

**REPORT ON FACT FINDING OF DOMESTIC  
VIOLENCE CASE AT LATAGURI,  
JALPAIGURI WEST BENGAL**

Reported and Edited by : Esha Acharya



shutterstock.com · 1209152275



# ***TABLE OF CONTENTS***

List of Abbreviations .....	03
Executive Summary.....	04
Introduction.....	05-06
Methodology.....	07
Team Members.....	07
Objectives.....	08
Limitations.....	08
Analysis of Situation.....	09
Conclusion.....	10
Observation and Recommendations.....	10
Picture Gallery.....	10-12

## ***LIST OF ABBREVIATIONS***

FF : Fact Finding

FFR : Fact Finding Report

FFt : Fact Finding Team

NA : Not Available

DV Act : Protection of Women from Domestic Violence Act, 2005

F.I.R. : First Information Report

IPC : Indian Penal Code

## ***EXECUTIVE SUMMARY***

The phenomenon of violence against women within the family in India is complex and deeply embedded. Women are subject to violence not only from husbands but also from members of both the natal and the marital home. Girls and women in India are usually less privileged than boys in terms of their position in the family and society and in terms of access to material resources. Marriage continues to be regarded as essential for a girl; control over a woman's sexuality and its safe transfer into the hands of husbands who are assumed to "own" their wives is of primary importance. Systematic discrimination and neglect toward female children is evident in a declining sex ratio of 940 women to 1000 males (2011 census). Nevertheless, there are regional and community variations. Women in the north have relatively less autonomy than their counterparts in the south, and experience fewer opportunities for control over economic resources (Karve 1965). A small segment of urban upper class women enjoy some of the benefits of education, careers, and economic independence.

Violence against women is a serious problem in India. Overall, one-third of women age 15-49 have experienced physical violence and about 1 in 10 have experienced sexual violence. In total, 35 percent have experienced physical or sexual violence.

In Gender Inequality Index Rank : India stands at 125 whereas and in Global Gender Gap Index Rank : 87. Over 2,300 domestic violence complaints were filed with the National Commission for Women between January and May in 2021, the highest for any year since 2000. Most complaints were received from U.P., while the highest complaint rate was recorded in Delhi. However, according to NFHS-5 DATA, 70% of women in the major States who faced physical violence did not inform anyone about it. Even among those who sought help, very few reached out to the relevant authorities.

## ***INTRODUCTION***

The protection of Women from Domestic Violence Act, 2005 is an Act which was enacted to protect women from harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security: or any other type as mentioned in Sec 3 of the DV Act.

In this specific case the de facto complainant Shampa Roy, daughter of Shri Abinash Roy of Uttar Jhar Matiyali, Kranti More, post. Lataguri, Dist. Jalpaiguri filed an written complaint on 23.03.2020 before the Maynaguri Police Station stating that she has been brutally tortured by her husband and in-laws to extort money from her parents as dowry. Her family was unable to pay the sum of money which the in laws had asked for and that subjected to extreme physical and mental torture on a regular basis, and as a result of such violence she has experienced fetal death. She was 7 months pregnant when her husband and father in law had physically tormented her to such an extend where the child in womb had expired. After that incident, she had to take help from her natal home and got admitted to the Jalpaiguri Sadar District Hospital, even during that time her in laws did not come to visit her or tried to provide any assistance. On discharging from the hospital she returned back to her paternal home. And after recovering she went to the Maynaguri police Station to file an FIR on 23<sup>rd</sup> March 2020. The Duty Officer of the said PS received her written complainant but did not initiate any case against her husband Niranjan Roy, Father in law Santeswar Roy, mother in law Mamata Roy, resident of Madhya salbari, P.S Maynaguri, District Jalpaiguri. Due to outbreak of Covid 19 she could not visit the police station to follow up the case. In between her husband has remarried a woman and brought her to his home which falls under the jurisdiction of Maynaguri police Station. Knowing about the second marriage the de facto complaint again went to the Police Station On 24<sup>th</sup> July 2021 but the Police denied to take any complaint. The de facto complaint sat through out the day in front of the police station but they still did nothing. This news got featured in the local Dailys. On 31<sup>st</sup> of July our Team visited the victim lady and accompanied her to the police Station. We

tried to find out if any case has been registered or if it has been recorded in the files of the police station, but there was nothing. The duty officer including the rest of the police officers present there stated that they got posted in that police station recently so they cannot take charge of pending issues. When we finally said that unless they register this matter and initiate a case, we would be compelled to file an police inaction petition before the Ld. High of Calcutta, they finally agreed to take the same. Even after that on 1<sup>st</sup> august they did not initiate any case. On further intervention of our team The Police has finally treated the written statement as a FIR and the same has been registered as Maynaguri Ps Case No. 396/21 dated 02/08/2021 under section 498A/313 of Indian Penal Code read with Sec 4 of the DV Act.

## ***METHODOLOGY***

Primary research and field visit has been used to conduct this fact finding mission. Data has been collected through in-person interviews with the Police Officials and the Family Members and the victim lady.

## ***TEAM MEMBERS***

The fact finding has been conducted by team of following advocates and social activist :

1. Monika Barman, Advocate
2. Tanbir Alam, Advocate
3. Pampa Saha, Social Activist
4. Esha Acharya, Advocate

## ***OBJECTIVES***

The primary objectives of the fact finding mission were :

1. To determine the gravity of the offense.
2. To be able to get the VOKALATNAMA from the de facto complainant.
3. To provide legal assistance in the Court.
4. To assist the family to get the monitory help through the alimony.

## ***LIMITATIONS***

The fact finding team faced certain limitations some of which are enumerated bellow :

1. The Investigating officer was not cooperating. We had to go to every other officer to make them understand the seriousness of the crime that has been committed.
2. Identifying the location of the house of victim was a problem..



## ***ANALYSIS OF SITUATION***

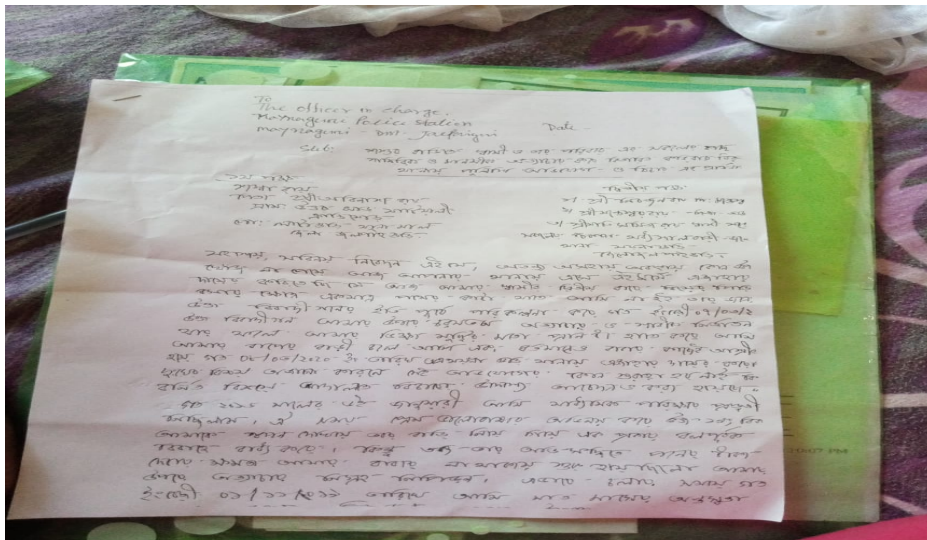
The aggrieved person Shampa Roy comes from a down trodden family, where her father is the sole earning member of the family and she has younger siblings who are also dependent on her father. But after getting discharged from hospital she has returned back to her paternal home and started staying with them. But it is quite difficult for her father to look after everybody and along with that providing assistance to proceed with legal affairs. But even though she got the courage and went to file a complaint, the police in charge received her complaint but did not initiate any case. During the pandemic outbreak the accused person has remarried and after knowing that when she went to the police station, she has been harassed and not taken seriously. After knowing the same we have intervened into the matter. We visited the police station and made it clear that HRLN would provide support to the aggrieved woman, our team of advocates would fight for her in the Court. And if the police fails to begin a case, HRLN would provide help in the Ld. High Court of Calcutta for Police Inaction. Finally a case has been initiated and the prime accused person i.e; the husband of the de facto complainant has been arrested. If he approaches the Court for Bail under Sec 439 of IPC then our team would oppose the same.

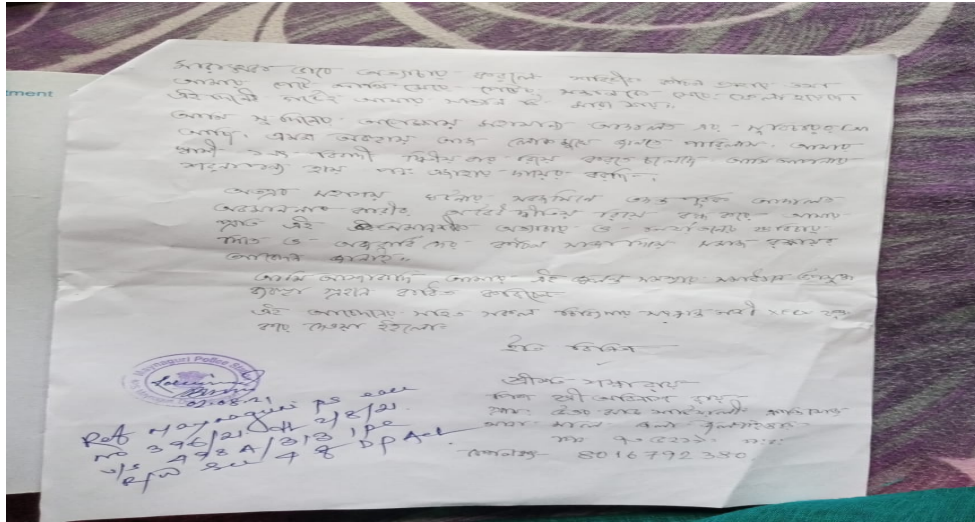
## **OBSERVATION AND CONCLUSION**

In connection with Maynaguri PS Case No 396 of 2021 dated 02.08.2021 Sec 498A/313 of IPC along with Sec 4 of the DV Act has been attached. So, the accused might get bail as the given provision of the Domestic Violence act is not strong enough. And the accused might harm the complainant. Apart from that, the complainant comes from a very downtrodden background, where bearing her is a problem for her father as she has younger siblings to look after. So an interim monetary help is required prior to the actual alimony.

## **PICTURE GALLERY**

The written complaint, which was filed by the de facto complainant on 02.08.2021.





Members of the family



Entrance of the house



Condition of the house