

Sessions 4 and 5

Designing Curriculum for Specific Judicial Needs

And

Impact Assessment of Judicial Education Programmes

PART I

JUDICIAL EDUCATION NEEDS

Broadly stated, imperative subjects as regards content / curriculum qua Judicial education and training :

- ❖ Fundamental legal principles;
- ❖ Ethics and integrity;
- ❖ Human rights and civil liberties;
- ❖ Diversity and inclusion;
- ❖ Technology and innovations;
- ❖ Statutory changes / New changes;
- ❖ March of Law (case law developments).

Broadly stated, imperative working principles / implementation of Curriculum qua judicial education :

- ❖ Organized structure
- ❖ Integrated curriculum
- ❖ Committed administrative leadership and control
- ❖ Modern learning methods
- ❖ Faculty
- ❖ Adequate resources
- ❖ Programme evaluation

Training Objectives [Broadly Stated] :

- ✓ Enhancing professional competence of judicial officers
- ✓ Ensuring uniformity in application of law
- ✓ Imparting sensitivity and responsiveness among stakeholders
- ✓ Improving coordination and cooperation with other stakeholders, for smooth functioning of justice delivery system

On a Broad Spectrum Tools, Techniques and Practices :

- ✓ Pool of resource persons – Hon'ble Judges of High Court, judicial officers from District Judiciary, Advocates from the Bar, police officers, medical professionals, etc.
- ✓ Multistakeholder convergence – improved coordination & stronger implementation
- ✓ Peer learning method – Improvised system for exchange of information
- ✓ Lecture session + practical activity using ICT tools + group discussion
- ✓ Emphasis on visual appeal, accessible language, and practically relevant content
- ✓ Inputs from field visits to juvenile justice boards, observation homes, and consultations with stakeholders
- ✓ Need-based training – Before every training programme, TNSJA revisits the pedagogy, and develops a customised curriculum to suit the needs of the participants
- ✓ Offsite support through WhatsApp group for District judges and Civil Judges

Section 20 of The Commercial Courts Act, 2015:

20. Training and continuous education.—The State Government may, in consultation with the High Court, establish necessary facilities providing for training of Judges who may be appointed to the 2 [Commercial Courts, Commercial Appellate Courts], Commercial Division or the Commercial Appellate Division in a High Court.

Besides Pedagogy:

1.Andragogy: Focused adult learning, emphasizing on self-directed and experiential learning.

2.Experiential Learning: Learning through direct experience, reflection, and experimentation.

3.Socratic Method: Involves asking and answering questions to stimulate critical thinking and uncover underlying assumptions.

4.Inquiry-Based Learning: Students actively explore questions, problems, or scenarios to construct knowledge.

5.Problem-Based Learning: Students learn through solving complex, real-world problems, fostering critical thinking and problem-solving skills.

6.Heutagogy: Emphasizes self-determined learning where learners are actively involved in their own education.

7.Montessori Method: Encourages self-directed learning in a prepared environment with hands-on materials.

8.Cooperative Learning: Students work together in small groups to achieve common goals, promoting teamwork and communication skills.

9.Flipped Classroom: Traditional lecture and homework elements are reversed, with students learning content at home through videos or readings and engaging in activities or discussions in class.

10.Project-Based Learning: Students work on extended projects that involve real-world challenges, integrating multiple disciplines and promoting collaboration and creativity.

PART – II

TRAINING METHODS AT TAMIL NADU STATE JUDICIAL ACADEMY

Tamil Nadu State Judicial Academy (TNSJA) - Zone wise details (Total 40 Districts):

Chennai Zone	Madurai Zone	Coimbatore Zone
18 Districts •Chennai •Chengalpattu •Cuddalore •Kallakurichi •Kancheepuram •Karaikal •Krishnagiri •Mayiladudurai •Nagapattinam •Puducherry •Ranipet •Tenkasi •Tiruppathur •Tiruvallur •Tiruvannamalai •Tiruvarur •Vellore •Villupuram	14 Districts •Ariyalur •Dindigul •Kanniyakumari •Madurai •Perambalur •Pudukkottai •Ramanathapuram •Sivagangai •The Nilgiris •Theni •Thoothukudi •Tiruchirappalli •Tirunelveli •Virudhunagar	8 Districts •Coimbatore •Dharmapuri •Erode •Karur •Namakkal •Salem •Thanjavur •Tiruppur

KINDS OF PROGRAMME CONDUCTED at TNSJA :

- 1) Refresher Training Programmes for the Judicial Officers
- 2) Professional Development Programmes
- 3) Induction Training for the newly recruited Judicial Officers
- 4) Special training programmes on Special Acts for the Judicial Officers
- 5) Refresher Training Programmes for Staff
- 6) E-Courts Training Programmes for Judicial Officers and Staff
- 7) Training Programme for Advocates, Public Prosecutors, Police and other Stakeholders
- 8) Orientation meeting for the special court Judges
- 9) Sensitization programmes on specific subjects
- 10) State Level Consultation (Juvenile Justice, POCSO, etc.,)
- 11) Regional Conferences.

Training programmes conducted by TNSJA during 2023-24 :

Training Programmes Conducted during the 2023-2024						
Cadres	Programme	Chennai	Coimbatore	Madurai	Total	Grand Total
All three cadres	Sensitization Programme	4			4	4
	ECT	1			1	1
District Judges	Professional Development Programme	3	2	2	7	8
	Special Training Programme	1			1	
Senior Civil Judges	Professional Development Programme	2	3	4	9	10
	Special Training Programme		1		1	
Civil Judges	Professional Development Programme	3	7	7	17	18
	Special Training Programme		1		1	
District Judges and Civil Judges	Special Training Programme			1	1	1
District Judges and Senior Civil Judges	Symposium	1			1	1
Senior Civil Judges and Civil Judges	Orientation Meeting	1			1	1
Various Stakeholders	Workshop	2	2	2	6	9
	Sensitization Programme	2			2	
	State Level Consultation Meeting	1			1	
Total		21	16	16	53	53

Training for In-service Judicial Officers

- Training is provided in the form of lectures, webinars, workshops, panel discussions, as well as reflective training programmes, wherein the judicial officers are made to reflect on the errors, rectify the same, and clarify their doubts.
- While designing a training module, areas of improvement are identified. This is done by reviewing the judgments of the participants and asking them to send in their queries and practical challenges they encounter in their day-to-day work, through Google Forms.
- The academy archives all the queries and concerns raised and from time-to-time conduct training programmes for clarifying such concerns of the trainees.
- Each lecture session will be followed by a practical activity-based exercise. This exercise will be assessed using the help of information and communication technologies.
- The mistakes done by the participating trainees will be corrected during the training session itself.

Pre Training Assessment

-Special POCSO Courts and Mahila Courts-TNSJA



Questions Responses **38** Settings

1. When do you meet a survivor of child sexual abuse for the first time? *

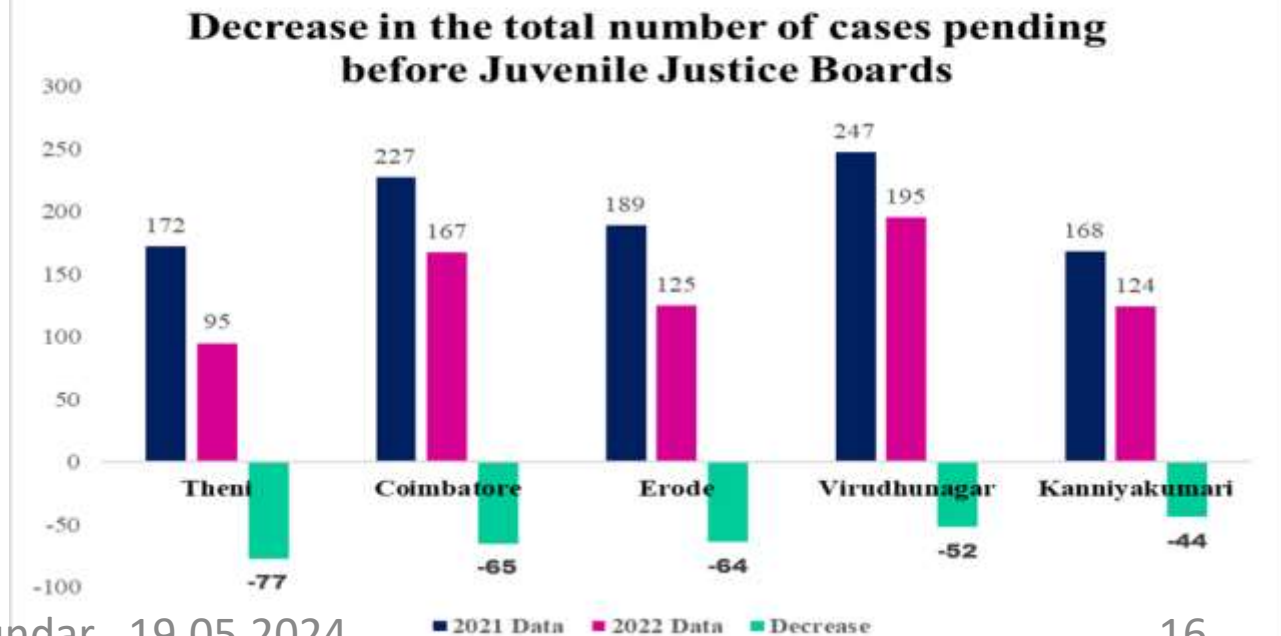
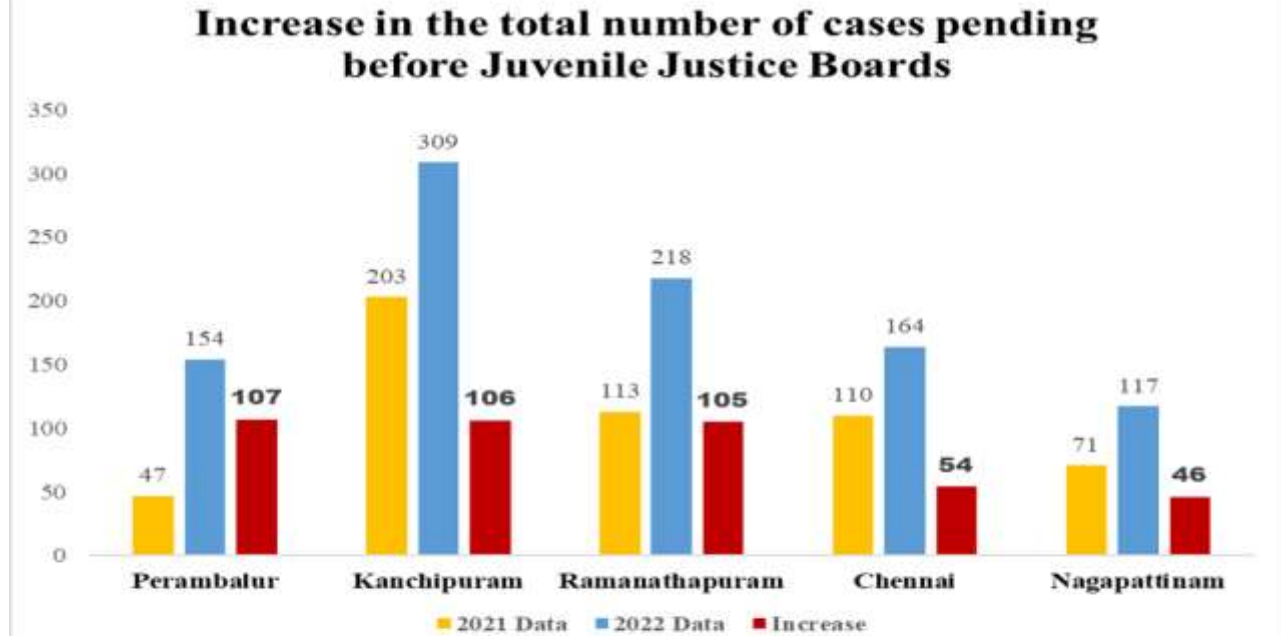
Long answer text

2. A girl who is 3 months shy of turning 18 years old, has filed a complaint against her fiance aged 25 years, stating that he has sexually assaulted her. By the time the FIR is registered, the complainant's family claims that no wrong has taken place and that it is only a slight misunderstanding between the girl and her fiance, and proceeds to withdraw the complaint. Whether the complaint can be withdrawn by the parents?

- ✓ Need-based & tailor-made training
- ✓ Acquire inputs from participants and identify focus areas
- ✓ Review participants' judgments and identify areas of improvement.

Data-driven Approach

- ✓ Statistical data on pendency of cases at various stages.
- ✓ Data analysis to highlight key problem areas.
- ✓ Periodic data collection and analysis to make the training more targeted and effective.



WAKE ME NOT A LINA PIEDRA
 My Doors are open
 I am out and seeing
 A prying neighbor,
 A Wandering Watchman,
 A Racing Biker and
 A School Van Driver

Tell me God!
 Who Plays Demon today?

The Class is full but
 I am the one,
 The Teacher's Pet,
 He Cuts my hair and
 Guides the others
 Is that right?

Tell me God!
 Who do I Trust?

Back on Street,
 I reached to Shop
 Jumping in joy,
 Hunt for a Omelet,
 He gave me two and
 A smile too

Tell me God!
 Is he just grooming?


Returned to the flat
 Took away the Bag,
 Called out Mom,
 Mom is not there,
 Dad is on Wheel,
 Room full of smoke
 I search in fear!

Tell me God!
 Where did you hide?
 The Dancing Demon?
 Is it in my Home?

-Law

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WE TRUST YOU:
 To Wipe Away Tears Of Teddy & Ors.



POCSO ACT 2012
STUDY MATERIAL 2.0
 OCTOBER 2021

A PUBLICATION OF
 TAMIL NADU STATE JUDICIAL ACADEMY

Study Materials

- ❖ contains an explanation of provisions in the Act and Rules in simple language, landmark judicial precedents, and latest case laws, as well as the strategies to implement the legal provisions.
- ❖ incorporates a specific theme, to drive the essence and core message to the stakeholders.

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ஒளி தருவீர்கள்!

தாயே - என்னை
 குழந்தைகள் எழுந்தெழுந்த
 உடல் வலிப்புகள்
 மனம் வலிப்புகள், உணவு - தூய்மை
 உணர்வுகளின் தீவிரப் புகார்கள்
 நீ என்னை மனமகழப்பம்
 குறி ஏழாமல் நிற்கும்
 வீடு காங்க உடனடி உதவியை!

எங்கள் பழைய
 உணவாக உருக்கெட்ட
 ஆடுகளின் மீது
 எழுந்தெழுந்த வலிப்புகளின்
 தீவிர 'தீவரணம்' உங்கள்
 குறி ஏழாமல் நிற்கும்
 எங்கள் உதவியை
 கவனமாக காங்க சிறப்பாக!

புதிதாய் நமக்கு நமக்கென்று
 மனமகழம் உணர்வு தருவீர்கள்! அன்பின்
 மனமகழம் தீவிரப் புகார்கள்
 காங்க நீங்கள் உங்கள் குழந்தை
 மனமகழம் தீவிரப் புகார்கள்
 உடனடி ஏழாமல் நிற்கும்
 உடனடி உதவியை
 குறி தீவிரப் புகார்கள் - அன்பின்
 புதுமை ஏழுவீர்கள்!

எங்கள் உதவியை குறி
 கவனமாக கவனமாக
 உதவியை தருவீர்கள்!

-Law

Rainbows shall not fade away!
 Wherever you are
 The Law Protects You

RIGHTS AND PROTECTION OF
LGBTQIA+ COMMUNITY
 STUDY MATERIAL
 NOVEMBER 2021

A PUBLICATION OF
 TAMIL NADU STATE JUDICIAL ACADEMY

KEEP NO SECRET
 Every day and night I wept,
 'cause the dirty Secret I kept,
 They told me, it's just a game,
 Then I hung my head in shame.

Lost all my light and hope,
 Long had to fight that rope,
 Confined in darkness,
 Always thought it was my madness.

Got away from near and dear,
 'cause of the overwhelming fear,
 It was then the Guard asked me,
 Why should you have
 All their feelings in your heart!
 All along you were playing their part.

It struck me and that was the moment
 I Chinned up and opened up!
 Now that the role is reversed,
 It's their turn to fight that rope -
 It's really hard I hope.

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IT'S NOT A SECRET!
 JUST OPEN UP!



CHILD PSYCHOLOGY
WITH REFERENCE TO
CHILD SEXUAL ABUSE
 STUDY MATERIAL
 FEBRUARY 2021

A PUBLICATION OF
 TAMIL NADU STATE JUDICIAL ACADEMY

JUST LISTEN TO ME!

Nobody Listen!
 Nobody Care!
 I ran away from home!

Nobody Care!
 Nobody Care!
 I stole a loaf of bread!

Nobody Listen!
 Nobody Care!
 I wanted to be switched!

Nobody watch!
 Nobody Care!
 I dreamt to be well!

Nobody help!
 Nobody Care!
 I had this never before!


Now, you want
 My story to be told,
 Can telling you
 Just Listen to that!

-Law

STUDY MATERIAL FOR
CHILD WELFARE
POLICE OFFICERS
 A PUBLICATION OF
 TAMIL NADU STATE JUDICIAL ACADEMY
 APRIL 2022

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LISTEN TO US!
 It Will Make a Difference



STUDY MATERIAL FOR
CHILD WELFARE
POLICE OFFICERS
 A PUBLICATION OF
 TAMIL NADU STATE JUDICIAL ACADEMY
 APRIL 2022

LET ME BE A BUTTERFLY!

Who trespass your land,
 Laid me in your Lament!
 I Managed to eat
 Few of your leaves and
 Destroyed some plants!

Oh! Gardener!
 Do not sleep on me!

Few days later - I
 Growned like a weed!
 To protect me from hell!

Oh! Gardener!
 Crush me not
 To a great death!

Slapping me wrong,
 Causing me to plummet!

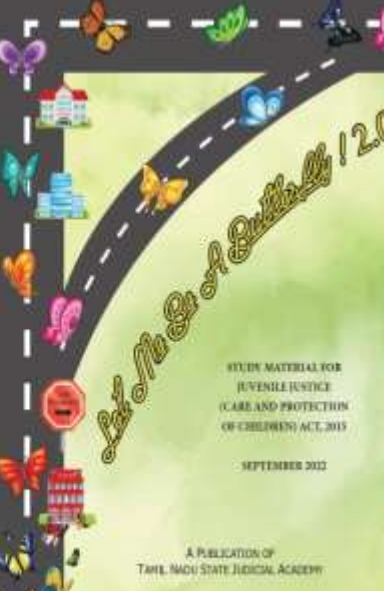
Oh! Gardener!
 Believe me Lament!
 Netting me Strong,
 Letting me not
 Is not at all right!
 Have no Strength
 Today to fight,
 Harrow I may not
 Be a Butterfly!

-Law

STUDY MATERIAL FOR
JUVENILE JUSTICE
(CARE AND PROTECTION
OF CHILDREN) ACT, 2015
 SEPTEMBER 2022

A PUBLICATION OF
 TAMIL NADU STATE JUDICIAL ACADEMY

Let Me Be a Butterfly / 2.0



STUDY MATERIAL FOR
JUVENILE JUSTICE
(CARE AND PROTECTION
OF CHILDREN) ACT, 2015
 SEPTEMBER 2022

A PUBLICATION OF
 TAMIL NADU STATE JUDICIAL ACADEMY

Audio-visual Aids

TNSJA promotes the use of posters, movie clippings, clippings from documentaries, original poems, music, and even original videos shot by the Academy, to effectively build a conscious based understanding on the subject. The participants are asked to share their thoughts after viewing the clippings and from there on, a discussion is moderated, regarding the right approach to be taken by the stakeholders.



Who are you?



Accused has committed penetrative sexual assault upon his wife who is a minor!



S. 375, Exception 2 IPC, has been read down in Independent Thought v. UOI; Accused is convicted u/s. 6, POCSO Act, 2012



Prosecutrix is the wife of the accused and hence exempted u/S. 375, Exception 2, IPC



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Audio-visual Aids

TNSJA also designs placards and posters for better understanding of the subject, and to enable the participants to easily memorize a concept. Participants are asked to comment on the posters and share their views on the same.

Shimla v. State of Haryana and. Aporna Bhat v. State of MP, will not allow anyone to compromise in these types of offences. It is an offence against the society.



The accused is willing to marry the victim. Kindly acquit him your honour.



The victim is also ready for compromise your honour.



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Accused has committed offence under S. 6, POCSO hence presumption u/S. 29 will apply.



As per *Sitaram v. State of W. B.*, presumption u/S. 29, POCSO Act, will apply only upon proof of foundational facts by the prosecution.



Your honour, the accused is innocent until proven guilty!!



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Justice M.Sundar 19.05.2024

Your Honour, Chief Examination of PW1 is completed.



As per *Vinod Kumar v. State of Punjab*, Cross Examination should be completed on the same day as soon as the Chief examination is over.



Your Honour, I request adjournment for Cross Examination of PW1.



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Supporting children in times of need

- Inappropriate actions even with good intentions may cause a damaging effect on children. Identifying the suitable recourse is crucial for the child's wellbeing.

Counseling

- Develop empathetic listening skills.
- Encourage children to be courageous in overcoming their fears.
- Do not moral police the child.
- Do not engage in victim-shaming/blaming.
- Do not proceed based on any assumption or pre-conceived notions.
- Give hope to the child that they will be protected and that their problems will be addressed.
- Protect the confidentiality & privacy of the child.

Reporting

Promptly report instances of child sexual abuse. Failure to report will make teachers liable to punishment, as per POCSO Act, 2012.

Reintegration

- Whether a child survivor or child in conflict with law, enable them to have a renewed start.
- Endorse self-esteem and personal confidence of children.
- Continuously follow-up on children and make them feel less detached from social interactions.
- Provide a calm environment, minimize distractions, emphasize routines and recreate a safe environment.

Building a Healthy Teacher-Child Relationship

- Build confidence in children that they are not alone.
- Develop an attitude to accept children's mistakes.
- Promote transparent communication with children.
- Always create an emotionally safe environment for children.
- Help children to overcome behavioural issues by endorsing continuous communication.
- Accept criticism and encourage constructive criticism.
- Continue positive interactions in classroom environment. Ensure children enjoy a kind and polite attitude towards their peers.
- Interact with parents more frequently to understand their concerns and advise parents to not pressure children.
- Eliminate fear of social stigma in children by creating self-confidence and trust in them.
- Practice lies in genuine safety, confidence, unconditional acceptance, empathy and positive regard.
- Ensure the child build trust with the child.



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TAMIL NADU STATE JUDICIAL ACADEMY
and
DEPARTMENT OF SOCIAL EDUCATION
(Government of Tamil Nadu)
தமிழ்நாடு மாநில நீதிமன்ற அகாடமி

Headline on Protection of Child Rights

Tamil Nadu State Judicial Academy
Pondicherry - 605 006

Handouts/Pamphlets

- ✓ responsibilities & procedures in clear & concise manner.
- ✓ ready reckoner for stakeholders

Key Indicator of 'Resilient Towards Children'

- Follow the three P's - Prevention, Protection and Parental Responsibility.
- Be aware of the laws and regulations pertaining to child safety and child rights. Respect the right of a child to grow in a safe environment, free from neglect, abuse, violence and exploitation.
- Respect the dignity, freedom and privacy of children. Provide guidance without control and freedom without neglect.
- Step into the shoes of a child/adolescent to understand their perspective. Imbibe thoughtfulness, empathy, politeness ensuring truthfulness and fairness.
- Emphasize the importance of children's mental health. Teach children to regulate their emotions in a healthy manner.
- Keep a non-judgmental and supportive attitude towards children. Be a positive role model.
- Get rid of any implicit or explicit bias and discrimination based on children's social, economic or cultural background. Promote sensitivity on neurodivergence, physical and intellectual disabilities.
- Promote gender sensitivity including gender identities and create an all-inclusive learning atmosphere.
- Understand child psychology, and the age-related concerns of children, teenagers and adolescents.

Issues faced by school children

- Stress related to academic performance.
- Challenges pertaining to neurodivergence, physical and intellectual disabilities.
- Peer pressure.
- Issues of home, parental pressure, parental neglect and abuse.
- Bullying, harassment, abuse (whether physical, mental, emotional or sexual).
- Developmental/heritage related issues of children.
- Curriculum and challenges due to pedagogy, such as sexual consent, gender questioning etc.
- Friendship/romantic relationships issues.
- Issues arising due to social media involvement in cyber-crime, pornography etc.
- Falling prey to grooming, manipulation and exploitation.



Measures to prevent child victimisation

- Educate and train children on how to protect themselves from abuse.
- Spread awareness and train children an early identification and reporting of grooming behaviour.
- Emphasise 'no-touch policy' among peers and colleagues. Discourage any sort of physical touch with children, including patting, hugging etc.
- Encourage open communication between parents and children.

Identifying Vulnerable Children

- A child may not explicitly disclose their abuse or vulnerability, but may show signs related to their vulnerability.
- Sudden change in behaviour, being moody, socially withdrawn, or being emotionally erratic, crying, angry, aggressive, panic etc.
- Displaying demotivated attitude and suicidal tendencies.
- Impact on academic performance.
- Frequent absences from school or school-related activities.
- Reluctance of child to participate in activities or interact with a particular person.
- Displaying signs of physical or mental illness.
- Involving in age-inappropriate sexual behaviour.
- Be alert to the signs and symptoms of child victimisation. Do not ignore the small signs.

குழந்தைகள் தமது அறங்காவலர் அல்லாதவர் / ஆற்றல் இல்லாத அறங்காவலர் குழந்தைகளுக்கான தகவல் அட்டவணை மேலவைகள்

1. **சுயநிர்ணயம்/முடிவெடுப்பு**
 - குழந்தை அமைப்புகள்/கூட்டுப்பள்ளிகள்/குடிநீர் பொதுமன்றங்கள் போன்ற குழந்தைகள் முன்பு கூட்டம்/சந்திப்புகள் மூலம் குழந்தைகள் மூலம் அறங்காவலர் குழந்தைகளின் குடிநீர் பொதுமன்றங்களில்.
2. **நிர்ணயம்/முடிவெடுப்பு**
 - குழந்தை அமைப்புகள்/கூட்டுப்பள்ளிகள்/குடிநீர் பொதுமன்றங்கள் போன்ற அறங்காவலர் குழந்தைகள் தமது குடிநீர் பொதுமன்றங்களில்.
3. **மாண்புமிகு மனித உரிமைகள் பேரவையின் மூலம்**
 - குழந்தை அமைப்புகள்/கூட்டுப்பள்ளிகள்/குடிநீர் பொதுமன்றங்கள் மூலம்.
 - குழந்தைகளை மாற்றி மாண்புமிகு மனித உரிமைகள் பேரவையின் மூலம்.
4. **குழந்தைகள் தமது அறங்காவலர் / ஆற்றல் இல்லாதவர்**
 - குழந்தை அமைப்புகள்/கூட்டுப்பள்ளிகள்/குடிநீர் பொதுமன்றங்கள் மூலம்.

ஒரு குழந்தைமேல் அறங்காவலரின் செயல்கள் அறங்காவலர் அல்லாதவர் அல்லாதவர்

- குழந்தையை மூன்றாம் பக்கத்திலிருந்து அகற்றுவது.
- குழந்தை/குழந்தைகளை எதிர்ப்பு மூலம் அறங்காவலர் குழந்தைகளின் குடிநீர் பொதுமன்றங்களில்.
- குழந்தைகளை அறங்காவலர் குழந்தைகளின் குடிநீர் பொதுமன்றங்களில்.
- குழந்தை மீது ஏதாவது குடிநீர் பொதுமன்றத்தில் அறங்காவலர் குழந்தைகளின் குடிநீர் பொதுமன்றங்களில்.
- ஒரு குழந்தைமேல் அறங்காவலர் குழந்தைகளின் குடிநீர் பொதுமன்றங்களில்.

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TAMIL NADU STATE JUDICIAL ACADEMY
and
DEPARTMENT OF SOCIAL EDUCATION
(Government of Tamil Nadu)
தமிழ்நாடு மாநில நீதிமன்ற அகாடமி

என் கதை கேளுங்கள் !
ஆது மாற்றத்தை ஏற்படுத்தும்

LISTEN TO US!
It Will Make a Difference

குழந்தைகள் தமது அறங்காவலர் அல்லாதவர் அல்லாதவர்

குழந்தையை அமைப்புகளில் சேர்ப்பது



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- குழந்தைகளை உரிமைகளை அங்கீகரிக்காத மருந்துகளை அளிக்காமல் அறங்காவலர் குழந்தைகளை மாற்றி சிறுவர் இலாப அமைப்புகளுக்கு அனுப்புவது.
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Institutional & Interdepartmental Collaboration



Dr. C. SYLENDRA BABU
Director General of Police, TN



Mr. G. KUMARESAN
Social Policy Specialist
UNICEF Office for TN & Kerala



Mrs. S. VALARMATHI, I.A.S.,
Director, Dept. of Social Defence
Secretary, State Child Protection Society, TN

- ✓ Collaboration with UNICEF and various departments under Government of Tamil Nadu
- ✓ Enhances the human and material resources for training

Multistakeholder Convergence

- ✓ TNSJA brings together judicial officers, police officers, prosecutors, medical professionals, Spl.PPs, panel lawyers, DLSA officials, CWC Members, DCPO, Childline coordinators and school teachers under a single forum - enables exchange of information and best practices
- ✓ improve coordination amongst the stakeholders, and has shown significant positive results
- ✓ Imparting training to teachers as Key Resource Persons – curtail child sexual abuse in schools



Activity based on critical evaluation of Participants' judgments

- ❖ Participants will be given practical exercises to frame charges/issues. The premise for the activity is derived from the judgments submitted by the participants to TNSJA for critical evaluation.
- ❖ The activity will be followed by a thorough discussion, wherein the Moderator will share the best practices to be followed while framing charges/issues.

Interactive Activity – Appreciation of Evidence

- ❖ Case studies will be framed based on the critical issues found after reviewing the judgments written and submitted by the participants. Questions from the case studies will be posed to the participants, who will in turn submit in turn submit their responses through a Google Form.
- ❖ A discussion will be moderated wherein the participants will explain the reason behind their answer.
- ❖ Through this discussion a consensus regarding the right answer will be arrived by the participants, after which the right answer will be displayed. The art of appreciation of evidence will be showcased through such interactive exercises.

Case Law Presentation – Challengers and Defenders

- In this session, each case law will be assigned to a presenter and a team of challengers and defenders
- Following the presentation, the challengers would raise questions critiquing the judgement
- The defenders have to respond to the challengers and defend the judgement
- Promotes critical thinking and reasoning skills
- Develops a mindset of logical inference

Mock Trial

- To improve the efficiency of judicial officers, a mock court is set up in the premises of the Academy. The staff of the Academy are made to play the role of parties, witnesses and staff of the mock court.
- The participants will be asked to take turns as the presiding officer of the mock court, record depositions, hear arguments and pass judgements. The participants will be advised with the finer ways of recording evidence correctly.
- The best methodologies/practices for recording of evidence are demonstrated through such activities.



Judgment Writing - Review, Pointers & Tips

- The participants will be given feedback on their judgments, to enable them to write judgments with more precision and efficiency.
- The participants will be given brief pointers by the Mentor, with a view to enhancing the quality of judgment writing.



Post-Training Impact Assessment

- ✓ Continuous assessment of the application of the training takeaways
- ✓ Direct feedback from participants
- ✓ Review of judgements, orders, depositions, questioning under Section 313 of CrPC, in the post-training period.
- ✓ Use inputs to improvise future training.

District Study Circles

- ❖ Virtually inaugurated in all 34 districts of Tamil Nadu and Puducherry, by the then President, Board of Governors, TNSJA and the then Hon'ble Chief Justice, High Court of Madras, on 09th July 2021.
- ❖ Stimulate the thirst for knowledge amongst the members of the Bar
- ❖ Promotes discussions about the law, legal philosophy, substantial and procedural issues in the legal system.



PART III

AI and JUDICIAL EDUCATION

(Nine Points and Three caveats)

Nine Points :

1. Case Analysis, Precedent and Legal Research:

This is perhaps, the most prolific area for harnessing the benefits of AI. AI can assist judges in analyzing past legal cases and precedents, helping them understand how similar situations were handled previously. Natural Language Processing (NLP) techniques can be employed to extract relevant information from legal documents and summarize key points, thus providing judges with valuable insights for their decision-making process. A case in point is **ROSS** which is an AI-powered legal research platform that uses natural language processing to analyze legal documents and provide relevant case law and precedents. Closer home, of the same kind, is **AMICUS**, a GPT (Generative Pre-trained Transformer) powered AI-driven research platform run by CASEMINE.

In 2016, the **European Court of Human Rights** launched the **HUDOC-EXEC project**, which uses AI to assist judges in analyzing case laws. The system automatically identifies relevant legal concepts and extracts key information from legal documents, helping judges access relevant precedents more efficiently and quickly.

The Singapore Academy of Law developed the **'SGJudgments' AI platform**, which uses machine learning algorithms to analyze legal judgments and identify relevant case laws. This platform helps judges conduct legal research more effectively by providing them with comprehensive and up-to-date information on legal precedents.

2. Predictive Analytics:

This is another area where AI can be used to educate and train judges to assist them in achieving quicker and effective decision-making. AI algorithms can be trained on historical case data to predict the outcomes of similar cases based on various factors such as case law, judicial decisions and contextual information. By analysing patterns and trends, these predictive models can help judges assess the likely consequences of different legal arguments and make more accurate judgments. Data bias is an obvious caveat but this can be ironed through continuous training and updation.

A good example of this kind is ***Lex Machina*** which is an AI platform that provides predictive analytics for legal professionals. It analyzes historical case data to predict case outcomes, trends and judicial behavior. Judges can use Lex Machina to assess the likely consequences of different legal arguments which helps them in making more accurate decisions.

In the United States, some courts have started using AI-based tools to predict case outcomes and assess the likelihood of recidivism. **State of Wisconsin's use of the COMPAS (Correctional Offender Management Profiling for Alternative Sanctions)** system. COMPAS, developed by Northpointe Inc. (now part of Equivant) is a widely-used risk assessment tool that utilizes AI algorithms to analyze various factors related to convicts / accused in criminal law and predict the likelihood of reoffending, i.e., recidivism. It considers factors such as criminal history, age, employment status, education level and substance abuse history to generate risk scores. While these tools are primarily used by probation officers and parole boards, they can indirectly influence judges' decisions by providing additional information about the risks associated with certain categories of offenders.

3. Virtual Simulations and Case Studies:

This is a potential area for harnessing AI in training and educating judges. AI-driven virtual simulations and case studies can provide judges with immersive learning experiences, allowing them to practice their decision-making skills in a risk-free environment. A second bite at the Cherry is always a huge advantage in training in simulators when it comes to air pilots and judges are no different. These simulations can simulate real-world courtroom scenarios, presenting judges with complex legal dilemmas and challenging them to apply legal principles effectively.

A good example is **Harvard Law School's Case Studies Program**: Harvard Law School offers interactive case studies that simulate real-world legal scenarios. Judges can use these case studies to practice their decision-making skills and explore ethical dilemmas in a controlled environment

4. Reduce processing time for judgement writing: Training and educating judges to use AI could drastically reduce the workload for disposing of cases which follow a template pattern. It has been demonstrated that AI can help judges in the generation of these templates saving considerable time. Motor accident cases are a case in point.

As Chief Justice Sundaresh Menon pointed out in a bar lecture last year, AI can be effectively harnessed to quickly dispose of simple civil matters that do not require significant normative judgment but involve largely arithmetical issues that can be appropriately resolved through the application of common patterns. To notice a recent example: IBM worked with the Frankfurt District Court to successfully test an AI system known as “*Frauke*” (Frankfurt Judgment Configurator Electronic) for air passenger rights lawsuits where between 10,000 and 15,000 cases related to passenger rights (e.g. cases related to delays) end up at the Frankfurt District Court every year. Judges were being burdened with repetitive task of collecting relevant data and in the end, repeatedly write almost identical judgements. Frauke extracted the case-individual data (including flight number and delay time) from the pleadings and in accordance with the judge’s verdict it has helped expedite the drafting of the judgment by using pre-written text modules.

5. Managing work load: A look at German courts : This is an area for potential use. A part of effective judicial training involves the process of equipping judges with the relevant tools to handle their Courts and dockets. In recent years, German courts have received an unprecedented flood of proceedings that have overwhelmed the judiciary and resulted in delayed proceedings, hearings and outcomes. At the Stuttgart Higher Regional Court in Frankfurt, judges working on these cases were soon faced with a backlog of more than 10,000 cases. Unfortunately, the courts didn't have any technology initially to cope with the volume of cases. Most of their work was done manually and was highly repetitive. The judges had to spend hours reading long electronic pleading files in the proceedings. The documents could be hundreds of pages and usually differed in only a few case-specific features.

The Ministry of Justice in Baden-Württemberg recommended the use of AI with natural language understanding (NLU) and other capabilities to help categorize each case into the different case groups they were handling. The courts needed a transparent, traceable system that protected confidential data.

IBM created an AI assistant named OLGA that offered case categorization, extracted metadata and help bring cases to faster resolution. With OLGA, judges and clerks could sift through thousands of documents faster and use specific search criteria to find relevant information from various documents. Additionally, the system would provide information on the lawsuit to contextualize the information that surfaced from the search. The algorithm preserved the case history and gave users a comprehensive view of all the information for the case and where it originated. The judges were relieved of highly repetitive tasks and could concentrate on the complex issues. It is estimated that the processing time of cases can potentially be reduced by over 50%.

6. Feedback and Evaluation Systems:

AI can be used to provide judges with personalized feedback and evaluations on their judgments and decision-making processes. AI algorithms can analyze judges' written judgments, assess their dispositive reasoning, legal propositions in support of the same and provide constructive feedback for improvement. These feedback systems can help judges enhance their writing skills and decision-making abilities over time. An example is the **Opus 2 Magnum** which is an AI-driven platform designed to assist legal professionals, including judges, in managing and analyzing case-related information. While primarily used for case preparation and presentation, Opus 2 Magnum also offers features for evaluating and providing feedback on judicial performance.

7. Continuing Education and Professional Development:

AI-based educational platforms can offer personalized learning experiences tailored to the specific needs and interests of judges. These platforms can deliver interactive courses, tutorials and assessments on various legal topics, enabling judges to enhance their knowledge and skills at their own pace. An example is the American Bar Association (ABA) online courses and webinars on various legal topics, including judicial education. Judges can access these resources to enhance their knowledge and skills and stay updated on recent legal developments.

8. AI-Based Training Modules:

Judicial academies can develop AI-based training modules on various legal topics relevant to judges. These modules can include interactive tutorials, quizzes and assessments designed to enhance judges' knowledge and skills. AI algorithms can personalize the learning experience based on judges' learning styles and areas of interest. As some of us are perhaps aware, Thomson Reuters offers an AI-driven legal education platform that provides online courses, tutorials and resources for legal professionals, including judges. While not exclusively designed for judges, the platform covers a wide range of legal topics relevant to judicial education, such as case law analysis, legal research, and courtroom procedures.

9. Language Translation and Interpretation:

This is another important area where AI could be harnessed. AI-powered language translation tools can help judges overcome language barriers by providing real-time translation of legal documents, testimonies and proceedings. This capability can facilitate communication and understanding in multicultural and multilingual legal contexts, ensuring fair and effective administration of justice.

In multilingual jurisdictions such as Canada, AI-powered translation tools are used to facilitate communication between judges, lawyers and litigants who speak different languages. These tools help ensure that everyone involved in legal proceedings can fully understand and participate in the process.

Three Caveats :

1. Not synthetic computer cognition : AI is also a software application but when it comes to training and education of Judges, the USP [Unique Selling Proposition] of AI is that it mimics human brain. When it is said that AI mimics the human brain, there is a tendency to believe that it is synthetic computer cognition. I would respectfully submit that it is not 'cognition' in every sense of the term as Algorithms however rich they are set of pre-programmed instructions and therefore, it looks for patterns in the data mine. Cognitive skills of a human mind cannot be limited to looking for patterns. This caveat becomes very relevant when AI is used in education of Judges qua adjudication.

2.Disgorgement : After using AI for some time while making training module, if it comes to light that the results are not as accurate as desired, one may embark upon the exercise of making the algorithm richer. This exercise may face difficulties of shadows wherein it is difficult to erase an algorithm. Disgorgement may be an area of challenge in constantly improvising AI tools used in training and education of Judges. After all 'knowledge is dynamic'. When knowledge gravitates a little away from being dynamic, it would effectively be gravitating towards becoming static.

3.Cyborg Judges and not Robot Judges: When we examine the potential of AI in training and education of Judges, it has to be borne in mind that the focus is always on Cyborg Judges, i.e., part human part machine and not Robotic Judges. On this Cyborg and Robot aspect, one can look at Estonia, a small country in Europe with a robust legal system. It has a AI system in place to decide suits upto the value of 8000 Euro. In other words, such suits are decided solely through machines with no human intervention but there is a provision for an appeal to human agency. Therefore, if you look at these two tiers of adjudication in combination, they provide a Cyborg scenario as opposed to a Robotized system.

State v. Loomis [881 N.W.2d 749 (2016)]

Judgment of Supreme Court of Wisconsin (USA)

AI tool by name COMPAS [Correctional Offender Management Profiling for Alternative Sanctions) which is used for recidivism by prison and parole authorities was used for sentencing in a drive-by shooting case. Northpointe, Inc., now part of Equivant which created AI tool was not permitted to intervene and it was held that 'consider and rely' should not be used interchangeably. In other words, as regards, AI, you can consider but not rely.

State v. Loomis [881 N.W.2d 749 (2016)]

129 However, the question presented on certification is whether due process prohibits circuit courts from relying on COMPAS, and then the majority opinion's answering that question in the negative, even though it employs the word "consideration," may cause the majority opinion to be read as permitting circuit court reliance on COMPAS. Stated otherwise, rather than merely considering COMPAS as one of many factors relevant to sentencing, the majority opinion, due to its interchangeable use of "rely" and "consider," together with the certified question, may be read to permit a circuit court to rely on COMPAS to determine the appropriate sentence. Reliance would violate due process protections. Accordingly, I write to clarify our holding in the majority opinion: consideration of COMPAS is permissible; reliance on COMPAS for the sentence imposed is not permissible.

THANK YOU