

NORTH DINAJPUR DISTRICT MEETING

DATE: 27th FEBRUARY, 2021

TIME: 11:00 A.M. – 4:00 P.M.

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Edited by: Venkatesh Kodukula*



DISTRICT MEETING
TOPIC: DISCUSSION ON DISABILITIES
CONSUMER PROTECTION ACT
RIGHTS OF WOMENS.

DATE: 27/2/21 TIME: 11AM TO 4 PM

VENU: KALIAGANJ (KALIBARI) NAJMU UTTAR, DINAJPUR



**Report of the District Meeting On disability Act,
Consumer Protection Act and Women's Right**

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SCHEDULE FOR THE MEETING

Sr. No.	Time	Session	Speaker
1.	11:00-11:05	Introduction	Kushal Das, Advocate, Calcutta High Court
2.	11:05- 12:05	Right of Disability	Uttam Guha, Secretary of Pachhimbanga, Rajya Pratibandhi Sammilany Dipi Agarwal, Juvenile Justice Board, Raiganj, Uttar Dinajpur
3.	12:05-13:30	Consumer Protection Act	Rumki Samajdar, Consumer Commissioner Member Judge, Balurghat, Dakshin Dinajpur Tapan Chakraborty, Secretary Of Media Siddhartha Dey, Advocate, Balurghat Court
4.	13:30-14:00	Lunch Break	
5.	14:00-15:30	Women's Rights	Kushal Das, Advocate, Calcutta High Court Bhakta Sarkar, Advocate, Balurghat Court
6.	15:30 – 16:00	Interactive Session	

INTRODUCTION

Census 2011 pegs the number of persons with disabilities in India at 26.9 million, which is 2.12% of the population. A World Bank study 'People with Disabilities in India: From Commitments to Outcomes (2007)' states that the number of persons with disabilities in India ranges between 55 to 90 million. This wide variation in numbers reinforces the fact that a large section of the community remains invisible, not counted, not certified and consequently outside the social net. Disability in India has a direct correlation with poverty. Disability leads to poverty and poverty causes disability. Caught in this nexus, persons with disabilities have little or no access to education, vocational training, and livelihood and employment opportunities. Unable to access welfare measures and entitlements, denied social security, treated as recipients of charity and doles, and because of widespread ignorance about their status as rights holders, they stand marginalized and most of their human rights stand violated. Lack of information about laws and their inability to access the justice system completes their marginalization. Within this paradigm, women with disabilities, persons with intellectual, developmental, multiple and psychosocial disabilities, and indigent persons with disabilities in particular face multiple levels of marginalization and exclusion.

Consumer Protection Act is one of the main laws that provide protection to consumers in India. The Act was introduced in the year 1986 and then amended in the year 2002 through the Consumer Protection Amendment Act, 2002. To save consumers from malpractices, protection has been afforded through the Act.

Women have been subject to injustice in varied forms since time immemorial. There has and still is an urgent and continuous requirement of legislation and implementation for safeguarding the rights of women.

SPEAKERS SESSION

Kushal Das of HRLN Kolkata stated a brief description of the work undertaken by HRLN for providing free legal aid to those who do not have access to or are deprived of assistance.

SPEAKER 1: UTTAM KUMAR GUHA

Mr. Uttam Kumar Guha, secretary of Pachimbanga Rajya Pratibandhi Sammilany spoke on the rights of disabled persons and about various institutes in our country about disability rights. The speaker told that one meeting was held between six districts and the necessity of disability rights was ascertained. A meeting was held in Howrah and decided that 5% physically challenged person will get patta. There are 7 types of disabilities but now it has become 21 types of disabilities. If any government employee could not work properly in respect of disabilities, it is a punishable offence.

The Indian government has taken time to legislate the Disabilities Act but time has already lapsed. Other states have been working but West Bengal has not been working properly. In this respect a report was made and submitted before the President. The speaker called for help in exercising the power and rights under the Disabilities Act, 2016. Disabled persons who are affected, come before the consumer forum. They must gather proper knowledge about this law. The court hears a day in a month about the problems of disabled persons.

SPEAKER 2: DIPI AGARWAL

Dipi Agarwal, Juvenile Justice Board, Raiganj, Uttar Dinajpur spoke on the rights of disabled persons and the assistance required to be provided to the disabled persons. The speaker mentioned that our society lacks awareness of the RPWD Act. Even the Judicial/Advocates/Police/Administration are not at all fully acquainted.

Human Resource department of the working place should be more sensitised so that certain type of problems may not arise. As per Article 14 of our Indian Constitution equality means every one must be in a position that they don't feel they are either discriminated or deprived but due to so many problems the society itself violates the provision of Article 14 which is gross violation of the Constitution.

SPEAKER 3: RUMKI SAMAJDAR

Rumki Samajdar, Consumer Commissioner Member Judge, Balurghat, spoke on the topic of Consumer Protection law. The speaker told that Consumer Protection Act 2019, amended and expressed that consumer may have purchased goods anywhere, but they can file suit before the nearest consumer forum of their residential house. At present, litigants file cases completely free of cost. It is necessary to know the procedure. The consumer forum already declares the date and the present position of the case in mobile phone apps.

Consumers can file any case against doctor, nursing home because consumers paid them but government hospitals or any charity hospitals are exempted. When a mobile phone is purchased and starts having problems before the warranty period, case can be filed within two years even though it has been purchased online.

SPEAKER 4: TAPAN CHAKRABORTY

Tapan Chakraborty, Secretary of Media, also spoke on the topic of Consumer Protection law. There are several cases of fraud happening and the consumers are being cheated. The main objective of the Consumer Protection Act is to provide better protection of consumers and establish a strong mechanism for the settlement of consumer disputes.

The fraud is played on the consumers mostly on online platforms by creation of fake websites and listing of high quality products at lucrative offers and not delivering or delivering poor quality goods.

SPEAKER 5: SIDDHARTHA DEY

Siddhartha Dey, Advocate practicing at the Balurghat Court, spoke on the topic of Consumer Protection law. Consumer Protection Act is one of the main laws that provide protection to consumers in India. The Act was introduced in the year 1986 and then amended in the year 2002 through the Consumer Protection Amendment Act, 2002. In this article, we look at the protection afforded to the consumers through the Act.

The main objective of the Consumer Protection Act is to provide better protection of consumers and establish a strong mechanism for the settlement of consumer disputes. The Consumer Protection Act seeks right to:

- protect against the marketing of goods which are hazardous to life and property;
- inform about the quality, quantity, potency, purity, standard and price of goods to protect the consumer against unfair trade practices;
- assure, wherever possible, access to an authority of goods at competitive prices;
- hear and to assure that consumers interests will receive due consideration at appropriate forums;
- seek redressal against unfair trade practices or unscrupulous exploitation of consumers;
- consumer education.

SPEAKER 6: KUSHAL DAS

Kushal Das, Advocate practicing at the Calcutta High Court, spoke on the topic of women's rights and laws. The speaker expressed that there are several laws enacted for welfare of women but at several places these laws are misused and later it has also been proved that case was filed against the petitioner for filing a wrong case. The Supreme Court has passed various rulings on the misuse of cases.

SPEAKER 7: BHAKTA SARKAR

Bhakta Sarkar, Advocate practicing law at the Balurghat Court, covered the topic of rights of women. In our country, most victims are helpless and are often afraid to seek legal remedy due to increased social stigma. A rampant cause of domestic violence during pandemic is the high level of unemployment that furthers torture and harassment of women. The patriarchy and toxic masculinity also leads to sexual violence against women.

Section 13(1) of the Hindu Marriage Act, 1955 outlines the grounds on the basis of which a divorce can be sought. One such ground is adultery wherein one of the parties has sexual relationship with another individual outside marriage. Adultery is no longer a criminal offence. The next ground for divorce is cruelty wherein one of the parties subjects the other party to mental or physical cruelty or has deserted the other party for a period of 2 years or more. Another ground is if a party is of an incurable unsound mind or has a venereal disease in a communicable form. Leprosy is no longer a ground for divorce after the Personal Laws Amendment Act of 2019. The next ground is if a party has renounced the world by entering any religious order and is not willing to perform his/her marital obligation then a divorce petition can also be filed. A married woman can get maintenance upto her remarriage. When mutual divorce occurred to get money after then she cannot claim any maintenance from her husband. Under the Domestic Violence Act, wife can file against mother -in-law also.

CONCLUDING REMARKS

India is a diverse country governed by diverse laws. The rights of women and disabled persons are not only at constant violation but also not being actively safeguarded to the fullest extent. Be it discrimination, domestic violence, or abuse, the victims are grasping to get by with the assurance of the basic rights.

The rights are essential and core for the survival not only for the survival but survival in a decent and dignified manner. The Constitution of India, special laws such as Rights of Persons with Disabilities Act, 2016, Consumer Protection Act, Domestic Violence Act, judgments, rules and principles, etc., have been aimed to safeguard the rights of the people.

ANNEXURE A

PARTICIPANTS

Serial no:	Name	Contact no:
1.	Zakir Hossain	8116466420
2.	Dipali Debsharma	9002975443
3.	Latika Barman	9002975443
4.	Labani Barman	8392005191
5.	Prasanta Barman	9932158295
6.	Priyanka Ghosh	6291523998
7.	Gita Mahato	9064386628
8.	Jayashree Mandal	8436460739
9.	Kanchan Dutta	7098566848
10.	Abdul Rasid	9670194310
11.	Fizeuddin Ahammed	7557887364
12.	Subhamay Chowdhury	9749111966
13.	Kedkedu Sarkar	9679178283
14.	Radha Roy	7384996995
15.	Gali Debsharma	-
16.	Bikash Mali	7797158503
17.	Gali Chand Barman	8016288146
18.	Tapan Chakraborty	9434347461
19.	Sova Majumder	9735004632
20.	Munika Mardi	6297760229
21.	Sharbani Barman	9749397208
22.	Payel Barman	8101435588

23.	Dipti Roy	9593149153
24.	Bikram Saha	7477389094
25.	Dilip Mahato	9932472711
26.	Bhaskar Chowdhury	9800682984
27.	Bhakta Sarkar	9564544220
28.	Shidhharta Dey	9433800613
29.	Sujoy Chakraborty	9932848388
30.	Kushal Das	9804856720
31.	Biswajit Saha	9832566724
32.	Sunirmal Dutta	8436368451
33.	Subham Gupta	8159969889
34.	Harendra Kumar	9932518175
35.	Binati Singha	6295405026
36.	Uttam Kumar Guha	9126784554
37.	Rumki Samajdar	7797361982
38.	Gita Agarwal	9474674126
39.	Rimila Das	8900519747

ANNEXURE B

PHOTOS





