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CJA e-NEWSLETTER

FEBRUARY 2020

Monthly Newsletter of
Chandigarh Judicial Academy of Punjab & Haryana High Court
For circulation among the stakeholders in Judicial Education

FROM THE DESK OF CHIEF EDITOR

Judicial Temper, Mood, Behaviour and Conduct are important. Lord Denning, in his Life Story has counseled the judges, never to lose their Temper. This is necessary. So that justice is done with an open and objective mind. It was Feb.04, 2020. Justice Rajiv Narain Raina of Punjab and Haryana High Court adjourned a Civil Revision. The counsel for the petitioner pleaded that the court was in bad mood. Four urgent cases listed before him that day one after the other had been dismissed. Please adjourn the matter. The matter was adjourned with the following order :

“Counsel assuming that mood of the Court is bad this morning dismissing the first four urgent cases one after the other with orders dictated in Court, prays that time may be granted to him to argue the case on some other day. I grant permission for an adjournment but not without saying that those cases were not worth admission.”

This order is in public domain. Some think that it was not appropriate to grant the adjournment. It would be desirable to consider different options. The first option was, the judge could refuse the adjournment and ask the counsel to argue. After hearing the counsel, one of the possibility was that the case could be dismissed. In that event, the counsel would have insisted that in the very first instance, request had been made for adjournment. Therefore, this case be adjourned and be not dismissed. This would have been a bad situation. Difficult for the judge, either to dismiss or to adjourn. The second option was to adjourn the matter simply : “The learned counsel seeks adjournment. Adjournment granted.” No reason need to be recorded. The Judge did not opt for this option. The order records the request of the counsel for adjournment along with the reason for the same. Nothing was concealed. Even Order XVII Rule 1 of CPC requires that an adjournment can be granted if “sufficient cause” is shown. Accordingly, the reason pleaded by the counsel was recorded. To my mind, this was the most appropriate order. For two reasons. This was actually the request of the counsel. Even if the judge was not in bad mood, yet he decided to grant the adjournment. The second reason. The judge considered it proper to record the reason pleaded by the counsel. Precisely, because of this reason, he did not pass the simple order of adjournment. The order speaks of openness of the judicial and judicious mind. Recorded the request of the counsel. Adjourned the matter. This

was reasonable, just and fair. If the adjournment had not been granted and after the arguments, the case had been dismissed. The same would have led to a controversy. Justice is not only to be done. It must appear to have been done.

It is a matter of common knowledge that cool minds can do justice better. Sometimes, situations arise. The best recipe is to adjourn the matter. If the tempers are high. The heat is generated. I wish to share some of the situations. It was the court of Chief Justice M.N. Venkatachaliah (1993-94). Counsel appearing raised his voice and was rude in his behaviour. Even the Chief Justice responded by saying something uncomplimentary. The Chief Justice in a flash realized his mistake. He said: "I am afraid, we both have lost our temper – Justice would be better served if this case is adjourned for hearing next week." (Legends in Law, xiii). What an exhibition of humility. Good manners. Justice M.N. Venkatachaliah at that time was the pater-familias of the Indian Judicial family.

Justice Markandey Katju in a recent short piece : Dear Judges, a Short Temper Does Not Become You (The Wire – Dec.5, 2019) has shared an episode of 1950s in the Supreme Court of India. Shyam Kishan Dar, a very senior and old lawyer of Allahabad argued a case before the Supreme Court. He was hard of hearing. He was also known to be a bit short tempered. His language was not sophisticated. He was arguing his case. He felt that the judges were interrupting him unnecessarily. They were not even following him. He told his junior loudly, these bastards neither listen nor understand. The judges heard what was said. No contempt proceedings were initiated. The judges coolly told the junior counsel, we respect Mr. Dar a lot. He seems to be upset. Have we done anything wrong? We apologize, if we have. This speaks of humility at its best.

Justice M. Hidayatullah was sworn in as an acting judge of the Nagpur High Court on June 25, 1946. He was the bench partner with Chief Justice Frederick Grille. The case was called. Finding that the counsel was not there, immediately the Chief Justice wrote the order dismissing the case for non-prosecution. As the order was being written, the counsel stepped in. He apologized for being late. He was ready to make his submissions. The Chief Justice stuck to his order. Hidayatullah refused to sign the order. Grille left the court in great resentment. Hidayatullah went to his chamber. After a short time, Grille realized his mistake. He came to Hidayatullah's chamber. Both went to the court. Grille recalled his order. The case was adjourned to some other date. (Legends in Law–337). Hidayatullah was a very junior judge at that time. Still, he took the stand. Ultimately, this episode speaks that even the chief can be wrong. Nothing should prevent you from correcting the mistake. This is the judicial conduct-in-action.

The yoga of shanti and neeti is the corner stone of judicial process. Judicial vacillations are understandable. After all, judges are also human beings. To maintain and retain coolness and balance of mind in court rooms is not easy. The mind is to be trained. Tuned also. It is a continuous process. Not to be given up. Whatever be the situation.

Balram K. Gupta

LATEST CASES: CONSTITUTION

“Mere existence of a constitution, by itself, does not ensure constitutionalism or a constitutional culture. It is the political maturity and traditions of a people that import meaning to a Constitution which otherwise merely embodies political hopes and ideals.”

The Secretary, Ministry of Defence v. Babita Puniya & Ors.: Law Finder ID # 1685637: 'Absolute exclusion of women from command appointments in army illegal' —

Held — In a significant judgment on gender equality, the Supreme Court directed that Permanent Commission should be granted to women in the army regardless of their service, in all the ten streams where the Union Government has already taken a decision to grant Short Service Commission to women. The Court also held that absolute exclusion of women from command assignments is against Article 14 of the Constitution and unjustified. Therefore, the policy that women will be given only "staff appointments" was held to be unenforceable by the Court.

Notion that women are 'weaker sex' constitutionally flawed: SC calls for change in mindset — **Held** — The notions that women are the "weaker" sex and may not undertake tasks that are "too arduous" for them are constitutionally flawed, observed the Supreme Court, in its judgment which held that the absolute exclusion of women from Command Appointments In Army is Illegal. The bench observed that to cast aspersion on their abilities on the ground of gender is an affront not only to their dignity as women but to the dignity of the members of the Indian Army – men and women – who serve as equal citizens in a common mission.

Dr. Hira Lal v. State of Bihar & Ors. : Law Finder ID # 1686509 : Right to pension cannot be taken away by a mere executive fiat or administrative instruction — **Held** — the supreme court has observed that the right to pension is covered under a right to property protected under Article 300A of the Constitution of India and it cannot be taken away by a mere executive fiat or administrative instruction. The issue considered in this appeal was whether the State of Bihar was justified in withholding 10% pension and full gratuity of its employee under Circulars, and Government Resolution issued by it, on the ground of pending criminal proceedings?

Dheeraj Mor v. Hon'ble High Court of Delhi: Law Finder ID # 1687659 : Judicial Officers

M.N. Venkatachaliah, J. in R.C. Poudyal v. Union of India, 1994 Supp. (1) SCC 324

cannot seek direct recruitment to post of District Judges against quota for advocates —

Held — In a significant judgment, the Supreme Court has held that civil judges are not eligible to seek direct recruitment to post of District Judges in bar quota. Eligibility under Article 233(2) of the Constitution requires 7 years of continuous practice. "Only practising candidates can avail the quota. It is exclusively for them", the Hon'ble Supreme Court recorded. It further **held** "Article 233(2) nowhere provides eligibility of in-service candidates for consideration as a District Judge concerning a post requiring 7 years' practise as an advocate or a pleader. The requirement of 7 years' experience for advocate or pleader is qualified with a rider that he should not be in the service of the Union or the State".

Laxmibai v. The Collector, Nanded & Ors.: Law Finder ID # 1684533 : Recourse to writ jurisdiction in election matters not appropriate when statute provides an alternative machinery — The apex court **held** that once alternate machinery is provided by the statute, the recourse to writ jurisdiction in matters related to elections is not an appropriate remedy. The bench noted that Article 243-O of the Constitution of India provides that no election to any panchayats shall be called in question except by an election petition presented to such authority and in such manner as provided for by or under any law made under the legislature of the State.

Popatrao Vyankitrao Patil v. State of Maharashtra: Law Finder ID # 1685444 : High Courts are not precluded from entertaining writ petitions even if there are disputed questions of facts — **Held** — The Supreme Court has observed that a High Court is not precluded from entertaining a writ petition under Article 226 of the Constitution of India even if there are disputed questions of fact which fall for consideration, if they do not require elaborate evidence to be adduced. The bench considering an appeal against a Bombay High Court judgment which declined to entertain a writ petition on the ground that it involved disputed questions of fact.

LATEST CASES : CIVIL

“Scope of judicial review of an administrative action is very limited. Unless the Court comes to a conclusion that the decision-maker has not understood the law correctly that regulates his decision-making power or when it is found that the decision of the decision-maker is vitiated by irrationality and that too on the principle of “Wednesbury unreasonableness” or unless it is found that there has been a procedural impropriety in the decision-making process, it would not be permissible for the High Court to interfere in the decision-making process. It is also equally well settled that it is not permissible for the Court to examine the validity of the decision but this Court can examine only the correctness of the decision-making process.”

C.S. Venkatesh v. A.S.C. Murthy : 2020 SCC OnLine SC 143 — Specific Performance — plaintiff has to prove that he has means to generate consideration amount — Held — The Supreme Court has observed that it is mandatory on the part of the plaintiff in a Specific Performance Suit to prove that he has the means to generate the consideration amount. The bench while considering an appeal arising out of a specific performance suit. The Trial Court had dismissed the suit by holding that the plaintiff had failed to prove that he was ready and willing to perform the contract. The High Court allowed the appeal and the defendants approached the Apex Court challenging the High Court judgment.

Bharat Cooking Coal Ltd. v. Shyam Kishore Singh : 2020 SCC OnLine SC 126 — Employee's request to change dob in service records cannot be entertained at the fag end of service — Held — If a particular date of birth is entered in the service register of an employee, a change sought cannot be entertained at the fag end of service, the Supreme Court has reiterated. The bench observed that, even if there is good evidence to establish that the recorded date of birth is erroneous, the correction cannot be claimed as a matter of right. In this case, the employee, after more than 30 years from the date of his joining service, made the representation to correct date of birth in his service records. The High Court had granted relief to the employee and therefore, the employer company approached the Apex Court in appeal.

Mohammade Yusuf v. Rajkumar : 2020 SCC OnLine SC 125 : Compromise decree which

B.R. Gavai, J. in Municipal Council , Neemuch v. Mahadeo Real Estate, (2019) 10 SCC 738

does not take in property that is not subject matter of suit need no registration — Held — The Apex court has observed that a compromise decree does not require registration if it does not take in property that is not the subject - matter of the suit. In this case, the Trial Court had allowed the objection filed by the plaintiff to the admissibility of a compromise decree sought to be adduced in evidence by the defendant on the ground that it was not registered. The Trial Court observed that the decree required to be registered as per provision of Section 17 of the Registration Act, hence it is not admissible in evidence. The High Court upheld this view.

Kajal v. Jagdish Chand : 2020 SCC OnLine SC 127 — SC reiterates principles for grant of compensation in motor accident cases — Held — The Supreme Court, while enhancing compensation awarded to a young girl aged 12 who became 100% disabled due to an accident, reiterated some principles for grant of compensation in motor accident claim cases. The bench **observed** that Motor Vehicles Act, 1988 requires determination of payment of just compensation and it is the duty of the court to ensure that she is paid compensation which is just. The compensation was enhanced from about 15 lakh to 81 lakh under various heads and multiplier was also used in child case.

Brahma Singh v. Union of India: 2020 SCC OnLine SC 131 — Relinquishment of claims bar under Order II Rule 2 CPC may not apply to writ petitions — Held — The Supreme Court reiterated that the bar of Order II Rule 2 of the Civil Procedure Code may not apply to a writ petitions. The Court was considering a writ

in which the issue raised was whether the service rendered by the petitioners in the Supreme Court Legal Aid Committee and Supreme Court Legal Services Committee prior to the promulgation of the Supreme Court Legal Services Committee Rules, 2000 is to be counted while calculating their qualifying service for determination of pension.

Canara Bank v. United India Insurance Co. Ltd. : 2020 SCC OnLine SC 132 — Beneficiaries of insurance policy are 'Consumers' even if they are not parties to contract of insurance : SC — Held — The Apex Court observed that the beneficiaries of the policy taken out by the insured are also 'consumers' under the Consumer Protection Act, even if they are not parties to the contract of insurance. In this case, the farmers had stored their agricultural produce in a cold store run by a partnership firm under the name and style of Sreedevi Cold Storage. This Cold Storage firm was insured with the United India Insurance Company Limited. The State and National Consumer Forum had granted relief in the complaints filed by Farmers against repudiation of the claim of the cold store by the insurance company. In the appeal filed by the insurance company, the contention taken was that there was no privity of contract between the farmers and the insurance company because the policy was taken by the cold store and not by the farmers and therefore they cannot be called 'consumers'.

Kalindi Damodar Garde (d) v. Manohar Laxman Kulkarni: 2020 SCC online SC 147 : Children born to adoptee before his adoption entitled to inherit his property in adoptive family — Held — The Supreme Court observed that children who were born to an adoptee before his adoption are entitled to inherit his property in the adoptive family. In the instant case, one Mr. Laxman and his wife Padmavati already had three sons when he was given in adoption to one Saraswathi in the year 1935. After adoption, a girl child was born to him. After the death of Laxman, a suit for partition was filed by one of the sons. The court observed that since the succession has opened after the death of Laxman on 10th January 1987, succession has to be in accordance with the Hindu Succession Act and not as per Hindu

law as all text, rule or interpretation of Hindu law prior to commencement of the Act have ceased to have any effect unless expressly provided for in the said Act. It further noted that there is no provision of denying the rights of succession to the natural-born son of an adoptee father.

Mukesh Kumar & Anr. v. State of Uttarakhand : 2020 SCC OnLine SC 148 — No fundamental right to claim reservations in promotion — Held — The Supreme Court has observed that the State Government is not required to justify its decision to not give reservation in promotion on the basis of quantifiable data, showing that there is an adequate representation of members of the Scheduled Castes and Scheduled Tribes in State services. The bench observed that no mandamus can be issued by the Court to the State to collect quantifiable data relating to the adequacy of representation of the Scheduled Castes and Scheduled Tribes in public service.

Malluru Mallappa (D) through LRs. v. Kuruvathappa & Ors.: Law Finder ID # 1682729 : The apex court while setting aside judgment of High court in appeal observed that It is clear from the provisions Order XLI Rule 31 that the judgment of the first appellate court has to set out points for determination, record the decision thereon and give its own reasons. Even when the first appellate court affirms the judgment of the trial court, it is required to comply with the requirement of Order XLI Rule 31 and non-observance of this requirement leads to infirmity in the judgment of the first appellate court. No doubt, when the appellate court agrees with the views of the trial court on evidence, it need not restate effect of evidence or reiterate reasons given by trial court.

Lok Prahari v. Election Commission of India & Ors.: (2019) 3 SCC (Cri) 139 — Candidate not there can be no review of order passed in review petition — There can be no review of an order passed in the review petition, the Supreme Court remarked while dismissing an application filed by NGO Lok Prahari to recall the order passed in the review petition. The matter was placed before the bench of Supreme Court. It was contended that the Registrar has no power to refuse lodgment/registration of an application for recall, except for the three grounds stated in the Supreme Court Rules, 2013.

LATEST CASES : CRIMINAL

“Most litigants only come in contact with the District Judiciary. They cannot afford to come to the High Court or the Supreme Court. For them the last word is the word of the Magistrate or at best the Sessions Judge. Therefore, it is equally important, if not more important, that the judiciary at the District level and at the Taluka level is absolutely honest, fearless and free from any pressure and is able to decide cases only on the basis of the facts on file, uninfluenced by any pressure from any quarters whatsoever.”

Deepak Gupta, J. in Krishna Prasad Verma v. State of Bihar, (2019) 10 SCC 640

Arjun Singh v. State of U.P. :Criminal Appeal No.250 of 2020 : DoD 10.02.2020 : Settlement between victim and accused not a valid ground to quash FIR/Charge — Sheet when offences are serious and against society, reiterates SC – Held – The Supreme Court has reiterated that settlement between the victim and the accused cannot be a valid ground to quash the FIR or the charge sheet when the offences alleged are against society and not private in nature. In this case, the accused were charged with Section 493 of the Indian Penal Code and Section 3 read with Section 4 of the Dowry Prohibition Act. The bench noted that though the offence in question are non-compoundable the power of the High Court under Section 482 Cr.P.C of the Court to quash the proceedings in such offences is well recognised by the various decision of this court and the issue is no longer res Integra.

Prathvi Raj Chauhan v. Union of India & Ors.: 2020 SCC OnLine SC 159 : Section 438 (Anticipatory Bail) has no application to cases under SC/ST Act except when there is no prima facie case is made out – Held – The Supreme Court has observed that provisions of section 438 of the Code of Criminal Procedure (Anticipatory Bail) shall not apply to the cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, except when the complaint does not make out a prima facie case for applicability of the provisions of the Act. In cases where prima facie case is not made out, the bar created by section 18 and 18A (i) of the Act excluding provisions of Section 438 of the Code of Criminal Procedure (Anticipatory Bail),

shall not apply, observed the bench while upholding the constitutionality of Section 18A of the SC-ST Act, inserted vide an amendment in 2018.

Prem Chand Singh v. State of Uttar Pradesh: 2020 SCC OnLine SC 144 – Prosecution on the basis of second FIR not sustainable if substratum is common as that of first one – Held — The bench observed that the prosecution of a person on the basis of a second FIR is not sustainable if its substratum is same as that of the first FIR. In this case, the complainant lodged the First FIR stating that he had never executed any general power of attorney in favor of the accused therein and that the accused forged general power of attorney to sell his lands illegally. The accused was ultimately tried and acquitted. Thereafter, he again filed an application under Section 156(3) Cr.P.C, more or less, repeating the same allegations. This was forwarded to the police leading to registration of the second FIR. As his application seeking discharge was dismissed, the accused approached the Apex Court in appeal.

D.K. Chandel v. M/s Wockhardt Ltd. & Anr. : Criminal Appeal No. 132 of 2020 : DoD 20.01.2020 : Section 138 NI Act : Production of account book not relevant in cheque bounce cases – Held – The Apex Court observed that the production of the account books/cash book may not be relevant in a criminal case filed under Section 138 of the Negotiable Instruments Act. In this case, the First Appellate Court, while reversing the Trial

Court order convicting the accused, had held that the complainant did not produce cash and account books to prove that the amount was due and payable by the accused. The complaint was that the accused purchased the pesticides on credit from the company and made part payments by issuing a cheque, which when presented for collection returned with the endorsement "insufficient funds".

Asim @ Munmun @ Asif Abdulkarim Solanki v. State of Gujarat : Criminal Appeal No. 184 of 2020 : DoD 28.01.2020 : Application u/s 391 Cr.P.C seeking to adduce additional evidence should be heard immediately after it is filed –Held– The Supreme Court observed that an application filed under Section 391 of the Code of Criminal Procedure seeking to adduce additional evidence should be heard immediately after it is filed without waiting for the appeal to be finally heard. The court noted that, in the instant case, the application is filed under Section 391 Cr.P.C., which empowers the Appellate Court to either take evidence by itself or direct the evidence to be taken by a Magistrate or a Court of Session, if it is satisfied that the additional evidence is necessary, after recording reasons.

K. P. Ramasamy & Ors. v. R. Dharmalingam & Ors. : Special Leave to Appeal (Crl.) No. 354/2020:DoD 24.01.2020: Victim / interested persons have a right to file protest petition – Held – The bench confirmed the judgment of High Court whereby it was held that a Petitioner, being a victim, is mandatorily entitled to notice before acceptance of final report of the Police and in case such a notice is not served, he has a right to file a protest petition. While holding so, the High Court had directed the Magistrate concerned last year, to take up the matter relating to a scam made in respect of the high value lands of the Complainant (Respondent herein) afresh and pass orders on merits, within a period of two months. The said order was assailed by the Petitioners (originally

Respondents) before the Supreme Court, by way of a Special Leave Petition.

Anjana Agnihotri v. State of Haryana : Law Finder ID # 1685468 : Medical professionals should not be dragged into criminal proceedings unless negligence of a high order is shown – Held – The bench observed that the medical professionals should not be dragged into criminal proceedings unless negligence of a high order is shown. In this case, a doctor was accused of medical negligence for allegedly not attending a woman after performing cesarean operation, which resulted in her death. She was discharged by the Trial Court by allowing her application. The Appellate Court reversed this order of the Trial Court.

Santosh Prasad @ Santosh Kumar v. The State of Bihar : 2020 SCC OnLine SC 194 : Accused cannot be convicted of rape on basis of sole testimony of prosecutrix unless her testimony is of "Sterling" quality – Held – The Supreme Court has held that the conviction of an accused in Rape Cases cannot be done on the basis of sole testimony of the Prosecutrix unless she passes the test of "Sterling Witness". The Judgment rendered by a Bench holding that in order to convict an accused on the basis of solitary evidence of the Prosecutrix, the evidence must be absolutely trustworthy, unblemished and of sterling quality.

APS Forex Services Pvt. Ltd. v. Shakti International Fashion Linkers : 2020 SCC OnLine SC 193 : Defence that 'cheque issued as security' not believable in absence of further evidence to rebut presumption u/s 139 NI Act – Held – The Supreme Court has observed that defence of the accused that the cheques were given by way of security is not believable in absence of further evidence to rebut the presumption. The bench reiterated that, once the issuance of the cheque has been admitted and even the signature on the cheque has been admitted, there is always a presumption in favour of the complainant that there exists legally enforceable debt or liability and thereafter it is for the accused to rebut such presumption by leading evidence.

NOTIFICATION

1. The Constitution (One Hundred and Fourth Amendment) Act, 2019 — Receives President's assent:

The following Act of Parliament, after having been ratified by the Legislatures of not less than one-half of the States by resolutions to that effect, received the assent of the President on the 21st January, 2020. This Act shall come into force on **25-01-2020**.

Amendment of Article 334

In Article 334 of the Constitution,—

(a) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Reservation of seats and special representation to cease after certain period”;

(b) in the long line, after clauses (a) and (b), for the words “seventy years”, the words “eighty years in respect of clause (a) and seventy years in respect of clause (b)” shall be substituted.¹

2. Ministry of Corporate Affairs notifies — Section 460 of Companies Act — shall apply to Limited Liability Partnership:

In exercise of the powers conferred by sub-section (1) of section 67 of the Limited liability Partnership Act, 2008 (6 of 2009), the Central Government hereby directs that the provisions of section 460 of the Companies Act, 2013 (18 of 2013) shall apply to a limited liability partnership from the date of publication of this notification in the Official Gazette.

Section 460: Condonation of delay in certain cases

Notwithstanding anything contained in this Act,—

(a) where any application required to be made to the Central Government under any provision of this Act in respect of any matter is not made within the time specified therein, that Government may, for reasons to be recorded in writing, condone the delay; and

(b) where any document required to be filed with the Registrar under any provision of this Act is not filed within the time specified therein, the Central Government may, for reasons to be recorded in writing, condone the delay.

EVENTS OF THE MONTH

1. The High Court Committee of HMJ Ajay Tewari, HMJ Surinder Gupta and HMJ G.S. Gill organized **two days two workshops for Judicial Officers and Ministerial Staff of the States of Punjab and Haryana on Feb.1-2, 2020 and the other on Feb.8-9, 2020**. The Inaugural Session was addressed by the Hon'ble Judges of the Committee. In both the workshops the session were taken by the CJA faculty : Ms. Ranjana Aggarwal, Dr. Gopal Arora, Mr. B.S. Sra and Dr. Nandita Kaushik. Each session was interactive. Both the workshops were duly monitored during the different sessions by the Hon'ble Judges. In structuring both the workshops, effective assistance and co-ordination was provided by Mr. Phalit Sharma, ADJ-cum-LR, Director Prosecution, Chandigarh Administration and Mr. Barinder Singh Ramana, OSD (Vig.) Punjab and Haryana High Court. Both the Directors of CJA Dr. Balram K. Gupta and Ms. Shalini Singh Nagpal were also associated with the two workshops. In both the workshops, 263 judicial officers and ministerial staff members of both the states participated.

2. **Newly promoted Additional District & Sessions Judges, Haryana (24) and Punjab (2) commenced their one month Induction Training Programme** at CJA from 6th Feb, 2020. The induction training programme would conclude on March 9th, 2020.

3. The **Festschrift titled Judicial Review: Process, Powers and Problems : Essays in Honour of Prof. Upendra Baxi (Cambridge University Press, 2020)** edited by Salman Khurshid, Siddharth Luthra, Lokendra Malik

and Shruti Bedi was released by Hon'ble Mr. Justice Surya Kant, Judge, Supreme Court of India in the presence of Chief Justice, Justice Ravi Shanker Jha and Justice Jitendra Chauhan, President, BoG, CJA on Feb. 14, 2020 at Chandigarh Judicial Academy. This event was attended by sitting and former judges of High Court of Punjab and Haryana and Supreme Court, Vice Chancellors of different universities, former Chief Secretary, Haryana and other Senior Administrators, former Directors (Academics), CJA and accomplished academicians of different universities and law schools and institutes. On this occasion, HMJ Surya Kant, Chief Justice Ravi Shanker Jha, Justice Jitendra Chauhan, Dr. Shruti Bedi, Dr. Balram K. Gupta and Ms. Shalini Singh Nagpal addressed the gathering.

4. **Ten Days Training Programme of Public Prosecutors (26) from the State Haryana** was organized from Feb. 17-26, 2020 at CJA. The training included four sessions of 1.5 hours per day. Total 31 sessions were structured covering different aspects relevant for Public Prosecutors regarding Criminal and Civil Matters in order to enhance their capacity to perform their duties effectively and efficiently. The topics are : Relevancy of Constitution in District Judiciary, Law on Bails – Regular and Anticipatory, Delays in Criminal Trials-Causes & Remedial Measures, Suits against and by the Government – Legal implications, Sentencing Policy & Restitutive Justice- Legal and Procedural Aspects-I & II, General Aspect of Service Law, Law on Constructive & Joint Criminal Liability, Interpretation of Revenue Records & their

Applicability in Cases-I&II, Role of Post-mortem in Aid of Justice, Law Relating to Under Trials, Parole, Furlough & Pre Mature Release of Prisoners, Cordiality amongst Prosecutors, Police, Judiciary & District Administration, Law of Custody during Investigation and special legislations, Criminal Appeals & Revisions – Law and Procedure, Mens-Rea Presumptions under NDPS Act & its constitutionality, Examination of witnesses –Principles and Procedures, Electronic Evidence Admissibility & Appreciation, Child in Conflict with Law – Legal Rights and Protection, Law on Amendments of Pleadings, Cyber Crime Parameters of Investigation- Challenge, Ramifications of Personal Search under NDPS Act, Miscellaneous Applications under Civil Procedure Code, Executions-Speedy & Expeditious Disposals, Law of Admissions and Confessions, Summoning of Additional Accused and Evidence-Legal Parameters, Prosecution Sanction for Public Servants, DNA Profiling & Evidence, Process of Trial in Civil Cases-Best Practices, Protection against self Incrimination – Dimensions and Applicability, Awards under Arbitration &Reconciliation Act – Legal Issues. Various sessions were taken by Dr. Balram K. Gupta, Director (Academics), CJA, Dr. K.P. Singh, DG, SVB, Haryana, Sh. Anil Malhotra, Advocate, Dr. J.S. Dalal, Prof. & Head,

Department of Forensic Medicine, CMC, Ludhiana and Faculty from CFSL and CJA.

5. **57 PCS Officers, Batch 2019-2020 completed their One Year Induction Training Programme** on Feb.20, 2020 at CJA. The Chief Guest of the valedictory function was HMJ Jitendra, Chauhan, President, BoG, CJA. This function was also graced by HMsJ Nirmaljeet Kaur and HMsJ Lisa Gill, Judges, High Court of Punjab and Haryana and Members, BoG, CJA. Justice Jitendra Chauhan while addressing the function urged the Judicial Officers to “Stand for the cause of the poor, abridge the inequality and build social cohesion”. Dr.Balram K. Gupta, Director (Academics) counseled the young judicial officers to enjoy their work, draw satisfaction from what they do. Follow the pursuit of happiness in doing justice. On completing the one year training Judicial Officers were awarded the certificates. Family Members of Trainee Judicial Officers and Faculty Members, CJA were also the part of valedictory function. Ms.Shalini Singh Nagpal, Director (Admn.) expressed vote of thanks.

6. **Refresher-cum-Orientation Course for Civil Judges from the State of Punjab through Video Conferencing** on the topic Sensitization of Judicial Officers regarding Acid Attack Cases and Adequate Award of Compensation was organized on Feb.29, 2020.

FORTHCOMING EVENTS

1. A **programme** to sensitized Presiding Officers of the Claims Tribunal, Senior Police Officers of the State Police as well as Insurance Company regarding the latest Modified Claims Tribunal Agreed Procedure will be conducted on **March 14, 2020**.
2. **One Day Workshop will be organized on March 28, 2020** regarding capacity building of Judicial Officers, Senior Police Officers, Eminent Social Workers, NJOs, District Appropriate Authorities, District Family Welfare Officers, District PNDT Coordinators under PC & PNDT Act.