

Refresher Course for NDPS Courts (P-1060), November 24-26, 2017

Programme Schedule

Programme Co-ordinator – Ms. Shruti Jane Eusebius, Law Associate, NJA

<p>DAY 1 November 24, 2017</p> <p>Friday</p>	<p align="center"><u>SESSION 1</u> <u>10:00 AM– 11:30 AM</u></p> <p align="center"><u>10:00 AM – 10:05 AM</u> Introduction</p> <p align="center"><u>10: 05 AM – 11:30 AM</u></p> <p>Combating Illicit Drug Traffic and Drug Abuse : Critical Role of NDPS Courts</p> <p align="center"><u>Proposed Scope of Discussion</u></p> <ul style="list-style-type: none"> - Tracing the Purpose and Objective of Establishing specialised courts for NDPS Cases - Deterrence as an objective of the NDPS Act - India’s obligations under International Conventions on Narcotic Drugs and Psychotropic Substances <p align="center">Speaker: Justice SJ Mukhopadhaya</p>	<p align="center"><u>SESSION 2</u> <u>12:00 PM – 1:30 PM</u></p> <p align="center">Presumption of Culpable Mental State Under Section 35 of the NDPS Act</p> <p align="center"><u>Proposed Scope of Discussion</u></p> <ul style="list-style-type: none"> - Reversal of Burden of Proof - Standard of Proof – Proof beyond reasonable doubt; not Preponderance of Probabilities <p align="center">Speaker: Dr. J.N. Barowalia</p> <p align="center">Chair: Justice SJ Mukhopadhaya</p>	<p align="center"><u>SESSION 3</u> <u>2:30 PM – 4:00 PM</u></p> <p align="center">Irregularity in Investigation: Impact on Court Proceedings (Group Discussion)</p> <p align="center"><u>Proposed Scope of Discussion</u></p> <ul style="list-style-type: none"> - Challenges faced by Courts in Trial of NDPS Cases : Curatives for lax or irregular investigation - Powers of the NDPS Courts <p align="center">Panel Justice SJ Mukhopadhaya Dr. J.N. Barowalia</p> <p align="center"><i>(In-house Tea at 3.00 PM)</i></p>
<p>DAY 2 November 25, 2017</p> <p>Saturday</p>	<p align="center"><u>SESSION 4</u> <u>10:00 AM – 11:30 AM</u></p> <p align="center">Search and Seizure under NDPS Act</p> <p align="center"><u>Proposed Scope of Discussion</u></p> <ul style="list-style-type: none"> - Powers of Entry, Search & Seizure under Chapter V of the NDPS Act - Procedural Safeguards in exercising powers of search and seizure. - Powers and Functions of the NDPS Courts vis-à-vis Search and Seizure. <p align="center">Speaker: Dr. J.N. Barowalia</p>	<p align="center"><u>SESSION 5</u> <u>12:00 PM – 1:30 PM</u></p> <p align="center">Framing of Charges by NDPS Courts : Issues and Challenges</p> <p align="center"><u>Proposed Scope of Discussion</u></p> <ul style="list-style-type: none"> - Materials to be considered while framing charges - Quantity of Narcotic Drug & Psychotropic Substances (Small, Intermediary & Commercial Quantity) as a relevant factor <p align="center">Speaker: Justice Dharnidhar Jha</p>	<p align="center"><u>SESSION 6</u> <u>2:30 PM – 4:30 PM</u></p> <p align="center">Sentencing in NDPS Cases</p> <p align="center"><u>Proposed Scope of Discussion</u></p> <ul style="list-style-type: none"> - Just Sentencing in NDPS Cases - Rehabilitation as a goal in Drug Abuse Cases - Judicial Discretion in Determination of Sentence. - Rationalised Sentencing Structure post the 2001 Amendment <p align="center">Speakers Ms. Tripti Tandon Prof. S.P. Srivastava</p> <p align="center"><i>(In-house Tea at 3.00 PM)</i></p>

<p>DAY 3 November 26, 2017</p> <p>Sunday</p>	<p align="center"><u>SESSION 7</u> <u>10:00 AM – 11:30 AM</u></p> <p>Determination of Drug Quantity by Courts</p> <p align="center"><u>Proposed Scope of Discussion</u></p> <ul style="list-style-type: none"> - Determination of Small Quantity and Commercial Quantity - Quantity –Whether weight of total seized substance or actual percentage of narcotic drug/ psychotropic substance found in the substance? <p>Speaker: Justice K. Abraham Mathew</p>	<p align="center"><u>SESSION 8</u> <u>12:00 PM – 1:30 PM</u></p> <p>Challenges before the NDPS Courts in the Application of Sections 42 & 50 of the NDPS Act</p> <p align="center"><u>Proposed Scope of Discussion</u></p> <ul style="list-style-type: none"> - Challenges before the NDPS Courts with regard to Compliance of Section 42 & 50 of NDPS Act - Mandate to the Investigating Officer under Section 42 & 50 of NDPS Act. <p>Speaker: Justice Ved Prakash Sharma</p> <p align="center"><u>1:30 PM – 1:40 PM</u> Participants' Feedback</p> <p align="center"><i>(In-house Tea at 1.00 PM)</i></p>	
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