



Barin Ghosh



CHIEF JUSTICE
HIGH COURT OF UTTARAKHAND

Nainital - 263001

MESSAGE

I am happy to learn that Uttarakhand Judicial And Legal Academy is going to publish its second Issue of Biannual Journal “UJALA-Judicial and Legal Review”. The Journal contains, amongst others, informations about the day to day functioning of the Academy. It supplies informations about imparting of judicial education and training. The Journal also contains the problems faced by the Judicial Officers of the State Judiciary in their day to day judicial working along with the tentative solutions of the problems.

I hope and trust that the Journal, having such a wide ranging reading materials, shall undoubtedly serve the purpose of its publication and will benefit its readers. I also hope and trust that the Academy will improve information dissemination in the Journal in the future.

I wish all the success to the publication and hope and trust that the Journal so published, will be extremely useful to all concerned.

Good wishes and Happy New year 2014.

(Barin Ghosh)



*Justice Sudhanshu Dhulia,
Judge, High Court of Uttarakhand*

Date: 27.12.13

*Res. : Mankapur Compound
Mallital, Nainital
Uttarakhand*

*Tel. : (O) - 232511
(R) - 235548*



MESSAGE

The UJALA Judicial and Legal Review is coming out with its 2nd Issue. The Director, UJALA and other Faculty Officers, who are also the members of our Judicial Fraternity are doing a commendable job in bringing out this latest Issue.

I am sure the Contents of this Issue will be informative and useful to the legal fraternity in Uttarakhand.

Best wishes for the Publication.

Sudhanshu Dhulia
(Sudhanshu Dhulia)

EDITORIAL

*It is better to light a candle,
Than to curse the darkness.*



U. C. Dhyani

Judicial learning is a movement. It is a renaissance. It is a continuous process aimed to strengthen the administration of justice, till a judge demits his office, or probably till he breathes his last. While justice may be as old as Socrates, research indicates that the notion of formalized judicial education was first introduced in early 1960s. Earlier, training was unstructured and informal in on-the-bench judicial apprenticeship and mentoring. Since then, the steady spread of a more formalized approach can be observed throughout the jurisprudential world.

Judicial education has experienced an extraordinary growth in recent years. Recognition of the need for judicial education is now firmly entrenched in many jurisdictions around the world. The objective of continuing education is to improve the quality of judicial performance by helping judges to acquire the tools for professional competence. The distinctive elements of continuing judicial learning includes judges' motivation to learn and their perception on the need to learn, learning practices predicted in the process of judicial selection and their preferred learning styles. The need to maintain an acceptable level of competence, new judicial skills, development of proficiencies and to keep abreast of new laws are necessary to maintain quality performance. Judicial education is now set to play a significant and dynamic role in improving judicial competence. The quality of justice through the promotion of rule of law, free and fair trial, consolidation of judicial identity and independence, and awareness of legal rights have emerged as significant elements in improving judicial competence, which can be variously defined, but, for practical purposes, involves three distinct components, viz., (a) mastery of legal knowledge, (b) development of professional skills, and (c) acquisition of judicial disposition. In all case studies, the goal of judicial education is to enhance the quality of justice by raising professional competence of judges by re-inforcing the need of 'reasoning' as the core methodology of judicial decision-making.

It is also a common experience that judges prefer other judges to act as their trainers because they are recognized as having the relevant

experience and insight in the subject. Judge-trainers are seen as authentic and as practitioners, rather than theorists. The induction training and continuous judicial education today is court-owned and judge-led. It should be highly structured, comprehensive and quality assured. Training of trainers is major element in any successful performance of judicial education and training. A good judge may be a fine role model, but s/he is not automatically a good trainer of other judges. Just as judges are not usually experienced trainers, so educators are not usually familiar with the distinctive needs of the judiciary. This means that judiciary, as an institution, should consider how, and who, it wishes to invest in its training programme, and it additionally requires the provision of a comprehensive training of trainers to establish the expertise to deliver the training required.

In the past, new judges were expected somehow to acquire almost overnight the requisite knowledge of how to be a judge. Perhaps it was thought that a process of osmosis absorbed judicial know-how. Many judges contended that it was not necessary, indeed an insult to their competence. Others saw it as an intrusion into their independence by prescribing continuing education. High cost of litigation, piling up backlogs, docket explosion are some of the burning issues confronting judiciary today, apart from alleged instances of corruption. Overall, there is crisis in public confidence. Judicial education in any academy, be it NJA or SJA brings together judges to provide them a forum to jointly identify the major obstacles facing the administration of justice and develop appropriate solutions for overcoming those bottlenecks.

UJALA aims to make an earnest effort and undertake solemn promise to infuse confidence in the litigating public by facilitating quality interaction among the members of District Judiciary and stakeholders of justice dispensation system under the astute leadership of our Hon'ble Chief Justice.

The logo of the academy conveys a prayer to the Almighty, as follows:

*Lead us from
Unreal to real,
Darkness unto light,
Death to immortality.*

Nainital, Dec. 25, 2013

(Justice U.C. Dhyani)
Editor-in-chief