

know your rights

Every Indian Needs To Be Aware Of These 25 Rights That Have Been Granted To Us By The Law

We all know that the Indian constitution is very intricate, and complex. Its complexity is such that we fail to know many of our basic rights, let alone understand them. It's ironic considering we often talk about the importance of knowing our fundamental rights; ask anyone about rights and they will give you their two cents about freedom of speech and you'll regret even bringing up the topic.

But, the reality is we ACTUALLY don't know all of our rights, and maybe it's not possible either. However, there are some rights that you can't afford to not know about, so we compiled a list containing a few of them that you should always keep in mind.

In 2011, the Supreme Court ruled that according to Section 497 of the IPC, a woman cannot be proceeded for her involvement in an adulterous relationship. In fact, the section says that she can't even be charged for being an instigator of the adultery.

Under Section 14 of the Hindu Marriage Act 1955, a couple cannot register a petition for divorce within a year of marriage. However, if the High Court feels that the petitioner is experiencing immense problems then the former can permit the latter to file for divorce.

Under Information Technology Act, 2000 voice and messages recorded in a tape recorder or phone can be used as an evidence at court. However, this depends on certain conditions like valid and important evidence can certainly be taken from the recorded conversations.

A Supreme Court ruling states that no woman can be arrested before sunrise or after sunset in order to stop them from getting harassed in the wee hours. This can only be overturned if the police get a written document as a proof of why they require to arrest the woman at that time.

In 2013, Delhi Police announced that a woman can file an FIR at any police station regardless of the jurisdiction, and the police has to accept it exactly as she describes. It also says that investigation needs to be taken as per the statement of the woman.

Under Section 51 in The Code of Criminal Procedure, 1973, only women officers can search and arrest women offenders under strict privacy and decency.

According to the directions by Delhi Police, if a woman is unable to go to the police station to lodge a complaint then she can lodge the same via an email or registered post. The senior police officer then sends the email or registered post to the Station House Officer of the area of crime for proper verification of the document, so that an FIR can be lodged.

Article 22(1) and 22(2) that looks after the Preventive Detention in India says that no person who is arrested can be detained longer than 24-hours.

Under Section 23 of the Bill of Rights Act, every person is entitled to know why he or she is being arrested or questioned. He or she can also question the validity of the arrest if the warrant is not lawful.

In 2007 a Supreme Court ruling suggested that any police officer who refuses to lodge a complaint will be suspended and even face jail term.

It is mandatory that the names and other particulars of police personnel dealing with the interrogation and arrest of the person(s) is entered in the register.

Under Section 185 of Motor Vehicles Act, 1988 if a police officer finds 100 ml. of alcohol in a person's blood while driving then he or she can be arrested for drunken driving.

Under Section 498 of Indian Adultery Penal Code a married man who commits adultery with an unmarried woman or widow upon the latter's consent, can't be charged for the offence.

According to Article 38(1) and Article 21 of IPC, every woman is entitled to receive free legal aid in order to promote their welfare. A woman is often held wrong or humiliated when she goes to the police station to file a complaint, which is why she should always be accompanied by a lawyer.

Article 39 (A) of Indian Penal Code grants equal pay to women at their work places.

No rape survivor can be forced to go to the police station to provide her statement due to the threat of her family being put in danger, and the cops can't force her.

Section 294 of Indian Penal Code says obscenity in public is a criminal offence, but nothing specifically talks about kissing or hugging in public.

Hindu Succession (Amendment) Act, 2005 allows both males and females to equal inheritance of their father's property.

Maternity Benefit Act 1961 states that no woman can be sacked from her employment regardless of any reason.

Section 160 of the Criminal Procedure Code states that women can be questioned in the presence of women constables at their home itself.

According to Indian Code of Criminal Procedure, a doctor has to attend a rape victim if she approaches herself for a medical examination.

In 2013, the health ministry directed doctors not to use 'rape' as a medical term and use it as their final call. It suggested that 'rape' is instead a legal term, and proper police papers is required to prove the offence.

In 2011, the Ministry of Women and Child Development ruled out against single man adopting a girl child in order to keep adoption clean and safer.

According to Hindu Adoption and Maintenance Act of 1956, **married couples** can't adopt two children of same sex.

The Hotel Association of India (HAI) that manages over 280 hotels in India says that there is **no such rule** that denies admission to an unmarried couple in a hotel in India.