National Conference of State Judicial Academies
on
"Key Issues and Challenges in Judicial Education"
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Programme Report

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National conference of the State Judicial Academies was organized at NJA on 6th and 7th September 2014. The conference was attended by 25 participants from across the country. The participants were the directors of the Academies or their representatives. The conference was chaired on both the days by Hon'ble Justice Madan B. Lokur, Judge, Supreme Court of India. Two eminent resource persons from the world of academics were Prof BT Kaul, Chairperson, Delhi Judicial Academy and Prof Vijay Kr. Gupta, former dean, department of Law, Jamia Milia University, Delhi. On Sunday, the 7th September, Justice Gopal Gowda, Judge, Supreme Court of India also addressed the participants on the topic of relevance and importance of research for the judicial education. One of the main aims of this conference was to undertake some introspection, a kind of informal, internal audit, on the activities of the State Judicial Academies, in order to analyse to what extent judicial academies in our country are able to work towards strengthening judicial system in the country.

On day one, the conference commenced with introductory address of Dr. Balram Gupta, Director, National Judicial Academy. After self-introduction by the participants, Justice Lokur gave his introductory remarks where he emphasized upon the need for serious introspection on part of the Judicial Academies. After Justice Lokur, Ms. Nidhi Gupta, Assistant Professor, National Judicial Academy, addressed the participants on the theme, "Balance Sheet of Judicial Education in India". Using the metaphor of "balance sheet" she made an attempt to offer an evaluation of the current state of judicial education in the country. She offered a comprehensive summary of the concept and vision of the judicial education culled out from various Law Commission reports, All Indian Judges' Association Cases

1992, 1993 and First National Judicial Pay Commission (Shetty Commission, 1998). She pointed out that judicial education or training has been envisaged as a part of judicial reform agenda of the judicial system, which makes role of the judicial academies broader and more important. She also pointed out "inadequacies in judicial training" as they were highlighted way back in 1998 by the Shetty Commission. She mentioned that while in 1998 most of the shortcomings were attributed to lack of infrastructure and funds, the situation has not improved much in 2014 although the problem of infrastructure and funds is no longer there to the same extent, as it was before 1998.

In the second session Justice Lokur encouraged the participants to give their reactions on the presentation made by Ms. Gupta. Ensuring that representative of each Academy gets chance to express his or her views, he asked participants to give response to the three questions: (i) the innovative idea that has been deployed in the Academy for the cause of judicial education, (ii) any new idea that the directors/representatives wish to implement, (iii) any idea that the Academy wanted to implement but has not been able to do so. The responses of the participants were documented by Justice Lokur himself. A copy of the responses that came forward is annexed in the report.

Aiming to encourage use of Information and Communication technology in judicial education, last two sessions were to efforts made by the e-committee of the Supreme Court in computerization of the courts across the country. Mr. Ashok Ukrani, Member (judicial), E-committee, Supreme Court of India, made a presentation to demonstrate the on-going efforts for computerization of courts in India. His presentation could show how technology can be used as a means to ensure transparency and accountability in the judicial system. He also explained about the National Judicial Data Grid (NJDG, which connects each and every court in the country and also makes available the judgments and orders available on line. Justice Lokur, who is also chairman of the e-committee, informed that this grid, which is accessible only on authorization of e-committee, will be dedicated to the Nation in near future. He highlighted that this grid NJDG will not only serve the purpose of enhancing access to justice, it will also be a means for making our judicial system more transparent and accountable. He urged that increasing

transparency with use of technology necessitates serious and concerted attention to judicial education and training.

The first session of day two was devoted the theme of importance of research for judicial education and the judicial academies. Prof Vijay Kr. Gupta, former dean, Jamia Milia University, Delhi address the participants on importance of research and kind of research methods that have to be deployed by the Judicial Academies. He mentioned that while research is the most vital activity for any training institution, it is much more important for Judicial Academies given the fact that very little information exists on actual functioning of the judicial system in our country. Stressing on the need of adopting scientific approach towards research, he explained to the participants the difference between the concepts like 'research methods' and 'research methodology'. He also pointed out that there is an urgent need to take judicial research beyond analysis of judgments on the High Courts and Supreme Courts. Emphasising on the larger role of judicial academies, he stated that judicial reform as contrasted with legal reform, must originate from the judiciary itself, unless we (the judiciary) concede our inability to correct our course, and permit others to lead us. He also stated that amongst all organs of the State it is judiciary itself which is most likely to spot injustice. Prof. Gupta mentioned that since the judiciary itself is most likely to spot injustice, it would naturally follow that we should initiate corrective measures. He most pertinently stated that when reform is conceived in a judicial womb it leads to solving a problem. Reform conceived in executive or NGO womb leads to more regulation and therefore more problems, eg sections 498A of IPC or section 114 A of the Evidence Act. What was needed was tweaking mindsets but what happened was letting loose a mechanical monster. He argued that judicial academies are the most suitable place for research relating to functioning of the judicial system since the first tool of research – tool for collecting problems and evolving hypothesis – is already available with the academies, in the form of judicial officers visiting academies for programs. An outsider would have to spend a lot of time to gather this. Advantage of academies engaging in reform, he stated, is that an untested solution is not dumped from the top in the form of a knee jerk response of a superior court, which becomes, not a milestone, but a millstone round the neck. The session was chaired by Justice Gopala Gowda, Judge, Supreme Court of India.

Justice Gowda endorsed Prof Gupta's view on importance of research for the Judicial Academies. He also stated that judicial system and the judges are confronted by a range of peculiar problems and it is mostly the insiders who are best suited to find ways to address such problems.

Justice Lokur summed up the discussions in the last sessions. He urged participants to use technology as an effective tool for enhancing performance of judicial academies.

The program ended with a word of thanks from Dr. Balram Gupta, the director of the NJA.