

## National Judicial Academy

**P-1324: National Seminar for Presiding Officers of the PMLA Courts**

07<sup>th</sup> – 08<sup>th</sup> January, 2023

**Programme Coordinator** : Dr. Geeta Oberoi and Mr. Shashwat Gupta

**No. of Participants** : 32

**No. of forms received** : 32

<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 programme was clear to me	<b>96.88</b>	<b>3.12</b>	-	-
b. The subject matter of the programme is useful and relevant to my work	<b>90.32</b>	<b>9.68</b>	-	22. Need more clarification. 26. My court being PMLA most, most useful.
c. Overall, I got benefited from attending this programme	<b>90.63</b>	<b>9.37</b>	-	-
d. I will use the new learning, skills, ideas and knowledge in my work	<b>87.50</b>	<b>12.50</b>	-	-
e. Adequate time and opportunity was provided to participants to share experiences	<b>75.00</b>	<b>25.00</b>	-	19. As running out of time. More time needed.
<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 programme 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>87.50</b>	<b>12.50</b>	-	-
c. Up to date	<b>87.50</b>	<b>12.50</b>	-	-
d. Related to Constitutional Vision of Justice	<b>64.52</b>	<b>32.26</b>	<b>3.22</b>	-

e. Related to International Legal Norms	<b>41.94</b>	<b>51.61</b>	<b>6.45</b>	-
<b>III. STRUCTURE OF THE PROGRAMME</b>				
<b>PROPOSITION</b>	<b>Good (%)</b>	<b>Satisfactory (%)</b>	<b>Unsatisfactory (%)</b>	<b>Remarks</b>
a. The structure and sequence of the programme was logical	<b>96.77</b>	<b>3.23</b>	-	-
b. The programme was an adequate combination of the following methodologies viz.				
(i) Group discussion cleared many doubts	<b>66.67</b>	<b>33.33</b>	-	-
(ii) Case studies were relevant	<b>90.32</b>	<b>9.68</b>	-	-
(iii) Interactive sessions were fruitful	<b>80.65</b>	<b>19.35</b>	-	-
(iv) Audio Visual Aids were beneficial	<b>70.00</b>	<b>30.00</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>90.63</b>	<b>9.37</b>	<b>91.30</b>	<b>8.70</b>
2	<b>90.63</b>	<b>9.37</b>	<b>100.00</b>	-
3	<b>87.50</b>	<b>12.50</b>	<b>95.45</b>	<b>4.55</b>
4	<b>87.50</b>	<b>12.50</b>	<b>95.45</b>	<b>4.55</b>
5	<b>78.13</b>	<b>21.87</b>	<b>90.91</b>	<b>9.09</b>
<b>V. PROGRAMME 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 Programme material is useful and relevant	<b>93.75</b>	<b>6.25</b>	-	-
b. The content was updated. It reflected recent case laws/ current thinking/ research/ policy in the discussed area	<b>93.75</b>	<b>6.25</b>	-	-

c. The content was organized and easy to follow	93.75	6.25	-	-
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<b>VIII. GENERAL SUGGESTIONS</b>	
1. Three most important learning achievements of this Programme	<p>1. Presentation of resource persons is outstanding. Selection of topics is good.</p> <p>2. Duration of the programme may be increased.</p> <p>4. Very relevant topic.</p> <p>5. The achievements were many. Can't be contained in just 3 points.</p> <p>6. 1. Beneficial for the future works; 2. Had the occasion to come across with the recent decision effectively; 3. Interaction developed the knowledge.</p> <p>7. 1. How to interpret; 2. Balancing interest of accused and state 3. How to assign reasoning to the orders and judgements.</p> <p>8. Resource persons have cleared the several doubts. They addressed the topic in very recent manner. Discussions on adjudicatory challenges was also useful as the practical aspect was deeply discussed.</p> <p>9. 1. Regarding Vijay Madanlal Choudhary case very useful; 2. All sessions are very useful for day to day work.</p> <p>11. Solution of practical problems regarding PMLA; Knowledge of relevant case laws; Clarification regarding working/ Adjudicating process under PMLA.</p> <p>12. 1. Many doubts have been clarified; 2. Some new inputs were given to us; 3. There could be more discussions on Vijay Madanlal Choudhary.</p> <p>13. Excellent, it is very useful for me. Legal doubts cleared.</p> <p>14. State Judicial Academies are not equipped with design of this programme and resource persons to deal with this new enactment.</p> <p>15. 1. Clarity on different provision of PMLA Act.; 2. Interpretation of provision of the above said Act; 3. Equipped with updated case laws.</p> <p>16. 1. Clarity on different provision of PMLA Act; 2. Discussion on interpretation of provision; 3. Recent case laws.</p> <p>18. 1. Understood the judgement of Vijay Madanlal Case; 2. The various doubts got cleared; 3. Also come across other connected citations that would be helpful in admin of justice.</p> <p>19. 1. Broad spectrum of PMLA judgements discussed; 2. On bail matters- have clear conceptions to the case before us; 3. 207/208 Cr.PC. relating to PMLA have some clarity.</p> <p>20. 1. Logical interpretations; 2. Clarity; 3. Binding precedents.</p> <p>21.1. Learn how a new enactment is to be looked &amp; approached. 2. As a judge how balance is to be maintained between social interest &amp; personal liberty. 3. Now judgements of Higher courts are to be read &amp; interpreted.</p> <p>22. This programme enlightened me how to deal with the PMLA cases, how to apply the principles of law by balancing the interest of personal liberty and interest of state.</p> <p>23. Judicial virtues; Interpretation of citation for the sake of adjudications; More keen to learn more.</p>

	<p>24. Enhance our knowledge in deciding issues related to PMLA in better way.</p> <p>25. Bail under PMLA 2002. Burden of proof and appreciation of evidence. Trial by special court issues and challenges.</p> <p>26. Bail conditions like NDPS Act. are different from CrPC. Search seizure and attachment. Section 22, 50, 44, 45, need further investigation.</p> <p>27. 1. Resource persons clarified merits and demerits of PMLA in both sides; 2. I came to understand as to when untainted money of accused can be attached to the extent of tainted money of accused, he lost in some other Act.; 3. I have enjoyed this programme when Director of NJA clarified doubts with pleasing personality.</p> <p>28. It is very useful to deal this type of cases.</p> <p>29. Maximum doubts have been removed by the lecture of resource persons. Burden of proof and appreciation of evidence was clarified very well.</p> <p>30. 1. Clarity regarding presumption; 2. Clarity regarding be stage of raising presumption; 3. Clarity regarding various issues and trial of PMLA cases.</p> <p>31. Highlights of important topics/ Provision of the PMLA; Learning from the experience and knowledge of the resource persons. Guidelines by the Hon'ble Supreme court in the judgment of Vijay Madanlal Case.</p>
<p>2. Which part of the Programme did you find most useful and why</p>	<p>1. Resource persons presented the topics assigned to them very nicely.</p> <p>3. Conjunction &amp; disjunction with regard to relation of PMLA.</p> <p>5. Twin bail condition. Because it will help me in discharging my duties more effectively.</p> <p>6. All the sessions were useful in one way or the other.</p> <p>8. <b>Session 2: Bail under PMLA, 2002: Resolving Quandary</b> - of the programme was most effective in which the need of the law was effectively highlighted.</p> <p>11. Good resource persons and their way of expression &amp; interactive methods.</p> <p>13. All the sessions are very useful &amp; to dispose the matter effectively.</p> <p>14. Overview of PMLA Act-<b>Session 1: Prevention of Money Laundering Act, 2002: An Overview</b> – being new enactment.</p> <p>15. <b>Session 3: Burden of Proof and Appreciation of Evidence</b> – was very useful. Burden of proof was discussed in detail &amp; also discussion on Appreciation of evidence was very informative.</p> <p>16. <b>Session 3: Burden of Proof and Appreciation of Evidence</b> – is most useful. Burdon of proof discussed in details and also appreciation of evidence.</p> <p>17. All are relevant &amp; useful.</p> <p>18. All the parts of the programme were useful since the same is helpful in the day to day discharge of duty in PMLA court.</p> <p>19. Discussion over the practical analysis of judgements.</p> <p>20. <b>Session 1: Prevention of Money Laundering Act, 2002: An Overview; Session 2: Bail under PMLA, 2002: Resolving Quandary and Session 4: Vijay Madanlal Choudhary v Union of India: Analysis and Impact.</b> – ‘Knowledge Gaining’.</p> <p>21. <b>Session 1: Prevention of Money Laundering Act, 2002: An Overview; Session 2: Bail under PMLA, 2002: Resolving Quandary and Session 3: Burden of Proof and Appreciation of Evidence.</b></p>

	<p>22. <b>Session 2: Bail under PMLA, 2002: Resolving Quandary</b> and <b>Session 3: Burden of Proof and Appreciation of Evidence</b> and <b>Session 4: Vijay Madanlal Choudhary v Union of India: Analysis and Impact.</b></p> <p>23. Interactive sessions; Opened up my mind in many ways.</p> <p>24. <b>Session 4: Vijay Madanlal Choudhary v Union of India: Analysis and Impact.</b>- Mr. Siddarth Aggarwal was competent enough to make us understand about PMLA.</p> <p>25. Burden of proof and appreciation of evidence.</p> <p>27. Found that all sessions are most useful because all sessions are inter connected with each other.</p> <p>28. Every part of the programme useful for me for learning about PMLA and clear the doubts.</p> <p>29. Adjudicatory challenges problem faced day by day in court discussed very well.</p> <p>30. <b>Session 4: Vijay Madanlal Choudhary v Union of India: Analysis and Impact</b> and <b>Session 5: Trial by Special Court- Issues and Challenges-</b> were most useful as they dealt with day to day issue.</p> <p>31. <b>Session 5: Trial by Special Court- Issues and Challenges-</b> Adjudicating challenges.</p> <p>32. <b>Session 1: Prevention of Money Laundering Act, 2002: An Overview</b> and <b>Session 3: Burden of Proof and Appreciation of Evidence.</b></p>
<p>3. Does the programme need further modulations or change</p>	<p>3. Needs further discussion in the process of adjudicating the subject.</p> <p>7. Require more time; 3 days at least.</p> <p>8. Yes, It may be extended for 3 to 4 days for better deliberation.</p> <p>11. Some more classes are required to remove difficulties regarding PMLA.</p> <p>12. Some more extensive interactive session to be conducted. Two days are not sufficient.</p> <p>13. Half time should be given to resource &amp; another half time should be provided for discussion.</p> <p>18. Group discussion would be useful in such programmes. Hence the same may kindly be included in future programmes.</p> <p>19. Final conclusion of discussion must come out after totality of interactive sessions. Presently it remains inconclusive.</p> <p>22. Factual aspects of the decided cases of the trial courts and of petitions disposed off in High Courts/Supreme Court may be added to the programmes.</p> <p>27. PMLA programme may be conducted again.</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. Next time please call responsible officers from ED so that participant can highlight the problems received from ED.</p> <p>3. According to me it is suggested that duration of the programme should be increased.</p> <p>5. None. Everything is well and properly managed. It won't be out of place to mention that deliberately two speakers having contradictory views, should not be placed in one sessions. It usually happened in sessions that one to the speakers laboriously built the edifice only for getting it demolished by another speaker and thus confusing the participants. They may conveniently be allotted different sessions to air their views. Moreover, Mr. Anand Grover is of no help by just criticizing the</p>

Hon'ble Supreme Court as we have to follow the judgement/laws rendered by the Hon'ble Supreme Court.

6. Better to have continuing programmes. All other facilities are good.
7. To arrange orientation programme to district judges on special enactments like PMLA.
9. Organize regular basis training like this.
10. NJA has about seminar the best.
11. At least one day local tour is requested.
13. Half time should be given to resource & another half time should be provided for discussion.
14. 2 days' time may not be adequate to equip with the knowledge desired to be imparted to participants.
15. Course material on other topic may be supplied to all the judicial officer of District Judiciary.
16. Other course material of another topic may be supplied to District Judicial Officers.
17. If more time is provided for each of the sessions and allow the participants to put their views it will be more useful.
18. 1. If the topics of the seminar is informed before hand, the programme would be more effective; 2. In the same session, resource persons from prosecution and those who deal with defence not to be included rather separate sessions to be given to them for frank discussions; 3. Sitting arrangements in the programme to be such that participants of different State share the table.
19. Application of 207/208 Cr.PC in PMLA where truck load of document relevant and not relevant documents are to serve to the defendant/accused. Relevant topic more time to be devoted.
20. Organize more such programmes.
21. Organize more programmes so that judges across the country can how from their experience, knowledge and there is clarity on the law.
22. No suggestions. Everything done by NJA seems to be ok and beneficial to the participants/trainees/ officers.
23. Every programme should be for minimum three days not less than that otherwise online sessions would be better. After all it involves public money.
26. All sessions are good well organized.
27. Materials prepared by Resource Persons in respect of programme may be shared to participants.
30. Problems being faced by participants should be sought before hand and shared with resource persons so that they can effectively deal with the issues.
31. The final conclusions of the topic from the NJA only.