



DISTRICT MEETING ON WOMEN RIGHTS

Date: 24th September, 2020

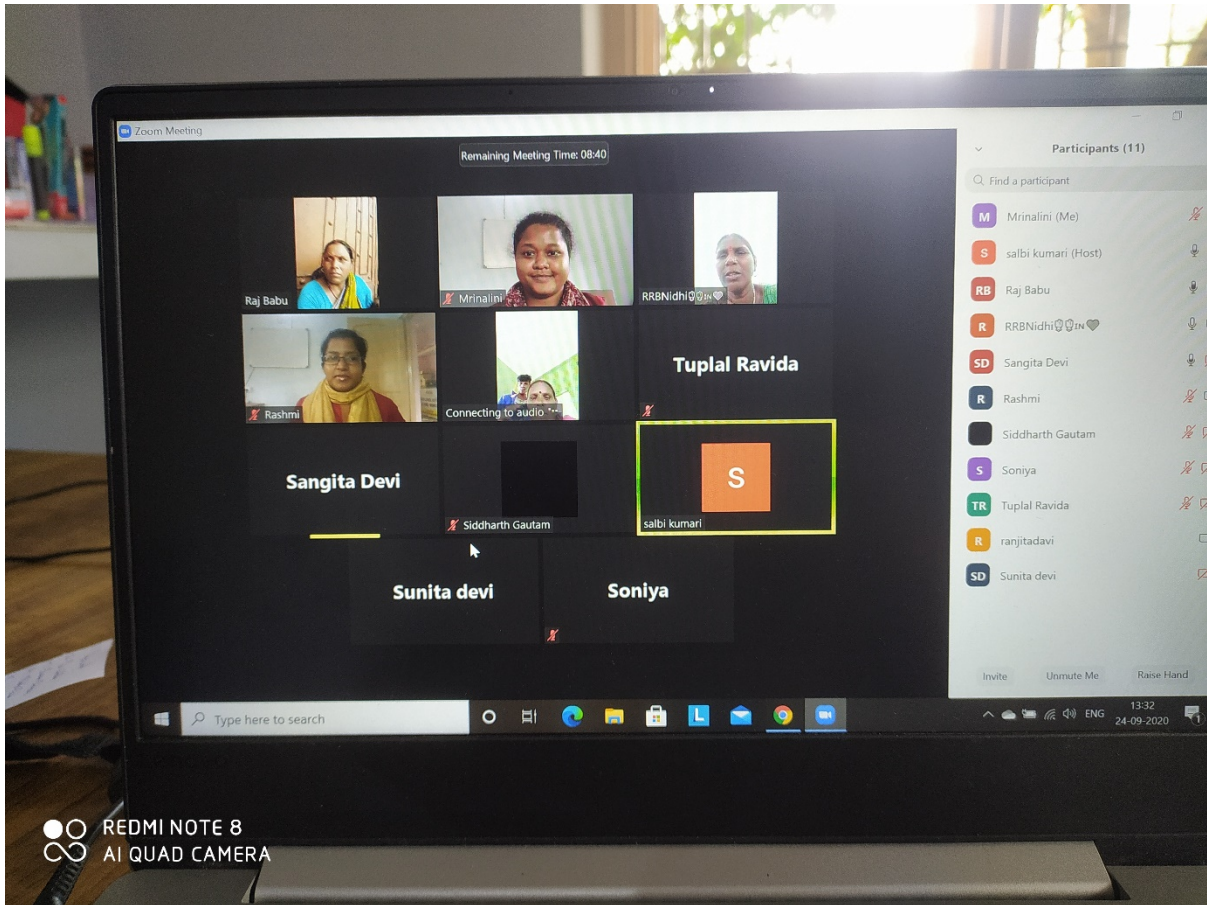
Venue: via online zoom meeting

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 Sonal Tiwari, HRLN Ranchi, Rashmi Lal, HRLN, Mrinalini Adela Tete, HRLN, Ranchi, Salvi ji PRADAN, women paralegal volunteers of PRADAN and several other organisations, and some local people of Chakai, Bihar.

The session started with a brief introduction by **Rashmi Lal**, Advocate HRLN, 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.

Further as the majority of the participants were women, some local and some para legal volunteers of PRADAN working in and around Chakai, Bihar, we wanted to understand the local environment and condition of women and men over there, which was not very much different from our own Tribal State Jharkhand. The locality suffered from unemployment-alcoholism-abuse-assault-dowry torture and the like. The status of the women in the respective households, screams about the harassment faced by them on a daily basis, no matter in which part of the country they reside.

That above all, the women were more concerned about the physical-psychological-emotional torture meted out to them by their partners after coming back home drunk or demanding money for alcohol, because of unemployment largely. **Mrinalini Adela Tetetook** over from here, and explained to the participants about the rarely used Protection of Women from Domestic Violence act, 2005, the civil nature of the said Act, which people need to understand, as the women in our society, though in the fury of the moment want their husbands to suffer for their act, but the moment they cool down, they do not want to proceed with the case. And even after being explained that, no

serious measures would be taken, but at least they would straighten up, but to no avail. This is only because, the women in our society are economically and emotionally dependent on their families at large. And if any women go against their husband, then they are not only looked down upon by her own family members but also by the society. And the only problem is that the women of our society feels to have some kind of major obligations towards her husband and the family.

Further, taking into account the alcoholism abuse, the participants were made to understand the Protection of Women against Domestic Violence Act, 2005, which is a very good tool in their hands against this socially recognised and accepted malpractice/social evil. She explained the Act briefly to the participants as how it 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, financial, 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. The power of the Act to remove the person from the household if he showcases such continuous inhuman behaviour so as to even threatening the life of the victim and her loved ones, and give the order of residence in favour of the victim. Likewise, old and infirm parents who are often ill treated at the hands of their own children once they start believing that they are a burden, and do not understand as to how to get rid of them, can also benefit from the said Act.

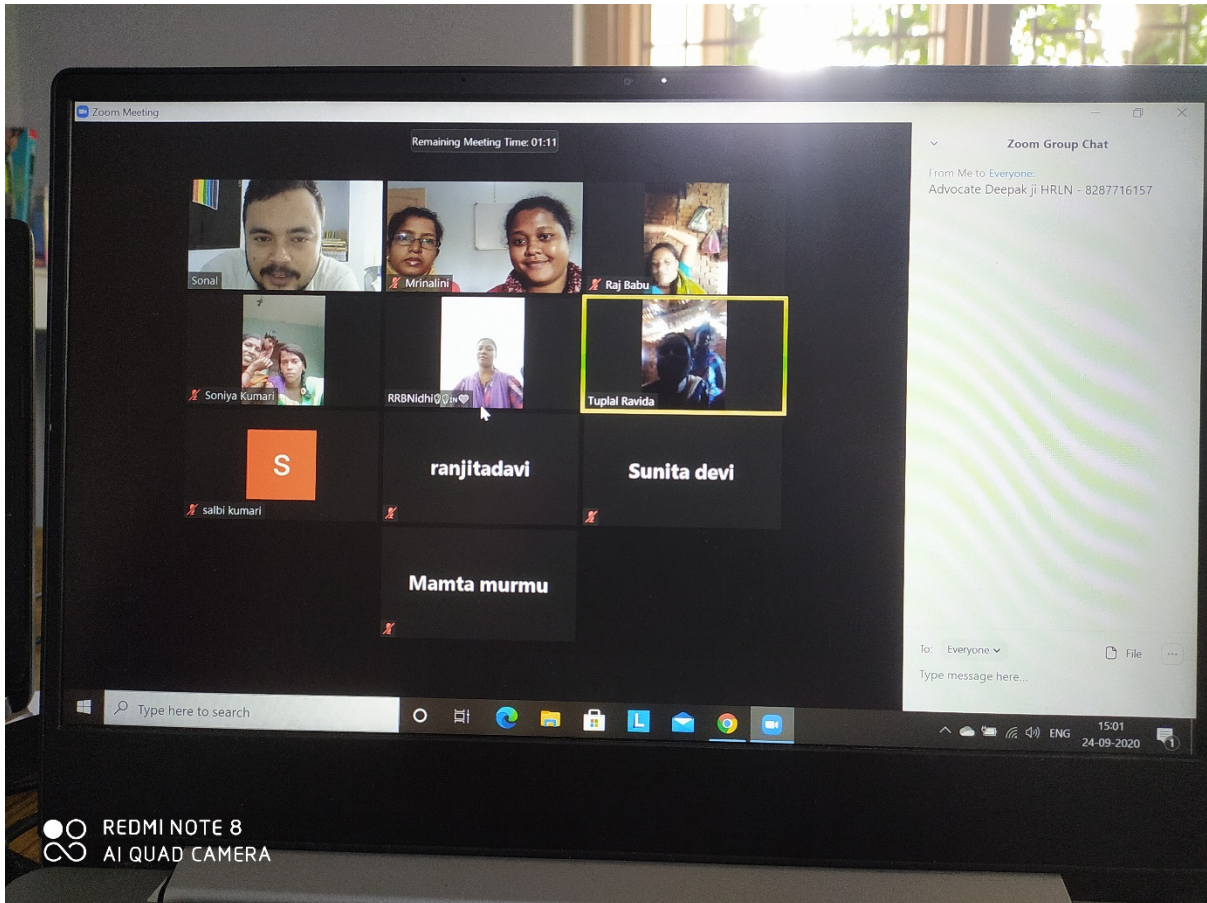
She further explained, how under the Act there is immediate redressal unlike other complaint cases and F.I.Rs, where the stronger party always manages to get away from any liability.

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 discussed about some of the case laws dealing with violence against women, where she explained to the participants that according to a 2019 judgement, a victim of domestic violence has a right to file a case against the opposite party, either at the place of occurrence, or where the opposite party resides, or where the victim resides or even where the victim at present is taking shelter, which is a very positive development, as it reduces the chances of being

harassed at the hands of the patriarchal society. She further briefly discussed *BinitaDass vs Uttam Kumar* (2019 Delhi HC) wherein the court held that the qualification and the capacity to earn cannot be a ground to deny interim maintenance to a wife, similarly in *Megha Khandelwal vs. Rajat Khandelwal* (2019 SC) the Learned court enhanced substantially an interim maintenance for wife in a domestic violence case despite the fact that the wife was well educated. *Ajay Kumar vs. Lata @ Sharuti* (2019 SC) wherein it was held that an aggrieved wife or female living in a relationship in the nature of marriage may also file a complaint against a relative of the husband or the male partner, as the case may be.

Sonal Tiwari discussed briefly about PILs and Criminal Writs, how during the COVID 19 Lockdown there were petitions filed in the Courts for ration distribution for not only the ration card holders, but even for the non-ration card holders, focussing on the Transgenders, who have been completely overlooked by not only the authorities but by the common man also, he explained to them how we were able to get good orders for this community for ration and ration card during the Lockdown (*Amarjeet vs State of Jharkhand*). The proper disposal of the dead bodies of the COVID 19 patients (*Gulab Chandra Prajapati vs. State of Jharkhand*) where the first death reported in the State witnessed protesting against the cremation and burial of such affected bodies in their community burial ground, which compelled the State Government to allot a reasonable stretch of land on the outskirts of Ranchi, in Khunti-Murhu road for the burial and cremation of such dead bodies. And lastly he discussed about the Quarantine Center PIL, which was filed to bring to the knowledge of the State Government the condition of the several Quarantine Centers opened in the State, and the poor facilities that were being meted out to the patients.



Whereafter, having learnt so many things, there were a lot of queries from the participants, one of the paralegal volunteer's sister-in-law who was married to a man in Dumka, Jharkhand, was facing domestic violence, but had somehow managed to escape and come to her maternal home, but had not filed any case, though her in-laws were alleging her of theft of jewellery. She was advised to immediately use the provision of filing a case against her husband and her in-laws in Chakkai, where she is now residing, as her in-laws would probably file a false case against her to escape legal charges themselves of having committed domestic violence on their daughter-in-law/sister-in-law/wife.

There was another old lady, who wanted legal advice on money mismanagement, her case was that in their village they had a welfare committee, which was headed by a body of person, and every household used to deposit a certain sum of money with them, but even though a register was maintained of the same, and the money was deposited in a gram bank, it was

now being diverted for personal use. But having met with the local Police Officers several times, it was of no use, as they were not registering any F.I.R. Wherein they were advised that they first try and file an online F.I.R and then submit the same application to the S.P and D.S.P and B.D.O and D.C., and then we can file a criminal writ before the High Court for filing of the F.I.R which is the duty of the concerned Officers as per the guidelines given by the SC in the Lalitha Kumari case.

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 “तारीख पे तारीख – तारीख पे तारीख।”

The district meeting was concluded by Rashmi Lal Advocate HRLN, Ranchi, Mrinalini Adela Tete, 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.