

TRAINING PROGRAM FOR NEW RJS OFFICERS

NORMS FOR THE FIELD TRAINING UNDER SUPERVISION AND CONTROL OF DISTRICT JUDGES

:: I Phase ::

1. In continuation to the Instructions circulated amongst Trainee Officers, it is again enjoined upon them to maintain their daily diary and to record therein the details of the work performed by them on each day. She/he will place it in the morning of next following day for perusal before the Officer with whom; she/he is attached.
2. The module for Field Training shall be as follows: (84 working days during 01.05.2011 to 15.08.2011)

(a) Attachment with Principal District Judge : (6 days as follows)

- (i) First of all, he will get himself acquainted with the administrative set-up of judgeship and will also observe how complaints/ applications/ petitions/ memo of appeals/ Revisions are received/ presented. She/he will herself/himself make a note regarding jurisdiction and court fees after going through the complaint etc. presented there. She/he will also observe whether there are any defects in the pleading and will learn as to what steps are required to be taken at Office/Court level..... **2 days**
- (ii) She/he will be attached with the Establishment branch, Accounts branch, Copying branch and Nazarat branch for practical learning about working of each seat..... **4 days**

(b) Attachment with CJM & Sr. Civil Judge/ACJM & Sr. Civil Judge for observation of Office working and Court proceeding : (12 days as follows)

- (i) For observing and practically doing the work performed by criminal clerk including how a charge sheet is checked before its registration as a regular criminal case..... **2 days**
- (ii) For observing and practically doing the work performed by civil clerk including how a complaint is checked before its registration..... **2 days**
- (iii) For observing and practically doing the work performed by execution and miscellaneous clerk..... **1 day**
- (iv) For observing Court business and proceedings in Court... **7 days**

Trainee will keenly observe how the cause list is prepared and displayed, how cases are taken up and proceedings are conducted, how to behave while at Dias and what behavior can be expected from others and will gain overall general knowledge about Court and Court functioning.

(c) For practical learning about Criminal work : (12 days as follows)

- (i) The Trainee officer will peruse the charge sheets presented in the Court with a view to examine the jurisdiction of the Court concerned and shall make notings about the documents enclosed with the charge sheet.
- (ii) The Trainee officer will frame draft charge, record substance of accusation and statement of accused under section 313 Cr.P.C. in two or three cases listed in the Court.
- (iii) The Trainee officer will peruse two or three criminal case files which are/ are to be listed for recording of evidence in the next coming two or three days and will note down the gist of matter. The Trainee officer will observe recording of the evidence, record it, in at least two cases a day, in the handwriting of the Trainee officer. The evidence will be recorded by the Trainee officer at the direction and supervision of the Presiding Officer in accordance with Rules in the matter.
- (iv) The Trainee officer will also observe proceedings of the hearing of the bail application and remand applications and will prepare a noting in two or three such matters.
- (v) The Trainee officer will also peruse and observe, if possible, the proceedings relating to miscellaneous applications such as under section 190 Cr.P.C. regarding cognizance, 311, 319, 451, 457 Cr.P.C. as may be listed in the court during the training period. The Presiding Officer will brief the Trainee officer in these matters. The Trainee officer will prepare the notings of all such proceedings.
- (vi) The District & Sessions Judge may issue suitable directions with regard to providing opportunity to Trainee Officer for observing the proceedings of recording dying declaration, recording of the statements under Section 164 Cr.P.C. and identification of the accused at Jails. The Trainee officer will prepare notes of such participation and shall submit the same along with the work performance report.
- (vii) The Trainee officer will observe how warrant for commitment to Jail is prepared after passing an order of remand or sentence to imprisonment is awarded. She/he will also observe as to how order for release of a prisoner is issued and how an order for release of goods/articles seized by the authorities is issued.

(d) Preparing Draft Judgments and Draft Orders in Criminal Cases :

(5

days)

The Trainee officer will peruse two or three files which are listed in the court for hearing of the arguments and will observe the hearing of the arguments in such cases. The Trainee officer will prepare her/his own notes in regard to the arguments advanced and facts/law narrated before the Court. The Trainee officer will thereafter write down draft judgments in such cases in her/his own handwriting. This draft judgment will be prepared by the Trainee officer solely at his/her own without any discussion or interaction with the presiding officer and keep the same in his/her custody confidentially. After pronouncement of the regular judgment in the case by the Presiding Officer of the Court, the Trainee officer will place the draft judgment in her/his

training file and shall forward the same for perusal, evaluation and guidance to the District & Sessions Judge. The Trainee officer will also prepare draft orders on remand, bail and release of property.

(e) For practical learning about Civil work : (12 days as follows)

- (i) The Trainee officer will peruse the plaints and applications presented in the court and thereafter shall make a note of each such case on the subject matter of jurisdiction (territorial and pecuniary) and court fees. In the notings, gist will be recorded as to how the suit in question is within the jurisdiction of the court concerned and whether there are any defects.
- (ii) The Trainee officer will frame draft issues in two or three civil suits compare them with the final issues which may be prepared by the Presiding Officer on that particular day.
- (iii) The Trainee officer will peruse the plaints, written statements, issues and documents in three cases which are going to be listed in the next two or three days for recording of evidence and two cases of hearing of arguments. The Trainee officer will make notings of such perusal.
- (iv) The Trainee officer will observe the recording of the evidence. The Trainee officer will record the evidence at least in two cases at the dictation and supervision of the Presiding Officer in accordance with the Rules in the matter.
The Trainee officer will peruse and, if possible, observe the proceedings relating to miscellaneous application such as under order 1 rule 10, order 6 rule 17, order 7 rule 11 CPC and adjournment applications as may be listed in the court during the training period in these matters. The Trainee officer will prepare brief notings of all such proceedings.
- (v) The Presiding Officer will also brief the Trainee officer in few execution matters and will make the Trainee officer conversant with the various steps.

(f) Preparing Draft Judgments and Draft Orders in Civil Cases: (5 days)

The Trainee officer will observe hearing of the arguments in one or two cases and shall also make notings in regard to the arguments advanced and facts/law narrated before the Court. The Trainee officer will thereafter write down draft judgments in such cases in his own handwriting. This draft judgment will be prepared by the Trainee officer solely at his/her own without any discussion or interaction with the presiding officer and keep the same in his/her custody confidentially. As soon as the presiding officer of the court pronounces its own judgment in that particular file, the Trainee officer will place his draft judgment in his training file and shall submit it to the District & Sessions Judge for perusal, evaluation and further guidance. The Trainee officer will make a comparative study of the draft judgment vis-à-vis final judgment as pronounced by the court and will make notings

of the same which will be submitted along with the draft judgment.

- (g) Practical study on preparing Draft Order under order 38 and order 39 of CPC; Service of order on person concerned; Practical procedure after an ex-parte order of temporary injunction : (3 days)
- (h) Practical learning about business performed in Malkhana and Record Room : (3 days)
- (i) Doing practical draft work as per Rules under superintendence of the Presiding Officer as shown hereinafter...

Remaining days of Field

Training

CIVIL WORK

PART -I Framing draft Issues

1. Simple Money Suits
2. Rent Suits,
3. Bank Suits,
4. Recovery of Electricity Charges,
5. Suits for declaration and injunction and
6. Other simple Civil Suits

PART - II Writing draft orders

1. Order below application of appointment of commissioner/receiver.
2. Order of substitute service of summons.
3. Exparte Order below Ex.1 when defendant absent though served.
4. Order of withdrawal/ compromise.
5. Judgment under order 8 rule 10
6. Decree on admission
7. Order under Sec.10 (Stay of Suit)
8. Order u/s. 35(B) (Cost for delay)
9. Order u/s. 148(A) (Caveat Application)
10. Order under order 1 rule 10(To strike out the name of unnecessary parties)
11. Order under order 7 Rule 10 (return of plaint)
12. Order under Order 7 Rule 11 (Rejection of Plaint)
13. Order under Order 9 Rule 2 (Dismissal for want of process fees/plaint etc.)
14. Order under Order 9 Rule 3 (Dismissal for want of presence)
15. Order under Order 9 Rule 4 (Restoration)
16. Order under Order 9 Rule 7 (Setting aside of ex parte order)
17. Order under Order 9 Rule 13 (Restoration of setting aside ex parte judgment)
18. Order under Order 22 Rule 2(Abetment of the suit)
19. Order under Order 22 Rule 9 (Restoration of setting aside abetment)
20. Order under Order 23 Rule 1(1) (Withdrawal of the suit)
21. Order under Order 23 Rule 1(3) (Withdrawal with permission)
22. Order under Order 23 Rule 3 (Compromise)
23. Order under Order 5 Rule 19(A) (Simultaneous service by post)

24. Order under Order 6 Rule 17 (Amendment of the plaint)
25. Order Under Order 7 Rule 18 (Production of the document at belated stage)
26. Order under Order 12 (Admission of the documents)
27. Order under Order 16 Rule 6 (Summons for production of documents)
28. Order under Order 17 (Application for adjournment)
29. Order under Order 32(Appointment of guardian for minor defendant)
30. Order Under Order 38 (Attachment before judgment)

CRIMINAL WORK

PART - I

1. Framing draft Charge in warrant triable cases.
2. Framing of draft Plea in Summons triable cases.
3. Formulating draft Further Statement of accused under Section 313 of Cr.P.C.

PART - II Writing draft orders

1. Order below Production Application.
2. Order below Bail Application.
3. Interim order of Maintenance u/s. 125 of Cr.P.C.
4. Order under Section 91 for summons to produce documents or other things.
5. Order under section 97 for search for persons wrongfully confined.
6. Order u/s. 155(2) for investigation in non-cognizable offences by police.
7. Order u/s. 156(3) for investigation of cognizable offence by the Police.
8. Order u/s. 167(1) for police remand of the accused.
9. Order u/s. 167(2) for default bail of the accused.
10. Order u/s. 169 for release of accused when evidence deficient
11. Order u/s. 173 (5) for returning of the charge sheet due to defect.
12. Order u/s. 173(8) for further investigation
13. Order u/s. 202 for postponement of issue of process
14. Order u/s. 203 for dismissal of complaint
15. Order u/s.204 for issue of process
16. Order u/s.205 for dispensing of personal attendance of accused
17. Order u/s. 209 to commit the case to the Sessions Court
18. Order u/s.206 to alter the charge
19. Order u/s.239 to discharge the accused
20. Order u/s.257 for withdrawal of complaint
21. Order u/s.258 to stop proceedings
22. Order u/s. 299(1) to record evidence in absence of absconded accused.
23. Order u/s.311 to recall witness
24. Order u/s. 319 to proceed against other person appearing to be guilty
25. Order u/s. 320 compounding of offence
26. Order u/s. 321 withdrawal for prosecution
27. Order u/s. 345 Procedure in certain cases of contempt

28. Order u/s. 446-A for cancellation of bond and bail bonds.
29. Order u/s.451 for custody and disposal of property pending trial in certain cases
30. Order u/s. 468 to dismiss the case filed after lapse of limitation
31. Order u/s. 473 order of extension of period of limitation.

The Trainee Officer shall submit five draft charges, five draft criminal miscellaneous orders, five draft judgments in summon cases, five draft judgments in warrant cases, five draft issues, five draft orders under order 39 rule 1 & 2 CPC, five draft miscellaneous civil orders, five draft civil judgments prepared in his/her own handwriting on the basis of case files which may be provided to him/her and if adequate number of such files are not made available to him/her in the court concerned with whom he/she is attached, he/she will prepare the remaining number of charges/ issues/ orders/ judgments on imaginary facts. It must be his/her own original work and should not be copied from any where. He/she will get it checked from the officer concerned also with whom he/she is attached.