

## National Judicial Academy

**P-1237: Workshop on Adjudicating Terrorism Cases**  
23<sup>rd</sup> – 24<sup>th</sup> January, 2021

**Programme Coordinator** : Mr. Sumit Bhattacharya and Ms. Nitika Jain, Faculty  
**No. of Participants** : 42  
**No. of forms received** : 31

<b>I. OVERALL</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 objective of the Program was clear to me	<b>96.77</b>	<b>3.23</b>	-	-
b. The subject matter of the program is useful and relevant to my work	<b>89.66</b>	<b>10.34</b>	-	7. Not now but may be in future.
c. Overall, I got benefited from attending this program	<b>96.77</b>	<b>3.23</b>	-	-
d. I will use the new learning, skills, ideas and knowledge in my work	<b>90.32</b>	<b>9.68</b>	-	-
e. Adequate time and opportunity was provided to participants to share experiences	<b>60.00</b>	<b>40.00</b>	-	-
<b>II. KNOWLEDGE</b>				
<b>PROPOSITION</b>	<b>To a great extent</b>	<b>To some extent</b>	<b>Not at all</b>	<b>Remarks</b>
The program provided knowledge (or provided links / references to knowledge) which is:				
a. Useful to my work	<b>70.97</b>	<b>29.03</b>	-	7. At present not so much but in future it would be certainly useful whenever I may have a chance to decide such type of cases or even otherwise in court work.

b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	<b>90.32</b>	<b>9.68</b>	-	-
c. Up to date	<b>87.10</b>	<b>12.90</b>	-	-
d. Related to Constitutional Vision of Justice	<b>74.19</b>	<b>25.81</b>	-	-
e. Related to international legal norms	<b>70.97</b>	<b>29.03</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>90.32</b>	<b>9.68</b>	-	-
b. The program was an adequate combination of the following methodologies viz.				
(i) Case studies were relevant	<b>96.67</b>	<b>3.33</b>	-	-
(ii) Interactive sessions were fruitful	<b>70.97</b>	<b>29.03</b>	-	-
(iii) Audio Visual Aids were beneficial	<b>74.19</b>	<b>25.81</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>100.00</b>	-	<b>100.00</b>	-
2	<b>100.00</b>	-	<b>96.15</b>	<b>3.85</b>
3	<b>100.00</b>	-	<b>100.00</b>	-
4	<b>100.00</b>	-	<b>96.15</b>	<b>3.85</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>93.55</b>	<b>6.45</b>	-	-

b. The content was updated. It reflected recent case laws/ current thinking/ research/ policy in the discussed area	<b>87.10</b>	<b>12.90</b>	-	-
c. The content was organized and easy to follow	<b>87.10</b>	<b>12.90</b>	-	-

### VIII. GENERAL SUGGESTIONS

1. Three most important learning achievements of this Programme	<p>1. Obviously the <i>Session 1: I. Laws Relating to Terrorism Cases</i> • Important facets of Indian law (substantive and procedural), concerning terrorism related cases. • Insight into differences between ordinary criminal laws (substantive and procedure) and laws specifically governing terrorism and terrorism-related cases; peculiarities and significance of the latter; <i>Session 2: II. Case Management in Terrorism Cases &amp; Offences Against National Security</i> • Methods of effective case management including judicial leadership, mastery of the record and law by the judge, the ability to setup a pre-trial conference quickly and adequately. • Use of a continuous trial, witness management, and the use of courtroom technology for improved organization-But none the less the <i>Session 2: IV. Fair Trial; V. Evidence, Mutual Legal Assistance Treaty (MLAT) and Extradition</i> are equal important which need be asked into.</p> <p>2. How to effectively deal with the trials of terrorists.</p> <p>3. 1. Reverse Onus; 2. Special techniques; 3. Use of special provisions.</p> <p>4. 1. How to deal with all the stakeholders of highly sensitive cases; 2. Mutual legal assistance treaty (MLAT) and Extradition; 3. Managing media in any high-profile case.</p> <p>5. All the relevant laws relating to terrorism cases have been summarized very briefly; Art of case management would help a lot; Case law of Hon’ble Supreme Court as well as of various Hon’ble High Courts.</p> <p>6. MLAT; Digital Evidence; Judicial court room security.</p> <p>7. 1. How to participate in virtual meets. What are the challenges and how to overcome of the problems of losing internet connections; 2. First time I am attending a conference on Terrorism cases. It will certainly help me in future work; 3. Technology is still in infancy stage for Courts functioning and may be used up to full extent in future which may help in reducing case load and to provide speedy justice at least in petty and not so serious cases leaving quality time to be spent for important cases and to take cases of personal liberty of people on priority basis.</p> <p>8. Framing charges; Role of judge for court room security; Electronic evidence. Prove of document.</p> <p>9. 1. Digital evidence – its relevancy and admissibility; 2. Global perspective of terrorism – It is really one of the most serious threat to the civilization as a whole; 3. Managing media in adjudicating terrorist cases – it is really a complicated issue.</p> <p>10. 1. The firsthand experience of Hon’ble Mr. Justice P.D. Kode; 2. The aspect of electronic evidence; 3. MLAT.</p>
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	<p>11. 1.appreciation of digital evidence, especially pertaining to certification under section 65b; 2.with respect to international governance and arrangements; 3. Effective media management.</p> <p>12. 1. Interaction with the Hon'ble Judges and faculties; 2. This programme up dated us with case laws and get acquainted with recent judgement; 3. It will be very useful to deal with cases related to terrorism.</p> <p>13. It was a good brain-storming; The workshop also served as a refresher course; Got acquainted with finer aspects of terrorism laws.</p> <p>14. 1. I may be able to deal with terrorist cases, if I am be appointed as special judge in future; 2. Case laws and other law providing which was discussed were very relevant.</p> <p>15. None.</p> <p>16. Provided new insights, esp. in areas part to digital evidence, managing media in sensitive cases; In the new normal, programme was flawless.</p> <p>17. 1. Gained more knowledge about the terrorism laws; 2. Gained knowledge about the electronic evidence; 3. Organizing of pre-trial session for timely disposal of cases.</p> <p>18. 1. It gave me and wider view of the laws touching cases relating to terrorism; 2. It has helped me to better understand provisions of Mutual Legal Assistance Treaty (MLAT); 3. It helped me brush up knowledge regarding Electronic Evidence.</p> <p>19. 1. How to tackle with the terrorism case including other cases also; 2. Time management is most to decide &amp; particular type of cases; 3. To build up an impression in every body mind that the judges to acting impact.</p> <p>20. 1. Understanding the nuances of Terrorism Trials; 2. Useful reference materials; 3. Understanding the matters of security and media in Anti-Terrorism Courts.</p> <p>21. 1. The session of Hon'ble Justice N. Kotiswar Singh was excellent on the point of laws relating to terrorism cases; 2. I have learnt a lot on the point of appreciation of evidence in terrorism cases and digital evidence and importance of speedy trial; 3.The session of Hon'ble Justice Shri. G.S. Kulkarni and co-shared by the Hon'ble Justice Shri. Kode has given me an idea about the case management in terrorism cases and offence against National Security.</p> <p>22. It was very effective and knowledgeable even in the work of session trial cases; It has given updated and latest case laws related to subject; It will give impetus in raising the confidence in trial of terror related cases.</p> <p>23. Refreshment of knowledge.</p> <p>24. 1. Case management; 2. Digital evidence; 3. Judicial and court room security, and 4. Managing media in adjudicating terrorism cases.</p> <p>25. 1. Learnt about terrorism cases &amp; law; 2. Got well acquainted with framing of charges in terrorism cases; 3. Learnt and came to know about managing media.</p> <p>26. 1. Knowledge of law; 2. Knowledge of procedure; 3. Recent perspective of the subject.</p> <p>27. 1. Case management; 2. E-evidence (Digital) &amp; its proper applicability; 3. Evidence in terrorism cases with MLATR extradition.</p> <p>28. Through this workshop I learnt the subject &amp; how to deal with cases relating to terrorists of its will be useful for me in my future carrier.</p> <p>29. Learnt- 1. How to control proceedings; 2. How to frame charges; 3. How to conduct fair trial.</p>
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	<p>30. 1. I had the privilege of having insight into the niceties of law and procedure relating to terrorism; 2. The court management and the case management of the cases relating to terrorism; and 3. The law and importance of the electronic evidence and the need to keep updated the law relating to electronic evidence.</p> <p>31. 1. Relating to the provisions; 2. The video clippings; 3. The voting system (Question-answer part) helps in gathering information.</p>
<p>2. Which part of the Programme did you find most useful and why</p>	<p>1. All.</p> <p>2. Theme in which digital evidence was discussed, as it touched practical aspect of the thing.</p> <p>3. All are useful.</p> <p>4. Digital Evidence- because use of modern technology in crime is increasing day by day.</p> <p>5. “Digital Evidence – it will be very helpful in day to day court working.</p> <p>6. Judicial court room security; Security session is most useful now-a-days which is lagging in most of the courts in India.</p> <p>7. Digital Evidence. That is a theme which requires a lot of improvement on methodology of acceptance of it in the Courts.</p> <p>8. Judicial and Courtroom Security- in future judges court security.</p> <p>9. Digital evidence – It is the most reliable piece of evidence mostly available to prove the nexus. Its admissibility is challenging.</p> <p>10. Deliberations of My Lord Justice P.D. Kode.</p> <p>11. Appreciation of digital evidence, Lord by Justice Raja Vijayaraghvan.</p> <p>12. As the sessions of all Hon’ble Judges were very useful specially the sessions of Hon’ble Justice Kotiswar Singh, Hon’ble Justice Sanjeev Kumar and Hon’ble Justice Joymalaya Bagchi was very effective and useful.</p> <p>13. The entire programme was useful.</p> <p>14. Cases laws, laws about terrorist cases and rules about international treaties and exchange of accused were discussed most useful to knowledge about new things.</p> <p>15. None.</p> <p>16. All sessions were quite useful, offered new insights.</p> <p>17. Almost all parts of the programme.</p> <p>18. Every part was useful.</p> <p>19. Lecture of Justice Raja Vijaya Raghvan.</p> <p>20. 1. Digital evidence – such evidence is an important part of these trials and understanding it better was necessary; 2. Security – new perspectives on security were learnt.</p> <p>21. <b>Session 1: Laws Relating to Terrorism Cases-</b> It related to day-to-day functioning of the Court.</p> <p>22. Digital Evidence- In the present development of technologies the digital evidence has become more important in deciding the cases.</p> <p>23. Framing of charge, fair trial, digital evidence, court room security and managing media which will helpful to deal such type of cases.</p>

	<p>24. Case management in terrorism cases and offences against National Security. Most of the accused in these cases are under trial prisoners, for which continuous trial is required. Therefore, the notes provided regarding this and the guidance of Hon'ble Lordship is very useful for dealing with such cases.</p> <p>25. Case management in terrorism cases &amp; offences against national security.</p> <p>26. <b>Session 1:</b> I. <i>Laws Relating to Terrorism Cases</i>; <b>Session 2:</b> III. <i>Framing Charges and Unique Features of Terrorism Trial</i>; <b>Session 3:</b> V. <i>Evidence, Mutual Legal Assistance Treaty (MLAT) and Extradition</i>; VI. <i>Digital Evidence and</i> <b>Session 4:</b> VII. <i>Judicial and Courtroom Security</i> - Appears to be most useful as they are very precise and helpful.</p> <p>27. <b>Session 3:</b> VI. <i>Digital Evidence</i>- It is most useful during trial considering the present situation of electronic evidence, computers &amp; other use of e-tools massively.</p> <p>28. All the sessions delivered by Hon'ble Judges were useful &amp; effective in learning a new subject with adjudicating terrorism cases.</p> <p>29. Learnt about fair trial and how to avoid subconscious bias.</p> <p>30. All parts of the programme were educative, informative and brain storming.</p> <p>31. Learning with audio visuals, meaning thereby with examples makes it very interesting. The question-answer part was good (voting part).</p>
<p>3. Which part of the Programme did you find least useful and why</p>	<p>1. Participant did not comment.</p> <p>2. Theme in which security concerns were discussed.</p> <p>3. NA.</p> <p>4. No one.</p> <p>5. Participant did not comment.</p> <p>6. Participant did not comment.</p> <p>7. None.</p> <p>8. Managing media is adjudication a terrorism cases.</p> <p>9. All the programmes were useful.</p> <p>10. Participant did not comment.</p> <p>11. No comments.</p> <p>12. All programme were useful.</p> <p>13. I would not say any of the parts were least useful.</p> <p>14. No.</p> <p>15. None.</p> <p>16. NA.</p> <p>17. None.</p> <p>18. None.</p> <p>19. Framing of charge by Justice P.N. Prakash.</p> <p>20. Participant did not comment.</p> <p>21. <b>Session 2:</b> III. <i>Framing Charges and Unique Features of Terrorism Trial</i> - So far as framing of charges is concerned, after spending so many years in service, it is not expected to deal with such topic.</p>

	<p>22. None.</p> <p>23. Participant did not comment.</p> <p>24. Framing of charges, as the judge presiding over the Special Court must know about it.</p> <p>25. Digital evidence.</p> <p>26. IV. Fair Trial and VIII. <i>Managing Media in Adjudicating Terrorism Cases</i>– appears to be least useful as these are not so informative.</p> <p>27. Nil.</p> <p>28. None.</p> <p>29. None.</p> <p>30. No part of the programme.</p> <p>31. Given the time constraints, the resource persons were to hurry.</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. Absolutely important in all respect. Very intense and effective training.</p> <p>2. The duration of the programme was too short, it may be in the interest of participants to have a detailed discussion on each of the selected topics.</p> <p>3. Give sufficient time open discussion.</p> <p>4. Nothing.</p> <p>5. Participant did not comment.</p> <p>6. Sufficient time to be given to all participants of the session respond on the questions raised.</p> <p>7. It's wonderful.</p> <p>8. Programme more effective.</p> <p>9. Some space is required to share the experiences, which will definitely provide effective solution to the real practical issues faced. Hope that the cloud of Covid-19 shall immediately disappear from the sky.</p> <p>10. Participant did not comment.</p> <p>11. Increase time for interaction form participant's side.</p> <p>12. It would be better to have more queries by the participants and to discuss objective behind the legislature laws.</p> <p>13. None in particular.</p> <p>14. Today's subject was very wider but time given was short; Time framed may be reconsidered. Thank you.</p> <p>15. None.</p> <p>16. NA.</p> <p>17. Participant did not comment.</p> <p>18. The reading material, when it is as vast as it was, be provided well in advance, when possible to do so, so that it can be gone through thoroughly which would allow one to participate in discussions more effectively.</p> <p>19. Justice P.D. Kode of Bombay High Court shall be a great resource persons as he talked about the practical aspects.</p>

	<p>20. 1. Keep doing the good work. It is always a great privilege and pleasure to train under NJA; 2. Online trainings can have breaks in between for eye comfort.</p> <p>21. In fact, the time allotted to the speakers was just half an hour which cannot be said to be adequate for giving idea about such serious topics. If a speaker is allowed to give lecture for two sessions of at least one and half hour dividing one lecture in 45 minutes, the speaker will be in a position to cover the subject.</p> <p>22. It would be more useful if interactive sessions get extended and classes be not less than an hour.</p> <p>23. Participant did not comment.</p> <p>24. By arranging a workshop at NJA itself. By providing the updates / case laws henceforth on the email address of the participants. I must express my sincere gratitude for providing the exhaustive and point to point notes for our reference. It helps us a lot while proceeding with the cases relating to the terrorism.</p> <p>25. It was a very well oriented &amp; highly informative session.</p> <p>26. Please organize such type of programmes more frequently.</p> <p>27. 1. By allotting some more time for participants for discussion during question and answer session; 2. By supplying study materials with laws in concise form (subject wise).</p> <p>28. None.</p> <p>29. Increase of time from 30 minutes to 1 hour would enable resource persons to enlight participants effectively.</p> <p>30. Overall programme was very informative and resourceful. However, if the study material related to programme would have been provided to participants then it would be more interactive and valuable; Digital programmes are not adequate substitute to the physical training programmes. However, in such time of pandemic, NJA did excellent work in organizing such a programme on such an important topic of law.</p> <p>31. 1. NJA deserves appreciation in continuing with the programmes amidst the present pandemic situation; 2. Schedule should be followed in my view, as mental preparations too are there for the participants; 3. Programme coordinators were very good; 4. Not giving any physiological break, though it was mentioned in the schedule.</p>
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