



# JTRINL

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Vineet Khand, Gomti Nagar, Lucknow



<http://www.ijtr.nic.in/>



(0522) 2300545, 2725906



(0522) 2300546



[jtri@allahabadhighcourt.in](mailto:jtri@allahabadhighcourt.in)

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**Editor-in-Chief**

Sri Vinod Singh Rawat  
Director, JTRI, UP

**Editor**

Dr. Humayun Rasheed Khan,  
Additional Director (Research)

All the typing work is done by  
Sri Sandeep Srivastava,  
Varishtha Sahayak

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Visit Website at [www.ijtr.nic.in](http://www.ijtr.nic.in)

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Chief Justice, Allahabad High Court

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**Mr. Justice Devendra Kumar Upadhyaya**  
Sr. Judge, Allahabad High Court at Lucknow  
& Chairman Supervisory Committee JTRI



**Hon'ble**  
**Mr. Justice Ajay Bhanot**  
Judge, Allahabad High Court



**Hon'ble**  
**Mr. Justice Jaspreet Singh**  
Judge, Allahabad High Court at Lucknow



**Hon'ble**  
**Mr. Justice Om Prakash Shukla**  
Judge, Allahabad High Court at Lucknow

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## TRAINING ACTIVITIES IN THE INSTITUTE

### I. **Workshop on Adjudicating Terrorism Cases (NJA, FJA, CEELI) Training Judges from Pan India**

Under the aegis of National Judicial Academy, Bhopal, two days' workshop was organized by the Federal Judicial Centre, Washington D.C. and Central and East European Law Initiative (CEELI) Institute, Prague, the Czech Republic on July 8 & 9, 2023 at the Institute. This workshop was the second workshop for District & Sessions Judges on 'Adjudication of Terrorism Cases', the first was held at Maharashtra Judicial Academy in the month of March, 2023.

The major objectives of this workshop were to impart training and sensitize 22 participants from across the country on the best practices relating to adjudication of terrorism cases. The other objectives included discussion on important aspects of a trial to be conducted by special judges dealing with terrorism cases. The workshop agenda included discussion on fair trial rights in terrorism cases, anti-terror legislation, framing of charges in terrorism cases, national security and management of confidential information, decoding the binary of digital evidence, appreciation of evidence in terrorism cases, case management, security to stakeholders and trans-national issues in terrorism cases. The workshop also had a short reflection on impact assessment of the programme.

On Saturday, July 08, 2023, the programme commenced, the programme was inaugurated by **Hon'ble Mr. Justice Devendra Kumar Upadhyaya, Senior Judge, Allahabad High Court at Lucknow and Chairperson, Supervisory Committee, JTRI**. His Lordship emphasized in his opening address that "the terrorists not only endanger the ideals of democracy and independence but also pose a serious challenge to humanity's existence, prosperity and growth. As such, stringent protection is needed to prevent terrorism.

His Lordship stressed on the international nature of terrorism and said that the knowledge of international public law is crucial for understanding the legal framework for counter-terrorism activities. One lesson that can be learnt from looking at the framework of international law relating to terrorism is that it has a complex and interlocking structure and there should be advanced vigilance apparatuses such as CCTV camera, checking by metal detectors, tapping of phones, screening of computer, physical movement etc. installed at sensitive locations/installations. He said that a well-trained investigation officer, Public Prosecutor and a Special Judge may together ensure fair, effective and quick justice to all the stakeholders affected by this dangerous global menace." He extended gratitude to **Hon'ble Mr. Justice A. P. Sahi, Director, National Judicial Academy, Bhopal** for offering the opportunity to host this second workshop in U.P. at JTRI, Lucknow.



Hon'ble Mr. Justice Devendra Kumar Upadhyaya,  
Senior Judge, Allahabad High Court at Lucknow  
sensitizing participating delegates in the programme



Hon'ble Mr. Justice Om Prakash Shukla, Judge,  
Allahabad High Court at Lucknow addressing  
participating delegates in the programme

**Hon'ble Mr. Justice Om Prakash Shukla, Judge, Allahabad High Court at Lucknow and Member, Supervisory Committee, JTRI** addressed and stressed the need to take strict actions to combat terrorism in the broader context. He referred to the United Nations Security Council Resolution 1456 (2003) which says that the States must ensure that any measure taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law.

His Lordship said that adjudicating terrorism cases is an onerous responsibility on special judges dealing with these cases. The trial court judge has to balance the rights of accused on the one side and those of the victims and society on the other. Moreover, the trial judge cannot overlook the national and global security concerns while conducting such trials.

On this occasion, **Sri Vinod Singh Rawat, Director, JTRI, Judge Jonathan Hawley, U.S. Federal Magistrate Judge, Illinois Central District Court, Guevara Maria of CEELI Institute, Prague, Mira Gur-Arie of F.J.C. Washington D.C. and Ms. Shruti Jane Eusebius, NJA Observer, and seven Master Trainers were present.** The introductory session was compered by **Dr. Humayun Rasheed Khan, Additional Director (Research), JTRI**



Sri Vinod Singh Rawat, Director, JTRI, Ms. Shruti Jane Eusebius, NJA Observer and Dr. Humayun Rasheed Khan, Additional Director (Research), JTRI in introductory session



Judge Jonathan Hawley, U.S. Federal Magistrate Judge, Illinois Central District Court, Guevara Maria of CEELI Institute, Prague, Mira Gur-Arie of F.J.C. Washington D.C. in introductory session

The Master Trainers for the workshop were Mr. D. Lingeswaran, District Judge, Chennai, Tamil Nadu, Ms. Garima Sharma, Additional Director, Chhattisgarh, State Judicial Academy, Bilaspur, Sri Ankur Gupta, Additional District & Sessions Judge, Muzaffarpur, Sri Manmeet Singh Suri, Additional Director (Training) and Dr. Humayun Rasheed Khan, Additional Director (Research), JTRI, Dr. S.S. Reddy, Additional Chief Judge, City Civil Court, Hyderabad, Telengana State, Smt. Madhu Khanna Lalli, Additional District & Sessions Judge/Additional Director, Chandigarh Judicial Academy, Chandigarh.

**On first day**, in the technical sessions, the master trainers highlighted various vital issues involved in adjudication of terrorism cases.

In the **first session**, Dr. Humayun Rasheed Khan, Additional Director (Research), JTRI focused on the important components of Fair Trial Rights in Terrorism Cases such as presumption of innocence, right to adequate legal assistance, free legal aid and right to appeal etc.. In this session participants were actively engaged through discussions on hypothetical problem exploring different contours of fair trial rights in terrorism cases.

In the **second session**, Mr. D. Lingeswaran, First Additional District & Sessions Judge, (TADA), Chennai, Tamil Nadu, focused on the topic 'Anti-Terror Legislations: Evolution and



Judicial Interpretation of the Substantive Provisions’ and said that the trained judges is one of the best practices suggested by the Hague Memorandum. It was also focused on the evolution of Anti-Terror Laws in India, particularly since the mid 1980’s. It was said that look into the interpretation of certain provisions of the Anti-Terror Laws on important aspects by Hon’ble Court at various stages of the trial. Important judgments of Hon’ble Apex Court were also discussed. The third technical session was devoted to framing of charges in terrorism cases.

In the **fourth session**, Mrs. Garima Sharma, Additional Director, Chhattisgarh, State Judicial Academy, Bilaspur discussed National Security and Management of Confidential Information and also explored the meaning of ‘classified information in terrorism cases’ and reviewed best practices for managing classified information while balancing the rights of accused.

In the last session on day 1, Sri Ankur Gupta, Additional District & Sessions Judge, Muzaffarpur discussed the issue of ‘decoding the binary of digital evidence’ and said that digital footprints are our second identity. We are leaving them everywhere and all the time and so are the criminals. This has become a boon for investigating agencies. He also said that this topic seeks to clear the mist on two most vital aspects of digital evidence: their admissibility and reliability.

The first day’s sessions were wrapped by Dr. Humayun Rasheed Khan, Additional Director (Research), JTRI.

**Second day** started with a talk on ‘Thoughts & Questions?’ by Dr. Humayun Rasheed Khan, Additional Director (Research), JTRI/Master Trainer where the closed and open ended questions of previous day were highlighted and a brief summary of vital issues was presented. Mr. Ankur Gupta, ADJ, Muzaffarpur in the first session discussed the subject ‘Appreciation of Evidence in Terrorism Cases’ and said that terror cases can have many accused persons and an equally large number of witnesses. In this session, participating judges engaged by drawing upon their vast experience as trial court judges and exchanged views and ideas with them for the effective conduct of the evidence, with specific reference to the stage of prosecution evidence.

The second session was taken by Dr. S.S. Reddy, Additional Chief Judge, City Civil Court, Hyderabad, Telangana State, on the topic ‘case management’ where he discussed that case and court room management ensure that trial procedure in courts is fair, accessible, and efficient. It examined the intricacies and nuances of managing terrorism cases.

The session on ‘Providing Security to Stakeholders’ was taken up by Mrs. Madhu Khanna Lalli, Additional Director, Chandigarh Judicial Academy, Chandigarh and it was discussed that safety starts with you. “It does not come instantly – you should implement it consistently. It identified the risks and vulnerabilities, assess the resources and learn how to implement the schemes and control the court room situation.”

The topic ‘Transnational Issues in Terrorism Cases’ was taken up by Sri Manmeet Singh Suri, Additional Director (Training), JTRI, U.P., Lucknow who reviewed the law and procedure of mutual legal assistance, including coordination between the investigative agencies of different countries, MLATs, letters rogatory, and the process for securing testimony from witnesses located abroad.

Special Invitee and Guest Speaker, **Sri Naveen Arora, IPS, ADG, ATS**, Uttar Pradesh was invited to enlighten the participants on the subject titled “Fine points of investigation in terrorism cases useful for the adjudication process”. Sri Arora discussed the issues of gathering information and practical challenges in terrorism cases before an investigation officer.

The last session was devoted to 'wrap-up and Impact Assessment' which was conducted by Dr. Humayun Rasheed Khan, Additional Director (Research), JTRI. In the end, the Director of the Institute Sri Vinod Singh Rawat expressed vote of thanks.

## **II. 05 days Refresher Training Programme for Additional District & Sessions Judges**

Two five days refresher training programmes for Additional District Judges were organized from **10.07.2023 to 14.07.2023** & **31.07.2023 to 04.08.2023** in which **44** & **41** officers of higher judicial services participated respectively. This refresher training programme was organized in the institute which was inaugurated by Sri Vinod Singh Rawat, Director of the institute.

The refresher training programme covered diverse areas of discussion from appreciation & handling of digital evidence/electronic evidence, admission in civil and criminal matters, passing of interim orders, conditional stay, summoning of trial court records, Law of Arbitration: an overview with special reference to execution proceedings with special reference to section 34 & 36 of Arbitration Act, 1996, relevant provisions and practical aspects of POSCO cases, principles of sentencing with special reference to *Manoj Case*, case law presentation, appreciation of medico-legal injuries, appreciation of the post-mortem report: how to ascertain the cause, mode and manner of death etc.

## **III. One Day Training Programme on 'Motor Accident Claim Matters' for Presiding Officers of Motor Accident Claim Tribunals of U.P.**

The Institute organized 'One Day Training Programme on Motor Accident Claim Matters' for all the Presiding Officers of Motor Accident Claim Tribunals of U.P. on Saturday, 15.07.2023. The objective of this programme was to facilitate the Presiding Officers of Motor Accident Claim Tribunals with their day to day Legal as well as Administrative issues.

The first session was taken up by Hon'ble Dr. Justice Kaushal Jayendra Thaker, Judge, High Court of Judicature at Allahabad where His Lordship addressed the participants on various aspects such as duty of care and foreseeability of harm, apportionment of liability, third party liability, legal representative and present scenario on limitation. His Lordship said that Hon'ble Apex Court has observed that not putting on helmet is a criminal offence but it cannot be said that the accident occurred due to not putting on helmet. He also mentioned vicarious liability of the owner and liability of insurance company in accident claim matters, while discussing Section 185 of the MV Act, 1988 and talking about drunken driving. In the end, His Lordship made an appeal to all the participants that awarding compensation is not a charity but a legal duty under the welfare and beneficial legislation called Motor Vehicles Act, 1988. He also appealed that claim matters should be speedily disposed off and justice should be rendered to the parties quickly.



Hon'ble Dr. Justice K. J. Thaker, Judge Allahabad High Court sensitizing participants



Hon'ble Mr. Justice A. R. Masoodi, Senior Judge, Allahabad High Court at Lucknow addressing Participants

Hon'ble Mr. Justice A.R. Masoodi said that the accident tribunals must take special care to see that innocent victims do not suffer and drivers, and owners do not escape liability merely because of some doubt in a claim matter. The quantum of just compensation would differ from case to case depending on the facts of each case. This however would not mean that the Tribunal is entitled to award even lower than minimum below which the compensation would become unjust. He made an appeal to the participants to make the whole programme participative and interactive so as to reap maximum benefits from the conference.

Hon'ble Mr. Justice P. K. Srivastava said that the invention of the steam engine and the motor car, the development of industry and commerce, the growth of large and crowded cities, the rise of the modern newspaper, and in more recent years, the invention of the aircraft and the wireless, have brought many advantages to the citizens but have also increased the chances of injury to his private rights. In motor vehicle accidents, the insurer has the statutory duty to cover the liability of the owner of the vehicle to pay such compensation.

He said that we all are aware that under the Act, state governments are empowered to constitute a claims tribunal for deciding claims for compensation for bodily injury or death resulting from motor accidents. An application before a claims tribunal is the remedy in such cases and excludes the remedy by a suit. The remedy by application for compensation is available only in respect of personal injury or death and not for damage to property eg, damage to car caused in motor accident.

Mr. Siafuddin started with the remedy by application for compensation is available only in respect of personal injury or death and not for damage to property e.g., damage to car caused in motor accident. The application has to be made within six months of the accident. Proof of negligence is necessary before the owner or the insurance company could be held liable for the payment of compensation in a motor accident claim case. The Supreme Court of India has observed that the accident tribunals must take special care to see that innocent victims do not suffer and drivers, and owners do not escape liability merely because of some doubt here or some obscurity there, he said.





Hon'ble Mr. Justice P. K. Srivastava, Chairman, U.P. State Law Commission addressing Participants



Mr. Saifuddin, IPS delivering his talk

The right to claim compensation and the liability to pay the same would be governed by the general law of torts and the Fatal Accidents Act. The Hon'ble Supreme Court of India has observed that the accident tribunals must take special care to see that innocent victims do not suffer and drivers and owners do not escape liability.

The speakers highlighted the law and said that the Motor Vehicles Act is a social welfare legislation under which compensation is provided by way of award to the people who sustain bodily injuries or get killed in the vehicular accident. Those people who sustain injuries or whose kith and kins are killed, are necessarily to be provided with such relief in a short span of time and the procedural technicalities cannot be allowed to defeat the just purpose of the Act under which such compensation is to be paid to such claimants. It would not be out of place here to request all the participants to deliver justice as quickly as possible in these matters.

#### **IV. Refresher Training Programme for Civil Judges (J.D.)**

A refresher training programme for Civil Judges (J.D.) was organized from **17.07.2023 to 28.07.2023** in which about **69** officers participated. This refresher training programme was organized in the institute which was inaugurated by Sri Vinod Singh Rawat, Director of the institute.

The refresher training programme covered diverse areas of discussion from execution of decrees, execution of injunction decree including mandatory injunction, procedure for seeking police help, application under Order 21 Rule 97 & 99 CPC, various facets of Section 311 CrPC and 313 CrPC, legality of imposition of costs for recall of witness, remand and its practical issues vis-a-vis challenges and precautions, change from Section 167 to Section 209 and Section 309 CrPC, dealing with various applications filed during remand, administrative works of civil judge (J.D.), work and duties of nodal officers, communication with Hon'ble High Court and administration, inspection of office, practical issues with respect to: cancellation of instrument-standard of proof in case of will & sale deed, valuation and payment of court fees, protection orders under Domestic Violence Act and Senior Citizens Act, plea-bargaining, compounding, conviction order, principles of sentencing, necessities associated with recording of evidence of statement and confession u/S 164 Cr.P.C. etc.

## SHORT ARTICLES

### **Inclusive Justice and District Judiciary: Protecting Judicial Reasoning from Gender Stereotypes**

**By Dr. Humayun Rasheed Khan\***

India is one of the largest and fastest growing audience markets globally for Twitter, a social media platform. Touted as a ‘safe place for free expression’, Twitter was envisioned to be a space where marginalized populations, including women, dalits and religious minorities, would have an equal opportunity to make their voices heard. Every day, women on Twitter face a barrage of abuse from racist and sexist attacks to rape and death threats. Online abuse has the power to belittle, demean, intimidate and eventually silence women. Gender-based violence takes place in both public and private spheres. It is often under-reported as a result of systemic and social barriers, and formal mechanisms to address it remain ineffective.

On 13<sup>th</sup> July, 2022, the World Economic Forum has released the Global Gender Gap Report 2022 which has placed India at 135<sup>th</sup> rank among a total of 146 countries in terms of gender disparity. Unfortunately, the report places our country as worst performer in the ‘health and survival’ sub-index in which we are ranked 146. This report says that it will now take 132 years for India to reach gender parity.<sup>1</sup> The question is why our position in gender equality so horrible? Is it because we did not take this issue seriously in post-independent India? Or is it because gender disparity is deeply constructed in our social structure that it is becoming very difficult to deconstruct it or we have deliberated, discussed and debated this very serious issue not so seriously? We will attempt to find answers to these questions in this piece of writing.

In fact, gender is the manifestation of the diverse subjects constructed through several processes. In patriarchal societies, male, female and transgender individuals are created as subjects of a particular kind. For instance, the male members of the society are expected to be dominant, superior, persuasive, successful citizens in comparison with other gender identities or subjects. They are expected further to control subordinate gender subjects, especially women. The construction of gender subjectivity is carried out through several structures, processes, institutions, ideologies and so on.

The violence exercised against the gender adds to the process of creation of a subject or subjectification. On the one hand, the society relegates women to the private sphere and it is also often thought that women remain safer within the family.<sup>2</sup> Paradoxically, however, women face several types of powerlessness and violence such as domestic violence, sexual assault, and dowry torture leading to dowry death within the family. The vulnerable gender further remains subjected to several types of violence such as sexual violence, acid attack and are also often

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\* Additional Director (Research), JTRI

<sup>1</sup> India ranks 135 out of 146 in Gender Gap Index, The Hindu, July 14, 2022, Thursday, Lucknow.

<sup>2</sup> Devi Nirmala, Domestic Violence against Women in India – An Analysis, eds by Bhumali Anil, Gender Violence and Social Exclusion, Serial Publications, New Delhi, 2011, pp. 11 -20

killed in the name of the honour. The manifestation of gender violence influences the construction of the female gender and maintenance of their secondary and subordinate position in Indian society. If we turn our attention to the issues of gender equality in district court, we will find that the situation is comparatively better yet a lot needs to be done to achieve the goal of egalitarian social order. The most important step that is required to be taken is generating awareness and developing a gender sensitive atmosphere in district courts.

### **Suggestions for Gender Sensitization of District Judiciary**

The following steps may be taken towards generating awareness and sensitivity amongst the judges, staff, police personnel, advocates and others having interface with courts at the district level;

1. A list of qualified psychologist/ competent specialist should be provided to the court, so that the language and gesture of deaf and dumb women victims and witnesses may be understood by the court. Investigation related to offences against women may preferably be conducted by specialized agencies and experts from different fields so as to get result oriented outcome of investigation.
2. It is necessary to establish at least one court in each district to be well furnished for women witnesses with one sided mirror so that identification of accused can be done by women without fear and pressure. This kind of mandate is provided in the Protection of Children from Sexual Offences Act, 2012.
3. District wise sensitization programme at local level should be conducted monthly or quarterly in which participants should also include representatives from executive, bar, medical profession, local NGO's, etc.
4. Prosecution must ensure strict compliance of provisions under section 53A Cr.P.C. which deals with examination of person accused of rape. In case of minor victim/witness of sensitive cases, hearing in camera must be the practice as is the mandate of law. Presiding Officer should record the statement of victim/witness himself/herself.
5. Regular Conferences or Workshops or Webinars should be organized on providing justice to women who are victims of cybercrime, cyber stalking and sexual abuse.
6. The trial judge may take such care and caution as to avoid lengthy and tedious questions so that harassment to the witness may be prevented.
7. Female advocates need to be encouraged in the legal profession at all levels. They may be given opportunity in appointment for court commissioners to inspect and record statements of witnesses as that would give more space to witness to speak up freely.
8. In assigning legal aid work or to work as *amicus curie*, preference may be given to female lawyers to not only motivate them but also to ensure their more effective appearance in the courts.
9. The issue of witness protection scheme, more particularly in gender crimes should also be included in the gender discourse.



The judiciary is there to decide cases and deliver justice according to law but courts at district level frequently face witnesses who are not well versed either in language or understanding and to understand these witnesses is an uphill task for the courts. It is one of these areas where these courts need to be sensitized in order to put a proper question and bring out the truth when a woman appears in the court for evidence or other purposes.

To achieve the goal of gender justice, it is imperative that judicial officers, members of the bar, and court staff are made aware of gender prejudices that hinder justice. To achieve these goals, a gender sensitive approach is fundamental to equip judges to exercise their discretion with sensitivity and avoid the use of gender-based stereotypes while deciding cases or passing orders. The purpose is to have open discussions, and comprehensive deliberations with the aim to impart techniques to be more sensitive in judicial approach while hearing and deciding cases particularly those relating to sexual assault, and eliminating entrenched social bias, especially misogyny.

The need of the hour is to make a change in the mindset of the society and destroy the prejudices that damage the future of the girl child. What is required is a concerted effort to sensitize the society in eradicating the menace of gender inequality. Judges, administrative officers, lawyers including public prosecutors, police officers should play the central role in bringing this 'much awaited change' in our society. Let us be proactive at all stages – pretrial, trial and even post trial to ensure that none is allowed to practice in any form gender stereotypes and gender discrimination before our courts and gender stereotypes should never enter our judicial reasoning in any manner as well. It is high time that every woman is treated equally and given every opportunity required to grow to her full potential.

## औरत

By Sushri Shalini – I\*

एक औरत ने ना जाने कितने ही किरदार निभाए हैं,  
एक बेटी, बहु और हमसफ़र ,  
न जाने कितने ही रिश्ते उसमे समाये हैं।

चाहे समाज कितना ही आगे क्यों न बढ़ गया हो ,  
कितने ही सवालों की सांझेदारी सिर्फ मेरे ही हिस्से आती है।

क्यों हर लाज और शर्म की उम्मीद बस मुझसे ही की जाती है,  
क्यों हर घर की मर्यादा मुझसे शुरू और मुझ पर ख़त्म हो जाती है।

मैं घर देर से आऊं तो चरित्र मेरा ख़राब है ,  
और सुबह जल्दी निकल जाऊं तोह मुझे घर का क्या ही ख्याल है।

क्यों मेरे हांथो की चूड़ी और मेरे माथे का कुमकुम मेरी पहचान बताता है ,  
मेरी आत्मनिर्भरता और काबिलियत का दर्जा आखिर कहाँ आता है।

जब बात शादी की हो तोह फिर मुझे बोझ समझा जाता है ,  
कन्यादान कब दहेज़ मांग हो गया यह कहाँ किसी को समझ में आता है।

शिकायत मैं तुझसे करूँ या करूँ इस समाज से ,  
के ऐसी क्या कमी है तुझमे के तुझे आज भी तेरा बिकना सही नज़र आता है।

क्या ही बराबरी का दर्जा है यहाँ ,  
जहाँ एक कामयाब पति के पीछे एक औरत का होना मना जाता है ,  
पर वही पति अपनी पत्नी के पीछे न चलकर साथ भी चले ,  
तोह उसे जोरू का गुलाम क्यों कहा जाता है।

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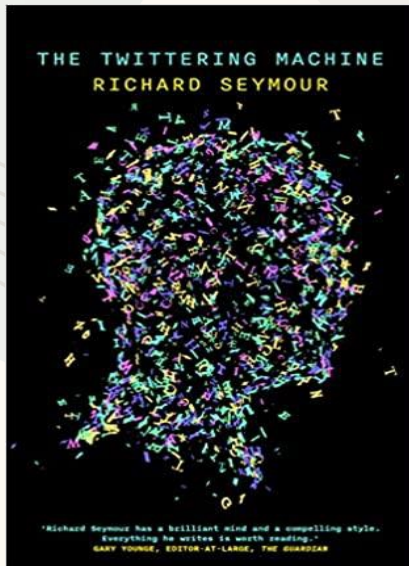
\* Additional Civil Judge (Junior Division), Bulandshahar

मैं कब तक नए सवेरे का करूँ इंतज़ार,  
मैं कब तक नए सवेरे का करूँ इंतज़ार,  
जहाँ मुझे समाज के साँचे में न ढालकर,  
मुझे मेरी नज़र से देखा जाये।

मुझे एक बेटी, बहु और हमसफ़र से पहले  
सिर्फ एक औरत समझा जाये  
सिर्फ एक औरत समझा जाये।

## BOOK REVIEW

By Dr. Humayun Rasheed Khan\*



**Title of the Book**  
The Twittering Machine

**Author**  
Richard Seymour

**Publisher**  
The Indigo Press

**Year of Publication**  
2019

We are living in an extremely materialized, commercialized and consumerist society of 21<sup>st</sup> century. The present systems around the world are so much materialized that even our societies have been commercialized. In such a commercialized social set up, emotional turmoil and increase of mental problems is inevitable.

Experience would show that loneliness most often forces a person to engage with something so as to snub the feeling of melancholy. But what would happen if the new engagement results in higher amount of loneliness and isolation? This might happen when someone starts his/her engagement with machine which is now becoming omnipresent such as smart phones, tablets and writing pads. Alas, this new love story is not romantic rather it is horrific.

The author of 'The Twittering Machine' comes up with these horrible stories of humanity's terrible engagement or rather over engagement with smart phones/tablets/writing pads/ kindles etc. Unfortunately, humanity has gradually slipped into a dark age of lies of all kinds and truth has become a casualty in this process.

The author of the book under review - Richard Seymour beautifully and deeply touches the 'addiction element' of human psyche in this remarkable work of intellect showing that this time the addiction is not with power/wine/opium/physical pleasure or land but it is with machine.

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\* Additional Director (Research), JTRI

The author highlights a lot of horror stories which are not fictitious but real and tell us a lot about the pernicious effect of machine and big data.

The book explores the existing as well as the future challenges before humanity where death would become more terrifying than it had ever been. Richard Seymour says that we all are liars, we all are dying and we all are scripturient and produces a lot of evidence in support of his claim. This provocative work leaves us all with a fundamental question in this age of big data - Has our loneliness left us so lonely that a son does not have enough time to interact with his father or a husband with his wife or a sister with her brother or a son with his mother? We all may terribly aspire to disprove the claims of Richard Seymour but the machine in our hands fail us miserably to do so. This book is interesting and thought provoking as it leaves us with a lot of issues to ponder over. It is, indeed, a valuable read.

## LEGAL JOTTINGS

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“The District Judiciary is the backbone of the judicial system. Vital to the judicial system is the independence of the judicial officers serving in the District Judiciary. To secure their impartiality, it is important to ensure their financial security and economic independence.”

**Hon’ble Mr. Justice P. S. Narsimha**

**Judge, Supreme Court of India**

**All India Judges Association v. Union of India**

**AIR 2023 SC 2673: AIR Online SC 435**

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## SUPREME COURT

### 1. **Anoop Baranwal v. Union of India [Election Commission Appointments], (2023) 6 SCC 161**

Articles 324(2), 142, 32, 14 and 19 - Independence and Impartiality of Election Commission - Cardinal importance for flourishing of true and substantial democracy, a part of the basic structure of the Constitution. Appointment of Chief Election Commissioner and other Election Commissioners - Legislative vacuum in the procedure of appointment as Parliament had failed to make any law in that regard as provided for in Art. 324(2) - Power of Court to issue directions under Art. 142 in such cases.

Constitution of India - Arts. 324(2) and 14 and Pt. III - Rule of law - Selection and appointment of Chief Election Commissioner and other Election Commissioners exclusively by executive, whether affects or violates rule of law and the right to equality - The Election Commissioners including the Chief Election Commissioner who are conferred with nearly infinite powers and who are to abide by the fundamental rights, held, must be chosen not by the executive exclusively and particularly without any objective yardstick. Dissimilar protection of Chief Election Commissioner (CEC) and other Election Commissioners under Art. 324(5) provisos 1 and 2. Parliament urged, to make a law extending the same level of protection to other Election Commissioners as is afforded to CEC.

### 2. **Gas Point Petroleum India Limited v. Rajendra Marothi and others, (2023) 6 SCC 391**

Civil Procedure Code, 1908 - Or. 21 Rr. 84, 85 and 90 - Auction- sale whether vitiated - Non-compliance with mandatory provisions of Or. 21 Rr. 84 & 85. It was held that rejection of application to set aside auction sale was illegal as there was non-compliance of mandatory provisions of Or. 21 Rr. 84 and 85.



**3. Laxman Prasad alias Laxman v. State of Madhya Pradesh, (2023) 6 SCC 399**

S. 302 Murder trial - Circumstantial evidence - High Court finding one link in chain of circumstances to be missing and not proved - Thus, held, as per settled law on this issue, High Court ought to have set aside the conviction based on circumstantial evidence. Hence, conviction of appellant was set aside.

**4. Jigar alias Jimmy Pravinchandra Adatiya v. State of Gujarat, (2023) 6 SCC 484**

S. 167(2)(b) proviso [as added vide S. 20(2) of the GUJCTOC Act - Default bail - Offences under GUJCTOC Act-Extending period to complete investigation up to 180 days on basis of report of the Public Prosecutor. Requirement of such report, duty of Public Prosecutor and Court - Mandatory notice and mandatory presence of accused in Court during consideration of said report and the extension application Opportunity to accused to oppose the extension application on permitted grounds.

Criminal Procedure Code, 1973-S. 167(2)(b) proviso [as added vide S. 20(2) of the GUJCTOC Act] Default bail Offences under GUJCTOC - Act Extending period to complete investigation up to 180 days on basis of report of the Public Prosecutor. Requirements of such report, duty of Public Prosecutor and Court in regard thereto and in consideration of the extension application.

Criminal Procedure Code, 1973- S. 167(2)(b) proviso [as added vide S. 20(2) of the GUJCTOC Act] -Default bail Notice to accused before granting extension of time for completion of investigation, Held, not to be construed as a "written notice." Thus, only the production of the accused at the time of consideration of the report of the Public Prosecutor for grant of extension, and, informing him that the question of extension of the period for completing the investigation was being considered, held, would be sufficient notice to the accused.

**5. Ashwini Kumar Upadhyay and others v. Union of India and others, (2023) 6 SCC 511**

Marriage, Divorce, Other Unions and Children - Requirements of Valid Marriage/Registration of Marriage - Transfer of case from High Courts to Supreme Court - Substantial question of general importance Issue raised in main proceedings pertaining to uniformity in minimum age of marriage for men and women in diverse legislations - Petition transferred from High Court to Supreme Court — Constitution of India, Arts. 139-A and 32.

## ALLAHABAD HIGH COURT

**1. Aslam Noor Khan v. State of U.P., 2023 6 ADJ 1 (DB)**

Sections 452, 304/34 of IPC- Criminal appeal – Conviction -Accidental death arising out of accidental burning cooking in the house - As per post-mortem report there were ante mortem burn injuries on face, neck, chest, arms and both legs. Death was due to septicemic shock as a result of ante mortem burn injuries, which took place after 10 days of incident. As per materials on record, it was a homicidal death and not accidental death -Conviction under Section 304, Part-I, IPC upheld. It cannot be said that it was premeditated act of accused. He did not want to do

away with the deceased - Case falls under Exceptions 1 and 4 to Section 300, IPC - Sentence of life imprisonment modified to period already undergone.

**2. Smt. Savitri Devi and another v. Deputy Director of Consolidation Gonda and others, 2023 6 ADJ 6 (DB)**

U.P. Consolidation of Holdings Act, 1953-Sections 48 and 11-Revision- Mutation-On the basis of Will deed - At least one opportunity should have been given to her so that she could adduce the evidence apprising the authority that there was no Will- Deed of her late husband in favour of private opposite parties. Will-Deed was not registered and widow of original tenure- holder was deliberately not made necessary party. Impugned order passed by Revisional Authority set aside. Matter remitted back to Revisional Authority to pass order afresh.

**3. Anil Kumar Gupta @ Rajendra Gupta and others v. State of U.P. and others, 2023 6 ADJ 148**

Sections 47-A and 56 (1-A)-U.P. Stamp (Valuation of Properties), Rules, 1997-Rule 7(2)- Stamp duty - Petitioner purchased agricultural land-It was necessary for Collector to exercise powers under Rule 7 (3) (c) and conducted spot inspection in presence of petitioner and there upon proceeded under Section 47 A to assess valuation of land. Collector proceeded to ascertain valuation of land solely on basis of spot inspection report. Thus, respondents proceeded in illegal and arbitrary manner. It is mandatory upon authorities concerned to inspect the property after giving due notice to parties. Impugned orders set aside. Matter remitted back to Additional District Magistrate to proceed afresh accordingly.

**4. Smt. Ram Pyari Devi and others v. State of U.P. and others, 2023 6 ADJ 663 (DB)**

U.P. Urban Planning and Development Act, 1973-Section 19-Freehold of lease-Nazul land. As per Government Order, former lease holders had right to apply for freehold and on their failure to freehold nazul land, rent control tenants residing in building over nazul land, would get right to apply. Petitioners submitted two applications, one for commercial portion of land and another for residential portion. State executed freehold sale-deed in favour of petitioners regarding commercial part of land. However, respondent who was rent control tenant was given first right to get freehold deed executed regarding residential portion. Respondent could not get better right than petitioners since possession of respondent was constructive possession of petitioners. Issuance of demand notice and execution of sale-deed in favour of rent control tenant is contrary to Government Order quashed.

By –

**Dr. Humayun Rasheed Khan,  
Additional Director (Research), JTRI**



## Judicial Training and Research Institute, U.P., Lucknow

The Institute was established by the Government of Uttar Pradesh in pursuance of a decision taken at All India Conference of the Chief Justices of High Courts in August/September, 1985 in New Delhi. This landmark conference which was also attended by the Chief Ministers and the Law Ministers of the States, mooted the idea of providing institutional induction and in-service training to the judges of the district courts in the country. The initiative of the state government after being readily agreed to by the Hon'ble High Court of Judicature at Allahabad, saw the Institute coming into existence and becoming functional on 25th April, 1987 with Hon'ble Mr. Justice K.N. Goyal as its first honorary Director. Sri Vinod Singh Rawat is its present Director.

The institute has been established with the overall vision of ensuring ceaseless upgradation of skills and appropriate attitudinal reorientation through induction level and in-service training in consonance with the imperatives of national and global environment.

In the training programmes, case studies, discussion sessions, exercises and activity based studies; book review and case law presentation are used extensively. To make the discussion effective, background material is given before discussion. This helps the trainees to develop analytical skills and decision-making power in addition to enable them in writing orders/judgments.

Keeping in view that in a healthy mind rests a healthy body, the institute has established and developed a gymnasium with latest equipments and machines. The physical training is compulsory part of the training programmes organized by the institute. The facilities of gym have been made available to the trainee officers as well as faculty members.

The Institute believes in continuous involvement of officers in sports activities to relieve the stress and keep them healthy. Besides Volley Ball and Carom, the hostel is also having Badminton Court as well as Table-tennis facilities. The hostel is fully furnished and equipped with the best house-keeping and hospitality facilities. The institute has a big air-conditioned Dining Hall with a dining capacity of about 150 persons at a time. The dining Hall is housed with the officers' hostel in one and the same building.

Judicial reasoning, indeed, is both an art and a science to be cultivated by every judge through study, reflection and hard work. The institute has a beautiful and big library housed into two spacious air-conditioned halls in the 'Training Wing' with one being dedicated to law books, law digest, encyclopedia, commentaries and general books including classics, biographies, fictions (Hindi and English both) memoirs, letters, speeches, words and phrases, books of philosophy, religion, history, politics, computer, management, personality development etc. and the other wing is exclusively meant for storing Journals. This centre of knowledge has more than **25000 books**. The institute has been subscribing **15 Law Journals** of varied nature, **seven newspapers** and **four magazines**. The library has All England Law Reports from 1936 to 2014, Halsbury's Laws of India from 2004 to 2008, Halsbury's Laws of England from 1973 to 1987 and Corpus Juris Secundum from Vol. 1 to 101A, Canadian Law reports, American Law Reports Annotated and Law Commission of India Reports. The institute is working on to develop e-knowledge hub and e-library in near future.