

NATIONAL JUDICIAL ACADEMY



East Zone-II Regional Conference on Enhancing Excellence of the Judicial Institutions: Challenges & Opportunities

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27th and 28th April 2019

PROGRAMME REPORT

PROGRAMME COORDINATORS:

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The National Judicial Academy organized a two-day regional conference on the theme *Enhancing Excellence of the Judicial Institutions: Challenges & Opportunities* in collaboration with the High Court of Tripura and Tripura Judicial Academy at Agartala. The conference was attended by High Court Justices and Judicial Officers from the High Court of Calcutta, Guwahati, Sikkim, Manipur, Meghalaya and Tripura.

SESSION 1

Constitutional Vision of Justice

Speakers: Justice Indira Banerjee & Justice Sanjay Karol

The session commenced by emphasizing that judiciary is set up to be the guardian of the constitution. A strong, independent, impartial, efficient well organized judiciary is essential to an effective system of democratic governance. The Supreme Court and the High Courts are referred to as the Constitutional courts possibly because of Article 32 and Article 226 of the Constitution of India. However, it is wrong to describe only these two categories of courts as constitutional courts. All courts are constitutional courts. Even the district courts are constituted under the constitution. All courts are the guardian of the fundamental rights. It was stressed that because of the easy procedures of Article 32 and Article 226 of the Constitution of India, people seem to have forgot Order 27A Civil Procedure Code which, relates to suits involving a substantial question of law as to the interpretation of the Constitution or as to the validity of any statutory instrument. To extend the Constitutional vision of justice at the grass-root level it is significant for the judicial officers need to apply the principles laid down by the suitable precedents. This will be possible only when the judicial officers understand the constitutional philosophy and that the heart and soul of the constitution is in its Preamble.

SESSION 2

High Court and District Judiciary: Building Synergies

Speakers: Justice Indira Banerjee & Justice Sanjay Karol

The session dwelt with the fact that to build synergies amongst the hierarchies' interaction between the high courts and the district judiciary is inevitable. Interaction between the district judiciary and the portfolio judges aids in building the efficiency of deliverables. It was emphasized that the role of State Judicial Academies (SJA) is integral in bridging the gap between the high court justices and the district judiciary. The SJA's not just provide a platform for communication amongst the hierarchies they also inculcate and emphasizes the significance of judicial ethics among judicial officers through induction programmes. The district judges were suggested to handle the appeals of judicial officers with outmost rationality and should guide the juniors in ratifying the errors. On the contrary they should also be open to accept dissent from the judicial officers. With respect to transfers of district judges the discussion suggested that the portfolio judges should come with a rotating transfer policy so that there is less scope of favoritism. It was opined that synergies cannot be built if there is no mutual respect for each other. Optimal use of National Judicial Data Grid (NJDG) by the judges and judicial officers was stressed upon.

SESSION 3

Revisiting Norms for Appellate Review: Consequence of Frequent and Excessive Appellate Interference

Speakers: Justice Indira Banerjee & Justice A. K. Goel

The session commenced with emphasis on the need to revisit the appellate and review norms. It was stressed that finding of fact by the court of first instance is not treated with reverence by the appellate court and if the lower judiciary is considered to be that incompetent then why at all we need to have these first instance courts? This is definitely

a confrontational sign on the face of our judicial system. The case of *Krishnakant Tamrakar vs. State of Madhya Pradesh*¹ which stressed on revisiting the norms of appellate authority not merely on approach but on the structure of consideration of appeal was discussed at length. It was suggested that the appellate court should not interfere with the lower court order unless there are defects which goes at the roots of the matter. The appellate court should interfere only where the noninterference will amount to miscarriage of justice. There should be deference to the order of trial court as they have the opportunity to observe demeanor of witnesses.

SESSION 4

Access to Justice: Information and Communication Technology in Courts

Speakers: Justice Deepak Gupta & Justice S. Talapatra

The speaker highlighted the importance of “Access to Justice” considering the impediments faced by majority of litigants. The speaker discussed the chronological phases of e-committee and how efficiently, the committee transformed the judicial administrative system and justice delivery were deliberated amongst the participating judges. A reference was made to the importance of digital signature and digitization of records. The speaker further discussed about the relevance of SMS, online filing, e-cause list and e- summons are some of the prominent services incorporate by the judiciary for enhancing the overall justice delivery. The speaker also discussed the prominence of metadata and forensic laboratories to handle the morph and misleading information.

¹ 2018 SCC OnLine SC 304

SESSION 5

Access to Justice: Court and Case Management

Speakers: Justice Deepak Gupta & Justice S. Talapatra

The last session was on the theme *Access to Justice: Court and Case Management*. The speaker elaborated the overview of National Court Management System with its objective for enhancing timely Justice. The speaker highlighted that training of staff, incentives, encouragement, periodic scrutiny, regular monitoring, time management and discipline are equally important for better functioning of the court. The speaker advised all the participating judges to maintain proper dockets, follow case flow rules and monitor pendency and disposal is essential for self-management. A reference was made to National Judicial Data Grid with view to organized case flow and maintain proper record of the case. It was suggested by the speaker to make use of NJDG for effective court management. Lastly, it was pointed out that distribution of work and regular meeting with your court staff is essential for maximum productivity and efficient court functioning.