

The ongoing programme relating to Environment of Continuous Learning for Officers/Staffs

UTTHAN

**“Unique Transformative Techniques by Holistic Approach &
Novation”**

**Interactive Knowledge Exchange and Skills Development
Program**

at

District Court, Meerut

Guidance by

**Hon’ble Shri Justice Ajay Bhanot,
Judge, Allahabad High Court,
Administrative Judge, Meerut**





**Shri Rajat Singh Jain H.J.S
District Judge, Meerut**

'UTTHAN' Committee, District Court, Meerut

Member	Member	Member	Member	Co-Ordinator	Co-Ordinator
Shri Yogesh Jain (ACJM/CJSD Meerut)	Smt. Prachi Agarwal (ACJM/CJSD Meerut)	Shri Aman Kumar Srivastav (ACJM/CJSD Meerut)	Shri Vinod Sharma (Civil Judge Sr. Div., Meerut)	Shri Ram Karan Yadav (Addl District and Sessions Judge, Meerut)	Shri Rakesh Kumar Singh (Addl District and Sessions Judge, Meerut)

'UTTHAN'

(Unique Transformative Techniques by Holistic Approach & Novation)

Sl. No.	Name of the Programme	Date	Number of participants	Target Group (JOs/Staff/Advocates)	Details of Resource Persons, if any.	Brief Note of the Programme
1	Utthan-Legal Exchange	29.04.2023	47	Judicial Officers	Shri Yogesh Jain Civil Judge(Jr. Div.), Hawali, Meerut	Maintenance of record Civil and Criminal
2	Utthan-Legal Exchange	06.05.2023	46	Judicial Officers	Shri Shailesh Pandey A.C./M./CJ(SD) .Meerut	Marking Exhibits in Civil And Criminal Cases and objection Thereon
3	Utthan-Legal Exchange	20.05.2023	48	Judicial Officers	Shri Rajat Singh Jain, (H.J.S.) District & Sessions Judge, Meerut	Law of Bail Sub- Topics A. Protection of Life and Liberty B.Anticipatory Bail C.Arrest D.Remand E.Regular Bail
4	Utthan-Legal Exchange	31.05.2023	46	Judicial Officers	1.Km. Sangya Yaduvanshi (Addl.Civil Judge Jr. Div. Meerut) 2.Shri Vinod Sharma ACJM/ Civil Judge (Sr. Div.) Meerut	1.Service of Process under Civil Cases 2. Service of Process under Criminal Cases
5	Utthan-Legal Exchange	03.06.2023	49	Staff	Shri Yogesh Jain (Addl.Civil Judge Jr. Div. Meerut)	Maintenance of records Civil and Criminal
6	Utthan-Legal Exchange	01-07-2023	51	Judicial Officers	Shri Rajat Singh Jain, (H.J.S.) District & Sessions Judge, Meerut	Law of Commissions

7	Utthan-Legal Exchange	17-07-2023	54	Judicial Officers	Sri Prahalad Singh-II Spl.Judge,Anti Corruption V.B.UPSEB Meerut	Dynamics and New Horizons of Juvenile Justice
8	Utthan-Legal Exchange	05-08-2023	53	Judicial Officers	Shri Ram Kishore Pandey Special Judge Pocso Act Meerut	Temporary Injunction
9	Utthan-Legal Exchange	29-08-2023	57	Judicial Officers	Hon'ble Sri Justice Rajesh Chandra (Former Judge AHC)	1.Manners and Etiquette 2. Registers of Register
10	Utthan-Legal Exchange	02-09-2023	55	Judicial Officers	श्री संजय कुमार सहायक सटी मजिस्ट्रेट प्रथम,मेरठ	चकबंदी प्रक्रया और चकबंदी प्रक्रया के दौरान तैयार होने
11	Utthan-Finance Related	16.09.2023	54	Judicial Officers	1.Advocate Shri Sailesh Kumar 2.Advocate Shri Rajeev Singhal 3.Sri Sanjeev Agarwal (Financial Inve. Expert)	1.INCOME-TAX ACT,1961 2.Investment
12	Utthan-Legal Exchange	07-10-2023	51	Judicial Officers	1.Sri Brijesh Mani Tripathi Addl. District & Sessions Judge Meerut & 2. Sri Rakesh Kumar Singh Addl. District & Sessions Judge Meerut	1.Recording of Evidence in Criminal 2.Section 165 and 311 Cr.P.C
13	Utthan-Health(Yoga)	14-10-2023	31	Judicial Officers/Staff	1. Smt. Nidhi Rathi, Yoga Instructor 2. Sushri Nikita, Meditation Instructor	Yoga & Meditation
14	Utthan-Legal Exchange	21-10-2023	58	Judicial Officers	Dr. Mithun Ghosh Associate professor LLRM Medical College meerut	1.Common medical terms used in Medico legal documents 2. Injuries -Types -aging of injuries 3.Injury and PM report discussion
15	Utthan-Legal Exchange	28-10-2023	36	Process Server(Staff)	1.Ms Sangya Yaduvashi (CJJD)	1.Issue of process under Civil law

	and Computer Related				2.Amit Vaish(System officer)	2.NSTEP
16	Utthan-Health benefits	18.11.2023	54	Judicial Officers	Ms. ANSHU MEHRA Assistant professor Meerut College Meerut	MILLETS- "shree Anna": THE HEALTH BENEFITS
17	Utthan-Legal Exchange	16.12.2023	40	Judicial Officers	Shri Ramesh (ADJ/Special Judge AC -01 Meerut)	Amendment of Pleadings
18	Utthan-Legal Exchange	24.01.2024	65	Judicial Officers	Dr. Surabhi Pandey Assistant Professor, IIPA ,New Delhi	Cyber Crime and Security
19	Utthan-Legal Exchange	09.02.2024	53	Judicial Officers	Sh Gyanendra Kumar (A.I.G).	Stamp and Registration Department
20	Utthan-Legal/ Technology Exchange	15.02.2024	54	Judicial Officers	Sh Rajmangal singh yadav H.J.S	Video Conferencing Rule 2020
21	Utthan-Legal/Technology Exchange	27.02.2024	-	Advocates of District Bar Meerut	Sh Rajmangal singh yadav H.J.S	Video Conferencing Rule 2020 at District Bar Meerut
22	Utthan-Legal Exchange	16.03.2024	57	Judicial Officers	Dr. Mithun Ghosh (Assistant Prof.)	INJURY – Part -2
23	Utthan-Legal Exchange	23.03.2024	-	Advocates of District Bar Meerut	Shri Pavitra Narayan Adv. Shri Anil Kumar Tomer Adv.	Anticipatory Bail By District Bar Association
24.	Utthan-Legal Exchange	06.04.2024	62	Judicial Officers	Shri Yogesh jain (ACJM/CJSD)	Brief about the Bhartiya Nagrik Suraksha Sanhita,2023

25.	Utthan- Management	Stess	04.05.2024	61	Judicial Officers	Dr Tanu Jain	Stress Management for Judicial officers
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Short Summary

Date:29.04.2023



By Shri Yogesh Jain Civil Judge(Jr. Div.), Hawali, Meerut
Maintenance of records and order sheet in civil trial

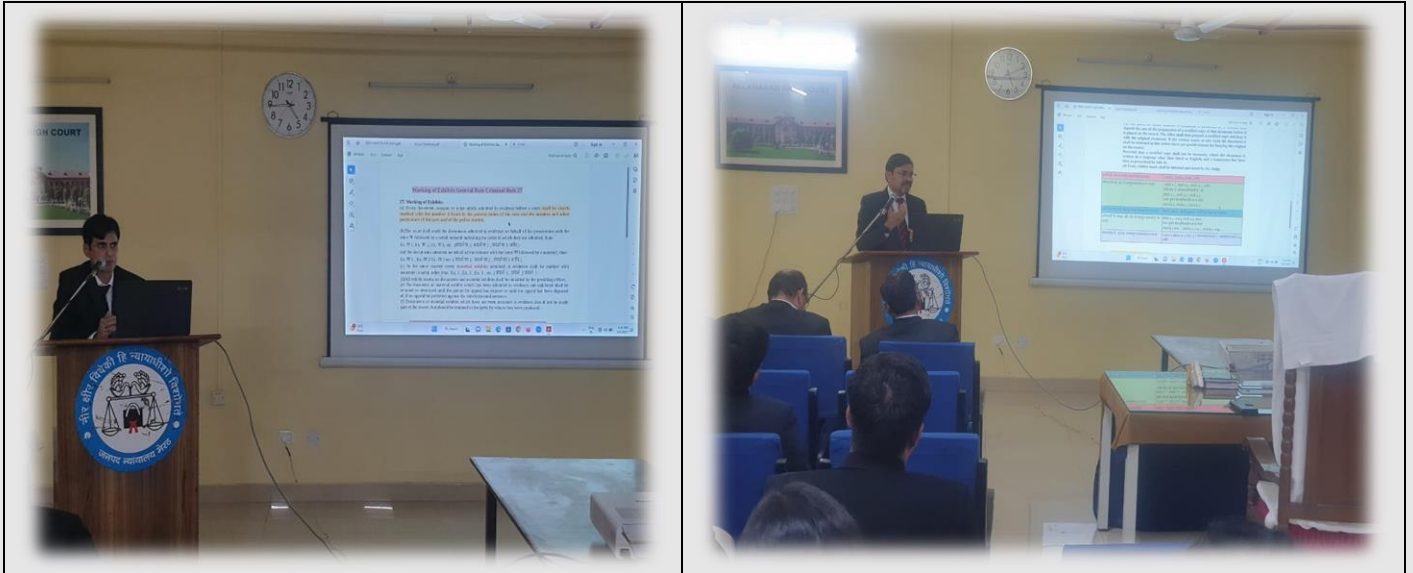
- General Index- First paper of suit
- Order Sheet- Second paper of suit
- Classification of records
- Marking of documents (Exhibits)
- General things

Maintenance of records and order sheet in criminal trial

- Title and case Number
- Index
 - General Index
 - Exhibit Index
- Applications, affidavits, documents etc.
- Evidence
- Order Sheet

Date:06.05.2023

Marking Exhibits in Civil and Criminal Cases and objection Thereon



By: Shri Shailesh Pandey A.C.J/M./CJ(SD) .Meerut

Summary

- a) Admission of a document in evidence and giving it an exhibit number is a formal act, which does not dispense with proof of the document.
- (b) As a general rule, objections are to be raised and decided at the time when the document is tendered and can neither be raised nor entertained thereafter.
- (c) An objection to deficiency or defect of stamp duty has to be raised at the time the document is tendered in evidence and cannot be raised or entertained after the document is already admitted in evidence and exhibited
- (d) Similarly, objection as to mode of proof has to be raised before the document is admitted in evidence and exhibited failing which such objection is treated as waived.
- (e) As regards a document which is ab initio inadmissible in evidence, notwithstanding that such document is admitted in evidence and given an "exhibit" number, the same would not render it a part of admissible evidence or preclude an objection thereafter. It is the duty of the Court to exclude all inadmissible evidence, even if no objection is taken to its admissibility by the parties (Hemendra R. Ghia). The power of the Court is not fettered or limited to exclude an inadmissible document at a later stage of the same proceedings or even in appeal or revision and the bar of review is not applicable to such judicially inadmissible documents (Hemendra R. Ghia).
- (f) The power of the Court is not fettered or limited to exclude an inadmissible document at a later stage of the same proceedings or even in appeal or revision and the bar of review is not applicable to such judicially inadmissible documents
- (g) Mere cross-examination upon an ab initio inadmissible document would not render it admissible or proved in evidence. Such principle would apply only to a document which is itself admissible in evidence but suffers from the defect of deficiency of stamp duty or if the mode of its proof is irregular [i.e. a document in categories (a) and (b) above]
- (h) In civil cases, ordinarily, the issue of admissibility is to be decided at the earliest and cannot be postponed to a later stage as can be done in a criminal trial,

(i) Assuming that it is possible to work out a different procedure as suggested in Bipin S. Panchal, and only by way of exception in a case which requires resolution of complex issues which may arrest the progress of the matter or if the admissibility of such evidence is itself dependent on receipt of further evidence, only then, the decision on admissibility can be deferred to a later stage, and not as a rule.

(j) Postponement of adjudication on the issue of admissibility of a document to an uncertain future date, would thwart the course of cross-examination/re-examination and would neither subserve the interests of justice nor expedition.

(k) The mere fact that an ab initio inadmissible document has been marked as an exhibit in evidence and that cross-examination is conducted thereon without any objection from the parties and also overlooked by the Court, the objection can be raised even at the revisional or appellate stage and such evidence is liable to be rejected under Order 13, Code of Civil Procedure, 1908, at any stage.

(l) It is well settled that where evidence has been received without objection in direct contravention of an imperative provision of law, the principle on which unobjected evidence is admitted, be it acquiescence, waiver or estoppel is not available against a positive legislative enactment.

(m) A document which is ab initio inadmissible in evidence as well as the oral evidence led upon its terms are liable to be rejected in terms of Order 13 of the Code of Civil Procedure, 1908 at any stage of the proceedings, original, appellate or revisional.

Date:20.05.2023



Law of Bail

By

Shri Rajat Singh Jain,H.J.S.

Topics

- A. Protection of Life and Liberty**
- B. Anticipatory Bail**
- C. Arrest**
- D. Remand**
- E. Regular Bail**

31.05.2023



Topic:-Service of Process under Civil Law and Criminal Law

By .Km. Sangya Yaduvanshi (Addl.Civil Judge Jr. Div. Meerut)

Service of Process under Criminal Law

The main object of issue of process is to adhere to the idea of Principles of Natural Justice. The doctrine of audi alteram partem which implies that both the parties must be heard is an integral part of natural justice. The provisions under order 5 of CPC is to ensure presence of the defendant.

Modes of Service (O. 5, rule 9, 9-A, 10 CPC)

- (1) Process server
- (2) Special messenger
- (3) Amin 4
- (4) Advocate Commissioner
- (5) Registered post & Speed post
- (6) Publication in News paper
- (7) Courier Services (If approved by High Court)
- (8) Fax message
- (9) Electronic mail service
- (10) Dasti Summons by the party himself

Forms and contents of processes (Rule 102 & 103, G.R. Civil)

- There shall be two types of the forms of processes, one printed on white paper to be used in ordinary cases and the other printed on pink paper to be used in urgent cases
- The name, father's name, occupation, district, mohalla (if any), village or town shall be set forth in the process. Where such description does not appear in the application of the person moving the court to issue the process or in the record, the orders of the court shall forthwith be taken by the issuing officer

Personal Service when to be held [O. 5, r. 16, 18 CPC & rule 138 G.R. (Civil)]

- Where the process server has not given the details of the persons who had identified the addressee and the witnesses of service of summons and the process server had also not filed his affidavit in support of his report regarding service of the process, the summons cannot be presumed to have been served personally on the addressee.
- Case - Munki vs. Kshetra Pal Singh, 2004 All.L.J. 3852 (All) 2. Shiv Charan Singh vs. X ADJ, Aligarh, 2005

Presumption of service of registered postal article on refusal by addressee [O. 5, rule (9)(5) CPC & Sec. 27]

- According to the provisions u/o. 5, rule (9)(5) CPC, Sec. 27 of the General Clauses Act, 1897, Sec. 114, illustration (f) Evidence Act & clauses 192, 193 of Postal Manual if the addressee refuses to accept the postal article sent through registered post, the notice must be presumed to have been served

Process to MPs & MLAs

- Rule 121 G.R. (Civil) : No process shall be served upon a member of Parliament or the Legislature while he is within the precincts of the House of Parliament or Legislature, as the case may be, nor shall it be served through the presiding officer or the Secretariat concerned. It shall be served direct upon the member outside the precincts of the House of Parliament, or legislature, as the case may be.

Process received from foreign countries (Rule 133, G.R. Civil)

- A process received for service from foreign courts shall be shown in red-ink in the register of processes; and the Central Nazir or Nazir shall place the register once a week before the Munsarim of the District Judge's court or the Munsarim of his court, as the case may be, who shall mark the last entry in the register and put his initials thereto indicating that he has checked all the entries and issued necessary orders for obviating delay

PROCESS TO COMPEL APPEARANCE IN CRIMINAL CASES

- In criminal cases process is issued for appearance of the parties. Chapter VI of the Code and rule 12-19 of G.R Criminal deals with the process to compel the appearance. There are following kind of process which may read as under-

- **Summon** [Ordinary Summon, Special Summon, Dasti Summon]
- **Bailable Warrant [BW]**
- **Non-bailable Warrant [NBW]**
- **Proclamation**
- **Attachment**

Service of Summon

- *Service of Summon* -In criminal Cases a summon may be served by following ways-
- *Personal Service (S.62)*
- *Service on Corporate Bodies and Societies (S.63)*
- *Service when Person Summoned cannot be found (S. 64)*

- *Substituted Service (S.65)*
- *Service on Government Servants (S. 66)*
- *Service on Witness by Post (S. 69)*
- *Service through Electronic Means [SMS, email etc]*

Generation of computerised process

- ▶ *Generation of computerised process-*
- ▶ *Method of Generation of computerised process-* You may log in <http://172.16.64.7/swecourtis/main.php> and follow up the following steps to generate computerised process.
 - Court Proceedings
 - Civil-Criminal Process
 - No manual process should be issued. As per the above method all process must be generated, uploaded, publish and send to the concerned for service by appropriate channel.
- ▶ Process Register
 - Process registers for Accused
 - Process registers for Witnesses

03.06.2023(Staff)



Maintenance of records Civil and Criminal
By
Shri Yogesh Jain (Addl.Civil Judge Jr. Div. Meerut)

- General Index- First paper of suit
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01-07-2023



Law of Commissions
By Shri Rajat Singh Jain, H.J.S.

Section 4A. Powers of the Commission.

1[4A. Powers of the Commission. --(1) The Commission shall in the performance of its functions, have all the powers of a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit in respect of the following matters, namely: --

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any office;
- (e) any matter which may be prescribed.

(2) The Commission shall have the power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, any matter under the consideration of the Commission and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 of the Indian Penal Code (45 of 1860).

(3) The Commission shall be deemed to be a Civil Court and when any offence described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code (45 of 1860) is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1898 (5 of 1898), forward the case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 482 of the said Code.

(4) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860).

Explanation.--For the purposes of enforcing attendance of witnesses, the local limits of the Commission's jurisdiction shall be the limits of the territory of India.]

17-07-2023



Dynamics and New Horizons of Juvenile Justice

By

Sri Prahalad Singh-II Spl.Judge, Anti Corruption V.B.UPSEB Meerut

Keeping in view the **social, psychological and economic** factors responsible for the offences committed by juveniles and concern for their **mental, physical, moral and emotional** development necessary for complete development of personality, attempts were made worldwide to establish a distinct criminal justice system to treat the juveniles which emerged as juvenile justice system, in this system, offences committed by juvenile are termed "juvenile delinquency, juvenile offenders are termed "juvenile delinquent and the court trying the case is called " court. The juvenile offenders are kept in a home, not in prison, generally known as correctional home, juvenile home, special home, children's home, observation home, etc, and attempt made for their rehabilitation and social reintegration during the stay in the home go as to make them good citizens and self-dependent.

The Juvenile Justice (Care and Protection of Children) Act, 2015

WHEREAS , the provisions of the Constitution confer powers and impose duties, under clause (3) of article 15, clauses (e) and (f) of article 39, article 45 and article 47, on the State to ensure that all the needs of children are met and that their basic human rights are fully protected.

WHEREAS , the Government of India has acceded on the 11th December, **1992 to the Convention on the Rights of the Child, adopted by the General Assembly of United Nations**, which has prescribed a set of standards to be adhered to by all State parties in securing the best interest of the child;

AND WHEREAS , it is expedient to re-enact the Juvenile Justice (Care and Protection of Children) Act, 2000 to make comprehensive provisions for children alleged and found to be in conflict with law and children in need of care and protection, taking into consideration the standards prescribed in the Convention on the Rights of the Child, the **United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules)**, the **United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990)**, the **Hague Convention on Protection of Children and Co-operation in Respect of Inter- country Adoption (1993)**, and other related international instruments.

Sec. 3. The Central Government, the State Governments, the Board, and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following fundamental principles, namely: —

- (i) Principle of presumption of innocence

- (ii) Principle of dignity and worth
 - (iii) Principle of participation,
 - (iv) Principle of best interest
 - (v) Principle of family responsibility
 - (vi) Principle of safety
 - (vii) Positive measures
 - (viii) Principle of non-stigmatising semantics
 - (ix) Principle of non-waiver of rights
 - (x) Principle of equality and non-discrimination
 - (xi) Principle of right to privacy and confidentiality
 - (xii) Principle of institutionalisation as a measure of last resort
 - (xiii) Principle of repatriation and restoration
 - (xiv) Principle of fresh start
 - (xv) Principle of diversion
 - (xvi) Principles of natural justice
- **Sec 2 (9)** “best interest of child” means the basis for any decision taken regarding the child, to ensure fulfilment of his basic rights and needs, identity, social well-being and physical, emotional and intellectual development;
 - **Sec 2 (13)** “child in conflict with law” means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence;
 - **Sec 2 (14)** “child in need of care and protection”
 - **Sec 2 (20)** “Children’s Court” means a court established under the Commissions for Protection of Child Rights Act, 2005 or a Special Court under the Protection of Children from Sexual Offences Act, 2012, wherever existing and where such courts have not been designated, the Court of Sessions having jurisdiction to try offences under the Act;
 - **Sec 2(35)** “juvenile” means a child below the age of eighteen years;

Classification of offences

- **Sec 2 (45)** “petty offences” includes the offences for which the maximum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment up to three years
- **Sec 2(54)** “serious offences” includes the offences for which the punishment under the Indian Penal Code or any other law for the time being in force, is imprisonment between three to seven years;
- **Shilpa Mittal v. State of NCT of Delhi and Anr. AIR 2020 SUPREME COURT 405**
- (The offences in which minimum sentence is not fixed as seven years shall be treated serious offence, irrespective of maximum sentence)
- **Sec 2(33)** “heinous offences” includes the offences for which the minimum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment for seven years or more.
- **Sec4. Juvenile of justice board**

Sec5. Placement of person, who cease to be a child during process of inquiry.

Sec6. Placement of persons, who committed an offence, when person was below the age of eighteen years.

Exclusive Jurisdiction of Juvenile Justice Board and Children Court

Sec 8.

- Notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, the Board constituted for any district shall have the power to deal exclusively with all the proceedings under this Act, relating to children in conflict with law, in the area of jurisdiction of such Board.
- (2) The powers conferred on the Board by or under this Act may also be exercised by the High Court and the Children’s Court, when the proceedings come before them under section 19 or in appeal, revision or otherwise.
- (3) The functions and responsibilities of the Board shall include’—
- (a) ensuring the informed participation of the child and the parent or guardian, in every step of the process;
- (b) ensuring that the child’s rights are protected throughout the process of apprehending the child, inquiry, aftercare and rehabilitation;
- (c) ensuring availability of **legal aid for the child** through the legal services institutions;

- (d) wherever necessary the Board shall **provide an interpreter or translator**, having such qualifications, experience, and on payment of such fees as may be prescribed, to the child if he fails to understand the language used in the proceedings;
- (e) directing the Probation Officer, or in case a Probation Officer is not available to the Child Welfare Officer or a social worker, to undertake a social investigation into the case and submit a **social investigation report within a period of fifteen days from the date of first production before the Board** to ascertain the circumstances in which the alleged offence was committed;
- (f) adjudicate and dispose of cases of children in conflict with law in accordance with the process of inquiry specified in section 14;
- (g) transferring to the Committee, matters concerning the child alleged to be in conflict with law, stated to be in need of care and protection at any stage, thereby recognising that a child in conflict with law can also be a child in need of care simultaneously and there is a need for the Committee and the Board to be both involved;
- (h) disposing of the matter and passing a final order that includes **an individual care plan for the child's rehabilitation**, including follow up by the Probation Officer or the District Child Protection Unit or a member of a non-governmental organisation, as may be required;
- conducting inquiry for declaring fit persons regarding care of children in conflict with law;
- (j) conducting at least **one inspection visit every month of residential facilities** for children in conflict with law and recommend action for improvement in quality of services to the District Child Protection Unit and the State Government;
- (k) order the police for registration of first information report for offences committed against any child in conflict with law, under this Act or any other law for the time being in force, on a complaint made in this regard;
- (l) **order the police for registration of first information report for offences committed against any child in need of care and protection**, under this Act or any other law for the time being in force, on a written complaint by a Committee in this regard;
- (m) conducting regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of such a child to the observation home; and
- (n) any other function as may be prescribed.

05.08.2023



Temporary Injunction

**By: Shri Ram Kishore Pandey Special Judge Pocso Act
Meerut**

“Injunction” meaning of ?: ‘Injunction’ means- an order of court to do or not to do something.

Laws relating to injunctions are as under:

- (i) Sections 36, 37, 38, 39, 40, 41, 42 of the Specific Relief Act, 1963
- (ii) Section 94(c) CPC
- (iii) Order 39, rules 1, 2, 3, 4 CPC
- (iv) Section 151 CPC
- (v) Order 43, rule 1(r) CPC (Misc. Appeal)

Sources of power of court to grant interim injunction: There are two sources of powers of court to grant interim injunction:

- (i) Section 94(c) CPC
- (ii) Section 151 CPC

An injunction is a judicial process whereby a party is required to do, or to refrain from doing, any particular act. It is a remedy in the form of an order of the court addressed to a particular person that either prohibits him from doing or continuing to do a particular act (prohibitor injunction); or orders him to carry out a certain act (mandatory injunction)

Types of Injunctions

- Injunctions are of various types; they are:
 - (i) temporary; and (ii) permanent.
- Perpetual or permanent injunction restrains a party forever from doing the specified act and can be granted only on merits at the conclusion of the trial after hearing both the parties to the suit. It is governed by Sections 38 to 42 of the Specific Relief Act, 1963.
- Temporary or interim injunction, on the other hand, restrains a party temporarily from doing the specified act and can be granted only until the disposal of the suit or until the further orders of the court. It is regulated by the provisions of Order 39 of the Code of Civil Procedure, 1908 and may be granted at any stage of the suit.

Injunctions are

(i) preventive, prohibitive or restrictive, i.e. when they prevent, prohibit or restrain someone from doing something; or

(ii) mandatory, i.e. when they compel, command or order some person to do something.

Again, an injunction may be (i) ad interim; or (ii) interim.

Ad-interim injunction is granted without finally deciding an application for injunction and operates till the disposal of the application.

Interim injunction is normally granted while finally deciding main application and operates till the disposal of the suit.

Important equitable principles which are necessary to consider while granting or refusing injunction :

“ubi jus ibi remedium”. Whenever there is right there is remedy.

- One who seeks equity must come with clean hands.
- One who seeks equity must do equity.
- Where equities are equal, the law will prevail.
- Equity follows the law.
- Equity aids the vigilant, not those who slumber on their rights.
- The power to grant a temporary injunction is at the discretion of the court.
- This discretion, however, should be exercised reasonably, judiciously and on sound legal principles.
- Injunction should not be lightly granted as it adversely affects the other side.
- The grant of injunction is in the nature of equitable relief, and the court has undoubtedly power to impose such terms and conditions as it thinks fit. Such conditions, however, must be reasonable so as not to make it impossible for the party to comply with the same and thereby virtually denying the relief which he would otherwise be ordinarily entitled to.

29-08-2023



1. Manners and Etiquette 2. Registers of Register

By Hon'ble Sri Justice Rajesh Chandra (Former Judge AHC)

Manners and Etiquette

GENERAL

Manners are based essentially on consideration for others, feelings and comfort. It is no slur on peoples' habits to accept what is good in others without losing what is essentially good in themselves. Young officers should seek to develop a cosmopolitan out-look, poise and self assurance. The cultivation of manners now widely accepted as appropriate in any society helps to do so. Good manners in general and correct social behavior on all occasions ought to be the hallmark of a good officer.

2. The instructions that follow seek to cover every situation in which a young officer may find himself, but it is necessary first to draw attention to certain personal matters. If details, even unpleasant ones, are touched upon, this is to ensure that no essential point is lost.

PERSONAL

3. Toilet should always be completed in privacy. Noses should be cleared, finger nails cut and ears cleaned at home and no in company. Natural functions like belching, yawning, sneezing and coughing clearing of throat and nose should be done as silently as possible with hand to the mouth and with an 'excuse me' if in company. If possible, use handkerchief to sneeze or cough into and always use it for clearing the nose. Attention to body cleanliness and especially of the mouth needs on emphasis.

4. Sharing a room and bathroom or compartment with others imposes special obligations. A golden rule is always to leave things as you would like to find them left for you. Bathroom floors must be washed clean, basins emptied and soapy water rinsed and commodes properly flushed or covered after use. Litter must be thrown into waste-paper baskets and ash trays must be used for ash or to stub out a cigarette.

5. Calls are both a social and official obligation. It is one of the first duties to be performed on joining a training institution or a new station or visiting Headquarters for the first time. Visiting cards of appropriate size should be obtained and the service of the officers is all that need be indicated.

Social Calls

6. Calls may be made single or together during evenings unless some other time has been arranged by appointment.
7. Do not go away if you find visitors already present, knock if the door is closed, tapping loud enough to be heard or ringing the bell if there is one and send in your card or enter.
8. The question whether a senior officer should make a social call first on a junior officer often arises. This depends on the circumstances. Generally, the junior should call first. Call should never be made before 9AM and after 7.30PM exception prior appointment.
9. Calls should be made between 6PM depending on the season. The first calls should not last more than 15 or 20 minutes. Later, when friendly calls are made, these may last as long as may be appropriate to the occasion always providing that you do not overstay and keep your hosts from meals or other engagements. It is a good idea to ask in due course whether you are keeping them from any engagement.
10. Calls should be returned in person as early as conveniently possible. If there is great difference in status, the return call will usually take the form of an invitation to a meal.

Official Calls

11. It is the duty of a junior officer on first joining his post, to call on his senior in his department and other officials like the Commissioner and Collector.
12. The visitors' book at the residence of Governors must be signed soon after you arrive in the Station.

02-09-2023



चकबंदी प्र क्रया और चकबंदी प्र क्रया के दौरान तैयार होने वाले राजस्व अ भलेख

By

श्री संजय कुमार सहायक सटी मजिस्ट्रेट प्रथम,मेरठ

चकबंदी शब्द 'चक' और 'बंदी' इन दो शब्दों से मलकर बना है। जिसमें 'चक' का मतलब खेतों तथा 'बंदी' का मतलब बंदोबस्त करना अर्थात छोटे-छोटे भूखंडों को मलकर एक बड़ा भूखंड या खेत तैयार किया जाता है। दरअसल चकबंदी एक ऐसी प्र क्रया है, जिसके अंतर्गत कसानों के इधर-उधर बिखरे हुए खेतों को उनके आकार के आधार पर उन्हें एक स्थान पर करके एक बड़ा चक बना दिया जाता है। इससे कसानों को खेती करने में आसानी के साथ ही उनके चकों की संख्या भी कम होती है।

चकबन्दी 2 प्रकार की होती है, जो इस प्रकार है-

ऐच्छिक चकबन्दी

अनिवार्य चकबन्दी

ऐच्छिक चकबन्दी का मतलब ऐसी चकबंदी से है, जो कसानों की सहमति अर्थात कृषकों की इच्छा पर निर्भर होती है। दूसरे शब्दों में कसानों की इच्छा से होने वाली चकबंदी को ऐच्छिक चकबन्दी कहते हैं। इस प्रकार की चकबंदी कराने के लिए कसानों पर कसी तरह का दबाव नहीं डाला जाता है। ऐच्छिक चकबन्दी का सबसे बड़ा लाभ यह होता है, क चकबंदी के बाद में कसानों के बीच ववाद उत्पन्न होने की संभावना काफी कम हो जाती है। भारत में ऐच्छिक चकबन्दी की शुरुआत स्वतंत्रता से पूर्व वर्ष 1921 में पंजाब प्रान्त में सहकारी समितियों द्वारा

की गयी थी। आपको बता दें कि भारत में मध्य प्रदेश (Madhya Pradesh), गुजरात (Gujrat) और पश्चिम बंगाल (West Bengal) में ऐच्छिक चकबन्दी क़ानून आज भी लागू है।

अनिवार्य चकबन्दी को क़ानूनी चकबन्दी भी कहते हैं। अनिवार्य चकबन्दी का आशय एक ऐसी प्रक्रिया से है, जिसमें किसानों को अनिवार्य रूप से चकबन्दी करानी पड़ती है। इस प्रकार की चकबन्दी में काफी समय लगता है, इसके साथ ही ववाद होने की सम्भावनाएँ काफी अधिक होती हैं। गुजरात, पश्चिम बंगाल और मध्य प्रदेश को छोड़कर नागालैण्ड, आन्ध्र प्रदेश, मणपुर, मजोरम, केरल, अरुणाचल प्रदेश, तमिलनाडु, त्रिपुरा और मेघालय में चकबन्दी से सम्बंधित कोई कोई क़ानून नहीं है। इन राज्यों के अलावा अन्य सभी राज्यों में अनिवार्य चकबन्दी क़ानून लागू है।

चकबन्दी के लिए राज्य सरकार द्वारा जोत चकबन्दी अधिनियम की धारा 4(1), 4(2) के अंतर्गत गाँवों में चकबन्दी के लिए अधिसूचना जारी की जाती है।

इसके पश्चात धारा 4क (1), 4क (2) के अंतर्गत चकबन्दी आयुक्त द्वारा पुनः चकबन्दी प्रक्रिया शुरू करने की अधिसूचना जारी की जाती है।

चकबन्दी से सम्बंधित अधिसूचना जारी होने के पश्चात उस गाँव के सभी राजस्व न्यायालय में लंबित मुकदमे अप्रभावी हो जाते हैं। इस दौरान कोई भी कृषक बिना चकबन्दी बंदोबस्त अधिकारी की अनुमति के अपनी भूमि का उपयोग कृषि कार्य के अलावा किसी अन्य कार्य के लिए प्रयोग नहीं कर सकता।

चकबन्दी की अधिसूचना जारी होने के पश्चात चकबन्दी समिति का गठन किया जाता है, जिसमें भूमि प्रबंधन समिति के सदस्य शामिल होते हैं। चकबन्दी प्रक्रिया के दौरान यह समिति चकबन्दी अधिकारियों का सहयोग करने के साथ ही उचित सलाह देने का कार्य करती है।

इसके बाद चकबन्दी लेखपाल चकबन्दी की धारा-8 के तहत मौके पर भूमि का निरीक्षण कर अधिनियम की धारा-7 के अंतर्गत भूमि के नक्शे में संशोधन करने का कार्य करता है। लेखपाल द्वारा वर्तमान स्थिति के अनुसार गाटो की भौतिक स्थिति, पेड़, कुओं, संचाई के साधन आदि का ब्यौरा आकार पत्र-2 में दर्ज करता है।

चकबन्दी लेखपाल द्वारा आख्या प्रस्तुत करने के पश्चात सहायक चकबन्दी अधिकारी, चकबन्दी समिति के सदस्यों से परामर्श के भूमि का वनियम अनुपात का निर्धारण गाटो की भौगोलिक स्थिति आदि के आधार पर किया जाता है।

सेक्शन ऑफ़ द एक्ट 8 (क) के अंतर्गत सार्वजनिक उपयोग की भूमि का आरक्षण, कटौती का प्रतिशत से सम्बंधित ववरण पत्र तैयार किया जाता है, इसके साथ ही चकबन्दी के दौरान अपनायी जानें वाली प्रक्रिया और सद्धांतों का उल्लेख किया जाता है।

इस प्रकार की जानें वाली कार्यवाही से भू-स्वामी को अवगत कराने के लिए अधिनियम की धारा-9 के अंतर्गत आकार-पत्र 5 का वतरण किया जाता है, जिसमें भू-स्वामी अपने खाते की स्थिति और गाटो के क्षेत्रफल की अशुद्धियों से सम्बंधित जानकारी प्राप्त हो जाती है।

भू-स्वामी आकार-पत्र 5 में दिए गए ववरणों के आधार पर अपनी आप त दर्ज करा सकते हैं। इसके पश्चात सहायक चकबंदी अधिकारी अधिखेती को शुद्ध कर आदेश जारी करते हैं। यदि कोई भी कृषक इससे असंतुष्ट होता है, तो बंदोबस्त अधिकारी चकबंदी के यहां अपील कर सकता है।

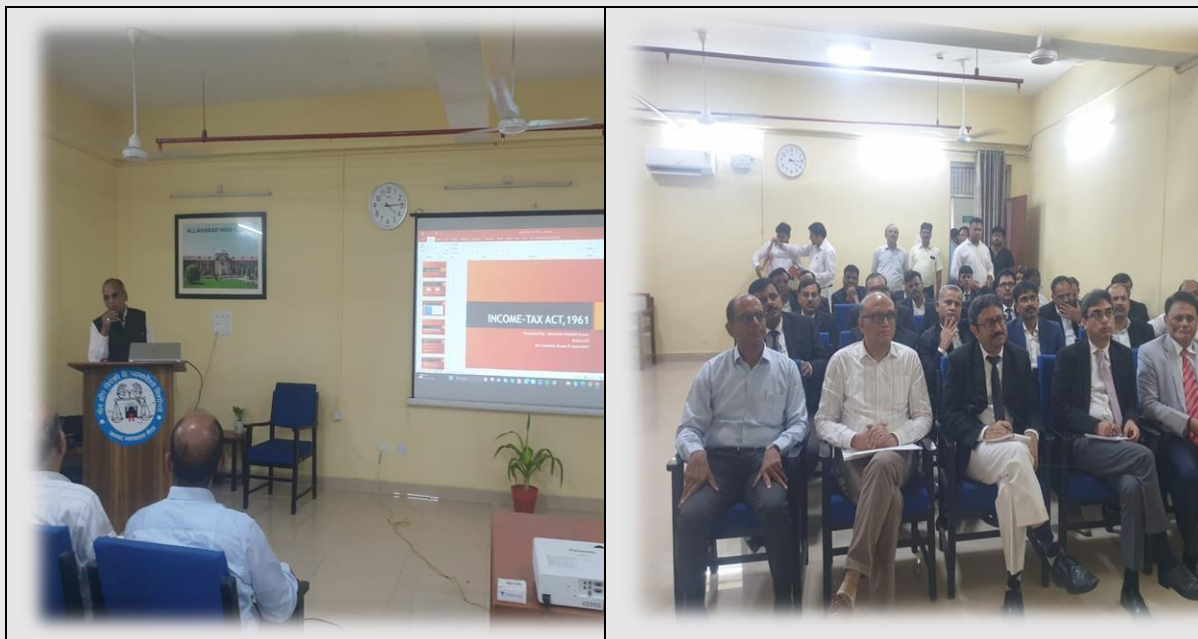
अधिनियम की धारा-9 के अंतर्गत दायर वादों का निस्तारण किया जाता है, इसके पश्चात धारा-10 के तहत पुनरीक्षित खतौनी बनाई जाती है, जिसमें जोत सम्बन्धी त्रुटियों को स्पष्ट रूप से दर्शाया जाता है।

सहायक चकबंदी अधिकारी, चकबंदी समिति से परामर्श लेने के पश्चात चकबंदी की योजना तैयार की जाती है, इसके बाद धारा-20 के तहत आकार पत्र-23 भाग-1 का वतरण किया जाता है।

चकबंदी बंदोबस्त अधिकारी द्वारा प्रस्तावित चकबंदी योजना को धारा-23 के अंतर्गत पुष्ट किया जाता है और नई जोतों पर खातेदारों को कब्जा दिलाया जाता है। यदि कोई कृषक इस प्रक्रिया से सहमत नहीं है, तो वह धारा-48 के अंतर्गत उप संचालक चकबंदी के न्यायालय में निगरानी वाद दायर कर सकता है।

अधिनियम की धारा-27 के अंतर्गत एक नया रिकॉर्ड बनाया जाता है, जिसमें आकार पत्र-41 और 45 बनाया जाता है। नए नक्शे का निर्माण किया जाता है, जिसमें पुराने गाटों के स्थान पर नये गाटे बना दिए जाते हैं। इस पूरी प्रक्रिया की जांच गहन स्तर पर की जाती है।

16.09.2023



1.INCOME-TAX ACT,1961

2.Investment

By

Advocate Shri Sailesh Kumar

What is the Income Tax Act 1961?

The Income Tax Act 1961 sets out certain rules and regulations based on which the Income Tax Department levies, collects, recovers, and administers taxes. The Income Tax Act broadly covers 23 chapters, 298 sections, and various rules and provisions based on which the Income Tax Department operates.

In simple words, it is the tax levied by the government on income earned by individuals and companies from various sources, such as salary, business/profession, house property, capital gains, and others.

Who is a Person Under the Income Tax Act 1961?

As per the Income Tax Act 1961, the term person has been defined under section 2(31). Person, as per the IT Act 1961, can be divided into these 7 categories -

These categories are as follows -

An Individual (Salaried, teacher, sole proprietor, etc.)

HUF (Hindu Undivided Family)

A Company (Wini in Taxscope Private Limited, Infosys Ltd.)

A Firm

An Association of persons (AOP) / Body of Individuals(BOI) , even without registration
A Local Authority (Jaipur Development Authority)

Every artificial judicial person has not been covered above.

What are the Features of the Income Tax Act 1961?

Given below are some features of the Income Tax Act 1961 -

Income tax is a type of direct tax that has to be borne by the taxpayer himself/herself. This tax liability cannot be transferred to another person.

The Central Government of India controls the income tax.

It applies to the taxpayer's income earned in the previous year.

Tax calculation is done on the basis of the applicable slab rate.

This type of tax is a progressive tax, where the rates are set so that the rich pay more taxes.

Deductions are also available for different types of income, subject to a maximum limit in a financial year.

Main Objectives of Income Tax Act 1961

The primary reasons for introducing the Income Tax Act 1961 are -

The Income Tax Act helps maintain the stability of prices by laying out certain rules and regulations. It also helps control private spending and keeps a check on inflation.

This reduces the rates of products and increases its demand, thus leading to the generation of more employment opportunities.

The progressive system of taxation addresses the inequality of wealth among citizens.

Income tax rates increase or decrease depending on the economy's condition. This act helps maintain control over the fluctuations in the value of money.

The levy of import duty also encourages domestic production and helps domestic manufacturers beat the competition.

Scope of Income Tax Act 1961

The Income Tax Act, 1961 is a comprehensive piece of legislation in India that governs the taxation of income generated by individuals, businesses, and other entities. The scope of the Income Tax Act, 1961 is extensive and covers various aspects related to the assessment, computation, and collection of income tax. Some key areas covered by the Income Tax Act, 1961 include:

Residential Status: The Act defines the criteria for determining the residential status of individuals and entities, which in turn determines their tax liability in India.

Classification of Income: The Act classifies income into various categories such as salary income, income from house property, profits and gains of business or profession, capital gains, and income from other sources.

Computation of Total Income: It provides rules and guidelines for computing the total taxable income of individuals, Hindu Undivided Families (HUFs), firms, companies, and other entities.

Tax Deductions and Exemptions: The Act allows for certain deductions and exemptions from taxable income under specific conditions, such as investments in certain schemes, donations to eligible charities, and expenses incurred for specific purposes.

Tax Rates and Slabs: It specifies the applicable tax rates and tax slabs for different categories of taxpayers based on their income levels and residential status.

Tax Deduction at Source (TDS): The Act lays down provisions for deduction of tax at source by certain entities, such as employers, on various types of payments like salaries, interest, rent, etc.

Advance Tax and Self-Assessment Tax: It mandates the payment of advance tax by taxpayers on their estimated income during the financial year, and self-assessment tax on their actual income before filing their tax returns.

Assessment Procedures: The Act outlines the procedures for the assessment of income tax, including filing of tax returns, scrutiny assessments, and assessments in case of defaults or discrepancies.

Taxation of Special Entities: It contains provisions for the taxation of special entities such as companies, partnership firms, co-operative societies, trusts, and non-resident entities.

Penalties and Prosecution: The Act prescribes penalties and prosecution for various offenses such as non-compliance with tax laws, concealment of income, and evasion of tax.

Appeals and Dispute Resolution: It provides mechanisms for taxpayers to appeal against tax assessments and resolve disputes with tax authorities through appellate authorities, tribunals, and courts.

International Taxation: The Act includes provisions for the taxation of income earned by residents and non-residents from international transactions, transfer pricing regulations, and agreements to avoid double taxation.

Provisions of Income Tax Act 1961

Appeal under Section 260A to the High Court and Section 261 to the Supreme Court

Annual information and financial transaction statement

Appearance by an authorised representative

Income taxability

Undertaking transactions mode

Assessing tax authorities

Instructions to subordinate authorities

Appeal application for reference by the Income Tax Officer

What Is an Investment?

An investment is an asset or item acquired with the goal of generating income or appreciation. Appreciation refers to an increase in the value of an asset over time. When an individual purchases a good as an investment, the intent is not to consume the good but rather to use it in the future to create wealth.

An investment always concerns the outlay of some resource today—time, effort, money, or an asset—in hopes of a greater payoff in the future than what was originally put in. For example, an investor may purchase a monetary asset now with the idea that the asset will provide income in the future or will later be sold at a higher price for a profit.

An investment involves putting capital to use today in order to increase its value over time.

An investment requires putting capital to work, in the form of time, money, effort, etc., in hopes of a greater payoff in the future than what was originally put in.

An investment can refer to any medium or mechanism used for generating future income, including bonds, stocks, real estate property, or alternative investments.

Investments usually do not come with guarantees of appreciation; it is possible to end up with less money than with what you started.

Investments can be diversified to reduce risk, though this may reduce the amount of earning potential.

How an Investment Works

The act of investing has the goal of generating income and increasing value over time. An investment can refer to any mechanism used for generating future income. This includes the purchase of bonds, stocks, or real estate property, among other examples. Additionally, purchasing a property that can be used to produce goods can be considered an investment.

In general, any action that is taken in the hopes of raising future revenue can also be considered an investment. For example, when choosing to pursue additional education, the goal is often to increase knowledge and improve skills. The upfront investment of time attending class and money to pay for tuition will hopefully result in increased earnings over the student's career.

07.10.2023



Sections 165 and 311 Cr. P.C.

By

Sh Rakesh Kumar Singh (H.J.S.)

Sections 165 and 311 of the Code of Criminal Procedure (CrPC) are related to searches by police officers and summoning witnesses.

Section 165 allows police officers to search for items if they have reasonable grounds to believe they are necessary for an investigation. The officer must also believe that the item cannot be obtained without undue delay. The officer must record their grounds for belief in writing, and specify the item to be searched for.

Section 311 allows a court to summon any person as a witness, or examine any person in attendance, though not summoned as a witness. The section applies to all proceedings, enquiries and trials under the Code. The court should exercise its discretion judiciously, as the wider the power the greater is the necessity for application of judicial mind.

The Supreme Court has stated that Sections 165 and 311 are complementary to each other and between them, they confer jurisdiction on the Judge to act in aid of justice.

14.10.2023



Yoga and Mediation

By
Smt. Nidhi Rathi
&
Ms. Nikita

Yoga and meditation are both ancient practices that originated in northern India. They have been used for centuries to improve physical and mental health.

Yoga is a physical practice that involves poses, breathing exercises, and meditation. It can help to improve flexibility, strength, balance, and coordination. Yoga can also help to reduce stress, anxiety, and depression.

Meditation is a mental practice that involves focusing the mind on the present moment. It can help to improve concentration, focus, and clarity of mind. Meditation can also help to reduce stress, anxiety, and depression.

Yoga and meditation are often practiced together. The combination of the two practices can be very beneficial for both physical and mental health.

Here are some of the benefits of yoga and meditation:

- Improved flexibility, strength, balance, and coordination
- Reduced stress, anxiety, and depression
- Improved concentration, focus, and clarity of mind
- Increased self-awareness and compassion
- Improved sleep quality
- Reduced pain and inflammation
- Improved cardiovascular health
- Boosted immune system

21.10.2023



INJURY-Part-1

By

Dr. Mithun Ghosh

Associate Professor, Department of Forensic Medicine,
LLRM MEDICAL COLLEGE, Meerut

Injuries can be classified into primary, secondary, direct, indirect, and chronic. Some common types of injuries include:

Soft tissue injuries: These are some of the most common types of injuries, and can occur when the body moves in ways it wasn't designed to, such as in a motor vehicle accident

Broken bones: Bones support the body and help with movement

Traumatic brain injuries: There are two types of brain injuries: traumatic and non-traumatic

Spinal cord injuries: The spinal cord transmits messages from the brain to the rest of the body

Psychological injuries: These are often overlooked after an injury

Injuries can also be categorized as acute or chronic. Acute injuries occur suddenly, such as a sprained ankle caused by an awkward landing. Chronic injuries are caused by repeated overuse of muscle groups or joints, and can also be caused by poor technique or structural abnormalities.

Some common types of injuries include:

- Animal bites

- Bruises
- Burns
- Dislocations
- Electrical injuries
- Fractures (broken bones)
- Sprains and strains

28.10.2023



स वल कानून के तहत प्र क्रया जारी करना(Staff)
By
Sushri Sangya Yaduvanshi (CJJD)

प्र क्रया जारी करने का मुख्य उद्देश्य प्राकृतिक न्याय के सद्धांतों के वचार का पालन करना है। ऑडी अल्टरम पार्टम का सद्धांत जिसका तात्पर्य है क दोनों पक्षों को सुना जाना चाहिए, प्राकृतिक न्याय का एक अ भन्न अंग है। सीपीसी के आदेश 5 के तहत प्रावधान प्रतिवादी की उपस्थिति सुनिश्चित करना है।

नोटिस केवल ल खत रूप में होना चाहिए (धारा 142 सीपीसी)

सेवा के तरीके (ओ. 5, नियम 9, 9-ए, 10 सीपीसी)

- (1) प्रोसेस सर्वर
- (2) वशेष दूत
- (3) अमीन
- (4) अ धवक्ता आयुक्त
- (5) पंजीकृत डाक एवं स्पीड पोस्ट

- (6) समाचार पत्र में प्रकाशन
 - (7) कूरियर सेवाएं (यदि उच्च न्यायालय द्वारा अनुमोदित हो) (8)
 - (8) फैक्स संदेश
 - (9) इलेक्ट्रॉनिक मेल सेवा
- पार्टी द्वारा स्वयं दस्ती सम्मन

प्र क्रयाओं के प्रपत्र और सामग्री (नियम 102 और 103, जी.आर. स वल)

- प्र क्रयाओं के प्रपत्र दो प्रकार के होंगे, एक सामान्य मामलों में उपयोग के लिए सफेद कागज पर मुद्रित और दूसरा अत्यावश्यक मामलों में उपयोग के लिए गुलाबी कागज पर मुद्रित।
- प्र क्रया में नाम, पता का नाम, व्यवसाय, जिला, मुहल्ला (यदि कोई हो), गांव या शहर निर्धारित किया जाएगा। जहां ऐसा ववरण प्र क्रया जारी करने के लिए अदालत में जाने वाले व्यक्ति के आवेदन में या रिकॉर्ड में प्रकट नहीं होता है, अदालत के आदेश तुरंत जारीकर्ता अधिकारी द्वारा लिए जाएंगे

16.12.2023



Amendment of pleadings By Shri Ramesh (H.J.S)

What are the Pleadings?

Pleadings have been defined under Order 6 Rule 1 of CPC which states that Pleading shall be Plaint or Written Statements.

What rules to be followed while drafting of pleadings?

Pleading should contain the facts but no law should be applied in pleadings. Only the court has the power to apply the law on the basis of fact stated in the Pleadings. In the case of Gouri Dutt Ganesh Lal Firm v. Madho Prasad, AIR 1943 PC 147: 209 IC 192 honourable court stated that Pleadings should be defined in four words – “Plead Facts, not laws”.

Pleadings should contain material facts. Parties should avoid using immaterial or irrelevant facts in the Pleadings. In the case of Virender Nath v. Satpal Singh (2007) 3 SCC 617, the court stated that material facts are those facts which helps Plaintiff to define his cause of action or defendant to strong his defence.

Parties should not give the evidence in the pleadings from which facts are proved.

Pleadings should contain the material facts in the brief form. Parties should avoid using irrelevant or immaterial statements while drafting the Plaint.

Different kinds of amendments: Under CPC

The occasion for amendment arises in 7 different ways, namely

- (i) Section 152 (amendment of clerical and arithmetical mistakes in judgments, decrees and orders).
- (ii) Section 153 (amendment of proceedings in a suit by the court, whether moves thereto by the parties or not, for the purpose of determining the real question or issue between the parties).
- (iii) 153A. Power to amend decree or order where appeal is summarily dismissed.
- (iv) Order 1, Rule 10, sub-r (2) (striking out or adding parties).
- (v) Order 22 Rules 3 & 4 (adding legal representatives of deceased party)
- (vi) Order 6, Rule 16
- (vii) Order 6, r 17 (amending your own pleading: voluntary amendment)

Amendment Of Pleadings: Order VI Rules 17

17. Amendment of pleadings.—The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties:

Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.

24.01.2024



Cyber Crime and Security

By

Dr. Surabhi Pandey

Assistant Professor, IIPA ,New Delhi

Cybercrime is a broad term that refers to criminal activities that use digital devices and networks to commit fraud, identity theft, data breaches, computer viruses, scams, and other malicious acts. Cybercrime can affect individuals, groups, or governments, and can have devastating effects like financial losses, breaches of sensitive data, failure of systems, and damage to an organization's reputation.

Here are some examples of cybercrime:

Hacking

Gaining unauthorized access to data in a computer or network

Malware

Malicious software that interferes with a computer's normal functioning or commits a cyber crime

Phishing

A cybercrime where someone poses as a legitimate institution to lure individuals into providing sensitive data such as personally identifiable information, banking and credit card details, and passwords

Cyberstalking

The use of the Internet or electronics to stalk or harass an individual, an organization or a specific group

Cyberterrorism

Using cyberspace to hurt the general public and damage the integrity and sovereignty of any country

Cybercrime is any criminal activity that involves a computer, network or networked device. While most cybercriminals use cybercrimes to generate a profit, some cybercrimes are carried out against computers or devices to directly damage or disable them.

09.02.2024



Stamp and Registration Department By

Shri Gyanendra Kumar (A.I.G).

Overview

Indian Stamp Act was amended in 1899 by the British Government with the sole purpose of acting as a revenue-generating mechanism for the Government. This Act imposes liability to pay stamp duty on certain and specific documents. Indian Stamp Act acts as fiscal legislation.

Objectives of the Stamp Act, 1899

The main purpose of this Act is to generate revenue for the Indian government.

A document which is stamped acts as valid evidence in a court of law.

The Stamp Act also makes payment of stamp duty on some documents compulsory which in return makes those documents legally valid and authentic.

Stamp Duty

The tax payable on a certain and specific document is termed as stamp duty. Stamp duty can be fixed or varied based on the value of the product.

Basically, stamp duty is a tax which is paid on the exchange of documents or execution of instruments.

There are basically two kinds of stamp duty and they are:

Impressed stamp- An impressed stamp is produced by the process of engraving or embossing. The labels in impressed stamps are affixed and these impressions are done by franking machines in the bank.

Adhesive stamp- Adhesive stamps are those stamps which can be stuck to a document using any form of adhesive. There are two types of adhesive stamps and they are:

Postal stamps- Postal stamps have their limited application. Postal stamps are used for post office related transactions.

Non-postal stamps- Non-postal stamps have wider application compared to postal stamps. Non-postal stamps are revenue stamp, court fee stamp, insurance policy stamp etc.

There are certain very important terms that are related to The Indian Stamp Act, 1899. It is important for us to be aware of those terms and they are:

Conveyance- Section 2 (10) of the Act defines the term conveyance. It basically includes an instrument by which property is transferred. It applies to both movable and immovable property. Sale deed, transfer of lease, release, settlement are all chargeable as conveyance.

Duly Stamped- Section 2 (11) defines this term. It means that the instrument bears the adhesive or impressed stamp, not below the amount essential by law and further no violation to the manner prescribed by law. The amount of stamp to be used is governed by provisions and schedule to the Stamp Act. The manner of stamping is governed by section 10 to 19 of the Act and also by the rules framed by the Government. Under this head are included particulars as to the description of state ps and the number of stamps to be used. Thus an instrument which is to be written on paper with an impressed stamp is not duly stamped if it bears only an adhesive stamp of the value and vice- versa.

Instrument- Section 2(14) defines the term instrument. So instrument means any document through which any right, liability is created, transferred, extended or extinguished. A document which helps to record such rights and liability even though the document itself does not create such right or liability can also be termed as an Instrument.

Instrument chargeable with duty- All the instruments mentioned in the schedule are chargeable with duty of amount as mentioned in the Act. The exception to charges is an instrument which is executed by the government or executed for the purpose of Special Economic Zone.

Valuation of Instrument for levy of stamp duty

As we already know that Instruments are chargeable with duty but then it raises another question and that is how is the valuation of instruments is done, the answer to that question is from Section 20 to Section 27 excluding Section 22 of The Indian Stamp Act.

15.02.2024



Video Conferencing Rule 2020

By

Shri Rajmangal Singh Yadav H.J.S

The Allahabad High Court framed the Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020, which have been recently notified in the State gazette. The rules allow for public viewing of court proceedings, except where proceedings need to be conducted in camera.

Here are some of the rules:

Any person being examined, including a witness, must produce and file proof of identity before being examined through video conferencing. This can be an identity document issued or duly recognized by the Government of India, State Government, Union Territory, or an affidavit attested by any of the authorities referred to in Section 139 of the CPC or Section 297 of the CrPC.

If a person is examined with reference to a particular document, the summon to witness must be accompanied by a duly certified photocopy of the document.

The court would be at liberty to record the demeanour of the person being examined.

27.02.2024



Video Conferencing Rule 2020 At District Bar Meerut

By

Shri Rajmangal Singh Yadav H.J.S

The Allahabad High Court has framed the Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020, which were recently notified in the State gazette. The rules allow for public viewing of court proceedings, and courts are required to make video links available, except where proceedings need to be conducted in camera.

Here are some of the rules:

Participants can request to mask their face or name by providing the Court Point Coordinator with the information before the proceeding.

The Court Point Coordinator will send the link, meeting ID, or room details to the participant's email or mobile number.

Once the proceedings have started, no other person is permitted to participate in the virtual hearing, unless the Court gives permission.

The Allahabad High Court has also allowed parties and advocates to appear and argue cases before it through video conferencing mode since September 12, 2023

16.03.2024



INJURY –Part -2

By

Dr. Mithun Ghosh

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LLRM MEDICAL COLLEGE, Meerut

Injuries can be classified into primary, secondary, direct, indirect, and chronic. Some common types of injuries include:

Soft tissue injuries: These are some of the most common types of injuries, and can occur when the body moves in ways it wasn't designed to, such as in a motor vehicle accident

Broken bones: Bones support the body and help with movement

Traumatic brain injuries: There are two types of brain injuries: traumatic and non-traumatic

Spinal cord injuries: The spinal cord transmits messages from the brain to the rest of the body

Psychological injuries: These are often overlooked after an injury

Injuries can also be categorized as acute or chronic. Acute injuries occur suddenly, such as a sprained ankle caused by an awkward landing. Chronic injuries are caused by repeated overuse of muscle groups or joints, and can also be caused by poor technique or structural abnormalities.

Some common types of injuries include:

- Animal bites
- Bruises

- Burns
- Dislocations
- Electrical injuries
- Fractures (broken bones)
- Sprains and strains

23.03.2024



Anticipatory Bail at District Bar Association

By

**Shri Pavitra Narayan Adv.
Shri Anil Kumar Tomer Adv**

Anticipatory Bail

Obtaining Bail

The steps that a person can take when an FIR has been lodged against him. The first thing a person has to do is to enquire as to whether the FIR has been lodged for a bailable or a non-bailable offence. A bailable offence is one in which bail may be asked for as a matter of right. A non-bailable offence is one where only in certain contingencies will bail be granted. Depending on the kind of offence that the police have registered, a person should apply for bail under the relevant provisions of the Code of Criminal Procedure, 1973 (CrPC). If a person has been accused in the FIR of an offence other than a non-bailable offence, he can move a bail application in the High Court or sessions court under Sec 436 of the Criminal Procedure Code. Sec 436 provides that when any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a police station, or appears or is brought before a court, and is prepared at any time while in the custody of such officer or at any stage of the proceeding before such Court to give bail, such a person shall be released on

bail: Provided that such officer or Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance. Persons within S 436 cannot be taken into custody unless they are unable or unwilling to offer bail or execute a bond.

This section contemplates two kinds of security –

A personal recognizance

Security with sureties.

Anticipatory bail

In case of a FIR being lodged for a non-bailable offence, person who apprehends an arrest should immediately apply for Anticipatory Bail. Anticipatory bail is a direction to release a person on bail, issued even before the person is arrested.

Sec 438 of the Criminal Procedure Code deals with the concept of Anticipatory Bail. Sec 438(1) provides that when any person has reason to believe that he may be arrested on an accusation of having committed a non bailable offence, he may apply to the High Court or the Court of Session for a direction under this section, and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

The distinction between an ordinary bail and anticipatory bail is that the former being after arrest means release from custody of police, the latter being in anticipation of arrest is effective at the very moment of arrest.

Sec 437 of the Criminal Procedure Code deals with the power of courts other than High Court or court of session in the matter of granting or refusing ordinary bail in a non bailable offence.

Sec 439 of the Criminal Procedure Code deals with the special power of the High Court or Court of Session regarding bail. The discretionary powers of the High Court or the court of sessions under this section is considerably wider than the powers of the magistrate in S437.

In conclusion it can be said that the most important step for a person against whom a FIR has been lodged is to obtain appropriate Bail. It would be advisable that legal counsel be hired to obtain such bail.

When can a person apply

When any person apprehends that there is a move to get him arrested on false or trump up charges, or due to enmity with someone, or he fears that a false case is likely to be built up against him, He has the right to move the court of Session or the High Court under section 438 of the code of Criminal Procedure for grant of bail in the event of his arrest, and the court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

Conditions that may be imposed by the court

The High Court or the Court of Session may include such conditions in the light of the facts of the particular case, as it may think fit, including:

- (a) a condition that the person shall make himself available for interrogation by the police officer as and when required;
- (b) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- (c) a condition that the person shall not leave India without the previous permission of the court.

Arrest at later point of time.

If such person is thereafter arrested, and is prepared either at the time of arrest or at any time while in the custody of such officer to give bail, he shall be released on bail and the magistrate taking cognizance of such offence decides that warrant should be issued against that person, he shall issue a bailable warrant in conformity with the direction of the court granting anticipatory bail.

Anticipatory bail is not a blanket order for not to be arrested.

The applicant must show by disclosing special facts and events that he has reason to believe, that he may be arrested for a non-bailable offence so that the court may take care to specify the offence or offences in respect of which alone the order will be effective and it is not a blanket order covering all other offences.

Cancellation.

An accused is free on bail as long as the same is not cancelled. The High Court or Court of Session may direct that any person who has been released on bail be arrested and commit him to custody on an application moved by the complainant or the prosecution.

06.04.2024



Brief about the Bhartiya Nagrik Suraksha Sanhita,2023(Part -1)

By Shri Yogesh Jain (ACJM/CJSD)

	Code of Criminal Procedure, 1973	Bhartiya Nagrik Suraksha Sanhita, 2023
Date of assent	25.01.1974	25.12.2023
Date of enforcement	01.04.1974	01.07.2024
Chapters	XXXVII (37)	XXXIX (39)
Sections	484	531(177 sections revised, 9 sections added, 14 sections repealed)
Schedule	2	2
Forms in schedule 2	57	58(notice for appearance by police is additional) beside that email, mobile numbers option is also there.

04.05.2024



Dr. Tanu Jain (ides)
Stress Management for Judiciary

- ▶ Stress can be defined as the body's natural response to any demand or pressure, whether it's physical, mental, or emotional. It's a biological reaction that occurs when we perceive a threat or challenge, activating the body's "fight or flight" response. This response triggers a cascade of physiological changes, including the release of stress hormones like adrenaline and cortisol, which prepare the body to take action.
- ▶ In essence, stress is the body's way of mobilizing resources to deal with a perceived threat or challenge. While stress can be a normal and adaptive response in certain situations, chronic or excessive stress can have negative effects on both physical and mental health.