

NATIONAL CONFERENCE OF STATE JUDICIAL ACADEMIES ON TRAINING OF TRAINERS (P-919) - APRIL 4/5, 2015

DATE: 4th and 5th April, 2015

TIME: 9:30 a.m.-5:00 p.m. (4th April, 2015), 9:30 a.m.-1:00 p.m. (5th April, 2015)

VENUE: National Judicial Academy, Bhopal.

CHAIR

1. Hon'ble Mr. Justice Madan B. Lokur (present on Day 2)
Judge, Supreme Court of India
2. Hon'ble Mr. Justice R. C. Chavan
President, Maharashtra State Consumer Disputes Redressal Commission
3. Hon'ble Ms. Justice Indira Banerjee
Judge, Calcutta High Court
4. Hon'ble Mr. Justice Ravi R. Tripathi
Judge, Gujarat High Court
5. Dr. Geeta Oberoi
Professor, National Judicial Academy
6. Mr. Hiranya Borah
Dy. D. G. Government of India, Ministry of Statistics and Programs Implementation
7. Professor Ved Kumari
Faculty of Law, University of Delhi

PARTICIPANTS PRESENT

1. Mr. Shree Krishna Mulmi (Nepal, NJA)
2. Mr. Pras Poudel (Nepal, NJA)
3. Mr. Sanjeev Rai (Nepal, NJA)
4. Mr. Humayun Rasheed Khan
5. Mr. M. Rajender (AP SJA)
6. Mr. Shyamal Gupta (WB SJA)
7. Mr. Neelam Chand Sankhla
8. Ms. Aditi Choudhary (Delhi SJA)
9. Mr. V. P. Patel (Gujarat SJA)
10. Ms. Anuja Sood (HP SJA)
11. Mr. Gautam Kumar Choudhary
12. Mr. Kallappa Siddappa Bilagi
13. Mr. A.M. Babu (Kerala SJA)
14. Mr. H.S. Bhangoo
15. Mr. Rakesh Malviya
16. Mr. Om Prakash
17. Mr. S. Balakrishnan
18. Mr. Subir Kumar
19. Mr. Sudhakar V. Yarlagadda

4th April, 2015 (Day 1)

□ Session 1 – began at 9:30 a.m. presided over by Dr. Geeta Oberoi, Professor, NJA

AGENDA: WHAT IS AIMED AND WHAT NEEDS TO BE AIMED THROUGH JUDICIAL EDUCATION PROGRAMS?

Professor Geeta Oberoi gave brief introduction on all the sessions, objective of whole programs, why this programme is not typical TOT meeting but final meeting in the Academic Year 2014-15 to reflect back on what has been aimed and achieved till date and where one needs to go for the further development. She introduced delegates from Nepal National Judicial Academy (NJA) and asked participants and resource persons and others present in the room to introduce themselves. After general introductions, participants were asked to form pairs for a group activity. Participants were divided into 9 groups and each of 9 groups was provided an opportunity to interact with 6 CJJDs participating in parallel orientation programme. SJA representatives were asked to take casual interview on nature of trainings delivered, problems experienced at trainings, their expectations from SJA trainers and so on. The SJA representatives were asked to do presentation on their interactions with the CJJDs on the second day. The objective of group activity was to understand the nature of problems faced by trainees in the trainings delivered by other SJAs and, to discuss the similarities and differences among these academies, to know the learning gaps.

Professor Ved Kumari objected to this method saying that instead of conducting group activity, conference should focus on what trainers want and what is needed to be provided for training. On which, Hon'ble Mr. Justice Ravi R. Tripathi clarified that since trainers are already aware of the training part therefore, it is necessary to interact with trainees from other states them to find out the loopholes and challenges faced by trainees during SJA level trainings.

Group activities began at 10 am in 9 separate rooms and continued till tea break at 11:00 a.m.

□ Session 2 began at 11:15 a.m.

AGENDA: WHICH JUDICIAL EDUCATION PROGRAMS ARE SUCCESSFUL?
WHAT ARE INGREDIENTS TO MEASURE SUCCESS/ FAILURE OF
TRAINING PROGRAMS?

Ms. Ruchi, Law Associate, NJA gave a brief introduction about NCMS, its policies and schemes outlined in different documents. It was clarified by Prof. Dr. Geeta Oberoi that this brief introduction is necessary, as about 14 high courts have formed the state level committees to coordinate the development of policy proposals for court and case management. It therefore becomes necessary for the SJAs to know the nature of committees established for different purposes by the high courts and their aims and objects so that the level of training imparted at the SJAs match those aims and objectives.

Mr. Hiranya Borah made a presentation on “National System of Judicial Statistics”. He introduced the objectives of a policy framework for judicial statistics being promotion and safeguard of quality, credibility, transparency, accountability, accessibility of judicial statistics and to facilitate comparison of data on the judicial systems nationally and internationally. He added that the selection of indicators may emanate from following questions based on: what, who and how. He introduced broad indicators for the proposed framework. He mentioned criteria for selecting core indicators, which include relevance, feasibility, comparability and timeliness.

He proposed that indices may be used to analyse and monitor the duration and other factors important in understanding of timeframes in the court include clearance rate, case turnover ratio, disposition time, efficiency rate, total backlog, backlog resolution, cases per judge, standard departure and demographic data on community served by each court. He also showed statistics, related to pendency of cases in various timeframes, through tables and graphs.

Dr. Geeta Oberoi, clarified that the SJAs are introduced to the subject of statistics as none of research/training activities undertaken at the SJA level ever refer to or rely on statistics and there is a need to collaborate with experts in this discipline.

□ Session 3 called to order at 2:00 p.m.

AGENDA: DO YOU UNDERTAKE STUDY TOURS FOR THE JUDICIARY?
IMPORTANCE OF STUDY TOURS FOR THE JUDICIARY? WHERE TO GO?
HOW TO FUND THE STUDY TOURS?

Professor Geeta Oberoi initiated a discussion on questions related to study tours by judicial officers and how to fund the study tours. Aditi from Delhi Judicial Academy informed that in their jurisdiction - experts, academicians, professors from other institutes are called to train judicial officers on topics related to area of their expertise. These topics include gender sensitization in rape cases, child abuse etc.

Professor Geeta proposed the idea of focusing on one particular issue for a period of whole one year. She suggested that the idea of doing this is to focus in one direction and to cover maximum judges on the subject of agenda.

Hon'ble Mr. Justice R. C. Chavan asked if training programs can be provided on their websites so that whenever anyone is in need of training on a particular subject, can have access to these training programs online. SJA representatives from Jharkhand and Himachal Pradesh mentioned that they are providing video links to important lectures conducted at their SJAs.

HP SJA Deputy Director also informed that their SJA provides headnotes of different judgments to benefit all the judges in their State. To which Professor Geeta disagreed and suggested that spoon-feeding methodology should be avoided during the judicial training. Providing headnote would be dangerous. Professor Ved opposed the suggestions by Prof. Geeta made on spoon-feeding. She added that helping judges by making headnotes would not amount to spoon feeding as only material will be provided to the trainees and it is up to them whether to accept or reject it. Hon'ble Mr. Justice Ravi R. Tripathi backed Professor Geeta's suggestion and added that there are danger inherent in providing headnote. First of all who will check if headnote is correct or not. Aditi from Delhi SJA also added that headnote is individual interpretation of judgment and same should not be given to trainee judges by the SJAs.

Other participants suggested that judges should not consider these headnotes as final and that disclaimer should also be issued that these headnotes can only be used for reference.

Participant from Nepal mentioned that judges in Nepal are reluctant to use computers, keeping this situation in mind, Supreme Court of Nepal introduced strategic plan for judges. The strategic plan introduced a case management system where judges are required to record, feed all data related to any activity performed in a courtroom into computers. He also mentioned that, Nepal government provides English classes to judges to enhance their skills in researching.

Participant from Tamil Nadu proposed that subjects like management skills, interpersonal skills should be incorporated in the curriculum. On this, Professor Geeta suggested that management experts can be contacted to collaborate with SJAs so that relevant managerial skills are introduced for court related profession. Professor Ved expressed concern on this, saying that these experts may lack legal knowledge which can result in misinterpretation of the topics. Professor Geeta suggested that for this matter, right person should be contacted who has acquired expertise in both law and management issues. She provided example of professors from all four IIMs in the Centre for Law and Policy – who are working on court related procedures and their process engineering.

Karnataka participant suggested instead of inviting people from outside it is better to encourage judges and other judicial officers to learn management. Also, for civil servants, the government provides time to pursue further education if the respective person is interested. Therefore, such kind of approaches should be encouraged to make law practitioners proficient in other fields too. On the other hand other, other participants disapproved this suggestion on basis that this may cause distractions and people might leave for hefty amount of packages offered by private companies.

To the first reference material and question posed on it to participants on training on change management to judicial officers, participants expressed their dislike on court managers as they disobey their orders and do not help them in day-to-day matters. Therefore, proper training should be provided to the court managers and they should

be asked to obey the orders given by judges. Professor Geeta on this contented that it is difficult for court managers to follow orders from everyone as the government has only sanctioned approximately 700 court managers to work amongst 15,000 judicial officers.

Hon'ble Mr. Justice Ravi R. Tripathi suggested that to resolve this issues High Courts should be asked to define the duties of court managers. Professor VedKumari added that at times court managers are asked to do household and other petty jobs which discourage them in discharging their duties. Therefore, the role of the court managers must be defined. Hierarchy is one of the components of Indian Judiciary. Court managers must be included in a judicial system hierarchy and their status should be clarified. Hon'ble Mr. Justice Ravi R. Tripathi added that until the position of court managers is not defined it is difficult to ask them to discharge their duties.

Hon'ble Mr. Justice R. C. Chavan proposed that whether court managers or software engineers – they should be appointed but appointment should not be permanent, regular because technology changes after every 6 weeks. Professor VedKumariopposed this suggestion saying that it is irrelevant because if technology changes after every 6 months so also the law and by this logic even judges should not be regular but appointed on contract only. Justice Chavan clarified that yes if judges do not upgrade themselves intellectually after every six months then even they should be asked to resign.

Professor Geeta initiated a discussion on – how can participants act as a think tank for their respective High Courts in their jurisdictions. To which, Hon'ble Mr. Justice R. C. Chavan expressed that the SJAs can act as think tank provided the high courts are ready to accept such role of the SJAs.

□ Session 4 called to order at 3:45 p.m.

AGENDA: PEDAGOGY V. ANDRAGOGY DEBATE AND ITS USEFULNESS TO STATE JUDICIAL ACADEMIES

Professor VedKumari through presentation discussed the given agenda. Terminologies like “Pedagogy” and “Andragogy” were introduced. The six principles given by Malcolm Knowles were introduced. Various factors involved in adult learning like motivation, life experiences, teaching methodology were covered. The barriers in adult learning process like lack of time, money, confidence, interest, information about opportunities, scheduling problems, red tapes, child care and transportation problems were examined deeply. Apart from this, different learning styles, methods to improve one's learning skills, teaching methods for adults were also analyzed during the session.

5th April, 2015 (Day 2)

□ Session 5 at 9:30 a.m.

AGENDA: HOW TO PRODUCE PUBLICATIONS? RESEARCH MATERIALS? ONLINE INTERACTION PLATFORMS FOR JUDGES?

Professor Geeta welcomed Hon'ble Mr. Justice Madan B. Lokur, Judge, Supreme Court of India. She asked all the participants to make presentations based on group activity conducted previous day. The presentations made by these groups are as follows-

Group1: CJJDs from Madhya Pradesh threw light on methodology adopted for training and demanded - to include professors and experts as faculty, provide trainings in new subjects instead of repeating the same subjects, judges allotted for regular supervision and guidance should be ideal, punctual and knowledgeable, and encourage trainees to air their grievances and problems. Karnataka CJJDs demanded that the period allocated for dais observation should be increased, questions should be

satisfactorily answered, staff should be trained. CJJDs from Tamil Nadu added that there is a need to develop consensus and conceptualize aim and objectives of judicial training. Also, the interviewed judges were unable to answer whether their academy has identified weaknesses in the decision making process of the judges in their jurisdiction. The interviewed judges were unable to answer the questions asked regarding the judicial training system.

Group 2: CJJDs suggested that judicial academies should collaborate with academicians and experts. Professionals from reputed management institutes should be called to train judicial officers. Durations, subjects, and modules of training may be followed, as much as possible, uniformly, all over the country. There should be classroom training for District Judges also.

Group 3: CJJDs interviewed brought out that officers were ridiculed on asking questions during training. Also, they were counter questioned on asking any doubt, the resource persons demotivated them. The training given to them was lecture based and no interactive sessions were conducted. The training period was also not sufficient. The training skills of the resource persons were not up to the mark. Also, CJJDs suggested that the fear psychosis should be avoided in a training environment. Subjects like revenue law, finance, administrative law should be included in the curriculum, and the name mentioned in the feedback form must be kept anonymous.

Group 4: CJJDs interviewed suggested that the feedback should be taken anonymously. Study tours to forensic labs, hospitals, police stations should be included in the training programs. They also asked the SJAs to provide publications and research materials through circulating questionnaire, podcasting, e-library etc.

Group 5: CJJDs interviewed by this group suggested that there should be training for at least one year. Training should be conducted in three or four phases, trainees should be sent to courts to act or to assist judges to gain practical knowledge of the subjects. Training should focus on practical skills rather than focusing on theoretical purposes. Interactions with police/ tehsildars should be encouraged. The judicial officers suggested that the feedback forms should be kept anonymous. Professors, professionals, experts should be invited to train trainees. New judicial officers should

be asked to assist high court judges as clerks to gain practical knowledge. Trainings on personality development, cyber laws, survey and settlement laws, problem redressal, court management should be included in the curriculum.

Group 6: Interviewed judicial officers suggested that training should be more about practical knowledge and classroom methodology should be avoided. Most of the judicial officers complaint that they did not have stress management class. Individual presentation should be encouraged during the training sessions.

Group 7: CJJDs suggested that training should be about day to day problems faced in the courts and more practical oriented, district judges must act as father and not as boss to the trainees, moot court methodology must be used for training, more interactions from trainees must be allowed, training material should be provided in advance, courses like MRTP Act and Negotiable Instruments Act should be included in the curriculum.

Group 8: CJJDs proposed that there should be practical oriented curriculum. Also, while training, trainers should teach what is needed for training and subject should not be repeated. Also suggested that the feedback about training should be taken anonymously. Motivation and encouragement should be given by district and high court judges to judicial officers. There should be a special training program in areas like cooperation, management etc.

Group 9: CJJDs interviewed from Bihar, Uttar Pradesh, Maharashtra expect moral support, motivation and encouragement from district judges.

□ Session 6 at 11:30 a.m.

AGENDA: HOW TO EVALUATE IMPACT OF JUDICIAL EDUCATION PROGRAMS? WHAT METHODOLOGIES EXIST? HOW TO MAKE USE OF THESE METHODOLOGIES?

Hon'ble Mr. Justice Ravi R. Tripathi discussed various factors for improving judicial education. These factors include motivation, bringing judges up from judicial culture,

maintenance of anonymity in case of complaints, creativity on issues which cannot be dealt with any higher authority, removal of fear psychosis.

Hon'ble Ms. Justice Indira Banerjee added that the training provided to the judicial officers must be subject and practical situations centric. The attitude of judges in courts should include courtesy and encourage service centric mannerism, which will in turn help in enhancing justice rendering skills. Also, judges should not make comments depicting partiality in court proceeding or in writing judgments, as comments depicting partiality may discourage people at large to approach court for their grievances. She also discussed the example of an incident where a judge mentioned during the court proceeding that two slaps are normal. Therefore, judges should also be taught what to write in a judgment. Judicial ethics plays very important role in induction courses. Judges can be motivated by discussing personal experiences. Feedback regarding trainers should be kept anonymous. Directors of judicial academies should assess effective speakers for training programs. She emphasized on providing sufficient space for training as she had faced a problem regarding constraint of space which resulted into compact and substandard training.

Hon'ble Mr. Justice R. C. Chavan shared his experiences with respect to judicial training and the problems faced during judicial training. He pointed out few main problems regarding training such as lack of suitable trainers, non-exposure to the working and mannerism of police/tehsildars at different situations. He also discussed the differences in the exercise of Section 498A of Indian penal code, as to whether background of the victim as well as the accused should be kept into consideration while rendering a judgment.

Professor Ved showed disapproval by contending that one cannot take social background into consideration as it shows discrimination.

Professor Geeta initiated a discussion on –“How to produce publications? Research Materials? Online Interaction Platforms for judges?” and “How to evaluate impact of judicial education programs? What methodologies exist? How to make use of these methodologies?” She enquired about the research policy and research mannerism followed in various jurisdictions. To which, Director of Andhra Pradesh SJA

responded that they do not have any research policy so far. They have only two persons to run the SJA and therefore research is not possible. Also their SJA does not believe in collaborating with academicians to conduct any research. They want to keep away from academicians.

On this, Professor Geeta asked participants to provide reasons for not initiating and implementing research to help them in judicial education activities, as sufficient funds are already provided by the Government of India initiatives.

Director of West Bengal SJA shared that their SJA is engaged in research regarding juvenile justice, cyber law, adoption, medical negligence, application of technology in courts, urbanization, environment protection in collaboration with the NUJS.

Additional Director of Maharashtra SJA informed about research in collaboration with TISS on topics like dowry, atrocities, corruption, child abuse etc.

Participants from different jurisdiction including participants from Bihar, Delhi assured that research will soon be initiated in their respective jurisdictions and proposals will be submitted to the DOJ in this regard.

Hon'ble Mr. Justice R. C. Chavan recommended that academicians and experts from various field should be invited for research and analysis of data on judicial training.

Professor VedKumari showed concern over identification of research topic and framing a research policy.

Professor Geeta directed the members to refer to an indicative list of topics for action research and studies on judicial reforms which could be undertaken by judicial academies, as mentioned on page 307 of the reference material provided to the SJAs.

Aditi from Delhi SJA gave example of research conducted on the direction of Delhi high court to improve the front desk filing counters. She provided how through training activities also research can be generated.

Hon'ble Mr. Justice Madan B. Lokur, Judge, Supreme Court of India, expressed his concern on need to undertake judicial trainings. He added that the necessity of judicial education is still not understood by many SJAs. He enquired as to why judicial education should be undertaken, is it because it is recommended by the various reports and commissions or is it because it is needed in a judicial system to render justice. He added that once the necessity of judicial education is understood, automatically other issues like gender sensitization, motivation etc. will be taken care of. He said that it is a high time that one should realize the need for judicial education since there has been no changes and improvement in ten years so far with respect to judicial education. He proposed that there should be a new beginning, starting with identifying the needs of judicial education. He expressed concern on findings of 9 groups on state of judicial education.

He also mentioned that judicial education should be taken seriously because it is a relevant part of the judicial system, and not merely because there has been fund provided by the government. Aims, goals and objectives must be identified for an effective judicial education. Also, efforts should be made to achieve short term and long term goals identified by the SJAs in earlier NJA-SJA meeting in September 2014.

He shared Professor N.R. Madhav Menon's purpose of providing internships to law students at NGOs, villages was to provide a platform to experience the life beyond urban cities. Therefore, visits to forensic laboratories, hospitals, police stations, villages should be encouraged during the training period. He also mentioned research as very important aspect of training and neglecting research is a waste of resources and facilities provided by the government.

He mentioned that there have been lot of quality research done on various burning issues like rape, sexual offences, motor vehicle accidents but sadly it all ended up as a showcase in libraries, without making any use of these studies.

He informed that there is no shortage of money for research since 14th Finance Commission has already allotted plenty of money for research purposes but it is sad to note that only 18% of the funds were utilized out of grant provided by 13th Finance Commission. He mentioned that the funds provided by the government under the 14th

Finance Commission for capacity building can be used for various purposes like training, research, infrastructure etc. and therefore right decision has to be taken to utilize the resources.

He proposed the idea of using technologies in communication, teaching, and interactions. For example use of skype for communication and websites for legal material etc.

Professor Geeta concluded the conference by thanking the Chair, every resource faculty and appreciated all the participants for theirfull participation during all the sessions. She also valued the presence of participants from Nepal.

Minutes Prepared By: Naincy Jain, Intern, National Judicial Academy.