

## Social Justice & Informal Legal Cell

### Objective:

**To help establish social justice through an informal legal cell and through networking with community groups including the Panchayat and other appropriate institutions**

To realize the desired objectives CORD established the Social Justice and Informal Assistance Legal Cell on November 4, 1998 although it has been working with sporadic cases requiring social justice referred to it through its Mahila Mandal.

The cell is actively working towards the reinforcement of peace, harmony and security within the community through participation, integration and networking strategies. **CORD believes no society can be developed if the basic rights of the individual are not protected by the state/ society.**

The Social Justice and Informal Legal cell handles several types of cases i.e. violence between husband & wife, divorce, maintenance, property related issues, family related issues, child related issues, job related issues, dowry death, sexual assault, murder, rape, etc. The Legal Cell also handles public interest matters which relate to Environmental Protection. It works on RTI (Right to Information) Act 2005 too since its inception.

There have been 414 cases registered and 264 cases resolved up until now with the help of CORD's network. If there is no possibility of resolving the case on the local level through Mahila Mandal & Panchayats (depending on the nature of cases), because it is speedy and cheap) then only does CORD try to resolve the cases through other intuitions i.e. the Human Rights Law Network (HRLN), the police, the Women's Cell, the court, etc. Most cases are referred by Mahila Mandals and other community based organizations. CORD provides victims with para-legal aid and counseling.



*A victim is being facilitated by CORD Worker at Police state*

The following table depicts the networking through which the cases were resolved-

Case Resolved through CORD	57
Case Resolved through Panchayat	31
Case Resolved through Police	60

Case Resolved through Women's cell	16
Case Resolved through Court	95
Others	06
<i>(data Till June 2008)</i>	

Total Cases Resolved through CORD's facilitation as shown above totals 261. Another 150 cases are in the process and 3 cases are withdrawn. Till date CORD has registered 414 cases, details of which are given below.

CORD is playing a significant role in accessing justice in remote villages where marginalized poor and deprived people are living. CORD organizes Legal Cell Day and Legal Cell Follow-Up Day for the benefit of the victims.

**Legal cell Day:-**

CORD's Legal Cell day became a formal activity in 1998 when the Deputy Commissioner Police Mr. I.D. Bhandari responded to CORD's need for police intervention without an intimidating atmosphere for village women by him coming to CORD once a month to resolve issues and take reports from the police on the previous month's interventions by them. Since then CORD organizes Legal Cell Day on the 20<sup>th</sup> of each month. On this day, victims of various abuses come to CORD with their legal problems. CORD's expert provides the victims with legal aid and counseling. Police too are present, if the need be, formal lawyers too are invited. On a few occasions, State Women's Commissioners too have come to hear about the victim's problems and help them further.



**Legal Cell Follow-Up Day:-**

On the 15<sup>th</sup> of every month the Legal Cell discusses pending cases and devises strategies to resolve these cases.

For the resolving of cases CORD has done networking with CBOs, Panchayat, Police, Women's cell, Human Right Law Network, National Women Commission, local administration, court etc. CORD is also working for rehabilitation of those individuals who are marginalized and poor, as well as for single women.

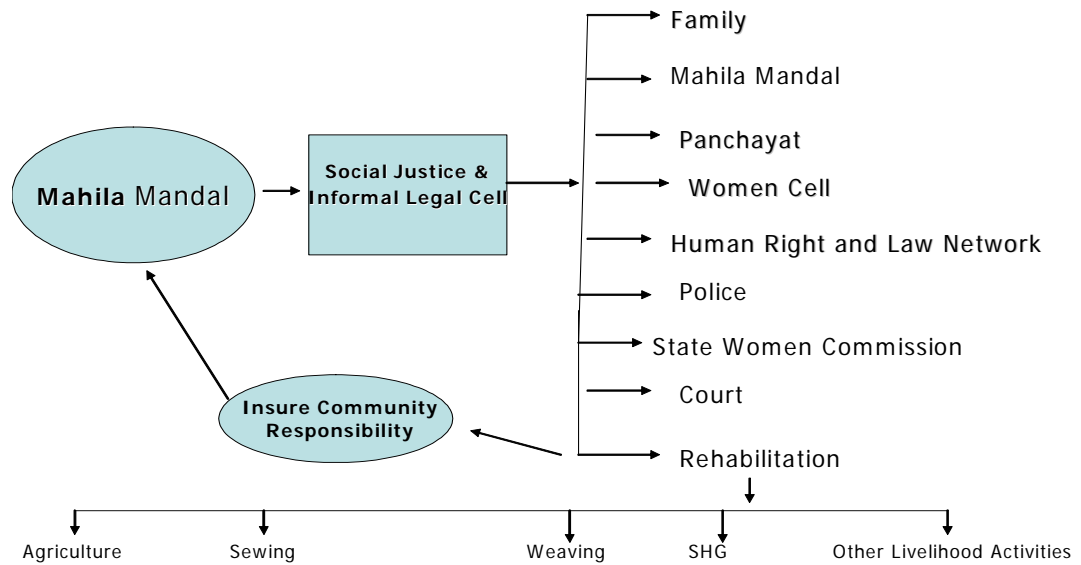
**The Steps for Legal Process**

1. The Complainant submits an application at the program Center.

2. A hearing of the complainant is fixed at the Center
3. Field visit to the respective residences – the in-laws and maternal home of the complainant as well as neighbors, the Panchayat and the Mahila Mandals.
4. Both parties are called to the center to facilitate a dialogue between them and counsel them. Should a compromise be reached between the two parties a written undertaking from both is obtained.
5. In the absence of any compromise\ reconciliation between the two parties, CORD forwards the case to the Women's Cell, police or court under the appropriate Acts with help of its Network.
6. In respect of criminal cases (fraud, assault, rape, murder and so on), an FIR (First Information Report) is lodged with the Police, so that it can take recourse to arrest, investigate, seek bail, *challan* (penalty) and collect evidence, as necessary. A constant follow-up is maintained with Police.
7. When the case moves from the Police to the court the Program accompanies the complaint to the court, and maintains a follow-up with the concerned advocate(s).
8. The most unique and exceptional aspect of the Legal Cell is its efforts to rehabilitate the victim. The Legal Cell recognizes that the victim of a crime is in no way responsible for that crime. Therefore, the Legal Cell tries to ensure the dignity of a victim and make sure that the victim can support herself. They do so by trying to prevent community hostility against the victim and by connecting the victim to programs that teach skills such as sewing, weaving, and other income generating activities. The victim is included in the community through Self Help Groups, Mahila Mandals, Upgramsabhas and Gramsabhas if she belongs to the areas where CORD operates.



# Our Working Structure



## Types of Cases being handled by CORD

Category	Total Cases	Total Continue	Total resolved cases	Lack of response	Cases resolved through					
					CORD	Panchayat	Police	Women's Cell	Court	Others
Murder	5	4	1	0	0	0	1	0	0	0
Rape	11	4	7	0	0	0	0	0	7	0
Sexual Assault	6	2	4	0	2	0	2	0	0	0
Matrimonial cases	250	83	165	2	34	17	24	11	78	1
Family Related Issues	13	4	9	0	3	3	2	1	0	0
Crime General	49	21	28	0	0	1	24	3	0	0
Harassment Other	35	15	19	1	9	7	3	0	0	0
Property	30	12	18	0	5	2	4	0	7	0
Child Related Issues	6	1	5	0	1	1	0	1	2	0
Job Related Issues	7	2	5	0	3	0	0	0	1	1
Public interest	2	2	0	0	0	0	0	0	0	0

matter										
Total Cases	414	150	261	3	57	31	60	16	95	2

**CORD's latest Success stories:**

**Rani, a case of rehabilitation of a child raped by her father**

This is Rani's case (pseudonym used). Rani is a 14 year girl in the sixth class. Her Mother passed away when she was 2 years old. Her residence was in Chandanpur (pseudonym used), district Kangra. Her Father is an alcoholic. She has two elder sisters who are married and one elder brother studying in the tenth class. She was aggrieved by sexual harassment by her father, who raped her since the age of 8 years. Her elder brother who was aware was helpless as he would be sent to a cowshed during the nights. Nobody helped her. The little girl who cooked for her father once tried to poison to his food. The only person who listened to her complains were a few members in the Mahila Mandal. The others were too scared to report it. When CORD workers learn the truth from the Mahila Mandal they arrange for the child's protection and ask the Mahila Mandal to register FIR against the child's father. The medical examination of Rani confirmed she had been raped.

Rani's father was sentenced to life imprisonment for raping his minor daughter. He was also fined an additional Rs. 20,000 by the District & Sessions Judge K.S. Chandel. Rani has been taken over in a beautiful home where she is studying in a good school and receives all the love and care that any child should receive. Her brother too has been rehabilitated through friends of CORD and is now studying in a good school.

**Sumana Devi, returns to her in-laws house through CORD's Interventions**

Sumana Devi D/O Sri Jadgish Singh resident of village Kand Kariyana Tehsil Dharmshala District Kangra H.P. Sumana Devi's Father is a seasonal labourer. She belongs to a very poor family. She was married to Suresh Kumar, son of Shri Vidhu Ram, village Lambapatt, Thana Palampur, District



*Sumana and her husband compromising*

Kangra



*Both parties during the counseling*

according to Hindu custom on the 26<sup>th</sup> of April 2000. Sumana's husband is a carpenter and Sumana Devi has two children. The oldest, Sahil, is 4 years old & the youngest, Anshika, is one year old. After two months of marriage Sumana's husband and mother-in-law tortured her for her dowry. Sumana's husband was a drunkard. After drinking Suresh Kumar harassed his wife. Also, both delivery expenses were expended by Sumana's parents. On 25-05-08 Sumana was bitten by her husband very cruelly. Her hand was injured and she was not able to do any work. Then she went back to her parental house. Sumana Devi then told her gloomy story to a CORD worker, Rajeev. Rajeev then forwarded her to CORD Legal Cell. On 27<sup>th</sup> May Sumana came to the legal cell. After hearing her problems the Legal Cell adopted a painstaking approach and forwarded her case to HRLN to file under the Protection of Women against Domestic Violence (PWDV Act) 2005. The Legal cell worker, Mrs. Jyoti Dogra and volunteer Astha went to Sumana's in-law's house to get information. Both parties were called on the 15<sup>th</sup> June, Legal Cell Follow-Up day. During this period the case was filed under PWDV Act 2005 and the Court notice also sent. The first hearing date was decided by the Court for the 16<sup>th</sup> of June 2008. After the follow-up by CORD's legal cell and receiving the court notice, the in-law's family felt very pressured. Sumana's husband, in-laws and her relatives of Panchayat Up Pradhan came on the 15<sup>th</sup> June Legal Cell Follow-Up day. After counseling both parties agreed to live together and Sumana's husband was certain that he would never again drink and torture his wife. Then the next day, on hearing of the court date, both parties compromised. The Court also announced an order for 1000/- per month maintenance and residence order. Sumana went back to her husband. She is being followed-up and it is good to see that her husband had stopped drinking & beating her. Both of them are happy. They are grateful to CORD. This is the best example of speedy justice.

### **Soma Devi Case**



*Soma Devi with Premo Devi going to the Police station*

laws kept her fixed deposit. Passbook, 'Istridhan', and other important

Soma Devi W/o Late Sh.Ramesh Chand lives in the village Sihund Teh in Distt Kangra. Her husband died 5 months ago. Soma Devi has two children; one 6 year old boy and a younger girl of 2-3 years. After the death of her husband, Soma Devi's in-laws often mentally & physically harassed her. Also, Soma Devi's in



*Soma Devi and her brother with Premo*

documents. Soma Devi wants all these things back, but they refuse to give them back. Then Soma Devi told the whole story to the Panchayat Pradhan. Despite this, her in-laws have not given anything to the Panchayat members. After that she came to CORD Sidhbari in the Legal Cell program. After learning about how her in laws mentally & physically harassed her, a legal cell worker went to Soma's in laws house, but the in laws refused to talk with the worker. On 28<sup>th</sup> April 2008 the Legal Cell wrote an application to Women's Cell about the problem. After receiving the application the Women Cell called on both parties. On 8 May Soma Devi's sister-in-law Rekha Devi and brother-in-law Trikol Chand went to the Women Cell, but the mother-in-law did not come to the Women Cell. Both husband & wife agreed to give back all the things to Soma Devi. But they did not give them back to her. Soma's mother-in-law, Nikko Devi, tried to hide everything. After this the family harassed Soma Devi more. Soma Devi's sister in law tried to strangle her, wanted to kill her, threatened her and threw her baby on the stone floor. After this incident, Soma came on 27-05-2008 to CORD. The Legal Cell wrote an application to the Superintendent of the police to take immediate action against Soma's in laws in favor of justice. Then SP ordered the Nagrota Bagwan police Thana to take immediate action on this application. Police called on both parties. The in laws then returned the fixed deposit passbook, Istridhan, and other important documents to Soma Devi. Now Soma Devi feels happy and is grateful to CORD Sidhbari. Soma Devi has received her husband's gratuity. As his widow she is entitled to a job in the government. CORD is working towards it.

**A case against Municipal Corporation's solid waste management in public interest:-**



*Photograph of the Site*

This case deals with the issue of environmental pollution. The Municipal Corporation of Dharamshala has made a solid waste management station on Chadi Road near the HRTC workshop. However, it is not being managed properly. Solid waste has been discarded without appropriate treatment. The entire waste solid is thrown from Dharamshala on a village below in the mountains. A small gorge of running water is also near this location. The polluted water from this gorge has made

the surrounding environment polluted and has cause spread of diseases. The villagers of Sudher and Kachlot had complained to the concerned authorities on several occasions without any relief. CORD's Legal Cell has increased people's awareness on this issue through the Mahila Mandals. The Legal



Cell informed the people of their fundamental right to a safe, clean and healthy environment. Due to combined efforts of CORD's Mahila Mandals & Panchayat the local community members became aware of their rights and submitted an application to the Municipal Corporation, Dharamshala in protest of their wrongful act with copy to the Additional District Commissioner (ADC) and Chief Medical Officer (CMO) Dharamshala. In addition, a request was put in to ADC and CMO to take appropriate action in order to alleviate this serious problem. However, they initiated no major action. Through the suggestion of the Legal Cell, local community members then submitted an application under the R.T.I. Act 2005 to the Municipal Corporation. In spite of this, no proper and right information was provided, for which they took an unreasonable amount of money. Then the local community members following the guidance of CORD's informal Legal Cell went with an appeal to Appellate Authority S.D.M. Court Dharmshala, which was accepted by the Court. The S.D.M then went to the site and investigated the matter himself and announced a judgment that kept in mind public interest. The Judge ruled that the executive officer of the Municipal Committee, Dharmshala should both make the solid waste plants functional immediately and also construct a wall on the lower side of the dumping yard so that the seepage does not pollute water sources and the garbage is confined to the boundaries of the dumping yard. However, since this order was not mandatory the Municipal Corporation did not follow this order even after 5 months. Because of this Gram Panchayat Sudher and CORD's Mahila Mandal of Sudher on the 16<sup>th</sup> May 2008 filed a complaint against the Municipal Corporation under sec 133 Cr.P.C. CORD Legal Cell is representing this case. On the first hearing date, 23/06/08, the Legal Cell provided sufficient evidence against the Municipal Corporation. The Legal Cell also argued that the Magistrate is empowered to provide a remedy to the citizens when he receives a complaint under this section. The Legal Cell further argued that Municipal Corporation cannot be allowed to run at the expense of public health without appropriate measures for solid waste management. The Legal Cell demanded that the Court pass an immediate conditional order on 23<sup>rd</sup> June 2008 against the Municipal Corporation. As a result the Court convened and passed the conditional order on the same day. Till the Municipal Cooperation satisfies the court it is prohibited from continuing its activities under the same conditions. The villagers are not satisfied since the Municipal Cooperation continues to throw the waste as before. If the Municipal Cooperation does not present appropriate evidence on the next hearing date on 12<sup>th</sup> August 2008, then the villagers will request the court that the Municipal Cooperation be penalized under section 188 Indian Penal Code 1860 and final order to stop them from creating pollution in their village should be issued. It is amazing but the Municipal Cooperation has a plant to dispose garbage which they have paid handsome value and which they have never put into use. Their lame excuse is that they have no expertise to operate it!