

National Judicial Academy

P-1266: Refresher Course for Additional District and Session Judges
30th – 31st October, 2021

Programme Coordinator : Mr. Sumit Bhattacharya and Mr. Shashwat Gupta, Faculty

No. of Participants : 46

No. of forms received : 25

I. OVERALL				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
a. The objective of the Program was clear to me	100.00	-	-	4. Motivational for judicial work.
b. The subject matter of the program is useful and relevant to my work	100.00	-	-	4. Handy for pragmatic problems.
c. Overall, I got benefited from attending this program	95.65	4.35	-	4. It was really a judicial boost up very useful for dealing with day to day issues.
d. I will use the new learning, skills, ideas and knowledge in my work	95.65	4.35	-	4. To the best of my ability.
e. Adequate time and opportunity was provided to participants to share experiences	78.26	21.74	-	4. Some more time needed.
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	91.30	8.70	-	-
b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	90.48	9.52	-	4. Ipso facto the materials will be handy for practical problems solving.
c. Up to date	95.45	4.55	-	-
d. Related to Constitutional Vision of Justice	72.73	27.27	-	-

e. Related to International Legal Norms	47.62	33.33	19.05	-
III. STRUCTURE OF THE PROGRAM				
PROPOSITION	Good	Satisfactory	Unsatisfactory	Remarks
a. The structure and sequence of the program was logical	86.36	13.64	-	-
b. The program was an adequate combination of the following methodologies viz.				
(i) Case studies were relevant	81.82	18.18	-	-
(ii) Interactive sessions were fruitful	72.73	22.73	4.55	4. Needed some more time as we run short of time.
(iii) Audio Visual Aids were beneficial	68.18	31.82	-	-
IV SESSIONS WISE VETTING				
Parameters				
Session	Discussions in individual sessions were effectively organized		The Session theme was adequately addressed by the Resource Persons	
	Effective and Useful	Satisfactory	Effective and Useful	Satisfactory
1	91.30	8.70	88.24	11.76
2	95.65	4.35	94.12	5.88
3	100.00	-	100.00	-
4	95.65	4.35	94.12	5.88
V. PROGRAM MATERIALS				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
a. The Program material is useful and relevant	91.30	8.70	-	-
b. The content was updated. It reflected recent case laws/ current thinking/ research/ policy in the discussed area	82.61	17.39	-	-
c. The content was organized and easy to follow	91.30	8.70	-	-

VIII. GENERAL SUGGESTIONS

<p>1. Three most important learning achievements of this Programme</p>	<p>1. 1. In depth understanding; 2. Clarity; 3. Effective application of law.</p> <p>2. 1. Electronic document & certificate; 2. Case laws related to the electronic; 3. Bail orders.</p> <p>3. None.</p> <p>4. 1. Practical problems based interactions; 2. Lasted case laws; 3. Related to constitutional vision of justice and international laws.</p> <p>5. 1. Updated the legal positions in various jurisprudence covered in respective sessions; 2. Adequate landmark judgements are cited and will help me to accumulate the knowledge and broaden the horizon; 3. Also gave some ideas what not to write while delivering the order/judgement.</p> <p>6. 1. I learnt how to deal with bail matters in case of “confusion”; 2. First time I read section 437(6) meticulously and understood its true sense; 3. I learnt about “Metadata” and its importance.</p> <p>7. Electronic evidence; Law relating to bail; interlocutory application.</p> <p>8. 1. How to manage adjournments in dealing with interlocutory applications; 2. Availability and use of metadata attached to a digital file as electronic evidence and manner of appreciating CCTV footage as electronic evidence; 3. Requirement of balancing aggravating and mitigating circumstance in sentencing procedure.</p> <p>9. 1. Acquired better knowledge and understanding indisposing off Interlocutory applications and Bail matters; 2. New insights into Electronic Evidence; 3. I Learned that sentencing is a very important but at the same time very crucial part of criminal justice system.</p> <p>10. 1. Grey areas of subject matters were cleared; 2. Technical issues necessary to appreciate electronic evidence were learnt; 3. Practical problems touching day to day judicial work were taught.</p> <p>11. None</p> <p>12. Practical content which could be useful in court; Updated with precedent law; Enhanced the academic knowledge.</p> <p>13. 1. I learned the nature of interlocutory orders; 2. I gained the knowledge that discussion in bail application beyond the scope of bail application; 3. This programme is eye opener for electronic evidence relevant in the Indian evidence act and it is very useful for day to day work.</p> <p>14. 1. Effective handling of unnecessary Adjournments: The session has made clear the need of application of Judge’s wisdom and legal knowledge to control the adjournments in proper manner. It enlightened the Judicial officers how to handle adjournment proceedings effectively thereby not becoming a toy in the hands of litigants; 2. Necessary precautions while granting Adjournments and Interim; Orders: The training programme cogently explained how mindful the judge must be of the impact on litigants and the other burdens of litigation on the court by allowing the adjournments and Interim Orders. As said, courts must beware of the extensive disruption, inconveniences, huge amount of cost incurred both by the parties and the court; 3. Effective disposal of cases and remedies provided in statutes: It was apparent from the training session as to what every officer must heed while disposing cases effectively. The significance of time taken for disposal of cases through court process was precisely elucidated.</p>
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	<p>15. 1. Dealing with interlocutory applications during day to day working of the court; 2. Importance of meta data; 3. Contents of bail order.</p> <p>16. Three most important learning achievements of this programme for me is as follows- 1. Get conversant with the new case laws on the subject matter concern; 2. The rich discussion made by the distinguished panel experts is found to be useful in disposal of the cases; 3. The practical aspects to proceed in the matter concern with the topic as discussed broaden the horizon of me as presiding offer of the court.</p> <p>17. 1. It will be useful in day-to-day work; 2. New learning, skills, ideas and knowledge in my work; 3. Improved my law knowledge.</p> <p>18.1. How to handle interlocutory applications without allowing parties to delay main proceeding; 2. How electronic evidence is to be appreciated; 3. While deciding bail and awarding sentence what should be taken into consideration.</p> <p>19. Session 2: Electronic Evidence: Protocols and Caution- regarding electronic evidence was very useful. 1. Silent witness theory; 2. Appreciation of CCTV footage; 3. Sec. 65 B certification.</p> <p>20. None.</p> <p>21. Principles of basics of all covered topics have clarified with updated law and rulings.</p> <p>22. Sessions Sentencing, Bail, Default bail.</p> <p>23. Achievement of the programme- 1. Electronic evidence, its proof and admissibility; 2. What to weigh while passing sentence; 3. How to deal with interlocutory application.</p> <p>24. 1. Improved our knowledge about the subject; 2. Important for clearing doubt on many issues; 3. Confidence building refresher course.</p> <p>25. 1. Learned new concepts; 2. Enlightened with latest cases; 3. How to approach a particular problem, when confronted with.</p>
<p>2. Which part of the Programme did you find most useful and why</p>	<p>1. All parts are useful.</p> <p>2. Electronic evidence and relating to the certificate u/s 65B of Indian evidence act.</p> <p>3. Entire programme.</p> <p>4. Intricacies and nuances of law relating to bail.</p> <p>5. Session 3: Intricacies & Nuances of Law relating to Bail- regarding bail as it was always a dilemma for me whether to write a detailed order or cryptic one, while writing a bail order. Session enlightens me how to deal with that aspect.</p> <p>6. Session 3: Intricacies & Nuances of Law relating to Bail- by Justice R. Basant. Because Lordships had given very effective solution to deal with bail when there is “Confusion”.</p> <p>7. All part of the programme useful.</p> <p>8. The entire programme is undoubtedly very much useful. Amongst all, the part containing subject ‘Electronic Evidence: Protocols and Cautions’ in session 2 is found to be most useful.</p> <p>9. Electronic Evidence – this is because it was a new topic for me in such training programme. Moreover, it rapidly evolving field so far as adjudication of cases are concerned in both criminal as well as civil matters.</p> <p>10. Session on sentencing practices. Because, the sentencing system happens to be the area which is addressed, generally, neither by the prosecution nor by the defense</p>

	<p>in courts. The subject matter was taught vividly touching latest citations thereby enriching me to a great extent.</p> <p>11. All sessions was good.</p> <p>12. Electronic evidence; It is a developing area.</p> <p>13. All the programme are very useful.</p> <p>14. We are experiencing rapid strides in the field of information technology. Advanced techniques in technologies are being used everywhere. Conventional means of records and data processing became outdated. The Law must respond to and gallop with most of these technical advancements in order to effectively avoid the impediments in trial procedures; The Session 2 has straight forwardly explained the gravity of Digital Signature, Call Data Record, Meta-Data, CCTV Footage, the admissions of kind of formalities that require for Section 65B of Evidence Act which is very much needed to tackle the upcoming problems relating to electronic correlated issues.</p> <p>15. <i>Session 1: Effective Handling of Interlocutory Applications.</i></p> <p>16. All the part of the programme was found useful. We cannot single out any part to be the best. Each part was complimentary and supplementary to the topics discussed and we thoroughly enjoy it. The most of the topic clear the mis-conception and dilemma of the presiding officer while he runs the court.</p> <p>17. <i>Session 4: Sentencing Practices.</i></p> <p>18. All sessions are useful for me because all sessions were relating to important aspects from my point of view. The interlocutory applications kills most of the precious judicial time and I learned how to handle them. Thought I am not handling bail applications but I learnt what should be considered while deciding bail application in view of fundamental right guaranteed by constitution to accused and victim. Now a days electronic evidences are led, by this programme/course we have been enlightened how to appreciate the same which is very useful for me. Generally while awarding sentences in cases other than the cases of death penalty aggravating and mitigating circumstances are not taken into consideration but today we learned that those also should be considered so whole programme is useful.</p> <p>19. <i>Session 2: Electronic Evidence: Protocols and caution.</i></p> <p>20. Law relating to bail.</p> <p>21. Each and every sessions are very useful to discharge my duty as P.O.</p> <p>22. Sentencing as it threw more light on it.</p> <p>23. The session which deals with on electronic evidence was most useful, because there are different opinion as to its procedure to prove and its admissibility.</p> <p>24. Though all the parts of the programmes were useful but I found the topic intricacies and Nuances of law relating to bail more interesting because of confidence building and encouraging lecture by Justice R. Basant.</p> <p>25. All session were very important and informative.</p>
<p>3. Does the programme need further modulations or change</p>	<p>1. Subject of additional evidence in criminal appeals should have been added.</p> <p>2. No.</p> <p>3. Adequate and sufficient.</p> <p>4. A little more time needs to be spared for queries and their replies by the experts.</p>

	<p>5. It seems fine.</p> <p>6. To my little understanding, I don't think any further modulation or change is required, as of now.</p> <p>7. No.</p> <p>8. I do not think so.</p> <p>9. For the online programme I don't think there is a need of any change.</p> <p>10. It would be beneficial if duration of such programmes are made little longer.</p> <p>11. Number of days of training programmes should be enhance to cover more topics.</p> <p>12. Changes may be made.</p> <p>13. It is sufficient.</p> <p>14. None.</p> <p>15. No.</p> <p>16. The programme was best designed and has practical utility. Only suggestion with utmost respect from my side is that the session should have been of more duration.</p> <p>17. No.</p> <p>18. No.</p> <p>19. No. Now it is good.</p> <p>20. Not necessary.</p> <p>21. No.</p> <p>22. No.</p> <p>23. No.</p> <p>24. I don't think that it needs any further modulations except that to NJA should conduct the training on offline mode.</p> <p>25. Yes, need to work upon the audio aids.</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. More should have been explained about additional evidence in appeal. Additional evidence in criminal appeal should have covered. More should have been explained about granting of bails under the special Acts. Sentences which are minimum sentences to be imposed have to be covered.</p> <p>2. None.</p> <p>3. None.</p> <p>4. Programme held in physical mode would be more effective and lucrative.</p> <p>5. Make it offline. Also you may consider inviting some senior serving judicial officer as resource person.</p> <p>6. I think regular training, at least once in every six months, should be given to every judicial officer, and the training module must cover the latest judgements of Hon'ble Supreme Court on the topic, with the ratio of said judgment.</p> <p>7. NA.</p> <p>8. While attending the programmes in this module I felt that it will be better if the time allotted for the interaction on each of the subjects is a little bit more. In my view, offline programme is preferable considering the bandwidth problem in internet connectivity.</p>

9. Personally I do need, and I feel, all judicial officers need much more training on topics like Electronic Evidence and Cyber Crime, etc. I would like to suggest to have at least a Two Days' training/workshop exclusively on these topics.
10. It would be beneficial if website of the NJA contains/publishes important decisions of the Hon'ble Supreme Court of India and of the Hon'ble High Courts.
11. It should be physical training programme. Because we have left so many things due to congestion in network.
12. More time could be provided for interactive discussion.
13. Need more subject which are relevant in motor accident cases, Family dispute cases and sexual offences against women cases.
14. None.
15. NJA should provide reading materials before 2 week of schedule date of refresher course and if possible hard copy may also be provided on reasonable cost.
16. The N.J.A is serving to the needs of the Judicial officer on every aspects which relates to proper and effective functioning of the court. Only suggestion in this aspect which I respectfully want to submit is that we should be accommodated in such programme most often so that we could to the best of our ability become equipped with the latest knowledge in the field and be able to discharge our duty as Judicial Officer to be the best of our ability. The rich experience of the resource person really of great help on the aspects where we Judicial Officers more often feel difficulty at and we also get the tact to handle such difficulties being faced as Presiding Officer while dealing with the lies concerned.
17. Nil.
18. Programme was very effective needs no suggestions.
19. Academically it is effective and very useful. If Sunday the 'SABTH' day is excluded I could attend without a guilty feeling.
20. None.
21. A humbly requested to provide all reading materials, which are covered in training programme an email address of participant for updation and enhancement of knowledge and skill to save our institution.
22. Group discussions may be added.
23. As now a days NJA is arranging such programmes by virtual mode then its frequency needs to be increased.
24. NJA should now start giving training on hybrid mode i.e. offline & online simulation course.
25. Suggestion- 1. Need to work upon the audio aids; 2. More questions in the form of doubts to be entertained/taken.