

National Judicial Academy

Seminar on Application of SC/ST (POA) Act

11th -14th February, 2016

Prog Coordinator	Mr. Sumit Bhattacharya, Research Fellow
No. of Participants	33
No. of forms received	33

General Suggestions

4	Give your views on the structure of the programme and sessions included:	<ol style="list-style-type: none">1. The structure of the programme was suited to get a balanced view of the subject. The legal issues, the practical issues and different modes to solve could be discussed. Got much opportunity to interact with the resource persons as well as participants helped a lot.2. Programme was well structured and all the relevant topics were included and the sessions were well planned and were informative.3. This programme and all sessions are very useful for day to day judicial work.4. The structure of the programme and sessions was well planned and good. However it is suggested that the copy of presentation of a resource person not included in reading material be provided to the participants.5. 1. Structure of programme and sessions are good enough; 2. Specially the sessions 3 Moral Values v. Constitutional Values; , 4: Interpersonal Sensitivity and 11 Recognizing “Ego State” to Deliver Better are very good. Some other resource persons from various IIMs should have been called.6. The structure of the programme was very good. The sessions were also very interesting, informative and gave new idea on the subject of the Seminar.7. The structure of the programme was highly suited and helpful to the judicial officers dealing with the SC/ST (POA) Act and further the sessions included are also fruitful to strengthen our skills and capacity to dispose off the matters connected therewith.8. Satisfactory9. Inclusion of subjects like psychological perspectives on caste and moral development for judging helped us in improving our concepts and attitude.10. Copies of lectures delivered by guest speakers also be distributed among the participants.11. All the sessions are excellent and practically feasible in imparting our judicial duty.12. Such type of training/refresher course should be held more occasionally. If possible, once in two years. If possible, we should be provided hard/soft copy prior to training course, so that the same be more interactive and enriching one.13. The programme is very good. It has highlighted the new amendment with prospective. It will be helpful to us day in and out as and when we deal with the cases.14. The structure was very good and the session was very interesting. In particular is the 3rd Session of Dr. Pawan Kumar Singh on moralities and constitutional values and interpersonal session was very fruitful to me. The speaker Ms. Parul Rishi provides good focus on categories of moralities in a very detailed manner last but not the least, the way former judge Mr. K. Chandru give in detailed his view in the light of the law was fabulous and very important for me to make us sensitized on the topic and made me practical to perform the function of a judge to the justice delivery system.15. Programme has been beautifully structured. Almost all beneficial points have been included while structuring the programme.
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5	<p>What are your gains/learning from this programme?</p> <p>1. Better understanding of the law especially the new amendment; 2. An insight to the problems and difficulties faced by the victims; 3. Better understanding of discrimination; 4. An understanding of psychological aspect in the decision making process.</p> <p>2. Recent amendments in SC/ST(POA) Act were well discussed; Programme was relevant and information in view of the recent amendments.</p> <p>3. I learnt this programme that how to concerned amendment of SC/ST (POA) Act in the cases very well.</p> <p>4. The programme has taken us to the history and sociological aspects of the problems faced by the SC/ST persons in general in the society and by victims in particular to know more about the handicaps being faced by them.</p> <p>5. We are sensitized. All sessions are very useful for our day to day proceedings in Court.</p> <p>6. I got new ideas about the psychological and mind related aspect with regard to the approach of a judge while dealing with SC/ST (POA) cases. There was also a very good sharing of views amongst the participants and between the participants and between the participants and the</p>

resource persons. Over all it has been a knowledge and confidence boosting seminar.

7. From the programme, I have learnt adequate remedies and suggestions with respect to sorting out the problems and its eradication while providing relief to the victims suffered with atrocity committed against him/her.

8. It was a pleasure attending this seminar, a lifetime experience for many of us for sure. The complete event was so engaging and informative. Kudos to the NJA for conducting such events truly realizing its vision and mission. The efforts of NJA are truly remarkable and would go a long way, I believe in strengthening the complete judicial ecosystem of the nation. The learnings from this seminar will not only help on court beyond. The take aways are plenty. I thank the NJA.

9. The sorry state of affairs in regard to the discrimination of SC/ST Members in school, office etc. had been shown to us in a visualized picture by Lordship Justice Chandru. It was a good experience in knowing such facts which were not so far came up to our mind in its right perspective.

10. Amendments incorporated in the SC/ST Act, their implementation, the problem we will face in implementing some procedure and how to overcome these problems.

11. It has refreshed our knowledge which were early known. New amendment in the light of judgments therein is very helpful to us.

12. Learnt a lot about SC/ST Act , especially the Amended Act 2016. Lecture delivered by Sh. Pawan Singh was marvelous to say the least; I also learnt lot from the lectures delivered by Justice K. Chandru, Justice Prabha Sridevan. Dr. Nisha G. Bhuyan, Dr. Parul Rishi and Ms. Pritahrani Jha. I will be failing my duties if I don't mention name of Sh. Sumit Bhattacharya and students.

13. We learned and know the views of speaker as well as participants. Also we know the actual idea of legislature to provide equality in the society. The idea of legislature to give justice to the person belongs to SC/ST.

14. Although I have not come across any case under the SC/ST (POA) Act to deal with. However, the sessions made me very practical to handle the case in future.

15. We learnt a lot theoretically as well as we got practical knowledge and experience during discussion.

16. I learn a lot from programme and programme will help in our service.

17. Gathered a lot of knowledge on application of SC/ST (POA) Act while handling the same as a judge and hope I would be able to utilize the same as a judge while dealing with similar cases in future. Some facts and case laws discussed in Seminar will really help the participants to a great extent. Care and sensitive area required to be considered while judging such cases has been embedded in the mind in this seminar.

18. Now we have become more wiser to answer the cause fo the downtrodden particularly the people belonging to SCST in legal manner.

19. I learnt from this programme is that how we can be remain impartial in our judicial proceedings. Our behavior must be impartial. Moral values, attitudes, perception and conviction must be reflected in our behavior.

20. 1. Cleared my concepts about new amendments of SC/ST Act; 2. Improved sensitive approach about victims.

21. We have come to learn the objective of the Act, the situation and problems faced by the SC members in different parts of India. We have also learnt and gained so much relating to the laws from this programme.

22. Our approach towards the cases related to SC/ST should be sympathetic and helpful to the

		<p>victim though not as the cost of justice.</p> <p>23. Good experience, good knowledge, the best procedures adopting the entire Nation on this particular Act.</p> <p>24. To have a good look at the Act</p> <p>25. Really it will be helpful in future. We understand the new amended provisions of the new act, the object behind introducing it and how sensitively deal with cases under SC/ST Act.</p> <p>26. More helpful in future court working.</p> <p>27. Amended provisions were discussed and explained.</p> <p>28. Some sessions were useful but some sessions were not good as the speaker was prejudiced.</p> <p>29. SC/ST Act was totally new to me and the programme has really helped me a lot and imposed confidence to head the Special Court in future.</p> <p>30. From the programme I learnt a lot about the SC/ST Act including the latest amended Act.</p> <p>31. We have gained knowledge in the Act and amended Act of SC/ST Act.</p> <p>32. Sensitisation vis-à-vis the social problems.</p> <p>33. Through this programme we got lot i.e. sensitiveness, fairness, speedy trial procedure and many other things which comes in day to day judicial life of us.</p>
6	<p>What “Best Practices” you have learned, in terms of dealing with the cases under the SC/ST (POA) after attending the Seminar and from the experience shared by the participating co-judges?</p>	<ol style="list-style-type: none"> 1. To be more sensitive in dealing the cases involving atrocities cases. 2. Became aware about the various problems being faced by the victims in other parts of the country as were shared by the participating co-judges. Rights of the victims introduced by the recent amendments can be enforced for providing appropriate relief to the victims. 3. Participant did not comment. 4. We were able to analyse the amended SC/ST (POA) Act notified on 20-01.2016 only to implement ineffectively right from the beginning besides interacting with fellow judicial officers from other states. 5. Participant did not comment. 6. The best practice in terms of dealing with the cases under the SC/ST (POA) Act is to have a bias free mindset towards all the parties of the case and witnesses and not to have any preconceived notions about any person or situation in the case at hand. 7. The best practices I have learnt is the sharing of knowledge by co-judges experienced while dealing with the cases under the SC/ST (POA) Act. 8. I learnt a lot from brother participants. 9. By sharing thoughts with the co-judges who have participated in the Seminar and the experiences narrated by Lordship Justice Chandru and Justice Prabha Sridevan made improvements in my thought in the matter of deciding cases under SC/ST (POA) Act. 10. The discussion on problem found by different states under SC/ST Act and how they are solved. 11. The movie Samar and NH10 related to SC/ST (POA) Act combination is well appreciated. 12. I learnt many new facts and law points, processions of law, settled law and authorities regarding SC/ST Act. 13. I learnt that every stage of proceedings the victim of his/her dependents shall be heard through PP or investigating officer. 14. Participant did not comment 15. Studies were very interesting. We enjoyed a lot with our co-judges in discussing the subject and thereafter sharing various experiences with them. 16. I came to know details about the amendment 2016 to SC/ST (POA) Act . 17. Awarding compensation to the victim in each such case u/s 357/357A of the CrPC; Action

		<p>against police and other officials for sitting idle in spite of having knowledge of the crime or for violating direction of law.</p> <p>18. By sharing the experience of others that how the cases can be disposed off at the earliest.</p> <p>19. 1. Hearing opportunity to victims, dependent in investigation and trial; 2. How court can protect the right of victim and his/her dependent; 3. Court must be extra vigilant at the time fo taking statement of victim and star witnesses.</p> <p>20. 1. Hearing opportunities to victims during trial; 2. Reflection of our prejudices and biases on our judgments- try to come out.</p> <p>21. We have learnt how to deal with the members of scheduled caste and also to deal their cases under the Act.</p> <p>22. Interaction with the judicial officers of other states gave an opportunity to understand the system of other states.</p> <p>23. Taking cognizance and adopting best methods to implement the procedure of the Act more effectively.</p> <p>24. While answering the case study exercise ,</p> <p>25. Practices are different in different states ; regularly committal of cases or transferring cases by magistrate to special court under SC/ST Act.</p> <p>26. No view</p> <p>27. The additional rights prescribed u/s 15 A of the Amended Act and the manner in which they are to be enforced.</p> <p>28. We have discussed on amended provisions of the Act. Some case laws were alos discussed in the Seminar. Lecture fo Dr. Pawan Kumar Singh and Dr. Parul Rishi were good who made aware participants with ego and prejudiced of the people. It will be useful in our working and improving our personality as well.</p> <p>29. Powers of Spr. Court incorporated in the Act, which has not been observed by many.</p> <p>30. Case studies helped a lot I learning mode.</p> <p>31. Case studies and lecture from resource persons.</p> <p>32. Viewpoint vis-à-vis the social problem. A new vision de-hors the legal scenario.</p> <p>33. After attending this seminar we became familiar of different types of practices which are prevalent throughout India in relation of SC/ST Act 1989. Now we would be more sensitive towards victim of this community and victim of POCSO Act. Besides this we would be careful towards our routine judicial work.</p>
7	<p>Kindly make and Suggestion you may have on how NJA may Serve You better and make the Programme more effective:</p>	<p>1. By providing access to the library of NJA through internet through the subordinate judiciary.</p> <p>2. Participant did not comment.</p> <p>3. NJA can give us more and more effective and practical knowledge.</p> <p>4. Timing for cleaning of the rooms could be in the morning also as per option of the participants.</p> <p>5. NJA is serving better. Some resource persons may be called from district judiciary also.</p> <p>6. The programme has been very useful and effective. It can be more effective by devoting a whole day to interaction and group discussion on the operating provisions of the Act which the judges are dealing in their day to day functioning.</p> <p>7. The resource persons as per sessions should be change if possible and the programmes may be organized on the problems already disclosed during the sessions.</p> <p>8. Nothing now</p> <p>9. Imparting training programme including discussion by the judges on a particular subject in separate groups would help the involvement of all officers, so that the ideas can be exchanged in a better manner.</p>

	<p>10. The NJA to arrange more seminars and also conduct refresher course of those officers who have participated in earlier programme, so their experience could be gathered and also the officers will explain the problems they are facing for implementation of new amendment in the Act.</p> <p>11. 1. Spouse must be allowed with the participants because participants come from ling distance for the training which is for about one week or so (to and fro) so that peacefully we adhere the programmes as being senior officers, kids are away and wellness of spouse alone at home is very pertinent point. 2. If participants want to get any material on other subject after going from there an email materials can be received for betterment.</p> <p>12. 1 Such programme should be organized more occasionally, if once I two to three years; 2. Tea break should not be more than 15 minutes; 3. We should be provided time to visit after 4.00 /4.30 pm daily as busy schedule does not allow us to visit Bhopal and adjoining areas.</p> <p>13. The programme is very useful to me while dealing with the cases under the Act. The newly amended provisions have been enlightened us for its proper and speedy implementation.</p> <p>14. Participant did not comment.</p> <p>15. NJA is serving very sincerely and inspiring manner. Programme has been very effective.</p> <p>16.NA</p> <p>17. Extend the programme at least for 7 days.</p> <p>18. By organizing such programmes not only in NJA but by organizing regional conferences or otherwise at the State Level.</p> <p>19. 1. Seminar's material must be provided t the candidate one or two month before; 2. Telephone/ Cell No/ Email account and name of candidate be intimated one to two month before.</p> <p>20. First day- ask problem and queires from participants and then fix one session to resolve.</p> <p>21. More interaction is required. Every member shall be invited to interact on the subject. Case study is appreciated.</p> <p>22. Some more lectures from legal experts be arranged.</p> <p>23. Participant did not comment</p> <p>24. Nothing to suggest.</p> <p>25. Participant did not comment</p> <p>26. Should be more exhaustive.</p> <p>27. Participant did not comment</p> <p>28. NJA is doing well to improve quality of justice in India. NJA is bounded duty to take care tha the spealers/faculty should not have negative mindset and prejudiced .</p> <p>29. This was my first visit to NJA. My stay was really good and memorable.</p> <p>30. Participant did not comment</p> <p>31. More study materials may be given.</p> <p>32. Participant did not comment</p> <p>33. All is excellent</p>
8	<p>Any other Suggestion / Remarks</p> <p>1. Participant did not comment.</p> <p>2. Participant did not comment.</p> <p>3. Participant did not comment.</p> <p>4. The coordinator Mr. Sumit Bhattacharya was excellent. Sandhiya , an intern also assisted him in a very effective manner. All the resource persons were very knowledgeable and expressive especially Mr. Justice Chandru, Prof. Pawan and Ms. Pritarani Jha.</p> <p>5. Participant did not comment</p> <p>6. No other suggestion.</p> <p>7. No</p>

8. I do not preside special court for SC/ST POA Act. The officer who is PO of special court should have been called for immediate benefit of common litigants.
9. No
10. NJA to get feed back from the groups who participate in the programmes.
11. Programme for four days needs one day break within four days.
12. Like SC/ST Act we should also be imparted training regarding NDPS, MACT and other special Acts with which we deal daily.
13. No other suggestions. Very thankful to NJA.
14. Participant did not comment.
15. Any one day after lunch there should be outing programme on behalf of NJA, with all participants and at least with coordinator of the course.
16. NA The seminar was conducted very nicely.
17. One pair of chappal (sandal) can be supplied as it is done in many other Rest Houses/Circuit House for the convenience of the participants.
18. NJA should make it mandatory to attend at least two programmes in a year by every judicial officer on different topics.
19. Participant did not comment.
20. No need for this column.
21. Sri Sumit Bhattacharya and Ms. Sanidhya are cooperative. The programme is successful due to their efforts put in this programme.
22. Mr. Sumit Bhattacharya deserves thanks for his excellent contribution in this event. Sanidhya, an intern too was found very punctual and helpful. The lectures of speakers like Prof. Pawan K. Singh, Dr. Parul Rishi were outstanding.
23. Participant did not comment
24. Participant did not comment
25. Participant did not comment
26. Excellent.
27. Participant did not comment
28. Participant did not comment.
29. Participant did not comment
30. Participant did not comment
31. Good experience
32. It could solve the solve of the problems of the spouses of judicial offices staying alone in unsecured conditions, if family is allowed to be accommodated in the guest house.
33. All is good.

SNo	Particulars	Respon- dent	Marks out of 5	Remarks
1	Reading Material	5	3/5	More case laws regarding SC/ST Act should have been in the material.
		4	4/5	Should include some suggestive measures on the practical problems faced by the courts on various aspects.
		8	4/5	This should be provided earlier.
		9	4/5	The material supplied to us are useful for our day to day work.
		17	5/5	Reading Material compiled and edited by Mr. Sumit Bhattacharya is really a great job done by him which covers all the aspect on the subject concerned.
		24	4/5	The case law furnished is useful.
		27	5/5	Excellently compiled and very relevant
2	Travel	11	4/5	Some VIP quota in the AC Class of Indian Railway because from Patna (Bihar) to Bhopal there is no direct train.
		17	5/5	Travelling all along since I landed in Bhopal remained praiseworthy.
4	Protocol	9	5/5	Is commendable
		17	5/5	Protocol is also done in an excellent manner and I got full cooperation from Mr. Khan and Mr. Jain in this regard.
		27	5/5	Very well-mannered and courteous
5	Reception	9	5/5	Warm reception is appreciable.
		17	5/5	Reception is also got done in very good manner.
		27	5/5	Very well-mannered and courteous
6	Cleanliness	9	5/5	It is model to other institutions.
		25	3/5	Cleaning may be done in morning.
		27	5/5	Cleaning time may be specific for convenience
7	Food	27	3/5	Can be less oily
		30	3/5	South Indian food and spicy food can be provided.
		33	5/5	Nothing negative
8	Hygiene	-	-	-
9	Staff Behaviour	9	5/5	Staff members are obedient and keep looking to the welfare of the judges.
10	Hospitality	27	3/5	More staff needed to be there for meal service.
11	Others	-	-	-

Programme & Hospitality Feedback																																							
Mark Your Satisfaction, Ranging from 1(Very Poor), 2 (Poor), 3 (Fair enough),4 (good), 5 (Excellent),for the following:																																							
2	No. of Participant	33																																					
3	No. of forms received	33																																					
	Respondent No.	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	Total marks out of 165					
N o.	Subject	Marks																																					
1	Reading Material	5	5	5	3	4	5	4	4	5	4	3	5	4	5	5	5	5	4	4	5	4	4	4	5	4	5	4	4	4	4	5	4	4	4	5	4	128/165	
2	Travel	4	4	4	2	5	4	3	4	4	4	3	5	4	5	5	5	5	4	4	4	5	4	4	5	4	4	5	4	5	4	4	4	4	4	4	4	4	121/165
3	Protocol	5	4	5	3	5	4	3	5	5	3	4	4	4	5	5	5	5	4	4	4	5	5	4	5	5	4	5	4	5	4	5	5	5	5	4	5	128/165	
4	Reception	5	4	4	3	5	5	3	5	4	4	4	4	5	4	5	5	5	4	4	4	5	5	4	5	4	5	4	5	5	4	5	5	4	5	5	4	5	128/165
5	Cleanliness	5	3	4	4	5	4	4	5	4	4	4	4	4	4	5	5	4	5	5	4	5	5	5	3	5	5	5	5	5	5	5	5	5	5	4	5	129/165	
6	Food	4	4	4	5	5	4	4	5	4	4	3	4	4	4	5	5	4	4	4	4	4	5	4	5	5	5	3	3	3	3	3	3	5	5	5	121/165		
7	Hygiene	5	4	4	5	5	4	4	5	4	4	3	4	4	5	5	5	4	4	4	4	5	5	5	5	5	5	5	5	4	4	5	5	4	5	5	4	5	129/165
8	Staff Behavior	5	4	4	4	5	5	4	5	5	3	4	4	4	5	5	5	5	4	4	4	4	5	5	5	5	5	5	5	4	4	5	5	4	5	5	4	5	130/165
9	Hospitality	5	4	4	4	5	5	4	5	5	4	4	4	4	5	5	5	5	4	4	5	4	5	4	5	5	5	3	4	4	5	5	4	5	5	4	5	129/165	

Prepared by the Documentation/Communication &PR Unit of the National Judicial Academy