

NATIONAL JUDICIAL ACADEMY



NATIONAL SEMINAR ON JUDICIAL SKILLS [P-1415]

28TH & 29TH SEPTEMBER, 2024

PROGRAMME REPORT

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The National Judicial Academy (NJA) organized a two day National Seminar on Judicial Skills on 28th & 29th September, 2024. The seminar aimed to enhance core judicial skills of newly appointed District Judges. The discussion in the seminar was focussed on core judicial skills including administrative and judging skills. The seminar also focussed on judicial behaviour and effective use of ICT in courts.

Session 1: Administrative Skills

The session was commenced by emphasizing the need for effective use of Information Communication Technology (ICT) in court management. The need of innovation at the district judiciary level was stressed. It was opined that judges are masters of their courts and they must ensure that their actions make positive impact on the litigants. Thereafter, the concept of Six Sigma was elaborated. Six Sigma is a set of methodologies and tools used to improve business processes by reducing defects and errors, minimizing variation, and increasing quality and efficiency. Further, the Japanese concept of *Kaizen* which focuses on continuous improvement was expounded.

Further, on staff management it was iterated that judges should set clear targets, allocate sufficient resources, provide constructive feedback, reward good performance and create a congenial work environment. It was suggested that judges should have seamless communication with their staff to address their grievances. Emphasis was placed on continuous learning through peer group interactions, training programs, interactions with other government officials and reading literature on administrative skills.

Further, the demonstration of National Judicial Data Grid (NJDG) was provided highlighting its use case. It was suggested that NJDG should be used regularly by district judges to manage the courts in their respective jurisdictions effectively. Further, it was suggested that ICT efficiency should form part as an indicator for the assessment of the judicial officers. It was suggested that IT professionals should be integrated in the system and their services should be utilized for reducing delay in courts.

Session 2: Elements of Judicial Behaviour

The session commenced by emphasising on the use of measured and calibrated language in the courtroom. In light of online hearings/livestreaming and greater public scrutiny it was asserted that courtroom conduct should be exemplary and courteous. Subsequently, it was alluded that with the advent of social media lives of judges have seen unprecedented level of access by the public. It was stressed that judges should not comment on any politically sensitive matters on social media. It was iterated that the credibility of the judicial institution is dependent on every judge. It was stressed that conduct of the judges must inspire public confidence and faith in the institution of judiciary. The Bangalore Principles of Judicial Conduct 2002 was referred and values mentioned therein were discussed. The factors affecting judicial independence were deliberated including financial inducement, external pressure and public opinion.

Subsequently, the concept of judicial independence and its necessity was elucidated. It was stated that independence of judiciary indicates that the judiciary is not under the influence of the executive and private agencies. It was stated that whenever there is a strong political executive

in power it invariably has led to a tussle with the judiciary. The discussion threw light on instances when the issue of judicial independence arose and the judiciary stood up to the task.

Lastly, the issues relating to relationship between bench and bar were discussed. It was suggested that there should be interaction with the bar to seek input to improve the functioning of courts but no one should get preferential treatment.

Session 3: Judging skills

The session commenced with discussion on issues which a judge must bear in mind when he writes a judgment. Essential features of a judgment were discussed and it was opined that a judgment is an analysis of facts and law. It was iterated that use of idioms, phrases and rhetoric should be used with caution in the judgement. Further, significance of judgment writing tools was discussed. Clarity in writing was emphasized through proper structure, lucid language, detailed reasoning and conciseness. The importance of transparency in judgments was highlighted as crucial for enhancing public confidence in the judicial process. Thereafter, judges were advised to request the counsels to provide summary of their arguments and relevant precedents. It was opined that judges must understand the context in which the judgment was rendered and should apply precedents based on their underlying rationale.

Thereafter, the discussion focussed on gender sensitivity in writing judgments. It was accentuated that judges should avoid phrases and words which are stereotypical. Reference was drawn to the Handbook on Combating Gender Stereotypes published by the Supreme Court of India published in 2024 and also to the judgment in *Aparna Bhat v. State of Madhya Pradesh, 2021 SCC OnLine SC 230* wherein the Supreme Court while setting aside the bail condition, directed the courts to desist from expressing any stereotype opinion, in words spoken during proceedings, or in the course of a judicial order. Further, the decision in *State Bank of India v. Ajay Kumar Sood, 2022 SCC OnLine SC 1067* was discussed wherein the Supreme Court remitted the proceeding back to the High Court for consideration afresh because of incomprehensible judgment. It was observed that the reasoning in the judgment should be intelligible and logical. Lastly, it was opined that judgment replicates the individuality of the judge and therefore it should be written with care and caution.

Session 4: Use of Information and Communication Technology (ICT) in Courts

The session reflected upon the developments with regard to e-Courts in India. All the three phases of the e-Courts project was delineated. Thereafter, the discussion focussed on the transformative impact of technology in the judiciary, with emphasis on e-filing, e-court fees, push SMS facility, and various other digital initiatives. It was opined that the COVID-19 pandemic further accelerated the transition to virtual hearings and paperless courts.

Thereafter, the session delved into judicial governance and the promise of technology in this regard. The session highlighted on how Artificial Intelligence (AI) could be used for purposes such as transcription, scheduling of matters as well as for purposes of finding cases of a similar nature to enable clubbing of cases. It was asserted that AI can be used to automate repetitive and time-consuming tasks, such as document review and data analysis. Additionally, AI can help to reduce costs by automating tasks that would otherwise require human labor. AI can be used to analyze

large amounts of data and identify patterns which can enable judges to make more informed and accurate decisions on the administrative side.

Thereafter, the participants were suggested to undertake initiatives to help litigants and improve the administration of justice. While discussing the use of technology in Courts it was suggested that aversion to technology is a mental block that judges need to overcome. The participant judges agreed that one must attempt the use of technology first before coming to conclusion as regards its utility. The significance of judicial leadership in inspiring, driving and steering the process of change was emphasised. It was suggested that communication between various stakeholders should be held regularly.

Lastly, it was stated that change is inevitable. The courts of the future will be paperless and the system would transition from hybrid systems to completely virtual system, with physical hearings being a rarity. Furthermore, it was emphasised that if the judicial system and the stakeholders do not adapt to the change in the times, they would become a part of the problem rather than the solution.

Session 5: Maintaining Equanimity on and off the Dais

The session commenced by focussing on sources and forms of occupational stress. Emotional intelligence competencies including self-awareness, self-management, adaptability, social awareness and relationship management was elaborated. Thereafter, on the issue of work life balance it was commented that striving for work-life balance is a myth. It was iterated that rather imbalance is the truth. The basic need is to balance multiple roles and manage conflicts. It was stated that balance is a feeling of fulfilment of one's important roles. It was underscored that equanimity and work life balance must not be considered as a state of mathematically scaled balance depicting equals. It is rather about experiencing a sense of achievement and satisfaction on the priorities leading to a feeling of fulfilment. The discussion also emphasized upon midlife behaviour and it was stated that it is related to behavioural patterns in childhood and adolescent years. Another important aspect of social relationships was touched upon wherein it was explained that family, friends, co-workers can be a major source of satisfaction and contribute to well-being and health in midlife.

While connecting stress with imbalance it was remarked that stress is not necessarily bad. Eustress was distinguished from distress. Distress was attributed to mind-set. Choice of thoughts and words were said to matter a lot in determining one's mind-set. Thereafter, the importance of emotional intelligence and the strategies to use them for one's advantage was highlighted through hypothetical situations. Further, the discussion focussed on the issue of mental health especially on the need to destigmatize depression. It was suggested that in case of persistent symptoms of depression one must seek help of a clinical psychologist at the earliest. Lastly, the participants were invited into a practical experience of clinically exercising a professionally guided meditation. The guided meditation session enabled the participants to a sense of self-awareness of the various points of anxiety and responsibility.