

NATIONAL JUDICIAL ACADEMY



TRAINING OF TRAINERS FOR HIGH COURT JUSTICES: JUDGE'S IN-CHARGE/ CHAIRPERSON AND
HON'BLE JUDGES, MEMBER OF GOVERNING BODY OF SJA'S [P-1343]

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PROGRAMME REPORT

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The National Judicial Academy has organized a two-day conference on training of trainers for High Court Justices on 22nd & 23rd April 2023 at NJA, Bhopal.

The Programme facilitated an interactive session with the Judge-in-charge of the State Judicial Academy on the functions, training, and continuing education of judicial officers of their respective States. The programme focused on the pedagogy of developing standard curricula and exploring new training modules for adult learning. The objective of the programme was to ponder over the nuances and impediments of judicial education and to appreciate the contours of the learning needs of the judicial officers. The programme provided an opportunity to identify and discuss best practices and share knowledge, skills, and experience for enhancing judicial education at SJA. The course facilitated deliberations among participant judges on themes including Management of State Judicial Academies (SJAs), Annual Audit of Training Programmes, Monitoring and Evaluation, Recruitment of Faculty and 80:20 Policy of NJAC.

Session 1: Framework for Judicial Education and Training

The NJA was initially created with the purpose of educating judicial officers, but as state judicial academies were established, the NJA's workload decreased over time, and from 2006 onwards it mostly concentrates on training Hon'ble Justices of the High Court. In 2016, a formal shape was given to National Judicial Academic Council through a resolution to declare and arrange the entire road map both for High Court Judges and State Judicial Academy. Between NJAs and SJAs, there is a small difference in how the calendar is created. For NJA, the entire theme is prepared by NJAC which is recommendatory for NJA but for SJAs, as per the resolution, NJAC shall finalize the calendar for SJAs with the help of a three-tier system.

It was emphasized that this academy's training programs for judges aim to prevent the judiciary's and judges' roles from being overlooked. It was mentioned that there were various stages of development in India as a pluralistic society. The major role of the Academy is to focus on how to transform an advocate into a judge. Training like, induction training, continuing education, and refresher course are the different types of training that help to inculcate the traits of a judge. It was advised that the module should be prepared in such a manner so that the main object of transformation from an advocate to a judge is fulfilled in the justice delivery system. It was stated that the judiciary is one of the main organs under the

constitution and has been tasked with adjudication, decision-making, and adjudicating disputes, but it has had certain challenges.

The challenges in the justice delivery system that were discussed at Stretch are as follows:

1. Delay in the disposal of the cases and the challenge to render speedy justice.
2. Increased cost litigations and caseload.
3. Popularizing the concept of ADR.
4. Providing access to Justice for the needy and vulnerable groups.
5. To enhance and maintain the trust and credibility of the judicial system in public.

Some important aspects that need attention at the State Judicial Academies are filling up a large number of vacancies, quality and period of training, uniformity in the training, and adopting best practices were discussed. It was highlighted that the selection of resource persons keeping in mind their academic inclination is a tough choice to make. Further, it was mentioned that the impression of a judge to the society at large should be '*as ethical as a judge*'. Apart from imparting training about substantive and procedural laws, it is also important to inculcate the quality to deal with bar, witnesses, and litigants in the court. The role of these academies is to train judges to be ethical, and the qualities that a judge must have like integrity, impartiality, temperament, sobriety, and humility were discussed. It was opined that the best example anyone can set in the academy is an example by themselves.

The framework for Judicial Education and Training was discussed by quoting Shri J. Krishnamurthy who saw education as towards the fullest development of human beings. It was asserted that fundamental to judicial training involves Judicial Independence, the Rule of Law, and the protection of the rights of all the people. Knowledge, Understanding, Applicability, Analysis, Synthesis, and Evaluation were the certain objectives of Judicial Education that were discussed during the discourse. The session rolled over to what kind of training methodology would be developed so that judges enjoy learning. The types of methods like the Traditional Lecture Method and Participatory Training formed part of the discussion. Further, Judicial Training methods like brainstorming, snowballing, icebreakers, and presentations were addressed. It was emphasized that fearlessness should be inculcated in each judge in order to perform better.

It was delineated that the methodology cannot be static, it has to be dynamic to adapt to the changing needs of the society. It was opined that Personality, Proper Conduct, Patience, Integrity, Righteousness, Courage, and Accountability are the certain basic traits a judge should have. Lastly, knowledge updating skills, judgment writing, language, ethics, and knowing the needs of the people for the justice delivery system was emphasized. It was pointed out that every aspect of human life is determined by the Computer World and Artificial Intelligence. Court management, Conduct in Court, and Case management were other points that formed part of the discussion. It was iterated that management skills, administrative skills, and mediation skills, are the requirement a judge must possess. It was stressed that not the efficacy but the legitimacy of judges' actions help to sustain the faith of the public in the justice delivery system. It was further clarified that the training program has to be designed in such a manner as to enhance the social, political, and economic context in which the justice delivery system works. It was highlighted that a judge should not only have the knowledge of the law but should also possess a basic practical knowledge about social culturalism, social ethnicity, social science, technology, economic crisis, and social media. The session concluded with a quote by David Colb *"Learning is the Process whereby Knowledge is created through the transformation of experience"*.

Session 2: Distinguishing the Role of NJA vis-à-vis SJAs.

Reflections, Suggestions, and takeaways that were received from the Judge in Charge/ Chairperson of the State Judicial Academies on the functioning and modalities of the training programmes for judicial officers at the State Level are as follows:

Karnataka: Three components of impact assessment that were followed in the Karnataka State Judicial Academy are interaction, presentation, and mode of approach in writing orders. It was emphasized that the thinking process and behavior of the judicial officers should also be assessed. It was iterated that Karnataka Judicial Academy also trained the advocates. However, the selection of trainee advocates was left to the discretion of the State Bar Council and advocate association.

It was suggested that the training methodology should shift from the lecture method to the problem-solving approach through the simulation exercise and the simulation exercise can be framed from the practical case that a court has already adjudicated. It was highlighted that communication and orientation of the resource persons about the training of the trainee judges

are equally important in order to get the desired outcome from the training. It was suggested that the Judge in charge of the governing body member may interact with the resource persons before commencing the sessions and training on the specified subject and may also make opening remarks to set the context. Thus, problem-based training is very vital. It was stated that a judge needs to inculcate the art of listening and should be systematized in writing judgment.

Jammu and Kashmir: It was appreciated that at NJA the reading material is well-researched and the same should be considered as a benchmark. It was stated that J & K state judicial Academy does not have the research team to build up the material so that the discussion with the resource person can be done. The Academy has moved an initiative to recruit law students and researchers in order to get well-researched material.

It was stated that in J&K the public has more faith in the judge than in the mediators. Thus, for an effective ADR system, the training of referral judges is crucial. Training on ADR, stress management, and on animal rights was also discussed.

It was suggested that training on judicial temperament/ culture, behavior, and professional ethics need to be inculcated in the judicial officers especially those who have directly got recruited from law school and have no practical experience of the court. It was opined that such judicial officers do not know how to conduct court proceedings smoothly. Training regarding adopting the judicial culture and right temperament should be continuous. They should know and imbibe that a judge needs to hear patiently and decide impartially.

It was suggested that interactive training and problem-solving in groups with a panel of experts are very important. Judges who have a width of experience and senior lawyers should be the resource persons for the sessions. It was suggested that the junior judges should be seated with the Sr. judges on the dais which can help the trainee judges to get acquainted with the Bar and Bench relationship. Thus, setting targets and sitting with experienced judges is very important.

It was stated that in Orissa the mediation is not so successful as compared to Delhi and other places. The primary reason is the mediators are not able to decide the issues that are negotiable and non-negotiable. Lack of empathy on the part of the mediators is one of the causes of unsuccessful mediation. It was stated that Uttarakhand High Court has entered a memorandum of understanding with the Delhi High Court to train the mediators. It was suggested that the same practice can be adopted by other High Courts.

Thus, the lack of trained mediators is a concern that was expressed by the judges.

Gujarat:

It was stated that there should always be good harmony and cordial relationship between State Judicial Academy (SJA) and District Legal Services Authority (DSLAA). It was suggested that the assessment of the judicial officers should be for their own growth. The judicial officer should feel that they are under the umbrella of protection and they can discharge their duties without any fear or pressure. It was suggested that there should be a quarterly or monthly meeting of the judicial officers where discussion among the judicial officers can be made on the extant challenges they are facing during adjudication and should try to come out with possible solutions.

In order to reduce the stress Gujarat State Judicial Academy quarterly conducts cultural programs to which the judicial members along with their families are invited.

It was suggested that at Headquarter level itself, an inclusive programme should be organized where judicial officers are freely allowed to discuss their problems should be introduced. Training of the advocates was also emphasized.

Calcutta:

It was opined the time period for a session should be reduced to 40 minutes as after the period of 40 minutes the brain gets staled. It was suggested that the question and the problem should be framed before discussion and need to be given to the resource person in advance to address the participants. The reference material should also be circulated well in advance to the participant judges. It was stated that group discussion, participation, role play, and simulation exercises bring inclusive education and should be promoted.

It was stated that Calcutta Judicial Academy not only trains the judicial officers of the State but also conducts the training programme for the other stakeholders including DCPO, superintend of the home investigating officers dealing with POCSO, and staff of the district judiciary.

Some of the important sessions that were conducted by the Calcutta Judicial Academy (CSJA) are mobile forensics, electronic evidence, cyber laws, artificial intelligence, medical jurisprudence, PCPNDT Act, animal laws, child psychology, mental health, and a child-friendly court atmosphere.

CSJA also imparts training to advocates and it was suggested that the training of the law graduates to be an advocate should be conducted before getting the enrollment number from the Bar. This period may be considered a probation period for the candidates.

CSJA also conducts training for executive magistrates. It was suggested that practical training for judicial officers on court management skills, docket exclusion, and timeliness should be imparted by all state judicial academies. It was emphasized that access to justice needs to be emphasized as a fundamental principle.

Gauhati:

It was stated that Guwahati State Judicial Academy emphasizes training on customary laws. It was suggested that there should be a sensitization programme for newly elevated High Court Judges and Regional Programmes for the newly elevated High Court Judges can be organized by the State judicial Academies as well. It was emphasized that the graduates coming from national law universities and entering into the judicial service need sensitization on judicial culture and temperament.

Andhra Pradesh:

It was pointed out that if a judge is promoted from Civil Judge (Jr) division to Civil Judge (Sr.) division, has to deal with different/new types of matters or cases to which he does not have the experience or exposure. Therefore, it was suggested that foundation courses should be mandatory for every level/cadre of judges. It was also emphasized that such training may also be imparted online.

It was opined that the training of the advocates can be done by the respective Bar Council of the State. It was suggested that for the smooth function of the academy in every State Judicial academy, there should be two wings Viz. academic wing and administrative wing.

In order to enhance proficiency in the local language the judges must be trained to understand the documents which are usually in the mother tongue. Further, Yoga can be included to improve the physiological training of judges.

Chhattisgarh:

It was iterated that Chhattisgarh State judicial academy has conducted a regional seminar on the law procedure and its application whereby the judicial officers of different cadres from various districts of the state met with the panel of experts to present their views and discuss the

various emerging topics. It was suggested that such a model can be adopted by the other State Judicial Academies also.

It was suggested that The Person with Disability Act 1995 should also be incorporated as a subject matter of training.

Uttarakhand:

The training for the High Court Judges is very important. It was also suggested that there should also be a conference for Chief Justices of the High Court. It was suggested that the subject of behavioral science needs to be incorporated by every state judicial academy.

Meghalaya:

It was suggested that apart from law subjects judicial officers should be imparted with other allied disciplinary subjects to wider their thinking process. Thus subjects other than the law should be given credence. It was stated that training on effective communication skills to deal with the Bar and Court administration is very important. It was opined that judges need to inculcate a sense of empathy, compassion, and sensitivity while dealing with the litigants especially those who are illiterate, economically weak, and unaware of their rights.

Orissa:

It was highlighted that the Orissa State Judicial Academy provides training to the judicial officers cadre-wise and the same pattern may be followed by other State judicial academies. It was highlighted that under the leadership of the Chief Justice of the Orissa High Court, the State judicial academy is trying to decentralize the judicial training centers. It is proposed to open 5 regional judicial academies in the state of Orissa and made a centralized training center at Cuttack. The main purpose for setting up the regional centers is to save time and expenses and make the training judicial system more robust.

It was opined that training a lawyer is a herculean task. In Orissa, a pilot project is planned whereby a committee headed by the district judge with members that include the Chief Judicial Magistrate, the president of the Bar, and a member chosen by the Bar Association is constituted. The committee looks into the performance of the advocate and the best two lawyers in that district will be awarded. It was proposed that these identified lawyers (A batch of 60 lawyers, 2 lawyers from each district) will be imparted training by the State Judicial Academy, Orissa.

Thus, this model of incorporating lawyers into the training system can be adopted by other State Judicial Academies.

Session 3: Discussions and Development of Draft Training Modules, for SJA's

In continuation of the second session, the participant justices have shared the following suggestions and best practices about the functioning and other modalities of their State judicial academy:

Calcutta:

It was emphasized that there should be a paradigm shift from the lecture method to the participative mode of learning. Training in judgment writing is very vital. It was emphasized that the application of artificial intelligence should be used in a very cautious manner. Judgments written through Chat GBT should be avoided. It was suggested that the resource persons for the sessions should have resilience and the capacity to respond to participant judges effectively so as to satisfy their queries.

Sikkim:

It was suggested that the State Judicial Academy calendar should be prepared only after receiving the training needs and desires of the judicial officers on which they want to get sensitized. It was also suggested that after the completion of each session, there should be feedback from the participant judges about that particular session.

Rajasthan:

It was suggested that there should be a separate advocate training academy. It was emphasized that training should include the subjects like Negotiable Instruments Act, POCSO, and the matters that are more relevant to the adjudication of the case. Training of judicial officers should cover central as well as State-specific subjects. Apart from the training of the judicial officers, the State Judicial Academy should also focus on the training of other stakeholders that includes public prosecutors, police officials, and members of the Juvenile Justice Board. It was suggested that the law of execution and its nuances should also be a part of the curriculum of the training programme for judges.

It was emphasized that Rajasthan State Judicial Academy has organized quarterly workshops for the district judiciary judges where each judge gets an opportunity to make active

participation through interaction and sharing their views, problems, and possible solutions that they have encountered during the adjudication of the cases. The same practice can be followed by the other State Judicial Academies too. Training on court management, caseload management, time management, digitalization of the records, and the paperless court should also be imparted by the State Judicial Academies.

Jharkhand:

It was suggested that State Judicial Academy should focus on the implementation of the local laws of the State along with the training of the computer system and digitization. It was suggested that at every State Judicial Academy, an academician should be appointed as a permanent full-time faculty at the post of Director (Academics) who can develop the research wing, curriculum, and teaching tools/ methodology for trainee judges.

It was emphasized that training/courses for the trainee judges should be conducted in such a manner that it helps them to achieve the vision that is in consonance with the constitutional goals. Training should sensitize judges to reform themselves and ensure a sense of integrity, independence, impartiality, and propriety.

It was iterated that training for the High Court judges who are elevated from the Bar and from service should be on different pedestals. It was stated that the constitutional law and administrative law subjects should be part of the conference for the justices who are elevated from the service whereas the topics of first appeal, appreciation of evidence, second appeal, civil revision, and criminal revision should be more emphasized for the justices who are elevated from the Bar.

Telangana:

It was suggested that the stories of big personalities and their humility need to be taught in the State Judicial Academies. Honesty, integrity, and ethical standards that judicial officers have to maintain should be part of the curriculum in the State judicial Academies.

Bombay:

It was suggested that the State Judicial Academies should sensitize the judicial officers on the service of summons, framing of issues, and getting acquitted with the paperwork of the district judiciary. Sessions on reading, understanding, and interpreting the law should be incorporated.

Madhya Pradesh:

It was suggested that the psychometric test should be incorporated into the recruitment process of judicial officers. It was also suggested that Physiology should be part of the curriculum in law school. Thus, pre-induction analysis and estimation through some physiological methods to see the temperament of the person who is going to become a judge will be more helpful rather than training the judge after induction.

It was also suggested that for mentoring and nurturing the district judiciary there should be a module so that High court judges may know how and in which manner the training to the judicial officers be imparted as there is no standard yardstick for it. The objective standard system of performance evaluation for judicial officers was also emphasized. The creation of a database and pooling of resource persons for training the judicial officers were also deliberated upon.

Himachal Pradesh:

It was suggested that the newly recruited judges may also get attached to the Sr. advocates so as to get equipped with the actual functioning of the courts. It was advised that filling up feedback forms should be anonymous so that judicial officers can fill the form fearlessly and may express all his/her concerns freely and the resource persons may be invited on the basis of evaluation.

Madras:

It was emphasized that all judges are ex-officio jurists. It was enumerated that the training objectives of the State Judicial Academies include enhancing the professional competency of judicial officers; ensuring uniformity in the application of the law; imparting sensitivity and responsiveness among stakeholders and improving coordination and cooperation with other stakeholders, for the smooth functioning of justice delivery system. It was advised that Academy should have a pool of resource persons that include Judges of the High Court, judicial officers from the district judiciary, Advocates from the Bar, police officers, medical professionals, etc. Need-based training was emphasized. Participant-centric discussions, Q & A sessions, pre & post-training assessment activities, and the use of thematic study materials are some of the areas that were discussed during the session.

It was suggested that training should be provided in the form of lectures, webinars, workshops, and panel discussions, as well as in the form of reflective training programmes, wherein the

judicial officers are made to reflect on the errors, rectify the same, and clarify their doubts. It was stated that each lecture session may be followed by a simulation exercises.

It was emphasized that while designing a training module, areas of improvement are identified. This is done by reviewing the judgments of the participants and asking them to send in their queries and practical challenges they encounter in their day-to-day work, through Google Forms. It was advised that the Academy may acquire inputs from participants to identify the focus areas of training. It was asserted that audio-visual aids are a good mode of training and can be adopted by the academies. It was suggested that the academies may also collaborate with various other departments like UNICEF etc. for effective training programmes.

It was deliberated that the aim of the judiciary is to render justice and help society at large by resolving the dispute and deciding the case as per the procedure established by law. In order to achieve this aim robust training is needed for the newly recruited judges and also for the judges who are in service. It was suggested that fresh recruits who lack court experience should be given additional classes and training. There should be a basic/foundation course followed by additional courses depending on the experience. It was emphatically stated that a judge should have a practical experience with the court before entering into the judicial service. There should be a dedicated separate refresher course for the judges who get promoted from the civil judge (Jr.) division to the civil judge (Sr.) division. Drafting judgments and writing interim orders should also be part of the curriculum in training programs. Special programs for gender justice should be organized. To enhance communication skills and to know the art of posing questions to the advocates different training methods like presentations by the participant's judges, and extempore should be incorporated into the training programmes. Teaching through films was also emphasized. It was iterated that after training an objective type test should be taken in order to assess the learning outcomes of the trainee judges. Regional conferences should be conducted on various aspects of the law. It was suggested that the state judicial academies should also open the training programmes for government officers. It was suggested that for the evaluation of the judgments, there should be a separate judgment evaluation committee. It was advised that the state judicial academy may set up a model court to train the judicial officers on the recording of evidence and on various court procedures. It was advised to have a session on the evaluation of expert evidence, medical jurisprudence, and the analysis of the postmortem report. It was iterated that mere training through lectures is not sufficient and

trainee judicial officers should be trained in such a way that makes them accustomed to facing the present bottlenecks and challenges of the justice delivery system at the grassroots level.

The expansion of the organization's strength and decentralization of state Judicial Academies was emphasized. It was iterated that every district should lay out the training needs as per the requirement of that particular district and the training programme may be formulated accordingly. It was emphasized that the Autonomy of the High Courts should be maintained. It was enunciated that Judges of district judiciary should be sensitized to the socio-economic needs of the litigants and also the different kinds of litigation that they will have to face on day to day basis. It was asserted that the art of the decision-making process should be a part of the learning curriculum for trainee judicial officers.

Session 4: Impact Assessment & Annual Audit of Training Programmes

It was highlighted that impact assessment is a process of evaluating the effectiveness of a training programme in achieving its objectives and goals. The purpose of impact assessment is to determine whether the training programme has been successful in improving the skills, knowledge, and performance of the participants. Impact assessment can be conducted through various methods, such as surveys, interviews, focus groups, and observation. The key steps involved in conducting an impact assessment are planning, data collection, data analysis, and reporting. It was asserted that an annual audit of training programmes is a process of reviewing and evaluating the quality and effectiveness of the training programmes on an annual basis. The purpose of the annual audit is to ensure that the training programmes are aligned with the High Court's objectives, meet the needs of the participants, and are delivered efficiently and effectively. The annual audit can cover various aspects of the training programmes, such as curriculum, delivery methods, training materials, trainer qualifications, participant feedback, and programme evaluation. It was opined that both impact assessment and annual audit are important processes that help High Courts to evaluate the effectiveness and quality of their training programmes.

Continuous assessment of the application of training takeaways was discussed. It was iterated that Continuous assessment of the application of training takeaways is an ongoing process of evaluating how well officers are applying the knowledge and skills they acquired

from a training programme. The purpose of continuous assessment is to ensure that the training programme is having a positive impact on the officer's performance and contributing to the overall success of the justice delivery system. Continuous assessment involves regular feedback and evaluation of the officers' performance, as well as ongoing support and coaching to help them apply their training takeaways.

It was asserted that training evaluation basically helps judicial institutions with the discovery of training gaps and opportunities in training the judges. The process of training evaluation boosts judges' morale, helps improve overall work quality, and is essential to overall training effectiveness. The primary objective of evaluating any training programme is to develop an understanding of whether it has achieved its stated objectives. There are several types of training evaluation methods and tools available that the judicial institutions can use to evaluate and significantly improve the outcome of future training as well. It was asserted that evaluation acts as a definite checkpoint to ensure that the training delivered is able to fill the competency gaps. It was opined that the evaluation of training programs brings greater accountability, acts as a proper feedback mechanism for the overall training process, and ensures cost efficiency in training programmes. Audit of Present Systems, evaluation of judgments & orders post-training, behavioral assessment of the trainee judicial officers, and structuring better models was discussed during the discourse.

Five proven methods viz. The Kirkpatrick Taxonomy Method, The Philips ROI Model, The Summative and Formative Evaluation, Kaufman's Five Levels of Evaluation, Anderson's Model, and the Learning Evaluation that enterprises can use to measure training effectiveness were discussed during the session. It was asserted that each of the types of training evaluation methods has its own unique advantages and disadvantages and academies may use any method depending upon the budget, time, and the availability of the resources.

It was asserted that to ensure that training evaluation is effective the academy before conducting the evaluation should determine the specific goals and objectives of the training programme. In order to get a comprehensive view of the effectiveness of the training program academy may use multiple evaluation methods that include surveys, observation, and performance appraisals. It was highlighted that to ensure the validity and reliability of the evaluation, it is important to collect data from multiple sources, such as trainees, training supervisors, and co-officers, etc. It was advised that one should use standardized evaluation tools that have been validated and tested. It was suggested that the results of the evaluation

should be used to make informed decisions about future training, such as identifying areas of improvement, modifying the training programme, or discontinuing ineffective training programmes.

Session 5: Infrastructure & Human Resource Development of SJA

Clarifying a concern about the Advocate’s training in some states opened the discussion. It was enumerated that in Madras State Judicial Academy one senior member of the Bar, one representative from the State Judicial Academy, and a Principal District Judge (PDJ) form a study circle that organizes and determines the course's content. The meeting is usually held once a fortnight or a month for 2 hours. It was mentioned that the topics are pre-determined, and young advocates are asked to address first and voice their concerns in the meeting. Additionally, PDJ or members recommended by the Academy addresses their concerns, offer them feedback, and carry out any necessary mentoring. The Academy has quarterly review meetings to go through all the feedback that comes up following the meeting with the advocates and, if necessary, to alter the module to suit the needs of the receivers. Besides the core subjects, the study circle offers a common topic like the Art of Advocacy, and how to interact with the client, and with the court for all the 32 Judicial Districts of Madras were discussed during the discourse. It was suggested that after every session the participants may be asked to provide the takeaways and learning outcomes.

It was highlighted that the criteria for choosing the advocates for training are set in the state of Orissa. Those who meet the requirements for training would participate in various seminars and workshops held by the State Judicial Academy. It was remarked that the Bar Council of India is setting up an institution in Bhubaneshwar for continuing education of the lawyers which would be the one-stop center for lawyers training. It was pointed out that for the state of Kerala, there has not been any extensive program for lawyers to date. The mode of selection of lawyers for training is done by the District Judge. Public Prosecutors were also trained by the Academy. The session concluded with advice and caution that all the newly recruited judges should be trained and also training of lawyers is a pragmatic approach but their selection for training should have some substantive criteria.

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