

National Judicial Academy



Programme Report

P-1062

**NORTH ZONE REGIONAL CONFERENCE ON ENHANCING EXCELLENCE OF
THE JUDICIAL INSTITUTIONS: CHALLENGES & OPPORTUNITIES: NOVEMBER
25th & 26th, 2017**

Programme Coordinators:

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National Judicial Academy

INTRODUCTION

The National Judicial Academy organized a two-day regional conference on the theme ‘Enhancing Excellence of Judicial Institutions: Challenges & Opportunities’, in Collaboration with the High Court of Judicature at Allahabad and the Judicial Training & Research Institute, Lucknow. The conference was attended by High Court Justices and Judicial Officers from the High Court of Delhi, High Court of Himachal Pradesh, High Court of Jammu & Kashmir, High Court of Punjab & Haryana, High Court of Uttarakhand and High Court of Allahabad.

Efficient functioning of Subordinate Courts is a paramount necessity for the proper administration of justice and quality justice delivery. Continual dialogue, communication and exchange of evolving horizons of knowledge and best practices, between judicial hierarchies - the Higher and Subordinate Courts, conduces and nurtures quality justice delivery. The Regional Conference was designed to provide a forum for the exchange of experiences, communication of knowledge and dissemination of best practices from across clusters of High Court jurisdictions. The purpose was to accentuate the experience of familial community between High Court and Subordinate Courts judicial officers; besides established and imperative norms of a Constitutional vision of justice were also revisited; elements of Judicial behaviour; Social context judging; Access to Justice: Information and Communication Technology in Courts as well as Court and Case Management formed an integral part of the discourse.

The purpose of having these regional conferences is to enable more robust participation of judges from the high courts and judicial officers. So as to energize the communication between the hierarchies within the judiciary i.e., between the High Courts and the subordinate courts.

DAY-1

Session 1: Constitutional Vision of Justice

Speaker: *Hon'ble Mr. Justice Deepak Gupta*

The first session exemplified the notion of justice in the Constitution. It was stressed that although we have tremendously failed in achieving social and economic justice in the country still the people of India have faith in the judiciary. Therefore, it is important for the judicial officers to understand the constitutional philosophy and that the heart and soul of the constitution are in its Preamble. Various aspects associated with justice were discussed like-

- ✓ The significance of certainty of law
- ✓ Issues related to cases involving masses and individuals
- ✓ Competent legal aid
- ✓ Social consciousness etc.

It was suggested that magistrates should focus on providing access to justice rather than chasing principles.

Session -2: High Court and District Judiciary: Building Synergies

Speaker: *Hon'ble Mr. Justice Deepak Gupta*

The second session perceived that the only communication that takes place between the high courts and the subordinate courts is disciplinary communication and that is conceived to be not the robust way of going about. To accentuate democracy a continuous course of communication between the hierarchies is required which also contributes to increasing the efficiency of the deliverables. It

was deliberated that for building synergies the responsibility of High Court Judges is more than the district judiciary. It was suggested that to build synergies between the high court and the district judiciary it is important that –

- ✓ The district judges should prudently handle the appeals of junior judicial officers and thereafter guide them to ratify
- ✓ The administrative judges should decide appeals under Article 227 against their subordinates so that it helps them in writing their Annual Confidential Reports
- ✓ National Judicial Data Grid should be optimally used by judges as well as judicial officers
- ✓ Means of communication needs to be open so as to have proper interaction among the judges and judicial officers.

It was opined that synergies cannot be built if there is no mutual respect for each other. It was also pointed out that the judges should be open to accepting dissent from the judicial officers. It was highlighted that the amount of disempowerment is too much among the district judiciary and this, in turn, affects the amount of justice they impart. Other aspects that create tension in the district judiciary such as- fear of complaints against orders; unnecessary reactions from the bar also formed an integral part of the discourse.

Session-3: Elements of Judicial Behaviour: Ethics, Neutrality, and Professionalism

Speaker: *Hon'ble Mr. Justice Pankaj Mithal*

The third session highlighted that judicial demeanor plays an integral role in upholding public trust and confidence in the justice system. The demeanor of a judge must embrace ethics, neutrality,

and professionalism. It was emphasized that ethics are the basic principles of the right actions of a judge that may be in relation to moral action, conduct, motive or character of judges as well as what is correct and appropriate for them. It is significant for all judges to realize that they honor the judicial office, which they hold as a public trust. Moreover, judges must constantly examine the ethics-intensive situations that challenge them and the contending deliberations involved in handling those situations. This will help them evaluate their role and conduct.

Session-4: Social Context Judging as a Controlling Element in Statutory Interpretation and Exercise of Discretion

Speaker: *Hon'ble Mr Justice Ashwani Kumar Mishra*

The fourth session emphasized that while judging a case, the social context or the trends of the society cannot be altogether ignored. The reason is that society is changing so the law cannot remain static. Such changes in the society need to be recognized and catered to by the judges and that the social context in which the case is presented must always be analyzed before a judgment is made. The main judicial activity is the interpretation of a legal text according to which the dispute is to be resolved. If a legal norm is embodied in a literal text, the interpretation process is necessary, and every interpretation process requires the recognition of judicial discretion. Judicial discretion is never absolute. Even when the judge has the freedom to choose between one interpretation and another, he cannot choose between them however he pleases. He must employ his discretion within the boundaries set out by the law.

DAY-2

Session 5: Access to Justice: Information and Communication Technology in Courts

Speakers- Hon'ble Mr. Justice Navin Sinha

Hon'ble Mr. Justice Dilip Gupta

Hon'ble Mr. Justice Sanjiv Sachdeva

The deliberated upon the technological advancement made in the functioning of the Allahabad High Court through effective use of ICT. Various positive changes that have been brought about by the introduction of technology in the day to day functioning of the court system. A reference was also made on the use of ICT with regard to the advancements made in this respect in the Delhi High Court. The ease and efficacy which has been brought about by holding hands with technology were pointed out such as the entire record of decided cases up to the year 2012 have been digitalized, 40,000 sq. ft. land has been vacated due to digitalization, certified copies of digital records with the digital signature are available within 15-20 minutes of the order, installation of kiosks for information, and the introduction of the system of e-court fee, digital display boards in and outside the courtrooms, e-cause list etc.

SESSION 6 - Access to Justice : Court and Case Management

Speaker: Hon'ble Mr. Justice Navin Sinha

The last session discussed as to how judges and court administrators must work together and coordinate their efforts in key areas of court administration and management. The foremost reason for India to introduce case management in its courts is, without doubt, the ever-increasing number of cases pending at all levels in the judiciary. The effective use of case management techniques

and practices improves the efficiency in the use of justice system resources, hence reducing the costs of justice operation. By reducing the time required for resolving disputes, the appropriate use of case management may also help build public confidence in the effectiveness of the courts and the accountability of judges. It must be ensured that laws, regulations, and court policies are followed, that the needs of court employees are properly addressed, and that administrative tasks are carried out. The judge presiding over a court must monitor unnecessary delays and ensure that there are no uncalled for adjournments. The use of ICT is another way to support and automate case management practices of courts.

The Conference concluded with a vote of thanks by the Director, NJA.
