

Address on the Foundation Stone Laying Ceremony of The State Judicial Academy

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Chief Justice of India*

I am extremely happy to be with you here today on the occasion of the laying of the foundation stone of this new State Judicial Academy.

One of the most welcome developments in recent times has been the realization by the various state governments and state judiciaries that the establishment of a judicial academy for each state is the need of the hour. I was recently in Calcutta for the inauguration of the West Bengal State Judicial Academy, and now I am here with you today. The establishment of these judicial academies is of great importance. A life in the judiciary is undoubtedly a life spent in public service. Our national consciousness is peppered throughout with the thoughts and deeds of the many eminent judges who have served with distinction at the various courts in the Country. It is good to see that there now seems to be a national consensus that all possible resources, be it in terms of research facilities or training, must be made available to all members of the judiciary, and at every level.

This was an aspect that was somewhat neglected in the past, but now that we have a successful model to emulate, I am sure that each

state shall suitably address this need soon. The model that I speak of is that of the National Judicial Academy at Bhopal. The NJA has been extremely successful in the various training programs that it has conducted throughout the year, and has played a valuable role in the provision of facilities for continuing legal education to the members of the higher judiciary.

We must remember that every structure relies on the strength of its foundations. For the judiciary in India, the foundation lies at the district level. It is at this level that the majority of the cases are admitted and heard, and the bulk of the citizens interact with the legal system. It is from the district level that the appeals come to the higher judiciary. And finally, it is here that the majority of our best judges spend the formative years of their careers in the judiciary. We must spare no efforts in ensuring that the subordinate judiciary renders justice of the highest caliber, because it is this justice, and not the justice of the High Court or the Supreme Court, that most of India deals with every day. For all these reasons, it is of vital importance that all research facilities and provisions for continuing legal education be provided to these officers. We hope that the state judicial academy will fulfill this role for the subordinate and lower judiciary.

There are several factors that the academy should keep in mind when it designs its programs. For a judge to remain relevant today, it is not

sufficient to be aware of the law as it stands. It is also necessary to remain abreast of the current legal developments that are taking place both in the country as well as in the world. With increased faith in the judicial system, more and more people are approaching the courts. In addition, the legal disputes that are appearing before the court are becoming more and more complex, day by day. Therefore, not just is the workload much greater, but also more sophisticated. We are rapidly moving towards an integrated global legal system. No nation can afford to remain isolated today - it is not economically feasible - and successful integration into the mainstream of international trade requires ones laws to satisfy global standards. We in India have a common law tradition we can be proud of. The rule of law permeates every aspect of our national existence. We therefore enjoy certain distinct advantages over many other nations that cannot boast of such virtues. We must maintain this advantage by ensuring that every level of our legal system is fully equipped to deal with the new challenges that the world of today faces. There can be no compromise in judicial standards at any level - the standards that we set should be a factor encouraging the growth of our national stature, not something holding us back as a nation. Foreign investment should come to India precisely because of the strengths of the judicial system, and not despite it. This can only happen if the state judicial academies play a proactive role in keeping the state judiciaries abreast of the latest developments.

There are several areas of special importance in this regard. The State Academy should take a lead role in disseminating knowledge about emerging trends in human rights jurisprudence, environmental law, alternative dispute resolution, consumer protection laws and intellectual property rights, to name a few. One significant example of an emerging area is trans-national law. Many of the legal disputes that appear before the court today involve international elements and parties from different legal systems. It is precisely because of this international element that they become all the more important - the whole world looks to the Indian Courts to see if these cases are dealt with in the correct manner. This can only happen if the judges are well-versed in the issues involved. By incorporating international legal developments and trans-national law into its curriculum, the State Judicial Academy can ensure that there is no shortcoming in this knowledge.

Just like no nation can afford to be isolated today, no institution can operate in isolation either. The State Judicial Academy must coordinate its activities with those of the other institutions that have been set up across the country as well as with the NJA. This will ensure that the successes one institution experiences can be emulated by other institutions; be it in the context of the model of training, the design of the curriculum or the kinds of resources being made available to the judicial

officers through the academy.

There are other aspects that the Academy must look to as well. Judicial officers also need to be imparted training in the administrative aspects of the justice dispensation system. This would include dealing with arrears and delays and docket management practices. It can also play a major role in acting as a provider of research facilities for the judges. This is in addition to its role in providing continuing legal education. The need for access to high quality research resources, especially electronic resources, to facilitate the research endeavours of judges has been acutely felt throughout the country. The lack of good research facilities can be a serious impediment in the learning activities of judges, especially at the district level. This void can be filled by the judicial academy by providing quality research resources for judges.

The academy will have the benefit of bringing within its ambit a large number of distinguished academics and some of the brightest judicial officers of the state. It must utilize this opportunity to come out with periodicals, and hold conferences and seminars on various contemporary legal issues. It is only through the publication and dissemination of the various views on these topics that serious debate and awareness can be generated. One of the most important aspects in relation to which the academy is placed in an especially advantageous position is that of judicial

training and the dispensation of justice. The academy can undertake empirical research and publish studies on these topics, as also on access to justice, gender justice and law and poverty.

These last few issues are especially important. The judiciary stands as the final pillar of support for the most vulnerable sections of society, including juvenile offenders, the poor and the depressed classes. Judges must understand that they have an important constitutional, moral and social obligation to protect the rights of the vulnerable and backward classes of our country. They must be sensitized to the needs of these constituencies. At the same time, there is a need to inculcate a sense of restraint and responsibility. Judicial power is far and wide in its scope and extent. To wield it well, one needs a strong personality and a sense of character. Judges, especially those newly appointed to the judiciary, must understand that they play a definite, but nevertheless circumscribed, role in the greater constitutional scheme of our republic. The academy has an important role in inculcating this sensitivity and this sense of judicial and social ethics in the minds of the younger members of the judiciary.

The academy must be proactive in its efforts to remain at the cutting edge of legal scholarship. It must develop programs that are both contemporary and relevant. We must remember that judges are the keepers of the Constitution; they must be ever-

ready to respond to the changing needs of our evolving society. Institutions such as this academy that are established to train judges have the onerous duty of facilitating the state judiciary in fulfilling its moral and constitutional mandate.

I am certain that this institution will establish an enviable reputation as a centre of excellence in the coming years. My best wishes to you all.