

National Judicial Academy



Programme Report

P-1079

**WEST ZONE REGIONAL CONFERENCE ON ENHANCING EXCELLENCE OF THE
JUDICIAL INSTITUTIONS: CHALLENGES & OPPORTUNITIES: JANUARY 13TH &
14TH, 2018**

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National Judicial Academy

INTRODUCTION

The National Judicial Academy organized a two-day regional conference on the theme 'Enhancing Excellence of Judicial Institutions: Challenges & Opportunities', in collaboration with the High Court of Madhya Pradesh and the Madhya Pradesh State Judicial Academy, at Jabalpur. The conference was attended by High Court Justices and Judicial Officers from the High Court of Rajasthan, High Court of Gujrat, High Court of Bombay, and High Court of Madhya Pradesh.

Efficient functioning of Subordinate Courts is a paramount necessity for the proper administration of justice and quality justice delivery. Continual dialogue, communication and exchange of evolving horizons of knowledge and best practices, between judicial hierarchies - the Higher and Subordinate Courts, conduces and nurtures quality justice delivery. The Regional Conference was designed to provide a forum for the exchange of experiences, communication of knowledge and dissemination of best practices from across clusters of High Court jurisdictions. The purpose was to accentuate the experience of familial community between High Court and Subordinate Courts judicial officers; besides established and imperative norms of a Constitutional vision of justice were also revisited; elements of Judicial behaviour; Social context judging; Access to Justice: Information and Communication Technology in Courts as well as Court and Case Management formed an integral part of the discourse.

The purpose of having these regional conferences is to enable more robust participation of judges from the high courts and judicial officers. So as to energize the communication between the hierarchies within the judiciary i.e., between the High Courts and the subordinate courts.

DAY-1

Session 1: Constitutional Vision of Justice

Speakers: Justice D.M. Dharmadhikari

&

Mr. V. Sudhish Pai

The first session exemplified how inevitable it is for the district judiciary to comprehend constitutional vision of justice. It was stressed that judicial officers ought to understand the constitutional philosophy. The discourse suggested that keeping the constitutional vision of justice in mind will help judicial officers regulate their judicial conduct and will also aid them in upholding constitutional values. The discourse emphasized that constitutional vision of justice is not only for superior courts rather every single judicial officer should strive to achieve it. Therefore, knowledge of the constitution and its underlying idea is what all judicial officers must be accustomed with. Then only justice delivery will enhance. The discussion also highlighted that the role of the judiciary is to strike a balance between the law and society.

Session -2: High Court and District Judiciary: Building Synergies

Speakers: Justice D.M. Dharmadhikari

&

Justice Sujoy Paul

The second session discussed that the only communication that takes place between the higher judiciary and the district judiciary is disciplinary communication and that is conceived to be not

the robust way of going about. It was stressed that to heighten democracy an incessant sequence of communication between the hierarchies is essential which also contributes to accumulate efficiency of the deliverables. It was submitted that to build synergies between the high court and the district judiciary it is important that the district judges pragmatically handle the appeals of junior judicial officers and subsequently guide them to ratify. It was also pointed out that the judges should be open to accepting dissent from the judicial officers. It was emphasized that the amount of disempowerment is too much among the district judiciary and this, in turn, affects the amount of justice they impart.

Session-3: Elements of Judicial Behaviour: Ethics, Neutrality, and Professionalism

Speakers: Justice R.S. Jha

&

Mr. V. Sudhish Pai

The third emphasized on the *Bangalore Principles of Judicial Ethics* which may be referred to as the fundamental duties of a judge. It was highlighted that judges are the tools to achieve the objectives enshrined in the Preamble to the Constitution. Therefore, it is significant for judges to strive and work in a manner that creates as well as enhances public trust and confidence in the justice delivery system. It was suggested that a judge must also ensure that his only responsibility is not just judging rather his/her mission must be to deliver improved justice for which he must develop a good understanding of the social values. It is substantial for all judges to comprehend that they honor the judicial office, which they hold as a public trust. Likewise, judges must persistently observe the ethics-intensive circumstances that they encounter and the competing

discussions convoluted in managing those situations. This will benefit them appraise their character and demeanor.

Session-4: Social Context Judging as a Controlling Element in Statutory Interpretation and Exercise of Discretion

Speaker: Justice Dr. S. Muralidhar

The fourth session, focused on social issues like poverty, human manual scavenging, food starvation, caste discrimination, gender bias etc. prevalent in the society and how a judge should address them to do social justice while upholding the provisions of the constitution. The vision of Dr. BR. Ambedkar as a drafter of the constitution was highlighted to understand the social scheme of the Indian Constitution. It was emphasized that judiciary as a protector of the Constitution is expected to act beyond to curb such social issues. While quoting Dr. BR. Ambedkar statement that, ‘political democracy cannot last unless there lies at the base of it the social democracy’, it was opined that it is something that the judges have to collectively work to achieve. It was pointed out that judges while interpreting a law also contributes in social reforms. During the discourse it was suggested that while judging, judges should not simply apply the law but try to understand the social context behind the case to do justice. A judge must be completely free of prejudices and try to remove the imbalances prevailing in the society. The *Doctrine of Necessity* was emphasized upon in light of *Bandhua Mukti Morcha* case. Few other landmark judgements on the theme discussed during the session were, *Prem Chand Paniwala* case, *Burial Ground* case, *Noon Meal Scheme* case, *Gita Hariharan’s* case on gender justice and *triple talaq* case.

DAY-2

Session 5: Access to Justice: Information and Communication Technology in Courts

Speakers- Justice M.B. Lokur

&

Justice Dr. S. Muralidhar

The speaker Hon'ble Justice Madan B. Lokur discussed the broad scheme of e-courts project and emphasized upon 4 components of the project i.e. availability of Hardware, Software used, training programmes and beneficiaries. It was highlighted that the main aim behind the e-courts project is to make court processes litigant friendly. During the session the National Judicial Data Grid (NJDG) and its purposes were also discussed. It was pointed out that the third component i.e. training is an important component for development and working of e-courts project at various levels of judiciary. Further, Justice Muralidhar opined that every judicial officer must get used to technology and have knowledge of it whether they want or not. The participants were shown the functioning of Delhi High Court as paperless courts. A suggestion put forth was that we must adopt reverse learning in digitized era i.e. in judicial family the High Court judge may learn the use of technology from a district judge and a district judge may learn from junior division judges and so on.

SESSION 6 - Access to Justice : Court and Case Management

Speakers- Justice M.B. Lokur & Justice Dr. S. Muralidhar

The last session broadly dealt with 3 areas – case management, court management and managing oneself and the family. With the help of NJDG management of cases was discussed. Under case

management important points such as, planning of board on daily basis, planning dates of cases category wise to be listed, scientifically arrange cases according to their stages within same category, and take efficient help of staff to manage the board, checking accuracy of data through NJDG and matching the pendency and other data with one's court. On court management it was emphasized that it solely depends upon the presiding judge and includes not only managing the cases but also managing the resources available in the court. Lastly it was mentioned that it is very important for a judge to manage himself both physically and mentally because the peace of mind is necessary for healthy judging. It was suggested that a judge should always be in control of his court and should be capable of making changes in its functioning if required.

The Conference concluded with a vote of thanks by the Director, NJA.
