

NATIONAL JUDICIAL ACADEMY

P-1060: Refresher Courses for NDPS Courts

24th – 26th November, 2017

Programme Coordinator : Ms. Shruti Jane Eusebius, Law Associate, NJA, Bhopal.

No. of Participants : 34

No. of forms received : 34

I. OVERALL				
PROPOSITIONS	To a great extent	To some extent	Not at all	Remarks
a. The objective of the Program was clear to me	97.06	2.94	-	-
b. The subject matter of the program is useful and relevant to my work	91.18	8.82	-	-
c. Overall, I got benefited from attending this program	94.12	5.88	-	-
d. I will use the new learning, skills, ideas and knowledge in my work	82.35	17.65	-	-
e. Adequate time and opportunity was provided to participants to share experiences	84.85	15.15	-	-
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	88.24	11.76	-	-
b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	88.24	11.76	-	-
c. Up to date	73.53	23.53	2.94	-
d. Related to Constitutional Vision of Justice	55.88	44.12	-	-

e. Related to International Legal Norms	33.33	48.48	18.19	-
III. STRUCTURE OF THE PROGRAM				
PROPOSITIONS	Good	Satisfactory	Unsatisfactory	Remarks
a. The structure and sequence of the program was logical	70.59	29.41	-	-
b. The program was an adequate combination of the following methodologies viz.				
(i) Interactive sessions were fruitful	76.47	20.59	2.94	-
(ii) Audio Visual Aids were beneficial	34.38	59.38	6.24	-
<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	72.73	27.27	70.00	30.00
2	74.19	25.81	72.41	27.59
3	76.67	23.33	78.57	21.43
4	79.31	20.69	81.48	18.52
5	75.00	25.00	80.77	19.23
6	68.97	31.03	76.92	23.08
7	96.43	3.57	92.00	8.00
8	88.89	11.11	95.45	4.55
V. PROGRAM MATERIALS				
PROPOSITIONS	To a great extent	To some extent	Not at all	Remarks
a. The Program material is useful and relevant	82.35	17.65	-	-
b. The content was updated. It reflected recent case laws/ current	85.29	14.71	-	-

thinking/ research/ policy in the discussed area				
c. The content was organized and easy to follow	76.47	23.53	-	-

VIII. GENERAL SUGGESTIONS	
a. Three most important learning achievements of this Programme	<p>1. 1. Enhancement of knowledge. 2. Interaction with experts. 3. Made myself more equipped to deal with NDPS cases in courts.</p> <p>2. Regarding ideas of NDPS case. Flaws of investigation. Deterrent effect in NDPS case.</p> <p>3. Practical and day to day problem related.</p> <p>4. 1. Courts trying these offences should have a social, moral and legal obligation. 2. Judge should be sensitive. 3. Offender should be punished with stringent penal provisions.</p> <p>5. We could solve our problems which we face during trial of NDPS cases. We could update recent laws laid down by apex court.</p> <p>6. Interpretation of Section 35 of NDPS Act and about the determination of quantity and effect of Notification of 2009.</p> <p>7. 1. Up to date judgement in NDPS Act. 2. Up to date position of seizure and search process. 3. Quantity of drugs revealed.</p> <p>8. 1. Up to date relevant case law discussed helpful in trial of NDPS cases. 2. Important sections of NDPS Act discussed at length. 3. Got awareness about latest law on the subject.</p> <p>9. Effective and useful. Improved the knowledge of NDPS Act. Useful for the delivery of judgement.</p> <p>10. It is very useful in day to day work. 2. Latest cases discussed was also very useful for fair trial.</p> <p>11. All satisfactory.</p> <p>12. Whole part of programme was most important, useful.</p> <p>13. 1. This programme is useful in my daily working. 2. Basic concept of NDPS Act is clear.</p> <p>14. Critical provision of NDPS law was discussed; Judgement of apex court etc. discussed practical problem and solution.</p> <p>15. Relevant case law discussion was very helpful for us. Most of the Section of NDPS Act discussed in detail. Material provided to us is also very useful.</p>

	<p>16. The provision of the NDPS Act has to be understood keeping in view the objective of Act. the menace of drugs is slowly and steadily creeping in our society and if not handled with heavy hand it will ruin our future generations.</p> <p>17. Effective use of law. Shared experience from other officers. Increased knowledge of NDPS Act. In-depth knowledge of NDPS Act.</p> <p>18. Effective use of law. Shared experience from other officers. Increased knowledge of NDPS Act. In-depth knowledge of NDPS Act related matters.</p> <p>19. Participant did not comment.</p> <p>20. Participant did not comment.</p> <p>21. It is an eye-opener to the NDPS Act cases. 2. Knew in detail the nuances of the provisions; know in detail how to apply and interpret the provisions in proper perspective.</p> <p>22. Perspective of enactment. Recent pronouncements. Procedural aspect.</p> <p>23. Clarity about search and seizure of NDPS case has enhanced to a large extent. Framing of charges was cleared.</p> <p>24. Knowledge on different aspects. Interaction with group members. Study materials.</p> <p>25. The atmosphere of the Academy is very congenial; the resource persons did maximum efforts at their level to make the participants aware about the important judgements of Hon'ble Apex Court relevant to the subject.</p> <p>26. Power of entry, search and seizure, standard of proof. Determination of quantity of NDPS substance and challenges faced by the court.</p> <p>27. Participant did not comment.</p> <p>28. 1. Persecution of culpable mental state under S. 35 of the NDPS Act. 2. Framing of charges by NDPS courts; Issues and Challenges. 3. Section- 42 and 50 of NDPS Act application.</p> <p>29. Very good. It could have been much better if other aspects of the NDPS Act could have was included.</p> <p>30. 1. Up to date judgement in NDPS Act. 2. Position of law with regards to search, seizure and arrest. 3. Implication of Section- 41, 42, 43 and 50 of NDPS Act during arrest.</p> <p>31. 1. Overall aspects of the NDPS Act. 2. Discussion and procedure of search and seizure of the narcotic drugs. 3. Discussion on different aspects of trial of NDPS cases.</p> <p>32. 1. Updated judgements. 2. Provisions of statute clearly discussed with examples. 3. Got to know about kinds of cases and procedures adopted is different states.</p>
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	<p>33. 1. Tracing the purpose and objective of establishing specialized courts for NDPS Act. 2. Reversal of burden of proof. 3. Challenge before the NDPS courts with regard to compliance of Section 42 and 50 NDPS Act.</p> <p>34. Sensitization to legislative intention 2. Programme is mostly focusing on search and seizure 2. Thought provocative on the efficacy of the Act.</p>
<p>b. Which part of the Programme did you find most useful and why</p>	<ol style="list-style-type: none"> 1. First two days session require more effective Resource persons. 2. All part of programmes. 3. Interactive session; it is helpful in clearing doubt. 4. All session were useful as all were eminent personalities. 5. All parts are equally useful. 6. Every session was useful. 7. Last part. 8. All the part useful because they benefit us. 9. All part of the programmes as useful. 10. Each and every programmes. 11. First day and final day. 12. Whole part of programme. 13. <i>Session-1 Combating Illicit Drug Traffic and Drug Abuse: Critical Role of NDPS Courts Proposed Scope of Discussion - Tracing the Purpose and Objective of Establishing specialized courts for NDPS Cases - Deterrence as an objective of the NDPS Act - India's obligations under International Conventions on Narcotic Drugs and Psychotropic Substances. Session-2 Presumption of Culpable Mental State Under Section 35 of the NDPS Act Proposed Scope of Discussion - Reversal of Burden of Proof -Standard of Proof –Proof beyond reasonable doubt; not Preponderance of Probabilities. Session-8 Challenges before the NDPS Courts in the Application of Sections 42 & 50 of the NDPS Act Proposed Scope of Discussion -Challenges before the NDPS Courts with regard to Compliance of Section 42 &50 of NDPS Act-Mandate to the Investigating Officer under Section 42 & 50 of NDPS Act.</i> 14. <i>Session-1 Combating Illicit Drug Traffic and Drug Abuse: Critical Role of NDPS Courts Proposed Scope of Discussion - Tracing the Purpose and Objective of Establishing specialized courts for NDPS Cases - Deterrence as an objective of the NDPS Act - India's obligations under International Conventions on Narcotic Drugs and Psychotropic Substances. Session-2 Presumption of Culpable Mental State Under Section 35 of the NDPS Act Proposed Scope of Discussion - Reversal of Burden of Proof -Standard of Proof –Proof beyond reasonable doubt; not Preponderance of Probabilities.</i>

15. I think all part of programme are useful as enhance our knowledge which dealing with NDPS cases in our courts.
16. Al the sessions were informative.
17. Application of Section 42 & 50 of NDPS Act.
18. Application of Section 42 and 50 of the NDPS Act because it is the key confusion in these area.
19. Participant did not comment.
20. Participant did not comment.
21. Session in respect of arrest, search and seizure and especially the mandatory provisions compliance.
22. Practical aspect. Culpable mental state aspect in presumption's aspect.
23. Almost all session except *Session-1 Combating Illicit Drug Traffic and Drug Abuse: Critical Role of NDPS Courts Proposed Scope of Discussion - Tracing the Purpose and Objective of Establishing specialized courts for NDPS Cases - Deterrence as an objective of the NDPS Act - India's obligations under International Conventions on Narcotic Drugs and Psychotropic Substances.*
24. *Session-7 Determination of Drug Quantity by Courts Proposed Scope of Discussion -Determination of Small Quantity and Commercial Quantity- Quantity –Whether weight of total seized substance or actual percentage of narcotic drug/ psychotropic substance found in the substance? Session-8 Challenges before the NDPS Courts in the Application of Sections 42 & 50 of the NDPS Act Proposed Scope of Discussion -Challenges before the NDPS Courts with regard to Compliance of Section 42 &50 of NDPS Act. -Mandate to the Investigating Officer under Section 42 & 50 of NDPS Act.*
25. *Session-7 Determination of Drug Quantity by Courts Proposed Scope of Discussion-Determination of Small Quantity and Commercial Quantity- Quantity –Whether weight of total seized substance or actual percentage of narcotic drug/ psychotropic substance found in the substance? Session-8 Challenges before the NDPS Courts in the Application of Sections 42 & 50 of the NDPS Act Proposed Scope of Discussion -Challenges before the NDPS Courts with regard to Compliance of Section 42 &50 of NDPS Act.-Mandate to the Investigating Officer under Section 42 & 50 of NDPS Act.*
26. All the sessions in the programme are most useful for practically conducting the cases in a fair manner as required by law.
27. Participant did not comment.
28. Sentencing in NDPS cases. Search and seizure under NDPS Act.

	<p>29. Search and seizure are required for compliance of Section- 42 and 50 and related decisions of Hon’ble Court.</p> <p>30. Interaction with the narcotic persons was most useful.</p> <p>31. Discussion regarding the law relating to search and seizure of contraband article.</p> <p>32. Participant did not comment.</p> <p>33. Every part.</p> <p>34. <i>Session-1 Combating Illicit Drug Traffic and Drug Abuse: Critical Role of NDPS Courts Proposed Scope of Discussion - Tracing the Purpose and Objective of Establishing specialized courts for NDPS Cases- Deterrence as an objective of the NDPS Act- India’s obligations under International Conventions on Narcotic Drugs and Psychotropic Substances.</i> <i>Session-2 Presumption of Culpable Mental State Under Section 35 of the NDPS Act Proposed Scope of Discussion - Reversal of Burden of Proof-Standard of Proof–Proof beyond reasonable doubt; not Preponderance of Probabilities. As reversal of burden of proof is peculiar requiring correct understanding.</i> <i>Session-7 Determination of Drug Quantity by Courts Proposed Scope of Discussion -Determination of Small Quantity and Commercial Quantity-Quantity–Whether weight of total seized substance or actual percentage of narcotic drug/ psychotropic substance found in the substance? As Resource Persons is quite efficient and made holistic views.</i></p>
<p>c. Which part of the Programme did you find least useful and why</p>	<p>1. <i>Session-1 Combating Illicit Drug Traffic and Drug Abuse: Critical Role of NDPS Courts Proposed Scope of Discussion- Tracing the Purpose and Objective of Establishing specialized courts for NDPS Cases - Deterrence as an objective of the NDPS Act - India’s obligations under International Conventions on Narcotic Drugs and Psychotropic Substances. Session-6 Sentencing in NDPS Cases Proposed Scope of Discussion -Just Sentencing in NDPS Cases -Rehabilitation as a goal in Drug Abuse Cases -Judicial Discretion in Determination of Sentence. -Rationalized Sentencing Structure post the 2001 Amendment. Where not as effective as were supported to be.</i></p> <p>2. Not only.</p> <p>3. Participant did not comment.</p> <p>4. Participant did not comment.</p> <p>5. None.</p> <p>6. None.</p> <p>7. First part and second part of day-1.</p> <p>8. None.</p> <p>9. None</p> <p>10. None.</p> <p>11. Not so.</p>

12. Nil.

13. **Session-3 Irregularity in Investigation: Impact on Court Proceedings Proposed Scope of Discussion -Challenges faced by Courts in Trial of NDPS Cases : Curatives for lax or irregular investigation -Powers of the NDPS Courts.**

14. Participant did not comment.

15. None.

16. Participant did not comment.

17. All part of the programmes useful.

18. All part of the programmes useful.

19. Participant did not comment.

20. Participant did not comment.

21. All the session are really useful.

22. Participant did not comment.

23. Participant did not comment.

24. **Session-2 Presumption of Culpable Mental State Under Section 35 of the NDPS Act Proposed Scope of Discussion - Reversal of Burden of Proof -Standard of Proof –Proof beyond reasonable doubt; not Preponderance of Probabilities. Session-3 Irregularity in Investigation: Impact on Court Proceedings Proposed Scope of Discussion -Challenges faced by Courts in Trial of NDPS Cases : Curatives for lax or irregular investigation -Powers of the NDPS Courts. Session-5 Framing of Charges by NDPS Courts: Issues and Challenges Proposed Scope of Discussion -Materials to be considered while framing charges - Quantity of Narcotic Drug & Psychotropic Substances (Small, Intermediary & Commercial Quantity) as a relevant factor.** More required to be discussed.

25. **Session-6 Sentencing in NDPS Cases Proposed Scope of Discussion -Just Sentencing in NDPS Cases -Rehabilitation as a goal in Drug Abuse Cases -Judicial Discretion in Determination of Sentence.-Rationalized Sentencing Structure post the 2001 Amendment.** As it was little away from the context of the session.

26. Nothing.

27. Participant did not comment.

28. Nil.

29. Nothing.

30. Participant did not comment.

	<p>31. NA.</p> <p>32. Participant did not comment.</p> <p>33. No.</p> <p>34. <i>Session-3 Irregularity in Investigation: Impact on Court Proceedings Proposed Scope of Discussion -Challenges faced by Courts in Trial of NDPS Cases : Curatives for lax or irregular investigation -Powers of the NDPS Courts. - Due to ineffective group discussion; Session-6 Sentencing in NDPS Cases Proposed Scope of Discussion -Just Sentencing in NDPS Cases -Rehabilitation as a goal in Drug Abuse Cases -Judicial Discretion in Determination of Sentence.-Rationalized Sentencing Structure post the 2001 Amendment. Session-8 Challenges before the NDPS Courts in the Application of Sections 42 & 50 of the NDPS Act Proposed Scope of Discussion -Challenges before the NDPS Courts with regard to Compliance of Section 42 &50 of NDPS Act-Mandate to the Investigating Officer under Section 42 & 50 of NDPS Act. - Due to repetition of Session 4.</i></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. Participant did not comment.</p> <p>2. Please invite experts of chemical examination and officers who actually deal with NDPS Cases.</p> <p>3. Should continue.</p> <p>4. Everything is good and more than enough.</p> <p>5. Already we are provided best facilities by NJA.</p> <p>6. Participant did not comment.</p> <p>7. Only the judges with experience of trial of cases should be used as Resource persons.</p> <p>8. Participant did not comment.</p> <p>9. No.</p> <p>10. This type of programme may be arranged from time to time.</p> <p>11. Participant did not comment.</p> <p>12. NJA is delivering great service to the fraternity.</p> <p>13. Participant did not comment.</p> <p>14. Participant did not comment.</p> <p>15. Participant did not comment.</p> <p>16. Participant did not comment.</p> <p>17. Please circulate reference material to all NDPS judges.</p> <p>18. Please circulate reference material to all NDPS special judges of India to enlighten them too.</p>

19. Participant did not comment.
20. Participant did not comment.
21. Participant did not comment.
22. Some more time given for group discussion.
23. Samples of narcotics and related matter may be shown to understand the thing in more effective manner as we generally come across such cases.
24. It should be 5 days programmes. Resource Persons must be given sufficient time to prepare. More subjects be added. Feedback may be taken online or with at least 30-45 minutes time.
25. More and more sitting judges of Hon'ble High Courts must be invited as resource persons.
26. NJA has organized the program very well.
27. Tea served at 3.00 pm in class room it should be at 3.30 pm to maintain distance from lunch.
28. It can be better, if five day programme is organized.
29. Nothing except more programmes on NDPS Act.
30. More facts with regards to case law and some practical knowledge of the resource Persons needs to be discussed so that participants will be benefitted.
31. More such programmes should be arranged.
32. No suggestion required. NJA with passage of time has evolved and we need to visit NJA regularly to update ourselves and to deliver better.
33. Participant did not comment.
34. NJA may organize more and more similar programmes as drawbacks of Indian judiciary is variant judgements. Through NJA, drawbacks can be cured for holding judicial officers training across the country.