**NEEDS ASSESSMENT: Direct Questions**

**Consumer Protection Act 1986**

* What is the pecuniary jurisdiction of District Forum and the State Commission?
* Where does an appeal lie against the order of District Forum? What is the time limit for making such appeal?
* While filing a complaint at the State Commission, what all has to be considered in respect of the territorial jurisdiction of the commission?
* What is the limitation period within which a complaint has to be filed at District forum or State or National Commission?

**Legal Service Authority Act 1987**

* . What are the functions of District authority, State Authority and the Taluka legal service committee?
* . What are the criteria mentioned for the persons entitled of legal service under this Act?
* . Whether the Act requires making of affidavit as to the income of the people claiming right to legal service under this Act?
* . On what circumstances a case is referred to Lok Adalat under Section 20 of the Act?
* . What are the responsibilities and powers of a Lok Adalat under Section 20 of the Act?
* What is the legal binding force of the award of a Lok Adalat?

Law of Arrest and Detention

* What are the rights of the detainee under the Constitution of India ?
* What is the maximum time period for which an arrested person can be detained in the police custody in the absence of a special order of Magistrate?
* Which section of the law gives the police the power to arrest?
* Can a person be arrested at any time of the day?
* What procedure has to be followed by the police before arresting a person without warrant?
* Which court can issue a warrant?
* What is the procedure to be followed at the time of arrest? What records have to be made?
* Who can grant bail after arrest?

The Contract Labour (Regulation and Abolition) Act 1970

* Which are the establishments to which the Act applies to?
* Which workmen are deemed to be employed as “contract labour”?
* Who is a principal employer in relation to a factory, a mine, an office or department of Government?
* What is the penalty and punishment mentioned under Contract Labour (Regulation and Abolition) Act 1970?
* If it is an offence by a company, who all shall be deemed to be guilty and held liable for the same?
* What are the records which shall be mentioned in the form of register by the principal employer and contractor?

Dowry Prohibition Act, 1961

* Sukharam and Neelam had an arranged marriage, in which amount of Rs. 5lakhs was to be given to the Groom’s family. However, on the day of the wedding, the Bride’s family was only able to arrange half the amount and after many assurances from the Bride’s father, the wedding went ahead. Soon after Neelam had moved into her in-laws house, she would constantly complain of harassment from the Groom’s family regarding her family’s inability to pay the balance amount. One day Neelam’s Father got a call from his Son-in-law saying that Neelam had suffered from an accident and on reaching found that his daughter had burnt to death in the Kitchen and there was no clear explanation from the in-laws. On the advice of a friend, he filed a complaint for Dowry Death. The questions to consider are:
* Q.>What is Dowry?
* Q.>What is the Penalty for giving or taking dowry?
* Q.>Who can take cognizance of an offence under this act?
* Q.>Who has the burden of Proof in this case?
* Q.> What are the essential ingredients for invoking section on dowry death in IPC (304-B)
  + - * + FIR
* Who can Lodge an FIR?
* What is the Procedure for filing an FIR?
* What can you do if your FIR is not registered?
* Ramu went to the Police station with a complaint that his son had lost his pencil while coming back from school and wanted to file an FIR for the same, which the police refused to do. Was the action of the police authorities justified?
* Are there any separate provisions for women with respect to FIR? If so please describe the procedure under the same.

**Rape and Sexual harassment.**

* When is rape said to be committed?
* What are the exemptions to section 375, if any?
* What is the punishment prescribed for the criminal offence of rape?
* What constitutes Sexual Harassment as per section 354 of IPC, is the punishment prescribed for sexual harassment under this section**?** .What are the other categories of sexual harassment listed as separate offences?

**Section 498 A IPC**

* What are the basic essentials that must be met to attract this section?
* What is the nature of the offence under this section?
* How is this section different from section 4 of Dowry Prohibition Act?

**PWDVA**

* Are minors entitled to relief under this law?
* Who can a woman complain against?
* Can a mother-in-law file an application for relief against daughter in law?
* What evidence is needed to prove “Verbal and emotional abuse” or sexual abuse?
* Can a woman claim custody over her children under PWDVA?

**PROPERTY RIGHTS OF HINDU AND MUSLIM WOMEN**

**HINDU MARRIAGE ACT**

* What is the common legal remedy available for a woman to claim maintenance?
* If the woman is Hindu, what additional remedy is available?
* If the woman is Muslim, what additional remedy is available and from whom can she claim maintenance?
* Does a woman has to be married in order to claim maintenance? If a woman is employed and earning, can she still claim maintenance?
* Can a male person claim maintenance? If so, in what circumstances and from whom?
* Before what court will you file proceedings for claiming maintenance? Who all have to be impleaded as respondents?
* What is marital property? How does it differ in case of Hindu and Muslim women?
* Does a Hindu woman have a right to claim joint family property?
* What are the essential requirements of a marriage under the Hindu Marriage Act?

**Adivasi Rights**

* What is the eligibility criteria for claimants who do not belong to the Scheduled Tribes category under the FRA? Additionally differentiate between proof of residence and proof of occupation.
* Is FRA applicable in National Parks and Sanctuaries? How is it compatible with the conservation policy of the state?
* Ownership rights over tendu, bamboo (which are nationalized forest produce) are to be conferred to claimants belonging to which category? Identify the relevant legislation/s.
* Which body has the authority to regulate transit permit for MFPs where rights under Act have been recognized?

MahatmaGandhi National Rural Employment Guarantee Act.

* What is the procedure for registration and obtaining job cards?
* What is the procedure for obtaining employment under the Act?
* Who are the relevant authorities for conducting social audit under MGNREGA?

**Right to Education**

* How has the Right of Children to Free and Compulsory Education Act, 2009 ensured participation of non-state actors in school monitoring and decision making?
* What are the requirements regarding the physical infrastructure and other resources?
* What are the areas or limits of neighborhood within which a school has to be established by the State government?
* How has the act contemplated ensuring the quality of education? Identify the provisions in the Act which correspond to the same.

The ChasiMulia Adivasi Sangh (CMAS) is an adivasi organisation based in the Koraput and Kalahandi districts of Odisha. The organisation was active in advocating causes related to adivasi rights, particularly with regard to recognition of forest rights of traditional forest dwellers. In 2011, CMAS was declared to be an unlawful organisation under the Unlawful Activities Prevention Act, 1967 (UAPA). After this, the group disbanded in public and many of its leaders went underground.

Wilson, a journalist with a local Odia-language magazine, was one of the leaders of CMAS who remained active in public life and started a new group, the Koraput Adivasi Manch (KAM) which works towards similar objectives at CMAS, although it is not registered. He is a victim of polio and moves around in a wheelchair. Through his writing in the magazine and elsewhere, he has expressed a public stance on many issues, including being a strong advocate of rights of adivasis and persons with disabilities. In the recent years, he has written several articles in the newspapers where he has strongly condemned large scale displacement of people, particularly adivasis, for industrial projects and suggested that if the state uses violence against its people, the people will be forced to take up arms.

As a former member of CMAS, Wilson is under constant police surveillance as he is believed to be a “Maoist sympathiser” and is suspected of maintaining connections with his former comrades who have gone underground. On December 24, 2014, he was at the weekly haat in the village of Kotpar, near the Chhattisgarh border, where a large number of people were present on account of the upcoming Christmas festival. While he was talking to a group of people, a number of police commandos swooped down upon him and took him away in a jeep along with his bags. He was taken across the border to the Jagdalpur police station in Chhattisgarh, where was informed that he was in possession of “Maoist literature” and was being arrested under sections 20 r/w sections 38 & 39 of the UAPA. He was produced before the Judicial Magistrate First Class (JMFC), Jagdalpur on August 16 and remanded to 30 days in police custody. During this period, he is interrogated several times and denied food regularly. The police station where he is detained did not have facilities to accomodate a wheelchair and Dr. Wilson was put to extreme hardship each day even for basic activities. On January 23, 2015 he was again produced before the Magistrate who remanded him to another 30 days of judicial custody. He was sent to the Bastar Central Jail in Jagdalpur which also did not have the facilities to accommodate a wheelchair. He moved an application for bail before the Magistrate under section 437 of the Cr.P.C., but the Magistrate denied him bail as “the offence was of a serious nature”.

You are approached by Wilson's elderly father, who is fully dependent on his son, to secure bail for him from a higher court. Wilson's father believes that the charges against Wilson are fabricated and he is being targeted as a Maoist sympathiser. You are also given a copy of Wilson's medical reports which indicate that his health is deteriorating and hospitalisation is advised.

*Draft a bail application for Wilson. Which court will you approach for bail? Mention clearly the provisions of law and the grounds on which you seek bail for him.*