

National Judicial Academy

P-1163: Workshop on Adjudicating Terrorism Cases

Implementing The Hague Memorandum in India: Good Practices for the Adjudication of
Terrorism Cases

11th – 12th August, 2019

Programme Coordinator : Ms. Nitika Jain, Law Associate

No. of Participants : 40

No. of forms received : 39

I. OVERALL				
PROPOSITION	To a great extent	To some extent	Not at all	Remarks
a. The objective of the Program was clear to me	97.44	2.56	-	12. Very Good.
b. The subject matter of the program is useful and relevant to my work	84.62	15.38	-	12. Very Good.
c. Overall, I got benefited from attending this program	94.87	5.13	-	12. Very Good.
d. I will use the new learning, skills, ideas and knowledge in my work	94.87	5.13	-	12. Good.
e. Adequate time and opportunity was provided to participants to share experiences	79.49	20.51	-	3. More sessions were required. 10. Considerable time & opportunity has been provided but the programme requires more days to be continued for proper study and experiences to be gathered. 12. Good.
II. KNOWLEDGE				
PROPOSITION	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	83.33	16.67	-	31. Need of the hour.
b. Comprehensive (relevant case laws, national laws, leading text / articles / comments by jurists)	92.31	7.69	-	-
c. Up to date	94.87	5.13	-	-
d. Related to Constitutional Vision of Justice	89.47	10.53	-	31. Excellent.
e. Related to international legal norms	78.95	21.05	-	-
III. STRUCTURE OF THE PROGRAM				
PROPOSITION	Good	Satisfactory	Unsatisfactory	Remarks
a. The structure and sequence of the program was logical	94.87	5.13	-	12. Good. 30. Probably the time devoted for each of the session could have been more.
b. The program was an adequate combination of the following methodologies viz.				
(i) Group discussion cleared many doubts	80.00	20.00	-	12. Good.
(ii) Case studies were relevant	85.71	14.29	-	12. Good.
(iii) Interactive sessions were fruitful	91.67	8.33	-	12. Good.
(iv) Simulation Exercises were valuable	83.33	16.67	-	12. Good.
(v) Audio Visual Aids were beneficial	91.67	8.33	-	12. Good.
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	97.30	2.70	93.75	6.25

2	97.30	2.70	96.88	3.13
3	94.59	5.41	93.75	6.25
4	94.59	5.41	96.77	3.23
5	100.00	-	96.88	3.13
6	97.30	2.70	96.77	3.23
7	94.59	5.41	93.75	6.25
8	97.14	2.86	96.77	3.23

V. PROGRAM MATERIALS

PROPOSITION	To a great extent	To some extent	Not at all	Remarks
a. The Program material is useful and relevant	92.31	7.69	-	12. Good.
b. The content was updated. It reflected recent case laws/ current thinking/ research/ policy in the discussed area	97.37	2.63	-	12. Good.
c. The content was organized and easy to follow	92.11	7.89	-	12. Good.

VIII. GENERAL SUGGESTIONS

1. Three most important learning achievements of this Programme	<p>1. Fair Trial. The Judges role in regarding terrorism cases. Framing of charge and unique features of terrorism trial.</p> <p>2. Speedy trial, witness protection, and managing evidentiary issues.</p> <p>3. 1.Good practices for the adjudication of terrorism cases; 2. Judicial and court room security; 3. Managing media.</p> <p>4. Hague memorandum said trial admissibility of electronic evidence.</p> <p>5. 1. Updating the knowledge with respected to future endearing; 2. How to useful with the more sensitive case; 3. Be stay in the subjects.</p> <p>6. Judicial and courtroom discussing MLAT and unique features of terrorism trials.</p> <p>7. 1. Realizing importance of pretrial conference; 2. Highlighting important all as in terrorism case regarding confession, media role, and witness protection; 3. Challenges judges face in balancing conflicting principles.</p> <p>8. Open in house discussion for learning of best practices. New aspect of witness protection. Use of court room technology.</p>
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	<p>9. More clear on the part of case management scheme in terrorism case. Presumption cases in UPA Act. Judicial witness security along with digital evidence.</p> <p>10. 1. What are actually included in terrorism cases; 2. How to deal with the same to get maximum output in a fixed timeframe; 3. How to deal with the media.</p> <p>11. Law related to terrorism cases. Fair Trail. Managing Media attentions.</p> <p>12. Electronic evidence. Cr.P.C. Terrorism Law.</p> <p>13. Learnt many new things. Refreshed my memory get to interact with Hon'ble Justices and peer judicial officers.</p> <p>14. Learn aspect of Indian laws and ruling of S.C. Very useful for daily routine works.</p> <p>15. Knowledge imparted in consonance with Hague memorandum; Media control in sensitive cases; Security of one and all in sensitive cases.</p> <p>16. Hon'ble Justice Mr. Joymalya Bagchi even each our throughout processes on proper perspective.</p> <p>17. Unlawful A.P Act. N.I.A general problem of court.</p> <p>18. Participant did not comment.</p> <p>19. Enhanced knowledge about specialized as law e.g. UPA Act, NIA Act etc.; Made us to ponder over emerging areas esp. topic pertaining to media coverage baseless; lectures by Hon'ble Mr. Justice Joymalya Bagchi, Hon'ble Mr. Justice P. N. Prakash, Hon'ble Mr. Justice Atul Sreedharan were quiet enlightening.</p> <p>20. Updated knowledge on UAPA, NIA Act media management; forensic, Chang framing, platform of witness, electronic evidence.</p> <p>21. Courtroom technology pre-trial conference.</p> <p>22. Participant did not comment.</p> <p>23. How to deal with cases relating to terrorism.</p> <p>24. (1) How to use provisions of various laws in useful manner. (ii) How to be sensitive judge. (ii) How to equip ourselves in the changing time.</p> <p>25. I have learnt how to manage case and the concept of fair trial. it was great experience.</p> <p>26. Update on relevant law with critical analysis.</p> <p>27. (1) Enhanced learning. (2) Broadened thinking. (3) Develops judicious mind.</p> <p>28. Refreshing several provisions of IPC, evidence Cr.P.C. I.T Act 2000. Learnt method and mode of the case under UA PA Act. Use of modern tools and technology in the trial.</p> <p>29. How to deal with the cases in relining terroristic activities; Security of courts. Case management.</p> <p>30. Be aware of the changing contours of justice dispensation. The threats for fair trail and the tools needed for tackling them. Need to keep our mind open and innovative considering the nascent jurisprudence on terrorism law and trial in such cases.</p> <p>31. It was a new law for me in future as and when matter comes for hearing, I will be in a passing to decide the case with latest law and definition of UAP Act are now clear.</p>
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	<p>32. All learning achievements.</p> <p>33. Pre-trial conference under section of S-226 of Cr.P.C. Court security. Media management.</p> <p>34. Learnt about Sec. 299-A of IPC copied with first schedule of Cr.P.C; Law learning to terrorism case. Security concern in courts and witness.</p> <p>35. Participant did not comment.</p> <p>36. Many doubts regarding practical applicability of legal provision got a cleared.</p> <p>37. The seminar helped us to understand the importance of fair trial of cases relating to terrorism.</p> <p>38. Concept of fair trial in terrorism cases.</p> <p>39. Informative, Relevant, Practical.</p>
<p>2. Which part of the Programme did you find most useful and why</p>	<p>1. Digital Forensics.</p> <p>2. Managing evidentiary issues and speedy disposal of terrorism cases.</p> <p>3. Interactions.</p> <p>4. All the programmes.</p> <p>5. All this session was very useful to me as it the light on the subject that me did not have much a quittance.</p> <p>6. Managing media attention as it is a new field for me.</p> <p>7. Session-4 Case Management in Terrorism Cases & Offences Against National Security- will cover methods of effective case management including judicial leadership, mastery of the record and law by the judge, the ability to setup a pretrial conference quickly and adequately, use of a continuous trial, witness management, and the use of courtroom technology for improved organization; Session-7 Digital Forensics - will highlight broad aspects of the collection, presentation, admissibility, and relevance of forensic and digital evidence. The session aims to enhance skills that will be valuable for a trial judge when tasked with assessing relevance and admissibility.</p> <p>8. Over all the course covered a new area will deep insight of the subject.</p> <p>9. Law relating to terrorism cases framing of charges and case management in terrorism cases and offences digital forensics also.</p> <p>10. The entire programme in very useful. I am unable to choose any session to be most useful.</p> <p>11. Digital forensics. In this session Hon'ble Judge Mr. Joymalya Bagchi-enlightened to us on the point of admissibility and relevance for forensic and digital evidence.</p> <p>12. Terrorism Law.</p> <p>13. All the parts.</p> <p>14. All.</p> <p>15. Concept of fair trial as per good practices of Hague memorandum.</p> <p>16. I found most of the session very useful.</p> <p>17. Participant did not comment.</p> <p>18. Participant did not comment.</p>

19. All session were quite illuminating, enlightened a lot.
20. All the programmes were useful the Resource Persons were very considerate, responsive.
21. Speedy trial offences against national security evidentiary issues.
22. **Session- 8 Managing Media Attention** - will confront the difficulty in managing media attention in a highprofile terrorism case. Understanding that timely access to accurate information of court proceedings increases transparency and public confidence in the fairness of the Justice System, participants will formulate a comprehensive media plan through which they can implement strategies to regulate conduct of the proceedings and maintain decorum, prevent distraction, and ensure safety of courthouse personnel- Very useful.
23. Law, relating to terrorism cases. Admissibility of electronic evidence.
24. All most all the programme.
25. I find all eight sessions are very useful for us.
26. Participant did not comment.
27. Interaction and case studies.
28. All eight session of materials formulated be most full of discharge of official duties and increase personalities multidisciplinary.
29. All.
30. The entire eight sessions become, its effect on the day to day functioning of trial judges.
31. **Session-1 Fair Trial**- will cover the overarching concepts and mechanisms by which a judge can ensure a fair trial in spite of the inherent difficulties of a terrorism case. Concepts including ensuring a speedy trial, open vs.in-camera courtrooms, and subconscious bias will all be addressed.
32. All parts are useful because of their use and purpose.
33. Pre-trial conference- as same may reduce a remarkable times consumption to concludes trial.
34. **Session-3 Framing of Charges and Unique Features of Terrorism Trial** - will assist participants to understand how to begin a terrorist trial by framing appropriate charges and ensuring adequate defense for the defendant. The session will include a discussion of charging provisions in the Unlawful Activities (Prevention) Act, as well as the burden of proof under the Indian Evidence Act and special burden requirements under terrorism laws- importance of framing charges of special Acts & Indian penal code.
35. Participant did not comment.
36. Every parts of programme were useful as dealt with one of burning issues of contemporary society.
37. Fair Trial and digital forensic. These methods are not prevalent in present trial of cases. So it will be helpful for cases in future.
38. Concept of Pretrial conference. Fair trial mothed; how and them security concern.
39. All.

<p>3. Which part of the Programme did you find least useful and why</p>	<ol style="list-style-type: none"> 1. N.A. 2. Participant did not comment. 3. Nil. 4. Nil. 5. Participant did not comment. 6. <i>Session-4 Case Management in Terrorism Cases & Offences Against National Security- will cover methods of effective case management including judicial leadership, mastery of the record and law by the judge, the ability to setup a pre-trial conference quickly and adequately, use of a continuous trial, witness Management, and the use of courtroom technology for improved organization. As I have not dealt with few matters.</i> 7. Participant did not comment. 8. Participant did not comment. 9. None. 10. There was to such programme. 11. All the topics are relevant for us and befit for us. 12. Media trial. 13. None. 14. Each and every. 15. All sessions were equally fruitful. 16. No. 17. Participant did not comment. 18. Participant did not comment. 19. Participant did not comment. 20. Participant did not comment. 21. All programmes are useful. 22. I have <i>Session-1 Fair Trial – will cover the overarching concepts and mechanisms by which a judge can ensure a fair trial in spite of the inherent difficulties of a terrorism case. Concepts including ensuring a speedy trial, open vs.in-camera courtrooms, and subconscious bias will all be addressed. Very useful.</i> 23. All parts are useful in day to day judicial work specially while dealing terrorism cases. 24. All parts of the programme were useful. 25. Participant did not comment. 26. Participant did not comment. 27. Not. 28. None. 29. None. 30. Nil.
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	<p>31. All parts were useful.</p> <p>32. No such parts.</p> <p>33. Not any.</p> <p>34. Participant did not comment.</p> <p>35. Participant did not comment.</p> <p>36. Participant did not comment.</p> <p>37. Participant did not comment.</p> <p>38. Electrical evidence.</p> <p>39. None.</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>1. Such programme should be organized time and again to sensitize the judges even at state judicial Academies at state level.</p> <p>2. It would require for them time to time workshop on this issues.</p> <p>3. A little more time for the learning for necessary. It was cramped a bit.</p> <p>4. Such programmes should be conducted again.</p> <p>5. Audio could be shared with this participants for hearing many hold over the subject.</p> <p>6. None.</p> <p>7. Participant did not comment.</p> <p>8. Participant did not comment.</p> <p>9. Kindly make it for at least for 4 or 5 days schedule programme so elaborately discuss the subject.</p> <p>10. The duration much be enhanced. The programme and materials are required to be circulated to the participants for preparation. There is question of recess to repatriate and study the training imparted.</p> <p>11. More time to be given for sessions.</p> <p>12. Everything is found no separate suggestions is necessary.</p> <p>13. Conduct more such programmes.</p> <p>14. Dealing with practical problems in different states their protect scenario.</p> <p>15. One or two open house sessions can be added to discuss handling of ticklish issues during trail.</p> <p>16. Participant did not comment.</p> <p>17. Participant did not comment.</p> <p>18. Participant did not comment.</p> <p>19. Participant did not comment.</p> <p>20. Participant did not comment.</p> <p>21. Participant did not comment.</p> <p>22. Participant did not comment.</p> <p>23. More time is required to be allotted to the topic forensic science in the trial of terrorism cases.</p>

	<p>24. Participant did not comment.</p> <p>25. I am satisfied with the programme the way it was conducted and looking forward to visit again.</p> <p>26. Participant did not comment.</p> <p>27. To have seminar for group of Resource Persons.</p> <p>28. Participant did not comment.</p> <p>29. I appreciate the academy for managing such type of courses.</p> <p>30. None.</p> <p>31. The reading material to be supplied in advance and advance intimation of workshop will also be helpful to the participants.</p> <p>32. Participant did not comment.</p> <p>33. Discussion as regards to “unified security plan” for district court be resolved and send to National law commission, like other National being issues be also send National law commission for incorporation by way of law/ rule/ guideline to make all discussion a dream of reality.</p> <p>34. These kinds of programme should be conducted periodically and ground realty of terrorism case may be collected. Discussed in to deliberation.</p> <p>35. Participant did not comment.</p> <p>36. No suggestion at present.</p> <p>37. Participant did not comment.</p> <p>38. None.</p> <p>39. Participant did not comment.</p>
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