

## OUR PURSUIT

*Develop a passion for learning.*

*If you do, you will never cease to grow.*

*Anthony J. Angelo*

An independent but responsive judiciary comprising of sensitive and competent judges is the backbone of good and vibrant governance in a democracy. Judiciary as an important instrumentality of the State has the responsibility to draw a fine equilibrium between fundamental rights of the citizenry and the State power.

In order to inspire public trust and confidence, the judges presiding over the courts are expected to deliver quality justice to all, irrespective of their socio-economic position. The core function of the judiciary is to ensure access to justice, provide speedy and fair justice and uphold the rule of law. It is, therefore, necessary that those who preside over the courts should be humane, independent and persons of integrity and competence.

The process of selection of judges has to be transparent, and the judicial education and training, right from the grass-root level, has to be value based, capable of enhancing the sensitivity and overall competence of the officers. They need to constantly interact with experts in the fields of social sciences, literature, law, technology, medicine and other related disciplines. Further, such education and training has to be on a continuing basis, and in tune, with the felt necessities of

the time, the societal needs and in accordance with the higher values permeating the *suprema lex* of the country and the international instruments. These basic documents lay down the broad guidelines as to how the human society, whether at national, transnational or international level has to evolve, develop and march ahead. All societies must seek to achieve sustainable development, clean environment and good social order with overall respect for human rights. The Indian Courts and the judges presiding over them being sentinels of Justice must ensure that the basic rights of the people are not trampled by the mighty state power or by the powerful. They also need to constantly interact with the intelligentsia and experts in the various fields to develop capacities and sensitivities. By this they will be able to protect the weak and ensure justice to them by upholding the rule of law. It goes without saying that judiciary continues to be the last hope of the bewildered and the downtrodden of the country. It is here that the role of the Judicial Academies becomes important. The Judicial Academies provide a forum for constant interaction amongst the judges, other functionaries in the justice administration, lawyers, academia and other experts to help them in strengthening the judicial process and the justice delivery system. By constantly engaging in dialogue with them, the judges can draw from the reservoir of their knowledge and clarify their doubts, fill the knowledge gaps and empower themselves to develop scientific reasoning and temperament, a fundamental duty mandated by the Constitution of India. Therefore, the curriculum and the programmes of the Judicial Academies must be visionary, value based and justice oriented.

The Delhi Judicial Academy has, from the days of its inception, generally, and since 2014, in particular, been working to promote its vision of building judicial cadres to meet the challenges of the 21<sup>st</sup> century and provide a curriculum of judicial education and training. The curriculum of the Academy has undergone a sea change to nurture knowledge and it reflects the aspirations and felt necessities of the Indian society which deserves a sensitive and efficient judiciary and equally sensitive other functionaries in the judicial process. These judicial cadres have to be trained to have comprehensive knowledge and understanding of the contemporary areas of importance in the field of law to create a link between these new areas of importance and core values underlying the Constitution of India in its Preamble, Fundamental Rights and the Directive Principles in particular, and also the basic international instruments. This alone can lead to a well informed, knowledge based and justice oriented decision making on the issues that come up before them and be the social engineers in bringing the constitutionally mandated new social order.

It is in the light of the above perspectives that the Academic Calendar of Judicial Education & Training, 2017 has been structured. It intends to meet the requirements of the judges presiding over courts in different jurisdictions; to provide them with a platform to discuss, debate and deliberate on issues of core competence; to ignite judicial curiosity to promote new ideas and strategies to meet the future challenges; and to enhance the rights of the less privileged who constitute the vast majority of the Indian society.

Globalization has made the state boundaries meaningless and has reduced the whole world into a global village. Though globalization does not imply uniformity in judicial systems across the world, it nonetheless mandates a constant updating of the laws in consonance with the international understandings and instruments binding the states, at the same time ensuring that the rights of the less privileged and marginalized are protected and promoted. The growth in GDP has to be without diluting the rights of the labour and be inclusive. These ideals are part of the Judicial Education & Training Calendar 2017 in the Sensitization programme on "*Justicing: Balancing Rules, Principles and Social Context*"

The emergence of Intellectual Property Rights (IPRs) has its own challenges, requiring the judges to deal with increased litigation of a new kind as against the tangible property rights. But it is important to state that the Indian judiciary has risen to the occasion and developed to a certain extent a home spun jurisprudence on IPRs, while keeping the social context of the Indian society in mind. The role of the judiciary has been balancing the rights of the owners of the IPR and the needs of the Indian society, be it in the area of Copyright Law or the Patent Law. These developments are important and must form the core areas of focus in the discussions in the Judicial Academies to build up a strong and informed judicial opinion on these issues which the Delhi Judicial Academy is proud to have endeavoured to achieve in all its programmes on IPRs introduced in its curriculum since 2014 onwards.

The changing dynamics of trade, culture and Information Revolution has led to redefining of individual and societal rights. The traditional commercial transactions have given way to e-transactions, opening a whole new world of Trade & Commerce and Financial Institutions requiring a new understanding of the nature of business transactions. Civil disputes of great complexity relating to trade and e-commerce are rising, which are posing new challenges. Likewise, new cyber crimes such as e-stalking, data theft, breach of privacy through social media have emerged as challenges in the arena of criminal law. The focus of the Academy has, therefore, been to update the judges with the new developments in the world of Information Technology, Cyber Law, Cyber Crimes and Digital Evidence to enhance the skills of Judicial Officers to prepare them to meet these challenges. The Academy has introduced new programmes on Cyber Laws and Digital Evidence for all the Judicial Officers while retaining the already existing programmes on Trade & Commerce and Financial Institutions.

The key element in the positive change or growth of the courts is in knowing the needs of the people they serve, and having the ability to serve their needs. The path to emerge as a responsive and sensitive judge does not stop with the acquisition of legal knowledge and expertise but extends to developing sensitivity to appreciate the distinction between *Judging* and *Justicing*. With this vision in mind, the programmes at the Academy are so designed as to sensitize the Judicial Officers about the Human Rights of one and all; specially the more deserving and

vulnerable sections of the society. The rights of children, women and other weaker sections of the society, not only need to be recognized, but also need to be protected and promoted in a meaningful way Judiciary has to be committed to the implementation of their rights in the most sensitive manner. Special sessions exclusively dealing with the rights of these sections have been incorporated in various programmes.

The Environmental issues have been areas of concern across the world over a period and have also been a great concern of the Academy as well. We, at the Academy believe that there is a constant need for a healthy discussion on sustainable development and right to clean environment. The need for developing international and national strategies for balancing the claim of development on the one hand and right to clean environment on the other, are the focus of our programmes on 'Environment and Law'. There is a need for building an informed judicial cadre of officers who can play a pro-active role in protecting and promoting right of the people to a clean environment, for the present and the future generations and at the same time balancing it with the right to livelihood and sustainable development. Keeping this in our mind, the Academy has designed a two day programme for the Judicial Officers to make them understand the significance and relevance of protecting the environment and also to develop sensitivity while interpreting issues relating to environmental laws.

Judiciary has to meet the public expectation of integrity, honesty, rectitude and probity. The judiciary, at all levels, has to develop into an effective organization to bring about social transformation in the society through its pro-active orders, directions and judgments. Therefore, the judicial ethics like independence of judiciary, impartiality, adherence to due process and the values of integrity and competence are non-negotiable. It is upholding of these judicial ethics and values by the judges that has given them a place of pride, in general and India, in particular. It is in recognition of this that Judicial Ethics is made the focal point of the Judicial Education & Training Calendar of the Year 2017 in all the Core Competence programmes.

The Academy believes that if justice has to be ensured to the weaker sections of the society, it is necessary that all the stakeholders in the justice delivery system need to be sensitized, informed and empowered with the great ideals underlying the Constitution of India which include, *inter alia*, socio-economic and political justice for all. Therefore, since 2014, the Academy has been conducting programmes for other stakeholders which include Prosecutors, Child Welfare Committees, Labour Commissioners and other functionaries having a bearing on the judicial process. Interactive sessions with these functionaries are also conceptualized so that, in the ultimate analysis, some constructive recommendations can be made to bring about necessary reforms in the administration of laws at all levels.

Aiming at wider collaboration, the Academy has, in the past, organized programmes for the Judicial Officers of other States as well as other countries, including Sri Lanka and Bangladesh. Continuing with these exchange programmes, the Academy has scheduled programmes this year also for Judges from Assam Judiciary and has increased the number of programmes from two to three for the Judges from Sri Lanka.

The Academy hopes and trusts that the hard work done in drawing the Academic Calendar, 2017 will bring about qualitative improvement in judicial education by enhancing sensitivity and excellence amongst the Judicial Officers. Our endeavour shall continue to be to build a sensitive, responsive, independent, impartial, qualitative and competent judges who shall, through their judicial pronouncements, make the promises made in the Preamble to the Constitution of India a reality - protect and promote the rights of all in general and of the weak and marginalized groups in particular, in our march to have an egalitarian society where there will be equality of status and of opportunity for all, and promote liberty of thought, expression, belief, faith and worship.