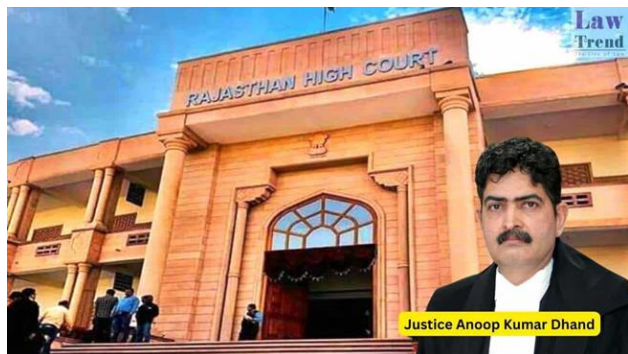


### Minakshi Chaudhary v. Rajasthan State Road Transport Corporation & Anr.

- ❖ **TOPIC :** All Female Employees Entitled To Benefit Of 180 Days Maternity Leave Under Maternity Benefit Act
- ❖ **BENCH :** Justice Anoop Kumar Dhand



- ❖ **FORUM:** Rajasthan High Court
- ❖ **MAIN ISSUE**
  - Whether the 90 days maternity leave given to the female employee is valid or not?
- ❖ **FACTS**
  - The Court was hearing a petition filed by a pregnant woman working as a conductor with RSRTC seeking direction from the department to increase her maternity leave from 90 days to 180 days.
- ❖ **BACKGROUND**
  - The Rajasthan High Court has ruled that granting only 90 days of maternity leave to female employees of Rajasthan State Road Transport Corporation ("RSRTC") based on Regulation 74 of the RSRTC Employees Service Regulations, 1965 ("1965 Regulations") instead of 180 days as mandated by the Maternity Benefits Act, 1961 ("1961 Act") after the 2017 amendment, was not only discriminatory but also violative of fundamental rights under Articles 14 and 21 of the Constitution of India.
  - Accordingly, the bench of Justice Anoop Kumar Dhand recommended RSRTC to amend the Regulation 74 of 1965 Regulations and increase 90 days maternity leave to 180 days.
  - Furthermore, the Court issued a general mandamus to the Government of India, Ministry of Personnel Public Grievance and Pension, to issue necessary instructions to all

unrecognized and private sectors to make suitable amendments in their provisions for granting 180 days of maternity benefits to female employees.

- The Court highlighted the importance of the early years of parenthood for both mother and child, during which the women need adequate rest, medical care, and emotional support. It observed that maternity leave was not just a benefit but a right supporting women's fundamental needs.
- "The care that Indian mothers receive before and after they have a child is ingrained in our Indian culture. Therefore, it makes sense to have the same care, even at the workplace. This is possible only when proper and adequate Maternity Leave is allowed."
- Hence, the Court ruled that granting only 90 days of maternity leave to RSRTC women employees was discriminatory and by limiting the number of maternity leave, the department was denying equal opportunity to women employees of RSRTC for the reasons of their maternity right of bearing children.
- Accordingly, the petition was allowed and RSRTC was suggested to amend the 1975 Regulation, along with a general mandamus to Government of India to issue directions to all unrecognized and private sectors to amend their provision in line with the 1961 Act.

### State of Rajasthan v. Narsi Ram & Anr.

- ❖ **TOPIC :** Rajasthan High Court Upholds Acquittal Of Husband Accused In Wife's Dowry Death, Cites Delay & Inconsistencies Between Dying Declarations
- ❖ **BENCH :** Justice Pushpendra Singh Bhati and Justice Munnuri Laxman



- ❖ **FORUM:** Rajasthan High Court

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❖ **MAIN ISSUE**

- Whether a husband can be acquitted or not when he is accused in the case of Wife's dowry Death.

❖ **FACTS**

- There were two dying declarations in the case wherein in the first one it was stated that the deceased caught fire accidentally while cooking food which led to her burning whereas in the second one, it was said that the burn injuries were inflicted upon her by the accused when she refused to comply with the dowry demands.

❖ **BACKGROUND**

- The counsel for the appellants argued that the trial court was wrong in giving more weightage to the first dying declaration when it was made clear that such a statement was given by the deceased pursuant to a threat by the accused to the effect of killing the deceased's children and her brother.
- On the other hand, the counsel for the accused argued that if the injuries were inflicted by the accused, the relatives of the deceased could have filed the report immediately after getting the information or at least after reaching the hospital, but the report was lodged after 16 days.
- The counsel submitted that with the efflux of time and on account of the deteriorating condition of the deceased, a new story was concocted by the victim and her family members to involve the accused.
- Rajasthan High Court dismissed a criminal appeal against an acquittal order passed 35 years ago in an alleged case of murder owing to unfulfilled dowry demands.

❖ **OBSERVATIONS**

- The court noted that the implicating dying declaration was made 16 days after the first dying declaration and consequently the report was also lodged after an inordinate delay of 16 days after the incident.
- The division bench of Justice Pushpendra Singh Bhati and Justice Munnuri Laxman was hearing a criminal appeal filed against the order of the sessions judge, passed in 1989, wherein the accused were acquitted of the charges of murder and cruelty against the deceased.
- The Court took into account the two dying declarations of which first was made right after the incident of burning, in front of the police and the second was made after 16 days based on which the report was lodged by the relatives of the deceased against the accused.
- The Court held that no explanation was put forth for the inordinate delay of 16 days in lodging the report against the accused based on the second dying declaration, and expressed the possibility of

influence or tutoring by the relatives of the deceased during this time.

- Furthermore, on the argument that the first declaration was given under threat, the Court observed that firstly, it was not known when such a threat was given, and secondly, even if there had been such a threat, the deceased could have informed her relatives as soon as they arrived.
- However, there was a delay of 16 days between both the dying declarations, which raised doubts about the second dying declaration.
- Accordingly, the Court did not deem it correct to interfere with the decision of acquittal passed by the trial court and the criminal appeal was dismissed.

### Govind Lodhi v. The State Of Madhya Pradesh And Others

- ❖ **TOPIC :** Question Of Paying Maintenance To Parents Doesn't Depend On How Much Property Has Been Given To Children
- ❖ **BENCH :** Justice G.S. Ahluwalia



- ❖ **FORUM:** Madhya Pradesh High Court

❖ **MAIN ISSUE**

- Whether the question of a child paying maintenance to their parents does depend on how much property was given to the child by the parents?

❖ **FACTS**

- In the present case, the petitioner sought relief against an order mandating him and his brothers to pay their mother, Smt. Hakki Bai, Rs. 2,000 each per month. The petitioner argued that since his mother had not given him any share of her land, he should not be liable for maintenance.

❖ **BACKGROUND**

- He cited his financial incapacity to support her. However, the court rejected this argument, reiterating that the duty to provide maintenance does not depend on property distribution.

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- Smt. Hakki Bai had filed an application under Section 16 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 against the petitioner and her other sons, stating that she had distributed the land to her sons by executing separate sale deeds and thus her sons promised to maintain her.
- It was stated that later, they were not making any payment towards the same. In a previous ruling, the SDO had initially ordered all four sons to pay a total of Rs. 12,000 per month, split equally at Rs. 3,000 each. However, this was reduced to Rs. 8,000, with each son required to pay Rs. 2,000.
- Despite this reduction, the petitioner continued to challenge the order, claiming injustice due to the unequal land distribution by his mother.

#### ❖ **OBSERVATIONS**

- The Madhya Pradesh High Court has held that the question of a child paying maintenance to their parents does not depend on how much property was given to the child by the parents and that it is the duty of children to maintain their parents.
- A bench of Justice G.S. Ahluwalia was dealing with a writ petition challenging a maintenance order under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
- The Petitioner contended that he was not liable to provide maintenance to his mother since not a single piece of land was given to him by his mother.
- Justice Ahluwalia, while adjudicating on the matter stated that it is the duty of the children to maintain their parents and providing maintenance to parents is not dependent on how much property is given to them. He held: "The question of payment of maintenance to parents is not dependent upon the fact that how much property has been given to the children. It is the duty of children to maintain their parents. If the petitioner is aggrieved by unequal distribution of land, then he has remedy to file a Civil Suit but he cannot run away from his liability to make payment of maintenance to his mother."
- The court further considered the rising cost of living and inflation, deeming the Rs. 8,000 monthly maintenance fair and reasonable. "Considering the price index as well as price of the goods of daily needs, this Court is of the considered opinion that monthly maintenance of Rs. 8,000/- to be paid in equal share by all her four sons cannot be said to be on a higher side."
- The High Court thus dismissed the petition affirming the previous orders requiring the petitioner and his brothers to contribute to their

mother's maintenance.

### XXXX v. XXXX

- ❖ **TOPIC :** Unfortunate That Wife Is Granted Alimony Even After Husband Is Convicted In Cruelty Case Filed By Her
- ❖ **BENCH :** Justice Sureshwar Thakur and Justice Sudeepti Sharma



- ❖ **FORUM:** Punjab & Haryana High Court
- ❖ **MAIN ISSUE**

- Whether it is correct or not that the wife is granted maintenance despite the fact that the husband and his family is convicted for cruelty on her complaint.

#### ❖ **FACTS**

- The Court was hearing an appeal against the order of a family court which dismissed the divorce plea of a husband on the ground of cruelty under Section 13 (1)(i-a) of the Hindu Marriage Act.

#### ❖ **BACKGROUND**

- The husband who was a judge of a District Court had levelled various allegations stating that it amounts to cruelty.
- He submitted that the wife moved a complaint before the Chief Justice of the Punjab & Haryana High Court alleging that he had misused his official position to harass her.
- However, the Family Court rejected the contention observing that the complaint was filed after filing the divorce plea.
- The Family Court concluded that the husband failed to prove cruelty by his wife and in fact he had inflicted cruelty on her.

#### ❖ **OBSERVATIONS**

- The Punjab & Haryana High Court has observed that it is unfortunate that the wife is granted maintenance despite the fact that the husband and his family is convicted for cruelty on her complaint.
- It was stated the Courts must consider all the aspects before granting alimony.
- These observations were made while allowing the

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divorce plea filed by the husband against wife on grounds of cruelty under Hindu Marriage Act.

- The Court observed further that despite the fact that she lodged an FIR against the husband and his family members and they were to face trial and spend the period of conviction in jail, the wife wanted a reward for the same by filing such a kind of application
- "And it is very unfortunate that she is also granted the same. Now it is high time and the need of the society that such type of exploitation and extortion should be stopped," the Court remarked.
- The Court said that "cruelty can be inflicted by either party. Ultimately, the Courts must not compel one party to endure the cruelty of the other on a continuous basis."
- Stating that the relationship between husband and wife is one of life partners, and such a relationship cannot be sustained if one partner is subjected to cruelty throughout their life, the Court said the judgment passed by the Family Court, "is bad in the eyes of the law."
- Perusing the allegations of cruelty levelled by both the parties, the Court added, "it would not be in the interest of both the parties as well as the daughter born out of wedlock to allow the parties to live together."
- Furthermore, the bench observed that "under Section 13 of the Hindu Marriage Act, 1955, certain grounds are specified for granting a decree of divorce.
- However, regardless of whether these grounds are proven, once parties are involved in matrimonial disputes, there are often allegations and counter-allegations. These cases cannot be treated in the same way as other civil or criminal matters."
- With respect to permanent alimony, the bench said that as the husband offered Rs.30 lakhs as a one-time final alimony, the same was directed to be deposited in the wife's account in 6 months.
- Consequently, the appeal filed by the husband against the impugned order dismissing the divorce plea was allowed.

### XXXX v. State of Punjab

- ❖ **TOPIC:** Woman's Autonomy Not Defined By Family Obligation, HC Rejects Father's Plea For Custody Of Adult Daughter Living Separately From Husband
- ❖ **BENCH :** Justice Manjari Nehru Kaul



- ❖ **FORUM:** Punjab & Haryana High Court
- ❖ **MAIN ISSUE**

- Whether the custody of a daughter who is living separately from her husband can be given to the father of the daughter or not.

#### ❖ **FACTS**

- The habeas corpus plea was filed by a father seeking directions to release his daughter from alleged illegal custody of a man.
- However in a statement she submitted that she is living alone and doesn't want to return to his abusive father and brother who are harassing her to return to his abusive husband.

#### ❖ **OBSERVATIONS**

- Observing that "the identity and autonomy of an adult woman are not defined by her relationships or familial obligations", the Punjab & Haryana High Court has rejected the habeas corpus plea of a father who sought custody of his 30-year-old daughter, allegedly for sending her back to her matrimonial home.
- Justice Manjari Nehru Kaul said, "the Constitution safeguards her right to live freely and make her own choices, without external interference.
- The notion that her father, or anyone else, can impose their will upon her based on a perceived social role is a direct affront to the right of equality and personal liberty enshrined in our constitution."
- The judge added, "this Court, therefore, must ensure that the alleged detainee's rights are protected, and her autonomy is respected, without yielding to extraneous considerations.
- While the concerns of the petitioner are understandable, they cannot override the alleged detainee's constitutional rights to personal liberty."
- Furthermore, it was highlighted that the two minor children of the alleged detainee are suffering due to

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her separation from her husband, making it imperative for her to return to the petitioner's home to care for them after bringing them back from her matrimonial home.

- The Court noted that the alleged detainee is an adult woman aged 30 years, "has unequivocally declared that she does not wish to return to the petitioner, her father.
- It rejected the petitioner's argument that "the alleged detainee's choice to live separate from her father, may result in social repercussions, which the Court should consider, and that denying custody to the petitioner would amount to injustice to him and other family members, including her minor children. Stating that "no ground is made out for issuance of a writ in the nature of Habeas Corpus directing the official respondents to release" the alleged detainee has been made, it dismissed the plea.

### Gaurav Dahake v. Union of India

- ❖ **TOPIC:** Karnataka High Court Quashes Case Against IIT Graduate Who Developed Software Tool To Reduce Time For Booking Railway Tatkal Tickets
- ❖ **BENCH :** Justice M Nagaprasanna



- ❖ **FORUM:** Karnataka High Court

#### ❖ **MAIN ISSUE**

- Whether the criminal proceedings can be quashed or not, which is initiated under the Railways Act against an IIT Graduate and startup founder, who developed a software tool using which Railway Tatkal tickets would be generated within 45 seconds instead of the usual 5 to 7 minutes it would take on the railway website.

#### ❖ **FACTS**

- Dhake had developed a web extension/app that would auto-fill details of a potential traveller on the IRCTC website to expedite the process of booking a Tatkal ticket.
- Initially the petitioner was doing it for free but in February 2020, the petitioner limited the bookings

that would be booked through his extension to 10 (to prevent agents from bulk ticketing) and charged Rs 30 per booking (to provide authenticity).

#### ❖ **BACKGROUND**

- The railways then issued a notice to him on 29-09-2020 and three years later after registration of crime filed the final report.
- The petitioner argued that he has neither procured nor distributed railway tickets as is necessary under Section 143 of the Railways Act, 1989. Thus, permitting further proceedings would become an abuse of the process of law and result in miscarriage of justice.
- The bench after going through the records noted that unless the ingredients of Section 143 are met, the crime itself could not have been registered. The Railway Police did not file their final report despite the passage of 3 years and repeated show cause notices were issued by the concerned Court.
- Then it said "The petitioner has not indulged in unauthorized carrying on of business of procuring and supplying of railway tickets. Finding no ingredient of offence under Section 143 of the Act, permitting further proceedings would run counter to law."

### Sunil Nayak @Fundi v. State (NCT of Delhi)

- ❖ **TOPIC :** Supreme Court Imposes Cost Of Rs. 10k On Petitioner For Seeking Remission By Suppressing Facts & Giving False Information
- ❖ **BENCH :** Justices Abhay S. Oka and Augustine George Masih



- ❖ **FORUM:** Supreme Court

#### ❖ **MAIN ISSUE**

- Whether a fine can be imposed or not on the petitioner who is seeking Remission By Suppressing Facts & Giving False Information.

#### ❖ **FACTS**

- The accused in this case sought remission against his conviction for offences punishable under

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Sections 302/34 of the Indian Penal Code, 1860. He was awarded rigorous imprisonment for life by the Trial Court.

- He had sought a grant of parole on the grounds that there was a medical emergency in the family. However, it was rejected on February 28.

#### ❖ **BACKGROUND**

- The petitioner was in judicial custody for the last 14 years without remission, and he was re-arrested under Sections 25, 54 and 59 of the Arms Act when he was out on an emergency parole in 2020.
- In this, the SLP states that the Miscellaneous Application filed by the petitioner was dismissed by the Delhi High Court seeking interim relief against conviction. However, the court pursuing the SLP found that the M.A was not dismissed but withdrawn.

#### ❖ **OBSERVATIONS**

- The Supreme Court dismissed a special leave petition and imposed a cost of Rs.10,000 on a petitioner for seeking remission by suppressing facts.
- A bench of Justices Abhay S. Oka and Augustine George Masih told the advocate that false statements have been pleaded in this case.
- Justice Oka remarked: "How much does it cost 10 lakhs, 15 lacs for making false arguments?...We will dismiss it just now. We will not tolerate such completely false applications. In six cases [in the last three weeks], we have noticed. We are liberal when it comes to premature release but all sorts of statements are made in the petitions."
- "On account of suppression of facts, we dismiss this SLP. We direct the petitioner to pay a cost of Rs. 10,000 to be paid to Delhi Legal Service Authority from one month from today", the Court concluded.



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