an advocate and he will say negative things about another advocate that attitude must be taken off from this inductees and training. We must develop their skill to assess the individual now depending upon the feedbacks and other thing that has been put forward by their staff before them by any person who may be biased, for that skill also, assessing the people psychological skill, it may take time but we must give them basic skill and what are the material they need. Whenever a complicate case is being they think that it may not be possible for them to handle it and therefore thinking it to be safest step they adjourned it and docket exclusion as we put it the other day that is a problem, faced by society now. I am comfortable with one particular topic, I will deal only with that and other complicated matters I'll keep aside and let the others deal with it so that type of attitudinal change need to be inculcated and these areas apart from the skills and my endeavor is to make them the wholesome judge including the good leader not only the leader who dictates but he creates

the leader, he must give some room space to the subordinate so that they can act individually, independently but within their limits.

Participant: Apart from this what we have received from the different state academy, newly recruited judges are eager to work more, what they are doing that when they are posted to work place they try to deal with more number of cases and therefore they are not able to complete their work within the 5:30 pm so what happened they remain there up to 6:30 pm, therefore we have received some I am not saying complaints but information therefore we told our academy that schedule for time management, case flow management and we have not requested any management leader but we have requested the retired district judge to share their experiences regarding the management so they have expressed their experiences in different way that made the newly recruited judges to manage their work and they have to complete their work by 5:30 and so it will not cause any trouble for any other staff and advocates, if they continue to sit till 6:30 it will cause trouble for others therefore we are trying to give management skill to them at the training level.

Participant: But the staff will make complaint to the High Court that they are making them sit till 8 or 9 that also comes.

Participant: See what we are teaching them that is that you cannot get productive work in one day only so you have to work as schedule and therefore we are asking retired district judges to help in this issue and for stress management we call a doctor and we are giving Yoga and all, so this is we are giving to the trainees. Thank you Sir.

Participant: Good afternoon everybody. Actually, in our Orissa judicial academy we have assigned 10 classes to court management, record management, time management and 20 classes to communication skill and judgment writing and during those classes we used to call resource person from various branches and from the management side. They do lectures and sometimes they do exercise also like simulation kind of thing and during judgment writing we provide them photocopies of old record and ask them to write, keeping fact that final judgment of that court then supplied the copies of the final judgment of that court to them and ask them to compare and analyze where is the fault in their judgment. Both have to looked into writing skill and as well as the

reasoning behind the judgment... they are able to read but they cannot understand it. More importantly language and clarity also we are making simulation.

Participant: In UP, MP, Gujarat, Uttrakhand you can write in Hindi also I mean in the regional language you are bound to write.

Participant: In our state all things are written in English, during simulation exercise also to bring the clarity and to draw best of them we used to even the academy faculty people, they act as a witness and the trainee officers they were asked to write the deposition and thereafter each of the depositions are evaluated. Even we teach them the things which are need to be ignored suppose while going to the market one has seen the offense but no need of writing that I got up at this time and had my breakfast and all.

Participant: Good afternoon to all of you Ma'am what we do we have divided skill part into judgment writing court management, court craft and leadership quality and what we used to do we call the senior most district judges and the honorable judges of the High Court to tell them about the court management, how to write the judgment, no expert is available as per skill is concern in my state. The academy is situated in Bhawali it is about 12 km from Nainital. We used to call an expert but actually Sir even we call someone from some IIM but what is the view of honorable court is concerned and it is the judges who know better.

Participant: Good afternoon to all of you. In UP institute has designed several classes for personality development, stress management, motivational and leadership and special session designed by faculty, judge yourself before judging others and it's a good session and I think the leadership quality does not mean here for the personal achievement it must be for the institutional or the court because it is very necessary for us because we have 6 or 7 persons in our staff because they play very good role in running the courts, leadership qualities are necessary for us.

Participant: In Gujarat we have court management and office administration for 45 hours which includes court management for docket control, supervision and maintenance of register or accounts and financial matters, correspondence with superior courts, government and HC circulars, manuals. In addition to that I want to focus on recording of deposition, we have moot court in our

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training where we take four witnesses injured witness, eye witness, IO- investigating officer, child witness and we examine them in the court to give different roles to the participating judges to role as a judge as a witness, as a..we call IIM professor, that is for court management and time management.

Participant: In Chhattisgarh we used to call senior district judges, high court judges and management experts for all these things.

Participant: In Tamil Nadu we do give them training but one area which I would want to concentrate is developing patience some of us feel that most problems court management, it all starts because of lack of patience everybody is in a hurry even in cases where you need to hear the arguments and minding the language, most of the issues that flare up is because of the language we use some times we don't use I mean advocates are supposed to be given due respects and sometimes 25 year old judicial officer I mean slip of the tongue and that flares up the whole thing, these things we have to concentrate and we are doing it only by way of lectures but I don't know effective it is , we have to see it.

Participant: Management people come and do it but again the senior judges how to handle they are sensitive and I feel they should be given their due respects any person should be given due respects we can't take that away from them.

Participant: Good afternoon to all of you and we are imparting in West Bengal, training on attitudinal changes, training on time management, leadership, court management, skill and case flow etc with the help of one of our ex- director who had degree on management and once we had given the proposal to the committee of our honorable HC for sending officers batch wise to IIM but that proposal was disapproved and that is why we could not get any training through any management institutes though it is very close to our academy anyway we are also imparting training to improve skill in writing and speaking and we also conduct mock trial.

Participant: Corporate may require some organizational training of behavior and these how team building and this is how good set- up required.

Participant: Actually it was a proposal in Chief Justice's last conference and citing from that particular resolution.

Participant: In my academy in Manipur we had a occasion of inviting management experts from Manipur University but regarding this time management is equally important but stress management as far as my experience is concerned in Manipur it is not a serious problem, the pendency in court is very least and the things are going on well and good I think.

Participant: I am from HP judicial academy and we have HP University there and we invite psychologists and renowned professors from university and last time when I came here in November I had a nice experience and I took various innovative ideas from here and then I have also worked on those ideas and on court management, stress management and the entire material given by the academy and made presentation on it and display them to the trainees and I had various lectures with them for example one day I gave them uncooked rice, dal in bowls and asked them to separate it I want it to notice what is their face expressions how do they work under stress and various other exercises. and one day what I did, i made them to listen a song and then I asked them that what do you have to say about it? Everybody said that we should be faithful to our spouse or girlfriend, boyfriend then I said you are here only for few moths and you are talking in legal language the answer is very simple judges should also listen to the music, they were surprised and said we should also learn the music, we should also enjoy the nature. I also taught them this self-management. We are getting a good feedback from field also that our officers are working very well and now we are waiting for our next batch and we will be able to do much better with the next batch.

Participant: Madam skill as I understand some soft skills should be inculcated in the junior judges so when we talk about soft skills 2-3 areas are there like public speaking, group work/teamwork and leadership so we also call management people but management people have only limited role

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as some of our colleagues said that the way we are trying and sharing our experience as far as public speaking is concerned so now the presentation is taking care of that because presentations we asked them to make presentation, individual presentation on legal subject so they come very much prepared on that as we sit in the classes and sometime presentations are so good that we come to know some legal angle which we did not know, this is one part then as far as the leadership is concerned if you want lead first be ready to serve so that comradeship is necessary for a person and how do we do really implemented during our whenever some conference if held or any group activity is held I try to take all our people in back seat the anchoring is done by trainees, registrations also and everything is done by the trainees.

Participant: So for as the skill our program we prepare a list of subject and it include n subjects, we used to invite professors from IIM and I have suggested that we have a clinical psychologist and his subject was emotionally intelligent judge I am told that because at that time and we have the language skills we have English professors and for judging skills, judges come from the high court.

Participant: We do cover all these subjects and we call people from all background also. We have people coming from management school also the only issue I have that all the things that we talk about here has always has some reference and the reference is about the judge sitting in the HC and I am not looking for communication skills for salesman and I am not looking for communication skills of a CEO and unfortunately these people come with these skills and they are not well versed in the legal sense.

Participant: I have no issues with that maybe my knowledge is deficient in that. I am not saying anything. I am saying let's have experts of our own and that sense when somebody says I call district judge or HC judge, how he handles the communication when he is in the court. Thank you.

Participant: Good afternoon everybody. In my mind skill development is overall grooming of judge or you can say transformation of an student or common human being to a judge. I was having some 7 years of experience of service and some teaching experience and some practice also so I

would like to share what we are doing in our academy so that all of us maybe get benefit so in these years I have introduces these things the first aspect was that I found out that most of the judges were from rural background and they were hesitant in speaking and they are unable to express, so what I did was that in every class they have to speak and have interaction and presentation and I made it clear to them that they can speak in whatever language they want. Initially it was found that they are not comfortable on podium and I gave them option to choose their own topics, anything related to law and I observed that within 2-3 months they become very good orator and after that we gave them topics and after that after sometime they become confident. This was the modus oprendii of presentation. Second thing which I introduced was Group discussion different topics were allocated, initially easy topics were given what we did one moderator of the group and one presenter of the group, one rap porter of the group and one writer of the group and we made it clear that only one person will not present everyday or again until everybody will speak and his chance will come again and the person who is having the dissented opinion he can speak too and we found that group discussion was very useful. We inculcated symposium also and all the trainees were expected to speak on burning topics and itt was very encouraging and finally I organized seminar every week. Finally I introduced mock trial, in mock trial I made it clear that the trail shall have it various stages and the whole class will be included in the activity and all these things they were subject to evaluation, finally I would like to say that some of the judges are carrying this thing in the mind that they are from different backgrounds and I ask professors who come in academy to give them psychological counseling also, then I came to know that Rule of Law we have equal production of law and equality before law and some of the traits should be prohibited and some of the traits should be encouraged. Apart from that what we have introduced we have obviously several programs in the academy what we did we make small committees and you will be surprised that some of the ladies they were the part of Rangoli Committee when a building was to be inaugurated and they participated till late night and they contributed a lot so this was one of the idea of skill development and we have different committees in our academy like sports committee, cultural committee, drama committee and whenever any decision is taken the members are invited and discussion is done. This is our mode of training in our academy. Thank you

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Participant: I think peer learning has also but certain individual minds have their own learning and I am reminded of...everybody thinks what is the piece of the evidence that I have considered and

Participant: Ma'am first part have already adapted and what we did was that we asked HC to get the judgment without...and we have almost 500- 600 case records i the academy and we are circulating it in the academy.

Ms. Geeta Oberoi: Now I think concentration is going out here so we should to have our lunch and I think it's time to say goodbye to us and it is also to remind that it is not finished over here, all of you have to give me draft module which I will take it to SC, 26 April.

Participant: It is so close

Ms. Geeta Oberoi: But yesterday you agreed

Participant: Yes Ma'am even I want to request that if you can postpone it to 2-3 days only because I am also reaching back on 24 or 25 so little bit. So it should be 27 or 28

Ms. Geeta Oberoi: Okay 29 April, so we have two syllabus which we have to reconcile 2003 and 2008 and Jyoti has mail it to you and you have to give your email ids to her

Participant; We have already given it at the reception

Ms. Geeta Oberoi: Okay we have to get this by 29 soft copy also please include the discussion we had about management module about gender sensitization module about this psychology.

Participant: I think it's time that you should include it and as it was suggested by prof. instead of protocol we should call it judicial decorum.

Ms. Geeta Oberoi: Yeah decorum will be alright. It's in curriculum you have to revise the curriculum and give it to me.

Participant; No Sir you are not expected to revise your curriculum but the curriculum which NJA has provided and give it back to the academy.

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Ms. Geeta Oberoi: No your curriculum and only induction no refresher and other courses, only induction for magistrate and civil judge junior division. One year or 2 year induction course and some of the academy that have 2-year course so those academies should find a way to make it 1 year. Sir, you have to follow Shetty Commission regulations.

Participant: Ma'am some very good institutions we are generally asked that what to do with our judicial systems, management experts how they are going to

Ms. Geeta Oberoi: No, no nobody will CJM resolution is there CJI has already told so nobody is going this to because this is CJI directive only. These are written circulars for all of us so why they will question that.

Participant: And Sir I feel there are two dimensions of management whenever we are designing the module one aspect is when the problem of judge is being managed like time management, stress management etc and other segment of management is court management, case flow management, here the judge is a manager and he is managing the problem. So there are two segments and therefore we are giving management lessons to judges through experts.

Ms. Geeta Oberoi: So should we say goodbye to each other. Please include the whole session that happened in here for 2 and half days I mean then only all this is fruitful because if you neglect all the ideas that have emerged then meeting goes waste

Participant: Almost the whole of copy is full of ideas now so that is going to be included

Ms. Geeta Oberoi: So please include all this in the curriculum because the curriculum is emerging through this meeting.

Participant: The whole of session was quite receptive and quite interactive

Ms. Geeta Oberoi: They are academy directors they have to be interactive and they are not some normal judges they are building judges so we say goodbye to each other and thank you all and please give a big round of applause Justice R.C Chavan, Prof. M.C Sharma, Prof. Ved Kumari and Jane and all others who were here. This is all was for churning out our minds and revise our

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curriculum and make it more as I said to all of you in separate meeting also that it should look a curriculum of Judicial Education like it should be all about judging so make it in that form we said like if we have these three things content of judging and craft of judging if you reformulate the whole curriculum in that way it would be much more better so with this thank you very much all of you, thank you Sir, thank you Ma'am, thank you Jane and thank you Jyoti and if there has been any mistake we apologize. So good bye and see you on 29 at least on virtual space.

Prof. M.C Sharma: I want to extend my thank you to you and Jyoti and all.

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