

Legal issues arising during pandemic: FAQs

[Video Link](#)

National Legal Services Authority

Q 1. The area where I live is declared as a containment zone. My father lives alone in an area which is 15 kms away. Since he is not keeping well, I wish to visit him. What should I do?

Ans: The instructions regarding the containment zones may vary from State to State. In such a scenario, you may contact the District Administration on their helpline number. The National Corona Helpline number is 1075. Corona-virus Helpline Numbers of States and UTs are available at <https://www.mohfw.gov.in/pdf/coronavirushelplinenumber.pdf> . In case you have any difficulty in getting connected to district administration you may contact nearest District Legal Services Authority (DLSA). You can call at National Legal Aid helpline no. 15100. DLSA will assist you in getting connected to the District Administration.

Q 2. Will I be penalized, if I break the lockdown?

Ans: All lockdown advisories should be followed with utmost seriousness. The police can take punitive action against you if they feel your actions are endangering the lives or disrupting the law. Relevant sections of Epidemic Act, 1897, [Disaster Management Act, 2005](#) and Indian Penal Code can be invoked by police in case of breach of any instructions.

Q 3. Am I entitled to get legal assistance if I am arrested by the police during the lockdown?

Ans. Yes, you have a right to legal assistance if you are arrested during the lockdown or even during normal times. Section 41 D of the Code of Criminal Procedure provides you with that right. In case you want free legal aid and assistance, you can ask the police to connect you to the District Legal Services Authority or its deputed panel lawyer. You can call at the National Legal Aid helpline no, 15100 or [email at nalsa-dla@nic.in](mailto:nalsa-dla@nic.in) or submit an online application through the portal nalsa.gov.in for free legal assistance.

Q 4 If I am arrested on breaking the lockdown and charged under Section 188 IPC, can I be released on bail in the Police Station itself?

Ans: Section 188 IPC is a bailable offence. If you are arrested for a bailable offence, the police can immediately release you on furnishing of surety. You are not required to be produced in court. Non-bailable offences are of a more serious type, which invoke higher punishment. In such cases, the police does not have the power to grant bail. However, even in these cases, when the accused person is produced before the magistrate, he/she has a right to file an application for bail, and the magistrate has the power to grant him/her bail. If he/she does not have a lawyer the person is entitled to legal aid for the purpose of making this application.

Q5. If I am arrested and produced before a Magistrate by police for seeking remand, and I cannot afford a lawyer then what shall I do?

Ans. In such a case, a Remand lawyer deputed by the District Legal Services can represent you before the magistrate free of cost. He may also file bail application on your behalf.

Q 6. My case is pending in the court. I was provided with a legal aid lawyer. I do not know as to what has happened to my case during the lockdown period. What shall I do ?

Ans: You can contact your legal aid lawyer to know about the status of your case. You can also contact the office of DLSA. If you do not get any response, you can call at the National Legal Aid helpline no, 15100 or [email at nalsa-dla@nic.in](mailto:nalsa-dla@nic.in) or submit an online application through the portal nalsa.gov.in for free legal assistance.

Q 7: I have a legal problem, and due to the lockdown I do not know how to get legal advice and assistance. What shall I do?

Ans: Legal Services Authorities provide free legal aid and advice to certain categories of persons including women, children, persons in custody, SC/ST, persons suffering from disabilities, industrial workmen. You can contact the nearest District Legal Services Authority for seeking legal aid and advice. You can call at the National Legal Aid helpline no, 15100 or [email at nalsa-dla@nic.in](mailto:nalsa-dla@nic.in) or submit an online application through the portal nalsa.gov.in for free legal assistance.

Domestic Violence and Related problems

Q 8. I am a woman, and is being subjected to physical abuse during lockdown. In such a case whom should I approach to file a complaint under the Domestic Violence Act?

Ans You can contact the Protection Officer, or the office of District Legal Services Authority to help you in approaching the court to protect your rights. During lockdown also Duty Magistrate remains present in the Court. An application under Domestic Violence Act can be filed for protection orders and other appropriate orders before the Duty Magistrate. Being a women, you are entitled to free legal aid. You can contact the nearest District Legal Services Authority. You can call at the National Legal Aid helpline no, 15100 or [email at nalsa-dla@nic.in](mailto:nalsa-dla@nic.in) or submit an online application through the portal nalsa.gov.in for free legal assistance.

Q 9. I am a married woman, and during lockdown, I am being repeatedly threatened to be expelled from my matrimonial home. What can I do?

Ans: If there is an apprehension that you will be thrown out of this house, you must approach a magistrate's court under the provisions of the Domestic Violence Act and obtain an order of injunction to restrain your husband or his family members from dispossessing you (throwing you out) from your matrimonial home (Ss.17, 19 of DV Act). During lockdown period also, Duty Magistrate remains present in court for urgent matters. The court can also ask the respondent to provide alternative accommodation if you do not want to return to a violent home. You can contact the nearest District Legal Services Authority for legal aid and assistance. You can call at the National Legal Aid helpline no, 15100 or [email at nalsa-dla@nic.in](mailto:email_at_nalsa-dla@nic.in) or submit an online application through the portal nalsa.gov.in for free legal assistance.

Q10. I am being humiliated by my in-laws as I have 3 female children. Abusive and derogatory words are used. This has increased during the lockdown period. What should I do?

Ans. You can file a complaint even for emotional abuse such as abusing, using derogative words, demanding dowry, humiliating etc. for the reason that you do not have a male child. This can also be filed for sexual abuse and economic abuse. You can contact the Protection Officer or the nearest District Legal Services Authority for assistance. During lockdown period also, Duty Magistrate remains present in court for urgent matters. You can contact the nearest District Legal Services Authority for legal aid and assistance. You can call at the National Legal Aid helpline no, 15100 or [e-mail at nalsa-dla@nic.in](mailto:nalsa-dla@nic.in) or submit an online application through the portal nalsa.gov.in for free legal assistance.

Q 11 What will happen if my family members violate the orders passed by the magistrate?

Ans. In the event that the husband or his family members violate order they will be liable for punishment under the Domestic Violence Act. (S.31 of DV Act). The matter can be brought before the Duty Magistrate even during lockdown period.

Q 12. I have taken a divorce, but I have not remarried. I do not have any earnings to maintain myself. During lockdown, the position has worsened. What shall I do?

Ans. Even after divorce, if you have not received a lump sum amount as final settlement, you can claim maintenance from your husband until you remarry. A petition during lockdown also can be filed before the Duty Magistrate. You can contact the nearest District Legal Services Authority for legal aid and assistance. You can call at the National Legal Aid helpline no, 15100 or [email at nalsa-dla@nic.in](mailto:nalsa-dla@nic.in) or submit an online application through the portal nalsa.gov.in for free legal assistance.

Limitation period during Lockdown

Q13. I have to file a case for recovery of money against rendering my services, but the limitation period prescribed for filing the case has expired during the lockdown period? Now what can be done?

Ans. You can file a case if the limitation period has expired during the lockdown period. The Hon'ble Supreme Court of India vide order dated 23/3/2020 passed in suo motu writ petition no. 3/2020 held that a period of Limitation in all such proceedings, irrespective of limitation prescribed under the general law and the Special law whether condonable or not shall extend w.e.f from 15th March till further order to be passed by the Supreme Court of India.

Stranded People, Non payment of wages and tenants

Q 14. I am a girl, living alone at a paying guest facility. I want to go to my house in the another State where my old aged parents are staying alone to take care of them. How can I go during lockdown period?

Ans. You have to contact the District administration, and explain to them the circumstances. Some of the States are entertaining online applications for issuance of travelling pass. In case of any difficulty in getting access to the District administration, you can contact the nearest District Legal Services Authority. You can call at the National Legal Aid helpline no, 15100 or [email at nalsa-dla@nic.in](mailto:nalsa-dla@nic.in). Legal Services Authority may help in bringing your case before the district administration, but ultimate decision of issuance of travelling pass is to be taken by the district administration.

Q 15. I am a migrant labourer. My employer is not paying me wages for the work done by me before the lockdown ?

Ans. You are entitled to get wages or monthly salary, as the case may be, for the work done by you. In case your employer denies it then you can get a legal notice issues to him. If after legal notice, he does not pay then legal proceedings can be started such as a civil suit against him. In case you require free legal aid, advice and assistance you can contact the office of the nearest District Legal Services Authority. You can call at the National Legal Aid helpline no, 15100 or [email at nalsa-dla@nic.in](mailto:nalsa-dla@nic.in) or submit an online application through the portal nalsa.gov.in.

Q16 I am a tenant. Due to lockdown I have not gone for work and hence do not have money to pay rent to the landlord. He is asking me to vacate the premises?

Ans. Many State governments have issued the advisories that tenants be not be evicted by the landlords for a particular period due to lock down. Advisories/ Instructions vary from State to State. In such a scenario, you have to contact the District administration. In case of legal aid and assistance, you can contact the office of the nearest District Legal Services Authority. You can call at the National Legal Aid helpline no, 15100 or [email at nalsa-dla@nic.in](mailto:nalsa-dla@nic.in) or submit an online application through the portal nalsa.gov.in.

Senior Citizens

Q17. I am 63 years old, and have been abandoned by my children during lockdown. What shall I do?

Ans. Under Section 24 of Maintenance and Welfare of Parents and Senior Citizens Act, 2007, if anybody who is having the care or protection of a senior citizen leaves him/her in any place, with the intention of wholly abandoning him/her, such person shall be punishable under the Act with imprisonment of either three months or fine upto Rs. 5,000 or both. To get free legal aid and assistance, you can contact the office of the nearest District Legal Services Authority. You can call at the National Legal Aid helpline no, 15100 or [email at nalsa-dla@nic.in](mailto:email@nalsa-dla@nic.in) or submit an online application through the portal nalsa.gov.in.

Q 18. I am a Childless senior citizen , aged 70 years, I am unable to maintain myself from my earning and property, and this position has worsened during the lockdown period. What shall I do?

Ans. Being a childless senior citizen, if you are unable to maintain yourself from your earning and property, you can claim maintenance under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 from the relative who:-

- | | |
|-----|---------------------------------------------------------------|
| (a) | is not minor; and |
| (b) | is in possession of property of Senior Citizen; or |
| (c) | would inherit the property of senior citizen after his death. |

To get free legal aid and assistance, you can contact the office of the nearest District Legal Services Authority. You can call at the National Legal Aid helpline no, 15100 or [email at nalsa-dla@nic.in](mailto:nalsa-dla@nic.in) or submit an online application through the portal nalsa.gov.in.

Impact on Contracts

Q 19. Under a Contract, I have to manufacture certain items, and have them delivered within the timelines mentioned in the contract. However, due to the supply chain disruption due to lockdown, I am unable to get the raw material and fulfill my contractual obligation. What can be the legal implications ?

Ans: Due to the lockdown caused by the COVID 19 pandemic, it is likely that the fulfillment of many contracts may get delayed interrupted or even cancelled. It may happen that some persons may not be able to perform their obligations under the Agreement within the timelines. In such a scenario, it is important to examine whether COVID 19 will be considered Force Majeure event. The concept of force majeure is to save the performing party from consequences of something over which it has no control. However, whether a contractual obligation can be avoided on the grounds of force majeure is a factual determination based on specific terms of the contract.

Victim Compensation

Q 20 I am a 20 yrs old girl. I have been sexually assaulted during the lockdown period. I belong to a poor family and do not have money for medical treatment. I do not know where to report the matter.

Ans: You can immediately call the police helpline number to report such a matter. You can also contact District Legal Services Authority for legal aid and assistance and for grant of interim compensation under Victim Compensation Scheme. You can call at the National Legal Aid Helpline No. 15100 or [email at nalsa-dla@nic.in](mailto:nalsa-dla@nic.in) or submit an online application through the portal nalsa.gov.in.

Free Legal aid

Q 21. Where can you seek Free Legal aid related to legal problems?

Ans: Legal aid is the provision of free legal assistance to people otherwise unable to afford legal representation and access to the court system. Legal Services Authorities are in each State/UT and districts of the Country. You can call at the National Legal Aid helpline no, 15100 or [email at nalsa-dla@nic.in](mailto:nalsa-dla@nic.in) or submit an online application through the portal nalsa.gov.in.

Q 22. What are the addresses and contact numbers of State Legal Services Authorities?

Ans: Directory of State Legal Services Authorities may be seen on the following link: [Directory](#)

Q 23. Who are entitled to free legal aid?

Ans. Following are entitled to free legal aid :

- Women and Children
- Members of Scheduled Castes or Scheduled Tribes
- Industrial Workmen
- Persons with Disability
- Persons in Custody
- Victims of Human trafficking
- A person under circumstances of undeserved want such as being a victim of a mass disaster,
- Ethnic/caste violence, industrial Disaster
- Persons with an annual income of less than Rs 1,00,000/- Or as notified by the Central/State Governments

During lockdown period, you can call at the National Legal Aid helpline no, 15100 or [email at nalsa-dla@nic.in](mailto:nalsa-dla@nic.in) or submit an online application through the portal nalsa.gov.in.