

NATIONAL JUDICIAL ACADEMY



**WEST ZONE-I “REGIONAL CONFERENCE ON ENHANCING
EXCELLENCE OF THE JUDICIAL INSTITUTIONS: CHALLENGES &
OPPORTUNITIES” (P-1127)**

(27th & 28th October, 2018)

National Judicial Academy

**In Association with the Rajasthan High Court and Rajasthan State
Judicial Academy, Jodhpur**

Venue: Rajasthan State Judicial Academy, Jodhpur

**Programme Coordinators- Mr. Sumit Bhattacharya and Ms. Ankita Pandey, Faculty
National Judicial Academy, Bhopal**

List of Resource Persons

S. No.	Name	Designation
1.	Hon'ble Mr. Justice Madan B. Lokur	Judge, Supreme Court of India
2.	Hon'ble Mr. Justice U.U. Lalit	Judge, Supreme Court of India
3.	Hon'ble Mr. Justice Navin Sinha	Judge, Supreme Court of India
4.	Hon'ble Mr. Justice Pradeep Nandrajog	Chief Justice, Rajasthan High Court
5.	Hon'ble Mr. Justice Sunil Ambwani	Former Chief Justice, Rajasthan High Court
6.	Hon'ble Mr. Justice M.N. Bhandari	Judge, Rajasthan High Court

PROGRAMME SCHEDULE

DAY 1 27 th October, 2018 Saturday	9:45 AM – 10:00 AM Introductory Session	T E A	<u>SESSION 2</u> 12:00 PM – 1:30 PM High Court and District Judiciary: Building Synergies	L U N C H	<u>SESSION 3</u> 2:30 PM – 4:00 PM Revisiting Norms for Appellate Review: Consequence of Frequent and Excessive Appellate Interference
	<u>SESSION 1</u> 10:00 AM – 11:30 AM Constitutional Vision of Justice		<u>SESSION 5</u> 11:30 AM – 1:00 PM Access to Justice: Court and Case Management		
DAY 2 28 th October, 2018 Sunday	<u>SESSION 4</u> 9:30 AM – 11:00 AM Access to Justice: Information and Communication Technology in Courts	B R E A K	B R E A K		

**P-1127: WEST ZONE-I REGIONAL CONFERENCE ON ENHANCING
EXCELLENCE OF THE JUDICIAL INSTITUTIONS: CHALLENGES &
OPPORTUNITIES**

A two day Regional Conference for the West Zone comprising of four High Courts i.e. High Court of Rajasthan, High Court of Gujarat, High Court of Bombay & High Court of Madhya Pradesh was organized by NJA on 27th and 28th October, 2018 at Jodhpur hosted by the Rajasthan High Court in collaboration with the Rajasthan State Judicial Academy. The Regional Conference was designed to provide a forum for exchange of experiences, knowledge and dissemination of best practices from across the cluster of High Court jurisdiction in the western region; to accentuate the experience of familial community between the High Court and Subordinate Court judicial officers, revisiting established and imperative norms of the constitutional vision of justice; revisiting norms of appellate review: consequences of frequent and excessive appellate interference and other specified topics. The Conference also aimed to provide an opportunity to discuss several crucial issues relevant in the particular region.

DAY 1

Session 1 - Constitutional Vision of Justice

Speakers – *Justice Navin Sinha & Justice Pradeep Nandrajog*

The session began by dispelling the prevalent myth, common to the officers of the subordinate judiciary (a major constituent fraction of the participating judges) as to their extremely limited role in the so called “Constitutional Vision of Justice”, premised on the belief, that neither are they so called “Constitutional Courts” (as known in common parlance), nor do they interpret the Constitution. Hence, how do they internalize and practice Constitutional Vision of Justice? It was underscored that all Courts irrespective of hierarchy are Constitutional Courts in the first hand and an avid example amongst plethora of judgments exhibiting constitutional vision of justice is the *Ratlam Municipality Case*. It was clarified that the Constitutional Vision of Justice is not about interpreting merely the Constitutional provision, but lies in the spirit and goals which the Constitution envisages and propagates to establish justice (social, economic and political). It is about interpretation of the statutes and the clauses by a court of first instance in a manner most suited for socio-economical justice; e.g. even while interpreting private law of contract, when the court recognizes in a given situation the “contra authoritative rule” (i.e. interpreting a rule against the author of the contract). The subordinate judiciary needs to apply

the principles laid down by the suitable precedents, so as to extend the Constitutional Vision of justice at the grass-root level.

Session 2 - High Court and District Judiciary: Building Synergies

Speakers - *Justice Navin Sinha & Justice Pradeep Nandrajog & Justice M.N. Bhandari*

It was categorically emphasized that in order to build synergies between the High Courts and the District Judiciary, the State Judicial Academies (SJAs) plays a cardinal role. It was urged that specific and periodic programs must be designed and organized by the SJAs to enable effective coordination and develop bonding and trust between the supervisor and the supervised. SJAs must play the role of a hub to resolve issues between the portfolio judge and the district(s) supervised by him/her. Addressing the apprehension of the junior division judge on his/her judgment susceptible to High Court's adverse scrutiny, it was insisted that a judge's biggest shield for withstanding any such chance is a meticulously "reasoned order". It was further emboldened that a judge must at all times be adhering to the code of conduct and practicing judicial work with a clear conscience and utmost judicial ethics. It ensures absolute fearlessness and renders enormous respect not only to the institution but raises the bar of public trust. It was suggested that a High Court judge entrusted with the noble job of supervising district(s) must in essence exhibit him/herself as a mentor and a guardian rather than a typical ring master administrator.

Session 3 - Revisiting Norms for Appellate Review: Consequence of Frequent and Excessive Appellate Interference

Speakers – *Justice U.U. Lalit & Justice Sunil Ambwani*

A pertinent question was raised in the session by the eminent resource person that, if the lower judiciary is considered incompetent, incapable or of doubtful integrity, and hence becomes a pretext to justify an appellate or review jurisdiction, then why do we at all need the tier one level of judicial services at all? All the more there exists a sizable burden on the public money to run such a vast infrastructure of grass-root level judicial system. It was also emphatically stated that appeals were a luxury and at the Tribunals they were barred by pecuniary jurisdiction and were thus qualified by affordability (i.e. 50 lakhs or below no appeals would be admitted to the High Courts). Likewise Revisions were restricted to issues of jurisdictions only, which were later on transgressed. It was argued and discussed that often the exercise of the appellate

power is subservient to the perception of the judge who subsequently discovers a way or reason to allow an appeal, and hence is often not exercised as per allowance provided by law. Stays are granted readily in an appeal today, depicts serious concern. Appeals literally languish to serve as a lawyers' paradise. It was pointed out that mostly the appeals are on procedural issues and rarely on substantive law. It was also stated that in ADR cases uniquely the appeals are restricted. It was emphasized that in matrimonial cases in particular the appeals must be settled forthwith. It was urged that the appeals must be disposed of at the notice stage itself wherever possible. A certiorari jurisdiction principle must be adopted wherein a mistake committed may be corrected immediately at the notice stage itself to save judicial time and inconveniences of frivolous appeals. It was also suggested to impose cost on delays, adjournments and vexatious litigations. It was also advised to limit giving interim relief after first level of litigation as it is likely to reduce tertiary and circuitous litigations significantly.

DAY 2

Session 4 - Access to Justice: Information and Communication Technology in Courts

Speakers – Justice M.B. Lokur, Justice U.U. Lalit & Justice Sunil Ambwani

The session began with a discussion on the introduction of information and communication technology in Indian courts and further went on to analyze the achievements of Phase I and II of the e-Courts project. It was asserted that the use of technology in courts has made judicial functioning more efficient and further attempts are being made to incorporate new technologies. In this regard it was further explained that e-Committee has paved the way for Phase-III which would bring in technologies such as artificial intelligence, augmented reality, machine translation, mobile collaboration, speech recognition to ensure a more transparent and accountable judicial system. Various positive changes that have been brought about by the introduction of technology in the day to day functioning of the court system were highlighted. The session gave an opportunity to the participant judges to place before the house the limitations faced by them with respect to the use of information and communication technology and their implementation in courts. Lastly, reference was also made to the website www.ecourts.gov.in wherein all the database information with respect to every court in India is available.

Session 5 - Access to Justice: Court and Case Management

Speakers – Justice M.B. Lokur, Justice U.U. Lalit & Justice Sunil Ambwani

The session included discussion on methods to coordinate efforts on key areas of court administration and management. In this regard, the basic objectives of the scheme of National Court Management System (NCMS) were laid out with special focus on the roles of the State Court Management System Committee at High Courts and Sub Committees at the district level. Further, the recommendations made by the NCMS baseline report relating to best practices for court management were discussed at length. These included infrastructural developments such as model court rooms, conference rooms, ADR centres, judicial service centres, judges and staff residences etc. and organizational issues to be addressed such as judge strength, establishment of special courts, appointment of adequate administrative and technical staff, assignment of digital signatures, budget and finance, etc. It was interestingly pointed out that maintenance of a healthy bar and bench relation would also go a long way in the effective and

efficient functioning of the courts. The use of ICT is another way to support and automate case management practices of courts.