

W O M E N ' S L I B R A R Y

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Special Newsletter - 3

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Resume of a talk by Nandita Haksar on "Women and Law - experience as a Women Lawyer", delivered at Jadavpur University on 13. 8. 84.

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Besides being a lawyer by profession, I am also involved in the activities of the People's Union for Democratic Rights, and various womens organisations. In Delhi, there are quite a few active women's organisations like Saheli, Manushi, Janwadi Mahila Samity etc. Women often approach them seeking legal support in various matters. While dealing with their personal problems, we try to make them conscious about women's issues in general, and involve them in women's movement.

We take up a case only after hearing personally from the women concerned. Some time ago, a Bengali girl of Delhi was in problem. She was married to a Bengali gentleman whose parents were very conservative. The father-in-law used to write frequently to the father of the girl about how ill-mannered she was. She always stands in the balcony, goes to the market alone, wears fancy dresses, and so on. Her father humbly accepted the charge and wrote back that he would try to persuade her, but failed to do so. At last, the girl, finding the restrictions imposed upon her unbearable, came out from her husband's house and approached us. Her father also came to convince us that we should persuade her to go back. But we told him clearly that we never hear from a third party. Let the girl speak for herself.

In another case, Abha, a Hindu girl, was married to a Muslim boy of Aligarh. Before they got married there were severe complications. Some RSS workers even threatened the magistrate, putting pressure on him not to solemnize their marriage under the Special Marriage Act. The girl was locked up at her house and emotionally blackmailed. We filed a petition at the Supreme Court, but it was dismissed on the ground that the court recognises no such thing as an "emotional blackmail".

We decided to take the law in our own hand and went to Aligarh. We met Abha at her house, who, after some hesitation decided to go with us. Her father resited. We told him that she has a certificate of being legally married, and cannot be prevented from going out. The father said that the local lawyer has told that the certificate is illegal. I told him that I am a Supreme Court Lawyer, and I say that it is legal. We made it clear that since Abha is willing to go, we are not leaving the house without her. I sent a girl to call the ADM. Incidentally, the ADM was a woman, and she heard our case sympathetically. At last, Abha was able to come out with us. We have told her, next time a case comes from Aligarh, you will have to go, just as we went in your case.

Many women have to face problem with the police. They often refuse to take a FIR on the women's complaints. That is why we insist on going collectively to the Police Station, so that they cannot be turned down easily.

Recently, the Sudha Goel case has been in the news. Sudha was a young married woman, eight months pregnant. She is said to have been heating milk on a kerosene stove in winter, although there was a gas stove in the house, when the stove caught fire and she suffered severe burns. In her dying statement she told that she was set fire by her husband. The neighbours say that they heard her shouting and tried to enter the house, but her husband shut the door from inside. During the case some letters were produced in which she wrote to her parents that she was fine, and there was no complaint that she was ill-treated by her husband. The point we want to establish legally is that the court should recognize the social reality about the emotional blackmail - by which women are forced to tell lies, and which leads the accused to get the benefit of doubt.

We want the minimum from the court. We mostly make arrangements of our own to deal with women's problems - and for that, we mobilize public opinion and sympathy.

The cases of maintenance under section 125 are very lengthy procedures. There is no provision for interim maintenance. We are trying to lump the 25-30 case pending at Delhi courts and secure interim maintenance. This would set a precedence.

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There are problems with lawyers dealing women's cases. Even for women lawyers, there are often contradiction between their personal and professional lives. Sometimes many lawyers take up women's cases without taking into consideration the hard work involved. This often spoils the cases. Lawyers are a part of the society. Unless they are active in the women's movement and other social movements, they would not be able to have the proper perspective.

As a woman lawyer, my relationship with the women's organisations is reciprocal. If I get a case from an individual woman I connect her to a women's organisation, for she would need moral, medical, educational and psychological support which she would not get from me. On the other hand, whenever a woman comes to some women's organisation with some problems, they put her case before me for legal support.

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