

# Annual Report 2012-2013



**Partners for Law in Development**



PLD is a non-profit legal resource group founded in 1998 that facilitates realization of social justice and women's rights. Registered as a public charitable trust under the Indian Trusts Act, 1882 (registration no: 10514/ IV of 16-12-98), the organization locates women's rights as integral to social justice, engaging with it in contexts of sexuality, culture, caste, conflict, poverty and development. We believe that multiple intersecting inequalities and discrimination render some women more vulnerable to rights violations, besides exacerbating the impact of violations on their lives. PLD pursues innovative rights based strategies that engage the law to address discrimination against women, with particular attention to contexts of marginalization. The three primary, complementary strategies adopted by us to build leadership, shape perspectives, strengthen capacities for realization of women's equality are – capacity development, creation of knowledge resources and policy advocacy. As a legal resource group on women's rights, we work at the grassroots, state and national level to build capacity on laws, working with state and non state agencies, as well as the UN human rights mechanisms. PLD is a leading resource center on CEDAW in the country.

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## ***I. THEMATIC AREA OF FOCUS***

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During this period PLD intervened on three major areas. First, the intervention on the theme of Witch Hunting started in the form of multi-stakeholder consultations, primary data collection and publication of resources. Second, PLD revitalized its work on sexuality, sexual violence and law by case law documentation, capacity development and advocacy. Third, in order to press forward its mandate for translating the goals of CEDAW into norms and actions on thematic concerns, PLD sustained its work on policy advocacy. It also engaged with UN and government through regional, national and international conferences and workshops for realizing its mandate on the above said thematic areas.

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### **1. WITCH HUNTING**

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Through our work in the last few years in Jharkhand, Bihar, Orissa, we consistently heard narratives of women being targeted as witches, what is widely known as, witch hunting. As a legal resource group our focus has been national laws, around which our field based programmes are designed. Given our long term work in these states, we were compelled to deepen our inquiry

into witch hunting, beyond descriptive gruesome narratives of targeting of single widowed women, superstition and land grabbing. There was also a widespread demand for a special law to tackle this, without evidence or socio legal study on how existing witch hunting laws in three states, or indeed the IPC, works. Accordingly, we embarked on a series of interventions to consult, research, gather evidence and study the state level special laws to understand contemporary nature of witch hunting, to understand what kinds of interventions meaningfully respond to this practice. PLD commenced multiple initiatives on the theme of witch hunting in 2012, each of which is discussed below.

### A. REGIONAL CONSULTATIONS



With a view to gather information on broad trends, understand perspectives and concerns of various stakeholders as well as victims of witch hunting, four state level consultations that covered the Western, Northern, Eastern and the North East regions were organized in collaboration with local/ state level partner organisations, the details of which are as follows.

Region	Collaborating NGO	Date	No. of Participants
Eastern Regional Consultation- Raipur	Social Institute of Research Study and Action (SIRSA); KanooniMargDarshak Kendra	28 <sup>th</sup> April 2012	52
Northeast Regional Consultation- Guwahati	North East Network (NEN)	2 <sup>nd</sup> June 2012	62
Northwest Regional Consultation- Ajmer	Mahila Jan AdhikarSamiti (MJAS)	29 <sup>th</sup> June 2012	59



This was carried out with support of the National Commission for Women (NCW), and involved participation of the social workers, survivors, NGOs, lawyers, counselors, the State women's commission, police and the media. The consultations helped identify key narratives, perspectives,

experiences of engaging with the community and the law, and gaps in responses of various state institutions and mechanisms.

## B. FIELD INVESTIGATION

An action research initiative was commenced in Jharkhand, Assam, Bihar and Chhattisgarh, to gather two kinds of primary data – a) case studies of victims targeted as witches, and b) FIRs and chargesheets from police records that allude to witch hunting, as the basis for developing a socio legal understanding of the problem. To be able to compare states where a special law on witch hunting existed (Bihar, Jharkhand and Chhattisgarh) with a state where the practice was widely reported, but no special law existed, we also included Assam. The nature of this study required working with state partners facilitating access to justice in the grassroots context, with access to victims of witch hunting. For this we identified two organisations/networks in each state, to enable coverage of at least two blocks in different districts.

STATE PARTNERS	DISTRICTS AND BLOCKS COVERED
<b>Bihar</b> <ul style="list-style-type: none"> <li>• MahilaSamakhya Society, Patna</li> <li>• JyotiMahilaSamakhya Society, Jamui</li> </ul>	Jamui district - Sono and Khaira
<b>Jharkhand</b> <ul style="list-style-type: none"> <li>• ChotanagpurSanskritikSangh, Ranchi</li> <li>• PyaraKirketta Foundation, Gumla</li> </ul>	Ranchi district - Bero and Kamdara

<p><b>Chhattisgarh</b></p> <ul style="list-style-type: none"> <li>• KanooniMargDarshak Kendra, Bilaspur</li> <li>• Social Institute of Research Study and Action (SIRSA), Raipur</li> </ul>	<p>Janjgiri-Champa district - Bahamindih, Pamgarh</p> <p>Bilaspur district - Bilha, Masturi, Takhatpur</p>
<p><b>Assam</b></p> <ul style="list-style-type: none"> <li>• North East Network (NEN)</li> <li>• Assam MahilaSamata Society (AMSS)</li> </ul>	<p>Golpara district - Balijana, Kushdhowa, Lakhipur</p> <p>Sonitpur district - Baghmara</p>

The first step was to develop data collection tools, field investigation methods, and build capacities of field workers in data gathering. Ethical issues related to research methods, selection criteria of cases and other aspects relating to this were finalized collectively, in consultation with partner organisations and resource pool constituted to steer this study, refined and finalized over several months in this period. Several rounds of discussion and two larger meetings with the field partners and the said resource pool members were held on 23<sup>rd</sup> March 2012 in Delhi, and 27<sup>th</sup> April 2012 at Ranchi. The templates or questionnaires for data collection ensured uniformity in data, coverage of social, economic, aspects to observe transformation in status, family and community relations, as well as context specific information on the village, its ethnographic and developmental aspects, in relation to witch hunting. The study in Jharkhand, Bihar and Chhattisgarh was supported by the Ministry of Women and Child Development, whereas the cost of the field work and study in Assam was absorbed by all participating organisations collaboratively.



Data gathering commenced in June, and with that also, review of data to identify gaps in our methodology, in questionnaires and in the data itself. Two data review meetings of all the field partners were held, the first on September 8-9, 2012 and again, on January 21<sup>st</sup>-22<sup>nd</sup>, 2013, leading to improvements and course corrections in the field investigation.



In addition to primary data collection, areas of community interventions and action by partners were also planned. The districts and blocks in which interventions were carried out are:

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### C. CASE LAW RESEARCH

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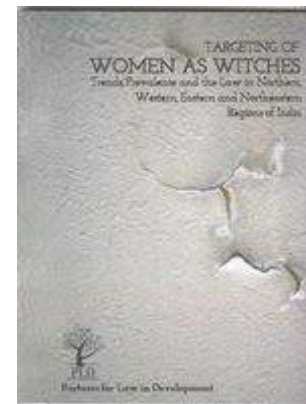
Tabulation of all case law relating to witch hunting was commenced. This involved looking at all reported judgments of the High Courts and the Supreme Court of India that directly or tangentially related to witch hunting. This was undertaken as one aspect of the socio legal study on witch hunting, of which the primary data collection from the field was key.

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### D. PUBLICATION

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a) **Targeting of Women as Witches: trends, prevalence and the law in the Northern, Western, Eastern and Northeast regions of India**– a report on the three consultations organised by PLD in Northern, Eastern, Western and Northeastern regions of India was published with support of the National Commission for Women. The report was released in the at a meeting cum press conference on 21<sup>st</sup> January, 2013 in New Delhi by Annie Raja, MonishaBehal, KavitaSrivastav and MadhuMehra. It was covered by several leading national dailies.



b) **Piecing together Perspectives on Witch Hunting: a review of literature** – In view of the information gap on multidisciplinary narratives and diverse perspectives on witch hunting, particularly in relation to their relevance to contemporary practices that are subject of PLD's ongoing field work, a research was commenced in this period.

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### E. MEETINGS, PRESENTATIONS, MEDIA OUTREACH

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- Key note presentation at the national convening organized by the National Forum for Single Women, on January 30 in New Delhi, on witch hunting field work and its preliminary findings.
- Apart from the press conference, we contributed inputs that shaped media coverage on witch hunting, including around the film, EkThi Dayan, and around the law against superstition proposed to be enacted in Maharashtra in wake of the killing of Dabolkar.

## 2. SEXUALITY, SEXUAL VIOLENCE AND THE LAW

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Sexuality and sexual violence, separately and through its inter-linkages, are an important area of engagement, research, action and advocacy for PLD. Since the release of the Criminal Law Amendment Bill, 2010, PLD has actively participated in discussions on law reform within the women's groups, and advocacy processes linked to the Bill. For PLD, the legal vacuum on key aspects of sexual violence, including gradation of offences, has been as deep a concern as has been the criminalization of sexual agency and non-normative sexuality. Through the latter, the law entrenches heteronormativity while stigmatizing non-conforming sexuality. In this period, our work covered both these aspects.

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### A. CASE LAW DOCUMENTATION

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PLD tabulated 75 reported judgments from the High Court judgments ranging between the time-period of 2008 to 2012. This was undertaken to understand whether or not defense arguments and judicial reasoning continue to invoke past sexual history of the victim in rape cases, despite the law reform of 2003 which forbade references to previous sexual history of the victim – in terms of its value as evidence as well as in discrediting her veracity. The judgments are to be analysed in the next phase, to understand the nature of inputs that must follow for legislative reform to impact judicial attitudes.

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### B. CAPACITY DEVELOPMENT

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- A workshop “The Good, the Bad, the Ugly: Introspecting Violence against Women & the Law (27<sup>th</sup> -31<sup>st</sup> October 2012)” was organized by PLD in Delhi. With lawyers, paralegals, protection officers, social workers and counselors drawn from several states across the country, this workshop created a vibrant space to critically reflect on perspectives and strategies relating to sexuality, sexual violence the law, particularly in relation to inter-linkages between these.



- Conducted a workshop organized by PLD and WGHR on the UN Special Procedures in Delhi (March 14-15, 2013), to familiarize activists working on violence against women and housing rights, with the work of the two UN special procedures.

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### C. CONFERENCES, MEETINGS, PRESENTATIONS

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- Filed an intervenor petition was submitted in the matter of *Chanmuniya vs. V.K Singh* in the Supreme Court (involved re-visiting of the definition of wife, with a view to consider its expansion).
- PLD contributed to a global mapping initiative resisting criminalisation of sexuality and participated in an expert convening by the Amnesty International on October 4-5, 2012 on Punitive Regulation of Sexuality and Reproduction. The key message of this convening of actors working on diverse themes was the value of making connections between different types of regulations/ penal provisions, such as on sexual orientation, sex work, adultery, pornography, rather than limiting the critique to one aspect alone, even when the legal contestation pertains to a specific provision.
- Participated in a consultation of the NHRC on January 8, 2013 in Delhi to take stock of the limitations of the legal system in responding to rape, and making recommendations for change.
- The executive director was a panelist to a consultation on rape law at the National Law University Delhi, held on January 13, 2013, speaking on conceptual framework defining rape in the law, and the need for transformation. The consultation sought to take stock of the legal changes sought in the anti rape law.
- Panelist to a high level panel discussion at the 57<sup>th</sup> UN Commission for Status of Women organised by the Due Diligence Project. The panel discussion on ‘Due Diligence from the Ground Up: State Obligation to End Violence Against Women’ provided national, international and UN perspectives on the issue – with a three member panel including Francis Radday (former CEDAW member from Israel and current Vice Chair of the UN Working Group on Discrimination against Women), and MeryemAslan, UN Trust Fund to end VAW, besides PLD executive director.



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## C. ADVOCACY

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In the wake of the proposed 2012 Criminal Law Amendment Bill, its presentation in the Parliament, followed by the popular outrage after the Nirbhaya gang rape, PLD contributed intensively to opinion building, advocacy through petitions to government, debates, presentations and media engagements.

- Comprehensive submissions to the Justice Verma Committee on all aspects of state obligations to address impunity for sexual violence. PLD's main focus however was the promotion of recognition and naming of graded sexual offences other than rape in the law. This was accompanied by a presentation at the public hearing organised by the Justice Verma Committee on January 19, 2013.



- Submissions to the Rajya Sabha Select Committee on the CLA Bill, 2012 in January 2013.



- Organised and participated at the press Conference on behalf of the women's groups to protest the Criminal Law Ordinance, 2013 on February 2<sup>nd</sup>, after which the government agreed to re-consider it.
- Talks/ seminars with the university students and public events; as well as television discussions.

- Articles were written for Kafilablog, newsletters of the Social Welfare and Employment News to communicate with a wider audience.<https://kafila.org/2013/02/04/why-the-law-on-sexual-offences-must-be-changedmadhu-mehra/>
- Panelist at a press conference on February 18, 2013 in Delhi, critiquing the proposed move as reported in the media, to criminalise customers of sex workers.

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## II. PARTICIPATION IN GOVERNMENT MEETINGS

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- PLD was a member of the group constituted by the MWCD to review the amendments to the Dowry Prohibition Act proposed by the NCW.
- Participated in 2 day international conference on Access to Justice organised by the Ministry of Law and Justice with the UNDP on November 17-18, 2012 in New Delhi.
- Provided inputs at a meeting organized by NCRB on 31<sup>st</sup> January, 2013 for developing a crime and criminal tracking and network system.
- Panel presentation at the High Level Committee of the Status of Women in India constituted by the Government of India, on women and the law on March 21 in New Delhi.

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## II. ENGAGEMENT WITH UN HUMAN RIGHTS SYSTEMS

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### 1. CEDAW

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- Participated in the “Round Table Discussion on Developing a Common Analytical Framework for Discriminatory laws and practices Against Women” from 4<sup>th</sup> to 6<sup>th</sup> July, 2012 a regional expert group meeting organised by APWLD AND UN Women to take stock of the existing and emerging forms of discrimination against women.
- Participated in the National Consultation on CEDAW organized by NAWO on 2<sup>nd</sup> and 3<sup>rd</sup> October, 2012 in New Delhi which was a preparatory meeting to make the shadow report for India’s fourth and fifth periodic review scheduled for 2014.

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## 2. UNIVERSAL PERIODIC REVIEW-2

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PLD, as a member of WGHR contributed to the preparatory processes for India's second Universal Periodic Review (UPR), facilitating discussion in regional consultations, collating inputs, writing sections for the multi stakeholder report on issues relating to women and the LGBTI, for the review conducted by UN Human Rights Council on May 24, 2012.

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## 3. POST 2015 DEVELOPMENT FRAMEWORK AND SDGS

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PLD participated in a global expert committee meeting on 'Applying a Gender Equality Perspective to the Post-2015 Development Framework and the SDGs' in New York, from 26<sup>th</sup> to 29<sup>th</sup> November, 2012. The civil society members and UN agencies discussed the formulation of their positions and mobilization of the stakeholders across the world to engage with the post 2015 process.

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## IV. OTHER CONFERENCES AND MEETINGS

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- Presentation at workshop for Lawyers for Change, an initiative of Centre for Social Justice, held in Delhi on January 18, 2013; at the South Asia consultation on Women, Peace and Security in Kathmandu on February 15-16, 2013, organized by UN Women and SAFR; a panelist on Child Marriage Restraint Act, 2006 at a meeting organised by Women Power Connect on November 6, 2012; participated at a consultation on Sexual Harassment of Women at Workplace Bill: A Step Forward or A Step Back, organised by Oxfam on November 27, 2012, in Delhi.
- The executive director was a jury member at the public hearing on Violence Against Homeless Women organized by the ShehriAdhikarManch on August 13, 2013 along with others: Justice Shah, Justice Seth, Miloon Kothari, and AmbikaPandit (senior journalist);

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## NEWSLETTER, FACEBOOK AND WEBSITE

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We continue to engage beyond our projects and project partners with the wider sector of social justice work and education, through our newsletter, social media and websites. The three main highlights have been –

- The PLD website, [www.pldindia.org](http://www.pldindia.org) has been completely overhauled with a new design, updated information and is now an active source of news and updates, besides resources. The home page has regular updates and announcements.
- The CEDAW South Asia website has been improved to include some interactive features – mainly a blog and its linkage to the facebook page.
- A facebook page of PLD that started in about Sept 2012 is now a space for posting updates, comments on legal developments. Our workshop participants have used that space to connected with us and contemporary discussions.
- The bi-monthly e-newsletter continues as before, but with a new format. It now goes out through the website. The quality, timeliness and coverage has not snagged despite staff transitions and intense phases of activism.

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## V. ORGANIZATIONAL UPDATE

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### 1. MONITORING AND EVALUATION

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We have felt the need for monitoring our work more systematically to track the work we do, as well as take stock of our work. For this, we participated in capacity development workshop on monitoring our work, and initiated an external evaluation of PLD from 2004-2012. PLD has undertaken two evaluations previously, to review its work and work methods periodically.

To gain an orientation in these areas and the MnE methods, the executive director participated in the MnE fair for Legal Empowerment practioners from South Asia(organised by Open Society Forum, Namati and BRAC in Dhaka on April 19-20, 2012).The external evaluation was given to Amaltas, to carry out an independent evaluation of PLD's work from 2004-12. The pcess commenced in September, 2012 and is to conclude in 2013. SrilathaBatliwala and Katherine Hay, both experts in feminist evaluation were appointed as advisors to the evaluation.

### 2. STAFF DEVELOPMENT

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PLD supported its programmestaff to participate in APWLD’s workshop on ‘Feminist Legal Theory and Practice’ held in Dhaka from 1<sup>st</sup> to 5<sup>th</sup> October, 2012 as well as in CREA’s Sexuality Gender and Rights Institute in Khandala from March 16-22, 2013.

<b>OUR TEAM AND PROGRAMME PARTNERS</b>	
Executive Director	MadhuMehra
Programme Officers	<ul style="list-style-type: none"> <li>• SaptarshiMandal</li> <li>• PoojaBadarinath</li> <li>• AditiMalhotra</li> </ul>
Research Assistant	IshaniCadeiro
Programme Assistant	ShwetaGoswami Winnie Mitra(part time)
Interns	<ul style="list-style-type: none"> <li>• HarshvardhanGoel, BA/LLB (Hons.) student, National Law School of India, Bangalore</li> <li>• Claire McEvelly, lawyer from Australia</li> <li>• Sarah Wanglat</li> </ul>
<b>PROGRAMME ASSISTANCE AND FINANCE</b>	
Administration	<ul style="list-style-type: none"> <li>• Kishore Tirkey(Programme Assistant)</li> <li>• SurbhiShashtri(Programme Administrator)</li> <li>• Bindu(Programme Administrator)</li> </ul>
Finance	<ul style="list-style-type: none"> <li>• VipinKumar(Finance Manager)</li> <li>• AnkurKashyap(Finance Officer)</li> <li>• Parveen Kumar (Jan-March 2012)</li> </ul>
<b>PROGRAMME PARTNERS</b>	
Bihar	<ul style="list-style-type: none"> <li>• MahilaSamakhya Society, Patna</li> <li>• JyotiMahilaSamakhya Society, Jamui</li> </ul>
Jharkhand	<ul style="list-style-type: none"> <li>• ChotanagpurSanskritikSangh, Ranchi</li> <li>• PyaraKirketta Foundation, Gumla</li> </ul>
Rajasthan	Mahila Jan AdhikarSamiti (MJAS)
Chhattisgarh	<ul style="list-style-type: none"> <li>• KanooniMargDarshak Kendra, Bilaspur</li> <li>• Social Institute of Research Study and Action (SIRSA), Raipur</li> </ul>
Assam	North East Network (NEN)



<b>ADVISORS, RESOURCE POOL AND CONSULTANTS</b>	
ProgrammeAdvisors	<ul style="list-style-type: none"> <li>• Uma Chakravarti</li> <li>• Sanjay Aggarwal</li> </ul>
Resource Pool for Witch Hunting	<ul style="list-style-type: none"> <li>• VedKumari</li> <li>• Lena Ganesh</li> <li>• AnujaAgarwal</li> <li>• AshaBajpai</li> <li>• Uma Chakravarti</li> <li>• Mary John</li> </ul>
Consultants	<ul style="list-style-type: none"> <li>• GaganSethi – Facilitate process of Organisational Growth and development</li> <li>• NandiniNarula – Facilitate process for leadership and Organisational development</li> </ul>
<b>GOVERNANCE</b>	
Board of Trustees	<ul style="list-style-type: none"> <li>• Aradhana Nanda</li> <li>• Jaya Sharma</li> <li>• Rebecca Mammen</li> <li>• GeetaRamaseshan</li> <li>• MadhuMehra</li> </ul>
<b>FUNDING PARTNERS</b>	
Ministry of Women and Child Development (MWCD), National Commission for Women (NCW), Ford Foundation, UN WOMEN	