

NADIA DISTRICT MEETING

Date: 27.02.2021

Time: 11 AM - 3PM

Reporting By :- Ataur Rahaman

Edited By: Venkatesh Kodukula



Discussion on Women Justice And Senior Citizen Act.

Schedule for Meeting

Time	Session	Speaker
11:00- 11:05	Introduction of HRLN	Md. Aatur Rahaman, HRLN District Lawyer,Nadia
11:05-11:30	Women Justice and Women related Laws in IPC	Md. Ali Sekh, Advocate
11:30-12:00	Women Rights and Domestic Violence	SoumitraKarmakar Chakraborty, Advocate of HRLN
12:00-12:30	Senior Citizenship Act	Sourat Nandy, HRLN District Lawyer, Hooghly
12:30-13:00	Lunch	
13:00-13:30	Triple Talaq	Lal Chand Sekh, Advocate
13:30-14:00	Litigation	Indrajeet Dey, Advocate of HRLN
14:00-15:00	Counselling Session	HRLN Team

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INTRODUCTION

A core component of our programs is engaging with people and working in collaboration with different stakeholders, including grassroots organizations, academics, policy-makers, the judiciary, students and activists.

Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is a legislation, initiated by Ministry of Social Justice and Empowerment, Government of India to provide more effective provision for maintenance and welfare of parents and senior citizens. It makes it a legal obligation for children and heirs to provide maintenance to senior citizens and parents, by monthly allowance. It also provides simple, speedy and inexpensive mechanism for the protection of life and property of the older persons. After being passed by the Parliament of India, it received President's assent on December 29, 2007.

Reports of the violation of women's fundamental rights through physical, mental, emotional, and sexual violence against women are commonplace in India. Violence against women has taken particularly acute forms in circumstances where populations are already marginalized, such as in areas affected by armed conflict, and areas undergoing mass displacement. Triple Talaq is now banned in India which is a great victory for Muslim Women. In traditional Islamic jurisprudence, triple talaq is considered to be a particularly disapproved, but legally valid, form of divorce. Changing social conditions around the world have led to increasing dissatisfaction with traditional Islamic law of divorce since the early 20th century and various reforms have been undertaken in different countries. Contrary to practices adopted in most Muslim-majority countries, Muslim couples in India are not required to register their marriage with civil authorities. Muslim marriages in India are considered to be a private matter, unless the couple decided to register their marriage under the Special Marriage Act of 1954. Owing to these historical factors, the checks that have been placed on the husband's unilateral right of divorce by governments of other countries and the prohibition of triple talaq were not implemented in India.

HRLN has been closely associated with the women's movement for over two decades. The Women's Justice Initiative (WJI) is its national network of lawyers and social activists, that uses the law to oppose all forms of gender-based discrimination and violence against women and to increase women's access to the justice system as a vital means to their empowerment.

Speaker 1:

Ataur Rahman, Lawyer, District Nadia, HRLN

The speaker introduced the whole team of HRLN and gave a brief description about HRLN organization's work of providing Legal Aid to the litigant. He mentioned that the organization does pro bono cases and they support Human Rights work which includes Senior Citizenship Act and Women's justice. He mentioned how they reach out to the deprived sections of the society for giving justice to all. He shared his work experience in the district, the problems faced by the local individuals and how HRLN has been helping by doing the needful.

Speaker 2:

Md. Ali Sekh, Advocate, Krishnanagar District Court

The speaker shared his knowledge regarding the problem of the senior citizens and also shared some inputs regarding women's justice. He mentioned how the senior citizens are deprived from their rights.

Regarding women's justice he briefly discussed about section 498A of IPC. Section 498A was introduced in the year 1983 to protect a married woman from being subjected to cruelty. It claims to provide protection to women against dowry-related harassment and cruelty. He also highlighted that Every woman has a right to live, and right to live with dignity and freely express herself! In the present times, various crimes against women are prevalent in India, including be it domestic violence, cruelty, desertion, or stalking, rape, harassment, extortion or other crimes.

Though we have laws protecting women in India, yet the women both in Urban and Rural India face constant threats both online and offline and continue to face discrimination or other unfair acts and crimes whether at home or at their workplace. Law doesn't mean for Court/ case but it deals with life in daily basis. System awareness is very much crucial.

Speaker 3:

Soumitra Chakraborty, Advocate, HRLN KOLKATA

The speaker spoke about the Women rights. She stated that Women Empowerment can be referred to as strengthening the social, economic and educational status of women. It means creating an environment where there is no violence or gender discrimination and where women have equal rights in community, society and workplace. She stated that in present times we often read about Gender equality and equal pay for equal work, yet how many of us see this has manifested in both letter & spirit in our society. We are still grappling with issues of sexual discrimination, sexual harassment, dowry, rape & molestation. Several laws exist on paper yet how many women know which laws exist to protect them, and are

equipped with basic knowledge to require to enforce their rights. She encourages women regarding their rights. She mentioned about marriage of a minor girl is a punishable offence. She shares her some personal experience which she was dealing directly in court.

She stated that Protection of Women from Domestic Violence Act (2005) is a comprehensive legislation to protect women in India from all forms of domestic violence by the husband or any of his relatives. She stated that The Constitution of India guarantees the right to equality to women. It embodies the general principles of equality before law and prohibits unreasonable discrimination between persons. Article 14 embodies the idea of equality expressed in preamble. Thus, in *Air India v. Nargesh Meerza* the Supreme Court struck down the offending regulations of Air India and Indian Airlines that provided than an airhostess would retire on attaining the age of 35 years, or on the first pregnancy, whichever was earlier.

Speaker 4:

Lalchand Sekh, Advocate, Krishnanagar District Judges Court, Nadia

The speaker dicussed about Triple Talaq . This Act, in substance, declared the triple talaq, i.e., talaq-e-biddat or any other similar form of talaq is illegal. Any Muslim husband who pronounces such talaq to his wife can suffer imprisonment for a term of three years and also be liable for fine.

The use and status of triple talaq in India has been a subject of controversy and debate. Those questioning the practice have raised issues of justice, gender equality, human rights and secularism. The debate has involved the Government of India and the Supreme Court of India, and is connected to the debate about a uniform civil code (Article 44) in India.

On August 22nd , 2017, the Supreme Court of India deemed instant triple talaq (talaq-e-biddah) unconstitutional. Three of the five judges in the panel concurred that the practice of triple talaq is unconstitutional. The remaining two declared the practice to be constitutional. Three of India's neighboring countries — Pakistan, Bangladesh and Sri Lanka — are among the 23 countries worldwide that have banned triple talaq. The Quran established means to avoid hasty divorces. It prescribes two waiting periods of three months before the divorce is final in order to give the husband time to reconsider his decision. On July 30th, 2019, the Parliament of India declared the practice of Triple Talaq illegal and unconstitutional and made it a punishable act from August 1st, 2019.

Speaker 5:

Sourat Nandy, Advocate, Hooghly District, HRLN

The speaker discussed how the senior citizens are tortured by their children or any other relatives and such instances are being reported very often. He mentioned about Maintenance and Welfare of Parents and Senior Citizens Act, 2007. He stated that a senior citizen including parent who is unable to maintain himself from his own earning or out of the property owned by him, is entitled to get relief under this Act.

Children/ grandchildren are under obligation to maintain his or her parent either father, mother or both. Likewise, relative of a senior citizen is also bound to look after the senior citizen. If such children or relative is not maintaining their parents or senior citizen respectively, then the parents/senior citizen can seek the assistance of Tribunal constituted under this Act, to enforce the remedy of maintenance. Such parents/ senior citizen can file an application before the Tribunal, claiming maintenance and other reliefs from their children/relatives as the case may be.

He further said that such application for maintenance can be filed by the senior citizen or a parent themselves, or if such person is incapable, then by any other person or any registered organization authorized by him. The Tribunal can also suo motu take cognizance of the case. After receiving the application, the Tribunal may issue notice to the respondent-children/relative and provide them time to furnish their reply. Such application for maintenance should be disposed of within 90 days from the date of service of notice of application to the respondent.

Speaker 6:

Indrajeet Dey, Advocate, High Court at Calcutta, HRLN

The speaker about child marriage. He stated that Child marriage in India, according to the Indian law, is a marriage where either the woman is below the age of 18 or the man is below the age of 21. Most child marriages involve underage women, many of whom are in poor socio-economic conditions. He further said that the punishment for anyone who performed or directed a child marriage ceremony became imprisonment of up to three months and a possible fine, unless he could prove the marriage, he performed was not a child marriage. The punishment for a parent or guardian of a child taking place in the marriage became imprisonment of up to three months or a possible fine.

Speaker 7:

Rachana Sarkar, Athletic

The speaker stated that Women in the modern societies play a significant role in the development of socio-economic and political-cultural life of each society. Sports is that important aspect of modern life, which has transformed the polity, economy and society is more than one way from individual to collective, from locality to nation. Each identity is incomplete without the touch of the sport life like today.

A healthy nation is born to a healthy mother. To get healthy mother from the nation like as gift physical activity of women is most important issues. Sports are that term which is completed through the various types of physical activities. In a developing nation, like India, the participation of women in sports is more negligible than other nation countries. However, in the last seventy years there is a rapid sign of growth, with the Indian women athletics bagging gold for India.

The history of women Sports in Bengal during the second half of the twentieth century reflects a clear sign of growth of women in Sports. Bengal the site of British administration and trade developed as the sports capital of the colonial India. Here the colonized men took to the sports of the colonizers by the late nineteenth century in Bengal. In the modern Bengal society, erect a platform through the playground. But in this situation the women were not consider as the part of sport activity. Under the patriarchal society, women were facing a huge obstacle in getting involvement in sports, which cannot overcome still now properly.

RECOMMENDATIONS & ACTION PLAN

- Morjina Bibi belongs to a very low socio-economic background family. She has a daughter who is married. The latter has been driven out from her in-law's house. The former wants to get back her daughter's "Streedhon" items and has claimed maintenance for her daughter. In this regard, HRLN has filed a case under dowry prohibition act and 125CrPC proceedings against the husband and in laws of her daughter.
- Arijia Bewa belongs from a very low-income family. Her daughter has been driven out from her in-law's house. She has claimed for maintenance. HRLN has filed a 125 CrPC and Domestic violence proceedings against the husband and in laws of her daughter.
- Rachana Sarkaris a Athletic. She doesn't get any job under sports quota. HRLN has filed a writ petition.
- Chhaya Adhikari an aged widow lady. She was tortured by her son and driven out from her house. HRLN has filed a case under Maintenance and WelfareofParentsandSeniorCitizensAct,2007.

Annexure A**Participants:**

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Annexure B



