

NATIONAL JUDICIAL ACADEMY



PROGRAMME REPORT (P-1161)

Training of Trainers for State Judicial Academies

(12th and 14th April, 2019)

Programme Coordinator:

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The National Judicial Academy (NJA) organized a two-day workshop on Training of Trainers for State Judicial Academies on *12th and 14th April, 2019* at National Judicial Academy, Bhopal.

Objective of the Training Programme

To develop methodologies, pedagogies and a standard framework for Judicial training with assistance drawn from in house experience and domain experts; to explore new training principles for maximizing learning process. State Judicial Academies play a critical and vigorous role in promoting foundation, orientation, and continuing judicial education and training to judges. The emerging trend, to integrate technology into the administration of justice invites adoption to nuance and change in judicial education and training protocols. Evolved pedagogic and andragogic methods need to be introduced into our training programmes.

The workshop facilitated discussions and sharing of information on the training methodologies, faculty, infrastructure at the state academies; and included interactive sessions for exchange of knowledge and experience regarding challenges and best practices available for enhancing quality of judicial education.

The workshop was divided into six sessions over the duration of two days on following themes:

SESSION 1	Principles of Adult Education to meet the Complex demands of Judging
SESSION 2	Crafting Educational Objectives to Facilitate Selection & Organization of Course Content
SESSION 3	Identifying Constraints Influencing the Design of Training
SESSION 4	Designing Curriculum for Continuous Training on Specialized Subjects
SESSION 5	Impact Assessment: Review of Judicial training
SESSION 6	Opportunities & Emerging Challenges in Judicial Education

Following were the Resource Persons for the program:

S. No.	Name of Resource Persons
1.	Hon'ble Justice Rajesh Bindal
2.	Hon'ble Justice Sujoy Paul
3.	Hon'ble Justice R.P. Sondurbaldota
4.	Hon'ble Dr. Justice S. Phansalkar Joshi
5.	Hon'ble Justice Ram Mohan Reddy

SESSION-1 & 2

Theme – Principles of Adult Education to meet the Complex demands of Judging
Speakers – Justice Rajesh Bindal, Justice Sujoy Paul, Justice R.P. Sondurbaldota
and Dr. Justice S. Phansalkar Joshi

The session included discussions on teaching strategies in modern adult education, substantive knowledge, process and decision making skills, active engagement and interactive teaching methods. The speaker highlighted that the aim of judicial education is filling gaps in the institution to enhance public confidence. The participants discussed components for an ideal judiciary to understand the needs of judging and thereby improving judicial education. It was pointed that listening and communication are two important aspects of judging. It was stated that principles of adult education are based on andragogy unlike pedagogy which is more relevant for child education. It was emphasized that for an adult learner his own experiences are very important, the course must be problem centered with more practice and less theory. It was further mentioned that child education relates to transferring of knowledge while adult education is substituting and enhancing their knowledge.

It was mentioned that an essential part of training is to find, analyze, understand and apply the legislation. The most challenging task before Judicial Academy is to change the mindset of a Judge which is rigid at times and not open to learn new things. The speaker put some light on the difference between Justice and Judging. The demand of Judging is complex which requires listening, communication, assistance, cross-examine and analyzing question of Law involves in a case. It was suggested that judges should be like a mirror who welcomes all and retains none. They must treat everyone with same dignity and respect. It was stated that justice comes after judging i.e. upholding what is just & fair.

Some common assumptions must be identified before conducting a training to bring the judicial officers under a uniform umbrella like Self-concept of person, his own experiences, eagerness to learn, orientation towards learning and inspirational approach. The principles governing training of judges include involvement of judges, and their experiences, problems solving approach and immediate relevance.

Another challenge is how to develop and sensitize judges to include qualities of compassion, empathy and open mindedness. Participants suggested techniques they were applying to improve Judicial Education imparted through their respective judicial academies.

The next session was a continued session on the above theme whereby, speakers discussed different techniques that could be implemented in adult education to make

the training interactive and participatory such as hypotheticals, group discussion, case studies, simulation exercises, questionnaire, quiz etc. The participants were advised to make the judicial officers open to ask questions. It was pointed out that the subject of training must be of relevance to participating judges to make the programme interactive.

SESSION 3

Theme – Crafting Educational Objectives to Facilitate Selection & Organization of Course Content

Speakers – Justice Rajesh Bindal and Dr. Justice S. Phansalkar Joshi

It was highlighted that a judge as an individual must have four qualities. The said qualities were further elaborated by two methods ICEE and EEE method. The four component of ICEE which individual as a Judge must have: Impartiality (Independence), Competence, Efficiency to manage court, Effectiveness (Skills and decision making).

The EEE approaches includes:

- Expedition of court proceeding,
- Efficiency,
- Efficacy.

It was mentioned that at the conclusion of a training programme, participant judges must be enriched with above mentioned qualities and this could only be done by organization of course content. Different training programme had different objectives. The speakers expressed concerned over a design of training method which includes-

- Interactive Method- Brain storming, Group work and Questioning.
- Group Exercise- Group task orientated exercise.
- Case study- Participatory Method, Different facts of same cases.

The public confidence over Judiciary could be obtained by effective training methods, where judges must sensitized to have sensitive attitude towards society to uphold public confidence & trust in the judicial system. The approach must be that even if they lose the case they must say there was a very fair hearing and the only way to fulfill this is by enshrining judges with values of-

- Compassion,
- Cooperation,
- Respect,
- Honesty and
- Responsibility

One cannot change a destination overnight but can change his direction overnight. Teaching of ethical values is difficult task because of Andragogy learning.

Some welcomed suggestion to develop ethical values were-

- Displaying emotional video (like of New York night trail in 1935) - Every human contains Paul Eksman six emotion (Anger, Fear, Surprise, Happiness, Sadness and Disgust), the only challenge was to make them aware of it.
- Judiciary may conduct ethics test at entry level. This will ease function of Judiciary because if right people will enter profession, the problem will automatically solve. Ethical behaviour respects the dignity, diversity and rights of individuals and groups of people.

SESSION 3 (Cont...)

Theme – Identifying Constraints Influencing the Design of Training

Speakers – Justice Rajesh Bindal, Justice Sujoy Paul, Justice R.P. Sondurbaldota, Dr. Justice S. Phansalkar Joshi.

The participants asked the speakers as to what could be an ideal design of training. Since there are conflict in needs of judges, some may be good at procedural law, some in substantive, some have good command over English but some don't etc. Concern over lack of resource persons in Academies was raised by the participants. It was suggested that an effective way to curb that was by periodically exchanging list of resource persons among judicial academies. Command over languages both Hindi and English is one of the most common problem faced by all judicial academies while imparting training. An effective solution suggested by a participant was, to have daily lectures for these languages.

Another constraint discussed was stage fear and public speaking among judicial officers. Academies in-charge may develop these skills by regular moot court exercises, paper presentations, role play, debate and extempore techniques. There should also be focus on hobby building & physical activities like games, yoga, and gym etc., because these activities enhance mental ability with alertness and team spirit.

The speakers suggested seven effective ways to make training design more interesting

- Start with subject common to all.
- Learning Languages through Literatures.
- Build public confidence
- Take report from field office/ mentor judges
- If report not satisfactory, training period to be increased
- Train them on what they require

SESSION 4

Theme – Designing Curriculum for Continuous Training on Specialized Subjects

Speakers – Justice Rajesh Bindal and Dr. Justice S. Phansalkar Joshi

The speaker initiated the session by discussing on designing curriculum for continuous training on specialized subjects. Specialized subjective training is important to give special knowledge and make judges expert on special field like- Family Laws, Juvenile Law, SC/ST Law, Cyber Crimes, Women laws, IT law, Commercial Law, etc.

It was pointed that finding resource persons for every specialized field in each academy is practically difficult. Therefore, it was suggested that academies in nearby areas can have joint sessions on specialized subjects. Simultaneously many academies can have joint sessions through video conferencing or live streaming which will be an effective method to educate larger numbers of judges on specialized subject with available resources.

Some of the suggestions emerged during the discussions included -

- At the beginning of training, judges could be asked the subject/area in which they lack and accordingly divide the batches for training.
- Academies must understand difference between surface learning and deeper learning. Law schools ordinarily use surface learning method and Academies were requested to use deeper learning method.
- Faculty and staff of Academy must try to make an interactive atmosphere whereby judges are made comfortable to ask questions and discuss their problems.

The speakers highlighted some essential features for effective design of course which could be mentioned as ‘SMART’ course -

- **S**pecific,
- **M**anageable,
- **A**ttainable,
- **R**elevant,
- **T**ime-bounded

SESSION-5

Theme – Impact Assessment: Review of Judicial training

Speakers - Justice Rajesh Bindal, Dr. Justice S. Phansalkar Joshi and Justice Ram Mohan Reddy

During the session it was suggested that the three most important features which will make situation fertile for creating new design of both trainer and trainee is

- Character,
- Integrity and
- Honesty

It was highlighted that the level of evaluating training programme can be on two basis:

- How academies had taught them and
- To assess what academies taught was complete for them.

The Assessment of the training could also be done in between session by way of informal discussion on either the content or structure of the program. The participants could be asked whether the content is interesting, useful, or boring; whether they are able to retain information and understand the material provided is useful or not.

Training programme must serve the needs of judicial officers. There must be a circle of exercise on daily, weekly or monthly basis for testing how much information the participating judicial officers retained. Automatically, the result will show the consequence of training programme which can be-

- Positive,
- Negative or
- Neutral.

The speakers further deliberated upon the options for feedback and evaluation. It was suggested that academies can opt for anonymous feedback option as not everyone will be comfortable in openly discussing the loopholes. The feedback could also be done by analyzing the body language or by providing a questionnaire. Feedback should not only be for judges but also for academies and with that feedback academy must try to evaluate and find out scope for improvements which will motivate the judicial officers to give valuable suggestion. The impact assessment may be of short or long period but it should be a continuous process.

The speakers further deliberated upon measurable educational objectives and stated that a judge should spend more time on thinking than reading. Reading without thinking works like a Xerox machines i.e., cut, copy, paste. So more time must be given to thinking. The object of training programme must be written at the beginning of every programme so, every participant get to know and think what academies are trying to achieve from that programme. Andragogy approach learn, unlearn and re-learn must be adopted.

SESSION-6

Theme – Opportunities & Emerging Challenges in Judicial Education

Speakers – Justice Rajesh Bindal, Justice Ram Mohan Reddy and Dr. Justice S. Phansalkar Joshi

The session involved discussion on use of Information Technology in adult education to enhance learning. The prospects of distance education were also looked into. The digital learning is designed to achieve three cardinal principles of education policy i.e.:

- access,
- equity and
- Quality.

The academies were informed to make a common website where they can share their content and communicate with each other, a common message group could be made. Judges should be connected once in a week through video conferencing to discuss problem faced by them and also faculty/expert could embark their knowledge by video conference or live-streaming.

Many participants were concerned about poor network and the problems they face in live streaming from within and outside India. The participants came up with effective solution that they had implemented in their state academies – to use specific browser which have lesser subscription for this purpose. They also suggested using line training server in which user can get access in mobile phones with login id and password. Some participants shared their experience on how video conferring was useful for them. It was pointed that Chandigarh Judicial Academy had a session for JAG officers and through video conferencing they interacted with International Military Court Justice. Just like video conferencing, video uploading should also be done so that, those who couldn't get chance for live streaming can get through it later.

One of the suggestions was to develop judicial helpline, where judges can register their query and Academies can provide the resources available related to query for solution. Websites like Public domain like SCC, Manupatra, ejudix etc. Academies were informed to develop public domain like this. The speakers suggested use IT by improvising performance of judge, there shall be UID number for every judge, and every order, interim order and judgment he passed should be uploaded by District court to his UID number. There should be FAQs platform for communication between Judges and training academies.

Judges, Lawyer, Staff and Munsiff are four wheel of vehicle. Contribution from each wheel is required to run a vehicle. Judges had been trained but other three are left to be trained, so here IT plays effective role.