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FROM THE DESK OF CHIEF EDITOR

This is the last e-Newsletter of the year 2016. The first e-Newsletter was of the month of May 2016. During the year 2016, different Induction Training Programmes were organized – (i) newly selected Judicial Officers from the States of Punjab and Haryana; (ii) Induction Training Programme for ADJs from the States of Punjab and Haryana (on promotion) and Induction Training Programme for ADJs from the State of Punjab (direct from the Bar). 19 different Refresher-cum-Orientation Courses (Video-conferencing) for ADJs and Civil Judges on different areas of day-to-day concern were organized. 12 different Special Programmes were organized including five day Academic Programme for 28 Judges from Sri Lanka from December 12-16, 2016. Further, 13 Special Lectures were organized including a visit of 3 Hon'ble Justices of Lahore High Court (Pakistan). They lectured and interacted with Trainee Judicial Officers. Founder's Day lecture was delivered by HMJ A.K. Sikri, Judge, Supreme Court of India. A lecture on Qualities of a Good Judge was delivered by HMJ V. Gopala Gowda, Judge Supreme Court of India.

Apart from the activities mentioned above, Study Circles were set up in different Districts of the States of Punjab, Haryana and Chandigarh. There was positive response. Many of the presentations made have been received at CJA. Based upon these presentations, presently, the Faculty of CJA is engaged in preparing the different Bench Books. Once the Bench Books are finalized, they would be available for circulation amongst the different Districts of the two states. It is hoped that these Bench Books would become helpful and useful to our Judges in the efficient discharge of their functions.

Many of our Judges and Judicial Officers at the district level in both the states have Doctoral and LL.M degrees to their credit. They were requested to submit the Doctoral thesis and LL.M dissertations to CJA library. These Judges and Judicial Officers have also been requested to submit articles based upon their doctoral work duly updated so that the research work done by them could be meaningfully used by our Judges and Judicial Officers. We keenly look forward to the year 2017. I am sure, our Judges and Judicial Officers would come forward with new suggestions. If introduced, the same would help in enhancing the capacity of our Judges.

Wish you all A Very Happy New Year.

Balram K. Gupta

JUDGEMENTS ON INDUSTRIAL AND LABOUR LAWS

"Industrial jurisprudence is not static, rigid or textually cold but dynamic, burgeoning and warm with life. It answers in emphatic negative the biblical interrogation: What man is there of you, whom if his son ask bread, will give him a stone?"

V.R. Krishna Iyer, J. in Indian Express Newspapers (Bombay) (P) Ltd. v. Employees Union, (1978) 2 SCC 188

Rahman Industries Pvt. Ltd. vs. State of U.P.: AIR 2016 SC 551 : In the scheme of the Industrial Disputes Act, 1947 it is not as if the Government has to act as a post office by referring each and every petition received by them. The Government is well within its jurisdiction to see whether there exists a dispute worth referring for adjudication. No doubt, the Government is not entitled to enter a finding on the merits of the case and decline reference. The Government has to satisfy itself, after applying its mind to the relevant factors and satisfy itself to the existence of dispute before taking a decision to refer the same for adjudication. Only in case, on judicial scrutiny, the court finds that the refusal of the Government to make a reference of the dispute is unjustified on irrelevant factors, the court may issue a direction to the Government to make a reference.

Gauri Shanker vs. State of Rajasthan : (2015) 12 SCC 754 – Reinstatement – Back wages – Ss. 25F, 25G and 25H of Industrial Disputes Act, 1947 and Articles 226 and 227 of Constitution of India - Labour Court held that retrenchment of Appellant-workman from his service was improper. Directed the Respondent-Department for his reinstatement. Whether Labour Court was justified in not awarding back wages and granting compensation in lieu of back wages though it ordered reinstatement in absence of gainful employment of workman - Held, Labour Court rightly followed normal rule of reinstatement as order of termination was void ab-initio in law for non compliance of mandatory provisions of the Act - However, Labour Court was not correct in denying back wages without assigning any proper and valid reasons.

Mackinon Mackenzie and Company vs. Mackinnon Employees Union: (2015) 4 SCC 544 – If statutory provisions of **S. 25FFA of the Act** regarding conditions precedent to retrenchment are not complied with, then the consequent action of Appellant-Company will be in violation of statutory provisions of S. 25FFA of Industrial Disputes Act - Therefore, the action of the Company in retrenching concerned workmen amounts to being void ab initio in law. Finding recorded by High Court with regard to non-compliance of S. 25G of the Act by Appellant-Company was also statutory violation on part of Appellant-Company in retrenching certain concerned senior workmen. Therefore, the impugned order pertaining to unfair labour practice required no interference.

Jasmer Singh vs. State of Haryana : (2015) 4 SCC 458 – Non compliance of procedure - Termination - Validity thereof – Ss. 25F, 25G and 25H of Industrial Disputes Act, 1947 - High court set aside order of Tribunal wherein the Tribunal set aside the order of termination passed against Appellant-workman and awarded reinstatement - Hence, present appeal - Whether impugned order pertaining to termination was rightly set aside - Held, issuance of neither notice nor notice pay and payment of retrenchment compensation to Appellant were not complied with - Therefore, Labour Court had correctly held that the termination of services of workman was illegal - Finding of fact that workman had worked for more than 240 days in calendar year and termination order was void ab initio in law for non-compliance of Ss. 25F (Clauses (a) and (b)), 25G and 25H of Act - Therefore, Industrial Tribunal-cum-Labour Court had rightly set aside the order of termination of services of workman and awarded order of reinstatement with continuity of service and full back wages - Impugned order of High court was set aside - Appeal allowed.

E.S.I.C. Medical Officer's Association vs. E.S.I.C. and Anr.: AIR 2014 SC 1259 – Industrial Disputes Act, 1947- Section 2(s) – Workman – Whether Medical Doctors discharging functions of Medical Officers, i.e. treating patients in Employees' State Insurance Corporations' dispensaries/hospitals are "workmen" within meaning of Section 2(s)? - Held, no, a medical professional treating patients and diagnosing diseases cannot be held to be a "workman" within the meaning of S. 2(s) of the Industrial Disputes Act, 1947. Doctors' profession is a noble profession and is mainly dedicated to serve the society, which demands professionalism and accountability. Distinction between occupation and profession is of paramount importance. An occupation is

a principal activity related to job, work or calling that earns regular wages for a person and a profession, on the other hand, requires extensive training, study and mastery of the subject, whether it is teaching students, providing legal advice or treating patients or diagnosing diseases. Persons performing such functions cannot be seen as a workman within the meaning of S. 2(s) of the I.D. Act.

Tata Iron and Steel Company Ltd. vs. State of Jharkhand: (2014) 1 SCC 536 – Industrial Disputes Act, 1947 – Ss. 25FF, 10 and 2(k) –Retrenchment–Compensation to workmen in case of transfer of undertaking – It becomes the bounden duty of the appropriate Government to make the reference appropriately which is reflective of the real/exact nature of "dispute" between the parties. If the form of reference is clearly defective then it does not take care of the correct and precise nature of the dispute between the parties. On the contrary, if the manner in which the reference is worded shows that it has already been decided that the respondent workmen would continue to be the employees of the appellant (T.I.S.C.O.) and further that their services were simply transferred to M/s. Lafarge, then, it implies that by presuming so the appropriate Government has itself decided those contentious issues and assumed the role of an adjudicator which is otherwise, reserved for the Labour Court /Industrial Tribunal. As a consequence, such a reference is liable to be set aside. Section 10 of I.D. Act – Reference of dispute – Industrial Tribunal / Labour Court has to confine itself within scope of subject-matter of reference and cannot travel beyond the same. The Tribunal /Labour Court constituted under the I.D. Act is a creature of that statute. It acquires jurisdiction on the basis of reference made to it. The Tribunal has to confine itself within the scope of the subject-matter of reference and cannot travel beyond the same.

B.S.N.L. vs. Bhurumal : (2014) 7 SCC 177 – Employment–Termination–Reinstatement – Daily wage worker – Clear case of violation of S. 25F of I.D. Act, 1947 – Termination rightly held to be illegal – Only question survives for consideration is, as to whether relief of reinstatement with full back wages rightly granted by Central Government Industrial Disputes-cum-Labour Court (C.G.I.T.) – When termination is found to be illegal, ordinary principle of grant of reinstatement with full back wages, is not applied mechanically in all cases – Reinstatement with full back wages be granted, where services of regular/permanent workman are terminated illegally and/or mala fide and/or by way of victimization, unfair labour practice etc.-However, when it comes to case of termination of daily wage worker and where termination found illegal because of procedural defect, namely in violation of Section 25F of I.D. Act, 1947 – In such cases, reinstatement with back wages is not automatic and instead workman should be given monetary compensation which would meet the ends of justice - End of justice would be met by granting compensation in lieu of reinstatement.

Bachpan Bachao Andolan vs. Union of India and Ors.: (2011) 5 SCC 1 - Employment of Children below 18 years in circuses was held not only violation of Human Rights but also unconstitutional and illegal being violative of the Fundamental Rights and provisions of various Labour Laws. The provisions of the Right of Children to Free and Compulsory Education Act, 2009 are material. By virtue of Section 3 of 2009 Act, every child of the age of 6-14 years shall have a right to free and compulsory education in a neighborhood school till completion of elementary education. The Supreme Court directed the Central Government to issue notification prohibiting employment of children in circuses.

R.S.R.T.C. vs. Deen Dayal Sharma:(2010) 6 SCC 697–Civil – Procedure – Jurisdiction – Industrial Employment Act, 1946 and Section 2(k) and Section 2A Industrial Disputes Act, 1947 - Whether Civil Court has jurisdiction to order reinstatement and grant of financial benefits of service?– Held, that the respondent ought to have sought remedies provided under Industrial Disputes Act – As they had failed to do so and approached civil court which on facts and circumstances of case has no jurisdiction to entertain and try suit - Where dispute involves recognition, observance or enforcement of rights and obligations created by enactments like Act, 1946 which can be called sister enactments to Act of 1947 and which do not provide a forum for resolution of such disputes - Only remedy shall be to approach forums created by Industrial Disputes Act provided they constitute Industrial Disputes within the meaning of Section 2((k) and Section 2A of Act,1947 - Otherwise, recourse to civil court is open - Civil court had no jurisdiction so there can be no direction to reinstate or to continue reinstatement.

JUDGMENTS ON FAMILY LAW

"Husband is not only primarily responsible for safety of his wife, he is expected to be conversant with her state of mind more than any other relative. Responsibility of husband towards his wife is qualitatively different and higher as against his other relatives."

Adarsh Kumar Goel, J. in Naresh Kumar v. State of Haryana, (2015) 1 SCC 797

Voluntary Health Association of Punjab vs. Union of India:2016 (10) SCALE 531–The summit court was faced with the issue of the increase of female foeticide, imbalance of sex ratio and the indifference in the implementation of law in force. Held – the constitutional identity of a female child cannot be mortgaged to any kind of social or other concept that has developed or is thought of. It does not allow any room for any kind of compromise. It only permits affirmative steps that are constitutionally postulated. Be it clearly stated that when rights are conferred by the Constitution, it has to be understood that such rights are recognized regard being had to their naturalness and universalism. No one, let it be repeated, no one, endows any right to a female child or, for that matter, to a woman. The apex court gave directions to curb female foeticide by effective implementation of the 'The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994'. Held that the provisions contained in Sections 22 and 23 shall be strictly adhered to. Section 23(2) shall be duly complied with and it shall be reported by the authorities so that the State Medical Council takes necessary action after the intimation is given under the said provision. The Appropriate Authorities who have been appointed under Sections 17(1) and 17(2) shall be imparted periodical training to carry out the functions as required under various provisions of the Act.

ABC vs. The State (NCT of Delhi): (2015) 10 SCC 1: The Trial and Delhi High Court had held that the unwed mother needs to disclose the name of the father to get his consent while filing a guardianship petition. The child was born in 2010. She had raised him without any assistance from or involvement of his putative father. The apex court held that an unwed mother in India can apply to become the sole guardian of a child, without giving notice to the father of the child and without disclosing his identity. The Court also directed that if a single parent/unwed mother applies for the issuance of a Birth Certificate for a child born from her womb, the Authorities concerned may only require her to furnish an affidavit to this effect, and must thereupon issue the Birth Certificate, unless there is a Court direction to the contrary. The Supreme Court arrived at the ruling relying on the best interest of the child, which required that the procedural requirement should be done away with.

Deoki Panjhiyara vs. Shashi Bhushan Narayan Azad and Another: (2013) 2 SCC 137– DV Act Section 12 and HMA Section 11 –**Held** - Marriage covered by Section 11 of HMA is void Ipso – jure, that is, void from the very inception- Such a marriage has to be ignored as not existing in law at all. **Further held**–A formal declaration of the nullity of such a marriage is not a mandatory requirement though such an option is available to either of the parties to a marriage.

Vinita Saxena vs. Pankaj Pandit : (2006) 3 SCC 778–Cruelty–**Held**-It is settled by catena of decisions that mental cruelty can cause even more serious injury than the physical harm and create in the mind of the injured appellant such apprehension as is contemplated in the Section. **Further held** – It is to be determined on whole facts of the case and the matrimonial relations between the spouses. **Further held** – To amount to cruelty, there must be such wilful treatment of the party which caused suffering in body or mind either as an actual fact or by way of apprehension in such a manner as to render the continued living together of spouses harmful or injurious having regard to the circumstances of the case.

Shri Shivram Dodanna Shetty vs. Sou. Sharmila Shivram Shetty: MANU/MH/2603/2016–Family Court Appeal No. 161 OF 2013, DOD 01.12.2016 (Bombay High Court) – Question - "Whether an appeal under sub-section (1) of section 19 of the Family Courts Act, 1984 will be governed by the period of limitation under sub-section (3) of section 19 or whether the period of limitation provided under sub-section (4) of section 28 of the Hindu Marriage Act, 1955 will apply to such Appeal? – **Held**–considering the scheme of both the enactments, it would not be appropriate to apply different period of limitation, one in case of orders passed by the Family Courts and in another by the regular Civil Courts. Such an approach would frustrate very purpose of legislation. **Further held** – If an appeal is filed by any Hindu individual under the provisions of the Family Courts Act, the period of limitation prescribed under the Hindu Marriage Act (90 days) would apply.

LATEST CASES: CRIMINAL

"A socially sensitized judge is a better armour in cases of crime against women than long clauses of penal provisions, containing complex exceptions and complicated provisos."

C.K. Thakker, J. in State of M.P. v. Babulal, (2008) 1 SCC 234

HDFC Securities Ltd. vs. State of Maharashtra: MANU/SC/1573/2016: DoD 09.12.2016 – Vicarious Liability – IPC does not contain any provision for attaching vicarious liability on the part of the Managing Director or the Directors of the Company when the accused is the Company. The Learned Magistrate failed to pose unto himself the correct question viz. as to whether the complaint petition, even if given face value and taken to be correct in its entirety, would lead to the conclusion that the Respondents herein were personally liable for any offence. The Bank is a body corporate. Vicarious liability of the Managing Director and Director would arise provided any provision exists in that behalf in the statute. Statutes indisputably must contain provision fixing such vicarious liability. Even for the said purpose, it is obligatory on the part of the complainant to make requisite allegations which would attract the provisions constituting vicarious liability.

Mohd. Hashim vs. State of U.P.: MANU/SC/1574/2016–DoD 28.11.2016 – PO Act–Benefit of Probation can be given for offences having discretionary minimum sentence–The bench observed that when the legislature has prescribed minimum sentence without discretion, the same cannot be reduced by the courts. In such cases, imposition of minimum sentence, be it imprisonment or fine, is mandatory and leaves no discretion to the court. However, sometimes the legislation prescribes a minimum sentence but grants discretion and the courts, for reasons to be recorded in writing, may award a lower sentence or not award a sentence of imprisonment. Such discretion includes the discretion not to send the accused to prison. The bench held that minimum sentence means a sentence which must be imposed without leaving any discretion to the court. It means a quantum of punishment which cannot be reduced below the period fixed. If the sentence can be reduced to nil, then the statute does not prescribe a minimum sentence. It held that a provision that gives discretion to the court not to award minimum sentence cannot be equated with a provision which prescribes minimum sentence. It also added that the two provisions, therefore, are not identical and have different implications, which should be recognized and accepted for the PO Act.

Mukarrab vs. State of U.P.: 2016 (12) SCALE 379 – DoD 30.11.2016 – Juvenile Justice (Care and Protection of Children) Act, 2000–The apex court summarized the position - A claim of juvenility may be raised at any stage even after the final disposal of the case. It may be raised for the first time before this Court as well after the final disposal of the case. The delay in raising the claim of juvenility cannot be a ground for rejection of such claim. The claim of juvenility can be raised in appeal even if not pressed before the trial court and can be raised for the first time before this Court though not pressed before the trial court and in the appeal court. For making a claim with regard to juvenility after conviction, the claimant must produce some material which may prima facie satisfy the court that an inquiry into the claim of juvenility is necessary. Initial burden has to be discharged by the person who claims juvenility. As to what materials would prima facie satisfy the court and/or are sufficient for discharging the initial burden cannot be catalogued nor can it be laid down as to what weight should be given to a specific piece of evidence which may be sufficient to raise presumption of juvenility but the documents referred to in Rules 12(3)(a)(i) to (iii) shall definitely be sufficient for prima facie satisfaction of the court about the age of the delinquent necessitating further enquiry under Rule 12.

Gurcharan Singh Vs. State of Punjab: 2016 (12) SCALE 41 – S.306 of IPC – **Held**-the offence punishable is one of abetment of the commission of suicide by any person, predicating existence of a live link or nexus between the two, abetment being the propelling causative factor. The basic ingredients of this provision are suicidal death and the abetment thereof. To constitute abetment, the intention and involvement of the accused to aid or instigate the commission of suicide is imperative. **Further held**-Any severance or absence of any of this constituents would militate against this indictment. Remoteness of the culpable acts or omissions rooted in the intention of the accused to actualize the suicide would fall short as well of the offence of abetment essential to attract the punitive mandate of Section 306 IPC.

Supreme Court Judgment on Polygraph, Narco-analysis and Brain Mapping Tests: Case Comment

In a landmark judgment delivered by the Supreme court in *Selvi and others Vs State of Karnataka (2010) 7 SCC 263*, the Hon'ble apex Court came up with a dictum that Deception Detection Tests (DDT) such as polygraph, narco-analysis and brain mapping do not fall under the expression 'such other tests' provided in Section 53 of the Cr.P.C as these tests are not physical in nature and involve intrusion into the mental faculties of the subject. Hence, these tests are violative of Constitutional protection available to an individual under Article 20 (3) of the Indian Constitution. Yet, such tests are at times necessary to be conducted upon an accused/arrested person since, they would result in an information leading to discovery of material facts crucial to the success of investigation.

In this judgment, the Supreme Court, while taking a careful note of the fundamental principle of law that "*no person accused of any offence, shall be compelled to be a witness against himself*", stood up to the challenge that many a time during investigation in criminal matters, Deception Detection Test (DDT) becomes useful to unveil concealed information related to a crime which is known only to the self of the accused and which is, of course, crucial to criminal investigation. Finding, Section 53 of Cr.P.C not adequately equipped to cover within its scope such tests, the Supreme Court in this judgment favourably adjudicated upon the legality and Constitutionality of such tests, if however, conducted voluntarily and with the consent of the subject.

Legal issues involved in the case :

To answer the legal issues related to involuntary administration of certain scientific techniques namely narco-analysis, polygraph examination and the brain electrical activation profile (BEAP) tests for the purpose of improving investigation efforts in criminal cases, the court formulated two important questions for adjudication:

Qus. 1: Whether the right against self incrimination under Article 20 (3) is extendable to Investigation stage and whether the results of the said tests are 'testimonial' in character?

The Hon'ble Supreme Court, while taking the broader view of Article 20 (3) as consolidated in *Nandani Satpathy's* case and as formulated later in *Kathi Kalu Ogadh's* case, reaffirmed that giving of evidence and furnishing of information, if likely to have an incriminating impact, could not be limited to the stage of trial and would rather be extendable to the stage of investigation at the police level. Hence, the right against self incrimination was available not only at the trial but also during the investigation. Further held that, any information which would result from the administration of the DDTs, certainly would amount to giving evidence against oneself. It was categorically held that involuntary administration of these tests would violate Article 20 (3). The Summit Court however, took an exception by adjudicating in favour of a administration of such tests with consent of the subject, yet reaffirming that information so revealed from these tests would not be admissible into evidence and would carry the same evidentiary value as any previous statement to the police does and similarly any confession made by the accused undergoing such tests, would be at par with a confession made to the police.

Qus. 2: Whether the provisions in the Cr.P.C that provide for medical examination during

the course of Investigation can be read expansively to include the DDTs even thought the latter are not explicitly enumerated in the provisions of Section 53 ?

Despite being urged before the Hon'ble Supreme Court that DDTs be read into the relevant provision i.e. Section 53 & 54 of Cr.P.C, the Court, after analyzing the provisions concluded that the phrase 'such other tests' which appears in explanation to Section 53, 53-A and 54 of the Cr.P.C should be read so as to confine its meaning to include only those tests which involve the examination of the physical self of the accused/arrested person. Thus, not to include DDTs, as such tests tantamount to extracting from the subject such information which is confined to his mental faculties. If it is divulged, it would lead to a testimonial act.

To conclude, for the purpose of conducting voluntary DDTs upon the respondent, the judgment of the Supreme Court in *Selvi's* case serves as a complete code in itself. Without there being any cover and applicability of the provisions of the Cr.P.C, the adjudicating Court is to apply the test and code as laid down in *Selvi's* case. The Hon'ble Supreme Court also took concern of certain ethical issues involved in administration of these impugned tests. The court held that, no individual should be forcibly subjected to any of these techniques as doing so would amount to an unwarranted intrusion into the personal liberty of the subject. Leaving room for voluntary administration of DDTs in the context of criminal justice, the Supreme Court laid down certain safeguards and while doing so, adopted in its judgment, the guidelines issued by the National Human Rights Commission with emphasis on strict adherence to the same and similar safeguards to be adopted for conducting the 'Narcoanalysis technique' and the 'brain Electrical Activation Profile' test. The text of these guidelines has been reproduced below:

(i) No Lie Detector Tests should be administered except on the basis of consent of the accused. An option should be given to the accused whether he wishes to avail such test.

(ii) If the accused volunteers for a Lie Detector Test, he should be given access to a lawyer and the physical, emotional and legal implication of such a test should be explained to him by the police and his lawyer.

(iii) The consent should be recorded before a Judicial Magistrate.

(iv) During the hearing before the Magistrate, the person alleged to have agreed should be duly represented by a lawyer.

(v) At the hearing, the person in question should also be told in clear terms that the statement that is made shall not be a `confessional' statement to the Magistrate but will have the status of a statement made to the police.

(vi) The Magistrate shall consider all factors relating to the detention including the length of detention and the nature of the interrogation.

(vii) The actual recording of the Lie Detector Test shall be done by an independent agency (such as a hospital) and conducted in the presence of a lawyer.

(viii) A full medical and factual narration of the manner of the information received must be taken on record.

EVENTS OF THE MONTH

1. Chandigarh Judicial Academy organized five day Academic Programme for 28 Sri Lankan High Court Judges, District Judges and other Judicial Officers from Dec. 12-16, 2016. In fact, Sri Lankan Judges had arrived at CJA in the afternoon of Dec. 09. In the morning of Dec. 10, they went for a visit to the holy city of Amritsar. The next day (Dec.11), they made a visit to Shimla. The Academic Programme was inaugurated on Dec. 12 by HMJ K.Sripavan, Chief Justice of Sri Lanka. The Chief Justice spoke on the Sri Lankan Constitution and shared that the new Sri Lankan Constitution was already in process. A comprehensive programme was structured spread over 20 different sessions. The suggestions had been received from Hon'ble the Chief Justice of Sri Lanka. Constitutional Issues to Environmental Aspects to Cyber Crimes and Appreciation of Electronic Evidence were discussed. HMJ Madan B. Lokur, Judge, Supreme Court of India discussed the Alternative Dispute Resolution Initiatives taken in India and Justice Administration and Court Management. HMJ A.K. Goel, Judge Supreme Court of India spoke on the Role of Courts in Upholding the Rule of Law. Justice S.J. Vazifdar, Chief Justice of Punjab and Haryana High Court took an Interactive Session with the Sri Lankan Judges. Justice Rajesh Bindal, President, BOG, CJA shared the details of the e-Court Project of Punjab and Haryana High Court. Justice M.M.S. Bedi discussed the Sentencing Principles based on Judicial Decisions. Justice Vijender Jain, former Chief Justice spoke on Commercial Arbitration. Prof. Balram K. Gupta, Sr. Advocate and Director (Academics) spoke on: Strengthening the Justice Delivery System by Building Judicial Human Fabric. Mr. Ashok Agarwal, Sr. Advocate and A.G., Punjab covered: Reform of Civil Procedure – Rationing Procedure rather than Access to Justice. Mr. R.S. Cheema, Sr. Advocate and former A.G., Punjab dealt: Fair Trial Right and Criminal Justice Administration. Mr. Anupam Gupta, Sr. Advocate conducted an open heart surgery on the Sri Lankan Constitution and its working. Mr. Neeraj Aarora, Cyber Lawyer and International Arbitrator covered Cyber Crimes and Appreciation of Electronic Evidence. Prof. Paramjit S. Jaswal, VC, RGNLU, Patiala spoke on Balancing of Fundamental Rights and Directive Principles and PIL – Potential and Problems. Prof. B.T. Kaul, Chairman, DJA covered Access to Justice and Rights of Victims and Environment and Social Justice: Role of Courts. Dec. 14 was utilized for a visit to the High Court, High Court Museum, Chandigarh Capitol Complex, Rock Garden and Sukhna Lake. At the conclusion of the Academic Programme, the certificates and the mementoes were given by HMJ Rajesh Bindal. In the evening of Dec. 16, a cricket match was played between the Judges of High Court of Punjab and Haryana and Sri Lanka at PCA, Mohali. The Chief Justice of Sri Lanka was at CJA from the afternoon of Dec.11 to Dec. 15, 2016. The other Judges from Sri Lanka departed from the Academy on Dec. 17, 2016.

2. Haryana Human Rights Commission organized All India State Human Rights Commission Meet at CJA in Chandigarh on December 18, 2016. On this occasion Dr. Balram K. Gupta, Sr. Advocate, Director (Academics), CJA spoke on: Justice – Basic Human Right. The function was presided over by Sh. Manohar Lal Khattar, Chief Minister of Haryana.

3. Chandigarh Judicial Academy organized Video Conferencing on "Important Issues relating to Cyber Crimes" for the Civil Judges of Haryana on December 22, 2016. Mr. Praveen K. Sinha, IPS, IG Cyber Crimes, Punjab conducted the Interactive Video Conferencing along with Mr. Sandeep Garg, ADCP, Ludhiana.

FORTHCOMING EVENTS

North Zone Regional Conference for Enhancing the Excellence of Judicial Institutions: Challenges and Opportunities will be held on 07th & 08th January, 2017 at Chandigarh Judicial Academy. This conference is being organized by the National Judicial Academy, India in collaboration with the High Court of Punjab and Haryana and Chandigarh Judicial Academy. This Regional Conference would cover the High Courts of Allahabad, Delhi, Himachal Pradesh, Jammu and Kashmir, Punjab and Haryana and Uttrakhand. Each High Court would be represented by five Hon'ble Justices and ten Judicial Officers in the rank of Civil Judge, Junior Division from the District Judiciary. The Resource Persons would include Hon'ble Justices of the Supreme Court, Chief Justices and Justices of High Courts.