

NATIONAL JUDICIAL ACADEMY



NATIONAL SEMINAR ON JUDICIAL SKILLS [P-1365]

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PROGRAMME REPORT

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Overview of the Seminar

The National Judicial Academy (NJA) organized a two day National Seminar on Judicial Skills on 14th & 15th October, 2023. The participants were judges from district judiciary from all High Courts of the country. The seminar aimed to enhance core judicial skills of judges at district judiciary level. The discussion in the seminar was focussed on core judicial skills including leadership & administrative skills and judging skills. The seminar also focussed on judicial behaviour and use of ICT in courts. The participants were apprised of the latest developments and guidelines of the Supreme Court in the concerned areas in the seminar.

Session 1: Leadership Skills: Organizational Performance and Leadership Effectiveness

Speaker – Justice A.M. Mustaque

The session was commenced by emphasizing the use of the information communication technology in court management. The importance of the district judiciary in the hierarchy of court system and the need of innovation at the district judiciary level were emphasized. It was opined that there is a problem of mindset which inhibit initiatives. The dilemma faced by judges from the district judiciary is that they look towards the high court for all changes and this restrict their role as leader of their court. This also affect transformation in the district judiciary. The belief that every change should be brought by the high court or the Supreme Court inhibit the leadership skills. It was opined that judges are leaders and masters of their courts and they should not see it only as management and rather they should ensure that how their functions make positive impact on the litigants. Leadership is all about making positive impact on the institution. The speaker then shared experience on prison reforms in Kerala. It was opined that women prisoners face lot of stigma in society and efforts should be made to rehabilitate them by enhancing their education and skills during their imprisonment. It was opined that judges should motivate their court staff and should bring change through court management. It was suggested that there should be a WhatsApp group for every court for seamless communication among staff and judges and the problems can be conveyed through them.

The speaker then explained the essential qualities of a leader which include commitment to the institution, doing work by choice, practice with consistency and treating staff as part of the family. The speaker then discussed participative leadership theory which teaches leaders to listen to their employees and involve them in the decision-making process. It encourages an inclusive mindset, proactive communication, and the willingness to share power with team members. Then the relational leadership theory was explained which is about the process of bringing people together to accomplish change or achieve a goal that benefits common good. The essential leadership skills were discussed including accessibility, empathy, communication line, conviction in taking decision, planning, collaboration, transformational thoughts, exhibit sense of urgency, values and vision, receptive to criticism, suggestions and fresh concepts, be proactive by setting an example and exhibit concern for all who are involved and find solution for their problems. The importance of strategy, team work, flexibility, management skills, evaluating and feedbacks was emphasized.

Session 2: Administrative Skills

Speakers – Justice A.M. Mustaque and Dr. Justice Anita Sumanth

The session commenced with defining administrative skills. The speaker opined that three sets of skills are necessary for judges for better administration. The human resource management improve interpersonal skills, the resource Management enhances skills related to budgetary preparations and optimum utilization of funds and the technical skill enhances focusing on IT enabled workspace. The better administration of court include delay and arrear management, identifying causes of delay and arrear, developing and implementing strategies to reduce delay and arrear, monitoring the progress of strategies and communicating with stakeholders about the progress of delay and arrear management efforts. The speaker then discussed the methodology of Six Sigma where the practitioners use statistics, financial analysis and project management to achieve improved business functionality and better quality control by identifying and then correcting mistakes or defects in existing processes. The five phases of six sigma method including defining, measuring, analysing, improving and controlling were discussed and continuous process improvement was emphasised. The speaker then highlighted the management principle Kaizen which is a Japanese concept that facilitate constant improvement or betterment. Its principles are self-discipline, common sense, economy, and order. The Kaizen method involves every employee from the highest to lowest ranks to initiate changes, as small changes put together can have an enormous impact on the organization's overall growth.

Then the importance and features of JustIs App were explained to the participants and various heads of dashboard for judicial officers were discussed. Then the functioning of the National Judicial Data Grid was discussed and it was suggested that the NJDG should be used regularly by district judges to manage their courts in an effective manner. The speaker then discussed administrative skills required for effective staff management. It was emphasised that judges should inspire commitment and catalyse performance, set clear expectations for staff performance, provide staff with training and resources they need to be successful and provide feedback and recognition for good performance. The judges should also address performance issues promptly and fairly and should create a positive and supportive work environment. The speaker then explained different modes of acquiring skills including how to develop effective administrative skills through peer group interactions, taking advantage of training and development opportunities, seeking out mentorship from experienced colleagues, networking with other administrative professionals and reading books and articles on administrative skills. The speaker emphasised the importance of ICT efficiency among judges and it was suggested that ICT efficiency should form part as an indicator for the assessment of the judicial officers. It was suggested that judges should have seamless communication with their staff to listen to their grievances and address them accordingly. Senior judges should create a platform to mentor junior judges. It was suggested that IT professionals should be integrated in the system and their services should be utilized for reducing delay in courts. Emphasis was paid on regular supervision of the staff for efficient administration of the court.

Session 3: Judging Skills

Speakers – Justice Dr. Justice Anita Sumanth and Justice Manish Pitale

The session commenced with the discussion on judicial reasoning and constitutional morality. The issues related to social morality and constitutional morality were highlighted and use of constitutional morality in writing judgment was emphasised. The fundamental features of the constitutional morality were discussed. It was opined that the constitutional morality is a dynamic concept and it responds to the changing social realities. It was opined that there may be a conflict between constitutional morality and personal morality and preference should be given to constitutional morality while deciding a case and writing the judgment.

It was suggested that judges should develop scientific temperament and should eliminate their unconscious biases. Many unconscious biases can develop in the process of upbringing and they should be removed by inculcating scientific temperament. The reasoning in the judgement should be intelligible and logical. It was suggested that before writing a judgement, the structure of the judgment should be deliberated and the judgment should be written in a clearly structured manner. The judgement should be decided in a dispassionate manner and personal preferences should be avoided in deciding a case. The judicial reasoning should show sensitivity towards vulnerable victim and witnesses and it should be able to give a direction to the society.

The speaker then focussed on gender sensitivity in writing judgment and it was suggested that judges should be careful in their use of language in writing judgment and should avoid phrases and words which shows insensitivity to gender perspective. The judges should always use gender neutral words and phrases in their judgment and all kinds of gender stereotypes should be avoided. The rights of parties regarding their privacy and identity should be respected while writing judgement.

Then discussion focussed on art of hearing and promoting rational discourse in the court room. It was suggested that judges should hear the layers of arguments and should not behave like a counsel. The spirit of inquisitiveness should stay and focus should be on understanding of the case rather than putting down the counsel. The judge should aims towards objective finding rather than proving his point during hearing. The discussion then focussed on lengthy arguments by advocates and it was opined that judges should fix a time schedule for hearing the case on stage by stage basis. This will give more control to judges in deciding the case in timely manner. The judges should ask the counsels to provide summary of their arguments and should ask them to submit relevant precedents only. The precedent should be relevant to the facts and issues of the case.

The discussion then focussed on avoiding the tendency of cut copy paste in judgments. It was suggested that principles of precedents should be written in brief manner. There should be brevity in judgment and use of strange and difficult words should be avoided. It was opined that judges should not be concerned about the fate of their judgment in appeal and should not be surrounded by doubts about correctness of their judgments. As long as the judgment is reasonable the judges should not think that what would happen to their judgment in appeal.

Session 4: Elements of Judicial Behaviour

Speakers –Justice C.V. Karthikeyan and Justice Dr. Pushendra Singh Bhati

The session commenced with the assertion that behaviour and conduct of the judges must inspire public confidence and faith in the integrity of the judiciary. Judges should perform their duties without fear or favor to ensure faith and confidence of the people. The Bangalore Principles of Judicial Conduct 2002 was referred and values mentioned therein were discussed. The factors affecting judicial independence were discussed including financial inducement, external pressure and public opinion. Subsequently, the concept of judicial independence and its necessity was elucidated. It was stated that independence of judiciary indicates that the judiciary is not under the influence of the executive and legislature and is free from pressures exerted by governmental and private agencies. It was stated that the issue of judicial independence has arisen from time to time, and whenever there is a strong political executive in power it invariably has led to a conflict with the judiciary. The discussion threw light on instances when the issue of judicial independence arose and instances where the judiciary stood up to the task.

Thereafter, the use of measured and calibrated language in the courtroom was emphasized. It was accentuated that in the age of information technology and virtual hearing, the transparency in Courts have increased and courtroom conduct should be exemplary and courteous. The issues relating to relationship between bench and bar were discussed. It was suggested that there should be interaction with the bar to seek input to improve the functioning of courts but no one should get preferential treatment. It was opined that judicial office should never be used for personal benefits and a Judge must recuse wherever relatives/friends appear in their Court.

Subsequently, it was alluded that with the advent of social media lives of judges have seen unprecedented level of access by the public. It was stressed that judges should not comment on any politically sensitive matters on social media. It was opined that judges must understand that they are not holding an office which is elected by the public, therefore, they should avoid speaking on matters in the public. It was iterated that the credibility of the judicial institution is dependent on every judge. It was stressed that recognition and motivation should come from within, judges should not give the remote of motivation to others. Judges were advised to have limited access to social media.

Lastly, Judges were suggested to not be unnecessarily attached with their judgments. It was opined that once a case is decided a Judge must disassociate from its journey.

Session 5: Use of Information and Communication Technology (ICT) in Courts

Speakers – Justice Rajesh Bindal, Justice Vivek Rusia and Justice Anish Dayal

On the above theme the discussion commenced by elaborating on several innovative ways to streamline working of Courts and emphasise the need for a comprehensive policy on equipping Courts with technologically advanced infrastructure. The session reflected upon the developments with regard to e-Courts in India. All the three phases of the e-Courts project was delineated. Thereafter, the discussion centered on the transformative impact of technology in the judiciary, with emphasis on e-filing, e-court fees, push SMS facility, and various other digital initiatives. The

objective was to emphasize the advantages of digitalization and its far reaching impact on court procedures and processes. It was opined that the COVID-19 pandemic and subsequent lockdown further accelerated the adoption of paperless courts and virtual hearings.

Thereafter, the initiatives undertaken by the Delhi High Court like digitization of old records, improving connectivity in courts, paperless courts and development of specific software and applications were highlighted. The digitalization of courts was exemplified through visual representations of the Delhi High Court, showcasing the positive changes brought about by technology. Subsequently, the initiatives undertaken by the Madhya Pradesh High Court was delineated. The “Tentative Compensation Calculator Software” developed by the Madhya Pradesh High Court for Motor Accident Claim Cases was demonstrated. It was explained that the calculator suggests a tentative compensation amount in motor accident claim cases in light of prevailing guidelines issued by the Supreme Court in *Sarla Verma v. DTC (2009) 6 SCC 121* and *National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680*.

Subsequently, the integration of Artificial Intelligence (AI) in judicial governance was examined to emphasize that AI could impact judicial governance in many ways. It was asserted that AI can be used to automate repetitive and time-consuming tasks, such as document review and data analysis, which can help courts to operate more efficiently and effectively. Additionally, AI can help to reduce costs by automating tasks that would otherwise require human labor. AI can be used to analyze large amounts of data and identify patterns that might not be immediately apparent to humans. This can help judges and other decision-makers to make more informed and accurate decisions. Lastly, Judges were advised to learn good practices on adoption of technology and advancement in their courts from different High Courts.