

CHAPTER 18
CONTINUING LEGAL EDUCATION FOR
JUDGES IN INDIA: SOME REFLECTION
AND THE WAY FORWARD

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ABSTRACT

Continuing Legal Education (Cont. LE), Minimum Continuing Legal Education or Continuing Professional Development is the professional education for lawyers/attorneys that takes place after their admission to the profession. This chapter tries to analyze the case of continuing legal education for the judges by delving into the complexities of the judicial life. A judge not only needs to be abreast of the laws and regulation in force at the relevant time but also the jurisprudence and the historical context of the laws, regulations and principles so as to uproot any ambiguity in case of its application. Moreover, the knowledge of sociology, psychology, penology, economics, history and obviously technology with the changing times make the job of the judges a lot more complex than it appears. The chapter expounds the various reasons and thereby attempts to make a case for continuing judicial education or continuing legal education for judges in India. It tries to analyze the aspects based on which continuing legal education may be instrumental in making them 'better judges.' It also expounds and analyses the existing framework for continuing judicial education in India.

Keywords: Continuing legal education, Judge, Judicial Scholarship, Judicial Process, better Judges, Judicial Education and Training, National Judicial Academy

I. INTRODUCTION

Long time ago, Warren E. Burger said, "we no longer accept the ancient folklore that every lawyer—even every good lawyer—is automatically qualified to fulfill all the functions of a judge simply because he puts on a black robe."¹ In this perspective, 'administration

of justice' is a herculean task. Be it on the civil side or the criminal side; be it by the hands of a trial court judge or the judge of constitutional courts; be it regarding the questions of fact or the questions of law; be it regarding the matters covered by the literal interpretation or a matter requiring liberal interpretation, it takes a lot to "Judge". A judge not only needs to be abreast of the laws and regulation in force at the relevant time but also the jurisprudence and the historical context of the laws, regulations and principles so as to uproot the ambiguity in case of its application. Moreover, the knowledge of sociology, psychology, penology, economics, history and obviously technology with the changing times make the job of the judges a lot more complex than it appears.

In this way, the task requiring meritorious knowledge of law and society while upholding the highest ethical fiber, which is the mark of the profession, becomes very difficult for any human being. Above all, the neutrality, impartiality, nobleness and incorruptibility expected of the judges makes it even more difficult. Encompassing all this, it seems almost impossible to assume that all this can be offered with few years in law school during the course of a degree or in a one-time training before sitting on the bench. The challenges the judge's face after sitting on the judicial bench would remain unaddressed if the concept of continuing judicial education is not considered sincerely. This chapter attempts to delve into the concept of 'continuing judicial education' (CJE) or 'continuing legal education for judges'.

The first section discusses about the meaning and understanding of continuing legal education (Cont. LE) and what it means to the judges. The second section discusses 'judicial education and training' and attempts to look at the concept of CJE along with judicial training with respect to India. Third section attempts to explore the ways CJE can contribute towards the professional and personal growth of judges. It attempts to make a case for CJE with specific observations made in Indian context. The section unfolds in few sub-heads namely 'Developing Scholarship in Judges', 'Consciousness of the 'Social Context', 'Furthering the 'Interpretation' skills and tackling 'case-law diarrhea', 'A call for expediency and adapting to changing approach of law', 'Strengthening 'Judicial Ethics', etc. The conclusion reflects on the steps taken by National Judicial Academy through National Judicial Education Strategy (NJES) with reaffirming that CJE be welcomed by the judges as a stepping stone towards growth. In this manner, the chapter makes a conceptual case for CJE in the context of Indian jurisdiction.

II. CONTINUING LEGAL EDUCATION—MEANING AND OVERVIEW

Minimum Continuing Legal Education or Continuing Professional Development or Cont. LE, is the professional education for lawyers/attorneys that takes place after their admission to the profession. It connotes a formal education mechanism involving

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1. Edward A. Tamm and Paul C. Reardon, "Warren E. Burger and the Administration of Justice", 447 *Brigham Young University Law Review* 490 (1981).

lectures/seminars/workshops, related to the practice of law sponsored by the bar council/bar association/law school or an organization which specializes in this professional training.² Cont. LE can be defined as an organized legal education activity accredited by a regulatory body with the purpose to ensure that each active member of the Bar pursues a plan of Cont. LE throughout his or her career in order to remain current on the law in a rapidly changing society.³ The program inculcates the training of mind, development of personality and culturing the advocate.⁴ Cont. LE facilitates the development of professionalism, ethical value orientation, client-handling techniques and management skills for lawyers.⁵

CJE is the program of Cont. LE for judges.⁶ In various jurisdictions, there is a call for introducing regulations for continuing legal education for lawyers. Some jurisdictions already have them in place. However, a few of them are mandatory and few others have only suggestive guidelines. India has the second largest number of lawyers in the world, next to USA.⁷

N.R. Madhava Menon emphasizes that the performance at any level of judicial hierarchy is directly related to the method of selection of judges on the one hand and the quality of education and training offered on the other.⁸ He mentioned about the objectives of judicial education and training prior and post-appointment and highlights that the post-appointment objectives are slightly different. To provide the required knowledge about fair, efficient performance of judicial responsibilities is the primary aim of judicial training. With regard to the post-appointment objectives, he mentions that:⁹

These include sharpening of decision-making and judgment writing skills, fostering fairness through elimination of biases and prejudices, as well as promotion of awareness of cultural diversity and judicial detachment, improving of management skills, adjustment to new perceptions of justice in the context of changing

2. Prakash Sharma, "Continuing Legal Education: Rethinking Professional Ethics and Responsibility in India", 5(2) *Asian Journal of Legal Education* 152-168 (2018). See also Shuvro Prosun Sarker and Prakash Sharma, "Bridging the Gap: Understanding the Trends in Indian Legal Education from Recent Developments", 7(1) *Asian Journal of Legal Education* 57-72 (2020).
3. Indian Institute of Technology, *Designing the Continuing Legal Education System in India for Advocates* 12 (IIT Kharagpur, 2017) [IIT Kharagpur Report] available at: <http://doj.gov.in/sites/default/files/IIT%20Kharagpur%20Final%20Report.pdf> (last visited March 29, 2020).
4. *Id.* at 14.
5. *Id.* at 11.
6. US Legal, *Continuing Judicial Education Law and Legal Definition*, available at: <https://definitions.uslegal.com/c/continuing-judicial-education/> (last visited March 29, 2020).
7. IIT Kharagpur Report (2017), *supra* note 3.
8. N.R. Madhava Menon, "Social Context Education for Judicial Reform", 1 *Journal of the National Judicial Academy* 241 (2005).
9. *Id.* at 345.

knowledge, values and technology and finally achieving higher levels of professional excellence in the administration of justice.

III. JUDICIAL EDUCATION AND TRAINING

The formal, institutionalized education and training of judges for dispensation of justice is not a very old practice. Earlier, the method of training was mostly on-the-bench judicial apprenticeship, which was largely unstructured.¹⁰ Considering the rationales for judicial education namely independence, improved service delivery, social accountability and institutional capacity building, the need for judicial education is now firmly acknowledged.¹¹ Livingston, in his work,¹² quotes the observations of Nicholsan¹³ about the need for judicial education as follows:¹⁴

Judicial education is now an accepted part of the judicial life in many countries. It is an enhancement of the mental qualities necessary to the preservation of judicial independence ... judicial independence requires that the judicial branch is accountable for its competency and the proposition is now accepted as beyond debate.

In India, there are generally two ways (since the third is not been practiced) by which one acquires the judicial office after becoming a law graduate (which is the minimum qualification for both bar and the Bench). In higher courts (High Courts in the States and the Apex Court of India), the appointment is done through a collegium where the advocates acquire judicial offices along with others who are promoted from the lower courts. Whereas in lower judiciary, the judges are appointed based on an exam along with interview arranged by the respective state. In lower courts, we see a number of fresh graduates being part of the judicial system who have never practiced law before the courts as advocates. The third manner is where a *distinguished jurist* may be appointed as the Judge of the Apex Court of India.¹⁵ The need for judicial education in Apex Court is generally imperative, but is far more necessary in lower judiciary where the person acquiring the office is most likely not having any experience of

10. N.R. Madhava Menon (2005), *supra* note 8 at 117.

11. *Id.* at 120.

12. Livingston Armytage, "Judges as Learners: Reflections on Principle and Practice". (Paper delivered for 2nd International Conference on the Training of the Judiciary: Judges as Learners Reflections on Principle and Practice, Nov. 2004), available at: <http://www.iojt.org/~media/Microsites/Files/IOJT/Microsites/Judges-as-Learners-Reflections-on-Principle-Practice.ashx> (last visited on April 10, 2020).

13. R.D. Nicolsan, "Judicial Independence and Accountability: Can they Co-exist?", 67 *Australian Law Journal* 404 (1993).

14. Livingston Armytage (2004), *supra* note 12.

15. The Constitution of India, art. 124, cl. 3.

visiting courts, as the candidate starts preparing for the judicial examination right after completion of his/her legal education. The interaction and experience with the courts in these cases remain limited. With regard to the first case, where the judges come from the Bar to Bench, it has been observed that:¹⁶

Lawyers don't become good judges by the wave of a magic wand. Not even the best lawyers. To reappear behind the Bench as a skilled jurist is a tricky manoeuvre. Going from adversary to adjudicator means changing one's attitude, learning and using new skills, and in some cases severing old ties.

The need for continuous judicial education becomes more important in cases of lower judiciary because of two major reasons: first, their engagement with the Courts is almost negligible (in a way most of them are fresh law graduates who have qualified an exam) and the second is that they are the 'face of justice' for the common man of the nation as they are the ones with whom the common man interacts in pursuit of justice in most cases (whether civil or criminal).

IV. TO BE 'BETTER JUDGES'—A LOOK AT THE CASE FOR CONTINUOUS JUDICIAL EDUCATION/CONTINUING LEGAL EDUCATION FOR JUDGES

Developing Scholarship in Judges

Kenneth J. O'Connell, many years ago, wrote an article titled 'Continuing Legal Education for the Judiciary'¹⁷ published in the *Journal of Legal Education* where he suggested continuing legal education for judges. Being a judge in the US, he suggested continuing legal education for judges in the US by stating the issues that proved the need for compulsory judicial education and suggested ways to provide for it. His work operated on two assumptions: first that the great bulk of the work performed by the appellate judges is in the area of legal scholarship; and second that most appellate judges do not meet the high standards of the scholarship which the work demands. He states that the purpose behind continuing legal education for judges is not merely educational need (to keep up to date with the latest developments in law) since the deficiency in the judiciary is far more acute than this. He asserts that there are 'holes of ignorance' in the judges and some of these holes are in the fundamental aspects of meaning of the law thus proving the need of scholarship in the judiciary.

16. As observed by Dennis W. Catlin, the founding Head of the Michigan Judicial Institute, see Livingston Armytage, *Educating Judges: Towards Improving Justice: A Survey of Global Practice*, 14 (Brill, Leiden, 2015).

17. Kenneth J. O'Connell, "Continuing Legal Education for the Judiciary", 16 *Journal of Legal Education* 405-415 (1964).

He also asserts that the judges lack the proper knowledge of social science, which is a 'shortcoming' and suggests that they should spend some time acquainting themselves with the social sciences. He also says that the judges also fail at 'the most important level' which is to understand the nature of their own function, that is, judicial process, and since judicial process directly relates to the craft of judging, the judges should be more interested in this domain. He asserts that judges are 'desperately busy' with 'tremendous' workload and work in an 'atmosphere of urgency' almost like an 'assembly line'. His focus on creating a bridge between the academia and the judiciary, and to evolve a scholar personality within judges, is reflected by the concerns presented by him.

The observations of Justice Kenneth are relevant to all members of judiciary and are relevant for all jurisdictions. The focal point here is bringing the scholarship in the judges. The term 'scholarship' here must be understood expansively. All observations made in the aforementioned work equally concern the judiciary in India.

Consciousness of the 'Social Context'

Justice Anthony Smellie¹⁸ in his keynote addresses titled 'The need for continuing judicial education and training—The Caribbean Perspective' mentions a famous saying 'the courtroom is the microcosm of the society' and asserts that continuing judicial education helps the judges in being aware about the social context. It facilitates the sensitization of the judges towards the social realities and contexts, which a judge must be aware of in his/her work. He mentions that:¹⁹

A challenge for continuing education and training must therefore be to dispel the age-old criticism that the judicial system remains very much part of the social hierarchy bent on the preserving the privileged status quo. For whether or not they are true, we are now aware from the sensitization afforded by these programs that what really matters is the genuine public perception of the judicial processes at work.

The use of technology in judicial training as a tool for research and otherwise is also stressed upon, especially when most jurisdictions are modernizing themselves by equipping with the latest technology as much as possible in their daily chores of governance. To strive towards the constitutional commitment to establish a social order based on democracy, human rights and rule of law and to secure justice, equality and dignity for all its citizens, both the Bar and Bench would have to be sensitive in the social context and judges especially cannot afford to be ignorant on this front.

18. Justice Anthony Smellie, "The Need for Continuing Judicial Education and Training—the Caribbean Perspective", (Keynote Address, 2003), available at: <http://cjei.org/publications/JusticeSmellie.pdf> (last visited April 18, 2020).

19. *Ibid.*

Furthering the 'Interpretation' skills and tackling 'case-law diarrhea'

The need for continuing legal education becomes much more imperative when the judges, especially the lower court judges, are facing the 'case-law diarrhea' where instead of construing/ interpreting the provisions/rules/doctrines, etc., as per the need of the case, the judges seek confirmation through an existing precedent of a higher court. Not that relying on a precedent and its pursuit is a wrong manner of operation. However, if the judges do not act in the absence of precedent, it becomes catastrophic towards the growth of law. It is problematic that the judges hide behind the mandate/ratio of a higher court rather than applying the rules of interpretation and construction of statutes to the cases in hand. This trend poses a great threat to the skill of interpretation, which is a major qualitative element in the delivery of justice.

What does one do when he/she judge? A list of questions that might come up while deciding a case is summed up by Cardozo:²⁰

What is it that I do when I decide a case? To what sources of information do I appeal for guidance? In what proportions do I permit them to contribute to the result? In what proportions ought they to contribute? If a precedent is applicable, when do I refuse to follow it? If no precedent is applicable, how do I reach the rule that will make a precedent for the future? If I am seeking logical consistency, the symmetry of the legal structure, how far shall I seek it? At what point shall the quest be halted by some discrepant custom, by some consideration of the social welfare, by my own or the common standard of justice and morals?

Cardozo comments that *stare decisis* is the everyday working rule of the judge's law. Generally, deciding cases in accordance with precedents is almost as deciding in accordance with the statute.²¹ He further makes a critical remark on the judges going plainly by the rule in the precedent as:²²

It is a process of search, comparison, and little more. Some judges seldom get beyond that process in any case. Their notion of their duty is to match the colors of the case at hand against the color of many sample cases spread out upon their desk.

The "serious business of a Judge" begins when 'the colors do not match, when the references in the index fail, when there is no decisive precedent.'²³ A judge must then *fashion law for the litigants before him*.

20. Benjamin N. Cardozo, *Nature of the Judicial Process*, 10 (Universal Law Publishing, New Delhi, 2008).

21. *Id.* at 20.

22. *Ibid.*

23. *Id.* at 21.

Cardozo cites Munroe Smith in his work on judicial process, in order to focus on the experimental aspect of finding a precedent as:²⁴

In their effort to give to the social sense of justice articulate expression in rules and in principles, the method of the law-finding experts has always been experimental. The rules and principles of the case laws have never been treated as final truths but as working hypothesis, continually retested in those laboratories of the law, the courts of justice. Every new case is an experiment; and if the accepted rule which seems applicable yields a result which is felt to be unjust, the rule is reconsidered. It may not be modified at once, for the attempt to do absolute justice in every single case would make the development and maintenance of general rules impossible but if a rule continues to work injustice, it will eventually be reformulated. The principle themselves are continually retested; for if the rule derived from a principle do not work well, the principle itself must ultimately be re-examined.

A call for expediency and adapting to change the approach of law

In India, where the pending cases, both in criminal and civil matters, are a blot on the face of judicial system, judicial education and training can prepare the judges to possess the skills to expedite the judicial proceedings. To develop a judicial approach that gives life to the reforms, court-initiated mediation to settle disputes prior to trial (brought in Code of Civil Procedure, 1908) and the negotiated settlement or plea bargaining in criminal cases (brought in Criminal Procedure Code, 1973). To deal with such huge pendency in civil matters, the need is to equip judges with the Alternative Dispute Redressal (ADR) mechanism and the skill where they could trace out the issues that can be suitably handled by ADR (mediation in particular) and advise the client parties and the counsels representing them to resort to these mechanisms. In criminal matters, there is a need to equip judges to shape their methods with the changing approach of criminal justice, penology and victimology. The orientation of criminal law has been constantly tilting towards reformatory and restorative approach and this reflected from the efforts made by the legislature as well as the interpretations offered by the judiciary in administration of criminal justice.

In *Santa Singh v. State of Punjab*,²⁵ the Supreme Court of India, while dealing with section 235 of the Criminal Procedure Code, 1973, observed that no such analogous provision existed in the old criminal procedure code²⁶ but the presence of su

24. *Id.* at 23.

25. AIR 1976 SC 2386.

26. The Code of Criminal Procedure, 1973, sec. 235.

a provision in the new code reflects that sentencing is now a significant and delicate function. It observed that:

There is in many of the countries, intensive study of the sociology of crime and that has shifted the focus from the crime to the criminal, leading to a widening of the objectives of sentencing and, simultaneously, of the range of sentencing procedures. Today, more than ever before, sentencing is becoming a delicate task, requiring an inter-disciplinary approach and calling for skills and talents vary much different from those ordinarily expected of lawyers.²⁷

As the lawyers are expected to acquire more skill and knowledge to do justice while making arguments for sentencing and claims of the victims, judges are also subjected to similar expectations. A judge can infuse life into the reformatory measures in the criminal justice system coming from legislature.

Justice Burger²⁸ compared the English advocates with Americans and suggested that there are points on which English advocates can be looked up for learning. In this light, he suggests that the generally prevailing practice of treating every person admitted to the Bar as qualified to give effective assistance on every kind of legal problems that arise in life must be questioned and revisited. He compares it to the medical profession and asserts that if everyone holding a MD Degree were competent to perform surgery on the infinite range of ailments that afflict the humans, it would not be prudent. Similarly, for various kinds of legal issues especially the trial of criminal cases, the need is to develop special skills and engage those who possess these special skills.

Strengthening 'Judicial Ethics'

Judges are expected to maintain the highest degree of professional ethics. Any impropriety in this regard may not only be detrimental to the credibility and the office of the Judge concerned but also may affect the public perception about the judicial institution and the glory of judiciary in general. Former CJI of India, Justice Y.K. Sabharwal stated²⁹:

27. Justice Fazal Ali also mentions about the change in approach of penology in the same judgment in the following words: "The statute, in my view, seeks to achieve a socio-economic purpose and is aimed at attaining the ideal principle of proper sentencing in a rational and progressive society. The modern concept of punishment and penology has undergone a vital transformation and the criminal is now not looked upon as a grave menace to the society which should be got rid of but is a diseased person suffering from mental malady or psychological frustration due to subconscious reactions and is, therefore, to be cured and corrected rather than to be killed or destroyed."

28. Warren E. Burger, "The Special Skills of Advocacy: Are Specialized Training and Certification of Advocates essential to our system of Justice?", 83 *Fordham Law Review* 1147 (2014).

29. Justice Y.K. Sabharwal, *Canons of Judicial Ethics*, M.C. Setalvad Memorial Lecture on Canons of Judicial Ethics, available at: <http://www.tnsja.tn.gov.in/article/Cannons%20of%20Jud%20Ethics.pdf> (last visited on April 22, 2020).

New situations and changes in the society require us to constantly re-examine and reaffirm our values. Therefore, judges must constantly discuss and evaluate their role and conduct in the light of such challenges and protect themselves from ethical entrapment. They must take on the challenge and establish for themselves a code of ethics that is always ahead of their times thus setting the benchmark for even other organs of the polity to follow.

Judicial ethics and standards are not by the letter of law but by the 'professional osmosis' developed by the example and influence of respected peers.³⁰ The continuing judicial education may provide a great scope to the learned judges to have this 'professional osmosis' where they may become more sensitive about the professional and ethical responsibilities as judges through cases and issues. Prakash Sharma³¹ makes an argument for Cont. LE for lawyers stating that it would help the lawyers to re-inform, re-imagine and re-construct the legal profession in India more ethically and responsibly. A similar argument when juxtaposed for judges presents an equally strong case for Cont. LE for judges.

Inspiring the Confidence in the common person towards 'Justice' and 'Judiciary'

It is well settled that 'judicial service' is not like any other 'employment', due to the nature of function performed by the judges. Also, given the functions involving exercise of sovereign judicial power of the state and the 'independence' conferred on the judiciary, no other services could be placed on par with that of judiciary, either constitutionally or functionally.³² As a matter of common knowledge, judiciary enjoys more respect and dignity compared to other branches of the government.

Judiciary, both higher and lower, helps in inspiring the confidence of the common person towards the larger aim of all governance, that is, 'justice'. Judiciary can play a major role in building a civilized society by making the commoner believe in a just and fair system. Though higher courts decide the direction of law and policy by interpretation and construction of law, it is the lower/trial courts which are the real face of justice for a common man. The work of a trial judge is far more complex than that of a higher court judge considering the disposal and determination of fact where inferences about the truth and credibility have to be gathered from the testimonies presented before the court and even the 'demeanour' of witnesses has to be observed with precision. Law

30. *Ibid.*

31. Prakash Sharma (2018), *supra* note 2 at 152.

32. *All India Judges' Association v. Union of India* (1993) 4 SCC 288.

Commission of India reflects the difference in the personality of a trial judge and a higher court judge as:³³

it is mostly with the trial judge rather than with the appellate judge that the members of the general public come in contact, whether as parties or as witnesses. The image of judiciary for the common man is projected by the trial court judges and this, in turn, depend upon their intellectual, moral and personal qualities.

In the same context, a judge of Irish Free State Justice Hanna observed that:³⁴

sometimes the judges of the higher court think—and I am bound to say I thought myself—that the restoration of law and order depended upon what the high court judges did in dealing with the heavier classes of crime. But I have finally come to the conclusion ... that the real basis of establishment of law and order lies in the competency, honesty and fidelity of the lowest rank of judges.

In light of this, it is evident that judicial training (especially trial court judges and more specifically for such jurisdictions where there is no jury to decide issues of fact) and continuous judicial education have a great deal to contribute and enhance the intellectual, moral and personal qualities of the judges. This would ultimately empower the perception of the judiciary for a common person.

V. CONTINUING JUDICIAL EDUCATION IN INDIA AND ITS FRAMEWORK

Most jurisdictions of the world have become sensitive towards the concept of CJE and India is one amongst them. This reflects that India, as a legal system, has accepted the proposition that CJE is contributory to the process of 'professional osmosis' of judges which is promising. National Judicial Academy (NJA) is playing a pivotal role in this aspect by launching a program named NJES under its guidance³⁵ and has established a national plan/mechanism for judicial education. NJA perceives judicial education as a process of "creating solutions for strengthening the administration of justice" and the philosophy is that there is no "teaching", "preaching" or "training" and there are

33. Law Commission of India, "77th Report on 'Delays and Arrears in Trial Courts'" (November 1997).

34. The commission, in the same report also mentions about a misconception referred as the 'upper court myth' as: "the notion about the provisional nature of the trial court decisions being subject to correction in appeal, or what has been called the 'upper-court myth', ignores the realities of the situation. In spite of the right to appeal, there are many cases in which appeals are not filed. This apart, the appellate courts having only the written records before them, are normally reluctant to interfere with the appraisal of evidence of witnesses by the trial judges who have had the advantage of looking at the demeanour of witnesses. The appellate court, it has been said, operates in the partial vacuum of the printed record."

35. National Judicial Academy India, available at: <http://www.nja.nic.in/the-institution.html> (last visited April 20, 2020).

no "teachers" or "students"; no "trainees" or trainers."³⁶ The model is towards "knowledge sharing for problem solving" where pedagogy is based on case study, group exercises, simulations, role play, field visits and experiential learning. It is running with the coordinated efforts of NJA and the SJAs (State Judicial Academy). It is a significant step towards enhancing the personality of judges in multiple dimensions, and not just judges but the entire legal system would benefit from this approach of learning.

NJA is an independent body³⁷ fully funded by the Central Government;³⁸ the Chief Justice of India being the chairman of the general body of NJA as well as the chairman of the Governing Council, the Executive Committee and the Academic Council.

The aspect which requires more effort is establishing connect between 'academia' and 'judiciary' in some concrete and stable ways. Few courtroom issues can be discussed in the classrooms to be brainstormed by the potential lawyers of the country where a few discussions/questions/observations of the classrooms could be made available in the courtrooms to give the judges a fresh perspective to ponder upon also providing them space for scholarship. Especially on the aspect of judicial process, the inputs in academia could be hugely beneficial for the judiciary for self-introspection and self-improvement. Essentially, it could be a two-way learning process. The legal system in India is yet to reap the long-term benefits of investing in the CJE for judges in India.

VI. CONCLUSION

The chapter in its introductory part describes the labour of judging, irrespective of the nature of the law and dispute in hand. It reflects that 'to judge' is a complex, sophisticated and sensitive task in itself and with the ethical obligation emanating through the profession of judging, it becomes even more complex and responsible. Apart from knowing 'law', a judge has to be considerate with various other disciplines in order to judge. Overall, to judge is a herculean task in itself. The head 'Continuing legal education—meaning and overview' provides for the understanding of the concept of Cont. LE as well as CJE, and mentions the constituents of a program on CJE. The head 'Judicial Education and Training' provides for the evolution of the concept of CJE program as a formal institutionalized education and training of judges. It also mentions about the manner of appointment of judges in India and that sincere judicial education is imperative in both the cases of appointments, particularly, of the lower judiciary. The head 'To be better Judges—a look at the case for Continuous Judicial Education' and 'Continuing Legal Education for Judges' attempts to make the case for CJE and tries

36. *Ibid.*

37. The Societies Registration Act, 1860 (21 of 1860).

38. *Supra* note 35.