

Mandate of the Special Rapporteur on violence against women and girls, its causes and consequences

Ref.: AL IND 10/2026

(Please use this reference in your reply)

28 July 2026

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 59/20.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the alleged failure to ensure effective protection, access to justice, adequate housing and due process for Ms. Prapti Apurva Dave and her daughter, Ms. Harishree Apurva Dave, in the context of domestic violence proceedings, residence orders, inheritance-related disputes, alleged police intimidation and repeated threats to their safety in Gandhinagar, Gujarat.

According to the information received:

Ms. Prapti Apurva Dave is an Indian national residing in Gandhinagar, Gujarat, together with her daughter, Ms. Harishree Apurva Dave. Ms. Dave has lived for many years with serious health conditions, including Cauda Equina Syndrome, chronic back pain and, more recently, hypertension. It is also reported that prolonged litigation and repeated court appearances have prevented her from undergoing a recommended spine surgery to treat Cauda Equina Syndrome.

It is reported that Ms. Dave endured a long history of domestic violence, harassment, and coercive control perpetrated not only by her late husband, [REDACTED], but also by his parents and extended family members (specifically, his uncle, aunt, and cousin). To safeguard the victims, a formal protective injunction was issued in 2014 (Domestic Violence Case CRMA 100/2014). This legally binding court order was designed to ensure their absolute safety and survival. It explicitly prohibited the family from committing any further acts of violence against Ms. Dave and her daughter, mandated monthly financial support, and legally secured their right to a safe home by granting them residence in Government Quarter No. 215/4 in Gandhinagar (or alternative housing). Furthermore, the judge directed the local police to actively enforce this protection and assist the victims whenever necessary. According to the official documents received, Ms. Dave's daughter was born on 1 February 2007. It is noted that she was a minor during the initial domestic violence proceedings in 2014, when the original protective residence order was issued.

According to the information received, the protection secured through that order was not effectively implemented in practice. In 2023, notwithstanding the residence order, Ms. Dave reportedly faced pressure to leave Government Quarter No. 215/4. She alleges that the Road and Building Department threatened to demolish the quarter, that the electricity supply was cut for two

days in order to pressure her and her daughter to vacate, and that the Gujarat High Court refused to permit her to appear in person in a fresh writ petition concerning these matters unless she obtained a competency certificate and retained an advocate.

The information received further indicates that [REDACTED] died on 3 November 2024. Following his death, Ms. Dave alleges that relatives of her late husband entered House No. 1316/A/1, Sector 7-D, Gandhinagar, removed title documents, passbooks, household property and other belongings, and sought to exclude her and her daughter from property belonging to the late husband and his parents. She reportedly filed a police complaint on 31 December 2024, but no effective action followed.

It is further reported that, on 30 March 2026, the Chief Judicial Magistrate, Gandhinagar, in Domestic Violence Case CRMA 3573/2025, granted an interim residence order directing the respondents, described as relatives of the late husband, to hand over possession of House No. 1316/A/1 to Ms. Dave and her daughter within 30 days. Ms. Dave states that, because of repeated attacks and insecurity around Government Quarter No. 215/4, she and her daughter took shelter in House No. 1316/A/1 on 5 April 2026.

According to the information received, relatives of the late husband subsequently filed Criminal Application No. 6984 of 2026 before the Gujarat High Court, seeking to quash the domestic violence proceedings. It is alleged that on 17 April 2026, the High Court granted an *ex parte* stay, effectively suspending both the ongoing case (CRMA 3573/2025) and the interim residence order. It is reported that this decision was made without serving prior notice to Ms. Dave, allegedly relying on fraudulent statements presented by the relatives regarding the legal status and ownership of the disputed properties. Furthermore, it is reported that although the next hearing is scheduled for 28 July 2026, she has still not been formally served with the complete petition documents.

The information received also indicates that on 19 May 2026, police officers entered House No. 1316/A/1, presented an eviction order issued within the domestic violence proceedings, and forcibly removed Ms. Dave and her daughter from the premises. It is further reported that the victims were dragged out of the residence while the late husband's cousin and his wife stood by, recorded the scene on video, and subsequently encroached upon the property.

This eviction allegedly reversed the protections intended by the Domestic Violence Act, ultimately leaving the mother and daughter without effective shelter.

According to the information received, Ms. Dave and her daughter have since continued to face severe surveillance, threats, and intimidation. It is reported that masked individuals and nearby residents have repeatedly monitored their movements, shouted abuse, and thrown stones at them. Furthermore, it is alleged that police officials from the Sector-7 Police Station have repeatedly called, forcing Ms. Dave and her daughter to appear at the station on the basis of

unspecified complaints. The information received also indicates that her brother was confronted at a local bus station by an individual identifying himself as a police officer, who allegedly threatened him with imprisonment if he ever returned to Gandhinagar. Despite these repeated complaints and the previous court order explicitly directing police assistance, it is reported that no protection has been provided to the victims.

It is further reported that the domestic violence proceedings and the residence order remain stayed; that a probate-related civil suit, Regular Civil Suit No. 90 of 2026, is pending before the Civil Court in Gandhinagar in relation to an alleged will concerning House No. 1316/A/1; and that Ms. Dave is preparing a writ petition before the Supreme Court of India to challenge the Gujarat High Court's stay order and to seek recognition of her and her daughter's right to residence and shelter.

It is alleged that Ms. Dave and her daughter have also been unable to obtain family pension, death gratuity, provident fund payments and other terminal benefits following the husband's death, despite having applied for these benefits on 27 December 2024. It is further alleged that the competent authorities have failed to provide any meaningful response regarding the victims' financial claims, thereby further aggravating their economic vulnerability.

Without prejudging the accuracy of these allegations, I wish to express serious concern regarding the reported failure to ensure effective protection and access to justice for Ms. Dave and her daughter in the context of domestic violence, coercive control, housing insecurity and inheritance-related disputes. I am particularly concerned by the allegations that police protection was not provided despite judicial directions, that a residence order in their favour was not effectively enforced, that they were forcibly removed from a residence despite ongoing protection claims, and that repeated complaints of threats and intimidation were not promptly and impartially investigated.

I am also concerned that the reported conduct of judicial and administrative authorities may have undermined the rights of Ms. Dave and her daughter to security of person, adequate housing, equality before the law, due process and an effective remedy. The alleged withholding of social and financial benefits following the husband's death may have further aggravated their vulnerability and dependence in circumstances where the State had heightened responsibilities to protect them.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to our attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please provide detailed information on the measures taken to investigate the reported threats, attacks, intimidation, alleged unlawful eviction, and complaints submitted by Ms. Prapti Apurva Dave and Ms. Harishree Apurva Dave since November 2024, including any action taken by the police or prosecutorial authorities.
3. Please clarify the current legal and procedural status of Domestic Violence Case CRMA 3573/2025, the interim residence order of 30 March 2026, and Criminal Application No. 6984 of 2026 before the Gujarat High Court.
4. Please indicate what measures have been taken to guarantee the rights of Ms. Dave and her daughter to adequate housing, security of person and family life, including in relation to House No. 1316/A/1 and Government Quarter No. 215/4, and to prevent further forced eviction, demolition, harassment or retaliation while proceedings remain pending.
5. Please provide information on the steps taken or envisaged to ensure access to effective remedies and social protection for Ms. Dave and her daughter, including police protection where necessary, access to legal aid, recovery of personal belongings and documents, and payment of family pension, death gratuity, provident fund and other terminal benefits following the death of [REDACTED].

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of my highest consideration.

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, I would like to refer Your Excellency's Government to its legal obligations under the international treaties to which India is a party, as well as to relevant international human rights standards.

I wish to refer to the International Covenant on Civil and Political Rights (ICCPR), to which India acceded on 10 April 1979. In particular, article 2(3) affirms the right to an effective remedy; article 6 protects the right to life; article 7 prohibits torture and cruel, inhuman or degrading treatment; article 9 protects the right to liberty and security of person; article 14 guarantees equality before courts and tribunals and the right to a fair hearing; article 17 protects against arbitrary or unlawful interference with privacy, family and home; and article 26 guarantees equality before the law and protection against discrimination.

I also wish to recall the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by India on 9 July 1993. Articles 2 and 3 require States parties to pursue, without delay, a policy of eliminating discrimination against women and to ensure the full development and advancement of women. Article 15 guarantees equality before the law, and article 16 requires equality in matters relating to marriage and family relations. In its general recommendation No. 35, the Committee on the Elimination of Discrimination against Women clarified that States parties may be responsible for private acts if they fail to act with due diligence to prevent, investigate, punish and provide reparation for gender-based violence against women. The Committee further emphasized that investigations and judicial responses must be impartial, timely, victim-centered and free from stereotypes.

In addition, I wish to recall general recommendation No. 33 of the Committee on the Elimination of Discrimination against Women on women's access to justice, which underscores that stereotyping and gender bias in the justice system undermine women's access to effective remedies and may lead to revictimization. In paragraphs 15 to 20, the Committee clarifies that States parties must ensure women's unhindered access to justice systems, guarantee the independence, impartiality, integrity and credibility of the judiciary, and tackle corruption in justice systems as an essential element of eliminating discrimination against women in access to justice. The Committee further underlines that women must be able to access justice systems that are available throughout the territory, including in rural and remote areas, and that in cases of violence against women States should ensure access to financial aid, shelters, medical, psychosocial and counselling services, as well as effective oversight mechanisms to address discriminatory conduct by justice system professionals.

The Committee also emphasizes that accessibility requires the removal of economic barriers to justice, including through legal aid, and that justice systems must be secure, affordable, physically accessible and adapted to the particular needs of women, including women facing intersecting forms of discrimination and women with disabilities. In the same recommendation, the Committee stresses that good quality justice systems must provide timely, appropriate and effective remedies, ensure impartial investigations and procedures free from gender stereotypes or prejudice, and

protect women complainants and other participants in legal proceedings from threats, harassment and other forms of harm before, during and after proceedings.

In addition, the Committee recalls that the provision of remedies requires States to ensure that women have access to adequate, effective, promptly attributed, holistic and proportionate remedies, which may include restitution, compensation, rehabilitation and guarantees of non-repetition. It further stresses that accountability of justice systems requires effective and independent monitoring mechanisms, disciplinary and other measures in cases of discriminatory practices by justice professionals, and specific complaint mechanisms concerning all personnel supporting the work of the justice system, including social, welfare and health workers as well as technical experts. These standards are particularly relevant where allegations suggest prolonged failures by judicial, police and administrative authorities to provide effective protection, access to housing, social security entitlements, meaningful remedies and protection from intimidation and retaliation.

I further wish to refer to the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which India acceded on 10 April 1979. Article 11 recognizes the right of everyone to an adequate standard of living, including adequate housing, and article 12 recognizes the right to the highest attainable standard of physical and mental health. The Committee on Economic, Social and Cultural Rights has clarified in general comment No. 4 that the right to adequate housing should not be interpreted narrowly and includes legal security of tenure, habitability, affordability and accessibility.

I would further like to refer Your Excellency's Government to general comment No. 7 of the Committee on Economic, Social and Cultural Rights on the right to adequate housing and forced evictions, in which the Committee clarifies that forced evictions are *prima facie* incompatible with the requirements of the Covenant. The Committee stresses that the State must refrain from carrying out forced evictions and must ensure that the law is enforced against its agents as well as against third parties who carry them out. It further emphasizes that, prior to any eviction, all feasible alternatives must be explored in genuine consultation with the affected persons; that those affected must have access to adequate notice, relevant information, legal remedies and, where necessary, legal aid; and that evictions must not render individuals homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State must take all appropriate measures, to the maximum of its available resources, to ensure adequate alternative housing, resettlement or access to productive land, as the case may be.

I also wish to recall the Declaration on the Elimination of Violence against Women, in particular article 4, which provides that States should exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons, and should provide women subjected to violence with access to the mechanisms of justice and to just and effective remedies for the harm suffered.

To the extent that Ms. Harishree Apurva Dave was still a child during part of the events described, I also wish to recall the Convention on the Rights of the Child (CRC), ratified by India in 1992. Articles 3, 6, 12, 16, 19 and 27 of the Convention require that

the best interests of the child be a primary consideration in all actions concerning children; that the child's rights to life, survival and development be protected; that the child be given a genuine opportunity to be heard in judicial and administrative proceedings affecting her; that she be protected against arbitrary or unlawful interference with her privacy, family and home; that she be protected from all forms of physical or mental violence, injury, abuse, neglect or negligent treatment; and that she enjoy an adequate standard of living, including housing and the conditions necessary for her physical, mental, spiritual, moral and social development.

In its general comment No. 14 (CRC/C/GC/14), the Committee on the Rights of the Child clarified that the best-interests principle is at once a substantive right, a fundamental interpretative legal principle and a rule of procedure, requiring authorities to assess the foreseeable impact of every decision on the child and to explain how her interests were taken into account. In its general comment No. 12 (CRC/C/GC/12), the Committee further emphasized that children must be able to express their views freely in all matters affecting them, including proceedings relating to residence, care, protection and family life, and that those views must be given due weight in accordance with the child's age and maturity.

I also wish to recall general comment No. 13 of the Committee on the Rights of the Child (CRC/C/GC/13), in which the Committee underscored that no violence against children is justifiable and that preventing and responding to all forms of violence is essential to the effective enjoyment of the rights guaranteed under the Convention. The Committee made clear that "mental violence" includes treatment that belittles, terrorizes, isolates, threatens or otherwise places the child in a climate of fear, insecurity or emotional harm, and that States must exercise due diligence to prevent, investigate and respond effectively to such harm.