

First Meeting of the National Judicial Academic Council

Annual Calendar Meeting

2016-17

Verbatim Report

National Judicial Academy

Hon'ble Justice T. S. Thakur: Thank you Chief Justices and all of you who are in charges of judicial academies. Welcome to this first National Judicial Academic Council meeting. As you know this council is set up as resolution is passed by chief justices and chief ministers conference' conference in which one of the agenda is related to setting up of such legal councils to modulate national judicial academic council, the activities of the state judicial academies with the national judicial academy. The resolution was passed in the following words: - emphasizing the need of the work of National Judicial Academy with state judicial academies, towards realizing the benefits of synergy of the institution at the national level and the academies in the state resolve that:

1. Integration of the work of networking and cooperation between NJA and state judicial academies to optimize the utilization of the infrastructural facilities across the country.

2. NJA programmes should be progressivelyfor all SJAs

3. A web portal should be set up at which NJA as well as SJAs can contribute

4. A National Judicial Academic Council is set up in consultation with the constitution as Chief Justices of India. The council shall oversee the academic programmes at NJA and SJAs, also shall devise uniform and integrated training programmes for judicial education. The function of the council are:

1. To promote the cause of judicial education

2. Devise the academic calendar for NJA

3. Prescribe and approve academic standards of calendars for SJAs

4. Promote the growth and availability of resources required for judicial training and education

5. Co-ordinate and monitor the functioning of the NJA and SJAs &

6. Methods for improving methods of judicial education and facilities among NJA and SJAs

The National Judicial Academy and state judicial academies will submit their annual academic calendars to the council for finalization. The annual calendars of SJAs will be prepared in a manner to the extent practicable, the distribution of subjects will be divided in the ratio of 80:20 between pan India subjects and state specific subjects. The proportion shall be 50:50 for the states of Mizoram, Nagaland, Meghalaya, Arunachal Pradesh and Manipur. These states have some customary laws and there perhaps the calendar time has to be proportionately more than other states. Pursuant to this resolution, the present council was constituted with all theas members and all the distinguished jurists all as its members.....each one of you as you know isafter the constitution of the council, I had written a letter to all the chief justices of the high courts for inputs and suggestions for inclusions of subjects and training programmesfor the SJAs so that the same could be discussed and finalised for the annual calendar for the National Judicial Academy for the academic year 2016-17. The inputs and suggestions were received from various High Courts and the National Judicial Academy was thereafter requested to prepare a draft national judicial academic calendar for the academic year 2016-17 and to prepare draft academic calendar for State Judicial Academies keeping in view the inputs and suggestions received from the various High Courts. The national judicial academy had forwarded a draft academic calendar for the national judicial academy as well as suggestions with regard to state judicial academies. Thereafter, we had circulated a concept note on judicial education to all the state judicial academies with the following motives:1) Online training, 2)training in which, had three different dimensions:

One was induction training for judicial magistrates, civil judges, munsifs, two, foundation course for the newly recruited higher judicial officers in superior judicial services of the states and three, orientation course for officers of higher judicial service and promotion, third was refresher course for....officers, fourth aspect was programmes for other stake holders and the, fifth was other programmes.

These were, this was in.....in the concept note before and the state academies were requested to give their suggestions on those concepts. The suggestions have come and based on those suggestions, the two proposals have been placed. One is for the national judicial academy training programme and the other proposal relates to the state academies. We will I think the, take up in the first instance the proposed training programme for the national judicial academy

which we find has been circulated. This is in the settled compilation if you see it is a report by Director In Charge of National Judicial Academy and at page 2 of that report of the compilation you will find a comparison of the programmes that were conducted during the academic year 2015-16 and the programmes the national judicial academy proposes to conduct during the year 2016-17. If you look at the programmes that were conducted in the immediate past year, you will see that the high court....functions seventeen of them were conducted during this one year, registrars had also have separate functions ,twelve in year. Then there were 4 functions for the directors and the faculty members of the state judicial academies. 8 programmes for principal districts and sessions judges, 9 programmes for special court judges and 7 other special events. I believe some of you have participated in some of these programmes but for the year 2016-17, the national judicial academy has proposed 50 programmes as against 57 in the immediate past year, out of these, they are proposing 9 programmes for high court justices, 5 programme for registrars of the high courts, 14 programmes for session courts, 4 programmes for principal districts and sessions judges, 4 regional conferences for High Court justices, 4 regional conferences for civil judges (junior division) , 5 special events on demand sponsored by others and 5 programmes for foreign judges like Sri Lanka, Bangladesh, Myanmar, Bhutan, Nepal etc. now the National Judicial Academy has given the justification for the said change in the kind of programmes that it proposes and in that you will find in the note: it says for the academic year 2015-16, the NJA 17 courses for the High Court justices, this year going by the previous year experience they have reduced to 14. The participation in these programmes was not very encouraging. I don't know how far it is correct but I believe they were cases /situation in which there were more resource persons than the people attending the course. For instance in 1 of the programmes, there were 14 resource persons and 8 attending judges. This was totally anomalous. You see you can't have 14 people to teach 8 persons and this kind of a thing is an eye-opener and I think one of the reasons, the programmes for High Court justices is reduced is that the participation has not been very, very encouraging. We will discuss that as we go along. With proposals, this year going by the previous year experience, these are reduced to 14 with proposal to organise 10 conferences in Bhopal and 4 conferences in the SJA campus of those High Courts which are ready to shoulder the responsibility for such organization. So in effect, the conferences in Bhopal will be reduced from 17 to 10 and the other will be in different outstations like state academies.

There were 2 conferences on commercial law, one 4 day conference and another 8 day conference and over attendance in these conferences has led the academy to stick to 6 sessions of time span of one and one a half day, Saturdays and Sundays. For the academic year 2015-16, the NJA organized 12 courses for the registry officials, this year going by the previous years' experience, these are reduced to five. Again it appears it was not very encouraging so again from 12 to 5. It was found from the 12 conferences that registrars need management skills, trainings and there is no point in touching upon the High Court rules that demarcates their role and functions within the registry because these differ from each High Court. Also many High Courts do not have separate posts for inspection, vigilance, intelligence whereas some High Courts have these separate posts. And for the year 2015-16 the NJA organised 4 courses for the faculty members of the SJAs, the teachers, faculty members were themselves the members invited to attend. This year the NJA is not proposing any such course as it feels due to formation of NJAC, this function of organising training of trainers of SJAs to be shifted to the NJAC. This is clearly laid down in the resolution establishing that the NJAC will take steps to improve state of education at the SJAs. For the academic year 2015-16, the NJA organised 8 courses for principal district judges. This year going by the previous year experience, these are reduced to 4. Last year seminar on access to justice was organised for.... and this year the same is proposed for member secretaries for the state legal service authorities. Further 4 conferences organised on court administration.... court governance, management of resources are now clubbed into 1 and proposed as 1 course, P.998. For the year 2015-16 the NJA organised 9 courses for special court judges. This year going by the previous year experience, these are increased to 13. This is only 1 area where the number of courses has been increased from 9 to 13 because perhaps the experience was encouraging and I think it is a good reason for them because if judges are dealing with special subjects, for instance let us say judges are dealing with dishonour of cheques, now on dishonour of cheques if you have 40 judges who are dealing with cases only on dishonour of cheques, a conference for training of those judges focussing entirely on their subject will immediately help those judges in disposing off these cases, it is immediate benefit to them. They come with lots of problem in their minds and they go back with a lot of solutions otherwise they would be missing. Whether it is anti-corruption court judges, CBI court judges or whether it is judges dealing with specified subjects, the experience of the previous year appears to have been encouraging and therefore from 9 they have increased from 9 to 13 because of introduction of

also new categories.....for the year 2015-16,the NJA organised 7 special events and this year it appears there would be minimum 5 such events organised on demand from different stake holders and nowhave expressed their interest for the NJA organising training for their officers. For the year 2015-16 the NJA did not organise any regional conference. I was present when the last meeting of the calendar committee was held, Justice Dattu was presiding. Your lordship was of the view that these regional conferences do not serve any purpose but it appears that there is one advantage that we cannot ignore of this regional conference and that advantage is that a larger number of people benefitting from such a conference. For instance if you were to invite judges to Bhopal, maybe 2 judges from Allahabad will go and if every year or month 2 judges go, it will years for a judge to get the opportunity and at times, the same judge keeps going. There is 1 item that how do you depute a judge for training that is also an area that needs to be discussed then who should go for training, is it related to the subject dealing with or his willingness to go that should determine but it appears that, you see that these conferences help, very less number of judges and every time the same judge goes so if you were to shift the venue from let us say Bhopal to Lucknow and you have 30/20 judges of the high court from Lucknow only attending or Allahabad for that matter 50 judges of the court attending or Punjab, 30 judges you see from one court and your faculty/resource persons moves to Chandigarh. May be you have all the facilities and judges are comfortably placed and there is a programme organised. I think it has a great advantage instead of....Bhopal has low connectivity by air, people from south have to go to Delhi and back to Delhi so it wastes time also. If you have a programme and if you have a regional conference.....if you focus on a particular subject and people attend, I think it has great potential for benefitting a larger number of people. So it appears that this time they are planning to have 8 such conferences, 4 at the magistrate level and 4 at the High Court justice level. This is subject to changes.....the NJA organised 2 courses, one for Sri Lanka judges and one for SAARC judges. This year has received interests from Sri Lanka, Myanmar to organise conferences for their judges in Bhopal. It appears that NJA is becoming popular at least in the SAARC region for organising these training programmes. This is very encouraging kind. One of the challenges we face today is that you have invested so much in building the infrastructure all over the country not only in Bhopal. Bhopal is itself a very prestigious institution for best of facilities and infrastructure. We had a retreat of SC judges, the place is amazing. It can organise an international conference for jurists all over the world. It is the kind of facility that you have

and so also the places Punjab and Haryana have 100 restrooms. You can compete with any country in the world. I had the privilege of going to Jharkhand judicial academy. the kind of investment that has gone in these academies is amazing....in Sikkim there are only 7 judicial officers but Sikkim is only building a judicial academy, Himachal Pradesh has 132 officers.....for a very long time, we were thirsting for such investment, maybe there is a growing realization among the powers that you need to realise that simply maintaining and constructing a superstructure is not enough to run the institution...the challenge is how to keep these structures functional and put them to optimum use that is the underlying spirit behind....the idea is since so much has been invested in our judicial academies, it is time you decide the kind of utilization you can put these places to at the highest level and also monitor a uniformity in the growth of the quality of training by settling the academic/training calendars at the highest level. If I were to leave, let us Manipur to its own resources, in terms of.....local judges it will be very deficient because the kind ofmanpower that they have is very limited. Whereas if you bring it at par with the rest of the country in terms of quality of resource persons that you will provide I think Manipur and many other states will be benefited. May be Bombay will not require any assistance because it has that potential, Delhi may not require or may be Punjab will not require but other states which are not equally blessed in terms of human resource required for training officers and the thought that you should decide about the training programmes and related matters at the higher levels is to upgrade not only quality of training but also to build a national human resource for providing training all over the country. with these few thoughts I would.....if you would like any change in proposed programme for the NJA, and if you would go back to the other pages of the book which has been circulated you will find that the kind of subjects that have been chosen for different training programmes, for example for high court judges at the end of this compilation you will find concluded programmes for 2015-16 and the subjects on the left hand side of the column and the subjects for 2016-17 for High Court judges will have.....human rights laws and development in the field of.....in the registrar you will find subjects, or directors and faculty members that has been left by the NJA to decide, for principal district and sessions judges....seminar on dispute resolution, special judges will have NDPS.....special events has been left because it will be on demand, regional conferences for high court judges.....and regional conferences for civil judges....

Participant: ...and it is only one and a half days...

Participant: - If you have regional conference in Allahabad and you go all the way you can't only talk about judicial ethics.it should be only in one session

Participant: - Regional conferences focus only one area. It is possible that many regions can have similar problems and so this year we can have four areas for one conference.....first we can have relation between high courts and district judiciary.....third could be institution building. Now what are the challenges we have in our institutions like High Courts and the fourth perhaps....so if you pick up these four themes, it should be presided by each court having a sub-regional conference... ..Every high court will have an opinion formed.....imparting substantial knowledge to our High Court judges and devising common approaches on our themes.

Participant: - Perhaps we might want to put it under broader themes and then put all these under one theme.

Participant: - But tell me if were also talking about state judicial academies, all states will have different problems so should we put it under the calendar of NJA or SJA because state centric problems would not have national character. if NJA is going to discuss local problems in Allahabad then it is better put in their state judicial academy calendar because we have to plan state judicial academy calendar also....judges need to explore and find solutions. No outsider can come and tell them no, no, you do like this, they will themselves come with those solutions, may be with the help of former judges of that court. As far as I know, for instance if Allahabad was to discuss its problems you have some former Supreme Court judges from Allahabad who may also be very well versed in the Allahabad ethos, the Allahabad practices, its conventions, its problems, the inside problems of Allahabad. So you can have them also on....they can discuss with you.

Participant: But do we make a distinction between terms of subjects, between what we have been discussed as an agenda under the NJA and another agenda under the SJA. I don't know how Nariman sir would like to say.

Participant: I was wondering whether we could tell this, we could also decide, because it depends upon the nature of the resource who are these resource persons. Because both the High Court and National sphere, we have to have experts, we have to have members at the bar, not also the bar but outsiders looking into the progression, because that's the common thing outsider wants to say various aspects of our way of conducting. How we eliminate delay for instance. Which is one of the instance is goes around every time it comes along and wherever you are everyone mentions it. Now how we can improve our system of delay? Because in some High Courts there are two levels, in some High Courts there are only one level. Ultimately from the lowers Courts to the highest Courts, it's an enormous amount.

Mr. Fali Nariman: Is it necessary to have long judgments on every single subject? Can we laid down some norms and people will look upon this council to lay down some norms. I think the main thing that choking this system is delays in first hearing. Excessive time given to advocates for argue, can't we limit that? I personally feel that the image we have is that of delaying. We just delay things. This is our public image. This institution must try to tackle that. It's to train people. They can ask various resource people to come and lecture on various topic that you just mentioned. I'm just trying to improve the image that we have. How do we laid down some norms? Every single case do we need a judgment of 50 pages or 100 pages? Or do we improve ourselves. In certain state in US have a system where you just have single dictum and that's enough. Sometimes some of our judges say he has not decided. Now there must be some sort of regulations/ formulations that show that these are the group of cases that we are covering up. Large number of cases coming up.

Hon'ble Justice T.S. Thakur: You are perfectly right Mr. Nariman judging is something which is relevant not for one state but every states when it comes to discussion some kind of brainstorming how judging can be improved in term of not only the length of the judgment, but also the quality of the judgment. And this can be certainly be subject that can be espoused by NJA because it is applies to every level. Image building is also a major concern, this academy is also providing an opportunity where outside the judicial domain what a judge does, how he prepare judgment, how his mind works, something he may not share with the public. But the Judicial Academy is a place where a judge can certainly hear somebody who is very critical about judges. He can be asked always to come and discuss, that place where an objective

discussion, fair discussion can take place, people can come and discuss and therefore that will also provide an opportunity to critiques to come and criticize...That way to provide an opportunity to build image by open your doors not in the chamber, court or at house. We were wondering the issue was judging of course can always say put in the NJA agenda that is something that does not concern only one particular High Court.

But you need to have broad division between calendar for the state academy and what we have taken up in the national academy. This is a very thin line. There is no clear cut demarcation between subjects as such, but need to keep in mind what will be espouse as cause in national agenda of NJA and state agenda for SJA.

Participant: Another area is recruitment process...when we recruit a district judiciary, we basically what we test their knowledge of the subject...that recruit to our judiciary we test only a knowledge of few branches of law, we don't test our prospective candidate or there emotional ability or their ability to empathize there are various other aspect about judging that we don't test in our recruitment process. Which are now being tested by armed forces. Because emotional stability is very important. Is it not necessary to redesign the kind of people we are getting in district judiciary? 1/3 of those people will go to HC someday. So 30% of the High Court strength come from the district court. So how we are recruiting the district judiciary. These issues are something which you'll use this regional conferences as a platform to evolve the prime institute. So the regional conferences arranging are hanging with us to reach something your goal...but something which is seem to be local which has become regional and then put together the ideas which were evolve at the regional conferences for the prime India institution, so the thing could be across the country. We must now redesign our institution judiciary in this manner. This is what is visual test, not just knowledge about CPC, or evidence or Cr.P.C.

Participant: Talking about recruitment process we have the permission of which has been accepted by SC and the HC is supposed to One of the recommendation that would just say is ... about emotional ability and all. So far the interview is concern, viva, it has no importance. You can't create, you can't do anything. You just add up shift point up and down in the merit list. Participant.

Participant: Brother Navneet, my impression is slight different, Shetty Commission recommendation that you cannot prescribe minimum in interview....

Participant: No one can be failed on basic of interview. There can't be a cut off.

Participant: Brother Bhatt in the High Court in Himani Malhotra we have prescribed a minimum for interview that came as challenge before the SC. The court said you can stipulate a minimum but at the time of advertisement. We have done it mid-stream that was found to be faulty. But otherwise you can always say that the interview you must score get for say 50% to be selected, if you don't do that you fall out. The point, brother, is psychological makeup of the candidate, whether he is really suitable for the job of judging. Also dimension to be given importance. Like in the army, you give him psychological test. How will he react under stress, will he be panic or will he be hold upon himself. These are the processes which can be improved upon.

Participant: Sir if I may the fundamental issue about the judicial ethics and integrity in India. ...We are all human being. This Judicial Ethics and integrity must be given more importance in the present time. ...morality and ethics grounds. He must give first importance to Judicial Ethics and morality. This must be pan India.

Participant: You agree that this Judicial Ethics can be part of the Regional Conference by NJA. The questions can we get to those subjects which are up that important. Whether judging can one of those... Some others. That is why we are trying to explore whether some others can also ready to enrich this particular conference. Regional Conference can be enriched by bringing another equally important subject.

Participant: If I may add, Justice Chandrachud has said, it's so important that we also Person and make up that background, not only in initial selection, but at various stage. The simple reason we found we have taken over the conducting of examination, selecting of judges. We found when conducted for civil judge. Later on when we conducted for district judges same Munsif or District Judges examination. We found something basically flaw, in the interview we don't have much time, probably 5-10 assessment is not very good to make much of difference. Probably we can engage experts as it was mentioned like in the army we can have other expert like psychologist, to assess their mental status. To deal with cases, judges, lawyers.....this would

be probably draw attention to page 8 RC are meant for HC and Jr, C.J. and the only subordinate post for their training Regional Conference Judicial Ethics, Integrity and discipline, question that is being debated, can we add to those subjects? Can we add something?

Participant-(Questioned) to the State calendar?

Participant-(answered)-. To the Regional Conference... for example

Participant: Can you add any point? Think about it

Participant: Sir, there two aspect, Judicial Ethics, Integrity and Discipline are being taken up. Now these have been divided in 8 Regional Conference 4 for HC and 4 for subordinate Judges. And I have noticed in my region that is Assam is assigned only for Jr. D. J. not for HC judges. And in Rajasthan also it is for Jr. D. J not for H.C J., My lord my submission is that if we take out a particular theme and there would be an amidst all around judges HC Judges, District court Judges.

Participant: What you are saying is that subject is being discussed is common and of common interest to HC Judges and subordinate judges, why not to combine them rather than address them separately so that's a good point, see you are discussing Judicial Ethics, Discipline. You did not address HC and other Judges separately ...one conference can do...

Participant: Yes, Yes!!

Participant: One more point sir, since Assam called only for Jr. D.J and Bombay is having only for HC judges. This is the situation, we pick up a theme....

Participant: Unless the theme is such which... category of judges is not concerned totally. There will be hardly any such thing unless of course since we are discussing second appeal... only HC judges will be dealing... another Participant--writ petition. District judges and civil judges will not determine. Participant: So this could be like earlier in one of Regional Conference...

Participant: That can be a good situation at the particular northeast where you have 3 judges in all in the HC. If you have a conference for 3 judges, you have only 3 judges in Meghalaya to deal with this subject.

Participant: Can anyone add any point?

This capacity building of the judge, Sir, there are court jurisprudence. Which earlier..... Someone the conferences were on like Rule of law was one of the theme. So those kinds of principle like amendment of constitution law, which would be beneficial to all aspect.

Participant: Do you have any theme??

Participant: Are u suggesting Commercial course??

Participant: Not Commercial Course, particularly, subject may be add with judicial ethics subject.

Judicial Officers are saying we not able to communicate because so and so problem.... manage your own staff....you have the responsibility to make sure which staff is good with computers and.. I came to know about ...

Participant: I also wanted to suggest that court management, time management, workflow management it could be clubbed together, in a particular time frame we can decide more case. How would you do that? How do you convey to the public?

Participant: There are two aspects, awareness of the usefulness of the system which is defend from the e-system.Judges should also know about the technology... NJA conferences are more settle andissues that are higher than the ordinary... TPA all these can be tackled at local level. But there are higher issue. We are only trying to identify those issues...otherwise there would be no difference between SJA and NJA. There must me some higher issues in the NJA.

Participant: I would suggest that NJA has policy concern where they address policy. Participation of HC judges, how as a matter of policy we can concern. An administrator judge in the HC, I used to noticed process service took 1, 2 year, they know that some body is looking at

them... just imaging the No. of month and years.... One of matter was standing.... Why is the delay? And the person was not being served?

Hon'ble Justice Khehar: That the person has not been served. Now this person was engaged in the hotel because the right next to court complex and 9 years of service. There was another matter, where practicing advocate was not served. So, all this adds, we don't need. Let's take big issues first. We addressed small issues, focused on them. But policy decision is taken at the national level in the national academy. And then resource persons are selected and trained in training of trainers. So once this training of trainers takes place at the national level, then in their state academies, they start to train because the magistrates will be so many. Likewise when somebody has to be served in a foreign country, you will find years of years and years because sometimes the judge doesn't know how to effect the service.

In matrimonial disputes the couple has to live in two different countries, one here and another abroad, custody matters. So something has simple and small as service also needs to be focused. And how do we train our judicial officers to effect that service. So service is only one of the illustration that I am trying to give but the suggestion by Mr. Nariman that we should try to shorten our judgements is a very-very good suggestion. But now we see over the years...counsel will come and say, look I raised these 4 issues and you just decided 2, and just because they can file an affidavit to say they press, we would try and find out. OK, why not. So issues raised possibly need to be decided and how do we train our judges and what to decide and what not to decide and how to decide and if they want to ignore how to ignore. Even in Constitution when judgements, Mr. Nariman knows, we heard for days and days, once telling us that judgements need to be reviewed, why? That are 8 issues that were never decided, may be those 8 issues were couldn't ask to be decided. But all this, some kinds of arrangements, some kind of determination. And we must train our judges and how to deal with these and that. Decision has to be taken as a policy matter first at the national level and then disseminated down. Where does it mean to be addressed and need to be addressed for the judges of the high courts? May be at the national academy to deal with, nationally determined for those category of judges. May be at the high court level- the state judicial academy. So this is now because we have so much infrastructure, we can't repeat it at the national level, and again at the same level. So clear cut demarcation: what goes there and what comes down here; and then dissemination.

Participant: One topic which is really confronting the eastern region of India is women trafficking; children and well as women... These are something which very ...have regional something for this, will add to all the states taking a policy decision because most times children or the women of one state send to Bengal and then transferred to Bombay or Delhi. And this is grave problem for the judges: whether in the high Court or the lower court. I suggest ... to involve NGO.

Participant: The first contact point for the justice at the civil court and the district court level... so use of discretion at the civil court level at the magisterial level, use of discretion at the revisional level, use of discretion at the appellant level, what are the principles and most important thing is having regard to delay that the discretion is used in granting and refusing the... or interim relief. So this could be a common topic, and far as other topics are concerned, I would only submit that: we could have an interaction between the regions in a sense that as there is one particular topic concerned with one particular region. Now, we will leave it to regions to suggest topics, each region to suggests, let's say to suggested 10 topics and the most common ones to be selected for discussion. This could be the approach two counter approaches to identify the broad issues and leave other to be identified by each region and that could be a big term. We apply to the academy to have a national conference that could also suggest certain subjects which will be useful to them. I take this approach from past few year experience in our academy, when we set our calendar, we did this down up approach. We used to invite district judges, to invite former judicial committee members and Supreme Court judges and academics and then and thereafter we said we should go there, so we started collecting information and then sending our calendar. On use of discretion and exercising of power at different levels, and the other is, and the subject which the region where the conferences are being held, they suggest to the national judicial, the omnibus standard. And one more suggestion that the regions conferences could be held in the State Capital, and very-very crucial and valid point that wider participation of High court judges in a particular region, the chance to get interaction with NJAC with regions: My suggestion here is that some High court have benches as S. Gowda comes from Karnataka which has two benches, Maharashtra has three benches; so many of them have video linking, they have video wall: now these facilities could be used for those judges and could consider those facilities to outreach or to make it those judges who could not make out.

Participant: I think the last meeting or so these coverages could be broadcast so there is a vital audience to them and I think it is being done because they can be accessed by anyone anywhere provided everyone knows a conference in Guwahati is coming up, discussed in ABC circles and people interested in those circles, you see we can always big audience. That is that, I have made some points that we have wonderful resource persons in the form of judges, we have eminent counsel, I think we should record their talks, be in the form of interviews, which I have suggested that could be captured and kept... what is the appreciation of evidence, Section 27, an eminent counsel would be a small interview, an half an hour speech or half an hour interview on and could be kept.

Participant: No instead of recording, why can't it be live, there is review conferencing facility almost everywhere, why can't, Mr. Nariman speak to people that he knows and the people know that what he is speaking to live and for further use kept as archive.

Participant: Ideally, one of August 2016, one program relating to...court technology that I want to show that received information from the Allahabad High Court saying that they are going to organize an all India conference on E-Committee with various High courts and this is a topic court technology, committee judges were in charge fully addressing and attending it. They also informed that they are organizing August 6 and 7, so there is a chaos to change the dates. Because there E-Committee, obviously I would like to attend the conference being organized in Allahabad. I was in Allahabad sometimes back, they inaugurated a center, when I was taken there I thought that this the best court we have in terms of digitalization and other facilities. so, since all the high court are concerned with the computerization part, I suggested to the Justice Chandrachud that this court invite all the judges concerned to see the kind of facilities he has created there. It may be, it is that the conference is being organized that the judges familiarizing with the courts as to the possible method of the systemic excellence is achieved there. Very organized work, digitalization, the whole process is very gusting, so, it can be a clash between two conferences. Another suggestion also in connection with the because this a subject which is very specialized, this special subject this.....court technology and therefore I thought that not only the high court judges but the CPC concerned personals (who are charged with this court management) also invited to take part that the effect will be much more effecting in

implementing various schemes on computerizations. If high court judges along with their CPC are allowed then we can have better impact on this project

Participant: We have large number of subjects added to NJA, I think only other aspect which we need to examine is: how to go about picking up the resource person? we need to have resource person also of caliber, people who are excellent, people who can also think that they are resource persons, and they may be attending by the people specialize in subject, attending more than one conference because each time he will be adding to his own knowledge or he will become better and better in terms of his understanding and capacity, transmit their transcendent. How about go selecting able, i don't know today i think it is little adhoc, the way people are requested. Can we have some fundamental settled? How rehouse persons will be invited, and can there be a national rehouse person. can there be some system under which we can say the where national resource panel for selecting resource persons.

Dr. Mohan Gopal: Sir, I think it is an essential, very important, and I think the answer is yes, yes we can, we should and we will to select resource person and there is impact now when we say judicial academy are sharing and using those resource persons. but in this respect, i want to make a ragged point which is firstly i think that there is lot of possible progress. and a lot of improvement actually in performance, which we are not able to measure and demonstrate. Because we don't have possible capability. Grossly sir what is number one challenge is being faced by the judiciary of this country, compare to other countries. It is the absence of measurable performance indicators by which the country can say ok this is judiciary is working well or not. so we are making the improvement, but we are not taking demonstrate in process. The other thing i want to say sir that the management administration at the ground judiciary. One of the challenge that not adequate institutional memories, so almost we discussed around this table has to be remember. We actually have wonderful video of Justice Krishna Iyer on the role of subordinate court judges. Which we have tried to and much used and the time is to disseminate, then there is no room to pass it on. sir, it is valuable because, he is no longer with us. I think your initiative in establishing this body is very import responds to fill that institutional gap and provide an institutional mechanism.... which I think is very important step and possible values for the country. so the resource persons, i think we can, as suggested, little bit institutionalize this committee, have a secretary along with research group...so then through that mechanism we can

share resource person ...for example having a experts come, people from outside come, civil society come, Hon'ble Judge to participate for many years in NJA...the values of regional and national conference, as very correctly said, that there must be real distinction and I think the distinction comes from the towards the needs for the judiciary. One is simply, referrers on legal.... of law because the judges are very busy and will not be able to fallow it, so one level we need of refresher of law³, the section need to improve court management, the case management. When we share experience on how these problems are solved, e.g. use of email, outsourcing processors from commercial agencies. These are thing that through NJA methods are actually spread to different courts, as somebody say this is done by some High Courts, so good practice has been spread. Sir, the third to improve relationship between court and society. And for court to understand society better and for society to understand the court better. and i think to provide dialogue, Ms. Srivastava, on the earlier stage come and said in our programs, that we witnessed that the bureaucracy understanding has been improved over the years and also we had some very ... critiques of the judiciary, sir, ... so, I thing that the improving in understanding between courts and society is the very important role the the national judicial academy has to play with other state academies. Agreeing with Justice Khehar, providing a forum for discussing policing issues, and letting that those policy issues evolved through this discussion and that what happens Sir, the interrelated league between NJA work and what has happened with works of CMS, all these outcomes of the discussions took place at some point of time or the other in the time of Prof. Menon time at National judicial academy. And I think this institutional mechanism provided is very good. a very good suggestion of establishing a web site, which may be accessed by judicial academies, experiences can be shared videos can be uploaded. And I think, as Justice Bhat suggested, the interviews can be shared. And I think these resolutions can be emerged from this institution framework Sir. That on this regional conference, I think, broad theme like improving institutional excellence, or enhancing kindly justice, which we are curious as Hon'ble Chief Justices kindly pointed out. This is not something that we can solve, we have to continuously

Hon'ble Justice T.S. Thakur: We are done with this part of agenda, the subjects will be added, as identified as no.1. No. 2. We also resolved a setup op of sub-committee, which will you see assisted by small secretary in the Supreme Court that will help to push these thing forward and also to see the reach between state academies and the national academy. Of course the supervise

always there to this, but we will provide an independent nucleus which will eventually come under the Supreme Court Policy Planning and Research Centre, and the founder partner, and therefore i think the so far the judges of the high courts are concerned, we are done with it. I was wondering whether you would like to have similarly any think to the programs, the regions programs for junior judges. Would you like to begin regional conferences also proposed for junior judges? Now, things is need wherever the interest is common for high court judges and subordinate judges you can combine the two; but if there are certain areas which are concerning only top subordinate judges, then would you like to add any subject for them?... There may a subject it is required for an important part... whenever there is a program whether at the state judicial academy or the national judicial academy, select district judges. Intra-state, in a particular state, that come from very small area; then at the given pint of time principal district judges always should have3 common meeting one day. So the common issues peculiar to that state and how they handle it and sometimes an agenda should be there and may be one or two judges sit there and have it recorded and come out with resolutions, this is very essentials and we are finding very useful in our ..., and i don't know how feasible it could be in larger states because states.. . . on digital conferences for civil judges unit division, you would like to have any subject?

Participant: The appreciation of electronic evidence. Now very often, that how to preserve it...and also in north eastern India, also coaching those tribes the rate of permission is very poor. So therefore, we are deficit in... Of course on trafficking and also foreigner's issues which are not coming directly to the special judges....

Participant: For high court judges the regional conferences is one thing, what is the rationale behind having a regional conference for junior division judges. Is there something that the national judicial academy can go for junior division which a state academy cannot do?

Dr. Mohan Gopal: Sir, in the model that is followed is quite successful for many years to have regional conferences where various high courts sends their batch of different segments. Some senior division, some junior division, some district court judges, and high court judges also participate not as participant but to speak. I would say sir, regional conferences should not be limited, the one aspects. the second aspect, that if we want to have regional conferences with

high courts judges separately that idea can be consider. ...sir, I Would very much suggest that we divide when we ask to do for junior division judges to divide the national conference which is to take place every month for junior division judges...would really build a tremendous sense of pride and sense of national solidarity and commitment and they would interact at very early stage of their career with supreme court judges and high court judges which is very inspiring for them. That I think very good to revive.

Participant: Otherwise, is there any harm in combining this regional conferences for high court judges with other judges; suppose as there are many places the no. of judges attending the conference is very limited. So the people are travelling from all over the country to deliver a lecture which is very interesting and useful. why should it be confined to high court judges 15 or 10? why shouldn't we have district judge also?

Hon'ble Justice T.S. Thakur: Because there are many places where the number of judges attending the conference would be very limited. So, if people are travelling from all over the country to deliver a lecture on a subject which is interesting and useful, why it should be confined to only the High Court judges 15 of them or 20 of them. Why can't we have District judges and Munsifs there all together?

Participant: -We may not have interaction

Hon'ble Justice T.S. Thakur: There is interaction now, because a High Court judge is also feeling, like this where a student of junior division is there and all of them are there to participate and interact and it's a common exercise, so isn't it a better usage to have a joint conference. Regional conference should be open, open to High Court judges, District judges, Munsif subject is the...you see ofcourse when you talk of judging, you talk of tools and techniques of timely judgments, use of technology, use of discretion or any other subject. They are common, you see the Munsif, the nature of the job is the same for the Munsif and High Court judge, so if they are together unless the High Court judge says "no", why should I sit with a Munsif judge?, if that is the bent of mind then judges may keep off from this, but otherwise I feel it is one area where they can all come together. Number will be reasonably large; where the resource person/spokesperson will also feel interested that there is an audience which he is addressing

otherwise you see this will become ... to have a separate additional conference of junior division and a separate regional conference.

Participant: - Even the High Court judge to access, he needs to see what the other judge (junior) are reacting.

Participant: sir may I ...??

Hon'ble Justice T.S. Thakur: yes yes

Participant: For the regional conference for civil judges, there should be some training given to them when they are going for these legal services programs. Very often there are people who are facing trials in their courts. They don't know how to react? When such things come up!

Hon'ble Justice T.S. Thakur: You are talking about legal aid programme??

Participant: Yes yes, ... legal aid programme, legal awareness programme, they don't know how to react, and the High Court has to say that such person should not be invited or the judge or the

Hon'ble Justice T.S. Thakur: You are right, but to that, there is a different dimension all together, I was only wondering whether we can resolve issues?

Everybody: Yes yes yes

Participant: There are 3 committees of which I am aware of constituted by the Hon'ble Supreme Court,.... I was just wondering, we have had various kind of conferences at the NJA whether the NJA has consulted these committees?

Hon'ble Justice T.S. Thakur: For what, why should they consult NJA?

Participant: They are constituted by Hon'ble Supreme Court.

Hon'ble Justice T.S. Thakur: These are handling different issues. The agenda is different. The entire field is different, why should the NJA consult these committees.

Participant: Because of the clash of this programme, that's why I was worried.

Hon'ble Justice T.S. Thakur: Which clash?

Participant: Clash on 6th of August

Hon'ble Justice T.S. Thakur: Don't worry about this.

Hon'ble Justice T.S. Thakur: All right so, we.... I think...

Participant: Sir may I?

Hon'ble Justice T.S. Thakur: Taking note of all this?

Hon'ble Justice T.S. Thakur: Yes yes brother

Participant: If a District Judge elevated to the High Court,... they may not get exposure, they will be sitting with some senior judges, and they will be acting as single judges. So when it comes to... they become... there is problem as to how they have to deal with writ matters of various High Courts? So why not in the regional conference, these group can be identified?

Hon'ble Justice T.S. Thakur: We will have separate programme for them and this problem gets resolved over a period of time. But then the serving judge is also somehow becomes a good judge and service criminal and civil side and understand issues. I think that it may not be possible in a regional conference. Since the conference is going throughout the region, to effect the larger audience than what you can make it at Bhopal. I think that the real reason why we are going to a region, is because we will address a larger audience, travelling to Bhopal is not easy brothers, it wastes time and the number of people attending is very less. So a regional conference basically aims at addressing a larger audience and that we will achieve by taking the conference to the region and by involving all levels of judges in that conference.

Participant: Can it be done by the NJA?

Hon'ble Justice T.S. Thakur: Yes, it would be by NJA only, but it will be in a region, not at Bhopal.

Participant: International exchange programme, with the consular, the number of people attending decreases that's what we see in our programme also.

Hon'ble Justice T.S. Thakur: These programmes at NJA, it is holding for outside judges, outside India. They are exclusively for them. Do they give you a module according to which they want to? (turning towards the Director in-charge of NJA, who nods affirmatively) They give you their requirement, so you pick up the resource person accordingly? What the suggestion is, can Indian judges also join these group of, let us say Srilanka judges, who are coming for training? and will it serve any purpose? Will it give exposure to our judges as to what is happening in Srilanka ??

Hon'ble Justice T.S. Thakur: But they have their national judicial academies, where our people can benefit.

Hon'ble Justice T.S. Thakur: But if you send your judges to Bangladesh, or you send them to Nepal what good would that do?

Ms. Snehlata Shrivastava: Sir Singapore?

Hon'ble Justice T.S. Thakur: Singapore of course, but very expensive programme/proposition Madam, if you are ready to , in fact the financier has no problem in sending any no. but whether the govt is able to sponsor such judges going to Singapore for training.. Off course there are always there is always invitation coming from Singapore, but there is always one or two judges going there

Ms. Snehlata Shrivastava: Sir you find the means of going there? Because training is very important.

Hon'ble Justice T.S. Thakur: So can we resolve if there is any??? if there are any recruiting judges for training outside the country then such steps can also be explored, that aspect can also be explored.

Prof. Mohan Gopal: Sir, if I may sir, this issue was discussed and approved by the Government under the 13th finance commission that the judges can be sent abroad for exposure after going

through some preliminary conferences or training here. I think some funds can be allocated under that decision that would be a very good idea.

Hon'ble Justice T.S. Thakur: Does it mean allocating the funds at The NJA or the Supreme Court?

Prof. Mohan Gopal: Sir of the Supreme Court and then you can use that money.

Participant: We have one access to justice programme of UNDP, there also we can find some...

Hon'ble Justice T.S. Thakur: It's an excellent idea, but if there are programmes, if there are funds available and the funds that remain unutilized, then we would certainly be very happy to send our officers to go subordinate and even HC judges can go

Participant: I was the Director of Maharashtra Judicial Academy, we have recruited our new judicial officers through the commonwealth judicial education institute. For training officers who are specialized in judicial education and that gives them a sense of international exposure for what is the new technique for judicial education, how do we get officers involved. Common wealth judicial institute is exclusively for common law background who share the common law background.

Hon'ble Justice T.S. Thakur: I think when you make a choice of what or who should go for such training? you should see the potential of the person to become a master trainer because his exposure will be very useful for disseminating.

Hon'ble Justice T.S. Thakur: I was in fact recently in a high powered committee parliamentary headed by ... in fact they were also suggesting this, that there could be interaction of judges between some abroad, study each other , the govt is probably planning to do that I think we need to draw resource person, among the resource person from within our system who are proficient enough to qualify to be a resource person and experienced service we can always send him because sending him means he will train a larger number of people. he gets exposed to better techniques and comes back and trains others.

Participant: Common wealth every 2 year holds meeting, it was held in Hong Kong. We can have a SAARC South East Asia Pacific countries and then have similar programme the burden will not be put on one.

Hon'ble Justice T.S. Thakur: You mean to say India becomes a hub for such conference?

Participant: No no no every year for example suppose a conference is held somewhere, then next year somewhere else, then here ...

Hon'ble Justice T.S. Thakur: You mean on rotation basis.

Participant: very small but related, we had started to organize visits of judges to better performing states, better facilities and infrastructure. For example to Gujrat to Kerala to various state, that proved to be very very useful, giving exposure to other parts of the country, Bombay city civil courts, Ahmedabad city civil courts that can also be provided in a lower costs, if we can like a Bharat Darshan, they can see the best-practice of various courts that would also be good...

Hon'ble Justice T.S. Thakur: Do we know we have devoted enough time I think, I just wanted one other issue to be discussed and that is about nomination of participants to, for the training programmes. Obviously this is a very sensitive and also very important. the experience shows that those who are fond of going to Bhopal, keep going and those who are not interested even if they need training and exposure they cannot go. So should we have some mechanism by which who is nominated to go by the Chief Justice, you see there are some guidelines, broad guidelines. For somebody let us say, some subjects being discussed, human trafficking, some judges are dealing with human trafficking, but some judges dealing with service matters will be seen there and you will see immediately, they are there, obviously they would have to go to Bhopal because Chief Justice has nominate him. So I think there should be some norms as to how we should pick up judges for Bhopal.

Hon'ble Justice Ravindra Bhatt: May I sir? I have a model. We found this exactly as, people went and there were even some officers went 25 times to Bhopal so and they were repeaters for some similar courses so we develop a matrix.

Hon'ble Justice Ravindra Bhatt: Where we would see how many times a judicial officer has been? What are the courses? What is his present jurisdiction and accordingly assign him or her? having regard to subject.

Hon'ble Justice T.S. Thakur: Yes the subject being discussed.

Participant: And then some disqualification like somebody is going to retire in 6 months or even a year.

Hon'ble Justice T.S. Thakur: other part was one other issue before you , those who go there, you see you can go there, you can sit there, you may be physically there mentally somewhere else and how much absorbed of what has been discussed, and whether you are at all present there to receive or carry something home. Nothing , nothing is note, as professor sahib said there is no way you can access the improvements in terms of performance or production productivity of the judge whether he has decided more cases, it is something very ephemeral which cannot be measured, I was wondering whether we can also say that those who go there they must at least contribute an article on what they have understood about the subject , it may be totally unsatisfactory, it may be very very sketchy, whatever, but that itself will reflect that the man was there and he has ... this is his understanding , it may even be useful for.. Appraisal as to whether he should go back again or does it make any difference to him so i think we have a journal also???

Everyone: yeah yeah

Hon'ble Justice T.S. Thakur: We have a journal, so let him contribute at least one or two can be given a subject and they can be given a co-author as to what you think about this subject...

Participant: This can be a part of the training itself.

Hon'ble Justice T.S. Thakur: Yes yes yes yes, whether it should be published or not is different issue, you see a lot of money costs to the exchequer from here to there, you see a lot of money is wasted in stay and all. Have you taken something from the conference? So this two aspects...

Participant: He should be resource person in the state judicial academy for that particular subject, he should share the knowledge.

Participant: In our judicial academy in our High Court whoever is attending any conference or workshop they have to submit these and that is distributed to all judicial officers of the state.

Participant: Sir, in Hyderabad we have been following the practice of participant's details being a resource person and whatever he has learned there

Hon'ble Justice T.S. Thakur: being a resource person is one thing one person can come and deliver a lecture but you see the point is on the subject which was discussed in that conference, he must write something as to what he has understood.

Hon'ble Justice T.S. Thakur: so all the time he is attentive he is absorbing. He is understanding and there would be some record as to what he has done so on both these aspects 1) who should be nominated for these programmes and 2) what should be the conditions of nomination like he must write a paper, can we ask the subcommittee which would look into this. So the subcommittee would evolve some norms for nomination.

Participant: Your Honour these, officers in the verge of the retirement, they should not be...., often we see they are also sent.

Hon'ble Justice T.S. Thakur: people at the verge of retirement having a vacation in Bhopal, there should be disqualification because there is no useful purpose served. Unless he is going to be a resource person later.

Hon'ble Justice T.S. Thakur: I think with that we can approve of this calendar for the National Judicial Academy for the NJAC these suggestions were incorporated, now if you come to the State Academies , the National Judicial Academy has been requested by me to draft and suggest calendar for State Academy, the NJA have not proposed a calendar for judicial academy but based on the suggestion that were received form the state academy, we have requested Dr. Chandrachud and two other from Delhi Judicial Academy and Punjab and Haryana Judicial Academy to welcome those proposal and suggestions and suggest some broad modules which

can be then used. Ah... the modules that have been proposed are usually if you see this if you have this.... if you come to Annexure 1, this is what, I called it Justice Chandrachud's Committee has recommended that Annexure 1 at page 15 of these compilation, you have these compilation? It was sent by email I think.... I will just read to you what has been proposed. Annexure 1 ah...

Hon'ble Justice T.S. Thakur: It was sent by email I think. I will just read to you what has been proposed. Annexure 1 ah... proposes any programme to be conducted by the State Judicial Academy entry level programmes and it says induction training for judicial magistrates for civil judges, Munsif... the duration is one year.. Generally the period is one year throughout the country?

Participant: My lord, in the year 2001, we had made it 2 years training.

Hon'ble Justice T.S. Thakur: generally it is of 1 year, in Orissa okay it is of 2 years.

Hon'ble Justice T.S. Thakur: This is based on the assumption that this is 1 year training programme and there are 3 phases, phase 1 is practical training by court attachment in 4 month and field training, in village excursion 2 months whereas the remaining is for holidays and all. So foundation course for the newly recruited higher superior judicial service also is given from the bar. This is for the Higher Judicial Services. then there is orientation course for the officers for the higher judicial service and promotion ,, ah if you come to ah page if you see at page 16 induction training for fresh officers at judicial magistrates you will find the programmes has 4 components, one is attitude ethics skills and knowledge. Then there is some elaboration what attitude would include constitutional vision of justice making of Indian Constitution, constitutional values role judicial system in bringing about social change role of District judiciary and case law. Judiciary as a guardian of rights, minimizing impact of bias recognizing hidden bias, prejudice, stereotypes, women rights un convention, Indian Constitution, Indian statutes, case laws then victim and protection, environment law environment protection. Law and poverty distributive justice, development analysis. Access to justice, legal aid for underprivileged for women and law, status of law, property rights of women, women in criminal law.

Participant: Sir the Bombay Prevention of Begging Act one of the State responded what is the relevance of this Act to the other States. The reason why this was included, was because this was

one of those, Acts which makes an offence to beg, retrograde legislations which is a civil consequence, as a result of which we thought that we should include it about whether this is truly retrograde legislation.

Hon'ble Justice T.S. Thakur: I think there are different laws, I think there would be similar legislations in other State, like J & K also had some anti-smoking Act many old Acts...

Hon'ble Justice T.S. Thakur: children in law, status of children, language and expression, verbal and nonverbal communication, judgment writing., core judicial skills, judicial process, legal reasoning, appreciation of evidence decisions making dictating correcting judgments and order administrative management skills court management docket management case management information and computer knowledge common law civil law system structure court of civil procedure you have limitation act, punishments and then you have special laws, Arms Act, drugs Act and you have TADA POTA etc. Evidence Act. And then there is methodology now each day of the training in the academy will consist of 4 session. 2 session substantive law one session including mock trials judgment writing, one session computer training research assigning, assignment writing duration of recession 1 hour 15 minutes and free visits there is a schedule given ah that is so far as the concept are concerned, I think it is comprehensive enough. Very well written.

Participant: Sir anything which can be in addition to this? That the State Judicial Academy can decide.

Hon'ble Justice T.S. Thakur: Brother so far as this concerned this is that part of the curriculum which is consumed by 80 % because there is still 20 % left for the State Academy because State has specific laws so you can bring in such subjects which are not here, these subjects are pan India but there may be some subjects like Tamil and may have its own enactments Assam its own and Kashmir has its own. So you can utilize 20% time of judicial officers.

Prof. Mohan Gopal: Sir, if I may make a brief comment; Sir personally I think we should recognize that this what is here has come from many years of experience of different Judicial Academies from different parts of the country.; secondly sir I could submit that rather than having a 80-20 split which would be very difficult practically to calculate, what I would suggest

sir, is that these topics should be covered you can cover whatever else also but these are the topics which every judge should have exposure.

Hon'ble Justice T.S. Thakur: no the 80-20 idea is that you still have the option of adding some, which are State specific for that particular State, you see you have any specific area. You can certainly include.

Participant: Yes sir, but should we say 80-20 or should we assume that?

Participant: The 80-20 comes from the Chief Justice's Conference, where there were consideration on what should be distribution in Pan-India subject and state subject and broadly the consent was there that 80 % should be spent on Pan-India and 20 for State except for the North East where the customary law are prevalent,,,,, 50 % and there again this is not something precise that you have to include...

Hon'ble Justice T.S. Thakur: Now come to page 26 foundation course for officers of higher judiciary fresh appointments and orientation training for fresh appointees for Higher Judicial Service to the bar. Development of judicial skills judicial ethics knowledge of functioning at the academy, court attachments and field visits rationale for orientation training is to interact judicial ethics , judicial skills and court management, responsible decision making , specialized handling and distribution, computers knowledge having become essential, basic knowledge of administration then training 4 months academic training 8 weeks in 4 parts and the attachment with ad is 1 week and attachment with NDPS, Family court etc 1 week and attachment with High Court judges, 3 days and so on and subjects also judicial ethics, personality of judge, standards of judicial conduct, duties of a judge, I think by large all possible angles have been taken care of if you want to add anything you are welcome but otherwise I feel it has been very comprehensively done and orientation course at page 32 of Higher Judicial Service and promotion and there is 3 weeks of institutional training and specialized education press management, judicial..... All these have been set out and these are very comprehensive.

Hon'ble Justice T. S Thakur: 36 is in service in Refresher Course. Various enactments have been so.. No what we are doing Mr. Nariman is that let us say that there is a state where there is

hardly any case of motor accident claim just for granted cases so you may not even require Academy has a slot for refresher course then the nomination from the High Court

Participant:no no its by special courses by the academies but as of now there is no special course slotting it is a special course slot..

Participant:the academy has a slot for redressal... The high courts will certainly send it there is no way you can say, no I will not obey.

There is one subject that needs.. that isthe NJA can make a capsule or certain kind of write up to high courts...for all other

Participant: Many cases have commercial courts say I had to nominate somebody to go to Hong Kong for a commercial court functions..... Not many places have this say setup of commercial courts...you heard something.....arbitration arbitration could be added here so arbitration.....

.....we were doing business... we were ...Commercial use...

Hon'ble Justice T. S Thakur: No setting upinfrastructure.....see the commercial court.....your chief minister has been designated , in the chief justices conference you have seen that what I mean to say is that we'll have a commercial court independent of the regular courts because what is happening is regular courts are functioning so iftwo cases say this is commercial court in this same environment and you got some labelling of these things, the whole idea was if you have brought a commercial court case right now then you must provide an entirely different environment to the commercial court. People after the corporate litigant wants a slightly different a little pampered treatment and when he goes to a court he should not be made to stand there and see where somebody is spiting pan somewhere and there is no place to sit. If he wants to have a cup of tea there is no place to go anywhere to sit in sun or in shed, if that is commercial court concept then it is no concept.

I was in ----- I was taken to a commercial court complex you will not believe , it was such a beautiful environment ,wonderful , it was such a great complex, people are sitting there enjoying a cup of coffee, the litigants also the lawyers also the entire atmosphere is different. Today you have corporate hospitals because people can afford to go there and that is why all India institute is expanding to poor people now, otherwise all these rich people were also there and the poor

man was shooed away from there. People who can afford better facilities should be given better facilities. So commercial court complex you see should be different from the regular courts complexes and it should be in corporate style otherwise what is the use?

Participant: ...no that.. it is actually we use to have commercial ways for the high courts and thethere are just points, points of ----- and points of defense ... exactly not civil procedure..... But now of-course we've been informed that it's very important.

Hon'ble Justice T. S Thakur: The managing director of the company which is a 5,000\$ company, is a rich company, you see, when it comes to a commercial court it would expect a commercial court to be with them, see they should be very sophisticated, they should not be sending them somewhere where they can be pick-pocketed while in the corner waiting for his turn, that should be the concept of the commercial court. The chief minister of Maharashtra you, see, one man who was very energetic and good looking , he said, yes we'll have that kind of a complex, the entire commercial board-branch may be different but it is said once you have seen armed forces tribunal branch is different so people who will practice in that branch may be different, even if it is slightly different the environment in which people sit and perform whether we can claim those.... what is the use of simply putting a commercial board with the same people

Participant: Chhattisgarhi have opened a separate commercial court

Participant: Right now we'll move to for everyone, otherwise we might not end up having.....

Hon'ble Justice T. S Thakur: What you are doing is you are actually drawing judges actually away from the regular system and giving them commercial court cases whereas the remaining litigation will continue with lesser number of judges and therefore we will have an issue

Participant: So they both are separate and unequal but they should be separate and equal not separate and unequal

Hon'ble Justice T. S Thakur: Of course, all courts should be in much better condition but if you are really wanting that commercial court should be taken you see then there must be higher..

Participant: I have few more .. and thes hazari.. i will keep it there and that'll address the concerns

Hon'ble Justice T. S Thakur: So I think this .. Yes yes yes

Participant:(not audible).....cyber law course....

Hon'ble Justice T. S Thakur: cyber law refresher course you mean to say. How many cyber-crimes are going

yes

Participant: I don't know how many cyber-crimes are turning in

sir..... as cyber law per se I would support almostdetailed records its not appreciation of section 65(d) there are lot of aspects , there are lot of complications, challenges and I think actually our worst judicial branch magistracy and session are..... supposing you find something on your.. let say cell phone or smart phone and you produce it , what they'll do is they'll seize your cell phone and then their cross examination happens in the court and if there is say some SMS or message now how do you see it..... but the awareness of this is very essential

.....this is particularly relevant for matrimonial issues, you could just come with the SMS and message with SMS's being senteverywhere but the awareness is not there...

Hon'ble Justice T. S Thakur: I think there is only other issue that I would like to discuss and that is preparation of online training modules , is it possible to go online is my question.....that's why i think it is important to discuss this issue

Participant: we can selectively

no no we can't

Hon'ble Justice T. S Thakur: According to my personal opinion semantic use of online tools..... what are the subjects on which online programmes can be initiated, can you identify two of these subjects for online training programmes, online is what a judicial officer is sitting at home can access a program for training on a given subject and on the website of the academy that is what is online program. It will be a recorded program which will explain to a judge whatever he wants to know on a given subject. I think its useful, it is like a cyber law as you are saying some basics some basics have many advantages, they have research assistanceso they had in that, so once they have this knowledge pool so anybody can access any judge of you

know judiciary wants to access something on a particular subject so he or she can access through internet and thenif we create online modules..... who will create on line modules?

Participant: We can begin with 5 modules to start with initiating something which is radical and is very new for our system and the format in which we will work is we will make the video recorded presentation of about 10 minutes to start with for example if someone is looking for bail then what are the essential attributes of bail, what are the basic principles not more than 10 minutes, thereafter there will be practical exercise we will actually have a videotape bail presentation followed by small panel discussion and at the end of it there will be an evaluation test so that the officer who has seen the online training module and then have a small test not requiring any preparation timing on how much he or she has absorbed and that evaluation will be completely on line then after one month there will be a second test, short test again not more than half an hour or so and we can select whatever topics they take like bail, abduction it can be something on POCSO...or domestic violance... and it will have to be done in an audio video type and we'll have to contact a media house which has this kind of training it has to be a joint effort. We have the knowledge on law but we also require the help of media house which help in the online training module. The idea of it began with what now is called NOOC across the world, National on line courses, so even established universities are offering free courses ,so whoever in the world wants to do a course can do a short course maybe on principles of natural justice, may be on photography and the other advantage of the online courses is that the people don't really have to go to the academy, this is not substitute for the academy in any case but the idea is that so many people who cannot go to the academy; whether it involved their travel, the cost whether they cannot send a judicial officer for 6 days or 10 days to the academy and this where the continuous process of knowledge prevention of a judicial officer... So the idea is that in the Bar exams in the United States are now done online, the training is done online so that you can even download what you have on a cell phone or on an android phone. Every state in the country may not have the same networking available as you have in larger states everyone today has virtually an android phone. So a judicial officer can get a particular module even on an android phone go through it for half an hour. When officer has done his work for the whole day on a Saturday or a Sunday the officer can sir for 35 minutes get an update on, what are the latest principles going on. ,

Hon'ble Justice T. S Thakur: Normally difficulty perceiving this is that while in a classroom in a lecture people can absorb , you can be this, you can be that, you are simply presenting a view which may at times be wrong also but if you have uploaded a recorded program in which you say that bail is to be granted in such fashion in this offence; you can grant or you cannot grant a bail then unless you are 100% sure of what you are saying, this is absolutely a flawless and unexceptionable legally you will beSo the course content has to be absolutely authentic, so you have to be very very careful , the policy may allow you for what you may get recorded because anyone can consult you; for instance ki "aapne bola aise ho sakta hai I've done this what is wrong in this as you have given me this instruction. If you are teaching me wrong then what can I do? this what I followed" Therefore whatever you say have to be so well thought of and so articulate and so that it cannot be misused by any judge one or the other so that no one can find fault with it. So that requires a lot of you see effort in terms of what we represent as a possible solution.

Participant: We can have another option... sir the crux of this is I think first is to convey the information rather than conveying instructions to the officers so that it would take very summarised information on what Supreme Court and High courts and stop there....and just on whether you know which are the leading subjects and just on that whether you have the right to information in your hand but how to apply that with the facts of the case in a particular case..

Hon'ble Justice T. S Thakur: But with the perspective of a judge how you apply is the matter for him to decide that you have to see...So what we can do is yes there should be a preparation online training module and should be prepared but what is the way forward is the question? How are we supposed to get in touch with the NIC , whether it should be advertised with private agency, how much will be the expense , what will be the team that select subjects and also the course content. These are the final points , so, we need to broadly resolve that how the principle

Participant: I suggest one or two pilot, one pilot course may be submitted to this body and to you sir for your consideration including content and if you feel comfortable with it then we can take it.

Hon'ble Justice T. S Thakur: We can do that but whom do we assign this immediately?

Participant: NIC

Participant: Sub-committee

Hon'ble Justice T. S Thakur: Sub-committee can also do it and once it is done , a trial can be shown this how it will look, this is how it will sound, so then you can see whether we can we can't make it , of course, you will always have to say the thing is your responsibility it is your ...if you go wrong but it is definitely your work.

Participant: A related point sir I want to submit as you correctly said that there is a massive and wonderful infrastructure at Bhopal I think one of the power objective will be to use that infrastructure fully sir and...property itself starts deteriorating so I think one of my concern is that we should have programmes that actually involve a lot of judges coming there because I in my experience is that when many of the Hon'ble judges come, the most important part of the learning and benefit that comes to the system comes from the interaction between judges as they walk around the campus and they sit together, they talk then late into the evening they discuss their cases and their experiences. You know this is very I can tell you from 5 years of my living there that was a tremendous amount of learning that goes on and very serious discussions go on. ..So if the facilities are properly used then the judges would love to come and a very good common consensus starts to evolve. So I feel that the calendar and the programme should keep inviting them sir...

Hon'ble Justice T. S Thakur: Is there anything in addition you that you want us to do to increase participation, in terms of any some instruction etc so as to increase participation

Participant: Sir my experience is that

Hon'ble Justice T. S Thakur: I have come across situations where there were 08 participants and 15 resource persons it is not acceptable.

Participant: Sir if I may sir if I may just respond to the Honorable judge aaaa your point sir. The when the value for being increases, participation increase and it is up to us to ensure that the programme actually adds value to the people. Because people come there taking time out from family, from work, but if they find that this is really useful, then they are keen to come sir. So there have been occasions where we actually had full capacity, lot of participation and not able to

accommodate the participants. But otherwise when the value addition is not good then the participation goes down. So if we with the help of the sub-committee and the whole counsel if we can ensure that the quality is maintained sir, then I think the participation will automatically will increase.

Hon'ble Justice T. S Thakur: Quality is of course much dependent on the resource persons who come but could you tell mecould we ask from the brother judges see whether judges, the Honourable Judges of the high courts to indicate areas of interest in which they would like to come and they are deputed only when the subject of their interest is taken up. Because if you tell them that there is a programme in Bhopal who would like to go, they say regardless of what the programme is in they say depending on how they feels about it, yes I will go areas of interest are determined in advance. Options are taken right.

I think it will take a fine tune if the nomination process should be so designed that people who have in that subject will alone go there, people who have no interest in that subject need not be sent there.

Participant: Yes Sir

Participant: The refresher courses related to state judicial academies, for refresher courses we adopt that we seek options in advance and we also nominate because it is compulsory participation. We also nominate stand by participants so that if the nominated one doesn't go other may go. So if you may devise different methods whereby options may be given. So the Sub-committee as you have said may issue nomination option and they may explore the possibility of taking the options in advance.

Hon'ble Justice T. S Thakur: You want to say something brother?

Participant: Yes aaa last time when I went there in the academy the National Judicial Academy, whenever a discussion on a particular topic was very very high. The only academicians are there...

Hon'ble Justice T. S Thakur: So you mean to say that academicians are not so

Participant: No No I I did not mean that a former Supreme Court Judge...

Hon'ble Justice T. S Thakur: So you are saying former Supreme Court judges must be encouraged to come.

Participant: You need a mixture sir, you need a mixture aaa just one alone because the academicians alone might not have that much knowledge about the practical situations of the court...

Participant: Yes Yes yes ..Practical part is always different from academic part

Hon'ble Justice T. S Thakur: Now last item which is and then you can go for lunch brothers and that is , development of National Judicial Council Website. Do we need a website? and website shall be informative as well as educative, it shall make the provisions for the following: List of all judicial officers in the country and training programmes which they have undergone, online reading material for training programme of pan India application, a bank of resource persons on different subjects and an interactive portal on which questions may be posted and answered by any judicial officer in the country, a system of communication by which any judge may communicate with any other judge in the country through this media and National Judicial Academy Council may pose its concern, significant developments relating to Indian Judiciary and access to webcast to any programme of any academy in the country, hyperlink to all the state judicial academies. I think we can have that on the website, I think this.

Participant: It is there in the Maharashtra Judicial academy

Hon'ble Justice T. S Thakur: Maharashtra judicial Academy, so if it is possible in the Maharashtra Judicial Academy, why can't the National Judicial Academy Council also have a website which will have these features for which we do not have to go to home. Will NIC be able to do this?.....

NIC will do for us free from any charge, there will be no expense?

Participant: Yes Sir..NIC Person- For making the concept for having a communicative kind of a website we need to have

Hon'ble Justice T. S Thakur: But whether they will be able to build an interactive site?

Participant: Yes sir, we can provide a user ID to all the judicial academies

Hon'ble Justice T. S Thakur: Will this form of a part of the E-Committee Project? No. This not much of an amount in any case, we can provide the budget, Judicial Academy itself. So aaa will it require any engagement of any experts from the private territory? NIC will itself do it? So then we resolve that the website come up with the help of NIC and that aaaa...

NJA website.....

Participant: NIC does not prepare NIC host this..

Participant: We'll have to develop our website,

Hon'ble Justice T. S Thakur: They will all be not able to prepare all this?

Participant: They have programmers....NIC got this with the government of Maharashtra.....You can change it, you can aaa

Hon'ble Justice T. S Thakur: So you can ask NIC, we can ask NIC to do it, and we will see if there is any need for any further assistance from outside we can take that also.

I think that with that I think we come to the close of this session and aaa I am very happy this is gone on as expected, very useful inputs have come and aaa we will adopt the whole thing whatever has been resolved here. We'll aaa prepare the minutes and whatever follow-up action is required we will take it. We will get in due course intimation about what all has been resolved and aaaa if there is anything further you please feel free to have some arrangements. We will set up a small secretariat that will be able to respond to all the queries, online measurements and there should be constant linkage. I don't know how often we can meet because it means lot of expense also but aa that can be a regional conference of the council somewhere in one region or the other. we can do that also but let us aaa this is the first meeting, it has started on a good note , I am sure this will help the entire system we put in and receive proper shape. Thank You very Much, I think you all deserve a simple lunch... lunch is organized, so we'll all go there and I thank each one of you for coming for spending your time especially Mr. Nariman is a very busy person, Prof. Mohan Gopal and Justice Chandrachud who has helped us immensely. Thank you very much and God bless you all.

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