

ACCESS TO JUSTICE FOR SC/ST survivors OF SEXUAL VIOLENCE

NATIONAL JUDICIAL ACADEMY

SESSION 1 : 10TH FEBRUARY.

Section 12 Legal Services Act 1987

- Scheduled caste
- Scheduled tribe.
- Women.
- Children.
- A victim of a mass disaster.
- Ethnic violence.
- Caste atrocity.
- Flood.
- Drought
- Earthquake
- Industrial disaster;
- Disability (Physical and Mental),
- Low income.

Levels of Marginalization-the triple burden of structural oppression

- Structure of caste.
- Patriarchy.
- Class-low income, insecure income, in the unorganized sector.
- Farm and day labourers.

What kind of justice model do we envision?

- Retributive.
- Preventive.
- Deterrent.
- Restorative.

Example : Gender based violence ?

- What are the obstacles to access to Justice confronting them?
- What can be done to remove the obstacles?

Implementation Issues

- Police
- Infrastructure support.
- Budget.
- Lawyers/legal aid.
- Courtroom culture.
- Adjudication

Police

- Very similar issues coming up again and again.
- Sensitization.
- Corruption.
- Registration.
- Investigation.
- Routine aberrations.
- Extreme consequences.

Shelters

- Status .
- Purpose.
- Monitoring.
- Safe spaces for the marginalized?

Counselling/Counsellors

- Numbers.
- Quality.
- What does counselling mean ?

Victim and victim friendly process

Compensation for victims of crime

- Different picture in each state ...need for uniformity and rationality.
System.
- Awareness.
- Budget.
- Implementation.
- 357 A Circular.
- Interim court Compensation.
- Court can award Compensation at time of conviction.
- Different departments responsible for different services.
- Convergence and coordination between different Departments

Women and Disability...

Atrocity and Social Economic Boycott

- Now a crime but are cases being registered?

Power /Influence and Compromise-some anecdotes.

- Community support to register sexual violence case
- Gang rape to compromise.
- Complexity of sexual violence /atrocity cases....
- Case studies- Reeta-family of six children-sexual assault by farm owner and rape by Police Officer...

Awareness

- Workshops on rights and benefits.

Adjudication

- Technical vs contextual.

Atrocity/Communal Violence/Floods/disasters

- Reparation not just compensation.
- Compensation very different across different episodes-Need for a standard.