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<tr>
<td>AAY</td>
<td>Antyodaya Anna Yojana</td>
</tr>
<tr>
<td>APIO</td>
<td>Assistant Public Information Officer</td>
</tr>
<tr>
<td>BPL</td>
<td>Below Poverty Line</td>
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<td>CBO</td>
<td>Community Based Organizations</td>
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<td>CSC</td>
<td>Common Services Centre</td>
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<tr>
<td>CIC</td>
<td>Central Information Commissions</td>
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<td>DALSA</td>
<td>District Legal Services Authority</td>
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<tr>
<td>DIG</td>
<td>Deputy Inspector General</td>
</tr>
<tr>
<td>DIR</td>
<td>Domestic Incident Report</td>
</tr>
<tr>
<td>DSP</td>
<td>Deputy Superintendent of Police</td>
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<td>FAA</td>
<td>First Appellate Authority</td>
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<td>FRA</td>
<td>Forest Right Act</td>
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<td>IG</td>
<td>Inspector General of Police</td>
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<td>IPC</td>
<td>Indian Penal Code</td>
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<td>LSA</td>
<td>Legal Services Authority</td>
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<tr>
<td>MFPs</td>
<td>Minor Forest Produces</td>
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<td>NCPCR</td>
<td>National Commission for Protection of Child Rights</td>
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<tr>
<td>NGO</td>
<td>Non Government Organization</td>
</tr>
<tr>
<td>NFSA</td>
<td>National Food Security Act</td>
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<tr>
<td>PIO</td>
<td>Public Information Officer</td>
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<tr>
<td>PO</td>
<td>Protection Officer</td>
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<tr>
<td>PWDV</td>
<td>Protection of Women from Domestic Violence</td>
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<tr>
<td>RTE</td>
<td>Right to Education</td>
</tr>
<tr>
<td>SC</td>
<td>Scheduled Caste</td>
</tr>
<tr>
<td>SCPCR</td>
<td>State commission for Protection of Child Rights</td>
</tr>
<tr>
<td>SP</td>
<td>Service Providers</td>
</tr>
<tr>
<td>SP</td>
<td>Superintendent of Police</td>
</tr>
<tr>
<td>ST</td>
<td>Scheduled Tribe</td>
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<tr>
<td>SIC</td>
<td>State Information Commissions</td>
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<tr>
<td>SMC</td>
<td>School Management Committee</td>
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<tr>
<td>SMS</td>
<td>Short Message Services</td>
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<tr>
<td>TLSC</td>
<td>Taluk Legal Service Committee</td>
</tr>
<tr>
<td>VLE</td>
<td>Village Level Entrepreneur</td>
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FORWARD

It has been observed that common people in the rural as well as urban areas are unaware of the Constitution and the rights or laws inherent in it. They are also ignorant about what to do when a person or a community is debilitated or offended. There are also many educated people, who are ignorant about whom to contact and what steps to take when their rights are exploited or violated. They simply accept such acts as their destiny and a victory of the affluent. Such situations have widened the gap between the exploiter and the exploited.

Focusing on legal literacy, this document will be extremely helpful in increasing their legal knowledge; to bring it into actual practice; increase awareness among community members; and would also help in liberating the society from the clutches of exploitation, creating an equalitarian and a just society. By this document, citizens will be able to discern all the areas of unjust practices and challenge them legally to obtain justice. The purpose of this handbook is to provide preliminary information on our entitled rights and legal services.

This document has been prepared by CSC e-Governance Services India Limited, with the cordial support of the Department of Law, Ministry of Law and Justice, Government of India.

We hope that this document will create awareness among common masses and will be an established guide for all.
BACKGROUND
The basic rights that the Constitution of India gives to the citizens are known as fundamental rights. These rights universally apply to all citizens, irrespective of class, race, religion, caste, gender or birth place. To enforce one's fundamental right or to draw attention to its gross violation, a citizen can approach the High Court or the Supreme Court. The purpose of the fundamental rights is to protect the principles of democracy based on individual freedom and equality of every citizen of the country. Fundamental rights are for everyone and equal in nature. Citizens of an independent country are entitled with several fundamental rights which ensure their security, protection and dignity.

OBJECTIVES
• To ensure equality and freedom of every citizen of the country at all levels.
• To ascertain all legal possibilities to obtain justice in view of violation of one's freedom and ensure respectful living condition of the citizens.
• To create a vigilant, sensitive and enhanced society.

BELOW ARE THE DETAILS OF RIGHTS

1. Right to Equality
This means that the State will treat people in the same circumstances alike i.e. everyone is equal in the eyes of law. No person will be discriminated on the basis of class, religion, race, caste, gender or place of birth. The State cannot discriminate a citizen to avail his or her daily amenities on the basis of one's religion, race, caste, gender or birth place.

Practice of untouchability is an offence under the Constitution and has been declared as a punishable act. To ensure equality for all, titles that were created by the British government such as Rai Bahadurs or Sir have been abolished.

2. Right to Freedom
This right guarantees a citizen with:
• Freedom of speech and expression;
• Freedom to assemble peacefully without arms;
• Freedom to form associations or unions or co-operative societies;
• Freedom to move freely and reside or settle throughout the country, except in Jammu & Kashmir due to certain restrictions;
• Freedom to practice any profession or occupation, trade or business.
This right also provides right to life and personal liberty i.e. right to dignified life to the citizens and if violated one can avail legal aid to prevent arrests or accusations.

3. Right against Exploitation
This right ensures abolition of trafficking human beings, including men, women and children. Violating this is a crime and a punishable act. Under this, child labour too has been considered as a crime and punishable offence. Thus, children below the age of 14 years are restricted to be employed at hazardous work stations, including factories, mines, etc.

4. Right to Religious Freedom
Citizens are free to preach, practice and propagate any religion of their choice, as per their conscience. This right ensures freedom to organize religious activities; to set up charitable institutions for his or her religious communities; to legally accumulate properties; to have ownership rights and exercise authority over it. The State cannot compel any person to pay taxes for the promotion of a particular religion’s social welfare and reforms. Also, a State run institution cannot impart education that favours one particular religion nor such institutions can compel their students to be associated with religious practices of any particular religion.

5. Right related to Culture and Education
This provides special measures to protect the rights of the minorities. All minorities have the right to conserve their language, scripts and culture and no members from the minority communities can be denied admissions in any Government aided institutions. All minorities can set up their own educational institutions to preserve and develop their own culture and the State cannot discriminate them in granting aid on the basis of the fact that it is administered by a minority institution.
6. Rights to Constitutional Remedies

If any of the fundamental rights guaranteed under the Constitution are being violated by the State/Government/individual, the aggrieved citizen can approach High Court or Supreme Court for faster remedy. In this regard, the High Court and the Supreme Court has been empowered to issue the following five writs:

- **Habeas Corpus**: It is recourse in law whereby a person can report an unlawful detention or imprisonment before a court. The court order is addressed to the custodian (a prison official) and demands that a prisoner be taken before the court, and that the custodian presents the proof of authority, allowing the court to determine whether the custodian has lawful authority to detain the prisoner in jail and Person in case unlawful detention.

- **Mandamus**: It is a judicial remedy in the form of an order from a Higher courts (i.e. Supreme Court of India and High Courts) to any Government authorities, subordinate court, corporation, or public authority to perform some specific act which that body is obliged under law to perform and which is in the nature of public duty.

- **Writ of Prohibition**: A writ of prohibition is issued by the Supreme Court or High Court to the inferior courts or tribunals asking them not to proceed with a case which does not fall under their jurisdiction.

- **Certiorari**: It is a judicial review writ issued by a Higher Courts (i.e. Supreme Court of India and High Courts), directing an inferior court, tribunal, or other public authority to send the record of a proceeding for review.

- **Quo warranto**: It is a prerogative writ requiring the person to whom it is directed to show what authority they have for exercising some right or power they claim to hold and until a satisfactory answer is given, the said person will not be able to exercise his or her duty.

Where to go?

- On violation of fundamental rights of a citizen, the aggrieved citizen can directly move to Supreme Court of India or High Courts to get remedy through lawyers.

- If a person is entitled to free legal aid, they can file writ petition through District Legal Services Authority/High Court Legal Services Committee/Supreme Court legal services Committee.

- CSC centers could also be contacted for legal information.
LEGAL SERVICES

Background
The Legal Services Authorities Act, 1987, was enacted to set up a decentralised system of legal aid in India. Under the Act, the National Legal Services Authority was set up at the central level to decide on national level policies and programmes. State Legal Services Authority were set up at the state level to implement the national policies and also design programmes for the State and establish, supervise and monitor district and block level legal service committees. These bodies provide free legal services to the weaker sections of the society. Any person who wants to avail the services of the Authority has to approach the Legal Services Authority (LSA) in the Sub district/Taluk/Tehsil.

What does free Legal services include?
It includes free legal services to the poor and needy who are unable to afford the services of an advocate for the proceedings of a case or a legal proceeding in any court.

Objectives
• To provide free and competent legal services to weaker sections of the society.
• Legal Aid which means giving free legal services to the poor and needy who are unable to afford the services of an advocate for the conduct of a case or a legal proceeding in any court, tribunal or before an Judicial authority.
• To ensure that opportunities for securing justice are not denied to any citizen due to economic or other disabilities.
• To organise Lok Adalats to ensure that the operation of the legal system promotes justice on a basis of equal opportunity.

Eligibility for availing Legal Services
• Women and children
• Member of SC/ST
• Industrial Workmen
• Victims of trafficking in human beings or beggars
• Victims of mass disaster, violence, flood, drought, earthquake, industrial disaster, etc.
• Disabled persons
• Persons in custody
• Persons whose annual income does not exceed Rs. 1,00,000/-. (in Supreme Court, income ceiling limit is Rs. 1,25,000/- and in some States the limit is Rs. 50,000/-)

Where to go?
• To seek free legal services contact your Tehsil/Sub District Legal Services Committee/ District Legal Services Authority. These authorities are generally placed in Taluk Court/ District Court complex.
• For assistance you can also contact your nearest CSC center.

LOK ADALAT

Background
Lok Adalat means ‘People’s Court’. Cases (only compoundable1 and petty cases) pending in various courts are summarily disposed through the process of arbitration and settlement between the parties in Lok Adalats. Lok Adalats evolved as part of the strategy to lessen the heavy burden on the courts and give quick relief to litigants.

Objective
• Provide speedy justice to all the weaker sections of the society.
• To generate awareness among the public regarding conciliatory mode of dispute settlement and legal sanctity of Lok Adalat.
• To gear up the process of organising Lok Adalat.
• To encourage the public to settle their disputes outside the formal set-up.
• To empower public, especially women to participate in justice delivery system.

Eligibility for referral to Lok Adalats
• Case (only compoundable and petty cases) pending before any court.
• Disputes which has not been brought before any court and is likely to be filed before any court.

Cases which can be taken to Lok Adalats
• Property disputes
• Matrimonial disputes (for e.g., maintenance, divorce etc.)
• Insurance claims
• Other civil disputes (i.e. motor vehicles accident cases, debt recovery, banking etc)
• Compoundable criminal cases2

1Offense which are less serious in nature. In these offenses, the complainant (one who has filed the case, i.e. the victim), enter into a compromise, and agrees to have the charges dropped against the accused.

2Compoundable offences are less serious criminal offences i.e. Uttering words etc., with deliberate intent to wound the religious feelings of any person causing hurt; criminal or house trespass; Voluntarily causing hurt by dangerous weapons or means, Dishonest misappropriation of property etc.
Process of referring cases to Lok Adalat

- **Case pending before the courts:**
  - If the parties agree to settle the dispute in LokAdalat
  - One of the parties make an application to the court
  - The court is satisfied that the matter is an appropriate one for settlement in Lok Adalat

- **Any dispute at pre-litigative stage**
  The State Legal Services Authority or District Legal Services Authority, on receipt of an application from any one of the parties to any pre-litigation stage, may refer such matter to the Lok Adalat for amicable settlement.

Decision

- Every award of the Lok Adalat is considered to be a decree(order) of a Civil Court. Thus, once a settlement is reached between the parties, the Lok Adalat refunds the Court fee that was paid by the litigants.
- Every award made by the Lok Adalat is final and binding on all parties to the dispute and no appeal can be made to any Court against the award. This decree gives statutory backing to the finality of decisions made by the Lok Adalats.

Important points to remember about accessing services

- For eligible free legal aid beneficiaries: The service of lawyers appointed from the Legal Services Authority is free for such eligible client. The lawyer gets a standard fee from the Legal Service Authority for taking up a case. In case a lawyer asks for a fee from the client, this must be brought to the notice of the concerned authorities (usually the District Judge).
- All kinds of expenses occurred during litigation process cannot be charged from the (such as Court fees are exempted in a legal aid case).
- If the lawyer appointed to a case by the Legal Services Authority does not perform or is not paying attention to the case, this must be brought to the notice of the Authority (in case of DLSA- the Chairperson of DLSA i.e. District Judge to be informed) and one can ask for replacing inefficient lawyer with a competent lawyer.

What to do if one gets a Lok Adalat notice?

- There is absolutely no need to panic. It seems scary to get a court notice, but think of it more as a chance to reach a settlement.
- Go to the Lok Adalat on the said date, personally or send a lawyer.
- Talk directly to the chairman and the bench members.
- Present your case, explaining the full details of the case.
- Try to reach a compromise with the opposite party.
- Here in Lok Adalat, in deciding cases principle of natural justice (both the parties get equal opportunity to be heard, right to argue etc.) is taken care of.

Where to go?

- To know more about Lok Adalat and how to resolve issues through Lok Adalat. Contact your Tehsil/Sub District Legal Services Committee/ District Legal Services Authority. These authorities are generally placed in Taluk Court/District Court complex.
- For assistance you can also contact your nearest CSC center.

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1 the case which is not decided yet
In India, the women rights issues have been covered under following type of laws:

BACKGROUND
It is a well-known fact that there is a huge gap between the rights of men and women in our country. Women in India face a lot of social inequalities and are more prone to exploitation, even when they form half of the population. Though there are several legal rights to protect them, yet most of them are unaware of those legal and constitutional rights. In this chapter we will briefly look into various legal rights and the punishments imposed if found guilty.

A. DOMESTIC VIOLENCE

Background
Domestic violence against women in India is an age old phenomenon. Unfortunately, violence has long been accepted as something that happens to women as their destiny. The most potent reason being their emotional and economic dependence on their husbands. In order to protect women from domestic violence, the Parliament of India enacted The Protection of Women from Domestic Violence Act 2005.

Objective
This Act provides protection against domestic violence to women from all kinds of violence within four walls of home at the hands of husband, male-live-in partner or his relatives.

Types of abuse covered under the Domestic Violence Act

Physical Abuse: An act that causes bodily pain, harm, danger to life or limb, or impairs health amounts to assault, criminal intimidation and criminal force, etc.

Sexual Abuse: Any conduct of sexual nature that abuses, humiliates, degrades or violates the dignity of woman, including aggravated sexual assault, etc.
**Verbal and Emotional Abuse:** Any insult, ridicule⁴, humiliation, name-calling, degradation, blaming, stalking, isolating, insults or ridicule for not having a child or a male child, repeated threats to cause physical pain to any person in whom the aggrieved person is interested, etc. It also includes verbal abuse for going out or taking up a job, forcing into adultery, compelling to be jobless, inciting suicidal tendencies, torturing, etc.

**Economical Abuse:** Depriving the aggrieved person of economic or financial resources to which she is entitled under any law or custom or which she acquires out of necessity such as household necessities, dowry, her jointly or separately owned property, maintenance and rental payments. In simpler terms economic abuse is a way that abusers try to control their partners through money. In simple terms it includes economic abuse implies deprivation of economic or financial resource to which aggrieved woman or child is entitled under law or custom.

**Who can file a complaint?**
- The aggrieved person (a person who is ill-treated).
- Any witness of the offence on behalf of the aggrieved person, including neighbour, relative or a friend who provides information in good faith. No legal or criminal liability will be enforced upon the informer.

**Whom to approach?**
- A Police Officer
- Protection Officer (PO)
- Service Providers (SP)
- Lawyers (through TLSC/DLSA)
- A complaint can be filed through verbal phone communication or written via email to the Protection Officer⁵ (PO) or Service Provider⁶ (SP). A complaint can be filled at the nearest Police station (Special Women cells are attached to the police station/women police helpline).

**What is DIR (Domestic Incidence Report)?**
A Domestic Incident Report (DIR) is the official format in which the complaint will be registered. This is an extremely simple format, which is available in Form I in the Rules of the Act. A woman can get this Form from police stations, POs or SPs and fill it herself. If the woman cannot fill the Form herself, the PO, SP or Police will convert her written complaint into this Form I as a DIR and explain the contents to her. The PO, SP or Police will then send the complaint (DIR) to the Magistrate/ court.

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⁴ Subject to contemptuous and dismissive language or behavior.
⁵ Protection Officer (PO) is an outreach officer of the court who can help a woman in making complaints, filing an application before the Magistrate for orders, helping her in getting support like medical aid, counseling etc., and making sure that the orders passed by the court are enforced [Section 9 & Rule 8, 10].
⁶ Service Provider is a NGO or other voluntary association registered with state governments. They provide assistance and support to the woman facing domestic violence. A woman can go to a registered SP for making a complaint under the Act. An SP will assist her by providing legal aid, medical care, counseling or any other support [Section 10].
What happens after filing DIR in Magistrate Court?
If the magistrate is satisfied that an application prima facie discloses (signifies that upon initial examination, sufficient corroborating evidence appears to exist to support a case) that the respondent is committing or has committed an act of domestic violence or there is a likelihood of such violence, s/he may grant the following order against the respondent on the basis of affidavit of the aggrieved person or as per the circumstances of the case:

- Protection Orders
- Residence Orders
- Monetary Relief
- Custody Orders
- Compensation Orders
- Interim Orders and
- Ex-parte Orders

Where to go?
- Contact Protection Officer of your District (list of PO from your District office) or District Legal Services Authorities or Service Providers (only Registered NGOs), you can get list of registered Service Providers from district office or a Community Based Organizations (CBO) or the concerned officials.
- For assistance your can also contact your nearest CSC center.

B. INDIAN PENAL CODE (IPC)

Background
Indian Penal Code is the criminal law which covers most of the crimes and their punishments.

The Indian Penal code, in its basic form, is a document that lists all the cases and punishments that a person committing any crimes is liable to be charged with. It covers any Indian citizen or a person of Indian origin.

Objective
The objective of this law or you can say Code is to regulate criminal activities in the Country through punishments.

Few important crimes covered under IPC, 1860 are below:

<table>
<thead>
<tr>
<th>Section</th>
<th>Offence</th>
<th>Punishment</th>
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<tbody>
<tr>
<td>354 A</td>
<td><strong>Sexual Harassment</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Physical contact and advances involving unwelcome and explicit sexual overtures.</td>
<td>Upto 3 years or Fine or Both in case of 1, 2 and 3.</td>
</tr>
<tr>
<td></td>
<td>2. A demand or request for sexual favours.</td>
<td>Imprisonment up to one year, or with fine, or with both in other cases.</td>
</tr>
<tr>
<td></td>
<td>4. Showing pornography against the will of a woman.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.</td>
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### Legal Literacy Project

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Punishment</th>
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<tbody>
<tr>
<td>375,376</td>
<td><strong>Rape</strong>  It is most heinous crime against women where a man is said to commit rape (sexual intercourse or other forms of sexual penetration perpetrated) against women's will or consent.</td>
<td>Imprisonment for life or 10 years and fine.</td>
</tr>
<tr>
<td>370</td>
<td>** Trafficking of person** Any person who transfers, recruits, harbours or receives a person(s) with threat, force, fraud or any other illegal means commits the offence of trafficking. Consent of the victim is immaterial in determination of the offence of trafficking.</td>
<td>Person found guilty will be punishable with rigorous imprisonment for a term which will not be less than ten years but which may extend to imprisonment for life, and will also be liable to fine.</td>
</tr>
<tr>
<td>351,352</td>
<td><strong>Assault</strong> Any person who makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.</td>
<td>Punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.</td>
</tr>
<tr>
<td>312</td>
<td><strong>Causing Miscarriage</strong> If a woman is forced to miscarry a child, and act which is not done in good faith for the purpose of saving the life of the women, is punishable under this section.</td>
<td>Punishment imprisonment for life or imprisonment for 10 years and fine.</td>
</tr>
</tbody>
</table>

**Where to go?**
- You can directly lodge FIR/complaint with the nearest local Police Station.
- If you are eligible for free legal aid, you can also seek free legal advice/representation from Taluk Legal Services Committee/District Legal Services Authorities Office
- Contact local NGOs / CBOs.
- For assistance you can also contact your nearest CSC center.

**C. SPECIAL PROVISION FOR ARREST OF WOMEN**

**Provisions when women are arrested:**
- A woman can only be taken into custody by and in the presence of a woman police officer.
- A woman cannot be arrested before sunrise or after sunset, except with prior permission of a magistrate.
- A pregnant woman cannot be physically bound during arrest as priority is given to the unborn's security.
- An arrested woman should be kept separately from men's lockup.
- Women cannot be called to the police station for interrogation under Section 160 of the Criminal Procedure Code. The police can interrogate a woman at her residence in the presence of a woman constable and family members or friends.
- Court can grant bail to a woman even if the committed crime is non-bailable or the woman is awaiting an order of death sentence.

**Where to go?**
- For further information in this regard, you can contact any Non-Governmental Organization (NGO) working on women rights, any Government.
- For assistance your can contact your nearest CSC center.
BACKGROUND
The body of rules and statutes defining the offences against the community at large is Criminal law. In order to complete the legal procedures after any criminal proceedings, constitutional, administrative and judicial structures are prevalent in the country. This provides opportunity for an accused to prove innocence. In India, legal proceedings are done under the Code of Criminal Procedure, 1973. People in our country are ignorant of the prevailing law in such situations and do not know where to appeal, causing persistent problems and mental agony.

A. WHAT IS F.I.R. (FIRST INFORMATION REPORT)?
F.I.R means First Information Report, a complaint lodged with the police by the victim of a cognizable offence or by someone on his or her behalf. F.I.R. is registered under Section 154 of the Code of Criminal Procedure, 1973. Under the code, is the legal duty of the citizen to inform nearest local police station in case crime is committed in their locality. The police after getting information from People/individual/suo moto may lodge FIR in cognizable cases only.

FIR is the very first step towards any investigation and an important phase.

Who can register an F.I.R.?
• Anyone who knows about the commission of a cognizable offence (serious offence/severe offences), either the victim of the offence or an eyewitness to the crime.
• A police officer can also file an FIR, if s/he knows about the commission of the offence.

7 Cognizable offence means a police officer has the authority to make an arrest without a warrant and to start an investigation with or without the permission of a court. It is grievous offence.
Procedures of filing an F.I.R. and other related details

• An FIR can be recorded with a police officer verbally and the police cannot deny registering an FIR.
• Once the police officer has written down all the details of the FIR, s/he has duty to read it back to the individual so that they can be sure that the details have been recorded exactly the way they were stated.
• Once satisfied that the details have been recorded accurately, the person filing the FIR must sign it/thumb impression can be taken.
• Person filing FIR verbally must put the thumb impression, only after confirming the recorded statement.
• Statements provided through tele-communication are also considered as FIR.
• Once the FIR has been recorded, signed and registered, the police must give the individual a copy of the FIR. FIR is given to the complainant free of cost. This would put pressure on the police to speed up the process of investigation as a criminal case has been registered.

In case Police denies to register F.I.R.

• You can make a complaint to a higher ranking officer such as the Superintendent of Police (SP), the Deputy Inspector General (DIG) or the Inspector General of Police (IG).
• You can also send your complaint in writing to the Superintendent of Police (SP) by registered post. If the complaint is found to be serious, SP himself/herself will take action or will direct someone from the department to immediately act on the complaint.
• You can also personally register a written complaint at your nearest judicial magistrate.
• You can also make a written complaint to the State Human Rights Commission or the National Human Rights Commission.

Offence

Any unlawful act which causes a violation of rights of others or causes harm to others and affects the society at large is designated as an offence under the concerned legislation.

An offence can be classified as Bailable or Non-Bailable offence. To receive a bail, the accused has to get a written permission from a court.

B. BAIL

Permission in allowing a person charged with a criminal offence to be released from jail or police custody with compliance to certain conditions is called a Bail. However in order to get a bail, the accused will have to give an undertaking, assuring his/her appearance whenever required by the police or the court. Bail grants only a temporary freedom to an accused.

Who is granted bail?

An accused can get a bail, provided the court takes the nature and seriousness of the offence committed into account. The court also observes the likelihood of the accused committing further offences if released, including the protection of the alleged victim. Bail is considered for certain offences, which are called Bailable offence.
**Bailable offence**

Bailable offence is an offence of relatively less severity for which the court consider the accused to be temporarily released on bail with certain conditions. These offences include bribing, obstructing a public servant from discharging his/her duties, providing false evidence, etc. Certain conditions imposed on a bail of an accused in case of bailable offences are:

- Restrictions to reside at certain location or particular address
- Restrictions to travel beyond the designated location
- Report to the police on a daily basis or at specified times
- Forbidden to contact the alleged victim or the eye witnesses
- Prohibited to tamper with the evidences.

**Non-bailable offence**

A non-bailable offence is a serious offence and for it, the accused cannot demand to be released on bail as a right.

These include offences such as threatening a person to give false evidence, murder, inciting riot, etc. In case a person is accused of a non-bailable offence, it is a matter of discretion of the court to grant or refuse bail.

**Procedures to get bail**

An application has to be made in the court by an accused to get bail. Application can be submitted, either personally or through an advocate.

**C. ARREST**

Arrest means keeping a person in custody by the police in response to a criminal offence and to force him/her to live under one particular roof. Arrests can be made on both criminal and civil charges.

**An arrested person has the following rights:**

- Right to know the grounds of arrest
- Information regarding the right to be released on bail
- Right to be examined by a medical practitioner
- Right to remain silent
- Right to be taken before a Magistrate without delay
- Right to not being detained for more than 24 Hours without judicial enquiry
- Right to consult a legal practitioner
- Right to free legal aid
- Right of the accused to produce an evidence.

**Arrest Procedure**

The arrest can be made by person (in case the offender is absconding and till the time police or person authorize don't arrive), a police officer or a Magistrate. The police officer should inform the details of the offence to the person being arrested. Moreover, information of his or her offence entitled to bail or not will also be stated.
BACKGROUND
The Right to Education (RTE) Act was enacted on 4th August, 2009. The Act ensures free and compulsory elementary education (means education from class first to eighth) for children between 6 and 14 years of age. Special provision is made for the poor and disadvantaged children.

Objectives
• Every child between the ages of 6 and 14 has the right to free and compulsory education till completion of elementary education in a neighborhood school.
• No child can be held back, expelled and required to pass the board examination till the completion of elementary education.
• School teachers will need adequate professional degree within five years from the date of enforcement of the Act or else will lose their job.
• All schools have to adhere to rules and regulations laid down in this act, failing which the school will not be allowed to function. Three years moratorium period has been provided to school to implement all the conditions required under the Act.
• The Central and the State Governments will have concurrent responsibility for providing funds for carrying out the provisions of this Act.

Salient Features of the Right to Education Act
• The Act is applicable to both Government and Private Schools.
• Private schools will have to admit 25% of their class strength from the weaker sections and the disadvantaged groups of the society through a random selection process. Government will fund education of these children.
• No seats in reservation quota can be left vacant in private schools and these children will be treated on par with all the other children in the school.
• All private schools will have to apply for recognition, failing which they will be penalized.
• No donation and capitation fee is allowed. No admission test or interview either for the child or the parents.
• No child can be held back, expelled and required to pass the board examination till the completion of elementary education.
• Strict prohibition on any child being subjected to physical punishment or mental harassment.
• The Act provides children the right to seek admission in schools anytime in a calendar year. It also provides the right to transfer from one school to another and also for immediate issue of Transfer Certificate to a child seeking admission to another school. No other documents are required.
• All schools are to be managed by School management committees with 75% of parents and guardians as its members.

Where to go?
• School Management Committee (SMC)
• Local Authority (i.e. Gram Panchayat, Municipality etc.) or any other authority as per RTE grievance redressal rules in each State
• SCPCR (State Commission for protection of Child Rights)
• NCPCR (National Commission for Protection of Child Rights)
• CSCs could also be contacted in case of assistance.
CHAPTER 6

FOOD SECURITY ACT, 2013

BACKGROUND
India’s high economic growth rate in the past decade has not been fully reflected in the health status of its people, with 22 per cent of its population undernourished. A large section of India lies below poverty line, unable to have nutritious and sufficient food, twice a day; it becomes a bigger question to the existing policies of our country at an inner as well as a global level. Thus in order to check the issue National Food Security Act, 2013 was passed.

Objective
The objective of the act is to provide food and nutritional security in human life cycle approach, by ensuring access to adequate quantity and quality of food at affordable price to people to live a life with dignity.

About the Act
The National Food Security Act (NFSA) of Government of India is a solution to hunger and malnutrition. It aims to provide subsidised food grains to 75% of rural population and 50% of urban population in India as per Census 2011 data. This law brings under one umbrella several existing and new entitlements aimed at providing food security.

Benefits

A. SUBSIDISED PRICES UNDER TPDS AND THEIR REVISION
The eligible persons under PDS are entitled to receive 5 Kgs of food grains per person per month at subsidised prices, details are below:

- Rice - Rs. 3/ per Kg;
- Wheat - Rs. 2 per kg;
- Coarse grains - 1 per Kg.

The existing Antyodaya Anna Yojana (AAY) households, which constitute the poorest of the poor, will continue to receive 35 Kgs of food grains per household per month.

Note: The entailment mentioned above differs from state to state

*According to Global Hunger Index - IFPRI*
B. NUTRITIONAL SUPPORT TO WOMEN AND CHILDREN
Children upto 14 years of age are entitled to nutritious meals as per the prescribed nutritional standards.

C. MATERNITY BENEFIT
Pregnant women and lactating mothers, besides being entitled to nutritious meals as per the prescribed nutritional norms are eligible to receive maternity benefit at least of Rs. 6,000/-.

D. WOMEN EMPOWERMENT
In a household, the eldest woman (at least 18 years old) will be regarded the head of the household for issue of ration card. If there is no female in the household, the eldest male would be eligible.

E. FOOD SECURITY ALLOWANCE
There is a provision for food security allowance to entitled beneficiaries in case of non-supply of entitled food grains or meals.

Penalty
Provision for penalty on public servant or authority, to be imposed by the State Food Commission, in case of failure to comply with the relief recommended by the District Grievance Redressal Officer.

Where to go?
• District Grievance Redressal Officer (District Magistrate/Deputy Commissioner etc) State Food Commission
• State Food Commission
• National Food Commission
CHAPTER 7

SCS/STS PREVENTION OF ATROCITIES ACT 1989

BACKGROUND
Atrocities against the Scheduled Castes can be traced back to the 19th century of India. Despite various measures adopted to improve the socio-economic conditions of the Scheduled Castes (SC) and Scheduled Tribes (ST) they are vulnerable and are subject to various offences, indignities and humiliations and harassment. Thus in order to prevent this Act named SC & ST (Prevention of Atrocities) Act is enacted. The Act states stringent action against those committing atrocities against this communities or indulging in actions which are derogatory to their dignity, including social or economic boycott. The act ensures relief & speedy justice to the victims.

Objective
The objectives of the Act, is to deliver justice to SC and ST communities through affirmative action in order to enable them to live in society with dignity and self-esteem and without fear, violence or suppression from the dominant castes (NHRC, Report on Prevention of Atrocities against SCs, New Delhi, 2002, pp.14-15).

Atrocities covered
In case a person, not being a member of a Scheduled Caste or a Scheduled Tribe, forces a member of SC/ST

- to drink or eat any inedible or obnoxious substance;
- to cause injury, insult or annoyance by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighborhood;
- forcibly removes clothes or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity;
- wrongfully occupies or cultivates any land owned by, or allotted to, or notified by any competent authority to be allotted to him transferred;
- wrongfully dispossesses from his land or premises or interferes with the enjoyment of his rights over any land, premises or water;
- compels or entices to do "beggar" or other similar forms of forced or bonded labour other than any compulsory service for public purposes imposed by Government;
- forces or intimidates not to vote or to vote a particular candidate or to vote in a manner other than that provided by law;
- institutes false, malicious or vexatious suit or criminal or other legal proceedings;
- gives any false or frivolous information to any public servant and thereby causes such as public servant to use his lawful power to the injury or annoyance;
- intentionally insults or intimidates with intent to humiliate any place with in public view;
- forces or intimidates not to vote or to vote a particular candidate or to vote in a manner other than that provided by law;
- intentionally insults or intimidates with intent to humiliate any place with in public view;
- corrupts or fouls the water of any spring, reservoir or any other source ordinarily used so as to render it less fit for the purpose for which it is ordinarily used; denies any customary right of passage to place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any section thereof have a right to use or access to; forces or causes to leave his house, village or other place of residence.

Other atrocities which are recently included are:

- Tonsuring of head, moustache, or similar acts which are derogatory to the dignity of members of SCs and STs, will now be treated as offences of atrocities.
- The offences include denying access to irrigation facilities or forest rights, "garlanding with chappals", compelling them to dispose or carry human or animal carcasses or to dig graves, using or permitting manual scavenging, dedicating a SC or ST women as devadasi and abusing in caste name.
- Imposing social or economic boycott, hurting a SC or ST woman by removing her garments, forcing a member of SC/ST to leave house, village or residence, acts or gestures of a sexual nature against members of SCs and STs etc.
- Impeding certain activities related to voting especially vote or not vote for a particular candidate will also be considered an offence.
- Certain criminal (IPC) offences like hurt, grievous hurt, intimidation, kidnapping etc, attracting less than ten years of imprisonment, committed against members of SC/ST, will be treated as offences punishable under the PoA Act

**Role of Public servants**

- It is duty of public servant to FIR registration or complaint.
- Public servant must read out the information given oral complaint by SC/ST person before taking the signature of the victim and giving copy of this information to the victim.
- If the public servant denies registering complaint he/she would be punished with imprisonment for a term is not be less than six months but may extend to one year.

**Establishments of Courts**

- The Act specifies establishment of Exclusive Special Courts and specification of Exclusive Special Public Prosecutors to exclusively try the offences under the PoA Act to enable speedy and expeditious disposal of cases.
- Power of Special Courts and Exclusive Special Courts, to take direct cognizance of offence and as far as possible, completion of trial of the case within two months, from the date of filing of the charge sheet.

**Investigation**

- Offence committed under the SC/ST Act cannot be investigated by an officer not below the rank of Deputy Superintendent of Police (DSP).

**Victims and witnesses:**

- The act includes rights of victims and witnesses.
- State to make arrangements for the protection of victims and their dependents and the witness.

**Compensation**

- Under various categories of offences in which states will pay compensation ranging from Rs 1 lakh to Rs 8.25 lakh to SC/ST victims.

**Punishment provided for commission of such offences**

Punishments in this Act do vary with nature of offence and type of offence. However the punishment under this Act/Amendment ranges from six months to life imprisonment with fine.

**Where to go?**

- Lodge FIR in your nearest Local police station.
- For compensation related queries: contact your Sub-Divisional Magistrate, District Magistrate,
  - Director of Scheduled Castes and Scheduled Tribes Development of State Government and Ministry of Social Justice & Empowerment.
  - CSCs could be contacted for assistance.
CHAPTER 8

THE STS AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHT) ACT/AMENDMENT

BACKGROUND

Nearly 250 million people live in and around forests in India, of which the estimated indigenous Adivasi or tribal population stands at about 100 million. Since long these indigenous people are fighting for democracy, livelihood and dignity. Thus, in order to undo the historical injustice which they have faced government has introduced “The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006”.

This Act is crucial to the rights of millions of tribal’s and other forest dwellers in different parts of India. The act as provides for restitution of deprived forest rights across India, including both individual rights to cultivated land in forestland and community rights over common property resources. The purpose of the Act is to recognise the rights of forest-dwelling communities and to encourage their participation in the conservation and management of forests and wildlife. The Act is a welcome piece of legislation to recognise the customary rights of forest dependent scheduled tribe and non-scheduled tribe communities who have been residing in such forests for generations but whose rights could not be recorded.

Act covers below rights for forest dweller scheduled tribe and other traditional forest dwellers:

• Right to hold and live in the forest land under the individual or common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other traditional forest dwellers.

• Community rights such as nistar, by whatever name called, including those used in erstwhile Princely states, Zamindari or such intermediary regimes.

• Right of ownership, access to collect, use, and dispose of minor forest produce (includes all non-timber forest produce of plant origin) which has been traditionally collected within or outside village boundaries

• Other community rights of uses of entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities

http://fra.org.in/
• Rights in or over disputed lands under any nomenclature in any State where claims are disputed
• Rights for conversion of Pattas or leases or grants issued by any local council or any State Govt. on forest lands to titles
• Rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forest, whether recorded, notified or not into revenue villages
• Right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use
• Rights which are recognised under any State law or laws of any Autonomous Dist. Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State
• Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity
• Any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned above, but excluding the traditional right of hunting or trapping extracting a part of the body of any species of wild animal.

Eligibility
Eligibility to get rights under the Act is confined to those who "primarily reside in forests" and who depend on forests and forest land for a livelihood. Further, either the claimant must be a member of the Scheduled Tribes scheduled in that area or must have been residing in the forest for 75 years.

Special provision to Gram Sabha
• The Gram Sabha has the authority to regulate transit permit for minor forest produces (MFPs) where rights have been recognized under Forest Right Act (FRA).
• The Gram Sabha can modify the conservation and management plans and impose restrictions if it considers that the existing regime of collection, use and disposal of minor forest produce is leading to over exploitation of minor forest produce.
• The Gram Sabha as well as the right holder has also been empowered under the Act to stop any activity that adversely affects forest, wildlife, bio diversity among other things.

From where to claim rights?
The Act/Amendment authorizes the Gram Sabha to initiate the process of determining the nature and extent of Community Forest Rights. The Forest Rights Committee is responsible to prepare the claims on behalf of Gram Sabha for community forest rights.

Where to go?
• Gram Sabha
• Sub Divisional Level committee
• District Level committee
(If none of the above authorities redressed the issue the person can approach Court of Law.
As SC/STs are entitled to free legal Aid so they can approach DLSA/TLSC and have free legal aid services.)
• CSC centers could also be contacted for any assistance.
Chapter 9

Right to Information Act 2005

Background

The Right to Information Act (RTI) is an Act to provide for setting out practical regime of right to information for citizens, mandating timely response to citizen requests for government information. It is guaranteed as per Article 19 (1) by the Constitution of India, which provides fundamental right of freedom of speech and expression to every citizen. It provides every citizen with the right to information on decisions of the Cabinet, including all the projects and activities undertaken and implemented.

Information may be sought in any form including records, documents, memos, E-Mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data, material etc.

The RTI Act extends to the whole of India, except the State of Jammu and Kashmir, and covers entire Central / State Government / Public Sector, including Government funded organizations / institutions, Schools, hospitals, NGOs.

Objectives of RTI

• To promote transparency and accountability in the working of every public authority.
• To set up a practical regime for giving citizens access to information.
• To control/restrain corruption.
• To empower the citizens.
• To inform the citizens on the activities of the Government and make democracy work for the people in real sense.

What is information?

Information is any material in any form. It includes records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force.12

From whom we can ask information?
Public authorities have designated some of its officers as Assistant Public Information Officer/Public Information Officer. They are responsible to give information to a person who seeks information under the RTI Act.

Who can file an RTI?
Every citizen of the country, above 18 year of age, can file an RTI.

A. RTI FILING PROCEDURES (OFFLINE)
There is no prescribed format. A person seeking information must make an application in writing, containing the name and address of the applicant on a plain sheet of paper. Illiterate or disabled person may take assistance from the Public Information Officer (PIO) /APIO (at Sub divisional level) to file an RTI. There is total prohibition on asking for reasons. It is the duty of the PIO to file an RTI on their behalf and render reasonable assistance to the persons seeking information.

Place to file RTI
The application can be filed at any Public Authority or held under the control of the public authority with the concerned Public Information Officer.

Payment of Fee
- An application fee of Rs.10/- is prescribed to be paid by every citizen who seeks information.
- The Fee can be paid through Demand Draft, Cheque, Cash or through Indian Postal Order services.
- The fee, along with the application, is drawn in favour of the Assistant Public Information Officer/Public Information Officer, of the relevant Department or the Officer in-charge of the Department.
- In case additional fee is required as cost for providing information, the PIO would intimate the applicant. The initial fee payment procedure is followed in paying the additional fee as well.
- No RTI fee is required to be paid by any citizen who is below poverty line. However, the applicant must attach a copy of BPL Card issued by the appropriate government in this regard, along with the application.

Disposal of Requests
- Application can be filed Offline or Online.
- Disposal of request should be made within 30 days of the receipt of the request.
- Where the information sought for concerns the life or liberty of a person, the same should be provided within 48 hours of the receipt of request.

Appeal
- An RTI can be submitted at the First Appellate Authority (FAA).
  The first appeal may be made within 30 days from the date of expire of the prescribed period or from the receipt of communication from the Public Information Officer.
  In cases of refusal to give information or requesting payment without valid reasons or
providing incomplete, wrong or manipulated receipt of information, a complaint can be lodged at the Central or State Information Commissions (CIC/SIC).

For second appeal under the RTI Act?
If the first appellate authority fails to pass an order on the appeal within the prescribed period or if the appellant is not satisfied with the order of the first appellate authority, he may prefer a second appeal with the State Information Commission/ Central Information Commission within ninety days from the date on which the decision should have been made by the first appellate authority or was actually received by the appellant.

Authorities under RTI Act are below:
1. PIO of Public authority
2. First Appellate Authority
3. State Information Commission/Central Information Commission

B. RTI FILING PROCEDURES (ONLINE)
Below is the online platform through which RTI applications/first appeals can be filed by Indian Citizens for all Ministries/Departments and few other Public Authorities of Central Government. For states it varies.

- Log on to https://www.rtionline.gov.in through web portal Click on to the registration form and fill-in your details.
- Ensure that you give your exact address, phone number and email ID, as thereafter you would get alerts on your application through emails and SMS.
• On submission of an application, a unique registration number would be issued, which may be referred to by the applicant for any references in future. This is a proof of your account opened in the RTI Web Portal.

• After logging into your account, click the submit button. Here you can preview your submitted details. Ensure that your application is addressed to the appropriate Ministry, Government Department or the Highest Body. Always remember to select the right department from the Drop Down Menu list.

• After selecting the appropriate department, fill in your application. For submission of additional information or attachments, click the Supporting Document Menu button and attach your files.

• Click on the Submit button and your RTI will be uploaded successfully.

• However, the whole procedure will be withheld if the prescribed fee is not paid.

**Procedures for online RTI fees**

• On submission of the fee, the status report of successful submission of the application would be received through email alert or via SMS.

• In case additional fee is required as the cost for providing information, the CPIO would intimate the applicant through this portal. This intimation can be seen by the applicant through Status Report or through his/her e-mail alert.

• On submission of an application, a unique registration number would be issued, which may be referred by the applicant for any references in future.

• If a response is not received to your application with 30 to 45 days, an appeal can be filed by the applicant at the Appellate Authority by logging into the already created account.

**Response**

• Through the “View Status” tab, an applicant can check his or her present status of the submitted application.

**For further details**

All departments and officials of the offices that comes under the RTI Act can be approached.


**Where to go?**

• You can take assistance from the Public Information Officer (PIO)/APIO of the concerned department.

• You can also go to the nearest CSC center and ask the VLE of the center to assist you in filing an RTI.