

TRAINING OF TRAINERS FOR HIGH COURT JUSTICES [P-1403]
(JUDGES-IN-CHARGE/CHAIRPERSONS & MEMBERS OF GOVERNING COUNCIL OF
SJAs)

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REPORT

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SESSIONS 1 & 2

Theme: Framework for Judicial Education and Training

Evolving Legal Landscape and Emerging Challenges *vis-à-vis* Judicial Education Needs

Panel: Hon'ble Mr. Justice Madan B. Lokur

Hon'ble Mr. Justice S. Ravindra Bhat

Hon'ble Mr. Justice M. Sundar

The programme commenced with the sharing of experience by the judges with regard to the themes of judicial education focussed upon in the State Judicial Academies, the methodology of training judicial officers and the challenges faced. Emphasis was placed on need for conceptual foundations of judicial education and rooting judicial education in the rule of law. Judicial Education should encapsulate provision of knowledge of law, judicial and professional skills and conceptual comprehension of fundamental principles of law and judicial role.

Bombay High Court – The judges shared that the SJA has undertaken training on e-courts to familiarise judges on handling digital files and to manage paperless courts. This has been done through the medium of digital classrooms to provide an immersive learning experience. This familiarises judges with e-filing, e-payment, CIS and paperless courts. The trainings also focus on areas including forensic science, mental health including stress management. Judicial skills including qualities of a good judge, effective bar and bench relations and essentials of court craft are focussed upon. Practical training on handling trials relating to road accidents are

provided through mock trials and interaction with experts. Personal development is inculcated through sessions on healthy lifestyle and food discipline, public speaking, group discussion, appropriate conduct, behaviour, and traits. Sessions on mood management, mindfulness, and relaxation techniques are also undertaken. The SJA has also started a pre-litigation centre and post-litigation centre as a novel measure. Trainings are also undertaken on cyber law and crimes for police officers. The trainings are undertaken through a mix of lecture method, interaction with experts and field visits. The SJA will be undertaking trainings on the new criminal laws. Judicial education can be undertaken with discussions on practical aspects, case studies, hypothetical scenarios on issues faced in the court to address contemporary challenges in judging.

Allahabad High Court – The SJA has introduced a Continuous Learning Program which involves interaction between judges at the district level on issues and topics which relate to judging. It encompasses discussions on judicial administration as well as personal development. It is a form of mentoring which creates bonds between judges and enables sharing of experiences and solutions between judges. This program is informal unlike the cluster program which is a formalised program. These informal interactions within the district helps to build synergy and solve real-time problems in judging and judicial administration. Initiatives are also being undertaken to create programs based on live issues faced in adjudication so as to create a live link between the courts and the SJA. The SJA is also serving as a centre of research on areas of challenge.

Karnataka High Court - The SJA provides induction training to newly recruited judicial officers on essential aspects and skills in judging including skills of time management, court management and case management. Programmes are also undertaken for judges who are promoted. Training programs are also organised for Civil Judge Senior Division and District Judges on subject areas of civil law, criminal law, environmental law, gender justice, law relating to children, juvenile justice as well as themes of judicial administration including court and case management. The shortcoming in judicial education was pointed out in the sense that judicial education is currently limited to knowledge dissemination. In case of newly recruited judges, discussions are undertaken on judicial ethics and appropriate judicial behaviour both on and off the dais. Judicial education is also focussed on sensitisation of judges on crucial aspects in judging.

Andhra Pradesh High Court – It was noted that abstract questions posed to newly recruited judges are answered effectively. However, when an abstract question is posed based on an issue previously decided by the court, the trainee judges are unable to answer the same. This reveals that the trainees are well versed in the legal principles but face challenges when applying the principle to a factual scenario. Since most of the newly recruited judges do not possess significant experience, training is provided on practical aspects of judging such as recording of evidence, identification of cause of grievance etc. These training are provided through role plays. Practical trainings are undertaken including writing bail orders, drafting judgments, dealing with specific issues and different types of cases.

Kerala High Court – Mentorship programs are an effective method of judicial training. The newly inducted judges are provided 1 year training and thereafter are assigned mentors.

Justice M. Sundar – Justice Sundar underscored the need to ground judicial education initiatives in Rule of Law. He dwelt on the process of identification of appropriate resource persons in order to ensure relevance and encourage free discussion and critical thinking.

Madhya Pradesh High Court – It was shared that the judicial education programs at the SJA seek to inculcate judicial and professional values in the trainees in addition to the provision of requisite knowledge. The SJA's efforts are to serve the judges as a gurukul and a continuous source of information and support to judges both during and post training. The SJA also undertakes training for persons who are aspiring to join the judiciary. The SJA is planning to introduce a training involving all stakeholders in the judicial system to encourage discussions between the stakeholders on pertinent issues in the judicial system.

Patna High Court – Judicial education can be aligned with the rule of law by sharing experiences on issues such as the extension of Fundamental Rights, rights of the victim vis-à-vis the rights of the accused, aims and objectives of various legislations, social context adjudication, addressing bias and prejudice in judging, etc. It is necessary to ensure gender sensitivity, emphasise on the proactive role to be played by the judge to ensure effective adjudication in accordance with the rule of law. Judges should also be trained on relevant skills for effective judging including training on ICT, decision making, communication skills, judgment writing, appreciation of evidence, case management skills and ADR. It was noted that judges are hesitant while dealing with bail matters.

Rajasthan High Court – The SJA is providing training to judges on the new criminal laws. The challenge anticipated is addressing trainings to advocates. Trainings are also undertaken through cluster programs which are spearheaded by the High Court judges. Mental health and stress management is an area focussed upon in judicial training. Trainings are also undertaken on emerging issues in various legislations including juvenile justice, POCSO Act, cybercrime, human trafficking, gender justice, witness protection, bail etc. and the areas of focus in training is continuously reviewed and updated. ICT (including e-courts and AI) is also an important aspect of judicial training. The judicial temperament is a crucial aspect in training which requires special focus and poses unique challenges in training. Common issues which are raised by trainee judges include dealing with frequent strikes, application of res judicata in evidence, overlap of laws, whether judicial outcomes should be predictable etc.

Chandigarh High Court – The SJA undertakes training for judges, prosecutors, and JAG officers. The SJA sensitised public prosecutors on child friendly procedures, gender sensitivity, new laws and major amendments in law, UAPA, NDPS etc. Judicial education programs focus on themes including compounding of offences, plea bargaining, probation of offenders etc. Emerging areas such as AI are also focussed upon.

Justice S. Ravindra Bhat dwelt on the 80:20 policy and whether the rule is a reflection of the nature of litigation in the courts. Broadly the policy emphasises on the need for judicial education which deal with a mix of central laws and state-specific laws.

Justice Sundar highlighted the role of National Judicial Academic Council and the relevance of the 80:20 policy. He also pointed out that judicial education has for the first time been statutorily mandated vide Section 20 of the Commercial Courts Act, 2015.

Telangana High Court – It was admitted that there is need for conceptual re-orientation of the judicial education framework to emphasise on rule of law and justice delivery. Currently emphasis on major subjects of law. The trainings are also being organised on a zonal level to ensure training is imparted to every judge in the state. Trainings are being undertaken on the new criminal laws

Orissa High Court – It was emphasised that judicial education should be linked to the dispensation of justice and accordingly should address pertinent contemporary issues in judging. An important aspect required to be considered in judicial training is the social realities of the region. Trainings should not only be focussed on dissemination of knowledge, it should

also address practical aspects of judging and should bring about an attitudinal change in the trainee.

Gauhati High Court – The SJA undertakes induction trainings as well as in-service trainings. Training is imparted to judges (both newly recruited and in-service), legal aid counsels, advocates, public prosecutors, members of Juvenile Justice Boards and Child Welfare Committees, court managers, police and court staff. Training is provided from a legal as well as a social perspective to ensure social context adjudication. Issues focussed upon in training include rights of victims, rights of accused. Newly inducted judges are attached with judges as a mentor.

Manipur High Court – It was shared that trainings are undertaken on land laws which differ from one region to the other. The experience of judges in Manipur in the current situation was shared. It was stated that addressing the concerns of displaced persons has become a matter of priority.

Delhi High Court – It was stated that judicial training topics should be identified in discussion with the target group to tackle pertinent challenges and issues faced by judges. Trainings can also include videos including livestream of court proceedings to familiarise judges with courtcraft. The success of judicial education depends of the receptivity of the judge. With the development of law, science and technology the requisite competence of the judge has also undergone a change. This competence is required to be ensured through judicial education. It is also crucial to emphasise on the distinction between judging and justicing. There is a need for developing a resource pool of experienced judicial educators.

Sikkim High Court – It was stated that justice dispensation requires synchronisation of all stakeholders. To this end, the SJA undertakes training for varied stakeholders in the judicial system. Training is undertaken as a concerted effort to ensure judicial independence, instil responsibility and commitment of all stakeholders to the cause of justice. Focus should be on knowledge of law and its application, development of the personality and skills of the judge. This would mould judges into effective adjudicators who would be able to analyse the law and dispense justice. The themes of trainings are constantly reviewed based on the feedback from the participant judges and the inputs received.

Gujarat High Court – Two issues which require to be addressed in training are behaviour and familiarity with local language and terminologies. The need for interest based judicial training was emphasised.

Chhattisgarh High Court – The need for need based practical training was emphasised. Sharing of experience by experienced persons would guide trainee judges in the application of the law. Trainings should also provide instruction on the application of precedents of the Supreme Court.

Calcutta High Court – The subjects of training are mostly common in all SJAs. Aligning judicial education with the rule of law essentially requires the development in each judge of a self-concept of the judicial function, ethical standards, judicial humility, sense of duty and inculcation of judicial independence. Emphasis is required to be given in training on judicial ethics through sharing of experiences by judges. Training should also be imparted on effective co-ordination with stakeholders and staff to resolve issues such as service of summons etc.

Jharkhand High Court - Aligning judicial education with rule of law requires that justice is ensured at the grass root level. The stakeholders in the justice delivery system are responsible to translate rule of law into reality and hence, trainings must be given to the first responders in the system and the grass root level functionaries. Training at the SJA are given to prosecutors, legal aid lawyers, paralegal on their role and the parameters of law on their functions. Interactions with judges serve to instill faith, fearlessness and confidence in judges, ensure effective judging. To this end, judicial training should focus on micro rather than macro level training and topics.

Meghalaya High Court – The fundamental areas of judicial education are common across the country. The SJA undertakes cadre-wise trainings as per the needs of the judiciary in the state. Judicial education should promote competence and a sense of responsibility in judicial officers.

Jammu, Kashmir & Ladakh High Court- Judicial education has three aspects – knowledge, skills and attitude. Judicial education should equip judges with requisite knowledge and skills to effectively adjudicate, and eliminate bias. Training should also deal with the issue of effective coordination between the bar and the bench.

Tamil Nadu High Court – Judicial training is provided to newly recruited judges by organising observation visits to the police station to observe police functioning, visits to the

scene of crime, observation of police arrangement and bandobast, and visits to district administration offices. This provides an insight into the working of the justice delivery system. The judges directly recruited in the high judicial service are provided training on the functions and jurisdiction of the munsiff. Practical exposure in recording evidence, recording dying declaration, dealing with vulnerable victims and witnesses. Training is undertaken for judges who are appointed as judges of special courts to familiarize them with the nuances of their jurisdiction.

Justice S. Ravindra Bhat noted that the judicial education programs aim to inculcate requisite judicial values and skills in judges, address bias and impact of social as well as cultural notions in judging and ensure effective judging. Emphasis was placed on the need for inclusion of the training to equip judges to handle judicial pressures (including and occupational stress. Further, it was stated that public trust and confidence in the judiciary is inextricably bound in the rule of law, and it is necessary to inculcate this aspect in every branch of judicial education.

Justice Madan B Lokur dwelt on the necessity of judicial education and stated that the primary aim of judicial education is to enhance the quality of justice. The two challenges before the Indian judiciary *viz.* pendency and quality of justice, were noted as issues that should be addressed through judicial education. Trainings should be diversified to address needs of induction level judges as well as judges in the middle of their career and judges of the higher judicial service. Justice Lokur flagged the following areas for consideration while devising training programs

- The training programs should focus on intricate issues in procedure rather than the broad theoretical principles. Emphasis should be on operative issues in the administration of justice.
- Training programs should also place emphasis on the skill of judgment writing.
- The trainings should also accrete knowledge of the judges on the evolution in jurisprudence.
- Training should also address the issue of bias (including gender bias, bias caused by temperamental issues) and its impact on judging.
- Contemporary issues in trial such as witness protection, sureties and stock witnesses, access to justice through effective legal aid should also be addressed in training.
- Judicial education should focus on contemporary issues including sentencing, mediation, probation, victimology, witness protection, environment protection etc.

Analysis of judgments is also an area that may be considered. Challenges in adherence to precedents due to conflicting judgments should also be focused upon.

- Judicial sensitivity and social context adjudication should be a focus in training programs to ensure social sensitivity in judging.
- Wellness and stress management should also be a focus in the training programs.
- The calendar should be based on a needs assessment. Subjects included in the training should be useful and relevant to judges.
- Nomination of judges for training should be made to ensure that judges receive training for subjects areas that they are dealing with in order to ensure relevance of the training program to the judge. Nominations may also be based on the interest and identified need of the judge. Further, the choice of subjects in judicial education should be scrutinized to ensure relevance and utility of the training program for judges.
- The choice of resource persons for the training programs is required to be carefully made to ensure persons with relevant domain expertise is identified for the training program.
- The training methodology should be practical and should expose judges to the realities of adjudication through methods such as field visits. Modern methods of training including benchbooks, role plays, group discussions, hypotheticals etc. can also be inculcated.
- The utility of training should be assessed based on its impact on the judge and the judicial system.

SESSION 3

Theme: Methodologies for Addressing Judicial Education Needs

Panel: Hon'ble Mr. Justice Madan B. Lokur

Hon'ble Mr. Justice M. Sundar

In the third session, discussions were undertaken on the funding of SJAs. It was noted that some High Courts including Madras High Court and Orissa High Court have regional centers. The Tamil Nadu state judicial academies receive grants from the central government and the state government. It was stated that the grants were returned in the Covid period due non-

utilisation. Discussions were undertaken on the impact of funding – its adequacy and impact of funding on the functioning of the academies.

The impact of training on judges was emphasised upon as a vital consideration to be focused upon to ensure relevance and appropriate nomination of participants for training programmes. The Kirkpatrick's model of evaluation was highlighted as a suitable tool to assess immediate and long term impact of trainings on judges as well as the judicial system. It was stated that the training programs should be customised according to the tier of the judiciary and the relevant jurisdiction i.e. induction courses for new judges, refresher courses and professional development courses for experienced judges, sensitisation programmes for specific subjects and jurisdictions and special training programmes on specific aspects such as ICT etc. The subjects taken up should also be customised based on the tier of the judiciary to address aspects relevant to their jurisdiction rather than providing with a broad overview of the subject. An example was given of the subject of arbitration; in case of tier-1 judges training should be on Section 8, Arbitration and Conciliation Act, 1996, and for district judges training should be on Section 34, Arbitration and Conciliation Act, 1996. Impact evaluation can be undertaken through a data driven approach which assesses statistical data on pendency of cases to identify areas of concern which may be addressed through judicial training, and the impact of the training on the pendency. Periodic data collection and analysis will service to ensure targeted and effective judicial training which translates into measurable results for the judiciary.

Practical training methodology was dwelt upon citing an example of training on operation of reverse burden of proof through hypothetical situations. Interactive learning activities can be adopted for trainings on appreciation of evidence, analysis of case law etc. Mock trials can serve to improve the efficiency of judges in conducting trials. Bench books and Casebooks would be suitable tools for knowledge updation of judges. Judgment writing skills can be improved by conducting practical sessions where judges can write draft judgments which are assessed and constructive suggestions are provided to improve the quality of the judgment.

An open discussion was conducted for sharing of experiences of the SJAs with regard to the methodology adopted for training, the resource persons who guide the training, funding of the SJAs, evaluation methods, and needs assessment methods.

Allahabad High Court – It was shared that the training methodology comprises of lecture methods and field visits. The resource persons for training include high court justices, in-

service and retired judges, police officers and domain experts including forensic experts, management experts, cyber experts etc. Trainings are undertaken to develop the appropriate mindset and judicial values. The trainings also focus on latest developments and emerging issues including ICT, gender issues, bias and objectivity in judging etc. The SJA is funded by the state government. Needs assessment is an aspect of judicial education which would be required to be developed and adopted.

Andhra Pradesh High Court – The SJA is funded by the state government and there is no issues with regard to the funding. The SJA is newly established and is in the process of setting up its infrastructure for which adequate funds have been made available. The methodology adopted involves teaching by internal and external experts. Evaluation of the training is conducted through feedback from the participants and the resource persons. There is need for statistical analysis of the feedback. The SJA also regularly conducts district level trainings

Bombay High Court – The development of the infrastructure of the Observation Home in Dongri was shared as a best practice that can be emulated to ensure child-friendly atmosphere and facilities in the child care institutions. Needs assessment and post training evaluation of training is undertaken through feedback from participants. Experts are called as resource persons to guide the training programs. The SJA is funded by the state government and funding has not been an issue.

Calcutta High Court – The SJA undertakes varied trainings including induction training, training on promotion, training on change of jurisdiction etc. The resource persons include high court justice, in-service and retired judges, professors and domain experts. The methodology adopted includes lecture method, group discussions, question and answer sessions, discussions on hypothetical problems and field visits. The SJA has also undertaken training on the new criminal laws and trained master trainers who would impart training to all judges in the state. The SJA is funded by the state government and there has been no issue regarding funding.

Chhattisgarh High Court – The SJA is funded by the state government. The SJA undertakes training for judicial officers, investigating officers, public prosecutors and defense advocates. Trainings aim to develop judicial skills, place emphasis on justice, and provide the trainees with requisite knowledge of law and court administration skills. The trainings are undertaken through a combination of lecture method and field visits. The trainings are guided by resource persons who are judges and domain experts with expertise on the topic of the training.

Delhi High Court – The SJA conducts needs assessment by inviting suggestions from judges and High Court justices on the topics to be undertaken. Contemporary challenges are also taken up as an area of training. Impact assessment is required to be done. The SJA is funded under the High Court. The resource persons comprise of judicial experts, domain experts and persons from NGOs. The trainings are delivered through lecture methods, field visits and interactions with stakeholders. There is a need to adopt more methods for trainings.

Gauhati High Court – The SJA is funded by the state government. The resource persons are the SJA faculty, judges, high court justices, police officers, and domain experts. The training methodology includes field visits, lecture method, mock judgment and order writing exercises. Evaluation of the training is conducted through feedback forms. The SJA aims to undertake training on the new criminal laws as a contemporary challenge.

Gujarat High Court – The trainings involve interaction with experts, field visits, and training on writing orders. The trainings are guided by resource persons who are high court justice, judges and domain experts. The SJA currently has not implemented an evaluation mechanism. The SJA is funded by the state government.

High Court for Jammu, Kashmir and Ladakh – Trainings are undertaken on contemporary challenges in judging based on Supreme Court judgments, contemporary challenges such as bias etc. The methodology adopted is a mix of lecture, discussion & interactive method. Field visits are yet to be adopted and will be considered for inclusion. The SJA faces the challenge of getting suitable resource persons. The SJA has limited funds which needs to be increased. Evaluation is undertaken through feedback from participants. There is a need for extensive feedback. The SJA is considering to include evaluation of judgments and orders as part of the judicial training. The challenge observed is balancing judicial training requirement with the workload of judges to ensure work-life balance.

Jharkhand High Court - The needs of various tiers of judges varies based on their background and level of experience especially fresh recruits who often have no experience. It is therefore a crucial goal of judicial education to bridge this gap in knowledge and competence of judges from varied backgrounds. The methodology also includes a study circle program. The resource persons includes high court justices, judges, jurists, research scholars, vice chancellors etc. The SJA is funded by the state government.

Karnataka High Court – The new criminal law is a contemporary need which is required to be included in training. The challenge faced in the adoption of other methods of training is the reluctance of resource person to the adoption of such methods. Evaluation of judgments was undertaken but several issues arose regarding remarks made in the evaluation.

Kerala High Court – Needs assessment is undertaken by inviting inputs from participants and resource persons. Evaluation is undertaken through post training discussions and anonymous feedback. The resource persons include law teachers and domain experts. The SJA is funded by the state government through the High Court. Funding is limited. Infrastructure of the SJA is an issue which needs to be attended to.

Madhya Pradesh High Court – Needs of training are identified based on the feedback. The methodology includes field visits, role plays, moot courts, and court visits. It would be beneficial for all SJAs if a common pool of resource persons is created. This would aid all SJAs in identifying suitable resource persons. Funding of the SJA is adequate but it requires to be reevaluated and revised regularly. There is a need for pooling of resources between SJAs. The SJAs can also consider collaborating with other agencies. It was opined that evaluation should not be undertaken as the same is being done mechanical and is based on human judgment. A model evaluation method is required to be formulated

Manipur High Court – The SJA needs to adopt needs assessment. The trainings are conducted through lecture methods and field visits. The resource persons include high court justices, judges, senior advocate, domain experts, law teachers, IAS officers, clinical psychologists, and NGOs. The funding is not an issue but the SJA currently does not have an academic building which will be required to be constructed.

Meghalaya High Court – Needs of training are identified from the inputs received from the judges. However, some of the programs are standardized which are based on the laws, new laws and local requirements. The training method also includes field visits. The SJA faces challenges with regard to resource persons as the SJA does not have permanent faculty. Hybrid training methods help to get resource persons who are based in other cities. But it has been observed that in person training is more effective than hybrid methods. The SJA is funded by the state government. The SJA has been recently established and the infrastructure of the SJA is being set up.

Orissa High Court - The SJA is funded by the state government and there has been no issue regarding the same. Special ICT programs are funded by the Supreme Court. The training methodology includes role plays, practical training, mock sessions, field visits, study circles, paper writing etc. The resource persons include high court justice, in-service and retired judges, IPS and IAS officers, law teachers etc. The SJA undertakes trainings on the new criminal laws and also provides practical training on IT and paperless courts.

Patna High Court - The SJA is funded by the state government. Programmes under the e-Courts Project are funded by the Supreme Court of India. The methods of training include PPTs, field visits, moot courts, seminar methods, question and answer sessions and practical technical training. The trainings are conducted at three levels based on the participant group i.e. entry level, mid-career level and senior level. The subjects also include time management & timely disposal, managing board etc.

Punjab and Haryana High Court – The SJA has created a module on contemporary challenges which includes subjects like land acquisition, POCSO, juvenile justice, revenue laws etc. In addition to the standard trainings, the subject specific areas are addressed as well. The new criminal laws are also being included in the training. Trainings are being undertaken through lecture methods and field visits. Feedback of the trainees are taken after the field visits. The SJA is intending to introduce an evaluation mechanism. Trainings are delivered by resource persons (who are a mix of high court justices, judges, and domain experts) and the faculty of the SJA. The SJA continues to seek suitable resource persons for the subject areas. The SJA is funded by the governments of the Union Territory of Chandigarh and the states of Punjab and Haryana and there is no issue of funding. There is a need for interactions between JOs on problems faced by them. The SJA is also providing training to police officers as well as JAG officers.

Rajasthan High Court – The trainings are undertaken on various issues such as media trial and countering pressures of media trial, basics of judicial propriety conduct etc. Evaluation is undertaken through a feedback mechanism. There is no issue regarding funding of the SJA.

Sikkim High Court – The needs of judicial training are determined based on the direct inputs from the judges. Further, needs are also identified by evaluation of the justice dispensation system to identify problems for training. The SJA has made efforts to include new methods in training but has faced the issue of reluctance of resource persons to adopt such methods.

Resource pool is an issue due to connectivity issues. Evaluation is undertaken through a feedback mechanism. Funding is not an issue.

Telangana High Court – Needs assessment is being done through an experimental methods where the district judge meets the judicial officers to collect inputs on the challenges faced by them. The district judge then gives necessary inputs to assist the judicial officer. Lecture methods is the predominant method and court visits are organized as well. Resource persons consist of high court justices, retired judges and domain experts. The SJA is funded under the 13th Finance Commission.

Tripura High Court – There is a constant requirement to assess the needs of judicial training especially due to changes in law and judicial pronouncements. Needs are identified also through data regarding pendency and disposal. Discussions based on these data are undertaken to identify bottleneck in the judicial system. Training methodology includes lecture method and interactive sessions. Inputs are taken from the trainee judges after the training as well regarding the subject and issues for training. The SJA is funded by the state government. The new criminal laws are required to be included in training.

Justice Madan B. Lokur emphasized on the need to experiment with training methodologies. The best practices identified in the programme can be emulated by other SJAs. There is a need to innovate to ensure effective judicial education which translates to qualitative and quantitative improvement in justice dispensation.

SESSION 4

Theme: Impact Assessment of Judicial Education

Panel: Hon'ble Mr. Justice N. Kotiswar Singh

Hon'ble Mr. Justice A. Muhamed Mustaque

Relevance of judicial education can be maintained by undertaking needs assessment and review of efficacy of trainings delivered. Continuing judicial education is an important aspect of a vibrant and responsive judiciary. It serves to keep judges updated with the latest developments in law, legal trends in India and globally, and the emerging challenges before the judiciary to enable judges to effectively dispense justice. Evaluation and assessment of training serves to

assess the quality of training and the impact of training on judges and the judicial system. Relevant indicators include behavioural changes in the judge, enhancement in professional competence of the judge, and the systemic impact on the organizational performance and impact on the justice delivery system. Discussions were undertaken on the various models of training evaluation.

- The CIRO Model envisages a 4 level assessment i.e. context evaluation, input evaluation, reaction evaluation and outcome. This model is used to evaluate the effectiveness of management training courses.
- The CIPP model was also dwelt upon which evaluates on the following parameters – context, input, process and product.
- Kirkpatrick's Model is an internationally recognized tool which evaluated impact of training on four levels i.e. reaction, learning, behaviour and results.
- Kaufman's Model had five levels of evaluation: Level 1- Evaluation of inputs and reaction; Level 2 – Acquisition of competencies; Level 3- Application of learning to workplace; Level 4 – Organisational output; and Level 5 – Societal outcome.

The application of the learning models to judicial education in India was discussed. The challenges in evaluation on account of the following factors was noted –

- Heavy workload
- Subjective nature of judicial performance and challenges in qualitative and quantitative assessment of judicial performance
- Implications of assessment on independence of judiciary
- Impediments in effective justice delivery due to infrastructural deficiencies and differences in infrastructural facilities from one district to another which makes it difficult to have any one standard of assessment for the whole country.
- Non-consideration of judicial training in Annual Confidential Reports
- Lack of uniformity in assessment practices
- Identification of appropriate evaluator and implications on judicial function due to supervisory and administrative structure involved.

The prevalent evaluation methods in the NJA and the SJA were discussed. The need for a model evaluation method for judicial education assessment was emphasized. The challenges posed in evaluation on account of judicial hierarchy, judicial independence, and tendency of

judges to provide safe and non-controversial feedback in evaluation documents. It was stated that a common model of evaluation can be developed by the NJA through a series of workshops and this model can serve as a guide to the SJAs. This evaluation model can be e-based

The process of selection/nomination of judges for training programs was discussed and emphasis was placed on choosing trainees who are dealing with the relevant jurisdiction which forms the subject of the training and would be able to apply the learnings immediately. Interests of the judges should also be factored into the selection mechanism. These considerations in the selection process would ensure relevance and efficacy of the training and make the trainings learner-centric.

Impact assessment involves assessment of the training on the individual judge as well as the results observable in the functioning of the judicial system. Tools for such assessment should be adopted to gauge the results of the training. Trainings should be result oriented and the assessment tools should track and measure performance. Assessment creates a sense of accountability for the training institution as well as the trainee. It provides pertinent feedback to the institution regarding the utility of the programme, and enables improvement of the trainings. Assessment enable the institution to evaluate the quality of the training, assess the competencies accreted and highlights aspects and deficiencies that are to be corrected. Performance evaluation tools can be devised through software tools which are easy to administer.

Evaluation in the induction training can adopt evaluation tools including -

- post training test - to measure the learning achieved in training
- Interview – to assess behavioural changes

With regard to in-service trainings, it was suggested that needs of individual judges should be assessed based on the recommendation of district monitoring committees to identify areas for improvement in judges which can be addressed in training. The improvement of the performance of the judge after training can be assessed by the monitoring committee. Discussion was undertaken on training metrics including impact on audience interaction and receptivity, knowledge retention, referral rate, individual-based metric including change in mindset & attitudes, improvement in quality of judgments, change in individual outlook, addition in skillset including IT literacy and improvement in judicial performance. It was stated that behavioural change should be inculcated into the judicial system by the senior judges as

role models whose behaviour can be emulated by other judges. A top-down change is necessary to bring about a comprehensive change for the better.

Creation and deployment of learning management systems at the SJAs was suggested. This system would have the following features

- Individual profile of each participant
- Continuous evaluation
- AI tools to integrate various learning parameters & evolve continuous algorithm based evaluation
- Attitude evaluation through feedback & individualised interaction of trainers, district monitoring committee/charge judge.
- Knowledge retention evaluation through online short quizzes conducted within 5 days of each programme
- Judgment Quality evaluation through software based random selection & evaluation
- Non-judicial performance evaluation through continuous feedback mechanism at district level through parameters set by district level monitoring committee
- A training needs score to be assigned to each member of district judiciary based on the above evaluation scores.
- Selection to SJA programmes to be based on these Scores.

The SJAs were requested to share their best practices with regard to evaluation and assessment which would be useful to devise a common minimum standard for judicial education assessment.

SESSION 5

Theme: Effective Tools, Techniques, and Best Practices for Imparting Judicial Training

Panel: Hon'ble Mr. Justice N. Kotiswar Singh

Hon'ble Mr. Justice A. Muhamed Mustaque

It was suggested that study circle programs should be adopted so that learnings of a judge can be shared with other judges. Judgment evaluation can be adopted to assess quality of

adjudication by judges. However, the challenges posed by the heavy workload of judges pose a challenge in the adoption of this tool. Resource limitations of SJAs due to lack of permanent faculty was highlighted as a concern. Collaboration between the SJAs for sharing of faculty was suggested. It was suggested that law teachers can also be considered while searching for suitable resource persons for trainings. Continuity in approaches and methodologies of training is required to be ensured by systemizing the same as a knowledge bank of the SJA. This will ensure continuity and maintenance of standards in training in spite of changes in the faculty composition. An inter-disciplinary approach to training is required and domain experts can be called as resource persons. It was highlighted that pursuant to a collaboration between NJA and the Federal Judicial Centre USA, judges have been trained as master trainers on various subjects. These master trainers can be resource persons for judicial education programmes. Emphasis was placed on the need for development of the infrastructure of the SJAs including ICT infrastructure. Discussions were undertaken on improving human resources of the SJAs and it was suggested that competency and knowledge of ICT should be made a requirement. Feedback of trainees was discussed and the reluctance to give an honest review was noted. It was suggested that the feedback mechanism be completely anonymized either through the non-requirement of personal details in the form or through kiosks.

The core values that must be emphasized through judicial training were stated to be –

- Enhancing public trust and confidence in the judiciary
- Access to Justice
- Adherence to court values
- Ensuring expeditious, efficacious and efficient justice delivery

The following aspects and tools for judicial training was emphasized upon –

- Cooperative or collaborative learning method
- Evaluation of judicial education needs
- Experiential learning
- Open minded approach in facilitating judicial education.
- Capacity building through reflective supervision
- De-siloisation
- Adoption of andragogy approach

- Moving towards heutagogy, self-determined learning
- Qualitative enhancement of faculty

Emphasis was placed on the need for changing the approach of judicial education (which is limited to mandated trainings) to include voluntary and interest based training which is incentivized. Inclusion of judicial education as a factor in consideration in the ACRs was underscored. Judicial education can be incentivized by formulating focused and need based programmes and participation, aimed at enhancing competency of the judges. The learning outcomes should be measurable to ensure effectiveness of the training. Further, the learning process should be flexible to balance with the judge's judicial duties.

Emphasis was placed on adopt a 'hub-spoke approach' to judicial education with the SJA being the hub of training and the district monitoring committee assessing the application of learnings and identifying the learning needs of judges. The concerns in assessment and evaluation including implications on judicial independence and bias in assessment, were underscored. Judicial mentoring should also form a part of judicial training. The approach to judicial education should be more learner-centric based on empirical study of the judicial needs. This should also encompass training to judges on emerging aspects impinging on adjudication and judicial administration.

It was stated that judicial education can be classified based on

- Nature of training i.e. mandatory and optional trainings
- Duration – Long term, short term or one time trainings
- Method of delivery of training – classroom training, distance learning, virtual reality based training etc.

Credit based trainings can also be explored. Trainings can be incentivized through offering of certificates and diplomas, providing flexibility in attending programmes, consideration of trainings in promotion and posting. Judicial education should also include mandatory capacity building programmes to ensure updation of knowledge and skills of judges, provision of information on new developments that are relevant in judging and to reorient and revisit ethical norms of judicial behaviour and judicial values. Capacity building needs of judges can be based on the judge's self-assessment as well as on the basis of the assessment of the judge's needs by the SJA and the district monitoring committee.

Evaluation of judicial education programmes should be undertaken and the outcome of all trainings should be measurable. Evaluation can be done through short term assessment methods (including quizzes and feedback), medium term assessment (self-evaluation by the trainee), and long term assessment (assessment performance and evaluation of judgments by immediate reporting authorities)
