

# National Judicial Academy

**P-1172: Refresher Course for NDPS Courts**

4<sup>th</sup> – 6<sup>th</sup> October, 2019

**Programme Coordinator** : Mr. Prasidh Raj Singh, Research Fellow

**No. of Participants** : 35

**No. of forms received** : 35

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>94.12</b>	<b>5.88</b>	-	-
b. The subject matter of the program is useful and relevant to my work	<b>91.18</b>	<b>8.82</b>	-	-
c. Overall, I got benefited from attending this program	<b>88.24</b>	<b>11.76</b>	-	30. Very good experience.
d. I will use the new learning, skills, ideas and knowledge in my work	<b>84.85</b>	<b>15.15</b>	-	-
e. Adequate time and opportunity was provided to participants to share experiences	<b>90.91</b>	<b>9.09</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>87.50</b>	<b>12.50</b>	-	-
b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	<b>88.24</b>	<b>11.76</b>	-	30. Excellent for improving knowledge of law.
c. Up to date	<b>87.88</b>	<b>12.12</b>	-	-
d. Related to Constitutional Vision of Justice	<b>73.53</b>	<b>26.47</b>	-	-

e. Related to international legal norms	<b>60.61</b>	<b>36.36</b>	<b>3.03</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>91.43</b>	<b>8.57</b>	-	-
b. The program was an adequate combination of the following methodologies viz.				
(i) Group discussion cleared many doubts	<b>63.64</b>	<b>36.36</b>	-	20. No group discussion.
(ii) Case studies were relevant	<b>79.41</b>	<b>20.59</b>	-	30. Very fruitful in all respects.
(iii) Interactive sessions were fruitful	<b>73.53</b>	<b>26.47</b>	-	-
(iv) Audio Visual Aids were beneficial	<b>63.33</b>	<b>30.00</b>	<b>6.67</b>	8. Not applied.
<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>84.85</b>	<b>15.15</b>	<b>91.67</b>	<b>8.33</b>
2	<b>87.10</b>	<b>12.90</b>	<b>95.45</b>	<b>4.55</b>
3	<b>83.87</b>	<b>16.13</b>	<b>86.36</b>	<b>13.64</b>
4	<b>87.10</b>	<b>12.90</b>	<b>90.91</b>	<b>9.09</b>
5	<b>77.42</b>	<b>22.58</b>	<b>77.27</b>	<b>22.73</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>91.18</b>	<b>8.82</b>	-	34. Could not go through the material I will offer my opinion intimate a week after reaching Chennai through email.
b. The content was updated. It reflected recent case laws/	<b>88.24</b>	<b>11.76</b>	-	27. State of Rajasthan/ Shahiram (SC)

current thinking/ research/ policy in the discussed area				27.09.2019 is not included. 30. In deed it was very useful relevant.
c. The content was organized and easy to follow	<b>90.91</b>	<b>9.09</b>	-	-

<b>VIII. GENERAL SUGGESTIONS</b>	
a. Three most important learning achievements of this Programme	<p>1. Sentencing policy and mandatory provisions of NDPS Act.</p> <p>2. 1. Search &amp; seizure procedure U/s 41, 42, 50 etc.; 2. Bail management; 3. Forensic report.</p> <p>3. 1. Determination of drug quantity; 2. Lecture given in respect of search &amp; seizure;</p> <p>4. I learnt about the latest case laws; I also learn about the law of bail;</p> <p>5. 1. Most of my doubts were cleared; 2. Relevant and up to date case laws were provided; 3. My understanding of NDPS Act has increased.</p> <p>6. 1. Highlighting which judgments are authorities and which are not; 2. Sharing practice of different states. Especially on what happen after seizure of drugs; 3. Sharing which aspects of the investigation &amp; trial are to be are visited to find out come.</p> <p>7. It will be helpful to some extent in day to day working of NDPS case.</p> <p>8. Intensive and will definitely help me in adjudicating the cases; Study materials will assist in easy reference; Rationalizing while dealing with the cases.</p> <p>9. Helpful for dealing with the NDPS Act; Discussions of judgements interpretation is eye appearing.</p> <p>10. More sensitized about the subject helpful to disposing to case sentencing policy.</p> <p>11. 1. Know about latest case law; 2. Discussed about amended legislation; 3. Procedural aspects are now clearer.</p> <p>12. 1. Updation of case laws; 2. Earlier unattended provisions also updated me; 3. Overall view &amp; problems faced by judicial officer in different states.</p> <p>13. 1. Bring clarity regarding the latest judgements; 2. Discussed about amended legislative; 3. Procedural aspects are now clearer after attending sessions.</p> <p>14. 1. Approaches to be adopted while dealing cases; 2. Understanding problems about NDPS throughout India; 3. Role of judiciary in achieving objects of Act.</p> <p>15. Search &amp; seizure; Sec 35 &amp; 54 of NDPS; TSL report.</p> <p>16. To get opportunity to meet and know judicial officers of other state of India. Understand the work system of other state able to understand the way purpose of the act.</p> <p>17. It will help to dispose of cases effectively; 2. It will help in rendering speedy justice; 3. Some points were clarified effectively.</p> <p>18. 1. Updated study material; 2. May resource persons are with clear concept; 3. Useful in daily judicial working too.</p>

	<p>19. I have got clear idea with reference the leading judgements of apex court on the subject due to elaborate discussion.</p> <p>20. 1. Sharing the case law of various state Hon'ble High Courts where there are grey areas; 2. Knowing the practices and procedure under the NDPS act of other state judiciary; 3. Excellent interactive sessions.</p> <p>21. 1. Effective for special courts and new comers like all; 2. Up to date; 3. Elaborative an all aspects.</p> <p>22. 1. Interaction make some points clear; 2. Discussion on different topics; 3 Discussion on case law.</p> <p>23. None.</p> <p>24. 1. <b>Session 3: Search &amp; Seizure: Procedural Safeguards under the NDPS Act</b>; 2. <b>Session 5: Reverse Burden of Proof vis-à-vis Role of Prosecution in NDPS Trials and 3. Session 7: Sentencing Structure under the NDPS Act.</b></p> <p>25. Gained execution knowledge about 1. Bail 2. Trial and 3. Sentencing policy.</p> <p>26. 1. All doubt regarding bail are cleared; 2. Regarding punishment; 3. Compliance of section 50 NDPS act.</p> <p>27. Participant did not comment.</p> <p>28. Law relating to search &amp; seizure was discussed elaborately and it will be useful in disposal of bail applications and final disposal of cases after trial.</p> <p>29. Learnt latest position in respect of search &amp; seizure; Helpful material knowledge will make as to decide bail application appropriately; Learnt how to deal with punishment issue.</p> <p>30. 1. During the trial of cases the material supplied is very much useful; 2. Improved the vision while interpreted the provision; 2. Improved the knowledge regarding ready law in between the sentence.</p> <p>31. Participant did not comment.</p> <p>32. Participant did not comment.</p> <p>33. Latest law procedure and difficulties have been cleared.</p> <p>34. 1. Clearly understood the power of search under Sec. 41, 42 + 43 of the act; 2. Extensive learning + rendering are required especially for judges dealing with NDPS cases; 3. Precedents need not be applied mechanically facts of the particular cases to be taken in to consideration.</p> <p>35. 1. Enriching and augmenting my knowledge; 2. Very-very relevant.</p>
<p>b. Which part of the Programme did you find most useful and why</p>	<p>1. <b>Session 1: Overview of the Scheme of NDPS Act: Role of Special Courts to Combat Drug Related Offences; Session 2: Determination of Drug Quantity by Courts: Issues and Challenges and Session 3: Search &amp; Seizure: Procedural Safeguards under the NDPS Act.</b></p> <p>2. 1. Determination of drug qty.; 2. Search &amp; Seizure procedure; 3. Bail management- because it is useful for day to day work.</p> <p>3. None.</p> <p>4. All parts of programme are useful in my duty court work.</p> <p>5. <b>Session 3: Search &amp; Seizure: Procedural Safeguards under the NDPS Act; Session 4: Trial and Bail Management in NDPS cases.</b></p>

6. **Session 2: Determination of Drug Quantity by Courts: Issues and Challenges and Session 3: Search & Seizure: Procedural Safeguards under the NDPS Act**- most problematic questions of law like quantity determined Sec. 41, Sec. 42, and Sec. 50 are discussed.

7. Sentencing structure under NDPS Act.

8. The whole programme schedule is well organized and covered the broad areas of NDPS Act. So all part of the programme are found useful.

9. The analysis of the scheme of NDPS Act regarding the applicability of different provisions.

10. None.

11. **Session 3: Search & Seizure: Procedural Safeguards under the NDPS Act.**

12. Sentencing structure as it has great repercussions on the society.

13. **Session 3: Search & Seizure: Procedural Safeguards under the NDPS Act**- the session was really enlightening & helped in clearing concepts regarding the legal position relating to search & seizure & safeguards provided.

14. Interactions.

15. **Session 3: Search & Seizure: Procedural Safeguards under the NDPS Act**- because of speedy disposal of case.

16. Every part of the programme is useful but last one of final most useful because know the method of sentencing.

17. Determination of quantity of narcotic & psychotropic drug – matter referred to larger bench.

18. Trial and bail management in NDPS.

19. Trial and bail management it helped me a lot without having my personal search relating to the case law.

20. Interaction with the Hon'ble judges of the high courts to know the sentencing perspective and trial process in NDPS case and grant of bail which are very important.

21. **Session 1: Overview of the Scheme of NDPS Act: Role of Special Courts to Combat Drug Related Offences and Session 8: Analysis and Evaluation of NDPS Amendment Act, 2014: A way Forward.**

22. Trial & bail management in NDPS case and sentencing structure.

23. All.

24. All, because it was very effective and useful for me as a judicial officer to implement those in my carrier and the subject matter of the programme is relevant to my work.

25. All was everyone is related to present work.

26. All part is very useful.

27. Participant did not comment.

28. **Session 4: Trial and Bail Management in NDPS cases; Session 5: Reverse Burden of Proof vis-à-vis Role of Prosecution in NDPS Trials and Session 6: Appraisal of Forensic Report in Judicial Proceedings**- of the programme. Lecture of chair Justice K.T. Shankaran was very useful and of realistic approach in respect of the adversity and problem faced by officer of district judiciary.

	<p>29. <b>Session 3: Search &amp; Seizure: Procedural Safeguards under the NDPS Act; Session 4: Trial and Bail Management in NDPS cases-</b> on day 1 were useful as it will be helpful in deciding the bail applications appropriately.</p> <p>30. All parts of the programme find useful because vision is improved.</p> <p>31. Participant did not comment.</p> <p>32. Participant did not comment.</p> <p>33. <b>Session 7: Sentencing Structure under the NDPS Act; Session 8: Analysis and Evaluation of NDPS Amendment Act, 2014: A way Forward-</b> because resource persons justice K.T. Sharkaran was clear in law and difficulties met by judges.</p> <p>34. The session relating to power of search, power and precaution turning search. It was pertinent.</p> <p>35. All sessions may relevant to the subject.</p>
<p>c. Which part of the Programme did you find least useful and why</p>	<p>1. <b>Session 8: Analysis and Evaluation of NDPS Amendment Act, 2014: A way Forward.</b></p> <p>2. Participant did not comment.</p> <p>3. All programme are most useful.</p> <p>4. No.</p> <p>5. <b>Session 7: Sentencing Structure under the NDPS Act and Session 8: Analysis and Evaluation of NDPS Amendment Act, 2014: A way Forward-</b> as they were theoretical and were of little value of me as a NDPS judge.</p> <p>6. <b>Session 5: Reverse Burden of Proof vis-à-vis Role of Prosecution in NDPS Trials-</b> Subject matter is impartial but presentation is not to the point.</p> <p>7. Participant did not comment.</p> <p>8. Haven't found any of the part least useful.</p> <p>9. Participant did not comment.</p> <p>10. None.</p> <p>11. Session regarding sentence policy.</p> <p>12. Appraisal of forensic report.</p> <p>13. <b>Session 7: Sentencing Structure under the NDPS Act</b> – regarding sentencing policy. The resource person was unable to clearly explain as to how should be the sentencing policy and the factors to be taken into consideration while sentencing the persons except refreshing some judgements.</p> <p>14. Participant did not comment.</p> <p>15. Participant did not comment.</p> <p>16. Every part is useful.</p> <p>17. Overall programme was very useful.</p> <p>18. None.</p> <p>19. Participant did not comment.</p> <p>20. None.</p> <p>21. Participant did not comment.</p> <p>22. <b>Session 6: Appraisal of Forensic Report in Judicial Proceedings.</b></p>

	<p>23. No.</p> <p>24. Nothing.</p> <p>25. Nil.</p> <p>26. NA.</p> <p>27. Participant did not comment.</p> <p>28. Every part of programme was useful up to some extent.</p> <p>29. Participant did not comment.</p> <p>30. No any part I find leant useful.</p> <p>31. Participant did not comment.</p> <p>32. Participant did not comment.</p> <p>33. <i>Session 3: Search &amp; Seizure: Procedural Safeguards under the NDPS Act</i>-because first resource persons was not on the subject.</p> <p>34. Sampling procedure as the session was not exhaustive. It was too general.</p> <p>35. 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. Person who have practical knowledge should be invited as resource person in such programmes.</p> <p>2. Sec. 67, Sec. 80., NPPS Act.</p> <p>3. None.</p> <p>4. Make more programme in future to existent Our knowledge.</p> <p>5. Every judicial officer must be invited to NJA at least twice a year to upgrade and enhance his legal skills particularly with “Specific Subject”.</p> <p>6. Participant did not comment.</p> <p>7. The programme should not be only academic but it should be on some practical aspects in day to day court working.</p> <p>8. Quality of resource persons having experience in the courts will be more effective for effective implementation of the law.</p> <p>9. During the sessions groups of participants may be made and be given one sessions for 15 minutes are so for presentation /discussion regarding different topic for effective participation and active involvement at the programme.</p> <p>10. Please improve the quality of food, cleaning, hygiene in the room.</p> <p>11. Participant did not comment.</p> <p>12. Participants must be informed at least 15-20 days prior to the refresher course &amp; reading materials must be supplied to them, so that they fully participant &amp; add an their suggestions as well.</p> <p>13. Participant did not comment.</p> <p>14. Participant did not comment.</p> <p>15. No Suggestions.</p> <p>16. Programme should be minimum for one week and should be in English and Hindi language.</p> <p>17. Lectures delivered &amp; interactive sessions were very useful &amp; effective. This session should also have been supplemented with drug &amp; cosmetics act, 1940.</p>

<p>18. By inviting suggestion/problems in day to day working of judicial officers from different state.</p> <p>19. Participant did not comment.</p> <p>20. Organize refresher courses of this nature on all contemporary and relevant enactments such as family law, POCSO act, constitutional law, criminal law amendments terrorist related laws to us periodically.</p> <p>21. Making available the latest decisions on NJA site and making comments on its programme and conference.</p> <p>22. All the sessions were my great extent.</p> <p>23. Presently it's well structured.</p> <p>24. The programme is very useful &amp; effective my humble opinion is that the programme could have been scheduled for a week so that it will be more effective and useful for the participants.</p> <p>25. Participant did not comment.</p> <p>26. Vehicle facility should be arranged for programme etc. without his facility candidate fees fulfil.</p> <p>27. Under the topic of sentencing policy NDPS Act/ J.J. Act. 2015- 1. Hence officer tried by "Children Court" as session trial of NDPS cases. What is the scope of sentence; 2. Introduction of all the participant is missing all are not well acquitted with. Each other, there should be introduction session; 3. Name and state is to mention at his or her sitting place; 4. Regular resource persons of NJA must be research schooler to address the conference.</p> <p>28. Resource persons are dignitaries having real experience and specialist of legal areas. An improvement may be alone to facilitate the participants with facility of transportation for visiting in nearby areas/dignitaries to meet there requisites available in nearby make of.</p> <p>29. Participant did not comment.</p> <p>30. No suggestion is required.</p> <p>31. Participant did not comment.</p> <p>32. Participant did not comment.</p> <p>33. Request for best resource person mostly retired high court and supreme court judges stay of family be made possible in NJA for participating judicial officer.</p> <p>34. My humble opinion is that the programme could have been scheduled for a week. Sec. 67 could not be discussed in details. Procedure for sampling also could not be discussed in detail. Controlled substances could not be discussed in details. No deliberation on Sec. 52 +57 of the NDPS Act. Separate session could have been designed for framing of charges.</p> <p>35. None.</p>
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