



Report on One Day National Seminar

on
“Role of Fast Track Courts in Delivering Justice to Women”

Organised by
Banikanta Kakati Research Institute, KKHSOU

Sponsored by
National Commission for Women (NCW), New Delhi

Date: 28th October 2022
Venue: Conference Hall, 6th Floor (Block C), KKHSOU
Resham Nagar, Khanapara, Guwahati



Presidential Address
Prof. Rajendra Prasad Das
Vice Chancellor, KKHSOU



Chief Guest
Prof. Nani Gopal Mahanta
Education Adviser
Government of Assam



Keynote Speaker
Rumi Kumari Phukan
Retd. Justice
Gauhati High Court



Prof. Ramesh Barpatra Gohain
Former Advocate General of
Assam



Anurita Pathak
State Coordinator
North East Network, Assam



Bondita Archarya
Convenor, Women in
Governance in India



Papori Chetia
Addl SP, Special Branch &
In-charge, Cyberdome Social
Media Centre, Assam Police



Angshuman Bora
Senior Advocate
Gauhati High Court

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The Bani Kanta Research Institute (BKRI) at KKHSOU organised a daylong seminar on the theme of “The Role of Fast Track Courts in Delivering Justice to Women” in collaboration with the National Commission for Women (NCW), New Delhi on 28 October 2022 at the University Campus, Khanapara, Guwahati. KKHSOU has collaborated with NCW, New Delhi for the last three consecutive years with its financial support for organising seminars, webinars and workshops for capacity building of women particularly in the state of Assam. The Chairperson of the National seminar was Dr. Prasenjit Das, Director I/C BKRI, KKHSOU and the co-convenors were Dr. Ritimoni Bordoloi, Dr. Dola Borkataki and Dr. Chayanika Senapati, Assistant Professors, KKHSOU.

The National Seminar was aimed at creating awareness among all the participants and stakeholders, irrespective of gender, with regard to the law, legal provisions and judicial procedures in ensuring fair trials and delivering timely justice to women in general. In addition, the highlight of the seminar was to explore various ways in which women could access legal aid and support in various circumstances of their life. Around 200 participants from various fields such as the Academia, Research, NGOs, Media and other agencies attended the Seminar.

Women at the grassroots in India have often been deprived of their rights while also being exposed to fewer opportunities compared to men, starting from the domestic sphere to economic participation, political representation to employment, access to education and various opportunities, human rights to legal protection among others. The stigma, discrimination and prejudice faced by women with regard to violence incurred on them continues to remain a prevalent concern today. Moreover, rampant crimes against women and children such as women and child trafficking, rising cases of abduction, child marriage, untimely birth or birth during adolescence, rape, gang rape, and sexual abuse are widespread across India.

In order to address these pertinent issues at length taking into account the present scenario in the state of Assam, the University had invited five eminent speakers from various fields such as advocates from Gauhati High Court, personnel from Assam Police, activists from social organizations like North East Network and for the Government of India.

Inaugural Session:

The inaugural session began with a brief introduction by **Dr. Prasenjit Das**, Director I/C of BKRI and Chairperson of the seminar who highlighted the importance of addressing the issues of gender discrimination and access to legal protection and judiciary support particularly for women. He opined that the need of the hour is to have a people-centric and gender responsive justice approach in order to create an environment where women can seek remedies without the fear of negative consequences and acquire their rights through timely access to justice. In addition, he stated that the seminar aimed to provide a common platform for various stakeholders belonging to fields such as the judiciary, police department, social organisations and agencies working for the cause of women together with the members of the civil society.

Such an effort was necessary towards creating a collective contribution to the justice chain for the greater welfare of women as a whole.

The Chief Guest for the Inaugural session was **Prof. Nani Gopal Mahanta**, Education Advisor, Government of Assam who provided a cursory glimpse on the issue and current scenario of crime against women in the state. In his presentation, Prof. Mahanta cited the current data that reflected a marked increase in the crime rates against women across various districts of Assam. There was an alarming increase in the cases of domestic violence and molestation from the year 2016 to 2020, which was more than the national average.

He opined that owing to the increasing sense of women empowerment particularly in urban areas, women do not hesitate to report any form of violence or offence committed against them, however the same may not be true for women in the rural areas where many cases tend to remain unregistered. Thus, he stated that it was important to dissect certain data to get a better picture of the scenario of crime against women in the state. Moreover, there was a huge discrepancy between the reported data and the conviction rate. In the last few years, some of the categories of crime against women reported across various districts of the state were dowry deaths, cases of cruelty by husbands, kidnapping and abduction, human trafficking and rape.

The statistics revealed that at least four districts required urgent attention with regard to the rates of crime against women starting with Barpeta recording the highest crime rate, Darrang, Dhubri followed by Guwahati city, which posed a serious concern. In comparison, N.C. Hills and BTAD areas had lesser crime rates that further pointed to an existing 'variation' in the crime rates across the state. Some of the crime prone districts based on the data were firstly the districts of Barpeta, Dhubri, Nagaon and Guwahati; secondly the districts of Kamrup, Darrang, Morigaon, Cachar, Jorhat and Sibsagar; followed by districts of Hailakandi, Baksa and Golaghat. Thus, without minimising the general occurrence of crime in all the districts of the state, he floated the question as to why there were more crimes against women in certain districts of Assam in comparison to the other.

Further, Prof. Mahanta highlighted the various provision as well as 'issues' regarding the functioning of the Fast Track Courts in resolving cases and delivering timely justice. The state of Assam has 27 Fast Track Courts including 10 courts for POSCO and in 2018, the government had allotted 5 intra-judicial courts. The POSCO Act specifies that special courts are to complete their proceedings within the time frame of one year and yet, Fast Track Courts continue to remain slow in delivering timely justice. Thus, along with an institutional approach, crimes and injustice against women and children require a sociological approach taking into account the various related issues and aspects into consideration.

The Keynote address was delivered by **Smt. Rumi K. Phukan**, Retd. Judge Gauhati High Court who spoke on the rampant atrocities on women across the state. Many a times women suffered in silence due to factors such as family reputation, unequal power equation, social norms, their economic dependence, fear and stigma among others. She quoted Kofi Annan who had said that violence against women was the most sinful form of violence and perhaps, the

most pervasive. She mentioned that with regard to Assam, except the newly constituted districts, the Government had established Fast Track Courts in all the districts. However, she noted that there were existent loopholes in the investigation procedure, lack of coordination between police and other officials, delay in filing FIR, problems with charge sheet, dearth of modern forensic facilities and lack of well trained and competent officials to mention a few. In addition, it is necessary for the police department to be free from political interference and the investigating police from that of the trial process. In fact, the state government must create separate wing to investigate such crimes.

The reason that Fast Track Courts have become slow is that their proceedings remain the same as the general courts, which requires serious attention. At times, due to the absence of witness or adjournments by lawyers the process of the trials tends to become all the slower. Moreover, she opined that the need of the hour is an approach that combines 'speedy justice' as well as a 'sensitive approach' in order to avoid revictimization or traumatization. A judge should make no comment knowingly that may interfere with the fair trial of a person or issue and to ensure that a verdict pronounced in the court must be free from any form of bias. She had also cited the legal provisions that a court must comply with regarding the compensation of victims of various kinds of crimes. In addition, she mentioned several examples from various trials in the country to highlight how legal procedures must be adopted by all courts including Fast Track Courts.

Thus, Smt. Phukan provided a comprehensive idea on the provisions, proceedings and mandates of legal structures that aimed at ensuring bias free verdict, fair and speedy trials and most importantly timely justice to women.

The Presidential Address of the Inaugural session was offered by **Prof. Rajendra Prasad Das**, Honourable Vice Chancellor, KKHSOU who had deliberated on the significance of women empowerment and the importance of justice for women. He noted that the scenario of crime in Assam needs to be addressed and tackled by all stakeholders particularly the policymakers and the government to provide timely justice to women and work towards creating a better society. In expressing his best wishes for the National Seminar, Prof. Das noted that such endeavours were significant as it provided the opportunity of extending a concerted and collective effort of people working in various sectors or fields towards addressing the challenges and issues of social justice.

At the end of the Inaugural session, the vote of thanks was offered by **Dr. Arupjyoti Choudhury**, Registrar, KKHSOU who also noted that the right to a just and speedy trial was one of the most important dynamics in a democratic polity like India. While on the one hand, it is said that 'justice delayed is justice denied' on the other hand, it must be remembered that 'justice hurried is justice buried'. Thus, it requires a mechanism that upholds a balanced approach in delivering justice that is true in letter and spirit. Thus, the inaugural session concluded making way for the technical sessions of the day.

Anchoring in the Inaugural Session was done Dr. Chayanika Senapati—the co-convenor of the seminar.

Technical Session 1: “FTCs: Necessity of the Hour” by Sri Ashim Chamuah

In the first technical session, the speaker Sri Ashim Chamuah, senior Advocate of Gauhati High Court spoke at length about a few pertinent judgements that have set the foundation for the justice delivery system. The basic premise of his deliberations were based on his own experiences and thoughts. He discussed the issues and constraints in the justice delivery system of our own country including lack of infrastructure, human resource so on and so forth which leads to delay in justice delivery. He then went on to speak about two theories of punishment-Deterrence and Reformation. As far as the nature of reformation is concerned, it is supposed to be for the habitual offenders. According to him, there must be stringent laws in place primarily because of two reasons:

- i. To cope with the changing needs of the society, and;
- ii. To bring about a change in the society

He further discussed about the basic and the nature of functioning of fast-track courts.

Technical Session 2: “Justice to Women: Reflections from the grassroots” by Smt. Anurita Pathak

The speaker of the second technical session was **Smt. Anurita Pathak**, State Coordinator of North East Network (NEN). She spoke at length about women’s lack of access to justice and the inadequacies in the justice delivery mechanisms of our country in general and Assam in particular. She also discussed the constraints faced by women at the grassroots while fighting different forms of injustices. She then spoke about how women have been historically marginalized which even continues till today and how a huge section of women are still being unable to assert their voices against marginalization and exploitation they are being subjected too. Further she deliberated upon how majority of the cases of harassment and abuse of women either go unreported or are left mid-way by the victims because of social pressure, lackadaisical approach of the police and the judiciary so on and so forth. Her lecture indicated the need for a more inclusive, sensitive and gender responsive justice delivery system in order to ensure justice to women. She also discussed the Functions of her organization i.e. the North-East Network and how it is working for empowering women and also fighting for justice of women victims.

Technical Session 3: “Role of Police in Delivering Justice to Women” by Smt. Papori Chetia

The speaker of the third technical session was **Smt. Papori Chetia**, Additional SP, Special Branch, Assam Police and her title of the topic was “The Role of Police in Delivering Justice to Women”. She spoke at length about the role the police have been playing in keeping the

crimes against women at bay. She specifically highlighted on the different forms of crime against women with the most contemporary one being the cyber-crime. She focused on the increasing intensity of crimes against women especially in the cyber space and how the virtual world can pose threat to women. With illustrations of various instances from the field, she articulated that the cyber space has become increasingly unsafe especially for women and they fall prey to different forms of cyber fraud. She emphasized that people especially women need to be extremely cautious while operating in the cyber space and that they have to be aware of the various agencies, laws and protective mechanisms that are in place to safeguard them against cyber fraud. She then discussed about the role of police in safeguarding women and the about the mechanisms to deal with cyber-crime including those against women and children.

Technical Session 4: “Law, Legal Aids for the Poor: Contextualising the issues of the victims with regard to Social Justice” by Bondita Acharya

The speaker of the fourth technical session was **Smt. Bondita Acharya**, Convenor, Women in Governance in India and Director, Purba Bharati Educational Trust, Jorhat, Assam. She delivered her lecture on the topic: “Law, Legal Aids for the Poor: Contextualising the Issues of the Victims with Regard to Social Justice” and delved on the importance of addressing various issues of women’s limited access to justice apart from the key role of the judiciary. She stated that in representing the survivors of violence, Purba Bharati, her organization, began working in this area since the year 2009. However, she opined that just a few organisations such as the North East Network or Purba Bharati were not enough to address all the related issues and problems in the state where criminal cases continue to remain pending and crime against women continue to soar. There have been many heinous crimes against women such as the G.S. Road incident in Guwahati or the brutal Nirbhaya case in Delhi among countless other such instances, owing to which protection and security for women should be a key concern and our central focus. In fact, she stated that the definition of rape and molestation needed to be altered or changed as well.

Through her lecture, she presented four such cases from the field/ground citing the case of rape of a 14-year-old girl by her own biological father. This brought to light the loopholes and discrepancies in the way the legal system functioned in the state where the police could easily manipulate by arranging for a false certificate to prove that the child was 18 years of age and hence, not a minor in the case. In another instance, an Adivasi girl from Udalguri district was brought to Jorhat by an acquaintance (the agent) with the false assurance of providing her an Aadhar card prepared by an officer. Later the agent had her work as a domestic help for a Child Specialist who belonged to a renowned family in Jorhat. The police did not investigate the trafficker whose name they knew and nor did they question the Child Specialist. They were more concerned with saving the doctor’s reputation and even managed a middle school certificate to prove that the girl was 18 years old. In fact, the Purba Bharati volunteers were witness to what the Jorhat Police had done in such a serious case of child trafficking. The same trafficker was already on the way to Delhi with two to three girls and despite the information, the Police had taken no action.

In another case of trafficking, a girl eloped with her lover not knowing of his intentions and later was rescued from Cooch Bihar by the Railway Police. The Police had made no efforts to arrest the trafficker yet again. Further, Smt. Acharya mentioned another severe instance of domestic violence in which the process of trial itself was not initiated. Therefore, her question was that if the system itself had a huge lapse of their part how one could expect justice for the innocent survivors.

Thus, she emphasised on the importance of empowering women with the knowledge of the law and justice, rights and responsibilities, legal aids and procedures. The ground reality was always different and women are yet to empower themselves with the process of learning more about the legal provisions which must be facilitated and emphasised according to Smt. Acharya. On a concluding note, she remarked that those who are responsible and accountable need to think of how to provide justice to survivors without delay.

Technical Session 5: “Impact and Need Analysis of the Judiciary System in the Context of Protecting Women and Girl child” by Sri Anshuman Bora

The speaker of the fifth technical session was **Shri. Angshuman Bora**, Senior Advocate, Gauhati High Court delivered his lecture on the topic: “Impact and Need Analysis of the Judiciary System in the Context of Protecting Women and Girl Child”. In his lecture, Shri. Bora emphasised the importance of gender equality at every step and the requirement of a more need-based systems in ensuring social justice and in particular, justice for women and children.

Although, Indian law has many statutes to protect women and girl child yet it remains to be followed in the true sense. For an instance, why should there be an apprehension in a woman’s mind to approach the police station for help at midnight? Again, to provide another instance, the protection of domestic violence calls for free copy of FIR to the victim duly signed by an officer in charge but in general practice, it is hardly provided on the spot at most of the police stations. These are only a few examples that point to the fact that even as the law exists, it does so only in word and not in spirit.

If there are existing laws in place, there should not be any form of ‘deviation’ in general however, the lacunae and loopholes in the legal system leads to the same. In fact, both the use and misuse of the law creates the entire problem. In addition, there are a lot of dichotomies as well that those associated with the system tend to witness more closely. Such are the legal procedures that the trials become too lengthy and sluggish in the process of which the suffering of the victim is further prolonged. Moreover, he also mentioned some of the provisions of monetary protection as per the law, which the common man is unaware of. In his opinion, at present a need-based investigation in the judiciary is utmost necessary.

Further, he mentioned the poor conditions of the shelter homes and the rampant misuse of law that take place in these homes every day. Children in these shelter homes need protection and security apart from their development and general wellbeing. Following the law in true spirit is the problem in the beneficiary enactment. In order for the masses and the victims or survivors

to have access and benefit of law, such problems need to be corrected. The Indian courts lack a place in their premises that is women and child friendly; where women (and women complainants) along with their children are compelled to stand throughout the day without water or feeding place for their babies. Thus, it is necessary to ensure a friendly atmosphere for litigants as well. He stated the importance of need-based provisions in all regards to ensure justice at every step for those who are entangled in the long and slow judiciary processes. In his concluding remark, Shri. Bora looked forward to the day when everyone would stand equal before the law.

Valedictory Session:

The valedictory session of the day long national seminar started with the Seminar Report Presentation by **Dr. Ritimoni Bordoloi**, Convenor of the Seminar. Dr. Bordoloi in her presentation, touched up all the major points raised by the distinguished speakers of the Inaugural session as well as the 5 Technical sessions.

The Chief guest of the valedictory session was **Dr. Preety Lekha Deka**, *Member Secretary, Assam State Women Commission, Guwahati*. Dr. Deka spoke about the role of judiciary in safeguarding women and the various acts and laws that have been formulated for protection of women against violence and abuse. She also talked about the implementation of the POCSO Act and the functioning of POCSO courts and how there is a state initiative to make the POCSO courts more child-friendly in nature. She then discussed how the National Women Commission and the State Women Commission from the day of their inception have been working in various ways for safeguarding the Constitutional provisions of women, as well as striving for empowerment of women. She then discussed the compensation schemes for women victims and stated that though many may not be aware, but about there are different compensation schemes of State Legal services authority or district legal services authority for women victims of rape, acid attack so on and so forth.

She stated that unlike the past, today women have largely become aware of their rights and the protective mechanisms to deal with their grievances and hence have come forward to seek justice defying the existing social taboos and barriers. Finally, she spoke about the socialization process and how it also perpetuates gender discrimination in society. She highlighted the need to make our children gender-sensitive and humane and also that both boys and girls needs to be oriented about the being respectful towards each other and to breaking the binaries pertaining to gender roles. She argued that only by inculcating the correct values in our children we can evade gender-discrimination and have a more inclusive and crime-free society. She also suggested the need to create awareness and empathy among the men-folk and also the members of the family who either tend to be the perpetrators of violence against women or the ostracizers who desert women when any violent incident like rape happens with her. As they play a significant role in the lives of women, she urged that they must be sensitized so that they understand the consequences of domestic violence and are encouraged to contribute to the safety and well-being of women. Overall she stressed that ensuring safety of women involves

concerted efforts from her family members to local community organizations, state agencies, police and the judiciary.

The presidential remarks of the Valedictory session was given by **Prof. Rajendra Prasad Das**, the Honourable Vice Chancellor of the University. In his short speech, he once again reiterated the significance of the seminar and that everyone should come forward to discuss the issues of delivering justice to women both the family and the society.

The Seminar concluded successfully with a Valedictory session and a Vote of thanks by **Dr. Dola Borkataki**, the co-convenor of the Seminar. The rapporteurs in various sessions of the seminar were **Dr. Pallavi Gogoi** and **Dr. Trisha Dowerah Baruah**, Assistant Professors, KKHSOU.

Important Recommendations

1. Women's issues and problems are subjective in nature and therefore to resolve those issues we need to have solutions which cater to their subjective needs. The nature of crime and the context differ in every case and hence requires to be dealt subjectively. If the subjective needs of women are addressed properly, Fast Track Courts would be much more effective.
2. There is an urgent need for infrastructural development in terms of both human and physical resources. Since the surveys and existing data reveal an increase in crimes, there is a need to have more number of courts to have an efficient justice delivery system.
3. In the context Assam, not all districts have a Fast Track Courts. But why are courts not established when a new district is formed? To ensure timely justice delivery and give lesser hassle to the victims, it is very important to have more courts and at least one Fast Track Court in every district.
4. There is a need for change in perspectives where the perpetrators are also being discussed about and brought under the scanner while deliberating upon crimes and violence's in seminars and workshops. In most seminars and workshops on women, the participants usually talk about the women victims but not the perpetrators. But there is also a need to study and discuss the socio-economic conditions, political background, social status so on and so forth of the perpetrators. There is a need for the larger public to know who are the perpetrators? Where do they come from? This would help in identifying and categorizing them and finally would help in resolving the issues to a great extent.
5. There is a need for a more cordial atmosphere in the police stations and a friendlier way of dealing with people by police so that people are not inhibited to visit the police station or report their cases.
6. Every crime is serious. Mental violence and other forms of non-physical violence and harassments must also be dealt with in a stringent manner so that no criminal remains. Besides, many cases across the country are still not registered. So spreading education and empowering women is the need of the hour so that they can assert and fight against violence and crime against them no matter how trivial it may seem to be.

Programme Schedule

| Session Details | Time | Resource Persons |
|---|----------------|---|
| Inaugural Session (10.00-11.00am) | 10.00-10.05am | Welcoming and Felicitation of the Guests by Dr. Chayanika Senapati , <i>Co-convenor, National Seminar & Anchor</i> |
| | 10.05-10.10am | About the Seminar by Dr. Prasenjit Das <i>Director i/c, BKRI, KKHSOU & Chairperson, National Seminar</i> |
| | 10.10-10.30am | Speech by Chief Guest, Prof. Nani Gopal Mahanta <i>Education Adviser to Govt. of Assam</i> |
| | 10.30-10.50am | Key Note speech by Smt. Rumi Kumari Phukan <i>Former Judge, Gauhati High Court</i> |
| | 10.50-11.00am | Presidential Address by Prof. Rajendra Prasad Das <i>Vice Chancellor, KKHSOU</i> |
| | 11.00-11.05 am | Vote of Thanks by Dr. Arupjyoti Choudhury <i>Registrar, KKHSOU</i> |
| Tea Break | 11.05-11.30am | |
| Technical Session 1: | 11.30-12.15am | Speaker: Ashim Chamuah , <i>Advocate, Gauhati High court</i> Topic: FTCs: Necessity of the Hour |
| Technical Session 2: | 12.15-1.00pm | Speaker: Anurita Pathak , <i>State Coordinator, North East Network (NEN)</i> Topic: Justice to Women: Reflections from the grassroots |
| Technical Session 3: | 1.00-1.45pm | Speaker: Papori Chetia , <i>Additional SP, Spl. Branch & In-Charge, Cyberdome Social Media Centre, Assam Police</i> Topic: Role of Police in Delivering Justice to Women |
| Lunch Break | 1.45-2.30pm | |
| Technical Session 4: | 2.30-3.15pm | Speaker: Bondita Acharya , <i>Convenor, Women in Governance in India & Director, Purba Bharati Educational Trust, Jorhat, Assam</i> Topic: Law, Legal Aids for the Poor: Contextualising the issues of the victims with regard to Social Justice |
| Technical Session 5: | 3.15-4.00pm | Speaker: Anshuman Bora , <i>Senior Advocate, Gauhati High Court</i> Topic: Impact and Need Analysis of the Judiciary System in the Context of Protecting Women and Girl child |
| Valedictory Session (4.00-4.45pm) | 4.00-4.05pm | Welcoming and Felicitation of the Guests by Dr. Chayanika Senapati , <i>Co-convenor & Anchor</i> |
| | 4.05-4.15 pm | Seminar Report Presentation by Dr. Ritimoni Bordoloi <i>Convenor, National Seminar</i> |
| | 4.15-4.35 pm | Valedictory Address by Dr. Preety Lekha Deka <i>Member Secretary, Assam State Women Commission, Guwahati</i> |
| | 4.35-4.40 pm | Presidential Remarks by Prof. Rajendra Prasad Das <i>Vice Chancellor, KKHSOU</i> |
| | 4.40-4.45 pm | Vote of Thanks by Dr. Dola Borkataki , <i>Co-Convenor, National Seminar</i> |
| Refreshment | 4.45pm onward | |

Select Photographs of the National Seminar



