

Wellbeing Foundation

Registered Trust No.1055/2009

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**Statement on addressing violence and atrocity crimes targeted against
minority women group who are living with
Psycho social disabilities in Tamil Nadu, India.**

Presented for the 7th Session - Forum on Minority Issues - "Preventing and addressing violence
and atrocity crimes targeted against minorities" - 25-26 November, 2014

Thank you Chairman

I am Ms.Mahadevan Bagirathi, social activists for women, aged and persons living with one or
more or multiple disabilities in this region of Tamil Nadu, India, and Author & Managing
Trustee, Wellbeing Foundation Trust No.1055/2009, Coimbatore, Tamil Nadu, India at present
on behalf of the minority women group of mentally disabled indigenous/ ethnic minority group .

I would like to present issues of women of minority ethnic group who are living with one or more or multiple disabilities including psychiatry and Psycho social disabilities and mainstreaming them in socio economic and Political platforms in this country. Number of programmes are launched by the Government of India for the sake of women and persons living with disabilities and number of NGOs including International and National level NGOs are working in disabilities and related issues but not reached the minority group of women who are living with one or more or multiple disabilities at the gross root women of marginalized community in the Indian society.

Property rights :

Indian law speaks on the equal rights to properties by women and by succession Act which was a colonial Law and today Indian women are able to acquire properties and develop on their own name but not exercise their empowerment on the properties either own earned or inherited or gained through gift or any other means as the male partners are the real owners of the property and women are the owners in papers only. Whenever the money is required for any business or meet the debts created by the male partners whether it is the father, brothers, husband and sons the woman has to go the registration office and sign the documents of sale and the consideration money will be handed over to the male partners and the woman has no right to deny or get the money from the hands of the buyers. All the registration office procedure is mere eyewash and they are beyond the Laws and rules of governments and Judicial parlance.

Also the women who sacrificed the property do not have any say on how the consideration money is spent by the male partners and she has no way to protect her property from the sale proceeds or keep it for her sake and enjoy the benefits over the said amount and money and this is the critical point to study why the law is not helpful for women in such vulnerable conditions of violence against them on account to the property issues at the domestic levels and gross root of the society levels.

The laws in India gives total freedom for women for right of property and right to living in the properties owned by them in records but in most of the cases the women are not able to establish their rights over their properties in physical terms as the muscle power of the male counterparts they face violence on account of their wealth and properties. They fall into the perils of vindictive acts and attitude of the fathers, brothers, husbands and sons and thrown out of home once the money is gained by them from the innocent women.

Here I want to cite some of the unrealistic features of the legislations to deal on the property issues of women with disabilities including Psycho social disabilities and not all women of this society is educated or employed or economically empowered compared to any other countries in the globe. Women are given with a huge opportunity for education for their economic upliftment and gender equality and empowerment in law but not in social practice and still the women in

India especially disabled women survivors of Psychiatry and Psycho social disabilities are kept as marginalized minority group and I want to speak for their cause and reasons in this forum.

The women living with psycho social disabilities are not treated on par with others in the family and treated as Psychiatry patients and they are brutally attacked by the family members including husband, children, in-laws, neighbors and other relatives and slowly made to confine to one room and not allowed to participate in any of the family decision making activities or lead a normal life at their domestic level and all social contacts for them are deliberately terminated at that end. The neighbors also make use of their conditions and loot their movables, jewels and cash and try to participate in the vindictive activities against the victims and the law is not helping at this end which is more critical as they victims could not stop any attacks on them by these violent or cunning attacks on them and finally the victims are more victimized and live in lurch.

The Police is the first access to the victims which is also prevented by the perpetrators and if they reach the police the perpetrators gain the support of the police with their money power and make the victims fools and send them back with out any action. This is the case going on in Tamil Nadu, India even if it proved to be an act of criminal intimidation on mentally suffering woman they support the perpetrators and not the affected victims.

The next platform for seeking justice to these innocent victims is the legal and judicial platforms which is also closed because the lawyers and judicial authorities go hand in glove and the innocent women are not able to prove themselves or the victimization against them because there no one single civil or criminal law to speak on the mental health or related disabilities including Psycho social disabilities and recover their properties immediately or to protect them from any of such vindictive and criminal acts against them and the cases are dealt in the normal civil courts as an ordinary civil issue and in case of marriages also the same type of dealing is seen and there is no women justice in this land, India.

The direct access to Police, law and justice is denied by number of ways and the women living with mental health related issues and disabilities including Psycho social disabilities who are vulnerable minority group facing violence and injustice on account of their properties and other civil issues including marriage, child bearing and other natural issues.

Persons living with Psycho social disabilities need not be intellectually disabled but vulnerable for domestic violence and brutal attacks on them due to their poor cognitive abilities and life skills and management and they are not able to take valid and logical decisions at times and property related issues and become vulnerable for attacks on them by any vindictive acts and attitude of others and become victims and the sabotage on their properties and wealth.

The property attachment and rights are important for them because in many cases when the victim women are driven out of their home and at that times the property is alone only support for their sustained livelihood and the women are deliberately made homeless and poor by the

violence and brutal attacks on them. In most of the cases the Psycho socially disabled women become the victims domestic violence sustain head and brain injury and live as a total disabled till their end and become dependent on others and most of the times they are sent to mental asylum homes as orphans and destitute by the same family members who grab the properties of the victims and enjoy the same for their sake.

Therefore the vulnerable minority group called Psychiatry and psychosocially disabled women in India find no place of safety, security and social justice under the constitution and there is a sever violation of human rights on these vulnerable minority group in India.

Any perpetration on these vulnerable minority group has to be treated as a criminal intimidation and the perpetrators are to be taken into task under sever criminal action in this land which needs more corrections and amendments in the existing laws and creation of new legislations making it convenient to establish the facts technically sound and punish the perpetrators and the officials who are negligent in their acts and attitudes and the enquiry officers, lawyers who act against the interest of the victims joining the perpetrators and their advocates and corrupted judicial officials and the cumbersome court procedures are to be removed and speedy legal actions are to be taken under one widow like fast track courts and other institutions for their speedy justice.

The commissions for the persons living with disabilities, fast track courts, district level committees and any other suitable technical channels could be helpful to deal the issues of the women and persons living with Psycho social disabilities for their speedy recovery of properties. The dealing statutory Chanel should immediately file a case on the charges of criminal intimidation of the perpetrators and then start the enquiry and verifications on the acts and attitudes of the perpetrators taking into the prime conditions of the victims and their conditions of vulnerability and the properties whether it is movable or immovable the issue is to be taken as a criminal intimidation on the victims and her/his property and both the issues are to be linked with one another and then critically analyzed to arrive at a favorable and a legally valid conclusion leading to justice to the vulnerable and the minority community group say the women living with one or more or multiple disabilities including Psycho social disabilities and the violence and atrocities to be prevented under one strong law and legislation in this land India.

I have my family experience and from other women who live with Psycho social disabilities and facing a property issue which is unsettled till date and we are living in life danger caused to one family by the hasty investors on our family share of property of my younger sister who is a victim of head and brain injury and disabled and elder sister who is a victim of Psycho social disability who is also a victim of domestic violence and was cheated by a neighborhood woman on her gold jewels and cash all amounting to Rs.10 lakhs and she could not establish the facts under the law because of the continued vindictive acts and attitude of the persons against her and living in life danger and crisis since 2001 to till date.

The existing Laws dealing on Mental health, property issues of the mental health survivors are there but they have no place for persons living with Psycho social disabilities or Psychiatry disabilities and the property related issues because the Acts see the victims from the angle of Mentally retarded a birth disorder and not the other conditions of any Psychological or Psychiatry disabilities including Psycho social disabilities. Even the bills on disabilities did not give a space for the conditions of Psycho social disabilities and especially on the above described conditions women with Psycho social disabilities could get no justice under these Bills and Acts.

The women are vulnerable in their legal capacities and the court intervention is necessary and the courts accept the mental retardation condition for mental incapacity and not the other cases and there is a big gap in understanding the property and other civil issues linked with mental capacity and incapacity and legal validity in entering into a valid contract for marriage or sale of property or other issues.

The Secretariat of the Forum particularly welcomes the participation from representatives of minority groups with experience in promoting and protecting the rights of minorities, including in:

- Addressing discrimination and exclusion of disadvantaged minorities in social, political, economic and cultural rights as a mean to prevent violence against minorities;
- The women living with one or more or multiple Psychiatry and Psychological disabilities including Psycho social disabilities are facing discrimination at every sphere of their life and they are disadvantaged minorities where they are prevented from enjoying their civil rights in property inheritance, marriage, divorce, claiming compensations and others and they are not able to empower on economic spheres in finding jobs or economic opportunities for their livelihood and sustainability or living place and shelter etc. They are also vulnerable for any violence and perpetrations on them and they have been easily cheated on their wealth and properties either by their own family members or matrimonial relatives including husbands and others or by the neighbors and strangers and close relatives or real estate brokers or the hasty investors on their properties and many a times they are set to a conditions of threats, coercion, danger to their lives and properties and they are unable to access to the law and justice.
- Representing minorities' rights through political participation and representation in decision making bodies, contributing to enhance efficiency of law enforcement and judiciary bodies to address deficits of democracy, good governance and rule of law;
- Many a times the feeble minded and persons living with psycho social disabilities or any other types of mental disabilities are confined to four walls and mainly kept under the control of somebody who are the care takers and coerced and not allowed to make any self decision pertaining to their life perspectives and the family members or the relatives or the Psychiatrists and other persons who are not directly linked with their civil and

property rights take decisions for them and issues like properties, marriage, divorce etc., inefficiency at the end of law enforcement and judicial bodies to address the deficit in democracy, good governance and rule of law due to the reasons of social suppression, treatment of the affected persons below the dignity and denial of space in the society.

- Protecting the rights of minorities and addressing specific security challenges, especially faced by women and girls, in conflict and post-conflict situations;
- The rights of mental health survivors and the persons living with Psycho social disabilities who are minorities facing security challenges at every part of their life dimensions especially the women and girls, in conflict and post-conflict situations which has not been addressed by the governments and needs a voice for them in UN and in any International forum.
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- Developing and implementing strategies to maintain inter-ethnic and inter-religious dialogue to prevent and address violence against minorities;
- The governments need to dialogue with civil society organizations and NGOs to develop and implement strategies and maintain inter ethnic and inter communities to prevent and address violence against minorities in this country India. The Indian society goes with caste system which is the main reason for any social discrimination on women and their property issues and inter communal disturbance often lead to violence in the Indian society and hence the violence on women and against their properties and rights. In the present day India the hasty investments on real estates and properties especially on women properties who are vulnerable for any loss of rights by the deliberate acts and attitude and unlawful ways and means especially creating deliberate and fictitious financial liabilities and encumbrances against the properties of wife, sisters and daughter in-law and any other woman partner of the said properties.
- Next one is the long time tenants deliberately acting on the properties of the mentally ill women and not vacating the premises or enhance the rents as per the market rate and so many other ways causing hardships to the land owners say the women victims and there is no option for us to empower or enjoy our properties in this land.
- Technically we are not able to present our issues in depth and hence we have no platform to hear our cry in this land.
- The right to property and right to enjoy and earn income out of the ancestral inherited properties by the persons living with psychiatry and Psycho social disabilities are to be ensured with safety and security means and protected under civil and criminal law of land. The increased rate of attempts and perpetrations on the minority community groups in this country and land grabbing with unlawful acts and attitudes against them and their properties are not seriously dealt in any of the mental health or disabilities Act in this country, India.
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Promoting and participating in transitional justice mechanisms, including truth, justice and reconciliation processes in post-violence scenarios

The transitional justice mechanism including truth, justice and reconciliation processes in post violence scenarios will be very useful one for the persons living with Psycho social disabilities to prove themselves and establish their rights over the properties and get compensated for their reconstruction of life after an economic crisis encountered by fictitious debts and encumbrances

over their properties, regaining the property and the title of the property and future protection by the Legal and judicial institutions in India.

There is no preventive or protective or reconciliation process for the post violence and crisis scenarios of minority women living with Psycho social disabilities till date and we are not able to get justice within our life time under the sky in India.

There is a big gap in legal and judicial system in dealing the issues of mental health, Psycho legal issues including properties and Human rights issues of the affected persons, who are mostly are women in this society.

Suggestions to protect the interest of property rights :

1. Family Properties and other types of properties need to be registered in the name of disabled women living with one or more or multiple disabilities including Psycho social disabilities.
2. If the natural guardian say father / mother is appointed by the diseased ancestor and executed then the courts should consider the guardianship in case of inherited property of the women living with mental health and Psycho social disabilities but in India once the girl is married then her husband becomes the guardian for her and her inherited property and hence the distress of women and violence on them against matrimonial eventualities.
3. In case of married women living with mental disabilities including Psycho social disabilities and other types of Psychiatry and neurological disabilities the courts should examine the case in detail with the help of appointed commission and exempt them from appearing in person to the court floors.
4. Any financial liabilities created over the properties of women living with Psychiatry or Psycho social disabilities and any other types of mental health issues and disabilities it should be forfeited under the law so that the women living with mental disabilities including Psycho social disabilities are protected from any violence or encumbrances or legal responsibility of meeting the fictitious debts on them.
5. Any perpetration on the persons or their properties of persons living with mental health issues and disabilities especially women has to be treated as a serious criminal offence and severely punishes under the law and the land law needs special treatment to the victims of mental health survivors and suicide survivors besides any other types of conditions of disabilities.
6. Special courts like fast courts under special Acts for disabilities and mental health acts alone cases could be tried in the courts and the all civil cases pertaining to the persons living with disabilities including Psycho social disabilities and speedy justice has to be given to them within 60days of time.

7. In case of women living with Psycho social disabilities they are easily cheated at work place and their opportunities are easily grabbed by others especially in the marketing field and the labour of the persons living with disabilities are denied.
8. Women encountered with such mental health or connected disabilities need to be given equal economic opportunities for their mainstreaming and empowerment in their social and Political life.
9. Special protective Acts are to be enacted in support of their conditions and any offence and attempts on them has to be treated under criminal code of law and the perpetrators need to be concurrently punished with imprisonment for 5 years and more, attachment of properties, paying high compensations to the victims and any other type of punishments and taken into task under the law.
10. The state and National commissions for women, Human rights commission, commission for persons living with disabilities, mental health committees and Policy groups should have representations of members from this minority groups instead of officials, politically affluent persons nominated and ministers and others. Many a times the chairs in these commissions are occupied by persons who do not know about the pains of the victims and hence there is no action direct to the victims or the said commissions are ornamental and not functional to the effect to reach justice to the women of minority community.

Conclusion:

It is not an exhaustive statement from my end as the human rights violations and discrimination against the - "Preventing and addressing violence and atrocity crimes targeted against minorities" as a detailed deliberation is needed to understand the realities and facts on this issue.

Thank you for your attention to the chair Madam/Sir

Ms.Mahadevan Bagirathi

Social activists for women living with mental health issues and disabilities including Psycho social disabilities

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