

SINDH JUDICIAL ACADEMY  
CURRICULUM  
FOR  
CIVIL JUDGES & JUDICIAL  
MAGISTRATES

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# **Sindh Judicial Academy, Karachi.**

## **Teaching Modules**

### **OBJECTIVES**

#### **Objects:**

The object of the Academy is to provide effective training to the serving Judicial officers and Induction training to the newly recruits so as to keep them in pace with the emerging legal, social and technological trend. Recognition of the need for continuing education by the judiciary as a profession – comprises two principal components, being:

New judge transition – to train and educate new appointees to assume office, to facilitate the transition from advocate to adjudicator, and to bridge the gap between inexperience and experience;

Continuing education – to facilitate the ongoing professional development of judicial officers and to keep them abreast of change; and On going development – to a considerably lesser degree, to address other career or personal development needs.

#### **Training:**

At the Academy Foundation Courses, Orientation programmes, Advanced Training and Refresher courses are conducted regularly. The Foundation training is divided into - Theory and Practical. Visits to Courts. The course curriculum includes time management, court management, forensic science, judicial ethics, medical jurisprudence and criminology, ADR, cyber laws, Juvenile Justice, etc.,

#### **Resource Persons:**

Experts from multi discipline and inter disciplinary faculty are invited to deliver guest lectures and presentations.

**Learning By Participation:**

The services offered by any programme of continuing judicial education is determined by need. The adults learn best by participation and interaction. Consequently preferred approach is by interaction and participation. The programme will facilitate the participants to identify and prioritise the training services by being more interactive and participative.

**Video Conferencing Facility:**

Interlinking of Federal Judicial Academy, Islamabad & Other Judicial Academies through **Video Conferencing** to make participation of Judicial Officer's in the programme conducting by other Judicial Academies.

**TRAINING****Need for Training:**

Justice is the first promise of the Constitution. Judiciary is the means to reach the end called 'Justice'. The back bone of a true democracy is the efficient and independent judiciary. In modern democracy judiciary act as a social engineer. It protects, declares and even create right.

In a complex, pluralistic, democratic society like Pakistan, which undergoes radical transformation every day, the Judge has to be sensitive, responsive and receptive. He must be imbued with the Constitutional Philosophy of equal justice and social justice. Further, In the context of diversification of complex litigation, explosion in knowledge, along with technological innovation the Judge cannot afford to be static and rigid in his thought and view.

To be abreast with changing trend both socially and legally it has now become imperative for a judge to have continuous and periodical judicial training.

Continuous Judicial Education is now accepted as an 'integral and essential' part of the judicial system throughout the world. Indeed, it is increasingly seen as a basic necessity, more so by pressure of work load, the complexity of various emerging trends and development of technology.

In relation to the development of judicial education, Mr. *Dennis W. Catlin*, 'Founding Head of the Michigan Judicial Institute' has observed.

“Lawyers don't become good judges by the wave of a magic wand. Not even the best lawyers. To reappear behind the Bench as a skilled jurist is a tricky manoeuvre. Going from adversary to adjudicator means changing one's attitude, learning and using new skills, and in some cases severing old ties. In many jurisdictions, judges must learn their new roles by the seat of their pants. In Michigan though, both new and veteran judges are trained extensively”.

### **Focus of Training Programmes:**

- Give a functional familiarity with the processes of judicial decision-making.
- Update knowledge and hone the skills.
- Impart comprehensive knowledge on legal principles and administrative matters.
- Make the Judicial Officers Computer literate.

### **Transforming Method and Content**

A professional approach to judicial education involves both the content and the method of training. Traditionally, much of whatever judicial training was being provided has concentrated on substantive law. In some cases, this is much needed. But, in many systems particularly those which are merit-based, the training needs of judges include the development of skills and attitudes – sometimes called social context education – as much as information on the law. In terms of content, this will focus not just on substantive law, such as information of important statutes and law, but also on the skills and disposition of judging. In terms of method, lecturing will be heavily supplemented by the introduction of small-group seminars and workshops which will build on the active participation of judges in techniques of active learning, such as problem-solving case-studies, scenarios and simulations, and panel discussions to develop professional skills and judgment which build on their foundation of information and knowledge. It is important to stress that this training

approach will be considerably more practical rather than theoretical and active rather than passive.

### **JUDICIAL TRAINING:**

The mission of continuing education is to improve the quality of judicial performance by helping the Judges to acquire tools for professional competence. Therefore, services offered by Sindh Judicial Academy is mainly focussed on practical assistance in performing their day today role as Judges. Training is focussed on:-

- **Substantive law and court procedure**
  - To be assessed depending on the prior training, experience and duties of judges.
  - Criminal law and procedure.
  - Civil law and procedure.
- **Judicial skills**
  - How to conduct a trial.
  - Control of courtroom
  - Note-taking
  - Legal research
  - Admitting evidence
  - Statutory interpretation
  - Judgment writing and giving reasons
  - Principled and uniform sentencing
  - Administering natural justice, due process and fair trial
  - Protecting human rights and civil liberties
  - Resolving disputes through Alternative Dispute Resolution (*ADR*)
- **Judicial management and administration skills and Case Management**
  - Administering courts: filings, fixtures, cause lists
  - Record management
  - Registry management and practice
  - Team leadership between judicial and court officers

- Judicial information technology and computer skills
- Managing complex litigation and commercial disputes
- **Judicial disposition - social context**
  - **outlook, attitude and values**
    - Judicial role, powers and responsibilities
    - Judicial independence, impartiality, integrity and outlook Judicial review
    - Judicial conduct and ethics
    - Gender/race equality
- **Generic management and administrative skills**
  - Communication skills – written and oral
  - Time management
  - Computer skills
  - Coaching and monitoring

### **Inter-disciplinary**

- To be assessed depending on the prior training, experience and duties of judges.
- Forensic scientific evidence" psychiatry and pathology – in criminal prosecutions.
- Financial accounting - in complex commercial disputes.
- Medico legal fundamentals - in injury cases.

Sindh Judicial Academy has also conceived the following ideas, that are being implemented:

- To conduct Training Programmes jointly with other Training Institutions. Such as Federal Judicial Academy, Islamabad, Provincial Academies, Forensic Department etc.
- To impart training with regard to advancement in Science and Technology
- To include the staff members of the High Court and Subordinate Courts in the Training Curriculum
- Automation and Digitalization of Library
- Decentralized training activities by carrying the training to Districts.

- To train State Council, officers of other Government Departments, including State Bank of Pakistan, Security & Exchange Commission of Pakistan etc.
- To draw a curriculum of continuous education programme for judicial officers. Whereby each Officers will have to undergo training for a minimum period of 60 hours in a year.

**DISTANCE LEARNING – PUBLICATIONS, WEB BASED SUPPORT:**

- It is important to develop a strategy of 'distance learning' which will overcome the challenges of geography and inaccessibility, specifically the direct and opportunity costs associated with the centralised delivery of training based in city. This distance strategy should commence with the introduction of publications, practice manual for judges, focussing on court practice and procedures. To provide judges with practical assistance in performing their day today role as judges.
- We also plan to publish regular newsletter or digest on current important issues on law and practice, for example – extracts of the most useful papers from its new seminar programme for the lasting benefit of all judges, including those in distant regions who were unable to attend the programmes.

**SYLLABUS OF PRE-SERVICE TRAINING FOR NEWLY RECRUITED  
CIVIL JUDGES & JUDICIAL MAGISTRATE**

PROPOSALS OF THE SINDH JUDICIAL ACADEMY FOR INDUCTION/PRE-SERVICE TRAINING FOR FRESH RECRUITS TO THE JUDICIARY AT THE FIRST LEVEL

(CIVIL JUDGE/JUDICIAL MAGISTRATE)

**I. DURATION:**

It is suggested that the 6 month training period should be divided into three segments:

- 4 months of institutional training
- 1 months of practical training or field training
- 1 months of integrative/reflective training.

Considering that the trainees would find continuous 4 months of institutional training as too long and tiring as they would be away from home and staying in hostel and eating mess food, it be fit to sub-divide the three segments in the following manner:

<b>Sr. No.</b>	<b>Description</b>	<b>Duration</b>
1	Institutional training at the Academy	2 months
2	Field training (at the district headquarters)	1 months
3	Training at the Academy	2 months
4	Integrative/Reflective training at the Academy	1 months
	Total months:	6 months

**II. TIMINGS:**

The training at the Academy is proposed to be given for 6 hours every day in two sessions:

- Morning Session - 8:30 AM to 1:30 PM with Tea Break of 30 minutes
- Afternoon Session - 2:30 PM to 4:00 PM

The rationale for dividing the day into two sessions is twofold-



Practicing Advocates cannot be expected to deliver lectures during Court hours. They will, therefore, be delivering lectures between 2:30 to 4:00 PM in the evening. The other lectures will be delivered by the faculty members, retired Judges or sitting Judges of District Courts.

It is necessary to ensure that the trainees get enough time for lunch and relaxation otherwise if all the lectures are crammed into a single session running into 6 hours with only a short lunch break, the trainees may find it difficult to absorb the training in the later half.

### **III. BROAD CURRICULUM**

Since the trainees have already undergone the law course while obtaining LL.B. degree, it may not be necessary to deliver lectures to them on legal subjects. However, considering the level of legal education in various law colleges and also considering that even during their professional career as lawyers, the trainees would not have acquired experience in all the branches of litigation and many of the trainees are fresh law graduates, it necessary to organise lectures in substantive laws as well as in procedural laws. Of course, while teaching substantive laws, over and above the lecture method, it would also employ case study and problem solving methods for ascertaining whether the trainees have understood and can apply the fundamental principles of substantive laws. Moreover, there are many laws which the trainees have not studied in law colleges, such as Prohibition Act, Food Adulteration Act, Minor Offences Act – cases relating to which come up before trial Courts day in and day out. It also propose to organise MOOT COURTS where the trainees themselves will participate and get a feel of the actual Court working in the second and third parts of the training at the Academy.

### **ALLOCATION OF TRAINING HOURS**

We propose to allocate the 360 hours of training in different subjects for the six months of institutional training at the Academy under the following broad heads :-

Sr. No	Subjects	Hours
1	Role of the Judge	15
2	Legal Technology	15
3	Procedural Laws Civil - 45 (Code of Civil Procedure) Criminal - 45 (Code of Criminal Procedure)	90
4	Substantive Laws Civil - 90 Criminal - 30	120
5	Alternative Dispute Resolution	20
6	Court Management & Office Administration	20
7	I.T.	35
8	Qanun-e-Shahadat (Evidence) 45	45
	Total:	360

This chart does not include the topics for reflective training at the end of the training.

(Justice Shabbir Ahmed)

Retd.

Director General,

Sindh Judicial Academy

**SYLLABUS FOR FOUNDATION-CUM-IN SERVICE TRAINING FOR FRESH RECRUITS TO THE JUDICIARY AT THE FIRST LEVEL (CIVIL JUDGES AND JUDICIAL MAGISTRATES FIRST CLASS)**

**1.0 ROLE OF THE JUDGE (15 Hrs.)**

1.1 Functions & duties of a Judge

1.2 Problem solving

1.3 Judge as Manager

1.4 Judicial approach

1.5 Standards of proper judicial conduct, maintenance of decency and decorum in Court and behaviour with the members of the Bar and litigating public.

1.6 Standards of judicial ethics

1.7 Basics and trends of public opinion about law and justice system

## **2.0 LEGAL TECHNOLOGY (90 Hrs.)**

2.1 English including précis writing & essay writing -

2.2 Searching Statutory Law Acts/Rules/Regulations/Notifications. -

2.3 Interpretation of statutes -

2.4 How to find out case law -

2.5 How to find out ratio from a judgment -

2.6 Value of Precedents -

2.7 Computer literacy -

2.8 Art and science of writing judgments with practice work -

## **3.0 PROCEDURAL LAWS (90 Hrs.)**

### 3.1 CIVIL (50 Hrs.)

3.1.1 Sindh Civil Courts Ordinance -

3.1.2 Civil Procedure Code with emphasis on Case Management -

3.1.3 Qanun-e-Shahadat (relevant provisions) -

3.1.4 Sindh Chief Court Rules (relevant chapters) -

3.1.5 Limitation Act -

### 3.2 CRIMINAL (40 Hrs.)

3.2.1 Acts & Rules.

(a) Criminal Procedure Code -

(b) Qanun-e-Shahadat Act (relevant provisions) -

(c) Criminal evidence (relevant chapters)-

3.2.2 Role of Forensic Sciences & forensic Medicine in preventing and detecting crimes and criminals -

(a) Lectures by experts -

(b) Trial by Magistrate

3.2.3 Technological upgradation and integration of Criminal Justice including videoconferencing

## **4.0 SUBSTANTIVE LAWS (90 Hrs.)**

### 4.1 CIVIL (45 Hrs.)

#### 4.1.1 Commercial & Property Laws - 25 hrs.

- (a) Contract Act -
- (b) Partnership Act -
- (c) Sale of Goods Act -
- (d) Transfer of Property Act -
- (e) Registration Act -
- (f) Stamp Act -
- (g) Easements Act -
- (h) Specific Relief Act -

#### 4.1.2 Land Laws - 5 hrs.

- (a) Sindh Land Revenue Act & Various forms thereunder.
- (b) Land Acquisition Act

#### 4.1.3 Personal Laws - 15 hrs.

- (a) Laws of Succession
- (b) Family Laws
- (c) Law of Pre-emption

### 4.2 CRIMINAL (40 Hrs.)

#### 4.2.1 Pakistan Penal Code - 20 hrs.

#### 4.2.2 Other Acts

- (a) Prevention of Food Adulteration Act -
- (b) Probation of Offenders Act -
- (c) Essential Commodities Act -
- (d) Passport Act -
- (e) Police Act -
- (f) Arms Ordinance -
- (g) Small Claims & Minor Offences -

## **5.0 ALTERNATIVE DISPUTE RESOLUTION (25 Hrs.)**

### 5.1 ADR – General -

5.2 Arbitration – Arbitration Act -

5.3 Mediation/Conciliation Visit to mediation centre -

5.4 Judicial Settlement -

5.5 How to convert adversary system of litigation into congenial system of litigation -

## **6.0 COURT MANAGEMENT & OFFICE ADMINISTRATION (50 Hrs.)**

6.1 Court Management for Docket Control -

6.2 Staff Control and supervision

6.3 Maintenance of Registers Supervision and accuracy of returns -

6.4 Court Accounts and Financial Matters including Financial Rules -

6.5 Correspondence with superior Courts -

6.6 Government and High Court Circulars -

6.7 Sindh Civil Court Rules (relevant chapters- other than those covered in Part 3) -

6.8 Criminal evidence (relevant chapters – other than those covered in Part 3)-

7.1 Inviting eminent personalities from various fields to deliver talks and have discussions including lectures on motivation, positive thinking, time management, stress management etc. -

7.2 Visits to reputed Institutions -

7.3 Moot Courts -

## **8.0 METHODOLOGY AND REGULAR ACTIVITIES**

8.1 Developing Analytical and Communication Skills - Daily one hour through Group Discussions/Public Speaking/Summing up on –

- (i) Current events,
- (ii) Books on self-improvement & motivation,
- (iii) Biographies/autobiographies of Judges, lawyers, Statesmen etc.,
- (iv) Leading judgments ,
- (v) Legal subjects of current interest, or

(vi)Subjects having a bearing on judicial administration and judges.

(vii)Training received at the Academy.

8.2 Case study method will be frequently employed to impart training to arouse interest and build up confidence of the trainees.

8.3 Trainees shall write daily diaries about the entire day's training and there shall be weekly evaluation of the diaries.

8.4 There shall be weekly or fortnightly assessment of training absorbed by the trainees.