

Initial Training for Judges: Nepali Experience

Ananda Mohan Bhattarai



Introduction

- What does the term “initial” imply?
induction training or training during the initial phase of a persons judicial career?
- Reluctance in the use of the term “training”
(JATI??)
- At which Level: Trial, AC and SC
Justices ?



National Judicial Academy Nepal

- Established 2004: three mandates
 - Capacity building and professional dev
 - Research
 - Dissemination of legal information
- Caters to the educational needs of
 - 273 judges
 - 351 court officers
 - 3714 para-legal staff
 - 238 government attorneys
 - 130 government legal advisors
 - 12,000 legal practitioners ??



Preliminary Considerations in initial Judicial Education

- What should be the objective?
 - promoting the standard of justice by addressing the internal and external challenges.
 - enhancing competence and efficiency.
 - Securing and ensuring justice.
- Mandatory or voluntary ? (esp. for higher courts?)
- Focus: Knowledge, skill or behavior aspect?
- How much of '**what and how**' of law'?
- What would be the proper balance?
- How are educational needs identified?
- Who should be the resource provider (trainer??)
- Pedagogical issues: adult learning skills.



Major areas

- Knowledge and skills in legal areas (core areas of criminal, civil and family laws and court procedures)
- Areas enhancing judicial skills (e.g. Court/case Management, execution of judgment)
- Areas enhancing auxiliary skills (e.g. forensic medicine, DNA typing)
- Leadership enhancement
- Undertaking reform agenda (Strategic Plan)
- Ethics and code of Conduct



Content

- Major division:
 - Impartiality, integrity and accountability related (leadership and attitude focused)
 - Competence related (Knowledge focused)
 - Efficiency related (both knowledge and skill focused)
 - Effectiveness related (more skilled focused)



Duration

- District Court Judges: three weeks
- Appeal court Judges: three weeks
- SC: in the form of retreat, in workshop model led by their own peers.



Challenges

- Faculty ?
- Institutional capacity building? Demand side considerations
- Research and reading materials?
- Distance education? Can it be a model for initial JE programs?
- Use of ICT in JEs and evolving it on a continuous basis
- Monitoring and evaluation?



Final observations

- Searching question: Is JE promoting the independence, accountability and effectiveness of the judiciary?
- Encouraging institutional and individual learning habits, creating learning environment.
- Is the NJA moving in the right direction?
- Partnership among JEs ?
- Quality JE is very crucial for Nepali judiciary
- Fluctuating commitment may disorient the those directly involved in the JEs.
- Translating the vision of the Justice into action; how not to make JE just the collection of courses?

