

**CAPACITY BUILDING WORKSHOP ON LEGAL AWARENESS
WITH GRC MEMBERS
Venue: Lok Kala Manch
Date: 13th, 14th and 15th October, 2009**

AGENDA

S.No	Timing	Session
DAY 1 (13th Oct)		
1.	10.00 A.M to 11.00 A.M	Introduction and ice breakers <ul style="list-style-type: none"> • Participants' introduction • Expectation from the workshop • Sharing objective • Setting ground rule
	11.00 A.M to 11.15 A.M	Tea Break
2	11.15 A.M to 12.30 P.M	Understanding law <ul style="list-style-type: none"> • What is law • How is law made • Violence Against Women
3	12.30 P.M to 1.30 P.M	<ul style="list-style-type: none"> • Understanding CEDAW • Article 1 of Human Rights Declaration
	1.30 P.M to 2.30 P.M	Lunch Break
4.	2.30 P.M to 3.30 P.M	<ul style="list-style-type: none"> • Constitution • Fundamental Rights
	3.30 P.M to 3.45 P.M	Tea Break
5.	3.45 P.M to 5.30 P.M	Doctrine of Differential Treatment and Substantive Equality
DAY 2 (14th Oct)		
1	9.30 A.M to 10.00 A.M	Revision of the last day
2	10.00 A.M to 11.15 A.M	Criminal laws related to Violence against Women <ul style="list-style-type: none"> • Dowry law (Sec 498A) • Stridhan (Sec 406)
	11.15 A.M to 11.30 A.M	Tea Break
3.	11.30 A.M to 12.30 P.M	<ul style="list-style-type: none"> • Rape law (Sec 376) • Sexual Harassment at public place (Sec 354)
4	12.30 P.M to 1.30 P.M	Government Mechanism useful in prevention of violence <ul style="list-style-type: none"> • Crime Against Women Cell • Delhi legal Services Authority
	1.30 P.M to 2.30 P.M	Lunch Break

5	2.30 P.M to 3.30 P.M	Maintenance under the Indian laws <ul style="list-style-type: none"> • Hindu Marriage Act • Sec 125 CrPC • Muslim law
	3.30 P.M to 3.45 P.M	Tea Break
6	3.45 P.M to 4.15 P.M	<ul style="list-style-type: none"> • Interface with Mr. Sanjay Sharma (Project Officer, DLSA)
7	4.15 P.M to 4.45 P.M	<ul style="list-style-type: none"> • Interface with Ms. Pratima Sharma (ACP, CAW Cell)
DAY 3 (15th Oct)		
1	9.30 A.M to 10.00 A.M	Revision of the last day
2	10.00 A.M to 10.30 A.M	Historical background of PWDV Act 2005
	10.30 A.M to 10.45 A.M	Tea Break
3	10.45 A.M to 11.45 A.M	Provisions of the PWDV Act 2005
4	11.45 A.M to 1.00 P.M	Mechanism of implementation of PWDV Act 2005
	1.00 P.M to 2.00 P.M	Lunch Break
5	2.00 P.M to 3.30 P.M	Working on Case studies
6	3.30 P.M to 4.00 P.M	Feed Back

Resource Person: Khadijah and Nilanju

A three-day capacity building workshop on legal awareness was organized at the Lok Kala Manch, New Delhi to train the selected group of 38 social activists from the Gender Resource Centres to prepare them to be paralegal workers in their respective area.

The GRC is a Government of Delhi initiative for women empowerment, especially for the underprivileged sections. The community-based programme is implemented through local NGOs. There are 80 GRCs in Delhi covering a population of 8 lakh living in slums, resettlement colonies and J.J. clusters. GRC services include interventions for legal aid, health care, livelihood, non-formal education etc.

Objective of the training:

- To develop a basic understanding on the genesis and process of laws with a feminist perspective.
- Detailed understanding of the laws related to women.
- To build capacities of the GRC counsellors so that they can work as a catalyst in the incidences of violence against women.



Day 1:

Icebreaker: Introduction, Expectations and Contributions

After a very brief introduction of the participants, they were asked to write down their expectations and contributions to the workshop.

- Expectations: To expand their knowledge on the components of women related laws, especially the PWDV Act, which will help them to support women who come to GRCs for help.
- Contributions: To participate actively and share their experiences with their counterparts.

Setting the agenda for the 3-day workshop, facilitators said that in order to provide women with legal support and guidance, one needs to know the fundamental rights of women and the legal nuances to claim those rights. Therefore, Day 1 would be dedicated to make the participants understand the essential aspect of how and why laws are made. Day 2 will be focused mainly on the important laws of women and the other government mechanisms, which plays a pivotal role in asserting these rights. And because the participants insisted on the PWDV Act, day 3 will be dedicated to this Act along with case studies to equip them with practical techniques to handle matters of violence against women.

The facilitator started with the history of the Indian legal system and defined laws as a set of rules formulated to ensure smooth functioning of the society and an instrument to restraint the society. In traditional India, Panchayats used to do conflict resolution and family was the first conflict resolution mechanism, but with the arrival of Mughals came the Adalat systems. This created a distance between legal system and common people, which created a lot of hardship among women and weaker section.

Game of chain

A game of making a circle and one person moving out of the circle with holding hands and then asking them to return to their actual position was played with the team to understand how accurate information and intelligent attitude is necessary to be good paralegal worker. This game evoked a lot of enthusiasm among the participants and it not only proved to be an effective tool but also played a very important role in breaking the inhibition amongst the group. After a very participative discussion it was concluded that we have to know where exactly the solution for the problem lies. Only then can we initiate a yielding result.

The question that came up from the group was that men and women are born equal but do the circumstances and situation provides us the much-needed equality? Linking this question to the second session on CEDAW, the facilitator asked the group if they know what CEDAW is. It was interesting to note here that the group had never before heard of CEDAW. So the facilitator explained how various forms of biasness had led to the birth of CEDAW to bring an end to all kinds of discrimination against women. CEDAW recognizes violence as the biggest form of discrimination against women and that the existing traditions of each state, which are against women, should be done away with. Since India has also ratified the Convention, various laws related to women are been made and amended keeping in mind the objectives of the CEDAW. The facilitator also briefly touched upon the fact that the PWDV Act is an outcome of it.

The facilitators felt that although the group has been working on the issue of violence against women, they have limited understanding of the issue. So, a brief session on violence was taken up with them. It was explained to them how violence against women is used as a weapon by patriarchy to oppress, exploit and control women's autonomy. It is a part of the patriarchal system operating in society where men control women and girls by keeping them in fear of violence. They acknowledged the fact that gender based violence against women is a part of the system. The discussion then revolved around the various social institutions with inherent patriarchal values, which justifies VAW as a universal phenomenon. A few of the institutions that were discussed were religion, family, media, state and the legal system. The group was asked to shift their focus from women as victim to the system of unequal power relationships between men and women.

The first day of the workshop ended with the discussion on the Indian Constitution and the various fundamental rights of the citizens. Emphasis was laid on Article 14 (right to equality) and Article 21 (right to life) of the Constitution. Talking of these two Articles, the facilitator linked it to the three types of equality for protection of women highlighted in CEDAW and to the various civil and criminal laws made by the government for the benefit of women. They are-

- a) Physical protection (Sec 376, 354, 498A IPC, PWDV Act etc).
- b) Economic protection and equality (Bank policies, Loan, Tax etc., Maintenance under the personal laws)
- c) Political protection in the public as well as private place (various government schemes and policies)

The day ended with the facilitators distributing a booklet on legal provisions and asking them to go through it, as it will help them to comprehend the next two days' discussion.



Day 2-

Laws related to VAW

Day 2 began with the recap of the previous day. Since the group did not have any questions, the facilitator started the session with the evolution of the concept of dowry and how in the present day situation it has become instrumental in increasing violence against women across all class. The laws related to dowry and stridhan under the Indian Penal Code - Sec 498A, Sec 304B, and Sec 406B- were discussed in great length. They were made to understand that Sec 498A which is often mistaken as the only law against dowry is in fact a law against cruelty meted out to a woman by her husband and his family. There may or may not be any demand of dowry related to such cruelty. Reason for cruelty is beyond justification. In continuation to the dowry law, the facilitator also clarified to the group the differences between dowry materials and stridhan. In the same context, it was explained to the group whom to approach in such cases and how to lodge an FIR. The actual role and functioning of the Crime Against Women Cell in relation to matters of Sec 498A and dowry was briefly touched upon by the facilitator. The group shared that although they were familiar with the dowry law, they did not know how to claim for the stridhan of a woman.

The next session was on the law of sexual harassment at public places. The facilitator began the discussion with the difference between eve teasing and sexual harassment. When the facilitator asked if anyone from the group has faced sexual harassment at public places, most of the participants accepted that they have ignored it. And a few participants had to share that there was no point going to the police, as they were always discouraging. The facilitator recommended them to assert their rights in the police station and emphasized that if they will not fight for their own rights, how are they expected to fight for the rights of other women facing violence. Sexual harassment at public place is the most common form of violence against women because it is often given the name of “ched-chaad”, which weakens the intensity of such violence. The group was briefed on the various laws meant for such violence and they were urged to spread awareness of the same.

The last session of the day was on the maintenance rights of women under the Indian laws vis-à-vis:

- Maintenance under Muslim Laws.
- Maintenance under Sec 125 Cr.PC.
- Maintenance under Hindu Marriage Act
- Maintenance under PWDV Act



Maintenance rights under Muslim Laws:

Muslim customary laws have maintenance under different circumstance Wife has absolute right to maintenance and non-payment of maintenance can be a ground for divorce. After divorce she is entitled for maintenance for her iddah period and also in case of destitution. Muslim mother has a right to maintenance from her son and in case she has only a daughter, from her son in law. Muslim daughter has a right to maintenance from her father and the sister who is unmarried or has become widow has same rights from her brother and in case of her brother's death from her nephew. A Muslim wife in case of widow hood or divorce has the right to maintenance of her children and she being first guardian she has an absolute and first right to custody of children. In case of non-presence of husband or any other male relative Waqf Board is responsible for maintenance of destitute women.

Maintenance under Section 125 CrPC:

Section 125 CrPC is a criminal law, which gives maintenance rights to women of all caste, class and religion. It is an interim relief and an order should be passed under this law within three month of application. Women in all relationships can take order under this Section.

Maintenance under Hindu Marriage act:

Section 18 of Hindu Marriage Act gives maintenance rights to a Hindu wife .A divorced wife can also claim permanent maintenance under this Act till the time she marries some one else.

Maintenance under Domestic violence act:

Under the PWDV Act, economic protection order provides maintenance to women partners of a male who live in a shared household. This law covers all relations- wife,

sister, daughter, mother, second wife, live in partner, any other dependent female relative sharing the house. Even though this is civil remedy, disobedience of this order amounts to contempt to court, which is a non-bailable crime, and the person can be arrested.

The group found this session informative because most of the women who come to these counsellors for help, always have the issue of economic dependence for which they are unable to walk out of a violent situation. With this, the day's session came to an end.

Day 3-

PWDV Act and Case studies

The facilitators began the last day of the workshop with recap of the previous day. Following the recapitulation, the discussion veered towards the new Act on domestic violence. The history behind the Act was explained to the group – how the women's movement played a pivotal role in bringing this Act into force and that this Act was formulated within the framework of CEDAW. After the historical background, the facilitator went into an in-depth explanation of the provisions of this Act, which enables the woman to seek relief under the Act. The group had many queries on the implementation and the role of the Protection Officers appointed under this Act.

Five steps on how a victim of violence could access the courts were laid out diagrammatically:

Option 1

Applicant → **Protection Officer** → **Magistrate**
- Records DIR
- Makes application
- Receives DIR
- Receives Application
- Grants Orders

Option 2

Applicant → **Police** → **Protection Officer** → **Magistrate**
-Makes diary entry
- Records DIR
- Makes Application
- Receives DIR
-Receives Application along with DIR
- Grants orders for relief

Option 3

Applicant → **Service Provider** → **Protection Officer** → **Magistrate**
- Records DIR
- Makes Application
- Receives DIR from SP
- Receive application
- Receives DIR
- Grants orders/reliefs

Option 4

Applicant → **Lawyer** → **Magistrate**
- Grants orders for reliefs OR
- Orders PO to conduct a home visit to grant interim relief

Option 5

Applicant → **Application in pending**
Through a lawyer proceeding in any court

This simplified table helped the group to understand the application of the Act and the role of the service providers and the protection officers became clearer to them.

Subsequent to this session, the large group was divided into 5 small groups and each group was given a different case study wherein they had to give their legal inputs based on the previous days' learning. It was quite interesting to hear the groups coming out with their remarks. They were extremely careful and alert in controlling behaviors that were not gender sensitive and yet a common prevalent social orientation was evident in their language.

Observation and feedback:

These three days of interaction with the group was a great learning experience. The group had the ability and the interest to understand the legal procedures. They had a vast experience of handling human rights matter but not much with gender perspective. The facilitators felt that understanding the issue of VAW and especially gender-based violence will help the group to communicate with women of the community constructively.

At the end of the workshop, the group shared that they found this workshop very enriching, although time was a constraint. They also shared that they would like to attend such trainings in the future, which will help them build their knowledge base so that they can help women facing violence.