



सत्यमेव जयते

**Department of Justice
Ministry of Law and Justice**

**NEEDS ASSESSMENT STUDY TO IDENTIFY
GAPS IN THE LEGAL EMPOWERMENT OF
PEOPLE IN EIGHT STATES OF THE NORTH EAST**



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**Access to Justice Project
North East and Jammu and Kashmir**

2015



Access to Justice Project, North-East and Jammu & Kashmir
**NEEDS ASSESSMENT STUDY TO IDENTIFY GAPS IN
THE LEGAL EMPOWERMENT OF PEOPLE IN
EIGHT STATES OF THE NORTH-EAST**

Sponsored By

Department of Justice,
Ministry of Law and Justice, New Delhi

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डी वी सदानंद गौड़ा
D.V. Sadananda Gowda



सत्यमेव जयते

मंत्री
कानून एवं न्याय
भारत सरकार
MINISTER
LAW AND JUSTICE
GOVERNMENT OF INDIA

Message

I am pleased to present this Needs Assessment Study on Access to Justice in the North Eastern States including Sikkim. Access to justice is an important priority for this Government and we are in the process of instituting several measures and reforms to ensure the same. Timely access to justice is an essential component of any successful democracy. It is heartening to note that the Department of Justice has commissioned such an in depth study to identify gaps in the legal empowerment of people in the eight North Eastern States including Sikkim. This study is a result of a yearlong research exercise identifying the legal problems of the people in the North East, followed by gaining an understanding of the challenges they face in seeking redressal of grievances and gaps in access to justice. The study also helps us to appreciate the various traditional methods of dispute resolution that are in place based on the area's customs. The study also presents an analysis of how it compares with the modern system of justice delivery.

I am delighted to share with you the study, which I found informative and useful in highlighting the gaps that citizens face in accessing justice. My understanding is that at the forefront, there is an urgent need to increase the awareness of the rights guaranteed under the Constitution and relevant statutes; the entitlements under various schemes implemented by both State and Central Government; ways to seek redressal of grievances; and to create awareness of the services provided by the Legal Services Authorities and other relevant institutions. To meet these objectives, a strong focus would be on enhancement of legal literacy to transform citizens from just being mere recipients to active participants in the justice delivery systems.

Allow me to leave you with the words of Shri Justice (Retd.)V.R. Krishna Iyer, a revered jurist of our nation: "Society is guilty if anyone suffers unjustly". The Central Government intends to work towards ensuring that each and every citizen of India has access to a justice system that reflects the values and ideals enshrined in our Constitution.


(D.V. Sadananda Gowda)

T.S. Thakur
Judge
Supreme Court of India
&
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28th January, 2015

MESSAGE

National Legal Services Authority and the State Legal Services Authorities established under the National Legal Services Authorities Act, 1987 have over the past nearly three decades made tremendous efforts in providing legal aid and spreading legal literacy and awareness to the needy sections of our society. Establishment of District Legal Services Authorities and a host of schemes formulated at the national and the state levels have started showing results. Besides NALSA and the SLSAs have tried to forge partnerships with several Governmental and non-Government Organisations to effectively carry forward the campaign and make legal aid easily accessible to those who qualify for the same.

I am happy to note that the Department of Justice, Government of India has, as a part of 12th/5 year plan, undertaken 'Access to Justice for Marginalised People' as a project for eight north eastern States including State of Sikkim and State of Jammu and Kashmir. The Needs Assessment Study which Department of Justice has sponsored in these states will be useful for formulation of future schemes and projects not only by the Department of Justice who is supplementing what NALSA is doing but also help the stake holders to understand and formulate suitable responses to the deficiencies in the programmes, that are already afoot.

I compliment the Government for its initiative and continued support for the ongoing schemes and programmes and also its commitment to make legal aid a reality. The sphere of activities of the authorities established under the Act is bound to get enlarged with passage of time and their role as social auditors of all such schemes as are framed with a view to ameliorating the conditions of the poorer section of the society duly recognized. Bold initiatives in that direction are the need of the hour to make access to justice for all come true in the real sense.


(T.S. Thakur)

Kusumjit Sidhu
Secretary
कुसुमजीत सिद्धु
सचिव



सत्यमेव जयते

भारत सरकार
विधि और न्याय मंत्रालय
न्याय विभाग
GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

October, 30, 2014

FOREWORD

The Department of Justice, Government of India is deeply committed to the strengthening of justice delivery mechanisms in all parts of the country. As such, under the present 12th Five Year Plan, the Department of Justice is implementing this project on Access to Justice for marginalized people in all the eight States of the North East including Sikkim and in Jammu and Kashmir. As an initial step, a Needs Assessment Study was commissioned so as to lay groundwork for future project activities. The final report of the study is ready and I am delighted to present the same.

Going ahead, the Department of Justice plans to engage with all the present stakeholders in the area who have already made strong interventions and efforts such as the Legal Services Authorities, for instance. The Project will use the results obtained in this study to identify any remaining gaps and work alongside stakeholders to fill them. The Impulse NGO Network, based in Shillong, partnered with the Department of Justice to conduct this study over a period of one year. The findings of the study can broadly be categorized into two components---one being **generic in nature** and the other being **state specific**. Therefore, the interventions to follow would need to be made at both these levels. Improving legal literacy and awareness of the laws, whilst taking into account the various customary laws and traditions of the region, will be the path to follow.

A road map of how to take our efforts forward would be drawn in consultation with Civil Society Organizations, Academic Institutions, Law Departments, the Police, and the State Legal Services Authorities active in the region. I urge all the stake holders to prepare a sustainable plan of action in consultation with the Access to Justice Project Team.

I thank Impulse NGO Network and congratulate the Project Team at the Department of Justice for coming out with a comprehensive study, analysis and suggestions for identifying gaps in the legal empowerment of people in North Eastern States. I look forward to the project developing meaningfully, and succeeding in its mission to improve access to justice in the North East.


(Kusumjit Sidhu)



सत्यमेव जयते

Praveen Garg, IAS
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10th November, 2014.

Foreword

"Justice will not be served until those who are unaffected are as outraged as those who are" - Benjamin Franklin

One of the objectives of 'Justice' is to give people what they deserve. Central to this is what is due to a person? What are the grounds of sanctioning or denial of rights or entitlements? The idea of justice has several dimensions—social, political and economic—being the broadest classifications. One of the important aspects of 'justice' to which the Department of Justice, Government of India is committed is 'of facilitating administration of justice that ensures easy access and timely delivery of Justice to all'.

With the above vision, the Department of Justice is implementing a project on Access to Justice in all the States in the North Eastern part of India. Under this project a Study was commissioned to identify a base-line regarding several indices such as people's perception about modern methods of dispute adjudication, access to free legal services and access to entitlements under various laws and schemes, to analyse the issues figuring out in the Study and to draft a set of recommendations for legal empowerment of people.

On the basis of the recommendations of the Study, the Access to Justice Team is considering various areas of interventions such as:

- Documentation of customary laws and procedures of dispute resolution in NE;
- To popularize the alternative means for resolution of disputes and
- To enhance the legal literacy of people in the region.

As the head of the A2J team, I urge all the stakeholders namely; State Legal Services Authorities, Civil Society Organisations, Academic Institutions, and the Law Departments to actively participate in this constructive process in preparing a plan of action to work on the recommendations of the Study.

I thank all the State Legal Services Authorities, Law Departments and stakeholders in every project State for extending their support to complete the Study and look forward for their continued support. I also congratulate the Project Management Team and the Impulse NGO Network for completing such an in-depth study.


(Praveen Garg)



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Acknowledgments

The North-Eastern Region has much to offer our country in terms of resources, both human and natural. However, it has been cut-off from the Indian heartland for too long, disadvantaged by its topographical isolation and plagued by political instability and insurgency. As a result, its people have not had access to the vast improvements that the rest of the country have enjoyed, particularly in relation to accessing fundamental rights as citizens of the largest democracy in the world. Thus, the Access to Justice Project of the Department of Justice, Government of India, is a very important initiative for the North-Eastern Region. It is hoped that this project will be instrumental in identifying the gaps that prevent people of the region accessing their rights and our country's justice mechanisms, and in bridging those gaps.

Impulse NGO Network is in gratitude to Department of Justice, Ministry of Law and Justice, Government of India, for their generous support in undertaking extensive research. We would like to especially thank; Shri Praveen Garg-Joint Secretary- Department of Justice, Shri Atul Kaushik- Joint Secretary, Department of Justice, Shri, V.K Tripathi- Director Department of Justice and Shri Y.M. Pande- Director Department of Justice Government of India. We would like to extend our gratitude to; Geetanjali-Project Manager, A2J-NE&JK, Amikar Parwar, Project Officer, A2J-NE&JK, Felix Jajo- Monitoring and Evaluation Officer, A2J-NE&JK, Shikha Parakh, Contract Specialist, A2J-NE&JK and Diya Nag- Project Officer UNDP.

I would like to thank the Research Team, Research Consultants, Field Researchers, Tabulators, Transcribers, and Focus Group Discussion Teams. The team is thankful for their assistance and support over an extended period of time in ensuring that the report was well researched and presented, and that all the concerns of the people of the region were put forward therein.

We would like to express sincere thanks to our Research Consultants; Ms. Hamsa Vijayaraghavan, Ms. Elisa Makinen, Ms. Priyam Saharia, Ms. Bhaswati Borgohain, Mr. Biswajit Mohapatra Phd.D (JNU) A/ Professor of Department of Political Science North Eastern Hill University, Dr. Phangstone Khongji Assistant Professor Statistic Department of Basic Sciences and Social Science North Eastern Hill University.

I would like to thank the team at Impulse which ensured that every objective of the research was systematically taken care of. The cross checking of data is crucial in every research, including taking care of finances. For this we thank; Mr. Debotosh Purkayastha -Finance Manager, Mr. A.G. Kharbhih- Finance Director, Ms. Rosanna Lyngdoh- Board Member, Ms. Elisa Makinen- Project Manager and Ms. Bariphylly Lyttan- Research Coordinator at Impulse NGO Network, Shillong.

I hope this report proves to be the first step in ensuring that the people of North East India are given the means and the tools to access justice in a manner befitting citizens of a thriving democracy.

Hasina Kharbhih

Hasina Kharbhih
Founder & Chair of Board / Team Lead Research
Impulse NGO Network, Shillong

Sl No.	Term	Meaning
1.	Bamons	Manipuri Brahmins
2.	Barmans	Name of a caste in the state of Assam
3.	Bodo	An ethnic and linguistic community, most aboriginal tribe of Brahmaputra valley in the northeast part of India.
4.	Borokachari	A tribe of Assam
5.	Bhoi	People belonging to the Ri-Bhoi District of Meghalaya
6.	Bhutias	Community of people of Tibetan ancestry
7.	Chakma	Ethnic group concentrated in the Chittagong Hill Tracts of Bangladesh
8.	Clan Council	In the traditional political system of the Khasis, each clan had its own council known as the Durbar Kur which was presided over by the clan headman.
9.	Cheirap	Cheirap and Garot are customary courts in Manipur
10.	Deori	Major ethnic tribes in Assam
11.	Dimasa	A group of people in Assam
12.	Durbar	Council of clans
13.	Jhum	A primitive practice of cultivation in States of the North Eastern Hill Region.
14.	Jaintias	People belonging to the Jaintia tribe of Meghalaya
15.	Garo	Name of a tribe in Meghalaya
16.	Gaon Burah	Eldest man of the village
17.	Garot	In the olden days Manipur had a well organised judicial system, there were two chief courts, Cheirap and Garot.
18.	Hmar	Name of one of the numerous Mizo/Kuki/Chin tribes of India, spread over a large area in the North East.
19.	Hajong	A tribe of Meghalaya
20.	Hojai	Hojai is a city and a municipal board in Nagaon District in the Indian state of Assam
21.	Jaintia	A tribe of Meghalaya
22.	Kachari	A tribe of Assam
23.	Karbi	A tribe of Assam
24.	Khampti	A sub-group of the Shan people found in the Sagaing Division, Hkamti District in North-Western Burma as well as Lohit District of Arunachal Pradesh in India.
25.	Khulakpas	Headman of Rongmei villages in Manipur

Sl No.	Term	Meaning
26.	Kokborok	Also known as Tripuri which is the native languages of the Tripuri people of the Indian state of Tripura and neighbouring areas of Bangladesh
27.	Khasi	A tribe in Meghalaya
28.	Kuki	Tribal people also known as Chin and sometimes as Zomi, Mizoram
29.	Lakher	Lakher tribals belong to the Kuki tribal community and are also found in Mizoram and Assam.
30.	Lalung	Name of a tribe residing in Assam and Meghalaya
31.	Lepchas	A tribe of Sikkim
32.	Lushai	A tribe of Mizoram
33.	Lyngngam	A tribe of Meghalaya
34.	Mara	One of the Kuki tribes in India, native to North-East India, primarily in the Mara Autonomous District Council of the State of Mizoram
35.	Mech	Name of a Scheduled Tribe primarily belonging to the Bodo Territorial Council. This tribe belongs to the Kachari group of tribes on Assam.
36.	Meitei	A major ethnic group of Manipur
37.	Miri	Name of a Tribe in Arunachal Pradesh
38.	Naga	A Tribe in Nagaland.
39.	Nepalis	People whose ethnic origins lie fully or partially in Nepal. This tribe belongs to Sikkim.
40.	Pangal	A Minority ethnic group residing in some states of North East India (Manipur, Assam, Tripura and Nagaland)
41.	Pawl	A tribe of Mizoram
42.	Pnar	The Pnar, also known as Synteng, or Jaintia are a tribal group in Meghalaya
43.	Rabha	Scheduled tribe community of West Bengal and Assam
44.	Singpho	The Singpho/Jingpho/Kachin/Jinghpaw are a tribe who are living in India, China and Myanmar. In India these people are residing in Assam and in the districts of Lohit and Changlang in Arunachal Pradesh.
45.	Sonwa	Name of a caste in Assam
46.	Synteng	The Syntengs, also known as Jaintia or Pnar, are a tribal group in Meghalaya
47.	War	People living in the southern part of the Jaintia Hills District, Meghalaya
48.	Zomi	A large group of related Tibeto-Burman tribal peoples spread throughout the Northeastern states of India, North Western Burma and the Chittagong Hill Tracts of Bangladesh

1.	A2J	Access to Justice	37.	MLA	Member of Legislative Assembly
2.	AAY	Antyodaya Anna Yojana	38.	MoS	Memorandum of Settlement
3.	ADCs	Autonomous District Councils	39.	MLSA	Meghalaya State Legal Services Authority
4.	ADR	Alternative Dispute Resolution	40.	NABARD	National Bank for Agriculture and Rural Development
5.	AHTU	Anti-Human Trafficking Units	41.	NALSA	National Legal Services Authority
6.	APL	Above Poverty Line	42.	NCRB	National Crime Records Bureau
7.	APSCW	Arunachal Pradesh State Commission for Women	43.	NE	North East
8.	BLT	Bodo Liberation Tigers	44.	NEC	North Eastern Council
9.	BPL	Below Poverty Line	45.	NEIIP	North East Industrial and Investment Promotion Policy, 2007
10.	BTC	Bodo-land Territorial Council	46.	NGO	Non-Governmental Organization
11.	CAGR	Compound Annual Growth Rate	47.	NREG	National Rural Employment Guarantee Scheme
12.	CBO	Community Based Organisation	48.	NSS	National Service Scheme
13.	CPRs	Community Property Rights	49.	OBC	Other Backward Castes
14.	DLSA	District Legal Services Authority	50.	PAN	Permanent Account Number
15.	DoNER	Ministry of Development of North Eastern Region	51.	PDS	Public Distribution System
16.	FGDs	Focus Group Discussions	52.	PLVs	Para Legal Volunteers
17.	FIR	First Information Report	53.	PRIs	Panchayati Raj Institutions
18.	GB	Gaon Burah	54.	RSBY	Rashtriya Swasthya Bima Yojana
19.	GDP	Gross Domestic Product	55.	RTE	Right To Education
20.	GoI	Government of India	56.	SC	Scheduled Cast
21.	Govt.	Government	57.	SDP	State Domestic Product
22.	HIV/AIDS	Human Immunodeficiency Virus Infection / Acquired Immunodeficiency Syndrome	58.	SLSA	State Legal Services Authority
23.	HoD	Head of the Department	59.	ST	Scheduled Tribe
24.	IAY	Indira Awaas Yojana	60.	TDF	Tribal Development Fund
25.	ID	Identity	61.	TDPS	Targeted Public Distribution System
26.	IPC	Indian Penal Code, 1860	62.	TSLSA	Tripura State Legal Services Authority
27.	IRDP	Integrated Rural Development Program	63.	TV	Television
28.	IT	Information Technology	64.	UDHR	Universal Declaration of Human Rights
29.	ITES	Information Technology Enabled Services	65.	UNDP	United Nations Development Program
30.	ITPA	The Immoral Traffic Prevention Act, 1956	66.	UTPs	Under Trial Prisoners
31.	J&K	Jammu and Kashmir	67.	VC	Village Council
32.	KCC	Kishan Credit Card			
33.	LAC	Legal Aid Clinic			
34.	LSA	Legal Services Authority			
35.	MADC	Mara Autonomous District Council			
36.	MHFW	Ministry of Health and Family Welfare			

The Department of Justice has been implementing a project since 2012 on enhancing Access to Justice in all the eight States Northeast including Sikkim and Jammu and Kashmir. These are the two separate geographical areas which are the focus of the Project. Before embarking on activities in the Northeast region focusing on access to justice and legal empowerment, the project team desired to target specific challenges or issues which require attention, in order to prioritize some project activities over others. To do so, the team collaborated with Impulse NGO Network (“Impulse”), a Shillong based organisation that works on various justice related issues. The objective was to undertake a detailed research exercise to identify gaps in the legal empowerment of people in the various states of the Northeast.

This report is a result of the joint efforts of the research team at Impulse NGO Network, as well as the project team of the Department of Justice, Government of India. The objective of the research was to identify the necessity, form, and extent of intervention required to achieve the project’s goal of enhancing access to justice in the eight states of the Northeast: Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, and Tripura. The research also aimed to create a base to identify opportunities of convergence between various stakeholders: the community, local NGOs, tribal community leaders, state governments, and relevant service providers.

The Northeast region is very much unlike other parts of India, and holds a central strategic role to India’s growth and development because it shares its borders with Bangladesh, Bhutan, Myanmar, and China¹. However, unfortunately, the region is also “marred by a fragile security situation, in addition to difficult terrains and several other historical factors such as language / ethnicity, tribal rivalry, migration, control over local resources, and a widespread feeling of exploitation which slacken the pace of social and economic development.”²

From an administrative and governance related perspective, Schedule 6 of the Indian Constitution applies for administration of tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram, and Schedule 5 deals with provisions as to the administration and control of Scheduled Areas and Scheduled Tribes. Further, Articles 371A, 371B, and 371G of the Constitution protects tribal laws that apply to the states of Assam, Nagaland and Tripura, guaranteeing a system of self governance. Therefore, the justice system in the region is different from that in other parts of India. Rather, it is a melange of customary laws administered by traditional councils and the formal justice system, comprising of laws made by the State Legislatures and the Indian Parliament as well as formal courts.

In spite of this, the people are unable to access their rights and entitlements. This is aggravated by the geographical inaccessibility of many parts of the region, causing it to be cut off from the rest of India and therefore slow to receive the technological know-how and economic advances seen elsewhere. This, coupled with its long history of low-intensity conflict caused by a number of insurgency movements, has raised numerous human rights issues. This has affected large sections of the population, most notably, women. This will be explored further in the report.

Essentially, the research conducted by Impulse revealed that while the Northeast has seen a significant increase in literacy rates and improved economic conditions in the last decade, this has not led to much improvement in access to justice. Awareness of the law and basic rights remain low across the region, and people still prefer to take their legal issues to traditional councils and village durbars for resolution. These councils operate on the basis of customary law, which varies from village to village, and from tribe to tribe, and often operate outside of the framework principles of natural justice, and contemporary conceptions of modern jurisprudence. As a result, the kind of relief dispensed by these councils is at odds with the legislative instruments in place in other parts of India.

This report is a summation of the findings and conclusions of the research conducted over a period of 15 months. It is divided into five chapters, the first of which sets the context by giving an introduction to the concepts of access to justice, rule of law, and legal empowerment. Chapter 1 also goes into further details about the various efforts initiated by the Government of India to ease access to justice in various parts of the country. Finally, it also includes a section on the North East Region, giving the reader a sense of the region, its particularities, and why it is essential to focus efforts in this area.

Chapter 2 presents the methodology used by Impulse for collection of data as well as expected outcomes from the Study. Primary data was gathered through the use of two types of questionnaires – closed ended and open ended. In addition, Focus Group Discussions (FGDs) were held to obtain detailed information from people to assess their level of legal awareness and ability to access justice. Secondary data was drawn from policy documents, statutes, government directives, circulars, case laws, expert opinions, scholarly articles, and media reports. In short, this study is the result of comprehensive both desk-based and field based research.

Some of the key points that have emerged from the data collected is presented in Chapter 3, entitled ‘Key Findings’, in a summarized form. The same data is available in detail as part of the Annexures, attached at the end of this report. The key findings are presented separately for every state, for easy reference and reading. They discuss respondents’ most common legal issues, crime statistics as compared to the National Crime Records Bureau (NCRB) reports, and also summarizes how the respondents chose to handle legal issues, and gain access to their entitlements.

In Chapter 4, the data is analyzed and inferences are drawn about the extent to which people can access legal services and are aware of the laws that could potentially deliver justice. The various constitutional provisions regarding legal aid and access to justice are laid out, as are the role and mandate of the Legal Services Authorities and other key service providers such as the police, for example. A deeper discussion of access to legal aid in the region is presented in this chapter, with a focus on legal aid to jail inmates as well, the use of Lok Adalats, the quality of free legal services, and legal literacy and awareness. An entire section of the chapter is devoted to laying out the most common legal problems and issues in the region as revealed by the ground research, which are violence against women, land disputes, child labour, human trafficking, and some other crimes.

In Chapter 5, the recommendations, general trends and patterns observed reveal a number of gaps and challenges, based on the findings of the research. A total of seven recommendations are presented in this chapter which are enumerated as follows in short:

1. Increase legal awareness and empowerment
2. Document customary laws
3. Encourage the use of alternative dispute resolution mechanisms
4. Increase women’s empowerment
5. Publicize and enhance access to free legal aid services
6. Build capacity of law enforcement agencies

SETTING THE CONTEXT

For modern democracies like India, access to justice, legal empowerment and rule of law are fundamental cornerstones. The Constitution of India envisages that all people are equal before the law and have equal rights which the State is obligated to secure³. Furthermore, Article 39A of the Constitution also mandates that free legal aid be made available to those who cannot afford it.⁴

But what does it mean to access justice? Is it the ability to approach a court of law? Is it an emotion that justice has been served? Does it mean that even the poorest man or woman can hire the most competent legal representation the country can offer? The notion of ‘access to justice’ has been examined by eminent institutions and legal scholars. According to the Law Commission of India, access to justice focuses on the two basic tenets of the legal system:

- i) that the judicial and quasi-judicial systems must be equally accessible to all; and
- ii) that it must lead to results that are individually and socially just⁵.

The Commission elaborates that the law must function so that all people have access to justice in spite of economic disparities and recognizes just how difficult it has become to access mainstream sources of justice such as courts, for a variety of reasons.⁶

The idea of the ‘rule of law’ is indeed a dynamic one. The International Commission of Jurists attempted to provide a definition for it back in 1959.⁷ The Delhi Declaration on ‘Rule of Law in a Free Society’ recognized that [it]...*should be employed not only to safeguard and advance civil and political rights of the individual in a free society, but also to establish social, economic, educational, and cultural conditions under which his legitimate aspirations and dignity may be realized.*⁸ This resonates even today, in the working of the State.

ACCESS TO JUSTICE INITIATIVES OF DEPARTMENT OF JUSTICE, GOVERNMENT OF INDIA

The Department of Justice, Government of India is guided by a vision to facilitate administration

of justice that ensures easy access and timely delivery of justice.⁹ This is particularly applicable to marginalized groups, who do not have the requisite means to ensure that their rights are guaranteed.¹⁰

ACCESS TO JUSTICE PROJECT (NORTH-EAST AND JAMMU AND KASHMIR)

With the above guiding principle, the Government of India is steering a project targeting vulnerable and marginalised groups in the North-East and in Jammu and Kashmir called the Access to Justice Project (North-Eastern States and Jammu and Kashmir)

(hereinafter A2J-NEJK). The A2J –NEJK project is in nine states- Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura and Jammu and Kashmir.

The project aims at addressing the legal needs of the marginalised and vulnerable sections of the society, particularly women, children, Scheduled Castes, Tribal Communities who do not have the requisite means to ensure that their rights are guaranteed. It also aims to support justice delivery systems in improving their capacities to serve the people, empowering the ordinary people to demand improved services and to access their rights and entitlements. The project also takes up innovative activities to enhance legal awareness of the vulnerable populations and their ability to seek redress and extend support Legal Services Authorities in providing legal aid and legal empowerment of the marginalised in the nine states.

GOI AND UNDP ACCESS TO JUSTICE PROJECT:

Further, in partnership with the United Nations Development Program (UNDP), the Department of Justice is also implementing a project during the 11th five year plan (2007-2012) on Access to Justice for Marginalized People in Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Rajasthan and Uttar Pradesh.¹¹

The project follows a two-way approach. Firstly; working towards improving the institutional capacities of key service providers working to-

wards securing justice, so that they may effectively serve the poor and disadvantaged¹² and secondly, concentrating on direct empowerment of the marginalised groups so that they may begin to seek and demand various justice related services.¹³

While The DoJ-UNDP project has completed the first phase and is currently in its second phase which will continue until 2017. The A2J (NEJK) project is the first phase and will also continue till 2017. Thus, between the GoI-UNDP project, and the A2J (NEJK) project, the Department of Justice has a broad reach covering more than half of the states in India.

Before developing an effective programme on legal empowerment in a particular community, state, or region, it is crucial to first identify obstacles and gaps in the legal empowerment of those communities and assess their current ability to access justice. Therefore, a needs assessment study was conducted in the North-Eastern project states collaboration with Impulse NGO Network. This report is the result of analysis based on the research and data collected by Impulse.

It is hoped that the project progresses by designing activities tailored to address challenges and barriers as identified in the research, analysis and recommendations provided by this study. The study lays the foundation for bridging the gap between the people and the various justice delivery mechanisms in place. It also identifies opportunities for partnership and collaboration between; the community, local NGOs, Tribal Community leaders, local governments and legal services authorities.

Gaining a robust understanding of what the priority working areas and issues are in the North-East region the project can move forward with an effective programme designed to improve access to justice and increase legal empowerment. Before delving into the substantive presentation of the research and analysis, the following section will provide some basic information about the region, its uniqueness, historical antecedents and the special privileges granted to the States under the Constitution of India.

THE NORTH-EAST REGION

Introduction

North-East India comprises of seven contiguous sister states—Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and the Himalayan State of Sikkim (added in 2002).¹⁴ In terms of geographical size, North-East India constitutes only about eight per cent of India's total size, and its population is approximately 40 million, which represents only 3.1 per cent of the total Indian population, which is 1,210 million.¹⁵

Geography

There is a great difference in the size and topography of the North-Eastern states. On the one hand is Tripura, the second smallest state in India with an area of 10,491 square kilometres.¹⁶ This landlocked state shares an international border of 856 kilometres (84 per cent of its total border) on the north, south and west, with Bangladesh.¹⁷ On its eastern borders are the two neighbouring states of Assam and Mizoram. It is connected to the rest of India by only one major national highway (National Highway 44).¹⁸ The state consists of eight districts and Agartala, the capital, is located on a plain to the west.¹⁹

On the other hand is Arunachal Pradesh, which is the largest state area-wise in the North-East region.²⁰ It is 83743 square kilometres in area with long international borders with Bhutan to the west (160 km), China to the north and north-east (1,080 km) and Myanmar to the east (440 km) as well as the States of Assam and Nagaland to the south.²¹ The capital of Arunachal Pradesh, Itanagar, is in the Papumpare district, one of 17 total districts.*

Demography

The demographic profile of the North-East region is a diverse one. The density of the states' population varies from 17 per square kilometer in Arunachal Pradesh²³ to 350 per square kilometer in Tripura.²⁴ The predominantly hilly terrain in all the states except Assam is host to an overwhelming proportion of tribal population ranging from 19.3 per cent in Assam²⁵ to 94.4 per cent in Mizoram.²⁶ The region has over 160 Scheduled Tribes²⁷ and over 400 other sub-tribal communi-

ties and groups.²⁸ It is predominantly rural with over 84 per cent of the population living in the countryside.²⁹

Moreover, the population of these areas is predominantly tribal, and this is reflected in the sample sizes surveyed in the study. For example, in Meghalaya, the study was conducted in East Khasi Hills, Jaintia Hills, and Ribhoi, where the percentage of Scheduled Tribes is 77.5 per cent, 96 per cent and 87 per cent respectively.³⁰ Hence, the high ST participation in the respondent group was representative of the local demography of the districts.

In Mizoram, the ratio of tribal to non-tribal respondents was similarly high, with 98.39 per cent from the Scheduled Tribes. This is reflective of 2011 census data, as per which 94 per cent of the people in Mizoram belong to the Scheduled Tribes.³¹

In Nagaland, as in the other two states, 93 per cent of respondents belonged to Scheduled Tribes which is reflective of 2001 census as per which 89.1 per cent population of Nagaland belong to Scheduled Tribes.³²

In Sikkim, 55 per cent of respondents belonged to Scheduled Tribes, whereas in Tripura, only 48 per cent belonged to Scheduled Tribes.

In Manipur, as per 2011 Census data, 35.1 per cent of population belong to Scheduled Tribes.³³ The districts with the highest portion of tribal communities are Tamenglong (96 per cent), Ukhrul (94 per cent) and Churachandpur (93 per cent)³⁴. However, the study was conducted in the districts of Bishnupur, Imphal East and Imphal West where according to the 2011 census the proportion of ST are 5.30 per cent³⁵, 6.25 per cent³⁶ and 4.70 per cent.³⁷ Therefore the findings of this study may not be entirely reflective of the problems in the hill areas which are demographically, culturally and administratively distinct from the valley region. However, wherever appropriate, secondary data is presented to provide an insight into the unique problems in the hill districts so as to present a composite analysis of the entire state.

In Assam, the study was conducted in the districts of Kamrup, Cachar, Dibrugarh, Nagaon and Kokrajhar. According to the 2011 census the proportion of ST are 12 per cent, 1 per cent, 8 per cent, 4 per cent and 31 per cent while SC are 7 per cent, 15 per cent, 4 per cent, 9 per cent and 3 per cent, respectively.³⁸

* Readers may please note that state wise detailed information regarding special constitutional provisions governing the project States, structure of governance, information on economy, literacy level, and employment data have been provided in the annexure section of this report.

Demographic Profile of North-Eastern States:

State	Population	Population Density per sq. km	Decadal Growth Rate	Literacy	Sex Ratio (Females per 1000 males)	Official Languages
Arunachal Pradesh	13,82,611	17	26.03%	65.38 %	938	English
Assam	3,12,05,576	398	17.07%	72.19%	958	Assamese, Bengali, English
Manipur	2,570,390	115	12.05%	79.21 %	992	Meiteilon (Manipuri)
Meghalaya	2,966,889	132	27.95%	74.43 %	989	English, Khasi, Pnar, Garo
Mizoram	1,097,206	52	23.48%	91.33 %	976	Mizo, English
Nagaland	1,978,502	119	-0.58%	79.55 %	931	English
Tripura	3,673,917	350	14.84%	87.22 %	960	English
Sikkim	610,577	86	12.89%	81.42 %	890	English, Bengali

Source: Census 2011³⁹

Historical Background of the Region

A narrow corridor separates the North-East region from the rest of India, forming the only overland connection.⁴⁰ In colonial times, this region was always thought of as separate from the rest of India, and treated differently.⁴¹ Given the hilly terrain and general inaccessibility of the region, the British adopted an 'isolationist' policy towards this area and the colonial laws applicable in the rest of India did not apply to the region.⁴²

With India's independence, the philosophy of maintaining status quo and isolation was replaced by the policies of development and integration.⁴³ Given that much of the tribal population of the area live in contiguous areas, an area approach was adopted for administrative and developmental purposes.⁴⁴

Under the Constitution of India, 'Scheduled Areas' are declared by the President⁴⁵ after consultation with the State Governors, and are designed to protect the interests of Scheduled Tribes, their land, and address social issues that are governed through provisions of the 5th and 6th Schedule of the Constitution (as applicable).

Furthermore, State Governors have a special constitutional protective role in all Scheduled Areas which they have to exercise on the report of Commission appointed under the 6th Schedule of the Constitution.⁴⁶ They are empowered to make regulations prohibiting or restricting transfer of land from tribal to non-tribal⁴⁷ and prevent exploitation of the Tribal Communities. Since these Scheduled Areas enjoy autonomy protected by the Constitution, the laws passed by parliament and the State Legislatures do not automatically apply to them.⁴⁸

Administrative and Judicial Structure

As mentioned above, the North-East region was subjected to the isolationist policy of the British and governed in a manner different from that of the rest of the country.⁴⁹ After independence in 1947, the Government of India adopted a different approach – one of integration and development, for which certain provisions were made in the 6th Schedule of the Constitution, with a focus on protection of tribal areas and their interests.⁵⁰ This

Schedule provides for self-governance through constitutional institutions at the district and regional levels and entrusts these with the twin task of protecting tribal cultures and customs and undertaking developmental tasks.⁵¹

Since its inception in 1952, the 6th Schedule has undergone a number of modifications, particularly in 1971, when some areas were put under newly created states such as Mizoram and Meghalaya which were carved out of Assam in 1963 and 1972 respectively.⁵² Presently, the Schedule applies in four states only – it almost fully covers Meghalaya and partially covers the states of Assam, Tripura and Mizoram. Areas and states not covered by 6th Schedule provisions are; Arunachal Pradesh, Nagaland, and Manipur. However these states too have laws respecting the autonomy of their traditional ways of self-governance.⁵³

The 6th Schedule provides for administration and control of Tribal Areas and Scheduled Tribes of Assam, Meghalaya, Tripura and Mizoram⁵⁴ whereas the 5th Schedule applies to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States mentioned above.⁵⁵ Therefore, it is apparent that in order to understand the system and control of administration in these areas the 6th Schedule of the Constitution must be taken into consideration.

Autonomous Districts and Autonomous Region

The tribal areas of the States namely Assam, Meghalaya, Mizoram and Tripura have been divided into four parts constituting a list of autonomous districts.⁵⁶ If there are different Scheduled Tribes in an autonomous district, the Governor may, by public notifications, divide the area or areas inhabited by them into autonomous regions.⁵⁷

The administration of an 'autonomous district' is to be vested in a District Council and in the case of an autonomous region, in a Regional Council. Most councils consist of a maximum of thirty members of whom not more than four persons shall be nominated by the Governor and the rest shall be elected on the basis of adult suffrage.⁵⁸ The newly formed Bodoland Territorial Council

is an exception; it can have up to 46 members.⁵⁹ These Councils are endowed with legislative, judicial, executive and financial powers and have complete freedom to allow village level bodies to run as per customary laws.⁶⁰

In Meghalaya, these traditional bodies of the local tribes called 'durbars'⁶¹ look after the administration of the 'syiems' and villages according to the customs in the Khasi hills of Meghalaya.⁶³

Administration of Justice

The District Councils and Regional Councils, within their respective territorial jurisdiction, constitute Village Councils or courts for the trial of suits and cases between the parties all of whom belong to Schedule Tribes. These councils may appoint suitable persons to be members of such Village Councils or presiding officers of such courts.⁶⁴ In matters of appeal against the decisions made by Village Councils are heard by the respective District or Regional Councils or the Courts constituted by them.⁶⁵

Economy

By an Act of Parliament,⁶⁶ the North-Eastern Council (NEC) is officially recognised as the nodal agency for the economic and social development of the North East region. The Ministry of Development of North Eastern Region (DoNER) was set up in September 2001 as the nodal Ministry responsible for the matters relating to the planning, execution and monitoring of development schemes and projects in the North-East region.⁶⁷

The North-East region is potentially one of the richest geographical units of the country constituting only 7.98 per cent of the geographical area of the country and has nearly one fourth of the country's total forest cover of India.⁶⁸ Reserves of petroleum and natural gas in the region constitute a fifth of India's known reserves.⁶⁹

However, its development lags behind that of others in the country. In spite of abundance in natural resources and 9 per cent of India's geographical area, the region contributes only three per cent to the country's gross domestic product.⁷⁰ The incidence of poverty in the region is also high. Assam

has 32 per cent of Assam's population is below the poverty line⁷¹ compared to the national rate of 26 per cent in rural area of India.⁷² Mizoram in fact is the only state in the region which has less percentage of people below the poverty line (20.40 per cent) compared to the national rate.⁷³

Agriculture is an important sector in the economy of the North-East region, with its share in State Domestic Product (SDP) ranging from 19 per cent to 37 per cent in different states.⁷⁴ The percentage of cultivated area to total geographical area ranges from 2.2 per cent (in hilly states like Arunachal Pradesh) to 35.4 per cent (Assam), as compared to 43.3 per cent at all-India level.⁷⁵ Along with settled agriculture, jhum (shifting cultivation) is still practiced by a few indigenous groups of people.⁷⁶ Rice is the major staple crop commonly grown in the North-Eastern States.⁷⁷ The region is a focus area of the Look East policy of the Government of India, which aims to strengthen India's economic and political ties with its neighbors in South-East Asia.⁷⁸

Infrastructure

Although its infrastructure has developed over the years, the region has a long way to go before it catches up with national standards. The total rail length in the North-East is 2602.35,⁷⁹ which is only 4 per cent of the total rail length in the country.⁸⁰ Similarly, the 1.74 lakh kilometer road length in the region is 7 per cent of the total roads in the country.⁸¹ The region generates less than eight per cent of its 63257 megawatts of hydroelectric power generation potential and the per capita power consumption in the region is at 97 kilowatts--less than a third of the all-India average (355 kilowatts).⁸² Although the literacy rate in the region (68.77) is above the national average (65.38), the employability is low, resulting in high rates of unemployment and underemployment.

As a direct consequence of poor infrastructure, manufacturing in all the states except Assam (to some extent) are virtually non-existent.⁸⁴ Industrial production is only 2.16 per cent of the Gross Domestic Product (GDP) in the North-East, compared to the all-India figure of 27 per cent.⁸⁵ The indus-

trial sector in the region has mainly grown around tea, petroleum, natural gas in Assam, mining, saw mills and steel fabrication units in other parts.⁸⁶

More positively, other than the natural resources, the state of Meghalaya is one of the few states in the country with surplus power generation.⁸⁷ Industrial units in Meghalaya have the unique advantage of uninterrupted power supply.⁸⁸

However, the Government of India is undertaking a series of measures in conjunction with State governments to make the region an area of economic eminence.⁸⁹ It is acknowledged that as the economy of the region is based on agriculture this sector must be strengthened so as to become more profitable. To this end, a Green Revolution is required to be brought about in the region.⁹⁰

Steps Being Taken to Improve the Status of Economy & Infrastructure

- North-Eastern Council (NEC) Sectorial Summits: These summits have identified, in detail, the steps that need to be taken and the financial resources required for the development of infrastructure.⁹¹
- According to the North-East Industrial Investment and Promotion Policy 2007⁹² it is expected that the comprehensive policy dedicated for industrial investment and promotion exclusively meant for the eight North-Eastern states will lead to rapid and widespread industrial development in the region. Including not only large but also small and medium industry, as also in the services sector including the hospitality industry, tourism; IT, ITES and the health sector.⁹³

It is evident that the North-East region has traversed down a very different developmental path in comparison to the rest of the country. It has also been subject to much unrest and violence over the past few decades, witnessing many insurgencies in Nagaland, Mizoram, Manipur and Tripura, as well as experiencing a growth of militant groups in Meghalaya.⁹⁴ In addition there are ongoing con-

flicts and confrontations over land use and control, as well as issues of language, identity, demographic change, and minority-majority relations. These problems are further compounded by corruption, economic backwardness, and geographical isolation from the rest of India. Needless to say, the degree and quality of access to justice of its inhabitants is affected by all of these factors.

Any measure for economic development for the region should take into account the overall developmental history of the region. In this regard, resolving issues of unrest, human rights violations and streamlining access to justice will go a long way in encouraging the economic development of region.

Framework of the Study

This study is the outcome of comprehensive field research and desk-based research using both primary and secondary data, including policy documents, statutes, government directives, circulars, case laws, expert opinions, scholarly articles and media reports among others.

Geographic Reach

In terms of the geographical reach, the study was conducted in three districts within each State with the exception of Assam, where five districts were selected for the purposes of research. The State-wise list of the districts included for the purposes of this study is mentioned below:

Sl. No.	Name of State	Name of District
1.	Arunachal Pradesh	Papumpare, Lohit and Tawang
2.	Assam	Kamrup, Dibrugarh, Cachar, Nagaon and Kokrajhar
3.	Manipur	Imphal East, Imphal West and Bishnupur
4.	Meghalaya	East Khasi Hills, Ri Bhoi and Jaintia Hills
5.	Mizoram	Aizawl, Saiha and Lawngtlai
6.	Nagaland	Kohima, Dimapur, Mokochung
7.	Sikkim	East Sikkim, North Sikkim and South Sikkim
8.	Tripura	West Tripura, North Tripura and South Tripura

Sample Size and Type

In all eight states a total of 8,430 respondents were interviewed. The sample sizes were determined in a manner to ensure an equal gender balance, age group, level of financial inclusion and literacy level.++ Examining and reflecting on gender related issues in the North-East is crucial given the large number of issues relating to women's rights and lack of empowerment. In the North-Eastern States women are not economically empowered, do not have the same property rights as men, are illiterate and are constant targets for human trafficking. Therefore it was necessary to identify the challenges faced by women in the various states and assess how this impacted their ability to access justice.

This study attempts to draw attention to the level of access to institutions of justice delivery, legal aid, empowerment and access to entitlements in different age groups. It helps in understanding the way the states have evolved and progressed in the last century.

Selection of Target Group of Respondents:

- The target groups respondents ages are as follows:
- one-third were below 30 years of age;
- one-third were between 31 and 50 years of age, and
- one-third were over 50-years of age.

Data Collection

For the purposes of data collection two sets of questionnaires namely, open ended and closed-ended questionnaires, were prepared. In addition Focus Group Discussions (FGDs) were also arranged as well.

++ Refer to the State-wise Annexures.

Close Ended Questionnaires

People residing in the rural communities were the target group for the closed-ended questionnaires. The close ended questionnaires were divided into three sections as follows:

1. Personal Profile of Respondents. It included pointers to gather basic information such as; name, age, gender, literacy level, employment status, financial inclusion, history of participation in voting, access to the Public Distribution System and number of dependants.
2. Type of legal problems, if any, faced by the respondents, the most preferred modes for dispute resolution and experience with police agencies.
3. Awareness about free legal services, eligibility of free legal services and experience of availing of free legal services.

In all the project States, a total of 6,500 people living in rural communities responded to the closed-ended questionnaire.¹¹ About 750 participants responded to the closed-ended questionnaires in each state; 250 in each of the three districts in every state, 125 respondents in each of the two blocks within each district (except Assam, where there were 1244 respondents in five districts), of which approximately a third each were between the ages of 18-30, 31-50, and above 50 years old. Roughly half the respondents were men while the other half was women.

The closed-ended questionnaire was pre-tested. Researchers in each block conducted a pilot testing of the questionnaires, conducting 70 interviews covering two villages in each of the eight states. The collected data was tabulated and the questionnaires were modified based on the results of the pilot study.

Focus Group Discussions (FGDs)

The questionnaires in the FGDs were framed in order to encourage respondents to express their opinions and views on a range of issues. Namely,

- The kind of legal matters/crimes occurring in their community
- Matters that can be take to the customary institutions for resolutions, those that can be resolved within the family, or types of offences that are brought to the notice of the police administration
- Their level of awareness and experiences with the institutions rendering free legal services, namely the; National Legal Services Authority (NALSA), State Legal Services Authorities (SLSAs) and District Legal Services Authorities (DLSAs);
- Their level of awareness about rights and safeguards available under various laws
- Their access to Government assistance schemes and the Public Distribution System.

The aggregate sample size for the FGDs was 1,500 persons; 180 participants in each State (300 in Assam), 60 in each district, 30 in each block. A gender balance was ensured, and participants from different age groups were invited to join the FGDs. In case of difficulties in achieving the target sample size on any occasion, the field researchers were given the option of conducting the FGDs in smaller groups as long as the total number of participants reached 30 in each block. ...

Open Ended Questionnaires --

The target group for the open-ended questionnaire consisted of public officials working in various public welfare and law and order departments such as education, health and police among others, that work directly or indirectly towards ensuring that people have access to their legal rights as per the law. The open-ended questionnaire focused upon the legal awareness of such public officials and their perception of the status of people's access to legal rights.

¹¹ Refer to annexure-10 regarding close ended questionnaires.

The sample size for each state was 50 officials from various departments at the State and the district level except for Assam, where 80 officials were interviewed. In total 430 officials across the region were interviewed.

The chart below indicates the number of professionals / officials interviewed in each state, with a separate column for Assam, where there were two additional districts in which the survey was conducted (i.e. five, as opposed to three in each of the other seven states).

The professionals / officials targeted were as follows:

Professional / Officials	Each State	Assam
Police Officers	9	15
Lawyers	9	15
State/District Legal Service Authority	9	15
Village Head	6	10
Magistrate	3	5
Lok Adalat	3	5
Prison Authorities	3	5
Law College Professors	2	3
Food and Civil Supplies Distributors	1	1
State Women's Commission	1	1
Election Department	1	1
Consumer Rights Cell	1	1
Health Department	1	1
Education Department	1	1

Secondary Data and Literature Review

Secondary data was collected from various sources. The research study looked into various records and publications of SLSAs, police and court records, and statistics. The secondary data was also obtained from concerned Government departments as well as from academic institutions.

Literature review included published materials and website resources such as compendium of legislations (central and state), Government orders, notifications, directives, research papers, articles, policy briefs, annual reports of the Government departments, media reports books, newspaper, magazines and journals as well as previous researches conducted in the states.

... Refer to Annexure 11: Focus Group Discussion Questionnaires
 -- Refer to Annexure 9: Open-Ended Questionnaires)

Challenges Faced

The research conducted by means of the questionnaires, discussions and in-depth interviews was, as far as possible, thorough and exhaustive. However, a number of challenges emerged while conducting the study

1) Obtaining responses from Government Departments to the Open-Ended Questionnaire

Securing appointments with Government officials and other stakeholders was time consuming as they were hard pressed against other official engagements and also that they had to obtain clearance from higher authorities prior to providing the data. At times, they would undertake to cooperate by sending answers via email it used to take time to pull out required portions from their replies. Few Government departments only provide general rather than detailed information. Many answers came in hard-copy, requiring typing, review, and extraction of relevant data.

2) Collection of Primary Data

Given the terrain of the region, the process of primary data collection in various districts faced challenges due to weather conditions, road blockages, instability etc. primary data collection in Kokrajhar district of Assam was delayed due to various instabilities in the district.

Expected Outputs of the Study

It is imperative to understand the priorities and needs of the people and their awareness and ability to access legal and other processes to protect their rights. In particular, it is important to assess the perception of the people about institutions of justice delivery and other service providers that are mandated to spread legal awareness and also assist people in accessing justice.

Thus, the study aims to accomplish the following:

1. Identifying the obstacles and gaps in legal empowerment in the North-East region that are hindering access to justice
2. Understanding and articulating the related needs of common people, particularly those of marginalized communities who do not have strong lobbies to ensure that their rights are guaranteed
3. To provide a road-map to support justice delivery systems in improving their capacities to serve the people
4. To empowering common people to demand improved services and to access their rights and entitlements
5. Developing and supporting an effective programme for the legal empowerment of poor and vulnerable communities.

Based on the field research conducted by Impulse NGO Network in each state, key findings have emerged and are presented in this chapter. These key findings are based on replies received from respondents on pre-determined questionnaires and FGDs. The respondents have apprised about commonly prevalent crimes in the project States. The findings of the field survey are compared with the data of National Crime Records Bureau (NCRB). The chapter also provides information about the most and least preferred institutions for reporting of offences and redressal institutions. Further, the people's awareness about free legal services and constitutional and legal rights are also presented in this chapter.

The key findings for each of the North Eastern States cover respondents' views on following points:

- *Crimes: Reporting and Redressal: It includes* Most commonly occurring crimes in the project States, comparison with NCRB statistics, most and least preferred options for reporting of offences and the reasons thereof.
- *Free Legal Services: Awareness Level; and*
- *Available Rights and Safeguards: Level of Awareness.*

(The respective data and graphs with regard to the above points may be seen in the annexures of the study.)

A discussion on the findings of eight states of the North-East region is as follows.

ARUNACHAL PRADESH

Arunachal Pradesh attained statehood on 20th February 1987. The state shares international borders with Bhutan, China and Myanmar. The capital of Arunachal Pradesh is Itanagar in Papumpare district. There are 17 districts in the state.⁹⁵

CRIMES: REPORTING AND REDRESSAL

In Arunachal Pradesh, the survey revealed that the most prevalent civil and criminal cases include land disputes, domestic violence and theft. Approximately 68 percent of respondents replied that one of the above mentioned problems happen in their community. Out of the total number of re-

spondents, 46 percent respondents mentioned of rape cases within their community. Offences like bribery, child labour, child marriage and homicide were mentioned by the respondents as other major constituents of crime.

Research revealed that very few 'respondents' actually reported offences of sexual harassment and bribery to the police. This finding is in contrast to the NCRB data as per which slightly larger percentage of 'population' report occurring of these crimes to the police.

In cases of offences relating to violence, murder and sexual assault however, 87 per cent of respondents said that they will report such offences to the police.

When asked about the most preferred option for dispute resolution, 85 per cent preferred the option to go to the Panchayat/village headman/village council or durbar as preferred institutions for dispute resolution. As per respondents, village councils are "easy to understand, easy to access, inexpensive, fast and efficient", some describing it to be a "fair system" as well. In offences related to domestic violence and land dispute, 56 per cent respondents preferred the option to go to Panchayat/Village Councils and for the same offences, 36 per cent respondents preferred the option to go to police authorities. The data indicates that there is an intrinsic trust and preference for traditional institutions, like village councils or durbars for resolution of disputes.

Resolving disputes at the personal level was the second most preferred option--60 per cent respondents preferred this option. More than half of the respondents preferred to resolve the problems like that of adultery, domestic violence and other family matters including land disputes within family.

When asked about using the option of free legal services, only 15 percent of respondents said that they would take the matter to a court or Lok Adalat, or would approach a lawyer / legal aid cell / the LSA. The reason behind poor preference for formal institutions was mainly because of lack of awareness regarding the procedures involved in approaching them and lack of trust in the institution.

FREE LEGAL SERVICES: AWARENESS LEVEL

Only 35 percent respondents had heard about possibility of getting free legal services. When asked about eligibility to avail free legal services, 43 percent of the above respondents knew that a person belonging to Scheduled Caste / Scheduled Tribe (SC/ST) can avail this service. When asked about experience with the LSAs who had availed free legal services, their experiences were ranging from average to poor regarding access and ease of understanding, quality of information/advice given, legal counsel assigned to them and most importantly time taken for resolution and consequently have a poor level of satisfaction with this process.

However, despite all these problems, most of the respondents gave a positive reply for approaching LSAs, if in future they come across legal problems.

AVAILABLE RIGHTS AND SAFEGUARDS: LEVEL OF AWARENESS

Majority of the respondents including women were aware of which cases can be reported to police. However, majority of women respondents were not aware about their rights at the time of arrest, rights relating to lodging of complaint and recording of statements. Similarly, the awareness level among respondents regarding their rights before and after arrest was very poor. More than 50 percent respondents did not know that police cannot beat an accused person after making arrest. The younger respondents had higher awareness level than older generation. ++

ASSAM

Assam is the largest state in the North East region, with a total of 27 districts.⁹⁶ It is most conveniently connected with rest of the other states in the North East region. Assam is home to 20 major tribes and several sub-tribes, each with distinct tradition and customs.⁹⁷

++ Note: Readers may please note the following points
- Data and statistics on the subheadings namely—"Crimes: Reporting and Redressal", "Free Legal Services: Awareness Level", "Available Rights and Safeguards: Level of Awareness" have been provided in the annexures; and
- Similar pattern for presenting key findings has been followed for rest of the seven States.

CRIMES: REPORTING AND REDRESSAL

More than 50 per cent of the respondents mentioned that theft, land disputes, and domestic violence were the most commonly occurring offences in their community. The data revealed that there has been a rise in the offence of rape and bribery in the State but respondents stated that not every such offence are reported to the police as people are hesitant in reporting such offences.

When asked about the most preferred option for redressal of legal problems, the respondents replied that they would prefer to approach the village council. For 88 per cent of respondents, panchayat/village headman/village council or 'durbar' is the most preferred option for reporting and resolution of disputes.⁹⁸ Solving matters within the community or through neighbours and friends were the next two most preferred options. These are the most preferred options because, as stated by the respondents, these institutions/options are easier to access, comparatively less expensive, quicker, efficient, and appears to be fairer.

Going to lawyers, the legal aid cell, or NGOs were the least preferred option because of lack of awareness about the procedure involved or cost implications.

AVAILABLE RIGHTS AND SAFEGUARDS: LEVEL OF AWARENESS

Respondents were interviewed regarding their awareness level about constitutional and legal rights available to them. As per their replies most of them--68 per cent were aware that an arrested person cannot be kept in custody for more than 24 hours without being produced before a Magistrate. As per responses obtained from female respondents, 55 percent of them were aware that a woman can be arrested by the police only between sunrise and sunset whereas ninety five per cent of women respondents were not aware that they are not required to go to the police station to record a statement. Fifty nine, percent respondents believed that one can be beaten up by the police to find out the truth.

FREE LEGAL SERVICES: AWARENESS LEVEL

Among the respondents, awareness about free legal services was very low. Only 15 per cent respondents had heard about the possibility to get free legal services. Out of 184 respondents interviewed, 143 had no idea as to who is eligible for availing free legal services. Among those who were aware, most of them had heard of it through awareness programmes organised by the Assam SLSA. According to the Assam SLSA, more than 4,335 people have been benefited from the legal aid in the State.⁹⁹ Legal Aid Clinic has been set up in all the district jails except in Durlong district jail and are working satisfactorily.

MANIPUR

Manipur is the fifth smallest state in India. The physiography of the state consists of two distinct regions: the valley portion--10 per cent and hill region cover remaining 90 per cent.¹⁰⁰ Almost 60 per cent of the state's population is concentrated in the four valley districts and 40 per cent lives in the five hill districts.¹⁰¹

CRIMES: REPORTING AND REDRESSAL

When asked about commonly occurring offences in their community, more than 50 percent respondents mentioned about land disputes, theft, domestic violence, bribery, assault, eve teasing and homicide. As per their responses, offences such as rape, adultery, child abuse, child labour and disappearance are not very common in their community. Nearly 90 per cent of the respondents had experienced some sort of legal problem, with the maximum cases reported to be of land disputes, theft, and domestic violence.

In terms of resolving legal issues, the most preferred option for resolution of legal disputes is locally available options such as the panchayat/village council as it is easily accessible and fair. The second most preferred option was to solve the problem with the help of friends and neighbours, followed by reporting to the police. Accessing the formal institutions such as Courts, Lok Adalat, LSAs and local NGOs were the least preferred option among the respondents.

FREE LEGAL SERVICES: AWARENESS LEVEL

Nearly 91 per cent of the respondents had not heard of the availability of free legal aid. All 145 members in the FGDs expressed their interest in availing free legal services but had not heard of the provision of free legal services. Among those who knew about free legal services, there was a lack of knowledge regarding eligibility for free legal services. The Manipur SLSA mentioned that they had broadcasted some television programs on free legal aid and they had covered 100 beneficiaries under the legal aid scheme.

AVAILABLE RIGHTS AND SAFEGUARDS: LEVEL OF AWARENESS

Study revealed that there is a lack of awareness among the people about basic rights. The awareness level of male respondents regarding rights at the time and after arrest was 65 per cent, while it was 57 percent in case of women respondents. Out of women respondents, 77 per cent of them were not aware that they are not required to go to the police station to give a statement and 63 per cent of them wrongly believed a woman can be arrested at night.

In the study, it was found that 65 per cent of respondents were not aware that one cannot be kept under arrest beyond 24 hours without being produced to a Magistrate while 76 per cent of the respondents were not aware that an accused under arrest cannot be beaten up by the police.

MEGHALAYA

Meghalaya got status of autonomous state on 2nd April 1970 and as a full-fledged State on 21st January 1972¹⁰². It is bounded on the north by Assam and on the south and west by Bangladesh.¹⁰³ The capital of the state is Shillong in East Khasi Hill district. Meghalaya is the only state in the region where the society is matrilineal. Meghalaya comprises of three main tribes namely "Khasi, Garo and Jaintias"¹⁰⁵

CRIMES: REPORTING AND REDRESSAL

More than 50 per cent respondents replied that theft and eve teasing are the most frequently occurring offences in their community and more than 40 per cent respondents mentioned domestic

violence, adultery, and land disputes are the major legal issues they face.

As per NCRB statistics⁸, there has been a rise in offences of rape in Meghalaya. As compared to 130 reported offences of rape in 2011, there have been 164 reported cases in 2012. However, the offence of kidnapping and abduction of girls and women has reduced to 24 cases in 2012 from 37 cases in 2011.

As per the replies of respondents in the close ended and open ended questionnaires, the top three most preferred options for dispute resolution are the panchayat/village headman/village council or durbar, followed by going to neighbours or friends and solving a problem at personal level was the third most preferred option. 91 per cent of them preferred to use customary procedures to resolve disputes; 76 per cent of respondents prefer taking help of neighbours and friends and 68 per cent preferred to resolve the dispute at personal levels.

Majority of respondents preferred Panchayats/village headman/village council or durbar for dispute resolution because they considered it 'easy to understand', 'fast and efficient', 'fair system' and 'easy to access'.

While, taking resource of Courts, free legal services, NGOs and Lok Adalats are among the least preferred option mainly because of lack of awareness about the procedure, cost and time implications.

AVAILABLE RIGHTS AND SAFEGUARDS: LEVEL OF AWARENESS

There was very little awareness of rights in dealing with the police, 65 per cent of respondents were not aware that upon arrest by police, one cannot be kept under arrest beyond 24 hours without being produced before a Magistrate and 47 percent wrongly believed that one can be beaten up by the police during investigation. Of the total of female respondents, 64 per cent of them believed that a woman can be arrested during the night and 66 per cent were not aware that they do not have to go to the police station to give a statement if the police demands so.

⁸ -Annexure- Meghalaya may be referred

FREE LEGAL SERVICES: AWARENESS LEVEL

With regards to free legal services, 79 per cent of respondents were not aware about free legal aids and those who were aware about it had come to know through awareness programmes conducted by the Meghalaya SLSAs. It clearly shows that alternative means to propagate free legal services need to be explored. Of the total respondents, only 4 per cent of respondents had heard about SLSA. When asked about eligibility for getting free legal services, surprisingly, 40 respondents replied that a policeman is eligible for free legal services, and 51 respondents mentioned that victims of trafficking are entitled to free legal services.

Since all the three major tribes follow a matrilineal system, the status of women in Meghalaya is assumed to be better than rest of the country. But in actual practice, male members of the family manage property and the 'clan council'¹⁰⁶ has power and authority to decide the matters related to property.¹⁰⁷ Political and administrative affairs are considered to be the sole domain of men. Women cannot become the chief of local council; they are also banned from attending durbars,¹⁰⁸ thus making the administration of justice from these traditional institutions skewed in favour of the male.

MIZORAM

Mizoram became 23rd state of India on 20 February 1987.¹⁰⁹ Besides its eight districts, it comprises of three 'Autonomous District Councils' (ADCs) for the resident ethnic tribes in Mizoram namely: Chakma ADC, Lai ADC and Mara ADC.¹¹⁰

CRIMES: REPORTING AND REDRESSAL

As per the replies given by respondents; theft, rape, and land dispute are the most frequently occurring offences in their community. Though rape and land disputes are the second and third most frequently occurring crimes after theft, less than 40 per cent of respondents mentioned rape and land dispute as commonly occurring offences.

The above findings support NCRB statistics, as per which theft and rape constituent maximum number of crimes in the state with 605 reported cases of theft and 103 reported cases of rape and with 30 reported cases, homicide is the third ma-

for constituent. Respondents' replies support the trend of crime occurrences as depicted in NCRB statistics.

In contrast of the findings in States like Assam, Meghalaya, Sikkim, Manipur, in Mizoram, most of the respondents preferred to go to police to report an offence. Going to Panchayats/village headman/village council, NGOs or resolving the dispute at personal level or with the help of friends, family and neighbours were the next three preferred options respectively. 74 per cent of respondents preferred to go to police, 72 per cent preferred NGOs, 50 per cent preferred Panchayats/village headman/village council, and 46 per cent preferred to resolve the dispute at personal level. When inquired about reasons for most preferred option, respondents mentioned these to be 'fast and efficient', 'fair system' and 'easy to access'.

When asked about the least preferred option for reporting and resolving dispute similar trend was found as were observed with respect of other States such as Assam, Meghalaya, Sikkim, and Manipur. Most of the respondents did not prefer to go to courts, lawyers, or Lok Adalats for dispute resolution.

AVAILABLE RIGHTS AND SAFEGUARDS: LEVEL OF AWARENESS

Out of the total number of respondents, 62 per cent respondents were aware that one cannot be kept under arrest beyond 24 hours without being produced before a Magistrate and 57 percent respondents wrongly believed that an accused can be beaten up by the police to find out the truth. Among the women who were interviewed, 54 per cent of them wrongly believed that a woman can be arrested at the night and 53 per cent of women respondents were not aware that that they are not required to go to the police station to record a statement.

FREE LEGAL SERVICES: AWARENESS LEVEL

Of the total number of respondents who were interviewed to find out awareness level regarding availability of free legal services, 87 per cent of respondents had not heard about availability of free legal services. Out of 97 respondents who

knew about availability of free legal services, 63 had come to know through police department and 28 respondents had come to know through awareness programmes.

It is worth noting that unlike the findings in States such as Arunachal Manipur and Meghalaya, in Mizoram, most of the respondents had come to know about availability free legal services through police.

Taking this into consideration, it is suggested modalities must be explored to plan if police stations can be developed as one of the centres to make people aware about availability of free legal services.

When asked about eligibility to get free legal services, only 63 respondents replied that anybody can get free legal services; it indicates a low level of awareness. Only 15 respondents knew that a member of SC/ST community can avail free legal services whereas only 7 respondents knew that a victim of trafficking or woman and child are eligibility to avail free legal services.

NAGALAND

Nagaland became the 16th State of the India on December 1st, 1963.¹¹¹ It is located in the extreme North Eastern end of India sharing international boundary with Myanmar.¹¹² The population demography of the State is mostly tribal and consists of sixteen (16) tribes.¹¹³

CRIMES: REPORTING AND REDRESSAL

When asked frequently occurring crimes in the community, more than fifty percent of the respondents mentioned five major crimes- theft, land disputes, domestic violence, eve teasing, adultery, assault, and bribery.

The NCRB statistics show that in 2012, highest number of cases reported for theft -381, followed by 75 cases of homicide and only 21 cases of rape. Though the respondents mentioned that the offences of sexual harassment are increasing, but the as per the NCRB data there has been no reported case of sexual harassment. It shows that people are hesitant in reporting the offences of sexual harassment and bribery.

When respondents were asked about reporting of offences and preferred places for dispute resolution; going to panchayats/village headman/village council or durbar was the most preferred option followed by, going to neighbours or friends and solving the problem at personal level. Of the total number of persons interviewed, 97 per cent preferred to go to panchayats/village headman/village council or durbar; 89 per cent respondents preferred to go to neighbours or friends and 85 per cent respondents preferred to solve the problem at a personal level. Going to formal institutions such as courts, Lok Adalat and involving lawyers were the least preferred option. When asked about reason for the most preferred option, respondents mentioned these to be fair, easily understandable, easily accessible, inexpensive, fast and efficient.

AVAILABLE RIGHTS AND SAFEGUARDS: LEVEL OF AWARENESS

Respondents were asked a range of questions to find out their awareness level about rights and safeguards under various laws. 68 per cent of respondents not were aware that one cannot be kept under arrest beyond 24 hours without being produced before a Magistrate and police cannot beat an accused to find out the truth. When women respondents were asked about the rights and safeguards available to them, 44 per cent respondents wrongly believed a woman can be arrested during the night whereas 93 per cent of women respondents were not aware that that they are not required to go to the police station to record a statement.

FREE LEGAL SERVICES: AWARENESS LEVEL

Among the respondents, awareness about free legal services was found to be very low. Only seven percent of respondents had heard about the possibility to get free legal services. When asked about eligibility of getting free legal services, only 10 people were aware that people belonging to SC/ST community are eligible to get free legal services.

SIKKIM

Sikkim, the least populous state in NE region¹¹⁴, it achieved statehood on 26th April, 1975.¹¹⁵ The demography population of Sikkim constitutes of

three groups of people namely “Nepalis, Bhutias, and Lepchas”¹¹⁶.

CRIMES: REPORTING AND REDRESSAL

When asked about the legal problems, more than 50 per cent respondents mentioned land disputes, theft, human trafficking, assault and domestic violence as major offences in their community. As per NCRB statistics number of offences of sexual harassment and bribery reported in the year are zero.^{**} However, as per replies, more than 50 percent of respondents have mentioned about the offences of sexual harassment and rape. It shows that people are hesitant in reporting offences of sexual harassment and bribery to police authorities.

When asked about most preferred option for redressal of legal problems, the respondents replied that it is the village council where they would prefer to go. The reason being it is fast, efficient, easy to access, fair and inexpensive. Almost 50 per cent of those who participated in the FGDs replied that, matters should be related to police only if the village panchayats are not able to address it properly. Solving the problem with the help of friends and neighbour was the second most preferred option followed by report to police as the third option.

Accessing the Lok- Adalat and local NGOs were found to be the least preferred options among the respondents.

AVAILABLE RIGHTS AND SAFEGUARDS: LEVEL OF AWARENESS

The awareness level of respondents about available rights and safeguards were found to be higher than some of States such as Meghalaya, Manipur and Nagaland. Of the total number of respondents, 77 percent of them were aware that one cannot be kept under arrest beyond 24 hours without being produced before the Magistrate. Among the women respondents, 90 per cent of them were not aware that they are not required to go to the police station to give a statement if the police demands so.

^{**} Refer to the data in Annexure 7-Sikkim.

FREE LEGAL SERVICES: AWARENESS LEVEL

As was observed in the case of awareness level about available safeguards and rights, awareness among respondents about free legal services was found to be slightly better in Sikkim than the State of Manipur. As against 91 per cent of Manipur, in Sikkim, 78 per cent respondents were not aware about free legal services.

Among those, who had knowledge about free legal services, most of them had come to know about free legal services though awareness programmes. It clearly shows that alternative ways to spread awareness about free legal services needs to be explored.

Also there was a lack of awareness regarding eligibility of getting free legal services. Only nine per cent were aware that LSAs’ main function is to provide free legal services to weaker sections of society. During the FDGs, people expressed interest in availing services of LSAs in matters relating to relating to property, disputes, domestic violence, murder, rape, theft and human trafficking if they are properly informed about the procedures.

TRIPURA

Tripura is one of the smallest states in India with an area of 10,486 square kilometers.¹¹⁷ Demographically, Bengalis constitute of 60% of the total population from the ethno-linguistic majority of the state.¹¹⁸ The Scheduled Tribes form about 30% of Tripura’s population.¹¹⁹ The Kokborok-speaking Tripura people consist of 17% of the state’s population and 54.7% of the state’s Scheduled Tribe population.¹²⁰

CRIMES: REPORTING AND REDRESSAL

Respondents mentioned that land disputes, thefts and domestic violence are three most prevalent crimes. Respondents identified eve-teasing, sexual harassment at the work-place, bribery and human trafficking as rarely occurring offences in their communities.

During an interview with the Chairperson of the Tripura Commission for Women,¹²¹ between 2012 and 2013, 337 cases of domestic violence, 89 cas-

es of dowry harassment, and 3 cases of dowry deaths were reported to the Tripura Commission for Women. Between 2010 and 2012, Tripura had reported the second-highest cases of reported sexual harassment, cruelty by relatives, and rape in the North Eastern states, second only to Assam.¹²²

As per NCRB statistics, in the month of August 2013 alone, 40 cases of rape, molestation were reported to policy. Although the number of cases reported has gone up, the actual number of crimes could be much higher as many such incidents either go unreported because of social stigma and ignorance or other reasons.

When asked about the most preferred option for reporting of offences, 97 percent of them mentioned that they prefer to report occurrence to police but have to face difficulties in reporting the matter however, nature of problems were not listed out by respondents in detail.

Respondents mentioned that for them, the most preferred place in the case of legal dispute is locally available options such as panchayat/village council. The reason for high preference to traditional institutions were, ease of accessibility, lower costs, and ease of understanding procedures. As observed in the case of other States, accessing the Lok Adalat and local NGOs were the least preferred options among the respondents. Lack of awareness about procedures, high costs, and unavailability of these institutions in the locality, inefficiency and lack of trust in the institution were listed out as prevented factors for respondents from approaching formal institutions for resolution of disputes.

AVAILABLE RIGHTS AND SAFEGUARDS: LEVEL OF AWARENESS

The respondents were asked a range of questions to assess their awareness level regarding constitutional safeguards and guarantees. Of the total number of women respondents, 84.6 per cent of them were not aware that they are not required to go to the police station to give a statement if the police demands so and 60 percent of them were not aware that a woman cannot be arrested at night.

FREE LEGAL SERVICES: AWARENESS LEVEL

When asked about free legal services, it was found that large majority of respondents were unaware of free legal services. More than 90 per cent of the respondents had not heard of LSAs and 86 per cent of the respondents had not heard of the availability of free legal aid. Only one per cent of respondents had used the services of Lok Adalat and/or free legal aid and most of them rated their satisfaction with the process and the outcome as 'poor' or 'average'. More than half of those who availed of the services said that they would not recommend it to others. Despite these, the respondents were keen to learn about the procedures and of free legal services and the related schemes.

INTRODUCTION

Throughout the North East region, there is a general lack of awareness about legal rights, and access to legal services. The remote nature of the area makes it challenging for litigants to travel to courts, and access their rights under the law. The entitlements under the various schemes of the Government are not easily accessible to a large section of the population.

The Constitution of India mentions in clear terms that free legal aid should be available to those who need it, and that right to equality is fundamental.¹²³ India is also a signatory to the Universal Declaration of Human Rights (UDHR), and many of the fundamental rights guaranteed under the Constitution of India were reflected in the articles of the UDHR.¹²⁴ For example, Article 7 of the UDHR reaffirms the commitment to equality before the law and the concept of equal protection and freedom from discrimination.¹²⁵

It is well known that marginalized sections of society are often vulnerable to abuse of fundamental rights and guarantees under the law, though they should be the main recipients of the constitutional protections. These groups are frequently targeted, and they are unable to take recourse, leading to a vicious cycle of marginality and poverty.

The justice delivery system is comprised of the police, prisons, and the courts. Public order and policing are state subjects under the Seventh Schedule of the Indian Constitution.¹²⁶ Therefore, it is the primary duty of the State Governments to prevent, detect, register and investigate crime and prosecute the accused. However, states receive technical and financial assistance from the Central Government through the Ministry of Home Affairs and of Law and Justice in the discharge of their duties.¹²⁷

CONSTITUTIONAL PROVISIONS REGARDING LEGAL AID AND ACCESS TO JUSTICE

While the Constitution does not explicitly use the term 'rule of law', it is an underlying principle which finds expression in various parts of the Constitution and is regarded as a part of its basic structure.¹²⁸ Rule of law guarantees the supremacy of law, i.e. all actions of individuals as well as the governing authorities are conducted within the bounds of the law rather than arbitrarily.¹²⁹ It also entails equality before law and equal protection of the law, and is therefore inherent to the concept of access to justice.

Social justice includes that "*each member of society would receive equal rights and opportunities, free from discrimination on grounds of caste, creed, and sex, place of birth, religion or language*".¹³⁰ Economic justice would mean that the country's resources are equally available to all the citizens and used so that no one suffers from any unfulfilled want.¹³¹ Political justice entails that all citizens are able to exercise equal political rights such as the right to vote,¹³² the right to contest elections and the right to hold public office. Access to justice therefore ensures that where any of these rights vested in a person are violated, he is able to seek redress for the loss thereby incurred by him, as well as restitution of his right.¹³³

Part III of the Constitution guarantees fundamental rights. These include the right to equality¹³⁴; right to freedom (of speech and expression, assembly, movement, occupation, etc)¹³⁵; right to life and personal liberty¹³⁶; and the right to freedom of religion.¹³⁷ These rights are justiciable, in that they can be enforced, and remedies sought for their violation, through action in the courts of the country.

RIGHT TO ACCESS TO COURTS

The right to move the Supreme Court for appropriate remedies for the enforcement of the fundamental rights is guaranteed in the Constitution itself.¹³⁸ The question of whether the right to have access to courts may be incorporated as a fundamental right has been considered by the National Commission to Review the Working of Constitution, constituted in the 50th year of the country's independence.

*"Right to access to Courts is a human right. The right to 'access to courts' entails the right to disposal of a case within a reasonable time. Excessive delay in disposal of cases leads to denial of this basic human right erodes the credibility of the justice delivery system and leads to the emergence of extra legal system of administration of justice frequently dominated by the mafia. Access to courts will be meaningful only if there is reasonably quick 'access to justice'.... The right of access to courts shall be deemed to include the right to a reasonably speedy and expeditious disposal of all cases before all courts, tribunals or other fora and the State shall take all reasonable steps to achieve the above objective"*¹³⁹

While such a provision has not been inserted in Part III so far, the fact that it was considered highlights the importance of legal aid and access to justice. In addition to the fundamental rights, the Constitution also lists the Directive Principles of State Policy, enshrined in Part IV.¹⁴⁰ These are not directly enforceable by the courts, but are meant to serve as guiding principles for the actions of the Government in its goal of achieving economic justice and social transformation for the country.

The Directive Principles specifically contain a provision on legal aid, as legal aid is essential for effective enforcement of the fundamental rights of the needy and the indigent. Article 39A reads as follows:

"39A. Equal justice and free legal aid – The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities".

The importance of free legal aid as a basic fundamental right has, in fact, been upheld by the Supreme Court itself.¹⁴¹

*"Article 39A mandates that the State shall provide free legal aid by suitable legislation or schemes or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. The principles contained in Article 39A are fundamental and cast a duty on the State to secure that the operation of the legal system promotes justice, on the basis of equal opportunities and further mandates to provide free legal aid in any way-by legislation or otherwise, so that justice is not denied to any citizen by reason of economic or other disabilities. The crucial words are (the obligation of the State) to provide free legal aid 'by suitable legislation or by schemes' of 'in any other way', so that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities."*¹⁴²

LEGAL SERVICES AUTHORITIES

The Directive Principle enshrined in Article 39A finds its realization in the form of the Legal Services Authorities Act, 1987, which was enacted to give statutory validity to legal aid programmes throughout the country and to bring uniformity to them.¹⁴³ The Act came into force in November, 1995 and the NALSA,¹⁴⁴ which is the apex body constituted to lay down policies and principles for making legal services available under the provisions of the Act and to frame most effective and economical schemes for legal services. It also disburses funds and grants to State Legal Services Authorities and NGOs for implementing legal aid schemes and programmes. The Chief Justice of India is the Patron-in-Chief of the NALSA. There are also Legal Services Authorities in every state (headed by the Chief justice of the respective High Court), as well as at the district level.

The National Plan of Action of NALSA 2010-2011¹⁴⁵ envisaged the setting up of legal aid clinics in all villages or for a cluster of villages to be manned by Paralegal Volunteers (PLVs) and start legal aid clinics in all law colleges and law universities.¹⁴⁶ NALSA has notified the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011¹⁴⁷ and published in the Gazette of India giving statutory backing to its Legal Aid Clinics Scheme.¹⁴⁸

PRESENT EFFORTS TO IMPROVE ACCESS TO LEGAL AID IN THE REGION

NALSA has launched various programmes with the objective of spreading education on legal rights, constitutional obligations, the right to information on the benefits of legal aid and the system of accessing legal aid through the Legal Services Authorities / Committees; in a way, to 'take law to the masses.' State Plans of Action were prepared to achieve these ends. However, there is a long way to go before access to justice to all will be realized.

The North-Eastern Regional Committee for Access to Justice and Socio-Economic Development Programmes is a Committee constituted by Hon'ble Chief Justice of India¹⁴⁹ in his capacity as Patron-in-Chief of the NALSA. This Committee was constituted in 2010 and its objective is to strengthen access to justice in the region.¹⁵⁰

EFFORTS TO RAISE AWARENESS ABOUT FREE LEGAL AID: STATE-WISE INPUTS

As per information provided by Arunachal Pradesh SLSA in the open ended questionnaire in Arunachal Pradesh, the provision of free legal aid has been made applicable for the whole state since 2000.¹⁵¹ However, (during 2003 to 2013) only around 300 people have availed the service.¹⁵² The State Legal Services Authorities of Arunachal Pradesh noted that the service has brought relief to the ones seeking help, providing legal counselling and advocates free of charge for prosecution in criminal court. However, the service has not reached the large majority of people in need of such services, due to lack of awareness among the general population on the service.

In spite of all these initiatives, the study revealed that only 35 per cent respondents from the state had heard of the possibility of getting free legal services, of which almost half of them had been given this information by their village headman. Even amongst these persons who were aware of legal aid, there was much misinformation as to who can avail of these services, and only three per cent had actually availed of this service.¹⁵³

In Meghalaya, the State Legal Services Authority (SLSA) has adopted a Legal Care and Support Centre Scheme (previously named as Legal Aid Clinic Scheme) for focused implementation during the year 2014-2015.¹⁵⁴ Further, the Meghalaya State Legal Services Authority State Plan of Action will focus on the areas of Child Trafficking, Rehabilitation of Street Children, Child Marriages, Malnutrition, Senior Citizens, national integration and women's rights in the coming year.

However, despite these efforts, only 20 per cent of respondents from the state had heard about the possibility of getting free legal services. As such a majority of the respondents were not aware of the Legal Services Authorities, its presence till the taluka level and the concept of free legal aid. Only three per cent of the respondents had used the services of the Legal Services Authority and since its establishment in 1999 only 908 people have availed the service i.e. less than one hundred per year.¹⁵⁵ For improved outreach, 14 legal aid clinics were established at the village level in West Khasi Hill district in 2010, and plans have been made to establish the same in other districts as well.¹⁵⁶

The process of selection of PLVs has begun in the state and 1,193 volunteers have been selected, two from each village. However, they are yet to be trained.¹⁵⁷

As replied by the Meghalaya SLSA in the open ended questionnaire the main challenge facing the State Legal Services Authority is a shortage of manpower to fulfil their broad mandate. At the state level, the Member Secretary is also functioning as Registrar General of the High Court of Meghalaya. The Joint Secretary is also holding full charge as Deputy Secretary Law Department. Apart from that they have only one permanent post of Assistant Secretary. At the district there are no full time officers and current staff in the judicial branch is functioning part time in addition to their duties.

In reply to the open ended questionnaire the Meghalaya SLSA mentioned that Meghalaya has also taken some steps to establish avenues for Alternative Dispute Resolution, thus, there are two Mediation Centres in Meghalaya, in Shillong and Williamnagar. A total of 47 cases were received for mediation from 2009 to 2013.¹⁵⁸ The Law department has plans to set up mediation centres in every district. The department has also been conducting a legal literacy campaign, and a total of 139 campaigns have been conducted from 1999 to 2012 July.¹⁵⁹ However, the lack of manpower has definitely put a strain on all plans and efforts.

Further, the Meghalaya Legal Services Authority conducted a review of the activities of PLVs and achievements of Legal Aid Clinics (LACs) and took the step of closing of some non performing LACs and establishment of new LACs and engagement of new PLVs. Reply to the open ended questionnaire mention that Lok Adalats were held on 23rd November 2013 in all the DLSAs & in the MSLSA, which were well received. As a result, some DLSAs decided to continue using alternative dispute resolution mechanisms on a more regular basis.

Screening of documentary films stressing on the importance of witness testimony, the issue of money laundering, and violence against women, were also well received by the general public. These provided adequate impetus for the production of more such films to highlight the role of PLVs and the function of LACs.

The availability of mediation was publicized through an awareness programme especially designed for judicial officers and lawyers, and follow-up action in the form of training of mediators is on the anvil¹⁶⁰ In addition to the above stated requirements, there is an intention to adopt NALSA (Legal Services to the Mentally ILL Persons and Persons with Mental Disabilities) Scheme, 2010¹⁶¹ for focused implementation during the year 2014-15.

In Manipur, the State Legal Services Authority was established in October 2013.¹⁶² Since the SLSA came into existence only in 2013, the level of awareness among respondents about SLSA was low and over 90 per cent of respondents were not aware of the facility, and only one respondent had actually availed of it. The main activity of the Authority was to hold Lok Adalats and to conduct awareness activities. The Manipur SLSA intends to spread awareness in rural areas in collaboration with police and local NGOs and have also broadcasted some television programs.¹⁶³ So far, one hundred beneficiaries have been covered under the legal aid scheme.¹⁶⁴

The Tripura Legal Services Authority plans to reintroduce television programmes for creating legal awareness among the people on issues like child marriage, dowry, maintenance, domestic violence, fundamental rights, labour laws, maternity benefits, and other useful laws, which will be telecasted at least once in a week. In addition to this, there will also be a drive to eliminate superstitions through awareness camps, which will be organized with the support of scientists and doctors. In addition to this, the TSLSA also runs awareness camps and legal literacy camps.

In response to the open ended questionnaire the Assam SLSA has replied that the provision of free legal aid is applicable for the whole state since 2011, with legal aid clinics functional in all the districts and in various sub-districts and the number of beneficiaries till date are 4,335.¹⁶⁵ The LSAs face the problem of not having sufficient manpower; and lawyers are reluctant to visit clients in remote areas. However, they felt that the LACs have been received well. The State Legal Services Authority also reported that the process of involving PLVs started in the district of Nagaon in October 2010.¹⁶⁶ Since then, 1,238 paralegal volunteers have been trained and they have reached various communities.¹⁶⁷ However, the SLSA reported that it faces challenges to find educated youth to become paralegals and because this is only part time work, the paralegals often do not conduct their mandate properly.¹⁶⁸ The SLSA collaborates with the Anti-Human Trafficking Units (AHTUs) to provide free legal services for victims of human trafficking, assault, or any cases dealing with children etc.¹⁶⁹

LEGAL AID TO UNDER-TRIAL PRISONERS AND OTHER INMATES

The right of under trial prisoners to legal aid has been upheld by the Supreme Court.¹⁷⁰ The Supreme Court has recognised this in a catena of cases and has been devising ways and means to secure the release of under-trial prisoners on bail.¹⁷¹ The Code of Criminal Procedure, 1973 lays down that a person facing trial in the Sessions Court, who does not have sufficient means to engage a legal representative should be provided one by the Court.¹⁷²

As per the NCRB, 66 per cent of the prison population in India consists of under trial prisoners.¹⁷³ In order to address this issue, Section 436A was introduced in CrPC, 1973, permitting the release of prisoners who have undergone detention for half the maximum period of imprisonment identified for that offence.¹⁷⁴ However, despite these earnest efforts, the numbers of under trial prisoners continues to remain very high, and there is an urgent need to facilitate the timely release of these prisoners. Using free legal aid to legally empower jail inmates (especially those under trial prisoners) not only preserves their rights, but also reduces overcrowding in prisons. .

In the district Jail of *Jully* district in Arunachal Pradesh, Legal Aid Clinics for jail inmates have been launched in November 2013.¹⁷⁵ Approximately 300 inmates have availed of the service.¹⁷⁶ Further, since 2010, jail visits by advocates in, *Jully* and *Itanagar* have reached approximately 200 inmates, providing free legal aid, and also filing applications.¹⁷⁷

In Assam, Legal Aid Clinics have been established in all the districts jails, except in *Durlong* district, where the suitable infrastructure was not available.¹⁷⁸ However, the work is in progress to open a Legal Aid Clinic in this jail.¹⁷⁹

The Tripura SLSA (hereinafter TSLSA) runs a Legal Aid Counsel Scheme for under trial prisoners.¹⁸⁰ The scheme provides for legal assistance to the Under Trial Prisoners (UTPs), who cannot engage lawyers for their defence.¹⁸¹ The list of empanelled advocates with the Tripura SLSA have been displayed outside the Courts to which he/she is attached, with the information that no payment is required to be made by the eligible persons to the legal aid counsel.¹⁸²

TSLSA appears determined to take an active role in prison reforms and protection of the rights of the prisoners. To this end, the 'State Plan of Action'¹⁸³ also envisages the establishment of Legal Aid Clinics in all jails including the district jails and central jail, in pursuance of which the District Legal Services Authority of the West Tripura District has set up a Legal Aid Clinic in the central jail at *Agartala* in December, 2011 which has started functioning.¹⁸⁴

Similarly, legal aid clinics run by the prisoners having long-term sentence and trained as PLVs have also been set up in the District Jails at Udaipur in South Tripura and Kailashahar, North Tripura Judicial District, as well as in Dharmanagar Sub-Divisional jail. Such clinics are being set up in all sub-divisional jails gradually.¹⁸⁶ In addition to this, jails are inspected once in every month by the Member-Secretary, District Authorities / Sub-Divisional Committees to ensure that no Under Trial Prisoners (UTPs) languishes in jail without trial, free legal services are available to the prisoners, and guidelines of the Supreme Court in respect of the children who are in jail with their mothers, who are in jail either as Under Trial Prisoners or convicts as well as women prisoners are complied with.¹⁸⁷

In Meghalaya, according to the data provided by the Joint Secretary of the Law Department, Government of Meghalaya, initiatives have been taken to establish legal aid clinic for jail inmates.¹⁸⁸ The Shillong Jail legal aid clinic was established in 2010 and 135 under trials have already benefitted from the clinic.¹⁸⁹ Tura Jail legal aid clinic was established in 2012 and a similar clinic will be established in the District Jail of Williamnagar and Jowai.¹⁹⁰

LOK ADALATS

The Legal Services Authorities Act, 1987 accords statutory status to Lok Adalats. Chapter VI of the Act deals with the organization, powers and functioning of Lok Adalats. One of the functions of the NALSA constituted under the Act is to encourage the settlement of disputes through Lok Adalats.¹⁹¹ One of the functions of the State Authority¹⁹² as well as of the District Authority¹⁹³ is to organize Lok Adalats.

Lok Adalats have been organized in all sub divisions, districts, and at the state level in Arunachal Pradesh since 2000.¹⁹⁴ Till date, over 15,000 people have benefitted from it.¹⁹⁵ The State Legal Services Authorities in Arunachal Pradesh have noted that there is a marginal reduction in the pendency of civil and criminal cases due to Lok Adalats.¹⁹⁶ They note that there is lack of awareness of Lok Adalat concept among the people as well as the problem of non-fixation of time bound Lok Adalats in all levels.¹⁹⁷ For the future plan of action, they propose to have a dedicated time table for fixing Lok Adalats in all sub-divisional, district and state level.¹⁹⁸ Establishment of permanent and continuous Lok Adalat as well as counselling and conciliation centres in the Court Premises of the respective district Judges was initiated in 2007, however, the establishment is still in the process.¹⁹⁹

In Tripura, permanent Lok Adalats were constituted in 2006 – one at State level at Agartala and one each at District level at Agartala, Udaipur and Kailashahar as per provisions of section 22B of the Act.²⁰⁰ The Permanent Lok Adalats have jurisdiction over cases relating to public utility services such as transport services for carriage of passenger or goods by air, road or water; postal, telegraph or telephone services; supply of water, light or power to public by any establishment; etc.²⁰¹ The SLSA Plan of Action also outlines the intention to organize mobile Lok Adalats for settlement of disputes relating to MNREGA and other matters.

In Assam, since 2001, 2804 Lok Adalats have been organized, dealing with a total of 611858 cases, of which 294167 (48 per cent) were disposed.²⁰² In Meghalaya, from 1999 to 2011, 74 Lok Adalats has been conducted in the state. As per the data provided, in 2011 there were 9 Lok Adalat held, which took up 1674 cases including those falling under the jurisdiction of the Motor Accident Claims Tribunal, disposed of 408 cases including MACT with Rs. 10,988,418 awarded as compensation.²⁰³

QUALITY OF FREE LEGAL SERVICES

It is notable that across all the states, almost all who availed these services, rated their dissatisfaction with the process and outcome of such services. The reasons cited by those respondents who selected State Legal Services Authorities among their least preferred options to solve a legal problem included

lack of awareness on the process, problem of access due to distance, misconception that it leads to expensive and lengthy legal process, as well as just lack of interest in such institutions – people prefer to resort to Village Councils or traditional and customary institutions, as those are easily accessible and they understand the procedure. In spite of this, there was nearly unanimous expression of interest among the respondents to learn about the availability of free legal services. Clearly, there is a need to strengthen the services provided by LSAs taking into account the needs of the marginalized communities.

LEGAL LITERACY AND AWARENESS

Respondents from all states were asked a set of questions to identify the gaps in their awareness of the law. Some of the questions put to them are as follows:

- * *“What can you report to the police?”*
- * *“Is it true that a person under arrest can be beaten up by the police to find out the truth?”*
- * *“Is it true that upon arrest by the police, you cannot be kept under arrest beyond 24 hours?”*
- * *“Is it true that a woman can be arrested by the police only between sunrise and sunset and taken to the police station?”*
- * *“Is it true that you need to go to the police station to record a statement if the police want it?”*
- * *“Is it true that only the victim can report a crime to the police?”*

As a general observation, respondents belonging to younger age groups, male respondents, and respondents with higher levels of education were found to be comparatively more aware of their legal rights. The types of offences that respondents knew could be reported to police were predominantly theft, missing persons and serious crimes like murder.

However, it is notable that there were a considerable number of respondents (men as well as women) in all states those who believed that gender based crimes like eve teasing, domestic violence, and adultery, as well as offences such as child abuse, cannot be reported to police. This resonates with the observation made earlier, where a number of respondents asserted that the police should be approached only in the case of the more severe offences, while these others were family matters, were to be resolved internally within the family or the local community (for example, by the traditional dispute resolution mechanisms). Thus, for crimes against women such as eve teasing, sexual harassment, sexual assault, domestic violence, there is a preference to avoid the formal avenues of justice, and avoid reporting such crimes to law enforcement agencies.

This also has to be viewed in the context that women are severely underrepresented in the local governing and decision making bodies both in the traditional system and as well as in the formal systems. As has been observed earlier in chapter 3 related to key findings, people prefer to go to traditional institutions for reporting and resolution of disputes; however the traditional institutions are dominated by men. Even in the societies where the family descent is female based (e.g. Meghalaya); women have least say in the running of customary institutions. In other parts of India, village- and district-level institutions have one third of the seats reserved for women under the 73rd Amendment to the Indian Constitution.²⁰⁴ The extension of this to the North Eastern States has been staunchly resisted on the ground that it is against tradition.²⁰⁵ Hence, even when these crimes against women come up for adjudication in the local governing body, the voice of the female population is rarely given due consideration.²⁰⁶

COMMON LEGAL PROBLEMS AND ISSUES IN THE REGION

In this study, an attempt has been made to find out the day-to-day legal problems of respondents in the region. Thus, respondents were asked a variety of questions about the incidence of a range of crimes such as land disputes, eve-teasing, theft, human trafficking, bribery, sexual harassment and assault and homicide.

In the course of the FGDs, respondents were also asked what issues, in their opinion, should be resolved within the family, and which ones should be taken to institutions of formal dispute resolution mechanisms (such as the courts). Across the region, respondents felt that “family” matters such as quarrels between brothers (including land disputes), issues between parents and children, and issues between husband and wife (such as domestic violence) should be resolved within the family or through traditional village councils rather than be reported to police and brought into the formal judicial system. Data on responses regarding most preferred and least preferred institutions for reporting of offences may be seen in the annexures.

The following section will analyse, in detail, the issues affecting all States. Following issues have been analysed in the below mentioned para-graphs:

- A Violence Against Women
- B Land Disputes
- C Human Trafficking and
- D Petty Disputes in the North-East Region.

A. VIOLENCE AGAINST WOMEN

Unlike other states in India where religious beliefs, dowry, marriage dependency, and caste based inequality pervade the society, women in the northeast are not subjected to many of these ingrained societal inequalities that are associated with increased levels of violence against women.²⁰⁷ Rather, many of the factors associated with reducing the risks of violence against women are found in the northeast region.²⁰⁸ Statistics reveal that women are more educated, literate, and participate in the workforce. However, despite this, the levels of violence against women in the area are extremely high.

It is noteworthy that the Gaon Bura, with its long history, has established deep roots within the community and remains the favored course of accessing justice. However, it is important to understand that the Gaon Bura’s scope of adjudication was limited to petty offences. Also, there is the concern of limited understanding of women issues by the Gaon Bura which as a traditional body does not have much women representation. In the most of the tribal socio cultural setup, women are barred from inheriting paternal property and many a times from even inheriting matrimonial property. In some cases, widows with no male offspring are barred from inheriting any property of deceased husband, which renders them not only homeless and socially insignificant but also in pitiable situation. Succor is available in the modern legal system; however, in the tribal communities the people still rely on the customary practices on property and are unaware of the legal rights and facilities that are available.

The state government has constituted a committee to strengthen and streamline the Gaon Burah (GB) Institution, traditional institutions at the village level, in the state of Arunachal Pradesh. Gaon Burah is seen necessary to ensure access to justice for all, in all the villages of the state. The GBs are also the important bodies to preserve the traditional customary laws. It was noted that the advent of modern legal system has confused the Gaon Burahs along with the general public and thereby diminishes the importance of the customary law. Having this in mind, Rs.25 lakhs for printing local customary laws

into book form was announced by the State Government of Arunachal Pradesh.²⁰⁹ It is necessary to engage the Gaon Burahs in gender sensitization and legal awareness programmes. While maintaining the importance of customary law, it would serve a larger purpose to mainstream gender issues into customary laws. This would particularly allay concerns over rising trends of crimes against women.

The problem is further exacerbated by the presence of armed forces in the area, as well as a long history of conflict and the large scale presence of both militant outfits as well as security forces in the region. Women are commonly the targets of violence perpetrated by these forces.²¹⁰ However, this is not the sole cause or explanation for violence against women in the northeast.²¹¹ There are also non familial and familial contexts that create what some scholars call a ‘*frontier culture of violence*’.²¹² As revealed by the last two National Family and Health Surveys²¹³, the some statistics are striking. In the 2002 Survey, the results were not limited to domestic violence but also included experiences of violence beyond the household, the percentages of women in the Northeast experiencing violence were above the national average or marginally below. Compared with the national average of 21 per cent, 31.1 per cent of women in Meghalaya experienced violence, which was the second highest rate in India²¹⁴ that too, when the family descent in Meghalaya is based on women. The levels recorded in the other hill states were 26.4 per cent in Arunachal Pradesh, 19.7 per cent in Manipur, 20.1 cent in Mizoram, and 19.0 per cent in Nagaland (MHFW, 2002).²¹⁵

Violence against women has a high incidence across the region. In Manipur, women have increasingly been a target of crime; there has been a spiralling increase in the kidnapping and abduction of women with the rise of militancy in the state. Between 1996 and 2012, there were 1500 cases of crime against women in Manipur, including gang rape, molestation, kidnapping, and eve teasing etc.²¹⁶ From 2010-12, a total of 150 cases of rape and 591 cases of kidnapping and abduction of women were reported.²¹⁷

Crimes against women have a high incidence in Arunachal Pradesh as well. According to the Arunachal Pradesh State Commission for Women (APSCW), 33 per cent of women in the age group of 15- 49 years have experienced physical violence in Arunachal Pradesh, 10 per cent have experienced sexual violence and 36 per cent have experienced both physical and sexual violence.²¹⁸

The APSCW office receives a variety of cases relating to violence against women, most of which involve battery, emotional abuse in the form of insults, physical abuse such as torture, and deprivation due to multiple marriages, rape, and other forms of gender discrimination.²¹⁹ According to the APSCW, there is a palpable lack of knowledge and concern about the women’s rights, constitutional guarantees, and laws designed for protection of citizens, especially women.²²⁰

Since September 2011, the Arunachal Pradesh State Commission for Women (APSCW) has settled or disposed of a 28 cases.²²¹ Alarming, most of the cases pertain to children and forced marriages. Out of seven cases of children and forced marriages²²² recorded since September 2011, Kurung Kumey district tops the dubious list while Papum Pare and Lower Subansiri have only one case each.²²³

State of Tripura has one of the highest rates of crime against women. Although the number of cases reported has gone up, the actual number of crimes could be much higher as many such incidents either go unreported because of social stigma to the victim’s families or ignored for other reasons.²²⁴ Between 2010 and 2012, Tripura had the second-highest cases of reported sexual harassment, cruelty by relatives, and rape among the North Eastern States, second only to Assam. A total of 25 cases of sexual harassment were reported during this period.²²⁵ With 2,497 reported cases, Tripura also had the second highest numbers of cases of cruelty against women by family members.²²⁶ There were 672 cases of rape reported in this period.²²⁷ Tripura has the third highest rank in kidnapping and abduction of girls with 407 cases, after Assam and Manipur.²²⁸

Tripura also has very high rates of domestic violence. According to the Tripura Commission for Women, from 2012-13, 337 cases of domestic violence, 89 cases of dowry harassment, and three cases of dowry deaths were reported to the Commission.²²⁹ Following an increase in incidents of crimes against women, the Tripura government held an all-party meeting in June 2013, which finalised multi-pronged strategies to check the menace.²³⁰ In October 2013, the Tripura High Court constituted two fast track courts to deal with cases of crime against women.²³¹

The Chief Minister Manik Sarkar stated at the time that the strength of women police personnel would be increased to 20 per cent from the current eight per cent of the total police personnel to deal with crimes against women.²³² Further, he also stated that the state government would set up all-women police stations in each of the eight districts in the state, and subsequently, in each of the 23 sub-divisions.²³³ Currently, three all-women police stations are working.²³⁴ Further, special women desks in all the 67 police stations across Tripura to deal with cases of crimes against women.²³⁵

In Sikkim, the State Commission for Women in Sikkim was constituted as a statutory body in the year 2001 under the State Commission for Women Act, 2001 to protect the rights of women in the state.²³⁶

The stigma attached to reporting domestic violence and other forms of violence against women such as rape and sexual abuse might be a reason why victims withstand abuse and the absence of enforcement might explain why perpetrators continue to abuse.

B. LAND DISPUTES

The study revealed that land disputes are amongst the most common genre of legal issues across the entire region. Questionnaires were framed to cull out information from respondents regarding legal problems faced by them. As per the replies gathered after interviewing people in all the project states, it may be seen in the annexure that disputes on ownership of land are very common amongst people living in the region. In most of the States, as per statistics, land related disputes are prominently placed at third (3rd) position, after offences against body and offences against property.

This is mostly due to lack of clarity regarding laws, customs and procedure dealing with devolution of succession rights in land. The customary laws regarding ownership of land vary from tribe to tribe and region to region. Historically, shifting agriculture has been practiced in the area, 'community had the ownership rights over land'²³⁷ and it was village council or the village head who used to be distribute land to families according to customary norms.²³⁸

This power of the village chief to regulate the use of land and allotment of land to each family has become weak with rise of individual ownership creating a state of confusion and lack of clarity as to ownership. The problem is further aggravated by the fact that the customary practices of granting of land by local village heads are not documented.

B.1 EXISTING LEGISLATIVE PROVISIONS

Articles 371A and 371G recognise customary laws of Nagaland and Mizoram for community ownership of land. It provides that no Act of the Union Parliament concerning customary law and ownership and transfer of land and resources applies to them unless their legislative assemblies agree to it.²³⁹

District Autonomous Councils and village councils in the Sixth Schedule areas have powers to decide issues such as control over land, forests and other natural resources.²⁴⁰

B.2 SIXTH SCHEDULE: A TRANSITION FROM TRADITIONAL SYSTEM IN LAND OWNERSHIP

The Sixth Schedule, that recognises only individual ownership of land as opposed to the community rights recognised by customary laws, is a transition from traditional culture of equity to class formation. The tribal elite accept individual-based modernisation unquestioningly in order to get the benefits of land ownership. But the masses by and large lose their traditional rights without any other gain. Besides, decisions on land have been transferred from the village council to the District Autonomous Council (DAC). The DAC and, the *gaon bura* are influenced to give pattas to individuals as one sees in the N.C. Hills and Garo Hills.²⁴¹

B.3 PROTECTIVE DISCRIMINATION: A NEW DIMENSION

There are also a growing number of disputes due to 'protective discrimination'. The ADCs are traditionally empowered to practice authority over issues related to land and property rights. People, who are not native of the region, are excluded from having ownership rights over land. Except a few states like Meghalaya where non tribal population can acquire land in demarcated 'European wards' regarding in urban areas; restrictions have been imposed on the rights of people from other states/non-tribal to acquire landed property.²⁴² Although tribal population constitute about one fourth of the population of the region, about two-thirds of the land is owned, controlled or managed by them.²⁴³ As a result, the policy of protective discrimination for Scheduled Tribes in the region also raises serious questions of justice, and equality for the non-tribal population.²⁴⁴ In recent years, disputes related to ownership of land, between tribal and non tribal population has increased.

B.4 PROPERTY RIGHTS: WOMEN'S EXCLUSION

Another issue is the exclusion of women from property rights. The system of devolution of land rights is customary in nature. As per a study conducted by National Commission for Women; most tribes of the North East keep a clear division between clan and acquired property.²⁴⁵ It is the men who control and inherit. As a result, most women own no immovable property unless they acquire it themselves or it comes to them in the form of a gift from parents or a brother. They inherit only jewellery, utensils, clothes, baskets and other tools of work. In tribes like the *Angami* and *Dimasa* inherit them from their mothers by right while others get them only as gifts. Most do not inherit livestock since it is a major source of income and plays ritual and cultural roles in their society.²⁴⁶

The customary processes of devolution have not necessarily culminated in devolution of property rights in women. Even the matrilineal tribes like the *Khasi*, *Garo* and *Jaintia* of Meghalaya are patriarchal, where descent and inheritance are through women, but social power is with men as they control the village council and other decision-making bodies and also take decisions concerning land alienation.²⁴⁷ The Tribal Councils routinely exclude women and customary law discriminates against them by denying them the right to own or inherit property. Even in matrilineal societies where property is inherited by the youngest daughter, women cannot legally inherit property under customary law and it is the maternal uncle who often assumes de facto ownership irrespective of deed or title.²⁴⁸

B.5 NON-UNIFORMITY IN PROCEDURES OF LAND DISPUTE RESOLUTION

As the Study reveals that that people prefer to go to customary institutions like village council or durbars for resolution of disputes. However, the procedures followed by these institutions for resolution of disputes are rarely documented. Therefore, the data/information detailing of the land disputes in terms of numbers is not available. Due to variance of customary laws vary from village to village different interpretations of the laws exist and the judgments passed by village councils are mostly circumstantial— the council decides the cases based on the particularities of each case.

C. HUMAN TRAFFICKING

Chapter 3 of the study containing State-wise findings about common legal problems has highlighted that human trafficking is one of the major issues in North Eastern region. Due to lack of economic opportunities and vast expanse of international borders, North East region is vulnerable to human trafficking, routes of human trafficking extend to all over India and even spread across bordering countries into South East Asia.²⁴⁹

To address the problem of human trafficking in the region, Anti-Human Trafficking Units (AHTUs) have been set up in all eight states. These AHTUs aim to provide focused attention in dealing with offences of human trafficking with a multidisciplinary approach for a joint response by all stakeholders, namely, police, judiciary, relevant government departments and civil society organizations. These AHTUs promote inter-departmental coordination between the police and other government agencies such as Women and Child, Labour and Health departments. At times, the AHTUs conduct rescue operations with the assistance of NGOs whenever they receive information about trafficking activities either from the police, NGOs or the public. They have a victim-centric approach, which ensures the 'best interest of the victim/ survivor' and prevents 'secondary victimization/ re-victimization' of the person and also approach each case with a gender-sensitive and child-friendly lenses.

The AHTUs also collect and maintain exhaustive database on all key aspects of human trafficking, such as information on traffickers and trafficking gangs, which are communicated to the District Administration and State Crime Records Bureau for further transmission to the National Crime Records Bureau. Thus, AHTUs will facilitate availability of comprehensive national data bank on human trafficking.²⁵⁰

Despite all these efforts, many of the human trafficking cases go unreported. The survey conducted as part of the research for this Report also indicates that most respondents were not even aware that trafficking is an offence which should be reported to the local police. Therefore, efforts must be made to make people aware about seriousness of the offence of human trafficking and necessity to report the crime to police administration.

So far only Mizoram SLSA has published guidelines to be followed by those involved in anti-human trafficking measures, including those involved in rescue, post-rescue and rehabilitation operations.²⁵¹ As per a report of Prevention of Trafficking and Protection of Victims of Violence, State Action Plan on National Policy for Empowerment of Women, Protection of Rescued Survivors, other SLSAs in the region are yet to take similar measures.²⁵²

D. PETTY DISPUTES IN THE NORTH-EAST REGION.

There is a high incidence of petty crimes across the region, but the respondents indicated that the police should be approached only for major crimes like homicide and sexual assault. Others, such as theft, were preferably resolved by the traditional courts. Thus, in order to settle petty offences the traditional courts remain the most preferred option for dispute resolution. For example, in Arunachal Pradesh, the Gaon Burah, with its long history, has established deep roots within the community and remains the favored course of accessing justice. The state government had announced to constitute a committee to strengthen and streamline the traditional institutions at the village level, such as dorbars and gaon buras, in the state of Arunachal Pradesh.²⁵³ The Gaon Burahs are also the important bodies to preserve the traditional customary laws. It was noted that the advent of modern legal system has confused the Gaon Burahs and Burhis along with the general public and thereby diminishes the importance of the customary law. Having this in mind, Rs.25 lakhs for printing local customary laws into book form was announced.²⁵⁴

However, it is important to understand that the Gaon Bura's scope of adjudication is limited to petty offences. That issues of domestic violence continue to be perceived in this category is a worrisome trend. Also, there is the concern of limited understanding of women issues by the institution of Gaon Bura which as a traditional body does not have much women representation.

It is interesting to note that while the respondents' least preferred option was going to the police/courts and other law enforcement machinery, only about one to three per cent of respondents in each state reported that they had experienced problems in lodging complaints to the police. Their lack of inclination to go to the police was due to considerations of cost and time and low levels of awareness of the legal system, rather than by any perception of lack of cooperation by the police.

SUMMARY

1. In all states, land disputes emerged as the common legal issue. Given that the system of land ownership varies from one tribal community to another across the region, the process of adjudicating these disputes is also governed by traditional and customary laws and administered by the local village authorities. As a result, because disputes are not governed by codified laws, the process by which justice is dispensed is often ad hoc.
2. Domestic violence, eve teasing and sexual abuse are rampant in the region. As noted earlier, the incidence of crimes against women is very high. However, crimes such as domestic violence and adultery were considered to be 'family matters' and were therefore left to be resolved internally within the family or the village council at the most. In other words, formal justice delivery institutions and service providers were never tapped to address such crimes. The position of women in the region remains vulnerable and subservient to males. This has led to inadequate redressal of violence against women both at home and outside.
3. Out of the seven given options offered to respondents for dispute settlement, the Panchayat or Village Council emerged as the most preferred option of respondents in all states. If a glance of respondents' replies is taken for all the States, it appears that eighty percent in Manipur, 79 per cent in Tripura, 87 per cent in Sikkim, 94 per cent in Meghalaya, and an overwhelming 97 per cent in Nagaland. An exception was Mizoram, where 74 percent respondents chose police as the most preferred option for reporting of offences. Ease of accessibility and understanding, notion of fairness, and costs were the most important considerations that guided respondents' choice of legal options. Further, efficiency and perceived fairness of the system were also important considerations in choosing a justice delivery system.
4. Courts and Lok Adalats emerged as the least preferred option among the respondents in most states. If one goes by State-wise findings it comes out that an overwhelming 94 percent of respondents in Meghalaya, 96 percent respondents in Nagaland, 79 per cent in Mizoram, and 70 per cent in Manipur marked Courts and Lok Adalats as the least preferred place for resolution of dispute. In rest of the states, going to an NGO also emerged as an option with low preference. Lack of awareness about procedures, costs, location, perceived inefficiency, and lack of trust in formal justice delivery institutions such as courts, Lok Adalats, and legal aid cells is probably the reason for least preferred option.
5. Legal awareness and knowledge about rights and entitlements in the region is quite poor. In most states, less than a quarter of the respondents were aware of the possibility of availing of free legal aid, and even fewer of the existence of the State or DLSA. There is almost no awareness of alternate methods of dispute resolution, such as Lok Adalats. The only alternative to the courts are the traditional village bodies, which dispense justice on the basis of customary laws and practices, sometimes to the detriment of marginalized sections of the society.

TRENDS AND PATTERNS

The study reveals a number of interesting trends and patterns in the North East region, and many of them identify the gaps and challenges faced by the people in accessing justice.

Following common issues emerged:

- While the literacy rate in the North East is higher than the national average ²⁵⁵, infrastructural facilities are poor and most respondents had to augment the education requirements through their own funds. Despite improvements in women's literacy levels in the last decade, these levels continue to be lower than those of men.²⁵⁶
- Younger respondents across the region had higher literacy rates than their older counterparts. This can be attributed in part to the efforts made by the Central and State Governments since the implementation of the RTE Act, as well as to the decrease in levels of insurgency and conflict in the region in the past decade.
- Unemployment continues to be a major problem in the region, and there has been less emphasis on vocational or technical education, which has resulted in shortage of skilled work-force. Majority of the population continues to be engaged in agrarian activities.
- The position of women continues to be marginalized, be it in terms of education, representation in the workforce, or participation in government. The gender gap could be attributed to many factors, including the traditions of a patriarchal society, parents' lack of interest in girl-child education, girls' dropping out of school to take assist in domestic works, and early marriages.²⁵⁷
- Similarly, crimes against women continue to be pervasive, with domestic violence and sexual crimes being underreported. It is also noteworthy that the crimes most commonly considered to be not worth reporting to the police were those where women were the victims, such as eve-teasing, domestic violence and sexual abuse. Respondents largely felt that such crimes should be resolved within the family or by the Panchayat or other local governing bodies.
- The study indicates that legal awareness in the region is quite poor. In most states, less than a quarter of the respondents were aware of the possibility of availing of free legal aid, and even fewer of the existence of the State or District Legal Services Authority. Further, there is almost no awareness of alternate methods of dispute resolution.

RECOMMENDATIONS

The justice system includes not only the formal justice delivery mechanisms such as the courts, but also informal mechanisms like traditional courts, gaon burahs, and Panchayats. As the study reveals, these traditional mechanisms and institutions continue to be the preferable methods of dispute resolution in the North East.

Further, successfully creating a system where justice is accessible to all, including the most marginalized and disadvantaged sections of society, also involves working with different types of institutions and with various stakeholders- the police, the courts, prosecutors, social workers, prison officials, community leaders, paralegals, traditional councils, and other local arbitrators, while taking into account the linkages between them. It is also necessary to bear in mind that the problems relating to access to justice in crisis ridden and post-conflict areas are usually more pronounced and pervasive than in non-crisis contexts, especially relating to the criminal justice system. There is a significant need to undertake a large number of reforms relating to past violations of human rights and atrocities, and

factors contributing to recurrent instability. It is also important to instil public confidence in the justice system and to tackle issues of corruption and inefficiency, as well as to address land and property rights and provide legal aid so that even the poorest and the most vulnerable can have access.

Furthermore, the justice and security sector may be threatened with collapse due to damage to infrastructure, insufficient capacity and leadership, and a continued threat of conflict and violence. Thus, the issue of access to justice in the North Eastern states, where a low-intensity conflict has been witnessed over the past few decades, needs to be addressed with this in mind.

The recommendations are based on the results of the surveys, closed ended questions, FGDs, and open-ended questionnaire interviews conducted in the eight states of the North East. While the problems and issues pertaining to access to justice present itself in similar patterns across the region, specific issues in each state have been referred to wherever appropriate.

RECOMMENDATION 1:

Increase Legal Awareness and Empowerment

One of the key findings of the study was the complete absence of awareness about one's rights and the law. For example a number of people did not know that eve-teasing and adultery were crimes that could be reported to the police. Women were particularly much misinformed and had misconceptions about the rights and safeguards available to them. In order to overcome this, there is a need for effective dissemination of information that would help people understand the following:

- a) their rights under the law
- b) their right to seek redressal through the justice delivery system
- c) the roles of various stakeholders, service providers, and institutions entrusted to facilitate their access to justice and
- d) programmes be designed to enhance legal literacy among people in the North-East States.

Strategies to promote legal awareness should be undertaken by both government and non-government organisations. The awareness programmes can be targeted for different groups like women, children, youth, adults, and senior citizens, depending on specific needs. For instance, a positive step in the right direction would be to introduce human rights and gender equality modules in school curricula. This would promote awareness as well respect for the law and for the rights of others at a young age.

RECOMMENDATION 2:

Document Customary Laws

Lack of awareness of legal rights and of the laws among the local population is compounded by the fact that there exists a system of customary law, low legal literacy. A section of traditional laws engender discriminatory practices, such as the lower status accorded to women; as a result, it often causes overlaps and friction with modern codified laws. There is also no clear demarcation regarding the jurisdiction of traditional dorbars, District Councils and customary laws.

In order to overcome this the study's recommendations are;

- a) Customary laws must be documented and discriminatory practices must be eliminated. A review of customary laws is crucial for it to evolve and serve the modern society and to maintain relevance for future generations. Such documentation and codification if required should be written in the form of clear, easy-to-understand pamphlets which will lay down flowcharts to approach

appropriate authority in the case of a crime. These pamphlets should be made available with government departments, NGOs and faith-based institutions. Awareness camps should be held and television broadcasts and radio programmes should be aired in rural local language where people are illiterate and unable to read the pamphlets.

- b) In addition to this, all cases tried in traditional institutions must be documented and criminal cases should not be allowed to be tried by traditional bodies. Statistics on reported crimes as well as the verdicts of traditional and formal courts should be collated and made publicly available.
- c) Lastly, it is suggested that a series of state-level consultations be held with experts as well as local elders/practitioners in customary laws in the region so that they be made to understand in the contemporary context with a view to their codification. Thus, customary laws on family, land and other disputes should be closely examined. It is suggested that students (under the tutelage of their professors/ lecturers) of premier educational institutions in the North East region be involved in this exercise of research, consultation and documentation.

RECOMMENDATION 3:

Encourage the Use of Alternative Institutions for Dispute Resolution Mechanisms

A strong and impartial judiciary is a cornerstone for an unimpeded access to justice. Traditional adjudication is best suited to conflicts and disputes between people living in the same community, who generally seek reconciliation and restitution of rights which have been violated due to any wrongful act. Formal justice system, on the other hand, provides the legal and procedural consistency, certainty, and clarity in cases involving punishments such as imprisonment and monetary fines. This distinction should be kept in mind while effecting reforms in areas where there exists both traditional and formal methods of justice delivery.

However, to improve access to justice in a system where people do not easily associate with the formal system the following recommendations may be considered:

- a) Use of alternative dispute resolution (ADR) mechanisms should be encouraged;
- b) In order to expand the alternative mechanisms for resolution of disputes the International Centre for Alternative Dispute Resolution, which functions under the aegis of the Ministry of Law and Justice²⁵⁸ and has a mandate, inter alia, “to encourage and conduct investigations in traditional and modern methods”²⁵⁹ may be chosen as a potential institution to devise programmes and activities for popularising ADR mechanism in North East Region;
- c) Efforts must be made to utilise capabilities of institutions such as State Commissions for Women, State Human Rights Commissions and State Commissions for the Protection of Child Rights that function as quasi-judicial bodies and have the potential to step in whenever the formal institutions are unable to take suo-motu or otherwise cognizance of a case
- d) The existence and mandate of these institutions should be widely publicised so that the local population is aware that they have the option to access justice through these bodies;
- e) In addition to this, members of the traditional justice delivery mechanisms can be trained in the basics of the law and natural principles of justice. This will enable them to meet the objectives of justice effectively.

RECOMMENDATION 4:

Enhance Women’s Empowerment

It is important to note that women constitute one half of the population; however, their status is not at par with that of men and as a result has to suffer social, economic and political marginalization. As mentioned earlier, the North East, despite having some of the best gender indicators in terms of education and employment, still has very high rate violence against its women.²⁶⁰ This clearly shows that dedicated efforts are needed for enhancing women’s empowerment.

As mentioned above, customary law also engenders discrimination, and little has been done through legislations to rectify this. For example, the 53rd Amendment of 1986 recognises the customary laws of Mizoram through Article 371G.²⁶¹ This recognition includes laws governing marriage, divorce, inheritance and other social and cultural practices and rights like community ownership.²⁶² It provides that no Act of the Union Parliament concerning the religious or social practices, procedures, administration of justice involving their customary law and ownership and transfer of land and resources would apply to them unless their legislative assemblies agree to it.²⁶³ Though these protected customary laws do not prevent women’s rights in inheritance of properties, but it is a social practice in the traditional patriarchal Mizo society which looks down on such women. Such situation throws a challenge to bring a balance between the modern standards of equality and customary practices. Various measures can be taken up to address this:

- a) Documentation of customary laws must be done with a gender-sensitive perspective. To this end, jurists and experts in women’s studies should be actively engaged in the consultation and discussion in documentation of the customary laws;
- b) Making provisions for equal representation of women’s at all levels of local governance. Since Part IX of the Constitution dealing with Panchayats is not applicable to Scheduled Areas and Scheduled Tribes as referred in Article 244.²⁶⁴ Consequently, Article 243D of part IX providing for women’s reservation is also not applicable to the Scheduled Areas and Scheduled Tribes. Therefore, it is suggested to find a way out for ensuring women’s reservation on in traditional institutions of North Eastern States;
- c) Efforts must be made to improve women’s representation in institutions of justice delivery. For instance, the State legislature in Meghalaya should amend the composition of ‘*dorbar shnongs*’ for reserving seats for women. However, state- wide consultative meetings should be held with ‘*dorbar shnongs*’²⁶⁵, officials and women’s groups to reach a consensus on the manner in which such a change will be introduced in the *dorbar shnongs*;²⁶⁶
- d) People should be made aware that they can go to the formal judicial system in case they are dis-satisfied with the decision of customary institutions. The mandate of SLSAs should also be widely publicized in enabling people to have free legal aid for accessing formal judicial system;
- e) All-women police stations have been set up in Shillong, but this should be replicated in other states and districts, and modalities of enhancing their capacity should be considered. This would encourage more women to come forward to lodge First Information Reports (FIRs), thereby setting the wheels of justice in motion. The police reforms, police modernization, and cordial police-public relations should have a special focus on women;
- f) ‘Shelter homes’²⁶⁷ should be opened for victims of domestic violence and sexual assault as well as human trafficking so that they have a safe place to stay while their case is being resolved.

- g) In addition to this, the study indicates that while women's education has come a long way in the region, women continue to be disadvantaged vis-a-vis their male counterparts in terms of their access to education. It is therefore imperative to improve their access to educational opportunities by designing appropriate schemes which support and motivate a girl student for further studies.

Recent Good Practices for Empowerment of Women

- h) Some tribal societies are now making an effort to improve the status of their women. For instance the Paite tradition did not allow parental property to be passed to the daughter even in the absence of a son.²⁶⁸ The Paite Tribal Council in a 2004 amendment to this law introduced provisions in favour of widowed daughters, and adopted sons.²⁶⁹ They now allow the father to appoint one of his daughters to inherit property if he does not have a son.²⁷⁰

RECOMMENDATION 5:

Publicize and Enhance Access to Free Legal Aid Services

The study clearly indicates that a significant majority of the population do not know of availability of free legal aid services provided by the LSA despite several efforts being made to promote legal aid.²⁷¹ People should be made aware that in free legal aid one can also engage professional lawyers just like the advocates are engaged by accused persons under the present adversarial system. or also through the system of *pro bono* representation., To achieve this end, person from the community with legal knowledge (paralegals), or as in "alternative lawyering" and "developmental legal aid") must be trained to help the needy person to take their cases to LSAs or to those advocates who take up cases on *pro-bono* basis.²⁷²

Availability, affordability and adequacy are the three major challenges faced by poor people and other disadvantaged groups when it comes to free legal aid. Legal aid, like legal awareness, requires the intervention of both government and non-government actors. Costs associated with the services of legal counsel and legal processes tend to discourage those who cannot afford them from seeking just remedies.²⁷³ Legal aid support can counter some of these impediments.²⁷⁴ To spread awareness of the availability of free legal aid and encourage people to use these, the following measures may be taken:

- Establish and operationalize the district-level and block-level Legal Services Authorities (LSAs) in the districts in which these are yet to be set up.
- Enhance the capacity of existing LSAs to ensure that these are able to meet the demand for legal services from the local population. This would enhance the efficiency of the LSA and result in quicker and more equitable outcomes for litigants, which in turn would have a ripple effect, encouraging other litigants to opt for the service.
- The cost of approaching a formal court to secure justice is most often prohibitive, strongly deterring aggrieved parties from litigating for their rights. To counter this, it is necessary to establish frequent Lok Adalats and publicize these well in advance through radio, television and other popular means of mass communication, along with an information package on how to access the Lok Adalat.
- Mechanism for taking up of the cases decided by Lok Adalats.*
As mentioned by the respondents, the study has revealed that petty disputes constitute a considerable portion of offences. Parties refer most of such disputes are either to the customary institutions of prefer to resolve at personal level or through friends and neighbors. Such processes

- are never documented and there are chances of non observance of basic principles of justice dispensation. In order to address this gap, popularizing the institution of Lok Adalat can be a good move as these institutions have power to deal with petty offences which are compoundable.²⁷⁵
- Establish Free Legal Aid facility centers in prisons and legal aid clinics in law colleges. Practices like encouraging the literate convicted persons to develop themselves as para-legal volunteers should be promoted as has been done in Sikkim.²⁷⁶
 - In the State of Assam where Legal Aid Clinic has been set up in all the district jails except in Durlong district jail, which are working satisfactorily. *It is accordingly suggested that Assam may be a convenient location for initiating a pilot project to implement implementation of Section 436-A, CrPC, 1973.*
 - Provide training to lawyers in legal aid; train mediators; train PLVs, and publish leaflets in local languages containing contact details of legal aid lawyers, mediators and PLVs.
 - It is also suggested that legal aid lawyers be provided training so that they can specialize in the issues that are more rampant in the region, such as trafficking and domestic violence, and other gender-based crimes. This would provide a gender-sensitive perspective to the legal process, and it would also enhance its efficiency by ensuring that the necessary pool of legally trained professionals is readily available to prosecute these cases.
 - Further, the outreach and impact of legal aid services can be maximized through cooperation with community-based organizations and NGOs. Thus, legal aid lawyers should be linked to these organizations so that they may contact them for assistance in the performance of their duties. More importantly, these organizations can also serve as awareness-raising tools, encouraging the use of these legal aid clinics among community members.
 - It may also be useful for legal aid providers to concentrate on specific legal issues of population groups. Thus, in rural areas, training for legal aid lawyers should focus on more pressing issues such as land disputes and human trafficking. Both non-governmental organizations and community based organizations can provide legal clinics with adequate knowledge on the challenges faced by clients in a particular area.
 - Apart from generic programmes on legal literacy, there is a need for special initiatives to generate awareness on common legal issues in the region such as:
 - crimes against women and children;
 - human trafficking;
 - access to free legal aid;
 - Right to Information;
 - lodging of complaints; and awareness about legal rights as laid down in *DK Basu v State of West Bengal*.²⁷⁷
 The programmes can involve ICT technologies to highlight the kinds of crimes to which women, children are vulnerable.
 - Publish leaflets in local languages informing people of the laws and their rights in some of the more common legal issues that arise such as land dispute, domestic violence and theft.
 - Broadcast television programmes on legal issues which have emerged as relevant in this particular study.

- n) Devise programmes to enhance legal literacy among students. A scheme for student legal literacy club has been issued by NALSA under letter NO.2455 dated 6.1.2010²⁷⁸, which has been explored by few states of the country. The SLSA should initiate the process for the scheme which would help legal literacy from a young age and hence would be more fruitful. Consultations should be made with the education department to explore options for including legal literacy a part of academic curriculum.

RECOMMENDATION 6:

Build Capacity of Law Enforcement Agencies

The study reveals that the majority of the population is neither well-informed about their legal rights, nor they are aware of the provisions relating to lodging of complaints with the police, ways to seek police's intervention and following up of the case with the police agencies. For example, in Nagaland, about 93 percent people knew that people other than the victim can report a case to the police, but over two-thirds of female respondents were not aware that they are not required to go to the police station to record the statement. Similarly, in Meghalaya, only 38 per cent knew that persons other than victims can also report about crimes to the police, while 66 per cent of women were unaware that police can arrest a woman only between sunrise and sunset. Almost 68 percent of people questioned in Nagaland were not aware that police cannot beat any person under arrest, while about 40 percent were not aware that child abuse, eve teasing, sexual harassment in the workplace, adultery, domestic violence, assault, child labour, bribery, and land disputes can be reported to the police. While respondents displayed a high degree of awareness about reporting offences of rape to police the same was not evident in case of other offences.

The study also revealed that there is a common perception among respondents that the institution of police is unfair, unsympathetic, harasses complainants, inefficient, and favors affluent class which discourages people from going to the police and formal channels of law enforcement. Moreover, systemic discrimination by the police discourages marginalized sections of society, especially women, from seeking redress for a grievance.

However, it is the police which should be aggrieved person's first point of contact. The role of police in access to justice has two-fold context: first, to maintain law and order; second, to investigate crimes in a fair manner. The police have power to use a requisite force to maintain law and order.

The police also have a tendency to abuse their powers by using it to effect arrests and detain persons without proper justification. This is a pan India problem which is particularly acute in a conflict situation as exists in the North Eastern region.

Thus, to encourage people to access the justice system, it must be ensured that the population has confidence in the police, and cordial police-public relations are promoted. This requires to reform police system as well as attempts must be made to foster understanding and cooperation between the police and the citizens.

Note: Readers may please note that State-wise data about awareness level of respondents regarding existing rights related to lodging and following up of the cases with police agencies have been dealt in the annexures.

This may be achieved by:

- a) Increasing the number of women constables and officers in the police.
- b) Raising awareness of standards of human rights amongst the police, by educating/training them about modern standards of police procedure as laid down in the criminal laws and guidelines suggested by the Supreme Court in various judgments. Also, conducting public information campaigns to impart similar level of awareness among citizens is much required so that citizens may enforce their legitimate expectations from the police agencies.
- c) Police personnel must be trained for dealing cases in more humane manner particularly the cases related to gender issues, cases of human trafficking, and of differently-abled people.
- d) Community policing - there are a number of successful models of this around the world as well as from other parts of India. Community policing allows citizens to play a proactive role in maintaining law and order and also allows them to check abuses of police personnel. It also creates channels of information between citizens and the police, fostering cooperation, understanding and confidence- building.
- e) Promoting police accountability by operationalizing the mechanism to lodge formal complaint in case of misconduct and abuse of power by the police personnel. Efforts must be made to ensure that the guidelines as laid down in the case of *Prakash Singh and Others v Union of India and Others*²⁷⁹ regarding establishment of Police Complaint Authorities for lodging complaints against police misconduct, are complied in letter and spirit. It should be taken up as a pilot project in one or two districts of any NE State for better understanding of this issue.
- f) To enhance access to justice, coordination among the police, NGOs and various State Commissions should be formulated in form of committees which can function periodically or is activated on happening of an event relating to abuse of human rights.
- g) In a catena of decisions like (*Prakash Singh v State of Punjab*²⁸⁰, *Kharak Singh v State of UP*)²⁸¹, Supreme Court has laid down elaborated guidelines on police reforms and expected standards of working from the police officials. It is suggested that a small study/activity may be commissioned/taken up to cull out all such guidelines in context of NE region may be compiled and printed in leaflet/booklet form to be used for training and creating awareness.

This study sought to identify the gaps in the legal empowerment of the people in the North East region. Recommendations were made after analyzing the findings. There is no doubt that access to justice in the region needs to be enhanced. To do so the Department of Justice's NE&JK Project should focus on specific issues.

Increasing legal empowerment through greater legal awareness is required in the region. But the question is which laws apply in particular areas of the NE region. A plethora of customary laws are applicable in the region, and often these customaries laws are the preferred mode of dispute resolution. In order to have better understanding these traditional modes of dispute resolution and the various customary laws need to be documented. And, efforts must be made to educate village councils and dorbars about modern laws which exist along-with the customary law.

One of the most acute problems is the lack of women's empowerment, and their low levels of legal literacy. Efforts must be made to tailor project activities to suit the needs of women and support them. Awareness of the laws is one part of the challenge, it is also essential to sensitize service providers be it the village council or the police officer.

Legal aid services are to be provided by the National and State level Legal Services Authorities. Any project activities that move forward in the region must include the LSAs as a major stakeholder. Several programmes and activities may be planned in collaboration with the LSAs, the main provider of free legal aid to marginalized people. Similarly, in order to build the capacity of the police and to sensitize them, including them in programming is a cornerstone of any successful criminal justice intervention.

Finally, legal aid should not be limited only to the above. The growing under-trial prisoner population is a huge concern, and setting up legal aid clinics in the jails would go a long way in solving it. The Central Government is already keen to pursue this – so collaboration at a national level could trickle down to the regional level as well. In addition, law students and law professors can be utilized to participate in legal literacy and legal aid programmes which are an untapped resource.

Given the above, there are several opportunities for the A2J-NE&JK project to make interventions in the North East region and improve the situation of access to justice for the various marginalized groups. DoJ looks forward to design appropriate project plans and to move forward with implementation as soon as possible.

INTRODUCTION

Arunachal Pradesh attained its statehood on 20th February 1987. It is the largest state area-wise in the North-East region with 83743 square kilometers area. It shares international borders with Myanmar to the east (440 km), Bhutan to the west (160 km), China to the north and north-east (1,080 km) and Assam and Nagaland to its south. The capital of Arunachal Pradesh is Itanagar in Papumpare district. The total number of districts is 17.²⁸² The total population of Arunachal Pradesh is 1,383,727.²⁸³ The Sex Ratio in Arunachal Pradesh is 938 female for 1000 male, this is below national average of 940 as per Census 2011.²⁸⁴ There are 26 major tribes and over 100 sub-tribes, having distinct tradition and customs. The major tribes are; *Adi, Galo, Aka, Apatani, Nyishi, Tagins, Bori, and Bokar Monpas, Sherdukpens, Khamptis and Singphos, Mishmis, Noctes and Wanchos.*²⁸⁵

Part A

SPECIAL CONSTITUTIONAL PROVISION

Article 371H, of the Constitution of India provides special provision for the State of Arunachal Pradesh. It endows the Governor of State with special responsibility with respect to law and order in the State of Arunachal Pradesh, and he is to discharge his functions in consultation with the Chief Minister and Council of Ministers. He can exercise his individual judgment as to the action to be taken on topics mentioned therein, and where there is any questions as to whether or not a matter falls within the power of the Governor, his discretion on the question shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in the exercise of his individual judgment. In addition to this, if the President on receipt of a report from the Governor or otherwise is satisfied that it is no longer necessary for the Governor to have special responsibility with respect to law and order in the State of Arunachal Pradesh, he may by order direct that the Governor shall cease to have such responsibility with effect from such date as may be specified in the order. The Article 371H provides that the Legislative Assembly of the State of Arunachal Pradesh shall consist of not less than thirty members.

STRUCTURE OF GOVERNMENT

The State Government of Arunachal Pradesh is the supreme governing authority of the state and its 17 districts. It consists of an executive, led by Governor, a judiciary and a legislative branch. The present Legislative Assembly of Arunachal Pradesh is unicameral, consisting of 60 Member of the Legislative Assembly with a term of 5 years.²⁸⁶

THE INSTITUTION OF GAON BURHAS

The traditional institution at village level, called Gaon Burha, is centuries old system in Arunachal Pradesh. The Gaon Burha system was recognized under the North East Frontier Administration of Justice Regulation, 1945, assigning them the role of responsibility for all the developmental and law and order related duties in the village.²⁸⁷ These village councils were accorded the status of Gram Panchayats.

According to the Handbook for the Panchayati Raj leaders and Gaon Buhras²⁸⁸, the responsibilities of the institution include maintaining peace and order within their jurisdiction; settlement of petty disputes at village level as per local laws regarding land, property, clan and marriage disputes. Furthermore, they may try any cases of theft, mischief, simple hurt, criminal trespass or house trespass,

assault or using criminal force, as per customary law in which the person accused is a resident within their jurisdiction. They are presumed to act like a bridge in between the public and the law enforcing agencies. In case of heinous offences, they are required to inform Senior Administrative Officers. Besides maintaining order, they also implement various developmental programmes in their respective jurisdiction; organize VDP (Village Defense Party); and protect of government properties in village areas like government establishment and vital installations.

ECONOMY

The economy of Arunachal Pradesh relies on the agricultural and the forest produce. Agriculture is the highest contributor to the economy of Arunachal Pradesh along with small scale local industries including rice mills and fruit preservation units. Major crops grown in Arunachal Pradesh include rice, wheat, pulses, oilseeds, ginger, sugarcane, maize and millets. There are also various small scale handicraft industries.

The recently recorded gross state domestic product of Arunachal Pradesh is Rupees 8,691 crores, which is one of the lowest in the country.²⁸⁹ However, the per capita gross state domestic product of the state is approximately Rs. 83471, which is relatively high compared to many other states of India.²⁹⁰

Both the State and Central Governments offer fiscal and policy incentives for the development of thrust areas.²⁹¹ The State Industrial Policy, 2008, and the Agriculture Policy, 2001 support these activities. Additionally, the central government’s North East Industrial and Investment Promotion Policy (NEIIPP), 2007, promote investment in the state.²⁹²

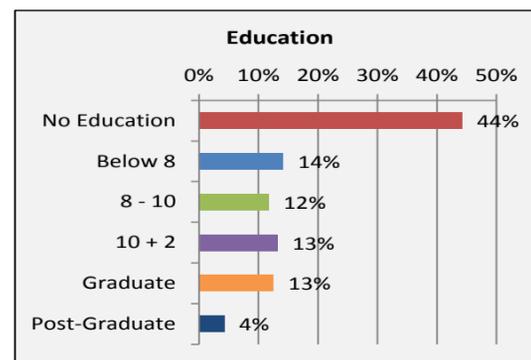
Part B

RESPONDENTS: SAMPLE SIZE

In Arunachal, 751 participants responded to the closed ended questionnaire. Of them, 375 were women and 376 were men. 250 respondents were between the ages of 18-30 years; 251 respondents were between 31-50 years; and 250 were above 50 years. Hence all age groups were adequately represented in the responses collated. 714 (95%) respondents belonged to the Scheduled Tribe category; 23 (3%) respondents belonged to General Category; 13 (2%) respondents belonged to Scheduled Caste category; and 5 (1%) belonged to the Other Backward Castes. 5 (1%) respondents preferred not to disclose their category.

LITERACY

The table shows the literacy level of level of respondents who participated in the close ended questionnaire. Out of the 332 respondents without education, 195 (59%) were women and 137 (41%) were men. The data revealed that he younger generations have had better access to education; 194 (59%) respondents without education were over 50-years-old; 103 (31%) were between the ages of 31 to 50; and 35 (11%) were 18 to 30-years old.



According to 2001 Census data, the total literacy rate of Arunachal Pradesh is 65% of the population. The literacy rate of males is 73% while that of females result to 58%. The lowest literacy rates are in the districts of Upper Siang (42%) and Dibang Valley (43%). The highest literacy rates in Arunachal are in the district of Papumpare (74%) and Lower Subansiri (66%). The districts with the strongest gender gap in literacy, for disadvantage of women, are Tirap (23 percentage unit difference) and Tawang with 21 percentage unit difference.

District	Total Population above 7 years	Total Literacy Rate	Female	Male
Tawang	44189	59%	47%	68%
West Kameng	72304	67%	59%	73%
East Kameng	64064	60%	52%	69%
Papum Pare	151403	80%	74%	86%
Kurung Kumey	70973	64%	58%	70%
Lower Subansiri	97419	66%	60%	73%
Upper Subansiri	86259	73%	66%	78%
West Siang	30332	60%	53%	66%
East Siang	122357	60%	50%	69%
Upper Siang	91930	52%	42%	62%
Lower Dibang Valley	72710	74%	68%	81%
Dibang Valley	75088	49%	43%	55%
Lohit	6920	64%	59%	68%
Anjaw	46071	69%	62%	76%
Changlang	121825	68%	60%	76%
Tirap	17695	56%	44%	67%
Arunachal Pradesh	1171539	65%	58%	73%

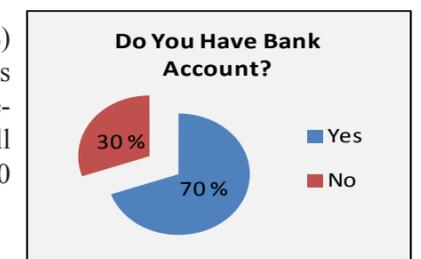
EMPLOYMENT AND INCOME LEVEL OF RESPONDENTS

The table on the right hand side shows that of the total number of respondents, 578 (77%) respondents were employed out of which 207 (27%) respondents worked in the agricultural sector. Out of total unemployed respondents, 103 (60%) were men and 70 (40%) were women. 121 (16%) respondents were government employees. 30 (4%) respondents were entrepreneurs, 32 (4%) were daily labourers, 7 (1%) respondents were private sector employees and 13 (2%) respondents stated their occupation to be other. 313 (42%) respondents had no income, of which 215 (69%) were women and 98 (31%) were men.

Occupation	Respondents	%
Government Employee	121	16%
Private Sector Employee	7	1%
Entrepreneur	30	4%
Unemployed	173	23%
Housewife	155	21%
Agriculture	207	28%
Student	13	2%
Daily Labour	32	4%
Other	13	2%
Total	751	100%

FINANCIAL INCLUSION

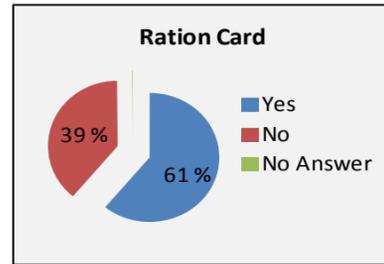
523 (70%) respondents had a bank account; of which 303 (58%) were men and 220 (42%) were women. 83 (36%) respondents (housewives) did not have bank accounts whereas 24 (10%) respondents without bank accounts were students, drivers or small scale entrepreneurs. All the respondents earning above Rs. 10000 monthly had a bank account.



Part C

INCLUSION IN THE PUBLIC DISTRIBUTION SYSTEM

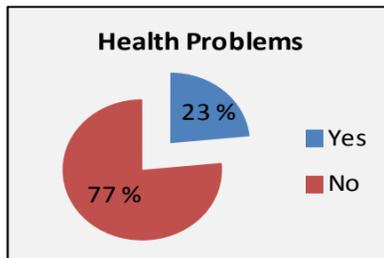
458 (61%) respondents had a ration card, of which 237 (52%) were men and 221 (48%) were women. Among those who did not have ration card 192 (66%) respondents had income less than Rs. 3000 or they did not have any income and 55% of them had least one dependent. Moreover, 44 (23%) respondents without ration card and an income below Rs. 3000 monthly or no income had 3-4 dependents.



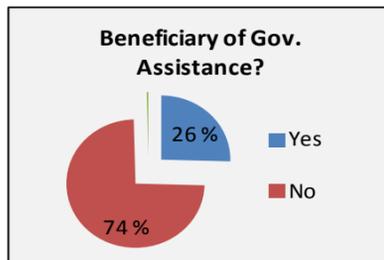
Government of Arunachal, the Department of Food and Civil Supplies, has implemented two schemes of Targeted Public Distribution System (TPDS): Antyodaya Anna Yojana (AAY) and Annapurna Scheme. Under the scheme of Targeted Public Distribution System (TPDS), in Arunachal Pradesh as of the 2009, there are 60,771 identified BPL families and 2, 19,273 APL ration card holders under scheme. There are 4761 beneficiaries of Antyodaya Anna Yojana and Annapurna scheme.²⁹³

ENTITLEMENT TO GOVERNMENT ASSISTANCE SCHEMES INCLUDING HEALTH FACILITIES

176 (23%) respondents said they have health problems for which they need treatment. All of them use their personal funds to fund the treatments as none of them received government assistance.



Out of 191 (26%) respondents who were beneficiaries of government assistance or a schemes, 103 (54%) were men and 88 (46%) were women. Of the total of 191 respondents receiving government assistance, 126 (66%) were illiterate, 82 (43%) worked in the agricultural sector; 42 (22%) respondents receiving government assistance were unemployed; 40 (21%) were housewives; 23 (12%) were daily laborers; and the remaining 4 (2%) worked in other sectors.



Part D

COMMON LEGAL PROBLEMS

Land disputes, theft, domestic violence etc. are most common legal problems that the respondents mentioned during survey. As is evident from the table below, more than fifty percent respondents have mentioned that offences of land dispute, theft, domestic violence etc. are the most commonly occurring legal problems. However, they also mentioned about other problems as well such as rape bribery, child labor, eve teasing, and homicide. Following table shows that respondents' reply regarding legal problems faced by their communities.

Does This Happen In Your Community?	Yes	No	No Answer
Eve Teasing	302 40%	448 60%	1 0%
Sexual Harassment in work place	115 15%	635 85%	1 0%
Land dispute	671 89%	80 11%	0 0%
Bribery	328 44%	423 56%	0 0%
Theft	622 83%	130 17%	0 0%
Missing person	218 29%	502 67%	0 0%
Child labor	319 43%	402 54%	0 0%
Child abuse	125 17%	596 79%	0 0%
Domestic violence	570 76%	151 20%	0 0%
Adultery	204 27%	516 69%	0 0%
Human Trafficking	67 9%	654 87%	0 0%
Assault	179 24%	541 72%	0 0%
Rape	342 46%	378 50%	0 0%
Homicide	220 29%	495 66%	0 0%

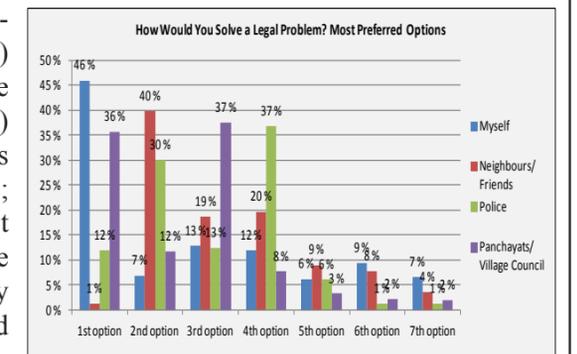
NATIONAL CRIME RECORDS BUREAU STATISTICS

According to the National Crime Record Bureau statistics offences of theft, rape, and kidnapping homicide are very common in the State. The above findings are also supported by NCRB data as can be seen below, the trends available support that there is a large incidence of domestic violence. It is also troubling that rape cases are quite high according to the respondent group but this isn't adequately reflected in the NCRB data. It suggests that underreporting is occurring of a crime which has a serious nature and impact on women.

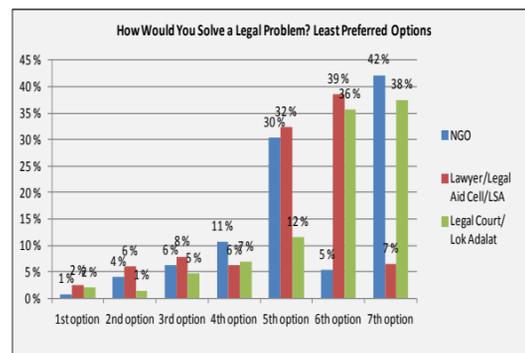
National Crime Records Bureau	2010	2011	2012
Sexual Harassment	1	0	0
Bribery		11	8
Theft	445	414	402
Cruelty by Husband and Relatives	12	18	26
Kidnapping & Abduction of women/girls	67	93	82
Rape	47	42	46
Homicide	75	65	73

PREFERRED METHODS OF DISPUTE RESOLUTION

The respondents were asked if they had a legal problem, how they would prefer to solve it. 637 (85%) respondents opted to go to the panchayat/village headman/village council or durbar"; 493 (66%) chose to solve the problem at personal level whereas 449 (60%) preferred to go to neighbours and friends; and 409 (54%) respondents chose police as the best option. The reason for high preference to the village council was that people find this institution as easy to understand, more accessible, inexpensive, fast and efficient and fair.



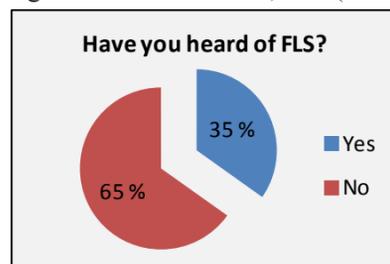
Taking matter to a legal court/Lok Adalat was the least preferred option among respondents. Other less preferred options were non-governmental institutions and lawyer/Legal Aid cell/LSA. 261 (35%) Respondents did not prefer to go to court/Lok Adalat or lawyer to solve a legal problem because of a lack of awareness regarding the procedures involved; some respondents mentioned these places as inefficient or they did not have trust in the institution. Expenditure involved in the procedure in these institutions was also one of major reasons.



Also, in most of the Focus Group Discussions (FGDs), groups stated that cases that affect the family reputation should be dealt with in the family. One group of 15 respondents also felt that rape cases should be resolved within family. It is a reflection of patriarchal notions deeply held by the community that legal matters such as rape, adultery and offences against women are still considered family matters.

AWARENESS ABOUT FREE LEGAL SERVICES

262 (35%) respondents had heard about the possibility to get free legal services. Of these, 159 (61%) were men and 103 (39%) were women. 110 (42%) respondents aware of the free legal services were in the age group of 18-30-years-old; 93 (35%) were in the age group of 31-50-years-old; and 59 (23%) respondents familiar with the free legal services were above 50-years-old.



109 (42%) respondents came to know about the services from a Village Headman; 88 (34%) respondents came to know through Awareness Programs; 78 (30%) from Newspaper/TV/Radio.

The majority of the respondents were not aware of the Legal Services Authorities. 109 (15%) were aware of District Legal Services Authority (DLSA); 89 (12%) respondents were familiar with Taluka Legal Services Committee; 653 (87%) were not aware; and 9 did not answer to the question. 84 (11%) were aware of SLSA; 72 (10%) respondents were aware of NALSA; while 670 (89%) were not familiar with it; and 9 respondents did not answer to the question. During the FGDs, the respondents (14 participants) mentioned that they are interested in using the services of Free Legal Services. Only 24 (3%) respondents had used free legal services.

The respondents were asked to rate their experience with the Legal Services Authorities on a scale of 1 to 5. The criteria included *access, ease of understanding, quality of information or advice given, quality of legal counsel assigned, time taken for resolution* and satisfaction with the process.

Their responses are depicted in the column, below. Only 25 respondents stated that they would recommend to others to approach the LSA for assistance on a legal matter.

Access	Respondents
Very Poor	2
Poor	2
Average	5
Good	0
Excellent	7
No answer	10

Ease of Understanding	Respondents
Very Poor	1
Poor	9
Average	4
Good	5
Excellent	3
No answer	4

Quality of Info/ Advice Given	Respondents
Very Poor	0
Poor	3
Average	8
Good	4
Excellent	6
No answer	5

Quality of Legal Counsel Assigned	Respondents
Very Poor	4
Poor	4
Average	3
Good	3
Excellent	2
No answer	10

Time Taken for Resolution	Respondents
Very Poor	17
Poor	2
Average	1
Good	1
Excellent	3
No answer	2

Satisfaction with the Process	Respondents
Very Poor	2
Poor	1
Average	7
Good	4
Excellent	11
No answer	1

Satisfaction with the Outcome	Respondents
Very Poor	2
Poor	8
Average	2
Good	8
Excellent	3
No answer	3

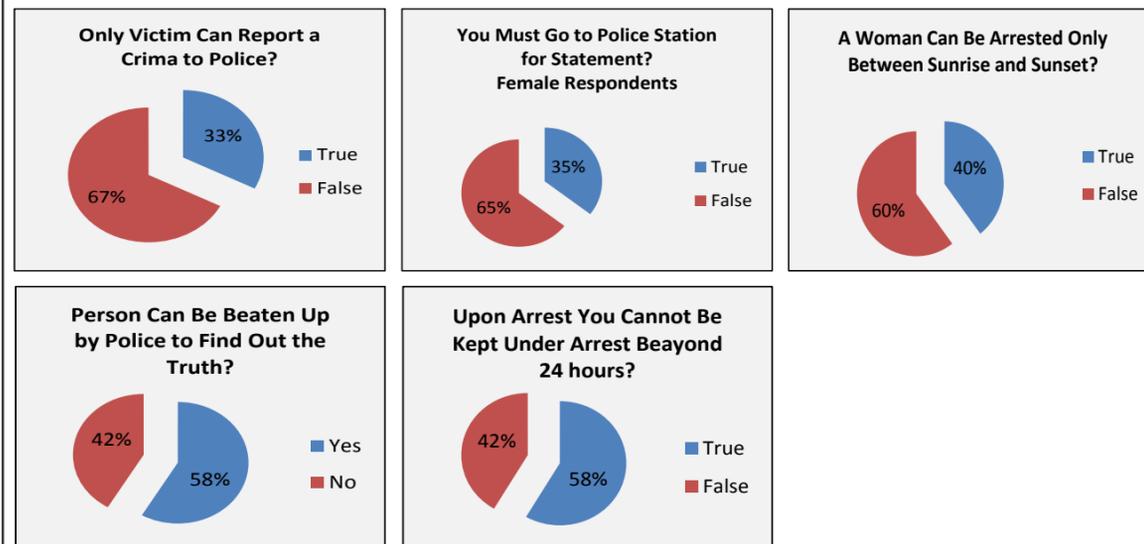
Part E

AWARENESS OF LEGAL AND CONSTITUTIONAL RIGHTS

Respondents were asked if they believed that it was true that only the victim can report a crime to the police. 506 (67%) respondents were aware that other people can also report a case to the police, not only the victim. The respondents' answers to some of the other questions are depicted in the graphs on the following page. 242 (65%) female respondents were aware that that they do not need to go to the police station to record a statement.

Overall, on an average about 57 percent of the respondent group were knowledgeable about their rights. However, since these were very basic rights and protections that they were asked of, it is felt that the knowledge levels should be higher.

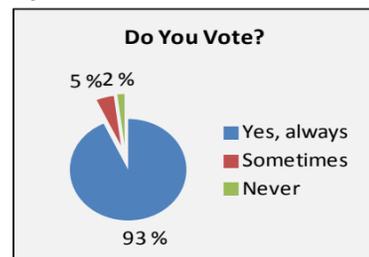
The awareness level of male respondents was 60%, while it was 53% for female respondents. Male respondents had higher awareness level in all the age categories. However, it was noteworthy that female respondents without education had higher level of awareness on legal rights than male respondents without education in all the age groups. Respondents belonging to younger generations had higher awareness level than older generations.



DOCUMENTS FOR IDENTIFICATION AND VOTING INDEXES

739 (98%) respondents had at least one identification card. 725 (97%) respondents had a Voters ID; 338 (45%) respondents had a BPL Card; 194 (26%) respondents had a Driving License; 96 (13%) respondents had a Permanent Account Number (PAN) Card and 20 (3%) respondents had a Smart Card. 12 (2%) respondents did not have any identification card, of which 11 were women. Four respondents without ID card belonged to the age group of 31-50-year-old, of which all of them had not had access to education. *Clearly, education played a role in determining the need to have adequate proof of identification.*

699 (93%) respondents said they vote always; 37 (5%) said they vote sometimes; and 15 (2%) respondents said they never vote. Out of 52 respondents, who voted less actively or never, 45 (87%) earned less than Rs. 3000 monthly or had no income. There were no notable trends regarding gender or education influencing activeness in elections.



PUBLIC CONFIDENCE IN POLICE

The FGDs revealed that generally people prefer to take the matter to police if they found the issue to be a serious one like those involving murder. Whereas in other offences such as rape, theft, child abuse etc. most of the FGDs, barring a few, preferred the option to go to institution of police. However, very few [6 (1%)] respondents said they have faced problems in reporting a case to the police.

All the 6 groups of Focus Group Discussion said that none of them or their family members has ever been arrested or jailed, and therefore, they have not faced problems with this regards. However, one group stated that they have heard that people get beaten up by the police during the investigations to find out the truth.

COMMENTS FROM THE ARUNACHAL PRADESH STATE COMMISSION FOR WOMEN

Arunachal Pradesh State Commission for Women has conducted Legal Awareness Campaign on ‘Domestic violence Act 2005 & Child Marriage Prohibition Act 2006 & Crime against Women’ in Yachuli & Ziro (Lower Subansiri), Daporijo Taliha Nacho Dumporio & Baririjo (Upper Subansiri) and Palin Koloriang & Sangram (Kurung Kumey District) in the year 2012. The awareness campaign was attended by District Administration/police personal/HODs/PRIs/Women Groups and youth. The Arunachal Pradesh State Commission for Women noted that legal awareness campaign had significantly benefited especially to the women and girls, empowering them on their legal rights as per various provisions of the Constitution.

Arunachal Pradesh State Commission for Women (APSCW) noted that there has been an increase in the number of unorganized sex workers among the indigenous population. However, there has not been any data collection or study on the matter. APSCW noted this issue to be a matter of serious concern for the young people in the tribal state, which is still grappling with a shifting to modern development paradigms.

INTRODUCTION

Assam attained statehood on the 15th of August 1947, with the rest of the country gaining independence.²⁹⁴ The State has undergone many changes with respect to territories and areas within its boundaries over the years.²⁹⁵ The current area of Assam state is 78,438 km²⁹⁶. It shares international borders with Bhutan and Bangladesh and state borders with West Bengal, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Meghalaya and Tripura.²⁹⁷ The capital of Assam is Guwahati in Kamrup Metropolitan district.²⁹⁸ The total number of districts is 27. As per 2011 census, the total population of Assam is 31,205,576 people. The sex ratio in Assam is 958 ---above national average of 940. Population density of Assam is 398 per sq km which is higher than national average 382 per sq km.²⁹⁹ There are 29 major tribes and several sub-tribes in Assam, each with distinct tradition and customs.³⁰⁰ *The major tribes are Chakma, Dimasa, Kachari, Garo, Hajong, Hmar, Khasi, Jaintia, Synteng, Pnar, War, Bhoi, Lyngngam, Kuki, Lakher, Man, Lushai, Karbi, Naga, Pawl, Syntheng, Lalung, Barmans, Boro, Borokachari, Deori, Hojai, Kachari, Sonwa, Mech, Miri, Rabha, Singhpho, Khampti and Garo.*³⁰¹

Part A

SPECIAL CONSTITUTIONAL PROVISIONS

The Indian Constitution vide Article 244A makes special provisions for the state of Assam. It provides for the formation of an autonomous State, comprising certain tribal areas in Assam, and creation of local legislature or Council of Ministers or both.³⁰² Article 244A states that Parliament may, by law, form within the State of Assam an autonomous State comprising all or any of the tribal areas specified in the relevant provision of the Sixth Schedule and establish a body- either elected or partly nominated and partly elected-- to function as a Legislature for the autonomous State, or a Council of Ministers, or both. Their constitution, powers and functions, in each case, are to be specified in the law. This law may also specify the matters enumerated in the State List or the Concurrent List with respect to which the legislature of the autonomous State shall have power to make laws, define the matters with respect to which the executive power of the autonomous State shall extend, make provisions regarding assignment of revenues to the autonomous state, etc.

STRUCTURE OF GOVERNMENT

The present Legislative Assembly of Assam is unicameral, consisting of 126.³⁰³ Assam sends 14 Member of Parliament to the Lok Sabha and 7 members to Rajya Sabha.³⁰⁴

Following districts under the Sixth Schedule: (i) Bodoland Territorial Council (BTC); Kokrajhar, Chirang, Bagsha and Udalgiri along with (ii) Hill Areas; Karbi Anglong and North Cachar Hills.³⁰⁵

- (i) The BTC covers a geographical area of 8790 sq km, spread over 4 districts.³⁰⁶ The BTC was set up as a self-governing body for Bodo Areas through the Memorandum of Settlement (MOS) dated 10.02.2003 between the Govt. of India, Government of Assam & the Bodo Liberation Tigers (BLT) with an aim to (a) fulfill the economic, educational & linguistic aspirations & preservation of land rights, socio-cultural & ethnic identity of Bodos and (b) speed-up infrastructure development in BTC area.³⁰⁷

Through the an amendment in the Constitution Paragraph 1 of the schedule six has been amended to provide that the BTC shall consist of not more than forty-six members of whom forty shall be elected on the basis of adult suffrage, of whom thirty shall be reserved for the Scheduled Tribes, five for non-tribal communities, five open for all communities and the remaining six shall be

nominated by the Governor having same rights and privileges as other members from amongst the un-represented communities of the BTC district, of which at least two shall be women.

- (ii) The Karbi Anglong Autonomous Council covers an area of 10434 sq kilometers, having a total population of 574509 spread out over 2563 villages.³⁰⁸ The council functions through 30 departments staffed by government employees, who are on deputation from the other Departments.³⁰⁹ The council does not provide for village level representative bodies in rural areas, it has constituted six town committees.

North Cachar Hills Autonomous Council (NCHAC) divided in two sub divisions namely Haflong and Maibong consisting of hilly terrain with an area of 4890 sq km of which 90% is forested, having population of 2 lakhs, covering 13 communities.³¹⁰ Due to small size and shifting nature of habitations in the NCHAC area, there are no village level representative bodies.³¹¹ The administrative structure and the planning mechanism followed in the NCHAC by and large parallels the system followed in the Karbi Anglong Autonomous Council.

ECONOMY

The state is the largest economy in the North East region, the recently recorded GDP of Assam is Rs 80,465 crores.³¹² The economy of Assam relies mainly on agriculture. Approximately 70 percent of the State's population works in the agriculture sector and agriculture contributes 40 percent to the State's income.³¹³ Due to its comparative proximity to the rest of the country and availability of quality infrastructure, Assam is also the most industrially advanced state in North East India.³¹⁴ Besides petroleum and petroleum products fertilizer, sugar, jute, silk, paper, plywood, rice mills and oil drilling and natural gas are the major industrial products of the State.³¹⁵ The State produces about 15.6 percent of the world's tea and 55 percent of India's total tea production.³¹⁶

Part B

RESPONDENTS: SAMPLE SIZE

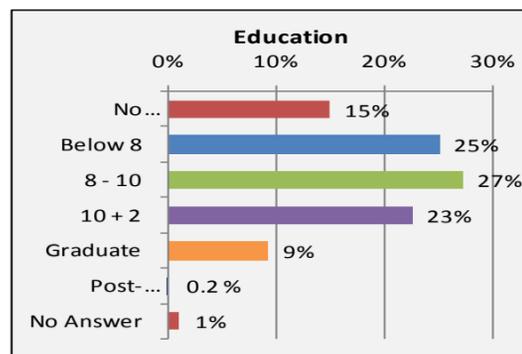
In Assam, 1244 participants responded to the closed ended questionnaire. Of those, 520 were women, 721 were men and 3 were transgender. Of the total number of respondents, 367 respondents were between the ages of 18-30 years; 527 respondents were between 31-50 years; and 350 were above 50 years. Care was taken to ensure that all age groups were equally represented. Going by the category-wise, 580 (47%) belonged to the Other Backward Castes (OBCs); 360 (29%) respondents belonged to general category; 246 (20%) respondents belonged to Scheduled Caste category; and 54 (4%) respondents belonged to the Scheduled Tribe category. 4 (0,3%) respondent did not answer to the question. The study was conducted in the districts of Kamrup, Cachar, Dibrugarh, Nagaon and Kokrajhar, where according to the 2011 census the proportion of ST is less than 15%.

LITERACY

Going by the literacy level of respondents, 338 (27%) respondents education background was 8-10 standard; 311 (25%) respondents' education background was below 8 standard; 280 (23%) respondents' level of education was 10+2 standard; 186 (15%) respondents had not had access to education. Altogether a total of 114 (9%) respondents were graduated; 13 respondents did not answer to the question. Out of the 186 respondents without education, 95 (51%) were women, 88 (49%) were men and 3 (2%) were transgender. In the age group of 31-50 years, the rates of female education had risen over that

of the rates of the males. However, it is noteworthy that out of the 41 male respondents without education, 35 (85%) belonged to the district of Kokrajhar: in this district, the rates of female and male respondents without education were 22% and 21% respectively. The districts with the highest literacy rates in Assam, according to the 2011 Census data, were Kamrup Metropolitan (89%), Jorhat (82%) and Sivasagar (80%). The districts with lowest literacy rates were in the districts of Dhubri (58%) and Carrang (63%). While in all the districts, male literacy rate was higher than that of women, the widest gender gap in the literacy rates can be found from the districts of Baksa (16 percentage units), Udalguri (15 percentage units) and Tinsukia (15 percentage units) and Dhemaji (15 percentage units.) The study was conducted in the districts of Kamrup, Cachar, Dibrugarh, Nagaon and Kokrajhar, where the literacy rates are 76%, 79%, 76%, 72% and 65%. 60 respondents received government assistance; and 104 respondents said they fund their children's studies using personal funds and government assistance

In terms of types of problems faced by people in accessing education, people identified availability or activeness of the teachers, financial hardships and geographical position location of a school as major issues.



District	Total Population above 7 years	Total Literacy Rate	Female	Male
Kokrajhar	750218	65%	58%	72%
Dhubri	1580996	58%	53%	63%
Goalpara	836526	67%	63%	71%
Barpeta	1405793	64%	58%	69%
Morigaon	793604	68%	64%	72%
Nagaon	2363828	72%	68%	77%
Sonitpur	1646248	67%	61%	74%
Lakhimpur	885398	77%	71%	84%
Dhemaji	581886	73%	65%	80%
Tinsukia	1146103	70%	62%	77%
Dibrugarh	1163125	76%	69%	83%
Sivasagar	1011670	80%	75%	86%
Jorhat	967662	82%	76%	88%
Golaghat	932095	77%	71%	84%
Karbi Anglong	804632	69%	62%	76%
Dima Hasao	181688	78%	71%	83%
Cachar	1479843	79%	74%	85%
Karimganj	1016726	78%	72%	84%
Hailakandi	548018	74%	68%	81%
Bongaigaon	622412	70%	64%	75%
Chirang	408947	64%	57%	70%
Kamrup	1317481	76%	69%	81%
Kamrup Metrop.	1128552	89%	85%	92%
Nalbari	676306	79%	73%	84%
Baksa	827203	69%	61%	77%
Darrang	772092	63%	58%	68%
Udalguri	718394	65%	58%	73%
Assam	26567446	72%	78%	66%

OCCUPATION AND INCOME

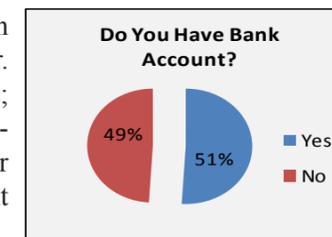
When asked about the occupation of respondents, it was found that 347 (28%) of them worked in the agricultural sector. In terms of income level, 38 percent respondents had no income. and 367 -30 percent--respondents' monthly income was below Rupees. 3000, while only 18 --one percent--- respondent's income was above Rs. 20000.

It is noteworthy that a when compared to the responses given to questions on occupation, there were more men unemployed in comparison to women. However, from the responses given to questions on income, the number of women without an income is much higher than men. It appears that a large number of women identified themselves as housewives and not as unemployed and however, were not able to identify any source of income for them. This reflects the impact of non-monetization of household work on women empowerment and their limited ability to perceive themselves as economic contributors.

Occupation	Respondents	%
Occupation	Respondents	%
Government Employee	40	5%
Private Sector Employee	41	5%
Entrepreneur	68	9%
Unemployed	139	19%
Housewife	263	35%
Agriculture	99	13%
Student	24	3%
Daily Worker	33	4%
Driver	11	1%
Tea Garden Labourer	5	1%
Bamboo Worker	6	1%
Carpenter	7	1%
Other	14	2%
Total	750	100%

FINANCIAL INCLUSION

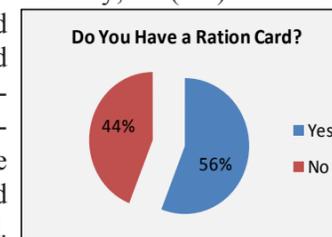
About half (629, i.e. 51%) respondents had a bank account, of which 419 (66%) were men, 209 (33%) were women and 1 was a transgender. Of those who did not have bank accounts, 219 (36%) were housewives; 171 (28%) worked in the agricultural sector; 121 (20%) were unemployed; 31 (5%) were daily workers. It is notable that a large number of women who are housewives do not have even have a bank account in their name suggesting their limited financial autonomy.



Part C

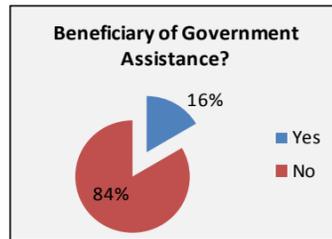
INCLUSION IN THE PUBLIC DISTRIBUTION SYSTEM

More than half of the respondents--685 (56%) --mentioned that they had ration cards. Those who had ration cards 122 (23%) respondent's income was less than Rs. 3000; 59 (11%) had a monthly income between Rs. 3000-5000; and 43 (8%) earned Rs. 5000-10000 monthly; 24 (4%) earned between Rs. 10000-20000; and 9 (2%) respondents without ration card earned above Rs. 20000 monthly. In Assam, the centrally sponsored schemes under implementation are BPL Rice Scheme and Antyodaya Anna Yojana under Targeted Public Distribution System is being implemented. The, the present position of BPL families within the State is 12.02 lakh (19.06 -7.04 = 12.02 Lakh)³¹⁸. The FGDs revealed that people faced problems like bribery, in applying for ration card.

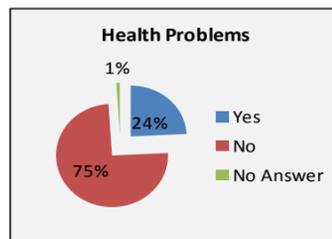


ENTITLEMENT TO GOVERNMENT ASSISTANCE SCHEMES INCLUDING HEALTH FACILITIES

When the respondents were asked about their experience of availing government assistance schemes, 204 (16 of them mentioned that they were beneficiaries of government assistance or a scheme. The schemes mentioned were Indira Awas Yojana, Old age pension, Mukhya Mantri Anna Yojna and Majoni Scheme. Of the total of 204 respondents receiving government assistance, 100 (49%) respondents had an income below Rs. 3000 monthly and 72 (35%) had no income. Among the respondents receiving government assistance, 80 (39%) were housewives; 64 (31%) worked in the agricultural sector; 26 (13%) were unemployed; and 8 (6%) were daily labourer.



When asked about the health problems, 446 (24%) respondents said they have health problems for which they need treatment and 146 of them had received government assistance. The FGDs revealed that people face problems in accessing health facilities in a proper manner. Participants complained that they have to travel far, face difficulties in getting the essential medicines or depend on private doctors for availing health care facilities. Respondents also complained about lack of necessary facilities in case they need to stay during night.



Part D

COMMON LEGAL PROBLEMS

When asked what kinds of legal problems happen in their community, it emerged that theft; land dispute and domestic violence are the most commonly occurring crimes in the society. More than fifty percent respondents mentioned about these offences. However, respondents also mentioned about problems of offences such as such as bribery, disappearance and child abuse. The remaining answers can be seen in the table below.

Does This Happen In Your Community?	Yes	No	No Answer
Eve Teasing	87 12%	661 88%	2 0%
Sexual Harassment in work place	32 4%	716 95%	2 0%
Land dispute	532 71%	218 29%	0 0%
Bribery	428 57%	322 43%	0 0%
Theft	561 75%	189 25%	0 0%
Missing person	80 11%	670 89%	0 0%
Child labor	183 24%	567 76%	0 0%
Child abuse	153 20%	597 80%	0 0%
Domestic violence	472 63%	278 37%	0 0%
Adultery	74 10%	677 90%	0 0%
Human Trafficking	7 1%	743 99%	0 0%
Assault	392 52%	358 48%	0 0%
Rape	20 3%	730 97%	0 0%
Homicide	25 3%	725 97%	0 0%

NCRB STATISTICS

According to NCRB statistics offences of theft, domestic violence, kidnapping, rape and homicide are major constituents of crime in Assam. Since 2011, offences related to bribery are also being reported.

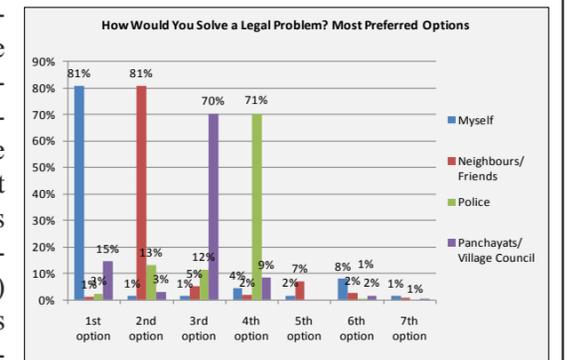
National Crime Records Bureau	2010	2011	2012
Sexual Harassment	20	8	2
Bribery		8	14
Theft	7860	8039	9394
Cruelty by Husband and Relatives	5410	5246	6407
Kidnapping & Abduction of women/girls	3250	3764	3812
Rape	1721	1700	1716
Homicide	1223	1303	1368

Cases of cruelty by husband and relatives reported to police have shown also increasing trend. This also reflects in the responses

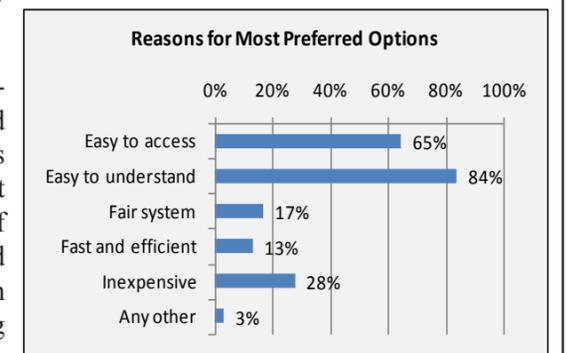
of the respondents on matters of domestic violence with 63% reporting such incidences. It is an oversight that no separate data is being gathered on cases of domestic violence and no official statistics are available for comparison. In order to understand that magnitude of the problem, this is a necessary step and should be considered. Also kidnapping and abduction of women and rape cases reported to police have increased. Crimes against women are showing an upward trend.

PREFERRED METHODS OF DISPUTE RESOLUTION

The respondents were asked if they had a legal problem, how they would prefer to solve it. They were given 7 different options to put in order of preference. An overwhelming majority of 1090 (88%) respondents preferred the option of panchayat/village headman/village council or durbar among the 3 most preferred options. Going to neighbours and friends or solving the problem at the personal level was other next two most preferred options. Only 230 (18%) respondents chose to go to the police. Respondents opted to prefer customary institutions for dispute settlement or for reporting the offences because they found it 'easy to understand', and 'easy to accesses.



Also, it is noteworthy that with 839 (67%) of responses lawyer/Legal Aid cell/LSA were least preferred options followed by non governmental institutions and legal court/Lok Adalat. The reason behind least preference towards formal institutions was because of lack of awareness regarding the procedure involved in approaching the institutions. Hence it can be seen that there is very limited awareness or understanding of formal avenues of justice or legal aid making these the least preferred solutions for solving legal problems.



The FGDs revealed that respondents prefer to solve domestic matters with in family to avoid social embarrassment. However it is noteworthy that a crime of serious magnitude i.e., domestic violence, for which a separate enactment has been made available for the protection of women, is being internalized. This would probably result in underreporting and also impact the women victims negatively. Coupled with the findings above that suggest high incidence of domestic violence and upward trends in crimes against women, this has serious ramifications. The fact that most of the groups suggested that cases of both domestic violence and eve teasing (also an offence under the Indian Penal Code) should be dealt with in the family, on the one hand reflects strong patriarchal perceptions held by them and an inability to appreciate the seriousness of such crimes and on the other hand, suggests a need for engagement and dialogue with family groups on issues of crimes against women in a gender sensitive manner.

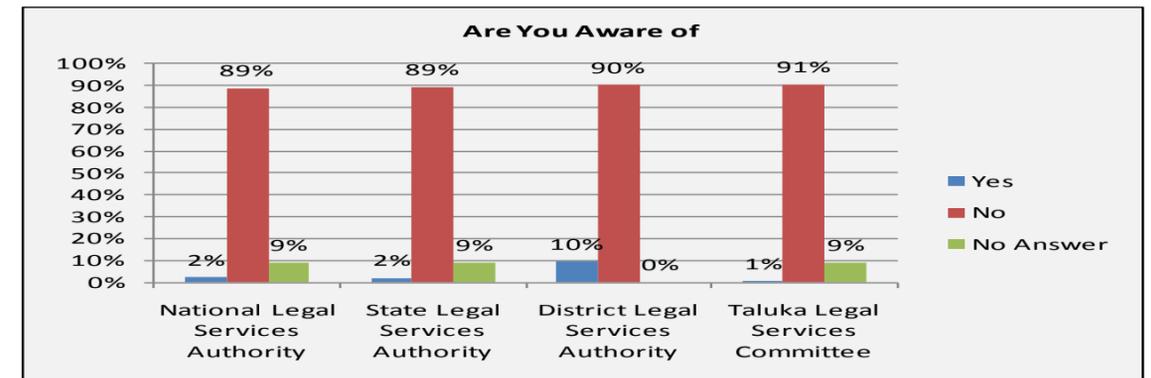
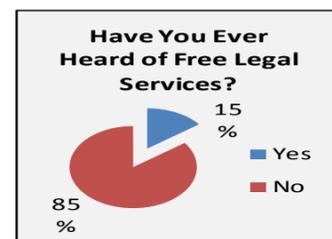
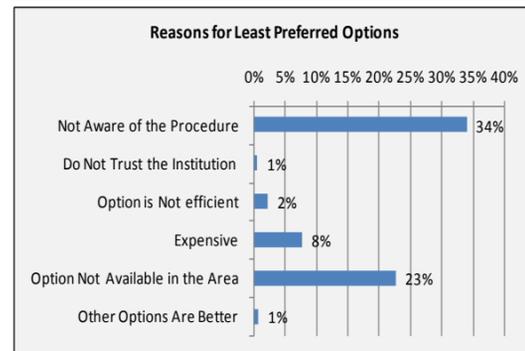
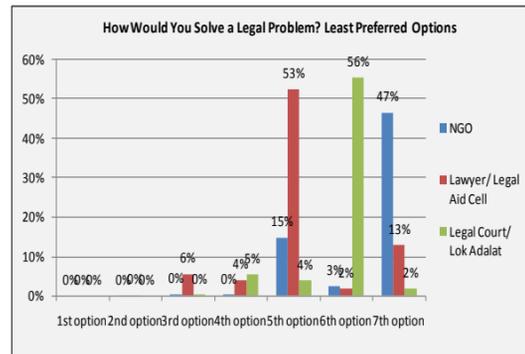
AWARENESS ABOUT FREE LEGAL SERVICES

The provision of free legal aid is applicable for the whole state since 2011, with legal aid clinics placed in all the districts and in various sub-districts. As per Assam SLISA, the number of beneficiaries till date is 4335. The LSAs face the problem of not having sufficient man power; they state that it is difficult to get especially lawyers to go to remote areas Legal Aid Clinics have been established in all the district jails, except in Durlong district, where the suitable infrastructure was not available. Since 2001, 2804 Lok Adalats have been organized, dealing with a total of 611858 cases, of which 294167 (48%) were disposed.

The study revealed that 184 (15%) respondents had heard about the possibility of free legal services. Of these, 148 (80%) were men and 36 (20%) were women.

Out of the 184 respondents that had heard about free legal services, 143 respondents said they are not aware which categories of persons could avail of these; 112 respondents said members of SC/ST; and so on, as depicted in the chart on the right.

When asked how they came to know about the service, most of the respondents (111) had come to know through awareness programmes. Only 28 (3%) respondents were aware of NALSA; 24 (2%) were aware of SLISA; 119 (10%) were aware of DLSA and 8 (1%) respondents were familiar about SLC at Taluka level. This suggests a huge gap between efforts of the SLISA and the actual awareness generated in the public.



Of those aware of at least one of these authorities, 138 said the role of the authorities is to provide free legal services to the weaker sections of the society. The lack of information is noteworthy and needs to be addressed on an urgent basis.

The respondents were asked to rate their experience with the Legal Services Authorities on a scale of 1 to 5. The criteria included *access, ease of understanding, quality of information or advice given, quality of legal counsel assigned, time taken for resolution* and satisfaction with the process.

Their responses are depicted in the column below. 113 (9%) respondents had used the services of the Legal Service Authorities, the Taluka Legal Services Committee or a legal aid cell. The vast majority of 97 respondents availed case resolution through free legal advice/services.

It can be seen that in the backdrop of inadequate awareness on legal aid services, very few people have accessed them. However, it is also noteworthy that the perceptions of this small group are largely negative on the quality of legal aid services rendered to them. More research in the nature of a needs assessment is necessary to understand the limitations of legal aid services in the State.

Access	Respondents
Very Poor	7
Ease of Understanding	Respondents
Very Poor	2
Poor	5
Quality of Info/ Advice Given	Respondents
Poor	6
Average	1
Satisfaction with the Process	Respondents
Very Poor	4
Poor	2
Good	1

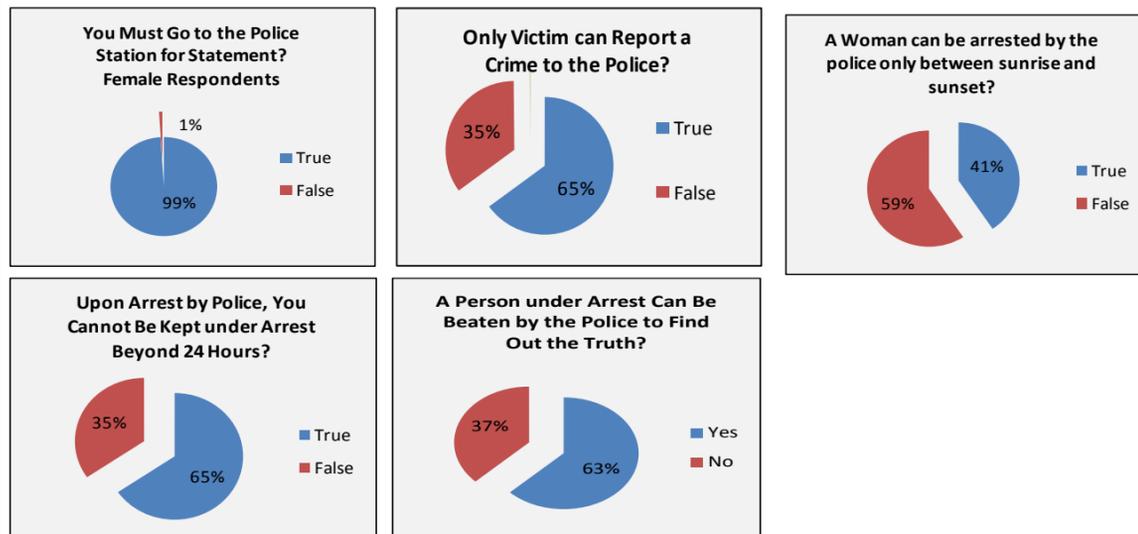
Quality of Legal Counsel Assigned	Respondents
Very Poor	1
Poor	4
Average	2
Time Taken for Resolution	Respondents
Very Poor	4
Poor	2
Average	1
Satisfaction with the Outcome	Respondents
Very Poor	5
Poor	1
Excellent	1

Part E

AWARENESS OF LEGAL AND CONSTITUTIONAL RIGHTS

Respondents were asked a series of questions to gather data on their knowledge of their legal and constitutional rights. When asked about who can lodge a complaint with the police, 672 (65%) of them wrongly believed that only the victim can file a case. Among the women respondents, 495 (95%) of them were not aware that that they are not required to go to the police station to record a statement whereas 685 (55%) of them were aware a woman can be arrested by the police only between sunrise and sunset.; 550 (44%) women respondents wrongly believed that a woman can be arrested during the night. Of the total number of respondents, 759 (61%) of them were aware that one cannot be kept under arrest beyond 24 hours without being produced before a Magistrate whereas 736 (59%) respondents wrongly believed that one can be beaten up by the police to find out the truth.

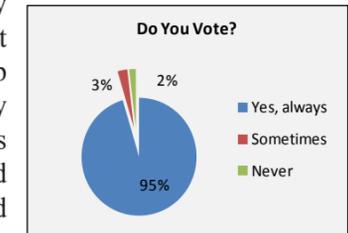
It can be drawn that younger generations, male respondents and respondents with higher education level are comparatively more aware of their legal rights. The awareness level of male respondents was 76%, while it was 74% for female respondents.



IDENTIFICATION DOCUMENTS, VOTER ID AND VOTING INDEXES

1143(88%) respondents had at least one Identification Card. 937 (75%) of these had a Voters ID; 411 (33%) respondents had a PAN Card; 279 (22%) respondents had a BPL Card; and 111 (9%) respondents had a driving license.

Among the respondents who did not have respondents did not have any identification card 60 (70%) were women and 26 (30%) were men. It is noteworthy that a large number of women comprised of the group without any form of identification. 1187 (95%) respondents said they vote always; 34 (2%) said they vote sometimes 23 (3%) respondents said they never vote. 7 groups of FGDs stated that they have not faced problems in getting Voter's ID or casting a vote. Only one group noted that they have faced problems in getting Voter's ID and casting a vote but they did not want to specify further.



PUBLIC CONFIDENCE IN POLICE

The responses from the FGDs revealed that there was no coherence among respondents as to what should be reported to the police. In only 2 FGDs people mentioned that severe crimes should be brought to the knowledge of police, while the other groups specified that these severe crimes would involve bloodshed. Another group said that bigger land disputes and accidents should be reported to police. One group noted that bribery, theft, missing person, murder, robbery etc. are the problems in which police must be involved because these problems cannot be solved in the village and need a more comprehensive approach. There were very few respondents 31 (2%) who mentioned about any problem in reporting the matter to the police like behaving rudely in an inebriated conditions after sunset, demand bribes for filing an FIR.

Problems in Reporting a Case?	Respondents	%
Yes	31	2%
No	719	92%
No Answer	7	1%
Total	750	95%

INTRODUCTION

State of Manipur has an area of 22,327 square kilometers and is bound by Nagaland in the north, Mizoram in the south, Assam in the west, and by the borders of the country Burma in the east as well as in the south. The physiography of the state consists of two distinct regions: the valley portion, which covers around 10 % (2,248 square kilometer) of the state's area, and the hill region, which covers 90% (20,089 square kilometer). Manipur has nine districts but almost 60% of the state's population is concentrated in the four valley districts namely Imphal East, Imphal West, Thoubal and Bisanpur, while the remaining 40% of the population lives in the five hill districts namely Chandel, Churchandpur, Senapati, Tamnenglang and Ukhrul. Imphal, the capital of the state, is located in the valley region.

Manipur has a total population of 22, 93,896 of which male and female components are 12, 90,171 and 8, 78,469 respectively³¹⁹. Consisting of 0.2% of the population of India, Manipur is the fourth most populous state in North East India. It is one of the States with the lowest population density of 122 persons per square kilometer. In Manipur,³²⁰ 67% of the population resides in rural areas and 33% resides in urban areas.³²¹ The sex ratio is 992 per 1000 men—it has the highest sex ratio among the northeastern states.³²² This tiny hill state encompasses myriad tribes who have cohabited for centuries. The valley region is dominated by Meitei, Bamons (Manipuri Brahmins) and Pangal, while the hills are inhabited by Kuki, Naga, Zomi and other small tribal communities.³²³ 29 different dialects are spoken in Manipur.³²⁴ Meiteilon (Manipuri) is the official language of Manipur.³²⁵ 46% of Manipuris practice Hinduism, 34% practice Christianity, 9% practice Islam and the remaining 11% practice other indigenous religions.³²⁶

Part A

SPECIAL CONSTITUTIONAL PROVISIONS FOR MANIPUR

Article 243M (2) provides special provision for the State of Manipur. It lays down that the hill areas of the state in which district councils exist will be exempted from the provision of Part IX of the Constitution (Panchayats)³²⁷. Members of the state legislatures elected from Hill Areas have been given powers to deliberate on legislative proposals concerning matters affecting land, water, forests and tribal customs in such areas—subjects which essentially form part of Paragraph 3 of the Sixth Schedule. Such proposals require approval of the legislators above. Budget and plan provisions also require the approval of the committee.³²⁸

The State is governed under the Manipur State Constitution Act, 1947³²⁹. The State Legislative Assembly has a total strength of 60 M.L.A.s³³⁰. Manipur sends two representatives to the Lok Sabha³³¹ and one representative to the Rajya Sabha.³³²

ADMINISTRATION IN THE HILL AREAS

The system of administration is arranged differentially in the hill and valley areas. The valley areas of Manipur are covered under Part IX of the Constitution and the hill areas of the state are not governed by the Sixth Schedule of the Constitution, rather but by a special state legislation known as the Manipur Hill Areas District Councils Act, 1971³³³. The Act paved the way for the establishment of 6 Autonomous District Councils (ADC) in Manipur, covering 5 districts. The ADCs constituted on February 14, 1972, namely

- | | |
|----------------------------------|------------------------------------|
| i) Chandel ADC | ii) Churachandpur ADC |
| iii) Manipur North ADC, Senapati | iv) Manipur Sadar Hills, Kangpokpi |
| v) Tamenglong ADC | vi) Ukhrul ADC. |

Each Autonomous council consists of 24 members.³³⁴ The activities of the Councils are confined to agriculture, horticulture, primary and adult education and tribal welfare. No power to levy taxes is given to these bodies and they depend entirely on grants from the government.³³⁵ In 2008, the Manipur (Hill Areas) District Council (Third Amendment) Act was enacted by the Manipur Legislative Assembly to “consolidate/rationalize the law for the establishment of the District Councils in the Hill Areas of Manipur³³⁶. It added a number of new provisions clarifying better the structures of the District Councils.

Further, the villages in the hill areas lack any representative institutions. Village level governance is carried out by non-elected village chiefs known as Khulakpas/ Gaon Burahs. The Village Authority Act, 1956 gives the village headman the responsibility to control petty crime, assist in maintaining order, report on epidemics, sanitary conditions etc. Nowadays, the Village Councils are used as Village Development Committees for overseeing development programmes.³³⁷

ADMINISTRATION OF THE VALLEY AREAS

In the valley areas, Panchayati Raj institutions have been constituted as envisaged by the 73rd Constitutional Amendments. Elections are being regularly held by the State Election Commission. PRIs have implemented poverty alleviation programs but they do not have control over District Rural Development Agencies.

JUDICIAL SYSTEM

Like other North Eastern states, Manipur too had an indigenous well-organized judicial system. There were two chief Courts, the ‘Cheirap’ and the ‘Garot’ (Military Court). There was also a Court for the trial of cases in which women were concerned, and other minor courts for cattle disputes etc. An appeal lay with the Ruler against a decision of any of these Courts. The Cheirap, which was the chief Court, consisted of thirteen senior member, all appointed by the Ruler.³³⁸ Unlike the district councils in other north-eastern states such as Meghalaya, or Assam, district councils in Manipur are not entrusted in any judicial or legislative powers. The village authorities are empowered to for trial of small cases under the Village Authority Act, 1965.³³⁹ The Imphal Bench of the Gauhati High Court came into existence on 21st January 1972.³⁴⁰ In 2013 the Centre has constituted a new High Court in Manipur.

ECONOMY

At current prices, the total gross state domestic product (GSDP) of Manipur was about US\$ 2.16 billion in 2012-13.³⁴¹ Economic development in Manipur has been seriously hampered by the violent militancy in the state. Weaving, pisci-culture, logging, cultivation of a few cash crops, handloom and handicrafts are important and traditional means of livelihood in the valley. Agriculture engages about 76% of the total working population.³⁴²

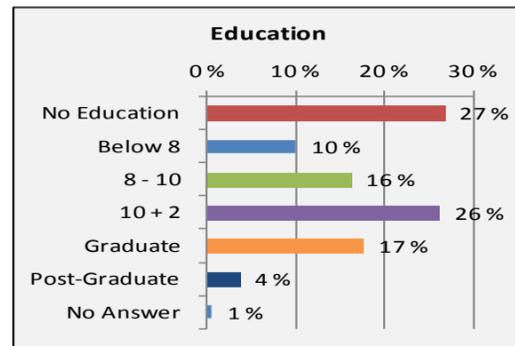
Part B

RESPONDENTS: SAMPLE SIZE

In Manipur, 750 participants responded to the close-ended questionnaire. Of these, 375 were women and 375 were men. The study was conducted in the districts of Bishnupur, Imphal East and Imphal West. Of the total respondents, 443 (59%) respondents belonged to general category; 272 (36%) respondents belonged to OBCs, 29 (4%) belonged to the Scheduled Caste category; 1(.001%) respondent belonged to the Scheduled Tribe category.

LITERACY

Of the total number of respondents, 547 (73%) of them had access to education, of which 290 (53%) were males and 257 (47%) were females. Illiteracy is higher among women than among men. Out of 547 respondents who had access to education, 74 (10%) respondents' education background was below 8th standard, while only 27 (3%) respondents had a post-graduate degree.



A gender-wise break-up among grades shows that there are more girls than boys in the lower grades, but there are more boys compared to girls in the higher grades. This indicates a high drop-out rate amongst girls in the state.

A break-up of education levels by age-cohorts shows that the younger cohort in this sample has much higher levels of education compared to the older cohorts. Out of the total respondents in the 18-30 age group, 209 (83%) were educated, while in the 31-49 age group 208 (83%) were educated, and in the above 50 age group, 125 (50%) were educated. 41 (17%)

District	Total Population above 7 years old	Total Literacy Rate	Female	Male
Senapati	167512	74%	59%	80%
Tamenglong	121344	70%	55%	76%
Churachandpur	236698	83%	68%	87%
Bishnupur	206096	76%	58%	85%
Thoubal	361612	74%	55%	85%
Imphal West	456117	86%	71%	92%
Imphal East	396177	82%	66%	89%
Ukhrlul	159585	81%	67%	86%
Chandel	126995	71%	56%	78%
MANIPUR	2232136	70%	63%	86%

were not educated in the 18-20 age group, 42 (17%) were not educated in the 31-49 age group, and 125 (50%) were uneducated in the respective age groups. The high proportion of educated respondents in the younger cohort of the study sample compared to the older cohort is reflective of the quantum jump in literacy made by Manipur between 2001 and 2011. The male literacy rate is 86.49 % and female literacy rate is 63.17 %.³⁴³ Among the districts, Imphal West has the highest literacy rate, and Tamenglong has the lowest literacy rate.

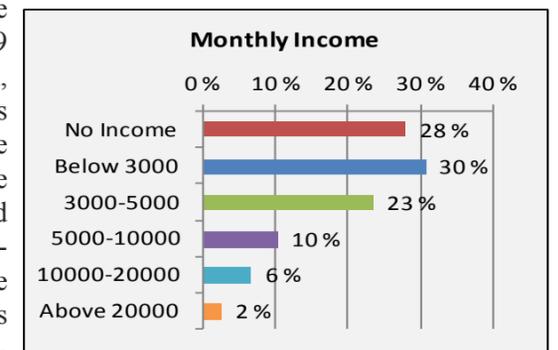
In terms of Government aided education, the fact that 93% parents were paying for their children's education on their own is suggestive of the poor status of government schools. In Manipur, 70.5% of children in the 6-14 age groups go to private schools while only 27.7% children go to government schools.³⁴⁴ The FDGs highlighted that getting admission in good private schools, quality education, and bribery during admissions were common problems related to education.

OCCUPATION AND INCOME

An occupational classification of the respondents showed that the highest percentage of respondents worked in the agriculture sector that included fishing, weaving, vegetable vendors, and alcohol brewers. Only 93(12%) respondents were private sector employees; 64(8%) respondents were government employees; and 22(2.9%) were entrepreneurs. The 138 (18.4%) respondents in the sample were housewives. 65 (9%) respondents were unemployed. A gender-wise break up across occupations shows that women's representation is very low in the government sector. However, the high representation of women in the private and entrepreneurship shows the predominance of Manipuri women in the economy.

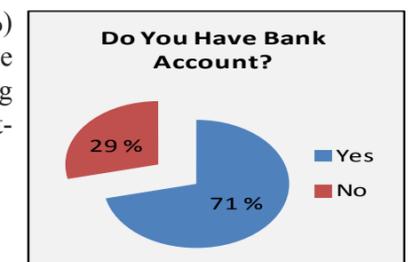
Occupation	Respondents	%
Government Employee	64	9%
Private Sector Employee	93	12%
Entrepreneur	120	16%
Unemployed	65	9%
Housewife	138	18%
Agriculture	162	22%
Fishing	39	5%
Student	13	2%
Other	56	7%
Total	750	93%

When asked about their income, 540 (72%) of the respondents were earning some income of them 309 (57.2%) males and 231 (42.8%) females. Again, the gender disparity persists in income, with males earning more than females. For instance, there were 110 (48.2%) males and 118(51.8%) females in the less than Rs. 3000 category; 99 (57%) males and 75(43%) females in the Rs.3000 to Rs. 5000 category; 56(74.7%) males and 19 (25.3%) females in the Rs. 5000 to Rs. 10000 category; 34 (72.2%) males and 13 (27.8%) in the Rs. 10000 to Rs. 20000 category and 10 males and (62.5%) males; and 6(37.5%) females in the above Rs. 20000 category. Thus, the data shows that a much higher proportion of women earn income below Rs. 3000 compared to men. But at higher levels of income, this proportion is reversed.



FINANCIAL INCLUSION

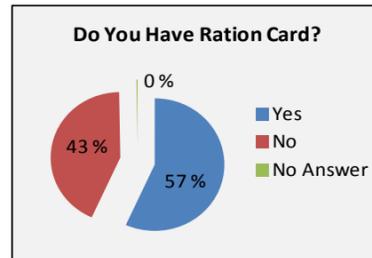
535 (71%) respondents had a bank account, of which 308 (57%) are males and 227 (42%) are females. The educational status of the respondent is strongly correlated with the likelihood of possessing a bank account, as is obvious from the fact that 406 (75%) educated and 129(25%) uneducated people have bank accounts.



Part C

INCLUSION IN THE PUBLIC DISTRIBUTION SYSTEM

Of the total number of respondents, 426 (57%) Ration Card. Of those who had the cards, 194 (45%) were males and 232 (55%) were females. 299 (70%) educated and 127 (30%) uneducated people have ration cards whereas as 283 (87%) educated and 39 (13%) uneducated people do not have ration cards.

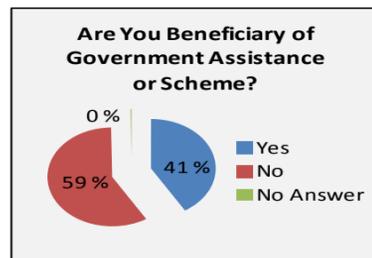


The statistics of Department of Consumer Affairs, Food and Public Distribution³⁴⁵ there are 2, 40,593 ration card holders in Manipur including 63,600 APL ration card holder, 1,02,400 beneficiaries under the Antyodaya Anna Yojana. There are 2,453 Fair Price Shops across Manipur.

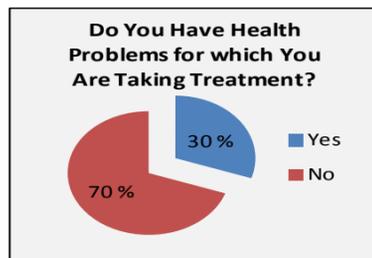
According to the FDG, respondents complained that the process of getting their ration cards issued was expensive, time-consuming, and unfair and biased in favor of those who have personal connections with local bureaucrats and council members.

ENTITLEMENT TO GOVERNMENT ASSISTANCE SCHEMES INCLUDING HEALTH FACILITIES

With regard to other government programs, 309 (41%) respondents were beneficiaries of some government assistance or scheme. 161 (52%) males and 148 (48%) females are beneficiaries of some government assistance or scheme. The schemes mentioned were MGNREGA and IYA pension and Scholarships. Out of those who benefited from a government scheme, 192 (62%) are educated and 117 (37%) are uneducated.



Out of 227 (30%) respondents who had health problems 213 (93.8%) respondents said they used their personal funds to pay the treatment only 12 (0.5%) respondents said they received government assistance. According to the FDG, respondents faced a number of problems in accessing the health system. Such as absence of doctors in government hospitals cleanliness and hygiene was other problems. The FGDs revealed that respondents had little faith that their complaints regarding deficiency in delivery of public services would be taken seriously.



Part D

COMMON LEGAL PROBLEMS

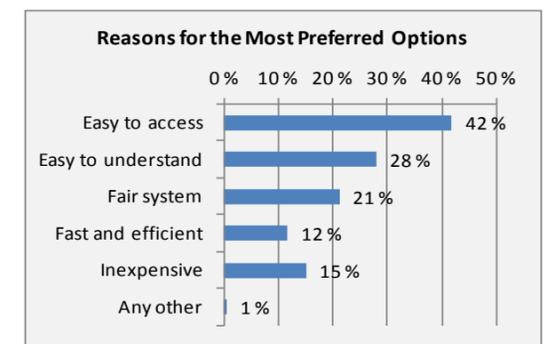
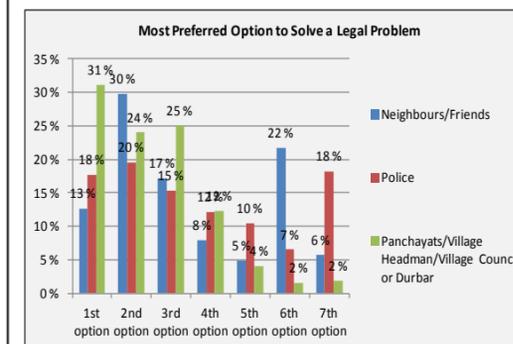
Respondents mentioned that land disputes, theft, domestic violence, bribery, assault, eve teasing and homicide were commonly occurring offences in their community. More than fifty percent respondents mentioned about these offences. Besides this, they also mentioned about other offences such as rape, adultery, child abuse, child labour, disappearance etc. as other commonly occurring crimes in their community. Following table depicts respondent's reply regarding commonly occurring crimes. Respondents were then asked if they had had any legal problems, to this, 669 (89%) respondents have never had any legal problem.

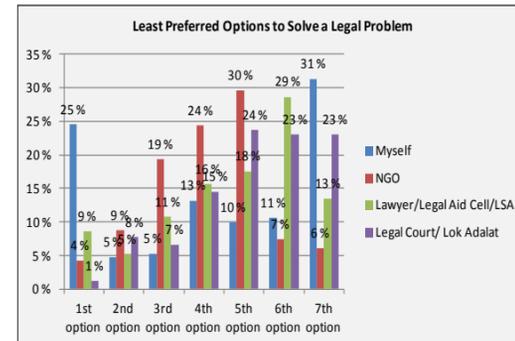
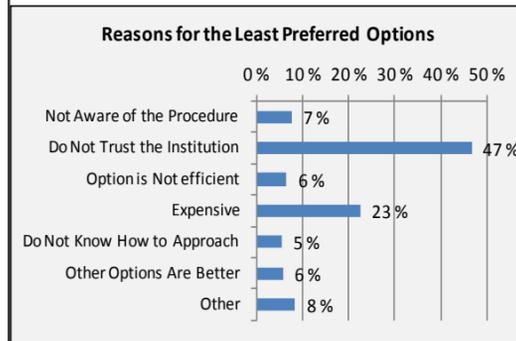
The state has witnessed a spiraling increase in crimes against women. As per Statistics of NCRB, between 1996 and 2012, there were 1500 cases of crime against women in Manipur, including gang rape, molestation, kidnapping and eve teasing. Between 2010 and 2012, 150 cases of rape were reported in the state. Between 2010 and 2012, 591 cases of kidnapping and abduction of women were reported. Domestic violence, including wife beating, mental and physical torture is also growing enormously in recent years.

Does This Happen In Your Community?	Yes	No	No Answer
Eve Teasing	483 64%	266 35%	1 0%
Sexual Harassment in work place	39 5%	710 95%	1 0%
Land dispute	696 93%	53 7%	1 0%
Bribery	534 71%	215 29%	1 0%
Theft	693 92%	55 7%	2 0%
Missing person	234 31%	514 69%	2 0%
Child labor	235 31%	513 68%	2 0%
Child abuse	268 36%	480 64%	2 0%
Domestic violence	641 85%	109 15%	0 0%
Adultery	311 41%	438 58%	1 0%
Human Trafficking	37 5%	711 95%	2 0%
Assault	499 67%	249 33%	2 0%
Rape	82 11%	666 89%	2 0%
Homicide	475 63%	273 36%	2 0%

PREFERRED METHODS OF DISPUTE RESOLUTION

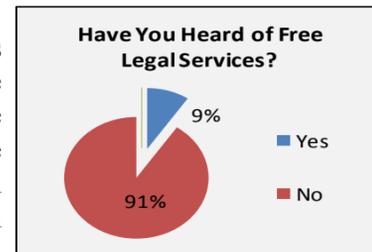
The respondents were asked if they had a legal problem, how they would prefer to solve it. They were given 7 different options to put in order of preference: *I would resolve it by myself; I would resolve it with the help of neighbours and friends; I would go to the police; I would go to the panchayat/village headman/village council or durbar; I would go to an NGO; I would go to a lawyer/Legal Aid cell/LSA.* Ease of accessibility and understanding, fairness and costs were the most important considerations that guided respondents' choice of legal options. On the other hand, with 524 (70%) respondents, legal court/Lok Adalat was among their 3 least preferred options. Lack of trust in the institution, costs involved and their ability to not understand procedures were reasons why respondents did not prefer to go to legal court/Lok Adalat or NGO. From the FGDs it emerged that, respondents prefer to resolve the some of the disputes such as property distribution, domestic violence, quarrels between husband-wife, domestic violence and alcoholism within their family. The FGDs mentioned a number of matters that should be resolved by the village council/panchayats. They are; theft, assault, land disputes, marriage disputes, drug abuse, alcoholism, and eve-teasing. However, in some of the FGDs such as at Poram-pat Block members mentioned that don't have the powers and the investigative abilities to deal with certain crimes, such as rape, robbery, riots and trafficking, in those cases the police should be involved.





AWARENESS ABOUT FREE LEGAL SERVICES

The level of awareness about the existence and services of the SLSA was below par. Almost 679 (91%) respondents had not heard about the possibility to get free legal services. None of the 145 members in the FGDs had heard of the provision of free legal services. All the FGDs expressed their interest in availing of the benefits of such a service. Out of the 71 respondents who had heard of legal services, only 28 respondents said anybody in the country is eligible for free legal services, while 31% respondents said a policeman can avail free legal services. One reason for the low rate of access to legal service authorities could be that the establishment of the authority in Manipur took place only in 2013. People’s responses regarding functions of LSAs can be seen in the table on RHS.



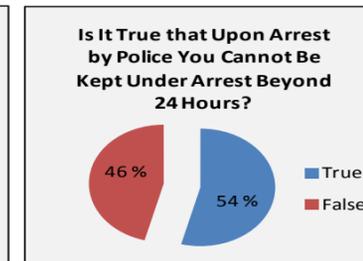
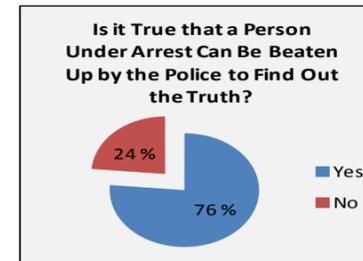
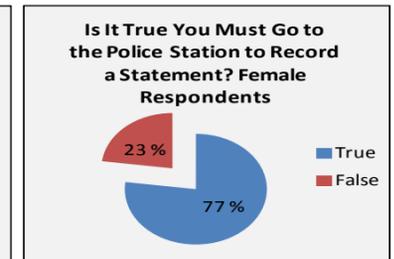
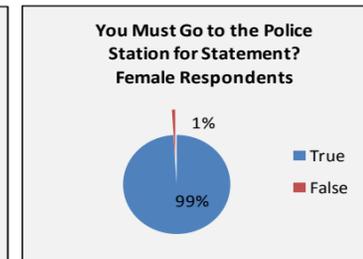
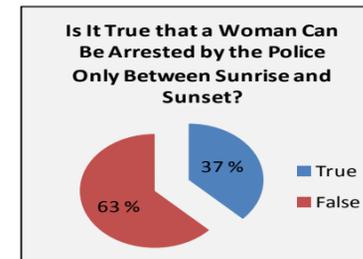
Part E

AWARENESS OF LEGAL AND CONSTITUTIONAL RIGHTS

Respondents were asked if they believed that it was true that only the victim can report a crime to the police. To this, 83% replied that a person other than the victim can report a case to the police.

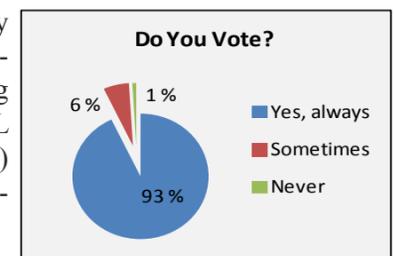
On the other hand, 77% of female respondents were not aware that they are not required to go to the police station to give a statement and only 37% of all respondents were aware that a woman can be arrested by the police only between sunrise and sunset. Among women respondents,

472 (63%) of them wrongly believed that a woman can be arrested during the night. Respondents were also asked what crimes could be reported to the police, and their responses are depicted in the tables. Comparing the awareness levels of legal rights between the different categories, taking into consideration the questions in the second table below, it can be inferred that younger generations, male respondents and respondents with higher education level are comparatively more aware of their legal rights. The awareness level of male respondents was 65%, while it was 57% for female respondents. Respondents belonging to the age group of 18-30 years had higher awareness level of than older generations. Furthermore, higher awareness on legal rights can be seen among higher education levels.



IDENTITY DOCUMENTATION, VOTER ID CARD AND VOTING INDEXES

The survey revealed that 747 (99.6%) respondents, with roughly equal numbers being males and females, had at least one Identification Card. 734 of the respondents had a Voters ID; 136 had driving license, 68 respondents had a PAN Card; 24 respondents had a BPL card and 23 respondents had other identification card. 698 (93%) respondents said they always vote; 45 (6%) said they vote occasionally and 7 (1%) respondents said they never vote.



PUBLIC CONFIDENCE IN POLICE

The respondents were asked whether they or their family members had problems with reporting a case in a police station. To this, 726 (97%) respondents said that they and their family members have not faced any problems with reporting a case in a police station however; respondents stated that the police ask many supporting documents for the case. The Bishnupur block FGD members alleged that the police are corrupt and ask for bribes. Other issues that emerged out of the FGDs were that the process of reporting matter to police is time consuming, expensive, indifference of authorities and bribery.

INTRODUCTION

Meghalaya became an autonomous state on 2nd April 1970 and got State-hood on 21st January 1972³⁴⁶ It is bounded on the north by Assam and on the south and west by Bangladesh.³⁴⁷ The capital of the state is Shillong in East Khasi Hill district. There are 11 districts, 4 subdivisions and 39 blocks. As per details from Census 2011, Meghalaya has a population of 29.67 Lakhs, with a sex ratio of 986 which is above the national average of 940. The total population growth from 2001 till 2011 was 27.82 percent while in previous decade it was 30.65 percent.³⁴⁸

Meghalaya is the homeland mainly of the Khasis, the Jaintias and the Garos living in the west, central and east of the state respectively.³⁴⁹ It is the only matrilineal state of North East India with Khasis, Jaintias and Garos having a matrilineal system of decent where the youngest daughter inherits the property and has the responsibility of taking care of parents and unmarried siblings. The tribal people of Meghalaya are a part of what may be the world's largest surviving matrilineal culture.³⁵⁰ The languages spoken in the Meghalaya state include *Khasi, Pnar, Garo, Hindi and English*.³⁵¹

Part A

STRUCTURE OF GOVERNMENT

The State of Meghalaya was carved out of Assam as an Autonomous District Council under the provisions of the Sixth Schedule in 1952. After 1970 it emerged as an autonomous state and attained full statehood in 1972.³⁵² The Chief Minister heading the Council of Ministers is the head of the Government and is vested with most of the executive powers.³⁵³ The Meghalaya Legislative Assembly has 60 members at present.³⁵⁴ Meghalaya has two representatives in the Lok Sabha, one from Shillong and one from Tura.³⁵⁵ It also has one representative in the Rajya Sabha.³⁵⁶ Since its inception, the State has had 23 state governments with a median life span of less than 18 month³⁵⁷ which must have adversely affected the cohesion and synergy in programme formulation and implementation that are critical for development.³⁵⁸ The Shillong Bench of Guwahati High Court was recently got separated and the state got its own High Court in Shillong in 2013.³⁵⁹

AUTONOMOUS DISTRICT COUNCILS

Most parts of the state of Meghalaya come within the purview of the Sixth Schedule of the Constitution of India. The Sixth Schedule makes special provisions for the administration of the tribal areas under which Autonomous District Councils are established. The state has 3 Autonomous District Councils namely--Khasi Autonomous District Council (KADC), Jaintia Autonomous District Council (JADC) and Garo Autonomous District Council (GADC).³⁶⁰

Each ADC has 30 members, 29 of whom are elected by the people and one member is nominated and holds office at the pleasure of Governor.³⁶¹ The session of the ADC are summoned by the Chairman at least three times a year and all business transactions are conducted by the Chairman in accordance with the normal parliamentary practice and procedure envisaged in The Assam and Meghalaya Autonomous Districts (Constitution of District Councils) Rules, 1951. All laws, rules and regulations made by the ADC shall be published in the official Gazette of the State Government to have the force of law, according to paragraph 11 of the Sixth Schedule.³⁶² It has the power to make laws of land, management of forests, except reserved forests, regulation on trade by persons not being local Scheduled Tribes, appointment of traditional Chiefs and Headmen, inheritance of property, marriage, divorce, social customs, establishment and maintenance of Primary Schools, markets, taxation, issue of lease for extraction of minerals, etc.

LOCAL ADMINISTRATION IN MEGHALAYA

The Urban local bodies in the State include Municipal Board and Town Committees.³⁶³ The rural areas have deep rooted traditional Durbars which are generally quadruplex-tier system of Durbar Dong, Durbar Shnong, Durbar Raid and Durbar Hima.³⁶⁴ The implementation of the traditional customs and usages are normally routed through these Durbars, along with other powers and functions maintenance of peace and security as well as in the provision of the basic requisites of life like water, health and sanitation. The village headman or authorities of the Durbars are called Syiems, Lyngdohs, Sardars, Wahadadars, and Dolois and are very strong especially in Khasi and Jaintia Hills.³⁶⁵

Similarly in Garo Hills, a group of Garo villages comprised the *A•king*.³⁶⁶ The *A•king* functioned under the supervision of the Nokmas, which was perhaps the only political and administrative authority in the political institution of the Garos.³⁶⁷ There were no well-organized councils or durbars among the *Garos*.³⁶⁸ Under 6th Schedule provision, the ADC has the power to make laws on appointment and succession of chiefs, thereby reducing the traditional chiefs as employees of the council, thus creating odds at power sharing.³⁶⁹

ECONOMY

Economy of Meghalaya is agricultural based with rice and maize as the major crop a total of 80 percent of population depends on agriculture.³⁷⁰ The State is known for fruits of lemon family, pineapple, guava, litchi, banana, jack fruits and temperate fruits such as Plum, Pear, and Peach. The state also grows cash crops like potato, ginger, turmeric, black pepper, areca nut, bay leaf, betel vine, short-staple cotton, jute, mesta, mustard and rapeseed. The State also has a great deposit of minerals. The low level of industrialization and the relatively poor infrastructure base acts as an impediment to the exploitation of these natural resources in the interest of the state's economy.³⁷¹ Mining activities in Meghalaya are controlled by the state's indigenous people who own the land. The coal is extracted by a primitive surface mining method called "rat hole" mining that entails clearing ground vegetation and digging pits ranging from five to 100 square meter to reach the coal seams.³⁷² The National Green Tribunal (NGT) has banned on coal mining in Meghalaya as of now, contending that right to life was far more significant than economic interest and the latter cannot be allowed to gain preference.³⁷³ Meghalaya is one the only state in NE region with surplus power generation. Industrial units in Meghalaya have the unique privilege of uninterrupted power supply.³⁷⁴

Part B

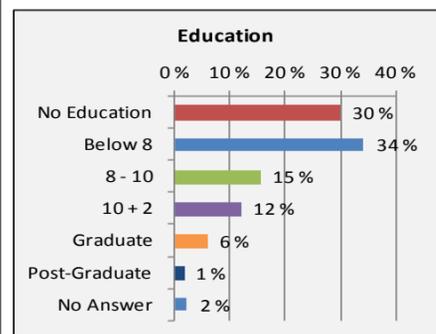
RESPONDENTS: SAMPLE SIZE

There were 750 participants who responded to the closed-ended questionnaire. Of those, equal numbers were male and female. And similarly, in the three age groups of 18-30 years, 30-50 years and above 50 years and four categories namely; General, Other Backward Castes, Scheduled Caste and Scheduled Tribe category. The study was conducted in East Khasi Hills, Jaintia Hills and Ribhoi districts, where more than 80% population belongs to ST category.

LITERACY

Of the total number of respondents, 222 (30%) --120 (54%) women and 102 (46%) men--respondents had not had access to education. Among those who had no access to education, 46 percent of them without education were over 50-years-old; 35 percent were between the ages of 31 to 50; and 19 percent were between 18 to 30-years old. According to the census 2011, the literacy rate of the state is

74.43%. The male literacy rate has jumped to 76 % in 2011 from 65% in 2001 and that of the female has climbed to 73 % from 59 % in 2001.



District	Total Population above 7 years old	Total Literacy Rate	Female	Male
West Garo Hills	530777	68%	63%	72%
East Garo Hills	259846	74%	70%	78%
South Garo Hills	114425	72%	67%	76%
West Khasi Hills	296247	78%	77%	79%
Ribhoi	205978	76%	74%	77%
East Khasi Hills	686867	84%	84%	85%
Jaintia Hills	304213	62%	65%	58%
Meghalaya	2398353	74%	73%	76%

In regard to the male literacy rate, East Khasi Hills has the highest literacy rate at 84 % and Jaintia Hills has the lowest literacy rate at 62 % in 2011. The FGD revealed the problems faced by the people in getting their children educated. Major problems highlighted were financial problems, difficulty in receiving government assistance, lack of government school for one group.

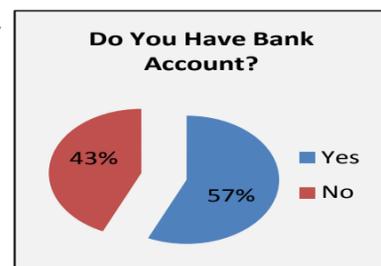
OCCUPATION AND INCOME

Respondents were asked about their occupation and income. It came out that 59 (8%) respondents were government employees 198 (26%) respondents worked in the agricultural sector, 120 (16%) were entrepreneurs, 103 (14%) respondents were private sector employees and 87 (12%) were unemployed...When interviewed about their income, the data showed that 204 (37%) respondents had no income, 37 percent of them had monthly income was below Rs. 3000, 213(39%) stated their income to be between Rupees. 3000-5000, 80 (14%) respondents earned monthly Rs. 5000-10000, 23 (4%) respondents earned Rs. 10000-20000, 22 (4%) respondent's income was above Rs. 20000.

Occupation	Respondents	%
Government Employee	59	8%
Private Sector Employee	103	14%
Entrepreneur	120	16%
Unemployed	87	12%
Housewife	123	16%
Agriculture	198	26%
Other	60	8%
Total	750	100%

FINANCIAL INCLUSION

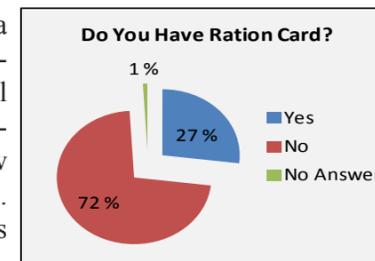
Respondents were interviewed regarding their financial inclusion. It came out that 427 (57%) respondents had a bank account. Of 320 respondents who did not have bank account, 173 (54%) were female and 147 (46%) were males. The respondents without bank account belonged to all age groups with minor deviations. It was also observed that the respondents without bank accounts were unemployed, housewives or worked in agriculture. They also belonged to income group which is less than Rs.5000, Rs 3000 or no income group.



Part C

INCLUSION IN THE PUBLIC DISTRIBUTION SYSTEM

Of the total number of respondents, 202 (27%) respondents had a ration card, with females (113) who had a ration card outnumbering the 89 male respondents who had one. If we study the personal income of respondents who don't have ration card, there are 156 respondents who fall under no income group, 164 respondents below Rs.3000 income group and 146 under Rs.3000-5000 income group. Thus we can observe a huge gap, as majority of the respondents qualify for subsidized ration under PDS due to their low income.

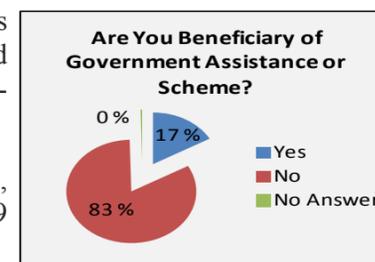


SCHEMES IMPLEMENTED TO ENSURE FOOD SECURITY

Under the scheme of Targeted Public Distribution System (TPDS), there are 2,66,078 families above the Poverty Line, 1,12,800 families Below poverty level and 70,200 AAY Families which are being covered under TPDS at present.³⁷⁵ A new Scheme called Antyodaya Anna Yojna is being implemented. Under this Scheme, Rice is supplied to each poorest family at the scale of 35 Kg per month and the price is Rs. 3.00 P per Kg.

ENTITLEMENT TO GOVERNMENT ASSISTANCE SCHEMES INCLUDING HEALTH FACILITIES

Of the total number of respondents, 126 (17%) were beneficiaries of government assistance or a scheme. The schemes mentioned NREGAS and Health Scheme. The beneficiaries are equally distributed gender wise.



Of the total of 126 respondents receiving government assistance, 63 (50%) respondents had not had access to education and 59 (46.82%) worked in the agricultural sector.

When asked about health problems, 275 respondents said they have health problems. These and out of these 275 people, 158 respondents said they use their personal funds to pay the treatment, 98 respondents said they receive government assistance and 14 respondents fund their treatment through loans. From all the FGDs, it was observed that people faced problems in accessing health services. All the groups shared the like the problem of lack of free medicine, lesser availability of doctors.

Part D

COMMON LEGAL PROBLEMS

Respondents were asked what kinds of crimes happen in their community. Respondents mentioned eve teasing and theft as the most common problems that they are facing. More than 50% respondents mentioned about above two problems. However, it is worth noting that unlike other NE States, more than 50% respondents only highlighted two major problems. Besides, theft and eve teasing, bribery, child labour, adultery and land dispute were highlighted as other major problems. Responses of respondents are depicted in the right side table.

Does This Happen In Your Community?	Yes	No	No Answer
Eve Teasing	388 52%	362 48%	0 0%
Sexual Harassment in work place	112 15%	638 85%	0 0%
Land dispute	305 41%	445 59%	0 0%
Bribery	286 38%	464 62%	0 0%
Theft	433 58%	317 42%	0 0%
Missing person	173 23%	577 77%	0 0%
Child labor	239 32%	511 68%	0 0%
Child abuse	186 25%	564 75%	0 0%
Domestic violence	360 48%	388 52%	2 0%
Adultery	345 46%	405 54%	0 0%
Human Trafficking	60 8%	690 92%	0 0%
Assault	142 19%	607 81%	1 0%
Rape	99 13%	650 87%	1 0%
Homicide	111 15%	635 85%	4 1%

NCRB STATISTICS

According to NCRB statistics³⁷⁶ reveal that crime against women is on rise with increase in the number of rapes.³⁷⁷

Crime	2010	2011	2012
Decoity	42	49	52
Robbery	67	63	46
Bukglary	166	145	145
Theft	664	696	543
Murder	134	170	137
Dowry Death	0	1	1
Kidnapping & Abduction of women/girls	37	37	24
Criminal Breach of trust	37	52	44
Cheating	98	66	108
Total Cognizable Crimes	2640	2887	2761

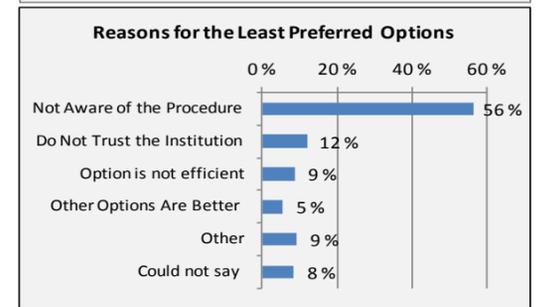
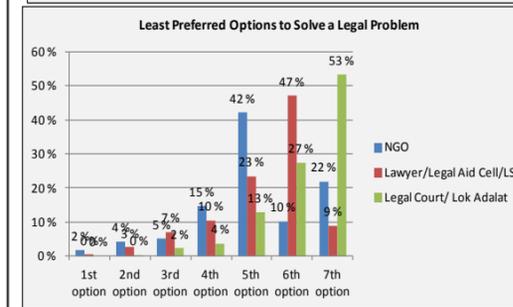
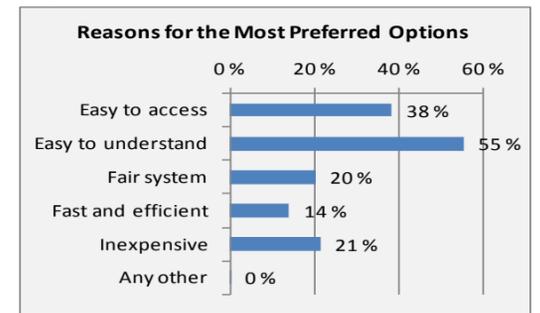
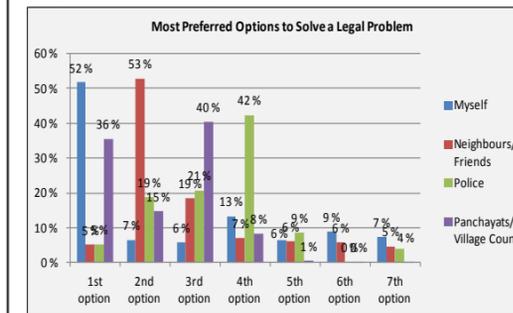
As per Meghalaya State Commission for Women there is an urgent need to set up fast-track courts to deal with such cases and maximum punishment should be awarded to the perpetrators. Recently, the State women's commissions of Assam and Meghalaya resolved to work together on women-related issues as it has been observed in the past that criminals after committing a crime in Meghalaya flee to Assam.³⁷⁸

PREFERRED METHODS OF DISPUTE RESOLUTION

The respondents were asked if they had a legal problem, how they would prefer to solve it. An overwhelming 680 (91%) respondents selected preferred to go to customary institutions like panchayat/village headman/ village council or durbar among the 3 most preferred options. Reason being it was easy to understand easy to understand and more accessible.”

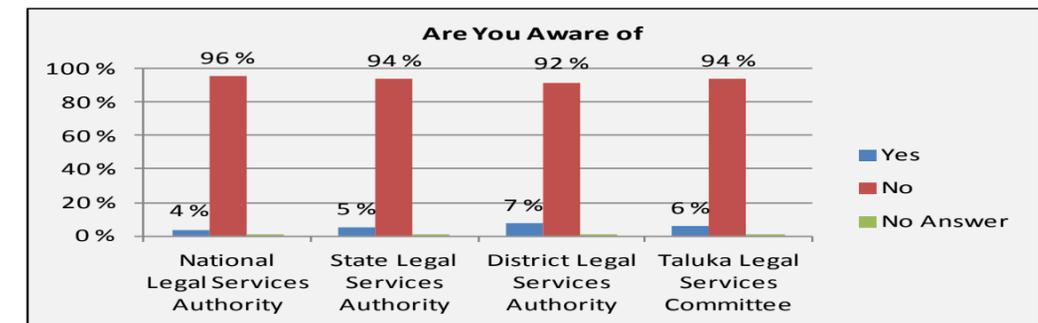
When asked about the least preferred option, 702 (94%) mentioned about legal court/Lok Adalat” followed by lawyer/Legal Aid cell/LSA and NGOs, reason being lack of awareness about the procedure. The FGDs revealed that people prefer that family matters such as--quarrels and marital problems etc-- and other petty problems such as alcoholism, illegal alcohol sale, fights between alcoholics water supply problem, issuing of ration card and allotment of playground should be resolved by village

council. However, there were few FGDs in which people pointed out that serious issues such as land disputes, adultery, theft, murder should be referred to village council as well.



AWARENESS OF FREE LEGAL SERVICES

152 (20%) respondents had heard about the possibility to get free legal services of which 75 respondents were female and 77 were male respondents. Respondents had come to know about free legal services through various sources such as NGO/CBOs, Village Head, Police, newspaper/TV/Radio, school/college, and from lawyers. 28 (4%) respondents were aware of National Legal Services Authority; 39 (5%) were aware of State Legal Services Authority; 55 (7%) were aware of District Legal Services Authority; and 42 (6%) respondents were familiar with Taluka Legal Services Committee.



Again, as in other states, there was lack of awareness among respondents about functioning of LSAs. In none of the FGDs, people were aware about functioning of LSAs. 3 groups believed that all members of the village are entitled to avail free legal aid but did not know that there are different categories who can avail but not all.

27 (4%) respondents had used the services of the Legal Service Authorities, the Taluka Legal Services Committee or a legal aid cell.13 respondents availed Free Legal advice/ services; 11 respondents availed case resolution in Lok Adalat and 3 from Fast Track Courts Authorities. Respondents were asked to rate their experience on a scale of 1 to 5. The criteria included *access, ease of understanding,*

quality of information or advice given, quality of legal counsel assigned, time taken for resolution and satisfaction with the process. Their responses are depicted in the column on the above page.

Access	Respondents
Very Poor	1
Poor	12
Average	12
Good	1
Excellent	1

Quality of Info/ Advice Given	Respondents
Very Poor	0
Poor	2
Average	16
Good	6
Excellent	3

Ease of Understanding	Respondents
Very Poor	1
Poor	2
Average	17
Good	7

Time Taken for Resolution	Respondents
Very Poor	4
Poor	6
Average	10
Good	3
Excellent	4

Quality of Legal Counsel Assigned	Respondents
Very Poor	1
Poor	6
Average	15
Good	4

Satisfaction with the Outcome	Respondents
Very Poor	2
Poor	3
Average	14
Good	4
Excellent	4

Satisfaction with the Process	Respondents
Very Poor	2
Poor	4
Average	13
Good	5
Excellent	3

COMMENTS OF MEGHALAYA SLSA

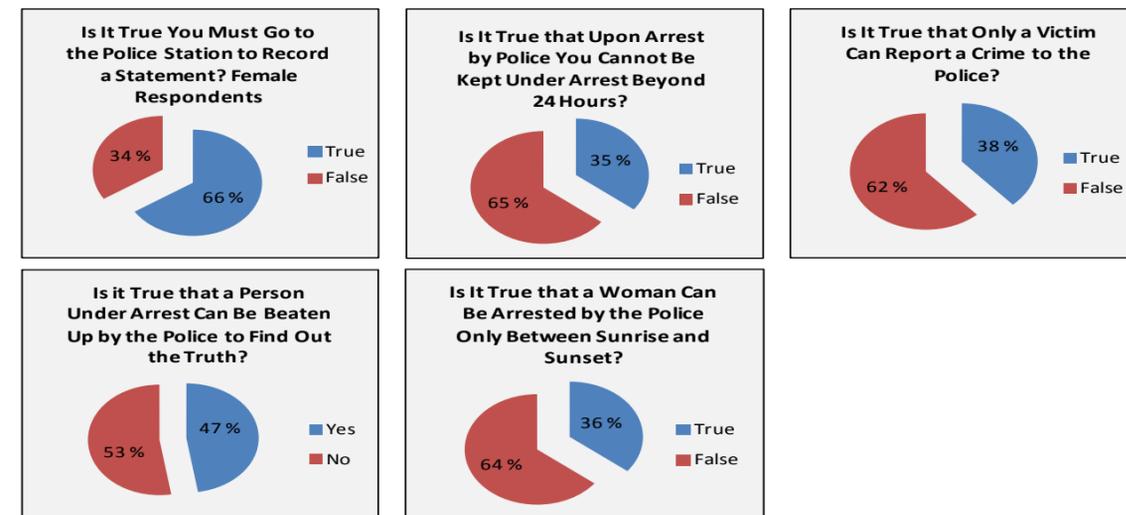
According to the data provided by the Joint Secretary of the SLSA, initiatives have been taken to establish legal aid clinic for jail inmates. The Shillong Jail legal aid clinic was established in 2010 and till now 135 under trials received benefits. Tura Jail legal aid clinic was established in 2012 and process to establish in district Jail of Williamnagar and Jowai have started.

From 1999 to 2011, 74 Lok Adalats has been conducted in the state. As per the data provided, in 2011 there were 9 Lok Adalat held, which took up 1674 cases. There are two Mediation centers in Meghalaya- Shillong and Williamnagar. A total number of 47 cases were received for mediation during 2009 to 2013. Out of these, 32 cases were disposed of through mediation.³⁷⁹ For legal awareness, Legal Aid clinic has been established in Shillong Law College in 2012 which conducts awareness campaigns. The process of establishing the same in Khadardaloi Law College and Tura Law College has been started and the department plans to establish in all law colleges of the state. The department has been conducting legal literacy campaign, a total of 139 campaigns have been conducted from 1999 to 2012 July. Shortage of man power at all levels in is a big problem for the State SLSA

AWARENESS OF LEGAL AND CONSTITUTIONAL RIGHTS

Respondents were asked a series of questions to determine their level of awareness on this subject. Among the respondents, 463 (62%) respondents were aware that also other people can report a case to the police, not only the victim Whereas 287(38%) respondents wrongly believed that only the victim can file a case. When women respondents were asked about their awareness level, 247(66%) of them were

not aware that they are not required to go to the police station to give a statement if the police demands so whereas 483 (64%) women respondents wrongly believed a woman can be arrested during the night. When asked about their rights at the time of arrest, only 267 (36%) were aware a woman can be arrested by the police only between sunrise and sunset. Of the total number of respondents, 266 (35%) were aware that one cannot be kept under arrest beyond 24 hours without being produced before a Magistrate and 394 (53%) respondents were aware that a person under arrest cannot be beaten up by the police.



AWARENESS LEVEL OF LEGAL RIGHTS BETWEEN DIFFERENT CATEGORIES

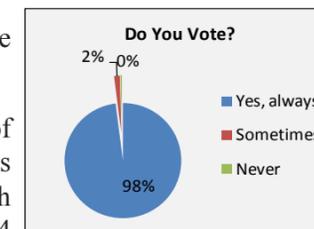
Comparing the awareness levels of legal rights between the different categories, it can be drawn that male respondents are comparatively more aware of their legal rights than female respondents with a difference of almost 5%.

IDENTITY DOCUMENTATION, VOTER ID AND VOTING INDEXES

Respondents were interviewed regarding the documents that they possess for identification purposes. It emerged that 708 (95%) respondents had at least one identification card. Most of them--659 respondents-- had a Voters ID, 96 respondents had a BPL Card out of which 55 were female and 41 were male, 45 respondents had a driving license; 38 respondents had a PAN Card.

It can be observed that although majority of the respondents were no income to below Rs.5000 income category, only 96 (12%) respondents had BPL card. Similarly gap can be noticed in voter ID card as 659 (87%) respondents have it. In terms of social category, 645 (92%) respondents were ST, 18 (2%) were SC, 14 (1%) were OBC and 32 (4%) were general category having at-least one identification card.

627 (84%) respondents said they vote always; 81 (11%) said they vote sometimes; and 41 (5%) respondents said they never vote.



There were more females voting than males, though a thin margin of 1%. Similarly there were more male respondents (22) who never vote as against 19 female respondents. The voting trend gradually increased with increasing age group by 1-3%. When we look at the social category, 664 (92%) were ST, 20 (2%) were SC, 16 (2%) were OBC and 30 (4%) were General who cast vote either always or sometimes. According to all the FGD, there were no listed problems faced by the people when casting their votes.

INTRODUCTION

Mizoram became a Union Territory on 21st January 1972, soon after the demand for statehood was made by the Mizo District Council delegation to the then Prime Minister of India, Mrs. Indira Gandhi in May 1971. It became the twenty-third state of India on 20 February 1987⁰. Like other states in the region, Mizoram is well known for its richness in terms of both natural splendor and cultural finesse.³⁸⁰ It shares domestic borders with Assam, Tripura and Manipur and an international border with the neighboring countries of Bangladesh and Burma.³⁸¹

Mizoram is divided into 8 Districts: Aizawl, Champhai, Mamit, Lunglei, Lawngtlai, Saiha, Kolasib and Serchhip³⁸². There are three for the resident ethnic tribes in Mizoram, located in the Southern part of state, bordering (LADC) for the Lai community in the Southern part of the state, and Mara Autonomous District Council (MADC) for the Mara community in the Southeastern corner of the state.³⁸³

According to Census 2011, Mizoram has a total population of 10.97 Lakhs, out of which the number of males and females are 555,339 and 541,867, respectively. The State is sparsely populated with only 52 persons found per sq km. with sex ratio of 976 women for each 1000 men.³⁸⁴ According to the 2011 Census data, Mizoram has highest proportion of Scheduled Tribes: 94% of the population.³⁸⁵

Part A

SPECIAL CONSTITUTIONAL PROVISIONS

Article 371G, provides for special provision for the State of Mizoram.³⁸⁶ It states that no act of Parliament in respect of religious or social practices of the Mizos, customary law and procedure, administration of civil and criminal justice involving decisions according to Mizo customary law, and ownership and transfer of land shall apply to the State of Mizoram unless the Legislative Assembly of the State by a resolution decides. It also provides that the Legislative Assembly of the State of Mizoram shall consist of not less than forty members.

STRUCTURE OF GOVERNMENT

Mizoram is only partly covered by the Sixth Schedule under the Indian Constitution; autonomy of rest of the areas is established by the State's law: State of Mizoram Act, 1986. The Chakma District, Mara District, and the Lai District constitute the tribal areas within the state. In Mizoram, the District Councils have been created at both the district and sub-divisional levels. The three District Councils – Chakma, Lai, and Mara ADCs – cover two administrative districts: Lawngtlai and Saiha districts.³⁸⁷

Together the three ADCs cover only 15 percent of state's population. In Mizoram, the problem is not only of development but also of ethnic politics. The tribal communities have strong ethnic feelings creating constant friction, which adversely affect administration and developmental activities. The Mizoram Assembly has passed resolutions for abolition of Councils as there is significant overlap of functions between the state government and the District Councils.³⁸⁸

The State Legislative Assembly has a total strength of 40 elected seats.³⁸⁹ Mizoram sends one representative to the Lok Sabha and one representative to the Rajya Sabha.³⁹⁰

ECONOMY

Economy of Mizoram is based on agriculture, horticulture, mines and minerals, service, tourism, energy, and forest products. Agricultural sector is the largest contributor to the economy and engages 70% of the total population.13 Maize and rice are the main crops cultivated by the Jhum method along with sugarcane, tapioca, ginger and cotton.

The climatic condition in the state is well suited for good rainfall, temperate weather, and soil conditions which supports for a rich spectrum of flora and fauna as well as a considerable horticulture industry. Orange, Lemon, Kagzi Lime, Passion fruits, Hatkora, Jamir, Pineapple and Papaya are the main fruits grown in the State.

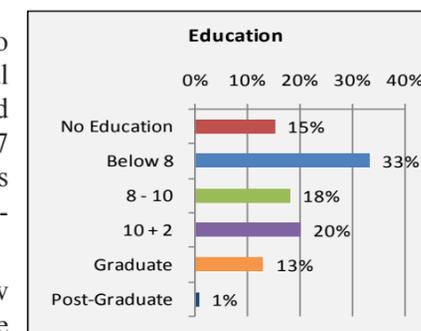
Part B

RESPONDENTS: SAMPLE SIZE

In Mizoram, 749 participants--374 were women and 375 were men--responded to the closed ended questionnaire. Care was taken to ensure that all the age groups are represented among the respondents. Of the total number of respondents, 250 respondents were between the ages of 18-30 years; 250 respondents were between 31-50 years; and 249 were above 50 years. In terms of category break up among respondents, 737 (98%) respondents belonged to the Scheduled Tribe category; and 3 (0%) respondents belonged to Scheduled Caste category. 9 (1%) did not answer to the question.

LITERACY

The table shows the literacy level of level of respondents who participated in the close ended questionnaire. Of all the total number of respondents, 113 (15%) respondents had not had access to education, of which 66 (58%) were women and 47 (42%) were men. While the gender gap in education remains consistent between the different age groups, the younger generations have had better access to education.



The state is known as having a high literacy rate, which now stands at 91.33 percent as reported in the last census.¹⁷ The

male literacy rate is at 93.35 percent while the female literacy rate is at 86.72 percent. More importantly the rural areas also have recorded a high literacy which stands at 84.10 percent and the literacy rate for males and female in the villages are said to be 88.16 percent and 75.23 percent, respectively; though only 47.89 percent live in the villages of rural areas.

District	Total Population	Total Literacy Rate	Female	Male
Mamit	70869	85%	80%	89%
Kolasib	70473	94%	92%	95%
Aizawl	347952	98%	98%	98%
Champhai	105100	96%	95%	97%
Serchhip	55638	98%	98%	98%
Lunglei	136311	89%	85%	92%
Lawngtlai	95411	66%	57%	74%
Saiha	46921	90%	87%	93%
Mizoram	928675	91%	89%	93%

OCCUPATION AND INCOME

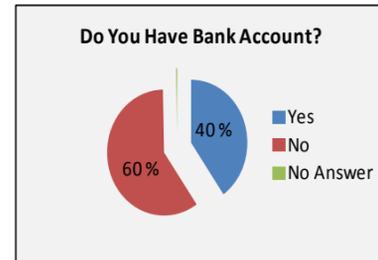
In terms of occupation and employment of respondents, 596 (80%) of them were employed, of which 315 (53%) were women and 283 (47%) were men. In terms of sector-wise break up in occupation, 266 (36%) respondents worked in the agricultural sector; 132 (18%) respondents were housewives; 95 (13%) respondents were government employees; 66 (9%) respondents were private sector employees; 18 (2%) respondents were students; and 9 (1%) were entrepreneurs.

Occupation	Respondents	%
Government Employee	95	13%
Private Sector Employee	66	9%
Entrepreneur	9	1%
Unemployed	153	20%
Housewife	132	18%
Agriculture	266	36%
Student	18	2%
Other	10	1%
Total	749	100%

When the respondents were asked about their income it came out that 283 (38%) had no income, of which 181 (64%) were women and 102 (36%) were men.

FINANCIAL INCLUSION

The data revealed that only 302 (40%) respondents had a bank account, of which 172 (57%) were men and 130 (43%) were women. A major portion of respondents --192 (43%)--of respondents who did not have bank account, worked in agricultural sector.

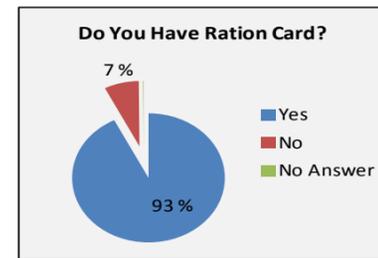


Part C

INCLUSION IN THE PUBLIC DISTRIBUTION SYSTEM

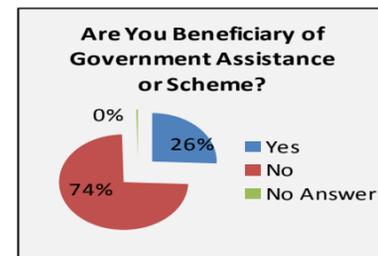
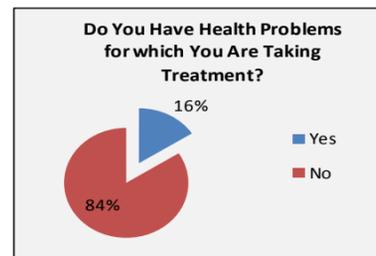
When respondents were asked about access to PDS, it came out that 693 (93%) respondents had a ration card.

Mizoram Food & Civil Supplies Department has implemented schemes of Supply of Food grains to SC/ST/OBC Hostels/Welfare Institutions, Mid-Day Meal Scheme and Annapura Scheme.



ENTITLEMENT TO GOVERNMENT ASSISTANCE SCHEMES INCLUDING HEALTH FACILITIES

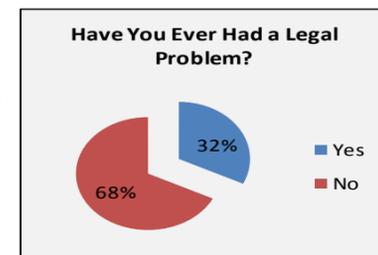
In terms of access to government assistance schemes for health related problems, 119 (16%) respondents mentioned that they have health problems for which most of them [79 (66%)] use their personal funds to fund the treatments; while 39 (33%) received government assistance. Among those [192 (26%)] who were beneficiaries of government assistance or schemes 89 (46%) were women while 103 (54%) were men. The beneficiaries were both those with high or low level of education. The schemes mentioned were NLPU, NREGS and IRDP.



Part D

COMMON LEGAL PROBLEMS

Respondents were asked about the legal problems that they and the type of offences/crimes that they have to encounter. It came out that 241 (32%) had had a legal problem, by and large accidents and land disputes and 11% of the respondents had faced a crime related to violence, murder or sexual assault. Respondents were asked what kind of legal problems happen in their community and their responses are in the table below.



Does This Happen In Your Community?	Yes		No		No Answer	
Eve Teasing	113	15%	635	85%	1	0%
Sexual Harassment in work place	49	7%	700	93%	0	0%
Land dispute	269	36%	478	64%	0	0%
Bribery	149	20%	598	80%	0	0%
Theft	471	63%	276	37%	3	0%
Missing person	205	27%	539	72%	6	1%
Child labor	39	5%	708	95%	2	0%
Child abuse	83	11%	664	89%	2	0%
Domestic violence	105	14%	643	86%	2	0%
Adultery	130	17%	616	82%	3	0%
Human Trafficking	62	8%	687	92%	0	0%
Assault	98	13%	652	87%	0	0%
Rape	282	38%	466	62%	3	0%
Homicide	192	26%	556	74%	0	0%

NATIONAL CRIME RECORDS BUREAU STATISTICS

According to the NCRB statistics, offences of theft, rape, and homicide are very problematic in the State. The number of theft's is an indicator of an encouraging trend as over a three year period the total number has decreased. However, the increasing instances of rapes being reported are troubling.

National Crime Records Bureau	2010	2011	2012
Sexual Harassment	0	1	0
Bribery		11	12
Theft	823	734	605
Cruelty by Husband and Relatives	3	9	8
Kidnapping & Abduction of women/girls	9	6	8
Rape	92	77	103
Homicide	48	26	30

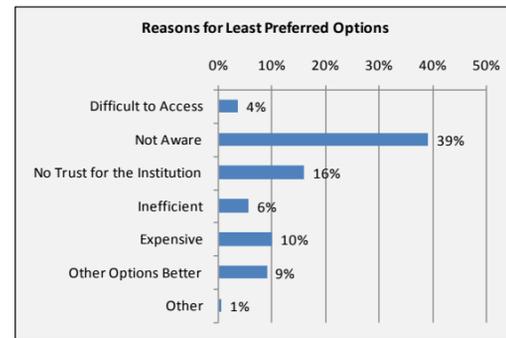
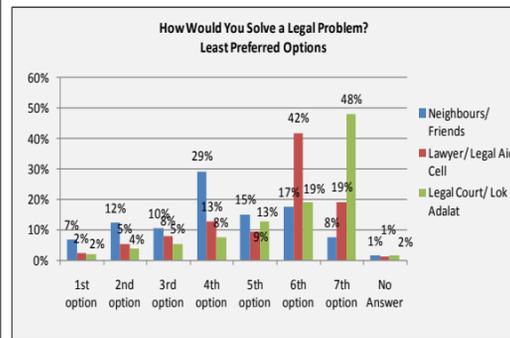
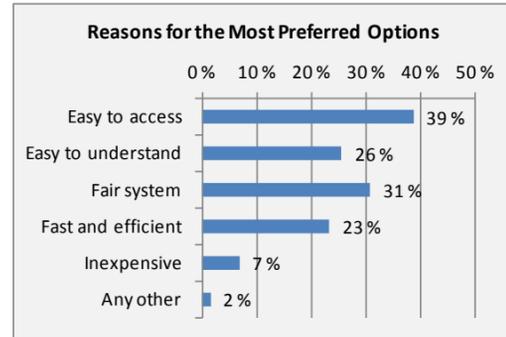
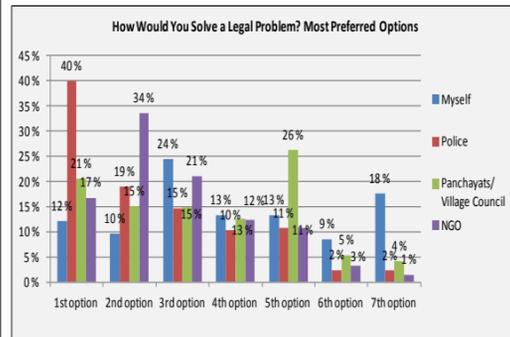
PREFERRED METHODS OF DISPUTE RESOLUTION

The respondents were asked if they had a legal problem, how they would prefer to solve it. The vast majority, at 552 (74%), selected the police. 536 (72%) respondents selected "I would to an NGO"; 378 (50%) chose "I would go to the panchayat/village headman/village council or durbar"; and 346 (46%) chose "I would solve the legal problem by myself".

290 (39%) respondents said they chose their most preferred options because of the "Easy to access"; 231 (31%) said they chose it because it is "Fair system".

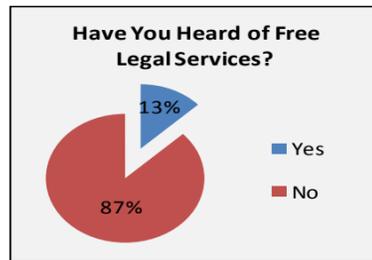
Again, 595 (79%) chose "I would take the matter to a legal court/Lok Adalat" among their 3 least favored solutions, while 527 (70%) said "I would go to a lawyer/Legal Aid cell/ LSA.

292 (39%) said they chose their least preferred solution to solve a legal problem because of a lack of awareness regarding the procedures involved; 119 (16%) did not have trust for the institution; 74 (10%) found the option expensive; 67 (9%) found the other solutions better; 42 (6%) found the solution inefficient.



AWARENESS ABOUT FREE LEGAL SERVICES

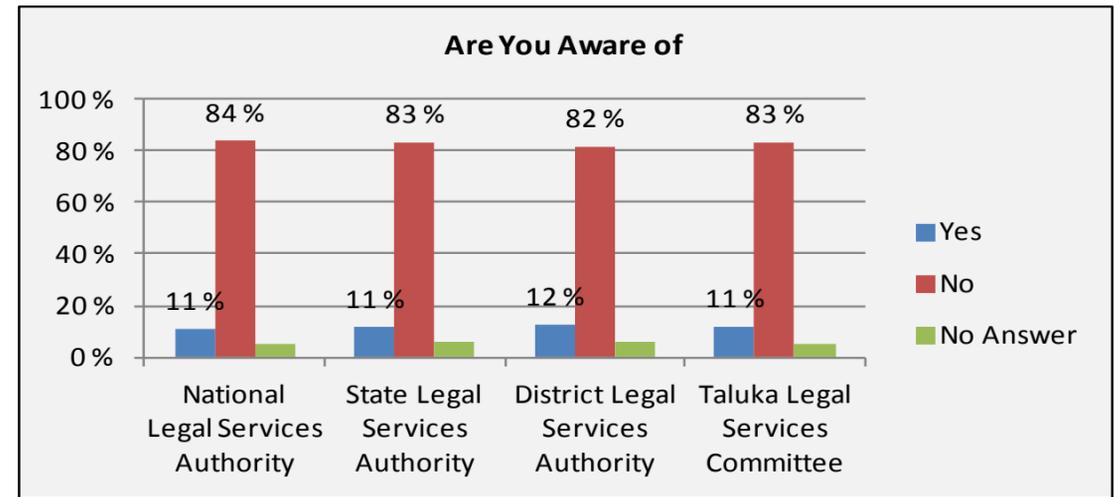
When asked about the possibility to get free legal services, 97 (13%) respondents had heard about it.. When asked as how did they come to know about free legal services, 63 of them mentioned that they had come to know about the services from police and 28 respondents came to know through awareness programs. All six focus groups reported that they could not attend any awareness program conducted in the villages by these LSAs due to the fact that either such programs were not organize or they were not informed of any such programs.



When asked who can avail free legal services, 63 said anybody in the country; 15 respondents said member of SC/ST; 13 respondents said a policeman is eligible for free legal services; 7 respondents said a victim of trafficking; 7 respondents said a woman or a child; and 5 respondents said a person with disability is eligible for free legal services. 12 respondents said they are not aware.

Who Can Avail Free Legal Services?	Respondents	%
Member of SC/ST	15	9%
A Woman or Child	7	2%
A Policeman	13	2%
A Victim of Trafficking	7	2%
A Person with Disability	5	2%
Anybody in the Country	63	1%
Not Aware	12	11%

In terms of level of awareness institutions of Free Legal Services, 92 (12%) were aware of District Legal Services Authority; 86 (11%) respondents were familiar with Taluka Legal Services Committee; 85 (11%) were aware of State Legal Services Authority and 79 (11%) respondents were aware of National Legal Services Authority.



11 (1%) respondents had used the services of the Legal Service Authorities, the Taluka Legal Services Committee or a legal aid cell. 7 respondents availed Free Legal advice/ services; 1 respondent availed case resolution in Lok Adalat; 1 availed services of a legal counsel. 1 respondent had availed other services without specifying further and 1 respondent did not answer to the question.

Respondents were asked to rate their experience with Legal Services Authorities on a scale of 1-5. Their answers are depicted in the table below.

Access	Respondents
Very Poor	2
Poor	4
Good	1
No Answer	4

Quality of Legal Counsel Assigned	Respondents
Poor	2
Average	1
Good	4
No Answer	4

Quality of Info/ Advice Given	Respondents
Poor	5
Average	1
No Answer	5

Ease of Understanding	Respondents
Poor	5
Average	5
Excellent	1

Time Taken for Resolution	Respondents
Very Poor	2
Poor	1
Average	3
No Answer	5

Satisfaction with the Process	Respondents
Very Poor	1
Poor	4
Good	1
No answer	5

Satisfaction with the Outcome	Respondents
Very Poor	1
Poor	4
Excellent	1
No Answer	5

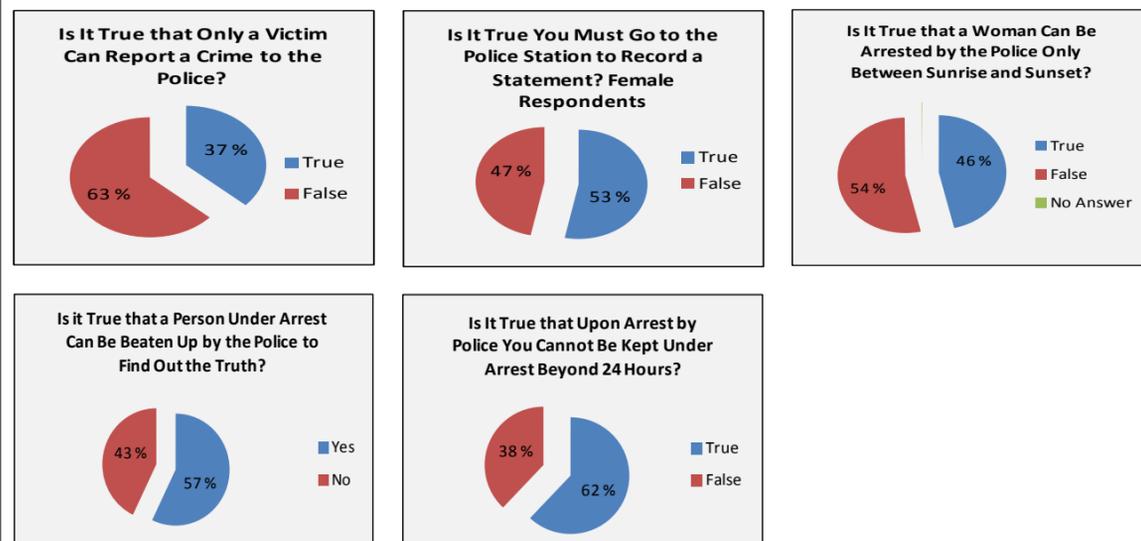
Part E

AWARENESS OF LEGAL AND CONSTITUTIONAL RIGHTS

Respondents were asked a range of issues related to assess their level of awareness about rights guaranteed to them under various laws and schemes. Of the total number of respondents, 474 (63%) respondents were aware that also other people can report a case to the police, not only the victim. Among the female respondents, 190 (53%) female respondents were not aware that that they are not required to go to the police station to record a statement and 401 (54%) respondents wrongly believed a woman can be arrested during the night.

Among the total number of respondents, 464 (62%) were aware that one cannot be kept under arrest beyond 24 hours without being produced before a Magistrate and 428 (57%) respondents believed that one can be beaten up by the police to find out the truth.

Overall, on an average about 69 percent of the respondent group were knowledgeable about their rights. However, since these were very basic rights and protections that they were asked of, it is felt that the knowledge levels should be higher. Men had higher awareness level of 73%, while it was 61% for women respondents.



INTRODUCTION

Nagaland became the 16th State of the India on December 1st, 1963³⁹¹ with the state capital at Konia.³⁹² It is located in the extreme North Eastern end of India, sharing an international border with Myanmar, domestic borders with Assam, Arunachal Pradesh and Manipur.³⁹³ Nagaland has 11 district Viz. Diaper, Konia, Mooching, Mon, Peek, Tensing, Mocha, Zunheboto, Peren, Longleng and Kiphire,³⁹⁴ inhabited by 16 major tribes along with other sub-tribes. Each tribe is distinct in character from the other in terms of customs and language.³⁹⁵

As per Census 2011, Nagaland has a total population of 1,978,502 of which the number of males and females are 1,024,649 and 953,853 respectively.³⁹⁶ In term of habitation, 71% of the population resides in rural areas and 29% resides in urban areas.³⁹⁷ Sex ratio of the state is 931 i.e. for each 1000 male, which is below the national average of 940.³⁹⁸

Part A

SPECIAL CONSTITUTIONAL PROVISIONS AND STRUCTURE OF GOVERNMENT

Through the 13th Constitutional Amendment in 1962, Article 371-A was inserted to provide for special provision for Nagaland. Article 371-A lays down that that no Act of Parliament in respect of religious or social practices of the Nagas, Naga Customary Law and Procedure, Administration of Civil and Criminal justice involving decisions according to Naga Customary Law and ownership and transfer of land and its resources would apply to the State, without approval from the Legislative Assembly of Nagaland.³⁹⁹

The State is governed under The State of Nagaland Act, 1962.⁴⁰⁰ The State Legislative Assembly has a total strength of 60 M.L.A.s.⁴⁰¹ Out of 60 seats 59 are reserved for candidate belonging to the scheduled tribes.⁴⁰² Nagaland sends one representative to the Lok Sabha and one representative to the Rajya Sabha.⁴⁰³

VILLAGE LEVEL GOVERNANCE

With a strong sense of community inborn in all Nagas, self-governing traditional village institutions have long roots in Nagaland.⁴⁰⁴ Nagaland evolved a single tier local body system, confined to Village Councils alone. Under the Nagaland Village Council Act 1990, every recognised village is required to have a Village Council (VC), with a five year term. This council consists of members, chosen by villagers in accordance with the prevailing customary practices and usages as approved by the State Government. The Act provides that hereditary village chiefs shall be ex-officio members of such Councils, with voting rights. It is the job of the village council to formulate village development schemes, to supervise proper maintenance of water supply, roads, forest, education and other welfare activities to help Government agencies in carrying out development works in the village and to take up development works on its own initiative or on request by the Government.

The Village Council also has the power to administer justice within the village limits in accordance with the customary law and usages and has full powers to deal with internal administration of the village. The Village Council is subject to the Central Superintendence of the State Government/ Deputy Commissioner / Additional Deputy Commissioner or Sub-Divisional Officer (Civil) in-charge of the Sub-Division, Extra Assistant Commissioner or Circle Officer.

VILLAGE DEVELOPMENT BOARDS

In 1978, Nagaland enacted the Nagaland Village and Area Council Act, 1978 which enjoined that each Village Council should constitute a Village Development Board for the village concerned. These Village Development Boards are to exercise certain of the powers, functions and duties of the Village Councils, subject to the prior approval of the Chairman of the village council. The powers of these village councils included powers to formulate schemes, programmes of action for the development and progress of the village as a whole or groups of individuals or for individuals in the village, either using the village community or other funds. All permanent residents of the village are members of the Village Development Board. The members of the Management Committee are chosen by the Village Council for tenure of 3 years unless decided otherwise by the VC by a resolution. One-fourth of the total number of members of the Management Committee must consist of women members.

ECONOMY

The State DGP of Nagaland in 2012-13 was Rs. 14,832 crores, while per capita GDP of the state was Rs. 59535.⁴⁰⁵ Nagaland's climatic conditions favour agriculture, horticulture and forestry.⁴⁰⁶ The state has considerable resources of natural minerals, petroleum and hydropower. Nagaland has around 600 million metric -tones (MMT) of crude oil and more than 20 MT of hydrocarbon reserves, which are unexploited. Moreover, over 1000 MT of high chemical grade limestone reserves can be found in the eastern region.

Part B

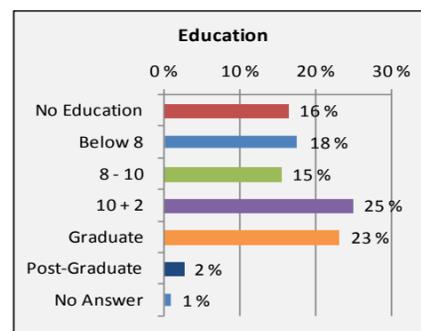
RESPONDENTS: SAMPLE SIZE

There were 752 participants---376 were women and 376 were men---- responded to the closed ended questionnaire. In terms of division in age group, 249 respondents were between the ages of 18-30 years; 250 respondents were between 31-50 years; and 253 were above 50 years.

In terms of category wise break up of respondents, 702 (93%) respondents belonged to the Scheduled Tribe category; 30 (4%) respondents belonged to General Category; 13 (2%) respondents belonged to Other Backward Castes; and 1 (0%) belonged to the Scheduled Caste category. 19 (3%) respondents preferred not to disclose their category.

LITERACY

The table shows the literacy level of level of respondents who participated in the close ended questionnaire. Out of the 122 respondents without education, 72 (59%) were women and 50 (41%) were men. The data further revealed that the younger generations have had better access to education; 84 (69%) respondents without education were over 50-years-old; 25 (20%) were between the ages of 31 to 50; and 13 (11%) were 18 to 30-years old. It was noteworthy that above 50-year-old women constituted 43% of all the respondents without education.



According to Census 2011, the literacy rate of Nagaland is 68%. The literacy rate of males is 71% and that of females is 68%. Among the districts, Mokokchung (83%) has the highest literacy rate, while Mon has the lowest (51%). The gender gap in literacy in Nagaland is 6 percentage units. Mokokchung district has the highest gender gap in literacy with a gap of 39 percentage units for disadvantage of women.

District	Total Population	Total Literacy Rate	Female	Male
Mon	209918	57%	53%	61%
Mokokchung	174086	92%	91%	92%
Zunheboto	120664	85%	83%	88%
Wokha	146205	88%	84%	91%
Dimapur	327913	85%	82%	88%
Phek	135666	78%	72%	84%
Tuensang	160806	73%	70%	76%
Longleng	41374	72%	70%	74%
Kiphire	59293	70%	64%	75%
Kohima	231702	85%	81%	89%
Peren	79804	78%	73%	83%
Nagaland	1687431	80%	76%	83%

OCCUPATION AND INCOME

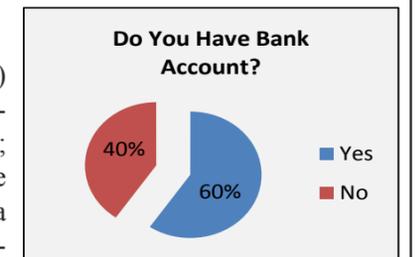
In terms of occupation of respondents, 93% of them mentioned that they were working, of which 50% were women. If one goes by sectoral break up, 179 (24%) of them were government employees, 152 (20%) worked in the agricultural sector, 133 (18%) were housewives, 120 (16%) were entrepreneurs, 50 (7%) respondents were private sector employees and 39 (5%) were students.

Occupation	Respondents	%
Government Employee	179	24%
Private Sector Employee	50	7%
Entrepreneur	120	16%
Unemployed	55	7%
Housewife	133	18%
Agriculture	152	20%
Student	39	5%
Other	24	3%
Total	752	100%

203 (27%) respondents had no income, of which 41 (20%) were men and 162 (80%) were women.

FINANCIAL INCLUSION

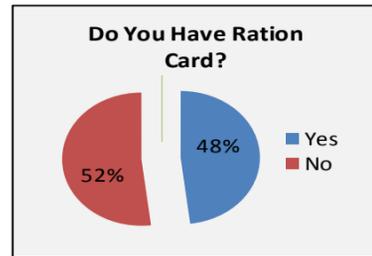
448 (60%) respondents had a bank account, of which 271 (72%) were males and 177 (47%) were females. Of the 304 (40%) respondents who did not have a bank account, 103 (34%) were housewives; 114 (37%) were working in the agriculture sector; 30 (10%) were unemployed. Furthermore, of the respondents who did not have a bank account, 130 (43%) had no income, and 79 (26%) earned below Rs. 3000.



Part C

INCLUSION IN THE PUBLIC DISTRIBUTION SYSTEM

In terms of access to public distribution system, 361 (48%) respondents had a ration card out of which 185 (51%) were women and 176 (49%) were men. Among those who did not have ration card 109 (28%) respondents did not have any income, of which 80 (73%) had at least one dependent.



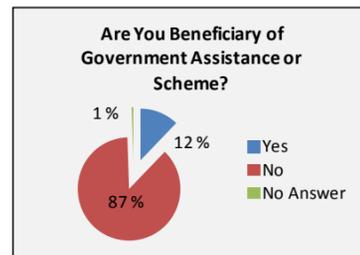
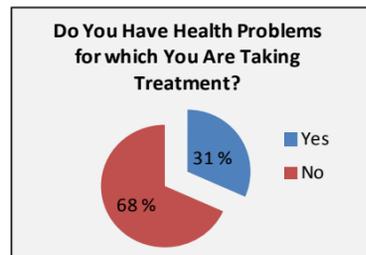
Nagaland Food & Civil Supplies Department has implemented the following schemes:

- a. BPL Scheme – 76,500 identified beneficiaries
- b. AAY Scheme – 47,500 identified beneficiaries
- c. Annapurna Scheme – 6,727 identified beneficiaries
- d. Welfare Institution & Hostels Scheme – No fixed beneficiaries.
- e. SC/ST/OBC Hostels Scheme – No fixed beneficiaries

ENTITLEMENT TO GOVERNMENT ASSISTANCE SCHEMES INCLUDING HEALTH FACILITIES

Of the total number of respondents, 236 (31%) respondents said they have health problems for which they need treatment and among these people, barring one person all of them mentioned that they used their personal funds to pay the treatment.

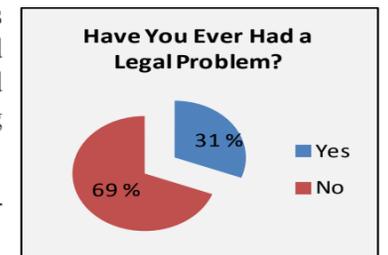
Regarding access to Government assistance schemes, 92 (12%) respondents were beneficiaries of Government Assistance or a scheme, of which 47 (51%) were women. The schemes mentioned were Old Age Pension, Indira Awaas Yojana (IAY), Rashtriya Swasthya Bima Yojana (RSBY), Kishan Credit Card (KCC), and Tribal Development Fund (TDF) of NABARD.



Part D

COMMON LEGAL PROBLEMS

Among the respondents who were chosen for the purposes of this Study in Nagaland, almost one third [231 (31%)] of them replied that they have had at least one legal problem, of which a majority had faced theft/robbery or had had a land dispute; land disputes having the second largest component.



Respondents were asked what kind of legal problems happen in their community and their responses are in the table below.

Does This Happen In Your Community?	Yes		No		No Answer	
Eve Teasing	509	68%	243	32%	0	0%
Sexual Harassment in work place	94	13%	629	84%	29	4%
Land dispute	706	94%	46	6%	0	0%
Bribery	440	59%	276	37%	36	5%
Theft	728	97%	24	3%	0	0%
Missing person	160	21%	578	77%	14	2%
Child labor	175	23%	551	73%	26	3%
Child abuse	258	34%	471	63%	23	3%
Domestic violence	559	74%	190	25%	3	0%
Adultery	500	66%	237	32%	15	2%
Human Trafficking	52	7%	685	91%	15	2%
Assault	449	60%	292	39%	11	1%
Rape	351	47%	400	53%	1	0%
Homicide	258	34%	460	61%	34	5%

NATIONAL CRIME RECORD BUREAU STATISTICS

According to the National Crime Record Bureau statistics⁴⁰⁷ regarding Nagaland, numbers of theft are fairly high, while other crimes such as rape and kidnapping are relatively low compared to other states of India. However, it is unknown how many cases go underreported in a fear of social stigma, and due to the active role of village council in administering justice at the village level.

National Crime Records Bureau	2010	2011	2012
Sexual Harassment	3	0	0
Bribery		17	29
Theft ⁸	397	360	381
Cruelty by Husband and Relatives	1	1	0
Kidnapping & Abduction of women/girls	50	34	27
Rape	16	23	21
Homicide	45	46	75

MOST PREFERRED METHODS OF DISPUTE RESOLUTION

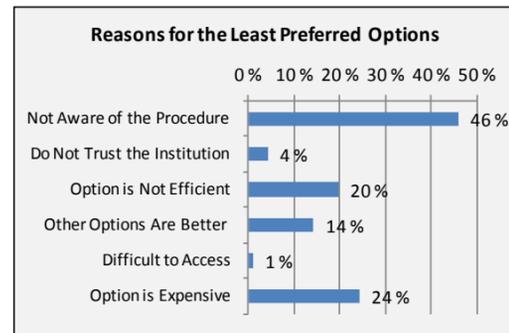
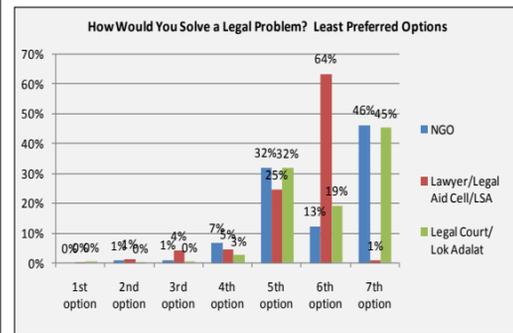
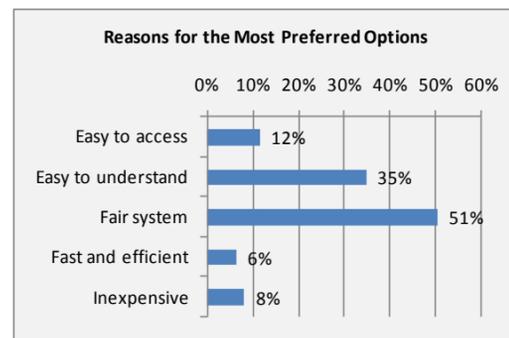
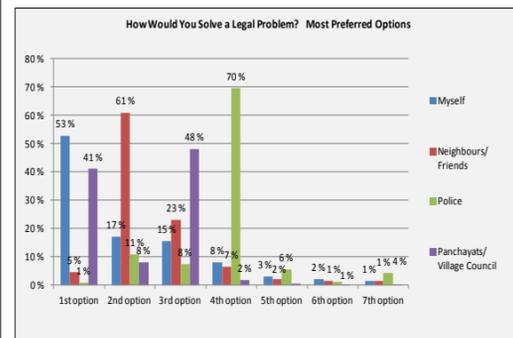
The respondents were asked if they had a legal problem, how they would prefer to solve it. An overwhelming 731 (97%) respondents selected “I would go to the panchayat/village headman/village council or durbar” among the 3 most preferred options whereas 666 (89%) chose “I would resolve it with help of neighbours and friends”; 642 (85%) chose “I would solve the legal problem by myself”; and 145 (19%) respondents chose “I would go to the police” among the 3 most favored solutions.

When asked about reasons for most favored option, 263 (51%) said they prefer their first option to solve a legal problem because it is “Fair system.” 263 (35%) said “Easy to Understand”; 88 (12%) respondents said they chose their most preferred options because of the “Easy to access”; 62 (8%) said “Inexpensive”; and 48 (6%) said because it is “Fast and Efficient.”

725 (96%) chose “I would take the matter to a legal court/Lok Adalat, going to NGOs, or to lawyer/ Legal Aid cell/LSA emerged as least preferred option as almost more than 90 percent of respondents mark above three as the least preferred option.

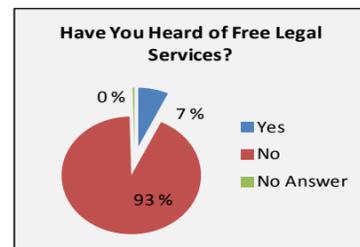
When asked about reasons behind choosing a least preferred option, 345 (46%) said they chose their least preferred solution to solve a legal problem because of a lack of awareness regarding the procedures involved; 182 (24%) found the option expensive.

Five groups said cases involving land disputes, murder, rape, elopement dispute with other tribes, can be resolved by the Village Councils/Panchayats as the village Council, Puttu, is capable of solving such cases.



AWARENESS OF FREE LEGAL SERVICES

When asked about the possibility to get free legal services 53 (7%) respondents had heard about the possibility to get free legal services, of which 28 (53%) were men. Moreover, the awareness was higher in the younger generations, 22 (42%) respondents aware of the free legal services were in the age group of 18-30-years-old; 22 (42%) were in the age group of 31-50-years-old; and 9 (16%) respondents familiar with the free legal services were above 50-years-old.



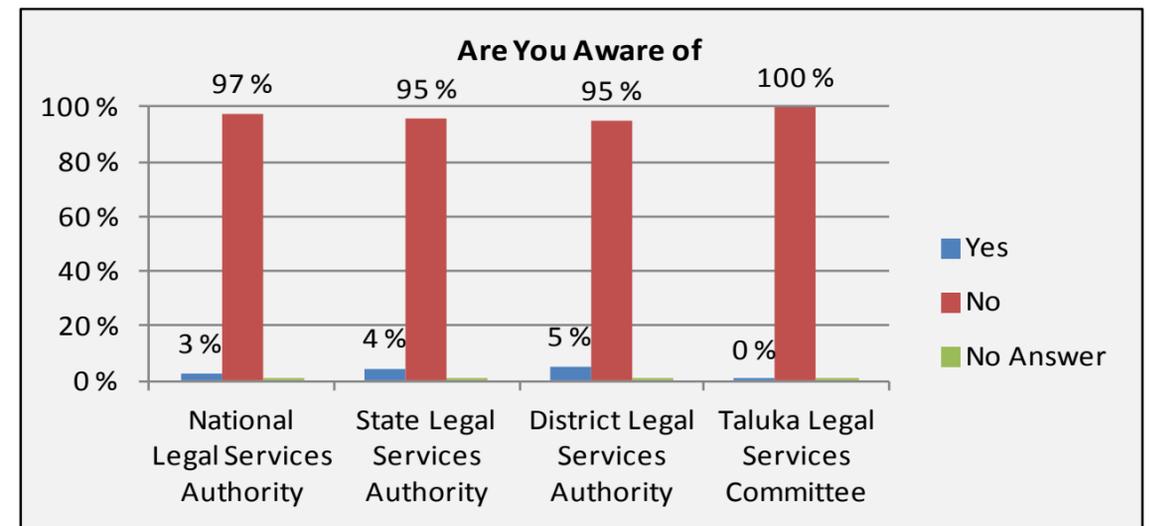
Those who were aware of the service were asked how they came to know of it. 41 said from Newspaper/TV/Radio; 4 respondents came to know through Awareness Programmes; 3 respondents had come to know about Free Legal Services Authorities through school/college; 1 from a Lawyer; and 1 respondents had come to know of Free Legal Services Authorities from a village head.

Who Has Informed You?	Respondents
Awareness programme	4
Village Head	1
Newspaper/TV/Radio	41
School/College	3
Lawyer	1

Those who were aware of the service were asked who can avail the service. 19 said anybody in the country; 10 respondents said member of SC/ST; 9 respondents said a policeman is eligible for free legal services; 3 respondents said a victim of trafficking; 7 respondents said a person with disability is eligible for free legal services; and 2 respondents said they were not aware.

Who Can Avail Free Legal Services?	Respondents
Member of SC/ST	10
A Woman or Child	0
A Policeman	9
A Victim of Trafficking	3
A Person with Disability	7
Anybody in the Country	19
Not Aware	2

In terms of awareness level about the various Legal Services Authorities, 7 (5%) respondents were aware of District Legal Services Authority; 33 (4%) respondents were aware of State Legal Services Authority; 19 (3%) respondents were aware of National Legal Services Authority; and 1 (0%) respondent was familiar with Taluka Legal Services Committee.



24 (3%) respondents had used the services of the Legal Service Authorities, the Taluka Legal Services Committee or a legal aid cell. 3 respondent availed the service of Fast Track Court; 1 availed services of High Court, but did not specify further.

The respondents were asked to rate their experience with the Legal Services Authorities on a scale of 1 to 5.

The criteria included *access, ease of understanding, quality of information or advice given, quality of legal counsel assigned, time taken for resolution* and satisfaction with the process. Their responses are depicted on the table below.

Access	Respondents
Poor	1
Average	2
Good	1

Quality of Info/ Advice Given	Respondents
Average	2
Good	2

Time Taken for Resolution	Respondents
Very Poor	1
Poor	1
Good	1
Excellent	1

Satisfaction with the Outcome	Respondents
Very Poor	1
Poor	1
Good	1
Excellent	1

Ease of Understanding	Respondents
Poor	1
Good	2
Excellent	1

Quality of Legal Counsel Assigned	Respondents
Poor	1
Average	2
Good	1

Satisfaction with the Process	Respondents
Very Poor	1
Poor	1
Average	1
Good	1

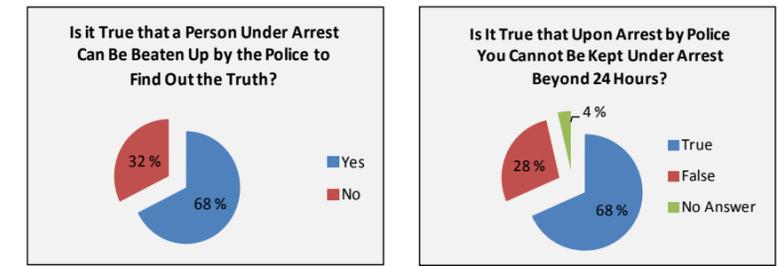
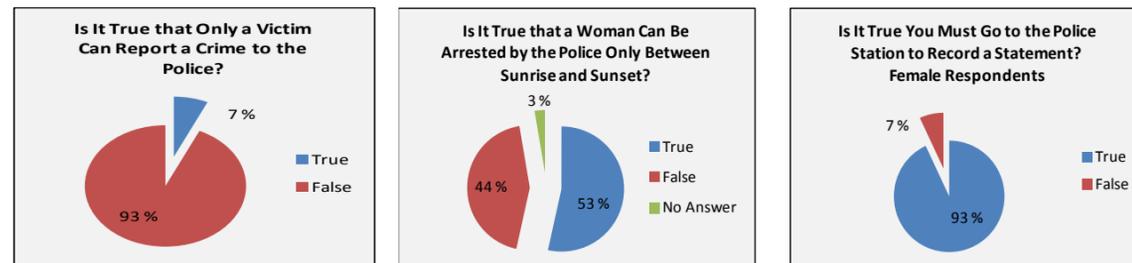
Part E

AWARENESS ON LEGAL AND CONSTITUTIONAL RIGHTS

When respondents were asked about who can report about an offence to police, 700 (93%) respondents were aware that also other people can report a case to the police, not only the victim.

When women respondents were asked to assess their level of awareness about rights available to them, it came out that 349 (93%) female respondents were not aware that that they are not required to go to the police station to record a statement whereas 422 (53%) were aware a woman can be arrested by the police only between sunrise and sunset.

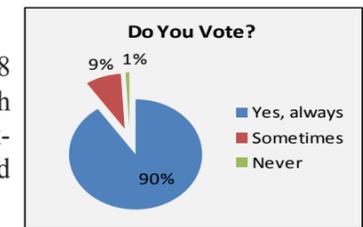
Among the total number of respondents, 514 (68%) were aware that one cannot be kept under arrest beyond 24 hours without being produced before a Magistrate whereas 508 (68%) respondents believed that an accused can be beaten up by the police to find out the truth.



IDENTITY DOCUMENTATION AND VOTING INDEXES

731 (97%) respondents had at least one Identification Card. 596 of the respondents had a Voters ID; 174 respondents had a driving license; 168 respondents had a PAN Card; 162 respondents had a BPL Card; and 59 respondents had other identification cards.

12 (2%) respondents did not have any identification card, of which 8 were women and 6 were men. It was noteworthy that respondents with no identification card came from both low and high educational backgrounds. 680 (90%) respondents said they vote always; 65 (9%) said they vote sometimes; and 7 (5%) respondents said they never vote.



PUBLIC CONFIDENCE IN POLICE

11 (1%) respondents said they and their family members have faced problems with reporting a case in police station. The respondents specified that the problem was bribery, inactiveness or both.

Problems in Reporting a Case?	Respondents	%
Yes	11	1%
No	736	98%
No Answer	5	1%
Total	752	100%

Respondents were also asked what crimes could be reported to the police.

Overall, on an average about 69 percent of the respondent group were knowledgeable about their rights. However, since these were very basic rights and protections that they were asked of, it is felt that the knowledge levels should be higher. The awareness level of male respondents was 70%, while it was 67% for female respondents.

Can You Report to the Police?	Yes	No	Not Aware	No Answer
Eve Teasing	219 29%	291 39%	241 32%	1 0%
Sexual Harassment in work place	540 72%	147 20%	63 8%	2 0%
Land dispute	302 40%	292 39%	156 21%	2 0%
Bribery	472 63%	68 9%	209 28%	3 0%
Theft	739 98%	10 1%	2 0%	1 0%
Missing person	686 91%	31 4%	33 4%	2 0%
Child labor	470 63%	122 16%	160 21%	0 0%
Child abuse	551 73%	45 6%	154 20%	2 0%
Domestic violence	607 81%	65 9%	79 11%	1 0%
Adultery	236 31%	162 22%	347 46%	7 1%
Human Trafficking	652 87%	24 3%	75 10%	1 0%
Assault	610 81%	73 10%	69 9%	0 0%
Rape	747 99%	4 1%	0 0%	1 0%
Homicide	707 94%	7 1%	34 5%	4 1%

INTRODUCTION

Sikkim as an Indian state came into existence on 26th April, 1975 and is the twenty second state of India.⁴⁰⁸ The physiology of the State is mostly hilly with level of elevation beginning from about 300 meters up to 8540 meters above sea level the famous amongst all is Kanchenjunga, the third highest peak in the world.

In terms of demography, Sikkim has mainly three groups of people viz. *Nepalis, Bhutias, Lepchas*⁴⁰⁹ Sikkim has great strategic significance due to its location close to the international border that it shares with Nepal in west, China's Tibet Autonomous Region to the north and east, and Bhutan to the east.⁴¹⁰ Capital of Sikkim is Gangtok.⁴¹¹

Sikkim is the least populous state in India, with only 610,577 inhabitants as recorded in the 2011 census.⁴¹² and sparsely populated, as only 86 persons live in every square kilometer. Sikkim has a low sex ratio of 889, which below the national average of 940.

Part A

SPECIAL CONSTITUTIONAL PROVISIONS AND STRUCTURE OF GOVERNMENT

371F of the Indian Constitution provides special provisions with respect to the State of Sikkim. It lays down that that the Legislative Assembly of the State of Sikkim shall consist of not less than thirty members, formed as a result of the elections. The provision further mandates that there shall be allotted to the State of Sikkim one seat in the House of the People and the State of Sikkim shall form one parliamentary constituency to be called the parliamentary constituency for Sikkim.

The provision also provides that the Parliament may, for the purpose of protecting the rights and interests of the different sections of the population of Sikkim make provision for the number of seats in the Legislative Assembly of the State of Sikkim which may be filled by candidates belonging to such sections and for the delimitation of the assembly constituencies from which candidates belonging to such sections alone may stand for election to the Legislative Assembly.

The Governor has having a special responsibility for peace and for an equitable arrangement for ensuring the social and economic advancement and in the discharge of his special responsibility under this clause, the Governor of Sikkim shall, subject to such directions as the President may, from time to time, deem fit to issue, act in his discretion. Moreover, the provision mandates the establishment of the High Court of Sikkim.⁴¹³

The State Government of Sikkim is the supreme governing authority of the state and its 4 districts. It consists of an executive, led by Governor, a judiciary and a legislative branch. The present Legislative Assembly of Sikkim is unicameral, consisting of 32 Member of the Legislative Assembly with a term of 5 years. Sikkim has two tier Panchayati Raj system, i.e. Zila Panchayat and Gram Panchayat.⁴¹⁴

ECONOMY

Sikkim's economy is highly dependent especially on agriculture and tourism.⁴¹⁵ As of 2011 the state has the fourth-smallest GDP among Indian states, ₹ 81,159.^{416,417}

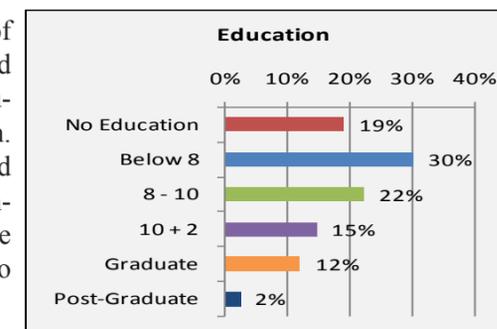
Part B

RESPONDENTS: SAMPLE SIZE

In Sikkim, there were 750 participants--376 were women and 374 were men-- responded to the close-ended questionnaire. In terms of age break up among the participants, 253 respondents were above 50 years; 249 respondents were between the ages of 18-30 years and 248 were between 31-50 years of age. In terms of category-wise break up among respondents, 55% respondents belonged to the Scheduled Tribe category; 157 (21%) respondents belonged to General Category; 113 (15%) respondents belonged to Other Backward Castes; and 57 (8%) belonged to the Scheduled Caste category. 13 (2%) respondents preferred not to disclose their category.

LITERACY

The table on right hand side shows the literacy level of level of respondents who participated in the close ended questionnaire. Out of the 142 respondents without education, 95 (67%) were women and 47 (33%) were men. The data revealed that the younger generations have had better access to education; 115 (81%) respondents without education were over 50-years-old; 21 (15%) were between the ages of 31 to 50; and 6 (4%) were 18 to 30-years old.



According to Census 2011, the state's literacy rate is stated to be 81.42 per cent.⁴¹⁸ The literacy rate of males is 87% while that of females result to 66%. The lowest literacy rate is in the West District (77%) and highest in the East District (84%). The districts with the strongest gender gap in literacy, for disadvantage of women, are West and North District, both having 21 percentage unit differences.

District	Total Population above 7 years	Total Literacy Rate	Female	Male
North District	39032	78%	63%	83%
West District	120729	77%	63%	84%
South District	131106	81%	68%	87%
East District	255599	84%	70%	88%
Sikkim	546466	81%	66%	87%

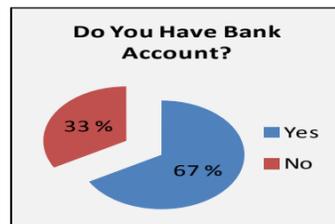
OCCUPATION AND INCOME

In terms of occupation of respondents, 665 (89%) respondents were employed. If one goes by sector-wise break up it comes out that 194 (26%) respondents were housewives, 171 (23%) were government employees, 137 (18%) respondents worked in agricultural sector, 63 (8%) respondents were private sector employees; 51 (7%) were entrepreneurs, 28 (4%) respondents were students and 21 (3%) respondents stated their occupation to be other. Out of total unemployed respondents, 52 (61%) were men and 33 (39%) were women. 335 (40%) respondents had no income, of which 205 (61%) were women and 130 (39%) were men.

Occupation	Respondents	%
Government Employee	171	23%
Private Sector Employee	63	8%
Entrepreneur	51	7%
Unemployed	85	11%
Housewife	194	26%
Agriculture	137	18%
Student	28	4%
Other	21	3%
Total	750	100%

FINANCIAL INCLUSION

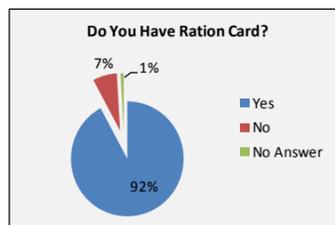
Among all the respondents, 499 (67%) respondents had a bank account, of which 269 (54%) were men and 230 (46%) were women. Of those 248 (33%) respondents who did not have bank account, 94 (38%) were housewives and 55 (22%) worked in the agricultural sector. All the respondents earning above Rs. 10000 monthly had a bank account.



Part C

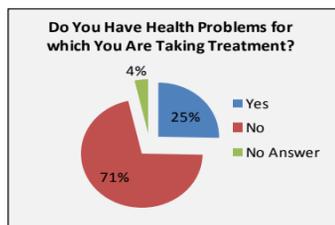
INCLUSION IN THE PUBLIC DISTRIBUTION SYSTEM

All the respondents were asked about access to PDS. It emerged that 691 (72%) respondents had a ration card, of which 50% were women. Among those who did not have ration card 25 (48%) respondents did not have any income.

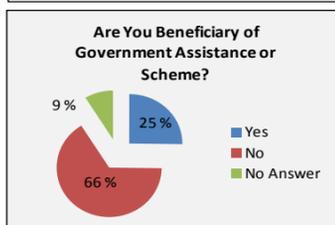


ENTITLEMENT TO GOVERNMENT ASSISTANCE SCHEMES INCLUDING HEALTH FACILITIES

All the respondents were asked about access to government assisted schemes and access to government supported medical benefits. It emerged that 190 (25%) respondents said they have health problems and most of them mentioned that they use their personal funds to pay the treatments. Only 20 respondents mentioned that they received assistance from the government.



In terms of access to Government run welfare schemes, 189 (25%) respondents mentioned that they were beneficiaries of different schemes. Of all such respondents, 99 (52%) were men and 90 (48%) were women. The beneficiaries stated they enjoy assistance from the schemes of Block Scheme, Scheme MLA, Bank Loan, Self Help Group, Grant, NREGS and Health Scheme.



Part D

COMMON LEGAL PROBLEMS

A vast majority (86%) of respondents stated that they never had any legal problem. Of those who had faced some kind of legal problem, most had faced thefts/ robbery and the second largest group was of those who were involved in land disputes. However, when asked whether crimes happen in their community, 472 (63%) respondents said land disputes take place; 189 (25%) said child labour takes places; 188 (25%) said there are cases of child abuse; 128 (17%) said there have been cases of human trafficking.

Does This Happen In Your Community?	Yes		No		No Answer	
Eve Teasing	127	17%	610	81%	13	2%
Sexual Harassment in work place	83	11%	657	87%	10	1%
Land dispute	472	63%	268	36%	10	1%
Bribery	125	17%	611	81%	14	2%
Theft	440	59%	301	40%	9	1%
Missing person	253	34%	485	64%	12	2%
Child labor	189	25%	546	73%	15	2%
Child abuse	188	25%	543	72%	19	3%
Domestic violence	429	57%	303	40%	18	2%
Adultery	371	49%	364	48%	15	2%
Human Trafficking	128	17%	606	81%	16	2%
Assault	439	58%	307	41%	4	1%
Rape	241	32%	500	66%	9	1%
Homicide	216	29%	508	68%	26	3%

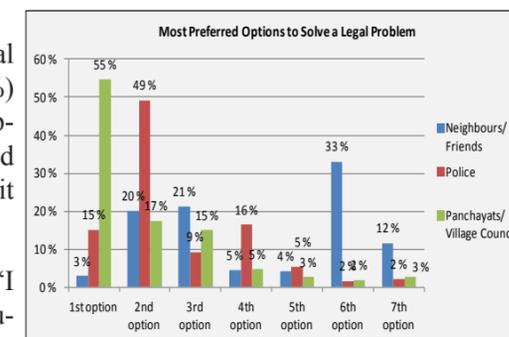
NATIONAL CRIME RECORDS BUREAU STATISTICS

According to the National Crime Record Bureau statistics offence of theft is relatively low in the state of Sikkim, if compared to other Indian states. However, it can be noted that while the crime of cruelty by husband and relatives is very rarely reported, 59% of the respondents said that for example domestic violence happens in their community. It suggests that underreporting is occurring of a crime which has a serious nature and impact on women.

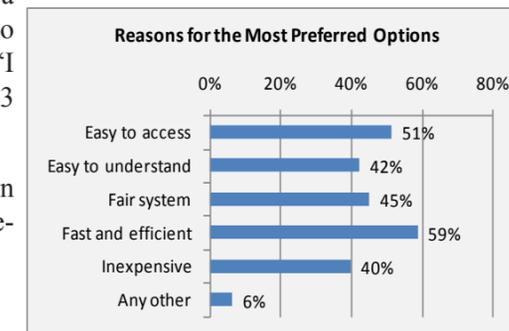
National Crime Records Bureau	2010	2011	2012
Sexual Harassment	0	0	0
Bribery		8	9
Theft	53	72	117
Cruelty by Husband and Relatives	3	4	4
Kidnapping & Abduction of women/girls	6	10	10
Rape	18	16	34
Homicide	17	14	7

PREFERRED METHODS OF DISPUTE RESOLUTION

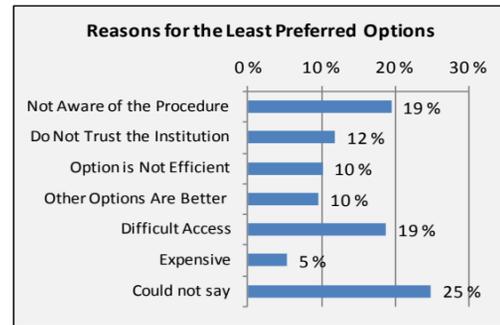
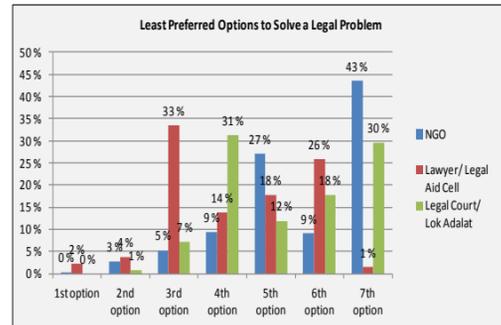
59% said they prefer their first option to solve a legal problem because it is "Fast and Efficient" 385 (51%) respondents said they chose their most preferred options because it is "Easy to access"; 338 (45%) said "Fair System"; 317 (42%) said they chose it because it is "Easy to understand"



On the other hand, 597 (80%) respondents selected "I would to an NGO" among their 3 least favored solutions. 446 (59%) chose "I would take the matter to a legal court/Lok Adalat"; 339 (45%) said "I would go to a lawyer/Legal Aid cell/LSA"; and 332 (44%) chose "I would solve the legal problem by myself" among their 3 least preferred options.



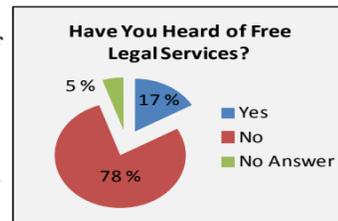
146 (19%) said they chose their least preferred solution to solve a legal problem because lack of awareness regarding the procedures involved.



All the participants of the six Focus Group Discussions (FGDs) agreed that all kinds of legal problems should be first referred to the panchayats. However, participants of two groups said that heinous crimes like murder and rape should be reported to the police for immediate action. Three groups said that only if the matter cannot be resolved by panchayat, it should be reported to the police.

AWARENESS OF FREE LEGAL SERVICES

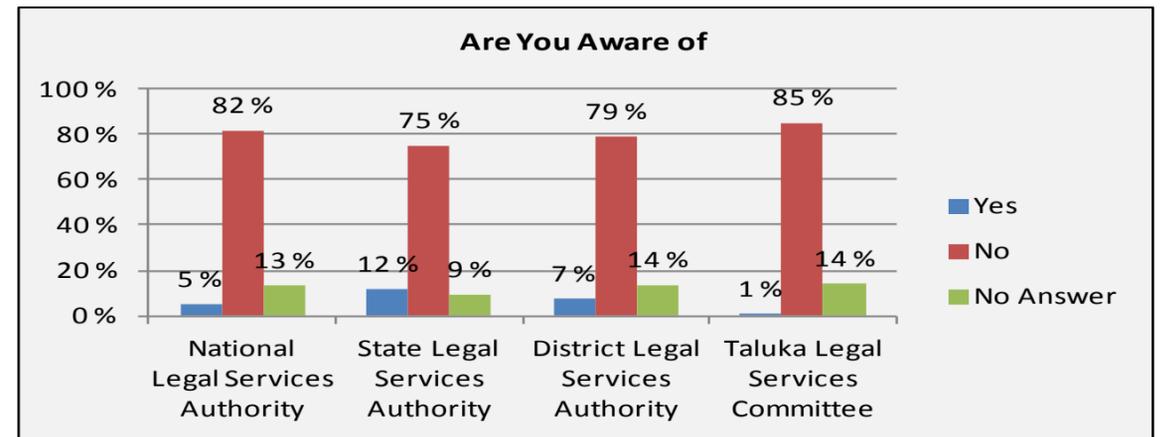
When asked about possibility to get free legal services, 125 (17%) respondents had heard about the possibility to get free legal services, of which 71 (57%) were men and 54 (43%) were women. Awareness was higher in the younger generations, when asked as to how they came to know about free legal services, 51 respondents had heard of these services from awareness programmes, the table on the right shows their responses.



However, among those who had heard about the service, the awareness level on who is eligible for free legal services was poor: 74 (59%) respondents said they are not aware of who is eligible for free legal services.

Who Can Avail Free Legal Services?	Respondents	Who Has Informed You?	Respondents
Member of SC/ST	60	Information distributed	11
A Woman or Child	32	Awareness programme	51
A Policeman	61	NGO/CBO	15
A Victim of Trafficking	51	Village Head	4
A Person with Disability	1	Police	1
Anybody in the Country	17	Newspaper/TV/Radio	23
Not Aware	74	School/College	24
		Lawyer	15
		Paralegal	1
		Other	9

When asked about awareness regarding various free services authorities, 88 (12%) respondents were aware of State Legal Services Authority; 55 (7%) had heard about District Legal Services Authorities; 38 (5%) were aware of National Legal Services Authority and 6 (1%) respondents were familiar with Taluka Legal Services.



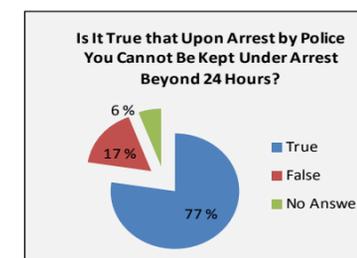
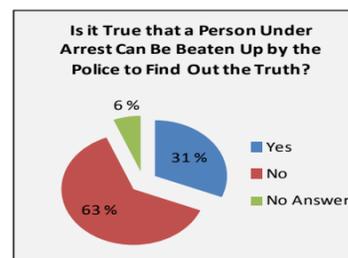
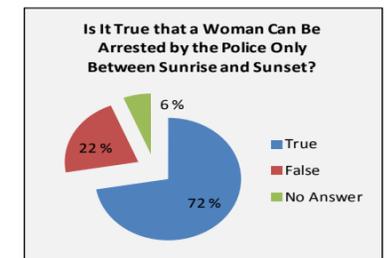
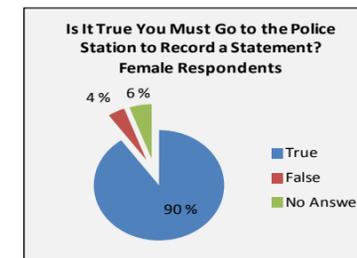
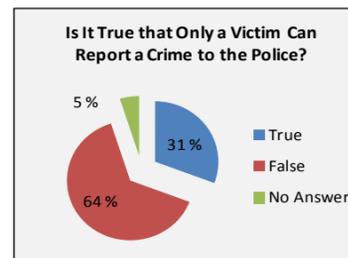
Part E

AWARENESS OF LEGAL AND CONSTITUTIONAL RIGHTS

It emerged that most respondents knew that crimes like theft, robbery and murder could be reported to the police. However, only 72% respondents knew that one can report to the police the crime of domestic violence.

When asked about who can report about an offence to the police, 482 (64%) respondents were aware that also other people can report a case to the police, not only the victim. Among the women respondents, 339 (90%) female respondents were not aware that they do not have to go to the police station to give a statement if the police demands so Whereas 542 (72%) woman believed that a woman can be arrested by the police only between sunrise and sunset. Among all the respondents, 470 (63%) of the respondents knew that a person under arrest cannot be beaten up by the police whereas 581 (77%) were aware that one cannot be kept under arrest beyond 24 hours.

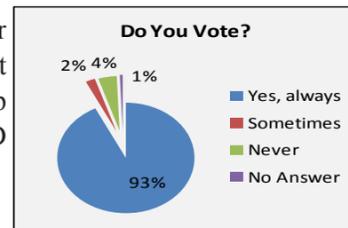
Overall, on an average about 60 percent of the respondent group were knowledgeable about their rights. However, since these were very basic rights and protections that they were asked of, it is felt that the knowledge levels should be higher.



The awareness level of male respondents was 64%, while it was 56% for female respondents. However, it was noteworthy that female respondents without education had higher level of awareness on legal rights than male respondents without education among the younger generation. Respondents belonging to younger generations had higher awareness level than older generations.

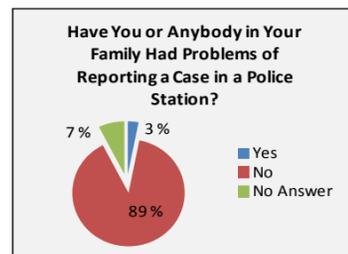
DOCUMENTS FOR IDENTIFICATION AND VOTING INDEXES

When respondents were asked whether they have any document for identification and whether they vote or not, the findings revealed that 713 (95%) respondents had at least one Identification Card. Break up can be seen in the table on right hand side. To those who had voter ID card, 697 (93%) of them mentioned that they vote always.



PUBLIC CONFIDENCE IN POLICE

671 (89%) respondents said they and their family members had not faced any problems with reporting a case in a police station. 23 (3%) respondents said there have been problems but they did not disclose which kinds of problems.



INTRODUCTION

Tripura is one of the smallest states in India with an area of 10,486 square kilometers.⁴¹⁹ This landlocked state shares an international border of 856 kilometers (84% of its total border) on the north, south and west with Bangladesh.⁴²⁰ On its eastern borders are the two neighboring states of Assam and Mizoram. It is connected to the rest of India by only one major national highway (National Highway 44).⁴²¹ The state consists of eight districts: with Agartala as the capital.⁴²²

As per 2011 census,⁴²³ the total population of Tripura is 3,673,917 of which male and female are 1,874,376 and 1,799,541 respectively. While it accounts for barely 0.8% of the total area of the North-eastern region, it is home to more than 8% of the population. Density of Tripura is 350 persons per square km making it the most densely populated state in the region. 73.8% of the state’s population resides in rural areas and 26.2% of the population resides in rural areas. The sex ratio of Tripura is --higher than the national average of 940. Demographically, Bengalis constitute of 60% of the total population from the ethno-linguistic majority of the state.⁴²⁴ The Scheduled Tribes form about 30% of Tripura’s population.⁴²⁵ The Kokborok-speaking Tripura people consist of 17% of the state’s population and 54.7% of the state’s Scheduled Tribe population.⁴²⁷ Besides the Kokborok-speaking tribal, the state has 18 other tribes and sub-tribes including *Reang, Jamatia, Chakma, Halam, Mog, Munda, Kuki and Garo*. Bengali and Kokborok are the major recognized languages in the state.

Part A

SPECIAL CONSTITUTIONAL PROVISIONS AND STRUCTURE OF GOVERNMENT

According to Article 244(2) of the Constitution of India, the provisions of the Sixth Schedule will apply to the administration of tribal areas of Tripura.⁴²⁸

STRUCTURE OF GOVERNMENT

Prior to independence, the area of modern Tripura consisted of the Tippera plains district and Hill Tippera.⁴²⁹ Following partition of India In 1947, Tippera plains became a part of East Pakistan (now Bangladesh) and Hill Tippera merged as a state of independent India on September 9, 1949 and Tripura was made a Union Territory of independent India on November 1, 1956 and became a full-fledged state on January 21, 1972.⁴³⁰ Executive authority is vested in the elected Council of Ministers headed by the Chief Minister. The Tripura Legislative Assembly is unicameral with 60 Members of the Legislative Assembly (MLA)⁴³¹. Tripura sends two representatives to the Lok Sabha and one representative to the Rajya Sabha⁴³².

Two major insurgent groups--National Liberation Front of Tripura and All Tripura Tiger Force--emerged in Tripura as a consequence of conflict between Bengali immigrants and the indigenous tribes.⁴³³ Though there have been scattered incidents of violence, Tripura has remained relatively peaceful after the formation of the autonomous district councils for the governance of the tribes.⁴³⁴ With regard to local administration, Tripura consists of 8 districts--further divided into sub divisions and blocks--each headed by a District Magistrate responsible for development administration of the district.⁴³⁵

In Tripura, there is only one Autonomous Council, namely Tripura Tribal Areas Autonomous District Council (TTAADC)⁴³⁶ has been constituted in under the Sixth Schedule, which covers and have jurisdiction over the total areas of all the four revenue districts.⁴³⁷ 19 Rural Development Blocks are within the Sixth Schedule area and 18 mixed Blocks are within jurisdiction of both Sixth Schedule and Panchayati Raj Institutions (PRI).⁴³⁸

TTAADC was set up in January 18, 1982.⁴³⁹ Following the 49th Amendment to the Constitution of India, the TTAADC was brought under the provisions of the Sixth Schedule of the Constitution with effect from April 1, 1985. The TTADC encompasses 68.1% of the state's total geographical area (7,132.56 square kilometers) and administers a population of 12, 16,465 persons.⁴⁴⁰ The TTADC consists of 30 members. 28 seats are elected and 2 seats are nominated. Out of the 28 elected seats, 26 are reserved for the tribes.⁴⁴¹ The Executive Committee consists of Chief Executive and nine members.⁴⁴² The Council has legislative powers on the subjects described in Paragraph 3 of the Sixth Schedule, including land, water, non-reserved forests and limited powers for administration of justice. Elections are expected to be conducted by the District Council. In 2006, the DCs entrusted the elections to the State Election Commission.⁴⁴⁴

In 2006, the State government sought to create elected bodies similar to the village panchayats in the non-TTADC areas as nothing in the Sixth Schedule precludes the state from taking such a course of action. At grassroots level, 527 Village councils functioning as primary institutions of local self-governance similar to Gram Panchayats in Non- TTADC areas.⁴⁴⁵

The rest of the State has a very robust three tier Panchayati structure as was laid down in the 73rd Constitutional amendment. In the non-tribal areas, development administration is centered on blocks, headed by a Block Development Officer (BDO). The blocks have been brought under the general supervision of the Panchayat Samities, which consist of local elected representatives headed by an elected Chairman. The BDO is the ex-officio executive officer of the Panchayat Samiti.⁴⁴⁶

THE JUDICIAL SYSTEM

Tripura was brought under the jurisdiction of the Gauhati High Court under the North Eastern Areas (Reorganization) Act, 1971.⁴⁴⁷ A separate Tripura Bench of Gauhati High Court was set up in the on January 24, 1972. In 2012, The North-Eastern Areas (Reorganization) and other Related Laws (Amendment) Act declared that Tripura along with Meghalaya and Manipur shall get their separate High Court. On March 23, 2013, the provision of the Act which formed the High Court of Tripura came into force.⁴⁴⁸ There are district courts in South Tripura, West Tripura, Dhalai and North Tripura. A total of 3 Family Courts have so far been established in Tripura.⁴⁴⁹ The Family Courts are functioning in full swing in terms with the purpose and objects of Family Courts Act, 1984.

In the TTADC areas, village councils and courts are predominant. Paragraph 4 of the Sixth Schedule provides for regional and district councils to constitute village councils or courts to the exclusion of any Court in the state for the trial of suits and cases between Scheduled Tribes within such areas, with certain exceptions⁴⁵⁰. The Regional or District Council can appoint members and presiding officers of such Village Councils. The Regional and District Council are also empowered to act as, or constitute separate Courts of Appeal.⁴⁵¹

The TTADC has powers to frame laws in the following matters with the approval of Governor : i) inheritance of property of schedule tribes; ii) marriage and divorce where any party belongs to a Schedule Tribe; iii) social customs of schedule tribes; iv) allotment, occupation, use or setting apart of all lands other than reserve forests ; v) management of forest other than reserve forest; vi) use of canal or water courses for purposes of agriculture; vii) jhum cultivation; viii) village Committees or Council; ix) any other matter relating to administration including public health and sanitation. Further, with the approval of the government, the Council can make regulations for administration and control of primary schools, dispensaries, markets, cattle pounds, ferries, fisheries, roads, road transports and waterways. The Council can also regulate money-lending and trade.

The Chief Executive member of the TTADC heads the Law Department.⁴⁵² The Law Department advises the TTADC on important legal issues supervises the coordination and functioning of advocates and assists the TTADC in the formulation of any laws. Disputes from the lowest village courts onwards can go up to appeal in the TTADC.⁴⁵³

ECONOMY

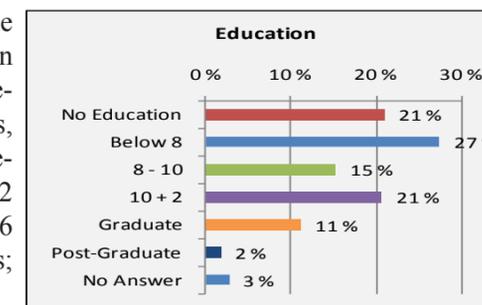
The geographic partition that coincided with the independence of India resulted in major economic and infrastructural setbacks for the state, as road transport between the state and the major cities of India had to follow a more circuitous route.⁴⁵⁴ In 2011-12, the GDP of Tripura was Rupees 18,478 crores and per capita GDP was Rupees 38,493. Tripura is ranked 18th in the Human Development Index among the 35 Indian states and Union Territories.⁴⁵⁶ Its HDI rank is 0.663, better than the all-India average of 0.605.⁴⁵⁷

AS per the Economic Review of Tripura for the year 2010-2011⁴⁵⁸ the state has generally done well in areas such as agricultural production, primary education and health and in poverty reduction. The Economic Review reveals that almost half the population is dependent on agriculture, though only 27% of the state's land area is cultivable. Major industries of the State include brickfields, tea and runner industry are some of the major industries and the State ranks second only to Kerala in the production of natural rubber in the country.⁴⁵⁹ Tripura has tremendous potentiality for tourism and bamboo based industries including traditional handloom and handicraft industries Tourism are two emerging industries with high potential for growth.

Part B

RESPONDENTS: SAMPLE SIZE

There were 755 participants who responded to the close-ended questionnaire. Of these, 378 were women and 377 were men. Roughly equal proportion of the respondents was from the three age groups, of 18-30 years, 31-50 years of age and above 50 years. 360 (48%) respondents belonged to the Scheduled Tribe category; 132 (18%) belonged to the Scheduled Caste category; 126 (17%) respondents belonged to Other Backward Castes; 136 (17%) respondents belonged to General Category.



LITERACY

590 (78.1%) of the respondents had had access to education. Out of the 590 educated respondents, 328(55.6%) males and 262(44.4%) females were educated. Out of the 164 respondents who were not educated, there were 48 (29.3%) males and 116 (70.7%) females. A break-up of education levels by age-cohort shows that the younger cohort in this sample has higher levels of education compared to the older cohorts.

District	Total Population above 7 years	Total Literacy Rate	Female	Male
West Tripura	1534889	89%	85%	92%
South Tripura	764052	85%	79%	90%
Dhalai	322219	86%	80%	91%
North Tripura	594743	88%	84%	91%
Tripura	3215903	87%	83%	92%

A category-wise break up of education shows that respondents belonging to the Scheduled Tribes are the least educated among all the categories. Therefore, the gap in literacy rates between ST and General Category is more than 15 percentage points. In 2013, Tripura emerged as the state with the literacy rate of 87.22%.⁴⁶⁰ The literacy rate of females during the period of 2001 and 2011 census rose from

64.91% to 83.15%, with an increase of 18.24%, while in the case of men the increase was 11.18% - from 81% to 92.18%. The FGDs revealed that quality of education is a cause of concern. Also, some other issues such as bribery for admission, absence of good faculty, absence of an institute for higher education nearby were a major problem in their area.

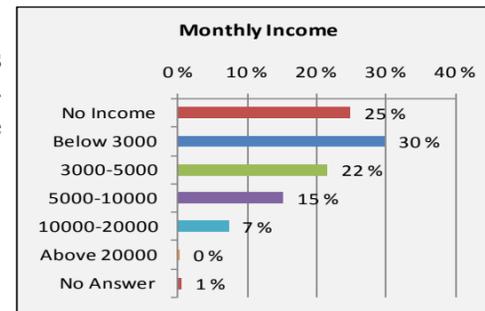
OCCUPATION AND INCOME

An occupational classification of the respondents shows that the highest percentage of respondents worked in agriculture. 169(38.6%) worked in the agriculture sector, 120(29.5%) worked in the government sector, 73(16.7%) were entrepreneurs, and 61(13.9%) worked in the private sector. There were 157(20.8%) housewives in the sample. In every occupation, men have a higher representation compared to women.

The level of income of respondents can be seen in the table on right hand side.

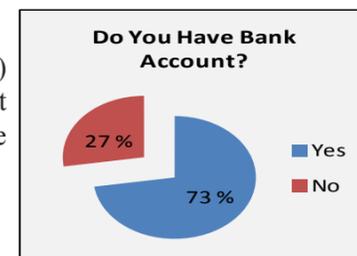
The data shows that a much higher proportion of women earn income below Rs. 3000 compared to men. This is also reflective of the poorer access to education for women. A higher percentage of STs are not earning an income compared to the rest of the categories.

Occupation	Respondents	%
Government Employee	120	16%
Private Sector Employee	61	8%
Entrepreneur	73	10%
Unemployed	73	10%
Housewife	157	21%
Agriculture	169	22%
Students	66	9%
Tutor	15	2%
Other	21	3%
Total	755	100%



FINANCIAL INCLUSION

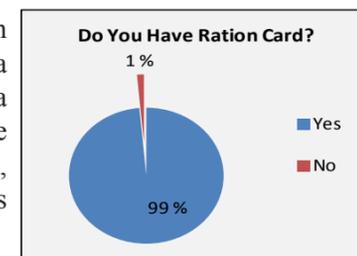
548 (73%) respondents had a bank account covering 301 (54.9%) males and 247 (45.1%) females. Out of the respondents who did not have a bank account, 76 (36.7%) were males and 131 (63.3%) were females.



Part C

INCLUSION IN THE PUBLIC DISTRIBUTION SYSTEM

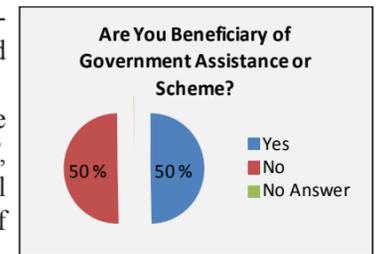
There are 9, 64,043 BPL ration card holders and 5, 07,256 APL ration card holders. There are 1, 81,876 beneficiaries under the Antyodaya Anna Yojana. The survey revealed that 744 (99%) respondents had a ration card covering 372 (50%) males and 372 (50%) females have ration cards. FGDs revealed irregularities in the ration card system, issue of political influences in getting ration card, issue of BPL cards to people APLs and irregularities in distribution by dealers.



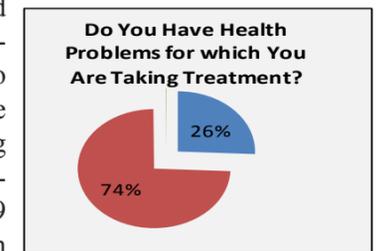
ENTITLEMENT TO GOVERNMENT ASSISTANCE SCHEMES INCLUDING HEALTH FACILITIES

375 (49.7%) respondents were beneficiaries of a Government Assistance or a scheme such as Pension scheme, MGNREGA, SSA and IAY etc.

Of those who were beneficiaries of these schemes, 193 (51.5%) were males and 182 (48.5%) were females. 208 (55.5%) belonged to ST, 64 (17.1%) to SC, 60 (16%) to OBC, and 42 (11.2%) to General Category. Educated respondents availed themselves of the benefit of government schemes more than uneducated respondents.



As regards health problems only 11 (0.03%) respondents mentioned that they received assistance from the government and 2 (0.03%) respondents took loans⁴⁶¹ to cover medical expenses. Among those who had health problems, 98 (50.5%) were female and 96 (49.5%) were males. Further, a distinctly higher number of respondents belonging to ST had health problems than other categories. Out of 194 respondents requiring treatment for health issues, 100 (51.5%) were STs, 29 (14.9%) were SCs, 25 (12.9%) were OBCs, 40 (20.6%) were from the General category.



FGDs unanimously raised serious issues with the health system such as poor hygiene in government hospitals, absence of doctors, absence of ambulance facility, unavailability of medicine prescribed anywhere in the local area and most importantly lack of awareness regarding where to complain.

COMMON LEGAL PROBLEMS

Respondents were asked what kind of legal problems happen in their community. As is palpable from the table below, land dispute, theft, domestic violence and assault were identified as most common constituents of crime with more than 50% respondents mentioning these problems. However respondents also mentioned about other problems such as disappearance, child labour and child abuse.

Does This Happen In Your Community?	Yes	No	No Answer
Eve Teasing	202 27%	552 74%	1 0%
Sexual Harassment in work place	58 8%	695 93%	2 0%
Land dispute	531 71%	222 30%	2 0%
Bribery	260 35%	492 66%	2 0%
Theft	547 73%	208 28%	1 0%
Missing person	120 16%	634 85%	1 0%
Child labor	358 48%	396 53%	1 0%
Child abuse	154 21%	599 80%	2 0%
Domestic violence	625 83%	129 17%	1 0%
Adultery	151 20%	603 80%	1 0%
Human Trafficking	48 6%	705 94%	2 0%
Assault	178 24%	576 77%	1 0%
Rape	188 25%	566 75%	1 0%
Homicide	56 7%	698 93%	1 0%

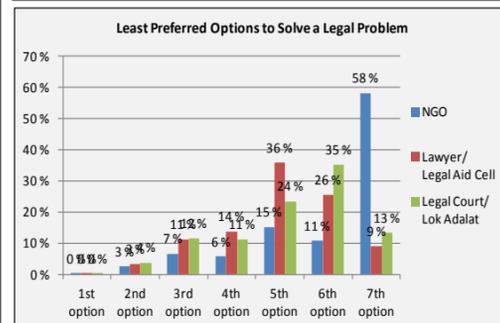
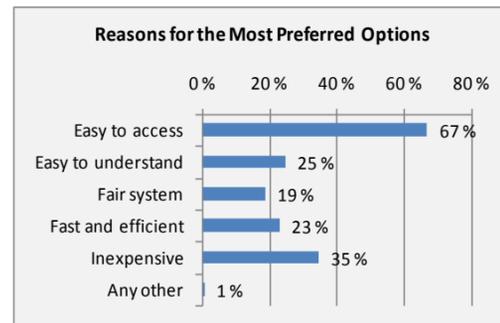
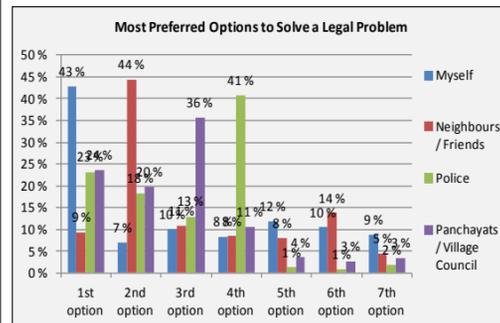
NCRB STATISTICS

Tripura has one of the highest rates of crime against women amongst all Indian states. The actual number of crimes could be much higher since many such incidents are not reported. Between 2010 and 2012, In October 2013, the Tripura High Court constituted two fast track courts to deal with cases of crime against women.

National Crime Records Bureau	2010	2011	2012
Sexual Harassment	9	9	7
Bribery		0	0
Theft	457	949	565
Cruelty by Husband and Relatives	937	702	858
Kidnapping & Abduction of women/girls	114	154	139
Rape	238	205	229
Homicide	150	163	124

PREFERRED METHODS OF DISPUTE RESOLUTION

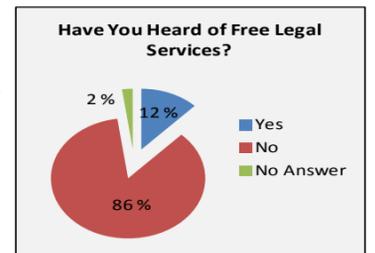
Going to the panchayat/village council appeared to be the most favored option among the respondents. 597 (79%) preferred to go to customary institutions. Ease of accessibility, cost involved and the ease of understanding procedures were the most important reasons for respondents for their preferred choice of legal option. Further, efficiency and perceived fairness of the system were also important considerations in choosing a legal system. Taking their legal problems to a lawyer, legal court, or legal aid cell was the least preferred option for respondents. Going to an NGO was also not a favored option. Lack of awareness about procedures, high costs, unavailability in the locality, inefficiency and lack of trust in the institution was what prevented respondents from approaching legal institutions such as courts, Lok Adalats and legal aid cells.



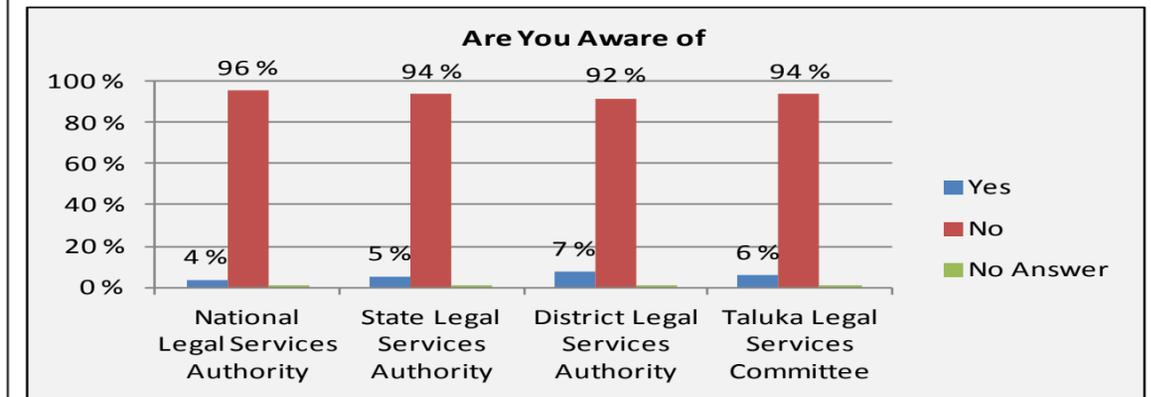
FGDs revealed that respondents prefer to solve issues pertaining to family matters within the family. Small matters such as small land disputes, eve-teasing, fights between husband and wife, quarrels between neighbors and thefts are to be preferably reported to the customary institutions. Reasons being ease of accessibility, fair treatment. It also emerged that people want to report serious offences such as murder should be reported to the police. The police can handle the case and if necessary also go to court. Almost similar trend can be observed in all the States however, there is no unanimous decision as to what constitutes serious offence.

AWARENESS OF FREE LEGAL SERVICES

A large majority of respondents were unaware of free legal services. 646 (86%) respondents had not heard about the possibility to get free legal services. Also only in one FGD, respondent had heard about free legal services.



56 (7%) respondents were aware of National Legal Services Authority; 68 (9%) were aware of State Legal Services Authority; 67 (9%) were aware of District Legal Services Authority; and 31 (4%) respondents were familiar with Taluka Legal Services Committee.



The respondents were asked to rate their experience with the Legal Services Authorities on a scale of 1 to 5. The criteria included *access, ease of understanding, quality of information or advice given, quality of legal counsel assigned, time taken for resolution and satisfaction with the process.*

Access	Respondents	Ease of Understanding	Respondents	Time Taken for Resolution	Respondents
Very Poor	1	Very Poor	2	Very Poor	0
Poor	2	Poor	4	Poor	1
Average	4	Average	1	Average	1
Good	0	Good	0	Good	1
Excellent	0	Excellent	0	Excellent	4

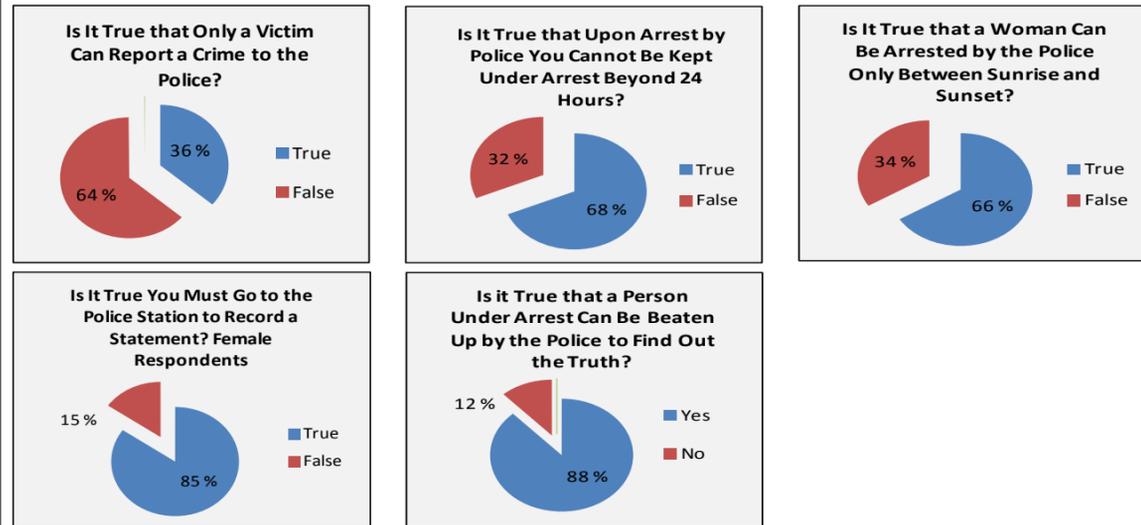
Quality of Info/Advice Given	Respondents	Quality of Legal Counsel Assigned	Respondents
Very Poor	0	Very Poor	2
Poor	2	Poor	2
Average	3	Average	2
Good	1	Good	1
Excellent	1	Excellent	0

Satisfaction with the Process	Respondents	Satisfaction with the Outcome	Respondents
Very Poor	0	Very Poor	3
Poor	3	Poor	1
Average	3	Average	1
Good	1	Good	1
Excellent	0	Excellent	1

Part E

AWARENESS OF LEGAL AND CONSTITUTIONAL RIGHTS

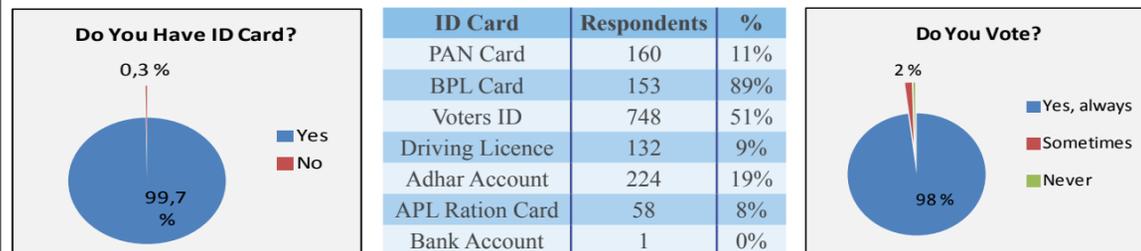
Respondents were asked a series of questions to determine if they were aware of their rights under the law. 480 (63.6%) respondents were aware that a person other than the victim can report a case to the police. Out of 378 female respondents, 320 (84.6%) female respondents were not aware that they do not have to go to the police station to give a statement if the police request it. 499 (66.1%) respondents believed a woman can be arrested during the night. 517 (68.5%) were aware that one cannot be kept under arrest beyond 24 hours; 238 (31.5%) respondents were not aware. 470 (62.3%) of the respondents knew that a person under arrest cannot be beaten up by the police. 46 (6.1%) did not answer to the question. Respondents were also asked what crimes could be reported to the police. Responses of respondents have been shown in the graphs on right hand side.



IDENTITY DOCUMENTATION, VOTER ID AND VOTING INDEXES

Of all the respondents 52 (99.7%) respondents had at least one identification card out of which 748 (99.1%) of the respondents had a Voters ID; 279 (37%) respondents had other identification cards. 98% respondents said they always vote; and 3 (0.004%) respondents said they never vote. Among the 3 respondents who never voted, they were all females in the 18-20 age group who had education lower than the 10th grade.

FGDs revealed that there were issues of undue delay in getting voter IDs and pressure from political party members to vote in favor of a particular political party.



PUBLIC CONFIDENCE IN POLICE

729 (97%) respondents said there have been a problem but did not disclose which kind of problem in reporting a case.

Problems in Reporting a Case?	Respondents	%
Yes	729	97%
No	16	2%
No Answer	10	1%
Total	755	100%

NEEDS ASSESSMENT STUDY TO IDENTIFY GAPS IN THE LEGAL EMPOWERMENT OF PEOPLE IN EIGHT STATES OF NORTH EAST

1. Please indicate your official role and key responsibilities
2. Please indicate your main activities in the _____, _____, _____ districts and provide the details requested

Activity	Place of implementation	When started?	Coverage till date (No. of beneficiaries)	Outcomes	Challenges	Plan for future

3. Do you receive complaints from the public or provide redressal, resolution or advisory services for the same?
If yes
 - a. Please specify your role and scope
 - b. Please indicate the number of cases dealt by you in the past one year
 - c. Please indicate the nature of cases
 - d. Please share your experiences of some key cases which highlight any proactive measures taken by you to improve access to justice or legally empower the complainant
 - i. Please elaborate on challenges faced by you in dealing with these cases
4. Please provide details of any publications etc. issued by you for the general public in the last 3 years. If possible, please provide copies.
5. Do you contribute statistical data to the NSS etc? If yes, please provide nature of data collected and contributed in the last three years.
6. Do you maintain records for public use and access? Please provide details.
7. Please share your views on the strengths and weaknesses of your office/department/organization in executing its role and responsibilities
8. In the past three years, how have you/your office/department/organization/institution contributed to the following in reference to the general public:
 - a. Increasing their legal empowerment
 - b. Improving their access to justice
 - c. Upholding their legal rights
 - d. Creating awareness amongst them of their rights and entitlements

QUESTIONNAIRE FOR NEEDS ASSESSMENT STUDY TO IDENTIFY GAPS IN THE LEGAL EMPOWERMENT

Date: _____
 Interviewer: _____
 District: _____
 Block: _____
 Village: _____
 State: _____

Respondent's Personal Profile

1. Gender Female Male Transgender
2. Age 18- 30 31-49 50 and above
3. Which category do you belong to? Scheduled Tribe Scheduled Caste
 OBC General
4. Education No Education Below 8 8 to 10 10+2
 Graduate Postgraduate
5. Occupation Government Employee Private Sector Employee Entrepreneur
 Unemployed Housewife Agriculture
 Other, specify _____
6. Personal Monthly Income No income Below 3000 3000-5000
 5000-10000 10000-20000 Above 20000
7. Do you have a bank account? Yes No
8. Do you have any identification card? Yes No
 - a. If Yes, which one(s)? PAN card Voters ID
 BPL Card Driving License
 Any other, please specify _____
9. Do you vote? Yes, always Sometimes Never
10. Do you have a ration card? Yes No
11. How many dependents do you have? None 1-2 3-4 5 or more
12. Do you have children below 14 years? Yes No
If yes
 - a. Do the children study, work or both?
 Study Work Both Neither
 - If the children study
 - b. How are you funding children's education?
 Personal Funds Government Aid Loan
13. Do you have a health problem for which you are taking treatment? Yes No
a. If yes, how are you funding your treatment?
 Personal Funds Government Aid Loan
14. Are you the beneficiary of any government assistance/scheme? Yes No
a. If yes, which one _____

Part A

15. Have you ever had a legal problem(s) such as accident/theft/land dispute/violence?
 Yes No

If yes

a. What kind of problem(s)?

- Violence, murder, sexual assault Domestic violence Theft/Robbery
 Human trafficking, missing person Land dispute Job related
 Business related cheating, consumer dispute Accident Other

b. What action did you take?

- Nothing Report to Police Report to panchayat/headman/village council/ durbar
 Go to NGO/CBO Go to Lawyer/Legal aid cell, please specify where
 Other, please specify

16. If you had a legal problem, who would you seek help from (rank in order of preference; 1 first preference, 7 last preference)

- I would resolve it by myself
 I would resolve it with help of neighbor and friends
 I would go to police
 I would go to panchayat/village headman/village council or durbar
 I would go to NGO
 I would go to lawyer/Legal Aid cell/LSA
 I would take the matter to a legal court/Lok Adalat
 Other

a. Please give reasons for your most preferred option (you can tick multiple options)

- Easy to access Easy to understand Fair system Fast and efficient
 Inexpensive Any other, please specify

b. Please give reasons for your least preferred option

17. Have you or anybody in your family had problems of reporting a case in a police station?

- Yes No

a. If Yes, please specify

18. In case you report a crime, which one is more important for you

- Monetary compensation Punishment of the criminal Both

Part B

19. Have you ever heard about a possibility to get free legal services? Yes No

If Yes

a. Who is eligible for free legal service under the Legal Services Authorities Act, 1987 (you can tick multiple options).

- Member of SC/ST A victim of trafficking
 A woman or child A person with disability Not Aware
 A policeman Anybody in the Country

b. How did you come to know of the service?

- Information distributed by the authority Awareness programme NGO/CBO
 Village Head Police Newspaper/TV/Radio School/College
 Lawyer Paralegal Other, please specify

20. Which of the following are you aware of

- a. The National Legal Services Authority Yes No
 b. The State Legal Services Authority Yes No
 c. The District Legal Services Authority Yes No
 d. Taluka Legal Services Committee Yes No

If yes to a, b, c or d

a. What do you think are the roles and functions of these authorities (tick all applicable options)

- Provide free legal services to all citizens of India
 Provide free legal services to the weaker sections of the society
 Organize Lok Adalats for settlement of disputes
 Implement legal services programmes and schemes

If selected, specify any LSA schemes you are aware of

21. Have you or anyone in your family ever availed the services of your state or district legal services authority or Taluka Legal Services Committee or legal Aid Cell? Yes No

If Yes

a. What was the nature of services availed? Free legal advice/services

- Case resolution in Lok Adalat Legal Counsel Fast Track Court
 Other

22. How would you rank your experience on a scale of 1-5 (1 being poor and 5 being excellent)

	1	2	3	4	5
1. Access	<input type="checkbox"/>				
2. Ease of understanding	<input type="checkbox"/>				
3. Quality of information/advice given	<input type="checkbox"/>				
4. Quality of Legal counsel assigned	<input type="checkbox"/>				
5. Time taken for resolution	<input type="checkbox"/>				
6. Satisfaction with process	<input type="checkbox"/>				
7. Satisfaction with outcome	<input type="checkbox"/>				

23. What is the status of your case?

- Disposed : if disposed, how long did it take to get it disposed?
 Pending : if pending, for how long has it been pending?

24. Did you spend any money from your pocket? Yes No

25. Would you go back with a problem to the legal services authority or Legal Aid Cell?

- Yes No Maybe, if no or maybe, please specify

26. Would you recommend others to go to LSA if they needed any legal assistance?

- Yes No

Part C

27. Please state true or false for the following statements

- a. Only the victim can report a crime to the police True False
 b. You need to go to the police station to record a statement if the police wants it True False
 c. A woman can be arrested by the police only between sunrise and sunset and taken to the police station True False
 d. Upon arrest by police, you cannot be kept under arrest beyond 24 hours True False
 e. A person under arrest can be beaten up by the police to find the truth True False

a. What can you report to a police?				b. Does this happen in your community?	
Issue	Yes	No	Not Aware	Yes	No
28. Eve Teasing					
29. Sexual Harassment in work place?					
30. Land dispute					
31. Bribery					
32. Theft					
33. Missing person					
34. Child labor					
35. Child abuse					
36. Domestic violence					
37. Adultery					
38. Human Trafficking					
39. Assault					
40. Rape					
41. Homicide					
	<i>Any others</i>				
37.					
38.					

QUESTIONNAIRE FOR NEEDS ASSESSMENT STUDY TO IDENTIFY GAPS IN THE LEGAL EMPOWERMENT

Date:
Interviewer:
District:
Block:
Village:
State:

1. What kind of legal matters/crimes occur in your village?
2. Which legal matters should be resolved within the family? Why?
3. Which legal matters should be resolved by the village council/panchayats? Why?
4. In which legal matters would you involve the police? Why?
5. What do National/State/District Legal Service Authorities / Taluka Legal Services Committee do?
 - a. How do you know of them?
 - b. Who can have free legal services?
6. Which services have you availed or programmes you have attended organized by the National/State/District Legal Service Authorities?
 - a. Were they of any use to you?
 - i. If yes, why? If no, why?
7. *In case no member of the group is aware of legal services/authorities, the key discussant should provide a background of the same and ask the group if they would consider availing such services.*
 - a. *If yes, for which kind of legal matters/crimes?*
 - b. *If no then why?*
8. Describe your experience. Have you or any member of your family ever faced any problem:
 - a. In reporting a crime to the police?

If yes, were any authorities involved in/approached for redressal?

If yes,

 - a) Was the matter resolved or is it still pending (how long)
 - b) Were any issues of corruption etc. faced in redressal?

If no

 - c) Why?
 - d) How was the matter taken care of?
 - b. If arrested by the police or jailed in a prison?

If yes, were any authorities involved in/approached for redressal?

If yes,

 - a) Was the matter resolved or is it still pending (how long)
 - b) Were any issues of corruption etc. faced in redressal?

If no

 - c) Why?
 - d) How was the matter taken care of?

- c. In getting your children educated?
If yes, were any authorities involved in/approached for redressal?
If yes,
 - a) Was the matter resolved or is it still pending (how long)
 - b) Were any issues of corruption etc. faced in redressal?
 If no
 - c) Why?
 - d) How was the matter taken care of?
- d. In getting health care?
If yes,
 - a) Was the matter resolved or is it still pending (how long)
 - b) Were any issues of corruption etc. faced in redressal?
 If no
 - c) Why?
 - d) How was the matter taken care of?
- e. In getting a ration card or in getting rations from the public distribution system?
If yes,
 - a) Was the matter resolved or is it still pending (how long)
 - b) Were any issues of corruption etc. faced in redressal?
 If no
 - c) Why?
 - d) How was the matter taken care of?
- f. In getting a voter's id or in casting your vote
If yes,
 - e) Was the matter resolved or is it still pending (how long)
 - f) Were any issues of corruption etc. faced in redressal?
 If no
 - g) Why?
 - h) How was the matter taken care of?
- g. In complaining about any product or service which is deficient?
If yes,
 - i) Was the matter resolved or is it still pending (how long)
 - j) Were any issues of corruption etc. faced in redressal?
 If no
 - k) Why?
 - l) How was the matter taken care of?

CHAPTER 1: INTRODUCTION AND BACKGROUND

1. http://www.mha.nic.in/northeast_new#a
2. Ibid
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461. This doesn't add up to 100% since a few combined personal funds and loan, or personal funds and government assistance.

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