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## Laws for the Common Man

Manisha Chugh<sup>a</sup>

<sup>a</sup>Shri Jai Narayan Mishra PG College, Lucknow, India

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*IT has been generally believed among different sections and groups of society that legal education is only for law students and lawyers but basic legal education plays important role in our daily lives. The problem with the Indian justice system is that government never tries to make citizens aware of their rights, duties, and laws which results in scams, lack of FIR, and Unnecessary lawsuits. This article will be of great help for COMMON MAN to understand the Basic Laws and Rights and legal issues in a simple manner.*

**Keywords:** *technology, scams, fir, lawsuits, common man.*

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### INTRODUCTION

Law is basically an asset of rules that are created and enforced by a particular country or community through the government to regulate the action of its members. Every citizen has been given several rights in form of law and since rights are provided, there will be an infringement of those rights as well. Our legislature has introduced various laws to enforce and protect such rights however sadly most individuals will not be aware of their rights. We are going to discuss some basic laws and rights which not solely shield folk's pursuits but in addition, ease their every day in the life. These laws are basically should be known by everyone because they are related to the event happening around us in day-to-day life.

## **NO COMPANY CAN FIRE PREGNANT WOMEN**

According to the maternity act<sup>1</sup> maternity leave in India is the paid leave of absence from work that allows women employees the benefit of taking care of their newly born. It applies to corporate, mines, plantations, shops, and government establishments.<sup>2</sup> No company can fire a pregnant woman. The paid maternity leave in India is increased from 12 weeks to 26 weeks. In the case of *Pooja Jignesh Doshi v State of Maharashtra*,<sup>3</sup> the petitioner was unable to carry a second child and chose surrogacy as a solution. The petitioner requested maternity leave prior to the birth of the child but was rejected and the question arises whether the surrogate mother is entitled to maternity leave or not. It was held maternity leave is available to mothers as the purpose of maternity leave is to maintain the dignity of motherhood.

## **DO NOT PAY MORE THAN MRP**

According to the Maximum Retail Price act, MRP<sup>4</sup> is the highest price at which a product can be sold in India but the consumer has the right to bargain for less. If the price is more than MRP you are paying more than the actual price of the product. The consumer can file a complaint at the consumer forum. The toll-free number of consumer forums is 1800-11-4000 Multiplexes, Theatres selling food and beverages at a higher price than the Maximum retail price is a clear violation of the rules under the consumer goods act.

## **ASK FOR FREE DRINKING WATER FROM ANY HOTEL AT FREE OF COST**

INDIAN SARAIS ACT 1867 is one of the lesser-known laws according to section 7[2]<sup>5</sup> you can use the washroom at any hotel and request free water including five-star hotels even if you have not opted for any other service from such hotel and no one can stop them. A hotel in Delhi was harassed for not allowing the passenger to use the toilet when the hotel raised an objection a PIL was filed and the hotel finally had to build a public toilet outside the hotel.

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<sup>1</sup> Maternity Benefit Act 1961

<sup>2</sup> *Ibid*

<sup>3</sup> *Dr. Mrs. Pooja Jignesh Joshi v The State of Maharashtra & Anr* MANU/MH/2480/2019

<sup>4</sup> Maximum Retail Price Act 2014

<sup>5</sup> Indian SARAIS Act 1867, s 7(2)

## **LIVE-IN RELATIONSHIPS ARE NOT ILLEGAL IN INDIA**

According to DV Act if a young boy and girl want to live together in a LIVE IN RELATIONSHIP they are not doing anything illegal and the child born out of this relationship is also legitimate and has full rights over the property of his father and has no rights over the property of his grandparents<sup>6</sup> and maintenance can be claimed by a woman under section 125 of CRPC<sup>7</sup> in a live-in relationship. The Supreme Court of India for the first time in the case of *S. Khusboo v Kanniammal*<sup>8</sup> gave Legal recognition to live in a relationship by categorizing them as domestic relationships under the DV act 2005. Live in relationship is protected by the right to life under article 21 of the constitution.

## **DRINK AND DRIVE**

Police can arrest you without a warrant if at the time of driving your blood contains more than 30 mg of alcohol. Punishment includes imprisonment for up to 6 months or a fine of Up to 2000 Rs or both for the first occurrence.

## **POLICE OFFICERS CAN NOT SAY NO TO LODGE FIR**

According to Section 166A; if the Police officer refuses to lodge FIR he or she can be jailed Up to rigorous imprisonment for up to 6 months to 1 year. Any person has the right to file FIR for a cognizable offence under section 166A[c] of the Indian penal code.

## **NO MALE POLICE CAN ARREST WOMEN.**

A male constable does not have the right to arrest women. Only women police officers/constables can arrest women. Women have the right to go to the police station after 6 P.M and Before 6 A.M. This rule has been implemented for the safety purpose of women.<sup>9</sup>

## **ADULTERY IS NOT A CRIMINAL OFFENCE**

Adultery is not a criminal offence anymore under Section 497 of IPC but any person can go for divorce on being cheated by their spouses\partner under section 13 [Ground for divorce] of

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<sup>6</sup> Hindu Maintenance Act 1956

<sup>7</sup> Code of Criminal Procedure 1973, s 125

<sup>8</sup> *Khusboo v Kanniammal & Anr* (2010) 5 SCC 600

<sup>9</sup> Code of Criminal Procedure 1973, s 46

HMA for adultery which results in the dissolution of marriage. Adultery not only discriminated between men and women but also demeans the dignity of a woman as said in case of the Joseph shine<sup>10</sup> the Supreme Court struck down section 497 of the Indian penal code on the grounds that it violated articles 14<sup>11</sup>, 15<sup>12</sup>, and 21<sup>13</sup> of the constitution. It was also held that if any aggrieved spouses commit suicide because of a life partner's adulterous relation, then if the evidence is produced, it could be treated as an abetment to suicide.

### **IF LPG CYLINDER EXPLODES, CLAIM 40 LAKH RS. COVER**

As Per Indian Oil Company if a domestic LPG Cylinder Explodes you are entitled to RS. 40Lakhs cover. Each LPG cylinder delivered by a distributor comes with an insurance policy. The policy provides insurance of 40Lakhs in the event of accidents or damage to the property and 50Lakhs in case of death. The accident has to be first reported to the local police station and also a distributor in writing within a few days. The distributor will inform the oil company and insurer and the affected person can claim the cover of 40Lakhs or 50Lakhs depending upon the nature of the accident.

### **EQUAL PAY FOR EQUAL WORK**

Equal pay for equal work is the concept of Labor rights that individuals in the same workplace be given equal pay<sup>14</sup>. Men and women should pay equally for equal work irrespective of gender for the same work or work of similar nature. When two or more persons have rendered the same caliber of work under the same circumstances they are entitled to be paid equally. This act was passed because women were getting paid less than men. The victim can apply to the courts under the said act.

### **RIGHT TO RESIDENCE**

Women had the right to reside in the event of abuse or harassment in a marriage. The Woman does not have to leave her marital house to escape her husband's abuse. She can take legal action

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<sup>10</sup> *Joseph Shine v Union of India* AIR 2018 SC 4898

<sup>11</sup> Constitution of India 1950, art. 14

<sup>12</sup> Constitution of India 1950, art. 15

<sup>13</sup> Constitution of India 1950, art. 21

<sup>14</sup> Equality Act 2010

and seek residence orders and also ask her husband to leave the house until an order is passed. If the house is rented and the woman is a housewife and does not have an income it is also the duty of the husband to pay rent.

### **POLICE OFFICERS ARE ALWAYS ON DUTY.**

A police officer is always on duty whether he is wearing a uniform or not<sup>15</sup>. If a person makes a complaint to the officer it is the duty of the police officer to help that person whether he is wearing a uniform or not or he is on duty or not.

### **NO FINE TWICE A DAY**

Riding a bike without a helmet can land you in trouble. If you are fined once for riding a bike without a helmet, you cannot be fined for the same till midnight. Yes, you heard it right but this is not an encouragement to do so. Be a Responsible citizen.

### **RIGHT OF PARENTS TO BE MAINTAINED BY THEIR CHILDREN**

According to section 125 of CRPC Parents [Father, Mother including Stepfather and Stepmother] whether Senior citizens or not have the right to claim maintenance from their adult children. Hindu male is bound, during their lifetime to maintain his or her legitimate or illegitimate children<sup>16</sup>. A Legitimate or illegitimate child may claim maintenance from his father or mother so long as the child is a Minor<sup>17</sup>. It is the duty of children whether sons or Daughters to provide maintenance to Aged and Infirm parents.

### **RIGHT TO INFORMATION**

The right to Information is derived from our Fundamental right of freedom of speech and Expression under Article 19 of the constitution. Under the Right to information act 2005, Any citizen of India can request information or query related to government organizations like reports, records, documents, memos, circulars, etc. including any information related to political parties from any PO of RTI and he will have to revert back within thirty days OR can transfer it to any other public officer if it is out of his jurisdiction. If the matter is involving a petitioner's

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<sup>15</sup> Police Act 1861

<sup>16</sup> Hindu Adoption and Maintenance Act 1956

<sup>17</sup> Hindu Marriage Act 1955, s 16

Life and Liberty, the information has to be provided within 48 hours. Let us discuss some bills which are pending in the Indian parliament and can become law if passed by the parliament. There are many issues on which bills to be issued and passed in order to make them law. For example; One Nation, one election; Population control bill; Marriageable age of women to increase from 18 years to 21 years.

### **ONE NATION ONE ELECTION**

One nation one election means all elections in the country should be held simultaneously, for example, in the Lucknow elections of LOK SABHA, VIDHAN SABHA, And elections of LOCAL bodies to be held together on the same day and no vote is to be held for next 5 years. There was a system of simultaneous elections in India till 1967. There was not much response from any political party till 2014 when BJP [ BHARTIYA JANATA PARTY] came into power and raised the agenda of one nation one election. I think this bill to be implemented will result in less expenditure, less time consumption, and effective use of resources and manpower.

### **POPULATION CONTROL BILL [TWO CHILDREN PER COUPLE]**

Population control bill is a very important issue, the importance of which may be realized 30 years later. We need to reduce the population and take family planning more seriously. Overpopulation causes poverty, unemployment, Lack of resources, income inequality, and many more. Bill must be passed many years before but due to the vote bank, political parties neglected this. Population control bills should be implemented immediately. Not all states needed this but in states like Bihar, Uttar Pradesh, and Maharashtra it should be implemented. Families with planning must be rewarded and others should not be given government jobs and other benefits.

### **MARRIAGEABLE AGE OF WOMEN TO 21 YEARS**

The Bill seeks to increase the legal age for women to marry from 18 to 21 years, bringing it at par with those of men. It seeks to amend seven personal laws – the Indian Christian marriage act, the Parsi marriage and divorce act, the Muslim law, the special marriage act, the Hindu marriage act, and the foreign marriage act. Legislative changes alone will not solve the problem of early marriages unless its root causes are addressed.

## CONCLUSION

The above-mentioned laws are related to incidents happening around us and I am sure we all have learned something new and interesting and are excited to share it with our friends, family, and all loved ones. Government should make the subject of basic laws compulsory in every educational institution. It will help each and every individual to become responsible citizens. There are many bills pending in parliament but some most important bills to be passed immediately like the One nation one bill, and most important Population control bill otherwise it will create many issues for the upcoming generation in jobs, the Health sector, etc and create the serious problem at a greater level in the Indian economy.