

NATIONAL JUDICIAL ACADEMY

P-1096: Refresher Course for SC/ST [POA] Courts

27th – 29th April, 2018

Programme Coordinator : Mr. Prasadh Raj Singh, Faculty, NJA, Bhopal

No. of Participants : 28

No. of forms received : 28

I. OVERALL				
PROPOSITIONS	To a great extent	To some extent	Not at all	Remarks
a. The objective of the Program was clear to me	92.86	7.14	-	-
b. The subject matter of the program is useful and relevant to my work	85.71	14.29	-	-
c. Overall, I got benefited from attending this program	85.71	14.29	-	-
d. I will use the new learning, skills, ideas and knowledge in my work	89.29	10.71	-	-
e. Adequate time and opportunity was provided to participants to share experiences	89.29	10.71	-	-
II. KNOWLEDGE				
PROPOSITIONS	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	74.07	25.93	-	-
b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	70.37	29.63	-	-
c. Up to date	70.37	29.63	-	-

d. Related to Constitutional Vision of Justice	80.00	20.00	-	-
e. Related to International Legal Norms	50.00	45.83	4.17	-
III. STRUCTURE OF THE PROGRAM				
PROPOSITIONS	Good	Satisfactory	Unsatisfactory	Remarks
a. The structure and sequence of the program was logical	85.19	14.81	-	-
b. The program was an adequate combination of the following methodologies viz.				
(i) Group discussion cleared many doubts	76.00	24.00	-	-
(ii) Interactive sessions were fruitful	77.78	22.22	-	16. Specific time be fixed for interactive sessions
(iii) Audio Visual Aids were beneficial	54.17	45.83	-	-
<i>(To be modified as per the sessions planned)</i>				
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	80.77	19.23	95.24	4.76
2	88.00	12.00	95.00	5.00
3	88.00	12.00	100.00	-
4	76.00	24.00	80.00	20.00
5	72.00	28.00	90.00	10.00
6	76.00	24.00	85.00	15.00
7	84.00	16.00	95.00	5.00
8	84.00	16.00	90.00	10.00
V. PROGRAM MATERIALS				
PROPOSITIONS	To a great extent	To some extent	Not at all	Remarks

a. The Program material is useful and relevant	92.59	7.41	-	-
b. The content was updated. It reflected recent case laws/ current thinking/ research/ policy in the discussed area	96.30	3.70	-	-
c. The content was organized and easy to follow	100.00	-	-	16. Soft copy should have been provided well in advance

VIII. GENERAL SUGGESTIONS	
a. Three most important learning achievements of this Programme	<ol style="list-style-type: none"> 1. Discussion among the participants was good; Clarification of questions by participants and effective explanation by resource persons. 2. 1. Good interaction; 2. Clarification of question by resource person put by participant; 3. Discussion by the participants. 3. 1. Good interaction; 2. Clarification of queries by resource persons. 3. Discussion amongst the participants. 4. 1. Changing of our mind set for effective implementation of the Act; 2. Showing compassion and dignity to the victims; 3. Adequate compensation to the victims and also payment of TA/DA to the witnesses of the victims. 5. 1. Ensure implementation of latest amendment; 2. Ensure the victim is facing no hurdle in smooth functioning of his/her case; 3. Ensure victim is provided counselling and proper legal aid. 6. Ensuring human dignity in dealing with caste based atrocities in cases which come to courts; Proactive role of judges. 7. 1. To know the objects of the Act; 2. To do justice to real victim; To properly convict the accused. 3. To award adequate compensation to victim. 8. Role of special courts in effective implementation of SC/ST (PoA) Act. Trial process under (PoA) Act, Role of judges in tackling marginalization: Caste and Gender based atrocities. 9. Various type of atrocities regarding SC/ST in different part of India. 10. Speech delivered by the Lordship including resource persons Enlightened my knowledge and sensitized me more over the subject. 11. 1. Reading materials; 2. Interaction; 3. Experience sharing.

	<p>12. 1. Learning the technicalities of the SC/ST (PoA) act; 2. Learning the aims /objects and the imperative to remedy the social evil; 3. The need to create awareness & the implementation.</p> <p>13. 1. Counselling to the victims; 2. Compensation to the victims; 3. False institution of cases.</p> <p>14. Participant did not comment.</p> <p>15. 1. Role of court in dealing with cases under SC/ST Act; 2. Process of change in mind setup in perspective of the Atrocities Act. 2015; Victim compensation.</p> <p>16. Mostly the discussion was on the Subhash Kashinath v/s State of Maharashtra.</p> <p>17. Informative, Intellectual and Inquisitional and Introspective.</p> <p>18. Proactive role to be played by the judge; 1. To see that victim compensation is paid; 2. To see that victim is protected throughout the case proceedings; 3. To see that victim's right are enforced.</p> <p>19. One must empathize towards agonies of unprivileged section.</p> <p>20. 1. Explaining the prospective object of the Act; 2. Deep interpretations of the provisions of Act; 3. Objective aspects of implementation.</p> <p>21. Discussion about recording of evidence of victim; Right of victims were discussed in detail; Definition of sexual violence and its new horizons and discussions about use & misuse of the SC/ST Act.</p> <p>22. 1. Object of the Act from the angle of victims and its community; 2. Manner in such evidence of victim is to be taken keeping in view the hurdles & obstruction at difference levels; 3. Application & implementation of amended provisions of Act particularly S. 3 of SC/ST Act.</p> <p>23. Overall is good.</p> <p>24. All persons are divided on the point of misuse of SC/ST Act. So, more comprehensive discussion is needed.</p> <p>25. 1. Victim compensation; 2. Trial process under the SC/ST Act; 3. Sexual violence against SC/ST women in India.</p> <p>26. 1. Increased sensitivity towards the cases under the SC/ST (PoA) Act; 2. Significance of timely compensation in such cases; 3. Emphasis on proper counselling in sexual violence cases.</p> <p>27. 1. Sensitization of rights of SC and ST; 2. Applicability of compensation scheme.</p>
--	--

	28. 1. The broad base of subjects covered; 2. Subject chosen, given the contemporary relevance; 3. Interactive approach adopted.
b. Which part of the Programme did you find most useful and why	<ol style="list-style-type: none"> 1. All part of programme most useful. 2. All part of programme most useful. 3. All part of the programme most useful. 4. I found the sessions of the second day most useful, i.e., Session 4: Role of Special Court in effective implementation of the SC/ST (PoA) Act; Session 5: Trial Process under the SC/ST Act; Session 6: Tackling Marginalization: Caste and Gender based Atrocities; These sessions enlightened me with regard to process and trial of such sensitive cases under the SC/ST (POA); The role of the court and the aims and objectives as to how the Act was enacted for social reforms was also highlighted in these sessions. 5. Each & every session esp. where new provisions were very minutely discussed. 6. Role of special courts in effective implementation of SC/ST (POA) Act. 7. All parts of programme are most useful to do justice in own judicial work. 8. Session 2: Ensuring Human Dignity: Eradicating Untouchability and Prevention of Atrocities; Session 3: Role of Affirmative action in ensuring Dignity and Equality; Session 4: Role of Special Court in effective implementation of the SC/ST (PoA) Act; Session 5: Trial Process under the SC/ST Act; Session 7: Sexual Violence against SC/ST Women in India and Session 8: Award and Standardization of Victim Compensation. 9. Session 4: Role of Special Court in effective implementation of the SC/ST (PoA) Act; Session 5: Trial Process under the SC/ST Act- because I am trial court judge. 10. Sexual violence against SC/ST women in India. 11. Experience sharing. 12. Session 1: The SC/ST (PoA) Act: An Instrument for Social Reform; Session 2: Ensuring Human Dignity: Eradicating Untouchability and Prevention of Atrocities; Session 3: Role of Affirmative action in ensuring Dignity and Equality; Session 7: Sexual Violence against SC/ST Women in India and Session 8: Award and Standardization of Victim Compensation. 13. Second part.

	<p>14. Participant did not comment.</p> <p>15. 1. Regarding the role of a trial judge in dealing with SC/ST case. Because of the fact that the whole deliberation opened a new window before me.</p> <p>16. All were useful.</p> <p>17. All session are useful since minute aspects in the effective implementation of the Act in true spirit are discussed in each sessions.</p> <p>18. Session 1: The SC/ST (PoA) Act: An Instrument for Social Reform.</p> <p>19. Justice Shankaran and Justice K. Chandru.</p> <p>20. Ensuring human dignity; Role of special court in effective implementation.</p> <p>21. Updated contents of the topics and discussions with recent case laws & Non-implementation of various provisions of SC/ST Act- Problems faced by courts while dealing with cases.</p> <p>22. Discussion of newly & amended provisions of SC/SC Act along with case laws on the relevant provisions.</p> <p>23. Participant did not comment.</p> <p>24. Dr. Subhash Kashinath Mahajan case.</p> <p>25. Victim compensation- because it will be useful while awarding compensation.</p> <p>26. Session 1: The SC/ST (PoA) Act: An Instrument for Social Reform; Session 2: Ensuring Human Dignity: Eradicating Untouchability and Prevention of Atrocities; Session 3: Role of Affirmative action in ensuring Dignity and Equality; Session 7: Sexual Violence against SC/ST Women in India - Since it augmented my quest for social justice by legal process.</p> <p>27. Role of special court in effective implementation of the Act.</p> <p>28. Hon'ble Judges discussing the cases which come up before them and sharing the complexities of law while interpreting the same.</p>
<p>c. Which part of the Programme did you find least useful and why</p>	<p>1. Not essential.</p> <p>2. NA</p> <p>3. NA</p> <p>4. NA</p> <p>5. None</p> <p>6. Participant did not comment.</p> <p>7. Participant did not comment.</p> <p>8. Participant did not comment.</p>

	<p>9. Session 1: The SC/ST (PoA) Act: An Instrument for Social Reform- because we are doing judicial work within prescribed laws.</p> <p>10. None. All were useful.</p> <p>11. Participant did not comment.</p> <p>12. Session 6: Tackling Marginalization: Caste and Gender based Atrocities.</p> <p>13. First part.</p> <p>14. Participant did not comment.</p> <p>15. NA</p> <p>16. Issues were overlapping. I think the course was little bit extended one.</p> <p>17. All sessions were useful.</p> <p>18. Participant did not comment.</p> <p>19. Participant did not comment.</p> <p>20. Tackling marginalization caste and gender based atrocities.</p> <p>21. Discussion on the subject of award and standardization of victim compensation & preparation of schemes for compensation.</p> <p>22. Tackling marginalization & amended provisions of SC/ST Act along with case laws on the relevant provisions.</p> <p>23. Participant did not comment.</p> <p>24. Misuse/false cases.</p> <p>25. NA</p> <p>26. Session 5: Trial Process under the SC/ST Act- due to lack of relevant content.</p> <p>27. NA</p> <p>28. The ones which was not related to law in the strict sense of the term but was general in nature.</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. This type of refresher course should be organized by NJA every 2 years on various topics.</p> <p>2. This type of course should be organized by NJA every 6 month in various subject- Contract Law & Family Court Act.</p> <p>3. This type of refresher course should be organized by NJA every six months in various topics i.e. POCSO Laws etc.</p> <p>4. The list of books published by NJA by way of research or otherwise should be provided so that the officers can procure the same if it is found reliable and important to us/them.</p> <p>5. The programme the way it was organized was outstanding and in my view had no flaws so needs no improvement as far as this programme is concerned.</p> <p>6. Participant did not comment.</p> <p>7. Nil</p> <p>8. Participant did not comment.</p> <p>9. Participant did not comment.</p> <p>10. There should be a search for getting more resource persons. Resource Persons should be changed time to time so that we will be able to get the new ideas and thoughts over the subject (For availing repetition).</p> <p>11. Participant did not comment.</p> <p>12. The programme was well organized.</p> <p>13. Participant did not comment.</p> <p>14. Participant did not comment.</p> <p>15. More resource person from district judiciary and persons having experience of trial court.</p> <p>16. I am first timer. Experience is great. Spouse may be permitted.</p> <p>17. Continue the programme.</p>

- | | |
|--|---|
| | <p>18. As per SC/ST (PoA) Act; Victim can participate in the preceding's throughout. To effectively utilize this, victim needs legal aid. A special training programme for legal aid will be valuable.</p> <p>19. It is excellent no word to suggest.</p> <p>20. Participant did not comment.</p> <p>21. In a three days programme a few hours in some day in evening proper transport facility could be provided to visit city/famous places of the city/market etc. Proper transport facility could be provided.</p> <p>22. Discussion must also be focused on implementation of various provisions of relevant Act keeping in view which are to be implemented by the court concerned. Practical and actual problems faced by the court be discussed with their solutions.</p> <p>23. Participant did not comment.</p> <p>24. 1. As above (a); Senior Judges should be permitted to bring their spouse (NJA may charge for it)</p> <p>25. I have been served in the best manner so I don't find any suggestion to be pointed out.</p> <p>26. Participant did not comment.</p> <p>27. Thanks</p> <p>28. The focus should be on subjects which relate to law strictly so that while interpreting the same in the courts, we get actual help.</p> |
|--|---|