

# NATIONAL JUDICIAL ACADEMY



**P-1379**

West Zone-I Regional Conference on

**“Contemporary Judicial Developments and Strengthening  
Justice through Law & Technology”**

**13<sup>th</sup> & 14<sup>th</sup> January, 2024**

## **Programme Report**

**PROGRAMME CO-ORDINATORS**

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**West Zone-I Regional Conference on “*Contemporary Judicial Developments and Strengthening Justice through Law & Technology*”**

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The National Judicial Academy (NJA) in collaboration with the High Court of Bombay and the Maharashtra Judicial Academy, Uttan organized the West Zone-I Regional Conference on “*Contemporary Judicial Developments and Strengthening Justice through Law & Technology*” at Uttan (Maharashtra) on 13<sup>th</sup> & 14<sup>th</sup> January, 2024. The conference provided a forum for exchange of knowledge, experiences and dissemination of best practices among participant justices and judicial officers under the jurisdiction of the respective High Court. The conference promoted dialogue between participant judges amongst judicial hierarchies on themes including Constitutional Morality and Contemporary Constitutional Trends; Elements of Judicial Behaviour; and Judgment Writing Tools. The conference focused on effective judicial governance through contemporary technological advancements including artificial intelligence as well as integration of information and communication technology in courts *vis-à-vis* E-courts project. The sessions were delivered through andragogic practices including interactive and participative sessions. Below is the summary of the deliberation made.

**SESSION 1**

**Constitutional Morality and Contemporary Constitutional Trends**

***Speakers: Justice D. K. Upadhyaya and Justice Sonia Gokani***

The first session discoursed on the nuanced conflicts and confluences between Constitutional Morality and Social Morality. This engaging discussion was set against the backdrop of the rich Indian constitutional framework, inviting a deep dive into the principles that underpin and challenge societal norms through the lens of constitutional jurisprudence. The session opened with a foundational exploration of Constitutional Morality, a concept that has been pivotal in interpreting the Constitution beyond its literal text to include the ethos and values it seeks to embody. The session anchored around the historical context provided in the speech by Dr. Ambedkar in the Constituent Assembly on November 4, 1949. This speech was instrumental

in delineating the importance of incorporating executive powers within the constitution as a means to govern society effectively, thus highlighting the intrinsic link between governance and constitutional ethics.

A significant portion of the discussion was dedicated to examining how Constitutional Morality has been invoked in judicial decisions, beginning with its notable application in *Naz Foundation v. Government of NCT of Delhi* (2009) DLT 277 by the Delhi High Court. This landmark judgment marked a pivotal moment in the engagement of Indian judiciary with Constitutional Morality, utilizing it as a critical lens to scrutinize and ultimately strike down legislative provisions that were in conflict with constitutional values. The session further explored other key judgments where Constitutional Morality played a central role, illustrating its broad applicability and critical importance in diverse legal contexts, from safeguarding the fundamental rights of the accused to interpreting complex socio-legal issues.

The session then transitioned to a broader reflection on the relationship between administrative forms and constitutional structures, drawing inspiration from the historical narratives of Ancient Greece as documented by George Grote. This perspective was enriched by an analysis of recent Supreme Court judgments, including the contentious 'Sabarimala' case *Indian Young Lawyers Association & Ors v. The State of Kerala*, (2019) 11 SCC 1, which debated gender-based entry restrictions in religious spaces. This discussion underscored the evolving nature of Constitutional Morality in addressing contemporary challenges, emphasizing its role in balancing tradition with constitutional rights and freedoms.

Further elaboration was provided through references to pivotal legal encounters, such as the 'Bhavari Devi' case, which catalysed the transformative *Vishakha and others v. State of Rajasthan and others* (1997) 6 SCC 241 judgment. This case was instrumental in laying down guidelines to protect women from sexual harassment in the workplace, showcasing the proactive role of the judiciary in extending constitutional protections into the realm of social justice and equality. The session also offered a comprehensive and multifaceted examination of Constitutional Morality and its profound impact on contemporary constitutional trends. Through a blend of historical context, judicial analysis, and current legal challenges, the discussion illuminated the essential role of Constitutional Morality in navigating the complex interplay between law, society, and governance, affirming its enduring significance in the pursuit of justice and equality.

## SESSION 2

### Elements of Judicial Behaviour

*Speakers: Justice Dipankar Datta and Justice Kurian Joseph*

The session commenced by highlighting that there are three important documents which mandate the ethical conduct of judges namely - Restatement of Values of Judicial Life adopted by the Chief Justices' Conference of India, 1999; The Bangalore Principles of Judicial Conduct, 2002; and The Oath of Judges at the time of taking over the Judicial Offices. It was highlighted that these documents emphasize impartiality, integrity, and upholding constitutional principles in judicial duties. Furthermore, the session briefly discussed The United Nations Convention Against Corruption (UNCAC) Article 11, the Code of Conduct for United States Judges, the Ethical Principles for Judges by Canadian Judicial Council, 1998, United Kingdom Supreme Court Guide to Judicial Conduct, 2019 that underscores the necessity for judges to embody integrity, impartiality, propriety, respect for diversity, competence, diligence, and discipline. It was accentuated that these principles are foundational to judicial conduct, advocating for independence of the judiciary, fair performance, and avoidance of impropriety or political activity, thereby ensuring a robust and ethical judicial system. The discourse further stressed that a judge is expected to maintain most exacting standards of propriety in judicial conduct. This was highlighted in the light of certain landmark cases like- *C. Ravichandran Iyer v. Justice A.M. Bhattacharjee*, (1995) 5 SCC 457; *S.P. Gupta vs Union of India* AIR 1982 SC 149 etc. The session further highlighted eight virtues that are to be cherished by judges viz., fearlessness, rectitude/righteousness, vigour, discipline and commitment, control of the senses, knowledge, purity of mind and absence of haughtiness.

Furthermore, it was highlighted that a judicial officer must approach cases with objectivity, fairness and impartiality. The same was laid down in *Narinder Singh Arora v. State*, (2012) 1 SCC 561. In *High Court of Judicature at Bombay v. Shashikant S. Patil*, (2000) 1 SCC 416 it was held that dishonesty undermines judicial foundations; any compromise or condoning by a High Court erodes probity, threatening the confidence upon which justice stands. *Union of India v. Raghubir Singh*, (1989) 2 SCC 754, highlighted that Constitutionality, certainty and consistency are the hallmarks of a sound judicial process. Lack of uniformity in judicial decision-making poses danger to public faith in judiciary. The discourse further highlighted

the importance of adhering to the rule of law as the guiding principle for judicial decisions, demonstrating a commitment to legal principles. It was also accentuated that a judge must actively avoid personal biases or prejudices during the decision-making process, ensuring that judgments are based solely on the merits of the case.

It was highlighted that the concepts of judicial impartiality and judicial neutrality delineate distinct approaches. Judicial impartiality pertains to the unbiased stance of a judge towards all involved parties and the subject matter at hand, devoid of personal interest in the outcome of the case. On the other hand, judicial neutrality emphasizes detachment from personal values, ensuring that the beliefs of the individual judge do not unduly sway the decision-making process. Subsequently, some of the cases discussed are - *Central PIO, Supreme Court of India v. Subhash Chandra Agarwal*, (2020) 5 SCC 481, *Sadhna Chaudhary v. State of Uttar Pradesh*, (2020) 11 SCC 760, *High Court of Judicature at Bombay vs. Uday Singh*, (1997) 5 SCC 129, *Tarak Singh v. Jyoti Basu*, (2005) 1 SCC 201, *Daya Shankar v. High Court Of Allahabad*, (1987) 3 SCC 1 etc.

Additionally, the session discussed the five essential judicial skills a Judge/Judicial Officer requires to effectively discharge judicial functions viz., Thorough knowledge of procedural laws; Basic acquaintance with the Constitution and other substantive laws; Adherence to the principle of *audi alteram partem* by developing the skill of giving due hearing; skill of organising facts in a coherent manner, arriving at proper factual findings, applying law to those findings, and arriving at a logical decision; and skill of handling interim prayers/adjournments etc. timely and effectively to avoid delays. Five essential administrative skills equally important for a Judge/Judicial Officer to be effective and efficient were also highlighted namely- time management, board management, staff management, bar management and self-management.

## **SESSION 3**

### **Judgment Writing Tools**

***Speakers: Justice Abhay S. Oka and Justice Kurian Joseph***

The session highlighted the need for judges to sharpen their skills in crafting judgments that are not only grounded in solid legal reasoning but also clear and easy for everyone to understand. The discourse championed the idea of judges taking a moment to reflect on their

purpose and the clarity of their judgments, ensuring that their decisions effectively communicate their reasoning and intentions. Subsequently, the importance of clarity and brevity in legal writing was iterated. The discussion emphasized using direct and simple language to ensure that judgments are accessible to everyone, from legal professionals to the individuals directly affected by these decisions. This naturally led to a deeper dive into the core principles of judgment writing, where aspects such as thorough legal analysis, coherent argument structure, and fine-tuning sentence construction were examined.

A significant part of the workshop focused on the critical role of transparency in building and maintaining public trust in the judiciary. Participants were introduced to strategies aimed at achieving greater transparency through clear and understandable judgments. Additionally, there was a strong focus on sensitivity in judgment writing, especially regarding gender issues and the broader goal of eliminating biases, stereotypes, and prejudices to promote fairness and impartiality in the legal process. The interactions highlighted the real-world challenges faced by judges, such as managing the pressures of case backlogs and applying these judgment writing techniques in their day-to-day work. The session emphasized and reminded judges about the importance of careful word choice and the need to avoid personal comments in judgments, to preserve the dignity and respect of the judiciary. It was reiterated that elements of brevity, clarity, sensitivity, and transparency are essential in enhancing judicial proceedings and fostering public confidence in the legal system.

## **SESSION 4**

### **Overview of e-Courts Project**

***Speakers: Justice Rajesh Bindal and Justice Sunil Ambwani***

The session delved into the E-Courts Project, offering participants a comprehensive overview that spanned across the achievements of its initial phases and the prospective advancements envisioned in Phase-III. The discussion highlighted the pivotal role played by the first two phases of the project and emphasized the transformative potential of Phase-III in further enhancing the efficiency and accessibility of the judicial system.

The discourse highlighted the pressing need for courts to transition towards virtual and paperless systems, a transition seen as vital for keeping pace with the demands of modern legal proceedings. This transition, it was underscored, could be facilitated through the integration of

cutting-edge software and applications, promising significant improvements in the workflow of judicial officers and the overall effectiveness of the justice delivery system. Additionally, participants gained a comprehensive understanding of the latest technological advancements designed to modernize judicial governance, where technology and law work together smoothly to change how courts function and deliver justice.

In addition to showcasing the potential benefits of technological advancements, the session also acknowledged the challenges encountered during the implementation of the initial phases of the project. This discussion shed light on the practical hurdles faced by stakeholders within the judicial system, reinforcing the need for ongoing innovation and adaptation to address these challenges effectively. The participants were requested to embrace and use technology to solve current problems and prepare for the future. It was accentuated that the E-Courts Project plans to use these advances to change how courts work, making sure that justice is easy to access, runs smoothly, and cater to the needs of everyone.

## **SESSION 5**

### **Emerging & Future Technology for Effective Judicial Governance**

*Speakers: Justice Rajesh Bindal and Dr. Justice Anita Sumanth*

The session initiated by underlining how judicial governance and artificial intelligence [AI] interact with each other. The session explored the practical applications of National Judicial Data Grid [NJDG] Services and Electronic Supreme Court Reports [e-SCR] facilities, underlining how such tools enable effective data monitoring within the judicial framework. Following that, a comprehensive examination of artificial intelligence, highlighting its integration into the legal systems of different countries, was presented. One of the highlights of the session was the sharing of a captivating video from a court in Colombia, demonstrating a virtual court hearing conducted within the Metaverse, lasting 2 to 3 hours. This presentation provided participants with a tangible glimpse into the potential future of court proceedings, emphasizing the fusion of technology and law in a dynamic, virtual space. The experience was not only enlightening but also served as a source of inspiration, showcasing the innovative approaches courts could adopt to improve accessibility and efficiency.

Participants were requested to disseminate their newly acquired knowledge and experiences on the latest technological advancements among their peers. This encouragement aimed to foster a community of judicial officers well-versed in modern technology, thereby promoting better

judicial governance. The session not only highlighted the challenges and opportunities presented by AI in the judicial sector but also emphasized the importance of continuous learning and collaboration among judicial officers to navigate the evolving landscape of legal technology.