

NATIONAL JUDICIAL ACADEMY, INDIA



P-1347

TRAINING OF TRAINERS FOR STATE JUDICIAL ACADEMIES

Date: 13th - 14th May 2023

PROGRAMME REPORT

PROGRAMME COORDINATOR:

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The National Judicial Academy (NJA) organized a Training of Trainers programme for the State Judicial Academies on 13th and 14th May, 2023. The objective was to develop a standard framework for Judicial training by structuring modern teaching principles and pedagogies with assistance drawn from in-house experience and domain experts; to explore new training modules for maximizing learning processes. A total of 32 participants including Directors/ Additional Director/ Faculties of the State Judicial Academies attended the ToT programme.

Session – 1 Training Needs Assessment

The session provided valuable insights on the development of training programs for judicial officers, ensuring their continuous professional growth and enhanced performance. The participants raised concerns about various areas where they identified a knowledge gap and expressed the need for training. Gender sensitization emerged as a critical area that should be addressed through training. The importance of understanding gender issues and promoting gender equality as integral aspects of judicial education was underscored. Another area identified for training was cybercrime, with participants emphasizing the need to enhance knowledge and skills related to evidence collection, chain of custody, and the appreciation of evidence in cybercrime cases. Victimology, including the psychological understanding of victims, and children involved in legal proceedings, was also pointed out as an important subject for training. Furthermore, the participants highlighted the necessity of bridging the gap between prevailing laws and customary practices in different regions. The importance of education on local laws and their practical application to ensure fair and effective judicial decision-making was stressed upon. The session also brought attention to the significance of stress management and the overall well-being of judicial officers. Participants emphasized the need for training in stress management techniques and addressing the potential impact of vicarious trauma experienced by judges. Lastly, a mention was made to the variation in sentencing practices among judges and the need for education on uniform sentencing principles to promote consistency and fairness was discussed.

The session identified training needs at various levels: organizational, functional, and individual. At the organizational level, there is a need to focus on modernizing the court system, reorganizing judicial processes, and incorporating e-processes and case management. Functionally, specialized knowledge of current laws and procedures, as well as the consequences of judicial decisions, was highlighted. At the individual level, communication, decisiveness, and objectivity were considered essential. Participants noted the effectiveness of films and documentaries in creating a deep impact and understanding of complex subjects such as gender justice & child rights. It was highlighted that such mediums were seen as powerful tools to promote empathy, reflection, and awareness among judicial officers.

The role of State Judicial Academies in bridging the knowledge gap and fostering the development of judicial officers was dwelt upon. It was opined that Judicial Academies are seen as essential in imparting not only hard skills but also soft competencies such as professional ethos, conceptual thinking, and effective communication. The academies were identified as the ideal platform to nurture values, integrity, and competence within the judiciary. It was accentuated that by implementing these insights, they can strive towards continuous professional growth, enhanced performance, and the delivery of justice in line with evolving societal needs.

Session – 2 Principles of Adult Education to meet Complex Demands of Judging

The session commenced by highlighting the significance of comprehending both procedural and substantive laws. The participants were guided on how to navigate and interpret these laws effectively. It was emphasized that judicial educators act as leaders who inspire and influence rather than direct or dominate. Delegating authority was discussed as an empowering approach for participants. The use of concise and visually appealing PowerPoint presentations was encouraged to deliver lectures and facilitate better comprehension. Participants were advised to keep their presentations brief and focused, as visuals and active engagement enhance understanding and retention.

The power of storytelling was emphasized as a means to engage participants and aid knowledge retention. Anecdotes and stories were suggested as effective tools to convey important concepts and stimulate thoughtful discussions. The speaker proposed a shift from the traditional "question and answer" format to an "answer and question" approach. This approach aimed to encourage participants to share their insights, suggestions, and comments, fostering an interactive and inclusive learning environment. The importance of providing practical illustrations, real-life examples, and sharing personal experiences was highlighted. The discussion compared the traditional lecture-based approach to education with the newer interactive approach. The benefits of interactive learning, including increased engagement, better holding of information, and the opportunity for participants to learn from one another was deliberated upon. Participants were encouraged to incorporate interactive methodologies into their teaching practices.

The discussion revolved around the need for the judicial academies to adopt appropriate methodologies for training judges and providing judicial education. An example was given of a training on the subject of bankruptcy law and the successful implementation of the programme at the Delhi Judicial Academy was underlined. The primary purpose of judicial education was underscored as a means to offer judges a platform to enhance their knowledge, skills, and understanding of social conditions. It was emphasized that judicial education can significantly contribute to the accessibility and inclusivity of the court system.

To ensure the effectiveness of judicial education, it was recommended that judicial academies continue to prioritize the continuous training to judges. This would enable them to adapt to the changing legal landscape and promote uninterrupted learning. Furthermore, efforts should be made to encourage collaboration and knowledge sharing among judges, enabling them to learn from one another's experiences and perspectives. It was deliberated that by fostering a culture of ongoing education and professional growth, the judiciary can maintain its independence and ensure that judges are well-equipped to fulfill their constitutional obligations.

Session - 3 Crafting Educational Objectives to Facilitate Decision Making Process

The session began with an insightful discussion on the need for judicial academies to conduct programmes based on specific topics, guided by recent decisions or directions from the court. The significance of effective judgment writing and reducing the chances of appeals through comprehensive training was highlighted. The role of judicial education in addressing challenges such as delays in delivering justice and complexities arising from constitutional issues was discussed.

During the deliberations, judicial officers were encouraged to explore alternative methods such as mediation and plea bargaining to expedite the resolution of cases. The responsibility of judicial academies in discussing and addressing these challenges was reflected upon. The session underscored the role of judicial educators in promoting discussions on critical issues related to the exercise of discretion, constitutional interpretation, and managing cases with constitutional implications. The need to educate judges on constitutional values and morality was outlined, as well as the potential impact of teachings on the overall delivery of justice.

It was opined that the first five years of a judge's career are crucial for instilling ethics and impartiality, as outlined in the Bangalore Principles. Participants emphasized the need for active dialogue between academies and judicial officers to determine the officers' specific needs and tailor training programs accordingly. Needs assessment was identified as a critical step often overlooked, leading to ineffective programmes. It was iterated that conducting a thorough needs assessment allows academies to design programmes that are relevant and beneficial. The session highlighted the need for continuous education throughout a judge's career, acknowledging that attitudinal changes can occur at any stage. It was accentuated that judicial academies should focus not only on legal knowledge but also on shaping attitude and behaviour. Furthermore, the value of specialized knowledge and expertise in training programmes was briefly discussed. It was suggested that the academies should invite domain experts as resource persons, including lawyers with specialized knowledge, to serve as faculty members. This approach would bring diverse perspectives into the training and enhance its quality.

The session emphasized the importance of participative training methods. It was suggested that monologues should be replaced with dialogues, and problem-based learning should be employed to discuss legal theories within the context of real-life scenarios. The inclusion of mock trials, analysis of disposed cases, and judgment writing exercises were proposed as valuable training exercises. The use of precedents and judgment analysis, along with feedback, were also identified as crucial components of the training process. Lastly, language improvement and fast reading skills were acknowledged as indispensable in order to effectively manage the high pendency of cases.

Session - 4 Designing Training for Specialized Courts

The session shed light on various laws pertaining to women and children, encompassing the Indian Penal Code (IPC), Immoral Traffic (Prevention) Act (ITPA), Child Labour Prohibition Act, Bonded Labour Act, Protection of Children from Sexual Offences Act (POCSO), and the Juvenile Justice Act. These laws were emphasized for their role in addressing gender-specific crimes and safeguarding the rights of women and children. The session underscored the prevalence of domestic violence cases and its detrimental impact on women. It was highlighted that it delved into different forms of cruelty, including physical, psychological, and economic, providing relevant examples extracted from various judgments to illustrate the seriousness and repercussions of such acts. An emphasis was drawn on the object and purpose of family law, stressing the importance of striving for gender neutrality. By promoting gender neutrality, the speaker envisioned a society where gender-based discrimination and biases are eliminated.

The session addressed the importance of considering the history of violence, repetition or threat, and the presence of children as crucial factors when determining bail requirements in domestic violence cases. The objectives and purpose of the POCSO Act were discussed, emphasizing upon sensitivity towards the protection of children who have been sexually assaulted or molested. Concerns were raised about the misuse of the POCSO Act in cases that do not fall under its intended scope. The need for clear guidelines and Supreme Court judgments on the appropriate application of the Act was highlighted.

It was pointed out that the presence of children during instances of domestic violence can cause lasting trauma, and the court must consider such factors when making decisions. The importance of recognizing, resisting, and reporting crimes against children was emphasized. The session also focused on the importance of promptly recording statements and concluding trials under POCSO. The need for case management to ensure adherence to the statutory timelines was highlighted. The speaker stressed that cases involving actual sexual abuse should be prioritized to ensure timely resolution, while cases not falling within the objectives of POCSO due to reasons such as consensual relationships should be addressed differently.

The importance of attitudinal change and awareness creation among all stakeholders in the criminal justice system was underscored. The collaboration between police officers, medical officers, prosecutors, judicial officers, and NGOs was highlighted. Participants were encouraged to engage in open discussions on the impacts of child abuse and violence, fostering a better understanding of the subject matter. Issues related to re-victimization and secondary victimization were explored, with a focus on the challenges faced by child victims during police investigations and court trials. Emphasizing the significance of sensitization, it was urged that the participants should consider the experiences of marginalized individuals, particularly women and children, when designing training programs. Additionally, participants were encouraged to engage in research and increase their understanding of gender justice to promote informed decision-making and awareness within the legal fraternity.

Session 5 - Review of Judicial Education

The session highlighted that judicial education programmes have gained significant importance in professional development for judicial officers worldwide. It was mentioned that by enhancing judicial competence and professionalism, judicial education plays a crucial role in fostering public trust and confidence in the judicial branch. It was highlighted that social context training is a crucial component of judicial education. Research has shown that despite constitutional provisions and legislative mandates for equality, unequal treatment before the law persists in societies. Therefore, it was opined that social context

training is essential to address biases, promote sensitivity, and unlearn prejudiced attitudes. It equips judges to make fair and impartial decisions, including those involving sensitive issues such as parenting plans and mental age counseling.

It was pointed out that a systematic needs analysis format plays a vital role in tailoring the training programs to meet the specific requirements of the judges. Identifying the presence of such a process ensures that the education provided aligns with the individual learning needs of the judges. It was suggested that the availability of a structured feedback mechanism is also important for judges to provide their input, suggestions, and opinions on the training programmes. This fosters a collaborative approach and allows for continuous improvement in the delivery and content of the education. It was stated that it is also necessary to examine whether judges have observed any direct impact of the training on their professional conduct, decision-making, and overall performance. It was mentioned that assessment helps determine the practical relevance and effectiveness of the education in their day-to-day working.

It was stated that existing practices for training of judges in western countries involve a range of elements aimed at comprehensive skills development. These elements include trainee courses, court practice, sitting on panels with senior judges, shadowing judges in specialist courts, mandatory seminars on judicial skills training, and centralized training at judicial schools for an extended period. It was underscored that in state judicial academies "Lecture Method," "Discussion Method," and "Case Study Method" serve as primary strategies for delivering legal education. This approach recognizes the importance of engaging judges in their learning process. It was suggested that adding interactive pedagogies in training modules like in western countries would enhance the overall output of the training programme. It was emphasized that programme like "Training the Trainers" aim to encourage the use of effective teaching methodologies, enhancing the quality and impact of judicial training in SJAs. It was accentuated that by incorporating these practices and emphasizing adult learning techniques SJAs can enhance the professional development and competence of judges. These efforts contribute to an improved administration of justice and ensure that judges are well-prepared to handle their roles effectively.

