

ANNEXURE 'C'

No. J-11011/04/2009-JR
Government of India
Ministry of Law and Justice
Department of Justice

Jaisalmer House, New Delhi-11

GUIDELINES FOR 'TRAINING OF JUDICIAL OFFICERS' and 'STRENGTHENING OF STATE JUDICIAL ACADEMIES'

(Forwarded to all Chief Justices by Hon'ble ML&J vide D.O.No.J-11011/4/2009-JR dated 21.01.2011 and to all Chief Secretaries by Secretary(Justice) vide D.O.No. J-11011/4/2009-JR dated 25.01.2011.

XIII Finance Commission Assistance for Judicial Education: Contribution and Role of State Judicial Academies (SJA)

Background

1. The Guidelines of the Government of India for release and utilisation of Grant-in-aid for Improvement in Justice Delivery as recommended by the Thirteenth Finance Commission (FC-XIII) dated September, 2010, includes the following:

"Training of Judicial Officers

A grant component of ₹ 250 crore has been provided for training of judicial officers in the country to support and strengthen the induction and in-service training of judicial officers. The funds may be used to accelerate these capacity building efforts, under the overall supervision of the HLMC.

State Judicial Academies

Recognizing that the main vehicle for training judges is the State Judicial Academy, FC-XIII has noted that some state academies are well equipped but others have little infrastructure and few facilities. To enable these academies to complete the training of judges promptly through the year, ₹ 15 crore has been allocated per High Court (₹ 300 crore for twenty High Courts). These funds may be used to create the physical infrastructure of the judicial academies in states where they do not exist, or for providing additional facilities in the existing academies."

2. State-wise allocation of grants is as follows:

	Training of Judicial Officers (₹ Crores)	Strengthening State Judicial Academies (₹ Crores)	Training of PPs (₹ Crores)
A.P.	14.52	15	8.71
Arunachal Pradesh	5.31	Xx	3.19

Assam	4.53	15	2.72
Bihar	21.43	15	12.86
Chhatisgarh	5.46	15	3.27
Goa	0.77	Xx	0.46
Gujarat	16.12	15	9.67
Haryana	6.16	Xx	3.70
H.P,	1.98	15	1.19
J&K	3.26	15	1.96
Jharkhand	8.26	15	4.96
Karnataka	13.67	15	8.20
Kerala	6.74	15	4.04
M.P.	20.49	15	12.29
Maharashtra	29.76	15	17.85
Manipur	0.53	Xx	0.32
Meghalaya	0.16	Xx	0.09
Mizoram	0.63	Xx	0.38
Nagaland	0.42	Xx	0.25
Orissa	8.32	15	4.99
Punjab	5.42	15	3.25
Rajasthan	12.93	15	7.76
Sikkim	0.20	15	0.12
Tamil Nadu	12.35	15	7.41
Tripura	1.25	Xx	0.75
Uttar Pradesh	34.08	15	20.45
Uttarakhand	4.28	15	2.57
West Bengal	10.94	15	6.57
Total	250	300	150

3. The proposed Grants in Aid were discussed with the Directors or representatives of State Judicial Academies (SJAs) and the National Judicial Academy at a NJA National Meeting of State Judicial Academies from 10th-12th September 2010 at NJA Bhopal. Taking into account these discussions, NJA has developed a broad framework for the utilization of these grants.

Overall Goal	<p>Training supported by the grants may should the following four overall goals:</p> <p><i>(1) Improving Efficiency, Timeliness of Courts and Access to Justice and User-friendliness: ("Demand side")</i> Reducing Delays; Enhancing Timeliness; Reducing Backlog; and Enhancing Access to Justice and User Friendliness -- tracked against improvements in three leading measurable indicators applied on a court-wise basis: (i) timeliness (compliance with stipulated time standards); (ii) efficiency (compliance with standards on judicial hours per case); (iii) efficacy (implementation of court orders); (iv) docket exclusion; and (v) user-friendliness (see ANNEXURE 1)</p> <p><i>(2) Enhancing Quality of Adjudication: ("Supply side")</i> Enhancing Quality of Adjudication based on the ten point <u>National Framework of Court Excellence</u> suggested by the National Judicial Academy, tracked against improvements in three leading measurable indicators applied on a court-wise</p>
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	<p>basis: (i) rights protection index; (ii) legal error and consistency index; (iii) quality of judgments index; and (iv) adherence to core judicial values as stated in the Restatement of Values, 1992, and the Bangalore Principles of Judicial Conduct, 2002 (see ANNEXURE 1)</p> <p><u>(3) Quality of Court Planning and Management (“Supply side”):</u> Strengthening court planning and management systems tracked against improvements in three leading measurable indicators applied on a court-wise basis: (i) development and implementation of five year court-wise Court Development Plans (CDPs); (ii) development and implementation of court and case management systems maximizing quality and efficiency and lowering costs; and (iii) development and implementation of a plan of action for enhancing access to justice and user friendliness of courts. (see ANNEXURE 1)</p> <p><u>(4) Improving the Quality in Five Priority Areas of Adjudication (“Demand side”):</u> (i) Protection of civil liberties and Constitutional rights; (ii) Social justice (including SC/ST; gender; juvenile justice); (iii) criminal justice administration; (iv) environmental protection; and (v) economic development.</p>
(1) Induction Training	<p><u>SJAs to develop and implement curricula and modules respectively for induction training for district judges and junior division judges to meet the above objectives consistent with standards set out under FNJPC and taking into account the core curriculum for induction training developed at the National Judicial academy. The objectives of the curricula would be to (i) strengthen adherence of judges to core judicial values; (ii) enhance the role of judges as public servants; and (iii) enhance core judicial skills and knowledge. Curricula and modules to be developed by NJA (national core curriculum) and SJAs state curriculum and modules; to be reviewed by a national level committee at NJA which will give feedback to SJAs. Final decision on content to be made by High Courts.</u></p>
(2) Refresher Programmes	<p><u>SJAs to develop and implement curricula and modules for refresher programmes. A judicial education needs assessment survey will need to be conducted by SJAs soliciting the views of the judges in the State twice in this five year period. Curricula, syllabi and time tables for such programmes will need to be developed in consultation with the National Judicial Academy based on model core curricula developed/being developed by NJA. Curricula and modules to be developed by NJA (national core curriculum) and SJAs state curriculum and modules; to be reviewed by a national level committee at NJA which will give feedback to SJAs. Final decision on content to be made by High Courts.</u></p>
(3) Public Prosecutor training	<p><u>SJAs to develop and implement curricula and modules for training of public prosecutors, appropriately maintaining the required distance between the judicial and prosecutorial roles.</u></p>

	<p>Curricula and modules for such programmes will need to be developed in consultation with the National Judicial Academy based on model core curricula developed/being developed by NJA. <u>Curricula and modules to be developed by NJA (national core curriculum) and SJAs state curriculum and modules; to be reviewed by a national level committee which will give feedback to SJAs. Final decision on content to be made by High Courts.</u></p>
(4)Sharing Best Practice	<p>Exchange Programme for Judges: Visits by judges to best practice courts in five states (Kerala, Bombay, Delhi, Ahmadabad, Tamil Nadu) to study how judges in these states are achieving higher rates of productivity. Priority to be given for visits from states with lowest levels of productivity.</p> <p>Foreign visits for Best Judicial Officers: Visits to Singapore court by a small number of selected outstanding judges may be organized as costs are relatively low and time for travel is also less. They will prepare detailed reports with suggestions on how to reform and improve our system based on what they have observed. Such visits will offer an exposure to foreign judicial systems. They can also be used as an incentive for better performance of judicial officers particularly in the initial years of the services.</p> <p><u>Policies and procedures to be developed by NJA in consultation with SJA for consideration and finalization by Government.</u></p>
(5)Disseminating Knowledge	<p>(i)Basic Materials Package to be distributed free of cost to every judge including a copy of the Constitution, basic statutes and the most important decisions of the Supreme Court which every judge in the country should mandatorily have read. NJA to provide guidance on this package. <u>NJA to identify the national content of the core minimum package, SJAs to identify the state level content. Packages to be approved by High Courts and prepared and distributed by SJAs.</u></p> <p>(ii)Subscription to <i>at least</i> one good data base of supreme court and high court cases and journals; this must include subscription to at least one foreign journal. One interdisciplinary journal may also be subscribed.) <u>SJAs to identify appropriate databases and make necessary arrangements.</u></p>
(6)Research	<p>There is an urgent need for SJAs to undertake research so that training may be based on a deeper and more substantive understanding of the problems facing the judicial system in each State.</p> <p>To this end, a research strategy will need to be developed by each SJA in consultation with NJA. SJAs should also enter into</p>

	<p>research collaboration with National Law Schools and other universities in their respective States to study (i) development of law and (ii) various aspects of functioning of judicial institution which can be further used for specific measure for reform and strengthening of judicial system.</p> <p>There is also urgent need for preparing statistical data bases on the judicial system as part of this effort.</p> <p>Research funds should also be used in collaboration with grassroots NGOs and activists who are working in the justice domain. Opportunities for such collaboration should be advertised and offered in a transparent manner.</p> <p><u>Necessary action to be taken by SJAs.</u></p>
<p>(7)Seed Training and Development of the Bar in critical areas</p>	<p>Access to courts for marginalized sections and critical issues of public concern is severely handicapped by the absence of capacity in the bar at the local level in these areas (district bar). SJAs could play an important role in seeding development of capacity in the Bar in areas of maximum benefit to marginalized sections in close collaboration with the Legal Services Authority.</p> <p><u>Necessary action to be taken by SJAs.</u></p>
<p>(8)Strengthening State Judicial Academies: Strategy and Planning</p>	<p>Development of a five year State Judicial Education Strategy; development of curricula and models as noted above.</p> <p><u>Necessary action to be taken by SJAs.</u></p>
<p>(9)Strengthening State Judicial Academies: Faculty and Human Resources</p>	<p>There is urgent need to build up full time core faculty for each SJAs consisting of academicians and institutional experts.</p> <p>Such faculty resources should match the needs of the State Judicial Education Strategy and the curricula and syllabi of the SJA.</p> <p>Resource persons from different High Courts will also facilitate exchange of information and of best practices. This can be a step towards fostering a National judiciary by providing linkages amongst states.</p> <p>In order to enhance interdisciplinary learning for judicial officers resource persons from other areas of specialization, such as management, forensic sciences, psychology, medicine, may be invited for selective inputs. Adequate number of junior researchers are also needed in accordance with the approved research programme.</p> <p><u>Necessary action to be taken by SJAs.</u></p>

(10)Strengthening State Judicial Academies: Knowledge Infrastructure	<p>Every SJA must have an adequate library, including access to electronic resources. Necessary IT infrastructure is also required including computers (desk top and lap top), internet connectivity, scanners and other duplication equipment.</p> <p><u>Necessary action to be taken by SJAs.</u></p>
(11)Strengthening State Judicial Academies: Physical Infrastructure	<p>Every SJA must have necessary infrastructure for conducting classes and seminars, holding simulations and mock trials, conducting video conferencing and required hostel facilities. Duplication with other programmes providing such infrastructure must be avoided.</p> <p><u>Necessary action to be taken by SJAs.</u></p>
(12)Evaluation of Impact	<p>To ensure optimal impact, trainees for refresher courses should be selected bearing in mind their current and future responsibilities so that trainees will have full opportunity to use their newly acquired skills.</p> <p><u>Necessary action to be taken by SJAs. NJA to develop a framework for evaluation.</u></p> <p>Performance in the induction programme should be closely reviewed. Successful completion of the induction programme should be a condition precedent to confirmation of probation/equivalent of newly appointed judges. <u>Necessary action to be taken by SJAs. High Courts to decide.</u></p> <p>At least one week a year must be spent in participating in continuing judicial education programmes at the State and one week at the national level. <u>Necessary action to be taken by SJAs. High Courts to decide.</u></p>

Within the above broad framework, a detailed plan with physical and financial targets may be prepared by each SJA and submitted to the respective Chief Justices of High Court for inclusion in the perspective plan for release of grant.

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ANNEXURE 1

Proposed NJA “Draft Model National Framework for Court Excellence”

Courts exist to serve a social function. That social function is succinctly described in the Indian Constitution as “promoting justice on the basis of equal opportunity” (“Article 39A provides that “the State shall secure that the operation of the legal system promotes justice on a basis of equal opportunity....”).

A most important need for the nation – and responsibility for the legal system – is to ensure that this mandate is fulfilled to the highest standards. How may the legal system be evaluated to determine whether the legal system is fulfilling its Constitutional mandate -- with excellence?

The effectiveness and quality of a legal system may be evaluated with reference to **four indicators**. They are:

*1) **Public Trust and Confidence** in the due and effective discharge by courts of their Constitutional mandate to promote justice;*

*2) **Access to Courts** for the purpose of protecting Constitutional, legal and contractual rights, especially by the weakest and the poorest who are the least able to protect their rights without the assistance of courts*

*3) Degree of adherence by courts to **ten Core judicial system values** that determine the internal integrity of the institution:*

(1) Integrity; Competence; and Propriety (three Individual Values applicable to judges, advocates, ministerial staff; executive agencies which are essential for the effective functioning of a any court)

(2) Independence; equality, fairness; impartiality; and certainty (five Judicial Decision Making Values applicable to judges); and

(3) Faith in, and allegiance to, the Constitution; and the Rule Of Law, Transparency and Accountability (two sets of institutional values applicable to all stakeholders of the judicial system).

*4) **Expedition, Efficiency and Efficacy** of court proceedings.*

In short, these four indicators may be referred to by the acronym “**PAVE**” (**P**ublic Trust and Confidence; **A**ccess to Justice; **A**dherence to Core Judicial System Values; and **E**xpedition, Efficiency and Efficacy)

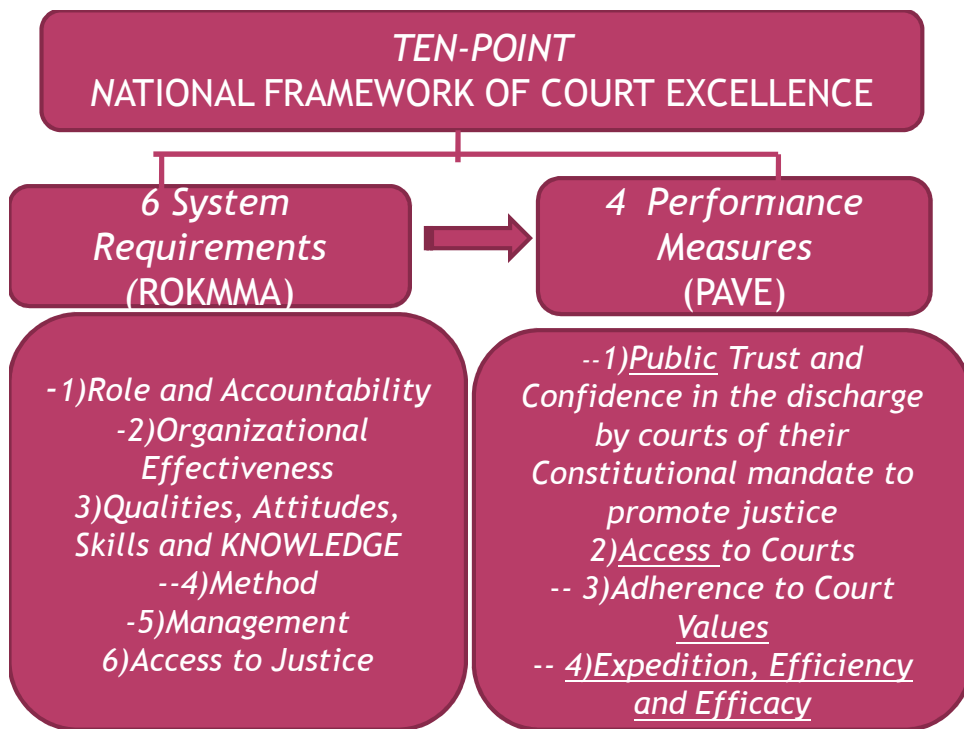
These four indicators are also “public goods” (i.e., benefits available to people at large). Since these “public goods” are expected to be the result of the work of the legal/judicial system, they may also be called “aw-dependent public goods”.

Assessing Excellence in the Four Measurable Performance Indicators on Court Excellence (PAVE):

The quality of these four measurable performance indicators may be ascertained from time to time as follows:

Indicator	Measure	Methodology
<p><i>(1)Public Trust and Confidence in the due and effective discharge by courts of their Constitutional mandate to promote justice;</i></p>	<p>(1)The extent to which courts are perceived by citizens (especially those who have no direct experience of courts) as effectively promoting justice”, defined as protecting rights; (2) Degree of transparency and accountability of court proceedings, including availability of information on-line; (3) Degree of accountability to litigants</p>	<p>(1)Assess “Rights Protection Index” (Review 1% of judgments of courts/judges on a random basis to assess ex-post the rights that should have been protected as against the rights that were in fact protected). (2) Survey of perception of public trust and confidence; (3) Assess extent to which information about the functioning and decisions of courts is publicly available using IT; (4) Effective complaints mechanism for litigants applicable to judges, advocates, ministerial staff, executive agencies and members of the public who may seek to undermine the judicial process.</p>
<p><i>(2)Access to Courts for the purpose of protecting Constitutional, legal and contractual rights, especially by the weakest and the poorest who are the least able to protect their rights without the assistance of courts</i></p>	<p>1)Number of new cases filed per thousand population per annum, especially by socially excluded groups; 2)Quality and off take of legal aid; 3)User friendliness and responsiveness of courts</p>	<p>1)Docket Exclusion (Number of New Cases filed each year per thousand population) 2) Analysis of quality of legal aid; (3) Average Cost Incurred by Litigants for Main categories of adjudication (4) Responsiveness Index: From review of decided cases, assess Approach to interpretation of law and appreciation of facts; proactive use of legal aid where relevant. (5) Proportion of court time spent on matters involving social justice issues</p>

<p>(3) Degree of adherence by courts to ten Core judicial system values that determine the internal integrity of the institution: <u>(1) Integrity; Competence; and Propriety (three Individual Values applicable to judges, advocates, ministerial staff; executive agencies which are essential for the effective functioning of a any court)</u> (2) <u>Independence; equality, fairness; impartiality; and certainty (five Judicial Decision Making Values applicable to judges); and</u> (3) <u>Faith in, and allegiance to, the Constitution; and the Rule Of Law, Transparency and Accountability (two sets of institutional values applicable to all stakeholders of the judicial system).</u></p>	<p>(1) Establishment of standards of performance required to ensure integrity of the system and assessment of adherence to established standards; (2) Extent to which courts are making decisions that are “right decisions” (see Order XIV of CPC) as per law and facts; (3) Certainty and predictability of legal rights and obligations established by courts; (4) Degree of objectivity, quality of reasoning and adherence to established principles of law; (5) Simplicity, rationality and efficiency of court procedures including procedural laws; use of IT</p>	<p><u>(1) Consistency and Accuracy Index</u> : Analyse a random sample of decided cases to review consistency of understanding and application of legal principles and concepts; and accuracy of application of law, including to sentencing; <u>(2) Quality of Judgments Index</u> Based on 8 point CRITICAL Framework (Constitutionally Just; Reasoned and rational; Implementability; Timely; Innovative; Communicative; Legally Sound) <u>(3) Establishment of Codes of Conduct and Independent Complaints Mechanism</u> as a measure of assessing compliance of judges, advocates, ministerial staff and executive agencies to the codes.</p>
<p><u>4) Expedition, Efficiency and Efficacy of court proceedings.</u></p>	<p>(1) Establishment and compliance with quickest possible time standards given need to comply with due process of law and within existing constraints within which courts function; (2) Lowest cost to the state and to litigants for securing justice; most efficient procedures and processes with minimal demands being made for the time or effort of litigants and others involved with litigation (what economists call “transaction costs”); (3) Minimum time to be spent by litigants and officials in attending court;</p>	<p>(1) Compliance with established <u>time standards</u>; (2) Number of judicial hours and court hours spent for disposal of cases; <u>Efficiency</u> in use of resources; productivity; (3) <u>cost per case</u> to state; litigants; (4) Assessment of <u>extent of compliance with/ execution</u> of orders of the court. (5) <u>Court date predictability and certainty</u></p>



Bangalore Principles of Judicial Conduct, 2002

- *Value 1:* **INDEPENDENCE**
- *Value 2:* **IMPARTIALITY**
- *Value 3:* **INTEGRITY**
- *Value 4:* **PROPRIETY**
- *Value 5:* **EQUALITY**
- *Value 6:* **COMPETENCE AND DILIGENCE**

RESTATEMENT OF VALUES OF JUDICIAL LIFE

Whereas by a resolution passed in the Chief Justices' Conference held at New Delhi on September 18-19, 1992, it was resolved that it is desirable to restate the pre-existing and universally accepted norms, guidelines and conventions reflecting the high values of judicial life to be followed by Judges during their tenure of office:

And Whereas the Chief Justice of India was further requested by that Resolution to constitute a Committee for preparing the draft restatement to be circulated to the Chief Justice of the High Courts for discussion with their colleagues, which was duly circulated on 21.11.1993;

And Whereas suggestions have been received from the Chief Justice for the High Commission after discussion with their colleagues;

And whereas the Committee has been reconstituted by the Chief Justice of India on April 7, 1997, to finalise the 'Restatement of Values of Judicial Life' After taking note of the draft Restatement of Values of Judicial Life prepared by a committee appointed pursuant to the Resolution passed in the Chief Justices' Conference 1992 and placed before the Chief Justices' Conference in 1993;

And Whereas such a Committee constituted by the Chief Justice of India has prepared a draft restatement after taking into consideration the views received from various High Courts to the draft which circulated to them;

NOW, THEREFORE, on the consideration of the views of the High Courts on the draft, the restatement of the pre-existing and universally accepted norms, guidelines and conventions called 'RESTATEMENT OF VALUES OF JUDICIAL LIFE' to serve as a guide to be observed by Judges, essential for an independent, strong and respected judiciary, indispensable in the impartial administration of justice, as redrafted has been considered in the Full Court Meeting of the Supreme Court of India on May 7, 1997 and has been adopted for due observance.

RESTATEMENT OF VALUES OF JUDICIAL LIFE

(1) Justice must not merely be done but it must also be seen as done. The behaviour and conduct of members of the higher judiciary must reaffirm the people's faith in the impartiality of the judiciary. Accordingly, any act of a Judge of the Supreme Court or a High Court, whether in official or personal capacity, which erodes the credibility of the perception has to be avoided.

(2) A Judge should not contest the election of any office of a Club, society or other association; further he shall not hold such elective office except in a society or association connected with the law.

(3) Close association with individual members of the Bar, particularly those who practice in the same court shall be eschewed.

(4) A Judge shall not permit any member of his immediate family to, such as spouse, son, or daughter, son-in-law, or daughter-in-law, or any other close relative, if as member of the Bar, to appear before him or even be associated in any manner with a case to be dealt with by him.

(5) No member of his family, who is a member of the Bar, shall be permitted to use the residence in which the judge actually resides or other facilities for professional work.

(6) A Judge should practise a degree of aloofness consistent with the dignity of his office.

(7) A Judge shall not hear and decide a matter in which a member of his family, a close relation or a friend is concerned.

(8) A Judge shall not enter into a public debate or express his views in public on political matters or on matters that are pending or are likely to arise for judicial determination.

(9) A Judge is expected to let his judgment speak for themselves. He shall not give interview to the media.

(10) A Judge shall not accept gifts or hospitality except from his family, close relations and friends.

(11) A Judge shall not hear and decide a matter in which a company in which he holds shares is concerned unless he has disclosed his interest and no objection to his hearing and deciding the matter is raised.

(12) A Judge shall not speculate in shares, stocks or the like.

(13) A Judge should not engage directly or indirectly in trade or business, either by himself or in association with any other person. (publication of a legal treatise or any activity in the nature of a hobby shall not be constructed as trade business).

(14) A Judge should not ask for accept contribute or otherwise actively associate himself with the raising of any fund for any purpose.

(15) A Judge should not seek any financial benefit in the form of a perquisite or privilege attached to his office unless it is clearly available. Any doubt in this behalf must be got resolved and clarified through the Chief Justice.

(16) Every Judge must at all times be conscious that he is under the public gaze and there should be no act or omission by him which is unbecoming of the high office he occupies and the public esteem in which the office is held.

These are only the “Restatement of the Values of Judicial Life” and are not meant to be exhaustive but illustrative of what is expected of a Judge.