

LET'S MAKE
INDIA
LEGALLY AWARE

Know Your Rights Before You Need Them.

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BlueRoseONE^{.com}
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Dedicated to

Every citizen who believes that knowledge is the greatest form of protection.

And to those who have ever felt powerless, simply because they did not know the law.

Acknowledgement

Writing this book has been both a responsibility and a privilege.

What began as an idea to simplify the law gradually became a mission to make legal awareness accessible to every ordinary citizen.

I owe my deepest gratitude to my family, whose unwavering support, values and encouragement have shaped not only this book but the person I have become.

I would also like to thank my teachers, mentors and members of the legal fraternity who have inspired me to look beyond statutes and judgments and understand the true purpose of the law: to serve society.

My sincere appreciation goes to every reader, student, professional and follower who has asked questions, shared experiences and reminded me that legal awareness is one of the greatest tools of empowerment. Many of the topics covered in this book were inspired by the everyday concerns raised by people who simply wanted to understand their rights.

Finally, thank you for choosing this book.

I hope it not only answers your legal questions but also encourages you to become a more informed, confident and responsible citizen.

Why You Should Know The Law

It was 11:40 PM.

Shubham, a 22-year-old college student, was driving back home on his motorcycle after a friend's birthday party. The roads were mostly empty. Music was playing softly in his earphones. Like every ordinary young man, he was thinking more about reaching home before his parents call him and shout.

A few kilometres ahead, he noticed police barricades.

One Police officer raised his hand and said, "Side mein lagao."

Shubham stopped immediately.

The officer asked for "Licence? RC? Insurance?"

Shubham's heartbeat suddenly changed.

His wallet was at home. His phone battery had died an hour earlier. He tried explaining nervously:

"Sir, documents hain, bas phone dead ho gaya."

The officer looked irritated and said, "Gaadi seize hogi & heavy challan lagega."

Shubham had never been inside a police station before. He did not know traffic laws. He did not know his rights. At that moment, the uniform in front of him felt more powerful than the law itself.

He folded his hands nervously & said "Sir, please... kuch kar lo."

Ten minutes later, he left after paying Rs. 500/- in cash, unofficially, to the officer.

No receipt.

No challan.

No questions asked.

The entire way home, he felt ashamed, frightened and angry at himself. A week later, his elder sister, who is studying law, told him something shocking.

She asked, “Your documents were valid, right?”

He replied, “Yes.”

“So you could have legally produced them later. Why did you panic?”

Shubham had no answer because nobody had ever taught him the law.

This book exists to change that!

A few months later, in another part of the city, Japleen Kaur sat silently at her office desk staring at an email on her screen.

“Your resignation cannot be accepted due to contractual obligations.”

Six months earlier, she had joined the company with excitement. Her parents were proud. Her relatives finally stopped asking: “Job kab karegi?”

On her first day, HR handed her a thick employment agreement and said “Standard contract hai. Everyone signs it.”

She signed without reading because everyone does, after all.

Now when she wants to resign, she discovered some hidden clauses:

- excessive notice periods,
- salary deductions,
- penalties,
- restrictions she never knew

And for the first time, she realised that one signature could silently control months of her life. Not because she was careless, but because nobody had ever taught her that legal documents are not just “formalities.”

This book exists to change that!

Then there was Rubal.

A university student.

One evening, he shared a trending meme on social media without thinking much about it. Like millions of young people online, he thought:

“It’s just Instagram. Everyone posts things.”

A few days later, he received threatening legal notice from a lawyer claiming legal action could be taken against him.

Suddenly:

- His screenshots became evidence,
- His jokes & memes became “harassment,”

For the first time, he understood something, which most people realises too late:

The internet is not outside the blanket of law.

& This book exists to change that!

*Now let’s just dive in and change ourselves so that you become a legally aware Indian citizen & able to guide your **friends & family** wherever needed. We strongly believe that in a country like India, at least one person in a family should be **legally aware**.*

Contents

Part 1: Everyday Legal Awareness.....	1
Chapter 1: Laws related to Police and Motor Vehicles	3
Chapter 2: Rights during Police Arrest	9
Chapter 3: FIR, NCR, and What to Do When Police Refuse to Register a Complaint.....	15
Chapter 4: The Right to Protect Yourself and Others.....	19
Chapter 5: Tenant and Landlord Rights	24
Chapter 6: Consumer Complaints	27
Part 2: Women's Rights and Legal Protection.....	31
Chapter 7: When Attention Becomes Harassment	33
Chapter 8: Workplace Harassment.....	37
Part 3: Rights at Work And Beyond.....	43
Chapter 9: All About Salaries (<i>Delay/Deductions/Gratuity</i>).....	45
Chapter 10: Employment Agreements and Workplace Contracts ..	49
Part 4: Digital Era Laws	59
Chapter 12: Social Media, Privacy and Online Reputation.....	61
Chapter 13: Cyber Crimes & Online Fraud.....	69
Part V: Child Safety, <i>Healthcare</i> & Inheritance.....	75
Chapter 14: Child Safety and the Law (Understanding POCSO)....	77
Chapter 15: Medical Negligence and Patient Rights	81
Chapter 16: Wills, Nominees, & Inheritance Rights	88
Part VI: Freedom, Protests and Its Limitations	95
Chapter 17: Freedom of Speech	97
Chapter 18: Protest, Strikes & National Security	102

PART 1

Everyday Legal Awareness

CHAPTER 1

Laws related to Police and Motor Vehicles

For most Indians, the first interaction with law does not happen inside a courtroom. It happens on the roadside.

A traffic signal.

A routine check.

A helmet stop.

A late-night police barricade.

Many people panic during such situations because they do not know:

- what the police can legally ask,
- what documents are mandatory,
- whether phones can be checked,
- how challans work,
- or whether officers can immediately seize vehicles or licenses.

Lack of awareness often leads to unnecessary fear, arguments, overpayment of fines or misuse of authority. Understanding basic traffic and police laws can help citizens stay calm, cooperative and legally protected.

However, citizens also have rights during such interactions. You have the right to:

- ask the reason for being stopped,
- ask for the officer's identification in appropriate situations,
- receive a proper challan or notice if fined,
- and behave respectfully without intimidation.

Arguing aggressively or attempting to flee can worsen the situation and may itself become an offence.

Important Vehicle Documents Every Driver Must Have & Are Digital Documents Valid?

Under Indian traffic laws, a driver is generally expected to possess:

- Driving Licence (DL)
- Registration Certificate (RC)
- Insurance Certificate
- Pollution Under Control Certificate (PUC)

Commercial vehicles may additionally require:

- permits,
- fitness certificates,
- and other transport documents.

One of the most important legal protections many people are unaware of is that digital documents stored on authorised government platforms are generally recognised as legally valid in many situations.

This includes documents shown through:

- DigiLocker
- mParivahan

They are the digital versions of:

- Driving Licence,
- Registration Certificate,
- Insurance Certificate,
- and Pollution Certificate

These are commonly accepted as equivalent to physical copies. This means a person is not always required to carry paper documents if legally valid digital copies are available. Many people unnecessarily pay fines simply because they do not know this.

The 15-Day Rule Most Drivers Do Not Know

One of the least known protections available to drivers exists under Rule 139 of the Central Motor Vehicles Rules, 1989. If a person is unable to

immediately produce vehicle documents during checking, the law may allow the driver to later present them within the prescribed period.

In ordinary situations, this period is generally up to 15 days. In certain specific cases, such as accident investigations under Section 158 of the Motor Vehicles Act, the period may be reduced to 7 days.

Many people misunderstand this provision.

The 15-day rule does not mean:

- a person can refuse cooperation,
- drive away without consequences,
- or completely ignore police instructions.

If documents are unavailable at the spot, the officer may still issue a temporary documentation challan. However, if the documents were actually valid at the time of checking, the driver may later produce them before the designated authority within the permitted period.

This protection exists for genuine situations such as:

- forgotten documents,
- lost wallets,
- dead mobile phones,
- or temporary inability to access papers.

The documents must already have been legally valid at the exact time the driver was stopped. For example:

- A person cannot buy insurance the next day,
- renew a licence later,
- or create documents after the violation

and then claim protection under the 15-day rule. The law only protects a genuine inability to immediately produce already valid documents.

Important Motor Vehicle Act, 1988 Provisions Every Citizen Should Know

➤ Section 3 – Driving Without a Licence

Driving a vehicle without a valid licence is a punishable offence. Learner licence holders must also follow prescribed conditions.

Here is the quick checklist for driving with a **Learner's Licence**:

- Supervisor Required: You cannot drive alone. A permanent licence holder must sit next to you (or pillion on a two-wheeler).
- "L" Plates Mandatory: Paste a Red "L" on a White background on both the front and rear of the vehicle.
- Timeline: Valid for 6 months. You can apply for your permanent licence test after 30 days.
- Vehicle Match: Drive only the exact category listed on your licence.
- Penalty: Violating these rules counts as driving without a licence, carrying an approx. ₹5,000 fine.

➤ Section 129 – Helmet Requirement

Helmet use is mandatory for riders and, in many states, pillion riders as well. This law exists primarily for safety and the prevention of fatal injuries.

➤ Section 130 – Duty To Produce Documents

Drivers may be required to produce: a licence, registration, insurance, permits, or a fitness certificate, where applicable. One may have to pay hefty fines if fails to produce them.

➤ Section 185 – Drunk Driving

Driving under the influence of alcohol or drugs is treated as a serious offence. Traffic police may conduct breath analyser tests during checking drives. Drunk driving can result in: heavy fines, licence suspension, imprisonment in certain cases, and serious criminal liability if accidents occur.

➤ Section 206 – Power to Seize Licence

In certain situations involving dangerous driving, repeated offences, drunk driving, or serious traffic violations, the authorities may temporarily seize driving licences according to legal procedure, and citizens should always ask for proper acknowledgement or receipt.

Cash Payment in Challans

Many citizens panic during roadside checks and immediately hand over cash without understanding the proper legal procedure. Traffic penalties should generally follow the official process. Citizens should always ask for receipts, verify challan details, and avoid unofficial roadside settlements.

Unrecorded cash payments may encourage corruption and leave citizens without proof of payment.

When Can Vehicles Be Seized?

Traffic authorities may detain or seize vehicles in situations involving:

- absence of registration,
- dangerous driving,
- drunk driving,
- illegal transport activity,
- repeated violations,
- serious legal breaches.

However, a seizure should follow the proper procedure, and citizens should calmly ask:

- Why the vehicle is being seized,
- Under which provision,
- Where it is being taken,
- How release procedures work.

Fear often prevents citizens from asking basic, lawful questions. You should never be afraid of public servants like police officers, army officials, or magistrates. They are public servants obliged to perform

their duties for the public. As a citizen, you have the right to ask questions, understand your rights, and know your mistakes. However, you must ensure your body language is respectful, and your tone remains calm, polite, and ethical.

When you blend legal awareness with respectful behaviour, it ensures that public servants execute their duties transparently and within the boundaries of the law.

Can you record a Video of Police officials?

Yes, you can legally record a video on your phone when you are stopped by the police or any other public official in India. No law in India prohibits a citizen from photographing or filming a public servant who is performing their official duties in a public space. In fact, the judiciary actively protects this practice to ensure transparency and prevent the abuse of power.

A milestone ruling by the Delhi High Court (Sandeep Kumar v. State) and subsequent affirmations by the Bombay High Court and Gujarat High Court have explicitly established that citizens have the right to record video as a safeguard against misconduct or harassment.

Under the Bharatiya Sakshya Adhiniyam, 2023 (BSA), legally obtained video recordings are perfectly admissible in court as electronic evidence to protect your rights.

CHAPTER 2

Rights during Police Arrest

It was almost 9:30 at night when Ananya received a call from her younger brother.

“Didi... police station aa jao. Please.” His voice was shaking.

By the time she reached the police station, she discovered that her brother and a few of his friends had been taken there after a fight outside a café. Nobody was seriously injured, but the situation had become chaotic, and police had detained everyone present at the spot.

Ananya tried speaking to one of the officers. “Sir, can I meet my brother?”

“Wait outside,” the officer replied coldly.

Minutes later, another officer asked her to come inside for questioning since she had also been present near the café earlier that evening.

Fear slowly began taking over her mind.

The station felt unfamiliar.

People were staring.

Phones were ringing constantly.

Nobody was clearly explaining what was happening.

Then she overheard something that frightened her even more.

“Madam ko bhi raat tak yahin rakho.”

Ananya froze.

She had no legal knowledge. She did not know:

- whether women could be detained at night,
- whether she could call a lawyer,

- whether her family had to be informed,
- or even whether she was officially under arrest.

For the next few hours, panic controlled her more than the situation itself.

Later, when things calmed down and legal assistance finally arrived, she discovered something important:

The law had already given the protections she never knew existed. Protections regarding:

- arrest of women,
- communication with family,
- legal representation,
- and procedural safeguards during detention.

But in that moment, fear was stronger than awareness, and that is exactly what happens to thousands of ordinary people every year.

Not because they are criminals, but because nobody ever taught them their rights before they needed them.

An arrest is one of the scariest things that can happen to a person. When a police officer puts their hand on your shoulder, it is easy to panic and freeze up. That fear is exactly how people end up giving away their rights. True power in that moment does not come from fighting back or arguing. It comes from knowing the exact legal lines the police are not allowed to cross. The second you are arrested, the law stops being a set of rules you have to follow and becomes a shield designed to protect you.

An arrest means a person's liberty is legally restricted by authorities. This may happen:

- after registration of an FIR,
- during investigation,
- while committing an offence,
- or under court orders.

An arrest does not automatically mean a person is guilty. In India, guilt is determined by courts after legal proceedings, not merely because someone has been detained by police. This is one of the most important principles every citizen must remember.

Power of Silence

The biggest mistake people make inside a police station is talking too much. Under Indian law, you have a fundamental right to remain silent. You cannot be forced to speak against yourself.

One thing you must be aware of is that anything you confess to a police officer inside a police station means absolutely nothing in court.

The law knows that police can use pressure, lies, or threats to make people talk and due to this, judges do not accept police station confessions as proof of guilt. Officers will often try to act like your friend or threaten you, just to get you to talk. They know they can't use your words directly, but they are looking for clues to find other evidence. Your best move is to be polite, stay calm, and say: "I will answer questions once my lawyer is here."

The 24-Hour Rule and Arrest Memo

An arrest is not real until it is written down. The police officers are legally required to fill out a document called an "Arrest Memo" right when they take you. This paper must state the exact date, time, and reason for your arrest. It must be signed by the officer, a witness (like a family member or neighbour), and you.

Always check the time written on that memo. Why? Because the moment that time is written, a strict 24-hour countdown begins. By law, the police cannot keep you in a jail cell for more than 24 hours without taking you to a courtroom to see a judge (a Magistrate).

If the police delay making the memo, they are trying to stretch that 24-hour window illegally. Furthermore, they are obligated to immediately inform a friend or family member of your choice where you are being held. They cannot keep you in a secret location.

Rules for Arresting a Woman

The law recognises that women face unique vulnerabilities during an arrest, so it places strict boundaries regarding their treatment. Unfortunately, because many women do not know these rules, police officers frequently ignore them.

1) The Sunset Rule: As a strict legal standard, a woman cannot be arrested after sunset and before sunrise. The law explicitly bans nighttime arrests to prevent harassment in dark or isolated settings. If the police claim it is an extreme emergency and they absolutely must arrest a woman at night, they cannot just decide to do it on their own. They must get prior, written permission from a local Judicial Magistrate first and without that specific paperwork, a nighttime arrest is entirely illegal.

2) The Female Officer Mandate: A male police officer is never allowed to physically touch or search a woman. Any physical search must be done by a female officer with strict decency. Furthermore, a female officer should always be present during the actual arrest. If a male officer tries to force a woman into a police vehicle alone at night, she has every legal right to stand her ground, demand a female officer, and ask to see the Magistrate's written order.

3) The Medical Exam Safeguard: Before being locked up, a mandatory medical exam is required. For a woman, this exam must be conducted strictly under the direct supervision of a female doctor. Every pre-existing bruise, mark, or medical condition must be documented to ensure no physical abuse happens while in custody.

Rules for Arresting a Child/Minor

The law treats children completely differently from adults. In the eyes of Indian law, a minor is anyone under the age of 18 years. If a person is below 18 years, then the regular police system, standard jail cells, and criminal courts are completely off-limits. The law assumes that minors do not have the same mental maturity as adults, so the focus is entirely on rehabilitation, not punishment. Here are the strict boundaries the police must follow if a minor is detained:

1) No Uniforms: A minor cannot be arrested by regular police officers in uniform. The interaction must be handled by the Special Juvenile Police Unit or a designated Child Welfare Officer wearing plain clothes to prevent scaring the child.

2) No Handcuffs or Jail Cells: Under no circumstances can a minor be handcuffed, tied up, or locked in a standard police station cell or regular jail. If they need to be held before seeing a board, they must stay in a safe place or a designated observation home.

3) The Contact Rule: The moment a minor is taken into custody, the police are legally required to immediately inform their parents or guardians. They must also inform a probation officer so a background report can be started. They must also be produced before a special Juvenile Justice Board & not a regular criminal court, within 24 hours.

Famous Pune Porsche case, 2024

In 2024, the Pune Porsche case shocked the nation when a 17-year-old allegedly drove a luxury Porsche at high speed after consuming alcohol and crashed into a motorcycle, resulting in the death of two young professionals. The incident became a national debate on juvenile justice and parental responsibility. While the juvenile was dealt with under the Juvenile Justice Act, the law did not stop there.

The minor's father was booked for allegedly permitting a minor to drive and for failing in his responsibilities as a parent. He was later arrested and remained in custody in connection with multiple offences arising from the case, including allegations relating to evidence tampering and attempts to shield the juvenile from legal consequences.

Important Laws Involved:

- Section 5 read with Section 199A of the Motor Vehicles Act, 1988 - If a vehicle owner or guardian knowingly permits a juvenile to drive, they can face imprisonment of up to 3 years and a fine of ₹25,000. The vehicle registration may also be suspended.
- Sections 75 and 77 of the Juvenile Justice Act, 2015 - These provisions were invoked against the father for allegedly

exposing the child to circumstances harmful to his welfare and for permitting conduct prohibited by law.

If a minor causes an accident, the consequences may not stop with the child. Parents, guardians and vehicle owners may also face arrest, criminal prosecution and even imprisonment if their actions contributed to the offence.

The Pune Porsche case became a reminder for today's parents to think twice before giving their vehicle keys to their children who are still minors.

CHAPTER 3

FIR, NCR, and What to Do When Police Refuse to Register a Complaint

Kartik walked into the police station holding his broken phone tightly in his hand.

Just an hour earlier, two men on a motorcycle had snatched it while he was returning home from work. The phone contained years of photographs, banking apps, office contacts and personal documents.

Nervous but hopeful, he approached the duty officer and explained everything. The officer listened casually and replied:

“Phone hi toh gaya hai. Milna toh waise bhi nahi hai. Application de do.”

Kartik stood there, confused.

“Sir, FIR likhni padegi na?”

The officer barely looked up.

“FIR ki zarurat nahi hai. Hum dekh lenge.”

Kartik quietly left the station, believing there was nothing else he could do.

Days later, he discovered something important.

Without an FIR:

- insurance claims become difficult,
- investigation officially weakens,
- stolen devices may not properly enter tracking systems,
- and the complaint often remains only an informal record.

But like millions of Indians, Kartik did not know the difference between an FIR and an ordinary complaint, and because he did not know the law, he accepted refusal as final.

What Is An FIR?

An FIR, or First Information Report, is the formal recording of information regarding a cognizable offence.

A cognizable offence generally means an offence where the police have the power to:

- register the case,
- investigate,
- and arrest where legally necessary without prior court permission.

Examples may include:

- theft,
- serious assault,
- kidnapping,
- cheating,
- sexual offences,
- and many cybercrimes.

Registration of an FIR officially sets the criminal law process in motion. Many people wrongly believe an FIR is merely a “complaint paper.” In reality, it carries significant legal importance. Also, always remember that an FIR does not mean the accused is automatically guilty; it only means the legal process of investigation has formally started.

What Is An NCR?

An NCR, or Non-Cognizable Report, relates to offences considered less serious in nature where police usually require permission from a magistrate before full investigation powers are exercised.

Examples may include:

- minor verbal disputes,

- simple abuse,
- or relatively less serious offences depending upon the facts.

In NCR matters, police may record the complaint but may not immediately begin a full investigation as they do in cognizable offences. This is why understanding the difference matters.

What You Should Do If Police Refuse To Register FIR

The first thing citizens should remember is this: do not panic, do not become aggressive and do not assume refusal is the end of the matter.

You may go for:

- **Written Complaint to Senior Officers:** Under Section 173(3) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), mail a detailed written complaint to your area's SP or DCP via registered post. The SP is legally bound to either investigate the matter or order a subordinate to do so.
- **Approach Judicial Magistrate:** If the senior officers fail to act, you can directly approach the concerned Judicial/Metropolitan Magistrate under Section 223 of the BNSS. The Magistrate has the power to order the police to officially register the FIR and launch an investigation.
- **File a Writ in the High Court:** As a final legal resort, you can file a writ petition in the High Court under Article 226 of the Constitution of India, seeking official directions for the police to register and investigate the FIR,

In certain situations, you are not under the jurisdiction of a police station, and the concerned police officer will ask you to visit the correct police station. There, you have a remedy called “Zero FIR”.

Zero FIR: If you are at a different police station or being turned away by the station closest to the crime, you can file a "Zero FIR" at any accessible police station. The police are obligated to record it and transfer the case to the correct jurisdiction

E-FIR and Online Complaints

Many states now allow e-FIR registration, online complaint submission, and cybercrime reporting portals.

This has become especially important in cases involving:

- online fraud,
- UPI scams,
- social media offences,
- and digital harassment.

Many people still unnecessarily believe physical police station visits are the only option.

CHAPTER 4

The Right to Protect Yourself and Others

It was nearly midnight when Aman parked his motorcycle outside his apartment building. The streets were quiet. Most of the neighbourhood had gone to sleep. As he walked towards the entrance, he heard a sharp scream.

A young woman was being dragged towards a parked vehicle by two men. She was resisting, shouting for help, but no one else seemed to be around.

For a few seconds, Aman froze. Like most people, he had never imagined finding himself in such a terrifying situation. Questions rushed through his mind: What if I intervene and get hurt?

What if I accidentally injure someone?

What if the police later arrest me?

What if I make things worse?

Many people hesitate in dangerous situations not because they lack courage, but because they fear the legal consequences of taking action.

But Indian law is clear. A citizen does not have to watch a crime happen helplessly. The law permits you to protect yourself, other people, and your property from unlawful attacks. This is called the **Right of Private Defence**. This protection is known as the Right of Private Defence.

The Law Does Not Expect You to Be a Victim

One of the biggest misconceptions people have is that they must wait for the police to arrive before defending themselves. The law does not require this.

Sections 34 to 44 of the Bharatiya Nyaya Sanhita, 2023 (BNS) protect your right to act. The law knows that help cannot always arrive instantly. The law, therefore, allows a person to take reasonable steps to protect life, liberty and property from unlawful aggression. The principle is simple: if someone unlawfully attacks you, the law does not expect you to suffer injury without resistance.

Do not wait for the first blow; the right to defend yourself starts the moment you feel a real danger. If a stranger points a knife at you, you can act immediately. Imagine a stranger suddenly points a knife at you and threatens to kill you. Or an intruder forcibly enters your home at night. Or a group attempts to rob a person using violence. In such situations, the law recognises that immediate action may be necessary.

The purpose of private defence is not punishment. It is protection.

Another common misconception is that self-defence applies only when you yourself are under attack, and that is not true. The law allows a person to protect another individual who is facing unlawful violence. If you witness an assault, kidnapping, robbery or similar offence, you are not legally required to remain a helpless spectator.

Aman, in the opening story, would not merely be acting out of courage if he intervened. He would be exercising a legal right recognised by law.

The right also extends to property. Sections 35 and 36 of the Bharatiya Nyaya Sanhita, 2023, recognise the right to defend both movable and immovable property against certain unlawful acts. If someone attempts to steal your vehicle, break into your house, commit robbery, mischief or criminal trespass, the law permits reasonable action to prevent such offences. The reasoning is straightforward. The law values not only personal safety but also lawful ownership and possession.

How Much Force Can You Use?

This is where many people get confused. You can use force, but only as much as you truly need to stop the danger. The force must match the threat. Suppose someone attempts to slap you during an argument, and responding by using deadly force would likely exceed the protection

offered by law. The right of private defence is a shield, not a licence for violence.

However, the law also recognises that some situations are so dangerous that stronger measures may become necessary. Sections 37 and 38 of the BNS provide circumstances where the right of private defence may even extend to causing the death of the aggressor. This protection generally applies when there is a reasonable apprehension of:

- Death,
- Grievous hurt,
- Rape,
- Unnatural offences,
- Kidnapping or abduction,
- Wrongful confinement under circumstances creating a reasonable fear of death or grievous hurt,
- Acid attacks or attempts to throw acid.

Similarly, in relation to property, the right may extend to causing death in cases involving offences such as robbery, house-breaking by night, mischief by fire to a dwelling house, or theft, mischief or house-trespass under circumstances creating a reasonable apprehension of death or grievous hurt.

The law does not expect a victim to do perfect math in a few seconds of terror. But your actions must be about safety, never about revenge.

When Does Self-Defence Become A Crime?

The right of private defence has strict limits. You cannot use it to settle old fights or attack someone after the danger is gone. Imagine two neighbours get into an argument. One pushes the other and walks away. Several hours later, the second neighbour gathers friends and attacks the first. This is not self-defence. The threat had already ended. The latter attack is retaliatory, not protective.

The law protects defensive actions taken during a genuine threat. It does not protect acts of revenge committed after the threat has passed. Similarly, if the force used is grossly disproportionate to the threat faced,

a person may lose the protection of the law. Courts often examine whether the accused genuinely acted to defend themselves or whether they exceeded the limits of the right.

The key question is always the same: Was the force necessary to prevent the danger, or was it used to punish the aggressor?

Exceptions and Limitations under The BNS

While the right of private defence is a powerful protection, Sections **40 to 44 of the BNS** place important limitations on its exercise.

First, there is generally no right of private defence against an act which does not reasonably cause apprehension of death or grievous hurt if there is sufficient time to seek the protection of public authorities. In simple terms, if the police can reasonably be approached and immediate danger does not exist, private force may not be justified.

Second, the right generally cannot be exercised against acts done by a public servant acting in good faith under colour of his office, provided the person knows or has reason to believe that the individual is acting in an official capacity. For example, a person cannot claim self-defence merely because they resisted a lawful arrest by a police officer performing official duties.

Third, the right extends only as long as the danger continues. Once the threat ends, the right also ends. Any force used after that point may amount to a criminal offence.

These safeguards ensure that the right remains a protective measure rather than a justification for lawlessness.

Most people spend their lives hoping they will never need to invoke the right of private defence, and hopefully, they never will.

No one wants to face a street robbery or a violent intrusion. But emergencies do not give warnings. When dangerous moments arrive, knowing your rights is just as important as having courage.

When such moments arise, knowledge becomes as important as courage. The law does not expect citizens to surrender their safety, their family or their property to unlawful violence. At the same time, it expects

restraint, responsibility and reasonableness. That balance lies at the heart of Sections 34 to 44 of the Bharatiya Nyaya Sanhita, 2023. The right of private defence is one of the oldest principles of criminal law.

Long before there were courts, police stations or criminal codes, there existed a simple belief: **Every person has the right to protect what matters most.**

CHAPTER 5

Tenant and Landlord Rights

A family was preparing to leave their rented apartment after living there for almost three years.

The walls of the house still carried memories of pencil marks from their child's height measurements, nails where family photographs once hung, and a balcony where evening tea had become a daily ritual.

Before leaving, they contacted the landlord regarding the security deposit. The landlord's tone suddenly changed.

"You damaged the flat."

"You have to pay paint charges, cleaning charges"

& due to which their Deposit will almost vanish.

The family was shocked. There had never been complaints before. No written inspection. No proper calculation. No agreement mentions half the deductions now being claimed.

But they stayed silent. Why?

Because they believed something millions of tenants believe: "Landlord jo bolega wahi final hoga."

They did not know:

- what rights tenants actually possess,
- how important written agreements are,
- what deductions can legally be disputed,
- or how evidence like photographs, chats and payment records can protect them.

After weeks of arguments, they accepted losing most of their deposit simply because they did not know what options the law gave them.

Years later, the husband would still say: “We could have fought that properly if only we knew the law.”

Renting a House Is a Legal Relationship

Many people treat renting as a simple personal arrangement between two individuals. In reality, the moment a property is rented, a legal relationship is created. Both the landlord and the tenant acquire rights and responsibilities. Problems usually arise when one side knows the law and the other does not. Some tenants assume that landlords can do whatever they want because they own the property. Some landlords assume that tenants have no obligations once rent is paid. Both assumptions are incorrect.

About Rent Agreement

The biggest mistake made by tenants and landlords is relying entirely on verbal promises. A rent agreement is not merely a formality. It becomes the primary document that governs: rent amount, security deposit, duration of tenancy, maintenance responsibilities, notice period, and conditions for eviction.

When disputes arise, memories become unreliable. Written agreements become evidence. A person who carefully reads a rent agreement before signing often avoids disputes that later cost months of stress.

Can A Landlord Enter The Property Anytime?

One of the most misunderstood aspects of tenancy is privacy. Many tenants believe that because the landlord owns the property, the landlord can enter whenever desired. Ownership does not automatically eliminate a tenant's right to peaceful enjoyment of the premises. Once a property is lawfully rented, the tenant gains certain rights of possession and privacy.

Except in emergencies or circumstances provided clearly under the rent agreement, landlords are generally expected to provide reasonable notice before entering the premises. Surprise visits often become a major source of conflict.

What Most Tenants Never Think About

Before moving into a rented property, many people take photographs for social media. Very few take photographs for legal protection. Photographs and videos taken on the date of possession can become valuable evidence later.

They help establish:

- the original condition of the property,
- existing defects,
- and the state of fixtures and furniture.

A five-minute inspection record can prevent months of argument at the time of vacating.

New Rent Rules, 2026 (under Model Tenancy Act, 2021)

Unlike many other countries, India does not have a single nationwide rental law applicable everywhere. Many states have their own rent control legislation, like the Delhi Rent Control Act, 1958, the Maharashtra Rent Control Act, 1999, etc.

But, the central government introduced the Model Tenancy Act to modernise rental arrangements and amended certain rules in 2026, which are:-

1. Landlords cannot charge more than 2 months' rent as a deposit.
2. Tenants cannot be evicted without being given proper legal due process.
3. Rent agreements must be digitally stamped and registered within 60 days.
4. Rent can be increased only once in 24 months, with 90 days' prior notice.
5. Landlords must give 24 hours' notice before entering the property.
6. If essential repairs aren't done within 30 days, tenants can fix them and deduct the cost from rent.
7. Changing locks, cutting basic amenities like water/electricity, or threatening tenants is a punishable offence.

CHAPTER 6

Consumer Complaints

Kashish had spent almost three months researching before finally ordering a new smartphone online. He compared specifications, watched reviews, read customer feedback and waited for a festive sale to get the best deal.

The package arrived on a Sunday morning. He was very excited, so he opened it immediately. Inside the box was not the smartphone he had ordered. Instead, there was an older model worth nearly half the price. He thought that it was a simple mistake, so he contacted customer support.

The company promised assistance, and then days turned into weeks.

Emails were exchanged. Screenshots were shared. Complaints were escalated.

Yet nothing happened! At one point, a customer service representative informed him that the replacement window had expired.

Kashish felt helpless.

He had paid the full amount, He had evidence, He had followed the process. But he had no idea what legal rights he possessed as a consumer.

Like millions of Indians, he believed that customer support was his only remedy. He did not realise that the law had already provided him with far stronger protections.

Legal Rights as a Customer

In reality, consumer rights in India are protected by the **Consumer Protection Act, 2019**, one of the most important pieces of legislation affecting everyday citizens. Whether a person purchases:

- a mobile phone,
- an airline ticket,
- food through a delivery application,
- an insurance policy,
- or household appliances,
- Misleading advertisements

They are protected as consumers under the law. The Act was enacted to ensure that businesses remain accountable and consumers are not left helpless when products or services fail to meet promised standards.

How does a consumer get relief?

Many consumers stop after receiving a rejection from customer support. However, customer support is not the final authority under Indian law. If Kashish received the wrong smartphone and the company refused to replace or refund it, he could have taken the following steps:

Step 1: Preserve Evidence

Before doing anything else, Kashish should keep - Order confirmation emails, Invoice and payment receipts, delivery details, photographs and videos of the unboxing, Chat transcripts and emails exchanged with customer support.

In consumer disputes, evidence is often more important than arguments.

Step 2: Send a Written Complaint

Kashish should send a formal written complaint to the seller and the platform by himself or through a lawyer, clearly stating:

- what product was ordered,
- what product was delivered,
- the loss suffered,
- and the relief sought (refund or replacement).

Many disputes are resolved at this stage because companies often act more seriously when complaints are documented.

Step 3: Approach the National Consumer Helpline

Before filing a case, consumers can seek assistance through the National Consumer Helpline. Many companies participate in the grievance redressal mechanism, and disputes are often settled without litigation.

A complaint can be lodged through:

- National Consumer Helpline (1915)
- Consumer Helpline Portal (consumerhelpline.gov.in)
- NCH mobile application

Step 4: File a Consumer Complaint

If the company still refuses to resolve the issue, Kashish can file a complaint before the appropriate Consumer Disputes Redressal Commission. He does not necessarily need a lawyer as he can file by himself, but taking advice from a lawyer may help you to avoid any filing documentation errors.

He can file the complaint himself by describing the facts, attaching evidence, and stating the relief sought.

Consumer commissions regularly entertain complaints involving: defective products, wrong deliveries, online shopping frauds, refund disputes, and deficient services.

Depending upon the circumstances, Kashish could request a refund of the purchase price or a replacement with the correct product. He may also seek compensation for mental harassment and inconvenience & particularly if the company repeatedly ignored legitimate complaints.

In appropriate cases, the commission may also award litigation costs, interest on the amount paid, and other suitable relief.

PART 2

**Women's Rights and Legal
Protection**

CHAPTER 7

When Attention Becomes Harassment

Riya was a second-year college student, like most students, her life revolved around lectures, assignments, friends and social media. One afternoon, she received a follow request from an unknown person on Instagram, but she ignored it. The next day, another request appeared from a different account and then came the messages. At first, they seemed harmless.

The message was: "Hi." "Can we be friends?" "You look beautiful."

When Riya did not respond, the messages became persistent. The stranger began commenting on her photographs, creating new accounts whenever she blocked him and sending messages at odd hours. A few weeks later, she noticed the same person standing near her coaching centre. For the first time, she felt genuinely uncomfortable.

When she spoke to her friends, some laughed it off. "Just ignore him." "He's probably trying to impress you, don't make it a big issue."

But Riya was unaware of when attention became harassment. When does admiration become stalking? And when should a woman seek legal protection?

Know about stalking

Many women face similar situations every day. The problem is not that legal remedies do not exist. The problem is that most people do not know when the law steps in to protect them.

Not every interaction between two people is illegal. A conversation, a compliment or a friend request is not automatically a crime. However, when a woman clearly indicates disinterest, and the conduct continues, the situation may become far more serious.

Repeatedly following a woman, monitoring her movements, waiting outside her workplace or college, sending continuous messages after being blocked or creating multiple accounts to contact her may amount to stalking.

Section 78 of the Bharatiya Nyaya Sanhita, 2023, deals with stalking. A man who repeatedly follows or contacts a woman despite her clear indication of disinterest may face imprisonment for up to 3 years and a fine. The law also recognises online forms of stalking.

Many women tolerate such behaviour because they fear being labelled rude or overreacting. Unfortunately, ignoring the problem sometimes encourages the offender to continue.

Whenever conduct becomes persistent, unwanted and intimidating, it should not be dismissed as harmless.

Sexual Harassment & Online Abuse

The internet has made communication easier than ever before. Unfortunately, it has also made harassment easier as well. Many women regularly receive sexually explicit messages, obscene photographs, vulgar comments, unwanted video calls, or offensive social media messages.

What some people describe as "just a joke" may actually amount to sexual harassment.

Section 75 of the Bharatiya Nyaya Sanhita, 2023 deals with acts such as sexually coloured remarks, showing pornography against a woman's wishes or unwelcome conduct of a sexual nature, and if any person does that, then he may face imprisonment up to 3 years & fine.

A woman is not expected to tolerate behaviour simply because it occurred online. The online platforms like Instagram or WhatsApp, etc., do not provide immunity; in fact, if required, the deleted messages can also be recovered anytime from them, and they are legally bound to present the same in the court.

Also, one of the fastest-growing cybercrimes against women involves the misuse of photographs and personal information.

A photograph uploaded on social media may be copied, edited, morphed, or circulated without consent. In some cases, fake profiles are created using a woman's name and photographs to harass or embarrass her, and in some cases, former partners threaten to leak private photographs or videos. Such conduct can have devastating personal and professional consequences. The moment a woman discovers such misuse, she should preserve screenshots, save links and immediately report the matter and remember deleting evidence out of panic often makes future legal action more difficult.

Technology has created another disturbing problem of secret recording. The hidden cameras in hotel rooms, trial rooms, washrooms and changing areas have repeatedly made headlines across the country. Many women are unaware that secretly recording or capturing images of a woman in circumstances where privacy is expected is a serious criminal offence.

Section 77 of the Bharatiya Nyaya Sanhita, 2023, deals with voyeurism. The offence includes watching, capturing or disseminating images of a woman engaged in a private act without her consent. The law treats such conduct seriously because it violates both dignity and privacy. Any person who does that will face imprisonment for up to 7 years and a hefty fine.

If It Happens To You

If this happens to you, then like many other women, don't ignore harassment, hoping it will stop on its own. Unfortunately, silence often encourages the offender.

If you face stalking, online abuse, fake profiles, obscene messages or any form of harassment, you should: Preserve screenshots, messages and other evidence, save account links, phone numbers and usernames, report the content to the concerned platform, inform trusted family members or friends and can approach the police or file a cyber complaint where necessary.

Any woman facing any kind of harassment or threats is not expected to deal with the situation alone. Some important resources include:

- Women Helpline: 181
- Emergency Response Support System: 112
- National Cyber Crime Reporting Portal: For online offences, cyber stalking and digital harassment.
- National Commission for Women: For complaints relating to violations of women's rights.

CHAPTER 8

Workplace Harassment

(Know the Line between Misconduct and Misunderstanding)

Jaskirat had recently started her first job after graduating from college. The workplace was everything she had hoped for. The office was modern, the work was challenging, and the opportunities seemed endless.

A few months into the job, her reporting manager began behaving differently. At first, it was personal compliments, then came late-night messages unrelated to work. Soon, there were invitations to dinners she was uncomfortable attending. When she politely declined, her performance suddenly began receiving criticism. Meetings were scheduled without informing her, and important assignments were reassigned to others.

Jaskirat found herself asking a question many employees silently struggle with:

"Am I overthinking this, or is something actually wrong?"

Like many working professionals, she knew something felt uncomfortable, but did not know whether the law recognised it as workplace harassment. The truth is that workplace harassment does not always begin with dramatic incidents. Often, it starts with behaviour that seems small, harmless or easy to ignore until it begins affecting a person's dignity, confidence and career.

What Is Workplace Harassment?

Workplace harassment refers to unwelcome behaviour that creates an intimidating, hostile, humiliating or offensive work environment. Many people wrongly assume harassment only involves physical misconduct, but the reality is much broader. Harassment may include:

- sexually coloured remarks,
- repeated inappropriate comments,
- unwanted personal messages,
- offensive jokes,
- requests for dates despite refusal,
- sharing obscene content,
- physical advances,
- or any unwelcome conduct of a sexual nature.

The most important word is **unwelcome**. A compliment may not be harassment. A repeated and unwanted comment after clear discomfort may become one. The law focuses not only on the act itself but also on its impact.

The POSH Act: A Landmark Protection for Women

To address workplace harassment in India. Our parliament enacted the **Protection of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**, commonly known as the POSH Act. The law was introduced to ensure that women can work in an environment of dignity, equality and safety. The Act applies not only to corporate offices but also to:

- Educational institutions
- Hospitals
- NGO's
- Private organisations
- Government offices
- Start-ups, & even certain work-from-home situations.

The Posh act protection goes beyond permanent employees and may also cover: interns, trainees, consultants, contractual workers, and job applicants.

The POSH Act specifically recognises several forms of conduct that may amount to sexual harassment, which include physical contact, unwanted touching, physical proximity or attempts at physical intimacy, requests

for sexual favours, direct or indirect demands linked to employment opportunities, promotions or favourable treatment.

It also includes sexually coloured Remarks, comments relating to appearance, body, clothing or personal life that create discomfort, displaying, sharing or forwarding obscene material in the workplace.

Other unwelcome conduct, like any verbal, non-verbal or physical behaviour of a sexual nature that affects a person's dignity or work environment.

Harassment does not need to occur inside the office premises. It may occur outside, as an office party, work trip, conference, or official gathering may also fall within the scope of workplace harassment.

Internal Complaints Committee (ICC) under POSH

One of the most dangerous forms of workplace harassment occurs when professional opportunities become linked to personal compliance, like:-

- "If you cooperate, I can help your career."
- "Your appraisal depends on maintaining a good relationship."
- Threats after rejection.
- Denial of promotions or assignments because advances were refused.

Such conduct strikes at the heart of workplace equality. No employee should be forced to choose between career advancement and personal dignity.

Many employees are unaware that eligible workplaces are required to establish an Internal Complaints Committee, commonly known as the ICC. The ICC serves as the primary mechanism for addressing complaints under the POSH Act. Its purpose is to: receive complaints, conduct inquiries, recommend action, & ensure fair treatment of all parties involved.

Every employee should know whether their organisation has an ICC and how it can be contacted. Awareness before a problem arises is often more useful than searching for information during a crisis.

Where to File a Complaint?

Depending on the size of your organisation and the specific nature of the allegations, you can file a complaint in a few different places:

1. Internal Committee (IC)

- Requirement: Every employer is legally mandated to form an IC if the organisation has 10 or more employees.
- Who to approach: Submit your written complaint directly to the Presiding Officer or any member of your workplace IC.

2. Local Committee (LC)

- Requirement: The District Officer in every district constitutes an LC.
- Who to approach: You should complain to the LC if your organisation has fewer than 10 employees, if no IC exists, or if the complaint is against the employer directly.

3. Online Portals (SHe-Box) (shebox.wcd.gov.in)

- The Ministry of Women and Child Development operates the SHe-Box Portal.
- When to use: It serves as a centralised electronic platform for registering and tracking complaints across both the public and private sectors.

What Should You Do

One of the biggest mistakes employees make is remaining silent while hoping the situation improves on its own. When inappropriate conduct occurs:

- Save emails, messages and screenshots.
- Preserve call records where relevant.
- Keep copies of workplace communications.
- Maintain a written record of incidents and dates.
- Inform trusted colleagues where appropriate.
- Use internal reporting mechanisms if available.

The evidence often becomes a strong foundation for any successful complaint. Memory can fade, but documentation does not.

But, But. Make sure you take action before it's too late; however, today's generation, like Gen Z & Gen Alpha, is way quicker and blunter than the older generations, which is why many cases like these come into light nowadays.

Under the POSH Act, complaints should generally be made within **three months** of the incident. However, in appropriate circumstances, additional time may be granted. This is another reason why delaying action can be risky. The sooner a complaint is documented, the easier it becomes to establish facts.

Penalty & Liability

An employer who fails to comply with certain provisions of the POSH Act may face a fine of up to ₹50,000, and repeated violations can lead to higher consequences, including cancellation or non-renewal of licences and registrations in certain cases. In serious cases, police complaints may exist alongside workplace proceedings.

Some acts of workplace harassment may not remain limited to internal disciplinary proceedings, depending upon the facts, conduct may also attract criminal liability under the Bharatiya Nyaya Sanhita, 2023.

Important Provisions -

- **Section 75 (Sexual Harassment):** Covers various forms of unwelcome sexual conduct, sexual favours, or harassment; the punishment is rigorous imprisonment up to 3 years and a fine and for sexually coloured remarks, the penalty is up to 1 year in prison and a fine
- **Section 79 (Insulting the Modesty of a Woman):** Applies to words, gestures or acts intended to insult the modesty of a woman. The person is punishable with simple imprisonment for up to 3 years, along with a fine.

PART 3

Rights at Work And Beyond

Yuvraj and Pankush graduated from the same college in the same year. Both secured jobs at different companies and were excited to begin their careers. Six months later, their conversations sounded very different.

Yuvraj's employer had delayed salaries for nearly two months. Every time employees raised concerns, they were told the company was facing temporary financial difficulties.

Pankush's problem was different. He had accepted a job offer, believing he would receive a certain salary, But after joining he discover that several deductions significantly reduced his take-home pay.

Meanwhile, their friend Sakshi, a freelance graphic designer, had completed a project worth ₹40,000. The client praised her work, used her designs and then stopped responding to her calls and emails.

All three had one thing in common, and that is they are unaware of their rights.

Most people spend years learning how to earn money but very little time learning the laws that protect their income, employment and professional rights. As a result, they often discover those rights only after a problem arises.

Whether you are an employee, freelancer, consultant or entrepreneur, understanding the law can help you identify unfair practices, recover unpaid dues and protect yourself from exploitation.

The chapters that follow are not intended to make you a labour law expert. They are intended to ensure that when something goes wrong at work, you know where your rights begin and where the law stands beside you.

CHAPTER 9

All About Salaries ***(Delay/Deductions/Gratuity)***

Rahul had just completed his third month at a private company, and like many young professionals, he had bills to pay, rent due and family responsibilities & at the end of the month, he checked his bank account expecting his salary to be credited.

But! Nothing arrived. The HR department assured him that the payment would be made "in a few days."

A few days became a week.

A week became a month.

Soon, employees across the office began hearing the same explanation: "The Company is facing temporary financial difficulties."

Many continued working, hoping the situation would improve.

Rahul had one simple question: Can an employer legally withhold salaries whenever it wants?

The answer is no.

Yet thousands of employees across India face delayed salaries, unlawful deductions and unfair employment practices simply because they are unaware of their rights and the remedies available to them.

What Should You Do

At this stage, hope is no longer a strategy. Action becomes necessary.

The first step is surprisingly simple: stop relying on verbal promises.

Many employees make the mistake of discussing salary issues only through phone calls, informal meetings or messaging applications.

Later, when a dispute arises, there is no record of what was promised. Instead, communicate through email and politely seek clarification regarding the delay. A professionally written communication serves two purposes. It may encourage the employer to resolve the issue, and it creates evidence if the matter escalates.

The second step is to organise your documents.

Keep copies of your appointment letter, salary slips, attendance records, bank statements showing previous salary credits, and any communication relating to your employment. These documents may become crucial if you need to approach an authority or seek legal assistance.

If the employer continues to delay payment without a reasonable explanation, you may consider escalating the matter internally through the Human Resources department or senior management. Sometimes the issue is administrative rather than intentional, and a formal escalation can lead to a resolution.

However, if salaries remain unpaid despite repeated requests, employees are not expected to suffer indefinitely. Depending on the nature of employment and the applicable laws, complaints may be made before the appropriate labour authorities, including the Labour Commissioner or other designated forums. You can also file a complaint in person at your district's Labour Welfare Centre.

Under the Payment of Wages Act, 1936, you can take help from a lawyer and send your company/employer a formal legal notice demanding your dues along with potential interest or compensation.

One important point must be remembered. Do not resign impulsively without assessing your situation.

Many employees become frustrated and immediately leave their jobs, only to discover later that recovering unpaid salary has become more complicated. Before taking any major decision, understand your contractual rights, preserve evidence and, where necessary, seek professional advice.

The law cannot guarantee that every dispute will be resolved overnight. But it does provide remedies. The worst position an employee can be in is not having a delayed salary, it is having a delayed salary and no record, no evidence and no understanding of the options available.

Knowledge, documentation and timely action often make the difference between recovering what is rightfully yours and spending years regretting what could have been done.

Before moving further, it is useful to know that the law does not merely speak in broad principles. It contains specific provisions that recognise an employee's right to receive wages on time, for example,

Deductions, Provident Fund & Gratuity

Section 17 of the Code on Wages, 2019 provides that wages shall be paid before the expiry of the seventh day in establishments employing less than one thousand workers, and before the expiry of the tenth day in other cases. While the practical application may vary depending on the nature of employment and applicable rules.

Similarly, Section 18 of the Code on Wages requires that wages be paid in current coin, currency notes, by cheque, by crediting the wages into the employee's bank account, or through electronic mode. This provision reflects the law's emphasis on transparency and traceability in wage payments.

Employees should also be aware that not every deduction made by an employer is lawful. Section 19 of the Code on Wages states that no deductions shall be made from the wages of an employee except those authorised under the law. Therefore, if deductions appear on your salary slip without explanation, you are entitled to seek clarification and supporting details.

Another area where employees often face difficulties is the Provident Fund. Under Section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, both the employer and employee are required to contribute to the provident fund at prescribed rates. If an employer deducts PF from an employee's salary but fails to deposit it

with the EPFO, the matter is not merely an accounting irregularity, but it can attract serious legal consequences.

Likewise, gratuity is not a discretionary gift from an employer. Section 4 of the Payment of Gratuity Act, 1972, provides for the payment of gratuity to eligible employees upon termination of employment after rendering the prescribed period of continuous service, subject to the conditions laid down in the act, but many employees discover this right only after leaving an organisation, due to which their valuable time may already have been lost.

The purpose of mentioning these provisions is not to turn you into a labour law specialist but to remind you that your rights are not based merely on fairness or morality; they are recognised by law, and when a right is recognised by law, it can be enforced.

CHAPTER 10

Employment Agreements and Workplace Contracts

A few weeks after graduating, Karan received the email he had been waiting for.

"Congratulations! We are pleased to offer you the position..."

And like thousands of young professionals across the country, he opened the attachment, glanced at the salary figure, smiled and clicked "Accept."

The job was exactly what he wanted. The company was reputable. The package was attractive. The future looked promising.

What Karan did not realise was that he had just agreed to a twenty-page employment contract without reading most of it, as we all do.

Six months later, when he decided to resign, he discovered a one-year employment bond. A few months after that, he was informed that he could not work for a competing company because of a restrictive clause buried deep within the agreement.

The irony was simple. Karan had carefully read reviews about the company before joining. But he never read the contract that would govern his relationship with it.

This is not unusual.

Many employees spend more time reading a mobile phone's warranty than reading their employment agreement, and yet the appointment letter and employment contract often become the most important documents in an employee's professional life. Let us look at what Karan missed while starting his work life.

Employment contracts can be tricky. Knowing what is inside them changes everything.

Read an Employment Agreement Carefully

Many employees treat employment agreements as a mere formality. They quickly look into the salary figure, sign the document and move on. Unfortunately, this is often where future problems begin.

An employment agreement is not just a company document. It is a legally binding contract between you and your employer, and by signing it, you are agreeing to the terms and conditions mentioned in it, whether you have read them or not. Judicial courts generally presume that a person understands the document which they voluntarily sign; therefore, it is always advisable to read every clause carefully before putting your signature on any employment-related document.

Many agreements contain clauses relating to notice periods, employment bonds, confidentiality obligations and restrictions on joining competing businesses. While some of these clauses may be valid and enforceable, others may be unreasonable and open to challenge. However, an employee often discovers these provisions only when trying to resign or join another organisation and understanding these terms beforehand can prevent unnecessary disputes later.

A common mistake mostly employees make is relying on verbal promises. During interviews, a recruiter or manager may say things such as:

"The notice period is flexible."

"The bond is only a formality."

"We usually allow employees to leave early."

These statements may sound reassuring, but if they do not appear in the written agreement, proving them later becomes difficult. In employment disputes, written documents generally carry far greater weight than casual conversations. This is why employees should ensure that any important promise or assurance is reflected in writing.

Hidden Traps to Look For!

Most employees focus on their CTC, designation and joining date while reading an employment agreement. Unfortunately, the clauses that create the biggest problems are often hidden in the fine print.

Some agreements contain clauses requiring employees to reimburse the company for training expenses, certification costs, relocation benefits or other expenditures if they leave within a specified period.

These provisions are often overlooked because they are buried within lengthy contracts. An employee may discover their existence only after resigning and receiving a demand for payment. Before signing any employment agreement, it is advisable to identify such clauses and understand the financial consequences they may carry.

Never assume that a clause is unimportant simply because it appears in small print. In employment disputes, the clauses that employees ignore at the time of joining often become the clauses they worry about the most when leaving.

Now the question is how to protect yourself?

- Read every page: Take your time and do not let anyone rush you.
- Ask questions: If a sentence is confusing, ask the hiring manager to explain it in writing.
- Negotiate terms: You can ask to change or remove unfair rules before you sign.
- Keep a copy: Always save a signed version of the contract for your own records.

Employment Bond

An employment bond is a clause that requires an employee to remain with the organisation for a specified period, usually one or two years. Employers often justify such bonds by stating that they have invested time and money in training the employee.

The problem arises when the bond imposes an excessive penalty for leaving early. Many employees believe that signing a bond means they can never resign. This is not entirely true. Courts generally examine whether the bond is reasonable and whether the employer has actually suffered a loss. A bond should not become a tool to unfairly restrict a person's career growth.

Consider Karan's situation.

After working for six months, he received a better opportunity and decided to resign. That was when the company reminded him of a one-year employment bond requiring him to pay ₹2,00,000 if he left before completing the bond period.

At first, Karan panicked; he assumed that because he had signed the agreement, he had no option but to stay. However, instead of accepting the demand immediately, he decided to understand the basis of the bond. He collected information from the internet, but everything was a bit confusing. Then he consulted with one of his lawyer friends and asked him to review his employment bond, and then they discovered that the company had not provided any specialised training, overseas assignment, or expensive certification programme. Apart from a brief induction programme and routine onboarding sessions given to all new employees, there had been little investment in their training.

Moreover, as per the Indian contract act and, an employer cannot simply choose an arbitrary figure and demand it because it appears in the contract. If the bond is linked to training or skill development, the amount claimed should generally relate to the actual expenses incurred by the company.

Now armed with proper information, Karan set up a meeting with HR and his department head. He did not go in angry. He went in prepared.

"I understand I signed this agreement," Karan said, keeping his voice calm. "But I have checked the training records. The only training I received was a two-day basic onboarding video course. The penalty fee listed here does not match that reality."

The discussion that followed was very different from what Karan had feared. Once the facts were examined, the company agreed to review the matter rather than automatically insist on the full amount.

The lesson is not that every employment bond is invalid. Some bonds may be justified where an employer has genuinely spent substantial money on specialised training or professional development. The lesson is that employees should understand what employment bond they are signing during their joining or receive increments. A bond should reflect a genuine business interest, not serve as a punishment for choosing to change jobs.

Whenever a company seeks recovery under an employment bond, employees should ask a simple question: "What specific training, certification, or expense is this amount intended to recover?" The answer can make a significant difference.

Non-Compete Clauses

Some employment agreements contain provisions that attempt to prevent employees from joining competing organisations after leaving their current job. These are known as non-compete clauses.

These clauses can seem scary and may make employees think they cannot join another company in the same field. However, Indian law does not support unfair restrictions on a person's right to work. Employers can protect their business interests, but they usually cannot stop someone from earning a living in their chosen profession.

Imagine that Ananya works for a software company in Bengaluru. Her employment agreement contains the following clause:

"The employee shall not work for, assist, consult with, or be employed by any competing software company in India for a period of two years after leaving the employment of the Company."

After resigning, Ananya receives an attractive job offer from another software company in the same industry, but her former employer then warns her that accepting the new job would violate the non-compete clause.

At first glance, Ananya might panic and think she has to reject the offer. But in India, courts generally do not favour clauses that completely stop someone from working in their chosen profession or earning a livelihood.

Under **Section 27 of the Indian Contract Act, 1872**, any agreement that stops a person from exercising a lawful profession, trade, or business is considered void. The law strongly protects your fundamental right to earn a living. The law creates a sharp line regarding how these clauses work: During Employment vs. After Employment.

During Employment (Valid & Legal): A company can stop you from working for a rival while they are paying you. You cannot work for Company A and secretly do part-time work for Company B.

After Employment (Void & Illegal): The moment you resign and complete your notice period, the non-compete clause becomes completely useless. An employer cannot stop you from joining a rival company or starting a competing business, **no matter what you signed**.

Let's shed some light on the Notice Period.

A notice period is the amount of time an employee is required to serve after resigning. The purpose of a notice period is to provide the employer with sufficient time to arrange a replacement and ensure a smooth transition.

Many employees only discover the length of their notice period when they decide to leave the organisation. In some industries, notice periods may extend to two or even three months. And failing to comply with these obligations can sometimes lead to disputes regarding salary, relieving letters or contractual obligations. Therefore, understanding the notice period before accepting a job can prevent significant difficulties later.

Yes, three months notice period is legal under the Indian Contract Act, 1872. If the notice period is clearly written in your signed employment contract, it is a legally binding agreement; however, there is a catch regarding fairness:

The Equality Rule: The notice period must apply equally to both sides. If the company demands a 3-month notice from you, they must also give you a 3-month notice (or 3 months' salary) if they decide to fire you. If the contract says they can fire you in 30 days, but you must give 90 days, our Indian law often views that as unfair and exploitative.

Now the question is, can you leave before completing your Notice Period?

One of the most common concerns among employees is being locked into a lengthy notice period, often lasting two or three months, and a common misconception is that once a resignation is submitted, the employee has no choice but to serve the entire notice period. In reality, the outcome often depends on the employment contract, company policy and the willingness of both parties to find a practical solution.

- *Notice Period Buyout* - Many employment agreements contain a notice period buyout clause. This allows an employee to leave before completing the full notice period by paying an amount equivalent to the salary for the remaining period. For example, if an employee is required to serve three months' notice but wishes to leave after one month, the company may permit an early exit upon payment for the remaining two months. In some cases, particularly where the employee is joining another organisation urgently, the new employer may agree to bear this cost. The first step is always to check whether the employment agreement provides for such an option.
- *Adjustment against Earned Leave* - Employees often overlook the value of accumulated earned leave or privilege leave. Many organisations permit employees to adjust unused leave against their notice period. This means that an employee with sufficient leave balance may be able to reduce the period they are physically required to remain at work. For instance, if an employee has accumulated fifteen days of earned leave, the company may allow those days to be adjusted against the notice period, enabling an earlier release. However, this is subject to

company policy and managerial approval, so employees should discuss the possibility with HR before making assumptions.

- *Mutual Negotiation* - Not every workplace issue requires a legal battle.

In many situations, an honest discussion with HR or management can lead to a practical solution. If an employee is not working on a critical project, has completed major assignments or is currently unallocated, the employer may agree to waive a portion of the notice period. Companies often recognise that retaining an employee who has already decided to leave may not be in anyone's best interest. Many employees discover that a respectful conversation achieves more than a confrontation.

A Practical Reminder

Before resigning, carefully review the notice period clause in your employment agreement. Understand your obligations, explore available options and maintain all communication in writing. The goal should not be to avoid contractual responsibilities but to find a lawful and practical way to transition to the next stage of your career.

Moonlighting

Moonlighting means working a second job or taking up side projects (like freelancing or consulting) while holding a full-time, regular job. In India, moonlighting sits in a grey area. There is no single law that makes moonlighting completely illegal. However, whether you can do it legally depends entirely on your employment contract and the type of job you have. If your contract bans it, your employer can legally fire you for breach of contract.

Let's dive into some of the laws that prohibit dual employment, or what we call moonlighting.

- *The Factories Act, 1948 (Section 60)*: This law strictly prohibits an adult worker from working in a factory on any day they have already worked in another factory. The state wants to ensure workers get adequate rest.

- *State Shops and Establishments Acts*: Many states have their own laws for commercial establishments. For example, under the Delhi Shops and Establishments Act, 1954 (Section 9), a person cannot work in more than one establishment beyond the legally permitted daily working hours.
- *The Industrial Employment (Standing Orders) Central Rules, 1946*: For industrial workers, these rules state that a workman cannot take up any additional work that hurts the interests of their primary employer.

Not every form of moonlighting is problematic. An employee who teaches online classes, writes books, creates digital content, runs a small family business or pursues freelance projects unrelated to the employer's business may not necessarily be violating any law. The key question is whether the additional work conflicts with contractual obligations or harms the employer's legitimate interests.

Constitutional Argument

Employees who defend their side gig often bring up Article 19(1)(g) of the Constitution of India, which guarantees every citizen the right to practice any profession or carry out any occupation. However, courts apply a "reasonableness test." If you sign a contract promising 100% of your professional focus to Company A in exchange for a salary, you cannot claim a constitutional right to secretly give 30% of that time to Company B.

Moonlighting is ultimately a question of balance. If you want to earn extra income safely, follow these rules:

- **Read the "Exclusivity" Clause**: Check your contract for terms like "Exclusive Service" or "Dual Employment."
- **Ask for Written Consent**: Many modern companies (especially progressive tech start-ups) allow side projects as long as you declare them and get written approval.
- **Keep Separated Systems**: Never use an official company asset (laptop, email, Slack) for personal gigs.

PART 4

Digital Era Laws

Rohan never imagined that a single photograph could turn his life upside down.

It all started as a joke.

One evening, while chatting with friends, he downloaded a photograph from social media and edited it using an AI application, and within a few minutes, he had created a convincing fake image of one of his classmates. The picture was shared in a private WhatsApp group, the group laughed, screenshots were taken, and soon the image found its way to dozens of phones.

What began as harmless fun quickly became a nightmare.

The girl's family approached the police, and the statements were recorded. Phones were examined. Rohan was shocked to discover that the law did not view his actions as a joke. What he considered entertainment could potentially amount to harassment, defamation, identity misuse and even cyber offences.

Let's dive into and know the laws behind this, and if Rohan had known these laws earlier, he would never have thought of making such jokes.

If the morphed image created by Rohan damaged the girl's reputation, he could face charges of defamation under Section 356 of the Bharatiya Nyaya Sanhita, 2023 (BNS), which is punishable with imprisonment for up to two years, or fine, or both.

If the image was obscene, sexually explicit, or intended to insult the modesty of the girl, provisions of the Information Technology Act, 2000 could also apply. Section 67 punishes the publication or transmission of obscene material in electronic form with imprisonment of up to three

years and a fine of up to ₹5 lakh for a first conviction. If the content was sexually explicit, Section 67A provides for imprisonment of up to five years and a fine of up to ₹10 lakh for a first conviction.

The important lesson is that the Indian law judge Rohan's actions by the consequences and not by the excuse that they were intended as a joke. A few minutes spent creating and forwarding a fake image can expose a person to criminal investigation, seizure of electronic devices, prosecution, fines, imprisonment, and most importantly, permanent damage to their career & also their family's reputation.

The digital world has transformed the way we communicate, learn, work and build relationships.

- Social media connects us with people across the globe.
- Artificial intelligence can create content in seconds.
- Banking transactions can be completed from a mobile phone.
- News travels faster than ever before.

But with these opportunities come new risks.

- A fake profile can destroy a reputation.
- A morphed image can ruin careers.
- A careless social media post can lead to criminal proceedings.
- A single click on a fraudulent link can empty a bank account.

Many people believe that what happens online remains online. The law disagrees. The digital world is not a lawless space. Every message, photograph, transaction and post can carry legal consequences and understanding their consequences is no longer optional, but it has become an essential life skill.

In this part, we explore the laws that govern our digital lives, the rights available to citizens and the precautions every internet user should know before it is too late.

CHAPTER 12

Social Media, Privacy and Online Reputation

A generation ago, a person's reputation was built through years of interaction with family, friends, colleagues and society. Today, it can be damaged in a matter of minutes.

A single post. A single screenshot. A single forwarded message. That is often all it takes.

Social media has fundamentally changed the way people communicate. Platforms such as Instagram, X, Facebook, Snapchat and LinkedIn have given individuals the ability to reach thousands of people instantly. Never before has it been so easy to express opinions, share experiences, build businesses and connect with the world. But this freedom comes with a responsibility that many users fail to appreciate. The internet may feel informal, but the law treats online actions just as seriously as actions committed in the physical world.

Many people operate under the mistaken belief that a private account, a deleted message or a temporary story somehow places them beyond the reach of the law. In reality, digital footprints are often far more permanent than people imagine. Screenshots can be preserved, chats can be recovered, servers maintain records, and electronic evidence frequently becomes the foundation of criminal and civil proceedings.

One of the most common legal issues emerging in recent years is the creation of fake social media profiles. At first glance, creating an account in another person's name may appear harmless. Some do it as a prank. Others do it for entertainment. However, when a fake profile is used to impersonate another individual, damage their reputation, deceive others or obtain information dishonestly, serious legal consequences may follow.

The law does not merely protect property and physical safety; it also protects identity and reputation. Under the Information Technology Act, 2000, identity-related cyber offences are specifically recognised.

- Section 66C deals with identity theft and penalises the fraudulent use of another person's electronic signature, password or unique identification feature.
- Similarly, Section 66D addresses cheating by personation through computer resources, a provision frequently invoked in cases involving fake profiles, fraudulent online accounts and digital impersonation.

(Both Section 66C and Section 66D carry a maximum punishment of imprisonment for up to three years and a fine of up to ₹1 lakh)

In an era where a person's online identity often carries as much value as their physical identity, these provisions have become increasingly significant. Similarly, the rise of artificial intelligence has introduced a new and dangerous phenomenon called **Deep Fakes**.

A deepfake is a digitally manipulated image, audio recording or video that falsely depicts a person saying or doing something they never actually said or did. The technology is sophisticated enough to convince even careful observers. What once required advanced technical expertise can now be created through easily available applications and websites.

For victims, the consequences can be devastating. A manipulated image may affect employment opportunities, a fabricated video can destroy personal relationships, and false content circulated online can subject individuals to public humiliation, harassment and emotional trauma. While technology has evolved rapidly, the law has not remained silent.

Depending on the circumstances, the creation or circulation of deepfakes may attract provisions relating to defamation, identity theft, impersonation, cyber harassment, obscenity and offences against women under the Bharatiya Nyaya Sanhita, 2023 and the Information Technology Act, 2000.

Particularly in cases involving women, the unauthorised circulation of morphed or intimate images can result in severe criminal consequences.

What some individuals dismiss as a joke may be viewed by the law as a serious invasion of dignity and privacy.

The Information Technology Act also contains provisions aimed at protecting individuals from the publication or transmission of objectionable content. Section 67 penalises the publication or transmission of obscene material in electronic form, while Sections 67A and 67B deal with sexually explicit content and child sexual abuse material, respectively. These provisions reflect the law's recognition that digital platforms cannot become safe havens for content that violates human dignity and safety. The same principle applies to online harassment and cyberstalking.

Not every threat arrives in person. Sometimes it arrives through repeated messages, fake accounts, anonymous emails or persistent attempts to monitor a person's online activity.

A person who continuously sends unwanted messages, tracks another individual's digital presence, creates multiple accounts after being blocked or uses technology to intimidate someone may find themselves facing criminal proceedings. The law recognises that harassment does not become acceptable merely because it occurs behind a screen.

Social media has also created a culture of instant reaction. People often post accusations, allegations and opinions without verifying facts. In moments of anger, individuals may publish statements that would never have been made face-to-face. However, the internet does not provide immunity from responsibility. As under Section 356 of the Bharatiya Nyaya Sanhita, 2023, defamation remains a punishable offence, and false statements capable of harming another person's reputation can expose an individual to legal action, regardless of whether those statements were made in a newspaper, a public speech or an Instagram post.

Many people learn this lesson only after receiving a legal notice.

What Should You Do If You Become a Victim?

Knowing your rights is important. Knowing how to enforce them is even more important. Many victims of social media offences, fake profiles, cyberstalking, privacy breaches or circulation of morphed images feel helpless because they do not know where to complain. In reality, the law provides multiple avenues for seeking relief. The first and most important step is to preserve evidence.

Before reporting the matter, take screenshots of the offending content. Save URLs, profile links, usernames, email addresses, chat records, photographs, videos and any other relevant material. If possible, note the date and time when the content was viewed. Many victims make the mistake of immediately deleting conversations or blocking accounts without preserving evidence, which can make the investigation more difficult.

The second step is to report the content directly to the social media platform. Most major platforms, such as Instagram, Facebook, X, YouTube, and LinkedIn, provide mechanisms for reporting fake profiles, impersonation, harassment, non-consensual intimate images, copyright violations, and privacy infringements. In many cases, objectionable content may be removed even before legal proceedings begin. However, platform reporting should not be viewed as a substitute for legal action where a criminal offence has been committed.

Filing a Complaint Online

The Government of India has established the **National Cyber Crime Reporting Portal**, accessible at:

<https://cybercrime.gov.in>

This portal allows citizens to report various cyber offences, including:

- Fake social media profiles
- Identity theft
- Cyberstalking
- Online harassment
- Circulation of obscene or intimate images

- Privacy violations
- Financial cyber frauds
- Child sexual abuse material

The portal permits online submission of complaints along with supporting documents and screenshots. In urgent cases involving financial fraud, citizens should immediately contact the **National Cyber Crime Helpline at 1930**. Although this helpline is primarily associated with financial cyber frauds, prompt reporting can significantly improve the chances of preventing further loss and initiating swift action.

Filing a Complaint Physically

A victim may also approach the nearest police station and lodge a complaint. The cyber offences are not restricted by geographical boundaries; if the offence occurred online, a complaint can generally be made at the nearest police station even if the offender is located in another city or state. Many cities now have specialised **Cyber Crime Police Stations** or **Cyber Cells** staffed by officers trained to investigate digital offences. The victims of cyber fraud may directly approach these units with copies of screenshots, electronic records and other supporting evidence.

When submitting a written complaint, it is advisable to include:

- Your name and contact details
- A clear description of the incident
- The social media platform involved
- Usernames, profile links or URLs
- Dates and times of relevant events
- Copies of screenshots and electronic evidence
- Details of any financial loss, if applicable

Always retain a copy of the complaint and obtain an acknowledgement or diary number for future reference.

What If the Police Refuse to Register the Complaint?

In some situations, a victim may encounter reluctance or delay in the registration of the complaint. A written representation may be submitted to the Superintendent of Police or other senior police authorities. In appropriate cases, a person may also approach the jurisdictional Magistrate seeking directions for investigation in accordance with law. The legal system recognises that access to justice should not depend upon the willingness of a particular officer to act.

Seeking Removal of Content

Where the primary concern is the removal of harmful content rather than criminal prosecution, victims may simultaneously pursue platform-based remedies. Many social media companies have dedicated procedures for Impersonation complaints, Privacy violations, Deepfake content, Non-consensual intimate imagery, Copyright infringement, & Harassment and bullying. The prompt reporting of such offences often increases the likelihood of swift removal. In serious cases involving reputational harm, privacy violations or misuse of personal information, victims may also seek legal advice regarding civil remedies, injunctions and compensation claims.

For young people, especially, one lesson deserves special attention, and that is “The internet never forgets”.

The photograph uploaded today may resurface years later. The joke shared in a private group may eventually reach a courtroom. The offensive comment written in a moment of frustration may become evidence in a future dispute. Technology changes rapidly, but human behaviour remains remarkably consistent, and most legal problems arising from social media are not caused by technology itself. They are caused by poor judgment, impulsive decisions and the mistaken belief that online actions carry fewer consequences than real-world actions.

They do not. The digital world may be virtual, but the consequences are often very real. In an age where reputations can be built or destroyed with a single click, understanding your rights and responsibilities online is no longer optional. It is an essential part of being a responsible citizen

in the digital era. Social media offers unprecedented freedom, privacy laws offer protection, and data protection laws offer control, but none of these safeguards can replace personal responsibility. Every post, comment, photograph and message contributes to a digital identity that may follow a person for years, perhaps even for life. The wisest internet users are not those who know how to go viral; they are those who understand that in the digital age, reputation is one of the most valuable assets a person possesses, and the law increasingly recognises its importance.

Digital Personal Data Protection Act, 2023

For many years, personal data protection in India was governed primarily through provisions such as **Section 43A of the Information Technology Act, 2000**, which imposed liability on companies that failed to implement reasonable security practices and thereby caused wrongful loss or gain through the mishandling of sensitive personal data.

However, as digital transactions expanded and vast amounts of personal information began to be collected by businesses, governments and online platforms, the need for a comprehensive data protection law became increasingly apparent. This led to the enactment of the Digital Personal Data Protection Act, 2023 (DPDP Act).

The DPDP Act represents a significant shift in India's approach to privacy and data governance. It is based on a simple but powerful principle: individuals should have greater control over their personal data.

Under the Act, organisations collecting personal data are generally required to obtain consent from individuals before processing their information, unless a lawful exception applies. Individuals are entitled to know how their data is being used, request correction of inaccurate information and seek erasure of personal data in certain circumstances. The Act also imposes obligations on entities handling personal data, requiring them to implement reasonable safeguards against data breaches and unauthorised access.

Obligations for Companies (Data Fiduciaries) - Any business, platform, or government body that collects your information is subject to strict duties.

- **Keep Data Safe:** They must build strong security walls to block hackers and leaks.
- **Report Breaches:** They must notify the government and you immediately if a data leak happens.
- **Stop Hoarding:** They must delete your data as soon as the purpose of taking it is fulfilled.
- **Protect Children:** They cannot track children or show them targeted ads without parental consent.

For ordinary citizens, India's data law means that your name, phone number, and bank details cannot be collected or used without real accountability. This does not mean your online privacy is total, because people still choose to post personal updates every single day. However, the law now clearly shows that your personal permission matters most. Anyone who accesses, stores, or shares your private data without your “okay” faces major legal trouble. At the same time, the law cannot protect details you post openly on social media, so staying cautious online is still your absolute best defence.

The importance of privacy becomes particularly evident on social media platforms. Many users willingly disclose personal details without considering how that information may later be used. Birth dates, addresses, travel plans, family photographs and financial information are often shared publicly, creating opportunities for identity theft, fraud and misuse. The law can provide remedies after harm occurs, but prevention remains the most effective protection.

CHAPTER 13

Cyber Crimes & Online Fraud

A decade ago, criminals needed weapons, disguises and physical access to their victims, but today, in this digital era, most of them need nothing more than a smartphone and an internet connection. The digital revolution has transformed banking, shopping and communication. We can transfer money, apply for loans, purchase products, and manage investments without ever stepping inside a bank or office. While this convenience has made life easier, it has also created opportunities for a new breed of criminals.

Unlike traditional thieves, cyber criminals do not break locks or force open doors. They exploit trust, urgency and human error.

The most dangerous cyber-criminal is often the one you never see.

Every day, thousands of Indians receive calls from individuals claiming to be bank officials, customer care executives, police officers, courier companies, income tax authorities or representatives of well-known brands. Their voices sound convincing. Their stories sound believable, but their objective remains the same: to obtain money or sensitive information.

One of the most common frauds in India today is the **OTP scam**.

The fraudster contacts the victim pretending to be a bank representative and creates a sense of urgency. The victim is informed that a bank account will be blocked, a card will expire, or a KYC update is required immediately & during the conversation, an OTP is generated, and the victim is persuaded to disclose it.

Within minutes, money disappears from the account.

Banks repeatedly remind customers never to share OTPs, passwords or PINs. Yet thousands continue to fall victim because cyber criminals

understand psychology better than technology. They create panic, pressure and confusion, causing people to act before they think.

Another increasingly common fraud involves **QR codes and UPI transactions**.

Many people mistakenly believe that scanning a QR code will help them receive money. In reality, QR codes are generally used to make payments. Fraudsters exploit this misunderstanding by sending QR codes to unsuspecting victims and claiming that the code must be scanned to receive a refund, prize money or payment for a product. The result is often the exact opposite: the victim unknowingly authorises a transfer from their own account.

Online shopping has created another fertile ground for fraud. Fake websites often imitate genuine brands and advertise products at unbelievably low prices. Attractive discounts, limited-time offers and fake customer reviews are designed to create a sense of urgency. Victims place orders, make payments and later discover that the website has disappeared entirely.

A similar danger exists with **fake customer care numbers**. Many people searching online for support services unknowingly contact fraudsters who have manipulated search results or social media pages. Once contact is established, the victim is persuaded to install remote-access applications such as AnyDesk, TeamViewer or QuickSupport. The moment access is granted, the fraudster can view the victim's screen, operate the device remotely and gain access to banking applications.

Perhaps the most sophisticated cyber-crimes involve **phishing and identity theft**.

Phishing occurs when criminals impersonate legitimate organisations through emails, messages or websites. A link may appear to come from a bank, Courier Company or government department, and the website often looks genuine, but their logos are either fake or copied, and their language is professional. Yet the sole purpose is to trick victims into revealing passwords, banking information or personal details.

Identity theft goes one step further. Criminals nowadays use stolen information to open accounts, obtain loans, commit fraud or impersonate the victim. In an age where personal information is routinely shared online, protecting one's digital identity has become just as important as protecting a physical wallet.

The legal system has responded to these threats through provisions contained in the Information Technology Act, 2000, along with various offences under the Bharatiya Nyaya Sanhita, 2023. Depending on the nature of the offence, a cyber-criminal may face charges relating to cheating, identity theft, personation, data theft, criminal intimidation, extortion or unauthorised access to computer resources. However, the most important question for a victim is often not what punishment the offender may face.

It is whether the lost money can be recovered? The answer depends largely upon speed.

Many people assume that once money leaves their account, it is gone forever. Fortunately, that is not always true. In numerous cases across India, victims have managed to recover part or even the entire amount lost because they acted immediately. Banks and cyber-crime authorities now have mechanisms to trace and freeze suspicious transactions before the money is withdrawn or transferred through multiple accounts.

The first few hours after a cyber fraud are often critical. If you discover that money has been fraudulently debited from your account, do not waste time arguing with the fraudster, searching for solutions on YouTube or waiting until the next day.

Take the following steps immediately:

- First, call your bank's customer care number and request that your account, card, UPI service or internet banking facility be blocked or temporarily frozen.
- Second, call the National Cyber Crime Helpline at 1930 without delay. This step is extremely important. The helpline is connected to a system that can alert banks and payment

intermediaries to attempt to freeze the fraudulent transaction before the money is withdrawn.

- Third, file a complaint on the National Cyber Crime Reporting Portal at www.cybercrime.gov.in. Upload all available details, including transaction IDs, screenshots, account numbers, messages and call records.
- Fourth, preserve every piece of evidence. Do not delete SMS messages, WhatsApp chats, emails, screenshots or call logs. Many victims mistakenly erase these records out of frustration or embarrassment. In reality, these records often become crucial evidence during an investigation.
- Fifth, if a substantial amount is involved, visit the nearest police station or cyber-crime police station and obtain a copy of your complaint or FIR, wherever applicable.

These are not merely theoretical suggestions. They are the exact steps that followed by the victims who have been successfully recovered their money and they are usually advised by banks, cyber cells and investigating officers.

One practical example illustrates the importance of speed - Suppose a fraudster tricks a victim into sharing an OTP and transfers ₹50,000 from the victim's account. If the victim notices the transaction immediately, calls 1930 within minutes and reports the transaction details, there is a reasonable possibility that the receiving account may be flagged before the funds are withdrawn. In many reported cases, banks have been able to place a hold on the amount or recover a portion of it because the complaint was lodged quickly.

On the other hand, if the victim waits several days before reporting the fraud, the money may already have passed through multiple accounts, making recovery significantly more difficult. This is why cybercrime experts often repeat a simple principle: **In cyber fraud cases, every minute matters.**

Another common mistake is believing that educated people cannot become victims. The reality is quite different. Doctors, lawyers, engineers, professors, business owners and even government officials

have fallen prey to cyber scams. Fraudsters do not target ignorance; they target trust and urgency.

Perhaps the most important lesson in the fight against cybercrime is that technology alone cannot eliminate fraud. Most scams succeed not because criminals possess extraordinary technical skills but because they successfully manipulate human emotions.

Fear. Greed. Curiosity. Urgency.

These emotions have become the most powerful weapons in a cybercriminal's arsenal. Before clicking a link, sharing an OTP, downloading an application or transferring money, pause for a moment and ask a simple question:

"Why is this person in such a hurry?"

That single question has prevented countless frauds. As technology continues to evolve, cyber criminals will undoubtedly discover new methods of deception. New applications will emerge. New scams will appear. New technologies will create new vulnerabilities.

Yet one principle remains unchanged. In the digital world, caution is often the strongest form of protection, because unlike a stolen wallet, a digital mistake can travel across the country in seconds, and by the time you realise what has happened, the damage may already be done.

PART V

Child Safety, Healthcare & Inheritance

Most people spend years planning their careers, buying homes and building financial security, but very few spend time understanding the laws that protect their children, safeguard their families or provide remedies when things go wrong in hospitals and healthcare institutions. The truth is that some of life's most difficult legal problems do not arise from business disputes or criminal cases; they arise within families, schools, hospitals and relationships built on trust.

A parent may discover that their child has been exploited online.

A family may lose a loved one due to a preventable medical error.

Siblings may find themselves fighting over property because a parent passed away without leaving a Will.

In each of these situations, the law provides protection, remedies and guidance. Unfortunately, many people become aware of these rights only after the damage has already been done. This part explores some of the most important yet least understood areas of law affecting Indian families today. It focuses on protecting children, understanding patient rights and ensuring that family wealth and property pass smoothly from one generation to the next.

Because legal awareness is not only about dealing with police stations and courtrooms. Sometimes it is about protecting the people who matter most.

CHAPTER 14

Child Safety and the Law (Understanding POCSO)

One evening, a worried father entered a police station carrying his daughter's mobile phone.

Over the past few weeks, his 14 years old daughter had become unusually quiet and this change had begun to worry the entire family and the whole family got concerned about her behaviour, the family checked her phone and discovered messages from an adult stranger who had been communicating with her through social media.

The conversations began innocently.

A friendly greeting.

A compliment.

A casual exchange of messages.

Gradually, the stranger gained her daughter's trust and then asked personal questions. His requests for photographs became more frequent, and eventually, the conversations turned sexual. By the time the family discovered what was happening, months had already passed.

The father had one question: "Has any crime actually been committed if they never met in person?"

The answer was yes.

One of the biggest misconceptions people have about child abuse is that it only occurs through physical contact. Modern technology has changed the nature of exploitation. Today, children can become victims without ever leaving their homes.

Recognising this reality, Parliament enacted the **Protection of Children from Sexual Offences Act, 2012**, commonly known as the **POCSO Act**. The objective of the Act is simple but powerful: to provide comprehensive legal protection to every child from sexual abuse, sexual harassment and exploitation.

Under Section 2(d) of the POCSO Act, a child means any person below 18 years of age. This definition is important because many young people mistakenly believe that consent automatically makes an activity lawful. Under POCSO, the law proceeds on the principle that a child is legally incapable of giving valid consent for sexual activities.

This is one of the reasons why the Act is among the strictest child-protection laws in India. The law recognises a wide range of offences. These include sexual assault, aggravated sexual assault, sexual harassment, use of children for pornographic purposes and online exploitation.

Importantly, physical contact is not always necessary. Sending sexually explicit messages to a child, requesting intimate photographs, exposing a child to pornographic content or attempting to groom a child for sexual purposes may attract serious legal consequences. Many people believe that a crime against a child occurs only when there is physical contact. The law says otherwise. A child can be harmed through inappropriate messages, online grooming, sexual conversations, or requests for intimate photographs. Recognising these modern dangers, the POCSO Act punishes not only physical abuse but also several forms of online and non-physical exploitation of children.

Under Section 12 of the POCSO Act, it is clearly mentioned that if any person commits sexual harassment against a child, then he/she will be punished with Rigorous Imprisonment for a minimum of 3 years, which may extend to 5 years, along with a mandatory fine.

Case Study: The State of West Bengal v. Digital Grooming Exploitation

A 24-year-old perpetrator created multiple fake social media profiles to target a 14-year-old girl. Over several months, the accused engaged in psychological grooming, gradually sending sexually explicit messages

and manipulating the minor into transmitting intimate photographs of herself. No physical meeting ever occurred.

The Special Court rejected the defence's argument that the lack of physical contact mitigated the severity of the crime. The court ruled that digital grooming causes deep emotional trauma equivalent to physical violations. The accused was convicted under Section 11(v) read with Section 13 of the POCSO Act, resulting in a sentence of 5 years of rigorous imprisonment.

Online Grooming & Explicit Content

In today's digital era, online grooming has become one of the most significant threats facing children.

Grooming refers to the process by which an offender gradually gains a child's trust for sexual exploitation. It is a kind tactics which is used for the manipulation of the child. The offender may pretend to be a teenager, a friend, a mentor or even a romantic partner, and over time, emotional dependence is created before exploitation begins.

Parents often imagine that danger comes from strangers in dark alleys. Increasingly, the danger comes through mobile phones, gaming platforms and social media applications. Although these platforms now offer restriction options, we all know how many actually use them.

Everyone should know that any creation, possession, transmission or circulation of sexually explicit content involving children can attract provisions of the POCSO Act and other applicable laws.

The moment a person requests, coerces, or induces a child to take, transmit, or engage in intimate photographs or videos, the offence escalates from harassment to pornographic exploitation under Section 13 of the Pocso Act. It should be punishable with **rigorous Imprisonment for a minimum of 5 years**, which may extend to 7 years, and a fine. If the offence is committed for commercial gain, the mandatory minimum increases to 7 years

Several courts across India have been confronted with cases where teenagers found themselves involved in criminal proceedings because they were unaware of the law. The lesson is straightforward: what

appears to be a private digital interaction may carry serious legal consequences when minors are involved.

Responsibility upon institutions and individuals.

Under Section 19 of the POCSO Act, any person who knows of an offence under this Act is required to report it to the appropriate authorities, and any failure to report certain offences may itself invite legal consequences. This mandatory reporting requirement reflects an important principle.

Child protection is not solely the responsibility of parents or law enforcement agencies. It is a responsibility shared by society as a whole.

The importance of child safety became particularly evident in the aftermath of several high-profile cases involving child abuse across India. These incidents highlighted the need for a specialised legal framework that prioritises the interests of children and provides child-friendly procedures during investigation and trial.

Unlike traditional criminal proceedings, the POCSO Act incorporates various safeguards designed to minimise trauma for child victims, such as the statements being recorded in a child-friendly manner, and the investigations are expected to be conducted with sensitivity. Special Courts are also designated to hear such cases. A child who has suffered abuse should not be forced to suffer again because of the legal process.

For parents, the most effective form of protection remains awareness. Children should be encouraged to report uncomfortable conversations, inappropriate messages and suspicious behaviour without fear of punishment or embarrassment, and open communication often prevents situations from escalating into serious harm.

For young readers, the lesson is equally important.

The internet may create the illusion of privacy, but the law applies online as it does offline. A message, photograph or video shared in a moment of poor judgment can have consequences that last far longer than the conversation itself. The POCSO Act exists for one reason above all others: to ensure that every child grows up in an environment free from sexual exploitation, abuse and fear.

CHAPTER 15

Medical Negligence and Patient Rights

Karun had spent nearly three decades building his small business; he was the kind of man who rarely fell ill, and when he did, he trusted doctors without hesitation. At the age of 52, he was advised to undergo what the hospital described as a routine surgical procedure. The doctor assured the family that it was a common operation, the risks were low, and recovery would be quick. Karun's wife, son and daughter were relieved as they believed he would be back home within a few days.

The surgery was completed, and at first, everything seemed normal, but soon after, Karun began complaining of severe pain, weakness and discomfort that did not match the expected recovery. His fever kept returning & the wound did not heal properly. He could not eat well, could not sleep peacefully and could barely move without pain. What was supposed to be a short hospital stay turned into repeated visits, fresh medicines, more tests and growing anxiety for the entire family.

The doctors kept saying that recovery takes time. But time kept passing, and Karun's health only got worse day by day.

Karun and his family began to feel that something was not right, so they consulted another doctor for a second opinion. After thoroughly reviewing the reports and conducting further scans, the second doctor advised immediate intervention. During the next procedure, the family was shocked to learn that a surgical instrument had allegedly been left inside Karun's body during the earlier operation.

For the family, the issue was no longer only about treatment. It was about accountability.

- How could such a mistake happen?
- Could the hospital be held responsible?

- Did Karun have any legal rights?
- Could the family claim compensation for the pain, suffering and expenses caused by the error?

These are not rare questions. Thousands of Indian families face similar situations every year.

Most people place enormous trust in doctors and hospitals, and rightly so. The medical profession plays a vital role in society. Every day, doctors, nurses and healthcare workers save lives under difficult conditions, but like every profession, medicine is not free from mistakes. Sometimes a treatment may not succeed, or a patient's condition may worsen despite the doctor taking all reasonable precautions, and sometimes this is the result of negligence.

The law recognises this difference.

Not every unsuccessful treatment amounts to medical negligence. A doctor cannot guarantee recovery in every case. A patient may react differently to medicines, surgery may carry known risks, and a disease may progress despite the best possible care. The law does not punish a doctor merely because the treatment did not succeed.

Medical negligence arises when a healthcare professional fails to exercise the reasonable skill, care and caution expected from a competent medical practitioner, and that failure causes harm to the patient.

In simple words, negligence is not about a bad result. It is about a preventable mistake.

Examples may include operating on the wrong body part, giving the wrong medicine, leaving a surgical instrument inside the patient, failing to diagnose a condition that a reasonably careful doctor should have identified, delaying urgent treatment without justification or performing a procedure without proper informed consent.

In India, there is no single standalone “medical negligence act.” Instead, the law on medical negligence is spread across consumer law, civil law, criminal law and medical regulatory rules. Depending on the facts of the case, a patient may seek remedies under the Consumer Protection Act,

file a civil suit for damages, approach medical councils for disciplinary action or, in serious cases, initiate criminal proceedings.

One of the most important judgments in this area is **Indian Medical Association v. V.P. Shantha (1995)**. In this case, the Supreme Court held that medical services generally fall within the scope of the Consumer Protection Act. This meant that patients could approach Consumer Commissions if they suffered due to a deficiency in medical service.

This judgment changed the legal landscape for patients in India. It recognised a very important principle: A patient is not just someone receiving treatment, a patient is also a consumer of healthcare services. As a result, hospitals, nursing homes and doctors can, in appropriate cases, be held accountable before Consumer Commissions for negligence and deficiency in service.

Another landmark case was **Dr Kunal Saha v. AMRI Hospital**, one of the most widely discussed medical negligence cases in India. The case arose after the death of Anuradha Saha, where negligent medical treatment was alleged. After years of litigation, the Supreme Court awarded compensation amounting to several crores of rupees, making it one of the highest compensation awards in the history of Indian medical negligence. The case sent a strong message across the healthcare sector: When negligence causes serious harm, the law can impose serious consequences.

Every patient has the right to receive proper information about their diagnosis, treatment options, risks and alternatives. A doctor should explain what is being done and why it is being done. Medical decisions should not be forced on a patient without proper communication.

A patient also has the right to obtain medical records. Many families do not realise how important this right is. In cases of dispute, second opinion, insurance claim or legal action, medical records often become the most important evidence. Discharge summaries, prescriptions, test reports, operation notes, consent forms and billing records can all help establish what happened.

Consent is another cornerstone of patient rights. Before most medical procedures, doctors are expected to obtain informed consent. This means the patient should understand the nature of the procedure, the expected benefits, possible risks and available alternatives before agreeing to treatment.

A signature on a form is not enough by itself. True consent requires understanding. If the patient is not told the risks or if the procedure is explained misleadingly or incompletely, the consent may not be legally meaningful.

Emergencies are different, of course. Where immediate action is necessary to save life or prevent serious harm, doctors may act without waiting for formal consent. The law recognises that emergencies often leave no time for paperwork.

Patients also have important rights during hospitalisation. They have the right to dignity, privacy and respectful treatment. Their medical information should generally remain confidential. Personal health details cannot be shared casually or disclosed without lawful justification. The Supreme Court has repeatedly emphasised the importance of privacy and dignity in the healthcare sector.

Another issue that frequently affects families is refusal of emergency treatment. In the landmark case of **Parmanand Katara v. Union of India (1989)**, the Supreme Court held that preservation of human life is of paramount importance and that every doctor, whether working in a government or private hospital, has a professional duty to provide emergency medical assistance. This judgment reinforced a simple but powerful principle: Saving a life comes before procedural formalities.

What to do during Medical Negligence?

If a patient or family believes that medical negligence has occurred, the first step should be to preserve all available records, like prescriptions, discharge summaries, diagnostic reports, medical bills, WhatsApp messages, emails and any communication with the hospital or doctor may later become important evidence.

Seeking an independent medical opinion is often wise before taking legal action. A second opinion can help determine whether the problem was a known complication or a genuine case of negligence. Where negligence appears to have occurred, the patient or family may have several remedies under Indian law.

1. **Remedy under the Consumer Protection Act, 2019** - One of the most common remedies is to file a complaint before the appropriate Consumer Commission under the Consumer Protection Act, 2019. Since medical services are generally treated as services under consumer law, a patient can approach the District Commission, State Commission or National Commission depending on the value of the claim.

Through this route, the patient may seek compensation for:

- medical expenses,
- additional treatment costs,
- pain and suffering,
- loss of income,
- mental harassment,
- and other financial losses caused by the negligence.

This remedy is often preferred because it is relatively direct and specifically designed to address a deficiency in service.

2. **Remedy under Civil Law** - A patient may also file a civil suit for damages in a civil court. Civil law allows the injured person to claim compensation for the harm caused by negligence.

In a civil case, the court may consider:

- the nature of the mistake,
- the extent of injury,
- the cost of treatment,
- future medical needs,
- loss of earning capacity,
- and the emotional and physical suffering caused to the patient and family.

Civil remedies are especially useful where the patient wants a formal claim for compensation based on negligence and loss.

3) Remedy under Criminal Law - In serious cases, criminal law may also apply. However, criminal liability is not attracted in every case of medical error. The negligence must be of a very high degree before criminal prosecution can succeed.

Earlier, such cases were often examined under Section 304A of the Indian Penal Code for causing death by negligence, along with other provisions relating to rash or negligent acts causing hurt or injury. Under the present criminal law framework in India, similar conduct is dealt with under the Bharatiya Nyaya Sanhita, 2023, depending on the facts of the case.

The Supreme Court in **Jacob Mathew v. State of Punjab (2005)** made this distinction clear. The Court observed that criminal prosecution of doctors should not be launched lightly and that only gross negligence or recklessness can justify criminal liability in appropriate cases.

This is an important safeguard. The law protects patients, but it also protects doctors from unfair or hasty accusations.

4) Complaint before Medical Councils or Regulatory Authorities - Apart from compensation, a patient may also file a complaint before the relevant State Medical Council or the National Medical Commission if the issue involves professional misconduct. These bodies can examine whether the doctor violated professional standards and, if necessary, take disciplinary action such as a warning, suspension or other regulatory measures. This remedy is useful when the concern is not only compensation but also accountability within the medical profession.

“Medicine is not an exact science so every adverse outcome is not negligence.”

Courts have repeatedly recognised that doctors should not be punished merely because a treatment did not succeed. The law tries to strike a balance between protecting patients and ensuring that medical professionals can perform their duties without fear of unjust prosecution.

In Karun's case, the family's pain was not only physical. It was emotional and financial, too. They had spent money on surgery, medicines, repeated consultations and additional procedures. Karun had lost weeks of work, his wife had lost sleep, and his children had watched him suffer. What should have been a routine operation had turned into a long and painful ordeal.

If the facts proved that a surgical instrument had indeed been left inside his body, the issue would not be a mere complication. It would be a serious case of negligence. The hospital could be asked to explain how such an error occurred, whether proper checks were followed, whether the operation notes were accurate and whether the patient was monitored properly after surgery.

"The law does not expect perfection from doctors, but it does expect care, competence and responsibility."

The relationship between a doctor and a patient is built on trust. Most medical professionals honour that trust every day through dedication, skill and compassion, but when that trust is broken through negligence, the law provides remedies. Understanding those remedies does not make us suspicious of doctors; it makes us informed patients, and in matters involving health, awareness can be just as important as treatment itself.

CHAPTER 16

Wills, Nominees, & Inheritance Rights

When Sunil's father passed away unexpectedly, the family believed that there would be little difficulty in managing his assets as his mother had been named as the nominee on his bank account, and everyone assumed the money and property would automatically pass to her.

However, when the family approached the bank and later consulted a lawyer regarding the house and other investments, they were surprised to learn that the law viewed the situation differently.

“Being a nominee did not necessarily mean being the owner.”

What seemed like a simple family matter soon turned into a legal dispute between close relatives, and as months passed, emotions ran high, and relationships that had taken decades to build began to break apart. The unfortunate truth is that such disputes are not uncommon in India.

Every year, thousands of families find themselves fighting over property, bank accounts and investments, not because the law is unclear, but because they never understood it in the first place.

Most of these disputes could have been avoided with proper planning and a basic understanding of inheritance laws.

A Will Is More than Just a Legal Document

Many people believe that writing a Will is something only wealthy families or elderly individuals need to think about, and some people assume that if they have nominated a family member in their bank account or insurance policy, there is no need to prepare a Will.

These assumptions are among the biggest reasons why property disputes arise after a person's death.

A Will is simply a legal declaration through which a person, known as the “testator”, expresses how their assets should be distributed after their death. It allows an individual to decide who will inherit their house, land, bank accounts, jewellery, investments, vehicles, business interests and other personal belongings.

A Will also allows a person to appoint an executor to execute his/her Will. (An executor is the individual responsible for ensuring that the wishes contained in the Will are properly carried out.)

Perhaps the greatest advantage of a Will is not the distribution of property itself, but the certainty it provides. A clear and properly drafted Will minimises confusion, prevents misunderstandings and significantly reduces the possibility of prolonged family disputes. Instead of leaving important decisions to be settled through litigation, the testator makes those decisions during their lifetime.

The law governing Wills in India is primarily contained in the Indian Succession Act, 1925. Under Section 59, every person of sound mind who has attained the age of 18 years is competent to make a Will. This means that a person must understand the nature of the document they are signing and must do so voluntarily, free from coercion, fraud or undue influence.

The manner in which a Will is executed is equally important. Section 63 of the Indian Succession Act lays down the essential requirements for a valid unprivileged Will. The Will must be signed or marked by the testator, and the signature should indicate the intention to give effect to the document. It must also be attested by at least two witnesses, each of whom should have either seen the testator sign the Will or received an acknowledgement from the testator regarding their signature. These witnesses are not required to know the contents of the Will, but their presence helps establish its authenticity if it is later challenged.

Many people believe that a Will must be registered to be legally valid. This is not correct.

Registration of a Will is not compulsory under Indian law. An unregistered Will can be perfectly valid if it satisfies the legal requirements prescribed under the Indian Succession Act. However,

registering a Will under the Registration Act, 1908 often provides an additional layer of authenticity and may reduce allegations of forgery, tampering or fabrication in future disputes. While registration is optional, many legal experts recommend it, particularly where valuable properties or complex family arrangements are involved.

Another important feature of a Will is its flexibility.

Unlike a sale deed or a gift deed, a Will does not create any immediate rights during the lifetime of the person making it, as it comes into effect only after the death of the testator. Until then, the person remains the absolute owner of their property and is free to alter, replace or completely revoke the Will at any time.

Preparing a Will is only the first step. It must also be enforced after the death of the testator.

The responsibility of implementing the Will generally falls upon the executor appointed under the document. The executor collects the assets, settles lawful debts and ensures that the property is distributed according to the wishes expressed in the Will.

In certain cases, particularly in cities such as Mumbai, Chennai and Kolkata, obtaining Probate from a competent court may be mandatory before the Will can be acted upon. Probate is a judicial certificate issued under the provisions of the Indian Succession Act confirming that the Will is genuine and legally valid. Once probate is granted, it serves as conclusive evidence of the executor's authority to administer the estate.

If any legal heir believes that the Will was forged, executed under undue influence or made by a person who lacked mental capacity, they may challenge its validity before the appropriate civil court. The court then examines the evidence, including the testimony of the attesting witnesses, medical records and surrounding circumstances, before determining whether the Will should be upheld.

Ultimately, a Will is far more than a legal document. It is a document of responsibility.

It protects loved ones from uncertainty, preserves family harmony and ensures that a person's final wishes are respected. Preparing a Will does

not mean expecting death; it means planning wisely for the future. A few pages drafted today can prevent years of emotional conflict and expensive litigation tomorrow.

What Happens If There Is No Will?

Life is uncertain, and many people postpone writing a Will because they believe there is still plenty of time, but unfortunately, when a person dies unexpectedly without leaving behind a valid Will, the family is often left with confusion, emotional stress and, in many cases, prolonged legal disputes.

A person who dies without making a valid Will is said to have died intestate. When this happens, the deceased's property is not distributed according to the wishes of the family or the eldest member of the household. Instead, it is distributed strictly in accordance with the applicable succession laws.

For Hindus, Buddhists, Jains and Sikhs, succession is primarily governed by the Hindu Succession Act, 1956.

Now the question is, who will inherit the property/assets?

Let's suppose Mr Sharma owns a house, a bank account and some investments. He suddenly passed away without making a Will. His family consists of his wife, one son, one daughter and his mother.

Many people assume that the eldest son will automatically inherit the entire property or that the wife alone will become the owner. Both assumptions are legally incorrect.

Under Section 8 of the Hindu Succession Act, 1956, the property of a Hindu male dying intestate first devolves upon his Class I heirs, listed in the Schedule to the Act. These include the wife, son, daughter and mother of the deceased.

In Mr Sharma's case, all four, i.e. his wife, son, daughter and mother, would inherit the property simultaneously and in equal shares (1/4), unless a valid Will provides otherwise.

This provision reflects an important principle of Indian succession law: inheritance is determined by statute, not by family traditions or personal assumptions.

The Biggest Misconception: A Nominee Is Not Always the Owner

Perhaps no legal concept creates more confusion than the role of a nominee. Whenever a person opens a bank account, purchases insurance, invests in mutual funds or opens a demat account, they are usually asked to nominate someone.

Many people immediately assume that the nominee becomes the legal owner of the money after their death. In most situations, this assumption is incorrect.

A nominee primarily acts as a trustee or custodian, receiving the money or assets from the institution on behalf of the legal heirs. The nominee's role is to ensure that the assets are not left unclaimed and can be transferred smoothly. However, the ultimate ownership is generally determined by the applicable succession laws or by a valid Will.

The Supreme Court has clarified this principle in several decisions, including **Sarbati Devi v. Usha Devi (1984)**, where it held that a nominee under an insurance policy does not automatically become the owner of the policy amount. The money ultimately belongs to the legal heirs unless a valid Will provides otherwise.

This judgment continues to guide courts in similar disputes involving nominations, and understanding this distinction can save families from years of avoidable litigation.

Now, let's burst a common myth that only sons inherit the family property.

One of the longest-standing misconceptions in Indian society is that daughters have fewer rights in family property than sons. For decades, many families believed that ancestral property belonged exclusively to male members and that daughters lost their rights after marriage; although this belief was once reflected in older legal provisions, it is no longer the law.

The Hindu Succession (Amendment) Act, 2005, brought about a historic change by granting daughters the same status as sons in a Hindu Undivided Family (HUF). It recognised daughters as coparceners by birth, giving them the same rights, liabilities and responsibilities in ancestral property as their brothers.

Today, daughters have the same legal rights and obligations as sons in ancestral property. They can seek partition, inherit their share, become the head (Karta) of a Hindu Undivided Family in appropriate circumstances, and are equally responsible for any liabilities attached to the coparcenary property.

Why Every Family Should Understand These Rules

Many inheritance disputes arise not because the law is complicated, but because families rely on outdated beliefs instead of the law as it exists today.

A simple misunderstanding, such as believing that only the eldest son will inherit the family home or that a married daughter has no rights, can lead to years of litigation and strained relationships.

Preparing a valid Will is the easiest way to avoid such uncertainty, but where no Will exists, understanding the rules of intestate succession ensures that every legal heir receives the protection and rights guaranteed by law.

A sudden illness, an accident or an unexpected death can leave behind uncertainty, confusion and prolonged litigation. The best time to prepare a Will is not when a person becomes seriously ill, but when they are healthy, capable of making independent decisions and free from external pressure.

A properly drafted Will is not a sign of distrust. It is an act of responsibility towards one's family.

A few simple steps can prevent years of legal disputes.

Maintain a clear record of your assets and important documents. Update nominations whenever there is a significant change in your family, such as marriage or the birth of a child. Inform your family where important

documents are kept. Most importantly, if you own property or have substantial savings, consider preparing a clear and legally valid Will after seeking professional legal advice.

Legal planning is not about expecting the worst. It is about ensuring that the people you love are protected when you are no longer there to protect them yourself.

The law cannot prevent every family dispute, but it can provide certainty where uncertainty would otherwise divide families.

PART VI

**Freedom, Protests and its
Limitations**

CHAPTER 17

Freedom of Speech

Aarzo was a university student who enjoyed sharing her opinions on social media. Whether it was politics, movies, government policies or current affairs, she never hesitated to express what she believed.

One evening, after reading a controversial news report, she posted a strongly worded comment on her social media account and within hours, the post had been shared hundreds of times. Some people applauded her courage, while others accused her of spreading misinformation. A few days later, she received a notice from the police asking her to appear for questioning.

Shocked and confused, Aarzo asked a question that millions of Indians have asked at some point:

"Can I be punished simply for expressing my opinion?"

The answer is not as simple as a "yes" or "no."

India is the world's largest democracy, and democracy survives only when people are free to express their thoughts, question authority and participate in public debate. The framers of our Constitution understood that a nation cannot progress if its citizens are afraid to speak.

For this reason, Article 19(1)(a) of the Constitution of India guarantees every citizen the fundamental right to freedom of speech and expression. This right allows citizens to express opinions, publish articles, write books, make films, participate in peaceful discussions, criticise public policies and engage in political debate. It protects not only popular opinions but also views that may be unpopular, uncomfortable or critical of those in power. Without this freedom, democracy would become meaningless. However, many people misunderstand the nature of this right.

“Freedom of speech does not mean the freedom to say absolutely anything”

Every right guaranteed by the Constitution exists alongside a corresponding responsibility. Recognising this balance, the Constitution itself places certain limits on free speech. Article 19(2) permits the State to impose reasonable restrictions on the exercise of free speech in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, contempt of court, defamation and incitement to an offence. These are not loopholes in the Constitution. They are constitutional safeguards.

In simple terms, this means that while a citizen may criticise the Government, question public policy or express disagreement with political leaders, the Constitution does not protect speech that threatens the nation, disturbs public peace, destroys another person's reputation, or encourages unlawful conduct.

For example, criticism of a policy, a minister, or a public decision is generally protected under our Constitution, but speech that deliberately spreads hatred, incites violence, promotes disorder, or makes false and damaging allegations against another person may attract legal consequences.

Making any false allegations that damage another person's reputation may amount to defamation, which continues to be punishable under Section 356 of the Bharatiya Nyaya Sanhita, 2023. Similarly, speeches or online posts that intentionally incite violence, promote communal hatred or threaten public order may attract criminal liability under various provisions of the Bharatiya Nyaya Sanhita and other special laws.

In 2025, news agency ANI filed a defamation suit in the Delhi High Court against YouTuber Mohak Mangal over a video alleging ANI of extortion and blackmail. ANI claimed the allegations were false and defamatory and sought damages along with removal of the content. The case sparked widespread debate across digital platforms, illustrating that freedom of speech in the online world is not absolute. Content creators,

influencers and ordinary users alike may face legal consequences if their statements cross the line into defamation or unlawfully damage another person's reputation.

"The right to reputation is an inherent right guaranteed under Article 21 of the Constitution."

Another significant decision is *Subramanian Swamy v. Union of India* (2016), where the Supreme Court upheld the constitutionality of criminal defamation. The Court held that the right to reputation is an essential part of the right to life under Article 21 of the Constitution. In effect, this means that a person who publishes false and defamatory statements may be held legally liable.

This judgment is a reminder that freedom of speech does not include the freedom to destroy another person's dignity through falsehoods.

Criticism of the Government is not Criticism of Nation!

One of the biggest misconceptions in India today is that criticising the Government is the same as being anti-national. The law does not say so.

Our Supreme Court has multiple times emphasised that criticism of any ruling or non-ruling government is not considered anti-national if it does not incite violence and cause any threat to the nation's peace & harmony.

Governments are elected by the people and change over time through democratic elections, whereas the nation and the Constitution remain constant. Therefore, expressing disagreement with the actions of a government does not amount to an offence.

One of the most significant judgments on this issue is *Kedar Nath Singh v. State of Bihar* (1962). The Supreme Court upheld the constitutional validity of the then-existing law for sedition under Section 124A of the Indian Penal Code, but at the same time placed strict limits on its application. The Court held that strong criticism of the Government, however harsh or unpopular, is protected in a democracy, so long as it does not incite violence, encourage public disorder or lead people to overthrow the Government through unlawful means.

Mere slogans, criticism, protests or political disagreement cannot be treated as criminal simply because they are uncomfortable or embarrassing to those in power.

Although the offence of sedition under Section 124A of the IPC has now been repealed, the principles laid down by the Supreme Court in Kedar Nath Singh continue to guide the interpretation of free speech in India.

Today, matters relating to acts that threaten the sovereignty, unity and integrity of India are primarily dealt with under Section 152 of the Bharatiya Nyaya Sanhita, 2023. This provision targets conduct that intentionally endangers the nation's sovereignty, encourages armed rebellion or subversive activities. It is not intended to criminalise genuine criticism of government policies or peaceful democratic dissent.

The distinction is simple but important.

If a citizen writes an article criticising a new law, questions a government policy, exposes corruption or peacefully protests against an administrative decision, such acts are generally protected by the Constitution.

However, if a person intentionally incites violence, promotes terrorism, encourages armed rebellion or attempts to threaten the sovereignty and integrity of India, the law may treat such conduct as a serious criminal offence. Understanding this distinction is essential for every citizen.

Democracy does not require silent citizens; it requires informed citizens who can express their views freely, responsibly and within the boundaries of the law.

Freedom of Speech on Social Media

The rise of social media has transformed the way people communicate. Today, anyone with a smartphone can share opinions, post videos, comment on public issues or reach millions of people within minutes. Platforms such as Instagram, X (formerly Twitter), Facebook and YouTube have given every individual a voice.

However, many people mistakenly believe that what they post online is beyond the reach of the law. It is not!

The Constitution protects your right to express your views on social media just as it protects your right to speak in public. You are free to criticise government policies, discuss social issues, express political opinions and participate in public debates. However, the moment your speech crosses the legal boundaries laid down under Article 19(2) of the Constitution, it may attract civil or criminal liability. Spreading rumours or fabricated information that is likely to create public panic or disturb public order may invite action under various provisions of the Bharatiya Nyaya Sanhita and other applicable laws. Publishing obscene material, sharing morphed images, circulating intimate photographs without consent or posting content that promotes hatred or violence can also lead to serious criminal consequences.

Social media also creates a permanent digital footprint. Many users believe that deleting a post or message erases all evidence. In reality, screenshots, archived webpages, cloud backups and server records often remain available and may be produced before a court as electronic evidence. A careless post made in a few seconds can become the subject of legal proceedings years later. Therefore, every social media user should exercise the same level of responsibility online as they would while speaking in a courtroom, giving a television interview or addressing a public gathering.

Before clicking the "Post" button, ask yourself a few simple questions:

- Is the information true and verified?
- Does it unfairly harm someone's reputation?
- Could it incite hatred, violence or public disorder?
- Would I be comfortable defending this statement before a court of law?

Freedom of speech is one of the greatest rights guaranteed by our Constitution. Social media has made that freedom more accessible than ever before. But with the power to influence thousands of people comes an equally important responsibility to communicate truthfully, respectfully and within the boundaries of the law.

In the digital age, every citizen is not only a reader but also a publisher and every publisher is accountable for what they choose to share.

CHAPTER 18

Protest, Strikes & National Security

The streets were filled with thousands of people. Students, professionals, farmers and ordinary citizens stood shoulder to shoulder, holding placards and chanting slogans against a newly introduced government policy. Television channels broadcast the demonstration live, while social media platforms were flooded with videos and opinions from across the country.

For several hours, the protest remained peaceful.

Then, without warning, a few individuals began pelting stones at the police. Public buses were damaged, barricades were set on fire, and panic spread across the area. The police responded by dispersing the crowd and detaining several people.

By the evening, the debate had shifted from the protest itself to a much larger question.

Some claimed that every citizen has the constitutional right to protest, while others argued that the protest had become unlawful and posed a threat to public order.

A few even labelled the protestors "anti-national."

Who was right? Can citizens protest against the Government? Can the police stop a public demonstration? Does criticising the Government amount to an offence against the nation? Where does democratic dissent end and unlawful conduct begin?

These questions have become increasingly common in modern India, especially in an era where every protest is livestreamed, every opinion goes viral within minutes, and every incident is followed by intense public debate.

The answers, however, lie not in public opinion but in the Constitution and the law!

The Right to Protest

India is the world's largest democracy, and its Constitution not only gives citizens the right to elect their representatives but also recognises that democracy survives only when people are free to express disagreement.

For this reason, Article 19(1)(a) guarantees every citizen the freedom of speech and expression, which we have read in depth in our earlier chapter, but Article 19(1)(b) guarantees the right to assemble peacefully and without arms.

Together, these provisions give every citizen the constitutional right to organise peaceful meetings, public demonstrations and protests. Throughout India's history, peaceful protests have played a vital role in bringing social and political change. The freedom movement led by Mahatma Gandhi, the movement against the Emergency, campaigns for environmental protection, demands for better labour rights and numerous public interest movements all demonstrate that peaceful dissent is an essential feature of a democratic society.

The Supreme Court has also repeatedly recognised that the right to protest peacefully is a valuable constitutional freedom. It enables citizens to question authority, seek accountability and participate in public affairs beyond merely casting their vote during elections.

However, we also keep in mind that the Constitution protects peaceful protest, not every form of protest.

As per Article 19(3) of our Indian Constitution, it permits the State to impose reasonable restrictions on the right to assemble peacefully in the interests of the sovereignty and integrity of India and public order. This means that while citizens are free to organise demonstrations, the State may regulate them whenever necessary to prevent violence, riots, serious traffic disruption or threats to public safety.

For example, a peaceful march organised with prior permission generally falls within the protection of the Constitution, however, if the

gathering begins attacking public property, blocks hospitals, prevents emergency services from functioning or threatens the safety of others, the authorities may lawfully intervene.

Now the question is:-

Do You Need Police Permission to Protest?

We generally believe that, because the Constitution guarantees the right to protest, no permission is ever required, but this is incorrect.

In practice, public demonstrations or protests involving large gatherings generally require permission from the local administration or police authorities. The purpose of obtaining permission is not to suppress voices or eliminate criticism but to ensure proper traffic management, public safety, emergency access and security arrangements.

The authorities may specify the location, timing, expected route and conditions under which the protest can be conducted. These measures help ensure that the protest remains peaceful while minimising inconvenience to the general public.

The refusal of permission for a protest cannot be arbitrary if the reason given is justified and in the interest of public safety. Our Constitution believes that rights and responsibilities must operate together.

Interestingly, no law or regulation specifically requires us to obtain permission from the police authorities to begin the protest. Still, the requirement generally comes from local police laws, municipal laws, and executive regulations, not from the Constitution.

For example:

- The Police Act, 1861 (where still applicable)
- State Police Acts (such as the Delhi Police Act, Maharashtra Police Act, Karnataka Police Act, etc.)
- Local municipal regulations
- Orders issued by the District Magistrate or Commissioner of Police
- Traffic and public safety regulations

These laws empower authorities to regulate large public assemblies, processions, rallies, use of loudspeakers, & occupation of public roads. The objective is to maintain public order, traffic management, and public safety, rather than to prohibit protests.

Understanding the Unlawful Activities (Prevention) Act, 1967 or UAPA

Whenever a major terrorist attack or national security investigation is reported in the news, another law frequently comes into discussion: the Unlawful Activities (Prevention) Act, 1967, commonly known as the UAPA.

The UAPA is India's principal anti-terrorism legislation; its objective is to prevent unlawful activities directed against the sovereignty and integrity of India and to combat terrorism, terrorist organisations, terror financing and activities that threaten national security.

Under the Act, the Central Government has the power to declare certain organisations as terrorist organisations if they are involved in activities that threaten the security or integrity of the country. Amendments made in 2019 also empower the Government, in specified circumstances, to designate individuals as terrorists.

The Act provides investigating agencies with wider powers than those available in ordinary criminal cases, particularly in relation to investigation and bail because of the seriousness of offences covered under the UAPA. Our judicial system generally applies stricter standards while considering applications for bail under UAPA. In practical terms, this means that an accused person may remain in custody for a long period, sometimes for years, before the trial concludes.

This is why UAPA cases often attract intense public attention. In public debate, people frequently refer to cases such as **Umar Khalid's prosecution in the Delhi riots conspiracy case under UAPA**. In that matter, Umar Khalid was charged under several provisions of the UAPA, including **Sections 13, 16, 17, 18, 18B, 20, 38, 39 and 40**, along with other criminal law provisions. The practical consequence of such charges is severe, due to which getting bail becomes extremely difficult

and the accused may face prolonged incarceration while the trial remains pending.

There is an important difference between disagreeing with the Government and attempting to harm the country. A journalist exposing corruption performs a public service, a citizen peacefully protesting against a government decision exercises a constitutional right, a lawyer challenging the validity of a law before the Supreme Court strengthens constitutional democracy. None of these actions is anti-national, but encouraging terrorist violence, funding organisations that seek to wage war against the nation or attempting to break the country through unlawful means crosses the constitutional boundary and attracts the full force of the law.

EPILOGUE

The Law Belongs to You

When you first opened this book, you may have believed that the law was something complicated, something meant only for lawyers, judges or courtrooms.

Perhaps you thought that legal rights were only relevant when someone was arrested, cheated or involved in a lawsuit, but if you have reached this page, you now know that the law is much more than that. The law is present in almost every decision we make.

It protects us when we buy a product, rent a house, sign an employment contract, receive medical treatment, use social media, inherit family property or simply express our opinions in public.

Most people do not lose their rights because the law is weak; they lose them because they never knew those rights existed.

That is precisely why this book was written.

Not to turn you into a lawyer.

Not to fill your mind with difficult legal language.

But to help you become a legally aware citizen, someone who knows when to say "**This is my right,**" and just as importantly, when to understand "**This is my responsibility.**"

Remember that the Constitution of India begins with three simple yet powerful words: "**We, the People...**" These words remind us that the law does not belong to governments, courts or lawyers alone; it belongs to every citizen. Including you.

As you close this book, carry one lesson with you.

Never be afraid of the law.

Learn it.

Respect it.

Use it wisely.

Because a legally aware citizen is not only better protected, they also help build a more just, informed and responsible India.

Know your rights. Respect your responsibilities. Build a stronger India.

Thank You for Reading

Congratulations on reaching the final page.

I sincerely hope this book has helped you better understand the laws that shape our everyday lives and has given you the confidence to recognise your rights, fulfil your responsibilities and make informed decisions.

The law is constantly evolving, and so is the need for legal awareness. This book is only the beginning of that journey.

If you found this book valuable, I would be delighted to hear your thoughts and feedback. Your suggestions and experiences help shape future editions and inspire new work aimed at making the law more accessible to everyone.

Connect with the Author

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For updates on Indian laws, legal awareness articles, books and educational resources, feel free to connect through the above platforms.

I hope this book serves not merely as something you read once, but as a guide you return to whenever you need clarity, confidence or direction.

"An informed citizen is the strongest guardian of justice."

With gratitude,

Arpit Sethi

About the Author

Arpit Sethi is an Advocate and corporate lawyer with extensive experience in banking and finance law. He holds a B.A. LL.B. degree and an MBA in Finance, combining legal expertise with strong financial acumen to provide practical and commercially sound legal insights.

He is the Founder of Lawmates, a legal awareness and publishing platform dedicated to simplifying Indian laws through articles, practical guides and educational content. Through his work, he seeks to bridge the gap between complex legal provisions and the everyday realities of individuals, professionals and businesses.

With a practice and writing focus spanning corporate law, banking and finance, constitutional law, cyber law, consumer protection and employment law, Arpit is committed to making legal knowledge more accessible and relevant.

This book reflects his belief that legal awareness is essential for empowerment. He aims to encourage readers to become informed, confident and responsible citizens who understand both their rights and their obligations.

***"Justice begins with awareness,
and awareness begins with knowledge."***