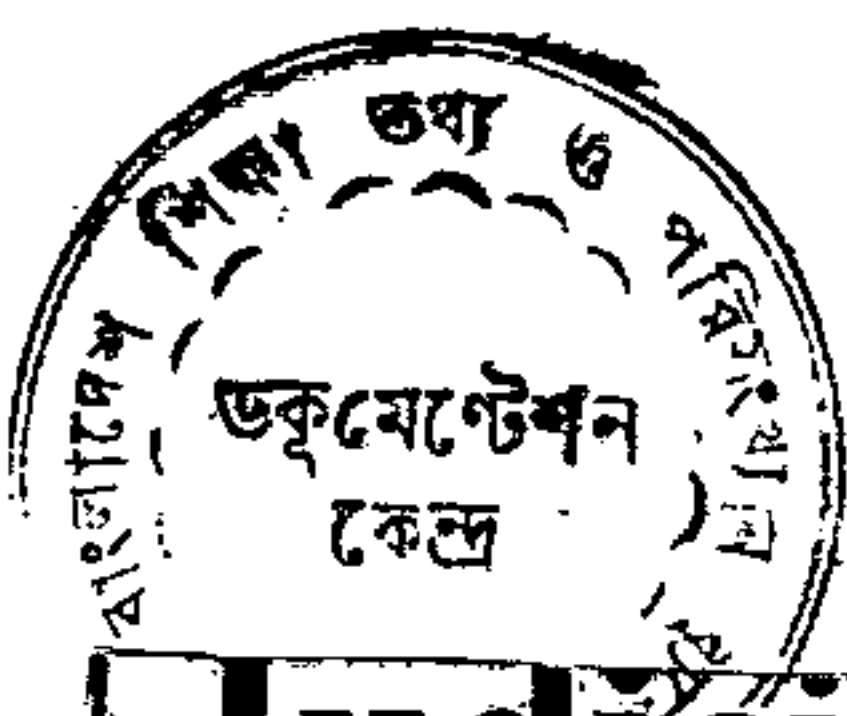


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Judicial Education And Training-II

— Naimuddin Ahmed 15 MAR 1987

THE education and training programmes for the judges are ordinarily grouped into two categories: (a) new judge's programmes and (b) continuing judicial education.

The new judge's programmes may be designed to assist the newly appointed judge in making a transition to a judicial career. First, immediately following appointment, the new judge may be assigned to a very experienced mentor-judge who will advise the new judge with detailed procedures in court for a few days. The next stage is to arrange a new judge's seminar for a longer period and in this seminar the new judge is provided with instructions in the critical needs of law and procedure including judicial ethics and conduct by highly experienced trial judges, distinguished lawyers and eminent law professors. The last stage of the new judge's programme is to expose the judge to face actual problems during the conduct of trial and to leave him to find solutions to these problems. For this, live mock-trial may be organised. The use of mock-trial scenarios has been used by the Michigan Judicial Institute to provide new judges with the opportunity to develop the judicial skills which are essential to their role.

Continuing judicial education is provided to both new and experienced judges. In this programme, judges are offered the opportunity to participate in a number of continuing programmes on an annual basis and the courses in this programme must be designed to keep judges abreast of current developments and emerging trends in practice, as well as refresher courses designed to periodically update and renew skills and knowledge. These programmes provide a regular opportunity for judges to explore new and developing areas of law and procedure. In these programmes a number of courses may be offered in areas such as civil procedure, criminal procedure, evidence

and sentencing. In addition to the above programmes the Michigan Judicial Institute offers a programme known as Judicial Career Development Programme. This programme is designed to promote the individual judge career development. In this programme seminars are organised to provide judges with the opportunity to engage in an in-depth study of a specific subject-matter. These seminars focus on evidence, judicial decision-making, trying complex cases, traffic violation adjudication, criminal law development and judicial management. The techniques in these programmes include problem solving workshops, mock-trial scenarios, discussion groups and audio-visual presentations.

So, the training and education of judges may be broadly at three levels: (a) orientation of new judges, (b) continuing education for all judges and (c) advanced education for experienced judges. Dr Li briefly describes these three levels as "basic", "intermediate" and "advanced".

Non-Judicial Personnel: The training and education of non-judicial personnel also may be divided into two broad categories: (a) administrative personnel development and (b) court professional personnel development.

The administrative personnel development series consists of programmes dealing with specific management topics. The goal of such programme is to achieve improvement in individual management style, or in the administrative procedures of the court. In this programme, topics of personnel management, security management, records management, project management and case-flow management may be included. Like the programmes for new judges and continuing judicial education for new and experienced judges court professional personnel development programmes for new employees and for those who have rendered substantial service in the court system are re-

quired to be organised. For the new entrants, the broad procedures of the court system, the functioning of various sections of the court system and the principles of court management may be taught. For the experienced non-judicial personnel, refreshers' courses may be introduced and seminars may be organised for focusing on such areas as recent changes in procedural laws, court rules and court procedures.

In the United States as many as 45 States provide training facilities to their judges and non-judicial personnel more or less on the above models and in 17 States out of these the attendance of judges at particular programmes is mandatory.

Australia, Philippines, Sri Lanka and Thailand have also started their own judicial training programmes. Some of these countries have set up permanent Judicial Training Institutes.

Training Facilities in Bangladesh: There was previously a system of training for the newly recruited judges of the trial courts in Bangladesh. This training extended for a period of two years and during this period the newly appointed judges were on appointed on probation. The training during these two years was divided as follows:—

1. Two months' training with the Munsif (trial court exercising the lowest civil jurisdiction).
2. Three months' training with subordinate Judge (trial court with unlimited civil jurisdiction and also court of appeal from the orders of Munsifs).
3. Three months' training with the District and Sessions Judges (the highest court in the subordinate judiciary as distinct from the superior court i.e. Supreme Court).
4. Two months' training in actual trial of cases as a Magistrate exercising 2nd class powers.
5. One month's training in the office of the Collector and the Revenue Officers.
6. One month's training with the Government Pleader and the Public

Prosecutor in the actual conduct of cases in court.

7. Two months' training in actual inspection of the offices attached to the District and Sessions Judge.

8. Four months' training in Survey and Settlement of lands.

After the above training the newly appointed judge was also put in charge of a court in actual trial of cases. The judge was also required to pass the departmental examinations regarding various procedural and substantive laws during the aforesaid period. His confirmation depended on successful completion of the training.

There was, however, no system of continuing judicial education and training for judges in Bangladesh at any time. There was also no arrangement for any training for non-judicial personnel.

Unfortunately, the system of imparting two years' initial training to the newly appointed judges was also quietly discontinued with disastrous results. Before the situation could get out of control the Chief Justice of Bangladesh took up this matter and a two-year experimental pilot-project for training of judges in collaboration with the Asia Foundation, the Bangladesh Institute of Law and International Affairs and the Ministry of Law and Justice of the Government of Bangladesh was taken up in 1985. The Asia Foundation very generously provided funds for the project. A Management Committee was formed and 105 new judges have already been trained up in substantive law, procedural law, court management and practical problems of court administration. The training programme proved to be very successful. The case for a permanent Judicial Training Institute in Bangladesh had probably been made out. (Prepared from a paper read by the author at the Court Administrators' Conference in Malacca, Malaysia, held in November last. The author is Registrar, Supreme Court of Bangladesh).