

P 945: Workshop to Assess Nature of Difficulties faced by POCSO Courts: 24-27 September, 2015

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| 1 | Prog Coordinator | Mr. Sumit Bhattacharya |
| 2 | No.of Participants | 33 |
| 3 | No. of forms received | 33 |

General Suggestion

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| 1. | Give your views on the structure of the programme an session | <ol style="list-style-type: none"> 1. Extremely good sessions; No advice to all. 3. Programme is well structured. 4. May be included the subjects to be taken by judicial persons more. 5. Programme and sessions were structured in a very planned manner with suitable tea breaks. 6. Well planned programme. Useful sessions. But it would have been more useful if the judicial officers called as resource persons could have been given independent day or sessions with the resource persons from others fields to correlated the theoretical aspect with the practical approach. 7. Well organized. 8. Good structure as needed; Short breaks: is good to assimilate and discuss instantly points in issue through in manner of T- break. 9. Beautifully crafted. 10. Very good and enlightening. 11. The Group discussions and interaction were good. 12. Sessions 9 (Media's influence/ Pressure/Over reach v. Right to know for citizens), 13(Recording of evidence of child) and 14 (Bail in cases involving several accused) are excellent. Session 12 (Presumption of "Culpable Mental State" & "Burden of Proof") are also good. There are some gray area regarding topic in Session 12. 14. It was structured properly; Some officers as resource persons could have been called. 15. Very good. It contains the solution to the practical problems which we, as Judicial officers, are facing in our day to day working. 16. It was a nicely scheduled programme and learnt a lot of hew things in such a short span of time. 17. Very good. Some more case studies should have been included. 18. The training pattern should be: Keeping in view the fact that the participants are officers in the cadre of DJs. 19. Programme was good. The interactive session cleared many doubts on the POCSO Act. 20. Programme is on the very sensitive matter and it is good programme. 21. No. |
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| | | <p>22. The programme was very well planned for academic and practical approach.</p> <p>23. No any suggestion.</p> <p>24. Very informative; Mind provoking; Well planned and arranged.</p> <p>25. Programme structure is very useful for court working as a POCSO judge. It is very good and facilitate the judges dealing with POCSO Act.</p> <p>26. Well organised.</p> <p>27. Sessions involving judiciary were useful.</p> <p>28. Went on perfectly well; Planning is excellent.</p> <p>29. Programme structure and session were very educative and instructive. Programme were very well prepared, suiting to the need of the present judicial function.</p> <p>30. Programme/ Sessions by Justice Gita Mittal on coverage of POSCO Act is very beneficial and thought provoking.</p> <p>31. Wonderful experience, brain storming lectures from the speakers. Final views or conclusions are not affirmative in one session.</p> <p>32. Very useful and knowledgeable.</p> <p>33. Instead of giving three cups of tea during breaks, they should have offered one cup of tea in the evening after class.</p> |
| 2. | <p>What are your gains/learning from this programme</p> | <p>1. Lots of knowledge, its uses and help me in court proceeding.</p> <p>3. I learnt from this programme very much; the most important thing which I learnt is that I have to read much more on POCSO so that I may implement the provision in its true spirit.</p> <p>4. The programme made us to keep open mind in deciding POCSO Cases.</p> <p>5. I have learnt a lot from this programme.</p> <p>6. Yes, of course I am carrying with me some new approach and lot of knowledge on the subject that would help me to function as special judge more effectively.</p> <p>7. Aware from the various aspects of the POCSO.</p> <p>8. Got knowledge about niceties of POCSO Act; Sensitization and sensitive behavior as needed; Feel more confident for such cases.</p> <p>9. Certainly</p> <p>10. Lot of things I have learnt.</p> <p>11. Enhanced knowledge.</p> <p>12. How to overcome from media's influence; How to deal with the victim and the responsibility of the judge to protect the rights of the children; Doubts have been removed to use the forensic science in absence of testimonial evidence, hat would be the environment of the court.</p> <p>13. As a dedicated special judge working with other cases, I have no time to go to bottom of the subjects but from this programme I have got more thing which very useful in day to day work.</p> <p>14. I have attained more sensitivity as to how to deal with the child victims.</p> |

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| | | <p>15. It has changed my way of thinking about the provisions of POCSO.</p> <p>16. Certain queries were answered which lessened ambiguity and clarified the confusions about the very basic concept.</p> <p>17. Gained extensively on the Procedural aspect, Court Room Scenario, Recording of Evidence with compassion etc.</p> <p>18. Sharing of views and experiences.</p> <p>19. I am not holding POCSO Court right now. Before coming to the workshop, I went through the provisions of POCSO . The learned speakers have cleared my doubts on the issue of Sec 29, Sec 30 of POCSO Act (Presumption).</p> <p>20. Programme enlightened me on every matter relating to programme.</p> <p>21. I have recently joined the judiciary and I have not much more experience. But I have learnt so many things in this programme and which would be useful for me.</p> <p>22. We gain proper answer of POCSO Act problems.</p> <p>23. I am learning much more about the POCSO Act 2012. It will be very helpful for me to decide the matter of this kind.</p> <p>24. Learned much, not only legal knowledge but also knowledge in other fields.</p> <p>25 I have received very important points who are not general practice of special courts. I have learnt much about POCSO Act.</p> <p>26. Aware form the various aspects of POSCO.</p> <p>27. Better approach while dealing cases.</p> <p>28. Overall view as a judicial officer got enriched.</p> <p>29. I learnt from programme better place in the Academy which are helpful to enhance and assimilate knowledge, how to decide expeditiously , so that child can be protected.</p> <p>30. It is lots of learning for me regarding contest on age of victim/accused.</p> <p>31. The experiences which I get from the NJA is good and it will help me as a judge in the POCSO Court. I learned that how I could conduct the examination of child witness in chamber, especially when the resources in the court rooms are short.</p> <p>32. More knowledge I have got through this programme.</p> <p>33. Learnt so many new things regarding POCSO Act.</p> |
| 3. | <p>What “Best Practices” you have learned, in terms of dealing with victims in POCSO cases form the work shop. Please Comment</p> | <p>1. Recording Evidence of child; family atmosphere create in court at the time when recording evidence, a child.</p> <p>3. I should be more sensitive while dealing with the victim and I have to improve the way by which I am recording the statement of victim.</p> <p>4. I can realize the trauma of the victim who stands before the court. I have learnt to deal patiently.</p> <p>5. I have learnt the ‘Best Practices” regarding the recording of evidence in POCSO Cases and various facts for considering the Bail applications in POCSO Cases.</p> |

6. I could view the court functioning and the entire functioning of legal machinery from the point of view of victims, that would make me act as a special judge more effectively.
7. How to conduct the bail of such cases and in what manner and under what circumstances/environment.
8. Sensitivity; Removing his/her fear for giving evidence; Good arrangement for recording the evidence and its niceties, what should be avoided.
9. i. Recording evidence of the victim child; ii. Granting and comforting compensation to the victim; iii. Providing medical facility to her first.
10. How nice we have to deal while recording evidence of victim to ascertain truth. Further we got idea in which POCSO cases bail be granted. Further we learnt the importance for recording evidence of victim and other material witnesses as early as possible.
11. While recording evidence of victim, the question regarding identification in the end of her deposition in chief.
12. The method of recording of evidence such as removing fear, influence and in a friendly environment. The problem given to solve is excellent.
13. At the time of taking deposition what type of case taken by the court. Moreover, victims given comfortable zone and after taking her confidence deposition and also victim deposition at every possible.
14. Effective recording of evidence of child victim; expeditious disposal of cases; Importance of grant of interim compensation to child victim.
15. How to record the evidence of victim in a POCSO trial; What precautions we have to take during the trial.
16. A bit more sensitive approach can make a lot more difference; appreciation of evidence in a better way.
17. Attitude of the judge presiding in a POCSO court; 2. Recording Evidence of the victim with compassion; 3. The knowledge to deliberate in Rape in common parlance and Statutory Rape; 3. Responsibility of the Judge on ensuring safety of the victim.
18. To be sensitive enough to truly discharge the role of a Special Judge.
19. Sensitivity toward child victims, creation of friendly environment for the victims under POCSO Act were the key areas on which learned speakers focused. I have learnt the importance of victim representation, victim support and victim participation in POCSO matters.
20. Method of recording the evidence of child witness.
21. I learnt so many things on how to dealing with victims in POCSO cases, how to deal with victim, Regarding infrastructure, evidence received in the presence of the judges, child friendly environment, etc.
22. In this workshop we learned unanswered problems in POCSO Act.

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| | | <p>23. Friendly atmosphere might be given to the victims of POCSO cases.</p> <p>24. To make a child friendly atmosphere in Court; Manner and the language be used in connection of the victim.</p> <p>25. POCSO judges should be most sensitive towards victims, Presumption u/s 29 and 30. Media trial of POCSO cases, judges have to improve the way of reading evidence.</p> <p>26. How to conduct the trial of such cases and in what manner and under what circumstances/environment.</p> <p>27. In camera – not to be done in Court halls as far as possible.</p> <p>28. Creating good “in camera” atmosphere, i.e. more child friendly.; Aspects regarding sensitivity, apathy, etc.</p> <p>29. I learnt that recorded listening of victim of sexual assault and how to deal child victims effectively in the Court. Whatever I learnt from this programme will be greatly useful to impart justice to vulnerable victims.</p> <p>30. Regarding the provision of compensation and in every such cases, to award compensation in proper perspective.</p> <p>31. Create child friendly atmosphere; take the deposition as early as possible.</p> <p>32. Question and answer pattern of teaching.</p> <p>33. How to deal with the minor victims of POCSO cases. Also came to know about the trauma gone through by the victims of rape and the stress going through her during examination.</p> |
| 4. | <p>Kindly make any suggestions you may have on how NJA may serve you better and make its programmes more effective.</p> | <p>1. Sessions very effective, then no suggestions.</p> <p>3. Representative of doctor should also call for so that we can tell the problem to him how the doctor are doing with the victim of sexual harassment.</p> <p>4. May be arranged some other programmes by judicial persons or legal eminent person in the subject of POCSO.</p> <p>5. Hon’ble Justice like Geeta Mittal and Hon’ble Justice Roshan Dalvi, be called in the programme, who have the knowledge of the subject.</p> <p>6. No specific suggestion at this moment.</p> <p>7. Yearly refresher courses from the Special enactment court should be organized.</p> <p>8. Arranging still eminent personalities on other niceties too.</p> <p>9. Four days programme is too long; It may be two days.</p> <p>10.- Respondent did not respond</p> <p>11. The judges who deal with POCSO Cases may be circulated with relevant materials in a time interval.</p> <p>12. NJA must ensure that the participants get the materials in time , as soon as nominated by the Hon’ble High Court. The questionnaires of the speaker may be sent by email if available or to the concerned High Court for pre-understanding the problem with him and overcome form that .</p> |

It is excellent and wonderful.

13. NJA has arranged good sessions but if some of the more speakers who also involved in the same subject must better sessions. Some of similar speaker who has not given more output, so miss the better knowledge.

14. May provide wifi connection in the rooms.

15. The practical aspect of the trial should also be included in the course.

16. It is already up to mark.

17. Persons involved with safety and child in need of care and protection like CWC should have been involved.

18. To be more effective and practical oriented instead of being theoretical.

19. NJA may develop an interactive window on its website and upload material of other workshop conducted in the Academy.

20. A clear-cut idea should have been given on Sec 29 of POCSO Act.

21. Time to time having programme for Special judges who are dealing with POCSO Cases; 2. During the training programme, it must ensure speakers wither from Judges or sitting judges of the High Courts who have more knowledge of criminal law.

22. NJA must be invited experts for particular subject for betterment of every programmes.

23. No suggestion because this programme is already very good.

24. Kindly avoid conducting the training during religious and national holidays.

25. All stakeholders relating to execution of this Act should be trained. A joint workshop for that purpose should be conducted.

26. Yearly refresher court for the Special enactment/specially empowered court should be organised.

27. TO see that Resource Person from other departments who have basic legal knowledge, are selected so that they would better serve the purpose.

28. Programme is well designed; Nothing more to add.

29. Other stakeholders mainly IO, PP must be sensitized as to rules and kind of POCSO Act. Feminist lawyer/jurists may be engaged to express their views for handling POSCO Act.

30 Involvement/participation of other stakeholders like medical officer, etc. Both the judges should not be put in one session in one day , so that we can taken their suggestion/discussion properly.

31. Conduct the programme periodically. Circulate the latest or relevant judgments on the subject to the POCSO Judges; Create awareness to the new entrants in the judiciary abut the techniques and tips which already developed by the Indian Judiciary for delivery speedy and effective justice to the needy.

32. No response

33. Everything is alright.

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| <p>5.</p> | <p>Any other suggestion/ Remark</p> | <ol style="list-style-type: none"> 1. No. 3.The hospitality was very good, however, scarcity of TV facility make difficulty to pass time in room. 4. Very satisfaction with hospitality of NJA. Thank you. 5. Every judge must be called at least twice in a year for such type of programme; Eminent senior lawyers may also be called as resource persons. 6. No other suggestions/remarks . Thank you. 7. NJA is doing a good job. 8. All the way the getting knowledge here and got more equipped for the POCSO Case trials. 9. Programme may be started either from 7.00 am or 8 am as after lunch officers paid less attention. li. After lunch there should not be any class; iii. Important judgments which are t be discussed may perhaps be intimated prior to the programme amongst the officers. 10. Respondent did not respond. 11. NJA= serene atmosphere. 12. Not responded 13. During this session I have taken more and effective knowledge. 14. Nil, 15. No, 16. NA, 17. No response; 18. No suggestion Please. 19. Great learning experience. Thanks NJA. 20. Experienced person should be brought as faculty member. 21. No 22. NJA planned best workshop for present time. 23. Very good programme. 24. Include more resource persons, eminent lawyers specialized in particular subject. 25. No response, 27. Nil, 28. Nil. 30. No response. 26. NJA is doing a good job. 29. After all programme has be plausible. 31. NJA can conduct awareness programmes to the stakeholders with help of State Governments concerned, High Courts concerned in the regional level, so that the awareness will reach the stakeholders speedily. Awareness of the common man is major aspect, hence consider to conduct more awareness programmes to the common people by the help of Legal Services authorities, NGOs in the district level or taluk level. NJA can give request/direction if any to the regional juridical academies to make trained resource persons t take classes to the stakeholders/judicial officers/ police officers/ Doctors/Psychologist/prosecutors etc. 32. No response. 33. There should have been a provision in Academy for making STD calls to other |
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states/homes on payment, if necessary, as there is poor network in this area.

| SNo | Particulars | Respondent No | Remarks |
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| 1 | Reading Material | 1. 7. 8. 14. 26. | Extremely good and mind blowing Good Informative Some literary material, interesting articles, papers, etc should also have been provided. More informative. Material should be emailed. |
| 2 | Travel | 8. 25. | May be allowed at more length places in city if possible. Movement should be expanded. |
| 4 | Protocol | 8. | Take details of arrangements for returning and for its arrangement when arriving itself. |
| 5 | Reception | | |
| 6 | Cleanliness | 1. | Extremely good |
| 7 | Food | 8. | Only two bottles in room per day and should be given one more if needed. |
| 8 | Hygiene | | |
| 9 | Staff Behaviour | | |
| 10 | Hospitality | 7. | All right |
| 11 | Others | 6 | There is nothing to complain. Everything is too good- excellent. Please maintain it and thanks for maintaining so well. |

| Programme & Hospitality | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 1 | Mark Your Satisfaction, Ranging from 1(Very Poor), 2 (Poor), 3 (Fair enough),4 (good), 5 (Excellent),for the following: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | No.of Participant | 33 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | No. of forms received | 33 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Respondent No. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | Total mark. out of 165 | |
| No. | Subject | Marks | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| a | Reading Material | 5 | 4 | 3 | 4 | 4 | 5 | 4 | 4 | 4 | 4 | 4 | 4 | 5 | 4 | 5 | 5 | 4 | 4 | 4 | 4 | 5 | 5 | 4 | 3 | 5 | 4 | 3 | 4 | 5 | 4 | 3 | 3 | 3 | 122/165 | |
| b | Travel | 5 | 4 | 4 | 4 | 4 | 5 | 4 | 5 | 5 | 4 | 5 | 5 | 4 | 5 | 5 | 5 | 5 | 5 | 4 | 4 | 4 | 5 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 5 | 4 | 4 | 5 | 3 | 129/165 |
| c | Protocol | 5 | 4 | 4 | 5 | 4 | 5 | 5 | 4 | 5 | 4 | 5 | 5 | 4 | 5 | 5 | 5 | 5 | 5 | 4 | 4 | 4 | 4 | 5 | 4 | 4 | 3 | 4 | 4 | 5 | 3 | 4 | 4 | 4 | 129/165 | |
| d | Reception | 5 | 5 | 4 | 5 | 4 | 5 | 5 | 4 | 4 | 4 | 5 | 5 | 1 | 5 | 5 | 4 | 5 | 5 | 4 | 4 | 4 | 4 | 5 | 4 | 5 | 4 | 4 | 4 | 5 | 3 | 4 | 4 | 4 | 127/165 | |
| e | Cleanlines | 5 | 4 | 5 | 5 | 4 | 5 | 4 | 4 | 5 | 4 | 5 | 5 | 1 | 5 | 5 | 4 | 4 | 5 | 5 | 5 | 4 | 4 | 5 | 4 | 4 | 3 | 4 | 4 | 5 | 5 | 4 | 5 | 4 | 126/165 | |
| g | Food | 5 | 4 | 5 | 5 | 4 | 5 | 4 | 4 | 5 | 4 | 4 | 5 | 1 | 5 | 5 | 4 | 4 | 5 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 5 | 5 | 4 | 3 | 4 | 4 | 4 | 124/165 |
| f | Hygiene | 5 | 4 | 5 | 5 | 4 | 5 | 4 | 4 | 5 | 4 | 5 | 5 | 1 | 5 | 5 | 4 | 4 | 5 | 4 | 5 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 5 | 4 | 4 | 4 | 3 | 4 | 125/165 |
| h | Staff Behavior | 5 | 4 | 4 | 5 | 5 | 5 | 5 | 4 | 4 | 5 | 5 | 5 | 1 | 5 | 5 | 5 | 5 | 5 | 5 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 5 | 5 | 5 | 4 | 5 | 4 | 4 | 129/165 |
| l | Hospitality | 5 | | 5 | 5 | 5 | 5 | 4 | 4 | 5 | 5 | 5 | 5 | 1 | 5 | 5 | 5 | 4 | 5 | 4 | 4 | 4 | 4 | 5 | 4 | 4 | 4 | 5 | 5 | 5 | 3 | 5 | 5 | 4 | 126/165 | |