

SOUTH ZONE II: REGIONAL CONFERENCE ON CONTEMPORARY JUDICIAL DEVELOPMENTS AND STRENGTHENING JUSTICE THROUGH LAW & TECHNOLOGY [P-1373]

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National Judicial Academy organized the South Zone Regional Conference in collaboration with the High Court for the State of Telangana and the Telangana State Judicial Academy on 6th & 7th January 2024 at Hyderabad. The conference drew participation from the Justices and Judicial Officers from the states of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and Telangana. The conference provided a forum for exchange of knowledge, experiences and best practices amongst the participants, and promote dialogue between the judges from different tiers of the judiciary as well as from different states. The themes focused upon in the 2 day conference included constitutional morality, contemporary constitutional trends, judicial behavior, judicial ethics, judgment writing, ICT in judiciary and emerging technological advancements impacting judging and judicial administration.

The first session on the theme “**Constitutional Morality and Contemporary Constitutional Trends**” dwelt on the concept of constitutional morality as the underlying ethos of the Constitution of India. Morality was dwelt on as a concept which relates to the idea of right and wrong – which is accepted by common masses in society and in the country. Reference was made to the definition of the term and its exposition in *Brir Gopal v. State of M.P.*, AIR 1979 MP 173. The exposition of the term ‘constitutional morality’ by George Grote in the 19th century in A History of Greece was highlighted. Grote referred to constitutional morality as the rare and difficult sentiment cultivated in the citizenry and explained it as co-existence of freedom and self-restraint or in other words, obedience to authority with unmeasured censure of persons exercising authority. Further, Albert Venn Dicey and Frederic William Maitland propounded the principle that absent written Constitution, Constitutional morality is Rule of Law. Reference was made to *Kesavananda Bharti* [AIR 1973 SC 1461] where 3 of the judges referred to this phrase ‘basic structure doctrine itself is relatable to constitutional morality’. The examination of public morality and constitutional morality in the *Naz Foundation* 2009 SCC OnLine Del 1762 and its subsequent overruling in *Suresh Kumar Koushal* (2014) 1 SCC 1 was discussed. The invocation of constitutional morality

in *Manoj Narula* (2014) 9 SCC 1, *Shayara Bano (Triple Talaq case)* (2017) 9 SCC 1, and *Government of NCT of Delhi* [(2018) 8 SCC 501 was dwelt upon. Reference was also made to the judgments in *Navtej Singh Johar* (2018) 10 SCC 1, and *Joseph Shine* (2019) 3 SCC 39. The issue of the scope of the term ‘morality’ under Articles 25 & 26 was discussed and reference was made to *Kantaru Rajeevaru Vs. Indian Young Lawyers Association* (R.P.(C)No.3358 of 2018 in W.P.(C) No.373 of 2006) wherein the following issue *inter alia* has been referred to the larger bench for consideration – “What is the scope and extent of the word ‘morality’ under Articles 25 and 26 of the Constitution of India and whether it is meant to include Constitutional morality?”. Public morality under Article 261 of the Constitution of India was examined. Discussion were undertaken on the judgment in *Article 370 of the Constitution, In re*, 2023 SCC OnLine SC 1647

The second session on “**Elements of Judicial Behaviour**” commenced with a discussion on the ethical standard and norms applicable to judges. The norms established in the Bangalore Principles of Judicial Conduct and the Restatement of Values of Judicial Life were discussed at length. The ethical challenges faced by judges in judging were dwelt upon. Emphasis was placed on ensuring objectivity and impartiality in judicial decision making. Emphasis was placed on addressing inherent biases and upholding constitutional morality in judging. The ethical standards for judges were noted to be an element which relates to the public trust and confidence in the judiciary. Judicial aloofness was deliberated upon and the principle of non-controversy was discussed at length. Discussions were undertaken on appropriate judicial conduct vis-à-vis social engagements, interactions on social media and interviews by judges.

The third session on the topic “**Judgment Writing Tools**” underscored the judiciary’s reliance on public faith as its greatest strength and a protective shield. Concerns were expressed regarding erosion of the credibility of the judiciary and the loss of public trust and confidence. Discussing instances of usage of insensitive language in the past, the participants were cautioned against the use of language which may undermine the credibility of the judiciary. Judges were cautioned against such language and emphasis was placed on the need for judges to decide cases strictly in accordance with the law and reflecting impartiality and fairness. The session also drew the attention of the participants on the structure and style of judgement, emphasizing on the need for clarity and brevity in judgment writing. It was underscored that the judgment must contain the reasoning of the judge which explains the outcome of the judgment. Over reliance on precedents

was also noted and judges were advised to strike a balance in this regard. Greater focus in the judgment must be on the reasoning of the court rather than precedential discourse.

The fourth session “**Overview of E-courts Project**” traced the technological process reengineering of the Indian judiciary through the e-Courts Mission Mode Project. Discussions were undertaken on the achievements of Phases I & II of the e-Courts project and the challenges faced in integrating technology in judicial administration. The utility of technology in streamlining judicial processes was highlighted. The session also involved a discussion on process reengineering of the judicial system as a measure to ensure transparency, standardization and efficiency. An overview of the E-Courts project was provided with specific focus on its objectives, phases, and achievements. The measures introduced under the e-Courts Mission Mode Project for the technological transformation of the Indian judiciary were discussed including National Judicial Data Grid, ICJS, e-filing, e-payment, NSTEP, JustIS etc. The session also involved a discussion on process reengineering of the judicial system as a measure to ensure transparency, standardization and efficiency. An overview of the E-Courts project was provided with specific focus on its objectives, phases, and achievements. The measures introduced under the e-Courts Mission Mode Project for the technological transformation of the Indian judiciary were discussed including National Judicial Data Grid, ICJS, e-filing, e-payment, NSTEP, JustIS etc. The use of ICT in judicial proceedings and its benefits in efficient judicial administration and court management.

The fifth session on the theme “**Emerging and Future Technology for Effective Judicial Governance**” dwelt on digitization as a measure of automation in courts and its necessity in modernizing the judiciary. The utility of artificial intelligence in judicial governance was discussed with specific focus on the aspects of court management, and record management. AI tools such as Quill Bot, Jugalbandi, transcription services, JIVA, JALDI were discussed. Discussions were undertaken on the use of AI in judicial governance, placing emphasis on digitization as a crucial first step towards integrating AI in governance and the need for generating new ideas to leverage AI effectively in judicial governance, moving beyond merely replicating existing practices in a digital format. The example of smart contracts was cited to illustrate how AI can automate and streamline legal processes.