

National Judicial Academy

SE-3: Training Programme for Judicial Officers from Sri Lanka

14th- 18th November, 2016

Programme Coordinator: Mr. Shivaraj S. Huchhanavar & Mr. Sumit Bhattacharya, Research Fellow

No. of Participants : 27

No. of forms received : 25

I. OVERALL				
PROPOSITIONS	To a great extent	To some extent	Not at all	Remarks
a. The objective of the Program was clear to me	96.00	4.00	-	-
b. The subject matter of the program is useful and relevant to my work	96.00	4.00	-	-
c. Overall, I got benefited from attending this program	100.00	-	-	-
d. I will use the new learning, skills, ideas and knowledge in my work	84.00	16.00	-	-
e. Adequate time and opportunity was provided to participants to share experiences	92.00	8.00	-	25. If separate time could be allocated to share different experiences in both judicial system, it would succeed.
II. KNOWLEDGE				
PROPOSITIONS	To a great extent	To some extent	Not at all	Remarks
The program provided knowledge (or provided links / references to knowledge) which is:				
a. Useful to my work	86.96	13.04	-	-
b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	86.96	13.04	-	-
c. Up to date	81.82	18.18	-	-
d. Related to Constitutional Vision of Justice	81.82	18.18	-	-
e. Related to International Legal Norms	65.22	34.78	-	-
III. STRUCTURE OF THE PROGRAM				
PROPOSITIONS	Good	Satisfactory	Unsatisfactory	Remarks
a. The structure and sequence of the program was logical	91.67	8.33	-	-

b. The program was an adequate combination of the following methodologies viz. (i) Group discussions	68.18	31.82	-	-
(ii) Case studies	54.17	45.83	-	-
(iii) Interactive sessions	78.26	21.74	-	-
(iv) Simulation Exercises	56.52	43.48	-	-
(v) Audio Visual Aids	56.52	43.48	-	-

IV. INDIVIDUAL SESSIONS

PROPOSITIONS	To a great extent	To some extent	Not at all	Remarks
a. Discussions in individual sessions were effectively organized	78.26	21.74	-	-
b. The session theme was adequately addressed by the Resource Persons	91.30	8.70	-	-

V. PROGRAM MATERIALS

PROPOSITIONS	To a great extent	To some extent	Not at all	Remarks
a. The Program material is useful and relevant	95.83	4.17	-	-
b. The content was updated. It reflected recent case laws/ current thinking/ research/ policy in the discussed area	79.17	20.83	-	-
c. The content was organized and easy to follow	91.67	8.33	-	-

VI. GENERAL SUGGESTIONS

a. Three most important learning achievements of this Programme	1. Discrimination in Sentencing practice; Circumstantial Evidence; Contours of Social action of litigant. 2. Knowledge, experience and exposure/efficiency.
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	<p>3. 1. How to evaluate the evidence; 2. How to evaluate the contempt of court cases in practical manner.</p> <p>4. Analyzing evidence; 2. Social justice; 3. Independence of judiciary.</p> <p>5. 1. Art, Science and Craft of Judging; 2. ADR mapping of success of ADR initiative in India; 3. Circumstantial Evidence.</p> <p>6. 1. Dissemination of Knowledge; 2. Sharing of experience; 3. Extension of courtesy.</p> <p>7. 1. Gathering a vast knowledge on the laws; 2 Had experience on Court and Case management; 3. How to face crucial situations.</p> <p>8. Knowledge, System, Presentation.</p> <p>9. 1. Art, Science, and Craft of judging; 2. Judicial independence and accountability; 3. Alternative Dispute Resolution.</p> <p>10. 1. Overall knowledge of Indian laws; 2. Court automation in India; 3. Court Management and case management system of India.</p> <p>11. Disparity and discrimination in Sentencing practices; 2. Sentencing in offences against the Human body; 3. Judicial independence and accountability.</p> <p>12. PIL/ADR/Contempt of Court.</p> <p>13. Sentencing; Independence of Judiciary; Art Science of judging.</p> <p>14. 1. How to analyze the evidence; 2. Time management for speedy disposal of cases; 3. Laws dealing with cybercrimes.</p> <p>15. Good exposure to new trends/ developments; Expanded my thinking & deal with some of my bias; Lots of practical hints/ tips received.</p> <p>16. Enhanced the knowledge on social action litigation.</p> <p>17. 1. Circumstantial Evidence; 2. Sentencing in Offences against the Human body; 3. Art, Science and Craft of Judging.</p> <p>18. 1. Sentencing in Offences; 2. Contempt of Court; 3. Judicial Independence.</p> <p>19. Appreciation of Electronic Evidence. Cybercrimes & Laws dealing with Cybercrimes, Judicial Independence and accountability.</p> <p>20. Case management; Independent Judiciary; Contempt of Court.</p> <p>21. Enhanced the knowledge, new thinking and updated knowledge on some aspects.</p>
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	<p>22. Session 1: <i>Disparity and Discrimination in Sentencing Practices</i>; Session 7: <i>Contours of Social Action Litigation</i>; Session 8: <i>Art, Science and Craft of Judging</i>.</p> <p>23. 1. Circumstantial Evidence; 2. Art, Science and Craft of Judging; 3. Judicial Independence; Because of the breaks, it was very easy to concentrate. Otherwise being seated in one place would have been difficult.</p> <p>24. 1. Court and Case Management methodologies; 2. Art, Science and Crafts of judging; Fair Sentencing practices.</p> <p>25. 1. Understanding the present developments in legal system; 2. How a better judgment could be delivered in holding the rule of law with using the common sense; 3. How the case management is very important and the outcome could result in doing justice.</p>
<p>b. Which part of the Programme did you find most useful and why</p>	<p>1. Disparity and Discrimination in Sentencing practices.</p> <p>2. Session 8: <i>Art, Science and Craft of Judging</i>: because it has a direct bearing on my day to day work.</p> <p>3. Disparity and Discrimination in Sentencing practices- it's useful to my day to day work.</p> <p>4. Case management.</p> <p>5. Circumstantial Evidence; Art, Science and Craft of Judging.</p> <p>6. Circumstantial evidence—because it is very much relevant inn our day to day activity.</p> <p>7. All parts were equally useful</p> <p>8. Contempt of Court</p> <p>9. Art of writing judgment—for day to day work it is essential.</p> <p>10. Day 1 Programme—the knowledge and presentation of the speakers were of high standards.</p> <p>11. Sentencing in offences against the Human Body (safe guard the human right)</p> <p>12. PIL/ADR—People of our country would be benefitted if they could be introduced in Sri Lanka also if possible.</p> <p>13. Disparity and Discrimination in Sentencing practices and Social Action litigation.</p> <p>14. Sentencing in Offences against the Human Body.</p> <p>15. On social justice as it is important in today's context. Contempt of court was very topical.</p> <p>16. Session 4: <i>Cybercrimes and Laws dealing with Cybercrimes</i> of the 1st day Cybercrimes and Law. It enlightened us on various aspects of computer related crimes and vulnerability of computer users.</p>

	<p>17. With regard to Circumstantial Evidence. There are cases before me, where there are no direct evidence for the prosecution to prove beyond reasonable doubt.</p> <p>18. Judicial Independence is the most useful part which I achieved, because as a Judge it is very important to be independent when working on the bench.</p> <p>19. Session 3: <i>Appreciation of Electronic Evidence</i>; Session 4: <i>Cybercrimes and Laws dealing with Cybercrimes and</i> Session 10: <i>Judicial Independence and Accountability</i>. Dealt with issues quite relevant to the present days – issues.</p> <p>20. Every day it is very successful.</p> <p>21. Most of the parts of programmes are useful to enhance the knowledge of the relevant areas and it helped us for good and new thinking on some of the areas.</p> <p>22. All</p> <p>23. The session with Justice KC Bhanu; Justice Tripathi, Adv. Vakul Sharma are very effective speaker.</p> <p>24. Court and Case Management: It is the latest interest in Sri Lankan judicial field.</p> <p>25. Session 8: <i>Art, Science and Craft of Judging</i>—Because it made us rethink the way how we should write a good judgment in better way to do justice to the people.</p>
<p>c. Which part of the Programme did you find least useful and why</p>	<p>1. Mapping of success of ADR initiative in India</p> <p>2. Session 10: <i>Judicial Independence and Accountability</i>—because it does not have direct bearing on my day to day work.</p> <p>3. Cybercrimes and law dealing with the cybercrimes--- it's a new concept and developing issues in my court.</p> <p>4. Everything is useful.</p> <p>5. Very difficult to categorize it.</p> <p>6. Nothing.</p> <p>7. Nothing, because all the programme were very useful to the day to day work of courts.</p> <p>8. ADR</p> <p>9. Case management—I think he is not ready; he had communication problem.</p> <p>10. None</p> <p>11. Art, Science and Craft of judging – it depends on the personal minds.</p>

	<p>12. Since the programme coordinators have organized the programme in an effective manner for it to be produced with no boring sessions, no comment about least useful to me.</p> <p>13. Circumstantial Evidence—it completely depends on the case based factors; there is no clear rules on it, further varies judge to judge.</p> <p>14. Nil</p> <p>15. We were unable to understand the accent of the speaker on circumstantial evidence.</p> <p>17. The ADR mapping of success of ADR initiations in India. This is outside the scope of the courts cases.</p> <p>18. All the programmes are very useful.</p> <p>19. Participant did not comment.</p> <p>20. None</p> <p>21. Cybercrimes – Lack of information.</p> <p>22. Participant did not comment.</p> <p>24. ADR: Mapping of Success of ADR initiatives in India—As Sri Lankan law is different in this area.</p> <p>25. None</p>
<p>d. Kindly make any suggestions you may have on how NJA may serve you better and make its programmes more effective</p>	<p>1. 1. Introduce more sessions about Criminal Law/Evidence; 2. Introduce the Court visit sessions. It helps to see the Court procedure in practicality; Thank you very much to National Judicial Academy for all the great hospitality.</p> <p>2. By selecting more effective subjects which have direct bearing on the day to day work of a judge.</p> <p>3. Participant did not comment.</p> <p>4. Participant did not comment.</p> <p>5. The way Seminar is conducted, there is nothing to say bad about it. It is very useful and we got some knowledge to improve our day to day work.</p> <p>6. Extend it to other judges as well.</p> <p>7. The way of conducting programmes are in a satisfactory level.</p> <p>8. Same kind of subjects have to be discussed.</p> <p>9. As far as subjects selected are concerned they are good but with some speakers we had problem understanding.</p> <p>10. Difficulty to think of a new suggestion because the programme was of very good quality.</p>

	<p>11. All things are provided by the Academy, because of that I have no suggestions to make to the NJA.</p> <p>12. In addition to the topics of PIL and ADR, I suggest for Civil/Criminal Procedure to be discussed to reduce the back log of cases in Sri Lankan court at present.</p> <p>13. Over all programme was very useful and effective. Have gained some sort of energy to think more in the working areas as well as the unlimited scope of the judiciary.</p> <p>14. Mainly focus on civil matters will be helpful to s/c Judges.</p> <p>15. Circumstantial Evidence is very important subject and should be dealt with greater detail.</p> <p>16. Better to design programmes in such a way that it would provide more information among the participants.</p> <p>17. If the academy could provide the participants the notes of the lecturers while is in progress. It could be much easy to understand as (very few lectures) pronunciation could not be understood.</p> <p>P.S.- I personally wish to thank the NJA for the support and cooperation given to us during our stay in Bhopal. Thank you.</p> <p>18. I suggest, it is better if NJA could make arrangements to guide Sri Lankan Judges for Indian court visits. Specially High Courts or the Superior courts. Through that we will gain a practical experience and it will remain with us all over our career.</p> <p>19. Have more sessions on Electronic evidence, as Cybercrimes. Inform in advance of the type of sessions we are going to hear before the arrival. Topic and materials.</p> <p>20. We all have the some problems therefore draw your attention- what is most useful/practical problems people are facing in future/ in the present.</p> <p>21. Necessity of more latest and more details comparing with other Jurisdiction.</p> <p>22. Participant did not comment.</p> <p>23. If the reading material is given beforehand, it will be easy to refer up; also to make available the relevant material that were not given initially; to organize other areas of law i.e. variety.</p> <p>24. It is better to have Court visits; Power point presentations in lectures.</p> <p>25. Both Mr. Research Fellows have done a good job in organizing the programme. The reading materials are praiseworthy. Thanks a lot for the great effort. Please repeat the same in future also.</p>
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