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THE TWIN CONCEPT OF JUDICIAL ACCOUNTABILITY AND INDEPENDENCE IN INDIA

In India, there has been an ongoing debate about the balance between the twin principles of Judicial Accountability and Judicial independence. Judicial accountability and independence are both essential components of a fair and impartial legal system. Judicial independence refers to the principle that judges must be free from external pressures and influences. This principle is essential for protecting the integrity of the judicial system and to ensure that judges can make decisions impartially and fairly. On the other hand, judicial accountability refers to the principle that judges must be accountable for their actions, including their decisions and conduct. Accountability is an essential component of any democratic system, as it ensures that those who wield power are responsible for their actions and are held to a high ethical standard.

The Indian Constitution provides for both judicial accountability and independence. The Constitution establishes the Supreme Court and the High Courts as independent bodies with the power to interpret the Constitution and to protect fundamental rights of the citizens. At the same time, the Constitution also provides for judicial accountability empowering the Parliament to remove judges from office by way of the process of impeachment on the ground of proved misbehavior or incapacity.

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The Supreme Court has also pronounced judgments that have emphasized the importance of judicial accountability, such as the landmark judgment in the case of *K. Veeraswami v. Union of India; 1991 3 SCC 655* , which established guidelines for the investigation and prosecution of judges.

However, there are concerns that the quest for judicial accountability sometimes come at the cost of judicial independence. For example, the National Judicial Appointments Commission (NJAC), which was established in 2014 to replace the existing collegium system for appointing judges, was struck down by the Supreme Court on the ground that it posed a threat to judicial independence.

Achieving the right balance between judicial independence and accountability is a delicate task. Both these principles are essential for a fair and impartial legal system, there must be a careful and considered approach to ensure that the independence of the judiciary is protected while also maintaining accountability for judges.

The former Chief Justice of India, Justice UU Lalit in a recent lecture delivered on the *"Evolution of Independence of Judiciary as a Basic Feature of the Constitution"* stated that *Kesavananda Bharti Vs. state of Kerela;(1973) 4 SCC 225* has given us the fulcrum on which the entire jurisprudence of independence of judiciary has since then developed. According to Justice Lalit, the celebrated judgment has nurtured and developed jurisprudential thinking towards ensuring the independence of judiciary. The facet of the basic structure contains many nuances including the concept of the independence of judiciary. Furthermore, it was laid down in the judgment that there are certain features of the Constitution which are so inviolable, so important for the existence of democracy and for individuals to achieve their full potential that these cannot be frittered away.

Justice Lalit's remark reflects a strong commitment to judicial independence and impartiality, which are essential components of a fair and just legal system. His perspective highlights the importance of preserving the independence of the judiciary while also ensuring that judges are held accountable for their actions.

Ajay Kumar Sharda
Director (Administration)

ADVANCE DIRECTIVE – AN OVERVIEW

Advance Directive is a very peculiar feature which has been added by the legislation in the Mental Healthcare Act, 2017 i.e. to execute a document to guide the medical authorities in which manner you want to be treated if at a particular age of life you are not able to take such decisions of life being in vegetative stage or not in sound mind. Even you can appoint a person who will be having the authority to take such decisions on your behalf. It is like a will where the wish of the testator will prevail. But unlike the will, it is executed during lifetime of the person executing such document and therefore, it is also known as 'live will'.

The next question crops up in the mind under what provisions the 'Advance Directives' are to be executed and what is the procedure/mode of its execution. Chapter III consisting of Sections 5 to 13 of Mental Healthcare Act, 2017 deals in the same.

Section 5 of the Act stipulates that any person who is not a minor has a right to make Advance Directive in writing which can specify any or all of the following:

(a) The way the person wishes to be cared for and treated for a mental illness;

(b) The way the person wishes not to be cared for and treated for a mental illness;

(c) The individual or individuals, in order of precedence, he wants to appoint as his nominated representative as provided under section 14.

It can also be made by a person who had the mental illness or treatment for the same in past. However, it will be invoked only when such person ceases to have capacity to mental healthcare or treatment decisions and will remain effective until such person regains capacity to take such decisions. Even any decision made by a person during the period he had the capacity shall override the previously written Advance Directive by such person. Furthermore, any such directive made contrary to any law for the time being in force shall be *ab initio void.*

Further, Section 6 states that it will be made as per the regulations of the Central Authority. According to Section 8 of the Act, it may be revoked, amended or cancelled by the person who made it at any time and the procedure for the same will be as adopted for making it. It has also to be ensured by the person writing the advance directive and his nominated representative that the medical officer in charge of a mental health establishment or a medical practitioner or a mental health professional has access to the

advance directive when required. Further, according to section 11(4), the legal guardian or a minor has a right to make an advance directive in writing.

Section 9 provides that it will not apply to the emergency treatment which has to be given under section 94 of the Act which is to prevent death or irreversible harm to the health of the person; or the person inflicting serious harm to himself or to others; or the person causing serious damage to property belonging to himself or to others where such behaviour is believed to flow directly from the person's mental illness.

Further, Section 7 provides that every Board shall maintain an online register of all advance directive registered with it and make them available to the concerned mental health professionals as and when required.Section 10 imposes duty upon every officer incharge of a mental health establishment and the psychiatrist incharge of a person's treatment to propose or give treatment to such person in accordance with his valid advance directive but subject to the provision under section 11.

Section 11 envisages that where a mental health professional or a relative or a caregiver of a person desires not to follow an advance directive while treating a person with mental illness, such person shall make an application to the concerned Board to review, alter, modify or cancel the advance directive. On receipt of such application, the Board has to give an opportunity of hearing to all the concerned parties including the person whose advance directive is in question and has to take into consideration the following points :

(a) Whether the advance directive was made by the person out of his own free will and free from force, undue influence or coercion; or

(b) Whether the person intended the advance directive to apply to the present circumstances, which may be different from those anticipated; or

(c) Whether the person was sufficiently well informed to make the decision; or

(d) Whether the person had capacity to make decisions relating to his mental healthcare or treatment when such advanced directive was made; or

(e) Whether the content of the advance directive is contrary to other laws or constitutional provisions.

Section 12 of the Act authorises the central authority to regularly and periodically review the use of advance directive and make recommendations in respect of it and while

reviewing it shall give consideration to the procedure making an advance directive and examine whether the existing procedure protects the rights of the persons with mental illness. It may modify the procedure or make additional regulations in the said procedure.

Section 13 is protective in nature of the medical practitioner or mental health professional who cannot be held liable for any unforeseen consequences on following a valid advance directive. Even such person will not be held liable for not following a valid advance directive, if he has not been given the copy of the same.

Earlier in the case of Cause (A registered society) vs. Union of India (2018) 5 SCC 1, Hon'ble Apex Court identifying the right of a person to die with dignity lay down certain directives. It also held where there is no advance directive, the procedure and safeguard to be applied to such cases would be the same as applied to the cases of advance directives. Thereafter, again an application was moved by Indian Society of Critical Care Medicine seeking clarification of the said judgement as in the actual working of the directions, insurmountable obstacles are being posed. IN view of this, the Hon'ble Apex Court in the case of Common Cause (a registered society) vs. Union of India 2023 SCC Online SC 99, has modified the directions and now the following procedure has to follow for a person to issue the advance directive :

"It should specify the name of a guardian(s) or close relative(s) who, in the event of the executor becoming incapable of taking decision at the relevant time, will be authorised to give consent to refuse or withdraw medical treatment in a manner consistent with the Advance Directive.

The document should be signed by the executor in the presence of two attesting witnesses, preferably independent, and attested before a notary or Gazetted Officer.

The witnesses and the notary or Gazetted Officer shall record their satisfaction that the document has been executed voluntarily and without any coercion or inducement or compulsion and with full understanding of all the relevant information and consequences.

The executor shall inform, and hand over a copy of the Advance Directive to the to the guardian or close relative in favour of whom such advance directive is written, as well as to the family physician, if any.

A copy shall be handed over to the competent officer of the local Government or the Municipal Corporation or Municipality or Panchayat, as the case may be. The aforesaid authorities shall nominate a competent official in that regard who shall be the custodian of the said document.

The executor may also choose to incorporate their Advance Directive as a part of the digital health records, if any.

In the event the executor becomes terminally ill and is undergoing prolonged medical treatment with no hope of recovery and cure of the ailment, and does not have decision-making capacity, the treating physician, when made aware about the Advance Directive, shall ascertain the genuineness and authenticity thereof with reference to the existing digital health records of the patient, if any or from the custodian of the document.(the person appointed as such by the competent officer of the local government or the municipal corporation or municipality or panchayat or as the case may be)

The instructions in the document must be given due weight by the doctors. However, it should be given effect to only after being fully satisfied that the executor is terminally ill and is undergoing prolonged treatment or is surviving on life support and that the illness of the executor is incurable or there is no hope of him/her being cured.

If the physician treating the patient (executor of the document) is satisfied that the instructions given in the document need to be acted upon, he shall inform the person or persons named in the Advance Directive, as the case may be, about the nature of illness, the availability of medical care and consequences of alternative forms of treatment and the consequences of remaining untreated. He must also ensure that he believes on reasonable grounds that the person in question understands the information provided, has cogitated over the options and has come to a firm view that the option of withdrawal or refusal of medical treatment is the best choice.

The hospital where the executor has been admitted for medical treatment shall then constitute a Primary Medical Board consisting of the treating physician and at least two subject experts of the concerned specialty with at least five years' experience, who, in turn, shall visit the patient in the presence of his guardian/close relative and form an opinion preferably within 48 hours of the case being referred to it whether to certify or not to certify carrying out the instructions of withdrawal or refusal of further medical treatment. This decision shall be regarded as a preliminary opinion.

In the event the Primary Medical Board certifies that the instructions contained in the Advance Directive ought to be carried out, the hospital shall then immediately constitute a Secondary Medical Board comprising one registered medical practitioner nominated by the Chief Medical Officer of the District and at least two subject experts with at least five years' experience of the concerned specialty who were not part of the Primary Medical Board. They shall visit the hospital where the patient is admitted and if they concur with

the initial decision of the Primary Medical Board of the hospital, they may endorse the certificate to carry out the instructions given in the Advance Directive. The Secondary Medical Board shall provide its opinion preferably within 48 hours of the case being referred to it.

The secondary Board must beforehand ascertain the wishes of the executor if he is in a position to communicate and is capable of understanding the consequences of withdrawal of medical treatment. In the event the executor is incapable of taking decision or develops impaired decision-making capacity, then the consent of the person or persons nominated by the executor in the Advance Directive should be obtained regarding refusal or withdrawal of medical treatment to the executor to the extent of and consistent with the clear instructions given in the Advance Directive.

The hospital where the patient is admitted, shall convey the decision of the Primary and Secondary Medical Boards and the consent of the person or persons named in the Advance Directive to the jurisdictional JMFC before giving effect to the decision to withdraw the medical treatment administered to the executor.

It will be open to the executor to revoke the document at any stage before it is acted upon and implemented.

If permission to withdraw medical treatment is refused by the Secondary Medical Board, it would be open to the person or persons named in the Advance Directive or even the treating doctor or the hospital staff to approach the High Court by way of writ petition under Article 226 of the Constitution. If such application is filed before the High Court, the Chief Justice of the said High Court shall constitute a Division Bench to decide upon grant of approval or to refuse the same. The High Court will be free to constitute an independent committee consisting of three doctors from the fields of general medicine, cardiology, neurology, nephrology, psychiatry or oncology with experience in critical care and with overall standing in the medical profession of at least twenty years.

The High Court shall hear the application expeditiously after affording opportunity to the State counsel. It would be open to the High Court to constitute Medical Board in terms of its order to examine the patient and submit report about the feasibility of acting upon the instructions contained in the Advance Directive.

Needless to say that the High Court shall render its decision at the earliest as such matters cannot brook any delay and it shall ascribe reasons specifically keeping in mind the principles of “best interests of the patient”.

An individual may withdraw or alter the Advance Directive at any time when he/she has the capacity to do so and by following the same procedure as provided for recording of Advance Directive. Withdrawal or revocation of an Advance Directive must be in writing.

An Advance Directive shall not be applicable to the treatment in question if there are reasonable grounds for believing that circumstances exist which the person making the directive did not anticipate at the time of the Advance Directive and which would have affected his decision had he anticipated them.

If the Advance Directive is not clear and ambiguous, the Medical Boards concerned shall not give effect to the same and, in that event, the guidelines meant for patients without Advance Directive shall be made applicable.

Where the Primary Medical Board takes a decision not to follow an Advance Directive while treating a person, the person or persons named in the Advance Directive may request the hospital to refer the case to the Secondary Medical Board for consideration and appropriate direction on the Advance Directive.

It is necessary to make it clear that there will be cases where there is no Advance Directive. The said class of persons cannot be alienated. In cases where there is no Advance Directive, the procedure and safeguards are to be same as applied to cases where Advance Directives are in existence and in addition there to, the following procedure shall be followed.

Sonia Kinra
Additional District & Sessions Judge
-cum-Faculty Member, CJA

LATEST CASES: CIVIL

"Rights are rarely of an absolute nature. Constitutions often provide the possibility of limiting those rights through acceptable justifications."
— Dr D.Y. Chandrachud, J. in Ravinder Kumar Dhariwal v. Union of India, (2023) 2 SCC 209, para 142

The Chairman & Managing Director, City Union Bank Ltd. & Anr. vs R. Chandramohan : 2023 SCC OnLine SC 341- Consumer Protection Act 1986 - Held : The proceedings before the Commission being summary in nature, the complaints involving highly disputed questions of facts or the cases involving tortious acts or criminality like fraud or cheating, could not be decided by the Forum/Commission under the said Act. The "deficiency in service", as well settled, has to be distinguished from the criminal acts or tortious acts. There could not be any presumption with regard to the wilful fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance in service, as contemplated in Section 2(1)(g) of the Act. The burden of proving the deficiency in service would always be upon the person alleging it. (Para 12)

Director General, Doordarshan Prasar Bharti Corporation vs Smt.Magi H Desai : 2023 SCC OnLine SC 336 - Rule 13 - Central Civil Services (Pension) Rules 1972 – Whether service rendered as casual/contractual can be said to be service rendered on a substantive appointment ? Held – No and hence the same can't be counted towards qualifying services for pensionary benefits. Rule 13 of the 1972 Rules provides for commencement of qualifying service. As per Rule 13, qualifying service of a Government servant shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity. It further provides that such officiating or temporary service is followed without interruption by substantive appointment in the same or another service or post. Therefore, the services rendered on a substantive post or services rendered as officiating or temporary service shall be treated as qualifying service. Service rendered as casual/contractual cannot be said to be officiating or temporary service. Even the services rendered as temporary service can be considered as qualifying service provided that the officiating or temporary service is followed without interruption by substantive appointment in the same or another service or post. Service rendered as casual/contractual cannot be said to be service rendered on a substantive appointment.

Indian Railway Construction Company Limited v M/s National Buildings Construction Corporation Limited: CIVIL APPEAL NO. 8460 / 2022 dt. 17.03.2023- Section 34 Arbitration and Conciliation Act 1996- Held – The Hon'ble Supreme Court while setting aside the order of the High Court held that High Court exceeded in its jurisdiction under Section 34 of the Arbitration Act quashing and setting aside the well-reasoned award passed by the Arbitral Tribunal. The High Court has not at all considered Section 31(7)(a) of the Arbitration Act, which permits the arbitrator that unless otherwise agreed by the parties, where and in so far as an arbitral award is for the payment of money, the Arbitral Tribunal may include in the sum for which

the award is made interest, at such rate as it deems reasonable, for the whole or any part of the period between the date on which the cause of action arose and the date on which the award is made. Thus, unless there is a specific bar under the contract, it is always open for the arbitrator / Arbitral Tribunal to award pendente lite interests. Referred to Raveechee and Company Vs. Union of India reported in (2018) 7 SCC 664.

Ashutosh Samanta Versus Ranjan Bala Dasi & Ors : 2023 SCC OnLine SC 255 - Section 90 Indian Evidence Act 1872 – Held - Wills cannot be proved only on the basis of their age – the presumption under Section 90 as to the regularity of documents more than 30 years of age is inapplicable when it comes to proof of wills. Wills have to be proved in terms of Sections 63(c) of the Succession Act, 1925, and Section 68 of the Evidence Act, 1872- (referred to **M.B. Ramesh (D) by L.Rs. v K.M. Veeraje Urs (D) by L.Rs. & Ors[Civil Appeal No. 1071/2006, decided on 03.05.2013**.)

Ganesh Prasad vs Rajeshwar Prasad and others : 2023 SCC OnLine SC 256 - Section 60 Transfer of Property Act 1882- Right to redemption of mortgage- Held - Unless the equity of redemption is so extinguished, a second suit for redemption by the mortgagor, if filed within the period of limitation, is not therefore barred.

Order IX Rule 9 Code of Civil Procedure 1908 - – Held - If the right of redemption is not extinguished, the provision like Order IX Rule 9 of the CPC will not debar the mortgagor from filing a second suit because as in a partition suit, the cause of action in a redemption suit is a recurring one. The cause of action in each successive action, until the right of redemption is extinguished or a suit for redemption is time barred, is a different one.

Order VI Rule 17 - Code of Civil Procedure - Held - A party is entitled to take alternative pleas in support of its case- plaintiff is entitled to plead even inconsistent pleas while seeking alternative reliefs - Inconsistent and contradictory allegations in negation to the admitted position of facts or mutually destructive allegations of facts should not be allowed to be incorporated by means of amendment to the pleadings.

P. Shyamala Versus Gundlur Masthan: 2023 SCC OnLine SC 184: Section 28 Specific Relief Act 1963- Held: The Court cannot as a matter of course, allow extension of time for making payment of balance amount of consideration in terms of a decree. The Court has to see all the attendant circumstances including if the vendee has conducted himself in a reasonable manner under the contract of sale. The power under Section 28 of the Specific Relief Act is discretionary and the Court has to pass an order as the justice may require. Referred to **V.S. Palanichamy Chettiar Firm v. C. Alagappan and Another, (1999) 4 SCC 702.**

State of Gujarat & Ors. v Jayantibhai Ishwarbhai Patel: 2023 SCC OnLine SC 295 - Section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013-Held: Once the land owner refuses to accept the amount of compensation offered by the Acquiring Body, thereafter it will not be open for the original land owner to pray for lapse of acquisition on the ground that the compensation has not been paid – The Twin requirements i.e. Land acquisition to lapse only when acquiring body fails to pay compensation as well as does not take possession, does not stand satisfied in such case. Referred to **Indore Development Authority v Manoharlal and Ors., (2020) 8 SCC 129**

Karuna Sharma
Faculty Member

LATEST CASES: CRIMINAL

"In the absence of an individual's capacity to effectively bring forth mitigating factors, the burden of eliciting mitigating circumstances is on the court, which has to consider them liberally and expansively, whereas the responsibility of providing material to show that the accused is beyond the scope of reform or rehabilitation, thereby unquestionably foreclosing the option of life imprisonment and making it is a fit case for imposition of death penalty, is one which falls squarely on the State."

— S. Ravindra Bhat, J. in Manoj v. State of M.P., (2023) 2 SCC 353, para 240

Cardinal Mar George Alencherry Vs. State of Kerala & Anr., Eparchy of Bathery, represented through most Rev. Dr. Joseph Mar Thomas Vs. State of Kerala & Ors. Etc., Catholic Diocese of Thamarassery represented through Mar Remegiose Inchanayil Vs. State of Kerala & Ors. Etc.: **2023 SCC OnLine SC 286 :Distinction between the provisions contained in Section 156(3) and Section 202(1) of Cr.PC?-Entertainment of a second complaint after order of dismissal under Section 203 of the Cr.P.C.?-HELD-** Hearing a Criminal Appeal against judgment declining to interfere in the Order of Trial Court summoning under Sections 120-B, 406, 423 read with 34 of IPC, the Hon'ble Supreme Court reiterated the law laid down in ***Ramdev Food Products Private Vs. State of Gujarat, (2015) 6 SCC 439,*** wherein, while drawing distinction between the provisions contained in Section 156(3) and Section 202(1) of Cr.PC, the Hon'ble Court examined the scheme of the said sections and after discussing various earlier decisions concluded that power under Section 156(3) can be invoked by the Magistrate before taking cognizance and was in the nature of pre-emptory reminder or intimation to the police to exercise its plenary power of investigation beginning with Section 156 and ending with report or charge-sheet under Section 173. On the other hand, Section 202 applies at postcognizance stage and the direction for investigation was for the purpose of deciding whether there was sufficient ground to proceed.

The Hon'ble Supreme Court further reiterated the law laid down in ***Pramatha Nath Talukdar Vs. Saroj Ranjan Sarkar, AIR 1962 SC 876***, ***Jatinder Singh and others Vs. Ranjit Kaur, (2001) 2 SCC 570***, ***Ranvir Singh Vs. State of Haryana and Another, (2009) 9 SCC 642***, ***Poonam Chand Jain and Another Vs. Fazru, (2010) 2 SCC 631***, and ***Samta Naidu and Another Vs. State of Madhya Pradesh and Another, (2020) 5 SCC 378***, wherein it is observed that an order of dismissal under Section 203 of the Criminal Procedure Code, is, however, no bar to the entertainment of a second complaint on the same facts but it will be entertained only in exceptional circumstances, e.g., where the previous order was passed on an incomplete record or on a misunderstanding of the nature of the complaint or it was manifestly absurd, unjust or foolish or where new facts which could not, with reasonable diligence, have been brought on the record in the previous proceedings, have been adduced.

Ms. X Vs. State of Maharashtra and Anr.: 2023 SCC OnLine SC 279-Right of the prosecutrix to participate in the criminal proceedings?-Recourse available to an accused upon addition of further cognizable and non-bailable offences to the FIR, after grant of bail?-HELD- Hearing a Criminal Appeal against judgment granting Anticipatory Bail to accused in case under Sections 354, 354-B and 506 of the Indian Penal Code, the Hon'ble Supreme Court held that an approach of not paying any heed to the pleas taken by prosecutrix tantamounts to failure to recognize the right of the

prosecutrix to participate in the criminal proceedings that would include a right to oppose the application for anticipatory bail moved by the accused.

The Hon'ble Court reiterated the view taken in ***Jagjeet Singh And Others v. Ashish Mishra Alias Monu And Another, (2022) 9 SCC 321,*** relating to the victim's right to be heard.

The Hon'ble Court citing ***Pradeep Ram v. State of Jharkhand And Another, (2019) 17 SCC 326,*** noted that addition of a serious offence can be a circumstance where a Court can direct that the accused be arrested and committed to custody even though an order of bail was earlier granted in his favour in respect of the offences with which he was charged when his application for bail was considered and a favourable order was passed. The recourse available to an accused in a situation where after grant of bail, further cognizable and non-bailable offences are added to the FIR, is for him to surrender and apply afresh for bail in respect of the newly added offences. The investigating agency is also entitled to move the Court for seeking the custody of the accused by invoking the provisions of 437(5)33 and 439(2)34 Cr.P.C., falling under Chapter XXXIIII of the Statute that deals with provisions relating to bails and bonds. On such an application being moved, the Court that may have released the accused on bail or the Appellate Court/superior Court in exercise of special powers conferred on it, can direct a person who has been released on bail earlier, to be arrested and taken into custody.

Neeraj Dutta Vs. State (Govt. of N.C.T. of Delhi): 2023 SCC OnLine SC 280- Demand and acceptance of illegal gratification by a public servant?-HELD- Hearing a Criminal Appeal against judgment upholding conviction for the offences punishable under Section 7 and clauses (i) and (ii) of Section13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988, the Hon'ble Supreme Court held that Section 7, as existed prior to 26th July 2018, was different from the present Section 7. The unamended Section 7 specifically refers to "any gratification". The substituted Section 7 does not use the word "gratification", but it uses a wider term "undue advantage". When the allegation is of demand of gratification and acceptance thereof by the accused, it must be as a motive or reward for doing or forbearing to do any official act. The fact that the demand and acceptance of gratification were for motive or reward as provided in Section 7 can be proved by invoking the presumption under Section 20 provided the basic allegations of the demand and acceptance are proved. In view of what is laid down by the Constitution Bench in ***Neeraj Dutta Vs. State (Govt. of N.C.T. of Delhi) 2022 SCCOnline SC 1724,*** in a given case, the demand and acceptance of illegal gratification by a public servant can be proved by circumstantial evidence in the absence of direct oral or documentary evidence. While answering the referred question, the Constitution Bench has observed that it is permissible to draw an inferential deduction of culpability and/or guilt of the public servant for the offences punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the PC Act. The conclusion is that in absence of direct evidence, the demand and/or acceptance can always be proved by other evidence such as circumstantial evidence.

The Hon'ble Court further held that the allegation of demand of gratification and acceptance made by a public servant has to be established beyond a reasonable doubt. The decision of the Constitution Bench does not dilute this elementary requirement of proof beyond a reasonable doubt. The Constitution Bench was dealing with the issue of the modes by which the demand can be proved. The Constitution Bench has laid down that the proof need not be only by direct oral or documentary evidence, but it can be by way of other evidence including circumstantial evidence. When reliance is placed on circumstantial evidence to prove the demand for gratification, the prosecution must establish

each and every circumstance from which the prosecution wants the Court to draw a conclusion of guilt. The facts so established must be consistent with only one hypothesis that there was a demand made for gratification by the accused. Therefore, in this case, we will have to examine whether there is any direct evidence of demand. If we come to a conclusion that there is no direct evidence of demand, this Court will have to consider whether there is any circumstantial evidence to prove the demand.

Narendrasinh Keshubhai Zala Vs. State of Gujarat: 2023 SCC OnLine SC 284-Doubt cannot replace proof?-HELD- Hearing a Criminal Appeal against judgment upholding the conviction under Section 302 read with Section 34, Indian Penal Code and Section 25 (1) A and Section 27 (2) of the Arms Act, the Hon'ble Supreme Court held that it is a settled principle of law that doubt cannot replace proof. Suspicion, howsoever great it may be, is no substitute of proof in criminal jurisprudence. Only such evidence is admissible and acceptable as is permissible in accordance with law. In the case of a sole eye witness, the witness has to be reliable, trustworthy, his testimony worthy of credence and the case proven beyond reasonable doubt. Unnatural conduct and unexplained circumstances can be a ground for disbelieving the witness.

Udayakumar Vs. State of Tamil Nadu: 2023 SCC OnLine SC 284-Test Identification Parade?-HELD-Hearing a Criminal Appeal against judgment upholding the conviction under Section 302 of the Indian Penal Code, 1860, the Hon'ble Supreme Court held that the entire necessity for holding an investigation parade can arise only when the accused are not previously known to the witnesses. The whole idea of a test identification parade is that witnesses who claim to have seen the culprits at the time of occurrence are to identify them from the midst of other persons without any aid or any other source.

Ravasaheb @ Ravasahebgouda Etc. Vs. State of Karnataka: 2023 SCC OnLine SC 274-Essential Principles?-HELD- Hearing a Criminal Appeal against judgment upholding the conviction under Sections 143/147/148/504/302 of the Indian Penal Code, 1860, the Hon'ble Supreme Court noted some essential principles as under -

Evidence of hostile witness:

a) Corroborated part of the evidence of a hostile witness regarding the commission of offence is admissible. Merely because there is deviation from the statement in the FIR, the witness's statements cannot be termed totally unreliable;

b) The evidence of a hostile witness can form the basis of conviction.

c) The general principle of appreciating the evidence of eye-witnesses is that when a case involves a large number of offenders, prudently, it is necessary, but not always, for the Court to seek corroboration from at least two more witnesses as a measure of caution. Be that as it may, the principle is quality over quantity of witnesses. [***Mrinal Das Vs. State of Tripura (2011) 9 SCC 479]***

Effect of omissions, deficiencies:

Evidence examined as a whole, must reflect/ring of truth. The court must not give undue importance to omissions and discrepancies which do not shake the foundations of the prosecution's case. [***Rohtash Kumar Vs. State of Haryana (2013) 14 SCC 434; Bhagwan Jagannath Markad Vs. State of Maharashtra (2016) 10 SCC 537; and Karan Singh Vs. State of Uttar Pradesh (2022) 6 SCC 52***]

Reliance on single witness:

If a witness is absolutely reliable then conviction based thereupon cannot be said to be infirm in any manner. [***Karunakaran Vs. State of Tamil Nadu (1976) 1 SCC 434; and Sadhuram Vs. State of Rajasthan (2003) 11 SCC 231***]

Testimony of a close relative:

A witness being a close relative is not a ground enough to reject his testimony. Mechanical rejection of an even "partisan" or "interested" witness may lead to failure of justice. The principle of "falsus in uno, falsus in omnibus" is not one of general

application. [***Bhagwan Jagannath Markad Vs. State of Maharashtra (2016) 10 SCC 537***]

Preponderance of probabilities:

To entitle a person to the benefit of a doubt arising from a duality of views, the possible view in favour of the accused must be as nearly reasonably probable as that against him. [***Gopal Reddy Vs. State of Andhra Pradesh (1979) 1 SCC 355***]

Delay in sending FIR:

Unless serious prejudice is caused, mere delay in sending the FIR to the Magistrate would not, by itself, have a negative effect on the case of the prosecution. [[***State of Rajasthan Vs. Doud Khan (2016) 2 SCC 607***] One of the external checks against ante-dating or antetiming an FIR is the time of its dispatch to the Magistrate or its receipt by the Magistrate. A dispatch of a copy of the FIR forthwith ensures that there is no manipulation or interpolation in the FIR. [***Mehraj Vs. State of U.P. (1994) 5 SCC 188; and Ombir Singh Vs. State of U.P. (2020) 6 SCC 378***]

Last seen theory:

On its own, last seen theory is considered to be a weak basis for conviction. However, when the same is coupled with other factors such as when the deceased was last seen with the accused, proximity of time to the recovery of the body of deceased etc. The accused is bound to give an explanation under Section 106 of the Evidence Act, 1872.

If he does not do so, or furnishes what may be termed as wrong explanation or if a motive is established - pleading securely to the conviction of the accused closing out the possibility of any other hypothesis, then a conviction can be based thereon. [**Satpal Singh Vs. State of Haryana (2018) 6 SCC 610; and Ram Gopal Vs. State of M.P. (2023) SCC OnLine 158**]

Cases involving several accused Persons:

Section 149 of the Indian Penal Code is declaratory of the vicarious liability of the members of an unlawful assembly for acts done in prosecution of the common object of that assembly or for such offences as the members of the unlawful assembly knew would be committed in prosecution of that object. If an unlawful assembly is formed with the common object of committing an offence, and if that offence is committed in prosecution of the object by any member of the unlawful assembly, all the members of the assembly will be vicariously liable for that offence even if one or more, but not all committed the offence.

Again, if an offence is committed by a member of an unlawful assembly and that offence is one which the members of the unlawful assembly knew to be likely to be committed in prosecution of the common object, every member who had that knowledge will be guilty of the offence so committed. [***Hari v. State of UP 2021 SCC OnLine SC 1131; Shambhu Nath Singh v. State of Bihar, AIR 1960 SC 725***]

While overt act and active participation may indicate common intention of the person perpetrating the crime, the mere presence in the unlawful assembly may fasten vicariously criminal liability under Section 149. [***Lalji Vs. State of U.P. (1989) 1 SCC 437***] When a case involves large number of assailants it is not possible for the witness to describe the part played therein by each of such persons. It is not necessary for the prosecution to prove each of the members' involvement especially regarding which or what act. [***Masalti Vs. State of UP AIR 1965 SC 202***]

Power of Court of Appeal:

a) The Court of appeal has wide powers of appreciation of evidence in an order of acquittal as in the order of conviction, along with the rider of presumption of innocence which continues across all stages of a case. Such Court should give due importance to the judgment rendered by the Trial Court. [***Atley Vs. State of UP AIR 1955 SC 807***]

b) Referring to ***Gurudutt Pathak Vs. State of U.P. [(2021) 6 SCC 116***] the judgment in ***Geeta Devi Vs. State of U.P. [2022 SCC OnLine 57***], this Court observed that the High Court, being the First Appellate Court must discuss/re-appreciate the evidence on record. Failure to do so is a good ground enough to remand the matter for consideration.

Pawan Kumar Chourasia Vs. State of Bihar: 2023 SCC OnLine SC 274-Extrajudicial Confession?-HELD- Hearing a Criminal Appeal against the conviction under Section 302 read with Section 34 as well as Section 201 of the Indian Penal Code, the Hon'ble Supreme Court held that as far as extrajudicial confession is concerned, the law is well settled. Generally, it is a weak piece of evidence. However, a conviction can be sustained on the basis of extrajudicial confession provided that the confession is proved to be voluntary and truthful. It should be free of any inducement. The evidentiary value of such confession also depends on the person to whom it is made.

Going by the natural course of human conduct, normally, a person would confide about a crime committed by him only with such a person in whom he has implicit faith. Normally, a person would not make a confession to someone who is totally a stranger to him. Moreover, the Court has to be satisfied with the reliability of the confession keeping in view the circumstances in which it is made. As a matter of rule, corroboration is not required. However, if an extrajudicial confession is corroborated by other evidence on record, it acquires more credibility.

Karan @ Fatiya Vs. State of Madhya Pradesh: 2023 SCC OnLine SC 217-Once an accused after conviction at the stage of appeal is held to be a juvenile/child under the provisions of the 2015 Act, what would be the status of the trial, the conviction and sentence recorded by the Trial Court and the appellate Courts?-HELD- Hearing a Criminal Appeal upholding the conviction under sections 363, 376(2)(i) of the Indian Penal Code, sections 5(m)/6 of the POCSO Act and sections 302 and 201 IPC, the Hon'ble Supreme Court, having considered the statutory provisions laid down in section 9 of the 2015 Act and also section 7A of the 2000 Act which is identical to section 9 of the 2015 Act, approving the view taken in the cases ***Jitendra Singh alias Babboo Singh and another vs. State of Uttar Pradesh, 2013 (11) SCC 193, Mahesh vs. State of Rajasthan and others, (2018) SCCOnline SC 3655*** , and ***Satya Deo alias Bhoorey vs. State of Uttar Pradesh, (2020) 10 SCC 555,*** held that merits of the conviction could be tested and the conviction which was recorded cannot be held to be vitiated in law merely because the inquiry was not conducted by JJB. It is only the question of sentence for which the provisions of the 2015 Act would be attracted and any sentence in excess of what is permissible under the 2015 Act will have to be accordingly amended as per the provisions of the 2015 Act.

Premchand Vs. State of Maharashtra: 2023 SCC OnLine SC 217-Section 313, Cr. P.C. law summarized?-HELD- Hearing a Criminal Appeal upholding the conviction under sections 302 and 307 of the Indian Penal Code, the Hon'ble Supreme Court, noting the judgments in ***State of U.P. vs Lakhmi, (1998) 4 SCC 336,*** extensively dealing with the aspect of value or utility of a statement under section 313, Cr. P.C., ***Sanatan Naskar vs. State of West Bengal, (2010) 8 SCC 249,*** dealing with the object of section 313, Cr. P.C., ***Reena Hazarika vs. State of Assam, (2019) 13 SCC 289,*** adverting the rationale behind the requirement to comply with section 313, Cr. P.C.*.* and ***Parminder Kaur vs. State of Punjab, (2020) 8 SCC 811,*** restating the importance of section 313, Cr. P.C. upon noticing the view taken in ***Reena Hazarika*** (supra) and ***M. Abbas vs. State of Kerala, (2001) 10 SCC 103,*** summarized the law as under:-

a. section 313, Cr. P.C. [clause (b) of sub-section 1] is a valuable safeguard in the trial process for the accused to establish his innocence;

b. section 313, which is intended to ensure a direct dialogue between the court and the accused, casts a mandatory duty on the court to question the accused generally on the case for the purpose of enabling him to personally explain any circumstances appearing in the evidence against him;

c. when questioned, the accused may not admit his involvement at all and choose to

flatly deny or outrightly repudiate whatever is put to him by the court;
d. the accused may even admit or own incriminating circumstances adduced against him to adopt legally recognized defences;
e. an accused can make a statement without fear of being cross-examined by the prosecution or the latter having any right to cross-examine him;
f. the explanations that an accused may furnish cannot be considered in isolation but has to be considered in conjunction with the evidence adduced by the prosecution and, therefore, no conviction can be premised solely on the basis of the section 313 statement(s);
g. statements of the accused in course of examination under section 313, since not on oath, do not constitute evidence under section 3 of the Evidence Act, yet, the answers given are relevant for finding the truth and examining the veracity of the prosecution case;
h. statement(s) of the accused cannot be dissected to rely on the inculpatory part and ignore the exculpatory part and has/have to be read in the whole, inter alia, to test the authenticity of the exculpatory nature of admission; and
i. if the accused takes a defence and proffers any alternate version of events or interpretation, the court has to carefully analyze and consider his statements;
j. any failure to consider the accused's explanation of incriminating circumstances, in a given case, may vitiate the trial and/or endanger the conviction.

The Hon'ble Supreme Court further noted that bearing the above well-settled principles in mind, every criminal court proceeding under clause (b) of sub-section (1) of section 313 has to shoulder the onerous responsibility of scanning the evidence after the prosecution closes its case, to trace the incriminating circumstances in the evidence against the accused and to prepare relevant questions to extend opportunity to the accused to explain any such circumstance in the evidence that could be used against him.

Juhru & Ors. Vs. Karim & Anr.: **2023 SCC OnLine SC 171-Power of summoning under Section 319 Cr.P.C.?-HELD-** Hearing a Criminal Appeal against judgment setting aside the order passed by the Additional Sessions Judge, ordering the summoning under Section 319 of the Code of Criminal Procedure, 1973 as additional accused in case under Sections 304B, 498A, 406, 323 and 34 of the Indian Penal Code, 1860, the Hon'ble Supreme Court, noting the judgments in ***Hardeep Singh vs. State of Punjab, (2014) 3 SCC 92*** and ***Sukhpal Singh Khaira vs. The State of Punjab, (2023) 1 SCC 289,*** held that it is, thus, manifested from a conjoint reading of the cited decisions that power of summoning under Section 319 Cr.P.C. is not to be exercised routinely and the existence of more than a prima facie case is sine quo non to summon an additional accused.

The Hon'ble Supreme Court further added that with a view to prevent the frequent misuse of power to summon additional accused under Section 319 Cr.P.C., and in conformity with the binding judicial dictums referred, the procedural safeguard can be that ordinarily the summoning of a person at the very threshold of the trial may be discouraged and the trial court must evaluate the evidence against the persons sought to be summoned and then adjudge whether such material is, more or less, carry the same weightage and value as has been testified against those who are already facing trial. In the absence of any credible evidence, the power under Section 319 Cr.P.C. ought not to be invoked.

Amrinder Singh Shergill
Additional District & Sessions Judge
-cum-Faculty Member, CJA

LATEST CASES: ENVIRONMENT

"The courts should be mindful that a serious injury not only permanently imposes physical limitations and disabilities but too often inflicts deep mental and emotional scars upon the victim. The attendant trauma of the victim's having to live in a world entirely different from the one she or he is born into, as an invalid, and with degrees of dependence on others, robbed of complete personal choice or autonomy, should forever be in the Judge's mind, whenever tasked to adjudge compensation claims. Severe limitations inflicted due to such injuries undermine the dignity (which is now recognised as an intrinsic component of the right to life under Article 21 of the Constitution) of the individual, thus depriving the person of the essence of the right to a wholesome life which she or he had lived, hitherto."

— J.B. Pardiwala, J. in Sidram v. United India Insurance Co. Ltd., (2023) 3 SCC 439, para 113

Swetab Kumar v. Ministry of Environment, Forest And Climate Change and Ors: 2023 SCC OnLine SC 339: Declarants Of Exotic Live Species As Per 2020 MoEFCC Advisory Immune From Prosecution Under Wild Life Act & Future Amendments -HELD- clarified that individuals who have made a declaration of ownership of 'exotic live species' in accordance with the 2020 advisory issued by the Ministry of Environment, Forest and Climate Change are immune from prosecution under the Wild Life (Protection) Act of 1972 or action under any future laws or amendments.

Indian Oil Corporation Limited v VBR Menon: 2023 SCC OnLine SC 257- whether the NGT has the jurisdiction to direct the CPCB that it should in exercise of its powers under Section 5 of Act 1986 making it mandatory to obtain the CTE and CTO for all the petroleum retail outlets across the country?-HELD- The Court said that it is not inclined to disturb the impugned directions issued by the NGT, regarding installation of the Vapour Recovery Device circular and directed the CPCB to ensure that these directions are scrupulously followed and complied with. The Court held that it is not necessary to make obtaining of CTE and CTO mandatory and directed the CPCB to ensure that its guidelines are scrupulously followed and once the guidelines are scrupulously adhered to, no direction to obtain CTE and CTO for starting/operating a petroleum outlet is warranted. The Court issued the following directions: CPCB shall ensure that the directions issued by the NGT as contained in para 69(i) and (ii) of the impugned order are fully complied with. The State Pollution Control Boards must ensure that the directions issued by the NGT about the installation of the VRS mechanism are complied with within the fresh timeline as prescribed by the CPCB.

Tushar Goswami v.Union of India & Ors.: Original Application No. 203/2023- NGT Forms 7-Member Committee To Probe Alleged Environmental Violations By Tent City Project In Varanasi-HELD- The National Green Tribunal (NGT) has constituted a seven-member joint committee to investigate alleged environmental violations by the Tent City Project, which is situated on the riverbed of the Ganga river, in Varanasi. The project is alleged to be harmful to the environment and causing untreated sewage to flow directly into the river Ganga. The Tent City Project in Varanasi on the Ganga riverbed is said to have violated 'The River Ganga (Rejuvenation, Protection and Management)

Authorities order, 2016 which prohibits construction on the riverbed.

Gaurav Sharma v. Govt. of NCT of Delhi & Ors.-**Original Application No. 202/2023 (I.A. No. 89/2023 & I.A. No. 90/2023)- NGT Forms Joint Committee For Plan To Control Air Pollution Around AIMS In Delhi-HELD-**The principal bench of National Green Tribunal has constituted a seven-member committee to look into the failure of authorities in controlling air pollution around All India Institute of Medical Sciences (AIMS) in New Delhi.

An application was submitted, which stated that a significant number of hawkers, shopkeepers, and vehicles are contributing to pollution and hindering the timely movement of ambulances. Pavements are encroached by residence or commercial activities, it was alleged.

Abhisht Kusum Gupta v. State of Uttar Pradesh & Ors.- Original Application No. 859/2022- Industrial, Sewage Pollution Rampant In UP, No Meaningful Action Being Taken: NGT Calls For Remedial Measures To Control Hindon River Pollution-HELD- The principal bench of National Green Tribunal directs a joint committee, headed by the Chief Secretary of Uttar Pradesh, to take immediate remedial action to control pollution in the Hindon river. The committee has also been ordered to deploy field monitoring teams to accurately assess the ground-level situation.

In re: news item in NDTV dated 28.02.2023 titled "2 Dead, 2 Injured in Explosion at Gujarat Pharma Company": Original Application No. 150/2023 - When Does Section 17 Of NGT Act Bar To Levy Compensation?-HELD-NGT has awarded compensation of ten lakhs rupees to the victims of the recent Gujarat explosion incident. The bench rejected the argument that the NGT is barred from granting compensation to the workmen under Section 17 of the NGT Act, 2010, on the basis that they are eligible for compensation under the Workmen Compensation Act, 1923.

Harpal Singh Rana & Anr. v. State of Uttarakhand & Ors.: Original Application No. 198/2023- NGT Directs Joint Committee To Ensure Proper Utilization Of Water During Metro Rail Construction-HELD-NGT has directed a joint committee to take remedial measures and execute an action plan to ensure proper utilization of water that is wasted during the construction of Metro Rail in Delhi, Jaipur, and Mumbai. An application was filed raising concerns about the wastage of water caused by the discharge during the construction of Metro Rail in Delhi, Jaipur, and Mumbai.

Sarvabhoum Bagali v. State of Karnataka and others. Original Application No. 142 of 2022 (SZ)- De-silting Of Dams Not Exempted From Obtaining Prior Environment Clearance: NGT Imposes 50 Crores Penalty On Karnataka Irrigation Department-HELD-The National Green Tribunal (NGT) South Zone has imposed a penalty of 50 crore rupees on the Irrigation Department of Karnataka for conducting mining activities in Adyapadi and Shamburu Dams in the Dakshin Kannada District without obtaining environmental clearance, in violation of the Environmental Impact Assessment (EIA) Notification of 2006.

The bench, comprising Justice Pushpa Sathyanarayana (Judicial Member) and Dr. Satyagopal Korlapati (Expert Member), held that dredging and desilting of dams are not exempted from obtaining prior Environmental Clearance as the sand was being extracted for commercial purposes.

Mahima Tuli
Research Fellow

NOTIFICATION

1. **SEBI notifies SEBI (Grant of Reward to Informant under Recovery Proceedings) Guidelines, 2023:** On 8-3-2023, the Securities and Exchange Board of India (Grant of Reward to Informant under Recovery Proceedings) Guidelines, 2023.

Key Points:

1. Applicability & Scope: These guidelines will regulate the grant and payment of reward to an informant providing Original Information about the defaulter's asset and when this information results in collection of outstanding dues which cannot be recovered these dues are certified as 'Difficult to Recover'.
2. Any person will be eligible for reward if that person furnishes Original Information in relation to the asset of a defaulter concerning the dues which are certified as 'Difficult to Recover'.
3. The informant will have to submit the information specified in FORM A along with a statement/declaration specified in FORM B to a recovery agent (Nodal Officer).
4. Examination of Information: It must be verified by the Nodal Officer. In case the information needed I not specified in the Forms then the Nodal Officer, within week, advise the informant to furnish complete details.
5. Reward Award can be granted om 2 stages:
    - Interim stage- it will not exceed 2.5% of the reserve price of the defaulter's asset or Rs. 5 lakhs, whichever is less.
    - Final stage- it will not exceed 10% of the dues recovered or Rs. 20 lakhs, whichever is less, or whichever is approved by the Board.
6. Informant Reward Committee will comprise of: Chief General Manager of Recovery and Refund Department, Concerned Recovery Officer having jurisdiction in the matter, Recovery Officer nominated by the Chief General Manager of Recovery and Refund Department and an officer in the grade of Deputy General Manager or higher, of the Office of Investor Assistance and Education nominated by the Chief General Manager in charge of Investor Protection and Education Fund.
7. Circumstances for determining the Amount of Reward:
    - Accuracy of the information given by the informant;
    - Extent and nature of the assistance rendered by the informant;
    - Risk and trouble undertaken, and the expense incurred by the informant in securing and furnishing the information / documents;
    - Quantum of work involved in utilizing the information;
    - Quantum of dues recovered which is directly attributable to the information and documents supplied by the informant.
8. The reward which be granted to the informant will be paid from the Investor Protection and Education Fund.
9. The following forms have also been introduced:
    - Form A- Form of Statement provided by the Informant for furnishing Information
    - Form B- Statement/Declaration[1]

[1] https://www.sebi.gov.in/legal/guidelines/mar-2023/securities-and-exchange-board-of-india-grant-of-reward-to-informant-under-recovery-proceedings-guidelines-2023_68778.html

EVENTS OF THE MONTH

- One day Refresher-cum-Orientation Course for ADJ's from the States of Punjab, Haryana and UT Chandigarh was held on March 11, 2023. The topics were admissibility of electronic records by Ms.Harshali Chowdhary, ADJ-cum-Faculty Member, CJA, Guidelines on deposition of vulnerable witnesses and witness protection scheme, 2018 by Ms.Sonia Kinra, ADJ-cum-Faculty Member, CJA (course coordinator), Shamlat and jumla mushtarka malkan lands: rights of proprietors and panchayats by Sh.B.M.Lal, Faculty Member, CJA and New procedure in conduct of MACT Cases by Sh.Amrinder Singh Shergill, ADJ-cum-Faculty Member, CJA.

- Two batches of Public Prosecutors each from the state of Punjab & Chandigarh of 40 and 43 officers underwent training held at Chandigarh Judicial Academy from March 15-17 & March 20-22, 2023 respectively. The training programme was focused on topics such as NDPS ACT, 1985, Crime against Women, Protection of Children from Sexual Offences Act, 2012, I.T. & Cyber Laws and Unlawful Activities (Prevention) Act, 1967. The resource persons for the training were Sh.Pradeep Mehta, Joint Director Prosecutor (Punjab) Retd., Faculty Member, CJA (Course Coordinator), Ms.Madhu Khanna Lalli, ADJ-cum-Faculty Member, CJA, Sh.Amrinder Singh Shergill, ADJ-cum-Faculty Member, CJA, Ms.Sonia Kinra, ADJ-cum-Faculty Member, CJA, Ms.Harshali Chowdhary, ADJ-cum-Faculty Member, CJA and Ms.Karuna Sharma, Civil Judge (Jr. Division), CJA.

- 06 days Basic Course on Mediation and Conciliation for 12 Air Force Officers was held at Chandigarh Judicial Academy from March 20-25, 2023. The resource persons were Sh.Amrinder Singh Shergill, ADJ-cum-Faculty Member, CJA (course coordinator), Ms.Harshali Chowdhary, ADJ-cum-Faculty Member, CJA, Ms.Manjit Kaur Sandhu, Senior Mediator and Trainer, and Sh.Arun Dogra, Senior Mediator and Trainer.

- An ECT_18_22 online programme was organized for newly recruited Additional District & Sessions Judges in the state of Punjab and Haryana from March 27-31, 2023 by Ms.Harshali Chowdhary, ADJ-cum-Faculty Member, CJA.

- One day Refresher-cum-Orientation Course for ADJ's from the States of Punjab, Haryana and UT Chandigarh was held on March 25, 2023. The topics were Law on sanction for public servants under PC Act by Sh.Pradeep Mehta, Faculty Member, CJA, New procedure in conduct of MACT Cases by Sh.Amrinder Singh Shergill, ADJ-cum-Faculty Member, CJA (Course coordinator), Admissibility of electronic records by Ms.Harshali Chowdhary, ADJ-cum-Faculty Member, CJA and Shamlat & jumla mushtarka malkan lands: rights of proprietors and panchayats by Sh.B.M.Lal, Faculty Member, CJA.

PICTORIAL GLIMPSES

Refresher Course for ADJs from Punjab, Haryana & UT Chandigarh

Special Lecture by Justice A.K.Tyagi to newly appointed HCS (JB)

Training of Public Prosecutor (Batch-VIII)

Training of Public Prosecutor (Batch- IX)

Basic Course on Mediation and Conciliation for Air Force Officers

Refresher Course for ADJs from Punjab, Haryana & UT Chandigarh