

**Inauguration of the Court Complex and Residential Bungalow of
Civil Judge-cum-Judicial Magistrate at Soreng Sub-Division,
West Sikkim on Saturday, April 21, 2018**

Shri R. B. Subba, Hon'ble Minister, Law and Legislative,
Parliamentary Affairs, Government of Sikkim;

My esteemed noble colleagues, Sister and Brother Judges Mrs.
Justice Meenakshi Madan Rai and Mr. Justice Bhaskar Raj
Pradhan;

Mr. Justice A. P. Subba;

Registrar General, Registrar;

Law Secretary;

District & Sessions Judge, West and Judicial Officers;

Principal Chief Engineer-cum-Secretary, Buildings & Housing
Department;

Senior Advocates & Advocates;

District Collector, West;

Superintendent of Police;

Sub-Divisional Police Officer & his team;

Local Peoples' representatives;

Heads of educational institutions;

Dear students;

Print & Electronic Media;

Ladies & Gentlemen.

This court is the first Civil Judge court in the entire State. The first, not only in case of building, but the first Civil Judge court notified for establishment was also Soreng. I understand, it had

happened some times in 2012 and it took almost 6 years to complete it. For that, I would certainly request Hon'ble Law Minister that wherever court is established, please take all necessary steps to complete building as early as possible. Now, High Court of Sikkim has decided to request the Government to establish Civil Judges' court in all places wherever there is Sub-Divisional Revenue Officer. I found on this list given by my Registrar that there are as many as 10-12 sub-divisions, but, at present, there is only one sub-division which can boast of having Civil Judge's court. The remaining are more than 10 and we hope that the next Civil Judge court, we will have, at Rangpo, second at Jorethang and for other places you all can come, make the representation to the High Court to establish the court.

Now, before addressing to others, I would like to say something, about the distance. The distance between this and the audience is little more, it should have been closer. I am happy that Mr. Subba, Hon'ble Law Minister, has arranged this time that students must attend, but there is one complaint. I noticed so many students are sitting beyond this pandal, they are entitled to have proper cover. Why they are not having? under this scorching hit, they are using umbrellas. They should be rather closer to us. I am sure the organizers in future will take care that everyone is given proper cover, even nothing more than that.

People always ask as to why there should be a Court. Court is not framing a policy. Please understand one thing, when a man is

born in a civilized society, two things everyone needs. One is good health. How you will have good health. You need good food, shelter, clothings. That will ensure good health. The second most important is proper placement in society and in order to have proper placement in society, what you need, you need a place where you can go and you can say, see, there is a transgression in my body, in my property. Where to go and then you need a place where you can. Advocates are sitting here. Under the legal aid scheme, para-legal volunteers, who are called as law men in a common parlance. They are the people who have to guide, where to go, they can inform that every State has so many schemes. But people do not know whether they are entitled to these schemes. This is also now-a-days a job of judiciary through PLVs, through legal aid authorities or everyone and I personally feel every member of the society is a stakeholder in the judicial administration, every member, every officer, like if somebody comes to police court, he is supposed to advise where to go, what to do. So, here comes importance of judiciary, importance of legal system. In that context, it is a place, infrastructure is a place, a building is a place where you need to go. I always believe when you go to court, it is pointed out by Mrs. Justice Meenakshi Madan Rai, we don't invite, don't come for, it's true, don't come. But at the same time, if you are oppressed, if you feel, "I am oppressed, I am suppressed", then you must come. A building, a judicial building, so would be different from other buildings. How? In other places, even in police station when a person, who is aggrieved, who is oppressed, who is

suppressed, goes to seek ventilation of grievances. When he enters such building, he must feel little cool and calm and he must feel that this is the place where one is ready to hear. He is oppressed, he is sad because somewhere he is not given proper respect in the society. That is why he needs a court. The Court should be made in such a way or court should be a place where any person feels solace, he feels happy. Yes, this is the place, it can ensure your right place in the society. Everyone needs proper address.

Supreme Court has taken up this issue. Though I promised Law Minister that I will try to speak in Hindi as he advised me it is better if you can speak in Hindi. I will speak few sometimes but sorry I am not able to say. The Supreme Court has also taken up this issue. What Supreme Court says, I tell you. In a case ***Anita Kushwaha vs. Pushap Sudan*** [(2016) 8 SCC 509], Supreme Court has held that there are four steps for access to justice. There are four facets as I told you. The first most important facet is creation of court and providing infrastructure, that is court building, sufficient staff to manage the institution. Here, so many courts have been established. There may not be, in Soreng, proper peshkar, process server, peons, typists, clerks. So I would request the Law Minister that whenever we make request to them for creation of certain posts, the first query, which comes, how many cases are there. It is not important. Even if there are two cases, there are certain employees which are necessary even for the process. You cannot say no, no, that there should be five hundred cases for a process

server. No, it is not necessary. For two cases also process server, peon and clerk are necessary. So this must be ensured.

Second facet is accessibility in terms of distance. Distance means, I don't mean that in every village there should be a court. But at least there should be a reasonable distance where one can go. Particularly in terrain like Sikkim where 10 kms. need more than 2 - 3 hours even if you come by a vehicle. So you please ensure that there is reasonable distance for consumers of justice.

Third, of course, I have said that if the building is there, it should be properly manned to have a speedy justice and the fourth most important is affordability. Affordability one aspect is legal aid, as pointed out by the Executive Chairman, Sikkim State Legal Services Authority that we give free legal aid. Good! One must get it. But there is a risky legal aid from both the sides. Firstly, a litigant feels some time because I have not paid fee that is why advocate is not sincere. And it is true also in most of the time. If it is legal aid or free paid service, the advocate does not pay that much attention what is required to be done. I would request all advocates the first priority must be given to free legal aid, free litigation, free case, then comes to your paid fee. And this is the known convention of our noble profession that the amicus matter must be given top priority and you must ensure this.

Now, I come to children. The children who are going to be responsible citizens. In a place like Sikkim which is progressing

very fast, you have very good facilities. There are certain things, what one must think every person must think and particularly, advocates advise children. बच्चे आप लौग जब रात को सोते हैं तो just think हमने कोई अच्छे काम किया क्या और भगवान को घन्यवाद दे - God, you have given me one more day. If you have done good thing, you will have good sleep. And if you have not done good thing, next day morning you think, today I will do something good. Good does not mean that you need to pay money. Good also means to help somebody. Somebody wants to cross the road, please help him to cross the road. Somebody is illiterate. You, all students, go and tell him/her how to read and write. That also means good job. Then, come in the evening and do the same. Again think, and in this process, you will be inculcating the habit of doing good to the society in future and also you will have good sleep, sound sleep in the night. So, please, all students must promise yourself today that we will do everything. Second most important aspect that has nothing to do with your personal character but in a way, it is. What I noticed that here POCSO cases are a lot. But why? I have read in a newspaper, Government of India is thinking to impose death penalty for rape. Look at this. A small child is being misused, exploited sexually. A person's life is finished, it is finished and he must be sad for some time. But a victim if a child or a lady is a victim of sexual offence, one dies everyday life-long. Why it is serious. Then it is the responsibility of every child, every person if he comes to know about it, he need not bother to go to school or to parents.

First go to the Police Station and inform that this has happened, please take cognizance of it. Unfortunately cases of this serious nature are reported to Panchayats and Panchayats try to compromise. This is not a case where one should compromise. You all know, advocates must be aware, and all students must know if after rape, even if the exploiter/the accused and the victim agree for marriage, it is not permissible in law because it is a crime. The reason is very simple. You cannot violate her personal right. You all must know it and everyone must come forward to help her.

This building has come up in such a serene atmosphere, Soreng is such a beautiful place, I never thought it is my first visit. When you come out, you have a fresh air, you have good food, fresh food and now you will have better placement in society.

I request all of you to help, everyone must get justice, everyone must know what is their placement in society, may be higher or lower but everyone has respect in society and if he/she does not know, please inform him/her. With this, I am really overwhelmed the way I have been received here, musical welcome, it has really enthralled us. We are really moved. Thank you for that.

I wish you all the best, good luck in life, in career.

Thank you very much.

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