

Issue no. 8

April, 2021



Vidhigya

Quarterly
IN HOUSE LAW JOURNAL

Edited & Published by
Law Dept, Head Office
Indian Oil Corporation Ltd
(Marketing Division)
Indian Oil Bhavan,
G-9, Ali Yavar Jung Marg,
Bandra East, Mumbai-400051

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MESSAGE FROM EDITORIAL BOARD

The Editorial Board is glad to release the Eighth Issue of In-House Law Journal-VIDHIGYA, April 2021.

Currently we are in a grip of devastating second wave of COVID-19, the pandemic has cast a long shadow over every aspect of our lives, and we are still not free from its far-reaching ramifications. While its right that people should raise a glass at a further return to normality, any celebrations must be tempered by knowing that many people have suffered dreadfully during this crisis and we entered this new phase of recovery.

We are at a precarious moment in managing the COVID-19 pandemic. The Country is at its most hopeful moment in the year, not only effective vaccines are now available but after frustrating distribution delays, Government emphasised commitment to ensure that each citizen received the Vaccine. We have found a path out and bits of daylight are flickering in the gloom, but we are still making our way through. We need to hang on for few more months before declaring victory. Till then be safe and follow all the protocols.

In this edition of Vidhigya we have our regular sections like latest Judgments and Articles for our reader, which would provide a brief overview of judicial dynamism in our Country. We have taken effort to publish one Article in Hindi as well. We would like to thank all the contributors for their hard work, positive attitudes and dedication that make this Journal excellent on so many levels. We wish to encourage more contributions from our Law Officers to ensure a continued success of the journal. Wish you all a happy reading.

Suggestions from our valued readers for adding further value to our Journal are however, solicited.

Thanks & Regards.

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JUDGMENTS

Supreme Court of India

CA No. 7346 of 2010 - Additional Commissioner Revenue and Others Vs. Akhalaq Hussain and Another

In the case of Additional Commissioner Revenue and Others Vs Akhalaq Hussain and Another, civil appeal no.7346 of 2010 Hon'ble Supreme court has examined various provisions and aspects of UP Zamindari Abolition and Land Reforms Act, 1950 (now UP Land Revenue Code, 2006) relating to transfer of agricultural land by an SC/ST person to non-SC/ST person and its implications and have passed judgment on 03.03.2020.

Brief Facts:

Akhalaq Hussain and Saqir Hussain (respondents) entered into an exchange with one Mangal Singh (Scheduled Tribe person) by way of a registered exchange deed dated 16.03.1994 whereby respondents gave Mangal Singh 56.25 sq. mtrs. land in return for 2400 sq.mtrs. of agricultural land. Mutation in favor of respondents was made by the Tahsildar on the basis of said exchange deed. Thereafter, the respondents constructed a hotel on the exchanged land and the said hotel is being run in the name and style of "Zara Resort".

On 19.07.2000, the Pargana Magistrate/Assistant Collector issued an order under Section 167 of the U.P. ZA & LR Act stating that the parties to the exchange have violated the provisions of sub-section (1) of Section 161 of U.P. ZA & LR Act while getting the registration done. It was held that *according to section 161, a bhumidhar can exchange his land with another bhumidhar only after obtaining prior permission from the Assistant Collector*. But in the instant case, no prior permission has been obtained from the Assistant Collector. Exchange deed has been made in contravention of the provisions of the U.P. ZA & LR Act and hence void. As such according to the provisions of sub-section 1 (a) of Section 167 of U.P. ZA & LR Act, the land admeasuring 2400 sq.mtrs. of the respondents obtained in the exchange stands vested in the Government of Uttar Pradesh from the date of its transfer. The respondents were ordered to remove all their movable/immovable properties existing on the land within thirty days. This order was upheld by the Additional Commissioner and Additional Revenue Commissioner but set aside by the High Court. While setting aside the order Allahabad High Court held that the provisions of Sections 161 and 157-B of the Act do not apply in case of exchange of the land whether exchange is made by executing a registered document where stamp duty is provided under Article 32 of Schedule 1-B of Indian Stamps Act has been paid.

Main Submissions of the respondents before the Supreme Court:

1. The exchange has been performed by the mutual consent of both the parties as per rules and the registration has also been lawfully done on 16.03.1994.
2. Provisions of Sections 161 and 167 of U.P. ZA & LR Act do not apply, but the provisions of the Transfer of Property Act would apply and therefore, the exchange cannot be declared as illegal transfer under the provisions of U.P. ZA & LR Act.
3. The land in question does not fall within the definition of "land"(agricultural land) under Section 3(14) of the Act and therefore, the provisions of U.P. ZA & LR Act are not applicable. In the exchange deed it was specifically mentioned that the land was not an "agricultural land".
4. Even post-facto approval for the exchange is sufficient and need not necessarily be prior permission. The Tehsildar had effected mutation in the revenue record which amounts

to ex-post facto approval for the exchange. Further, project report for construction of a Hotel was submitted before the authorities and after obtaining necessary approval from the concerned authorities and by taking loan from the financial institutions, the Hotel was constructed and commissioned in the year 2000. The approval from various authorities for construction and running the Hotel would amount to ex-post facto approval.

5. The limitation for proceedings under Section 161 at Item No. 20 in Appendix-III has been specifically mentioned as six years from the date of transfer and thus, the proceedings in the case is barred by limitation.
6. The act of consequent taking over possession of the State will create great hardship to them who are already burdened by various loans from the financial institutions.

Observations of the Supreme Court: -

1. As per Section 157-B of the Act, a *bhumidhar* or *asami* belonging to Scheduled Tribe cannot transfer his land to a person not belonging to Scheduled Tribe. Section 157-B reads as under:-
157-B. Restrictions on transfer of land by members of Scheduled Tribes. – (1) *Without prejudice to the restrictions contained in Sections 153 to 157, no bhumidhar or asami belonging to a Scheduled Tribe shall have the right to transfer by way of sale, gift, mortgage or lease or otherwise any land to a person not belonging to a Scheduled Tribe.*

The language used in Section 157-B of the Act “*or otherwise*” emphasizes that the land belonging to a Scheduled Tribe cannot be transferred in any manner whatsoever. It is pertinent to note that in Section 157-A of the Act which deals with restrictions on transfer of land by members of Scheduled Castes, the language used is “by way of sale, gift, mortgage or lease to a person not belonging to a Scheduled Caste”. Absence of word “or otherwise” in Section 157-A of the Act shows that while exchange may be permissible of a land belonging to members of Scheduled Caste to a person belonging to Scheduled Caste, such an exchange is prohibited under Section 157-B of the Act .

2. As per Section 166 of the Act, any transfer made in contravention of the provisions of the Act shall be void. Since the exchange deed has been executed in violation of the provisions of Section 157-B of the Act, the transfer is void and is liable to be set aside and the land is liable to be vested in the State Government.

3. The question as to whether a particular land is “land” as defined under Section 3(14) of the Act to which the provisions of U.P. ZA & LR Act are applicable would require determination. The question whether such land is held or occupied for purposes connected with agriculture, horticulture or animal husbandry has to be determined in accordance with the provisions of Sections 143 and 144 of the Act. Section 3(14) of the Act defines “land” as under:-

Definitions.

.....

(14) “Land” except in Sections 109, 143 and 144 and Chapter VIII means land held or occupied for purposes connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming.

The respondents have placed reliance upon the recitals in the exchange deed in which it is mentioned that the land in question is not an “agricultural land” and also the counter affidavit of the State filed before the High Court wherein it is mentioned that the Hotel in the disputed land is situated in the market area of Munsiri township. *In this regard, it is pertinent to note that for changing the nature of land from “agricultural” to “abadi”, declaration as stipulated in Sections 143 and 144 is required and the said declaration is also required to be registered. In the absence of such declaration, the land cannot be said to be “abadi land”.* Since the land is an “agricultural land”, the provisions of U.P. ZA & LR Act are applicable to the land in question.

4. Section 161 of the Act pertains to exchange of land. As per Section 161 of the Act, a *bhumidhar* may exchange land with another *bhumidhar* or with any *Gaon Sabha* or local authority, with the prior permission of an Assistant Collector. Section 161 reads as under:-

“161. Exchange. – (1) A *bhumidhar* may exchange with –

(a) any other *bhumidhar* land held by him; or

(b) any *Gaon Sabha* or local authority, lands for the time being vested in it under Section 117: Provided that no exchange shall be made except with the permission of an Assistant Collector who shall refuse permission if the difference between the rental value of land given in exchange and of land received in exchange calculated at hereditary rates is more than 10 per cent of the lower rental value.”

However, under the provisions of section 157-B, exchange of a land belonging to a member of Scheduled Tribe with non-Scheduled Tribe member is not permissible. But exchange is permissible of a land belonging to members of Scheduled Caste to a person belonging to other than Scheduled Caste.

5. For the sake of arguments, even assuming that Section 161 of the Act is applicable in case of exchange of land of a Scheduled Tribe, according to Section 161 of the Act, exchange by a *bhumidhar* with another *bhumidhar* or with any *Gaon Sabha* or local authority is permissible only with the prior permission of the Assistant Collector. *Use of the word “shall” in the proviso to Section 161 of the Act clearly indicates that for a valid exchange, it is mandatory to obtain permission of the Assistant Collector.* In the instant case, admittedly, no prior permission was sought from the Assistant Collector as mandated. In the absence of fulfilling of pre-requisite condition as laid down in Section 161 of the Act, the exchange has to be necessarily held to be void.

6. There is no merit in the contention that for exchange of land, prior permission under Section 161 of the Act is not required. As per proviso to Section 161 of the Act, it is incumbent upon the Assistant Collector to calculate the rental value of the land given in exchange and of the land received in exchange and if the difference is more than 10% of the lower rental value then the Assistant Collector shall refuse the permission. Thus, the pre-requisite condition for grant of permission is the calculation of the rental value and if the difference between the rental value of land given in exchange and of land received in exchange is more than 10%, then the Assistant Collector shall refuse the permission. *The pre-requisite condition of calculation of the rental value clearly suggests that the permission of the Assistant Collector is a pre-requisite condition for a valid exchange.*

7. U.P. ZA & LR Act is a beneficial legislation which has been enacted to protect the interest of the exploited rural masses. The Preamble of the U.P. ZA & LR Act shows that it is an Act to provide for the abolition of zamindari system which involves intermediaries between tiller

of the soil and the State in U.P. (adopted by the State of Uttarakhand) and for the acquisition of the rights, title and interest and to reform the law relating to land tenure consequent upon such abolition and acquisition and to make provisions for other matters connected therewith. Observing that agriculture is the only source of livelihood for Scheduled Tribes apart from the collection and sale of minor forest produce to supplement their income and that it is a source of economic empowerment the U.P. ZA & LR Act being a beneficial legislation, the provisions need to be interpreted in a manner so as to achieve the rationale behind the legislation.

8. As per Section 166 of the Act, every transfer made in contravention of the provisions of the U.P. ZA & LR Act shall be void. Section 167 of the Act refers to the consequences which shall ensue in respect of every transfer which is void by virtue of Section 166 of the Act.

9. Even at the outset, it is to be pointed out that Serial No.20 of Appendix-III relates to suit for ejectment of a *sirdar* or *asami* and is not relevant insofar as void transfers which are made in contravention of the provisions of the U.P. ZA & LR Act. If the period of limitation is to be applied for the void transfers which are made in contravention of the provisions of the Act, the very object of the U.P. ZA & LR Act would be defeated. There has to be a harmonious construction of the provisions of the Act. The instant exchange being void since its inception, the transfer being void in terms of Section 166 of the Act, the consequences enshrined in Section 167 of the Act shall automatically follow. Cognizance of the exchange deed was taken by the Pargana Magistrate and it cannot be said that the order passed on 19.07.2000 is barred by limitation. There is no merit in the contention that the order passed by the Pargana Magistrate dated 19.07.2000 is barred by limitation.

10. Learned counsel for the respondents has submitted that the respondents have availed loan from financial institutions and have been running a hotel under the name of “ZARA Resort” and it is their only source of livelihood. As discussed earlier, Section 157-B of the Act puts a complete bar on a *bhumidhar* or *asami* belonging to Scheduled Tribe to transfer their land by way of sale, gift, mortgage or lease or otherwise to a person not belonging to Scheduled Tribe. The exchange deed dated 16.03.1994 being in contravention to the provisions of the U.P. ZA & LR Act is void. The consequences have to follow as per Section 167 of the Act. *In case, if the transfer is void under the provisions of the Act, there is no justification to consider the request of the respondents on the ground that they are running the Hotel by availing loan from the financial institutions. When the transfer has been made in contravention of the provisions of U.P. ZA & LR Act, there is no ground for considering the questions of equity. Lest, it would defeat the provisions of the Act.*

There is clear bar under Section 157-B of the Act for transfer of land by a Scheduled Tribe even by way of exchange as the word “or otherwise” indicates. When there is a clear statutory provision barring the transfer, it was not open to the High Court to substitute its view in the place of that provision. Any such interpretation would defeat the benevolent object of the provisions of the U.P. ZA & LR Act and also the constitutional scheme providing for the social and economic empowerment of the Scheduled Tribes. The order of the High Court is contrary to the express provisions of U.P. ZA & LR Act and is also against the benevolent provisions of the Act and the impugned judgment cannot be sustained.

- Submitted By
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High Court of Orissa

WP(C) No. 10952 of 2009 - Amiya Kumar Mishra Vs. Divisional Retail Sales Manager, IOCL

Brief Facts of the case

During an inspection at A site RO Kesari Service Station, Borigumma, positive stock variation (4047 Litres) of MS beyond permissible limit was found. A show cause notice for termination was issued to the dealer. The dealer replied the same stating that on the date of inspection he had received a mixed load of MS & Xtra Mile. A new staff at his RO, who was not much conversant with the procedure of decantation, decanted 4KL of MS but forgot to mention the same in DSR and to the inspecting team. Hence this positive stock variation. The reply of the dealer was found to unsatisfactory as the inspecting team reached the RO at 14.30hrs and the load of MS & Xtra Mile was dispatched to the RO from Depot at 15.30hrs and during the period of inspection which lasted upto 17.15 hrs the TT had not reached the RO. Therefore, the dealership was terminated under MDG, 2005. Appeal preferred by the dealer was dismissed. Challenging the same dealer had filed writ petition.

Issues before Court

1. Whether a writ application under Article 226 of the Constitution of India is maintainable to enforce the contractual obligation of the State or its instrumentality, by an aggrieved party?
2. Whether alternative remedy is a bar to entertain the writ application?
3. Whether the IOC was justified in terminating the dealership agreement?

Adjudication by the Court

1. Relying upon the ratio laid down by Hon'ble Supreme Court in the case of ABL International Ltd. and Anr. vs. Export Credit Guarantee Corporation of India Ltd. and Ors., it was held by the Hon'ble High Court that in an appropriate cases, the writ court has the jurisdiction to entertain writ petition even if the same arises out of a contractual obligation.
2. The court went on further to hold that alternative remedy is not a bar to entertain a writ application under Article 226 of the Constitution in at least three contingencies mentioned in Whirlpool Corporation (supra), namely, where the writ application has been filed for the enforcement of any of the fundamental rights or where there has been

violation of principles of natural justice or where the order of the proceedings are wholly without jurisdiction of the vires of the Act is challenge.

3. So far as the facts of the present case was concerned Hon'ble High Court held that the same involves disputed questions of fact which cannot be effectively adjudicated in writ petition and therefore dismissed the writ petition relegating the petitioner to refer the dispute to arbitration.

**-Submitted by
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High Court of Madras

WP No. 4527 of 2019 - Smt. Dhanalakshmi Konduru Vs. Indian Oil Corporation Limited

Highlights:

The distance criteria as per Clause 8(m)(iv) of the Unified Guidelines for Selection of LPG Distributors will have to be measured as per the “Road distance” and not “As the crow flies”.

Facts of the case:

The instant Writ Petition was filed to challenge the rejection of property offered by the petitioner for the godown to store LPG Cylinders on the ground that the said godown was situated at a distance of 16.3 KMs by road from the end point of Pallavaram Municipality where the petitioner's offered showroom was located and the petitioner was advised to offer any alternate property for the godown. It was the case of petitioner that she had satisfied the distance criteria as per Clause 8(m)(iv) of the Unified Guidelines for Selection of LPG Distributors¹ as the godown for storage of LPG Cylinders offered by her was located within 15 KMs. from outer limits of Pallavaram Municipality if the distance was measured “*As the crow flies*”. However, according to the IOCL, the petitioner had not satisfied the distance criteria as stipulated under Clause 8(m)(iv) of the Unified Guidelines for Selection of LPG Distributors since the godown for storage of LPG Cylinders offered by the petitioner was beyond 15 KMs. as the said godown was located at a road distance of more than 15 KMs. from the outer limits of Pallavaram Municipality where the petitioner's proposed showroom was located.

Hon'ble High Court directed to the Tahsildar, Vandalur Taluk to file a report as to the distance of the petitioner's godown from the outer limits of Pallavaram Municipality both by adopting the methodology of “*By Road*” and “*As the crow flies*”. A report was submitted by the Tahsildar stating that the distance by road to the petitioner's godown from the outer limits of Pallavaram Municipality is 15.5 Kms and the distance “*As the crow flies*” from the outer limits of Pallavaram Municipality is 12.70 Kms.

Discussions:

The entire issue involved in the matter revolved upon the interpretation of Clause 8(m)(iv) of the Unified Guidelines for Selection of LPG Distributors. It was argued from the petitioner's side that as per Section 11 of the General Clauses Act, 1897², any distance will have to be measured in a straight line on a horizontal plane i.e. “*As the crow flies*”. Hence, rejection of the petitioner's property for the godown by the respondent Corporation was arbitrary and illegal. Attention of the Hon'ble Court was drawn to a judgment of learned Single Judge of Madras

¹ **Clause 8(m)(iv) of the Unified Guidelines for Selection of LPG Distributors**-Selected candidate for Sheheri Vitrak & Rurban Vitrak locations falling under 'X' and 'Y' Category Metro Cities/ Cities/State will be allowed to construct the godown in and within 15 kms outside the Municipal Limit of the Town/City of the advertised location.

² **Section 11 of the General Clauses Act, 1897**- Measurement of distances – In the measurement of any distance, for the purpose of any [Central Act] or Regulation made after the commencement of this Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

High Court in the case of *P.G. Murugesan Vs. The Assistant Commissioner (Excise), Coimbatore*³ and it was submitted that since the term “distance” has not been defined under the Unified Guidelines for Selection of LPG Distributors, Section 11 of the General Clauses Act, 1897 which defines distance will have to be applied.

In response, IOCL argued that the Field Verification Credentials (FVC) of the petitioner was conducted and it was found that the petitioner's godown was located at a distance of 16.3 KMs from the Municipal limits of Pallavaram which was beyond the permissible limit as per the aforementioned guidelines. Respondent also drew the attention of Hon'ble Court to a Division Bench judgment of the Madras High Court in the case of the *Commissioner of Income Tax, Chennai Vs. Smt.Sakunthala Rangarajan*⁴ and it was submitted that there is no straight jacket formula for calculation of distance and as per the aforesaid decision of the Division Bench, the methodology of measurement of distance depends upon the context and the purposes to be achieved which more specifically reads as under:

29. While carving out Section 11 of the General Clauses Act, 1897, legislature has also made it clear that for the purpose of any Act, that distance, shall unless a different, intention appears, be measured in a straight line on a horizontal plane. The proper interpretation to Section 11 of the General Clauses Act, 1897, depends upon the purposes for which, an Act is enacted. In the case of an explosive unit or stone quarry operations, aerial distance/crow's flight can be taken. In such circumstances, the distance falls within the ambit of prohibited distance. Thus in Section 11 of the General Clauses Act, 1897, the legislature has also foreseen that measurement of distance should be in the context and the purposes to be achieved, in any enactment and it is not a straight jacket formula, that in all cases and under all circumstances and notwithstanding the purposes, for which, an Act is enacted, measurement of distance should be done only in straight line on horizontal plane.

While referring to Section 11 of the General Clauses Act, 1897, IOCL also argued that as per the said Section there is no hard and fast rule that the methodology for measuring distance will have to be “*As the crow flies*” i.e. in a straight line on a horizontal plane. The distance rule was incorporated in the guidelines only in public interest and only to help the customers to get LPG Cylinders quickly. Therefore, the distance of 15 KMs. mentioned in Clause 8(m)(iv) of the Unified Guidelines for Selection of LPG Distributors is only the “*Road distance*” and not “*As the crow flies*”.

Observations made by Hon'ble Madras High Court:

1. Section 11 of the said Act has made it clear that “*if a different intention appears,*” there is no necessity to measure the distance in a straight line on a horizontal plane i.e. “*As the crow flies*”. Clause 8(m)(iv) of the Unified Guidelines for Selection of LPG Distributors fixing the distance criteria was introduced only in public interest to help the general public in easy accessibility of LPG Cylinders. If the distance is measured by using the methodology “*As the crow flies*”, public interest will be affected as their accessibility to LPG Cylinders will be affected as the distance measured “*As the crow flies*” is of no consequence to the customers/service staff as they travel only “*By Road*”. Therefore, it is very clear that the intention of the respondent to introduce the distance criteria is only to subserve public interest. The exception “*unless a different intention*

³ 1998 (II) CTC 661.

⁴ 2016 SCC OnLine Mad 19271.

appears” found in Section 11 of the General Clauses Act, 1897 squarely applies to the facts of the instant case. Hence, the distance will have to be measured only “*By Road*”.

2. As per the aforesaid decision of the Division Bench in the ***Commissioner of Income Tax, Chennai Vs. Smt.Sakunthala Rangarajan***, it is clear that legislature has foreseen that measurement of distance should be on the context and purposes to be achieved and that is the reason under Section 11 of the General Clauses Act, 1897, the legislature has thought it fit to bring about an exception by introducing the term “unless a different intention appears” when the distance cannot be measured in a straight line on a horizontal plane i.e. “As the crow flies”. There cannot be any hard and fast rule as regards the methodology for measurement of distance as submitted by the learned counsel for the petitioner as the methodology to be adopted for measurement of distance depends upon the context and the objects to be achieved. The interpretation of Clause 8(m)(iv) of the Unified Guidelines for Selection of LPG Distributors will have to be interpreted in a way that benefits the general public at large as the said Clause has been introduced only in their interest for their easy accessibility of LPG Cylinders. If the distance is measured “As the crow flies”, their interest will be jeopardised.
3. Hon’ble Madras High Court observed that the judgment relied upon by the petitioner in the case of ***P.G.Murugesan Vs. The Assistant Commissioner (Excise), Coimbatore*** does not have any bearing to the facts of the present case as that case was dealing with restrictions imposed with regard to the location of a liquor shop under Rule 18 of the Tamil Nadu Liquor (Retail & Vending) Rules, 1989. In the case on hand, location of LPG godowns are involved. Further in that case, the term “distance” was defined under the Rules itself. In the case on hand, the term “distance” has not been defined and hence this Court is of the considered view that in public interest which is the object of introducing Clause 8(m)(iv) of the Unified Guidelines for Selection of LPG Distributors distance “*By Road*” alone should be taken into account and not the distance “*As the crow flies*”.
4. The respondent is a Public Sector Oil Corporation and caters to public interest. The distance criteria of 15 KMs from the outer limits of the Municipality where the showroom is located has been introduced only in public interest for easy accessibility of LPG Cylinders by the public at large. If the distance has to be measured by adopting the methodology “As the crow flies”, the very object of the incorporation of the distance criteria in Clause 8(m)(iv) of the Unified Guidelines for Selection of LPG Distributors referred to supra will get defeated as easy accessibility to get Cylinders by the general public will get affected in case of difficult terrains where there are no short cut roads between the showroom and the godown. Therefore, this Court is of the considered view that the distance criteria as per Clause 8(m)(iv) of the Unified Guidelines for Selection of LPG Distributors will have to be measured as per the “*Road distance*” and not “*As the crow flies*”. The instant writ petition was dismissed accordingly.

-Submitted by
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High Court of Andhra Pradesh
WP No. 24472 of 2020 - Challagali Chaitanya Kumar Vs. IOCL & Ors.

Factual Background:

1. IOCL-TAPSO (3rd Respondent) had issued a notification dated 25.11.2018 inviting applications for selection of Retail Outlet Dealers in various locations including the location mentioned at Sl. No. 746 in the notification, which is “Chinarikatla Junction (after 1 km from NH Junction) towards Kanigiri road (within 3 kms) on NH-565. The applicant obtained registered lease agreement for the land situated at 3.4 kms from NH Junction and filed his application. The petitioner was informed by a letter dated 12.02.2019 that he was qualified for draw of lots for selection, which was to be held on 22.02.2019. Thereafter, petitioner was informed by a letter dated 27.06.2019 of the CDRSM Vijayawada D.O. (4th Respondent) that he was the only eligible candidate, and as such, declared as selected even without any draw of lots.
2. After selection, the petitioner had submitted all the documents sought by the respondents. On 21.11.2019, the petitioner was informed that the Land Evaluation Committee would visit the site proposed by the petitioner on 30.11.2019. This site was inspected on that day. Thereafter, there was a consequent visit on 28.12.2019. After these two visits, there was no information from the CDRSM Vijayawada D.O. despite various representations made by the petitioner, in February 2020 and May 2020. As there was no response from the respondents, the petitioner filed WP No. 10138 of 2020 challenging the inaction of the respondents. By an order dated 05.10.2020, Hon’ble High Court of Andhra Pradesh had disposed of the writ petition with a direction to the 4th respondent to pass appropriate orders.
3. The 4th respondent, by the impugned proceedings dated 07.12.2020 had declared that the petitioner was ineligible as the land offered by him was found to be at a distance of 3.4 kms., from Chinarikatla junction against the advertised requirement of within 3 kms.
4. Aggrieved by the said rejection, the petitioner has filed the present WP No. 24472 of 2020 challenging the proceedings in Ref. No. 15451446171526 dated 07.12.2020 issued by the 4th respondent where under the candidature of the petitioner was rejected for establishing the Retail Outlet at Sy. No 746 in the notification near Chinarikatla Junction on Chinarikatla to Kanigiri Road, Prakasam District as illegal, arbitrary, unconstitutional and contrary to the principles of natural justice.

Arguments Advanced by the Petitioner:

1. The submissions of the petitioner is that the notification was understood to mean that the proposed site should be after 1 km., from Chinarikatla junction and within 3 kms., thereafter. This confusion arose because of the ambiguous statement made in the notification. The petitioner is also aggrieved by the impugned order on the ground that the petitioner had made an alternative plea to the 4th respondent that it should be permissible to consider an alternative site under Note-3 of Guideline No. 4 (v) (m) of the selection guidelines.

2. Guideline 4 of the selection guidelines sets out the eligibility criteria. Guideline No. 4 (v) stipulates that all applicants are classified into Group-1, Group-2 and Group-3. Where land offered by applicants under Group-1 or Group-2 is found not suitable, then the applicants under Group-1 and Group-2 along with the applicants under Group-3 would be advised by the Corporation to provide suitable land in the said area within a period of three months. Note-3 of guideline 4 (v) states that in case the alternate land offered by the Letter of Intent holder is found not meeting the laid down criteria, the Letter of Intent holder would be intimated of the same and time would be given to make available land.
3. The petitioner further submitted that he had offered a site at a distance of 3.4 kms., from the junction in the belief that the 3 km., distance would be measured after the end of the first kilometre and that the petitioner is willing to offer alternate site within the 3 km., distance required by the Corporation. Petitioner submits that since the mistake occurred due to the ambiguity in the notification, the rejection of the application of the petitioner and the refusal to grant Letter of Intent is not valid.

Arguments Advanced by the IOCL (Respondents 2 to 4):

1. The respondent-Corporation submitted that the criteria set out in the notification is quite clear and there is no ambiguity in the notification. Corporation submitted that the petitioner could have approached the respondent-Corporation if there was any such ambiguity and the petitioner cannot, at this stage, turn around and claim that there is ambiguity in the notification.
2. Respondent-Corporation also relied upon the judgments of the Hon'ble Supreme Court in Union of India v. S. Vinodh Kumar ((2007) 8 SCC 100); K.A. Nagamani v. India Airtimes ((2009) 5 SCC 515); K. Vinod Kumar v. S. Palanisamy & ors., ((2003) 10 SCC 681) ; Chinmoy Sarkar & ors., v. Md. Shaniat Hossain (AIR 1990 Cal. 412); and P. Shanmugam v. The State Coordinator, Tamil Nadu ((2006) 3 MLJ 1492), to contend that the scope of judicial review is very limited in such matters and that the petitioner is estopped from contending that the notification was incorrect after participating in the selection process.
3. Respondent-Corporation also submitted that after the rejection of application of the petitioner he would be relocated to Group-3 and it would still be open for the petitioner to offer a site within 3 kms., distance stipulated in the notification, along with the other applicants in Group-3.

Finding of the Hon'ble High Court of Andhra Pradesh:

1. The Hon'ble High Court observed that the judgments cited by the respondent-Corporation are to the effect that a person, who has participated in a selection process, cannot turn around and challenge the selection process after being rejected. The judgments are also to the effect that judicial review is generally restricted to the decision-making process and does not concern with the decision itself. There is no quarrel with the propositions as they are settled principles of law. The question is

whether these principles require to be applied to the present case or not. It is not the case of the petitioner that the conditions set out in the selection process are arbitrary or need to be set aside. It is the case of the petitioner that there was ambiguity in the notification, which gave rise to the confusion resulting in his application being rejected. The petitioner is now seeking a second chance to offer a land which is within the parameters required under the advertisement.

2. Further, the Hon'ble High Court held that, the Court while being sympathetic to the case of the petitioner, it must hold that the Corporation cannot be asked to deviate from the conditions of the notification. The stipulation as to distance from the junction and the location of the site is of primary importance in the present case. Any variation accepted at this stage would amount to alteration of the terms of the tender notification after the selection of the petitioner, and the same would not be permissible.

Operative Part of the Order of the Hon'ble High Court of Andhra Pradesh:

The Hon'ble High Court of Andhra Pradesh dismissed the WP No. 24472 of 2020 leaving it open to the petitioner to offer any alternative site along with other applicants falling in Group-3 for this particular location. In the event of any such offer being made by the petitioner, the same shall be considered by the respondent-Corporation in accordance with the selection guidelines applicable to the case.

Hence, in cases where Petitions have been filed challenging the ambiguity in the notification pertaining to the stretch of an advertised location, reference may be given of the above case.

**-Submitted by
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ARTICLES

LEAVE & LICENSE UNDER INDIAN LAW

**-Submitted by
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The right of the person over the land in his possession depends on whether he is holding the land as a lessee or a licensee. In our country lease is governed by Transfer of Property Act and license is governed by Easement Act.

WHAT IS A LICENSE?

A license is a personal right granted to a person to do something upon immovable property and does not amount to the creation of interest in the property itself. License is only a permissive right and is personal to the licensee. It creates no duties and obligations upon the person granting it and is, therefore, revocable except in certain circumstances expressly provided for in the Act itself.

License is defined in Indian Easement Act in Section 52 as under:

“Where one person grants to another, or to a definite number of other persons, a right to do or continue to do, in or upon immovable property of the grantor, something which would, in the absence of such rights, be unlawful, and such right does not amount to an easement or an interest in the property, the right is called a license.”

The Supreme Court in Associated Hotels of India case has summed the concept of License as under:

“... Under the aforesaid section, if a document gives only a right to use the property in particular way or under certain terms while it remains in the possession and control of the owner thereof, it will be a license. The legal possession, thereof, continues to be with the owner of the property, but the licensee is permitted to make use of the premises for a particular purpose. But for the permission, his occupation would be unlawful. It does not create in his favour any estate or interest in the property.”

From the above the essential features of license can be summarized as follows:

1. A license is not connected with the ownership of land / property but creates only a personal right or obligation;
2. A license cannot be transferred or assigned;
3. License is purely permissive right arising only by permission, express or implied, and not by adverse exercise or in any other way;
4. It only legalizes a certain act which would otherwise be unlawful and does not confer any interest in the property itself in or upon or over which such act is allowed to be done;

DISTINCTION BETWEEN LEASE AND LICENSE

Where the grantee can only use the property in a certain way and on certain terms while the property remains in the possession and control of the owner, the right granted shall be a license. The main test for deciding whether a person is a licensee of a property or a lessee is that of exclusive possession, though it may not be the exclusive test. If the right granted conveys to the grantee an exclusive right of possession, though subject to certain reservations, it shall be a lease and not license.

Difference between lease and license can be summarized as follows:

1. A lease gives an exclusive interest in the property whereas license does not create such exclusive interest;
2. A lease can be assigned to a third person, subject to the provisions of Transfer of Property Act, while a license being a personal right cannot be so assigned / transferred;
3. A lessee can bring an action for trespass in his own name but a licensee cannot do the same. He can do so in the name of the licensor after obtaining his permission.
4. A lease is not revocable whereas a license is revocable except in two cases provided in Section 60 of Indian Easement Act.

Supreme court in the case of B.M. Lall's case had distinguished between license and lease as under:

“... A lease is the transfer of right to enjoy the premises whereas as license is a privilege to do something on the premises which otherwise would be unlawful. If the agreement is in writing it is question of construction of the agreement having regard to its terms and where its language is ambiguous, having regard to its object, and other circumstances under which it was executed whether the rights of the occupier are those of a lessee or licensee. The transaction is a lease if it grants an interest in the land; it is a license if it gives personal privilege with no interest in

the land. The question is not of words but of substance and the label which parties chose to put upon the transaction though relevant is not, decisive. The test of exclusive possession is not conclusive though, it is very important indication in favour of tenancy.”

A) EXCLUSIVITY OF LICENSE

As discussed earlier, a license is a personal right granted to a person to do something upon immovable property of the grantor and does not amount to the creation of interest in the property itself.

B) TRANSFERABILITY OF LICENSE

Section 54 of the Indian Easements Act reads as follows:

“Unless a different intention is expressed or necessarily implied, a license to attend a place of public entertainment may be transferred by the licensee; but, save as aforesaid, a license cannot be transferred by the licensee or exercised by his servants or agents.

Hence, it is clear that a license cannot be transferred by the licensee or exercised by his servants or agents and the only exception is in the case of a license to attend a place of a public entertainment. That license may be transferred unless a different intention appears

C) EFFECT OF TRANSFER OF LICENSED PROPERTY

As per Section 59 of Indian Easements Act when a grantor of a license transfers property affected thereby, the transferee is as such not bound by the license. It means that in case licensor sells his property in which he has granted a license, transferee shall not be bound by such license. However, if the license has become irrevocable in the time of the licensor, the mere fact that the licensor transfers his interest in the land would not extinguish the license.

D) LICENSE IS REVOCABLE AT WILL

License is always revocable at will of licensor subject to the two restrictions under Section 60 of Indian Easements Act.

- a. If the license is coupled with a transfer of property and such transfer is in force.
- b. If the licensee acting upon the license, has executed a work of permanent character and incurred expenses in the execution.

E) LICENSEE'S REMEDY AGAINST REVOCATION.

The license can be always revoked by the grantor. The Power of revoking a bare license is not affected by the fact that it has been granted for a valuable consideration. The fact that a licence has been granted for an agreed term would not affect the right of the licensor to the revoke the same at any time. Though there is not statutory requirement for a licensor to give notice to licensee while revoking the license, but the principles of natural justice demands that such notice should be given by the licensor.

Where a license is granted valuable consideration and before the licensee has had full enjoyment of it, it is revoked in breach of an express or implied contract the licensee's remedy is only in an action for damages for breach of contract or implied covenant not to revoke.

महिला सशक्तीकरण

-द्वारा : नीलम चेतवानी
मुख्य प्रबंधक (विधि), प्र.का.

महिला सशक्तीकरण से तात्पर्य है महिलाओं को अपने लिए निर्णय लेने में सक्षम बनाने के लिए शक्तिशाली बनाना। वर्षों से महिलाओं को पुरुषों के हाथों बहुत नुकसान उठाना पड़ा है। पूर्व शताब्दियों में, उन्हें लगभग अस्तित्वहीन माना जाता था। मानो सभी अधिकार पुरुषों के थे, यहाँ तक कि मतदान जैसा बुनियादी हक भी नहीं था। जैसे-जैसे समय बीतता गया, महिलाओं को अपनी शक्ति का एहसास हुआ और वहीं से महिला सशक्तीकरण के लिए क्रांति की शुरुआत हुई।

चूंकि महिलाओं को उनके लिए निर्णय लेने की अनुमति नहीं थी, महिला सशक्तीकरण एक ताजी हवा की सांस की तरह आया। इसने उन्हें अपने अधिकारों और पुरुषों पर निर्भर रहने के बजाय समाज में अपनी जगह कैसे बनानी चाहिए इसके बारे में जागरूक किया। यह इस तथ्य को मान्यता देता है कि चीजें केवल लिंगभेद के कारण किसी के पक्ष में काम नहीं कर सकती हैं। हालाँकि, हमें अभी भी एक लंबा सफर तय करना है जबकि हम उन कारणों के बारे में बात करें कि हमें उनकी आवश्यकता क्यों है।

महिला सशक्तीकरण की आवश्यकता

लगभग हर देश में, चाहे कितना भी प्रगतिशील क्यों न हो, महिलाओं के साथ बुरे व्यवहार का इतिहास रहा है। दूसरे शब्दों में, दुनिया भर की महिलाएँ आज जिस मुकाम पर हैं, वहाँ पहुँचने के लिए उन्हें विद्रोह का सामना करना पड़ा है। जबकि पश्चिमी देश अभी भी प्रगति कर रहे हैं, भारत जैसा तीसरा विश्व स्तरीय देश अभी भी महिला सशक्तीकरण में पीछे है।

भारत में महिला सशक्तीकरण की पहले से कहीं ज्यादा जरूरत है। भारत उन देशों में से है जो महिलाओं के लिए सुरक्षित नहीं है। इसके कई कारण हैं- सबसे पहले, भारत में महिलाओं को ऑनर मानहानि का खतरा है। उनके परिवार को लगता है कि अगर वे अपनी विरासत की प्रतिष्ठा के लिए आगे आती हैं तो उनकी जान जाने तक का खतरा है।

इसके अलावा, यहाँ पर शिक्षा और स्वतंत्रता का परिदृश्य बहुत प्रतिगामी है। महिलाओं को उच्च शिक्षा हासिल करने की अनुमति नहीं है और उनकी जल्दी शादी भी कराई जाती है। पुरुष अभी भी कुछ क्षेत्रों में महिलाओं पर हावी हो रहे हैं जैसेकि महिला का कर्तव्य है कि वह उसके लिए अंतहीन काम करती रहे। वे उन्हें बाहर नहीं जाने देते हैं या उन्हें किसी भी तरह की स्वतंत्रता नहीं है।

इसके अलावा, भारत में घरेलू हिंसा एक बड़ी समस्या है। पुरुष अपनी पत्नी के साथ मारपीट करते हैं और उन्हें गाली देते हैं क्योंकि उन्हें लगता है कि महिलाएं उनकी संपत्ति हैं। अधिकतर ऐसा इसलिए भी होता है क्योंकि महिलाएं बोलने से डरती हैं। इसी तरह, जो महिलाएं वास्तव में काम करती हैं, उन्हें अपने पुरुष सहयोगियों की तुलना में कम वेतन मिलता है। यह सर्वथा अनुचित और लिंग भेदात्मक है कि किसी को उसके लिंगभेद के अनुरूप कम भुगतान किया जाए। इस प्रकार, हम देखते हैं कि कैसे महिला सशक्तीकरण आज समय की आवश्यकता है। हमें इन महिलाओं को खुद के लिए आवाज उठाने और उन्हें कभी भी अन्याय का शिकार होने से बचने के लिए सशक्त करने की आवश्यकता है।

समाज के विकास के लिए महिलाओं का सशक्तीकरण बहुत आवश्यक है क्योंकि यह विकास के लिए उपलब्ध मानव संसाधनों की गुणवत्ता और मात्रा दोनों को बढ़ाता है। मानव अधिकारों और विकास को संबोधित करते समय सशक्तीकरण मुख्य प्रक्रियात्मक चिंताओं में से एक है।

महिलाओं के लिए निम्नलिखित सशक्तीकरण प्रमुख व अत्यंत महत्वपूर्ण हैं:

- आर्थिक सशक्तीकरण
- राजनीतिक सशक्तीकरण
- सांस्कृतिक सशक्तीकरण
- सामाजिक अधिकारिता
- राष्ट्रीय सशक्तीकरण ।

निम्नलिखित मामलों में विभिन्न न्यायालयों द्वारा हाल के निर्णय पारित किए गए हैं, जिनमें प्रत्येक नागरिक को बिना किसी लिंगभेद के समान अधिकार दिए गए हैं, जिसमें महिलाओं को विशेष पूजा स्थलों में प्रवेश करने की अनुमति दी गई है जिसे कई वर्षों से प्रतिबंधित किया गया था।

सबरीमाला मंदिर का मामला

50 वर्ष से कम आयु की दो महिलाएं 2 जनवरी 2019 को केरल में सबरीमाला मंदिर में चली गईं, ऐसा करने वाली वे पहली महिला बनीं, जब सुप्रीम कोर्ट ने मासिकधर्म की महिलाओं को मंदिर में प्रवेश की मनाही के केरल उच्च न्यायालय के 1991 के 18 साल पुराने प्रतिबंध के फैसले को समाप्त करने का आदेश दिया।

सुनवाई के दौरान, शीर्ष अदालत ने देखा कि "एक आदमी के लिए जो लागू होता है वही एक महिला के लिए भी लागू होता है" और "एक बार जब आप इसे सार्वजनिक रूप से खोलते हैं, तो कोई भी जा सकता है"। पीठ ने यह भी कहा कि "महिला का प्रार्थना करने का अधिकार किसी भी कानून पर निर्भर नहीं था बल्कि यह एक संवैधानिक अधिकार है"।

न्यायमूर्ति डी वाई चंद्रचूड़ ने कहा, "आपका (हस्तक्षेपकर्ता) एक महिला होने के नाते प्रार्थना करने का अधिकार एक पुरुष के बराबर है और यह आपको सक्षम करने के लिए किसी कानून पर निर्भर नहीं है।" न्यायमूर्ति नरीमन ने कहा था कि "मासिक धर्म" अशुद्ध नहीं है।

"Your (intervener) right to pray being a woman, is equal to that of a man and it is not dependent on a law to enable you to do that," observed Justice D Y Chandrachud. Justice Nariman had observed that "menstruation is not impure."

शनि मंदिर

शनि शिंगणापुर मंदिर में महिलाओं को मंदिर के गर्भगृह में प्रवेश पर प्रतिबंध की 400 साल पुरानी परंपरा को दो महिलाओं ने तोड़ दिया ।

बॉम्बे हाईकोर्ट ने 1 अप्रैल 2016 को माना कि महिलाओं का पूजा स्थलों में जाना मौलिक अधिकार है और इसकी रक्षा के लिए सरकार कर्तव्य-बद्ध है। इस मुद्दे पर बहस तब बढ़ गई जब एक महिला ने शनि शिंगणापुर मंदिर में महिलाओं के प्रवेश पर प्रतिबंध की सदियों पुरानी प्रथा का उल्लंघन करके 'प्रवेश और प्रार्थना' करने की कोशिश की। पिछले कुछ महीनों में महिलाओं के प्रवेश के लिए आंदोलन को गति मिली है। मंदिर के अधिकारियों ने हाल ही में पुरुषों को भी गर्भगृह में प्रवेश करने से रोक दिया था।

इस फैसले का स्वागत करते हुए, भूमाता ब्रिगेड नेता तृप्ति देसाई ने कहा, "हमें खुशी है कि मंदिर के ट्रस्टियों ने अंततः बुद्धिमानी से एक निर्णय लिया है। यदि पुजारी के अलावा कोई भी व्यक्ति गर्भगृह में प्रवेश करता है, तो अदालत के आदेशों का पालन करना होगा, सभी को आदेश का पालन करना होगा। आज वह दिन आ गया है (जब) हम 'शनि' प्लेटफॉर्म में प्रवेश करेंगे। यह हमारी जीत है।"

महिला सशक्तीकरण और महिलाओं के अधिकारों को बढ़ावा देना एक प्रमुख वैश्विक आंदोलन के एक हिस्से के रूप में उभरा है और हाल के वर्षों में नई पृष्ठभूमि को लांघना जारी है। अंतर्राष्ट्रीय महिला सशक्तीकरण दिवस जैसे दिन भी गति प्राप्त कर रहे हैं।

लेकिन काफी प्रगति के बावजूद, दुनिया के हर हिस्से में महिलाओं और लड़कियों को भेदभाव और हिंसा का सामना करना पड़ रहा है।

नीचे उद्धृत महिला सशक्तीकरण के सिद्धांतों के माध्यम से महिलाओं को बाज़ार, कार्यस्थल और समुदाय में सशक्त बनाया जा सकता है।

सात सिद्धांत हैं:

सिद्धांत 1: लैंगिक समानता के लिए उच्च-स्तरीय कॉर्पोरेट नेतृत्व बनाएं।

सिद्धांत 2: गैर-भेदभाव और मानवाधिकारों का सम्मान और समर्थन करते हुए सभी लोगों के साथ उचित व्यवहार करें।

सिद्धांत 3: स्वास्थ्य, कल्याण और सभी श्रमिकों की सुरक्षा सुनिश्चित करें, चाहे वह पुरुष हो या महिला।

सिद्धांत 4: महिलाओं के लिए शिक्षा, प्रशिक्षण और व्यावसायिक विकास को बढ़ावा देना।

सिद्धांत 5: आपूर्ति श्रृंखला, विपणन प्रथाओं और उद्यम विकास को लागू करना जो महिलाओं को सशक्त बनाता है।

सिद्धांत 6: सामुदायिक पहल और पक्षपोषण के माध्यम से चैंपियन समानता।

सिद्धांत 7: लैंगिक समानता के लिए सार्वजनिक रूप से प्रगति आकलन एवं रिपोर्ट करना।

WOMEN EMPOWERMENT

**-Submitted by
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Women empowerment refers to making women powerful to make them capable of deciding for themselves. Women have suffered a lot through the years at the hands of men. In earlier centuries, they were treated as almost non-existent. As if all the rights belonged to men even something as basic as voting. As the times evolved, women realized their power. There on began the revolution for women empowerment.

As women were not allowed to make decisions for them, women empowerment came in like a breath of fresh air. It made them aware of their rights and how they must make their own place in society rather than depending on a man. It recognized the fact that things cannot simply work in someone's favor because of their gender. However, we still have a long way to go when we talk about the reasons why we need it.

NEED FOR WOMEN EMPOWERMENT

Almost every country, no matter how progressive has a history of ill-treating women. In other words, women from all over the world have been rebellious to reach the status they have today. While the western countries are still making progress, third world countries like India still lack behind in Women Empowerment.

In India, women empowerment is needed more than ever. India is amongst the countries which are not safe for women. There are various reasons for this. Firstly, women in India are in danger of honor killings. Their family thinks its right to take their lives if they bring shame to the reputation of their legacy.

Moreover, the education and freedom scenario is very regressive here. Women are not allowed to pursue higher education, they are married off early. The men are still dominating women in some regions like it's the woman's duty to work for him endlessly. They do not let them go out or have freedom of any kind.

In addition, domestic violence is a major problem in India. The men beat up their wife and abuse them as they think women are their property. More so, because women are afraid to speak up. Similarly, the women who do actually work get paid less than their male counterparts. It is downright unfair and sexist to pay someone less for the same work because of their gender. Thus, we see how women empowerment is the need of the hour. We need to empower these women to speak up for themselves and never be a victim of injustice.

Empowerment of women is a necessity for the very development of a society, since it enhances both the quality and the quantity of human resources available for development. Empowerment is one of the main procedural concerns when addressing human rights and development.

Following major types of Empowerments for women are utmost important:

- Economic Empowerment
- Political Empowerment
- Cultural Empowerment
- Societal Empowerment
- National Empowerment.

There are recent judgements passed by various courts in the following cases on the equal right conferred upon each citizen without any gender biasness in which women have been allowed to enter the place of worship which was banned for many years.

Sabarimala temple case

Two women aged below 50 walked into the Sabarimala temple in Kerala before daybreak on 2 January 2019, becoming the first to do so since the Supreme Court ordered the end of an 18 year old restriction by the 1991 Kerala high court judgement on women of menstrual age entering the shrine.

During the hearing, the apex court observed that “what applies to a man applies to a woman” as well and that “once you open it for public, anyone can go”. The bench also said that a “woman’s right to pray was not dependent on any law but it is a Constitutional right”.

“Your (intervener) right to pray being a woman, is equal to that of a man and it is not dependent on a law to enable you to do that,” observed Justice D Y Chandrachud. Justice Nariman had observed that “menstruation is not impure.

Shani temple

The 400-year-old tradition at Shani Shingnapur temple that bars women from entering the sanctum sanctorum of the temple was broken by two women.

The Bombay high court had on April 1, 2016 held that it is the fundamental right of women to go into places of worship and the government is duty-bound to protect it. The debate over the issue escalated when a woman tried to enter and offer prayers at the Shani Shingnapur temple, in ‘breach’ of the age-old practice of prohibiting entry of women. The agitation for women’s entry gained momentum over the last few months. Temple authorities had recently barred men also from entering the sanctum sanctorum.

Welcoming the decision, Bhumata Brigade leader Trupti Desai said, “We are happy that the temple trustees have taken a wise decision eventually. If a single man enters the sanctum other than the pujari, the court orders have to be followed, everyone has to follow the order. The day has come today (when) we will enter the ‘shani’ platform. This is our victory.”

Women’s empowerment and promoting women’s rights have emerged as a part of a major global movement and is continuing to break new ground in recent years. Days like International Women’s Empowerment Day are also gaining momentum.

But despite a great deal of progress, women and girls continue to face discrimination and violence in every part of the world.

Through Women's Empowerment Principles cited below, women can be empowered in the marketplace, workplace and community.

The seven Principles are:

Principle 1: Create high-level corporate leadership for gender equality

Principle 2: Treat all people fairly at work, respecting and supporting non-discrimination and human rights

Principle 3: Ensure the health, wellbeing and safety of all workers, whether male or female

Principle 4: Promote education, training and professional development for women

Principle 5: Implement supply chain, marketing practices and enterprise development that empower women

Principle 6: Champion equality through community initiatives and advocacy

Principle 7: Measure and report publicly on progress to create gender equality

LEGAL MAXIMS

S.NO	LEGAL MAXIM	MEANING
1.	Ex Aequo Et Bono	"according to the right and good"
2.	Pro bono	"For public good: A term often used to describe professional work voluntarily undertaken without payment and as a public service"
3.	Pro tanto	"To that extent; for so much"
4.	Pendente lite	"Litigation which is pending"
5.	Pari pasu	"Proportionately; with equal force; fairly; without partiality"

LEGAL JOKES

A lawyer defending a man accused of burglary tried this creative defence: "My client merely inserted his arm into the window and removed a few trifling articles. His arm is not himself, and I fail to see how you can punish the whole individual for an offense committed by his limb." "Well put," the judge replied. "Using your logic, I sentence the defendant's arm to one year's imprisonment. He can accompany it or not, as he chooses." The defendant smiled. With his lawyer's assistance, he detached his artificial limb, laid it on the bench, and walked out.

A personal injury lawyer was on vacation in a small rural town. While walking through the streets, he spotted a car that had just been involved in an accident. As expected, a large crowd gathered. Going by instinct, the attorney was eager to get to the injured, but he couldn't get near the car. Being very clever, he started shouting loudly, "Let me through! Let me through! I am the son of the victim." The crowd made way for him. Lying in front of the car was a donkey.