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FROM THE DESK OF CHIEF EDITOR

What is Rule of Law! Why Rule of Law! A system where Law rules. Not the man. It is said that Law is the king of Kings. No one is superior to Law. No one is above the law. May you ever be so high, the law is above you. Even the first citizen of the country is under the law. The Chief Justice of India and the companion Judges are under the Constitution and the Laws. In India, who is supreme? The Parliament! The Executive! The Judiciary! None of them. It is the Constitution which is supreme. Each state organ functions under the Constitution. The Constitution is the creator. Therefore, each organ is bound by the Constitution. And the laws. The Parliament cannot change and destroy the basic structure of the Constitution. Moreover, Parliament can make laws which are in accordance with the Constitution. It cannot make laws which are not in conformity with the Constitution. The making of laws is an onerous responsibility. It is to be discharged within the frame-work of the Constitution. It is the collective responsibility of the Parliament. The Parliament can do what the Constitution mandates. The next question is, why Rule of Law. If the laws do not rule, the man rules. It would be the Rule of the Jungle. The rule of the Jungle means, chaos, disorder, ugly and hard situation. The abuse of power leading to arbitrariness. The Rule of law means, handsome son of an ugly mother. This explains, why Rule of Law? Whenever there is a Law-less situation, the law takes over. The mother represents such a situation. Such circumstances. The handsome son reflects the law taking over. Once the law takes over, the situation changes.. The law takes its own course. From disorder to order. Law helps in bringing order in society. Sans Rule of Law, no system can function. Rule of Law is the recipe for Good Governance.

How to ensure Rule of Law? The society is of humans. For humans. By humans. The Parliament is of humans. It makes laws for humans. Therefore, It is humans who enforce laws. Laws cannot operate of their own. There is no automation in laws. Each constitutional, statutory and executive authority must act according to law. In fact, each authority is bound by law. If the order is not as per law, the order is illegal.

What is Judicial culture! It is the sum total FEATURES which shape the way in which a Judge is to perform. It is the Judicial culture which shapes the minds of Judges. It is the Judicial discipline which helps

the Judges in cultivating habits. Habits which form part of their personality. To hold the court on time. Without fail. Never to rise from court before time. Throughout the day, hear the parties courteously. Measured Judicial communication. Cool mind. No anger. No ego. The atmosphere in court, comfortable and congenial. A Judge always wanting full assistance from the Lawyer. The lawyers equally willing to assist the court. Smooth two way traffic. No accidents. Only meaningful incidents. Wit and wisdom be the part of the court. In short, Judicial culture means, both lawyers and Judges be happy minds. It is only the happy minds which can uphold Rule of Law. Judicial culture and discipline are the best tools and aids of Rule of Law.

The detached adjudication is humanly possible. The Judicial cultural weaponry is strong. It includes: complete Justice. Due process of law. Procedure established by law. Fair trial. Principles of natural Justice. Sentencing principles. The list is long. Each element of Judicial culture strengthens Rule of law. The absence of them weakens Rule of Law. Let me share my recipe:

1. Judicial Temper

The Judges and Lawyers are the light - houses. The court rooms are not meant for losing tempers. No tempers. No aggression. They cause dent to Rule of Law. The Law becomes the casulity**.** Mr. Nain, a very respected counsel of the Bombay High Court, was arguing before a Judge who was known for his temper and anger. During the course of the arguments, the Judge said: counsel, you have made a disparaging remark. You must apologize . The counsel politely said, I have not made any remark, much less disparaging remark. There is no question of tendering an apology. The Judge threatened the counsel with contempt proceedings. The court room was packed. Each one was stunned. Mr. H.M Seervai**,** the Advocate General was waiting for his case. He stood up. The Judge was clearly told, nothing of the kind has happened and noting was said by the counsel . In case, the Judge decides to issue contempt notice, the Advocate General will defend the counsel. The matter stood dropped. (A Heritage of Judging-Bombay High Court, Page 194). This should have never happened. It was a situation where the Judge himself committed contempt of his own court. Such a situation disturbed the mind of the Judge as also of the counsel. Ultimately, it is the Rule of Law which would have suffered. How can such disturbed minds do Justice. Particularly, according to law.

2. Lawyer Losing Temper:

The case of Sr. Advocate Yatin Oza is a unique case. A lawyer of his stature losing his temper. A veteran Senior Advocate, President of the High Court Bar Association for two decades. He repeatedly committed acts of criminal contempt. Alleging corruption and undue favours. He was found guilty by the Division Bench of the High Court. He was stripped off his senior designation. The matter was brought before the summit court. The Supreme Court has urged Gujarat High Court to keep in abeyance the full court decision to recall Senior designation of Mr. Oza. The Bench of Justice S.K. Kaul and Justice Subhash Reddy (former CJ of Gujarat High Court) considered the matter. Justice Reddy reminded Oza: Hearing you on several occasions, I used to wonder that you have been gifted with so much legal acumen by God, so why would you lose your temper? Why

must there be complaints against you day in and day out? Justice S.K. Kaul added: You have argued so many matters, you have so much knowledge, why do you do this? It is said that when one has neither the facts nor the law on their side, it then when one resorts to this. But you have both facts and the law on your side. So why do you do this? It is equally necessary to share the response of Oza: 'It is probably out of uncontrolled impulsiveness and over sensitivity. It is weakness but I have overcome it completely. What can I say other than tendering an apology. I have learnt the lesson of my life. This will not happen again. Individually, there is no problem. I am sure that it cannot and will not happen again. Please take the kindest of approach possible". Justice Kaul further articulated: 'You have to re-establish your credibility with your own court. You should concentrate on your ability in the law and address them in such manner. You do not need to confront them . You do not get relief by confrontation but by persuation'. Oza admitted: 'Your Lordships are right that there has to be a connectivity between the tongue and the mind which got lost in my case. And not just once, but twice or thrice. I have understood. I have realized and I assure your Lordships that there will be no next time'. This narration has been given with a purpose. Neither Lawyers not Judges should lose their temper. This is against Judicial culture and discipline. When tempers are high, the Rule of Law becomes a casualty. Justice is dented and tainted.

3. <u>Emegency:</u>

It would be educative to share another incident. It was in 1975 that emergency had been imposed. During the emergency, a meeting was convened to be presided over by Justice M.C. Chagla, former Chief Justice of Bombay High Court. The state Govt. issued an order prohibiting the meeting. This order was challenged by a former High Court Judge by filing the writ petition. The Chief Secretary filed an affidavit in support of the order. It was heard by a Division Bench. The petition was argued by Ram Jethmalani. The bench granted the permission to cross examine the Chief Secretary. He was totally shattered. A meeting presided over by a former Chief Justice could never be a threat to the security of state. The Judgment was delivered by Justice Tulzapurkar striking down the order. This Judgment is an example, how Judicial discipline supports Rule of Law. Even during the emergency, the Rule of Law cannot be silenced. This is the real beauty when you blend Judicial culture with Rule of Law.

The Courts have to upload Rule of Law. In doing Justice according to law, Judges need to follow Judicial Discipline. Human disputes are decided according to law. In deciding human disputes, compassion and humanism are vital. Both constitute part of Judicial culture. Lord Denning wrote number of books. Out of these, two stand out; The Due Process of Law and The Discipline of Law. Both demonstrate, how courts uphold Rule of Law. If Rule of Law is to prevail, Judges must make Judicial culture as a part of their personality. Judicial Discipline as their way of life. The two go together. It is the blending of the two which ensures Rule of Law.

Balram K. Gupta

LATEST CASES: CIVIL

"*Liberty across human eras is as tenuous as tenuous can be. Liberty survives by the vigilance of her citizens, on the cacophony of the media and in the dusty corridors of courts alive to the rule of (and not by) law. Yet, much too often, liberty is a casualty when one of these components is found wanting*."

- *Dr D.Y. Chandrachud, J. in Arnab Manoranjan Goswami v. State of Maharashtra, (2021) 2 SCC 427, para 67*

IFFCO Tokio General Insurance Company Ltd v Pearl Beverages Ltd: 2021 SCC OnLine SC 309: Breath Analysis Or Blood Test Not Necessary For Insurer To Reject Claim On Ground Of Drunken Driving : Supreme Court-HELD- that a breath analyzer test or blood test as contemplated under the Motor Vehicles Act is not necessary for an insurer to repudiate an accident policy claim on the ground of drunken driving.

The Court held that if the insurance company is able to establish from the facts that the driver was under the influence of alcohol at the time of the accident, it will not be deprived of its right to exclude the policy benefit merely on the ground that the scientific tests for alcohol presence were not carried out.

"...in cases, where there is no scientific material, in the form of test results available, as in the case before us, it may not disable the insurer from establishing a case for exclusion. The totality of the circumstances obtaining in a case, must be considered", the Court observed in the case IFFCO Tokio General Insurance Company Ltd v Pearl Beverages Ltd.

Kiran Devi Vs. Bihar State Sunni Wakf Board : 2021 SCC OnLine SC 280: Petition Styled As One Under Article 226 Would Not Bar High Court To Exercise Its Jurisdiction Which Otherwise It Possesses: Supreme Court - HELD- that a petition styled as one under Article 226 would not bar the High Court to exercise its jurisdiction which otherwise it possesses under a Statute and/or under Article 227 of the Constitution.

In this case, the appellant's contention was that the order of the Wakf Tribunal could not be challenged by way of writ petition before the High Court under Article 226 of the Constitution as only a revision in terms of proviso to sub-section (9) of Section 83 of the Wakf Act could be preferred.

The bench noted that sub-section (9) of Section 83 of the Act confers power on the High Court to call for and examine the records relating to any dispute, question or other matter which has been determined by the Tribunal for the purpose of satisfying itself as to the correctness, legality or propriety of such determination.

Sanjiv Prakash Vs. Seema Kukreja: 2021 SCC OnLine SC 282: Question Of Novation Of Contract Cannot Be Considered In A Petition Under Section 11 Arbitration Act: Supreme Court-HELD- that the question of novation of contract containing an arbitration clause cannot be considered by the Court in a petition filed under Section 11 of the Arbitration and Conciliation Act.

The Court was considering an appeal against dismissal of a petition under Section 11 of the Act filed before the High Court of Delhi. The High Court was of the view that the memorandum of understanding [which contained the arbitration clause] ceased to exist on and from the date of the Shareholders' Agreement which superseded the aforesaid MoU and novated the same.

The court said that a Section 11 court would refer the matter when contentions relating to non-arbitrability are plainly arguable, or when facts are contested. The court cannot, at this stage, enter into a mini trial or elaborate review of the facts and law which would usurp the jurisdiction of the arbitral tribunal.

Deputy Commissioner Of Income Tax vs. Pepsi Foods Ltd.:2021 SCC OnLine SC 283: No Automatic Vacation Of Stay Under 3rd Proviso To Section 254(2A) Income Tax Act If Assessee Is Not Responsible For Delay In Hearing Appeal: Supreme Court-HELD- The Supreme Court Bench upheld a Delhi High Court judgment which read down the third proviso to Section 254(2A) of the Income Tax Act, 1961.

"The third proviso to Section 254(2A) of the Income Tax Act will now be read without the word "even" and the words "is not" after the words "delay in disposing of the appeal". Any order of stay shall stand vacated after the expiry of the period or periods mentioned in the Section only if the delay in disposing of the appeal is attributable to the assessee", the bench said.

The court noted that the object sought to be achieved by the third proviso to Section 254(2A) of the Income Tax Act is the speedy disposal of appeals before the Appellate Tribunal in cases in which a stay has been granted in favour of the assessee.

Navayuga Engineering Company Vs. Bangalore Metro Rail Corporation Limited CA 1098-1099 OF 2021 dt. 12.04.2020: High Court Under Article 226 And 227 Should Be Extremely Circumspect In Interfering With Orders Passed Under Arbitration Act: Supreme Court-HELD- that a High Court while exercising jurisdiction under Article 226 and 227 should be extremely circumspect in interfering with orders passed under the Arbitration and Conciliation Act.

The bench held that such interference can be made only in cases of exceptional rarity or cases which are stated to be patently lacking in inherent jurisdiction.

"Despite this Court repeatedly referring to Section 5 of the Arbitration Act in particular and the Arbitration Act in general and despite this Court having laid down in Deep Industries Ltd. Vs. ONGC & Anr. (2020) 15 SCC 706 that the High Court under Article 226 and 227 should be extremely circumspect in interfering with orders passed under the Arbitration Act, such interference being only in cases of exceptional rarity or cases which are stated to be patently lacking in inherent jurisdiction, we find that High Courts are interfering with deposit orders that have been made. This is not a case of exceptional rarity or of any patent lack of inherent jurisdiction." the bench held.

Kiran Devi Vs. Bihar State Sunni Wakf Board : 2021 SCC OnLine SC 280: Hindu Undivided Family - No Presumption That Business Run By Karta In Tenented Premise Is Joint Family Asset : Supreme Court-HELD- Just because a business was run by a karta of a Hindu Undivided Family in a tenented premise, there is no presumption that it is a joint Hindu family business, held the Supreme Court**.**

Referring to a precedent, the Supreme Court held that there is no presumption under Hindu Law that business standing in the name of any member of the joint family is a joint business even if that member is the manager of the joint family, unless it could be shown that the business in the hands of the coparcener grew up with the assistance of the joint family property or joint familyfunds or that the earnings of the business were blended with the joint family estate.

"..even if a male member had taken premises on rent, he is tenant in his individual capacity and not as Karta of Hindu Undivided Family in the absence of any evidence that Karta was doing the business for and on behalf of Joint Hindu Family", the Court added.

M/s Inox Renewables Ltd v Jayesh Electricals Ltd: CIVIL APPEAL NO. 1556 OF 2021 dt. 13.04.2020: When Parties Change 'Venue Of Arbitration' By Mutual Agreement, Changed Venue Becomes 'Seat Of Arbitration' : Supreme Court-HELD- The Supreme Court has held that when parties change the 'venue/place of arbitration' by mutual agreement, the new venue/place will become the 'seat of the arbitration'.

Therefore, the Courts at the changed venue/place of arbitration will be having jurisdiction over the arbitral proceedings.

Referring to the precedent in ***Indus Mobile Distribution Private Limited vs. Datawind Innovations Private Limited, (2017) 7 SCC 678,*** *the Court observed that "the "venue" being shifted from Jaipur to Ahmedabad is really a shifting of the venue/place of arbitration with reference to Section 20(1), and not with reference to Section 20(3) of the Arbitration and Conciliation Act, 1996, as it has been made clear that Jaipur does not continue to be the seat of arbitration and Ahmedabad is now the seat designated by the parties, and not a venue to hold meetings"*

"Once the seat of arbitration is replaced by mutual agreement to be at Ahmedabad, the Courts at Rajasthan are no longer vested with jurisdiction as exclusive jurisdiction is now vested in the Courts at Ahmedabad, given the change in the seat of arbitration", the Top Court said in conclusion.

LATEST CASES: CRIMINAL

" *The dignity of the individual, equality between human beings and the quest for liberty are the foundational pillars of the Indian constitution*."

- *Dr. D.Y. Chandrachud,J. in K.S. Puttaswamy Vs. Union of india, (2017)10SCC1,para 318*

Boota Singh Vs State Of Haryana : 2021 SCC OnLine SC 324 -Private Vehicle Is Not A "Public Place" As Explained In Section 43 NDPS Act: Supreme Court- HELD- that a private vehicle would not come within the expression "public place" as explained in Section 43 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The bench also observed that total non-compliance of Section 42 is impermissible though its rigor may get lessened in certain situations.

In this case, recovery was effected from the accused while they were sitting on road in a jeep at a public place. While upholding the conviction of the accused, the High Court held that the case of accused would be covered by Section 43 of NDPS Act and not by Section 42. Section 42 deals with Power of entry, search, seizure and arrest without warrant or authorisation while Section 43 with power of seizure and arrest in public place.

"The evidence in the present case clearly shows that the vehicle was not a public conveyance but was a vehicle belonging to accused Gurdeep Singh. The Registration Certificate of the vehicle, which has been placed on record also does not indicate it to be a Public Transport Vehicle. The explanation to Section 43 shows that a private vehicle would not come within the expression "public place" as explained in Section 43 of the NDPS Act.", the bench observed to hold that it was Section 42 which is applicable in this case.

M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra : 2021 SCC OnLine SC 315 - High Courts Shall Not Pass Order Of 'Not To Arrest' Or 'No Coercive Steps' While Dismissing/Disposing Petition U/s 482 CrPC: Supreme Court- HELD-The High Court while dismissing/disposing of the quashing petition under Section 482 Cr.P.C and/or under Article 226 of the Constitution of India., shall not pass order of not to arrest and/or *"no coercive steps"* either during the investigation or till the investigation is completed and/or till the final report/chargesheet is filed under Section 173 Cr.P.C., the Supreme Court held.

The Supreme Court bench observed that when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or "no coercive steps to be adopted" and the accused should be relegated to apply for anticipatory bail under Section 438 Cr.P.C. before the competent court.

Followed by this observation, the court issued various guidelines explaining when and where the High Court would be justified in passing an interim order either staying the further investigation in the FIR/complaint or interim order in the nature of "no coercive steps" and/or not to arrest the accused either pending investigation by the police/investigating agency or during the pendency of the quashing petition under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India pending before the High Court.

State of Rajasthan vs. Ashok Kumar Kashyap : 2021 SCC OnLine SC 314 - Defence On Merits Is Not To Be Considered At Stage Of Framing Of Charge And/Or At The Stage Of Discharge Application: Supreme Court - HELD- that defence on merits is not to be considered at the stage of framing of the charge and/or at the stage of discharge application. The Court observed that at the stage of framing of the charge and/or considering the discharge application, the mini trial is not permissible.

The Rajasthan High Court, allowing a revision petition, discharged the accused of the alleged offence under Section 7 of the Prevention of Corruption Act. In appeal before the Supreme Court, the state contended that the High Court has

committed a grave error in evaluating the transcript/evidence on merits which at the stage of considering the application for discharge is not permissible.

The bench noted that while discharging the accused, the High Court has gone into the merits of the case and has considered whether on the basis of the material on record, the accused is likely to be convicted or not. The High Court has considered in detail the transcript of the conversation between the complainant and the accused which exercise at this stage to consider the discharge application and/or framing of the charge is not permissible at all, the bench added.

In Re Expeditious Trial Of Cases Under Section 138 of N.I Act: 2021 SCC OnLine SC 325 - **Section 138 NI Act - Magistrates Should Record Reasons Before Converting Summary Trial To Summons Trial: Supreme Court**-**HELD**- A Constitution Bench of the Supreme Court this week has directed that Magistrates have to record reasons before converting trial of complaints under Section 138 of Negotiable Instruments Act from summary trial to summons trial in exercise of power under the second proviso to Section 143 of the Act.

"The High Courts are requested to issue practice directions to the Magistrates to record reasons before converting trial of complaints under Section 138 of the Act from summary trial to summons trial", a Constitution Bench headed by Chief Justice of India SA Bobde stated.

The court noted that such conversion from summary trial to summons trial is being done mechanically without reasons being recorded and the same is contributing to the delay in disposal of the cases.

The bench issued the following directions to expedite the trial of cheque dishonour cases under Section 138 NI Act:

1. *The High Courts are requested to issue practice directions to the Magistrates to record reasons before converting trial of complaints under Section 138 of the Act from summary trial to summons trial.*
2. *Inquiry shall be conducted on receipt of complaints under Section 138 of the Act to arrive at sufficient grounds to proceed against the accused, when such accused resides beyond the territorial jurisdiction of the court.*
3. *For the conduct of inquiry under Section 202 of the Code,evidence of witnesses on behalf of the complainant shall be permitted to be taken on affidavit. In suitable cases, the Magistrate can restrict the inquiry to examination of documents without insisting for examination of witnesses*
4. *We recommend that suitable amendments be made to the Act for provision of one trial against a person for multiple offences under Section 138 of the Act committed within a period of 12 months, notwithstanding the restriction in Section 219 of the Code.*
5. *The High Courts are requested to issue practice directions to the Trial Courts to treat service of summons in one complaint under Section 138 forming part of a transaction,as deemed service in respect of all the complaints filed before the same court relating to dishonour of cheques issued as part of the said transaction.*
6. *Judgments of the Court in **Adalat Prasad v Rooplal Jindal and others (2004) 7 SCC 338 and Subramanium Sethuraman v State of Maharashtra (2004) 13 SCC 324** have interpreted the law correctly and we reiterate that there is no inherent power of Trial Courts to review or recall the issue of summons.This does not affect the power of the Trial Court under Section 322 of the Code to revisit the order of issue of process in case it is brought to the court's notice that it lacks jurisdiction to try the complaint.*

*Section 258 of the Code is not applicable to complaints under Section 138 of the Act and findings to the contrary in **Meters and Instruments Private Ltd and Another v Kanchan Mehta and others (2018) 1 SCC 560** do not lay down correct law. To conclusively deal with this aspect, amendment to the Act empowering the Trial Courts to reconsider/recall summons in respect of complaints under Section 138 shall be considered by the Committee constituted the Court on 10.03.2021*.

EVENTS

- Hon'ble Mr. Justice Anil Kshetarpal, Judge, Punjab & Haryana High Court gave a Webinar on "Arbitration and Conciliation Act, 1966 (amended up to date) – Relevance for District Judiciary" on April 10, 2021 to the District Judiciary of Punjab, Haryana and UT Chandigarh including Trainee Judicial Officers.
- The Chandigarh Judicial Academy conducted Induction Training Programme (Online) for newly recruited Ministerial Staff from April 19 to April 21, 2021.
- Hon'ble Mr. Justice Rajive Bhalla, Former Judge, Punjab & Haryana High Court gave a Webinar on "Law relating to Village Common land" on April 24, 2021 to the District Judiciary of Punjab, Haryana and UT Chandigarh including Trainee Judicial Officers.
- One Month Training Programme (online) for promotee Additional District & Sessions Judges from the states of Punjab & Haryana commenced from April 27, 2021.
- The Trainee Judicial Officers from the states of Haryana and Punjab underwent three weeks Police Training from April 01 - 21, 2021 at Police Training Schools at Madhuban (Haryana) and Phillaur (Punjab) respectively.

NOTIFICATION

Medical Termination of Pregnancy (Amendment) Act, 2021: On March 25, 2021, the Medical Termination of Pregnancy (Amendment) Act, 2021 received President's assent which will modify the Medical Termination of Pregnancy Act, 1971.

It shall come into force on such date as the Central Government may, by notification in the Official Gazette notifies.

Key amendments discussed below:

I. The Amendment Act inserts the following definitions in the 1971 Act:

- "Medical Board" means the Medical Board constituted under sub-section (2C) of section 3 of the Act;'
- "termination of pregnancy" means a procedure to terminate a pregnancy by using medical or surgical methods.'

II. The Amendment Act modifies Section 3 of the principal Act relating to termination of pregnancy by registered medical practitioner. It provides that –

2. a pregnancy may be terminated by a registered medical practitioner—

(a) where the length of the pregnancy does not exceed twenty weeks, if such medical practitioner is, or

(b) where the length of the pregnancy exceeds twenty weeks but does not exceed twenty-four weeks in case of such category of woman as may be prescribed by rules made under this Act, if not less than two registered medical practitioners are,

of the opinion, formed in good faith, that—

(i) the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health; or

(ii) there is a substantial risk that if the child were born, it would suffer from any serious physical or mental abnormality.

(2A) The norms for the registered medical practitioner whose opinion is required for termination of pregnancy at different gestational age shall be such as may be prescribed by rules made under this Act.

(2B) The provisions relating to the length of the pregnancy shall not apply to the termination of pregnancy by the medical practitioner where such termination is necessitated by the diagnosis of any of the substantial foetal abnormalities diagnosed by a Medical Board.

(2C) Every State Government or Union territory, as the case may be,shall, by notification in the Official Gazette, constitute a Board to be called a Medical Board for the purposes of this Act to exercise such powers and functions as may be prescribed by rules made under this Act.

(2D) The Medical Board shall consist of the following, namely:—(a) a Gynaecologist;(b) a Paediatrician;(c) a Radiologist or Sonologist;

III. The Amendment Act inserts new section 5A which provides that –

“No registered medical practitioner shall reveal the name and other particulars of a woman whose pregnancy has been terminated under this Act exceptto a person authorised by any law for the time being in force.

Whoever contravenes the provisions shall be punishable with imprisonment which may extend to one year, or with fine, or with both.”[1]

[1] http://egazette.nic.in/WriteReadData/2021/226130.pdf