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Title of the Ph.D.: Law and Judicial Exposition towards Access to Justice for Women with Disability: In National Capital Territory of Delhi

ABSTRACT

Access to justice means taking recourse to an affordable, quick and satisfactory settlement of dispute from a credible forum. The timely dispensation of justice is a constitutional fundamental right of the citizens of India. The identification and recognition of one's grievance has a direct co-relation to his/her right. The notions of 'Rule of law' is an indispensable mechanism for evolving discourses of gender equality. It is evident that gender is a critical factor to confront societal pressure in connection with disability. However, gender may aggravate the intensity of the trauma of disability for women, filling them up with deep sense of powerlessness and timidity. Despite all the provisions made under the international and national disability regime, women with disabilities encounter several problems while claiming their right of access to justice. Moreover, the said factors like patriarchal mindsets, gender injustice, masculinity domination, socio-economic dependency, and illiteracy of women with disabilities could lead them to face double discrimination being a 'woman' and a 'disabled person' which prevent their right of access to justice, in case, if some harassment caused to them.

Since last three decades, global disability regime continuously envisages to ensure community rehabilitation, inclusive education, and infrastructural accessibility of person with disabilities. Further, the era of Sustainable Development Goals has also helped to identify the status of challenges and viable solutions for providing just and dignified life to women with disabilities at the global level specifically. Opportunely, the advent of the Rights Persons with Disabilities Act of 2016 which was enforced on 20 April 2017, has given power to acclaim the social, economic, and legal rights of persons with disabilities. The said Act of 2016 provided special attention towards various measures which may facilitate women with disabilities in leading a dignified life.

It was found out during the course of this study that the representation of women with disabilities in cases of harassment while accessing the justice system is abysmally low. It is seen barring a few cases wherein a handful of women with disabilities gathered the courage to knock the doors of the formal legal system in pursuit to seek justice in cases of any harassment happened to them, majority of the women with disabilities do not go to the court for justice. In this regard, a model was formulated to find out the underlying gaps of under-representation of women with disabilities, to identify conceptualized framework, and to minimize the infringement of their right of access to the justice system. To have a prism view of the term, "access to justice for women with disability", the said model comprised of the benefactors i.e.

Other stakeholders involved in facilitating access to justice like the judges, the advocates, the police, and the representatives of civil society organizations as service providers and the beneficiaries .i.e. Women with disabilities and their families for the purpose of finding out the underlying gaps. Further, an attempt is being made to look at various facets of access to justice in consonance with experiences and perceptions faced by women with disabilities while accessing the justice system in cases of harassment caused to them. In an attempt to identify the said conceptualized framework; research design of the present study is divided into two parts which is both doctrinal and empirical in nature. The doctrinal part has stated the existing international and national legal framework relating to the term “access to justice for women with disability”. The implementation of the said legal framework is further substantiated through an intensive empirical research work.

In the aforesaid research design, the doctrinal research work is completed by mapping and analyzing the existing international and national legal framework comprised of conventions, covenants, acts, policies, programmes, reports, available literature in books and journals, etc. relating to women with disabilities and their right of access to justice. During the course of collection of data in completing the empirical research, various methods were used in a phase-wise manner. The said methods included were - focused group discussions, narratives of case-based studies, right to information applications, survey with women having visible disabilities, and the key informant interviews conducted with the other stakeholders’ involved in facilitating access to justice for women with disabilities like judges, police, advocates, civil society organizations, and the families/care-givers of women with mental illness. Further, each chapter is interpreted, analyzed and concluded respectively. In the end, general and disability-wise specific suggestions are summarized that awareness among beneficiaries and benefactors, mainstreaming disabled, use of assistive and accessibility technologies, creation of database for persons with disabilities in formal legal system, pool of services of special educators district-wise, etc. may help women with disabilities to have better right of access to justice.