

# NATIONAL JUDICIAL ACADEMY

**P-1111: Refresher Course for POCSO Court Judges**

14<sup>th</sup> – 16<sup>th</sup> September, 2018

**Programme Coordinator** : Mr. Shivaraj S. Huchhanavar, Research Fellow

**No. of Participants** : 42

**No. of forms received** : 42

I. OVERALL				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
a. The objective of the Program was clear to me	<b>95.24</b>	<b>4.76</b>	-	40. Very informative
b. The subject matter of the program is useful and relevant to my work	<b>92.86</b>	<b>7.14</b>	-	-
c. Overall, I got benefited from attending this program	<b>90.48</b>	<b>9.52</b>	-	-
d. I will use the new learning, skills, ideas and knowledge in my work	<b>92.86</b>	<b>7.14</b>	-	-
e. Adequate time and opportunity was provided to participants to share experiences	<b>88.10</b>	<b>11.90</b>	-	-
II. KNOWLEDGE				
PROPOSITION	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	<b>97.62</b>	<b>2.38</b>	-	-
b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	<b>88.10</b>	<b>11.90</b>	-	-
c. Up to date	<b>83.33</b>	<b>16.67</b>	-	-

d. Related to Constitutional Vision of Justice	<b>56.10</b>	<b>41.46</b>	<b>2.44</b>	-
e. Related to international legal norms	<b>36.59</b>	<b>56.10</b>	<b>7.31</b>	-
<b>III. STRUCTURE OF THE PROGRAM</b>				
<b>PROPOSITION</b>	<b>Good</b>	<b>Satisfactory</b>	<b>Unsatisfactory</b>	<b>Remarks</b>
a. The structure and sequence of the program was logical	<b>85.71</b>	<b>14.29</b>	-	-
b. The program was an adequate combination of the following methodologies viz.				
(i) Interactive sessions were fruitful	<b>87.80</b>	<b>12.20</b>	-	-
<b>IV SESSIONS WISE VETTING</b>				
<b>Parameters</b>				
<b>Session</b>	<b>Discussions in individual sessions were effectively organized</b>		<b>The Session theme was adequately addressed by the Resource Persons</b>	
	Effective and Useful	Satisfactory	Effective and Useful	Satisfactory
1	<b>83.33</b>	<b>16.67</b>	<b>87.88</b>	<b>12.12</b>
2	<b>82.05</b>	<b>17.95</b>	<b>83.33</b>	<b>16.67</b>
3	<b>76.92</b>	<b>23.08</b>	<b>80.00</b>	<b>20.00</b>
4	<b>84.62</b>	<b>15.38</b>	<b>82.14</b>	<b>17.86</b>
5	<b>82.50</b>	<b>17.50</b>	<b>77.42</b>	<b>22.58</b>
6	<b>74.36</b>	<b>25.64</b>	<b>76.67</b>	<b>23.33</b>
7	<b>94.87</b>	<b>5.13</b>	<b>93.33</b>	<b>6.67</b>
8	<b>94.74</b>	<b>5.26</b>	<b>93.10</b>	<b>6.90</b>
<b>V. PROGRAM MATERIALS</b>				
<b>PROPOSITION</b>	<b>To a great extent</b>	<b>To some extent</b>	<b>Not at all</b>	<b>Remarks</b>
a. The Program material is useful and relevant	<b>85.71</b>	<b>14.29</b>	-	-
b. The content was updated. It reflected recent case laws/ current	<b>76.19</b>	<b>23.81</b>	-	-

thinking/ research/ policy in the discussed area				
c. The content was organized and easy to follow	<b>85.00</b>	<b>15.00</b>	-	-

<b>VIII. GENERAL SUGGESTIONS</b>	
1. Three most important learning achievements of this Programme	<p>1. Exchange of perspectives on aspects dealing with child victim, law on rehabilitation and compensation and child friendly techniques.</p> <p>2. 1. Assessment of compensation.</p> <p>3. 1. Clarity on child friendly methods; 2. Sensitization of programme.</p> <p>4. 1. Interviewing children; 2. Age determination and appreciation of evidence; 3. Compensation.</p> <p>5. 1. Updated the knowledge; 2. Programme added new way of thinking; 3. Broadened the horizon.</p> <p>6. Understanding the psychology of victim child; How to be friendly with victim child; How to provide friendly atmosphere to victim child.</p> <p><i>7. Session 1: Protection against Child Sexual Abuse and Harassment: International Perspectives; Session 3: Child Friendly Court Procedures and Judicial Attitudes: Statutory Provisions and Best Practices;</i></p> <p>8. Understanding Psychology of a child.</p> <p>9. Participant did not comment.</p> <p>10. Gained knowledge on some problems. Got solution.</p> <p>11. Age determination.</p> <p>12. Recording &amp; appreciation of evidence in POCSO cases. Rehabilitation and compensation of child victims of sexual offences.</p> <p>13. 1. Updated my knowledge; 2. Realized that I have to be more sensitive; 3. Have to be more innovative and open to ideas.</p> <p>14. A good start for me as POCSO judge.</p> <p>15. Participant did not comment.</p> <p>16. With regard to age determination. Compensation and child psychology.</p> <p>17. None.</p> <p>18. 1. Updated rulings are very useful; 2. Court procedure and victim psychology. 3. Clarified some minute topics in practical aspects.</p> <p>19. The programme sensitized us regarding child psychology by stepping into the victim's shoes regarding the trauma bore by them.</p> <p>20. Participant did not comment.</p> <p>21. 1. Basic law of POCSO and its aim for achievement; 2. Application of natural law to the POCSO law; 3. Appreciation of evidence &amp; victim child and parents &amp; relative.</p>

	<p>22. Child friendly, Interaction with the resource persons, discussion about case laws.</p> <p>23. The programme was very interactive and practical to be used in day-to-day trial.</p> <p>24. Legal aspect of POCSO; understanding about child victim &amp; rehabilitation and compensation.</p> <p>25. The programme was very fruitful I have learnt much more from the programme.</p> <p>26. 1. Child psychological behaviour; 2. The role of a judge in POCSO court; 3. All most all of the case laws.</p> <p>27. 1. Child friendly methods and techniques for interviewing children; 2. Age determination of victim and perpetrator; 3. Appreciation of evidence.</p> <p>28. Understood the object of POCSO Act, child, children, childhood and emotions and feelings, rehabilitation.</p> <p>29. 1. Latest case laws of apex court were cited; 2. Practical difficulties were addressed; 3. All the sessions have sensitized us towards POCSO cases.</p> <p>30. 1. Knowledge of child psychology; 2. Trial of POCSO cases; 3. Rehabilitation of victim of POCSO case.</p> <p>31. 1. Child psychology – How to adjudge &amp; cope with child victim at their mental level; 2. How to be more compassionate with victims; 3. How to implement the real intent of POCSO Act.</p> <p>32. 1. Interaction with the resource persons on all the questions which came in mind; 2. Knowledge about how the POCSO cases are dealt in other parts of our country; 3. How to make the courts victim friendly while testifying.</p> <p>33. We have become more effective, up-to-date and knowledgeable to try POCSO cases.</p> <p>34. 1. I found my short comings in trial process. 2. I learnt to improve my skills; 3. I got good stuff to carry with me.</p> <p>35. <b>Session 5: Recording &amp; Appreciation of Evidence in POCSO cases; Session 6: Presumption &amp; Burden of Proof under POCSO Act and Session 7: Rehabilitation and Compensation for Child Victims of Sexual Offences-</b> This will be useful in day-to-day justice delivery system, sensitizing judges.</p> <p>36. <b>Session 5: Recording &amp; Appreciation of Evidence in POCSO cases; Session 6: Presumption &amp; Burden of Proof under POCSO Act and Session 7: Rehabilitation and Compensation for Child Victims of Sexual Offences.</b>1. Patient hearing; 2. Sensitizing judges; 3. Proactivism of a judge.</p> <p>37. All were useful.</p> <p>38. 1. Child psychology and child friendly methods and techniques for interviewing children; 2. Age determination; 3. Recording &amp; appreciation of evidence.</p> <p>39. 1. The programme was useful from theoretical point of view; 2. Also practical point of view; 3. And how to go ahead in future.</p> <p>40. 1. Recent laws laid by various High Courts and Supreme Court has been brought to our knowledge; 2. Procedural problems were solved; 3. More clarity in laws was made.</p> <p>41. 1. Be passionate and active during trial of POCSO cases; do not sit like umpire; 2. Anonymity of child victim should be maintained &amp; should be dealt with sensitivity; 3. Victim should be given priority by court over other witness.</p>
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	<p>42. 1. This programme helped a lot in day-to-day functioning as a POCSO judge; 2. As well as recording of evidence of victim &amp; speedy trial of POCSO case to award compensation to the victim.</p>
<p>2. Which part of the Programme did you find most useful and why</p>	<p>1. <b>Session 1: Protection against Child Sexual Abuse and Harassment: International Perspectives; Session 2: Child Sexual Abuse: Understanding Behavioral and Psychological Impairments in Victim; Session 3: Child Friendly Court Procedures and Judicial Attitudes: Statutory Provisions and Best Practices and Session 7: Rehabilitation and Compensation for Child Victims of Sexual Offences.</b></p> <p>2. <b>Session 1: Protection against Child Sexual Abuse and Harassment: International Perspectives; Session 2: Child Sexual Abuse: Understanding Behavioral and Psychological Impairments in Victim; Session 3: Child Friendly Court Procedures and Judicial Attitudes: Statutory Provisions and Best Practices.</b></p> <p>3. <b>Session 1: Protection against Child Sexual Abuse and Harassment: International Perspectives; Session 2: Child Sexual Abuse: Understanding Behavioral and Psychological Impairments in Victim; Session 3: Child Friendly Court Procedures and Judicial Attitudes: Statutory Provisions and Best Practices.</b></p> <p>4. Recording and appreciation of evidence as it helps regularly.</p> <p>5. Day-I, Programme is most beneficial being edifice to POCSO cases.</p> <p>6. <b>Session 1: Protection against Child Sexual Abuse and Harassment: International Perspectives; Session 2: Child Sexual Abuse: Understanding Behavioral and Psychological Impairments in Victim; Session 3: Child Friendly Court Procedures and Judicial Attitudes: Statutory Provisions and Best Practices; Session 4: Age Determination (of victim and perpetrator): Challenges and Solutions; Session 5: Recording &amp; Appreciation of Evidence in POCSO cases and Session 7: Rehabilitation and Compensation for Child Victims of Sexual Offences.</b></p> <p>7. All sessions..</p> <p>8. Compensation &amp; rehabilitation part.</p> <p>9. <b>Session 1: Protection against Child Sexual Abuse and Harassment: International Perspectives; Session 4: Age Determination (of victim and perpetrator): Challenges and Solutions; Session 6: Presumption &amp; Burden of Proof under POCSO Act. Session 7: Rehabilitation and Compensation for Child Victims of Sexual Offences and Session 8: POCSO Adjudication: Challenges and the Way Forward.</b></p> <p>10. On 15<sup>th</sup> September- It is directly connected to cases being heard by me.</p> <p>11. All</p> <p>12. Child sexual abuse- Basics.</p> <p>13. Interactive sessions.</p> <p>14. First day and final day.</p> <p>15. All the sessions.</p> <p>16. <b>Session 1: Protection against Child Sexual Abuse and Harassment: International Perspectives; Session 4: Age Determination (of victim and perpetrator): Challenges and Solutions; Session 5: Recording &amp; Appreciation of Evidence in POCSO cases Session 6: Presumption &amp; Burden of Proof under POCSO Act. Session 7: Rehabilitation and Compensation for Child Victims of Sexual Offences and Session 8: POCSO Adjudication: Challenges and the Way Forward.</b></p>

	<p>17. None</p> <p>18. All programme. It is useful in day-to-day trial in POCSO cases.</p> <p>19. Understanding child psychology as well as various forms of “Consent” which actually are not consent.</p> <p>20. <b>Session 1: Protection against Child Sexual Abuse and Harassment: International Perspectives; Session 2: Child Sexual Abuse: Understanding Behavioral and Psychological Impairments in Victim; Session 3: Child Friendly Court Procedures and Judicial Attitudes: Statutory Provisions and Best Practices; Session 7: Rehabilitation and Compensation for Child Victims of Sexual Offences and Session 8: POCSO Adjudication: Challenges and the Way Forward.</b></p> <p>21. <b>Session 7: Rehabilitation and Compensation for Child Victims of Sexual Offences.</b></p> <p>22. Discussion of cited case laws.</p> <p>23. All three days were very interactive and useful.</p> <p>24. <b>Session 4: Age Determination (of victim and perpetrator): Challenges and Solutions; Session 5: Recording &amp; Appreciation of Evidence in POCSO cases; Session 6: Presumption &amp; Burden of Proof under POCSO Act; Session 7: Rehabilitation and Compensation for Child Victims of Sexual Offences and Session 8: POCSO Adjudication: Challenges and the Way Forward.</b></p> <p>25. All programme I find very informative &amp; useful.</p> <p>26. The presentation of Justice Gokani are most useful and valuable for me to work sensitively.</p> <p>27. Discussion regarding age determination and compensation to victim of sexual abuse.</p> <p>28. All programme are found most useful.</p> <p>29. <b>Session 4: Age Determination (of victim and perpetrator): Challenges and Solutions; Session 5: Recording &amp; Appreciation of Evidence in POCSO cases-</b> were very useful because all doubts were cleared to a great extent.</p> <p>30. <b>Session 4: Age Determination (of victim and perpetrator): Challenges and Solutions; Session 5: Recording &amp; Appreciation of Evidence in POCSO cases; Session 6: Presumption &amp; Burden of Proof under POCSO Act.</b> – these subjects discussed various problems faced by POCSO judges.</p> <p>31. All</p> <p>32. It can't be chosen. Every part was most useful as all are innovative.</p> <p>33. All session are very important and useful especially all sessions of day second.</p> <p>34. Last session of the day 16<sup>th</sup> September, 2018.</p> <p>35. <b>Session 4: Age Determination (of victim and perpetrator): Challenges and Solutions; Session 5: Recording &amp; Appreciation of Evidence in POCSO cases; Session 6: Presumption &amp; Burden of Proof under POCSO Act. Session 7: Rehabilitation and Compensation for Child Victims of Sexual Offences and Session 8: POCSO Adjudication: Challenges and the Way Forward-</b> The speakers provided much more information.</p> <p>36. <b>Session 4: Age Determination (of victim and perpetrator): Challenges and Solutions-</b> onwards. The speakers were par excellence.</p> <p>37. All parts were useful.</p>
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	<p>38. All the above mentioned in Col. No. (a) because it helps, practically, how to conduct POCSO trials, effectively &amp; efficiently.</p> <p>39. All parts were useful.</p> <p>40. Law set by Hon'ble Supreme Court.</p> <p>41. <b>Session 5: Recording &amp; Appreciation of Evidence in POCSO cases-</b> because earlier more or less I used to expect a narrative version of the incident from the child witness like an adult.</p> <p>42. All were excellent.</p>
<p>3. Which part of the Programme did you find least useful and why</p>	<p>1. <b>Session 6: Presumption &amp; Burden of Proof under POCSO Act.</b></p> <p>2. <b>Session 6: Presumption &amp; Burden of Proof under POCSO Act.</b></p> <p>3. <b>Session 4: Age Determination (of victim and perpetrator): Challenges and Solutions and Session 6: Presumption &amp; Burden of Proof under POCSO Act.</b></p> <p>4. No such programme.</p> <p>5. None.</p> <p>6. <b>Session 6: Presumption &amp; Burden of Proof under POCSO Act.</b></p> <p>7. All most all.</p> <p>8. Presumption &amp; burden of proof.</p> <p>9. <b>Session 3: Child Friendly Court Procedures and Judicial Attitudes: Statutory Provisions and Best Practices.</b></p> <p>10. Participant did not comment.</p> <p>11. Participant did not comment.</p> <p>12. Presumption &amp; Burden of proof under POCSO – because discussion time was less.</p> <p>13. Sessions stressing on the theoretical part of the subject.</p> <p>14. No</p> <p>15. Participant did not comment.</p> <p>16. Participant did not comment.</p> <p>17. None</p> <p>18. Participant did not comment.</p> <p>19. The part addressed by Ms. Geeta Oberoi.</p> <p>20. Participant did not comment.</p> <p>21. No one.</p> <p>22. Participant did not comment.</p> <p>23. I enjoyed all part of the programme and benefitted.</p> <p>24. Participant did not comment.</p> <p>25. None.</p> <p>26. All the programmes are useful for me.</p> <p>27. Does not arise.</p> <p>28. Does not arise.</p>

	<p>29. <b>Session 1: Protection against Child Sexual Abuse and Harassment: International Perspectives; Session 2: Child Sexual Abuse: Understanding Behavioral and Psychological Impairments in Victim-were</b> least useful.</p> <p>30. <b>Session 4: Age Determination (of victim and perpetrator): Challenges and Solutions; Session 5: Recording &amp; Appreciation of Evidence in POCSO cases; Session 6: Presumption &amp; Burden of Proof under POCSO Act.</b> – is very useful for all POSCO judges, many problems are very easily cleared by resource persons.</p> <p>31. No.</p> <p>32. None</p> <p>33. None.</p> <p>34. Every session was good.</p> <p>35. None.</p> <p>36. None.</p> <p>37. None.</p> <p>38. <b>Session 7: Rehabilitation and Compensation for Child Victims of Sexual Offences and Session 8: POCSO Adjudication: Challenges and the Way Forward.</b></p> <p>39. None.</p> <p>40. NA.</p> <p>41. Participant did not comment.</p> <p>42. None.</p>
<p>4. Kindly make any suggestions you may have on how NJA may serve you better and make its programmes more effective</p>	<p>1. No suggestions required as programme was very well structured.</p> <p>2. Participant did not comment.</p> <p>3. Participant did not comment.</p> <p>4. Update the knowledge regularly through e-mail.</p> <p>5. Participant did not comment.</p> <p>6. Call us again after some months in order to know as to how we benefited by this programme &amp; what problems we face in POCSO trial.</p> <p>7. NJA, should provide better facilities of food and transport facility to the participants at least on the last day of the programme, though on payment.</p> <p>8. Some more time is required.</p> <p>9. Participant did not comment.</p> <p>10. Permit spouse.</p> <p>11. All is very good.</p> <p>12. To give more time for discussion.</p> <p>13. Participant did not comment.</p> <p>14. Provide effective training as I enjoyed.</p> <p>15. This programme should be given to JJB Boards also as they also deal with POCSO cases where the perpetrator is child-in-conflict with law.</p> <p>16. Participant did not comment.</p> <p>17. None</p>



18. Participant did not comment.
19. Participant did not comment.
20. Participant did not comment.
21. Present process & measure is sufficient.
22. Mode of child friendly recoding of statement u/s 164 Cr. P.C. may be trained/ served to the magistrates.
23. Please keep up the good work.
24. On every part training programme should be conducted so that we enrich and justice can be done.
25. I am fully satisfied the way programme was organized and the resource persons are excellent.
26. Power point presentation is not visible to the last two lines, kindly install larger screen to avoid difficulties.
27. No suggestion.
28. Since NJA has great service, no suggestion is required.
29. Reading material also should be provided by way of soft copy and through email.
30. NJA programme are very well & effective. Thank you.
31. Nothing, as NJA has made this programme in a very effective manner.
32. Thanks.
33. Participant did not comment.
34. 1. All presentations must be given in CD; 2. Group studies must be there; 3. There must be group presentation too; 4. Before starting course, participants may be called for submitting their problems earlier through mails.
35. Participant did not comment.
36. Continue inviting for such refresher courses.
37. Participant did not comment.
38. Study material shall be dispatched to nominated judges well in advance, so that they may come prepared.
39. So far as POCSO cases are concerned police officers, prosecutors require such type of training, besides judicial officer. Last but not the least different courses must be taught.
40. The programme was very effective and useful. Resource Persons explained all the problems effectively.
41. Participant did not comment.
42. Study materials be provided through email to all the judges.