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FROM THE DESK OF CHIEF EDITOR

There are two Pillars of the edifice of Justice – the Bench and the Bar. Both are essential for fair and civilized system of dispensation of justice. At times, judges lose their temper. Temper is not something which should be lost. Lawyers also at times get aggressive and angry. Both must contain themselves. In fact, the Constitution casts a Fundamental Duty to develop scientific temper. This is a Constitutional obligation. Recently, (31.08.2016), the summit court in the case of Yatin Narendra Oza has emphasized the necessity of dignified behaviour, obedience to the norms of professional ethics and sustenance of decorum of the Institution, for all combined stabilize the nobility of the profession and ensure the faith in the Justice Delivery System which is extremely dear to a civilized society. In an another matter, Allahabad High Court on 21.09.2016 has convicted seven advocates for allegedly man-handling, assaulting and insulting the Special Judge of District Jalun, Orai on the charge of contempt of court. The District Judge had not taken appropriate action against this conduct of lawyers. The Special Judge reported the matter to the Administrative Judge who in turn forwarded the matter to the Chief Justice. The Chief Justice got conducted the fact finding inquiry through the Special Officer (Vigilance), High Court Allahabad. In the light of the finding recorded, matter was assigned to the committee dealing with contempt references from Subordinate Courts. Since this was a case of prima facie criminal contempt, Committee made recommendation upon which the Chief Justice directed the matter to be placed before the court having the jurisdiction. The High Court found the advocates to have raised slogans and assaulted the judge. They had created ruckus and ransacked the dias of the court. In this incident, some advocates also sustained injuries. Holding the advocates guilty of criminal contempt, the court observed that it was Constitutional obligation of the High Court to ensure safety and upholding the dignity of not only Courts but also of Judicial Officers manning the same. I have made a reference to the above only with the object that such a situation should never arise. In my fifty years of Legal Education, Legal Profession and Judicial Education, I had not seen such a bad situation. This is to urge both the Legal and Judicial Fraternity to work in unison so that we could genuinely take pride in our Justice Delivery System. No judicial system can function without the due support of the legal profession. The legal profession needs to respond in the manner which would help the Judicial System to function for the fulfillment of the first promise of the Indian Constitution – Justice. May the two pillars continue to strengthen our Judicial System.

Balram K. Gupta

CASE COMMENT

L. Narayana Swamy vs. State of Karnataka: 2016 (8) SCALE 560 – This judgment of Hon'ble Supreme Court needs to go in detail as to when a complaint by private individual is filed under Prevention of Corruption Act against some public servant, whether that is to be accompanied with the prosecution sanction from competent authority or not. The judgment has been given by reiterating view taken in **Anil Kumar & others Vs M.K. Aiyappa and another (2013) 10 SCC 705** and accepting the appeals preferred against judgment of High Court of Karnataka given in **N.C.Shiva Kumar and others Vs State and others**.

One of the important question which arose before the Hon'ble Supreme Court for consideration in these appeals was whether an order of investigation under **Section 156 (3)** of the **Cr.P.C.** can be passed in relation to public servant in the absence of valid sanction and contrary to the judgment of **Anil Kumar & others Vs M.K.Aiyappa and another (2013) 10 SCC 705 and M.M.Kakadia Vs S.M.Patel (2012) 10 SCC 517**.

Answering in negative, Hon'ble Supreme Court has said that the sanction is required at the first instance and the Magistrate cannot order investigation against a public servant while invoking powers **u/s 156 (3) of the Cr.P.C.** once it is found that there is no previous sanction accompanying the complaint.

In order to substantiate the law laid in the authority, it has been said that word 'cognizance' is of wide import. It has been explained that taking cognizance is used in the sense of taking notice of the complaint or the first information report or the information that an offence has been committed, on application of judicial mind which does not necessarily mean issuance of process. On this reference to the judgments of **State of U.P.Vs Paras Nath Singh (2009) 6 SCC 372, State of H.P. Vs M.P. Gupta (2004) 2 SCC 349, Subramanian Swamy Case (2012) 3 SCC 64** has been made.

It has been held that word cognizance has wider connotation and not merely confined to taking of cognizance of the offence. The magistrate has to apply his mind to the facts of the case. The question has been dealt in detail in **Anil Kumar & others Vs M.K.Aiyappa and another (2013) 10 SCC 705** by holding that a special judge who is deemed to be a Magistrate u/s 5(4) of PC Act and is otherwise competent to take cognizance, without taking cognizance u/s 190 Cr.P.C., may direct an investigation u/s 156(3) Cr.P.C.. The magistrate who is empowered u/s 190 Cr.P.C. to take cognizance **alone** has the power to refer a private compliant for police investigation u/s 156(3) Cr.P.C.

The reference has also been made to the case of **Army Headquarter Vs CBI 2012 (6) SCC 228,** wherein it has been held that the law on the issue of sanction can be summarised as of paramount importance for protecting a public servant acting in good faith while performing duties and he may not unnecessarily harassed on a complaint of an unscrupulous person.

Answering in negative, it has been held that order for investigation u/s 156 (3) Cr.P.C. cannot be passed in the absence of valid sanction.

It is not out of place to mention that the pedestal of **Section 19 of PC Act and 197 of Cr.P.C.** is different and they are to be applied differently. Sanction **u/s 197 Cr.P.C.** can be looked into in a case from stage to stage as first held in **Matajog Dobey Vs H.C.Bhari, 1956 SC 44** and subsequently in **Parkash Singh Badal Vs State of Punjab, AIR 2007 SC 1274**, because the necessity of sanction is based on law and facts of a case. As to whether there was an act which was purporting to have been in discharge of official duty necessitating the sanction is to be considered from stage to stage. Whereas u/s 19 of P.C. Act it is law based and whenever a court is asked to take cognizance of a case u/s 7, 10, 11, 13 & 15 P.C. Act the sanction is to be seen at the first stage when the court look into the complaint. From this analogy the view of Hon'ble Supreme Court appears to be more sound.

The other point which has been answered by the Hon'ble Supreme Court in this judgment is that on the demittance of the office by the public servant and requirement of sanction thereafter, which has been answered that once the public servant is not on the same post and is transferred (whether by way of promotion or otherwise to another post) loses the protection u/s 19(1) of the PC Act though he continue to public servant.

Pradeep Mehta
Faculty Member

LATEST CASES: CIVIL

"A public hearing is one of the great attributes of a court, and courts of this country are therefore required to administer justice in public."

O.Chinnappa Reddy, J. in Samarias Trading Co. (P) Ltd. v. S. Samuel, (1984) 4 SCC 666

Yatin Narendra Oza vs. Khemchand Rajaram Koshti and Ors. : MANU/SC/0974/2016 : Criminal Appeal No. 841 of 2016 (Arising out of Special Leave Petition (Crl.) No. 3491 of 2016): DoD 31.08.2016 – Contempt of Court – The matter arises out of assertions made in the Contempt Petition pertaining to unwarranted speeches rendered, letters written and the statements given by the advocate. With the passage of time, wisdom dawned on the appellant. He filed an affidavit. He expressed his regret and rendered unconditional apology. The summit Court emphasized the necessity of dignified behavior, obedience to the norms of professional ethics and sustenance of decorum of the institution, for all combined stabilize the nobility of the profession and ensure the faith in the Justice Delivery System which is extremely dear to a civilized society.

Vimal Kishore Shah and Ors. vs. Jayesh Dinesh Shah and Ors.: 2016 (8) SCALE 116 – Ss.2(b), 2(h), 7 & 11 of Arbitration and Conciliation Act, 1996 – Whether Clause in Trust Deed which provides for resolving disputes arising between beneficiaries of Trust through arbitration, can constitute arbitration agreement–Held–The Trust Deed which provides for settlement of disputes/ differences arising between the beneficiaries of the Trust, does not constitute an arbitration agreement inter se beneficiaries within the meaning of S.7 of the Act. The disputes relating to trust, trustees and beneficiaries arising out of the Trust Deed and the Trust Act are not capable of being decided by the Arbitrator despite existence of Arbitration Agreement to that effect between the parties.

Union of India and Ors. vs. Indusnd Bank Ltd. and Ors.: MANU/SC/1016/2016 – Civil Appeal Nos. 9087-9089 of 2016 (Arising out of SLP (Civil) Nos. 16166-16168 of 2011) – DoD: 15.09.2016 – Applicability of 1997 Amendment to S. 28 of the Contract Act, 1972 – The Hon'ble Supreme Court, referring to various decisions, including Constitution Bench decision in CIT v. Vatika Township (P) Ltd., (2015) 1 SCC 1, observed: "Section 28, being substantive law, operates prospectively as retrospectively is not clearly made out by its language. Being remedial in nature, and not clarificatory or declaratory of the law, by making certain agreements covered by Section 28(b) void for the first time, it is clear that rights and liabilities that have already accrued as a result of agreements entered into between parties are sought to be taken away. This being the case, we are of the view that both the Single Judge and Division Bench were in error in holding that the amended Section 28 would apply.

Gyani Chand vs. State of A.P.: MANU/SC /1023/2016 – Civil Appeal No. 5728 of 2005 – DoD: 20.09.2016 – S.2(b) of the Contempt of Courts Act, 1971 – Willful disobedience – In the instant case, it is crystal clear that the Appellant had no intention of committing breach of the undertaking given to the court. **It was physically impossible for the Appellant to produce the documents as the documents had already been given by him to his mother, on whose behalf he had collected the same from the court and the said documents had been subsequently destroyed because of a natural calamity**. In our opinion, after knowing the above stated facts, the court should not have directed the Appellant to produce the documents because it was impossible for the Appellant to produce the documents. **It would not be fair on the part of a court to give a direction to do something which is impossible and if a person has been asked to do something which is impossible and if he fails to do so, he cannot be held guilty of contempt**.

Delhi Development Authority vs. Sukhbir Singh: 2016 (8) SCALE 655 – Ss. 4 & 6 of the Land Acquisition Act, 1894–Compensation for land expropriation–In this case the requisite compensation was deposited with the Land Acquisition Collector after a considerable period of time of taking over the possession of the land. The apex court held, it is high time that the State realizes that persons whose property

is expropriated need to be paid immediately so as to rehabilitate themselves. Also, it cannot be forgotten that the amount usually offered by way of an award of a Land Acquisition Collector under the 1894 Act is way below the real market value, which is only awarded and paid years later when the reference proceedings culminate in judgments of the High Courts and of the Supreme Court.

Sandhya Rani Debbarma and Ors. vs. The National Insurance Company Ltd. and Ors.: MANU/SC/1014/2016 – Civil Appeal No. 9194 of 2016 (Arising out of SLP (C) No. 1448 of 2014) – DoD : 16.09.2016 – Motor Vehicles Act, 1988 – Ss.149(2) and 149(9), Motor Vehicles Act, 1988 – The husband of the appellant died in an accident in 2003. The appellant filed a suit before the Tribunal seeking compensation ₹33.45 lacs. The Tribunal in 2005 granted compensation of ₹ 32,52,700/- to the deceased's family. The Insurance Company challenged the verdict of the Tribunal in Gauhati High Court which modified the award and reduced to ₹20.40 lacs as the same was the annual loss of dependency. The High court concluded that no further award under any other head was called for. The Apex court disagreed with the view adopted by the High court. It observed that the High court had ignored the settled principles in awarding compensation. ₹20,40,000/- was only the annual loss of dependency – Held that determining the compensation under different heads such as loss of estate, funeral expenses, loss of consortium etc. was crucial while computing award of compensation due to dependents of the deceased in motor accidents.

Aditya Mahajan vs. Shachi Mahajan – In the High Court of Delhi – DoD: September 01, 2016 – MAT.APP. (F.C.) 82/2016 & CM 23339/2016 – Visitation Rights – The Principal Judge, Family Courts granted the appellant visitation rights to meet his minor son on the first Monday of each month for one hour. It was noted that during the interaction with the child, he found the child completely hesitant to be with the father. The grievance of the appellant was that this visitation right for one hour in a month was only illusory – Held that the learned Judge Family Court ought not to have rushed through the matter in a casual manner. One interaction with the child was not enough. If a child is hesitant to be with a parent, it is duty of the Presiding Judge of the Family Court to have the child counselled with the help of the counsellors attached to the Court. Every effort has to be made to counsel both parents to spare the child the agony of their separation. The parents have to be counselled to keep the child out of the litigation. Both spouses should be encouraged to, in turn encourage the child to meet the other spouse.

K.S. Sunil vs. Sherly: 2016 SCC OnLine Ker 12168 – DoD : August 18, 2016: Section 21 of the Legal Services Authorities (LSA) Act, 1987 - Lok Adalat cannot enter a finding, it can only record a compromise Deciding upon the validity of the awards passed by the Lok Adalat under S.21 of the LSA Act, 1987 on a reference, the Court observed that the function of a Lok Adalat organised under S. 19 of the LSA Act, 1987 is only to help the parties to the dispute arrive at a compromise or settlement, which is seen from Section 20(3) of the Act. The Lok Adalat cannot enter a finding. It can only record the compromise or settlement between the parties.

A.C. Mathivanan vs. B. Sathyabama: 2016 SCC OnLine Mad 8884 – DoD : 03.08.2016 – S.13-B(2) of the Hindu Marriage Act – Family Courts are not allowed to enlarge the scope of enquiry under S. 13-B(2) of the Hindu Marriage Act While deciding upon an appeal against the order and decree passed by the Family Court, the Division Bench set aside the decision of the Family Court dismissing the joint petition for dissolution of marriage of the appellants for want of reasons for separation. The Court further observed that the Family Courts are not allowed to enlarge the scope of enquiry under Section 13-B(2) of the Hindu Marriage Act, 1955, and once it is satisfied that the essential requirements under Section 13-B(2) has been fulfilled and substantiated then the Family Court must venture to grant the decree of divorce to the parties. It is not for the Family Court to decide as to whether parties were justified in living separately as it is not the scope of a petition filed under Section 13-B of the 1955 Act.

LATEST CASES : CRIMINAL

"Criminal Justice is not a computer machine. It deals with complex human problems and diverse human beings. It deals with persons who are otherwise like the rest of us, who work and play, who laugh and mourn, who love and hate, who yearn for affection and approval, as all of us do, who think, learn and forget."

O. Chinnappa Reddy, J. in Bishnu Deo Shaw vs. State of W.B., (1979) 3 SCC 714

Sampelly Satyanarayana Rao vs. Indian Renewable Energy Development Agency Limited: MANU/SC/1021/2016 – Criminal Appeal No. 867 of 2016 (Arising out of S.L.P. (Crl.) No. 5410 of 2014) – DoD: 19.09.2016 – S.138 of the Negotiable Instruments Act, 1881 – Vide loan agreement dated 15.03.2001 the respondent agreed to advance loan of ₹ 11.50 crores for setting up of biomass-based power project. The agreement recorded that post-dated cheque leaves towards payment of installment of loan (principal and interest) were given by way of security. The cheque leaves carried different dates depending on the dates when the installments were due and upon dishonour thereof, complaints were filed by the respondent in the court of the magistrate – Held – The crucial question to determine applicability of **Section 138 of the Act** is whether the cheque represents discharge of existing enforceable debt or liability or whether it represents advance payment without there being subsisting debt or liability. The Bench concluded that the dishonour of cheque in the present case being for discharge of existing liability is covered by Section 138 of the Act.

Youth Bar Association of India Youth Bar Association of India vs. Union of India and Ors.: MANU/SCOR/18594/2016 – In the Supreme Court of India – Writ Petition (Crl.) No. 68/2016 – DoD: 07.09.2016 – Uploading the FIRs – The Supreme Court vide its directions dated 07.09.2016 upheld the right of an accused to FIR and ordered States and Union Territories to upload, on police or government websites, First Information Reports within 24 hours of their registration in police stations. This direction has been given to usher in transparency in police work. It said an accused had every right to know what he was accused of. Where liberty of a person is at stake and the criminal law is set in motion, the accused should have all the information. The Apex court, however, exempted from publication FIRs in certain cases like insurgency, child abuse, sexual offences and terrorism. Referring to this case, the High Court of Delhi in Rajender @ Kallu vs. State vide its judgment dated September 19, 2016 suggested that FIRs may be electronically communicated to magistrates, in satisfaction of S.157 of Code of Criminal Procedure.

S.P.S. Rathore vs. Central Bureau of Investigation & Anr.: Criminal Appeal No. 2126 of 2010 – DoD : September 23, 2016 – Held – There is devastating increase in cases relating to crime against women in the world and our country is also no exception to it. Although the statutory provisions provide strict penal action against such offenders, it is for the courts to ultimately decide whether such incident has occurred or not. The courts should be more cautious in appreciating the evidence and the accused should not be left scot-free merely on flimsy grounds. A charge under Section 354 of the IPC is one which is very easy to make and is very difficult to rebut. When a plea is taken by the appellant- accused that he has been falsely implicated, courts have a duty to make deeper scrutiny of the evidence and decide the acceptability or otherwise of the accusations made against him. In order to constitute the offence under Section 354 of the IPC, mere knowledge that the modesty of a woman is likely to be outraged is sufficient without any deliberate intention of having such outrage alone for its object. There is no abstract conception of modesty that can apply to all cases. A careful approach has to be adopted by the court while dealing with a case alleging outrage of modesty.

Pankaj vs. State of Rajasthan: 2016 (8) SCALE 647 – Criminal Appeal No. 2135 of 2009 – DoD : September 09, 2016 (SC) – **While dealing with a matters arising out of a case registered under Section 452, 307 & 34 of the IPC** – Held – It is a well – settled principle of law that when the genesis and the manner of the incident is doubtful, the accused cannot be convicted. Inasmuch as the prosecution has failed to establish the circumstances in which the appellant was alleged to have fired at the deceased, the entire story deserves to be rejected. When the

evidence produced by the prosecution has neither quality nor credibility, it would be unsafe to rest conviction upon such evidence.

Girish Raghunath Mehta vs. Inspector of Customs and Another : MANU/SC/0998/ 2016: Criminal Appeal Nos. 1020 - 1021 of 2009 – DoD : September 07, 2016 (SC) – **With reference to Section 42 and 43 of NDPS Act** – Held – Section 42 of the Act applies when contraband is recovered from building, conveyance or enclosed place. Where recovery is from a public place, Section 43 applies – Further, in Sukhdev Singh v. State of Haryana (2013) 2 SCC 212), it has been clarified that in view of technological advancements, it may not be possible to record information as per the requirement of Section 42. Strict compliance by the investigating agency should not be required in an emergency situation so as to avoid misuse by wrongdoers/ offenders/ drug peddlers. Whether there is adequate substantial compliance is a question of fact in each case.

Kadamanian @ Manikandan vs. State represented by Inspector of Police: 2016 (8) SCALE 636 : Criminal Appeal No. 2341 of 2010 – DoD : August 31, 2016 (SC) – **Evidentiary value of extra judicial confession** – Held – is a weak piece of evidence. Before acting upon it court must ensure that same inspires confidence and is corroborated by other prosecution evidence. Requires great deal of care and cautions before acceptance. There should be no suspicious circumstances surrounding it. In the instant case, there was clear and categoric extra judicial confession made by the appellant. The person to whom the extra judicial confession was made was subjected to vigorous cross-examination. His testimony however remained unshaken. Resultantly, the Apex court held that the Trial court, as also, the High court was justified in concluding that the extra judicial confession was genuine.

Bharwad Navghanbhaj Jakshibhai & Ors. vs. State of Gujarat : 2016 (8) SCALE 323 : Criminal Appeal Nos.783-784 of 2016 – DoD : August 29, 2016 (SC) – **With reference to the provision of vicarious liability u/s 149 of IPC** – Held - once membership of an unlawful assembly is established, it is not incumbent on the prosecution to establish whether any specific overt act has been assigned to any accused. In other words, mere membership of the unlawful assembly is sufficient and every member of an unlawful assembly is vicariously liable for the acts done by others either in the prosecution of the common object of the unlawful assembly or such which the members of the unlawful assembly knew were likely to be committed."

State of Haryana vs. Ram Mehar and others: 2016 (8) SCALE 192: Criminal Appeal Nos. 805-806 of 2016 (arising out of S.L.P. (Crl.) Nos. 3278-79 of 2016) – DoD : August 24, 2016 (SC) – **Application to recall witnesses - Section 311 of Code of Criminal Procedure, 1973** – Held – The power under Section 311 Cr.P.C must be invoked by the court only in order to meet the ends of justice for strong and valid reasons and the same must be exercised with care, caution and circumspection. From the provisions of Section 311 Cr.P.C as interpreted by the Courts that the exercise of the power to recall is not circumscribed by the stage at which such a request is made but is guided by what is essential for the just decision of the case.

Beata Agnieszka Sobieraj vs. State of Himachal Pradesh: Criminal Appeal No. 787 of 2016 (arising out of S.L.P (Crl.) No. 4388/2016) – DoD : 22.08.2016 (SC) – Whether it is permissible to Hand over child custody to an Institution ignoring parent's claim – Held – The Hon'ble SC, while depreciating the practice of handing over the custody of the child to an institution, by ignoring the claim of a parent, especially the mother of the child, as not acceptable, Held- the handing over of custody of child to an Institution, while ignoring the claim of a parent, especially the mother of the child, is not acceptable."

'W' vs. 'H' : MANU/DE/2216/2016 : MAT App.(F.C.) 17/2016 and CM No. 5064/2016 - Delhi High Court – DoD : 26.08.2016 – DNA Test – Held – A rebuttable presumption of legitimacy is attached to a child born of a married woman during a subsistence of marriage or within 280 days of its severance. - DNA test is not to be directed as a matter of routine. Such direction can be given only in deserving cases. - The court must exercise its discretion only after balancing the interests of the parties and on due consideration whether for a just decision in the matter, DNA test is eminently needed. - There must be a strong prima facie case in that the husband must establish non-access in order to dispel the presumption arising under Section 112 of the Evidence Act. – Further held – DNA Test could not ordered on a mere allegation of infidelity by one of the spouses.

NOTIFICATIONS

The Coal Mines (Special Provisions) Act, 2015, No.11 of 2015.

- Received the assent of president on 30.03.2015.
- Deemed to have come into force on 21.10.2014.
- Certain offences as provided U/s 23, 24 & 25 have been made punishable.

Bar of taking cognizance:- Sec 26, creates a bar on the court from taking cognizance of any offence punishable under this act except an a complaint in writing made by a person authorized in this behalf by central Govt. or nominated authority.

Bar of jurisdiction of Civil Courts:- U/s 27 – (1) Any dispute arising out of any action of the Central Government, nominated authority or Commissioner of payment or designated custodian, or any dispute between the successful bidder or allottee and prior allottee arising out of any issue connected with the Act shall be adjudicated by the Tribunal constituted under the Coal Bearing Areas (Acquisition and Development) Act, 1957.

(2) Where the Central Government is of the opinion that any dispute arising out of any issue connected with the Act exists or is apprehended and the dispute should be adjudicated by the Tribunal referred to in sub-section (1), then, the Central Government may by order in writing, refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, to the Tribunal for adjudication.

(3) The Tribunal referred to in sub-section (1) shall, after hearing the parties to the dispute, make an award in writing within a period of ninety days from the institution or reference of the dispute.

(4) On and from the commencement of the Act, no court or other authority, except the Supreme Court and a High Court, shall have, or be entitled to exercise, any jurisdiction, powers or authority, in relation to matters connected with the Act.

The Mines and Minerals (Development and Regulation) Amendment Act, 2015

- Received the assent of the President on 26.03.2015.
- Deemed to have come into force w.e.f 12.01.2015.

Key Features:

- Legalizes the system of auction of mines to enhance transparency in mineral allocation in India.
- Section 30-B (I) – provides for as many special courts to be constituted by the State Government by notification.
- The special court shall consist of a judge to be appointed by State Government with the concurrence of High Court.
- A person shall not qualify for appointment as a judge of a special court unless he is or has been a District & Sessions Judge.
- An appeal against the order of the Special Court lies to the High Court within 30 days of the date of such order.

Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 – In a land mark order on 23.09.16, the Hon`ble Supreme Court while hearing the appeal filed by the manufacturers of pan masala, gutkha and chewing tobacco (zarda) against the State Government Notifications issued under the FSSAI Regulations banning pan masala, gutkha and chewing tobacco (zarda), directed the Chewing Tobacco Manufacturers to strictly comply with Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulation, 2011, notified on 1st August, 2011 by FSSAI, Ministry of Health & Family Welfare.

2.3 Prohibition and Restriction on sale of certain products
2.3.1 xxxxxx
2.3.2 xxxxxx
2.3.3: Food resembling but not pure honey not be marketed as honey: No person shall use the word ‘honey’ or any word, mark, illustration or device that suggests honey on the label or any package of, or in any advertisement for, any food that resembles honey but is not pure honey.

2.3.4: Product not to contain any substance which may be injurious to health: Tobacco and nicotine shall not be used as ingredients in any food products.

2.3.5: Prohibition of use of carbide gas in ripening of fruits: No person shall sell or offer or expose for sale or have in his premises for the purpose of sale under any description, fruits which have been artificially ripened by use of acetylene gas, commonly known as carbide gas. 2.3.6: Sale of Fresh Fruits and Vegetables: The Fresh Fruits and Vegetables shall be free from rotting and free from coating of waxes, mineral oil and colours.

EVENTS OF THE MONTH

1. Refresher-cum-Orientation Course for Civil Judges of Punjab and Haryana was organized to sensitize them about the Execution of Decrees and various Orders passed in different cases on September 03, 2016. This Refresher Course was sub-divided into four different sessions which were taken by the CJA Faculty: Ms. Vani Gopal Sharma, Ms. Navjot Kaur and Mr. B.S. Mehandiratta. 57 different Civil Judges from both the States participated in this programme. The programme was also attended by the Trainee Judicial Officers of Haryana undergoing Induction Training at CJA.

2. Three Hon'ble Judges of Lahore High Court, Pakistan: HMJ Muhammad Anwaarul Haq, HMJ Muhammad Farrukh Irfan Khan and HMJ Syed Shahbaz Ali Rizvi came on a visit to Punjab and Haryana High Court. The Hon'ble Judges also visited the Chandigarh Judicial Academy on September 09, 2016. This meet of the Lahore High Court Judges also included HMJ Rajesh Bindal, President, HMJ M.M.S. Bedi, and HMJ A.G. Masih, Members of BOG, CJA. They also attended and participated. HMJ Rajesh Bindal welcomed the three Lahore High Court Judges. Each Judge spoke. This was followed by a meaningful and useful interactive session with the Trainee Judicial Officers from Haryana. It was a good opportunity to the TJOs to interact with the visiting Judges from Lahore High Court. The expression of gratitude was given by Dr. Balram K. Gupta, Director Academics, CJA.

3. HMJ Gopala Gowda, Judge, Supreme Court of India spoke to Trainee Judicial Officers on the Qualities of a Good Judge on September 10, 2016. Justice Gowda made specific reference to the Constitutional Values which need to be imbibed by every judge. At the same time, Justice Gowda also emphasized on the relevance of the Indian Constitution to the District Judiciary. The talk of Justice Gowda was followed by a very interesting interactive session with the TJOs. Dr. Balram K. Gupta, Director Academics welcomed the Hon'ble Guest Speaker and the vote of thanks was given by Ms. Harpreet Kaur Jeewan, Director Administration.

4. Refresher-cum-Orientation Course was organized on September 17, 2016 to sensitize Additional District & Sessions Judges from Punjab and Haryana with regard to Important Provisions of Prevention of Corruption Act. This Orientation Course was also sub-divided into four sessions. First two sessions were taken by HMJ Darshan Singh, Judge, Punjab and Haryana High Court and the third and fourth sessions were taken by Mr. Pradeep Mehta, Faculty Member, CJA. Mr. Mehta conducted a Quiz on Sanction to Prosecute which was found by the participating ADJs interesting and refreshing. List of landmark judgments particularly of Hon'ble Supreme Court of India on the Prevention of Corruption Act was provided to the participating ADJs as the background material.

5. One Day Workshop was conducted by the State Legal Services Authority, UT, Chandigarh in association with Narcotics Control Bureau Chandigarh Zone on : Issues pertaining to Drug Abuse and Eradication of Drug Menace with specific reference to NDPS Act, 1985. Besides many other Resource Persons, HMJ Suryakant, Judge, Punjab and Haryana High Court addressed and dealt with different issues in the workshop. In this workshop, the TJOs from the state of Haryana undergoing Institutional Training at CJA also attended and participated.

FORTHCOMING EVENTS

1. There would be Refresher-cum-Orientation Course for Civil Judges from the states of Punjab and Haryana on October 01, 2016. This programme has been structured to sensitize them with regard to Important Provisions of NDPS Act. The programme has been sub-divided into four different sessions: Mens-Rea-Presumption and its Constitutionality, Recovery on Personal Search–Procedure and Legality, Link – Evidence and its Importance and Seizure and Disposal of Case Property.

2. There is also scheduled Refresher-cum-Orientation Course for Additional District & Sessions Judges from the states of Punjab and Haryana on October 15, 2016. There would also be a workshop for Senior Doctors, Police Officers and Experts in the field of Forensic Science on October 15, 2016.