



CJEI Summer 2026 Newsletter

A message from The Hon. Chief Judge Kashim Zannah CJEI President



In my last message, I reported that the Patron Chief Justices of the Institute warmly welcomed and commended the programme the Institute is developing for prospective Chief Justices, with a particular focus on leadership and administrative skills. At the Patron Chief Justices' Meeting held at St Julian's Bay, Malta, on 6 April 2025, the Patrons shared instructive anecdotes that underscored the skills gaps that often emerge when career judges are required, sometimes abruptly, to assume significant administrative responsibilities.

I am pleased to report that the Institute is now poised to present the course modules to the Patrons at their next meeting in Darwin, Australia, during the 25th Commonwealth Law Conference, to be held from 9 to 13 May 2027. Our distinguished and indefatigable Vice President, the Hon Justice Adrian Saunders, is leading this important effort and is sparing no effort to ensure the realisation of this goal.

Our Biennial Meeting of Commonwealth Judicial Educators, held from 13 to 15 February 2026 at the Supreme Court of India in Delhi, proved immensely useful and successful. We drew upon the insights, experiences and expectations of a rich array of Commonwealth judicial educators, many of whom are accomplished judicial administrators and prospective Chief Justices, to refine and enrich the course modules for incoming Chief Justices.

The Biennial Meeting was itself a deeply enriching experience. Judging from the feedback received, the breadth and calibre of the attendees ensured that each participant left better skilled and better informed. We were also fortunate to have outstanding facilitators and resource persons. Of particular note was Professor Richard Susskind, a leading authority on Artificial Intelligence in the justice process and legal technology, and an adviser to the Secretary-General. The feedback indicates that our judicial educators left not only

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with a clearer understanding of AI, but also with a stronger appreciation of the trajectory of its development and of how it may best be understood, taught and responsibly leveraged in judicial education and administration.

In addition to the Biennial Meeting, this issue reports on our flagship Intensive Study Programme, which was, as usual, a resounding success. I urge those aspiring to attend the next programme in June 2027, particularly those who require Canadian visas, to apply early—preferably by March—in view of processing timelines.

We look forward to exciting and educative times in the remaining months of 2026 and throughout 2027. As always, we count on the continued commitment and support of our CJEI Fellows.

A message from The Hon. Mr. Justice Peter Jamadar CJEI Vice President (Programming)

To date the CJEI can report on three significant programming events and developments. It is my responsibility to ensure that these interventions are successful, and I am pleased to report on them as follows.

i) **CJEI’s 11th Biennial Meeting of Commonwealth Judicial Educators**

The CJEI’s 11th Biennial Meeting was held in Delhi, India, 13-15 February 2026, co-hosted with the Supreme Court of India (SCI). The theme was ‘Educating for Judicial Leadership’.



The CJEI was founded in 1994. The first CJEI Intensive Study Programme (ISP), which graduates CJEI Fellows, was held in 1995, in Halifax, Canada. They have continued annually.

Since then, Fellows have met on every continent and on many island states biennially, on the invitation of host Judiciaries. These Biennial Meetings are intended for judicial educators, particularly CJEI Fellows. An invitation-only Meeting, it is curated to share the CJEI’s continuously evolving insights into judicial education.

With the Chief Justice of India, a CJEI Fellow leading the way, we focused on: i) ‘Judicial Leadership in Our Times’ (an address by the Hon. Chief Justice Surya Kant); ii) ‘AI: Leadership Imperatives and Challenges’; iii) ‘Environmental Justice: How Judiciaries are Leading the Ways Forward’; iii) ‘Judicial Wellbeing: Why Leadership Matters’; iv) ‘The Use of Great Literature: “*Panchparameshwar*”’; v) ‘Navigating Judicial Integrity and Independence in Changing Times’; vi) ‘Leading through Judgment Writing’; and vii) ‘Judicial Leadership: Programme Design and Development’.

These sessions were led by international judicial officers-educators, moderated by CJEI Fellows, and introduced by short special addresses by judges of the SCI. The sessions were interactive, included the use of live polls, produced lively discussion, and were supported by pre-session electronic surveys. There was also a facilitated experiential ‘chair-yoga’ session which was well received. Participating jurisdictions presented ‘Judicial Education Success Stories’ which allow us to learn together when we share our experiences.

The hospitality of the SCI was amazing. Breathtaking cultural shows opened and closed the programme, and we were treated to the most delicious cuisine from across India. For accompanying persons, there was a parallel programme, spread over two days. Which, from all reports, was outstanding.

In all there were about 60 participants from 14 Commonwealth countries and other jurisdictions.

As Vice President (Programming) and a CJEI Fellow (2004), with overall responsibility for design, content, and delivery, I am very satisfied that this Biennial Meeting was of great value for all who participated. The true fruit will be experienced when attendees returned to their local jurisdictions and implement our newly acquired insights.



Participants of the 11th Biennial Meeting

ii) CJEI's 31st Intensive Study Programme for Judicial Educators

The CJEI's 31st Intensive Study Programme (ISP), was held from the 31 May to 12 June 2026 at Dalhousie University, Halifax, Canada. These two weeks are the core substantive teaching-learning part of the ISP. The third week, from the 15 to 19 June, is the Study Tour segment when participants travel to Ottawa and Toronto and engage in judicial institutional exchanges and dialogical sharing.

The 31st ISP concluded successfully with the graduation of seventeen CJEI Fellows, from the Caribbean, Africa, India, and Papua New Guinea. From the ISP's inception in 1995, there have been close to 500 CJEI Fellows spread across the Commonwealth and elsewhere. Of these, over 50 have been or become Heads of Judiciaries, and almost all are leaders in judicial education. Indeed, two have become Heads of State. The CJEI's role in the development, spread and support

of judicial education across the world spans three decades and its impact on the transformation of judiciaries and judicial officers has been immense. In many regions and through its Fellows, the CJEI has been instrumental in facilitating the setting up of judicial education institutes and academies.

I have primary responsibility as Director of the ISP to ensure that it meets the highest standards of judicial education. This ISP met and exceeded those standards because of the generosity of the Dean of the Law School (Prof. Sarah Harding) and core faculty from Dalhousie, the excellent administrative support of Sandra Hutchings, the visionary leadership of Justice Sandra Oxner, and through the efforts of our skilful ISP co-director Justice Brian Lennox. Two enthusiastic and efficient student interns assisted, Rebekah Jamadar and Liam Foran-Spragge. A third intern, Chloe Rankin rendered helpful assistance. The ISP also benefited from the generous hospitality of the Lieutenant Governor of Nova Scotia (Hon. Mike Savage), the Minister of Justice and Attorney General of Nova Scotia (Hon. Scott Armstrong), and of Professor Joseph Sadek, who each invited participants for a social evening.

Our focus was on the judicial role as a public service, and on how judicial education can effect individual behavioural change and institutional cultural change in furtherance of this core insight and objective. For us at the CJEI, public trust and confidence in the administration of justice is the ultimate arbiter of judicial legitimacy and authority. And judiciaries and judicial officers are called to ensure that the delivery and court users experiences of justice, in each nation state, meet the constantly evolving standards of ICEE (Integrity, Independence, Impartiality, Competence, Efficiency, and Effectiveness). And that these ICEE values are achieved +W, while ensuring the wellbeing of judicial officers, judiciary staff, and court users.

The 2026 Fellows are all exceptional professionals who will make outstanding judicial educators. Indeed, several will likely assume the highest offices in their national judiciaries.



Participants of the 31st Annual Intensive Study Programme

iii) CJEI's Chief Justices and Chief Judges Programme

Under the leadership of Justice Adrian Saunders, former President of the Caribbean Court of Justice and Vice President CJEI, ably assisted by Justice Kashim Zannah, Chief Judge of Borneo State, Nigeria and President CJEI, and Justice Ivor Archie ORTT, former Chief Justice of Trinidad of Tobago, a working draft of a four-day intensive Commonwealth Chief Justices and Chief Judges Programme has been developed.

This programme is intended to fill a void in the Commonwealth, and to provide a comprehensive 'orientation' and on-boarding programme for new and prospective Chief Justices and Chief Judges. The programme was developed through research and after wide consultation with Commonwealth Chief Justices, Chief Judges, and CJEI Fellows. It is hoped that it will receive the imprimatur of approval by Commonwealth Chief Justices in 2027 and be offered as a resource throughout the Commonwealth.

The year 2026 has thus far been a very successful one for the CJEI in terms of programming.

Through education, transformation is possible. Effective, resilient, and visionary judicial leadership is democratic, inclusive, and collectively empowering. We are better when we do it together.

TANGIBLE JUSTICE IN THE TRIAL COURT: GLIMPSES INTO A JUDICIAL LIFE ¹

By Roshan Dalvi, Former Judge, Bombay High Court (CJEI Fellow 2009)

*I'd rather entertain and hope that people learn
Than teach and hope that they are entertained
- Walt Disney*

1. It is the Trial Courts for which the Chartered Courts were established by the Royal Charter about 165 years ago. They have molded the civil and criminal jurisprudence.
2. The Rule that "procedure is the handmaiden of justice"² remains a cliché. It is not only to be preached, but also to be practiced that a cause of action can never be thwarted by procedural technicalities.
3. American Criminal Courts have evolved creative punishments which would serve the cause of justice better than punishment of mere sentencing or fine. The most well-known of such orders was against a tightrope walker, in New York City who, upon the prosecution dropping charges of criminal trespass, was directed to teach school children in Central Park, New York, the art he knew but only from the height of 5 ft. from the ground³. The most recent of them is

¹Extracts from the book of the same name of the author available on Amazon

²For one of the many such Supreme Court Judgments see Arshad S.K. v/s Bani Prosanna Kundu & Ors dated 24th April, 2014 in Civil Appeal No.4805 of 2014

³A Frenchman Phillippe Petit walked on 1 inch diameter wire between the Twin Towers in NYC, NY, in 1974

the order upon conviction of a drunken driver directing him to download ride-hailing apps, such as Uber and Lift apps, as also his credit card number as a condition of his probation⁴.

4. The 'anti-drug courts' in Canada is an effort to bring down the costs of maintaining a convicted drug addict found to have committed the offence of possession of the statutorily banned drugs. Upon conviction, such persons are ordered to undergo awareness programs and trainings in the after-effects of drugs and given certificates by the Court upon completion of the training course and showing signs of withdrawal and released from custody. It is anticipated that the State saves much of the one lac dollars a year which is the average cost of maintaining a defendant in prison.
5. The judgment of the Supreme Court of India enjoining all Criminal Courts of the country to consider the question of compensation at the time of conviction is not a mere precedent of sorts; it is judicial creativity in criminal matters⁵
6. In the Civil jurisdiction admitted facts and legal positions make for the applications of doctrine of *Res Ipsa Loquitur*.

Your attitude determines your attitude

7. When my son was little boy of about 6 years, he wanted to know what I did each day at work. I told him, in story form, some of the cases which I thought would be interesting to narrate. I told him, how I would "decide" some of those cases. He felt that "to decide" was the main ingredient of my business. He asked me one day upon hearing one of the mundane cases: "Do you ever decide like Birbal, or do you only 'decide'? That left a stabbing imprint on my mind. I believe that the work of the Judge is much different from the work of the clerk. A Judge forges new tools and devises new remedies not only by expansive interpretation but judicial creativity, the only end being to do ultimate justice between the parties, but to do it differently, speedily and while the iron is hot and with the evidence of a party, oral or documentary, brought before the court accepted by the court impromptu, and quite often, seeing the truth and passing appropriate order against that party herself/himself.

The smallest good act is greater than the greatest good intention.

8. 'A certain small relief today is better than an uncertain large relief later' -is the basis for civil case settlements and some of the judgments and orders I passed during my 27 years as a Judge enumerated thus:⁶

⁴The order of the Municipal Court Judge, Ohio, Michael Cicconetti was a direction against all such defendants (accused) upon the reasoning that all persons should take advantage of the applicable and available technology to make for safer driving which would be "a cheaper alternative to thousands of dollars spent after a drunk driving arrest.

⁵Ankush Shivaji Gaikwad vs State of Maharashtra - 2013(8) SCR 863.

⁶Several cases are reproduced from memory of bygone years. The details of certain case numbers and parties are not available and hence not cited. Some cases are reported in Law Journals, but designedly not cited to maintain privacy of the parties, given the nature of the article and the expected readership by students, young lawyers and young judges. The cases of the Bombay City Civil and Session Court, Mumbai and Family Court, Mumbai are not documented as these courts are not courts of record.

- a) In the case of the suit filed by a mother on behalf of her minor son for the son's share upon partition in a HUF, the mother claimed to be in exclusive possession of a flat. The parties had purchased two flats and merged them. The mother claimed half of the larger flat. It stood in her name along with her mother-in-law. The other flat stood in the names of her husband with his mother. She did not claim to be in exclusive possession of that portion of the flat. The husband sought to dispute her possession. He claimed that his mother and he also enjoyed possession of the entire flat. In a bid to substantiate that case he produced photographs at the hearing of the interim application relied upon in an additional affidavit filed by him in court that day and without offering the photographs, which were his documents, for inspection to the Plaintiff mother. Reliance upon the photographs were seriously opposed. The court, however, cannot turn a blind eye to the truth.

I wanted to see the photographs. Of course, the Plaintiff mother would be shown the photographs and would be entitled to explain them if they were found to be material documents on which the Court would pass its order against her. The photographs were glaring. They disproved the case of the estranged husband just as firmly as they were sought to prove his false case. What did the photographs show? They showed the husband, his mother and his siblings at the dinner table in the disputed flat having dinner. And the dinner table had dinner plates and a large tiffin box on the dining table! No one would ever serve dinner in a lived-in home from a tiffin box. The photographs sealed the fate of the case and order of injunction followed. But no matter what, and any which way the husband might seek to create evidence, the document produced by himself would slap him in the face.

Simplicity is the ultimate sophistication.
- Leonardo Da Vinci

- b) A Civil dispute involved two warring brothers for two distinct properties left by their father in Mumbai. An ancestral home was also a part of his estate which was occupied and enjoyed by their mother and sister in their village. Consent terms were sought to be made between the parties. The mother and sister stayed satisfied with the ancestral home. The brothers divided the two unequal properties equally between themselves in kind and cash. The mother and the sister did not understand English. The Defendant brother got the consent terms interpreted to them in the office of the Official Interpreter. The brothers signed the consent terms. Order in terms of the consent terms was not obtained. About half a year later, the real estate prices having risen, the Defendant brother backed out. The Plaintiff brother applied for an order upon the consent terms as well as the injunction against transfer. The Defendant refuted the agreement despite having signed it. The case was word against word. The Plaintiff contended that not only had the Defendant himself signed it, but that he procured the signatures of the mother and sister upon interpretation before the Official Interpreter.

I sent for the Official Interpreter. The Advocates continued to argue. The Officer arrived in about 20 minutes. The consent terms were executed about 10 months prior to the date of the hearing of the application. I asked the Officer whether she had signed the consent terms. She accepted her signature. She further volunteered to state that the top left-hand corner and the bottom right-hand corner of each page was required to be initialed

by the interpreters. She pointed out her initials on every page. I asked her whether she would remember the parties, who attended before her since it was a matter of an incident only 10 months old. She said that she would see if she could remember the person. I told her to turn and showed her the Defendant. She showed a clear recollection of the Defendant. I showed her the Plaintiff. She immediately refuted having seen him. She again saw the Defendant and confirmed that she recollected seeing him.

I had the clear, impromptu evidence of the most independent witness. Whatever, else the parties might say, this evidence would prevail at the final stage. An order of injunction followed immediately.

*When it is obvious that goals cannot be reached,
Don't adjust the goals; Adjust the action steps.*

- c) A poor father of three children, whose mother had died in her maternal home, applied for custody of the children brought to Mumbai from Balasinor near Baroda, Gujarat by the maternal grandparents. The father came to Mumbai to apply for custody. He took up employment in a general store selling utensils. The grandparents contended that he was not a fit person to be the guardian of the children and hence opposed the grant of custody. The application was by the first natural and legal guardian himself. Yet a total lack of employment may disentitle him to the relief. A poor man, however, cannot be disentitled by virtue of his poverty if he is otherwise entitled. Having an employment, however meager, would not disentitle him. The father claimed that he worked as a salesman in a shop. He produced the visiting card of the shop. His entitlement would hinge around his employment at the place of his employer shown in the card. The visiting card had, inter alia, a telephone number. It would show the truth or falsity of his oral case. The visiting card may be the substantiating evidence or a false document only flung at the court as a tactic.

I asked the Advocate to telephone that number from his mobile phone in the court itself. The number being connected, I was handed over the instrument. I enquired of the person on the telephone line where Dharmendra (the father) was. I was told that, he had a *lafda* in the Court where he had gone. I got the answer. I knew the truth of the case of the father. The father, who was constrained to come from Balasinor to Mumbai and then to live in the metropolis had to fend for himself and his children. He took up a job. He brought truthful evidence before the Court. The case that he was an unemployed vagrant was busted. He was entitled to the custody of his children as their natural and legal guardian. The parties worked out final amicable settlement for the care and custody of the children between them.

*Human mind is like a parachute;
It works only when it is open.*

- d) A young widow applied for grant of letters of administration to the estate of her deceased husband. Her mother-in-law as well as her daughter opposed the grant. They led evidence of her unfitness for the grant. They sought to show that she had abandoned her child since her infancy. Their own oral evidence showed that father had died when his child was 6 years old and attending school in standard 1. The nomination for his GPF was

in the name of the mother (his wife). She applied for and procured the GPF amount. It was contended that she had appropriated the entire GPF amount to herself and had also taken the amount of pension of herself and her daughter.

The oral evidence of the widow was that she was evicted from her matrimonial home upon the death of her husband and her child was kept by her parents-in-law at her matrimonial home where they shifted from their own residence and took charge. The evidence of the mother-in-law itself accepted her own change of residence. This showed that the father had lived with his wife and child in a nuclear family, separate from his parents. Had the mother abandoned the child in her infancy, the father would have been constrained to live with his parents to bring up the child. That was not the case. The nomination was also the guide. Had the mother abandoned the child in her infancy, the father (deceased) would have changed his nomination. He did not. These two circumstances showed the truth of the case of widowed mother and exposed the untruth of the other case. The only opposition to the grant of the Letters of Administration to the mother was that the mother (widow) had appropriated the GPF amount and collected not only her pension, but also the pension amount of her own daughter. It would be the latent evidence that would prove the case of the parties.

Alas, it appeared that the child had grown up with the untruth regarding her mother. She was kept away from the mother. The mother-in-law and the daughter were, strangely, too inimical towards her. The mother apparently allowed her child to be reared where she would have more material comforts. One must empathize with the silent sacrifice of a mother thrown out of her matrimonial home. The court must heed the silence which is latent and apparent.

The Court must hear those who cannot shout; listen to those who cannot speak.

I could not see how the mother (widow) was unfit to be granted the Letters of Administration. The amount of GPF and pension could be adjusted against the other properties, movable and immovable, when the estate was administered. I called the daughter who was then 19 years old and pursuing college studies to my chamber and told her to see what I saw. I hope it had made a difference in her mind about the poison she felt for her mother needlessly and wrongly. I have not met her since. I granted Letters of Administration to the mother (widowed wife).

Justice is so subtle a thing that to interpret it one has only the need of a heart

- Jose Gracie Oliver

- e) A young widow claimed a share in the HUF agricultural land cultivated by the family. Ironically, the mother-in-law and the sister-in-law, who sought to oust her, were both widows. They even disputed that she was the widowed wife of the deceased son/brother.

I called for and saw the revenue records of earlier years maintained under the Maharashtra Land Revenue Code. The wife's name was amongst the others in the family. That was independent circumstantial evidence of proof of marriage. She did not have to prove by other means, such as her marriage certificate, her marriage to the deceased; she was granted interim maintenance and allowed to live in her matrimonial home.

A family is more than just a last name.

- f) A wife, who had eloped with a young man and married him, left him and married another without obtaining a legal dissolution of her marriage. She simpliciter contended that there was no marriage prior to her disputed marriage. She was a Hindu. She had married a Muslim boy. The marriage was evidenced by a Nikah-Nama. The document was almost entirely in Urdu language with spaces for the signatures of the parties in the middle of the document and for signatures of the witnesses towards the bottom of the page. The husband relied upon the Nikah-Nama. The wife refuted the document stating that she had put her signature on it only as an application for obtaining a Ration Card which her collage friend (the husband) told her to sign to obtain. The unusual case of the wife was astounding.

I recreated the scene as it happened in the evidence of the wife upon questions put by the Court. It was inconceivable that for the grant of the Ration Card an Urdu document was signed in English in the middle of the page, so she deposed how they went to the office of a lawyer which had books strewn about on the table below which was the document. She could not and would not see where she put her pen to paper. She was asked to show how the paper was kept with various books blocking its view and how she signed. Much as she tried, she could not similarly sign any such paper, the books blocking the page almost entirely. Her own evidence clinched the issue to dismiss her suit for the declaration sought.

*Rightly Said:
Law + X = Justice*

- g) In the matrimonial jurisdiction of the Bombay City Civil & Sessions Court, a gross case of a mother being deprived of the custody of her child required me to interview the child. The child was taken from the Mumbai School to Gujarat and kept in a boarding school away from his mother and without her knowledge and consent by the estranged father. The mother was devastated and applied for custody.

I knew that the child would surely be tutored to state that he did not desire to go to the mother. I asked the child various questions about the boarding school to ascertain how well he was placed there. His answers showed that the students slept on bunker beds and had chest of 3 drawers for their books, clothes and shoes and food together. The school was distinctly not an enviable surrounding for his upbringing. It was no comparison to the love and care of a mother even in a humbler environment.

In the court itself and on that day itself I handed over the custody of the child to the mother from which lawful custody the child was kidnapped though by the father who is the first legal and natural guardian of the child; the mother being the lawful guardian in his absence and sent far and away. I got the order executed in my Court itself. The Advocate shouted that the child had said that he did not want to go to the mother. But I did not even ask the child such a question; I knew that the child was incapable of understanding or elucidating what was good for him. Of course, I directed the mother to

invest a reasonable amount from the interest of which she would educate the child given that there was no hope that the father would perform his duty of maintaining the child.⁷

*Justice without force is powerless;
Force without justice is tyranny.*

- h) When I presided over the Criminal Court dealing with atrocities against women and children, I had to try a case of a sexual assault of a minor girl. Such cases were largely amenable to judicial sensitivity and call for empathy; I would describe the requirement by the portmanteau 'sentipathy'! I recorded the evidence of the mother of the child victim, who was the complainant, first. I fixed the date and time of the evidence of the child victim/witness. Such evidence was to be recorded in-camera. Though the dictionary meaning of the expression 'in-camera' is 'in chambers', it was a practice in all criminal courts that in-camera trial meant that outsiders were to be ousted from the court. I consider such practice not only inadequate, but inappropriate. A child, who is a victim of a violent crime such as sexual assault comes to court with fear of disclosure, anxiety, doubt, disbelief, disgust, confusion, lack of confidence, helplessness, lack of trust, suspicion and frustration in the justice system. She has feelings of guilt and loss of security. The violence against her person destroys psychology, devastates life and leaves a bitter shock. She fears the accused, the Judge, the prosecutor, the Defendant's advocate, the Police and perhaps even the Court Officers. She does not fear strangers, passers-by and by-standers (excepts of course if it is a case of a celebrity) In fact, she gets strength in numbers. It is no use to keep her in a large court room with only the persons she fears and with all other persons gone. She would be lonely and against the entire court coterie including the Judge.

I decided to conduct the trial in my chamber. I worked out the arrangements with my staff before the date fixed for her evidence. I trained them in making her comfortable when she arrived, not letting her access to the accused. The case was fixed in the afternoon session immediately after the lunch break. She would attend after her school. There was little time that she would have exposure to the accused, his lawyer or the court before her matter would be called out. So soon as it was called out, I declared that I would conduct her evidence in my chamber and left the court. I had directed my court officer to send her, followed by the two advocates and her mother, to my chamber. My stenographer was to take down the evidence on the computer got placed in my chamber in the recess. The child came in my chamber as directed, followed by the lawyers and her mother. I had disrobed before she arrived. I placed her exactly in front of me at the same level. I requested both the lawyers to flank her. I placed her mother next to me to my left and to her right at 45-degree angle. My stenographer was to my right. The peon and the Investigating Officer were directed to be at the door. The accused was directed to be brought in and kept right behind the victim girl. He would get his right to hear and see the trial. I directed the advocates to tone down their voices as they were sitting close to her. I directed the prosecutor to begin the evidence and to keep the identification of the accused at the very end of the examination-in-chief. She narrated her story. She was

⁷The case was filed in the Bombay City Civil Court & Sessions Court which then had matrimonial jurisdiction and which is not a court of record. Vasa v/s Vasa. The order was passed on 29th Sept., 1989, two days before the commencement of the Mumbai Family Court.

oblivious of the fact that the accused was behind her. She was comfortable and at peace. When she was asked about the identification of the accused, she stated that he was not there. She was asked to look around. She turned around to see the accused staring in her face. He had behaved well throughout the evidence. I had continuously looked at her as also the accused who was right behind her throughout the trial. She instantly became ashen when she saw the accused. For a good long minute, she did not respond. I thought that she will not identify the accused as is traditionally done. I would record her demeanor which was itself his identification. But she turned around and stated he was that uncle, who had committed that offence. She was cross-examined that same day. The cross-examination completed well into the evening. She was free of the shackles of secondary victimization that is the court procedure. The court room conduct and the court climate created thereby made for the answer to my call of conscience.

*I hold that the more helpless a creature, the more entitled it is to protection
by men from cruelty of men.
-Mahatma Gandhi*

- i) I carried a similar interesting baggage of a fine mix of civil and criminal jurisdiction to the High court where I essentially remained a trial judge trying not only civil suits but also criminal cases with a 'civil' flavor as the Special Court.⁸ These involved bank frauds of enormous amounts fraudulently appropriated from the public exchequer by private parties in collusion with and by corruption of public officers. In a case which involved 16 accused in 17 transactions between two banks involving 8 offences under the Indian Penal Code (IPC) resulting in 101 charges, the oral evidence unmistakably demonstrated the strategy and tactics of the white – colored accused persons in colluding with and corrupting the prosecution witnesses themselves - (dirty habits die hard) - when they encountered an impregnable rock of Gibraltar in the court. It was a clear case of how oral evidence must stand excluded by documentary evidence.⁹ The salubrious provision was the lone factor that outweighed and outwitted the overreach.

Though the witnesses turned turtle and deposed ostensibly innocently about how they knew what the accused did not know or did, the documents, admitted to be executed and signed by them and/or the accused and which stared at them in their face, called their bluff.

I enumerated 17 transactions in a columnar statement showing the glaring facts as manifested by the documents of the accused themselves and their bank records and calculated the loss to 'Mother India' which was a whopping gain of more than the net amount of 10 crores to the main accused who was a qualified chartered accountant (and who brought such glory to the Institute that made him so). Upon the principle of payment of interest that follows the event and of compensation which is mandated to be considered by every criminal court of the country, I computed and directed payment of

⁸The Criminal trials were under the Special Court (Trial of offences relating to transactions in securities) Act, 1992.

⁹See section 91 of the Indian Evidence Act, 1872.

Rs.40.40 crores for 21 years that the misappropriated amount must be taken to have been utilized by such accused person as compensation to the public treasury.¹⁰

*The crime problem is an overdue debt the society pays for tolerating
for years the conditions that breed lawlessness*

-Earl Warren – 14th Chief Justice, United States Supreme Court

9. Though these cases are not ground breaking, path finding, earth shaking decisions, they take the judge that extra mile to reach out to people waiting and longing for justice. Such are the cases that can evolve creative, conceptual jurisprudence. It is more an art than a science. It calls for a departure from mediocrity.

That is what learning is:

You suddenly understand something you have understood all your life, but in a new way.

10. A short poem applicable to the work of a large section of the citizenry and a wide array of professionals - teachers, doctors, social-workers, architects, lawyers, NGOs, and Judges - would well be quoted:

*It only takes a minute
To bring someone good cheer
To wipe a fallen tear
To lend a helping hand
To try and understand
To make and keep a friend
Some broken heart to mend
It only takes a minute
To brighten someone's day
So, use this very minute
Before it slips away.*

31st Annual Intensive Study Programme for Judicial Educators (ISP)

The CJEI's 31st annual Intensive Study Programme took place from May 31 – June 19, 2026. The programme was directed by The Honourable Mr. Justice Peter Jamadar, CJEI Vice President (Programming) and Co-Directed by The Honourable Brian Lennox with administrative support provided by Sandra Hutchings, CJEI Administrator, with assistance from student interns, Liam Foran-Spragge and Rebekah Jamadar, and summer research assistant Chloe Rankin.

Seventeen participants attended this year's ISP: Mr. Jonathan Deal, Acting Stipendiary & Circuit Magistrate, The Bahamas; The Honourable Mme Justice Dr. Joycelin Kyte-Thomas, Court of Appeal, Guyana; The Honourable Madam Justice Deborah Kumar-Chetty, High Court of the Supreme Court of Judicature, Guyana; Ms. Alicia Lowenfield, Deputy Registrar, Supreme Court of Judicature, Guyana; Mrs. Tamika Barkoye, Deputy Registrar, Supreme Court of Judicature,

¹⁰Ibid 5

Guyana; The Honourable Mr. Justice Dinesh Mehta, High Court of Delhi, India; The Honourable Mrs. Justice Tania Mott Tulloch-Reid, Supreme Court, Jamaica; Her Honour Mrs. Anneil Coote-Guinness, Senior Judge of the Parish Court, Jamaica; Her Honour Mrs. Nicole Kellier, Senior Judge of the Parish Court, Jamaica; The Honourable Justice Violet Chipao, High Court, Malawi; The Honourable Justice David Gwong Mann, Chief Judge, High Court of Justice, Plateau State, Nigeria; The Honourable Justice Laura Wawun-Kuvi, National and Supreme Courts, Papua New Guinea; Ms. Josephine Kilage, Deputy Chief Magistrate Judicial and Administration, Magisterial Service, Papua New Guinea; Mr. Samuel Ellison Lavutul, Principal Magistrate, Magisterial Service, Papua New Guinea; Ms. Kimberly Berem, Acting Principal Magistrate, Magisterial Service, Papua New Guinea; The Honourable Mr. Justice Eddy Ventose, Justice of Appeal, Eastern Caribbean Supreme Court, Saint Lucia; and The Honourable Mr. Justice Iain Morley, High Court Judge, Eastern Caribbean Supreme Court, Saint Kitts and Nevis.



Intensive Study Programme Participants

The first two weeks of the ISP were held at the Schulich School of Law at Dalhousie University in Halifax, Nova Scotia, Canada. Participants attended sessions and completed assignments on a variety of topics: Designing Teaching for Learning; Understanding Learning and Learners; Video Teaching Tools; Objectives, Overview, and Scope of Judicial Education; Learning Outcomes; Curricula Development and Needs Assessment; Activating Active Learning and Teaching; Fostering and Maintaining Public Trust and Confidence in the Judiciary through the Practice of Procedural Fairness; Legal and Organizational Structures of Judicial Education Bodies; Psychological Well-being; Judiciary Well-being; Session Plan and Organization; Judicial Arrogance; Developing an Orientation Programme; “Great” Judgments and “Great” Judges; Judicial Education and Art; Judgment Writing; Long Range Judicial Education Planning; Judicial Education Films; Self-Represented Litigants; Learning Management Systems and Online Learning Environments; Challenges of Judicial Education; Developing and Delivering Training Tools on Judicial Ethics; Animals as Legal Persons; Use of Great Literature in Judicial Education Programming; Process Delay; Artificial Intelligence and Judicial Education; and The Judicial Role – A Public Service.

In addition to the academic sessions, social events included a Halifax City Bus Tour, sightseeing trips to Peggy's Cove and Lunenburg, a tour of Province House and reception hosted by The Honourable Scott Armstrong, Minister of Justice and Attorney General; a reception hosted by His Honour The Honourable Mike Savage, ONS, Lieutenant Governor of Nova Scotia at Government House; buffet dinner at the home of Dr. Joseph Sadek; impromptu performance by famous Canadian singer-songwriter Jimmy Rankin; and reception and dinner at the Officers' Mess of Royal Artillery Park.

Following the study portion, the final week of the programme was spent in Ottawa and Toronto. In Ottawa, the participants started off their stay with a VIP Tour of Gallery Highlights at the National Gallery of Canada. They visited the Superior Court of Justice, the National Judicial Institute, the Canadian Judicial Council and the Supreme Court of Canada. They also had the opportunity to visit the office of the Honourable Lena Metlege Diab, Minister of Immigration, Refugees and Citizenship, who arranged for them to visit Parliament Hill and sit in the Gallery during the "Question Period" at the House of Commons.

After landing in Toronto, participants took a bus tour to Niagara Falls. The rest of their week was spent visiting the Ontario Court of Justice and the Court of Appeal for Ontario at Osgoode Hall and attending courts in session. The week ended with a final lunch before departing Canada.

Overall, the 31st ISP was highly successful based on the positive evaluations and feedback received. Many participants commented on the expertise of the facilitators, expressing a desire to delve further into many of the topics covered. Participants praised the enlightening and diverse content of the course and felt that their attendance at the Intensive Study Programme would directly improve their ability to face the challenges of judicial education / judicial reform in their home jurisdictions.

ISP 2026 Student Intern Reflections

In the past, we have gathered and shared ISP reflections from faculty, participants and returning participants. This year we decided to showcase reflections from the two student interns who offered classroom assistance for the two-week Halifax portion:

- Liam Foran-Spragge, JD Candidate, 2028, Schulich School of Law, Dalhousie University

Being an intern for the CJEI ISP this past June of summer 2026 was both a stimulating and influential experience. My role with the programme began by greeting Judges at the airport and ensuring they made it safely into their limos and on to their hotel in Halifax. Meeting Judges from across the world, as far as Papua New Guinea, was a special experience and one that I will remember for the rest of my life. The Judges brought with them not just information about their local judiciaries but a wealth of interesting personal experiences and getting to hear their stories was one of the most rewarding parts of the role.

Beyond the airport welcomes, my responsibilities spanned organizing and distributing coursework materials and feedback forms, tabulating feedback, setting up break times with snacks, and providing Judges with directions around the city. It was a role that required attention to detail and a lot of behind-the-scenes coordination, but it gave me a real appreciation for everything that goes into running a programme of this calibre.

While the programme was hard work for the Judges, and I worked hard to keep things on track, there were plenty of opportunities to explore and enjoy Halifax as a group. From visiting Government House and Province House to a tour of the city and a trip out to Peggy's Cove, the activities kept us all engaged. Peggy's Cove was a personal favourite of mine. The scenery is incredible, and it was a lot of fun climbing the rocks and taking photos with the Judges.

Another fond memory was walking with a group of Judges from the Weldon Law Building to Dr. Sadek's house and back to their hotel one afternoon. It was a simple activity, but a memorable one, getting to spend time with judges in a more casual and active setting outside of the classroom or a formal event.

Over the course of the programme as a whole, I developed a deeper understanding of how judges are trained, the requirements of adult learning, and some of the broader challenges universally faced by judiciaries across the Commonwealth. Looking back, this internship gave me far more than mere work experience. It gave me the chance to connect with brilliant, accomplished people from around the world, to learn about judicial systems I knew little about, and to share some parts of my own city that I love with others. It is an experience that I will carry with me for a long time.

- Rebekah Jamadar, a recent graduate from the University of Toronto's John H. Daniels Faculty of Architecture, Landscape and Design, on the path to pursuing a career in Law

The 2026 CJEI ISP programme not only exceeded the expectations of the participants but also surpassed all that I could have imagined to gain from this experience. Prior to the start of this placement, I was unsure what the tasks would involve and what my role would entail. Having concluded the two weeks, I am grateful for the opportunity to exercise both hard and soft skills in an unfamiliar environment, acquaint myself with the Schulich School of Law, work alongside esteemed participants and create a community that spreads internationally and lives on beyond this programme.

As an intern, my hard skills were strengthened by daily tasks of distributing and collecting evaluation forms, capturing photos during each module and remaining abreast with that day's activities, as well as the upcoming activities later in the week. My soft skills were showcased during morning and afternoon breaks, when participants would require assistance navigating the space and decompressing. As I am heavily considering Dalhousie University for my JD studies, it was a privilege to occupy the building and acquaint myself with the campus as well as the staff. Being able to sit in on the sessions at times and witness the various participants' responses and conversations brought excitement and clarity along this path for me. Additionally, immersing myself within Halifax during the commute from Cambridge Suites to the Schulich Law School, as well as guiding participants to the various receptions downtown made me confident that Dalhousie and Halifax is a place I would enjoy inhabiting in the future.

Finally, it was a delight collaborating with the mentors, facilitators and participants over the past two weeks. I deeply enjoyed seeing the participants relax and form relationships in the classroom. It was incredible seeing their minds expand as the talented facilitators guided them through sessions. It is worth noting how truly passionate and intelligent each facilitator is in educating and delivering their unique message. I am also deeply inspired by each of these educators - Judge Oxner, Justice Jamadar, Justice Lennox, Justice Zannah, as well as each specialist brought in to lead their session. It is also incredibly important that I acknowledge the efforts of Ms. Sandra Hutchings with whom I worked most closely and who never failed to amaze me with how diligently productive and organized she is. Without this craftful organization by herself and the other members, the learning inside the classroom could not have been so well balanced by the trips to Peggy's Cove, dinner at Dr. Sadek's home, incorporation of art and creativity through the teaching tool presentations and integration of wellness during yoga sessions and Jimmy Rankin's performance. The CJEI team truly practises what they preach, and I witnessed it first hand. Overall, this experience is irreplaceable and is one for which I am beyond grateful.

ACCESS TO JUSTICE: INDIAN FRAMEWORK AND NEW INITIATIVES

By Justice Rajesh Bindal (CJEI Fellow 2018)¹

1. INTRODUCTION

"Be you ever so high, the law is above you; be you ever so small, the law will befriend you."

- Justice V.R. Krishna Iyer

This quote symbolises the fight between access and non-access to justice. While a section of society tends to avail justice owing to their resources and awareness, there is a section that awaits justice due to their inability to afford it. The second part of this quote affirms that the legal system exists to protect rights and interests of even the most ordinary or disadvantaged class of persons.

Law is not simple for the layman. Ordinary citizens, especially the indigent and marginalised, cannot be expected to navigate the streams of legal complexity without any aid. Here, aid does not only mean representation, it includes covering their expenses related to court fee, documentation, travel and loss of income due to court visits. These may seem insignificant to many but for the disadvantaged, it is a barrier to justice. Lack of resources can deny justice. Justice, that must be an entitlement of all and not a luxury for few.

Access to justice cannot be ensured unless parties are able to present their case effectively. Legal aid steps in as a mechanism that can bridge this gap. Without legal aid, the lofty ideals of equality, justice and fair trial would never get fulfilled.

This article gives an insight of the presence of legal aid mechanisms in different forms since ancient times, through the medieval period until modern constitutional protection was granted. The large landscape of the institutional framework in place along with new initiatives are also highlighted.

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2. HISTORICAL EVOLUTION

2.1. JUSTICE AS “DHARMA” IN ANCIENT INDIA

In ancient times, the concept of justice was synonymous to that of righteousness. “Dharma” signified duty as well as righteousness, the right way to conduct social transactions. Ancient and medieval literary texts convey a conception of justice that is duty-centric rather than rights-centric. The burden of seeking justice did not rest upon individuals. Rather, the king was bestowed with the duty and non-delegable obligation to dispense justice to all alike and to preserve legal equilibrium. In Kautilya’s Arthashastra:

“In the happiness of his subjects lies the king’s happiness; in their welfare his welfare.” (Arthashastra, Chapter XIX, “The Duties of a King” in Book I. “Concerning Discipline”)²

Access to justice was not a directive or a benefit to be availed; it was a core function of judicial administration, inherent to the sovereign entity’s functioning. Justice occupied a status like that of other essential common goods such as air and water, the provision of which was not a point of deliberation, a discretionary service or a matter of individual bargain. Manusmriti similarly places justice at the heart of kingship:

“Justice, when protected, protects; justice, when violated, destroys.”³

This duty-based approach is quite a contrast to the modern rights-based discourse which requires individuals to apply for legal aid by cutting through eligibility criteria. In the ancient Indian legal system that was grounded in dharma, justice was to be accessed, it was not something that ought to reach. Mahabharata repeatedly emphasizes this idea, portraying the king as the custodian of justice whose failure invites social decay:

“When the king fails to protect dharma, disorder prevails, and the weak are consumed by the strong.” (Santi Parva)⁴

Justice, which was conceived as a shared resource, slowly transitioned into an object sought to be achieved upon entitlement contingent on awareness, affordability, or procedural requirements.

2.2. ACCESS TO JUSTICE IN MEDIEVAL INDIA

Just like ancient India, justice in medieval times also came to be conceived as a core function of sovereign obligation. If we turn to the Mughal reign in India, the moral duty of ruler to uphold justice was increasingly articulated through formal offices, courts, and procedures.

As a king, Jahangir’s first order was for the fastening up of the “Chain of Justice” or Zanjir-i-Adl, so that if those engaged in the administration of justice should delay or practice hypocrisy in the matter of seeking justice, the oppressed might come to this chain and shake it so that its noise might attract attention.⁵

For the first time in the reign of Aurangzeb, ‘Vakils’ (lawyers) were appointed to defend suits against the State in every district. They were known as Vakil-e-Sarkar or Vakil-e-Shara. They used to receive a fee of Rupee one. These Vakils had to give free legal advice to the poor.⁶

²Kautilya’s Arthashastra, translated by R.Shamasastri, pp.52.

³Manusmriti, Ganganath Jha, Motilal Banarasidass Publication, Volume I, Chapter 8, Sholka 15.

⁴The Mahabharata translated by Kasari Mohan Ganguli, Santi Parva, Book XII, Section XCII.

⁵The Jahangirnama, Memoirs of Jahangir, Emperor of India; translated, edited and annotated by Wheeler M. Thackston, pp.24.

⁶The Administration of Justice in Medieval India, Ahmad, Muhammad Basheer, (1941), Aligarh Historical Research Institute, Aligarh University.

These reflect a conscious effort to institutionalise access to justice beyond the personal benevolence of the Ruler. They symbolised the king's openness to hear grievances directly, while the appointment of lawyers marked an early recognition of the need for legal representation, particularly for the indigent. It symbolises a move towards a more inclusive and accessible system of adjudication.

2.3. PRE- INDEPENDENCE INITIATIVES

During the colonial period, the erstwhile criminal procedure governed by Code of Criminal Procedure, 1898 contained a provision⁷ wherein the accused had opportunity to be represented by a lawyer.

Early colonial codes, like the Code of Civil Procedure Code 1908, introduced the concept of an "indigent person," allowing those without means to sue without paying court fees. It was a direct evolution of the ancient principle that poverty should not bar one from the halls of justice

In 1924, Bombay Legal Aid Society was formed by lawyers. This was a landmark effort providing free legal representation and paying court fees for the poor, pushing for a nationwide system. In the 1940s, the influence of English reforms in the form of reports from England, like the Rushcliffe Committee Report (1946), spurred India to consider mandatory legal aid, recognizing it as a state obligation, not charity.

3. POST- INDEPENDENCE TRENDS AND CONSTITUTIONAL RECOGNITION

3.1. JUSTICE N.H. BHAGWATI'S COMMITTEE ON LEGAL AID AND ADVICE 1949

In 1949, drawing parallels from England's Legal Aid and Advice Act, 1949, there was insistence by the Bombay Committee on Legal Aid & Advice chaired by Justice N.H. Bhagwati for enactment of a similar Act in India and for implementation of its recommendations.

This committee stressed the implementation of legal aid mechanisms for all litigation or proceedings in criminal Courts, backward classes, cases before the tenancy tribunals, the workmen's compensation courts and the Industrial and Labour Courts, fully and partially assisted persons (terminology suggested in place of "poor" persons) in civil Courts.

It also suggested the entrustment of adjudication of minor disputes or petty civil or criminal cases to the Village Panchayats. Such a decentralised mechanism would bring justice closer to the doorsteps of the poor, reduce cost of litigation, and enhance access to justice for persons of limited means.

3.2. WEST BENGAL (TREVOR HARRIES COMMITTEE) 1949

The West Bengal Committee under the then Chief Justice of High Court at Calcutta Arthur Trevor Harris also recommended broader legal aid and recommended a structured, court-linked mechanism to determine eligibility for legal aid across the High Court, city courts, and districts in West Bengal. It recommended creation of a Legal Aid Society.

It proposed multi-member committees comprising judicial officers and representatives of the Bar, with safeguards to ensure impartiality by prohibiting presiding judges from later hearing the cases. Once legal aid was granted to an eligible litigant, the Committee recommended that no corresponding aid be extended to the opposing party.

The Committee recommended complete exemption of aided persons from court fees, process fees, and other litigation costs, with witness expenses to be borne by the State. Lawyers' fees were to be paid by the Legal Aid Society, subject to prescribed ceilings for the High Court, city courts, and districts.

⁷Section 340, Code of Criminal Procedure, 1898.

3.3. THE LAW COMMISSION OF INDIA (FOURTEENTH) REPORT 1958

Law Commission of India report titled "Reform of Judicial Administration," the lack of legal representation for low-income petitioners is a significant issue rather than a minor procedural concern. It recommended:

"We therefore recommend that:

- a) *Representation by a lawyer should be made available at Government expense to accused persons without means in all cases tried by a court of session;*
- b) *Representation by a lawyer should be made available at Government expense to applicants without means in proceedings under section 488 of the Criminal Procedure Code;*
- c) *Representation by a lawyer should be made available at Government expense to an accused person without means at the time of the final hearing of a jail appeal which has been admitted;*
- d) *The explanation to Rule 1, Order XXXIII of the Civil Procedure Code should be amended so as to entitle a person who is not entitled to property worth Rs. 1,000 to sue as a pauper or alternatively so as to define a pauper as a person who is not possessed of sufficient means, other than the subject-matter of the suit, to enable him to pay the fee prescribed by law;*
- e) *Order XXXIII of the Civil Procedure Code should be amended so as to enable a person not only to sue as a pauper but to defend a suit or other proceeding as a pauper*
- f) *The expression "pauper" used in Order XXXIII should be replaced by the expression "assisted person" or "poor person"*
- g) *Rules of the High Courts should give power to the High Courts and subordinate courts to provide, in proper cases, counsel to the pauper litigant, such counsel being chosen out of a panel of counsel who have expressed their willingness to be on the panel."*

3.4. JUSTICE V.R. KRISHNA IYER COMMITTEE REPORT 1973

The government of India appointed an expert committee in 1972 on legal aid under the Chairmanship of Mr. Justice V.R. Krishna Iyer to consider the question of making available legal aid and advice to the weaker sections of the community and persons with limited means in general and citizens belonging to socially and educationally backward classes in particular.

In 1973, the Committee came out with a systematic and elaborate report titled *"Processual Justice to the People"*. It recommended-

- . creation of National Legal Services Authority
- . establishment of Legal Aid Committee at Taluk and District headquarters and
- . the enactment of a comprehensive legislation for setting up legal aid bodies at the All-India and State level
- . task of implementing the proposals be entrusted to a special cell.

The report also accorded the legal aid efforts the status of judicial arm of the *Garibi Hatao* initiatives of the then ruling government. It was envisioned as a humanist and more practical perspective and not as a professional gratuity.

3.5. JUSTICE P.N. BHAGWATI LED JURIDICARE COMMITTEE 1976

In May 1976, the Government of India constituted the Juridicare Committee to consider the question of legal aid and advice to weaker sections of the society and to make recommendations for establishing and operating a comprehensive and dynamic legal services programme. Mr. Justice V.R. Krishna Iyer was its Member.

It formulated recommendations for legal aid schemes, focusing on assisting the most helpless members of society with various types of aid through community development. The Report further discusses how clinical legal education and student efforts in legal aid clinics may contribute to the legal profession.

3.6. DIRECTIVE PRINCIPLE OF STATE POLICY

Legal aid received constitutional recognition via incorporation of Article 39A in 1976. through the Constitution (Forty Second Amendment) Act, 1976 w.e.f. 3.01.1977, which designated it a status of Directive Principle of State Policy whereby it provides –

“Article 39A: The state shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities”

3.7. COMMITTEE FOR IMPLEMENTING LEGAL AID SCHEMES” (CILAS) 1980

Hon. Justice P.N. Bhagwati chaired the Committee for Implementing Legal Aid Schemes, founded in 1980 to oversee and administer legal aid programs. With the object of providing free legal aid, the Government of India, by a resolution dated 26th September, 1980 appointed a committee known as “Committee for Implementing Legal Aid Schemes” (CILAS) under the chairmanship of Mr. Justice P.N. Bhagwati to monitor and implement legal aid programmes on a uniform basis in all the States and Union Territories. CILAS was wholly funded by the Central Government.

The Committee stated how court-centric legal aid alone cannot achieve the object and there was need for organizing legal aid camps, promoting legal literacy, paralegal training, legal aid clinics in educational institutions, and class actions through public interest litigations. It emphasised expansion of legal literacy camps, popularizing informal dispute resolution through Lok Adalats and establishing legal aid cells in educational institutions.

4. ROLE OF INDIAN JUDICIARY IN EXPANDING SCOPE OF LEGAL AID

4.1. TRANSITION OF LEGAL AID INTO A FUNDAMENTAL RIGHT

While the aforesaid amendment laid a foundation, it was the Supreme Court that elevated the provision of legal aid to the status of a fundamental right and interpreted it to include within the scope of Article 21, the Right to Life and Personal Liberty.

The seminal ruling in ***M.H. Hoskot v. State of Maharashtra***⁸ brought the right to legal aid within the ambit of Article 21, with the court famously remarking that it is the *“State’s duty, and not Government’s charity”*. This declaration transformed legal aid from a mere policy directive into a legally enforceable constitutional obligation.

In ***Sunil Batra v. Delhi Administration***⁹, the Apex Court expanded the scope of legal aid beyond trial and appellate stages to include prison administration. Sunil Batra, a death-row convict, wrote a letter to a Supreme Court judge complaining of torture and inhuman treatment in Tihar Jail. The letter was treated as a writ petition under Article 32, and the Court examined whether prisoners were entitled to legal aid in administrative as well as judicial proceedings

“197B (10) Legal aid shall be given to prisoners to seek justice from prison authorities, and, if need be, to challenge the decision in court — in cases where they are too poor to secure on their own. If lawyer’s services are not given, the decisional process becomes unfair and unreasonable, especially because the Rule of law perishes for a disabled prisoner if counsel is unapproachable and beyond purchase. By and large, prisoners are poor, lacking

⁸1978 INSC 137 : (1978) 3 SCC 544

⁹1979 INSC 271 : AIR 1978 SC 1675

*legal literacy, under the trembling control of the jailor, at his mercy as it were, and unable to meet relations or friends to take legal action. Where a remedy is all but dead the right lives only in print. **Article 39-A is relevant in the context. Article 19 will be violated in such a case as the process will be unreasonable. Article 21 will be infringed since the procedure is unfair and is arbitrary...***"

This case broadened the ambit of legal aid jurisprudence, making it clear that access to justice is not confined to courtrooms.

Supreme Court, in **Anita Kushwaha v. Pushap Sudan (2016)**¹⁰, held that access to justice is and has been recognised as a part and parcel of right to life in India and in all civilised societies around the globe. It stated that the right is so basic and inalienable that no system of governance can possibly ignore its significance, leave alone afford to deny the same to its citizens.

4.2. RIGHT TO SPEEDY TRIAL

The doctrinal expansion continued with **Hussainara Khatoon v. State of Bihar**¹¹, where the right to a speedy trial was also integrated into Article 21, and the court strongly recommended a comprehensive legal service program based on the mandates of Articles 14, 21, and 39A. Some of the observations are extracted below-

"9. ...We would strongly recommend to the Government of India and the State Governments that it is high time that a comprehensive legal service programme is introduced in the country. That is not only a mandate of equal justice implicit in Article 14 and right to life and liberty conferred by Article 21, but also the compulsion of the constitutional directive embodied in Article 39-A.

10. ...Speedy trial... is an essential ingredient of "reasonable, fair and just" procedure guaranteed by Article 21 and it is the constitutional obligation of the State to devise such a procedure as would ensure speedy trial to the accused...The State is under a constitutional mandate to ensure speedy trial and whatever is necessary for this purpose has to be done by the State..."

Taking further the view taken in **Sunil Batra**, the most expansive interpretation came in **Khatri v. State of Bihar**¹², where the court extended the state's constitutional obligation to provide free legal services at all stages of the legal process, not just at the trial stage, and held that a failure to do so would "vitiating the trial itself". This judicial activism created a legally binding and robust framework for legal aid that preceded formal legislation.

4.3. FAILURE TO INFORM ABOUT LEGAL AID CAN VITIATE TRIAL

The failure to inform an accused of his right to legal aid strikes at the very root of a fair trial and can vitiate the entire proceedings. Supreme Court has consistently held that the right to legal representation is not merely passive but imposes a positive constitutional obligation on courts to apprise an indigent accused of the availability of free legal aid at the very inception of the trial. Where an accused is neither represented by counsel nor made aware of this right, any purported waiver cannot be treated as informed or voluntary. Such omission amounts to violation of Articles 21 and 39A of the Constitution, rendering the trial unfair and the resultant conviction legally unsustainable.

The Supreme Court, in **Suk Das v. Union Territory of Arunachal Pradesh (1986)**¹³, High Court upheld conviction of appellant on the ground that no application for legal aid was made by him before Addl. Deputy

¹⁰2016 INSC 1186 : (2016) 8 SCC 509

¹¹1979 INSC 88 : (1980) 1 SCC 98

¹²1980 INSC 241 : (1981) 2 SCR 408

¹³1986 INSC 31 : (1986) 2 SCC 401

Commissioner and therefore, it could not be said that failure to provide legal assistance vitiated the trial. Allowing the appeal, Supreme Court held:

*“6. ...In the instant case, the Additional Deputy Commissioner **did not inform the appellant that he was entitled to free legal assistance** nor did he enquire from the appellant whether he wanted a lawyer to be provided to him at State cost. The result was that the appellant remained unrepresented by a lawyer and the trial ultimately resulted in his conviction. **This was clearly a violation of the fundamental right of the appellant under Article 21 and the trial must accordingly be held to be vitiated on account of a fatal constitutional infirmity**, and the conviction and sentence recorded against the appellant must be set aside.”*

In **Mohammed Ajmal Amir Kasab v. State of Maharashtra (2012)**¹⁴, Supreme Court underscored that legal aid is not contingent upon a request by the accused but is an affirmative and duty of the court itself, flowing directly from constitutional guarantees.

“486. At this stage the question arises, what would be the legal consequence of failure to provide legal aid to an indigent who is not in a position, on account of indigence or any other similar reasons, to engage a lawyer of his own choice?

*487. Every accused unrepresented by a lawyer has to be provided a lawyer at the commencement of the trial, engaged to represent him during the entire course of the trial. **Even if the accused does not ask for a lawyer or he remains silent, it is the Constitutional duty of the court to provide him with a lawyer before commencing the trial. Unless the accused voluntarily makes an informed decision and tells the court, in clear and unambiguous words, that he does not want the assistance of any lawyer and would rather defend himself personally, the obligation to provide him with a lawyer at the commencement of the trial is absolute, and failure to do so would vitiate the trial and the resultant conviction and sentence, if any, given to the accused.**”*

By holding that denial of legal representation vitiates the trial itself, the Court elevated legal aid from a statutory or policy-based entitlement to a foundational element of due process.

5. STATUTORY FRAMEWORK FOR LEGAL AID IN INDIA

5.1. THE LEGAL SERVICES AUTHORITIES ACT, 1987

Legal aid transitioned from being a judicially mandated right to a statutory enforceable right by way of enactment of the Legal Services Authorities Act, 1987¹⁵. This Act established a legislative backbone by providing a structure for legal help schemes for economically weaker and other sections.

Section 12 of the 1987 Act enlists categories of persons who can avail free legal aid. They include members of Scheduled Caste or Scheduled Tribe; trafficking victims; women; children; persons in custody; persons with disability; victims of mass disasters, ethnic violence or atrocity; industrial workers and those whose annual income is less than ₹9,000/- or such other amount as may be prescribed by State Government. Keeping in mind the changing times and economic condition of the country, there have been revisions in the income bracket to avail benefits of legal aid.

The evolution of legal aid in India represents a profound instance of judicial activism shaping the nation's legal landscape. The transition of legal aid from a non-enforceable Directive Principle of State Policy to an

¹⁴2012 INSC 357 : (2012) 9 SCC 1

¹⁵Hereinafter referred to as “the 1987 Act”

enforceable fundamental right created a legally binding obligation on the state that did not exist before. Therefore, a citizen can now demand legal aid as a matter of right. The Indian model has a unique and powerful dimension owing to the explicit linkage of legal aid to the fundamental right to life.

5.2. INSTITUTIONAL STRUCTURE

The 1987 Act provides the legislative and institutional backbone for the country's legal aid framework. It sets the foundation of a robust, hierarchical structure designed to provide free and competent legal services to the weaker sections of society. The National Legal Services Authority (NALSA) is responsible for implementing the country's legal aid framework. Below NALSA, the institutional network is comprehensive, ensuring the delivery of services from the national level down to the grassroots.

This structure, with over 37 State Legal Services Authorities, 708 District Legal Services Authorities and 2,439 Taluka Legal Services Authorities, represents a robust support mechanism that is capable of reaching a significant portion of the population.

5.3. TARGETED INITIATIVES AND THEIR OUTCOMES

India's legal aid policy is not a static framework but a dynamic system of targeted initiatives designed to address specific needs. India's framework focuses on grassroots outreach.

5.3.1. Para Legal Volunteers (PLVs) Scheme

Initiated in 2009, it aims to impart legal training to volunteers from various backgrounds to ensure that there are no barriers to access and legal aid reaches the remotest of sections of the society. There are 47,614 PLVs as per data available. This is a testament to the community-driven approach.

5.3.2. Legal Aid Clinics

This outreach is further supported by an extensive network of 14,045 legal aid clinics strategically located in villages, jails, and educational institutions. A study by the Centre for Research and Planning of the Supreme Court found that 53 out of 83 legal aid cells in law schools had adopted villages to conduct legal literacy and awareness programs, demonstrating a proactive, preventative approach to justice.

5.3.3. Legal Aid Defence Counsel System (LADCS)

The Legal Aid Defence Counsel System (LADCS), launched in 2022, represents a strategic policy shift towards professionalizing legal aid for criminal matters. This system engages full-time lawyers who work exclusively on legal aid cases. The LADCS was first piloted in 13 districts in 2019 and has since been extended to 654 districts across the country by March 31st, 2025. The rapid, phased rollout of this policy has resulted in appointment of a significant number of dedicated professionals, including 586 Chief Legal Aid Counsels, 1,047 Deputy Chief Legal Aid Counsels, and 1,952 Assistant Legal Aid Counsels, totalling 3,585 counsels.

Recently, the LADCS Dashboard was launched. This Dashboard is a major step towards transparency in legal aid administration by way of digitisation efforts. An integrated digital platform provides real-time data and performance insights. It also enables monitoring of work undertaken by LADCs in all districts.

5.3.4. Special Schemes

NALSA has also developed a wide array of schemes specialised for several groups it aims to reach. This demonstrates a deep understanding of specific needs of some vulnerable groups. The schemes are listed in the table below:

S. NO.	SCHEME & YEAR	OBJECTIVES
1.	NALSA (Legal Services to Disaster Victims) Scheme¹⁶	To provide legal services to victims of man-made and natural disasters.
2.	NALSA (Victims of Trafficking) Scheme¹⁷	To address concerns of trafficking victims at every stage.
3.	NALSA (Legal Services to Workers in the Unorganized Sector) Scheme¹⁸	To institutionalize legal services for all unorganized workers.
4.	NALSA (Child Friendly Legal Services) Scheme¹⁹	To ensure legal representation to children in need of care.
5.	NALSA (Legal Services to Mentally Ill) Scheme²⁰	To ensure mentally ill persons enforce their rights.
6.	NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme²¹	To strengthen legal aid services for accessing poverty alleviation programs.
7.	NALSA (Protection and Enforcement of Tribal Rights) Scheme²²	To ensure access to justice for Tribal people.
8.	NALSA (Legal Services to Victims of Drug Abuse) Scheme²³	To disseminate awareness and provide legal services to victims of drug abuse.
9.	NALSA (Legal Services to Senior Citizens) Scheme²⁴	To strengthen legal aid for senior citizens.
10.	NALSA (Legal Services to Victims of Acid Attacks) Scheme²⁵	To strengthen legal aid and representation for victims of acid attack.
11.	NALSA Ensuring Access to Justice for Widows living in Shelter Homes²⁶	Focused on ensuring access to justice for widows in shelter homes.
12.	NALSA's Compensation Scheme for Women Victims²⁷	To provide timely financial compensation & rehabilitation to female victims.
13.	NALSA (Legal Services for Differently Abled Children) Scheme²⁸	To ensure equal access to justice, education, and welfare for children with disabilities.
14.	NALSA (Legal Services to Persons with Mentally Illness²⁹	To ensure legal services are accessible to persons with mental illness & intellectual disabilities.
15.	Veer Parivar Sahayata Yojana 2025	It is a first-of-its-kind nationwide scheme that is aimed at providing free legal assistance to soldiers, veterans and their families.
16.	NALSA (SAMVAD) Scheme	Focuses on strengthening access to justice for marginalized, vulnerable Adivasis, and De-notified/Nomadic Tribes. It also emphasises on

¹⁶NALSA (Legal Services to Disaster Victims through Legal Services Authority) Scheme, 2010

¹⁷NALSA (Victims of Trafficking and Commercial Sexual Exploitation) Scheme, 2015

¹⁸NALSA (Legal Services to the Workers in the Unorganized Sector) Scheme, 2015

¹⁹NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015

²⁰NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015

²¹NALSA (Effective Implementation of Poverty Alleviation Schemes) Scheme, 2015

²²NALSA (Protection and Enforcement of Tribal Rights) Scheme, 2015

²³NALSA (Legal Services to the Victims of Drug Abuse and Eradication of Drug Menace) Scheme, 2015

²⁴NALSA (Legal Services to Senior Citizens) Scheme, 2016

²⁵NALSA (Legal Services to Victims of Acid Attacks) Scheme, 2016

²⁶NALSA Ensuring Access to Justice for Widows living in Shelter Homes, 2017

²⁷Scheme for Women Victims/ Survivors of Sexual Assault/ Other Crimes, 2018

²⁸NALSA's Compensation NALSA (Legal Services for Differently Abled Children) Scheme, 2021

²⁹NALSA (Legal Services to Persons with Mentally Illness and Persons with Intellectual Disabilities) Scheme, 2024

		implementing protective laws through a community-driven approach.
17.	NALSA Drug Awareness and Wellness Navigation (DAWN) Scheme	Aims to create a drug-free India by establishing district-level units to provide legal awareness, support victims of drug abuse, and ensure access to justice to this vulnerable group.
18.	NALSA Justice Awareness for Grassroots Information and Transparency Initiatives (JAGRITI) Scheme	Focuses on building an informed and empowered citizenry by raising awareness about legal rights and empowering them to recognize and address injustice.

These schemes highlight NALSA's persistent efforts to expand its reach to all groups of society, however vulnerable they may be. The new schemes have expanded horizons to many other groups that were not empowered by any of the old schemes and shows that NALSA serves to bring multiple groups within folds of protection of the legal aid system.

5.4. BUDGETARY TRENDS AND BENEFICIARY ANALYSIS

India's legal aid system is government-funded, with specific grants-in-aid allocated to the NALSA.

YEAR	BUDGET
2021-22	USD 19.46 Million (₹145 Crore)
2022-23	USD 23.63 Million (₹190 Crore)
2023-24	USD 48.31 Million (₹400 Crore including ₹200 for LADCS)
2024-25	USD 24.01. Million (₹200 Crore)

The impact of these initiatives is reflected in the cumulative beneficiary data, which totals over 1.70 million individuals as of March 31, 2025.

Category	No. of Beneficiaries
Scheduled Caste	1,44,034
Scheduled Tribe	1,37,456
Women	3,33,305
Children	1,80,678
In Custody	3,09,582
Persons with Disability (including mental illness)	15,528
Industrial Workmen	11,256
Transgender	1,861
Victim of Trafficking in Human Beings or Begar	3,982
Victim of Mass Disaster Violence, Flood, Drought, Earthquake, & Industrial Disaster	52,368
General (whose annual income does not exceed the prescribed limit)	1,43,683
Others	3,72,059
Total	17,05,792

This data provides quantitative proof of the reach and impact of the legal aid system, showing a clear focus on marginalized and vulnerable populations as beneficiaries.

5.5. Proactive empowerment initiatives

The extensive network of Legal Aid Clinics, especially those established in villages, jails, and educational institutions, alongside large number of Para Legal Volunteers, signifies a strategic shift beyond simply providing legal representation. This represents a policy recognition that "access to justice" is not just a reactive service for those already caught in the legal system but a proactive process of demystifying the

law, raising legal awareness, and empowering communities to prevent legal issues from arising in the first place. The collaboration between law schools and District Legal Services Authorities, where colleges adopt villages to conduct legal literacy programs, is a crucial component of this bottom-up, preventative approach. This proactive engagement, combined with the new, targeted investments in a professionalized system like the LADCS, indicates a sophisticated, multi-pronged policy aimed at both preventing injustice and ensuring effective recourse when it occurs.

5.6. Toll-free Helpline Number

NALSA operates a toll-free helpline (15100), connecting beneficiaries to immediate assistance. Several states have adopted online portals and mobile applications to register cases, track progress, and access information. Technology is increasingly seen as a tool for bridging the awareness gap.

6. CONCLUSION

The historical evolution of access to justice and legal aid in India reveals a continuous normative concern for fairness expressed through changing institutional forms. In ancient India, justice was embedded within the moral framework of “dharma”, where it was an obligation to ensure equitable justice. It was informal and community oriented. The medieval period marked a transition towards greater institutionalisation of justice demonstrating procedural safeguards and legal representation, especially for the poor.

In the post-Constitutional era, the commitment to access to justice acquired a distinctly rights-based character. Committee reports, including those of the Bombay Legal Aid Committee (1949), the Trevor Harris Committee, and the Law Commission of India, systematically exposed structural inequalities and advocated state-funded legal aid as a welfare obligation rather than charity. They laid the groundwork for institutional reforms and later statutory frameworks.

Judicial interventions further constitutionalised this commitment by firmly situating legal aid within the ambit of Article 21. Through landmark decisions, the Supreme Court transformed legal aid from a policy aspiration into an enforceable constitutional mandate, holding that denial of legal representation or even failure to inform an accused of such a right, vitiates the fairness of the trial itself. Viewed in totality, the trajectory from moral duty to institutional obligation and finally to constitutional right illustrates a deepening and progressive understanding of access to justice as an indispensable pillar of the rule of law in India. In my personal opinion, our country has done tremendous work in this regard by reaching to the grassroot level.

In Memoriam – Judge Rya Zobel

We regret to advise you that our long serving Advisory Board Member Judge Rya Zobel passed away on July 4, 2026 at the age of 94. Her service and support to CJEI was very important in our development.

Judge Zobel of the United States District Court for the District of Massachusetts was serving as Director of the Federal Judicial Center at the time she joined our board and we are grateful to her for this connection. Judge Zobel was the first woman appointed to the federal trial bench in New England. She spent four decades on the bench and earned a reputation as one of the most respected trial judges in the country.

Sandra Oxner will attend and speak about her service to us at a Memorial Service being held by her Court in late November.

News & Notes

JAMAICA

Judicial Education Institute of Jamaica (JEIJ) Mid-Year Report on Learning and Growth Activities – 2026

The Judicial Education Institute of Jamaica (JEIJ) commenced its 2026 programme of Learning and Growth sessions with a series of orientation sessions designed to equip newly appointed Judges and Masters of the Supreme Court with the knowledge and competencies required for the effective adjudication of matters within the civil jurisdiction of the Supreme Court and strengthen their understanding of effective case management practices. Sessions were conducted on January 9, 14, and 15, 2026, as part of JEIJ's Lunchtime Series and featured presentations on The Civil Procedure Rules, Civil Case Management, Proper Record Keeping, and Applications for Decrees Nisi.

On April 10, 2026, JEIJ conducted an Orientation Programme for newly appointed Judges of the Parish Courts. The programme was designed to facilitate their transition from Bar to Bench by providing training on core judicial principles and responsibilities including Judicial Independence, Judicial Conduct and Ethics, and Case Management.

JEIJ continued with a non-residential weekend training Learning and Growth Session on May 1 & 2, 2026 commencing with a segment for newly appointed Judges, focused on Commencing Claims, Applications for Summary Judgment, and Default Judgments. This segwayed into a Session for all Judges of the Supreme Court which addressed the topics Medical Evidence and Cybercrimes.

JEIJ also delivered a comprehensive session on Costs, which formed part of the Lunchtime Series and was presented over two sessions held on May 8 and June 5, 2026.

On May 26, 2026, Judges benefited from an online presentation by Professor Nadja Alexander, an internationally recognised authority on Appropriate Dispute Resolution (ADR). The session was attended by judicial officers representing all three tiers of the Jamaican Judiciary. Professor Alexander's presentation examined a range of dispute resolution processes available as alternatives to trial and provided valuable guidance on the practical tools available to judicial officers to facilitate the timely and effective resolution of disputes.

JEIJ has scheduled a number of additional programmes for the remainder of the year. These include training sessions on Criminal Case Management and Differentiated Case Management for Judges of the Supreme Court; a programme on Climate Justice for all Judges; a session on Praedial Larceny for Judges of the Parish Courts; and a Judicial Educators' Retreat aimed at strengthening the JEIJ's capacity to design and deliver high-quality judicial education.

A significant challenge encountered during the reporting period was maintaining the continuity of the JEIJ's Learning and Growth Sessions following the passage of Hurricane Melissa. JEIJ adapted its

programme to ensure that judicial education activities continued through the use of cost-effective delivery methods. These efforts underscored JEIJ 's unwavering commitment to the continuous learning and growth of judicial officers and to maintaining the high standards of judicial excellence within the Jamaican Judiciary.

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PAKISTAN

Judicial Backlog, Delay-Reduction Reforms, and the Role of Court-Connected Mediation (ADR)

By Mushir Alam (CJEI Fellow 2007), Former Judge Supreme Court of Pakistan; President, Alumina Association of SCO State & Shanghai University of Political Science & Law; Member BoD, Mausaliha International for Arbitration and Dispute Resolution (MICARD); and Chairman, Vision Health Care Foundation

1. Country Context: Judicial Backlog and the Imperative for Reform (Pakistan)

Pakistan's justice system is operating under sustained caseload pressure, with backlog levels that continue to shape court performance, litigant experience, and public confidence in timely justice. According to the Law and Justice Commission of Pakistan (LJCP) Judicial Statistics, total pendency stood at **2,412,135 cases (as of 31 December 2025)** across the Supreme Court, Federal Shariat Court, High Courts, and the district judiciary.

A defining feature of this backlog is its concentration at the trial-court level. Of the total pending caseload, the district judiciary accounts for 1,955,758 cases (approximately 83%), while the superior courts collectively account for 406,377 cases (approximately 17%). Within the superior courts, reported pendency includes 57,316 cases at the Supreme Court and 348,983 cases at the High Courts (with the Federal Shariat Court constituting a very small fraction of total pendency). This distribution is important because delays at the district level typically cascade upward through appeals and revisions, compounding congestion across the system.

The backlog also persists because inflow and outflow remain closely matched. For example, Law Justice Commission of Pakistan (LJCP's) High Court reporting for **Jan–Jun 2024** shows an opening balance of **342,249 cases**, **114,299 new institutions**, and **109,039 disposals** over six months, illustrating that even strong disposal rates struggle to produce sustained reductions when new filings remain high and older matters remain unresolved.

Backlog is not merely a statistic; it becomes a daily burden for litigants. Prolonged timelines increase the financial cost of justice (repeat appearances, counsel costs, documentation), deepen social strain in family and inheritance matters, and erode commercial value in business disputes. Where matters take years to resolve, delay itself becomes punitive—especially for vulnerable litigants with limited means.

While causes vary by jurisdiction and case-type, several systemic drivers are commonly observed in Pakistan's litigation ecosystem:

- **Adjournment-heavy practices** that extend the life cycle of cases and weaken scheduling discipline.

- **Capacity constraints**, both judicial (Pakistan currently has 3,600 judges; that is 1 judge per 10,00,000 citizens) and administrative, relative to caseload volumes and complexity.
- **Procedural and documentary bottlenecks**, including frequent interlocutory applications and slow progression to evidence/final hearing.
- **Court infrastructure and support gaps**, including record management and administrative processing burdens.
- **Justice-chain delays** such as service issues and coordination problems that repeatedly stall proceedings.

In this context, the reform imperative is not limited to increasing disposal through more hearings. It also requires strengthening case management, improving early screening, and expanding credible dispute-resolution pathways that can resolve suitable matters earlier. This is where court-connected mediation and broader ADR mechanisms become especially relevant as practical delay-reduction strategies—particularly for civil, family, and commercial disputes where negotiated outcomes can be faster, less adversarial, and more sustainable than prolonged litigation.

2. Pakistan’s Reform Direction: ADR/Mediation as a Delay-Reduction Strategy

Against the backdrop of persistent backlog, Pakistan’s reform direction is increasingly focused on reducing avoidable litigation time by strengthening caseload discipline and expanding credible pathways for early resolution of suitable disputes. In practical terms, this means moving beyond a “trial-only” approach for every civil or family dispute and instead building a system where courts can channel appropriate matters into structured settlement processes, without compromising legal rights, procedural fairness, or enforceability.

Why mediation is particularly relevant in Pakistan’s context

Mediation has emerged as one of the most promising tools for delay reduction because it offers a structured, court-compatible method to resolve disputes that are often ill-suited to prolonged adversarial litigation. In civil, commercial, and family matters, mediation can:

- **Resolve disputes faster**, reducing repeated hearings and administrative burden on courts.
- **Lower costs for litigants**, limiting ongoing legal fees and the indirect costs of prolonged litigation.
- **Preserve relationships**, which is especially important in family, inheritance, tenancy, partnership, and community disputes.
- **Improve compliance**, as settlements reached by consent are more likely to be honoured than contested decrees.
- **Reduce appeals and post-judgment enforcement pressure**, since mediated outcomes tend to be mutually acceptable and practically workable.

Court-connected mediation as a systemic intervention

While private mediation can serve parties who proactively opt in, the greatest impact on backlog comes from court-connected (court-annexed or court-referred) mediation, where the justice system itself creates reliable referral pathways and operational infrastructure. Court-connected mediation typically contributes to delay reduction when it is built as a complete institutional model, not merely as an occasional referral meaning:

- A clear referral mechanism from judges and registries
- A trained mediator roster and transparent allocation process
- A functioning intake, scheduling, and case management system
- Standardized SOPs, confidentiality processes, and settlement documentation
- Regular monitoring and reporting to court leadership to build confidence in outcomes
- Continuous capacity building for judges, court staff, and bar members so the system becomes routine and trusted.

The shift from “one dispute = one trial” to “right forum for the right dispute”

In high-pendency environments, a central reform principle is ensuring disputes are routed into the most appropriate resolution track. Mediation supports this by resolving a significant portion of cases through settlement, freeing judicial time for disputes that truly require adjudication e.g. complex questions of law, urgent constitutional matters, serious criminal cases, and precedent-setting litigation.

It is within this evolving reform landscape that institutional actors who combine capacity building, operational experience, and credible mediation delivery systems play an outsized role in enabling courts to translate the concept of ADR into working, replicable practice particularly through court-connected mediation models.

3. National Momentum: Government and Judiciary Initiatives Prioritizing Mediation (ADR)

Pakistan’s shift toward mediation is no longer limited to isolated pilots or ad hoc referrals. Over the past two years, both the judiciary and the executive have taken visible steps to prioritize mediation as a systemic tool for delay reduction, institutional efficiency, and improved access to justice—particularly in civil, commercial, and family disputes.

3.1 Supreme Court–led governance and coordination on ADR

A key development has been the formal reconstitution and activation of Supreme Court–linked ADR governance mechanisms through the Law and Justice Commission of Pakistan (LJCP), chaired by the Chief Justice of Pakistan. Reporting indicates that the LJCP has notified/reconstituted an ADR Committee and an ADR Task Force, signaling an intent to move from concept to coordinated implementation across jurisdictions and justice-sector stakeholders.

This direction has also been echoed in public judicial commentary. For instance, media reporting has referenced the Supreme Court forming a task force with an emphasis on eliminating backlog through reconciliation/mediation pathways. [Dawn](#)

3.2 Follow-through through convenings and implementation review

Beyond the notifications, the reconstituted ADR Committee has reportedly convened meetings aimed at taking stock of provincial and federal progress on implementation of ADR frameworks, an important marker that ADR is being treated as an operational reform agenda rather than a purely aspirational one. [LJCP](#)

3.3 Executive branch steps to strengthen mediation’s legal and institutional standing

On the government side, Pakistan has taken steps that reinforce mediation’s credibility particularly for commercial disputes and investor confidence.

(a) Singapore Convention on Mediation: Pakistan has signed the United Nations Convention on International Settlement Agreements Resulting from Mediation (the “Singapore Convention on Mediation”), reported as having taken place at the United Nations Headquarters in New York on 23 May 2025. This move is widely seen as strengthening the enforceability and cross-border recognition of mediated settlements, particularly relevant for international commercial disputes. uncitral.un.org+2unis.unvienna.org+2

(b) Government-backed ADR institutional infrastructure: The Ministry of Law and Justice also maintains government-backed ADR institutional architecture, including the **International Mediation and Arbitration Center (IMAC)**, a further indication that ADR is being institutionalised within the state’s justice-reform and dispute-resolution landscape. imac.molaw.gov.pk

Taken together, these developments show a clear top-down prioritisation of mediation, from Supreme Court-linked governance structures and implementation review, to international alignment through the Singapore Convention and the creation/maintenance of government-backed ADR institutions.

However, translating these policy and institutional signals into results requires credible operational partners with demonstrated experience in building mediation ecosystems; training judges, court staff, and the bar; running court-connected mediation centres; and delivering measurable settlement outcomes. It is within this national reform momentum that LAS and MICADR have emerged as practical catalysts of the mediation movement combining institutional delivery capacity with ecosystem-building.

4. LAS/MICADR as Catalysts of Pakistan’s Mediation Movement

With national momentum now clearly favouring mediation as a tool for delay reduction and improved access to justice, implementation requires institutions that can move beyond advocacy into system design, capacity building, and operational delivery. In this space, the **Legal Aid Society (LAS)** and its institutional ADR platform, the **Musaliha International Centre for Arbitration and Dispute Resolution (MICADR)**, have played a catalytic role supporting mediation reform from community-level awareness through to court-connected systems and internationally benchmarked training.

4.1 An “ecosystem approach” to mediation reform

LAS/MICADR’s work is structured around building the entire mediation ecosystem not only the supply of trained mediators, but also the demand-side conditions required for mediation to function at scale: public awareness, referral pathways, trained advocates, court staff readiness, and institutional SOPs.

Key ecosystem outputs include:

- **1 million+ people reached** through mediation awareness campaigns (including SMS outreach and mass visibility approaches).

- **192 ADR paralegals trained across 8 districts of Sindh**, specifically to create a community-to-mediation referral bridge for individuals who are least able to navigate formal court systems.
- **Linking key dispute resolution forums** to mediation service providers through Community ADR Networks
- Establishment of **Islamabad’s first High-Court Annexed Mediation Center** that LAS managed for 17 months leading to 550 cases being referred by districts and high courts towards mediation
- Supporting the development of key legislation such as Sindh CPC Amendments 89A & B (2018); Islamabad ADR Rules (2023) and Gilgit Baltistan Mediation Bill 2024.

4.2 Strengthening the Bar: making lawyers partners in settlement

One of the most practical obstacles to court-connected mediation is not the absence of law, but the absence of routine practice. LAS/MICADR have therefore invested heavily in building a mediation-ready legal profession by training **1300+ district bar association members across Islamabad and Sindh as Mediation Advocates**, equipping counsel to advise clients on settlement options, represent effectively in mediation, and support enforceable outcomes.

This emphasis on advocacy skills is essential to normalising mediation in litigation environments, where parties often rely on counsel’s confidence in the process before consenting to meaningful engagement.

4.3 Judicial and court staff capacity: enabling court-connected mediation to work in practice

Court-connected mediation can only be sustained when judges and court staff understand the process, trust the safeguards, and have the operational capability to manage referrals and record-keeping. LAS/MICADR’s capacity building footprint includes:

- 400+ judges trained on mediation processes and referral logic.
- 70 court staff trained and equipped on mediation case management - an often-overlooked but critical prerequisite for operationalising court-annexed systems, maintaining records, and ensuring consistent scheduling and follow-up.

4.4 Internationally accredited mediator training: raising quality and credibility

To ensure mediation quality and professional credibility, MICADR has invested in internationally benchmarked mediator training and accreditation pathways. Key achievements include:

- **18 faculty members trained as internationally accredited mediators at LUMS Law School**, strengthening mediation’s institutional credibility within Pakistan’s leading legal education environment.
- **47 judges across Khyber Pakhtunkhwa and Sindh trained as internationally accredited mediators**, contributing directly to the pool of mediation-capable judicial leadership.
- A forward trajectory: MICADR is **on track to train 100 internationally accredited mediators by September 2026**, reflecting an intentional pipeline strategy to meet growing demand and institutional expansion.

4.5 Service delivery and pro bono orientation: mediation that remains accessible

LAS/MICADR's reform approach is not limited to training; it is also grounded in service delivery and access-to-justice principles. MICADR has managed **350+ mediation cases** across jurisdictions, reporting a **75% success ratio** and an **average time-to-resolution of 23 days** demonstrating that well-managed mediation can deliver timely outcomes and reduce dispute life cycles significantly when parties are supported through a structured process.

4.6 Building the next generation: legal education and student leadership

Sustainable ADR reform requires long-term culture change. Alongside professional trainings, LAS/MICADR have supported:

- Working with the Pakistan Bar Council Directorate of Legal Education to making ADR mandatory in the new LLB curriculum
- Training of 25 faculty members across 10 law schools on a 10-hour experiential learning ADR curriculum developed in partnership with Street Law Inc. (New York)
- Graduation of **100 senior law students** through a mediation experiential learning program.

Conclusion

Pakistan's scale of judicial pendency has made delay reduction a central institutional priority. In response, mediation is increasingly being positioned, not as a peripheral option but as a practical, court-compatible mechanism to resolve appropriate disputes earlier, reduce adversarial burdens, and improve citizen experience in the justice system. Recent steps by the judiciary and government to strengthen ADR governance, align Pakistan with international mediation norms, and encourage court-connected mediation models reflect a growing recognition that sustainable backlog reduction requires both stronger case management and credible settlement pathways.

At this moment of national momentum, implementation depends on institutions that can translate policy intent into operational systems. LAS and MICADR have contributed to this shift by building mediation capacity across the ecosystem: raising public awareness, developing community referral pathways, training the bar, supporting judges and court staff to run court-connected processes, and expanding the pool of internationally accredited mediators, including judicial and academic cohorts.

These complementary efforts help ensure that mediation is not only promoted, but embedded as a reliable, professional, and accessible component of justice delivery. Taken together, the emerging state prioritisation of mediation and the operational work of institutions such as LAS/MICADR indicate a maturing ADR landscape, one that can meaningfully support courts in improving timeliness, reducing costs for litigants, and strengthening confidence in dispute resolution outcomes.

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PAPUA NEW GUINEA

Judicial Orientation Program for ten newly appointed Judges

The Papua New Guinea Centre for Judicial Excellence (PNGCJE) successfully conducted a comprehensive three-day Judicial Orientation Program for ten newly appointed Judges of the Supreme and National Courts of Papua New Guinea.

Held from 3rd –5th September 2025 at the Airways Hotel in Port Moresby, the intensive program aimed at equipping the new Judges with essential knowledge and skills to support them in their judicial duties. The program emphasized the importance of understanding the roles, responsibilities, and ethical obligations inherent in the administration of justice.

The orientation covered a wide range of critical topics, including judicial ethics and conduct, courtroom management, legal reasoning and writing, human rights, gender-based violence, and customary law. These sessions were facilitated by senior members of the judiciary, legal academics, and experts from regional judicial bodies.

In his opening remarks, Chief Justice Sir Gibuma Gibbs Salika welcomed the new appointees and highlighted the critical role of integrity and independence in judicial service. “As Judges, your

decisions shape the law and affect lives. This orientation is the foundation of your judicial journey, ensuring you serve with wisdom, fairness, and independence,” said Chief Justice Salika.

Deputy Chief Justice Ambeng Kandakasi also addressed the participants, encouraging them to uphold the highest standards of justice and to embrace continuous professional development.

The program provided not only structured learning but also opportunities for peer networking and collegial exchange, strengthening consistency in judicial practices across jurisdictions.

Day one featured a panel discussion on *Transition to the Bench* with insights from Justice Lawrence Kangwia, Justice Iova Geita, Justice Oagile Dingake, and Justice Vergil Narokobi. This was followed by a session on *Civil Trial and Procedure* led by Deputy Chief Justice Ambeng Kandakasi and Justice John Carey. Justice Oagile Dingake delivered a session on *Human Rights*, while Justice Vergil Narokobi presented on *Judicial Ethics and Conduct*. The day concluded with a discussion on *Judicial Review*, again led by Justice Dingake.

Day two began with a presentation on *Criminal Trial and Procedure* by Justice Panuel Mogish. Justice Teresa Berrigan addressed *Dealing with Juveniles*, while Justice Narokobi led a session on *Customary Law and Disqualification/Conflict of Interest*. Justice Kangwia spoke on the *Leadership Tribunal*, and Ms. Ethel Akike introduced participants to *Integrated Criminal Case Management*.



The third and final day focused on technological tools and decision-making processes. Mr. Stuart Koltes and Mr. Bruce Ifina delivered a session on *FTR Digital Recording Systems*. Ms. Rose Apai presented the *PNG Legal Information Network*, followed by an overview of the *Integrated Electronic Case Management System (IECMS)* from Deputy Chief Justice, NJSS Registrar Mr. Ian Augerea, and Mr. Robert Tony. Later, the *Judicial Decision-Making* session was led by the Deputy Chief Justice and Justice Berna Collier, and the program concluded with a session on *Alternative Dispute Resolution (ADR)* by Justice Derrick Wood.

Each session featured active question and answer segments, fostering open dialogue and deeper understanding between the new Judges and experienced panellists.

Justice Mohammed Khan expressed his gratitude to the panellists, stating that he appreciated the organization of such a program for the newly appointed judges.

Deputy Chief Justice Ambeng Kandakasi also expressed his gratitude to Justice John Carey, Judge Administrator of the PNGCJE, and the centre staff for their support and assistance throughout the three-days program.

Speech given by the Honourable Sir Gibbs Salika, Chief Justice of Papua New Guinea (CJEI Fellow 2006) at the Special Event: Judicial Well-Being as the foundation to Judicial Integrity at the 11th Session of Conference of State Parties (COSP 11) to the United Nations Convention Against Corruption held in Doha, Qatar on 15 December 2025

Your Excellency, Distinguished Ministers, Honourable Judges, Excellencies, Ladies and Gentlemen,

It is a great honour to address this distinguished Conference of States Parties on behalf of the Judiciary and the people of Papua New Guinea.

Papua New Guinea has long demonstrated its firm commitment to the objectives of the United Nations Convention against Corruption. We signed UNCAC in 2004, and we ratified it in 2007, becoming the first nation in the Pacific region to do so. That early commitment reflected our clear understanding that corruption is not merely another problem with our societies—But it is a challenge to national development and a serious threat to public trust.

Since then, Papua New Guinea has taken concrete steps to translate that commitment into institutional reality. We have established a comprehensive National Anti-Corruption Strategy, strengthened our enforcement framework through the creation of the Independent Commission Against Corruption (ICAC), and embedded integrity mechanisms across key governance institutions.

This, in a nutshell, is the structure of Papua New Guinea's fight against corruption as a member state.

But I am here to mainly focus on the judiciary. Within the judiciary itself, we have taken targeted measures to support this national effort. As Chief Justice, I established a Fraud and Corruption Track to ensure that corruption-related cases are prioritized and dealt with by specialised judges with the necessary expertise, speed, and consistency. So that way we have supported the national mechanism to fight corruption.

When we speak about corruption, we must focus not only on laws and institutions, but also on integrity. The integrity of State institutions, the integrity of those who lead them, and the integrity of those who serve within them. Over the years, we have spoken extensively about the rule of law, judicial excellence, access to justice and similar topics. However, we have paid far less attention to those who deliver justice, and what ways their integrity, performance, and the quality of justice they dispense can be compromised.

That's where judicial wellbeing becomes relevant. The evidence now clearly shows that judicial well-being has a direct link to judicial integrity. Through experience, reflection, and research, we have come to understand this simple but critical truth: the fight against corruption and the promotion of integrity will ultimately fail if the human beings who serve within our institutions are breaking down under pressure.

It is for this reason that, as Chief Justice, I have placed strong emphasis on judicial well-being as a core integrity reform within our judiciary. Papua New Guinea has therefore taken deliberate steps to integrate judicial well-being into our broader integrity framework—recognising that a stressed judiciary is a vulnerable judiciary, and that vulnerability is often the entry point for compromised integrity.

Justice John Carey will speak later about the domestic initiatives we have implemented to promote judicial well-being within Papua New Guinea. And Justice Rangajeeva Wimalasena will outline the international initiatives that we are advancing in the global space.

For many years, judicial reform focused on structures, procedures, and enforcement mechanisms. These are essential. But what was often overlooked was the human element of the justice system,

the judge who must decide complex matters, endure public scrutiny, manage overwhelming workloads, confront threats, isolation, and social pressure, and still remain impartial and stoic.

In 2024, the Deputy Chief Justice of Papua New Guinea and I joined a team of judges and international experts, led by Justice Wimalasena, to draft the Nauru Declaration on Judicial Well-being. This was the first time that such a group of Chief Justices, senior judges, academics, and experts, including representatives of the United Nations Office on Drugs and Crime collaborated entirely online to draft a global judicial instrument.

On 25 July 2024, the Declaration was formally adopted at the Judicial Well-being and Integrity Conference organised by UNODC in Nauru. Papua New Guinea was the first judiciary to formally undertake to adopt the Declaration, which has now become one of the leading global foundational instruments on judicial well-being.

In keeping with that commitment, I also gave an undertaking that the next International Judicial Well-being and Integrity Conference would be held in Papua New Guinea. In August this year, we proudly hosted that successful international conference.

At that conference, we also held the first meeting of the global Drafting Committee for the proposed Commentary to the Nauru Declaration on Judicial Well-being. I gave a commitment on behalf of the Papua New Guinea Judiciary that we will establish a Secretariat to support the drafting process, with assistance from our international partners. Papua New Guinea will provide leadership in carrying

this work forward, and I trust that States Parties and partners will give this initiative their fullest support.

Judicial well-being cannot remain an isolated judicial initiative. It must become a shared responsibility of all States Parties under UNCAC.

I was asked recently whether small Pacific Island nations have done anything truly impactful on the world stage. My answer was a resounding yes. One only needs to look at the Nauru Declaration on Judicial Well-being and the proclamation of the International Day for Judicial Well-being by the United Nations. Through these initiatives, we have transformed the global conversation on an issue of extreme importance but was overlooked for decades.

The judiciary of Papua New Guinea now stands ready to continue working with UNODC, regional judicial bodies, development partners, and all States Parties to advance this global movement particularly through our proposed Judicial Well-being Secretariat.

I thank you for your attention and for your continued commitment to justice, integrity, and judicial well-being.



BUILDING A RESILIENT JUDICIARY: PAPUA NEW GUINEA'S PATH TO JUDICIAL WELL-BEING presented by The Honourable Justice John Carey, Justice of the National and Supreme Courts and Judge Administrator, PNGCJE (CJEI Fellow 2018) at the COSP 11 SPECIAL EVENT, 15 December 2025

Introduction

Good afternoon distinguished colleagues, members of the judiciary, and guests. Judicial well-being is no longer a peripheral issue, it is central to the integrity, independence, and effectiveness of our courts. In Papua New Guinea, we recognize that the health of our judiciary determines the health of our justice system. Today, I will outline the initiatives we have undertaken and the plans we envision for the future to strengthen judicial well-being.

Following on from the signing of the Nauru Declaration, the Judiciary was committed to celebrating Judges Wellness Day every 25th July, to increasing physical and mental health awareness through

regular programs and activities, and to ensuring better access to medical services for Judges and Staff in Waigani and in the provinces. Judicial wellness is proposed as part of the core foundation of the judicial reforms and the efficient functioning of the Judiciary under the reforms. This is because healthy Judges and staff of the NJSS will enable the achievement of the reform objectives.

Why Judicial Well-Being Matters?

Judges face unique pressures: heavy caseloads, exposure to traumatic material, professional isolation, and public scrutiny. Studies show that over 90% of judges globally experience stress, and 80% believe their institutions do not adequately address well-being. For PNG, these challenges are compounded by resource constraints and cultural expectations. Judicial well-being is not a luxury—it is a necessity for impartiality, resilience, and public trust.

Current and Recent Initiatives in Papua New Guinea

- **Judicial Wellness Program:** Since 2023, the Papua New Guinea Centre for Judicial Excellence (PNGCJE) has hosted annual wellness retreats for judges and their spouses, focusing on mindfulness, stress management, and holistic health.
- **Work-Life Balance Training:** Programs like ‘Achieving Work-Life Balance: Challenges, Impacts, Solutions’ have addressed burnout and promoted resilience among judicial officers.
- **Regional Leadership:** PNG played a key role in the Nauru Declaration on Judicial Well-Being (2024), which calls for systemic support for mental, physical, and emotional health within judiciaries.
- **International Engagement:** We hosted the International Judicial Conference on Integrity and Judicial Well-Being in Port Moresby, Papua New Guinea in August 2025, under the theme ‘From Principles to Action: Advancing Judicial Well-Being as the Foundation for Integrity, Resilience, and Public Trust’.

Judge and Staff Well-being Resolve

Resolution 3.1 – Free access to a medical clinic will be made available for all Judges and Staff, irrespective of position or location.

Resolution 3.2 – Health insurance will be available to all staff at a subsidized cost for serious medical conditions and will be delivered so that no up-front cost is required to obtain medical assistance.

Resolution 3.3 – Judges and Staff will be incentivized to pursue sports and other activities to improve health and fitness.

Future Plans and Strategic Vision

- **Institutionalizing Well-Being:** Embedding wellness into court policies, Human Resources frameworks, and judicial education. This means annual well-being surveys, reporting, and dedicated resources for counseling and peer support networks.
- **Technology and Efficiency:** Launching electronic court systems to reduce delays and administrative burdens, improving work conditions and reducing stress for judges.
- **Leadership and Culture Change:** Encouraging senior judges to model healthy boundaries and normalize help-seeking as a strength, not a weakness.
- **Capacity Building:** Expanding PNGCJE programs to include modules on vicarious trauma, emotional regulation, and resilience.

- Regional Collaboration: Strengthening partnerships through the Pacific Platform on Anti-Corruption (Teieniwa Vision) and the Global Judicial Integrity Network, ensuring PNG remains a leader in judicial integrity and well-being.
- To develop a Commentary for Judicial Well Being which will assist Judiciaries around the globe in achieving Judicial Wellness.

Conclusion

Judicial well-being is the foundation of judicial integrity. By prioritizing the mental, physical, and emotional health of our judges, we safeguard the independence of our courts and the trust of our people. Papua New Guinea is committed to leading this transformation—not just for our judiciary, but as an example for the Pacific and beyond. Thank you, and we in PNG look forward to working together with judiciaries around the world to make judicial well-being a reality.

* * * * *

SINGAPORE

The Singapore Judicial College’s 10th anniversary: Learning as a community on a continuing journey

The Singapore Judicial College (“SJC”) celebrated its 10th anniversary in 2025 with the theme “Our Learning Judges: A Continuing Judicial Education Journey”. In keeping with this theme, 2025 was a busy year of events anchored in the SJC ethos of building a community of learning judges, while setting the scene for the next stage of the SJC’s evolving journey.¹

This article sets out some highlights of the year. If you are interested in finding out more about the SJC’s work and programmes, please reach out to us at sjc@judiciary.gov.sg.

Building platforms for learning and dialogue across jurisdictions

The SJC firmly believes in the importance of building international communities and networks of judges in the spirit of judicial dialogue and mutual learning.

In this vein, the SJC ended 2025 on a high note with the Judicial Executive Programme (“JEP”), the SJC’s flagship programme for international judicial leaders which ran from 24 to 28 November 2025. This edition of the JEP had a cohort of 29 judges and court leaders from 11 jurisdictions across Africa, Asia and the Americas, and the SJC was delighted to welcome among them CJEI President, Chief Judge Kashim Zannah of the High Court of Borno State, Nigeria and CJEI Patron and Fellow, Chief Justice Bryan Patrick Sykes of Jamaica.

¹ For more on the SJC, see Kwek Mean Luck, Natalie Skead, Justin Yeo & Yeo Mui Lin, “Judicial Education in Singapore: The Past, Present and Future” (2025) Singapore Academy of Law Journal (published on e-First 6 May 2025): <https://journalsonline.academypublishing.org.sg/Journals/Singapore-Academy-of-Law-Journal/Current-Issue/ctl/eFirstSALPDFJournalView/mid/494/ArticleId/2079/Citation/JournalsOnlinePDF>. This article was previously featured in the Summer 2025 edition of the CJEI Report.

The JEP focused on five themes of the judicial role: (1) the judge as learner and adjudicator; (2) the judge as system reformer and leader; (3) judicial risks and futures; (4) technology and courts of the future; and (5) judicial transformation and innovation.

For the first two themes, senior jurists and judicial leaders from Singapore and other jurisdictions, including Singapore's Chief Justice Sundaresh Menon and Justice Michelle Gordon AC of the High Court of Australia, spoke with the participants and candidly shared reflections from their years on the bench. At his keynote lecture on 25 November 2025, Chief Justice Menon reflected on the importance of judicial leadership in an age where judges must exercise human wisdom in navigating the transformative changes of artificial intelligence ("AI"). He suggested three factors (or 3 "Cs") that shape a culture of judicial leadership: judges should be *curious* and open to trying the new, even if it means upsetting the status quo; judges should be *critical* and remain discerning and disciplined; and above all, judges should be *courageous* in knowing when to act, when to stop something that is not working out, and when to say "no". To create such a culture, Chief Justice Menon emphasised the importance of empowering leadership and innovation to flourish at all levels, the role of judicial education, and the value of building networks and communities of leaders and learners, within and across jurisdictions.²



Chief Justice Sundaresh Menon with JEP participants and the SJC team following his keynote lecture on 25 November 2025. (From left, front row) Judge Reuben Ong (SJC Director); Judge Prem Raj (SJC Senior Director, CJEI Fellow); Judge Paul Chan (SJC Deputy Executive Director, CJEI Fellow); Justin Yeo (SJC Executive Director, CJEI Fellow and Advisory Board Member); Chief Justice Sundaresh Menon; Professor Natalie Skead (SJC Dean); Justice Michelle Gordon (High Court of Australia); Chief Justice Bryan Sykes (Supreme Court of Jamaica) (CJEI Patron and Fellow); and Chief Judge Kashim Zannah (High Court of Borno State, Nigeria) (CJEI President).

Apart from deep diving into these aspects of the judicial role, the JEP participants also heard from and interacted with experts and thought leaders in fields ranging from climate justice to communications, AI, tech regulation, design thinking and justice reform. The stellar line-up of speakers included the executive coach Dr Marshall Goldsmith, who led an insightful, reflective session on judicial leadership; the award-winning author and futurist Ken Liu, who looked at the history of art to provide a more optimistic view to counter anxieties over the threat of AI displacing humans in areas requiring craft and creativity such as writing, translation and the law; and SJC

² To read the full speech by Chief Justice Menon, see <https://www.judiciary.gov.sg/news-and-resources/news/news-details/chief-justice-sundaresh-memon-keynote-lecture-at-the-judicial-executive-programme>.

International Fellow Justice David Goddard KC, retired Judge of the New Zealand Court of Appeal,³ who spoke about designing justice system reforms to better serve users' needs.

The participants also tried their hand at a wide range of activities across the week. Following sessions that provided a comprehensive introduction to how Generative AI works, participants put theory into practice and duked it out in a prompt engineering challenge designed and run by the Government Technology Agency of Singapore. Another highlight was a design thinking challenge jointly facilitated by the SJC in collaboration with the Singapore Judiciary's Access to Justice Division and Office of Transformation and Innovation, where participants adopted design thinking concepts to brainstorm ideas to address issues of accessibility, efficiency and competency faced by court users, court staff and judges. It was illuminating to discover that several of these issues were universal across judiciaries, regardless of the legal system in place, and it was inspiring when ideas started to flow and participants boldly pitched their creative solutions.



The winning team of the design thinking challenge. Comprising judicial leaders from Jamaica, the Philippines and India, the team had pitched a roadmap to improve registry staff's morale, engagement and efficiency at work.

Over five days of intellectually stimulating talks, activities, and deep reflection, friendships were forged and ideas exchanged. The SJC team is proud to have brought together a wonderful cohort of learners through JEP 2025.

³ Justice Goddard has since been appointed as International Judge of the Singapore International Commercial Court, with effect from 5 January 2026.



Graduation Day! Presenting the JEP Class of 2025.

Another platform for international dialogue and learning that the SJC launched in 2025 was the inaugural SICC-SJC Commercial Law Series. Jointly organised with the Singapore International Commercial Court, the programme ran from 9 to 10 September 2025 and brought together 29 judges from 16 jurisdictions. Through a comprehensive syllabus delivered by Professor Stavros Brekoulakis, an expert in international arbitration, and Mr Colin Seow, a former Judicial Officer now in arbitration practice, the programme covered the essentials of international commercial arbitration law and practice, including the foundational doctrines of arbitration law and typical arbitration procedures, the interplay between international arbitral procedure and national courts, and recourse against arbitral awards. Participants also toured and learned more about Singapore’s facilities as an international dispute resolution hub.

In addition to these programmes, 2025 also marked the launch of the SJC’s International Fellow scheme, where pre-eminent jurists are appointed to develop and enrich the SJC’s judicial education programmes. The two International Fellows appointed to-date have contributed rich, new pedagogical approaches drawing on their personal backgrounds and interests, expanding the learning avenues and offerings for the SJC’s community of learners.

SJC’s inaugural International Fellow is Justice Rosalie Abella, retired judge of the Supreme Court of Canada and one of Canada’s most distinguished judicial figures.⁴ Currently a Professor at Harvard Law School, Justice Abella delivered a week-long residency programme in Singapore in May 2025. She conducted workshops designed for judges and judicial officers (“JOs”) in different career phases, and which explored the relationship between law and literature. Drawing on plays, short stories and novels, Justice Abella invited the learners to open their minds to the personal stories behind each dispute, to exercise judicial courage in making principled decisions in the face of societal pressures, and to “fin[d] a humane way to do justice” for the parties who come before the courts. The Singapore judiciary was also treated to a closed-door Singapore premiere of *Without Precedent: The Supreme Life of Rosalie Abella*,⁵ a documentary about Justice Abella’s remarkable life and career.

⁴ <https://www.judiciary.gov.sg/singapore-judicial-college/about-college/fellows/justice-rosalie-silberman-abella>

⁵ <https://hls.harvard.edu/today/without-precedent-the-supreme-life-of-rosalie-abella/>



SJC's inaugural International Fellow, Justice Rosalie Abella, meeting Singapore's Chief Justice Sundaresh Menon during her residency in Singapore in May 2025

SJC's second International Fellow, Justice Goddard,⁶ conducted a two-day workshop on “Justice by Design” in August 2025 and also addressed the JEP participants in November 2025. Justice Goddard, who has extensive experience in law and judicial reform, drew on design thinking concepts to encourage participants to reflect on the role of judges in justice system reform and innovation while maintaining public trust and relevance.



SJC's second International Fellow, Justice David Goddard KC (centre), with learners at the “Justice by Design” workshop in August 2025

Pedagogy that evolves with our learners

In his keynote address for the SJC's 10th anniversary celebration in May 2025, Chief Justice Sundaresh Menon emphasised that judicial education is a continuing journey for everyone involved: judges must continue learning and “learning to learn”, while the SJC, as a provider of judicial education, must also continue learning *how* to teach.⁷

⁶ <https://www.judiciary.gov.sg/singapore-judicial-college/about-college/fellows/justice-david-goddard-kc>

⁷ To read the full speech by Chief Justice Menon, see <https://www.judiciary.gov.sg/news-and-resources/news/news-details/chief-justice-sundaresh-menon-speech-at-the-singapore-judicial-college-10th-anniversary-celebration>.

It is a priority for the SJC that our pedagogy must continue to evolve with our learners, while also equipping our learning judges with the skills to navigate change. In keeping with this ethos, the SJC has added both breadth and depth to its programmes this year.

An increasingly complex and uncertain global environment poses existential challenges to judiciaries and the legal profession worldwide. The SJC's programmes this year have addressed this issue at both the *macro* and *micro* level. On the macro level, the SJC organised a dialogue in July 2025 with Professor David Wilkins, an international expert on global trends and emerging challenges facing justice systems. Before an audience which included Chief Justice Menon and other senior members of the Singapore Bench, Prof Wilkins highlighted two challenges that judiciaries must grapple with: exponential growth in technological capabilities, particularly in artificial intelligence; and the breaking down of barriers in the legal profession arising from a growing need for interdisciplinary approaches to legal issues.

On the micro level, the SJC has organised seminars that delve into specialist topics such as trends in legal technology and their effect on legal practice, as well as "beyond the bench" programmes that expose judges and JOs to important topics such as statistics and digital forensics.

A highlight of the SJC's evolving pedagogical approach was the Family Justice Courts Learning Week in August 2025, where a narrative of a family encountering different legal challenges formed the framework for the learning sessions and activities across the week. There were talks by speakers from Singapore and other jurisdiction with expertise in courtroom communication with vulnerable persons, psychology, social work and public policy. The judges then got to apply their knowledge through roleplaying and hands-on sessions where the expert speakers could give immediate feedback on strategies to improve communication with (for instance) a distressed spouse, a reticent teenager, or an elderly person with suspected mental capacity issues. By exploring the themes woven through these sessions, the family judges were encouraged to conceptualise a therapeutic justice model through which the courts may better assist the families at the heart of the family justice system.

Being well is learning well

In 2025, the SJC also continued our focus on professional wellbeing as a judicial competence.

Led by Professor Natalie Skead (SJC Dean), the SJC commenced a judiciary-wide study of Singapore's judges and JOs, with the aim of gaining insights into the factors that may affect judicial wellbeing, and which could inform the development of judicial strategies and programmes going forward.

The SJC has also consciously incorporated discussions and sessions on wellbeing and mental health in various programmes. For instance, programmes for judges managing sexual offence cases and family cases included segments discussing vicarious and secondary trauma, as well as mindfulness strategies to improve one's wellbeing. The Family Justice Courts Learning Week (referred to above) also included a wellness session where the judges learned to play simple instruments before coming together to rock out as a band.



Family judges making music together at a wellness session during the Family Justice Courts Learning Week

We conclude with a remark on judicial work and learning by Senior Judge Andrew Phang at JEP 2025 that resonated with many: “When you think you have arrived, that is the beginning of the end.”

There is so much more for the SJC to learn and do, and we invite you to collaborate and learn with us on our continuing journey in judicial education.

* * * * *

SAVE THE DATE

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