

IMPACT OF JUDICIAL TRAINING ON JUDICIAL WORK CULTURE IN DISTRICT COURTS: A CASE STUDY OF UTTAR PRADESH

Abstract

Faith of people in the administration of justice is an integral part of modern constitutional democracies. Qualitative and timely justice is an important requirement for the maintenance of people's trust in the institution of justice which in turn requires good judges and judging. Judicial training is certainly an important tool to imbibe best qualities of judging in the new entrants to judicial system which ultimately improves the quality of justice. This paper focuses on the impact of induction training on judicial acumen in trainee officers and attempts to analyze increased efficiency on the basis of feedbacks received from trainee judges of 2012 batch as a part of this research, who were undergoing induction training in Judicial Training & Research Institute, U.P. in the year 2014. It also attempts to highlight the areas and issues which should be the center-stage of induction training program.

I Introduction

IN JUNE 2006, the first author as a trainee judge to the Institute of Judicial Training & Research (as it was then called) of Uttar Pradesh, had little idea of judicial training, its purpose and its impact. The three months induction training was conducted in two phases of one and half months each, with a considerable gap for field work.

Over a period of time it was realized that training is an important tool to prepare good professionals. The more complex and responsible the service, greater the role of training in general and induction training in particular. Judicial training not only improves the level of knowledge of judges but also leads to attitudinal changes and paves the way for professional skills. Judicial training also increases confidence of judges and helps them in rendering speedy and qualitative justice to litigants.

The Judicial Training and Research Institute, U.P., as it is known today, was established by the Government of Uttar Pradesh in consultation with the High Court of Judicature at Allahabad in pursuance of a decision taken at the All India Conference of the Chief Justices held in the month of August-September, 1985 in New Delhi. The institute became functional on April 25, 1987.

The basic aim of the training institute briefly spelt out is to equip the trainees not only with tools to execute their work, but to endow them with a vision as to what is expected of the system which they serve. With the introduction of new technologies and changes in law, the judge is confronted with continuing challenges of court management, case management and judicial balance in the conduct of trial of civil and criminal cases. The vision of the institute is ceaseless upgradation of skills and appropriate attitudinal reorientation through induction level and in-service training in consonance with the imperatives of national and global environment.

II Significance of judicial education and training

A strong and independent judiciary makes a nation stable, progressive and well-developed. Judicial independence requires a well-trained and educated judiciary which commands respect in society and ensures public trust in the institutional strength. A strong institution of justice requires not only morally strong and legally sound judges but also requires such judges to be well trained, well equipped and well informed in their sphere of work.¹ It is unanimously accepted that a judge must act and perform his duty without fear and favour to the best of his ability and legal acumen. A judge indeed, owes a legal and moral duty to observe judicial independence in the judicial work. A good judge must, therefore, be fearless as fearlessness is the most important sign of judicial independence and impartiality.²

It is well settled that judicial system must address delicate issues concerning liberty, property and access to public services *etc.*, which obviously requires that judges must be well-prepared. More recently, continuing judicial education is seen as an essential part of judging as also a judicial responsibility and a common element of legal and judicial reform programs.³

The requirement of judges to be fearless, morally strong, legally sound and well-informed, demands that they should be given quality training. The next obvious question is what kind of training approach should be adopted in case of judges? If we look into the traditional approach as to the purpose of training, we will find that it has been confined merely to offer 'right answers' to the participants both in relation to technical skills or soft skills like time management. Another prominent aspect of traditional approach to training has been the ability of the particular trainer or institution to offer latest information and newest solutions in an easy-to-grasp way.⁴ However, the biggest shift in the world of training in all fields is the transition from training to give information or particular skills, to training to enable learning.⁵

1 B.D. Agarawal, "Legal Education in Justice Delivery System" 6 *Supreme Court Journal* 1 (2012).

2 K.N. Goyal, 'Introductory Lecture to Trainees at the First Refresher Course for District Judges' in "Reading Material for trainees" 71 *Brochure 2* (Judicial Training and Research Institute, Lucknow, 1988).

3 Jula Huges and Philip Bryden, "Judicial Education as Forum for Identifying and Meeting Research Needs" 3 *International Organizations for Judicial Training* 95-109 (2015).

4 D. Kamp, *The Excellent Trainer: Putting NLP to Work* 17 (Jaico Publishing House, Mumbai, 1998).

5 *Id.* at 18.

It is well accepted that judges perform a duty which is often termed as ‘divine in nature’. Society breaks down when faith in the judiciary is destroyed. Justice, indeed, is one of the most important attributes of God and to do justice is obviously a divine duty.⁶

To do justice also means to put things in order, as order injects life into the system and disorder kills the system.⁷ The nature and scope of judicial training revolves around the function of a judge and the role of the stakeholders in the justice delivery system. The function includes deciding the cases brought before the judge according to law and in a manner accepted by society as just, fair and reasonable. The credibility and legitimacy of judicial decisions depend not only on their merit and soundness in law, but also on public perception of impartiality and objectivity of the system.

In fact, judicial training includes a variety of subjects designed not only to improve knowledge, but also change attitudes. While reflecting upon the reaction of judges in United Kingdom towards their own training, Lord Henry J observed that, “judges have accepted, appreciated and benefited from training in a way that has confounded the sceptics.”⁸ It is the attitudinal change of participants which is the most important requirement of a training program, in general and foundation training, in particular. In some countries, training assists judiciary to develop into an impartial independent dispute resolution mechanism. In other countries, judicial training emphasizes attitudinal change to improve judicial integrity or eliminate hidden bias on gender or ethnic issues. Regardless of course type and nature, managing induction training is highly critical as it lays down the very foundation on which the professional work has to move. Some countries have adopted the view that the overall control and direction of judicial training must be in judiciary’s hands. In other countries, training is provided by separate entities such as law schools or judicial training institutes managed by the of Ministry of Justice.⁹

Continuing judicial education is considered an “integral and essential part” of judicial systems the world over.¹⁰ It is essential primarily due to the increasing pressures of workload, size of the courts, complexity of modern judicial programming and invasion of technology.¹¹ The approach to judicial training might differ from country

6 S. U. Khan, “From Chairman’s Desk” 35 *JTRI Journal* XIV-XVII (2015).

7 *Ibid.*

8 Livingston Armytage, *Educating Judges: Towards a New Model of Continuing Judicial Learning* 15 (Kluwer Law International, London, 1996).

9 *Supra* note 6 at XV.

10 A.L. Riches, “Judicial Education- A Look at the Overseas Experience” 64 *The Australian Law Journal* 189-202 (1990).

11 J.K. Hudzik, *The Continuing Education of Judges and Court Personnel* 5 (Judicial Education Network, Washington D.C., 1989).

to country but it is obvious that the courts are constitutionally mandated to serve people at large by improving the quality of justice. Once we are able to realign judicial education to focus on promoting justice, there is a much greater prospect of it contributing to public welfare. The biggest challenge before the judicial educators, therefore, is to adopt a leadership role in exploring innovative, workable relationships between ‘judicial education’ and ‘justice reform’ for improving ‘justice system outcomes’ for citizens.¹²

III Methodology

Data coverage

The data was collected through direct questionnaire to the respondents. Around 50 per cent of the judicial officers *i.e.*, 35 of 2012 batch of Uttar Pradesh judiciary were selected for the present study.

Data processing

This primary data was processed after necessary checking and editing. In course of data processing, great attention was paid to accuracy and completeness of data. At first, a short listed tabulation was done manually, which was later on calculated and tabulated through computer-aided techniques. In the process of classification and tabulation, some statistical methods were also used to study and describe precisely the average differences and relationships. Finally, the data was organized into relevant tables. The data was analyzed both quantitatively and qualitatively. But the analytical methods were kept as simple as possible.

IV Discussion

The real strength of a judge and judicial system is the faith of people. To say that the judge must be honest is stating the obvious. Knowledge of law is the second essential thing for a judge. The third requirement is that justice should not only be done to the parties, their advocates, witnesses *etc.* but it should also be done to the society at large.

The Supreme Court of India while discussing the role and qualities of the judges observed that a judge should possess the capacity for abstract thought, imagination, learning, a retentive memory, quick thinking, intellectual curiosity and ability to analyze and articulate. The court while quoting Winston Churchill, further observed that “the

12 Livingston Armytage, “Leadership for Judicial Educators: Vision for Reform” 3 *International Organization for Judicial Training* 16-34 (2015).

service rendered by judges demand the highest qualities of learning, training and character. These qualities are not to be measured in terms of pounds, shillings and pence according to the quantity of work done. A form of life and conduct far more severe and restricted than that of ordinary people is required from the judges.”¹³

The functions of a judge, therefore, demand a variety of skills on the part of the judge besides the knowledge of law. A judge’s personality and values influence his decisions and the atmosphere he creates in the courtroom. His body language and tone of voice, his reactions to witnesses, his interaction with others in the courtroom, his manner of ruling on objections, his treatment of advocates, all affects public perception of the fairness of the trial. Hence, judges require rigorous induction training for a considerable period of time and in-service refresher training from time to time so as to develop and sharpen the variety of skills required for judicial functioning.

V Role of judicial education, training and accountability in shaping legal culture and practice

Judicial reasoning indeed, is both an art and a science to be cultivated by every judge by study, reflection and hard work. His competence in language and communication is critical for this task. Complex factual situations have to be analyzed and important legal principles have to be explained to avoid conclusions which are not contrary to his finding. The judge must be able to put it in such a way that even if the matter goes on an appeal, the appellate judge should find it persuasive enough to go by the finding of the trial judge.

The judge at the primary level also has responsibility to critically evaluate pleadings, settle issues, handle applications and manage introduction of evidence by parties to the dispute. In the process, he may issue commissions and invoke methods of alternate resolution of the disputes before him. The judge has to rule on evidentiary contests on admissibility, relevancy and probative value. He must be able to appreciate evidence, assess the credibility of witnesses, and determine facts on the basis of preponderance of probabilities.

A judge is expected to be an expert in all areas of the law, though as a lawyer he might have specialized in one or two branches of law only. At the same time, the facilities and support services available to him are so limited and archaic which make his task all the more difficult and challenging. On ascertaining facts and after hearing arguments on behalf of the parties, the judge has to perform the most important

13 *Supreme Court Advocates-on-Record Association v. Union of India*, (1993) 4 SCC 441.

function of delivering judgment, on which his credibility and acceptability are determined by the legal community, the parties and the society at large.

It may appear surprising that there was no national level judicial academy in India till 2005. State-level training institutes were functioning in some of the states. The first National Judicial Academy, came up only in the year 2005, in Bhopal, Madhya Pradesh. The concept of continued judicial education for the judicial officers through induction training and in-service training is thus of recent origin in our country.¹⁴

The most important development at the global level had been the birth of International Organization for Judicial Training (IOJT) which was established in 2002 in order to promote the rule of law by supporting the work of judicial educational institutions around the world. The mission of IOJT is realized through international and regional conferences and other exchanges that provide opportunities for judges and judicial educational institutions to discuss strategies for establishing and developing training centers, designing effective curricula, developing faculty capacity and improving teaching methodology. The IOJT has 123 member institutes from 75 countries as on August 2015.¹⁵

Now let us turn our attention towards judicial education and the need for training of judges. The experience of training institutes as well as available literature on this aspect shows that following may be considered as salient features of training courses offered by different judicial academies in India:¹⁶

- i. Judicial education through training makes judicial officers professionals. It helps rendering justice faster.
- ii. The training increases the confidence and authority level of the judges. It also enhances rationality in judicial interpretation of laws, which helps in rendering bold judgments, quite oblivious to political repercussions. This leads to judicial independence.
- iii. It enhances judicial approach, which results in improved service in the justice delivery system.
- iv. It gives an opportunity to the officers to overcome their individual biases. In judicial colloquia, seminars, workshops, etc. the officers can express their hidden prejudices which they normally do not relate to their colleagues individually.

14 *Id.* at 2.

15 International Organization for Judicial Training, Brazil, *available at*: <http://www.iojt.org/about-us.aspx> (last visited on Mar. 2, 2017).

16 *Supra* note 2 at 3.

- v. It helps in removing the potential inconsistencies and conflicts in judicial decisions.
- vi. Legal literacy helps the officers in acquainting themselves with the changes in law.
- vii. Legal education offers the opportunity to find grey areas where the existing laws need modification and/or to interpret the laws in accordance with new international treaties and covenants.
- viii. Training helps in use of science and new technology which may increase efficiency.

The next important issue is the methodology of training so as to make the training programs interesting and meaningful.

VI Methods, techniques and focus of judicial training

The need for training exists when there is a gap between the present skills and knowledge of officers or employees, and the skills and knowledge they require for an effective performance.¹⁷ Broadly there are two methods of imparting training: didactic and participatory. The latter method is considered to be more beneficial than the former.

It has also been experienced that, while conducting lecture method of training, a large number of participants are invited. In such a big group the trainer cannot give individual attention, resulting in loss of interest of the trainees also. In fact, a group of 20-25 participants is considered to be ideal as in every group a few participants are found to be docile/passive. If the training sessions are held with a small group of participants the resource person will be able to take care of the passive participants.¹⁸

It is also necessary that the resource person should have extensive knowledge of the subject. It is only then that he or she will be able to draw the attention of the participants and keep them under control. The trainers should also have the patience and quality to receive or hear the views of the participants, which will help in developing the topic of discussion. Wherever possible visual mechanisms should be used and that will certainly increase the impact of lectures.¹⁹

17 See John Prior (ed.), *Gower Handbook of Training & Development* (Gower Publishing House, England, 1991).

18 *Id.* at 4.

19 *Ibid.*

What is important is that attention should also be given to the content of the topic as well as to the training schedule. If the content is large, neither the trainer will be able to put his viewpoints effectively in the given time nor will the trainees get time for interaction. This can be called 'training management'. In other words, the entire training course should be held with precision in all respects and in a scientific manner, only then it will bring the desired result.²⁰

In fact, the training courses in judicial academies are not expected to emphasize much on lectures as on the question-answer session and the group discussions following the lecture. The training sessions have to be interactive in nature so as to subserve the purpose of refresher course.²¹ In the question-answer sessions, the participating officers are expected to put as many questions as they possibly can and are not expected to be mute spectators.

The following is the data analysis to find out the impact of induction training on participating judges.

Table 1a*: Demographic profile of trainee judges of Uttar Pradesh, 2012 batch

Male	Female	Age					Married	Unmarried	Age at marriage		
		<27	28-30	31-33	34-36	>37			<25	26-30	>30
50	50	12	48	16	8	16	24	76	8	32	60

* Source: Based on calculation of the data collected

Table 1a relates to the age and marital status of participating trainee judges showing that majority of them were in the age group of 28-30 at the time of their induction in the judicial services and most of them got married after the age of 30. Only about 16 per cent could make entry into judicial services after the age of 37 years while 12 per cent made entry before reaching the age of 27 years. The overall analysis shows that entry of young persons is gradually increasing in the judicial services which are certainly due to two reasons:- (i) removal of the condition of three years' experience as an advocate and (ii) integrated B. A. LL.B course of five years. This trend of entry of young aspirants is going to continue and majority of entrants are expected to belong to the age group of 22-27 in near future.

²⁰ *Ibid.*

²¹ *Supra* note 2 at 3.

Table 1b*: Demographic profile of trainee judges of Uttar Pradesh, 2012 batch

Caste wise percentage of trainees		Religion		Previous occupation						
General	64	Hindu	98	No Occupation	Doing work					
OBCs	16	Muslims	2		Advocate	Assistant Professor	APO	Senior Auditor	Teacher	Judicial officer in other state
SC	20	Others	0	64	16	4	4	4	4	4

* Source: Based on calculation of the data collected

The above table shows that certain castes and communities are not yet able to make it to the judicial services in appropriate numbers, but it cannot be generalized as it may be a single instance with this batch only. The data as to the previous occupation of the participating trainee judges shows that only 16 per cent of them were practicing advocates while other 16 per cent were in the other services and four per cent were in judicial services itself but of other states.

However, 64 per cent of them were in no occupation prior to their entry into judicial services and if this data is further analyzed in the light of data in table 1a, we will find that these entrants were fresh after completing their LL.B. or LL.M. course. Undoubtedly, it is clear that young people are now getting attracted towards judicial services at least in the State of U.P., if not, in other parts of the country. The entry of young people in judicial system is a remarkable change as they are more energetic, active and challenge-seekers with a longer stretch of service in comparison to the old aged change resisters.

Table 2*: Showing the effect of training on the judicial skill development of trainee judges, 2012 batch

Effect of training on judgment writing					Effect on administrative skill development					Effect on the development of analyzing the facts					Effect on the development of reasoning faculty				
hds	ds	nc	s	hs	hds	ds	nc	s	hs	hds	ds	nc	s	hs	hds	ds	nc	s	hs
0	8	20	64	8	0	8	28	56	8	0	12	24	48	16	0	24	24	44	8

* Source: Based on calculation of the data collected

(hds: highly dissatisfactory, ds: dissatisfactory, nc: not clear, s: satisfactory, hs: highly satisfactory)

Table 2 relates specifically to the effect of induction training on the participating judges. Its effect on the most important skill that is, judgment writing is satisfactory for 64 per cent and highly satisfactory for eight per cent making it to 72 per cent while 20 per cent remained unclear about its effect on this important skill. When we look at its effect on the administrative skill development, it is found that it is slightly less than that of judgment writing skill, yet it is also more than 60 per cent in the satisfactory - highly satisfactory zone. So far as the effect on development of fact analyzing faculty of participants is concerned, 64 per cent participants said that it lies in satisfactory - highly satisfactory zone while 24 per cent remained unclear as to its effect. The effect of induction training remained least effective on reasoning faculty of the participants as it remained in satisfactory - highly satisfactory zone only to the extent of 54 per cent and improvements are required to be made in this regard in near future for which some suggestions are offered in the concluding part of this study.

It is the high reasoning faculty which not only helps new entrants to find out truth in individual cases applying their inquisitive mind, but also leads to qualitative judgments. Moreover, it is the reasoning part of the judgment which gives it a scientific basis making it more acceptable by the consumers of justice delivery system. The purpose of judicial education and training is to assist judges to acquire knowledge, skills and attitudes required to perform their judicial responsibilities fairly, correctly and efficiently.

It is quite clear that the impact of training in general and induction training in particular is highly positive on participating judges, but the more important question is how to make it more effective? The answer which seems obvious is that greater focus needs to be shifted to “participatory method and activity based learning”, as most of the participants are found not involving themselves in interactive sessions. It is important to note that ‘Socratic dialogic’ method can prove extremely fruitful for these mature participants as it remains the most vociferous example of participatory style of knowledge sharing and learning.

Law is a subject in which almost everyone is striving to learn.²² The process of learning is never complete in the field of law as even the senior judges who are very experienced are also found regularly consulting the books before deciding cases. Therefore, a participating trainee officer should not feel diffident in asking questions and thereby filling up the gaps in his/her knowledge.²³

22 *Ibid.*

23 *Id.* at 4.

VII Conclusion and suggestions

In order to make judicial administration more effective, it is necessary to give training to judicial officers immediately after their recruitment which actually lays down the foundation on which their career proceeds. However, they also need in-service refresher training from time to time to keep them abreast of the current and innovative tools, techniques and knowledge.

While judicial education and training needs to consider the scientific and technological advancement, it can only be a helping tool, not a readymade solution for human behavior and human problems.

The data collected, processed, analyzed and presented here shows remarkable positive effects of induction training on participating trainee judges of 2012 batch of U.P. judicial services. It is very interesting to note that the majority of participating judges agreed that the effect of induction training was positive and satisfactory in all the segments such as judgement writing skills, administrative skill development, fact analysis skills and development of reasoning faculty. However, the analyzed data also shows that there are areas of concerns and improvements for means and methods used in imparting judicial education and training.

The first concern of the trainee judges of the batch under the present study stated was that effect of induction training was not encouraging as regards to honing skills of analyzing the facts. To meet this challenge, it is required that the focus of training needs to be on 'case study' based interactive sessions, as it would not only lead to inculcation of better ability to appreciate facts and evidence but it would also greatly enhance the reasoning faculty of trainee judges. The shift in focus from 'lecture style' (unilateral method) to 'case study' style (interactive-participative method) may not only be more useful but also be more interesting for the trainee judges.

The second concern was that of enhancing the effect of training on the development of reasoning faculty of trainee judges. Good judging demands high reasoning faculty in judges, which could gradually be developed through training based on 'exhaustive discussion followed by practice' with regard to reasoning part of a judgment. It could successfully be done by those trainers who have got long experience as judges with a certain level of academic interest and academic perspective as they are in the best position to deal with this important and crucial issue of the development of reasoning faculty.

The above discussion on significance, tools and techniques as well as methodology of training shows that there is a clear need to focus on enhancing capacity of training institutions which may be done not only by providing quality human resources but by giving these institutions sufficient opportunity to retain them, which is crucial for

their sustainable development. There is also a need to create a pool of judges who can run the training institutions with a succession plan of the core faculties or mobilization of extended faculty for judicial education. Such a plan is required because working as a judge and as a trainer are two diverse job descriptions, it is not always easy to find faculty having both qualities. Capacity building of the training institutions should be given a serious thought as it may prove to be crucial in making training programmes more qualitative and meaningful.

Moreover, the next important requirement is linking judicial education to research and judicial reform as it is essential for ensuring quality of judicial education as well as for transforming judicial institutions into reform vehicles of the judiciary. Undoubtedly, judicial education can support the judiciary in policy reforms as it serves its purpose well when it takes into view the demand side consideration. These demands emanate from the consumers of justice as well as from institutions for which it is supposed to work.

It is significant to note that Judicial Training & Research Institute, U.P. is trying to impart quality training as is clear from the data analysis done in this research paper. It is also pertinent to note that the institute is engaging in serious academic enquiry and research by seeking problems faced by judicial officers in district courts and then discussing them and attempting to find reasonable solutions in view of the changing dynamics of socio-legal conditions in the country, in general and in State of U.P., in particular. It is interesting to mention that the institute has a judicial helpline on which judges may send their queries for which a quick reply is given by the institute. The purpose is to help prepare knowledgeable, sensitive, compassionate, attentive and active judges so that the trust of the people in the administration of justice remains firm and consumers of justice are able to receive justice on time.

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