

Ensuring justice to the family members of 4 tender-aged married girl-victims

A Proposal for providing free legal service for ensuring justice to the family members of 3 murder cases and 1 attempt to murder case victims

Project Period
April 2019 - March 2024

Proposed By

NISHTHA

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ABOUT NISHTHA:

Nishtha', being a community based women's organisation came into existence in mid-seventies aiming at empowering women and girls through awareness building on their rights and strengthening them to demand for their rights. With passage of time, Nishtha at present works nearly 300 villages of five Development Blocks in the district of South 24 Parganas. The programmes undertaken by Nishtha are the reflection of continuous self-analysis and subsequent proactive revisions that made the Nishtha a participatory centre for adolescents, youths, elderly women and community as a whole.

VISION:

Nishtha strives for ushering a brave new world that would deny all discriminations on the basis of sex, class, caste, creed, religion or colour; where woman and man would have equal rights, equal opportunities and equal dignity; where children would not have to toil hard to earn their food; where all children would go to school; where the old and the infirm would have the respect they deserve; where there would be no violence and no war.

MISSION:

Nishtha essentially aims at empowering the woman, to establish her as a mentally, socially and economically independent human.

MAJOR AREAS OF INTERVENTION:

- ❖ **Education:** Education of girls is considered as key factor for empowerment, so, Nishtha provides support to more than 4000 girls with tuitions fees, uniform, and education materials etc.

- ❖ **Group Formation:** Nishtha emphasizes upon forming age based groups and builds their capacities for combating against different social evils to reduce gender based violence. There are 1000 members in Kids Groups (Balak-Balika Vahini), 4,500 members in Adolescent Groups (Kishor-Kishori Vahini), 3500 members in Adult Women's Groups (Mahila Mandals) as well as Senior Women's Groups.

- ❖ **Awareness Generation:** A couple of programmes such as awareness generation activities like theatre, wall writing, rallies, leaflets distribution,

formal and informal discussion with parents, community members and key stakeholders etc. have been organising for building a society where women are not discriminated or subjected to any violence.

- ❖ **Reproductive Health Education:** In this arena, a series of training and awareness generation programmes are held amongst girls and women. In addition, Nishtha helps the women to have their access for the birth control measures as per their choice through community based distributors or village resource persons.
- ❖ **Economic Empowerment:** Till now, about 2000 women have become self employed so far after undergoing proper training and receiving required support from Nishtha through the Women's Groups to become economically self-dependent.
- ❖ **Night Shelter and Day Care Centre for Sex Worker's Children:** These children are extremely neglected and vulnerable for being the victims of abuse, violence and later on become in conflict with law or forced to take up their mother's profession.
- ❖ **Elderly women Support:** Condition of the elderly women of poor families is very pathetic. They have been greatly neglected by the family members though they served a lot selflessly for their. Observing their awful condition, Nishtha has launched a programme called *Adopt a Granny programme* for the shelter less, helpless old women who are almost living alone.
- ❖ **Sustainable Agriculture:** Youths are being sensitised and encouraged to be the promoter of organic farming to protect bio-diversity and soil health. These youths have been trained to sensitise other farmers about the adverse effect of using chemical fertilizers and pests also enthuse to minimize the use of chemicals and promote the use of alternative organic mechanism for ensuring sustainability in farming.
- ❖ **RECOGNITION ACHIEVED :**For achieving success in the sphere of prevention of child marriage & trafficking, domestic violence, gender discrimination and reproductive rights Nishtha has got well acceptance both in government and

non-government circles. Nishtha has also been able to receive several Awards for its remarkable contribution in the aforesaid arena. Following awards have been received so far:

- **Ashoka Fellowship 1995** for promotion of groups of adolescents and women for their empowerment.
- **Apeejay India Volunteer Award 2011** for extraordinary work in promoting volunteer work with over 5000 volunteer base.
- **Vivekananda Medal 2014** from The Ramakrishna Mission Institute of Culture for extraordinary self-less work for the community.
- **Best NGO in West Bengal** for adolescent empowerment 2016 from CINI.
- **Champion of Youth** award received from EmPower, USA in the year 2017.

-: PROPOSED PROJECT DETAILS:-

RATIONALE :

Apparently, West Bengal is considered to be a very progressive state where the status of women is quite better and they seem to be empowered compared to other parts of the country.

But overall scenario of Girls and women in West Bengal is very much very worst. National Family Health Survey-4, 2015-16, State Fact Sheet, West Bengal published by the International Institute for Population Sciences(Deemed University), Mumbai depicts that 62.3 percent of all girls in rural West Bengal get married before attaining the age of 18 and do not get opportunity to complete their schooling. Deep-rooted social norms towards caste and gender mean a girl's education is not valued, especially if she comes from a marginalised community. Forced marriage is widespread resulting in girls leaving school with little education, trapping them into domestic service, child pregnancy and they are exposed to different forms of violence ultimately.

Gender scenario of the community is very much severe. Political and religious conflicts are gradually ever increasing as a result of which girls and women become the worst sufferer. Girls living in rural areas are generally oriented since their childhood to get early married and take up the responsibility of household works in their in laws families. They have always being taught to confine themselves at home and be a good house wife, very polite, not to speak or laugh loudly. They have never been asked to go for study and be self-reliant. Under the patriarchal society, they should remain always be dependents on male members of the families be it their parental home or in law's house. They are treated almost as ornaments in their respective families, community. While they are teased outside by the boys surprisingly enough girls are blamed pointing out their dress or behaviour rather their parents restrict their movement and their sometimes they have been barred to attend school for this reason. They have never been allowed to go anywhere alone and never allowed to remain outside after evening hours. Family members always think for their marriage as early as possible in order to get relief. In fact, after the attainment 13/ 14 years parents look for suitable groom especially keeping in view of sound financial condition of the would-be groom and wide age gap of bridegroom in most of the cases is ignored.

Post-marriage liferotates around performing household works and child rearing without being recognized and paid for that. She becomes the only person who wakes up first in the morning and goes to the bed last in the family after completion of all household responsibilities without having any recognition at all. It is quite natural in the patriarchal system and it is so deep rooted that even women do not think themselves deprived or victims of discrimination or injustice.

Inhabitants of the operational area of Nishtha are dependent mostly on agriculture and basically being mono-cropped, the quantum of yield is insufficient for the sustenance of the families as majority of them are small farmers and possessing very small cultivable lands. Moreover, water-logging during the rainy season is a common phenomenon, other than cultivation source of earning from other vocations is scarce, hence, majority of the people work as wager labour. City of Kolkata becomes only place for them to go for earning there as daily wage labour. Traffickers exploit this opportunity hence, in the guise of marriage or job occurrences of girls-trafficking are prevalent in the whole region to a great extent. Acute poverty has made the overall

condition of girls and women extremely severe. Early marriage, early pregnancy and finally, girls trafficking are very common in the community.

Nishtha has been sincerely trying to ameliorate the condition of girls by way of retaining them in school in order to protect them from early marriage. Though Nishtha has been able to save 90 % girls from being married covered under its projects, nonetheless, a few girls students could not be saved from getting married at an early age and they become susceptible to different forms of atrocities and violence by their in laws' after being married.

Nishtha has been struggling hard and continuously fighting in favour of victims since its birth. Village based Girls Groups and Women Groups formed by Nishtha took several measures through protest rally, campaign contacting local self-Government (Panchayat), police, child line etc.

Following inhibiting factors have prompted Nishtha to initiate this project.

- a) In the patriarchal gender biased society, women have never been treated as human being and there is a propensity to safeguard the male culprits as they think that they have the right to humiliate or torture women.
- b) Ample cases with regard to violence and cruelty against girls and women happen so, front line service providers especially police become apathetic towards the victims.
- c) Victims' families are extremely poor and complicated, long term hazardous process so, they cannot continue their court cases.
- d) These four special cases have been planned to be specially treated as these 4 victims were the members of Nishtha's group members and moreover these girls have brutally been tortured and killed.

I. GOAL :

Ensure justice to the family members of 3 murder cases and 1 attempt to rape and murder case victims of extremely poverty stricken families by way of providing effective free legal aid service.

II. OBJECTIVES:

1. Ensure justice to the family members of 3 murder cases and 1 attempt to murder case victims.
2. Involve eminent lawyers in order to restrain purchasing of police for placing case special number for immediate resolving the case in the fast track court.
3. Assist the family members of victims belonging to poorest stratum of the community to continue their cases for having justice in spite of having financial constraints.
4. Ensure due punishment of the accused persons.
5. Exemplary punishment brings back faith among financially wretched people on judiciary and on the contrary, learning for the community that punishment is obvious if anyone commits such brutal crime.

III. BENEFICIARIES:

i) DIRECT :

Family members of 3 tender-aged married girls who were brutally murdered in their in laws' home and 1 tender-aged girl attempted

ii) INDIRECT :

Community members of poorest stratum of the society will be aware about the effectiveness of the existing laws of the country in favour of women and persons having enough financial resources are not above the law.

IV. CASE HISTORY OF 4 VICTIMS :

- **On 13.04.19 Aarupa Barik (name changed)**, one of our girls group member , age 15 years, residing in District- South24 Parganas was all alone at home. She was cooking in the kitchen when all of a sudden a boy residing at the same locality enters in her home and overpowers her and attempted to rape her. The boy forcefully threw her down. Aarupa tried to defend herself while the boy injured her brutally with a sharp knife. Aarupa was rushed to the Diamond Harbour Super Specialty Hospital. Now, **her condition is very grave due to extreme bleeding. She is extremely traumatized as she fears she may be murdered any time.** Members of Nishtha girls group caught the boy and tied him with rope and contacted Local Police Station and Police has already arrested the culprit.

These few days has been difficult for us, Throughout the day, we are occupied with Protest rally for Aarupa and many other like visiting her in hospital,

interacting with the officials and police, Superintendent of Police, MLA, CWC (Child Welfare committee of government), Super of hospital etc. so that we get different reports and different test done on time for Aarupa. Every day early morning to midnight we all are present in the hospital rotation wise to ensure her safety and security as we are very much worried that anytime another attack may take place on her and her friends.

- Beside these on 13th April, Purnima (Name changed), a member of our women group was burnt, hospitalised on 13th and ultimately died on 17th. On a small burn we face so much pain but when someone is forcefully burnt with kerosene all over her body you can understand how much pain she has gone through.
- **Bithi Naskar** (name changed) a girl of 17 years old, was one of the members of an adolescent group of Nishtha. One day, while she was coming to Nishtha for attending a meeting, she was abducted by a man along with his friends and got her married forcibly. That person is very much disreputable and his family is very rich. Being informed of the incident, 4 members of the Mahila Mondal tried to convince Bithi's mother for lodging a complaint at local Police Station as Bithi was a minor. Unfortunately, Bithi's mother condemned Bithi for not communicating the incident to them rather she told that it would be a lesson for other girls that if such incident happened to any girl, she should have come back to her parents otherwise, she had to be brutally tortured by such persons. Ironically, Bithi's mother could not realise that Bithi didn't have that maturity to perceive such consequence at her age. It is quite clear that patriarchy teaches this belief to the people like Bithi's mother.

Just after one and half months of the incident, Bithi was ruthlessly tortured and murdered ultimately on 28th February, 2019. To prove the case as suicide, Bithi was shown hanging from a fan. One member of Mahaila Mondal of that vicinity informed the incident to a Mahila Mondal member of Bithi's hamlet and Bithi's mother came to know from her. Some members went to the local Police Station and lodged an FIR by Bithi's mother. Afterwards, Police arrested in laws and Bithi's husband.

Now, Nishtha has filed a case and fighting the battle against this brutality.

- **Sampa Naskar** (name changed) was a member of Girls Group living in a village under Sonarpur Development Block. After completing her Higher Secondary Examination and just 19 years of her age, Sampa's parents married her on 2nd February, 2018 to a person of a well-to-do family residing in Canning. Being an extremely poor family, it was indeed a blunder for them to marry their daughter there taking huge loan.

Just after two months, Sampa became the victim of perpetual severe torture for more dowry. As a result, she came back to her parents twice and her in laws took back her again. But just after 8 months, she was beaten to death in September, 2018. Her mother was informed of her death from a neighbour of Sampa's in laws. Then and there, Mahila Mandal members of Sampa's mother hamlet went to the Canning Police Station with Sampa's parent and persuaded police to take Sampa's body for post mortem. Police arrested Sampa's husband and his family members.

Nishtha has also taken legal procedures against this injustice.

- **In September, 2018 Priya Gharami**, (name changed) a 21 years of old was the member of a girls group. She lived in a village under Baruiipur Block in South 24 Parganas. She got married 4 years ago and had a girl child aged 3 years. She was murdered after being severely tortured. Police arrested her in-laws and husband and her daughter was handed over to Priya's mother. Nishtha has lodged a case and fighting for Priya.
- **On 23rd April**, one of our girls named **Riyanka**(name changed) of our Nishtha Day Care centre for girls committed suicide at her home. The reason for suicide was that she failed to make her parent understand that she would not marry right now but her parents have already made necessary arrangement for her marriage.
- **One 15 year-girl, Adhuri Naskar** (name changed) took shelter at Nishtha on 10th April as she was about to be raped by an adult wage labour while they were working together in the farm. Another two wage labourers who are also working in a slightly distant farm, hearing her shouting, they rushed to save her and brought her to Nishtha as she didn't want to go to her own home. She opposed to work with men workers, nevertheless she was compelled by her parents to work with them. As a matter of fact, she felt insecure at her own home that is why she preferred to stay at Nishtha and continue her studies.
- **On 16th April, Juthika Halder** (name changed) another girl member of Aarupa's group aged about 15 years was taken to another village by her parents for getting her married. With the help of the police ultimately, she was rescued on the day of proposed marriage (18thApril). She declined to get married at this age in spite of her wish, her parents forced her to marry.
- **One member of our women group, Ruma Sardar** (name changed) was thrown out from the home by her in laws on **4th April** after being severely tortured. Nishtha staff members and Mahila Mandal called police and organised a big meeting on this issue. Police and Mahila Mandal members

have made separate arrangement for her stay at in law's home with the help of the Protection Officer. Police categorically warned her in laws to abstain from any sort of torture, otherwise stern action would be taken.

- **On 2nd April, Rupali Paramanik** (name changed), another young widow having two kids was compelled to leave her in law's home. Now, she is looking after her two kids by working as maid with minimal earning. Surprisingly enough, her husband has got sufficient cultivable land and possessing a separate accommodation in his parental home but her in-laws deprived her and her kids from their valid ownership. Mahila Mandal protested and made demonstration and pressurised her in laws to enjoy her legitimate rights. Nishtha has also been fighting for Rupali filing a case.

There are so many violence related cases are being dealt by Nishtha. Thrust has been giving on resolving the issues out of court through counseling, creating pressure by the Mahila Mandal with the help of police and local administration. Right at this moment, Nishtha has been dealing 59 such cases. Some cases have been referred to the Free Legal Aid Service Authority but the progress of such cases is extremely negligible. Hence, Nishtha wishes to fight for at least 4 cases independently as these cases appeared to be severe in terms of brutality so as to give justice to the family members of those victims and also to convey the message to the community that justice will be inevitable for the accused.

V. PROPOSED ACTIVITIES:

- a) Effective legal aid services will be provided to the victims' families.
- b) Renowned highly paid lawyers will be involved to advocate the cases in the befitting ways. So, the cases can be placed in the fast track court being earmarked as special case number by the police. In most of the cases, simple law years and person in-charge of front line service providers become demotivated/ purchased by the accused persons and their families.
- c) Social worker will provide follow-up service through keeping regular contact with the lawyers and act as catalyst between the lawyers and victims' family members.
- d) Family members will be given financial assistance for conveyance and food to ensure their presence at the court on the hearing days.

- e) Nishtha's social worker will keep regular contact with the victims' family members for providing moral support to continue the battle as the cases take long time i.e. 4/5 years to be resolved.
- f) Nishtha's social worker will activate the Adolescent girls' Groups (Kishori bahinis) and Women Groups (Mahila Mondals) of the concerned areas to conduct rally, campaign in the villages to create a strong public opinion in support of the victims and at the same time, they also keep vigil on the accused persons and their family members for retraining them from taking any unethical measures to threat the victims' family members to withdraw the cases.
- g) Nishtha's social worker will also keep regular contact with front line service providers e.g. police, childline, Local self-Government (Panchayat) for activating them to provide required services to the victims' families.

VI. PROJECT DURATION :

5 YEARS

VII. BUDGET for first year is Rs. 638000.00

The proposed budgetary requirement for five years is attached as annexure.