

National Judicial Academy

P-1341: National Conference on Sentencing, Probation & Victim Compensation
8th – 9th April, 2023

Programme Coordinator : Mr. Prasidh Raj Singh and Ms. Ankita Pandey

No. of Participants : 44

No. of forms received : 43

I. OVERALL				
PROPOSITION	To a great extent (%)	To some extent (%)	Not at all (%)	Remarks
a. The objective of the programme was clear to me	100.00	-	-	42. Good.
b. The subject matter of the programme is useful and relevant to my work	95.24	4.76	-	26. Doubts were also cleared. 42. Yes, useful.
c. Overall, I got benefited from attending this programme	92.86	7.14	-	43. Very useful.
d. I will use the new learning, skills, ideas and knowledge in my work	92.86	7.14	-	43. Yes.
e. Adequate time and opportunity was provided to participants to share experiences	95.24	4.76	-	43. Yes.
II. KNOWLEDGE				
PROPOSITION	To a great extent (%)	To some extent (%)	Not at all (%)	Remarks
The programme provided knowledge (or provided links / references to knowledge) which is:				
a. Useful to my work	89.47	10.53	-	-
b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	93.02	6.98	-	26. Case laws were very useful.

c. Up to date	90.24	9.76	-	-
d. Related to Constitutional Vision of Justice	88.10	11.90	-	-
e. Related to International Legal Norms	58.54	31.71	9.75	-
III. STRUCTURE OF THE PROGRAMME				
PROPOSITION	Good (%)	Satisfactory (%)	Unsatisfactory (%)	Remarks
a. The structure and sequence of the programme was logical	95.35	4.65	-	-
b. The programme was an adequate combination of the following methodologies viz.				
(i) Group discussion cleared many doubts	92.31	7.69	-	-
(ii) Case studies were relevant	90.48	9.52	-	-
(iii) Interactive sessions were fruitful	87.80	12.20	-	-
(iv) Audio Visual Aids were beneficial	74.36	25.64	-	-
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	92.86	7.14	97.14	2.86
2	95.00	5.00	93.04	6.06
3	94.87	5.13	100.00	-
4	95.00	5.00	100.00	-
5	100.00	-	96.88	3.13
V. PROGRAMME MATERIALS				
PROPOSITION	To a great extent (%)	To some extent (%)	Not at all (%)	Remarks
a. The Programme material is useful and relevant	90.70	9.30	-	-
b. The content was updated. It reflected recent	93.02	6.98	-	-

case laws/ current thinking/ research/ policy in the discussed area				
c. The content was organized and easy to follow	88.37	11.63	-	-

VIII. GENERAL SUGGESTIONS	
1. Three most important learning achievements of this Programme	<p>1. Everything explained outstanding with their Lordship's experience, with illustration as well as academic view.</p> <p>2. Interpretation of Sec. 357, 357(A), 360 and 361 of CrPC. Clarity in applying the procedures. Different thought about the topic.</p> <p>3. 1. Timely required clarifications has been done. 2. We confirmed scope how to apply in our work. 3. How carefully assess the quantum of sentence and compensation etc.</p> <p>4. Sentencing procedure. Compounding of offences. Victim compensation.</p> <p>5. 1. Latest on law. 2. Appreciate cases coming before oneself in a better manner. 3. Got to know about some good practices in other states.</p> <p>6. <i>Session 1: Sentencing Procedure: Issues and Challenges, Session 4: Plea Bargaining: Challenges in Implementation and Session 5: Victim Compensation: Judicial Approach towards Compensatory Jurisprudence.</i></p> <p>7. With drawl from prosecution. Plea bargaining. Compensation to the victim.</p> <p>8. Refreshed knowledge about the statutory provisions. Updated the knowledge. Got practical tips.</p> <p>9. Learnt about victim compensation, plea bargaining and withdrawal of cases.</p> <p>10. I achieve relevant parameter for awarding sentence to the convicts. 2. We show award sentence to the court in proportionate to the crime committed by the convict. 3. Why should we implement the provision a Sec 360, 361 of CrPC as well as offenders Act.</p> <p>11. 1. Parameters & uniformity in sentencing in major offence. 2. Scheme of Sec. 360 & 361 of CrPC. 3. Compounding of offences. 4. Plea bargaining in offences having punishment up to 10 years.</p> <p>12. 1. Parameter to convict. 2. How quantum is to be decided while conviction. 3. Compounding offences how to take care. 4. Plea bargaining implementation.</p> <p>13. 1. Enriching knowledge. 2. Updated case laws. 3. Relation of the topics discussed with the practical court works.</p> <p>14. 1. Clarity whether the probation can be granted under Sec. 304- A IPC. 2. Clarity whether the age of 21 years mentioned in Sec. 360 Cr.PC is to be reckoned at the time of commission of offence or not. 3. Clarity about the punishments which can be awarded under Sec. 265E(c) and (d) of CrPC.</p> <p>15. 1. Got the knowledge as regard quantum of punishment. 2. Got the knowledge to extend the benefit of probation in certain cases. 3. Got the knowledge as to how we can dispose of case at early stage by plea bargaining.</p>

16. 1. Latest proposition of law. 2. Victim compensation scheme of different state has been known. 3. Clarification of doubts in sentencing policy or practice.

17. 1. Sentencing procedure. Law relating to probation. 3. Victim compensation.

18. Victim compensation & Judicial approach & Compensatory jurisprudence. Sentencing parameters & element of proportionality. Law relating to probation & compounding of offence.

19. 1. Effective utilization of compounding of criminal case. 2. Promoting the application of probation in upholding the edifice of administration of justice. 3. Victim compensation sentence.

20. Sentencing parameter victim compensation schemes final and interim compensation.

21. 1. Sentencing practice, Parameter, determination of quantum of sentence. 2. Mandates of Sec. 320/321 of CrPC and its utilization. 3. Reason for awarding/refusing victim compensation U/s 357 A CrPC.

22. Much more practical approach should be given as regards sentencing parameters. 2. Judiciary approach in determination of quantum of sentence was nice. 3. Though discussed but much more time and discussion was needed as regards sentencing practice in sexual offences in concerned in cases where the victim girl who married a boy at her minor age again victimized.

23. 1. Balance has to be maintained between mitigating factors and aggravating factors before awarding sentence. 2. Law of Probation and its applicability. 3. Broad spectrum of victim compensation scheme specially related to injured persons in the absence of accused.

24. Impeccable opportunity to interact with high court judges, faculties of the academy and colleagues, seniors from across the country.

25. Legality of law greatly discussed and cleared doubts. Practical applicability of law. Encouragement for applying the law/judgment in our court matters.

26. 1. Doubts were cleared. 2. Case laws discussed were very useful. 3. Would be helpful in deciding cases.

27. 1. How to award compensation to victim. 2. How to sentence. 3. How to keep balance between aggravating factors & instigating factors.

28. 1. Learnt the need of imposing more punishment. 2. The need to grant compensation. 3. The consequences of being more liberal.

29. All subjects are very useful & effective one & useful for day to day work & dispensation of justice.

30. My legal knowledge enhanced. All sessions are very informative and useful. Topics were very useful.

31. The group discussion. Sharing of best practices. Sharing of contents/Subject matter and materials in a Pen Drive.

32. 1. The deliberations were very elaborate. 2. The materials were up to date. 3. The materials are useful for application in the court.

33. Difference between PO Act. & 360, 361 CrPC. Plea bargaining.

34. Gave input to the principles to be adhered while sentencing. 2. How to assess the victim compensation.

35. 1. Sentencing parameters. 2. Determination of quantum of sentence. 3. Compounding of offences.

	<p>36. 1. Subject is of day to day use of the judicial officers. 2. Discussion was most apt on the subject as incidental issues to clear doubts. 3. Faculty dealt citing achievement so that it was useful for discharge of duties.</p> <p>37. Interactive learning. Cool atmosphere. Cordial environment.</p> <p>38. Implementation of victim compensation. Adjudicator of 321 CrPC. Things to keep in mind at thereof sentencing.</p> <p>39. Payment of compensation and costs mandated in Section 320-321 victim compensation schemes.</p> <p>40. 1. These session will help me in performing my daily court work more precisely. 2. Learnt many new things which will help me in my near future.</p> <p>41. 1. Effective case of provision of plea bargaining. 2. Effective use of Section 351 & 357. 3. Effective implementation of probation of offenders Act.</p> <p>42. All programme.</p> <p>43. 1. Plea bargaining. 2. Probation. 3. Compounding of criminal cases.</p>
<p>2. Which part of the Programme did you find most useful and why</p>	<p>2. Plea bargaining; challenges in implementation and Victim compensation. Law relating to probation.</p> <p>3. No doubt- All programmes are useful and practical challenged portions and want to clarified and applied uniformly.</p> <p>4. All are useful.</p> <p>5. Last session of the programme as I am dealing with the subject on day to day basis.</p> <p>6. Session 1: Sentencing Procedure: Issues and Challenges. The session is useful for day to day work.</p> <p>7. Withdrawal from prosecution and mandate of section 360 and 361. Usually holding court. I faced problem but after attending session by NJA. I got benefited.</p> <p>8. The whole programme. Because the subjects discussed were of much practical importance.</p> <p>10. Victim compensation scheme as it is beneficial.</p> <p>11. Sentencing procedure. Plea bargaining.</p> <p>12. Sentencing parameters & compounding procedures.</p> <p>13. 1. Probation of offenders Act, 1958. 2. Sec. 360 of CrPC. 3. Victim compensation scheme.</p> <p>14. All the sessions are very useful and effective for day to day working as lot of doubts are cleared in the sessions.</p> <p>15. Plea bargaining as by implementation of which we can dispose of matters speedily and get finality of judgement it saves time of court/ parties and advocates and investigating agency.</p> <p>16. Victim compensation because there are different mechanism in different states.</p> <p>17. Law relating to probation – An overview.</p> <p>18. Sentencing & probation.</p> <p>19. Session 3: Compounding of Offences- is most useful in my point of view.</p> <p>20. Sentencing and quantum of compensation. The same session is useful due to collected materials available on record and gravity of the offence quantum of sentencing may be decided.</p>

	<p>21. Sentencing practice and procedure.</p> <p>22. Section 321, 360, 361 CrPC. 2. Plea bargaining. 3. Victim compensation.</p> <p>23. Withdrawal from prosecution; Victim compensation; Sentencing procedures.</p> <p>24. Session 1: Sentencing Procedure: Issues and Challenges and Session 2: Law relating to Probation: An Overview- Various SC decisions are not settled but opinion expressed by the resource persons are very helpful.</p> <p>26. Session 1: Sentencing Procedure: Issues and Challenges.</p> <p>28. 1. Victim compensation. 2. Plea bargaining.</p> <p>29. Programme is very very useful.</p> <p>30. Session 1: Sentencing Procedure: Issues and Challenges – Was most useful because it cleared many doubts.</p> <p>32. The entire programme was very useful. It was a very productive session.</p> <p>33. Victim compensation.</p> <p>34. Which dealt with sentencing procedure.</p> <p>36. Session 1: Sentencing Procedure: Issues and Challenges, Session 3: Compounding of Offences, Session 4: Plea Bargaining: Challenges in Implementation and Session 5: Victim Compensation: Judicial Approach towards Compensatory Jurisprudence.</p> <p>38. Plea bargaining and Section 321 CrPC.</p> <p>39. Every part of programme is useful.</p> <p>40. Session 1: Sentencing Procedure: Issues and Challenges, Session 2: Law relating to Probation: An Overview and Session 3: Compounding of Offences- as these are very much related to my court work.</p> <p>42. Yes most useful.</p> <p>43. Each & every.</p>
<p>3. Does the programme need further modulations or change</p>	<p>4. All are useful.</p> <p>5. All of them were excellent.</p> <p>6. Session 1: Sentencing Procedure: Issues and Challenges.</p> <p>7. Plea bargaining. Practically, provision of plea bargaining is not being utilized by bar members and prosecution.</p> <p>10. All programme are useful for us.</p> <p>11. All parts are very-very useful.</p> <p>12. Plea bargaining as advocates never allow to file application for it.</p> <p>13. Topic of plea bargaining. Remarks: Did not find any opportunity to invoke the section relating to plea bargaining.</p> <p>15. I found all the programmes very useful to decide the matter a hard.</p> <p>16. Development in this regard.</p> <p>18. Plea bargaining. As there are some practical difficulty to implement it.</p> <p>20. Plea bargaining.</p> <p>21. Subject relating to application of plea bargaining because being of special designated POCSO court. I have no scope to apply the provision. Moreover, there is resistance from the members of the Bar in implementing the provision in courts.</p>

	<p>22. I have also stated.</p> <p>23. Plea bargaining learnt was useful. Reason: Not practically applicable in present circumstances and provision contained.</p> <p>26. All the programmes/ Sessions were useful.</p> <p>30. Session 4: Plea Bargaining: Challenges in Implementation- was least useful.</p> <p>31. Chapter/ Session on, Plea bargaining.</p> <p>33. Plea bargaining.</p> <p>34. Plea bargaining.</p> <p>36. Session 2: Law relating to Probation: An Overview- Less analysis of the subject of it left no scope for much discussion.</p> <p>37. Lecture of Justice G.R. Swaminathan.</p> <p>40. Session 5: Victim Compensation: Judicial Approach towards Compensatory Jurisprudence – as I feel this is much related to DLSA and never draft with such cases.</p> <p>42. Yes most useful.</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>3. Conduct many programme like this to update and equip the judges.</p> <p>5. Implement group discussion where there could be interaction of participants coming from Pan India.</p> <p>6. The programme set up are more effective.</p> <p>7. Excellent management in all aspects particularly in hospitality and academics.</p> <p>8. I personally feel that the speakers (resource persons) using the podium would be more communicative and useful.</p> <p>9. Each participants may be requested to make presentations individually and address the gathering.</p> <p>10. NJA should start online training and more participant should be joined.</p> <p>11. Programmes days may be increased at least to a week.</p> <p>12. The programme was very nice increase time should be at least 5 days so to come while subject.</p> <p>15. The duration of the programme should be extend to one week or more because it takes time more than one or one and half day to reach the Academy.</p> <p>16. Resource persons must at par with Justice A.P Sahi.</p> <p>17. All the topics were useful and helpful in daily routine and presented well. No suggestion.</p> <p>18. Programme should be conducted for five day/week.</p> <p>19. This programme is very short in my suggestion this programme should be minimum five days.</p> <p>20. Regular training may be required in relevant subject through resource persons.</p> <p>21. Procedure for trial in respect of cases under the prevention of corruption Act and cases U/s 409 of IPC.</p> <p>22. Training for adjudicating of NDPS case and special cases U/s 409 IPC, PC Act are needed.</p>

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| | <p>23. Stay at NJA, Bhopal should be extended beyond 2 days and more topics be included in curriculum to make the conference more fruitful and also give participants more chance to meet and interact with other participants.</p> <p>24. More lengthy session with more time provided to each resource person as the resource persons had to listener time.</p> <p>25. Programme may be organized for a full three days since limited time is given to resource person.</p> <p>26. Time limit to the resource persons seems to be less, would suggests to have more elaborate and time for each sessions.</p> <p>27. Time should be for at least one week.</p> <p>28. Two day training is too short. It must be extended to one week at least.</p> <p>33. It must be minimum 3 days.</p> <p>34. It is already giving the best.</p> <p>35. Sessions were most useful.</p> <p>36. The Director has organized course well. The sessions are case oriented and ready to discuss with practical & personal experience.</p> <p>40. The training programme must have been for a few more days.</p> <p>41. Such programme must be conducted frequently.</p> <p>42. Effective.</p> |
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