

TRAINING OF TRAINERS FOR STATE JUDICIAL ACADEMIES [P-1452]

(FACULTY OF STATE JUDICIAL ACADEMIES)

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REPORT

The National Judicial Academy organized a Training of Trainers program for the faculty of the State Judicial Academies on 26th & 27th April, 2025. The program aimed to develop the training and teaching skills of faculties of the State Judicial Academies. The program sought to familiarize the participants with modern andragogical methods. The program included sessions on tools for effective engagement of learners, and interactive and experiential learning methods for judicial education. The program also included the sharing of best practices in judicial education on the subjects of gender sensitivity, judgment writing skills and technology in courts. The sessions facilitated the exchange of knowledge and dissemination of best practices available for enhancing the quality of judicial education.

SESSION 1

Theme: Sensitization Training on Gender

Speaker: Justice Moushumi Bhattacharya

The session commenced touching upon the concept and relevance of gender sensitization. Discussions were undertaken on the major challenges faced in effecting a change in cultural and social norms and individual behavior to bring about a gender sensitive attitude and approach. The judgments of the Supreme Court which have dealt

with pertinent gender based issues were discussed – *Vishaka & Others Vs. State of Rajasthan*, (1997) 6 SCC 241, *Shayara Bano Vs. Union of India*, (2017) SCC ONLINE SC 224, *National Legal Services Authority (NALSA) Vs. Union of India*, (2014) 5 SCC 438 and *Independent Thought v. Union of India*, (2017) 10 SCC 800.

Discussions were undertaken on appropriate courtroom conduct to ensure gender sensitivity. The legal and institutional framework which enables effective access to justice to vulnerable sections was also highlighted and reference was made to *State of Punjab v. Gurmit Singh* and *Lillu @ Rajesh v. State of Haryana*. Use of gender sensitive language in the courtroom and in judgments and orders was underscored. Further, the conduct of proceedings *in camera* was dwelt upon as a measure to ensure effective conduct of trial and protection of the victim/ witness in sexual offence cases.

The gender insensitive practices that should be avoided were noted including, stereotyping, insensitive cross-examination, and gendered or degrading language. The need for gender sensitivity training for the judiciary was dwelt upon as a measure to address the issue of patriarchy, gender bias and to ensure consistency in judicial approach to gender based issues. Further, understanding, acknowledging and addressing nuanced gender specific needs and issues is necessary and this issue is required to be included in gender sensitization trainings.

Instances of gender sensitive courtroom conduct by various courts in India were noted and highlighted as best practices. Further, the stereotypical phrases and words which are gender biased and their suitable alternatives were highlighted. Gender appropriate language was also dwelt upon. The varied gender notions and norms were delineated and discussed at length.

SESSION 2

Theme: Interactive and Experiential Learning Methods

Speaker: Dr. Justice A.K. Jayasankaran Nambiar

The session dwelt upon the concept of andragogy and the principles of andragogy. Distinction between andragogy and pedagogy was drawn out. The needs of judges from judicial education programs was discussed. Emphasis was placed on adoption of novel and interactive methods to address the needs of adult learners who have a certain degree of knowledge and experience. Further, emphasis was placed on effecting a suitable needs assessment mechanism to ensure relevance of judicial education programs. Emphasis was placed on a methodological shift from provision of knowledge to the practical application of knowledge and updation of skills. Effective curriculum reform would ensure relevance, effective participation and positive outcomes of the training. Modern methods of training were discussed.

The adoption of immersive learning techniques was emphasized upon. . The 360 degree training method, visual method, mock trial, case dissection, judgment writing, simulation exercises and mentorship programs. It was stressed that experiential learning would enable judges to acquire a holistic perspective on their role and function. Immersive learning such as visits to tribal settlements, ecological regions would inculcate sensitivity and awareness of the pertinent issues. It was also suggested that technology based learning management system can also be explored for judicial education.

SESSION 3

Theme: Effective Engagement in the Classroom

Speaker: Justice Atul Sreedharan

The session placed emphasis of the adoption of a systematic approach to judicial education especially in the planning and delivery of content. Emphasis was placed on the planning of sessions based on the subject and the methodology that would be effective for the same. Content prioritization and pre-session discussion with the resource person was suggested. Soft skills including voice modulation, body language, speed, simple language were underscored as means which ensure that the session is interesting and

effective. The effective use of visual aids including PowerPoint Presentations was discussed. Adoption of interactive methods was discussed. The use of methods of interview, group discussion, role play, mock trial, white board was demonstrated. The use of online tools like quizzes, polls etc. was also demonstrated through the use of Mentimeter. The interactive methods adopted in the State Judicial Academies were also shared in the course of the discussion.

SESSION 4

Theme: Technology for Judges

Speaker: Justice A. Muhamed Mustaque & Justice M. Sundar

The session commenced discussing the impact of technological advancements on jurisprudence. This issue was illustrated discussing the question of liability in case of accidents involving AI driven vehicles and mistakes in robotic surgery. In these cases, determination of negligence and fixing of the liability was debated upon. The emerging issues in adjudication with technological advancement were discussed including –

- Adjudicating cases of commission of offences in virtual reality i.e. jurisdiction, evidence and changes in modus of commission of crime.
- Liability in case of AI and the person who can be held liable
- Intellectual property rights in AI generated content
- Foreseeability of outcomes of AI

The core issues that need to be addressed in judicial capacity building programs include digital forensics, evidentiary issues and intellectual property rights in AI. These themes that need to be discussed in these issues were delineated. Another issue flagged for consideration in the course of judicial education programs was the black box problem in AI. Emerging ethical challenges in AI were also discussed at length as an aspect that needs to be included in judicial education programs.

The fundamental concepts in AI were explained in the session. The three perspectives to be considered by a judge in dealing with AI are –

- As an evidentiary gatekeeper
- As guardians of the Constitution
- As a potential user

It was emphasized that AI can be used in judicial administration but it cannot replace the judge in adjudication. The issue of bias in LLM was dwelt upon referring to the case of State v. Loomis (COMPAS case). Six caveats with regard to AI were dwelt upon *viz.*

- (i) Absence of codified legislation on AI and the need for a legislation on this area
- (ii) Consider but do not rely on AI
- (iii) Preference is to be given to ‘cyborg judges’ rather than ‘robot judges’.
- (iv) Adoption of AI in judicial sphere may result in stagnation in jurisprudential development
- (v) AI may result in a decrease in human cognition and inventions.
- (vi) It is essential to tackle the issue of digital divide.

SESSION 5

Theme: Training on Judgment Writing Skills

Speaker: Justice Aniruddha Bose & Justice G. Raghuram

The session commenced emphasizing on judgment writing as storytelling. It was stated that a judgment is comprised of elements most of which are not created by the judge. The facts are created by the parties, the law by the legislature and the curation and presentation of the law and facts is done by the lawyer. The judge is required to interpret the law and the facts in the applicable case and provide a decision or outcome. The participants were advised to ensure that the decision is not based on which party in the case has a better lawyer; it should be on the basis of which party has the law on his side.

Judgement writing requires creativity so as to provide a document that is clear, coherent, brief and interesting to the parties, the appellate court and the law fraternity. The participants were advised against making sweeping generalized statements, judgmental language and condemnatory statements in the courtroom and in their judgments. They should limit their observations to the facts and the law in the case.

Discussions were undertaken on objective and subjective elements in the interpretation of facts and the approach of the judge in this regard.

Discussions were undertaken on the language and style of judgments and the participants were advised to–

- Ensure adherence to grammar including continuity in tense, number, and gender.
- Ensure continuity in reference to actors i.e. usage of a single term for the party
- Avoid use of unnecessary terms, and sermonizing, judgmental and sanctimonious language in court and in judgments.
- Ensure that their personal views do not impact the judgment, and to apply the law and the legislative intent without variations.

Discussions were undertaken on adherence to judicial discipline. The first aspect focused upon was identification of ratios and precedents. Excessive reliance on precedents was dwelt upon and participants were advised to draw inspiration from precedential sources to create their own judgment drafts. It was suggested that the SJAs can undertake exercises where the participants can write dissents on judgments. This exercise will foster creative thinking.

It was underscored that emotional attachments to values, social norms, etc. will lead to emotionally flawed decisions. Decision making should be balanced with appropriate empathy to certain aspects such as gender which are reflected in the legal provisions, while deciding as per the law. Emphasis was placed on delivering judgments within reasonable time