

NATIONAL JUDICIAL ACADEMY

P 990: Workshop on Sentencing at Trial Court level

10-11 September, 2016

Programme Coordinator: Mr. Milind B. Gawai, Research Fellow,

Number of Participants: 36

No of forms received: 35

I. OVERALL				
PROPOSITIONS	To a great extent	To some extent	Not at all	Remarks
a. The objective of the Program was clear to me	97.14	2.85	-	
b. The subject matter of the program is useful and relevant to my work	97.14	2.85	-	
c. Overall, I got benefited from attending this program	85.29	11.76	2.94	
d. I will use the new learning, skills, ideas and knowledge in my work	91.42	8.57	-	
e. Adequate time and opportunity was provided to participants to share experiences	82.85	14.28	2.85	4. Training shall be for three days deducting journey date.
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	91.42	8.57	-	
b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	69.69	30.30	-	
c. Up to date	76.47	23.52	-	
d. Related to Constitutional Vision of Justice	70.58	26.47	2.94	
e. Related to International Legal	30	56.66	13.33	

Norms				
III STRUCTURE OF THE PROGRAM				
PROPOSITIONS	Good	Satisfactor y	Unsatisfactory	Remarks
a. The structure and sequence of the program was logical	67.64	32.35	-	
b. The program was an adequate combination of the following methodologies viz.	33.33	59.25	7.40	
i. Group discussion cleared many doubts	43.33	46.66	10	4. Not conducted
ii. Case studies were relevant	80.64	19.35	-	
iii. Interactive sessions were fruitful	75	21.87	3.12	
iv. Simulation Exercises were valuable	37.93	55.17	6.89	
v. Audio Visual Aids were beneficial				
IV. INDIVIDUAL SESSIONS				
PROPOSITIONS	To a great extent	To some extent	Not at all	Remarks
a. Discussions in individual sessions were effectively organized	54.83	35.48	9.67	
b. The session theme was adequately addressed by the Resource Persons	78.79	15.15	6.06	4. Not sufficient
V. PROGRAM MATERIALS				
PROPOSITIONS	To a great extent	To some extent	Not at all	Remarks
a. The Program material is useful and relevant	85.29	14.70	-	
b. The content was updated. It reflected recent case laws/current thinking/ research/ policy in the discussed area	84.84	15.15	-	24. Needs updation.
c. The content was organized and easy to follow	82.35	17.64	-	

VI. GENERAL SUGGESTIONS

<p>a. Three most important learning achievements of this Programme</p>	<ol style="list-style-type: none">1. Capital Punishment, 2 Economic offence punishment; 3. Juvenile matters.2. Learnt about the purpose and object of Sentence; How to use judicial discretion; Sentencing in Economic offences.3. 1. Be clear in thought; Give sound reason for court finding; Use discretion in judicial way.4. It is very useful for dispensing Criminal Justice.5. 1. Sentencing should be within the statutory limits; 2. Reason for the Sentence is to be given in the judgment; 3. Consider the age, circumstance, nature of the offence and to find out mitigating and aggravating circumstances before sentencing.6. Participant did not comment.7. It removed many of my doubts relating to the topics. Sensitivity is required, depending on nature, gravity of its impact on society.8. A deep knowledge with regard to parameters in imposing sentence in all cases in various category.9. Special approach in Sentencing in Criminal Cases.10. Learning of Hon'ble SC level mark judgments.11. Gathering information; expanding vision and wisdom in exercising discretion.12. 1. Eye opener; 2. Reported latest amendments; 3. Alarming of Compensation question to victims.13. Broadened my outlook.14. 1. Sentencing as per gravity of case; 2. Need of guidelines of using discretion; 3. Quantum of punishment.15. Participant did not comment16. Need to organize programmes17. 1. Necessity to maintain as it was in the Statute; 2. Negativity if guideline is framed; 3. Requirement not to be equipped to summarize the judgment in18. 1) Informative. 2) Interactive. 3) Informal.19. 1) How to pass the effective order while passing Sentence. 2) Parameters to be adopted at time of Sentencing. 3) To calibrate the offence of passing Sentence.20. 1) Sentencing part is the most important part in the judgment. 2) Order of sentence must be reasoned. 3) Learning of factors which are helpful to ensure objectivity in Sentencing.
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21. 1) There should be speaking order with regard to Sentence. 2) Limit of sentence minimum to maximum or what? 3) Observation of Court/ judge with regard to Sentence.

22. 1) How to balance sentencing in different circumstances and fact situations. 2) Why more stringent punishment is necessary for economic offences. 3) Sentence is to be backed by reasoned order and it should be proportionate.

23. 1) Sentence hearing has an important role in imposing Sentence. 2) How to measure and give adequate sentence. 3) Sentence is to be based on reasons.

24. How Sentencing has to be a conscious, well thought out activity given as much attention as judgment.

25. 1) Judicial discretion plays an important role in imposing Sentence. 2) Sentencing part must be discussed in clarity, and with reasoning. 3) Sentence must reflect the response of the society towards the crime.

26. 1) Pointed to lack of attention shown to Sentencing part in the judgment. 2) Sensitized to issues involved in Sentencing.

27. 1) Valuable guidance on Sentencing. 2) Interaction.

28. Sentencing in economic offences, Sexual offence against women and children and Sentencing in cases of young offenders are most important.

29. 1) Reasons for Sentence must be given. 2) Sentences are not precedent. 3) The object of Sentences.

30. 1) How to use discretion while awarding Sentence. 2) Interest of the society should be protected. 3) Feeling of the victim & her/his relative should be protected / considered.

31. Death penalty, young offenders and Sexual offences against women and children.

32. 1) Need to take Sentencing more seriously. 2) More consideration than conventional consideration of age, antecedents need to be considered while Sentencing. 3) Different yardstick is to be adopted for economic offences.

33. Reasoned sentencing.

34. 1) Reduction in disparity in Sentencing. 2) To ensure objectivity in Sentencing. 3) Sentencing with reasons.

35. 1) How to reduce disparities in Sentencing. 2) To ensure objectivity in Sentencing. 3) Sentencing with reasons. Sentencing order.

<p>b. Which part of the Programme did you find most useful and why</p>	<ol style="list-style-type: none"> 1. Capital Sentence 2. All 3. Jurisprudence in death penalty. It makes clear how to interpret death penalty and under what circumstances. 4. Session 1 to 5 5. Entire. 6. <i>Session 1 Jurisprudence in death penalty.</i> 7. <i>Session I - Jurisprudence in death penalty & Session 2- Sentencing in economic offences—</i>Mostly dealing with that type of cases. 8. The subject on the death sentence was most useful. 9. All programmes 10. Jurisprudence of death penalty. 11. Interactive discussions sharing challenges met by officers. 12. <i>Session I Jurisprudence of death penalty; Session II Sentencing in economic offences</i> 13. Entire 14. Sentencing of imprisonment along with extending of discretion of court and without it the balance of punishment will be affected. 15. Participant did not comment 16. All 17. Participant did not comment 18. Jurisprudence of death penalty. 19. Total programme. 20. All parts. 21. “Jurisprudence of death penalty” nice explanation of concept “rarest of rare” 22. Discussion regarding principles of Sentencing. 23. Sentencing parameters. It is found to be important. 24. All. 25. The programme as a whole was useful especially the jurisprudence of capital punishment by Justice R. Basant. 26. The first day sessions were very useful – discussion on death penalty, its retainability, aspects involved in economic offences were helpful. 27. Interaction with Resource person.
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	<p>28. Sentencing in economic offence and Sexual offence.</p> <p>29. <i>Session 1- jurisprudence of death penalty.</i></p> <p>30. All part of session found more useful. I got new ideas to think while awarding Sentence.</p> <p>31. Sentencing in Sexual offences against women and children.</p> <p>32. <i>Session-4 - Sentencing parameters in major offences against human body, excluding homicide and sexual offences against women.</i></p> <p>33. Sentencing in economic offences.</p> <p>34. <i>Session 1- jurisprudence of death penalty.</i></p> <p>35. <i>Session 1- jurisprudence of death penalty.</i></p>
<p>c. Which part of the Programme did you find least useful and why</p>	<p>1. Participant did not comment</p> <p>2. Participant did not comment</p> <p>3. <i>Session 5: Sentencing parameters in cases of young offenders-</i> Could not get clarity of thoughts.</p> <p>4. Not applicable</p> <p>5. Nil</p> <p>6. <i>Session 2- Sentencing in economic offences</i></p> <p>7. Participant did not comment</p> <p>8. No</p> <p>9. No</p> <p>10. Participant did not comment</p> <p>11. NA</p> <p>12. Whole Friday i.e. 10.09.2016</p> <p>13. No</p> <p>14. Economic offences</p> <p>15. Participant did not comment</p> <p>16. Open the mind.</p> <p>17. Participant did not comment</p> <p>18. Participant did not comment.</p> <p>19. N.A.</p> <p>20. N.A.</p> <p>21. Sentencing in economic offences. Discussion was mostly on P.C Act not about economic offence.</p> <p>22. All programmes are useful.</p> <p>23. Does not arise.</p> <p>24. Participant did not comment.</p> <p>25. Participant did not comment.</p>

	<p>26. <i>Sentencing of young offenders</i>-- time limitation and deliberation on cases was not sufficient.</p> <p>27. None.</p> <p>28. U/s 357 & 357A and <i>Sentencing in economic offence</i>.</p> <p>29. <i>Session 2- Sentencing in economic offence</i>.</p> <p>30. Not find any part.</p> <p>31. Economic offences.</p> <p>32. <i>Session- 5- Sentencing parameters in cases of young offenders</i>.</p> <p>33. Death penalty.</p> <p>34. All programme were useful.</p> <p>35. All programme were useful.</p>
<p>d. Kindly make any suggestions you may have on how NJA may serve you better and make its programmes more effective</p>	<ol style="list-style-type: none"> 1. Group Discussion 2. Please arrange for accommodating our spouse. 3. Kindly arrange programme on Procedural aspects and day to day difficulties in trial. 4. Supply of study materials at least seven days earlier by Email or through concerned High Court. 5. Already good. 6. Participant did not comment 7. Its excellently organized. 8. Participant did not comment. 9. Special programme of having be arranged for Victim Compensation u/s 357 A and u/s 357 CrPC. 10. Participant did not comment 11. At least 3 days programme to have sufficient time and space to discuss and deliberate upon the assigned topic. 12. Kindly modify the language of instructions i.e. 9, 14 & 16 because vocabulary is very harsh and intimidating against protocols. 13. Participant did not comment 14. Be subjective to the topic informed; 2. Presentation of topic; 3. Resource persons be concerned subject expert; 4. NJA is very nice atmosphere which is compensated for Bhopal Gas Tragedy of 1984 and renewable our attitude to dispense justice. 15. Participant did not comment 16. Participant did not comment

17. Study material should have been sent much earlier; 2. Frequent organization of workshop on the topic.
18. Participant did not comment.
19. 1) By sending study material in advance. 2) To nominate the officer well in advance so that judicial work may not be affect.
20. 1) Available Resources at NJA, should be utilized more intensively, for impart training to judicial officers. 2) Spouse should be allowed to stay with the participant, expenses may be taken.
21. 1) Please send reading material and topic much before training. 2) By giving permission to judges that they should stay with their spouse in NJA.
22. Everything found satisfactory.
23. Everything is found satisfactory.
24. Participant did not comment.
25. More group discussion, sharing practical problem may be useful.
26. Participant did not comment.
27. More interaction from side of participants. Question – answer session can be formulated, for more interaction.
28. Participant did not comment.
29. Session on new to Acts and Laws.
30. NJA has already taken case of all these facts. So no more suggestion are required.
31. None.
32. Question answers session be included.
33. Participant did not comment.
34. Duration of programme should be increased.
35. Duration of programme should be at least one week.