

V.S. DREAM COACHING

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Indirapuram Ghaziabad

For

H.J.S. P.C.S. (J) A.P.O. & CLAT

Year- 2023



Secret of success is to
know something
nobody else knows

NO. 2 OF 2023

NEWSLETTER

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V.S. DREAM COACHING

1. Study Material-Law

Women and Justice System in India

The UN Declaration on the Exclusion of Crime against Women (1993) states that "crime against women is an expression of traditionally imbalanced power relations between men and women, which have led to command over and discrimination against women by men and to the anticipation of the full development of women."

Women who are Victims of crime, face unique challenges, including difficulty reporting crimes due to stigma or fear of retaliation, and a lack of sensitivity and understanding from law enforcement and other actors of criminal justice. Additionally, there is a constant fear among these women victims that the system may fail to recognize and address the specific types of crimes, experienced by them, such as domestic violence and sexual assault, and they may be subjected to victim blaming, as a result, often crimes against them go unreported. Any form of violence against women is a serious violation of Articles 14, 15, and 21 of the Indian Constitution, which safeguard women's human rights and fundamental rights.

Women defendants too face significant barriers in the justice system, including a higher likelihood of being imprisoned for non-violent offenses, and a lack of access to adequate legal representation. Additionally, women in the criminal justice system face challenges related to their gender, including discrimination, sexual harassment, and a lack of services to address their specific needs, such as access to reproductive health care, mental well-being, etc.

Indian Context

In a country like India, women are disproportionately affected by crime and have to face significant challenges within the criminal justice system. Some of the most common crimes experienced by women in India include domestic violence, sexual assault, and trafficking, among others. Despite the prevalence of these crimes, women in India have to face several barriers to accessing justice and obtaining adequate protection.

Adding to already existing challenges in the justice system, the prevalent culture of victim blaming and a fear of stigma or retaliation discourages these women

from reporting crimes. India is taking action to implement all women into social and political life, but on the other hand, its women are subjected to inhumane treatment and the fear of violence, jeopardizing both women's and the country's progress. It is a well-known truth that the number of crimes against women is a negative sign of growth, and India is currently dealing with a serious challenge in this regard.

It is a well-known fact that the criminal justice system in India is often slow, ineffective, and prone to corruption, making it difficult for women to seek justice and obtain protection. Furthermore, women who are defendants in the criminal justice system often face discrimination and a lack of access to adequate legal representation either due to lack of finances or lack of family support, all these further compound the difficulties they are facing.

Though women's rights and protections within the Indian criminal justice system have been a matter of significant concern for many years, despite the progress in recent years, women in India continue to face numerous obstacles in accessing justice, including gender-based violence, discrimination, and unequal treatment under the law.

One major issue is the widespread underreporting of crimes against women, including domestic violence, sexual assault, and harassment. Fear of reporting cases is a major barrier for many women who are victims of crime in India. This fear can be driven by a number of factors, including:

Social Stigma

Women who report crimes against them, especially sexual crimes, may face social stigma and victim shaming/blaming. This can be particularly damaging in communities where there is a strong cultural taboo against discussing such issues publicly. Such incidents also lead to loss of jobs, loss of future employment, etc., and hence such fear of loss of livelihood restrains them from reporting such crimes.

Fear of Retaliation

Women may be afraid to report crimes out of fear of retaliation from the perpetrators or their associates. This is particularly true in cases of domestic violence, where women may fear for their own safety and that of their children and families.

Lack of Access to Resources

Women who are from marginalized communities, such as low-income families or rural areas, may face barriers to accessing resources, such as legal aid or support services, that would help them report crimes and navigate the criminal justice system. They are not aware of their own rights, and often fall prey to frauds and scams by imposters who promise them with providing justice.

Furthermore, there have been concerns about the treatment of women by the criminal justice system itself, including discrimination by law enforcement officials, unequal treatment in the courts, and inadequate support and protection for women who are victims or witnesses in criminal proceedings, as a result often women witnesses turn hostile in fear of facing the wraths of the society.

To address these issues, the Indian government has enacted a number of laws and policies aimed at protecting women's rights and promoting gender equality within the criminal justice system.

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Some of the key provisions include:

With respect to women victims:

Indian Penal Code:

The Indian Penal Code (IPC) includes provisions criminalizing various forms of violence against women, including rape, sexual harassment, domestic violence, and trafficking. The IPC also recognizes and punishes crimes such as dowry deaths and cruelty by husbands and in-laws.

Code of Criminal Procedure:

The Code of Criminal Procedure (CrPC) provides for special provisions for the protection of women, including protection orders and the appointment of women police officers for the investigation of crimes against women. The CrPC also provides for expedited trials in cases of crimes against women and includes provisions for in-camera proceedings and witness protection.

Protection of Women from Domestic Violence Act:

This act provides for the protection of women from domestic violence, including physical, emotional, sexual, and economic abuse. The act provides for protection

orders, compensation for the victim, and the establishment of shelters for women who have been subjected to domestic violence.

Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act:

This act provides for the prevention, prohibition, and redressal of sexual harassment of women at the workplace. The act requires employers to establish a complaint mechanism and provides for penalties for non-compliance.

Immoral Traffic (Prevention) Act:

This act provides for the prevention of prostitution and trafficking of women and children. The act includes provisions for the protection and rehabilitation of victims of trafficking and for the punishment of perpetrators.

Criminal Law (Amendment) Act, 2013:

The Nirbhaya case, in which a female student was gang-raped in December 2012, prompted the enactment of the Criminal Law (Amendment) Act, 2013. Several provisions of the Indian Penal Code, Indian Evidence Act, and Criminal Procedure Code were changed by the Act.

To comply out the Constitution's objective, the state has passed a number of laws aimed at ensuring equal rights, preventing social discrimination and other forms of violence and atrocities, and providing support services, particularly to working women. Although women can be victims of any crime, such as 'murder,' 'robbery,' or 'cheating,' acts directed exclusively.

These provisions in Indian law aim to provide women with a legal framework for seeking justice and protection from crimes committed against them. However, it is important to note that the implementation of these laws and the support provided to women who have experienced crimes can vary across the country, and more needs to be done to ensure that women are able to access their rights and protections under the law.

Provisions to protect the rights of women who are accused or convicted of criminal offenses

Indian Penal Code

The Indian Penal Code (IPC) provides that women cannot be punished with the death penalty or life imprisonment, except in rare circumstances. This is in recognition of the fact that women are often subjected to violence and exploitation and may be vulnerable to abuse within the criminal justice system.

Code of Criminal Procedure

The Code of Criminal Procedure (CrPC) provides for the appointment of women police officers to investigate crimes committed against women and to deal with women accused of crimes. The CrPC also requires that women be kept in separate facilities from men in jail and that they be searched only by women officers.

Juvenile Justice (Care and Protection of Children) Act

This act provides for the protection and rehabilitation of children, including female children, who are accused of crimes. The act provides for the establishment of special facilities for juvenile offenders, including separate facilities for boys and girls.

Prison Act, 1894

The Prison Act provides for the treatment of female prisoners in accordance with their rights and needs. The act requires that women be kept in separate facilities from men, and provides for special provisions to address the needs of pregnant women, women with children, and women with disabilities.

These provisions aim to ensure that women who are accused or convicted of crimes are treated fairly and humanely within the criminal justice system. However, in practice, the implementation of these provisions is not effective, and there have been reports of women being subjected to abuse and mistreatment within the criminal justice system.

There is an evident lack of awareness among women and also a failure in the implementation of the existing protective laws on the ground level, and hence to address these challenges, there is a need for systemic reforms within the criminal justice system in India, including the implementation of gender-sensitive policies and practices, and the development of programs and services specifically designed to support women who are victims of crime.

Additionally, education and awareness-raising efforts are needed to challenge the culture of victim blaming and to encourage women to report crimes and seek justice. Also, accused women have the right to a fair trial and the same needs to be ensured for them.

It is important to mention that women defendants in India have a right to legal aid under the Indian Constitution and various legal provisions. Legal aid is the

provision of assistance to individuals who are unable to afford a lawyer, in order to ensure that everyone has access to justice.

Some of the provisions are:

Legal Services Authorities Act

The Legal Services Authorities Act provides for the establishment of legal aid and advice services for individuals who are unable to afford a lawyer. The act requires that legal aid be provided to women who are accused of crimes, and that special provisions be made for women who are vulnerable or marginalized, such as those who are poor, illiterate, or victims of violence.

Prison Act, 1894

The Prison Act provides for the appointment of legal aid to prisoners who are unable to afford a lawyer. This includes women defendants who are in jail and require legal assistance.

Legal Aid Clinics

The Legal Aid Clinics are an initiative of the government of India and provide legal aid and advice services to individuals who are unable to afford a lawyer. These clinics have been established in several states across the country and provide free legal services to women who are accused of crimes.

All these above-mentioned provisions aim to ensure that women who are accused of crimes have access to legal aid and representation, in order to ensure that they receive a fair trial and are able to defend themselves against criminal charges. However, in practice, the implementation of legal aid provisions can be inconsistent across the country, and women may still face challenges in accessing legal representation.

Some other relevant laws for protection of women rights in India are:

1. Protection of Women from Domestic Violence Act, 2005
2. Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994
3. Commission of Sati (Prevention) Act, 1987
4. Indecent Representation of Women (Prohibition) Act, 1986
5. The Medical Termination of Pregnancy Act, 1971 (Amended in 2021)
6. Dowry Prohibition Act, 1961
7. The Maternity Benefit Act, 1961 (Amended in 2017)
8. Immoral Traffic (Prevention) Act, 1956

9. The Hindu Marriage Succession Act, 1956 (Amended in 2005)
10. The Hindu Marriage Act, 1955
11. The Special Marriage Act, 1954
12. The Family Courts Act, 1954

Some of the landmark cases in India which dealt with issues related to women and Criminal Justice

(i) Tukaram Vs. State of Maharashtra (1979)

This case dealt with the issue of separate detention facilities for women and the court held that women prisoners must be kept in separate, secure and decent facilities.

(ii) State of Maharashtra Vs. Madhavrao S/o. M.L. Dhawale (1991)

The case dealt with the issue of custodial rape, which refers to the rape of a woman by a public official while she is in police custody. The Supreme Court of India held that custodial rape is a heinous crime and that the government is under an obligation to protect women from such abuse. The court also laid down guidelines for the protection of women in police custody.

(iii) Vishaka and others Vs. State of Rajasthan (1997)

This case dealt with the issue of sexual harassment in the workplace. The Supreme Court of India held that sexual harassment is a violation of women's human rights and that employers are under a duty to provide a safe working environment for women. The court also laid down guidelines for the prevention of sexual harassment in the workplace.

(iv) Sakshi Vs. Union of India (2004)

This case dealt with the issue of medical examination of rape victims. The Supreme Court of India held that medical examinations of rape victims must be conducted in a manner that is sensitive to the victim's rights and dignity, and that medical examinations should not be used as a means of further traumatizing the victim.

(v) Sharmila Kantha V. State of Maharashtra (2005)

This case dealt with the issue of solitary confinement of women prisoners and the court held that solitary confinement is a form of cruel, inhuman and degrading treatment, and women prisoners cannot be subjected to such conditions.

(vi) Sunita Kumari Vs. State of Jharkhand (2010)

This case dealt with the issue of medical care for female prisoners in Jharkhand, and the court held that female prisoners have the right to receive proper medical treatment and facilities, especially during pregnancy and childbirth.

(vii) Selvi Vs. State of Karnataka (2010)

This case dealt with the issue of the use of polygraph and narcoanalysis tests on female prisoners and the court held that these tests violate the privacy and dignity of women and cannot be used without their consent.

(viii) Babita Puniya Vs. State of Haryana (2017)

This case dealt with the issue of sexual exploitation of women in the police force. Supreme Court of India held that women police officers who are subjected to sexual exploitation must be provided with support and assistance and that their rights must be protected. The court also laid down guidelines for the protection of women police officers from sexual exploitation.

(ix) X Vs. Principal Secretary, Health and Family Welfare Department, Govt. of NCT of Delhi, Civil Appeal No. 5802 of 2022, decided on 29 September 2022

The meaning of rape must be held to include "marital rape" for the purpose of the Medical Termination of Pregnancy Act and Rules. A woman who seeks legal abortion cannot be required to seek consent from her family.

These cases have helped to strengthen the legal protections for women in India, and have helped to raise awareness about the various forms of violence and abuse that women can face within the criminal justice system. However, there is still much work to be done to ensure that women's rights are fully protected and that women are able to access justice in a manner that is fair and effective.

It is important to continue working to ensure that women defendants have access to legal aid and representation, in order to protect their rights and ensure that they receive a fair trial, and the women victim have a safe and supportive environment to ensure justice to them.

Conclusion

Despite the various provisions on paper, for protecting the rights of women and specially affected women who are either victims or defendants in a given matter,

there is a gap that needs to bridge in order to make justice easily accessible to these women on the ground level, in reality, and not just on a piece of paper.

Efforts are to be made in the implementation of the existing laws and revising of policies and procedures to make them more women-friendly in order to create a sense of trust and belief in these affected women towards the criminal justice system.

There is still a long way to go to ensure that women in India are able to access justice and are treated fairly and equitably within the criminal justice system. Addressing these challenges will require a sustained commitment from the government, the legal community, and society as a whole to promote gender equality and protect the rights of women.

To conclude, we need to understand that it is important to create a supportive environment where women feel comfortable reporting crimes and have access to the resources they need to do so. This could include increased public awareness campaigns, strengthening the criminal justice system to ensure that it is more responsive to the needs of women, and providing support services to women who have experienced crimes.

It is also important to address the cultural and social attitudes that contribute to the stigma surrounding the reporting of crimes against women. Also, efforts to improve the implementation of legal aid provisions, increase public awareness about the right to legal aid, and provide training and support to legal aid providers are essential to make justice accessible to every person in need.

B. Important Cases Full Report

IN THE SUPREME COURT OF INDIA

Ram Gopal S/o Mansharam

Vs.

State of Madhya Pradesh

[Special Leave Petition (Crl.) No. 9221 of 2018]

HEADNOTE – It is true that the burden to prove the guilt of the accused is always on the prosecution, however in view of Section 106 of the Evidence Act, when any fact is within the knowledge of any person, the burden of proving that fact is upon him.

JUDGMENT

Bela M. Trivedi, J.

1. The impugned judgment and order dated 13.07.2018 passed by the High Court of Madhya Pradesh, Bench at Gwalior in Criminal Appeal No. 70/2000 has been sought to be challenged by the petitioner-accused by way of present petition.

The said appeal was dismissed by the High Court confirming the judgment and order dated 17.01.2000 passed by the First Additional Sessions Judge, Morena (hereinafter referred to as the "Sessions Court") in ST No. 205/1996, whereby the petitioner was convicted for the offence under Section 302 IPC and was sentenced to undergo life imprisonment with fine of Rs. 5,000/-, in default thereof to suffer further rigorous imprisonment for a period of two years.

2. The petitioner-accused Ramgopal alias Gopal was the Ex- Sarpanch of the village Har Gangoli. On 20.12.1995 at about 09:30 AM, the complainant Upendra Singh (PW-1) reported at the Police Station Baghchini that on 19.12.1995 at about 5 PM his uncle (Tau) Pratap Singh Sikarwar was taken by the Sarpanch Ram Gopal from Arhela, and the dead body of his uncle Pratap Singh was lying on the road near the house of Bharosibaba at village Chachiha.

He further alleged in the complaint that there were injuries found on the head and ear of his uncle and blood was oozing out from the said parts. The said complaint was registered at the Police Station Baghchini as FIR No. 132/95 on 20.12.1995. The Investigating Officer after carrying out the investigation submitted the chargesheet against the petitioner- Ramgopal along with other three accused i.e., Suresh Singh, Chhotalli @ Chhotey Singh and Mintoo @ Karan Singh.

The Sessions Court framed charge against the accused for the offence under Section 302 and in the alternative Section 302 read with 34 IPC. The Sessions Court after appreciating the evidence on record convicted the petitioner-Ramgopal for the charged offence under Section 302 IPC, however acquitted the other three accused giving them benefit of doubt. Being aggrieved by the same, the petitioner had preferred the appeal before the High Court, which came to be dismissed by the impugned order.

3. The learned Senior Counsel Mr. Salman Khurshid appearing for the petitioner submitted that the case of the prosecution rested solely on the circumstantial evidence, however the prosecution had miserably failed to prove the entire chain of circumstances leading unerringly to the guilt of the petitioner-accused. According to him, the courts below have committed an error in convicting the petitioner merely on the theory of "last seen together", however there was a big time gap between the time when the petitioner was lastly seen with the deceased and the time when the dead body of the deceased was recovered.

The alleged recovery of weapon axe from the petitioner also could not be a ground for conviction, more particularly when the doctor who had carried out the post-mortem of the dead body of the deceased, had not opined that the injuries found on the dead body of the deceased were possible with the said weapon. According to Mr. Khurshid, there was no animosity between the deceased and the petitioner, and on the contrary as per the evidence of PW-1 Upendra Singh and PW-8 Ramshree, their relations were quite cordial.

In absence of examination of any independent witness, runs the submission of Mr. Khurshid, the benefit of doubt deserves to be given to the petitioner, when the other three co-accused were given such benefit. Mr. Khurshid has placed heavy reliance on the decision of this Court in the case of Padala Veera Reddy vs. State of Andhra Pradesh and others 1989 Supp (2) SCC 706, in case of Shahaja alias Shahajan Ismail Mohd. Shaikh vs. State of Maharashtra (2022) SCC OnLine SC 883, and in case of Nizam and another vs. State of Rajasthan (2016) 1 SCC 550 in support of his submissions.

4. However, the learned Advocate Mr. D.S. Parmar appearing for the respondent-State submitted that there being concurrent findings of the guilt recorded by the courts below against the petitioner, this Court should not interfere with the same. He further submitted that the petitioner in his further statement under Section 313 had failed to explain as to when and how he departed from the company of the deceased, when undisputedly he was with the deceased during the previous evening of his death, and therefore both the courts below had rightly held the said circumstance as a circumstance adverse to the petitioner.

5. It cannot be gainsaid that when the entire case of the prosecution hinges on the circumstantial evidence, the entire chain of circumstances has to be completely proved, which unerringly would lead to the guilt of the accused and none else. So far as the evidence on record in the present case is concerned, it emerges that it was not disputed that on 19.12.1995 at about 5 PM, the petitioner-accused had taken the deceased Pratap Singh from his house.

Thereafter, the deceased and the petitioner were also seen together at the shop of one Shripal at village Arhela by the witness Vijay Singh (PW-4). It was also not disputed that on the next day morning the dead body of the deceased was found lying near one field at village Chachiha. Hence, the death of the deceased Pratap Singh had taken place during the night hours of 19th and 20th December, 1995, and that the petitioner was lastly seen with the deceased on the previous evening. Thus, it was the petitioner alone, who knew as to what happened after the evening of 19th December, 1995.

6. It may be noted that once the theory of "last seen together" was established by the prosecution, the accused was expected to offer some explanation as to when and under what circumstances he had parted the company of the deceased. It is true that the burden to prove the guilt of the accused is always on the prosecution, however in view of Section 106 of the Evidence Act, when any fact is within the knowledge of any person, the burden of proving that fact is upon him.

Of course, Section 106 is certainly not intended to relieve the prosecution of its duty to prove the guilt of the accused, nonetheless it is also equally settled legal position that if the accused does not throw any light upon the facts which are proved to be within his special knowledge, in view of Section 106 of the Evidence Act, such failure on the part of the accused may be used against the accused as it may provide an additional link in the chain of circumstances required to be proved against him. In the case based on circumstantial evidence, furnishing or nonfurnishing of the explanation by the accused would be a very crucial fact, when the theory of "last seen together" as propounded by the prosecution was proved against him.

7. In case of *Rajender vs. State (NCT of Delhi)* (2019) 10 SCC 623, it was observed as under:

"12.2.4. Having observed so, it is crucial to note that the reasonableness of the explanation offered by the accused as to how and when he/she parted company with the deceased has a bearing on the effect of the last seen in a case. Section 106 of the Evidence Act, 1872 provides that the burden of proof for any fact that is especially within the knowledge of a person lies upon such person. Thus, if a person is last seen with the deceased, he must offer an explanation as to how and when he parted company with the deceased.

In other words, he must furnish an explanation that appears to the court to be probable and satisfactory, and if he fails to offer such an explanation on the basis of facts within his special knowledge, the burden cast upon him under Section 106 is not discharged. Particularly in cases resting on circumstantial evidence, if the accused fails to offer a reasonable explanation in discharge of the burden placed on him, such failure by itself can provide an additional link in the chain of circumstances proved against him.

This, however, does not mean that Section 106 shifts the burden of proof of a criminal trial on the accused. Such burden always rests on the prosecution. Section 106 only lays down the rule that when the accused does not throw any light upon facts which are specially within his/her knowledge and which cannot support any theory or hypothesis compatible with his innocence, the court can consider his failure to adduce an explanation as an additional link which completes the chain of incriminating circumstances."

8. In *Satpal Vs. State of Haryana* (2018) 6 SCC 610, this Court observed as under: -

"6. We have considered the respective submissions and the evidence on record. There is no eyewitness to the occurrence but only circumstances coupled with the fact of the deceased having been last seen with the appellant. Criminal jurisprudence and the plethora of judicial precedents leave little room for reconsideration of the basic principles for invocation of the last seen theory as a facet of circumstantial evidence. Succinctly stated, it may be a weak kind of evidence by itself to found conviction upon the same singularly.

But when it is coupled with other circumstances such as the time when the deceased was last seen with the accused, and the recovery of the corpse being in very close proximity of time, the accused owes an explanation under Section 106 of the Evidence Act with regard to the circumstances under which death may have taken place.

If the accused offers no explanation, or furnishes a wrong explanation, absconds, motive is established, and there is corroborative evidence available inter alia in the form of recovery or otherwise forming a chain of circumstances leading to the only inference for guilt of the accused, incompatible with any possible hypothesis of innocence, conviction can be based on the same. If there be any doubt or break in the link of chain of circumstances, the benefit of doubt must go to the accused. Each case will therefore have to be examined on its own facts for invocation of the doctrine."

9. In view of the afore-stated legal position, it is discernible that though the last seen theory as propounded by the prosecution in a case based on circumstantial

evidence may be a weak kind of evidence by itself to base conviction solely on such theory, when the said theory is proved coupled with other circumstances such as the time when the deceased was last seen with the accused, and the recovery of the corpse being in very close proximity of time, the accused does owe an explanation under Section 106 of the Evidence Act with regard to the circumstances under which death might have taken place. If the accused offers no explanation or furnishes a wrong explanation, absconds, motive is established and some other corroborative evidence in the form of recovery of weapon etc. forming a chain of circumstances is established, the conviction could be based on such evidence.

10. So far as the facts in the instant case are concerned, it was duly proved that the death of the deceased was homicidal. It was not disputed that the petitioner had taken the deceased with him on the previous day evening and thereafter he was also seen with the deceased by the witness Vijay Singh (PW-4) and the very next day early morning, the dead body of the deceased was found lying in the field at village Chachiha.

The time gap between the period when the deceased was last seen with the accused and the recovery of the corpse of the deceased being quite proximate, the non-explanation of the petitioner with regard to the circumstance under which and when the petitioner had departed the company of the deceased was a very crucial circumstance proved against him. Having regard to the oral evidence of the witnesses, the enmity between the deceased and the petitioner had also surfaced. The corroborative evidence with regard to recovery of the weapon - axe alleged to have been used in the commission of crime from the petitioner, also substantiated the case of prosecution.

11. The entire oral as well as documentary evidence having been threadbare considered by the Sessions Court as also High Court while holding the petitioner guilty of the charged offence, this Court need not again reappreciate the same in the petition under Article 136 of the Constitution of India. Suffice it to say that the learned Senior Advocate Mr. Khurshid has failed to point out during the course of his arguments any perversity or illegality in the impugned orders passed by the courts below, which would shake the conscience of this Court warranting interference in the impugned judgments.

12. In that view of the matter, we are not inclined to interfere with the impugned judgments and orders passed by the courts below.

The Special Leave Petition stands dismissed accordingly.

.....J. [Ajay Rastogi]

.....J. [Bela M. Trivedi]

New Delhi

February 17, 2023

IN THE SUPREME COURT OF INDIA

Sirajudheen Vs.

Vs.

Zeenath & Ors.

[Civil Appeal No. 1491 of 2023

arising out of SLP (Civil) No. 22557 of 2019]

HEADNOTE – High Courts ought not to remand a matter for trial *de novo* without recording any explanation as to on what ground the decree was being reversed by it.

JUDGMENT

Dinesh Maheshwari, J.

1. Leave granted.

2. This appeal is directed against the common judgment and order dated 28.06.2019, passed by the High Court of Kerala at Ernakulam insofar as relating to RFA No. 247 of 2014, whereby the appeal filed by the plaintiff (respondent No. 1 herein) against dismissal of her suit for cancellation of a sale deed and for prohibitory injunction was disposed of with directions to the Trial Court to decide the suit afresh after de novo trial, essentially with the observations that the evidence necessary for proper determination of the suit had not been brought on record.

3. In the impugned common judgment and order dated 28.06.2019, the High Court has decided four appeals arising out of four different civil suits but concerning the same contesting parties and involving inter-related issues. Though, the present appeal relates only to one of those appeals in the High Court, being RFA No. 247 of 2014 that arose from OS No. 293 of 2012 in the Court of Subordinate Judge, Karunagapally (originally OS No. 390 of 2006 in the Court of Subordinate Judge, Kollam) but, for a proper comprehension of the facts, a brief reference to the subject-matter of the said four civil suits and findings therein shall be apposite. The relevant factual and background aspects could thus be noticed, in brief, as follows:

3.1. The respondent No. 1 filed the subject civil suit (OS No. 293 of 2012) against the present appellant as defendant No. 1 and other respondents, her

sisters, as defendant Nos. 2 to 5, for setting aside a sale deed bearing No. 285 of 2006 dated 15.03.2006, registered in the Office of Sub Registrar, Karunagapally.

3.2. The suit schedule property, consisting of 54 Ares and 90 Sq. meters of land and the cinema theatre building thereupon, comprised in Block No. 5, Resurvey No. 551/3 of Adinadu Village, Kulashekharapuram Panchayat, Karunagapally Taluk, Kollam District, was originally owned by father of the respondents; and after his demise, the respondents and their mother executed a partition deed bearing No. 291 of 2003, whereby the suit schedule property was kept in joint possession and enjoyment of the respondents. A partnership deed was also executed amongst the respondents for running of the said cinema theatre and the husband of respondent No. 1 was managing the cinema theatre named 'Tharangam theatre' on behalf of the partners.

3.3. As per the case of plaintiff-respondent No. 1, on 15.03.2006, the respective husbands of respondent Nos. 3 and 5 asked her to reach the Office of the Sub Registrar, Karunagapally for execution of a security bond in favour of a film distributor; and though she made a request for postponing the execution of such document because her husband was out of station, the husbands of respondent Nos. 3 and 5 insisted that the said security was to be executed on that particular day itself or else, functioning of the cinema theatre would be affected.

As the respondent No. 1 had utmost faith and belief in them, she reached the Sub Registrar's Office, and put her signatures on the document as required by them. On 15.09.2006, when respondent No. 1 enquired about the accounts of cinema theatre from respondent No. 5, it was informed that her share in the said property had already been sold. On hearing the same, the respondent No. 1 rushed to the Office of the Sub Registrar for getting a copy of the document executed on 15.03.2006 and, on going through the same, she realized that she was made to sign on a sale deed and not on a security document as told to her earlier. Further, no consideration was received by her and hence, the said sale deed was void and non est.

3.4. The suit aforesaid was duly contested by the defendants. After framing of issues, the parties adduced documentary and oral evidence where, on behalf of the plaintiff-respondent No. 1, her husband was examined as PW-1 whereas a relative of her husband was examined as PW-2; and on the other hand, in defendants' evidence, the present appellant was examined as DW-1 whereas the husband of respondent No. 4 was examined as DW-2.

3.5. Apart from the above civil suit bearing OS No. 293 of 2012, the plaintiff-respondent No. 1 filed another civil suit for prohibitory injunction, which was registered as OS No. 238 of 2012. Both these civil suits, being OS No. 293 of 2012 and OS No. 238 of 2012 were decided together by the Trial Court in its

common judgment dated 28.01.2014. After examining the evidence on record, the Trial Court rejected the case of the plaintiff-respondent No. 1 with the findings, inter alia, that the circumstances placed on record did not probalilise the case that by defrauding her, the husbands of her sisters got executed the sale document (Ex. A-1) while making her believe that it were a security document for getting new films.

The Trial Court also found that no steps were taken by the plaintiff-respondent No. 1 to examine the Sub Registrar who had registered the sale deed whereupon she had put her signatures on being allegedly made to believe it to be a security document; and she failed to discharge the burden of proof in terms of Section 103 of the Indian Evidence Act, 18721. Without much elaboration, we may take note of the relevant findings of the Trial Court as under: -

"22. So the aforesaid circumstance never probabalise the case advanced on part of plaintiff that by defrauding her the husbands of D3 and D5 succeeded to execute Ext.A1 by making her believe that 5 it was a security document for getting new films from a distributor as claimed.

24. Though plaintiff is having the case that Ext.A1 is the result of fraud, undue influence and coercion etc exerted upon her by the persons whom she was having confidence, no steps has been taken on the part of the plaintiff to examine the registrar who registered Ext.A1 sale deed wherein plaintiff has put her signature being it as a security document for getting new films as made believe on the par to D3 and D5, though burden of proof is upon her as per Section 103 of Indian Evidence Act. So from the available evidence in my opinion the Ext. A1 sale deed cannot be set aside since it was voluntarily executed by the plaintiff in favour of D1. Hence I find these issues against the plaintiff."

3.6. In view of the above, the Trial Court proceeded to dismiss both the civil suits, being OS No. 293 of 2012 and OS No. 238 of 2012, while leaving the parties to bear their own costs.

3.7. There had been two other civil suits, being OS No. 181 of 2007 and OS No. 497 of 2006, which were filed by the respondent Nos. 2 to 5 of the present appeal (sisters of the respondent No. 1), seeking partition respectively of theatre and land on one hand and shopping complex on the other. These civil suits for partition, as filed by the four sisters of respondent No. 1, were decreed by the Trial Court.

3.8. For what has been noticed hereinabove, the net result had been that while the two civil suits filed by the plaintiff-respondent No. 1 for cancellation of sale deed and for prohibitory injunction were dismissed, the other two civil suits filed by her sisters seeking partition of respective properties were decreed. These four

decisions were challenged by the respondent No. 1 in the High Court by way of four appeals, being RFA No. 96 of 2012 (pertaining to OS No. 497 of 2006), RFA No. 287 of 2010 (pertaining to OS No. 181 of 2007), RFA No. 238 of 2014 (pertaining to OS No. 238 of 2012) and RFA No. 247 of 2014 (pertaining to OS No. 293 of 2012). All these four appeals were decided together by the High Court in its common judgment and order dated 28.06.2019.

4. As noticed, the present appeal relates only to RFA No. 247 of 2014 (pertaining to OS No. 293 of 2012). Therefore, dilation on all the factual aspects of the four civil suits and respective findings of the High Court may not be of direct relevance for the present purpose but, for the fact that they relate to cognate matters and the appeals have been decided by the common judgment, for a comprehension of the views of the High Court, it would be profitable to take a brief note of the findings in the impugned judgment.

4.1. The High Court observed that the common issue arising for determination in the appeals was regarding the character of the subject-property namely, theatre with land and shopping complex with land after the five sisters, i.e., respondent No. 1 and respondent Nos. 2 to 4 entered into the partnership arrangement. The High Court adverted to the question as to whether the properties obtained by them under the partition would partake the character of partnership assets after the formation of partnership; and took note of the principles as to how a property could be brought in as a partnership asset expressly or by conduct.

The High Court observed that merely because separate properties of the partners were used for the business of the partnership, it would not entail a presumption that the properties were brought in as partnership assets. After dealing with the relevant clauses of the partnership deed as also the other two sale deeds dated 10.11.2004 and 17.01.2004, executed jointly by five sisters, the High Court ultimately held that the properties obtained by these five sisters under the partition deed continued to be held as co-ownership properties even after execution of the partnership deed dated 28.01.2003.

The High Court, therefore, held the properties to be co-ownership properties and consequently, upheld the judgment and decree of the Trial Court in relation to OS No. 497 of 2006 and OS No. 181 of 2007 for partition of properties. The High Court observed and held as under: -

"13. Having held the properties to be co-ownership properties, the suits OS 497/06 and OS 181/07 for partition of the properties are liable to be decreed. The judgment and decree of the trial court are only to be upheld and I do so."

4.2. Reverting to the two civil suits filed by the respondent No. 1, the High Court, in the first place, referred to OS No. 238 of 2012, wherein the plaintiff-

respondent No. 1 had claimed prohibitory injunction against the defendants. It was noticed that the relief was claimed by her in the capacity of a partner of the firm against other partners. The High Court observed that the partnership was an unregistered one and, therefore, the suit was barred under Section 69(1) of the Indian Partnership Act, 1932. Hence, the decree of the Trial Court dismissing the suit (OS No. 238 of 2012) was affirmed.

5. After dealing with the aforesaid three civil suits, the High Court referred to the questions involved in OS No. 293 of 2012 and noted the grounds on which the relief was claimed for cancellation of the sale deed. The High Court summarised the grounds of challenge as follows: -

"17. In OS 293/12 from which RFA 247/14 arises, the relief claimed is for setting aside Ext.A1 Sale Deed. The grounds on which the sale deed is sought to be set aside are: -

(a) The property being a partnership asset, the interest of a partner in a specific item of partnership property is inalienable. (Addanki Narayanappa v. Bhaskara Krishnappa (dead) and others AIR 1966 SC 1300).

(b) The terms of the partnership deed expressly prohibits a partner from alienating his share in the partnership without the consent of the other partners.

(c) "Non est factum" - the plaintiff was made to believe that she was executing a security deed for the distributionship of a film; she never intended to execute a Sale Deed."

5.1. The first two grounds aforesaid were rejected by the High Court with reference to the fact that the property in question was a co-ownership property and not a partnership asset; and what was purported to be conveyed under the sale deed in question (Ex. A-1) was 1/5th right of the plaintiff as the co-owner of the property and it was not in the assignment of the right of a partner.

The High Court, therefore, rejected these two grounds. Moving on to the third ground pertaining to non est factum, the High Court observed that on the evidence available on record, there were certain circumstances leaning in favour of the plaintiff and there were other circumstances leaning in favour of the genuineness of the sale. The observations of the High Court as regards the competing sets of evidence read as under: -

"21. On the evidence available, certain circumstances lean in favour of the plaintiff. According to the defendants, the husband of the plaintiff was acting as the Manager of the firm. On the day on which Ext.A1 sale deed was executed, admittedly he was out of station. The extreme urgency for execution of Ext.A1

on that day, in his absence, has not been brought out. Ext.A1 sale deed is stated to have been executed pursuant to an agreement for sale dated 23.11.05. The agreement for sale is claimed to have been executed by all the five sisters together in favour of the first defendant - Sirajudeen. The execution of the agreement for sale is disputed by the plaintiff.

Though the alleged agreement for sale relates to the interests of all the sisters. Ext.A1 sale relates to the rights of the plaintiff alone. This is under normal circumstances improbable. The defendants set up a case that the proposed purchaser Sirajudheen sought for time for completing the sale and that the husband of the plaintiff was not agreeable and it was under such circumstances that Ext.A1, regarding the plaintiff's share alone, was executed. There is nothing to indicate that the plaintiff or her husband were in urgent need of money.

After having entered into an agreement for sale in respect of a property, under ordinary circumstances a prudent purchaser would not purchase a mere 1/5 shares out of the property especially when the subject matter is a theatre. Further, though Ext.A1 sale deed recites the sale consideration as ₹6 lakhs, according to the defendants, the total consideration paid for Ext.A1 was ₹50 lakhs. There is absolutely no evidence to prove the passing of consideration.

According to the plaintiff, no consideration has passed since no sale deed was under contemplation. Relying on the decision of this Court in Pathu v. Katheesa Umma, [1990(2) KLT SN.51], it is argued by the respondents that since the document is a registered one, its due execution is to be presumed. However, as held in Ponnan v. Kuttipennu [1987 (2) KLT 455], when the execution is denied, registration does not amount to proof of execution.

22. As against the above circumstances, there are various circumstances, as pointed out by the defendant, which favour the genuineness of the sale. In addition to Ext.A1 sale deed, Ext.B17 sale note was executed regarding the furniture and other equipments in the theatre. This probalises the execution of Ext.A1 sale. According to the plaintiff, the execution and registration of Ext.A1 did not take place at the Sub Registrar's Office; she was made to affix signatures while she was at the ground floor of the building. However, the Sub Registrar or the Document writer have not been examined.

The document writer is the same person who executed sale deed in respect of the other two items(items 1 and 4) that belonged to the sisters under the partition. Though in paragraph 3 of the plaint, it is alleged that the brother of the plaintiff's husband accompanied the plaintiff to the SRO, he has not been examined. The plaintiff who is said to have been defrauded has not stepped into the witness box. Though under Section 120 of the Indian Evidence Act, the husband may be a

competent witness to depose on behalf of wife, in the nature of the allegations as made, the plaintiff was a vital witness and her non-examination looms large."

5.2. After the observations aforesaid, the High Court expressed that the evidence necessary for proper determination of the suit had not been brought on record; and that the evidence on record was insufficient to arrive at a proper finding in favour of or against the sale deed. For these observations, the High Court considered it appropriate that the parties be given an opportunity to adduce further evidence and the matter be considered afresh. The High Court concluded on the matter with the following observations and directions: -

"23. From the above, I notice that evidence necessary for a proper determination of the suit has not been brought on record. The evidence on record is insufficient to arrive at a proper finding in favour of or against Ext.A1 Sale Deed. Material witnesses have not been examined. No evidence has been brought in with regard to passing of consideration. In the circumstances I am of the opinion that it would only be appropriate if the parties are given an opportunity to adduce further evidence and the matter be considered afresh.

The decree and judgment in OS 293/12 is to be set aside and the suit remanded back to the trial court for disposal de novo. In the result, RFA Nos.96/12, 827/10, 238/14 are dismissed, but without costs. RFA 247/14 is allowed. The judgment and decree in OS 293/13 is set aside and the suit is remitted back to the trial court for disposal de novo after affording opportunity to all the parties to adduce further evidence. Parties to appear before the trial court on 24.07.2019."

6. Assailing the aforesaid judgment and order dated 28.06.2019, learned counsel for the appellant has strenuously argued that want of production of sufficient evidence had been a failure on the part of plaintiff-respondent No. 1 to prove her case but this failure on her part cannot be a ground to put the matter into another round of proceedings in the Trial Court. It has also been submitted that the High Court ought not to have remanded the suit for a fresh trial while requiring the parties to adduce fresh evidence because neither any ground was pleaded nor any relief was sought to that effect.

Learned counsel would elaborate that it had not been the case of the plaintiff-respondent No. 1 that the Trial Court failed to consider any evidence adduced by her or that she could not produce any vital piece of evidence for any valid reason. On the contrary, she neither got examined herself nor examined the Sub Registrar, who had registered the sale deed; and rather, the plaintiff's husband, who was an attesting witness to the earlier agreement for sale, was examined in evidence on her behalf as PW-1.

With reference to illustration (g) to Section 114 of the Evidence Act, learned counsel for the appellant has argued that adverse inference ought to have been drawn against the plaintiff-respondent No. 1 for not presenting herself in the witness-box, particularly when the allegations of fraud were sought to be made the basis of her claim.

Learned counsel has also submitted that none of the elements of proviso (1) to Section 92 of the Evidence Act having been established, the Trial Court, after appreciation of evidence, took a reasonable view of the matter while finding that the circumstances were probalising the case of the defendant-appellant. Hence, for the suit having rightly been dismissed, there was no reason to remand the case for a trial de novo. Learned counsel has referred to and relied upon the decision of this Court in the case of *Municipal Corporation, Hyderabad v. Sunder Singh*: (2008) 8 SCC 485.

7. Per contra, with reference to the background aspects, the learned counsel for the plaintiff-respondent No.1 has vehemently argued that the sale deed in question is a void document as no consideration was passed on to her and hence, the same is liable to be set aside. According to the learned counsel, when the Appellate Court came to the conclusion that necessary evidence for proper determination of suit had not been brought on record, it had wide and ample powers to even suo motu remand the matter to the Trial Court; and the High Court cannot be faulted in adopting this course in the present matter for securing the ends of justice.

Learned counsel has referred to the provisions contained in Rules 23, 23-A, 24, 27(1)(b) and 33 of Order XLI of the Code of Civil Procedure, 19082 to submit that the High Court has rightly remanded the matter after coming to the conclusion that the evidence on record was insufficient to arrive at a proper finding in favour of or against the sale deed. It has also been submitted that as per Section 120 of the Evidence Act, husband of the plaintiff-respondent No. 1 was a competent witness as he was the Manager of the theatre and was having knowledge about all the affairs of the theatre and hence, it was entirely immaterial that the plaintiff-respondent No. 1 did not enter the witness-box.

Learned counsel has reiterated the stand of the plaintiff that she was made to sign on the sale deed as if it were a security document and therefore, the sale deed, suffering from misrepresentation by the defendants as also want of consideration, deserves to be set aside. It is also submitted that the alleged agreement for sale dated 23.11.2005 is also a disputed document and no reliance could be placed on the same. Learned counsel has referred to and relied upon a decision of this Court in the case of *Sanjay Kumar Singh v. State of Jharkhand*: (2022) 7 SCC 247.

8. We have given anxious considerations to rival submissions and have examined the record with reference to the law applicable.

8.1. Though learned counsel for the parties have made a few submissions touching upon the merits of the case but, we would leave those submissions concerning merits of the case at that only because the real question calling for determination in this appeal is as to whether the High Court has been justified in remanding the matter for trial de novo?

9. As regards the question calling for determination in the present appeal and with reference to the submissions made, we may, in the first place, take note of the relevant provisions of law and the expositions of this Court in the cited decisions.

9.1. The provisions contained in Rules 23, 23-A, 24, 27 and 33 of Order XLI CPC read as under: -

"23. Remand of case by Appellate Court.-

Where the Court from whose decree an appeal is preferred has disposed of the suit upon a preliminary point and the decree is reversed in appeal, the Appellate Court may, if it thinks fit, by order remand the case, and may further direct what issue or issues shall be tried in the case so remanded, and shall send a copy of its judgment and order to the Court from whose decree the appeal is preferred, which directions to re-admit the suit under its original number in the register of civil suits, and proceed to determine the suit; and the evidence (if any) recorded during the original trial shall, subject to all just exceptions, be evidence during the trial after remand.

23-A. Remand in other cases.-

Where the Court from whose decree an appeal is preferred has disposed of the case otherwise than on a preliminary point, and the decree is reversed in appeal and a re-trial is considered necessary, the Appellate Court shall have the same powers as it has under rule 23.

24. Where evidence on record sufficient, Appellate Court may determine case finally.-

Where the evidence upon the record is sufficient to enable the Appellate Court to pronounce judgment, the Appellate Court may, after resettling the issues, if necessary, finally determine the suit, notwithstanding that the judgment of the Court from whose decree the appeal is preferred has proceeded wholly upon some ground other than that on which the Appellate Court proceeds.

27. Production of additional evidence in Appellate Court.-

(1) The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, in the Appellate Court. But if-

(a) the Court from whose decree the appeal is preferred has refused to admit evidence which ought to have been admitted, or

(aa) the party seeking to produce additional evidence, establishes that notwithstanding the exercise of due diligence, such evidence was not within his knowledge or could not, after the exercise of due diligence, be produced by him at the time when the decree appealed against was passed, or

(b) the Appellate Court requires any document to be produced or any witness to be examined to enable it to pronounce judgment, or for any other substantial cause, the Appellate Court may allow such evidence or document to be produced, or witness to be examined.

(2) Wherever additional evidence is allowed to be produced by an Appellate Court, the Court shall record the reason for its admission.

33. Power of Court of Appeal-

The Appellate Court shall have power to pass any decree and make any order which ought to have been passed or made and to pass or make such further or other decree or order as the case may require, and this power may be exercised by the Court notwithstanding that the appeal is as to part only of the decree and may be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have filed any appeal or objection and may, where there have been decrees in cross-suits or where two or more decrees are passed in one suit, be exercised in respect of all or any of the decrees, although an appeal may not have been filed against such decrees:

Provided that the Appellate Court shall not make any order under section 35A, in pursuance of any objection on which the Court from whose decree the appeal is preferred has omitted or refused to make such order."

9.2. While explaining the scope of Rules 23 and 23-A of Order XLI CPC, in the case of Municipal Corporation, Hyderabad (supra), this Court has observed as under: -

"32. A distinction must be borne in mind between diverse powers of the appellate court to pass an order of remand. The scope of remand in terms of Order 41 Rule 23 is extremely limited. The suit was not decided on a preliminary issue. Order

41 Rule 23 was therefore not available. On what basis, the secondary evidence was allowed to be led is not clear. The High Court did not set aside the orders refusing to adduce secondary evidence.

33. Order 41 Rule 23-A of the Code of Civil Procedure is also not attracted. The High Court had not arrived at a finding that a retrial was necessary. The High Court again has not arrived at a finding that the decree is liable to be reversed. No case has been made out for invoking the jurisdiction of the Court under Order 41 Rule 23 of the Code.

34. An order of remand cannot be passed on ipse dixit of the court."

9.3. In the case of Sanjay Kumar Singh (supra) relied upon by the learned counsel for the respondent No. 1, this Court has observed as under: -

"7. It is true that the general principle is that the appellate court should not travel outside the record of the lower court and cannot take any evidence in appeal. However, as an exception, Order 41 Rule 27 CPC enables the appellate court to take additional evidence in exceptional circumstances. It may also be true that the appellate court may permit additional evidence if the conditions laid down in this Rule are found to exist and the parties are not entitled, as of right, to the admission of such evidence.

However, at the same time, where the additional evidence sought to be adduced removes the cloud of doubt over the case and the evidence has a direct and important bearing on the main issue in the suit and interest of justice clearly renders it imperative that it may be allowed to be permitted on record, such application may be allowed. Even, one of the circumstances in which the production of additional evidence under Order 41 Rule 27 CPC by the appellate court is to be considered is, whether or not the appellate court requires the additional evidence so as to enable it to pronounce judgment or for any other substantial cause of like nature.

8. As observed and held by this Court in *A. Andisamy Chettiar v. A. Subburaj Chettiar* [(2015) 17 SCC 713], the admissibility of additional evidence does not depend upon the relevancy to the issue on hand, or on the fact, whether the applicant had an opportunity for adducing such evidence at an earlier stage or not, but it depends upon whether or not the appellate court requires the evidence sought to be adduced to enable it to pronounce judgment or for any other substantial cause. It is further observed that the true test, therefore is, whether the appellate court is able to pronounce judgment on the materials before it without taking into consideration the additional evidence sought to be adduced."

10. It could at once be noticed that in terms of Rule 33 of Order XLI CPC, the Appellate Court is empowered to pass any decree and to make any order which ought to have been passed or made; and which may be considered requisite in a case. While the said Rule 33 prescribes general powers of the Court of appeal, the specific powers of remand are prescribed in Rules 23 and 23-A of Order XLI CPC. Hence, for the purpose of the case at hand, reference to aforesaid Rule 33 remains inapposite. Having said so, we may proceed to examine if the order of remand in the present case could be justified with reference to the other referred provisions of Order XLI CPC?

11. One of the striking features of the impugned judgment dated 28.06.2019 is that even while dealing with a regular first appeal against the judgment and decree of the Trial Court, the High Court has not even adverted to the findings of the Trial Court pertaining to the present case and has not specified as to how the findings recorded by the Trial Court were unsustainable or unjustified.

As noticed, in the impugned judgment, the High Court has narrated a few circumstances leaning in favour of the plaintiff (in paragraph 21) and then a few other circumstances which favour the genuineness of the sale in question (in paragraph 22) and thereafter, has observed that the evidence necessary for a proper determination of the suit had not been brought on record; and that the evidence on record was insufficient to arrive at a proper finding in favour or against the sale deed in question. The High Court would further observe that material witnesses have not been examined and no evidence has been brought in with regard to passing of consideration.

11.1. With respect, what turns on the observations in the impugned judgment is that the High Court was unable to arrive at a conclusion on the basis of the material on record. However, fact of the matter remains that on the basis of the same material on record, the Trial Court had indeed arrived at a definite conclusion that the plaintiff had failed to establish her case and hence, the suit was liable to be dismissed. As indicated hereinabove, the High Court has not at all referred to the findings of the Trial Court and it is difficult to find from the judgment impugned as to why at all those findings of the Trial Court were not to be sustained or the decree was required to be reversed.

11.2. After having taken note of the salient features of the impugned judgment as also the significant omissions therein, if we refer to the provisions empowering the Appellate Court to make an order of remand, it is difficult to find any justification for remand by the High Court in the present case. As noticed, the scope of remand in terms of Rule 23 of Order XLI CPC is extremely limited and that provision is inapplicable because the suit in question had not been disposed of on a preliminary point.

The remand in the present case could only be correlated with Rule 23-A of Order XLI CPC and for its applicability, the necessary requirements are that "the decree is reversed in appeal and a re-trial is considered necessary". As noticed hereinabove, there is no reason whatsoever available in the impugned judgment as to why and on what basis the decree was reversed by the High Court. Obviously, the reversal has to be based on cogent reasons and for that matter, advertent to and dealing with the reasons that had prevailed with the Trial Court remains a sine qua non. Thus, remand in the present case cannot be held justified even in terms of Rule 23-A of Order XLI CPC.

12. On the facts of the present case and the nature of order passed by the High Court, the enunciations and observations in the case of Sanjay Kumar Singh (supra) are of no application whatsoever as none of the parties have sought any permission to adduce evidence nor the High Court has specified as to what specific evidence was considered necessary to enable it to pronounce judgment or for any substantial cause. Moreover, it does not appear from the judgment of the High Court if the plaintiff-respondent No. 1 (appellant before the High Court), ever projected that the Trial Court did not allow her to produce any evidence that was sought to be produced.

It is also not borne out if any of the parties at all made out any case for production of additional documents or oral evidence with reference to the applicable principles. Hence, the general observations of the High Court cannot be correlated with Rule 27(1) either. With respect, we are constrained to apply the observations of this Court in Municipal Corporation, Hyderabad (supra) to say that the present order of remand has been passed only on ipse dixit of High Court sans any reason or justification.

13. It gets perforce reiterated that in the suit filed by respondent No. 1, the Trial Court had indeed returned its findings on the basis of evidence on record. Whether those findings are sustainable or not is a matter entirely different and the High Court may examine the same but merely because the High Court could not reach to a conclusion on preponderance of probabilities, the evidence on record could not have been treated as insufficient so as to not pronounce the judgment in terms of Rule 24 of Order XLI CPC.

14. In regard to the want of any particular evidence, we may observe in the passing that if the Court finds any particular evidence directly within the control and possession of a party having not been produced, the necessary consequences like those specified in illustration (g) to Section 114 of the Evidence Act³ may follow but, merely because a particular evidence which ought to have been adduced but had not been adduced, the Appellate Court cannot adopt the soft course of remanding the matter. We would hasten to observe that we are not

commenting on the merits of the case either way. The observations herein are only to indicate that the remand of the suit for trial de novo cannot be considered justified in the present case from any standpoint.

15. For what has been discussed hereinabove, suffice it would be to sum up that for a few tentative observations about certain circumstances existing in favour of the plaintiff and certain other circumstances existing in favour of the defendants and then, with another observation that plaintiff was a vital witness, the High Court was not justified in remanding the matter for trial de novo without recording any finding if the plaintiff was prevented from examining herself or from adducing any other evidence as also without explaining as to on what ground the decree was being reversed.

16. Accordingly, and in view of the above, this appeal succeeds and is allowed. The impugned judgment and order dated 28.06.2019, insofar as relating to RFA No. 247 of 2014 (pertaining to OS No. 293 of 2012), is set aside; and the said appeal is restored for reconsideration by the High Court in accordance with law. The parties through their respective counsel shall stand at notice to appear before the High Court on 20.03.2023.

17. Having regard to the circumstances, there shall be no order as to costs of the present appeal.

.....J. (Dinesh Maheshwari)

.....J. (Sudhanshu Dhulia)

New Delhi;

February 27, 2023.

IN THE SUPREME COURT OF INDIA

Pancham Lal Pandey

Vs.

Neeraj Kumar Mishra & Ors.

[Civil Appeal No. _____ of 2023

arising out of Special Leave Petition (C) No. 3329 of 2021]

HEADNOTE – The provision of review is not to scrutinize the correctness of the decision.

JUDGMENT

Pankaj Mithal, J.

1. Heard Mr. Praveen Chaturvedi, learned counsel for the appellant and Mr. V.K. Shukla, Senior Counsel assisted by Ms. Parul Shukla, learned counsel for the respondents and perused the pleadings exchanged between the parties.

2. Leave granted.

3. Tripathi Ramroop Sanskrit Vidyalaya, Jogapur, Kaushambi in the State of Uttar Pradesh is a recognised institution imparting Sanskrit Education upto Uttar Madhyama, i.e., Class I to XII. It was granted permanent recognition on 22.02.1999. The Government of Uttar Pradesh decided to take Sanskrit Vidyalaya and Mahavidyalaya on GrantinAid List. The criteria for taking institutions under the GrantinAid List was laid down in G.O. dated 07.02.2014. The State Government vide its order dated 11.08.2015 notified the list of institutions which were taken in the GrantinAid list of the Government, which included the above institution at Serial No.47.

4. The State Government sanctioned five posts for payment of salary from the State Exchequer in respect of the above institution, one for the Headmaster and four for the Assistant Teachers.

5. The Principal Secretary, Government of Uttar Pradesh issued a Circular dated 01.01.2016 granting approval for the payment of salary to all the teachers of the institutions receiving GrantinAid, who were actually working prior to taking the institution under the GrantinAid list. Another Circular dated 18.03.2016 provided

for the application of reservation policy. Since the said Circulars were affecting some of the teachers, one of them Satya Prakash Shukla filed Writ Petition No.29784 of 2016 before the Lucknow Bench of the Allahabad High Court.

The said Writ Petition was allowed vide order dated 21.12.2016 on the statement made by the Joint Secretary, Department of Secondary Education "that the payment of salary to the teachers shall be made on the basis of seniority of teachers as disclosed in the Manager's Return". Unfortunately, the Director Secondary Education ignoring the statement so made by the Joint Secretary before the High Court bifurcated the posts of Assistant Teachers vide order dated 28.03.2017 and directed that one Neeraj Kumar Mishra, who was almost five years junior to one Pancham Lal Pandey, to be paid salary.

Accordingly, the aforesaid Pancham Lal Pandey preferred Writ Petition No.19709 of 2017 challenging the order dated 28.03.2017 passed by the Director Secondary Education. The aforesaid writ petition upon hearing the parties was allowed vide judgment and order dated 15.04.2019 quashing the order dated 28.03.2017 with directions to the authorities to declare Pancham Lal Pandey entitled to payment of salary from the State Exchequer.

6. The aforesaid judgment and order of the High Court dated 15.04.2019 was assailed by Neeraj Kumar Mishra as well as State Government by separate Special Appeal Nos.578 of 2019 and 767 of 2019. The Special Appeal No.578 of 2019 of Neeraj Kumar Mishra was dismissed on 14.05.2019 and that filed by the State Government, i.e., Special Appeal No.767 of 2019 was dismissed on 22.08.2019.

7. The aforesaid Neeraj Kumar Mishra preferred Special Leave Petition (Civil) No.23466 of 2019 before this Court which came to be dismissed vide order dated 14.10.2019.

8. Upon dismissal of the Special Appeal filed by the State, a Special Leave Petition (Civil) Diary No.782 of 2020 was preferred by the State and the same was dismissed on 24.01.2020 with the clarification that the liability of the State shall be limited to pay the salary to the Headmaster and four teachers upto the sanctioned strength.

9. It is in the above background that Neeraj Kumar Mishra applied for the review in Special Appeal No.578 of 2019, i.e., against the order dated 14.05.2019, whereby his Special Appeal against the judgment and order of the learned Single Judge dated 15.04.2019 was dismissed. The aforesaid Review Application has been allowed by the impugned judgment and order dated 05.02.2021.

10. In assailing the aforesaid order, the submission of learned counsel for the appellant herein, i.e., Pancham Lal Pandey is that the Review Application was not maintainable as there was no error apparent on the face of the record in dismissing the Special Appeal filed by Neeraj Kumar Mishra and that the review has been allowed without considering his objections with regard to its maintainability.

11. Mr. V.K. Shukla, learned Senior Counsel on the other hand defended the order on the ground that the learned Single Judge has manifestly erred in law in allowing the writ petition and that if the order is allowed to stand, it will perpetuate illegality which is not permissible in law.

The review petition was rightly allowed as there was an error apparent in the order of the Division Bench dismissing the Special Appeal inasmuch as in the light of Section 9 read with Section 10 of the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and other Employees) Act, 1971, the institution is not entitled to create any new post of a teacher or any employee without the previous approval of the Director and that the State Government is liable for payment of salary of teachers and employees only in respect of those, who have been validly appointed with the approval of the Director.

12. In the review petition the order of the Division Bench dated 05.02.2021 was sought to be reviewed and not of the Single Judge allowing the writ petition. The illegality, if any, pointed out in the order of the Single Judge is not material to review the decision of the Division Bench passed in Special Appeal.

13. The Single Judge has allowed the writ petition in the light of the statement of the Joint Secretary, Department of Secondary Education that payment of salary to teachers shall be made on the basis of seniority and therefore, the subject of teaching had no relevance. The bifurcation of the sanctioned posts of Assistant Teachers of the institution subject wise is simply an internal matter of the institution which does not put any extra burden upon the State.

The institution was taken on GrantinAid list with a Headmaster and four Assistant Teachers in order of seniority and thus permitting only five persons to receive salary from the Government fund is not illegal. There is no creation of any new post of Assistant Teacher at the Institution by the Court. The Writ Court, therefore, rightly allowed the writ petition and the Division Bench has not committed any error in dismissing the Special Appeal.

14. It is not the case of any one that the above orders permit payment of salary to teachers beyond the sanctioned strength. Therefore, the Full Bench decision in State of U.P. through Secretary, Secondary Educations & Ors. vs. C/M, Sri

Sukhpal Intermediate College, Tirhut, Sultanpur & Ors. in Special Appeal Defective No.673 of 2014 decided on 12.5.2015 holding that in the absence of sanctioned post, a direction for payment of salary cannot be given is not helpful.

15. The provision of review is not to scrutinize the correctness of the decision rendered rather to correct the error, if any, which is visible on the face of the order / record without going into as to whether there is a possibility of another opinion different from the one expressed.

16. The Division Bench in allowing the review petition has dealt with the matter as it is seized of the special appeal itself and has virtually reversed the decision by taking a completely new stand for the payment of salary to teachers' subjectwise. It amounts to rehearing and rewriting the judgment in appeal without there being any error apparent on the face in the earlier order. The Division Bench thus clearly exceeded its review jurisdiction in passing the impugned order.

17. In the facts and circumstances of the case, we are of the opinion that the impugned order dated 05.02.2021 allowing the review is unsustainable in law and is accordingly set aside.

18. The appeal is allowed with no order as to costs.

19. All the pending applications, if any, stand disposed of.

.....J. [V. Ramasubramanian]

.....J. [Pankaj Mithal]

New Delhi;

February 15, 2023.

C. Legal Article

Trial by Media

The media in India is one of the freest in the world in terms of legal constraints. Freedom of expression incorporated in her Constitution in Article 19(1) remains an important facilitator for widespread engagement within a democratic atmosphere. As beautifully remarked by the first Prime Minister of independent India Pandit Jawaharlal Nehru - "I would rather have a completely free press with all the dangers involved in the wrong use of that freedom than a suppressed or regulated press." But that great man could not foresee the danger involved in the 'administration of Justice' which is the very essence of the natural Justice and the rule of law or rather he would not have expected the press to get involved into something which is beyond its limit and ethics too. To realize the vision of Mr. Nehru, the media has been provided with many 'freedoms and immunities so that this fourth pillar of democracy stands tall and strong. But what Lord Atkin relates with power is also well placed with the notion of liberty. Liberty does corrupt into license and is prone to be abused. Every, institution is liable to be abused, and every liberty, if left unbridled, has the tendency to become a license which would lead to disorder and anarchy. It has to be remembered that freedom of expression is not absolute, unlimited or unfettered and in all circumstances, as giving on an unrestricted freedom of the speech and expression, would amount to uncontrolled license.

Media has now reincarnated itself into a 'public court' (Janta Adalat) and has started interfering into court proceedings. It completely overlooks the vital gap between an accused and a convict keeping at stake the golden principles of 'presumption of innocence until proven guilty' and 'guilt beyond reasonable doubt'. Now, what we observe is media where the media itself does a separate investigation, builds a public opinion against the accused even before the court takes cognizance of the case. By this way, it prejudices the public and sometimes even judges and as a result the accused, that should be assumed Innocent, is presented as a criminal leaving all his rights and liberty unredressed. If excessive publicity in the media about a suspect or an accused before trial prejudices a fair trial or results in characterizing him as a person who had indeed committed the crime, it amounts to undue interference with the "administration of justice", calling for proceedings for contempt of court against the media. Unfortunately, rules designed to regulate Journalistic conduct are inadequate to prevent the encroachment of civil rights.

Free Speech Vs. Fair Trial

In the criminal justice system, which we have been following, the guilt is to be proved beyond reasonable doubt and the law is governed by senses and not by emotions. While displaying our emotions, the media and the masses forget that it puts tremendous pressure on the Judge presiding over the case. **How can we expect a fair judgment from a Judge who is under such tremendous pressure from all sections of the society?** A person is presumed to be innocent unless he is held guilty by the competent court, but here the trend is to declare a person guilty right at the time of arrest. The media is there to report facts or news and raise public issues; it is not there to pass Judgments. The print and electronic media have gone into fierce and ruthless competition, as we call them 'aggressive Journalism' that a multitude of cameras are flashed at the suspects or the accused and the police are not even allowed to take the suspects or accused from their transport vehicles into the courts or vice versa. The Press Council of India issues guidelines from time to time and in some cases, it does take action. But, even if 'apologies' are directed to be published; they are published in such a way that either they are not apologies or the apologies are published in the papers at places which are not very prominent. The most objectionable part, and unfortunate too, of the recently incarnated role of media is that the coverage of a sensational crime and its adducing of 'evidence' begins very early, mostly even before the person who will eventually preside over the trial even takes cognizance of the offence, and secondly that the media is not bound by the traditional rules of evidence which regulate what material can, and cannot be used to convict an accused. In fact, the Right to Justice of a victim can often be compromised in other ways as well, especially in Rape and Sexual Assault cases, in which often, the past sexual history of a prosecutrix may find its way into newspapers. Secondly, the media treats seasoned criminal and the ordinary one, sometimes even the innocents, alike without any reasonable discrimination. They are treated as a 'television item' keeping at stake the reputation and image. Even if they are acquitted by the court on the grounds of proof beyond reasonable doubt, they cannot resurrect their previous image. Such kind of exposure provided to them is likely to jeopardize all these cherished rights accompanying liberty.

Earlier, journalism was not under pressure to push up TRP ratings or sales. So the journalists did their work with serious intent and conviction, with courage and integrity. They did not pronounce people guilty without making a serious attempt to study the charges, investigate them, and come to their own Independent conclusions, without fear or favor. They did not blindly print what law enforcers claimed, what the bureaucracy said or what politicians planted on to them. That is why people trusted them. But now we are seeing a different self-acquired role of media in form of 'media trial'. Everyone manipulates the media to serve their own interests or hurt their rivals. The problem does not lie in media's exposing the

lacuna of a bad investigation by cops, or mal-performance of the duties ordained to the civil servants but the eye-brows start to raise when the media ultra vires its legitimate jurisdiction and does what it must not do. Be it highlighting the sub-judice issues into public keeping at stake the sanctity of judicial procedures and 'right to life with dignity' of accused and suspects. The media trial has now moved on to media verdict and media punishment which is no doubt an illegitimate use of freedom and transgressing the prudent demarcation of legal boundaries. It is necessary to check prejudicial publicity of the subject matter pending before a court. It should be legally permissible to pass restraint order on the media.

Right to a fair trial

Right to a fair trial is absolute right of every individual within the territorial limits of India vide articles 14 and 20, 21 and 22 of the Constitution. Needless to say right to a fair trial is more important as it is an absolute right which flows from Article 21 of the .constitution to be read with Article 14. Freedom of speech and expression incorporated under Article 19 (1)(a) has been put under 'reasonable restriction' subject to Article 19 (2) and Section 2 (c) of the Contempt of Court Act. One's life with dignity is always given a priority in comparison to one's right to freedom of speech and expression. Media should also 'ponder upon these facts. Fair trial is not purely private benefit for an accused -the publics' confidence in the integrity of the justice system is crucial. The right to a fair trial is at the heart of the Indian criminal justice system. t encompasses several other rights including the right to be presumed innocent until proven guilty, the right not to be compelled to be a witness against oneself, the right to a public trial, the right to legal representation, the right to speedy trial, the right to be present during trial and examine witnesses, etc. In the case of Zahira Habibullah Sheikh Vs. State of Gujarat, the Supreme Court explained that a “fair trial obviously would mean a trial before an impartial Judge, a fair prosecutor and atmosphere of judicial calm. Fair trial means a trial in which bias or prejudice for or against the accused, the witness, or the cause which is being tried is eliminated.”

Right to be legally represented

Through media trail, we have started to create pressure on the lawyers even—to not take up cases of accused, that forcing these accused to go to trial without any defense. Is this not against the principles of natural justice? Every person has a right to get himself represented by a lawyer of his choice and put his point before the adjudicating court and no one has the right to debar him from doing so. For an instance, when eminent lawyer Ram Jethmalani decided to defend Manu Sharma, a prime accused in a murder case, he was subject to public decision. A senior editor of the television news channel CNN-IBN called the decision to

represent Sharma an attempt to "defend the indefensible". This was only one example of the media-instigated campaign against the accused. As we all knew that in that case we had one of the best lawyers of the country, Gopal Subramaniam, appearing for the state and the case of Manu was handed to some mediocre lawyer. Media went hammer in tongues when Mr. Jethmalani took the case and posed him as a villain.

Don't we want to give equal opportunity to the defense to prove its case, or have we lost faith in the Judiciary? The media have to understand their limit before it becomes too late. Suspects and accused apart, even victims and witnesses suffer from excessive publicity and invasion of their privacy rights. Police are presented in poor light by the media and their morale too suffers. The day after the report of crime is published; media says 'Police have no clue'. Then, whatever gossips the media gathers about the line of investigation by the official agencies, it gives such publicity in respect of the information that the person who has indeed committed the crime, can move away to safer places. The pressure on the police from media day by day builds up and reaches a stage where police feel compelled to say something or the other in public to protect their reputation. Sometimes when, under such pressure, police come forward with a story that they have nabbed a suspect and that he has confessed, the 'Breaking News' items start and few in the media appear to know that under the law, confession to police is not admissible in a criminal trial. Once the confession is published by both the police and the media, the suspect's future is finished. When he retracts from the confession before the Magistrate; the public imagine that the person is a liar. The whole procedure of due process is thus getting distorted and confused. The media also creates other problems for witnesses. If the identity of witnesses is published, there is danger of the witnesses coming under pressure both from the accused or his associates as well as from the police. At the earliest stage, the witnesses want to retract and get out of the muddle. Witness protection is then a serious casualty. This leads to the question about the admissibility of hostile witness evidence and whether the law should be amended to prevent witnesses changing their statements. Again, if the suspect's pictures are shown to the media, problems can arise during 'identification parades' conducted under the Code of Criminal Procedure for identifying the accused.

Subconscious effect on the Judges

Another worrying factor and one of the major allegations upon 'media trial' is prejudicing the judges presiding over a particular case. The American view appears to be that Jurors and Judges are not liable to be influenced by media publication, while the Anglo-Saxon view is that Judges, at any rate may still be subconsciously (though not consciously) influenced and members of the public may think that Judges are influenced by such publications under such a situation.

Therefore, Lord Denning stated in the Court of Appeal that Judges will not be influenced by the media publicity, a view which was not accepted in the House of Lords. Cardozo, one of the greatest Judges of the American Supreme Court, referring to the “forces which enter into the conclusions of Judges” observed that “the great tides and currents which engulf the rest of men, do not turn aside in their course and pass the Judges by”. Hon'ble Justice D. M. Dharmadhikari, Chairman, M. P. Human Rights Commission also asserted that there is always a chance that judges get influenced by the flowing air of remarks made upon a particular controversy. The media presents the case in such a manner to the public that if a judge passes an order against the “media verdict”, he or she is deemed either as corrupt or biased.

Justification by Media

We have a rich tradition of fiercely independent journalism. In fact, all the big scams were busted by the press. The law enforcers merely followed them up. The poorly paid journalist must be credited for extracting those information which looked inaccessible for the top vigilance teams of the country. That is how HDW(Howaldswerske) marine case and Bofors hit the headlines. That is how we found out that Narasimha Rao had bribed the Jharkhand Mukti Morcha MPs and Satish Sharma and Buta Singh had brokered the deal. The media did on proud at every juncture of our political juncture. There is increasing and intense public focus on Courts and the cases filed therein. Whether reported in daily newspaper or in electronic media, Indians avidly devour this information, since they are curious about what happens in Court. Now that the Courts have come under the media's microscope, they are likely to remain there forever. As with most changes both positive and negative consequences have flowed from this. A Positive by-product of changes spurred by the media and addressed by the Courts is that more Indians are aware of their constitutional rights than ever before. The media strongly resents this sub judice rule and complains that Courts during the course of a hearing tend to interpret the sub judice rule quite strictly to prohibit any discussion of the issues before the Court even if they are engaging public attention. In their opinion such a restriction could be applied more legitimately to situations where a jury of lay people is involved. After the abolition of the jury system when decisions are made by professional judges who are trained not to be Influenced by happenings outside the Court there is less of a justification for a strict application of the rule. There is, therefore, an urgent need to liberalize the sub judice rule, invoking it only in cases of an obvious intent to influence the trial and not to any act that might have the remote possibility of influencing it.

Law Commission's 200th Report

The most reckoning research on the positive and negative aspects of media trial has been elaborated in 200th report of the Law Commission entitled Trial by Media: Free Speech vs. Fair Trial Under Criminal Procedure (Amendments to the Contempt of Court Act, 1971) that has made recommendations to address the damaging effect of sensationalized news reports on the administration of justice. While the report has yet to be made public, news reports indicate that the Commission has recommended prohibiting publication of anything that, is prejudicial towards the accused — a restriction that shall operate from the time of arrest. It also reportedly recommends that the High Court be empowered to direct postponement of publication or telecast in criminal cases. The report noted that at present, under Section 3 (2) of the Contempt of Court Act, such publications would be contempt only if a charge sheet had been filed in a criminal case. The Commission has suggested that the starting point of a criminal case should be from the time of arrest of an accused and not from the time of filing of the charge sheet. In the perception of the Commission such an amendment would prevent the media from prejudging or prejudicing the case. Another controversial recommendation suggested was to empower the High-Court to direct a print or an electronic media to postpone publication or telecast pertaining to a criminal case and to restrain the media from resorting to such publication or telecast. The 17th Law Commission has made recommendations to the Centre to enact a law to prevent the media from reporting anything prejudicial to the rights of the accused in criminal cases from the time of arrest, during investigation and trial.

Any institution, be it legislature, executive, judiciary or bureaucracy, is liable to be abused if it exceeds its legitimate jurisdiction and functions. But sometimes these ultra vires activities are blessing in disguise as is the case of judicial activism. Media trial is also an appreciable effort along with the revolutionary sting operations as it keeps a close watch over the investigations and activities of police administration and executive. But there must be a reasonable self-restriction over its arena and due emphasis should be given to the fair trial and court procedures must be respected with adequate sense of responsibility. Media should acknowledge the fact that whatever they publish has a great impact over the spectator. Therefore, it is the moral duty of media to show the truth and that too at the right time. While the print media has reached at a saturation stage where it is aware of legal guidelines and ethical limits but the electronic media is experimenting and is relying upon 'trial and error' method for what to show and more importantly what not to. The time will come when electronic media will also be well regulated by self-censored guidelines and we shall retain a 'completely free press', the dream of our first Prime Minister and that too without any danger involved.

2. Study Material-G.K.

U.P. in Indian History

- Proof of copper-stone age in Uttar Pradesh have been found at Meerut and Saharanpur.
- Evidence of Paleolithic civilization in Uttar Pradesh has been found the Belan Valley in Allahabad, Singrauli Valley of Sonbhadra and Chakia of Chandauli.
- The potholes of the Belan river valley were explored and excavated under the direction of Allahabad University Professor R. Sharma.
- Statue of a bone-built goddess along with stone equipment has also been obtained from the archaeological site 'Lohadanala' of the Belan Valley.
- Remains of Humans belonging to the medieval stone age have been obtained from Pratapgarh's Sarinahar Rai and Mahadeva.
- Based on the latest excavation, the oldest agricultural evidence in the Indian subcontinent is Lahuradev located in the city of Saint Kabir Nagar in Uttar Pradesh.
- From here evidence of, Rice belonging to 8000 BC-9000BC, has been discovered.
- The tools and weapons of Neolithic have been found in excavation by Sarai Nahar Rai (Pratapgarh), Mirzapur, Sonbhadra, Bundelkhand.
- Remains of Harrapa civilisation have been discovered from Alamgirpur. It also reveals the eastward extension of the Harappan civilization. Evidence of cotton cultivation has also been obtained from here.
- 8 Mahajanapadas of 16 were in Madhya Desh (Modern UP). They were Kuru, Panchal, Kashi, Koshal, Shurasen, Chedi, Vats and Malla.
- Evidence of the attack of the Hunas on Kushinagar has also been discovered
- In Kushinagar, Gautam Buddha attained Mahaparinirvana in 483 BC
- The fourteenth inscription of Ashoka has been found in Kalasi (present-day Uttarakhand).
- Most of the life of Gautam Buddha was spent in Uttar Pradesh.
- Gautam Buddha had spent most of the rainy seasons in the Kosala state.
- Shuktimati (Near Banda) was the capital of Chedi Mahajanapada.
- The ancient name of Ayodhya was Ayazsa (□□□□□□□).
- According to Buddhist tradition, Ashoka built a stupa in Ayodhya.

- According to Jain texts, the birthplace of five Tirthankara including Adinath was Ayodhya.
- Repeated conflicts between Gujjar-Pratiharas, Palas and Rashtrakutas ensued for occupation Kannauj's.
- For a Long period, Kannauj was ruled by Gujjars-Pratahars.
- In 1018-1019, Mahmud Ghajnavi invaded Kannauj.
- Prayag pillar mentions donation made by Ashok's Queen Karaowaki. It has also been called 'Queen's Record'.
- Kashi's first mention is found in Atharva Veda. According to the Mahabharata, this city was founded by Divodas.
- The capital city of Kashi Mahajanapati was Varanasi.
- Two rock inscription of Kumargupta I and one of Skand Gupta have been found at Garhwa (Allahabad).
- Bhitari Column inscription of (Ghazipur) describes the war between Pushyamitran and the war of Skanda Gupta.
- In 1194 AD, Mohammad Ghori defeated Gaharwal Naresh Jayanchad (ruler of Kannauj) in the Battle of Chandavar.
- In 1018 AD, Mohammad Ghajnavi destroyed the temples of Mathura.
- In 1670 AD, Aurangzeb destroyed the Krishna Temple (built by Veer Singh Bundela) of Mathura.
- Ashok had built a lion pillar in Sarnath.
- Agra was founded by Sultan Sikander Lodhi in 1506.
- After Sikandar Lodi, Ibrahim Lodi ascended to the throne of Agra, who was defeated by Babur in the first battle of Panipat in 1526 and Babur established the Mughal Empire.
- Agra was the main centre of education during the Mughal period. Indigo was cultivated in the adjoining areas of Agra during the Mughal period.
- Mughal historians called Uttar Pradesh as Hindustan.
- The Agra fort was built by Akbar.
- Noorjahan got built the tomb of his father, I'timād-ud-Daulah in Agra.
- 'Tajmahal', Deewane Aam, Deewane Khas and 'Moti Masjid' of Agra was built during rein of Shah Jahan.
- By the end of the twelfth century, Qutbuddin Aibak captured Kalpi (Jalaun district) and made it part of Delhi Sultanate.
- Among Akbar's Navratanas Birbal and Todramal belonged to Uttar Pradesh.
- Birbal belonged to Kalpi, Where evidence of Birbal's Rang Mahal and the Mughal Mint has been found.

- Jaunpur was established by Firoz Shah Tughlaq.
- Jaunpur was known as Shiraz-e-Hind during the reign of Sharqi dynasty.
- Orchha ruler Beer Singh Bundela got Jhansi built in 1613.
- Rani Laxmibai, the wife of Gangadhar Rai, was the ruler of the independent state of Jhansi, who died while fighting against the British in the freedom struggle of 1857.
- Laxmibhai's palace, Mahadev Temple and Mehdi Bagh are in Jhansi.
- Because of Sheikh Salim Chishti, Akbar considered Fatehpur Sikri a sacred land.
- From 1573-1588, it was capital of the Mughal Empire.
- Shahjahan shifted Mughal capital to Delhi from Agra in the year 1638..
- The last Nawab of Lucknow was Wazid Ali Shah, who was removed from Lucknow by the British in 1856 by Lord Dalhousie.
- Mughal Emperor Akbar got his own tomb built in Sikandara (a suburb of Agra) which was later completed by Emperor Jahangir in 1613.
- Atala Mosque, Jama Masjid or Jama Mosque or Jami Masjid or Bari Masjid and Lal Darwaja are famous monuments of Shrqī dynasty.
- The Atala Mosque and Jhangari Mosque of Jaunpur were constructed by Ibrahim Shah Sharqi.
- Badaun's Jama Masjid was constructed by Iltutmish.
- From 1707 (From the death of Aurangzeb) to 1757 (Battle of Plassey) present Uttar Pradesh had five independent kingdoms.
- 'Treaty of Allahabad' was signed between the British and Mughal ruler Shah Alam II In 1765.
- After the death of Shuja-ud-Daulah, Asaf-ud-Daula was a Nawab of Awadh in 1775.
- Asaf-ud-Daula had handed over the area of the Benaras to the British by the Treaty of Faizabad (1775).
- Asaf-ud-Daula got constructed Imambara in 1784 in Lucknow to celebrate Muharram.
- The Sultan of Delhi Bahlol Lodi conquered Jaunpur in 1484 AD and annexed the Sharqi empire into the Delhi Sultanate.
- Panchmahal, Khas Mahal, Jodha Bai Mahal, Birbal Mahal, Jama Masjid, Buland Darwaza, Sheikh Salim Chishti's Tomb and Islam Khan's Tomb were built by Akbar in Fatehpur Sikri.
- Jahangiri Mahal built by Akbar in Agra.
- Jahangir built the mausoleum of Maryam Uj Zamani in Sikandra.

- Sher Shah Suri constructed a total of 4 roads, two of which are located in Uttar Pradesh, from Agra to Burhanpur and from Agra to Chittor.
- Babur defeated Rana Sanga in the Battle of Khanwa in 1527 AD and took control of Awadh and Kannauj.
- In 1529 AD, Babur defeated Mahmud Lodi and Nusrat Shah on the banks of Ghagra.
- Babur died in 1530 AD in Agra.
- Firoz Shah Tughlaq established Firozabad, another city besides Jaunpur.
- Awadh Suba became independent in 1722 AD under the leadership of Shaadat Khan Burhan-ul Mulk. Asaf-ud-Daula was made the capital of Awadh from Faizabad to Lucknow.
- Malik Sarwar (Sardar Khwajajahan) founded the independent Sharki state in Jaunpur.
- Mughal historians knew Uttar Pradesh by the name of Hindustan.
- Babar built Jama Masjid of Sambhal and Babri Masjid in Ayodhya

1857's Freedom struggle and Uttar Pradesh

- Mangal Pandey (resident of Balia of Uttar Pradesh), 34th Indian Army of Barrackpore, near Calcutta, rebelled on March 29, 1857, and fired on his lieutenant. Mangal Pandey was hanged on April 8, 1857, in Barrackpore.
- On April 24, 1857, the native infantry of Meerut refused to touch the new cartridges, as a result, British officers dismissed Soldiers on 9th May 1857, as a result, on May 10, 1857, the soldiers of the whole camp Rebelled.
- The area most affected by this rebellion of 1857 was Awadh and Bundelkhand.
- In the rebellion of 1857, the rebel soldiers and landowners had established their governments at Aligarh, Bareilly, Lucknow, Kanpur, Allahabad etc.
- The 1857 revolt was extended to small towns and towns like Etawah, Mainpuri, Etah, Mathura, Shahjahanpur, Badayun, Azamgarh, Sitapur, Lakhimpur Kheri, Barabanki, Varanasi, Faizabad, Fatehpur, Hathras etc.
- Begum Hazrat Mahal of Awadh led the rebellion in Lucknow. Begum made her son Birzis Qadir Nawab of Awadh.
- Lucknow was recaptured by Colin Campbell on March 21, 1858.
- In 1857 AD, Nana Saheb had the right to administer the Kanpur (Bithoor) administration.

- The great warrior Tatya Tope (original name-Ram Chandra) of the rebellion of 1857 AD had frightened the British with his 'Guinimikava tactics' (guerrilla strategy).
- He was arrested on April 7, 1859, and was tried in the Civil Court of Shivpuri and was hanged on 18 April 1859.
- By June 1858, the rebellion in the United Provinces (now U.P.) was completely exhausted.
- On 1 November 1858, Lord Kennen read out the declaration of Queen Victoria in Allahabad.
- In 1858, the Delhi division was separated from the northwestern part of the state and the capital of the state was shifted from Agra to Allahabad.

The modern period of Uttar Pradesh

- In 1861, Shiv Dayal Saha had established Radha Swami Satsanga in Agra.
- Swami Dayanand Saraswati founded the Arya Samaj in Mumbai in
- Bharatendu Harishchandra published Kavi vachan Sudha (1867) and Harishchandra Magazine (1872) from Varanasi.
- The present name of 'Mohammedan Anglo-Oriental School' founded in 1875 by Sir Syed Ahmed Khan in Aligarh is 'Aligarh Muslim University'.
- Sir Syed Ahmed Khan launched the 'Aligarh movement' to improve the status of Muslims.
- Till 1947, 9 sessions of Indian National Congress were held in U.P.
- The most, three sessions of Indian National Congress were held in Allahabad and Lucknow each. Allahabad (1888- President: George Yule. 1892 - W.C: Banerjee. 1910 Chairman - Sir William Wedderburn), Lucknow (1899 AD, President- Romesh Chandra Dutt, 1916 AD, President- Ambika Charan Majumdar. 1936 AD, President - Pt. Jawaharlal Nehru).
- Apart from Allahabad and Lucknow, three other cities of U.P. had the convention of Indian National Congress - In 1905 Banaras (President- Gopal Krishna Gokhale), Kanpur (Chairman – Mrs Sarojini Naidu) in 1925 and Meerut (President-Acharya JB-Kripalani) in 1946.
- In 1916, the session of Congress and Muslim League was held simultaneously in Lucknow. This conference was the famous 'Congress-League Agreement'. This Congress convention was chaired by Ambika Charan Majumdar.
- In November 1928, 'Simon Commission' was boycotted in Lucknow. It was led by Pt. Jawaharlal Nehru.

- In 1918, Gaurishankar Mishra, Indranarayan Dwivedi and Madan Mohan Malviya formed Kisan Sabha.
- In 1923, Chittaranjan Das and Motilal Nehru founded the Swaraj Party in Allahabad.
- The first conference of the Communist Party of India was held in Kanpur, in December 1925 under the chairmanship of Periyar
- in United Provinces in the adjoining area of Lucknow, 'Eka Andolan' (1920-22) among farmers was led by a farmer named Madari Pasi.
- On August 8, 1942, the 'Quit India' resolution passed in the All India Congress Convention held in Bombay. In this Gandhiji gave a slogan 'Do or Die'.
- During the Quit India movement, Gandhiji was kept in Aga Khan Palace of Poona and Jawaharlal was held captive at Naini Central Jail of Allahabad.
- On August 16, 1942 masses struggle broke out in favour of 'Quit India Movement'. As a result, under the leadership of Chittu Pandey, a 'National Government' was formed in Ballia.

Change in the structure of the state

- After the independence, on **12 January 1950** United Province was renamed as Uttar Pradesh.
- On **November 9, 2000**, Uttarakhand state was formed by separating 13 hill districts of the state.
- To this date, Uttar Pradesh has given 8 Prime Ministers to the country.
- After Independence, the first Governor of Uttar Pradesh was Mrs. Sarojini Naidu, the first Chief Minister was Govind Ballabh Pant and Purushottam Dass Tandon became the first Speaker of the Assembly.
- Current President Shri Ramnath Kovind is also from Uttar Pradesh.

3. Study Material-Language

Spelling Rules

1. One-syllable words ending in single vowel + single consonant double the consonant before a suffix beginning with a vowel.

Beg + ed = begged
Run + ing = running

rob + er = robber
sad + est = saddest

But,

Wish + ed = wished (two consonants)
Fear + ing = fearing (two vowels)

2. Words of two or three syllables ending in single vowel + single consonant double the final consonant if the last syllable is stressed.

Begin + ing = beginning
Permit + ed = permitted

occur + ed = occurred
control + er = controller

The consonant is not doubled if the last syllable is not stressed.

Benefit + ed = benefited

suffer + ing = suffering

These words are exceptions: worship, kidnap, handicapped

Worship + ed = worshipped
Kidnap + er = kidnapper

handicap + ed = handicapped

3. In British English the consonant / is doubled, even if the stress does not fall on the last syllable.

Quarrel + ed = quarrelled
Travel + er = traveller

signal + ing = signaling
distil + er = distiller

Note the exception:

Parallel + ed = paralleled

4. If the word to which the suffix ful is added ends in //, the second / is dropped.

Skill + ful = skilful

will + ful = willful

Final e

5. Words ending in silent e drop the e before a suffix beginning with a vowel.

Live + ing = living
Hope + ing = hoping

move + ed = moved
drive + er = driver

The e remains before a suffix beginning with a consonant.

Hope + ful = hopeful

engage + ment = engagement

Note the exceptions:

True + ly = truly

whole + ly = wholly

Due + ly = duly

nine + th = ninth

Argue + ment = argument

awe + ful = awful

6. Notice the special case of words ending in ce and ge which keep the e when adding able and ous.

Notice + able = noticeable

peace + able = peaceable

Change + able = changeable

courage + ous = courageous

7. In such words the c and g are pronounced soft before e. Sometimes the e is retained to avoid confusion with a similar word.

Sing + ing = singeing (avoids confusion with singing)

Swing + ing = swingeing (avoids confusion with swinging)

8. Words ending in ee do not drop an e before a suffix.

See + ing = seeing

agree + ment = agreement

9. Words ending in ie change the ie to y when ing is added.

Die, dying

tie, tying,

lie, lying

Final y

10. A final y following a consonant changes to I before a suffix except ing.

Happy + ly = happily

carry + ed = carried

Beauty + ful = beautiful

marry + age = marriage

11. But,

Carry + ing = carrying

marry + ing = marrying

But y following a vowel does not change.

Pray + ed = prayed

play + er = player

Notice a few exceptions:

Pay + ed = paid

day + ly = daily

Say + ed = said

gay + ly = gaily

Lay + ed = laid

ie or ei

12. When ie or ei is pronounced like ee in 'jeep', I comes before e except after c.

Believe
Relieve
Achieve
Grieve
Yield
Field

receive
receipt
deceive
deceit
conceive
conceit

Some exceptions:

Seize
Weird

protein
surfeit

counterfeit
plabeian

4. Current Affairs

FEBRUARY 2023

28 February 2023

- Which state got the **Best Adventure Tourism Destination Award** – **Jammu and Kashmir**
- Which country's membership was suspended by FATF due to Ukraine conflict – **Russia**
- Which medal did the **Indian women's team** win in the 14th Asian Bowling Championship – **Gold medal**
- **Maharashtra government** has renamed Aurangabad as – **Chhatrapati Sambhaji Nagar**
- What was the name of **Osmanabad** changed by the Maharashtra government – **Dharashiv**
- In which city the **three-day Ellora Ajanta International Festival** started – **Aurangabad**
- Where was the **World Book Fair 2023** held – **New Delhi**
- Which country opened the **Torkham border** with Afghanistan for the movement of vehicles – **Pakistan**
- When was **World NGO Day** celebrated – **27 February**
- What is the **theme of World NGO Day 2023** – **The role and impact of NGOs in advancing human rights and achieving the Sustainable Development Goals**

27 February 2023

- **Rudraksh Patil** won which medal in 10m air rifle in ISSF World Cup 2023 – **Gold medal**
- who won the title of “**Entrepreneur of the Year 2022**” – **Sajjan Jindal**
- Who is the author of the launched book “**Modi: Shaping a Global Order in Flux**” – **JP Nadda**
- How many years **2023 Argentina Open** title won – **Carlos Alcaraz**
- Which wheat variety was developed by ICAR – **HD-3385**
- **Dr Kanak Rele** has passed away she was a famous – **dancer**
- **India** and which country signed an agreement for information sharing in maritime security – **Seychelles**
- Which country hosted the **Munich Security Conference** – **Germany**
- who inaugurated the “**Barisu Kannada Dimava**” festival – **PM Narendra Modi**
- Who became the new **CMD of Indian telephone industry** – **Rajesh Roy**

26 February 2023

- Till when the tenure of the 22nd Law Commission of India was extended – **August 2024**
- The World Bank announced how many billion dollars in aid to Ukraine – **\$ 5 billion**
- Who has been nominated by India to lead the World Bank – **Ajay Banga**
- Who won the best international film award at HCA – **RRR**
- How many million dollars loan did China give to Pakistan – **700 million dollars**
- Which country signed a friendship cultural agreement with India to promote cultural relations – **Australia**
- who overtakes India as world's 6th largest equity market – **UK**
- Mumbai Churchgate station renamed as – **CD Deshmukh station**
- Where did India stand in terms of mobile download speed – **69th**
- Who became the new Governor of Andhra Pradesh state – **Justice M Abdul Nazeer**

25 February 2023

- Who was appointed as the external auditor of ILO in Geneva – **Girish Chandra Murmu**
- Who was appointed as the new Drug Controller General of India – **Rajeev Raghuvanshi**
- Prime Minister Kisan Samman Nidhi Yojana has how many years on February 24 – **4 years**
- When was Central Excise Day celebrated – **24 February**
- Sergio Ramos announced his retirement from which sport – **Football**
- Who was appointed as the new governor of Chhattisgarh state – **Vishwabhushan Harichandan**
- Who was honored with the Gnanappana Award for 2023 – **V Madhusudhanan**
- According to the Gross Domestic Climate Risk report, which was declared as the most climate sensitive area – **Bihar**
- Which became the first High Court in the country to publish judgments in regional language – **Kerala High Court**
- Who has been appointed as the new coach of India's boxing team – **Dmitri Dmitruk**

24 February 2023

- Who has been named the title sponsor of the Women's Premier League till 2027 – **Tata Group**

- 12 leopards were released in Kuno National Park of which state – **Madhya Pradesh**
- Who has been elected as the leader of Shiv Sena chief – **Eknath Shinde**
- Who was honored with the International Mother Language Award in Dhaka – **Dr. Mahendra Mishra**
- Where was the 18th World Security Congress organized – **Jaipur**
- Which country hosted the Munich Security Conference – **Germany**
- Which country organized Malabar naval exercise for the first time in 2023 – **Australia**
- Who became India's 80th Grandmaster in Chess – **Vignesh NR**
- When was World Thinking Day celebrated – **22 February**
- What is the theme of World Thinking Day 2022 – **Our world, our peaceful future, environment peace and security**
- Which state passed the new liquor policy – **Madhya Pradesh**

23 February 2023

- In which state Khujraho Dance Festival was organized – **Madhya Pradesh**
- Amit Shah inaugurated the first phase of Shiva Srishti Theme Park – **Pune**
- Where was the country's first semiconductor plant set up – **Gujarat**
- Dada Saheb Phalke Award in 2023 which film was awarded the Best Film Award – **The Kashmir Files**
- Who was appointed as the new CEO of NITI Aayog – **BVR Subramaniam**
- On which mountain was the world's highest weather station – **Mount Everest**
- OP Kohli has passed away, he was the Governor of which state – **Gujarat**
- where was 18th World Security Congress meeting held – **Jaipur**
- What is the theme of the 18th World Security Congress meeting – **Railway Security Strategy: Responses and Vision for Future.**
- which institution launched "Harbinger 2023" global hackathon – **RBI**

22 February 2023

- who won the Ranji Trophy 2022-23 title – **Saurashtra**
- In which city did Amit Shah inaugurate the Shiv Srishti theme park based on the life of Shivaji Maharaj – **Pune**
- Who has been appointed as the National Ambassador of Child Rights for UNICEF India – **Ayushmann Khurrana**
- Who won the National Geographic Pictures of the Year Award – **Karthik Subramaniam**
- who became the sixth batsman to score 25000 runs in international cricket – **Virat Kohli**

- Where was the launch of APJ Abdul Kalam Satellite Launch Vehicle Mission – **Chennai (Pattipalam)**
- Who was elected as the President of the 62nd session of the United Nations Social Development Commission – **Ruchira Kamboj**
- Russia-China and which country started joint exercise – **South Africa**
- who was honored with the Excellence of Journalism Award 2023 – **Ajay Verma**

21 February 2023

- Where will the first nuclear plant of North India be established – **Gorakhpur in Haryana**
- Recently which virus was found in birds – **Avian flu**
- Which AI chatbot has been launched by UIDAI to solve Aadhaar related queries – **Aadhaar Mitra**
- Shahabuddin Chuppu became the new President of which country – **Bangladesh**
- Where did the Railways start the Bharat Gaurav Deluxe AC tourist train – **Delhi**
- Where was the 49th meeting of GST Council held – **New Delhi**
- who became the 13th player of India to play 100 Test matches in International Cricket – **Cheteshwar Pujara**
- In which state Nitin Gadkari laid the base rock of the first Divyang Park – **Maharashtra**
- In the 76th BAFTA Award 2023, which film was awarded the Best Film Award – **All Quite on the Western Front**
- When was International Mother Language Day celebrated – **21 February**
- What is the theme of International Mother Language Day 2022 – **to change multilingual education education Need**
- Which AIIMS has completed the trial of delivering tuberculosis medicines through drones – **AIIMS Rishikesh**

20 February 2023

- Section 133-A of IT Act was used for survey in which office – **BBC**
- In which state snow leopard was seen for the first time – **Uttarakhand**
- Which country was elected as the President of the 62nd session of the United Nations Social Development Commission – **India**
- Who resigned from the post of chief selector of BCCI – **Chetan Sharma**
- Who won the Formula E-Prix 2023 – **Jean Eric**
- Who launched India's first chatGPT powered AI chatbot – **Lexi.**
- How many billion dollars was India's foreign exchange reserves in February 2023 – **94 billion dollars**

- **Total number of venues where matches will be played in IPL 2023 – 12**
- According to Morgan Stanley, what percentage of India's GDP will increase in 2024 – **6.2 percent**
- Which country passed the law providing menstrual leave for the first time – **Spain**

19 February 2023

- **Joint training exercise “Dharma Guardian” started between India and which country – Japan**
- Who has been appointed as the new CEO of YouTube – **Neil Mohan**
- Who became the new Vice Chief of Army Staff – **Lt Gen MP Suchindra Kumar**
- **Tulsidas Balaram has passed away he was a famous – footballer**
- Who became the first Indian bowler to take 100 wickets in T-20 International – **Deepti Sharma**
- Which became the second most polluted city in the world – **Mumbai**
- Where was the meeting of the G-20 Culture Working Group held – **Khujraho (MP)**
- **With which country did India sign an agreement for cooperation in the agriculture sector – Chile**
- PM Modi inaugurated Jal Jan Abhiyan in which state – **Rajasthan**
- Who became the Chief Justice of Jammu Kashmir and Ladakh High Court – **Justice Nigmikapam Kanteshwar Singh**

18 February 2023

- What is the motto of “Olympics 2024” held in France – **Games Wide Open**
- Which telescope was selected for “2023 John Lilack Swigert, Jr award For Space Exploration” – **James Webb Telescope**
- Which company showcased solar-powered drone for surveillance operations – **Garuda Aerospace**
- **In which year Nikki Haley will contest the election of US President – Year 2024**
- **Who has resigned from the post of Chief of the World Bank – David Malpass**
- In which state **Shinku La tunnel** will be built – **Ladakh**
- **How many satellites have been put into orbit by ISRO's SSLV-D2 launch vehicle – 3**
- Who was honored with the Akbar Kakkattil Award of Kerala – **Subhash Chandran**
- Which state's cabinet implemented the PM Shree scheme – **Maharashtra**

17 February 2023

- Which country declared **National Emergency** in view of Cyclone Gabriel – **New Zealand**
- In which year **America, Canada and Mexico** can join the **FIFA World Cup** – **Year 2026**
- Which **mobile application** was launched by the central government to **curb illegal mining** – **Khanna Parhari**
- In which city **science center and planetarium** were built – **Kota**
- Who has been appointed as the **mentor of the Royal Challengers Bangalore team** in the **Women's Premier League** – **Sania Mirza**
- Where was the **23rd edition of the India International Seafood Show** held – **Kolkata**
- Who resigned from the post of **Chief Business Officer of Meta Company** – **Marni Lavin**
- Who has been appointed as the **new president of ICAI** – **Aniket Sunil Talati**
- **Lalita Lajmi** has passed away she was a famous – **painter**
- **By which year Asia** will consume half of the world's electricity – **Year 2025**
- Who announced the **second global precursor 2023** – **RBI**

16 February 2023

- Who became the **most expensive female player of WPL** – **Smriti Mandhana**
- Who became the **highest paid athlete in 2022** – **Lionel Messi**
- **Gabriel storm** caused havoc in which country – **Auckland**
- Who became the **22nd President of Bangladesh** – **Mohammad Shahabuddin Chupu**
- The **country's first AC electric double decker bus** will run in which city – **Mumbai**
- **How many billion worth of arms** did India buy from Russia in the last 5 years – **13 billion**
- When did **RBI** celebrate **Financial Literacy Week** – **13 to 17 February 2023**
- When was **International Child Cancer Day** celebrated – **15 February**
- Governor of which state **Bhagat Singh Koshyari** resigned from his post – **Maharashtra**
- Who won the **men's recurve title** in the **national ranking archery tournament?** – **Tarundeep Rai**

- Which state presented a plan to make all competitive exams free in its budget – **Rajasthan**

15 February 2023

- Who was awarded the UNESCO Peace Prize – **Angela Merkel**
- When was the fourth anniversary of the Pulwama attack celebrated – **14 February**
- Which team bought Smriti Mandhana in the first Women's Premier League – **Royal Challengers Bangalore**
- World Bank provided how many dollars in aid to Turkey – **1.78 billion dollars**
- Which country signed agreement with Russia to develop nuclear power – **Myanmar**
- Where did the National Culture Festival 2023 start – **Mumbai**
- Where was the 12th World Hindi Conference held – **Fiji**
- Nicos Christodoulides became the new President of which country – **Cyprus**
- Which organization launched the Zero-Draft of Epidemic Treaty – **WHO**
- Who launched the Global Climate Excellence Fund for Women 50 million – **Hillary Clinton**
- Who won his first Formula E race – **Jean-Eric Vergne**
- Eoin Morgan announced his retirement from all forms of the game – **Cricket**

14 February 2023

- What is the rank of India in the World Happiness Index 2023 – **136th**
- What place did India stand in the India Aviation Security Ranking – **55th**
- Who won the FIFA Club World Cup for the 5th time – **Real Madrid**
- ADB gave a loan of \$ 130 million to promote horticulture in which state – **Himachal Pradesh**
- Where was the World Government summit 2023 held – **Dubai**
- What is the theme of World Government Summit 2023 – **Shaping Future Governments.**
- Which Indian company sold its entire stake in Alibaba Group – **Paytm**
- Who became the first Indian captain to score a century in all three formats of cricket – **Rohit Sharma**
- PM Modi inaugurated India's longest Delhi Mumbai Expressway in which state – **Rajasthan**
- Where did India stand in the Global Quality Infrastructure Index 2021 – **10th**

- What was the retail inflation rate in the last 3 months of February 2023 – **5 percent**
- When was the 200th birth anniversary of Maharishi Dayanand Saraswati celebrated – **13 February**

13 February 2023

- In which state of India Lithium reserves were found – **Jammu and Kashmir**
- Indian Railways inaugurated the Joydebpur-Togi rail line in which country – **Bangladesh**
- Who was selected as the chief astronaut of NASA – **Joe Acaba**
- when was **International Women’s Scientist Day** celebrated – **11 February**
- What is the theme of **International Women’s Scientist Day 2023** – **Innovate, Demonstrate, Elevate, Advance, Sustain**
- By what name **Iran** launched its underground air force base – **Eagle-44**
- PM Modi flagged off two new **Vande Bharat** trains from which city – **Mumbai**
- Who was given the Maharashtra Bhushan Award for the year 2022 – **Appasaheb Dharmadhikari**
- Who became the second fastest bowler to take 450 wickets – **Ravichandran Ashwin**
- How many million bonds developed by India’s new infrastructure institute – **610 million dollars**
- Google made a special doodle on the 120th birth anniversary of which actress – **PK Rosie**

12 February 2023

- Which state topped the 5th Khelo India Youth Game – **Maharashtra**
- **ISRO** launched its smallest rocket by what name – **SSLV-D2**
- Which ministry launched “Vivad se Vishwas-1” scheme – **Ministry of Finance**
- At what place **India’s** national accreditation system stood in the **Global Quality Infrastructure Index 2021** – **5th**
- which company won **ATD Best Awards 2023** – **NTPC**
- Which agency launched “Mars Mission” on Blue Origin’s New Glen – **NASA**
- From which year the **digital loan service** of the central government will start – **Year 2023**
- who inaugurated the **three-day UP Global Investors Summit 2023** – **PM Narendra Modi**

- Where was the **68th India International Garment Fair** inaugurated – **Greater Noida**
- Which country has declared a **national disaster** in the midst of severe **power crisis** – **South Africa**
- IISc tied up with whom to promote India Semiconductor R&D – **Samsung Research Unit**

11 February 2023

- Which operation was launched in India to provide assistance to Turkey and Syria after the earthquake – **Operation Dost**
- Where did the **ICC T20 Women's World Cup** start – **South Africa**
- Which country has launched the **first unmanned traffic management system for drones** – **India**
- Myntra has appointed whom as its brand ambassador – **Ranveer Singh**
- Which became the **first mobile app in India** to support credit card on **UPI** – **MobiKwik**
- Where was **India's first Glass Igloo restaurant** opened – **Jammu and Kashmir**
- Who has won the **Golden Books Awards 2023** for her book “Now You Breathe ” – **Rakhi Kapoor**
- When **ISRO NASA** developed **Nisar** satellite will be launched – **September 2023**
- Who is the author of the launch book “Victory City” – **Salman Rushdie**
- who was honored with **Hurun India Award 2022** – **VP Nandakumar and VK Mathews**

10 February 2023

- Which song was launched by the Election Commission to motivate the voters – **I am India, we are the voters of India**
- Who provided **50 buses** to the country under the economic assistance scheme in India – **Sri Lanka**
- Who became the **highest scorer in the list of the most talented students of the world** – **Natasha Periyannayagam**
- Which state has **started the Save Wetlands campaign** – **Goa**
- In which state **Indian Army** organized **Operation Sadbhavna** – **Ladakh**
- Which state announced to set up **green hydrogen hub** in next 2 years – **Kerala**
- Which neighboring country of India declared martial law in its 37 cities – **Myanmar**
- PM Narendra Modi announced the launch of what percentage of ethanol mixed petrol under India Energy Week – **20 percent**

- Who launched **coin vending machine** – **RBI**
- **India received foreign inward remittance of how many million dollars in the year 2021-22** – **89127 million dollars**

09 February 2023

- Which city became the **first municipal body to bring green bond** – **Indore**
- Which company launched the **first hydrogen powered truck in India** – **Reliance**
- Where did Prime Minister Modi launch **India Energy Week 2023** – **Bengaluru**
- Who became **full member of International Solar Alliance** – **Brazil**
- Who was **honored with BBC IsWoty Award** – **Vinesh Phogat and Sakshi Malik**
- **Google launched its AI chatbot by which name to compete with ChatGPT** – **BARD**
- What is the **unemployment rate in India till January 2023** – **7.14 percent**
- In which city **The Pulse Conclave 2023** was organized – **Mumbai**
- **Which country made a dent on the data of India's defense companies** – **North Korea**
- **Central government banned how many Chinese applications** – **232**

08 February 2023

- Where will **Asia's biggest helicopter factory** be set up – **Karnataka**
- Which city will **host the global energy meeting** – **Bengaluru**
- who won the **Men's Singles title of Australian Open 2023** – **Novak Djokovic**
- Where **Gandhi Sagar Floating Festival** started – **Madhya Pradesh**
- Who got **Grammys Awards 2023** for the third time – **Ricky Cage**
- Who won the **Mathrubhumi Book of the Year award** – **Peggy Mohan**
- How many consecutive times **ITBP has won the National Ice Hockey Championship** – **3rd**
- **Dipa Karmakar was banned for how many months after failing the dope test** – **21 months**
- Which retail company started the **transaction program in digital rupee** – **Reliance Retail**
- Which state **topped in the sale of electric vehicles under the Fame scheme** – **Maharashtra**

07 February 2023

- Earthquake of what intensity was recorded in the country of Turkey – **7.8 magnitude**
- Adani Enterprises shares were removed from the index of which country – **America**
- Who became the most popular leader of the world – **PM Narendra Modi**
- Who won four gold medals in water sports in Khelo India Youth Games – **Madhya Pradesh**
- IMF approved a relief package of \$ 47 billion for which country – **Bangladesh**
- Which village of Bhopal district was renamed as Jagdishpur – **Islamnagar**
- Where was the center of excellence set up to make India a global hub for millets – **Hyderabad**
- Where did the third edition of Khelo India Winter Games begin – **Jammu and Kashmir**
- Which country joined the International Solar Alliance – **Congo**
- Which country has been invited as the theme country for the Madrid International Book Fair in 2025 – **India**
- Indian Army's artillery exercise was conducted – **Devlali**

06 February 2023

- Who has won the Indian National Car Racing Championship 2023 – **Sai Sanjay**
- Which country's former President Pervez Musharraf passed away – **Pakistan**
- Which country will host the 2027 Football Asia Cup – **Saudi Arabia**
- Joginder Sharma announced his retirement from all forms of the game – **Cricket**
- Jagdeep Dhankhar inaugurated the 36th Surajkund Handicraft Fair in which state – **Haryana**
- To promote cooperation in the semiconductor industry, India announced the formation of a task force with which country – **America**
- Where did Asia's first floating festival start – **Mandsaur**
- When is India's first hydrogen train likely to arrive on Heritage Routes – **December 2023**
- Which became the first district to register 10000 new MSMEs – **Ernakulam**

04-05 February 2023

- Who was included in the monitoring committee of Wrestling Federation – **Babita Phogat**
- When was World Cancer Day celebrated – **4 February**
- What is the theme of World Cancer Day 2023 – **Close the Care Gap.**
- Which city hosted the Shanghai Cooperation Organization Film Festival 2023 – **Mumbai**
- When was International Human Fraternity Day celebrated – **4 February**
- What is the percent increase in digital payments according to RBI – **13 percent**
- Who became the new brand ambassador of Puma India – **Harmanpreet Kaur**
- Graham Reid resigned from the post of coach of which sport – **Hockey**
- Who won the first Shane Warne Award as Men's Test Player of the Year in 2023 – **Usman Khawaja**
- ITF Men's Tennis Tournament Final title won – **Prajnesh Gunneswaran**
- Who was honored with the Lifetime Achievement Award by the UK – **Manmohan Singh**
- According to RBI, which state has received maximum GST compensation from the Centre – **Maharashtra**

03 February 2023

- How many years did inflation reach its peak in Pakistan – **48 years**
- Who was declared the new capital of Andhra Pradesh state – **Visakhapatnam**
- When was World Wetlands Day celebrated – **2 February**
- What is the theme of World Wetlands Day 2022 – **Wetland Restoration**
- Which MBA institute of India topped in IIRF ranking 2023 – **IIM Ahmedabad**
- Which country's Haifa port was acquired by Adani Group – **Israel**
- According to the union budget, how many lakh crore rupees GST was collected in the month of January – **1.56 lakh crore**
- Where was the 30th National Children's Science Congress organized – **Ahmedabad**
- Who became the first female Prime Minister of Equatorial Guinea – **Manuela Roca**
- When was the World Inter-Religious Harmony Week celebrated – **1 to 7 February**

02 February 2023

- Which state has launched **Ladli Bahna Yojana** – **Madhya Pradesh**
- Who became the **new Vice Chief of Air Force** – **AP Singh**
- **Murali Vijay** announced his retirement from which sport – **Cricket**
- Where did the **fifth edition of Khelo India Youth Games 2022** begin – **Madhya Pradesh**
- Who is the author of the launched book “**The Poverty of Political Economics**” – **Meghnad Desai**
- who was honored with **FIH National Award 2023** – **VK Pandian**
- According to the economic survey, what percentage of India’s GDP will be in **2023** – **5 percent**
- Who became the **highest wicket taker for India in T-20i** – **Yuzvendra Chahal**
- Which country’s **army chief Julio Cesar de Aruda** was dismissed from his post – **Brazil**
- **Rs. 75 coin** was released at NCC event by – **PM Narendra Modi**

01 February 2023

- What place did **Gautam Adani** remain in the list of **billionaires of the world in February 2023** – **11th**
- **Tableau** of which state got **first place in Republic Day celebration 2023** – **Uttarakhand**
- What was the name of **Mughal Garden** located in **Rashtrapati Bhavan** changed – **Amrit Udyan**
- Which **female cricketer** was selected as the **ICC Women’s Cricketer of the Year 2022** – **Nat Sciver**
- Who won the **FIH Men’s Hockey World Cup** – **Germany**
- Who was honored with **Babasaheb Ambedkar National Contribution Award 2022** – **Sunil Krishnan**
- **Hugo Lloris** announced his retirement from which sport – **Football**
- Who won the **men’s singles title of Australian Open Grand Slam 2023** – **Novak Djokovic**
- who won the **Australian Open Grand Slam 2023 women’s singles title** – **Arina Sabalenka**

5. Prelims and Mains Notes Preparation Scheme

V.S. DREAM COACHING FOR HJS, PCS (J.) AND CLAT

Prelims and Mains Notes Preparation Scheme is going on. Prepare your own excellent study notes to crack HJS, PCS (J) and CLAT on the subjects mentioned below under the able guidance of Hon'ble Mr. Justice Vedpal (Former Judge), High Court of Judicature at Allahabad, Ex-Director of Judicial Training and Research Institute, U.P., Lucknow and resource person of various legal academies and institutions. Seek prior appointment to avoid despair. Subjects;-

1.General Knowledge	2.Law
<ol style="list-style-type: none">1. Current Affairs2. G.K.MCQs3. History of India and Indian Culture4. Geography of India5. Indian Polity6. Current National Issues7. Topic of Social Relevance with special reference to newly added 9 Social Acts8. India and the World9. Indian Economy10.International Affairs and Institutions11. Development in the field of:<ol style="list-style-type: none">(a) Science and Technology(b) Communications and Space	<ol style="list-style-type: none">1. Constitutional Law2. Law of Evidence3. Criminal Procedure Code4. Code of Civil Procedure,5. Indian Panel Code6. Law of Contract7. Partnership Act8. Easements Act9. Law of Torts10. Transfer of Property Act11. Principles of Equity ,12. Law of Trust13. Specific Relief Act14. Hindu Law15. Muslim Law16. U.P. Revenue Code.17. U.P. Municipalities Act 191618. U.P. Panchayat Raj Act 194719. U.P. Consolidation of Holdings Act, 195320. U.P. Urban (Planning and Development) Act, 1973
3.CLAT <ol style="list-style-type: none">1. General Knowledge2. A Guide for CLAT	

6. About Coaching

V.S. Dream coaching is one of the premiere law institute that offers coaching for Judicial Services Examinations at all the three levels – Preliminary Test, Main Examination and Personality Test.

We started our journey the month of Sept. 2022 with a vision driven by the socialist ideology. Since its inception, the coaching is successfully conducting courses for Judicial Services Exams and has always worked by aligning itself to the best interest of its students. The coaching Institute is focused on providing comprehensive and reliable training and support to all its students, who plan to appear for the Judicial Services Exam and are in the search of highly qualified targeted and dedicated faculty to crack examinations successfully.

The teaching faculty of the Institute has been drawn from highly qualified persons having experience. We also guide the aspirant in preparing his own notes and quality study Material

Teaching pedagogy

Our faculty uses a teaching pedagogy which is easily understandable and is aspirant friendly. Our patron Hon'ble Mr. Justice Vedpal former Judge High Court Allahabad had been a Trainer of Trainers. Director of Judicial Training and Research institute U.P., Resource person of several Judicial Institutes and member of Law commission U.P. The faculty of the coaching Institutes consists of those who have several decade experience in teaching in the field of law.

7. About Director and faculty

Ms. Anshu Singh B.A., LL.B is the director of the coaching who remained associated with the law for more than two decades. The director of the coaching possess self-awareness, garner credibility, focus on relationship-building, exhibit humility, empower others, stay authentic, present themselves as constant and consistent, become role models and are fully present

The director aims to improve performance and focuses on the 'here and now' rather than on the distant past or future. The director is subject expert. And focus on helping the individual to unlock their own potential

Regular Faculty

- 1. Ms. Anshu Singh, B.A. (English Literature) LL.B. The Director, herself**
- 2. Shri Shantanu Baliyan, B.A. LL.B who is a Law graduate from C.C.S. University Campus. He has also received Certificate of Excellency from the**

University. He has started teaching at a very young age and now with his teaching experience, he has developed innovative ways of teaching Law and general knowledge, which suites to the need of a law student, as well as an Judicial service aspirant. He has conducted many online and offline Courses. His notes on Law subjects as well as on general knowledge are masterly work

8. Resource persons/Guest Speakers

1. Hon'ble Mr. Justice Vedpal, Former Judge, High Court Allahabad -Mentor
2. Shri Soraj Singh, Ex-Director (Ag.), U.P. Government- Guest Speakers
3. Mrs. Kalpana Malik, B.Sc., LL.B., LL.M. (P) - Guest Speakers
4. Dr. Venu Agarwal M.A.(English), M.Com. M.Ed., PhD - Guest Speakers

9. Library with Research wing

V.S. Dream Coaching has an excellent Library containing **about five thousand books, Journals, brochures, notes and guides**. The library in a coaching institute plays an important role in the life of students by serving as the store house of knowledge. It facilitates the work of the resource person and faculty also. The students have also access to library, after coaching hours. Our library changes as technology changes and remains updated in Course subjects. The coaching itself prepares study excellent and qualitative reading material.

Preparing a study material on a subject on Law and General Knowledge, is a herculean task. There is always a debatable question to be asked regarding what, and what not to include and how to differentiate the books and brochures from the ones already available in the market.

There should be a system for the verification of facts, data, etc. While preparing study material, we always keep in the mind the quality, so we hope that the book, brochures prove beneficial to all the aspirants taking examinations with law and General Knowledge..

A coaching should provide students with the fundamental knowledge base or foundation needed in order to be successful in their exam. Aspirants were surveyed to determine how they should be taught. The survey was developed based on course content. We encourage accredited programs to regularly evaluate current curricula for and develop new curricula that reflect changing construction technologies and management trends.



Library



Research wing