

# Introductory Speech for Trainee Officers

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117<sup>th</sup> Report of the Law Commission of India (1986) dealt with the subject of training of judicial officers. Training can significantly upgrade the capability of everyone called upon to perform a duty. The Judicial Academy helps to foster sound values of life and the formation of constructive attitudes. Judicial Education is an indispensable tool for ensuing an effective, independent and credible judiciary.

Judicial Education is different from Legal Education. Judicial Education is for those who opt for judicial career. Judicial Education is providing of opportunities to Judges to meet, to share their experiences, to gain knowledge, to update themselves, to sensitize to the fast changing social needs, to learn the tools of judicial decision making, to develop judicial and judicial temperament, to cultivate the habit of giving fair hearing, to consider every matter soberly and to decide impartially. In short, Judicial Education is all about making a good human being in order to be a good Judge. The process is creating judicial culture through the medium of Judicial Education.

Judicial service is not an ordinary Government service and the Judges are not employees as such. Judges hold the public office; their function is one of the essential functions of the State. In discharge of their functions and duties the Judges represent the State. The office that a Judge holds is an office of public trust. A Judge must be a person of impeccable integrity and unimpeachable independence. He must be honest to the core with high moral values. When a litigant enters the court room, he must feel secured that the Judge, before whom his matter has come, would deliver justice impartially and uninfluenced by any consideration. The standard of conduct expected of a Judge is much higher than an ordinary man. This is no excuse that since the standards in the society have fallen, the Judges who are drawn from the society cannot be expected to have high standards and ethical firmness required of a judge. A Judge, like Caesar's wife, must be above suspicion. The credibility of the judicial system is dependent upon the Judges who man it. For a democracy to thrive and rule of law to survive justice system and the judicial process have to be strong and every Judge must discharge his judicial functions with integrity, impartiality and intellectual honesty.

One thing I should tell you at this juncture is that work of an Judicial officer, is not very easy. There are many demands. Challenges are many. You will encounter those challenges in the Court of Law and if you want to be successful, it is not only deciding the cases and writing judgment, rather, I would say a Judge has to be a complete package of many attributes in addition to the decision making.

If you acquire a thorough knowledge of the procedural laws and a broad acquaintance of the legal principles and substantive laws and develop the skills of giving a proper hearing and the marshalling the facts to arrive at proper conclusion and put them in the form of a cogent judgment / order and master the skill of disposing interlocutory applications and controlling adjournments, you can be said to have judicial skills required.

John Marshall said – “The power of Judiciary was, not in deciding cases, not in imposing sentences, not in punishing for contempt but in the trust, faith and confidence of the common man.” If judiciary loses the trust, faith and confidence of the common man that will be the end of rule of law and democracy. There cannot be a strong and vibrant judiciary unless the Judges are persons of integrity.

Before parting, I like to say, we must keep in mind the following quotations of the Holy Scriptures:-

“WHEN JUSTICE (DHARMA) PIERCED BY INJUSTICE (ADHARMA) COMES TO THE COURT FOR REDRESS AND THE JUDGES DO NOT PLUCK OUT THE ARROW OF INJUSTICE (ADHARMA). THEN THEY ARE THEMSELVES PIERCED BY IT.”

----- MANU (Chapter VIII, Shloka XII)

TO NONE SHALL WE DENY JUSTICE  
TO NONE SHALL WE DELAY JUSTICE  
TO NONE SHALL WE SELL JUSTICE

----- 40<sup>th</sup> clause of Magna Carta. June, 1215.

NA HI JYANENA SADRISANG PABITRA – MIHA BIDHYATAE

----- BHAGABAD GITA. Chapter 4hloka 38.

The more laws, the less justice

----- Marcus Tullius Cicero

Justice cannot be for one side alone, BUT MUST BE for both.

----- Eleanor Roosevelt

“Injustice anywhere is a threat to justice everywhere.”

----- Martin Luther King Jr.

Laws are like cobwebs, which may catch small flies, but let wasps and hornets break through.

----- Jonathan Swift

At his best, man is the noblest of all animals; separated from law and justice he is the worst.

----- Aristotel

Justice that love gives is a surrender, justice that law gives is a punishment.

-----Mahatma Gandhi

If justice is denied, let the law of karma take the ride. Nothing in this world is done without a price.

“No one is above the law and no one is below the law. Justice has got to be blind. The more powerful shall not pick on the less powerful.”

----- Rick Good

‘LET NOT THE MIGHTY AND THE RICH THINK THAT COURTS ARE THEIR PARADISE AND IN THE LEGAL ARENA THEY ARE THE DOMINANT PLAYERS’

----- (2012 Cri L.J.2093 SC)

.....  
“Great men are not born great, they grow great”

I think this training certainly enhance your proficiency, performance and productivity in the days ahead. I wish you a meaningful and fruitful judicial service with due care, courage and commitment.



# NEED OF TRAINING

--Sri Shyamal Gupta.  
Director,  
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*When I hear, I forget*

*When I see, I remember*

*When I do, I understand .....Chinese Saying.*

Why some persons succeed and other's don't is a matter of knowledge, skill, and attitude. All three can be learnt. "Education has for its object the formation of character"-- Herbert Spencer. "If I have seen farther...it is by standing upon the shoulders of giants."--Issac Newton. One said-" Only he who keeps his eyes fixed on the far horizon will find his right road." Often a person thinks that he knows but his knowledge is limited to awareness level. He has heard and read about it. But he has neither seen how it is done nor has he done it himself. Seventy-five percent of what is heard is ignored , misunderstood or quickly forgotten. Evidently his belief that he knows results in failure. To be successful, knowledge must be applied. It comes from training. Training is essential to acquire the skill to do the job. Training is like being on a train. It enables the trainee to reach his destination.

**TRAINING: A planned process to modify:---**

1. Attitude
2. Knowledge
3. Skilled behaviour

**Through learning experience:---**

- a. To achieve effective performance in an activity /activities
- b. To satisfy the needs of an organisation.

**TRAINING DEFINITION:--**

The systematic development of the attitude /knowledge/ skilled behaviour pattern required by an individual to perform adequately a given task.

**WHY WE NEED TRAINING:---**

1. Change in Skills:-----
  - (a) Procedures
  - (b) Process
  - (c) Ways of doing
  
2. Change in Attitude:----
  - (a) Behaviour
  - (b) Ethics/Values

3. Update knowledge:----(a) Theoretical  
(b) Latest Developments  
(c) By use of Technology.
4. Strengthen Decision Making :- Objective
5. Meet Institutional Goals:---(a) Overall purpose  
(b) Long term vision  
(c) Ethics/ Values  
(d) Objectives & Targets  
(e) Institutional changes.

### **WHY TRAIN:-----**

More rapid development  
Increased output  
Improved quality of products and services  
Less waste---Time, money, materials people  
Better utilisation of resources  
Fewer accidents.

### **TRAINING NEEDS ANALYSIS:---**

It may also refer to the training needs of individuals to enable them to reach the required standard of performance in their current / future jobs.

### **LEARNING NEEDS:-----**

A learning need arises when individual or group is required to do things differently or to do different things. Learning needs can arise from:----

Performance review  
Different standards of :----(a) New priorities  
(b) New roles  
(c) New demand on existing roles performances.

### **COMPONENTS OF TRAINING:-----**

**Knowledge:---Knowing what and how to do it**  
--facts, procedures  
--standards  
--working environment

**Skill:---- Having the ability do it**  
--Physical  
--Interpersonal social  
--Intellectual

**Attitude:----- Being prepared to do it**  
--Willingness to change.

## **TEACHING / TRAINING DIFFERENCE:-----**

Giving knowledge theoretical-----Sharing knowledge practical/real life  
Passive participation-----Active Participation  
Watch me-----Participative /doing it togetherness  
Try it yourself -----Try and improve further.

### **ADULT LEARNING STYLES:**

Visual learners  
Auditory learners  
Kinesthetic learners

### **HOW WE LEARN: SENSES & MEMORY**

What proportions of information do we gather from each sense?

Sight--83%  
Hearing--11%  
Smell---3.5%  
Touch---1.5%  
Taste-----1.0%

### **LEARNING IS MADE EASIER WHEN:-----**

1. A climate exists which induces interest and participation
2. The "learner" is ready to learn
3. The learner knows the terms and principles involved in the task.
4. The learning experiences are arranged in a logical order
5. As many senses as possible are involved
6. The learner can relate the new experience to previous experiences
7. The learner's efforts are reinforced
8. The timing , duration and location of the learning experience are appropriate.

### **TOOLS & TECHNIQUES OF TRAINING:-----**

Demo Lessons/ Lecture method  
Clinical Simulation  
Role Play  
Case Analysis & Study  
Presentations  
Brainstorming Session  
Group Discussion

In general teaching and learning aims at effective change in three domains:--

1. Cognitive (knowledge) 2. Psychomotor(Skills) 3. Affective (Attitudes)