



DISTRICT MEETING ON WOMEN RIGHTS

Date: 21st September, 2020

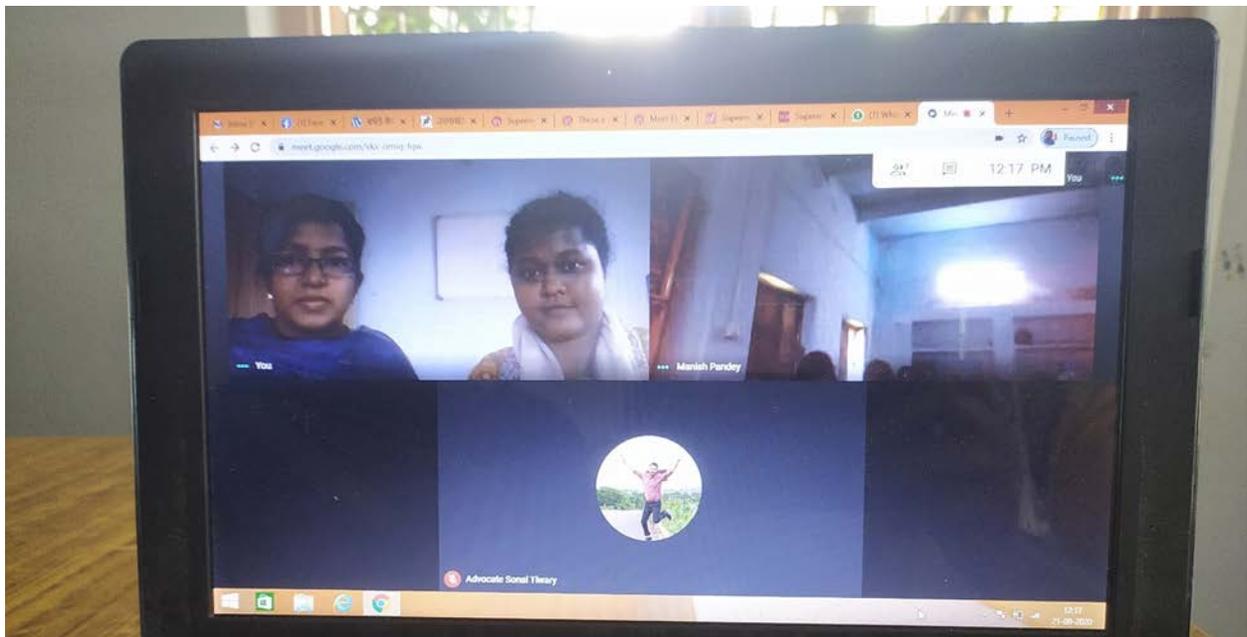
Venue: via online zoom meeting

Organized by



AND PRADAN

AIM AND OBJECTIVE: to sensitize the people regarding their rights and make them aware about how to use the law as a tool for protection of their rights, with focus on the status of women related cases and PWDV Act and other human rights issues and most importantly women empowerment.



The stage was occupied by Rashmi Lal, HRLN, Sonal Tiwari HRLN, Mrinalini Adela Tete, HRLN, Ranchi, Manish Pandey PRADAN, women paralegal volunteers of PRADAN and several other organisations, and some local people of Mahagama, Godda, Jharkhand.

The session started with a brief introduction by **Rashmi Lal**, Advocate HRLN, JHC Ranchi. She spoke of the work done by HRLN and its network across the country, the objectives and functioning of HRLN as a pro-bono legal support organization. The objective of the introduction was also for the participants to understand and get a grasp of the current scenario and how HRLN, can help them with their various issues, concerning even the basic human rights violation cases. Works done by the Advocates of HRLN was explained to all the participants, and contacts of the district network was also shared with the participants, so that they can avail the benefits of the pro bono legal support anywhere in the State without worrying of the expenses-being cheated-delays-corrupted officials. The availability of Advocates and Activists at every level, from the Gram Panchayats to the Supreme Court.

Thereafter we had a brief introduction of the participants, who were asked about their understanding on the human rights, which lead to the explanation of Article 21 of the Constitution and a discussion followed the same. They were at awe learning that even their existence is covered under this Article, the very air that they breathe, the water they drink, the food they consume. And more surprising was the fact that the respective States are liable for the same under the Directive Principles of the State.

Taking into consideration the participants, the discussion revolved mainly around women rights. **Mrinalini Adela Tete** discussed about the Protection of Women from Domestic Violence Act, 2005. The said Act was opted for discussion because, even after more than a decade from the implementation, let alone the people, the Learned Advocates also do not have any idea of the knowhow of the Act, and still the provisions under 125 CrPC, 498, 498A IPC read with the physical assault and abuse sections are used, which takes years and years to get relief.

The participants were asked about their understanding on the domestic violence, and it was not surprising when they talked about the physical abuse by their partners, the settlements done in the Police Stations, the management done by the opposite parties when the cases get registered, the problem with the advocates and the delay in the procedures.

After getting a grasp of their understanding, Mrinalini explained to them the Protection of Women from Domestic Violence Act, 2005, how the Act firstly not only addresses the grievances of a conjugal relationship but any kind of a domestic relationship, be it husband-wife, parents-children, brother-in-law/sister-in-law, brother-sister, live-in-relationship and the like. She further explained to the participants the types of violence that is covered under the Act, physical, mental, emotional, economical, by giving them examples, like the partner or any other family member who is physically assaulting her, making her beg for money from them even for the basic necessities, taunting her for every little thing be it domestic chores, or otherwise blaming her paternal home, not allowing her to visit her parents or loved ones or even threatening to harm her loved ones if she does something or does not do something.

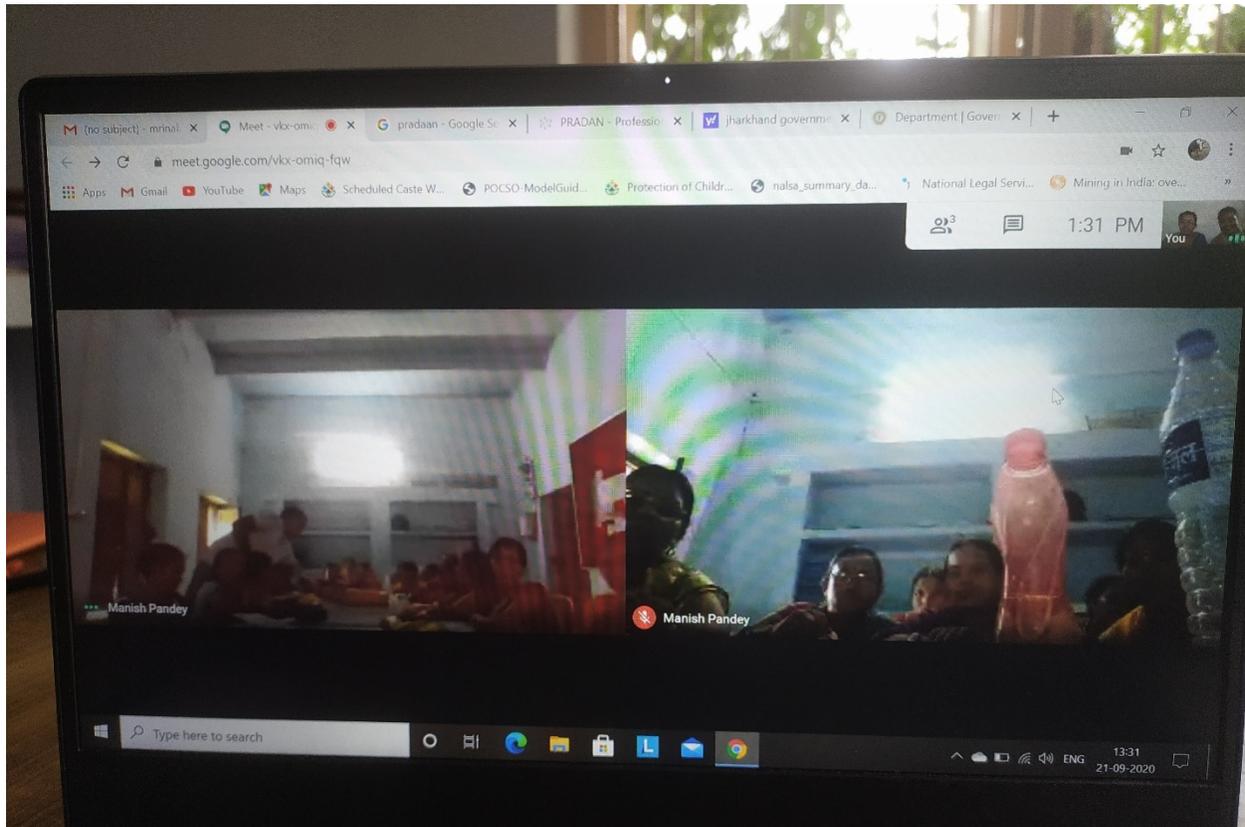
And to further clear their doubts she even gave a real-time example, of a girl who wanted to study engineering, but her parents did not want to make that investment on her, and instead were forcefully making their son compete for the best engineering institutions, through coaching. The said girl on her own understanding and learning and against all odds cleared the All India Engineering Examination, and her brother did not qualify. But instead of celebrating their daughter's success, they were furious at her, and had made it very clear that they are not allowing her to continue studying and will not even bear the expenses. But fortunately the girl's grievances were addressed before the Magistrate under the Protection of Women from Domestic Violence Act, 2005, and within 3 days the matter was heard before the Learned Court, who on hearing the matter, and trying to talk some sense into the parents, who were still not ready for the compromise, the Learned Magistrate directly issued a notice to the Branch Manager of the father's bank account directing him to transfer the required amount for admission of his daughter in the

concerned university's admission account. Establishing how the Act abolishes the evil of delay of corruption-delay-management in such insensitive cases/matters.

Mrinalini further explained the procedure to be followed while taking the recourse of the Protection of Women from Domestic Violence Act, 2005. How one need not run after the Officers in the Police Station, or even Police Station to Police Station, or Advocate to Advocate, to get their matters registered before a legible platform. All they need to do is first identify the designated Protection Officer under the Act, who is the CDPO in the District level, and intimate him about the incident, and whose duty it will then be to if required to, to get first aid for the victim, get her to a safe and protected shelter home, inform her about the free legal aid services provided by several advocates individually (like HRLN) or DLSA. Then it is the duty of the concerned CDPO/Protection Officer to make a Domestic Inquiry Report, and submit an application before the Learned Court, and get a notice issued in the name of the opposite party for appearing before the Learned Court on the given date, which is not supposed to be more than 3 days from the reporting of the incident. And the best part of the Act is the Residence order, where if the petitioner has nowhere to go, but wants to stay in the said shared household, the Learned Magistrate can order for the same, and if there is life threat to the petitioner from the opposite party, then the Court even has the power to ask/order the opposite party to remove himself from the said shared household.

Rashmi Lal continued the discussion and explained them about the “One Stop Center” which is Central Government Funded, and had come into existence from the Nirbhaya Fund. She further explained to them the functioning of these “One Stop Center”, which is solely for the protection-safety-wellbeing of women and children. How a woman can avail the services at a time of crisis when she has no one to turn to, as this place is equipped with and functions in collaboration with social workers-advocates-protection officers. As the main idea behind such shelter homes was that once a woman in distress approaches the said “One Stop Center” she does not have to worry about anything else, as every facility will be at her disposal under the same roof without having to worry about, getting the case registered-case investigated- case managed- opposite parties trying to forcefully get the cases compromised. She even explained to them the benefits it could have

reaped during the COVID 19 Lockdown when there were thousands of cases of domestic violence in every district, and the government helpline numbers to report the same were wasting time in formalities, like written complaints after which only the Officer would pay visit to the aggrieved person.



The purpose behind discussing about the “One Stop Center” was that during COVID 19 Lockdown it had come in the local newspaper of Jamshedpur that how people were not even aware of the fact of the existence of the “One Stop Center”, as there is no advertisement of the same, nor does it have a universalized contact number, making it a failed attempt on the part of the Government and corruption, and not taking the lives of the women and children in distress seriously.

Sonal Tiwari briefly discussed about the F.I.R, which is the biggest headache for the people in rural areas, especially women, as the Police Station Officers do not entertain the women, some even ask them to go and register their case in the Mahila Thana, or register the matter as a sanha only, and most of the times the

Officers take money and neither register nor enquire into the matter, or get both the parties to come to the Police Station and settle the matter. He briefly explained them the Supreme Court Judgement in the Lalita Kumari case, which talks about the mandatory duty of the Police Stations to register the F.I.Rs as soon any such incident/matter is brought to their knowledge either by the victim themselves or any third party. And if the Police Officer even then fail to register the same, one can file an online F.I.R, he explained to them the procedure how to file it online, or by filing a complaint case u/s 156(3) CrPC to get the F.I.R registered through the order of the Learned Court of the Magistrate. And lastly if all these ways are not proving to be feasible, then one can easily sent representation to the Superintendent of Police informing him about the incident, and how the concerned Police Stations and the Officers are failing to file the F.I.R, we can approach the Learned High Court for getting the F.I.R registered.



The long hour discussion led to a number of queries, which was answered by us. One of the queries was from Reena Devi who is a para legal/activist, who discussed

the incident of Kalawati Devi who is an old woman, and who lives with her sons and daughters in-laws and grandchildren, and whose husband works in the transport business, and is usually out of station, but provides for the family well. Recently Kalawati Devi was paid a visit by the Panchayat and the other elderly of the village, when she came to know that her husband has married some woman (25 years) from their village and is living in Punjab. Following the information the family of the woman had filed a kidnapping case before the Mahagama Police Station against Kalawati's husband. And now the villagers are threatening Kalawati Devi of fatal consequences. Guided the Para Legal Volunteer to get Kalawati Devi to file a sanha before the Mahagama Police Station, Godda, alleging threat to her life, and also to meet the Officer Incharge of Mahagama Police Station, the S.P, D.S.P and the D.C, so that the local people might not take the matter into their own hands which would result into an ugly incident altogether.

Most of the queries were on the maintenance cases, as they take months and months to get disposed. In which they were explained that how they can ask their advocates to also file for an interim maintenance application, through which the husband will be compelled to pay some minimal amount, and failure to deposit the same, can also attract a warrant issued against them, fearing which they would deposit the amount from time to time.

Then there was the infamous issue of alcoholism, because of which there are continuous use of verbal and physical abuse of their partners and their children. To which they were again explained on how they can use the provisions of the Protection of Women from Domestic Violence Act, 2005, which is a Civil Law, how they can get protection from the mental-physical-economic abuse.

The participants were also explained about the procedures that are involved in various kinds of cases, so that they can raise their voices against the malpractice done by the departments and the advocates, because of which the Courts in the Country are infamously addressed as “तारीखपेतारीख - तारीखपेतारीख”

The district meeting was concluded by Mrinalini Adela Tete, Advocate HRLN, Ranchi, Rashmi Lal Advocate HRLN, Ranchi, and Sonal Tiwari Advocate HRLN,



Ranchi, the best part of the meeting was being a part to empower the local women. The participants were once again facilitated and thanked, and who also showed interest in having such meetings in the near future with HRLN.