



Case Studies: 2019-2020

Below are few impact stories selected from the works of our law centres. They display social justice, courage and hard work of our members.

Case 1: A Battle For Due Rehabilitation.

Getting justice for a person from a vulnerable section is doubly difficult in a country like ours with an ailing justice delivery mechanism. We came across the murder of a Dalit man burnt alive for running away with an upper-caste girl in 2012 in Gir Somnath, Gujarat. This was followed by an internal displacement by four families related to the deceased man, following threats to their lives by the dominant community in 2014. Despite **Rule 12(4)** talking about the duty of the district administration to provide compensation and relief (shelter, medical, food, water, clothing, transport, etc.) to atrocity victims according to Annexure 1 of SC ST POA, no action had been taken in this regard till we intervened.

We approached the collector with a demand for ensuring their rehabilitation as living in the village was difficult for the victim's family due to continued harassment and pressure to compromise. The collector was very sensitive and responded positively but allocated land only for one of the four families. This shows the absence of understanding of the social milieu where families live together and are impacted collectively by their external environment. Unfortunately, the land given was of inferior quality, and it was not possible to sow anything there. It took five years to get the land levelled and ready for cultivation. We got the digging of the well on this land sanctioned under MGNREGA, but the implementation of the same faced multiple levels of delay and procedural tactics to hinder the same. We also liaised with the various government departments to ensure water, electricity, etc.

While all this was going on, the family was given a compensation amount of Rs two lakhs, and the accused was convicted and given life imprisonment in the year 2017. The struggle is still on with various government departments for getting them primary facilities.

Case 2: Co-existing With The System

Several years of engaging with the police have led to a trustworthy and symbiotic relationship that helps us in our work. We were approached by the police regarding the rape of a six-year-old girl in the district Bharuch. We had also identified the case from the newspaper and were already engaging with the family to convince them to strive for justice for the child survivor. The usual challenges of getting an FIR registered were not there in this case since the police itself had approached us to help in counseling the child. Despite this, the arrest was delayed and the accused tried to threaten the girl.

We brought this to the notice of the police and insisted that they arrest the accused. While assisting the child during the medical examination, we ensured that all critical aspects get recorded. We also helped her build the courage to narrate the incident and withstand the legal proceedings. The incident happened in 2016 but the trial started only in 2019. It took five months for the trial to get over and another three months for the judgement to be finally pronounced. The accused was given a life sentence. The girl was awarded an amount of Rs. fourteen lakhs, of which only ten lakhs have been received so far. Despite favourable laws that require an in-camera trial, time-bound disposal, and special procedural guidelines, it has been a harrowing journey for the child and her family.

Case 3: Land Of The Unknown?

Our work on land rights for women is hindered by several socio-cultural and legal barriers. The case of Ramai ben of District Dang is one such example. Ramai ben inherited three acres of land from her father in the year 2000. Unfortunately, the forest department took possession of the land and started plantations despite her name being in the land records. Ramai ben approached us during one of our field visits.

We verified her documents that established her claim to the three acres. Further, we filed an application on an online platform initiated by the government called "fariyad nivaran karyakram." The issue was brought to the notice of the collector in the presence of other revenue officials. We were called the very next day to further discuss the matter, following which a GPS mapping and land measuring was ordered. The forest department was asked to vacate the land, and two years later, Ramai ben was handed her rightful inheritance.

Case 4: Preventing Communal Disharmony Through Social Justice Lawyering

Inter-religion marriages are always scrutinized more than other kinds. This stands for a case that we took up recently. In Sami, Madhya Pradesh, a Hindu woman, married a Muslim man amidst many social challenges. However, the husband soon started abusing his wife. The wife, thinking that the husband would be scared if a police complaint is lodged, complained to the nearest police station. The police registered an FIR for the offense of rape and arrested the husband even though she had not alleged this in her complaint.

This information came to the knowledge of advocate Darshan, a member of Lawyers For Change. He understood that the police, along with right-winged forces, was planning to raise a communal angle out of the case. Darshan first spoke to the wife, and she clarified that she did not want her husband to be arrested on rape charges. He took this from her in writing, stating that there is no danger to her if her husband gets bail. Since she was also at risk during the procedure due to the communalisation of their personal issue, Darshan advised her to live with her family. The husband was granted bail and released. In this way, the husband, who was wrongly confined, was released on bail, and the case was resolved without any communal tension.

Case 5: Fight Against Human Trafficking In Jharkhand

Four young women from Gunia village in Jharkhand's Gumla district were abducted. As and when the parents became aware of this, they lodged a complaint with the police. Even though the case turned out to be one of trafficking, no further action was taken on their complaint for the next 6 to 7 months. Our team got to know about the incident and how the girls were trafficked to Delhi; they immediately went to the village and talked with the family members for fact-finding. Based on which, they followed up with the police station on the status of the reports.

As the news spread of our Centre's involvement, the broker responsible for taking the girls became very defensive and aggressive with his approach towards the Centre. The team did not back down from the case even after several threats. The team talked to the broker and counseled him to bring the girls back home. For the families and the Centre, the priority was to get the girls back home first. Thus the broker was told that the family does not want to file a case if the girls are back home safely.

This resulted in some momentum, and the broker left to bring the girls back. On the journey home, the girls were constantly pressurized by the broker to act as if they went on their free will to Delhi for work. The team then came to know about this and immediately spoke to the family about the broker's behavior and to the young women as well for support. Constant interactions and meetings prepared them mentally to fight for justice. The three families agreed to fight the case. This was the team's first win. However, the broker soon started spreading rumors that the families did not want any legal action but were being pressured by the Center for a coercive case. Nonetheless, the families were prepared.

Under our team's guidance, a complaint was lodged with the police that the families were being pressured by the accused to take the case back, and the accused was arrested. Simultaneously, the team wrote an application to expedite the case, which reached the Chief Minister. In this way, not only four girls returned to their home safely, but the members built a rapport with families that helped them fight societal pressures. This inculcated an atmosphere affirming faith and hope in the fight for justice.

Case 6: Creating A More Participatory Gram Sabhas Under PESA in Gujarat

Implementing the PESA Act (Panchayats Extension to Scheduled Areas) is a massive challenge in tribal areas. It is a long process to prepare the people for the general Gram Sabha and Gram Sabha under PESA, keep the panchayat together and involve the officer in that process. Our experience in the Dang area of Gujarat was a tad bit different owing to people's long-term awareness about the issue. Panchayat members, Sarpanch, and villagers, everyone was connected at different levels at Dang. We, from our end, conducted many legal camps. Around 9 Gram Sabhas were held in the area, which led to this process. Further, we felt that its outcome could be a definite guideline for increasing good governance:

The agenda was established so that it was inclusive to the entire village, enhancing participation. Topics included were roads, water, health, education, recognition of forest products for sale under collective forest rights, a re-examination of claims denied under individual forest rights law, the formation of a committee under PESA, and implementation of the existing committee. As per the law, the agenda was given by hand and sent via post to the department's concerned officer.

There are specific procedures for holding gram sabhas with the Sarpanch, but even if the Sarpanch does not accept the PESA gram sabha, it can be held without him. If the latter is the case, members of the gram sabha become active, the elder who understands the village's development and culture is unanimously made the 'chairman' of the gram sabha.

Along with this, during the Gram Sabha, the Talati cum Mantri or the Panchayat Secretary should write the resolutions and minutes as per the law, but if no Talati/Minister is present, whoever knows how to write is unanimously chosen to write the resolutions and minutes. Every resolution of the Gram Sabha is delivered to the taluka level for approval. If no official remains present, then while scheduling the next Gram Sabha, The official has to be informed in person about the meeting held and if there is a need for another Sabha.

Thus, the whole process amounting to the people's awareness becomes necessary for the government machinery to be more invested and sensitive during the implementation of PESA. The big question remains if one can run away from this responsibility. Since this was the natal stage, both the village and the team had to face many obstacles. Resolutions have passed in some villages, and people have been encouraged to demand their rights. The legal battle is inevitable as a 'tradition' is in the process of transition.

Case 7: Law And Honour: A Case Of Delayed Justice

A Nurse and a CRPF soldier got to know each other through a Facebook post. They soon got into a relationship and were planning to get married. The man, on the promise of marriage, had sexual intercourse with the woman. A little while later, the man went back on his promise. He took her to his house with the intention of murder. The woman escaped and came to Simdega, where she filed an FIR under IPC Sec 376. Anupa, a member of Lawyers for Change from Simdega district of Jharkhand, found out about the case during a village visit and immediately met the victim. Anupa assisted the victim by for her statement under Sec 164 of CrPC and assisted the Public Prosecutor during the case. The case is currently ongoing.

Both the victim and Anupa have faced significant pressure and backlash. The accused and his family are forcing the victim to compromise. Moreover, there is formidable pressure from a senior defense lawyer and others to settle outside court. In whose court the case is being heard, the Additional District Judge has himself tried to convince the victim and Anupa to settle. Despite all odds, the woman has not given in to this pressure. On Anupa's advice, she has moved back to Mumbai and has started working at a different hospital.

Case 8: The lost boy finally returns home

A ten-year-old boy, Majeed Sameem, was trafficked to Delhi in the year 2005. For the next ten years, he worked at a chemical factory in very inhumane conditions. Once his health deteriorated, they threw him out on the streets as he was no longer an asset for them. Some rescuers found and admitted him to a hospital; unfortunately, Majeed did not know about the chemical factory or his location; he was never allowed to leave the building. Throughout this whole time, he remembered his mother's number but was never allowed to call home. It was only when he found himself at the hospital, he was able to call his mother. His condition was miserable, he had to breathe through a pipe, and the overall situation was very grave.

FIR was filed after which the trafficker was arrested, though he was out on bail for three years. The trafficker started blackmailing Majeed's family members to take back the case while consecutively trying to bribe them. All this while, Majeed was unable to move his lower body, his intestines were out, and he was in desperate need of an operation.

The Gumla Unit (Jharkhand) caught up on the situation in 2018 and wrote a letter to the District Legal Services Authority after which, the DLSA ordered that Majeed be moved to a hospital in Ranchi. His operation was sponsored by the DLSA, after which he recovered brilliantly and even started to walk. The team persistently worked to get the bail of the trafficker cancelled, which eventually happened. The trafficker is now in custody. The unit further motivated the family to fight for their rights. DLSA has also initiated Victim Compensation for Majeed of Two Lakh rupees, out of which he has received 50,000 as the first installment. Majeed now stands empowered and seeks legal aid whenever he requires it.

Case 9: Rights Of Homosexuals To fair investigation

Last year, Simdega district in Jharkhand saw a double Murder Case: two minor girls were found hanging from a tree. From the initial look of the bodies and the situation, it was quite evident that it was not suicide. The police denied all reasoning and tried to shut down the matter hastily. On being asked about the reason behind the suicide, the investigation officer said that it was because they were both in a homosexual relationship. This, according to the officer made them feel ashamed, and hence they both resorted to committing suicide. As per the victim's family, the hockey coach, who used to train the girls, was the prime suspect.

Anupa and Scholastice, Members of Lawyer for Change from Simdega district of Jharkhand, initially made constant efforts towards bringing the soul of justice into reality but the whole administration was against them. Anupa & Scholastice along with few other Social justice lawyers filed an application in different forums and also sent the copy to the Chief Minister and High Court judges. No one from the administration was ready to listen to the victim's family. After a long period of 9 months, the needle of the compass moved towards the magnetic force of justice, and the head coach was arrested. Unfortunately, to this date, we are still waiting for the charge-sheet to be filed.

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