

NATIONAL CONCLAVE OF NORTH-EASTERN STATES FOR
ACCESS TO JUSTICE TO WOMEN OF THE REGION

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PLENARY HALL, VIGYAN BHAWAN, NEW DELHI

Ensuring access to justice for all has been the goal of NALSA ever since its inception. Though this noble endeavour often faces serious social, cultural and other challenges, it has been our aim to overcome these impediments and ensure that the doors of the justice system are not shut for any citizen of this country, rich or poor.

An improved and far-reaching access to justice system is India's highest concern today and ensures protection of the rights and freedoms of all sections of society, particularly those underprivileged citizens who feel alienated from the justice system because of geographical reasons. The dismal conditions faced by the downtrodden are converse to the noble dreams of our Founding Fathers, antithetical to Article 39A of the Constitution of India and contrary to the cause of providing effective justice to one and all. The creation of the National Legal Services Authority has been done with the aim of facilitating the Access to Justice Movement, through various awareness programs and other means.

The North Eastern region is an essential part of the nation, and contributes immensely to the process of nation-building. The region has been actively associated with India's freedom movement, socio-cultural development as well as economic growth. Its peoples have distinguished themselves in every walk of life, and its vibrancy and dynamism contributes immensely to India's rich heritage and culture. Therefore, to ensure that each citizen of this region has adequate access to the justice system is a compelling priority for all of us. It is imperative therefore, that we address the needs of this region and pay special attention towards overcoming the impediments that may be endemic to the region, due to its geography, climate or other factors. Local clashes, floods, erosion and other such problems lead to migration and internal displacement, often dividing families. In such unfortunate scenario, women are particularly affected, and are vulnerable to various social evils like trafficking, perpetrated by unscrupulous elements who try to lure these often unsuspecting women with false promises of marriage and employment. Oftentimes, successful rescue and rehabilitation measures have yielded positive results. However, an effective justice mechanism that is able to reach out to one and all will greatly augment all such constructive measures. By affording access to justice system we mean that their valuable rights under the Constitution are safely protected. We hear from the media reports that the public distribution system has been

a total failure in the North Eastern region and essential commodities, which are intended to be supplied through such distribution system, are not reaching the common man. Courts and administrators should feel that they have got a greater role to play in ensuring that the poverty alleviation programmes are effectively implemented. Citizens should feel that they are their protectors of their rights.

Some of the major impediments for the access to justice movement, with respect to women in the North East, are illiteracy, lack of awareness, poverty and the like. Almost 35% of the population of the region is below the poverty line, and so, monetary resources are hard to come by. A multi-pronged approach is required to tackle these problems. Firstly, it is necessary to encourage awareness programs that generate academic debate and intellectual deliberation on the most critical issues and result in the creation of constructive and practical ideas that can be implemented for the benefit of the women in the north east. Secondly, sensitization of judicial officers regarding the particular challenges faced by women from the north east is also important, since it would help in ensuring speedy and efficacious justice. Thirdly, a confluence of citizen's forums to promote access to justice would go a long way in promoting public private partnerships and generate societal involvement towards ameliorating the condition of these women. Lastly, the needs of an

inclusive society must be addressed and highlighted in order to stimulate developmental work through legal empowerment of communities.

Another matter of serious concern that requires immediate attention is the reports of instances of trafficking of women from Assam and other parts of the north east. It is necessary to note herein that most of these women who are trafficked belong to the poorest strata of society, and, being poor and vulnerable, are often excluded from basic socio-economic services. They suffer the most from natural disasters, become victims of evils like corruption and are thus the most seriously effected part of the entire population. Furthermore, their problems find no vent and relief when the justice system, often the last resort of the downtrodden, leaves them alienated from its doors and they are left frustrated and defenseless against all, in a state of haplessness. Moreover, the absence of an effective and coordinated policy in addressing these issues holistically renders the entire judicial organ incapable of ameliorating the dismal conditions of north-eastern women.

Rising instances of domestic violence also need speedy addressal. An effective use of the law relating to this malpractice will surely lead to its eradication. However, this is possible only through a concerted

strategy that addresses instances of physical and mental abuse in a timely manner.

Crimes against women, such as rape and murder, also need to be dealt with a heavy hand by the judiciary. For this, it is necessary for the justice dispensation system to reach out to the grass-root level and remote areas and reduce legal marginalization. The root causes of this marginalization lies in ignorance about basic human rights and fundamental rights. This is further compounded by the problem of illiteracy. Unscrupulous people exploit these illiterates thus depriving the socially and economically marginalized people of access to justice. A sociologically informed approach to reform of legal procedure is needed. Various means may be employed to achieve this. Mobile courts, evening courts and other such projects that have been successfully implemented in many parts of the country may be emulated to reach out to remote areas. Other region-specific strategies may be formulated. This, in addition to awareness programs regarding rights and freedoms of women, would surely yield positive results.

It is heartening to note that the National Legal Services Authority (NALSA) has spearheaded numerous social justice awareness campaigns in various parts of the country, notable among which is the

National Legal Literacy Mission. These campaigns will go a long way in the creation of a rights conscious nation and society. Particularly, in the North East, the need of the hour is to increase the number of these awareness campaigns, and take them to the most remote and excluded regions. Only through a concerted attempt in creating legal awareness will we be closer towards building a momentum and a consciousness towards empowering women of the north-east region to enforce their rights effectively. It must, however, be kept in mind that along with such awareness, the judiciary must also be sensitized towards espousing the cause of uplifting and rehabilitating affected women through a rights based approach for the achievement of a just and equitable society.

The present forum is a step towards building a momentum and a consciousness towards the emerging needs of improvement of social justice measures for the most vulnerable and affected groups in the North Eastern Region.

While proper implementation of the existing legislations and ensuring punishment to the guilty is to be ensured by the Judiciary, this cannot be done single handedly. It requires the active participation of all organs of the state-the legislature, executive mainly the police force and the judiciary. Nevertheless, the court system plays a central role in

guaranteeing access to justice to citizens. Effective access to justice is an important part of any well functioning democracy. India is rightly acclaimed for being an upholder of the rule of law since time immemorial, for achieving a flourishing constitutional order, presided over by an inventive and activist judiciary, aided by a proficient bar, supported by the state and cherished by the public.

In addition, the development of effective alternate dispute redressal forums for the villages and affected groups, improved legal counseling systems and awareness campaigns for the protection of fundamental rights is also necessary. Only through such a synchronized approach can we deliver justice to those who are alienated from it.