

# **NATIONAL JUDICIAL ACADEMY**



## **WEST ZONE REGIONAL CONFERENCE ON ENHANCING EXCELLENCE OF THE JUDICIAL INSTITUTIONS: CHALLENGES & OPPORTUNITIES**

**[P-1094]**

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### **PROGRAMME REPORT**

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## **Overview of the Conference**

The National Judicial Academy organized a two-day West Zone Regional Conference on the theme 'Enhancing Excellence of Judicial Institutions: Challenges & Opportunities', in collaboration with the High Court of Bombay and Maharashtra Judicial Academy and Indian Mediation Centre and Training Institute, Uttan (Thane). The conference was attended by High Court Justices and Judicial Officers from the High Courts of Bombay, Gujrat, Rajasthan and Madhya Pradesh.

### **Day 1**

Session 1 - Constitutional Vision of Justice

Session 2 - High Court and District Judiciary: Building Synergies

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

Session 4 – Social Context Judging as a Controlling Element in Statutory Interpretation and Exercise of discretion

### **Day 2**

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

Session 6 - Access to Justice: Court and Case Management

## **Objective of the Conference**

The Regional Conference was designed to provide a forum for exchange of experiences, communication of knowledge and dissemination of best practices from across clusters of High Court jurisdictions in west zone region of the country and amongst hierarchies. Its aim was to accentuate the experiences of the High Courts and Subordinate Courts, besides revisiting established and imperative norms of a constitutional vision of justice, elements of judicial behaviour, social context judging, significance of ICT and other specified topics.

## **Session 1**

### ***Constitutional Vision of Justice***

***Speakers: Justice A.M. Sapre and Justice Atul Sreedharan***

The first session was on the theme “*Constitutional Vision of Justice*”. 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 in its Preamble lies the heart and soul of the constitution. Various aspects associated to justice were discussed like- the significance of certainty of law, issues related to cases involving public interest and individuals, competent legal aid, social consciousness etc. It was suggested that magistrates should focus on providing access to justice rather than chasing principles. The constitutional vision of justice is not only important for higher judiciary but also for the subordinate judiciary. It was highlighted that although members of the subordinate judiciary are not invested with powers to declare the laws unconstitutional, but they are the ones who are handling constitutionally important cases. Ratlam Municipality case was cited as the best example of the kind.

## **Session 2**

### ***High Court and District Judiciary: Building Synergies***

***Speakers: Justice Navin Sinha***

The second session was on the theme “*High Court and District Judiciary: Building Synergies*. It was perceived that predominantly the only communication that takes place between the high courts and the subordinate courts is disciplinary communication which is far from the ideal. To accentuate harmony a continuous course of communication between the hierarchies is required to inevitably increase the efficiency of the deliverables. 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 subsequently guide them. 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 justice administration system. The session concluded by stating that 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.

### **Session 3**

#### ***Elements of Judicial Behaviour: Ethics, Neutrality and Professionalism***

***Speakers: Justice Navin Sinha and Dr. Justice Shalini Phansalkar-Joshi***

The third session was on the theme “*Elements of Judicial Behaviour: Ethics, Neutrality, and Professionalism*”. It highlighted that judicial conduct plays an integral role in upholding public trust and confidence in the justice system, hence, 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. It was agreed that impartiality, integrity and independence of a judge is the most important value and judge’s duty is to decide the case and to see that justice is rendered.

### **Session 4**

#### ***Social Context Judging as a Controlling Element in Statutory Interpretation and Exercise of discretion***

***Speakers: Dr. Justice Shalini Phansalkar-Joshi and Justice Bharati H. Dangre***

The fourth session was on the theme “*Social Context Judging as a Controlling Element in Statutory Interpretation and Exercise of discretion*”. It was conceived that while judging a case, the social context or the developments of the society cannot be completely ignored as society and law both are dynamic i.e., it evolves with time. Our Constitution being a socio-political manifesto of the people and courts being the guardians of the Constitution are expected that social context form an indispensable tool of judging not only in constitutional courts but also in trial courts where far greater number of people seek justice. Further, the role of a judge is to act as a conduit between the needs of society and the law without allowing the legal system to decline or collapse into anarchy. The session was concluded by stating that judging is not just deciding, it is strengthening the social cohesion and maintaining the rule of law.

## **Session 5**

### ***Access to Justice: Information and Communication Technology in Courts***

***Speaker: Justice Sanjeev Sachdeva***

The fifth session was on the theme “*Access to Justice: Information and Communication Technology in Courts*”. The speaker initiated the session with the history of computerization of courts which began way back in 1990s when the first computerized Cause List was prepared in the Patna High Court. A reference was made to the Delhi High Court by emphasizing that the entire record of decided cases upto the year 2012 have been digitalized, 40,000 sq. ft. land has been vacated due to digitalization, certified copies of digital records with digital signature is available within 15-20 minutes of the order, installation of kiosks for information, and introduction of the system of e-court fee, digital display boards in and outside the courtrooms, e-cause list, e-summons etc. It was suggested that the judiciary as a whole stands far behind in the application of technology for swifter justice administration, therefore, litigant oriented use of technology should be adopted by the judiciary to improve the efficiency of courts.

## **Session 6**

### ***Access to Justice: Court and Case Management***

***Speaker: Justice Sanjeev Sachdeva***

The sixth session was on the theme “*Access to Justice: Court and Case Management*”. The session was made as an interactive session in order to allow participant judges/justices to place before the house the limitations they face with respect to the management of their courts as well as to share their experiences and assimilate best practices. It was widely agreed that the effective administration of justice depends critically upon a successful partnership between the judiciary and the stakeholders. 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. It was suggested that the success of the court depends upon the

quality, responsiveness and timeliness of justice and hence the management of court is an integral aspect of the justice administration system.