

# **Increasing Access to Justice for Marginalized People: GoI-UNDP Project**

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In 2009, a Project on Access to Justice for Marginalized People was launched by the Department of Justice in collaboration with United Nations Development Programme (UNDP). The Project aims to empower the poor and disadvantaged sections of society to seek and demand justice services. The Project also seeks to improve the institutional capacities of key justice service providers to enable them to effectively serve the poor and disadvantaged. The Project is presently in the second phase (2013-17) of implementation and extends to States of Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Uttar Pradesh.

The interventions under the Project are focused on strengthening access to justice for the poor, particularly women, Scheduled Castes, Scheduled Tribes, and minorities. The Project seeks, on the one hand, to improve the institutional capacities of key justice service providers to enable them to effectively serve the poor and disadvantaged. On the other hand, it aims to directly empower the poor and disadvantaged men and women to seek and demand justice services.

The first phase of the Project was implemented from 2009 to 2012. A new phase of the Project was initiated in Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Uttar Pradesh for the period from 2013 to 2017. The Project aims to build upon the achievements of the previous phase and continue to work on creation of demand for justice and ensuring its supply. In the new phase, a technical support team has been placed with the Department of Justice for supporting the National Mission for Justice Delivery and Legal Reforms.

The broad deliverables of the Project include:

1. Supporting national and local justice delivery institutions such as NALSA, SLSAs & SJAs
2. Developing legal and representational capacity of Civil Society Organisations and networks providing access to justice services to disadvantaged groups
3. Enhancing legal awareness of women and men belonging to marginalized groups
4. Informing policies and institutional structures through action research and studies

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## PROJECT SNAPSHOT

Project Title:	Increasing Access to Justice for Marginalized People
Project Start Date:	January 2013
Project End Date:	December 2017
Implementing Partner:	Department of Justice, Ministry of Law & Justice, GOI
Responsible Parties:	
Project Budget (all years):	3.5 million
<b>Project Brief Description and Outputs:</b>	
<p>Increasing access by reducing delays and arrears in the system and enhancing accountability at all levels through structural changes and setting performance standards and facilitating enhancement of capacities for achieving such performance standards and capacities. Efforts must be made by all the stakeholders, especially the Department of Justice, Legal Services Authorities and law colleges to enhance legal awareness of people so that they are aware of their rights and processes of accessing these.</p>	
Specific project outputs:	
<ul style="list-style-type: none"><li>• Technical Support to Department of Justice in their work on legal empowerment, legal aid, justice delivery and legal reforms</li><li>• Convergence and partnership facilitated with key institutional partners such as the Legal Service Authorities and Judicial Academies</li><li>• Legal awareness of marginalized communities enhanced</li><li>• Capacity of CSOs, CBOs, lawyers, law students, paralegals and other intermediaries developed to enhance legal awareness</li><li>• South South Collaboration and documentation of good practices</li></ul>	

## INTRODUCTION

With a population of 1.2 billion people, India is a multi-cultural, multi-linguistic, multi-religious and multi-ethnic secular country. India is also the most representative democracy which elects approximately 3 million people in the local self-government bodies - more than 1/3 of them being women. During last two decades, India has made steady progress on economic front and has achieved sustained growth of 8.2 percent for last 5 years but poverty has declined only by 0.8 percent<sup>1</sup>. India ranks 134 out of 187 countries on the UN Human Development Index.<sup>2</sup>

The Constitution of India has ensured equality to all its citizens. Article 14 of the Constitution of India reads 'The State shall not deny to any person equality before the law

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<sup>1</sup> Between 2007-2011, according to Draft Approach Paper for the Twelfth Five Year Plan, Planning Commission, Government of India, 2011

<sup>2</sup> Human Development Indicators, UN Human Development Index Report 2011  
<http://hdrstats.undp.org/en/countries/profiles/IND.HTML>

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or the equal protection of the laws within the territory of India'. The Constitution also prohibits discrimination on grounds of religion, race, caste, sex or place of birth<sup>3</sup>.

Article 39A (Equal Justice and Free Legal Aid) of the Indian constitution, under the Directive Principles of State Policy reads '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.<sup>4</sup>

## SITUATION ANALYSIS

Despite the progressive measures, the 'access to justice' in India has been costly and beyond the reach of poor citizens. Delays in disposal of cases add to the woes of the litigants. Poor and marginalised sections of the society have not been able to fully claim their legitimate stake in the protections provided by the Constitution and legal system, because of which, the realization of justice remains a challenge. Government's efforts to take justice to the door step of people in the form of Gram Nyayalayas has met with partial success as only 7 states have notified 168 Gram Nyayalayas so far, of which only 151 have become operational. Implementation of Gram Nyayalayas Act is affected by several constraints in dispensing justice including the lack of infrastructure below the district level, difficulties in getting support from local administration-police, preference among lawyers to appear in district level courts than the Gram Nyayalayas, limited awareness among villagers about court decorum and limited incentives for judges to attend Gram Nyayalayas. Also higher courts do not refer small cases with limited jurisdiction to these institutions.

One of the serious challenges to the protection of rule of law and human rights is the inability of formal justice system to deliver speedy and affordable justice to the poor. The number of pending cases in Indian courts is an indication of this.

Some of the major challenges are listed below:

- Lack of awareness on rights and entitlements

The Planning Commission, in its Approach Paper to 12th Plan observes that a "greater desire to access information about the rights and entitlements made available by law and policy, and eagerness to demand accountability from the public delivery systems augurs well for the future."<sup>5</sup> Similar sentiment has been expressed in the Report of the Working Group for Twelfth Five Year Plan of the Department of Justice notes that "the alienation of people from the system is exacerbated by their lack of awareness of their rights, entitlements and processes to redress grievances". Efforts must be made by all the stakeholders, especially the Department of Justice, Legal Services Authorities and law

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<sup>3</sup>Article 15 of the Constitution of India

<sup>4</sup>Article 39A of the Constitution of India, 1950

<sup>5</sup>Faster, Sustainable and More Inclusive Growth, An approach Paper to the Twelfth Five Year Plan, para 1.7

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colleges to enhance legal awareness of people so that they are aware of their rights and processes of accessing these.

- Limited reach of the institutions extending Legal Aid

Given the nature, structure and processes of formal institutions of justice, it is very difficult for poor people to approach them. The legal aid institutions are mandated to assist the poor people in accessing the justice systems. The needs assessment study commissioned under the GoI – UNDP Project on Access to Justice for the Marginalised has highlighted that majority of the respondents in 7 states did not even know about existence of Legal Services Authorities.<sup>6</sup> In addition to lack of infrastructure, lack of adequate human resources, additional charge of Legal Services being given to sitting judges at the District and Taluka levels, and the need for improvements in selection, training and monitoring of empanelled lawyers are some of the systemic problems that affect the ability of the SLSAs in fulfilling their mandate.

There is acute underutilization of funds by State Legal Services Authorities in several states: Madhya Pradesh-with 87 percent funds unspent, Jharkhand (53.87 percent) and Uttar Pradesh (44.8percent)<sup>7</sup>. In addition to NALSA, SLSAs also received significant funds from the Thirteenth Finance Commission for holding lok adalats, mediation and legal aid. While there is under-spending on the one hand, funds for training and payments to the paralegals and panel lawyers and for setting up legal aid clinics are reported to be insufficient. This suggests the need for enhancing capacities of SLSAs for planning, budgeting and delivering legal-aid and the need for creation of systems that help better tracking and increase transparency.<sup>8</sup>

The LSA Act mandates SLSAs to work closely with civil society organisations, government agencies and academic institutions to “promote the cause of legal services to the poor”. Traditionally, the Judiciary and LSAs have not worked closely with community based organizations and vice versa, which makes interaction between them difficult. The Evaluation Report of the GoI-UNDP Project on Access to Justice for Marginalised People also recommends that legal service authorities at taluka, district and State level could develop stronger linkages with civil society organizations. This will optimize the value of existing social capital as well as investments made through project interventions and reaching its potential. <sup>9</sup>

The example of South Africa Legal Aid Board that has signed cooperation agreements with private law firms, NGOs and university law clinics to provide pro-bono legal aid services to the marginalized would be worth adapting to the Indian context<sup>10</sup>. Many national and state institutions like the Disability Commissions, Minority Commissions, Women’s Commission,

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<sup>6</sup> Report of the Needs Assessment of Legal Services Authorities GoI-UNDP project on Access to Justice for Marginalised People- 2011-12

<sup>7</sup>Needs Assessment Study of Select Legal Services Authorities conducted by MARG under GoI-UNDP Project on Access to Justice for Marginalized People 2009-2012

<sup>8</sup> Report of the Needs Assessment of Legal Services Authorities GoI-UNDP project on Access to Justice for Marginalised People- 2011-12

<sup>9</sup> Evaluation Report of the Project on Access to Justice for Marginalised People, 2012

<sup>10</sup><http://www.legal-aid.co.za/index.php/Legal-Aid-Board-Guide.html>

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need to be proactively engaged by LSAs. Greater effort is also needed to identify, empanel and train lawyers from the marginalized sections e.g. women, dalits, persons with disabilities, etc so that they are sensitive to the issues of that constituency and able to deal competently with their problems.

Absence of non-state legal aid systems to supplement formal legal services through pro-bono attorneys, legal clinics, public interest law groups, law colleges, retired judges is also a constraint and limits outreach of legal services to the poorest and disadvantaged.

- Inaccessibility of Formal courts, vacancies and judicial delays

The formal justice mechanisms in India are very complex, expensive and beyond the reach of majority of India's population, especially the marginalized. As the Report of the Working Group for Twelfth Five Year Plan of the Department of Justice highlights, the cost of litigation has increasingly become prohibitive, shutting the doors of justice to large sections of the society, especially the weaker and the marginalized. 31,36,7026 cases were pending across the country as on December 2011. The Approach Paper to the 12th Plan also points out that the "accumulation of Court cases is a major weakness in the system which erodes confidence in the Rule of Law" and highlights the importance of "Investment in modernization of courts through ICT enablement, infrastructural facilities especially for subordinate judiciary, human resource development and strengthening of court management...in tandem with re-engineering of procedures and legal reforms for speedy and effective delivery of justice."<sup>11</sup> The Report of the Department of Justice 'Working Group for the Twelfth Five Year Plan' points out that there is an emergent need to provide a life span to litigation, depending upon its complexity. Guidelines must be evolved for setting broad timelines for different kinds of cases.<sup>12</sup>

- Gender discrimination in access to justice

The Indian Constitution guarantees equality for men and women. A variety of rights-based laws have been enacted which outlaw domestic violence, provision for equal pay, provide equal right to property and inheritance and also provide protection against sexual assault and harassment. Yet, the effective implementation of these laws continues to be a challenge. Under the Legal Services Authorities Act, all women are entitled to free legal aid irrespective of their financial status. However, they continue to face multiple barriers in accessing justice and obtaining redressal of their grievances. Violence against women is pervasive within the domestic and in public spaces. Crime against women has been on the rise in the last one decade. A total of 2.28 lac incidents of crime against women were reported in 2011 as compared to 2.13 lac cases in 2010.<sup>13</sup>

Situation of poor and illiterate women is worse of, as they do not have information on their basic rights and find redressal difficult. Communities discourage women from seeking help and the ones who dare, face stigma and marginalization within family and society. In India, 86 percent of rural women depend on agriculture for their livelihoods yet one survey

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<sup>11</sup> *Faster, Sustainable and More Inclusive Growth, An approach Paper to the Twelfth Five Year Plan*, para 15.8

<sup>12</sup> [http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wg\\_law.pdf](http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wg_law.pdf)

<sup>13</sup> National Crime Record Bureau, Crime in India, 2011

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revealed that less than 10 percent of privately held land nationwide was in the name of women.<sup>14</sup>

There is a need to analyse the legal framework as well as the social norms and practices to understand the barriers these groups face in claiming their rights despite legal protection.

### **GoI Initiatives and Priorities**

Government of India has enacted several pro-poor laws and has provisioned for policies that seek to protect rights of the citizens. Together, with a vigilant and proactive civil society, the judiciary has played an important role in creating an enabling environment to protect rights of the most marginalized.

Having made some progress towards reducing poverty and exclusion during the 11th Plan period, the 12th Plan aims to accelerate faster, sustainable and more inclusive growth. For the first time in the plan process, Planning Commission of India constituted a Working Group for Twelfth Five Year Plan of the Department of Justice under the chairpersonship of Secretary (Justice) with the basic objective of making recommendations for the 12th Five Year Plan. According to the report of this Working Group, "Governance is facing challenges in the country in terms of accountability, integrity and service delivery and justice delivery institutions play a crucial in restoring public confidence and trust in governance.<sup>15</sup> The Working Group made suggestions for improving the justice dispensation system by strengthening the 'Pre-litigation and Alternate Dispute Resolution system to help the poor and marginalized people to escape high litigation costs.' It also recommended that the 'Capacities of the Legal Services Authorities must be strengthened to effectively serve the poor and vulnerable sections of the society.<sup>16</sup> The Working Group has recommended human resource development, use of ICT, Judicial and Legal Reforms and structural changes to strengthen DoJ and Judiciary. The reduction in numbers of under trials in prisons also remains a big priority for the Government.

In the recent years, government has introduced a slew of measures to improve access to justice and justice delivery like setting up e-Courts under a Mission Mode Project for computerisation of courts and delivery of e-services to stakeholders (Rs 935 crore), funding of infrastructure in subordinate courts under the State Governments and funding of Family Courts (approx. Rs 4870 crore). To reduce pendency and accelerate the disposal of cases, Department of Justice has asked High Courts to undertake a drive for this purpose in a mission mode from 01.07.2012 to 31.12.2012.

The Thirteenth Finance Commission (TFC) provided Rs 5000 crores to be used between 2010 and 2015 in the justice sector primarily for reducing pendency, improve infrastructure and speedy justice delivery. The grant is being utilized for setting up morning and evening

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<sup>14</sup>Food and Agriculture Organization, *India Agricultural Census 1995/1996 and Livestock Census 1997* at 1 (2000) New Delhi: Ministry of Agriculture, Government of India, Available Online. URL: <http://www.fao.org/es/ess/census/wcares/2000indiaweb.pdf>

<sup>15</sup>[http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wg\\_law.pdf](http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wg_law.pdf) page 2

<sup>16</sup>[http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wg\\_law.pdf](http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wg_law.pdf) page 2

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courts for disposal of minor crimes, holding of Lok Adalats, creation of ADR centres, legal aid and training of Judicial officers. The funds are also being utilized for training public prosecutors and judges, appointment of court managers and maintenance of heritage court buildings. High courts have been asked to make annual work plans and state governments are required to frame State Litigation Policies in line with the National Litigation Policy to be eligible to draw subsequent installments. Government has also allocated Rs 130 crore during the 12th Five Year Plan period for setting up model courts.

Another forward-looking initiative initiated by the Department of Justice is to set up the National Mission for Justice Delivery and Legal Reforms<sup>17</sup> with the twin objectives of a) Increasing access by reducing delays and arrears in the system, and b) Enhancing accountability through structural changes and by setting performance standards and capacities.

### **Completed Project Initiatives (2009-2012):**

#### **1. Justice Innovation Fund**

This was one of the important components of the Project, created for implementing innovative activities on legal empowerment of marginalized people and for developing capacities of intermediaries who assist them. Under this, 15 projects in the 7 Project States reached out to approximately 20 lakh people. Over 7000 paralegals and 300 lawyers were trained and sensitized through series of capacity development events. Quality knowledge products on legal empowerment were created; innovative Information Education and Communication (IEC) materials and community radio spots were developed and disseminated to raise legal awareness among marginalized communities.

#### **2. Young Lawyers for Justice Fellowship Programme**

A programme for training and sensitisation of young lawyers was launched in 3 States - Chhattisgarh, Jharkhand and Odisha with a view to encourage them to assist marginalized people in accessing justice. 60 young lawyers were selected, 20 each in Chhattisgarh, Jharkhand and Odisha through a competitive selection process. Series of training programmes were successfully conducted by 3 partner organisations (CLAP, ELDF and Manthan). Fellow lawyers were trained and sensitised on rights and laws related to marginalised sections, they were also provided inputs on developing their professional skills such as drafting, legal counselling, mediation and conciliation. The programme received active support from Legal Services Authorities, and with the help of mentors, young lawyers were supported in taking up community level activities such as conducting legal awareness camps, providing legal advice, counselling and conducting action research on specific topics etc.

#### **3. Training of Paralegal Volunteers Selected Under NALSA Scheme**

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<sup>17</sup> National Mission for Justice Delivery and Legal Reforms available at: <https://doj.gov.in>

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Two SLSAs sought Project support for providing trainings to paralegal volunteers and the SLSAs of Odisha and Uttar Pradesh were supported. Series of paralegal training programs were conducted in Odisha where 300 paralegal volunteers from Mayurbhanj district were successfully trained. In the State of Uttar Pradesh, 3 paralegal training programmes were organised and 150 paralegal volunteers from Mirzapur, Sant Ravidas Nagar and Jaunpur were successfully trained.

#### **4. Legal Literacy Training of Sabla Girls:**

A need for providing legal literacy to Sabla (adolescent girls covered under the Sabla scheme of WCD) came up as a result of convergence between the two central ministries - Ministry of Law and Justice, and Ministry of Women and Child Development. It was decided to train Sabla girls of Madhya Pradesh and Rajasthan. A Rajasthan based organisation CECOEDCON was selected and they successfully conducted 4 trainings in 2 States – Madhya Pradesh and Rajasthan, where 200 Sabla girls were provided legal literacy trainings and exposure of justice sector institutions.

#### **5. Creation of Legal Literacy Materials for Sakshar Bharat Scheme**

IEC materials (12 booklets, 10 motivational songs, 1 short film on legal aid and facilitators guide) on rights and entitlements of the marginalised people were prepared as part of the convergence with MoHRD's Sakshar Bharat programme. Adult legal literacy will now become a part of the continued adult literacy programme. A handbook comprising the 12 booklets was jointly released by the former Hon'ble Minister for Law and Justice and the Hon'ble Minister for HRD on 18th November 2011 at New Delhi.

#### **6. Study on Law School Based Legal Service Clinics:**

V. M. Salgaocar College of Law, Goa was selected for conducting a study on function of law school/college based legal aid clinics in seven Project States. A study report on law school based legal service clinics was prepared under the Project with a view to provide recommendations for strengthening these clinics. The study was released by the former Hon'ble Union Minister for Law and Justice on 18<sup>th</sup> November 2011.

#### **7. Needs Assessment of Legal Services Authorities:**

The Project conducted a needs assessment of Legal Services Authorities (LSAs) at the State, District and Taluka levels in the then seven Project States. Findings and recommendations of this study were shared with National Legal Services Authority (NALSA) and the relevant State Legal Services Authorities (SLSAs).

#### **8. Judges Training Manual on Laws Related to Marginalized People**

A judges' training manual on laws and issues relating to marginalized communities was prepared. The manual was released by the former Minister of Law & Justice, Hon'ble Shri. Ashwani Kumar during the inaugural session of the 'International Conference on 'Equitable

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Access to Justice: Legal Aid & Legal Empowerment', dated November 17-18, 2012 at New Delhi. This manual was circulated to all the Judicial Academies across the country.

### **9. Judges Training Module on Anti-Human Trafficking**

With the active support of the Maharashtra State Judicial Academy (MJA), the Project developed a module for training of judges on anti-human trafficking. Former Chief Justice of India, Hon'ble Shri. Justice Altamas Kabir, released the training module during the valedictory session of the International Conference on Equitable Access to Justice: Legal Aid and Legal Empowerment in November, 2012 Delhi. This module was circulated to Judicial Academies across the country.

### **10. Creation of a Short Film on Protection of Women from Domestic Violence**

A Delhi based film making agency, Genesis was selected to make a short film based on the Protection of Women from Domestic Violence Act, 2005. In the process of film making, DoJ and UNDP provided regular inputs on quality and contents of the film. The short film has attempted to demystify provisions of the Protection of Women from Domestic Violence Act, 2005. With a facilitators guide, the film is envisaged as a tool for training and sensitising community, paralegals, lawyers and others on domestic violence issue. The short film has been widely circulated amongst key stakeholders.

#### **Ongoing Project Initiatives (2013-2017):**

##### **1. Making Courtrooms Women Friendly**

A Delhi based agency - Partners for Law in Development (PLD) has been conducting study in special courts in Delhi to assess how women friendly their procedures are. The pilot study is being examining the gender sensitivity of court room procedures in rape cases, with the objective of identifying practices that are sensitive as well as those that are hostile to victims of sexual violence.

##### **2. Training of Paralegal Volunteers and Panel Lawyers in Odisha**

One of the needs expressed by NALSA during the last phase of the Project was capacity development of its Paralegal Volunteers (PLVs). The Project has recently completed the training of 300 PLVs in Odisha. A Facilitator's Guide for PLV Training has also been prepared. This Guide will be adopted/adapted by SLSAs across the country.

In addition to the training of PLVs, a similar need was also expressed by NALSA to train 100 panel lawyers. The Project has recently completed a series of training and sensitization programmes for 100 LSA empanelled lawyers in Odisha. A Training module for PLs is underway. Once finalised this module will act as a template for future modules to be created for different States.

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### 3. Incorporation of Legal Literacy into NLMA and SIRD

The Project has conducted legal literacy training programmes for faculty members of State Institute of Rural Development (SIRD) Uttar Pradesh as well as master trainers and key resource persons of the National Literacy Mission Authority (NLMA). Based on these training experiences two separate legal literacy training modules have been prepared for the two agencies.

### 4. Establishing Voice Based Legal Information Kiosks

The Project has deployed 50 voice-based legal information kiosks in the States of Chhattisgarh and Jharkhand. These kiosks have been embedded within the District Legal Services Authorities (DLSAs).

### 5. Supporting Innovative Legal Empowerment Initiatives:

The Project is supporting various innovative initiatives of Civil Society Organizations and also providing support to legal aid clinics being run by certain law schools/Institutions. These initiatives are:

- i. Alternative for India Development (AID), Jharkhand: Through the project, AID aims to strengthen decentralized and inclusive justice and welfare entitlements delivery system to ensure benefit of laws to the poor thus contributing towards universal access to justice for the marginalized.
- ii. Antodaya, Odisha: The project seeks to establish the rights of the community of access and management of natural resources by documenting the traditional knowledge of the community, natural wealth available etc. in a 'People's Biodiversity Register' as mandated by the Biodiversity Act.
- iii. National Law University, Odisha: Legal Aid Clinics will be set up which will function simultaneously at the University level through its Legal Aid Cell and the three Legal Aid Clinics established in each of the three districts of Cuttack, Puri and Khurda. Besides this, capacity building of the key stakeholders will also be carried out.
- iv. Tata Institute of Social Sciences: University based legal services clinic with community outreach will be established in the campus through which the students and faculty will provide legal services for the vulnerable groups with the help of a panel of lawyers of Legal Services Authority. Another legal aid clinic will also be established at the community level.

v. **Building Sustainable Institutions to ensure Social Justice to the Marginalised**

The project is supporting Bharat Gyan Vigyan Samiti (BGVS) in creating awareness of and ensuring implementation of laws. The project also aims to engage with justice delivery mechanisms and administrative structures, working in 55 Panchayats at the block level in Madhya Pradesh.

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vi. **Legal Literacy Campaign in Barabanki district of Uttar Pradesh: SIRD Uttar Pradesh**

The project is supporting SIRD in conducting legal literacy programmes in 10 blocks of the Barabanki district of Uttar Pradesh. SIRD aims to empower communities to seek and demand justice and legal entitlements through a comprehensive Information Education and Communication (IEC) campaign to be carried out through an existing network of flagship programme workers like ASHA, ANM, Shiksha Mitra, PRIs, Kisan Mitra.

**6. Short films on the Protection of Children From Sexual Offences (POCSO) Act with the NFDC**

The project is supporting the production of two short films on the Protection of Children from Sexual Offences (POCSO) Act. The first film, along with a training guide, aims to train judicial officers, the police, lawyers, and paralegal volunteers. The second aims to spread public legal awareness of the POCSO Act.

**7. Establishment of Help Desk under in Juvenile Homes in Maharashtra**

The Project is supporting Tata Institute of Social Science (TISS) for creation of help desks for juveniles in Observation Homes. The objectives of these Helpdesks are to provide socio-legal guidance to those interfacing with the JJ system; assist juveniles and their parents in challenges faced while interfacing with the juvenile justice system and facilitate the process of rehabilitation and re-integration of Juveniles in Conflict with Law and assist the work of the Juvenile Justice Board in the same

**8. Mainstreaming Legal Literacy into Common Service Centres**

The Department has signed an MoA with CSC e-Governance Services India, Limited which is a Special Purpose Vehicle of Department of Electronics and Information Technology, Government of India. The proposal aims to identify 500 CSCs in Rajasthan and through these CSCs train Village Level Entrepreneurs (VLEs) in legal literacy. The VLEs will in turn spread awareness of laws, rights and entitlements amongst target communities. E-content and IEC materials will also be developed as part of the Project.

**9. Mainstreaming of Legal literacy into Adult Education Curricula of National Literacy Mission Authority (NLMA)**

Preraks and Key Resource Persons of National Literacy Mission Authority (NLMA) were trained in legal literacy. A ToT manual was also prepared for the purpose. Department of Justice and NLMA have now signed an MoU on 2<sup>nd</sup> June 2015 for strengthening legal literacy in Project States. In pursuance of the MoU, two separate MOAs have been signed for legal literacy trainings of 200 Resource Persons and 600 Preraks with State Resource Centre Lucknow and Jaipur.

## PROJECT PERFORMANCE AND RESULTS FOR 2015

Indicator(s):	Baseline:	Target(s):	Achievement(s):
Increased awareness on rights and improved delivery of justice for the marginalized people.			<ul style="list-style-type: none"> <li>▪ 50 voice based legal information kiosks established in Chhattisgarh and Jharkhand.</li> <li>▪ Legal awareness through CSO's initiatives/innovations in Jharkhand, Odisha and Madhya Pradesh</li> <li>▪ Mainstreaming of legal literacy:               <ul style="list-style-type: none"> <li>○ MoA signed with SIRD-UP for legal literacy campaign in Uttar Pradesh. Preparatory phase activities completed.</li> <li>○ MoU signed between NLMA and DoJ. MoAs signed with SRC Jaipur and SRC Lucknow.</li> <li>○ MoA signed with Common Service Centres e-Governance India to mainstream legal literacy through CSCs in the state of Rajasthan</li> </ul> </li> </ul>
<p>Description of output level high/outcome level <u>results achieved</u> in 2015:</p> <ul style="list-style-type: none"> <li>▪ 50 DLSAs equipped with the voice based legal information kiosks to serve marginalized communities.</li> <li>▪ Increased generation of legal awareness through CSO's initiatives/innovations.</li> <li>▪ Increased capacity of Law Institutions, Law Faculties &amp; Law Students to assist marginalized people.</li> <li>▪ Convergence with other departments/ministries to incorporate rights awareness into their agendas</li> <li>▪ Women face many barriers in accessing justice including lack of awareness, and family and societal norms that prevent them from asserting and demanding their rights. All activities under the project will be designed and implemented, keeping needs of women in mind. There will be a focus on women related laws, and gender sensitization of intermediaries and duty bearers. Youth, students, and paralegals will be roped in to make women aware and empower them. ICT will also be used towards this end.</li> <li>▪ Supporting National Mission on Justice Delivery and Legal Reforms for policy and legislative changes and efficiency in justice delivery.</li> </ul>			

### Progress towards Project Results/Outputs<sup>18</sup>

Indicator(s):	Baseline:	Target(s):	Achievement(s):
<p>Project Output I: 2 State Legal Services Authority have trained panel lawyers and trained paralegals and 1 SLSA has been supported through trained UNVs.</p>			
i. Organise training for panel lawyers in Madhya Pradesh	A2J Project conducted needs assessment study of legal	100 panel lawyers in Madhya Pradesh	These initiatives were started in consultation with NALSA and SLSAs. TAAL was contracted to conduct training programme for panel lawyers in Madhya Pradesh, Centum Learning Ltd. was contracted to conduct

<sup>18</sup> Outputs are short-term development results produced by project and non-project activities. They must be achieved with the resources provided and within the time-frame specified (usually less than five years).

ii. Organise training for Para Legal Volunteers (PLVs) in Madhya Pradesh	services authorities	200 PLVs in Madhya Pradesh	training programme for PLVs in Madhya Pradesh and YUVA was contracted to conduct training programmes for 200 PLVs in Maharashtra. NALSA/SLSA's decided to disassociate itself from these initiatives. Based upon NALSA's decision contracts were terminated with above mentioned agencies.  10 UNVs were selected and they were placed with Odisha SLSA and DLSAs. Due to lack of adequate financial resources, contracts were terminated.
iii. Organise training for paralegal volunteers in Maharashtra.		200 PLVs in Maharashtra	
iv. Odisha SLSA supported with United Nations Volunteers (UNVs)		Support 10 lawyers as UNVs	

Project Output III: Legal literacy content mainstreamed and disseminated through Sakshar Bharat, SIRDs, Information Kiosks and Law Schools.			
Indicator(s): <ul style="list-style-type: none"> <li>▪ Integration of legal literacy initiative with SIRD U.P.</li> <li>▪ Community Mobilization initiatives and technical maintenance of kiosks in select locations (50) in two states.</li> <li>▪ Work with CSOs to explore the innovative intervention approaches and to demonstrate the cost effective model for sensitizing marginalized communities on legal affairs.</li> </ul>	Baseline: SIRD-UP conducted a baseline study.	Target(s): Complete preparatory phase activities  Establish 50 kiosks	Achievement(s): <ul style="list-style-type: none"> <li>▪ Department of Justice executed an MOA with SIRD-UP to initiate a Legal Literacy Campaign in 10 blocks of Barabanki district of Uttar Pradesh. SIRD-UP has created simplified IEC materials on legal literacy – booklets, posters, pamphlets, short films, skits. PMT participated in validation workshops. SIRD has submitted the Phase 1 completion report. Most of the preparatory work planned for Phase 1 has been completed.</li> <li>▪ 50 voice based legal information kiosks installed in various DLSAs across Chhattisgarh and Jharkhand to provide legal information and raise legal awareness of the masses.</li> <li>▪ Aid India The project titled "Pathway for Inclusive and Redistributive Justice in Jharkhand" intends to strengthen the decentralized and inclusive justice and government entitlement delivery system with the support of existing Common Service Centers (CSC) at the Panchayat level. This project is implemented in Latehar,</li> </ul>

<p>(Aid India, Antodaya, JJK &amp; BGVS)</p>		<p>Palamu and Garhwa districts of Jharkhand covering 10 blocks and 190 Panchayats. The total population covered under the project is approximately 19 lakhs. In last six months 49459 (male 23172 female 26507) persons participated in the community awareness/sensitisation events. Aid India referred 2057 persons to DLSA (male: 1352 and female 705).10 kiosks functional as digital justice facilitation hub in 10 block locations in three districts.</p> <ul style="list-style-type: none"> <li>▪ Antodaya Ensuring rights of Marginalized Community over Forest land &amp; Resources in Karlapat sanctuary and proposed mines areas in Kalahandi using Forest Rights Act-2006 &amp; PESA. The project is being implemented in 362 villages covering 126120 population of Thuamul Rampur, Junagarh and Bhawanipatna (Sadar) blocks of Kalahandi district in Odisha. Peoples' Biodiversity Registers have been created by 14 Gram Panchayats, after organising 119 village level meetings. 16 community claims and 2137 individual claims have been filed.</li> <li>▪ BGVS The prime purpose of the project is creating legal awareness and ensuring the implementation of various legal provisions. The project aims at strengthening the community structures and other institutional mechanisms, within the police and administration and the judiciary. This project is being implemented in 5 blocks of Seohore district covering 55 Gram Panchayats, 119 villages and 1,06,246 population.</li> </ul> <p>BGVS team organised an IEC material development workshop on identified laws. They have also developed a manual for training of Panchayat Nagrik Adhikar Samiti members.</p> <p>Jan Adhikar Yatra 2015: 18 days Yatra started from 21st September 2015 and concluded on 8th October 2015. Yatra</p>
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<ul style="list-style-type: none"> <li>▪ Support 2 Law Schools / Institutions in running legal aid clinics to assist marginalized.</li> </ul>		<p>covered 56 Gram Panchayats of 5 Blocks of Sehore district, MP. During this Yatra 60 programmes were conducted, Kalajatha team performed 2-3 plays and 4-5 thematic songs in each Panchayat. More than 1 lakh people witnessed this Yatra.</p> <ul style="list-style-type: none"> <li>▪ JJK Project was primarily based on use of ICT enabled tools in legal empowerment of people in Chhattisgarh. Project was unable to take off, based on PMT review, decision was taken to withdraw support and terminate their contracts.</li> <li>▪ TISS, Mumbai: TISS Legal Services Clinic endeavors to provide LLM students with the opportunity to respond to legal needs, rights and entitlement issues of marginalized sections.  29 LLM students were placed for fieldwork at various agencies, including State Women’s Commission and 3 prisons in Mumbai. Cases are regularly reported at legal aid clinic and follow up done in old cases.  Legal awareness session conducted in Kalyan Jailon Rights of Under trialwomen prisoners. Paralegal training programmes conducted for Anganwadi workers.</li> <li>▪ NLUOdisha: Three legal aid clinics at Puri, Khurda and Cuttack are functional. NLUO has introduced Legal Aid and PIL as a compulsory course in the 4th year in pursuance of the objectives of the A2J Project.  Law students are divided into 5 groups: Community Advocacy, Land Rights, Prison Legal Services, Labour Rights and Juvenile Justice. The first three teams of</li> </ul>
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			<p>students are working directly for the A2J Project.</p> <p>A group of 25 students interviewed jail inmates in 3 prisons, assessed their living conditions and their problems.</p> <p>A newsletter comprising of an update on the activities of the A2J Project was printed and circulated in the 2nd Annual Convocation held on 8th of August, 2015</p>	
Exemplary (5) *****	High (4) ****	Satisfactory (3) ***	Poor (2) **	Inadequate (1) *
<p>Means of Verification</p> <ul style="list-style-type: none"> <li>▪ Partners report, copies of IEC materials</li> <li>▪ Project Completion Report</li> </ul>				

<p>Project Output IV: Fresh evidence gathered to provide policy recommendations to judiciary on making court rooms women-friendly, issues of under-trials and juvenile justice.</p>			
Indicator(s):	Baseline:	Target(s):	Achievement(s):
<p>NGO, Partners for Law in Development (PLD), to conduct a study on "Making Court Room Procedures Friendly to Women: Study of the Trial Courts of New Delhi".</p>		<p>Observing trial of 16 cases of rape (adult victims) in the special courts of Delhi</p>	<p>The study involved the observation of rape trials in the Fast Tract Courts functioning at Saket, Karkardooma and tis Hazari Court complexes. The study, which began in January 2014, examined gender sensitivity of court room procedures in rape cases. In 16 cases case record studied, deposition completed in 9 cases, preliminary interview conducted in 8 cases and final interviews in 4 cases.</p> <p>PLD has completed the research study and submitted the final report. The study may be published only with the prior approval of the Chief Justice of Delhi High Court.</p>

## LESSONS LEARNT

One of the important lessons learnt from past experiences is related to flexible programme design which has scope for innovations. Innovations on legal aid and legal empowerment that were implemented by civil society partners through Micro Capital Grant have proved to be successful and have the potential for replication on scale. Some of the most successful initiatives like creation of Peoples Bio Diversity Register, ensuring rights of forest

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dwellers, setting up of law school based legal aid clinics, use of ICT for legal literacy, creation of simplified materials on socio-legal issues, community radio, and films were brought in by those civil society partners who had a background of working in these areas. These successful pilots have huge potential for scaling up. Convergence efforts with National Literacy Mission Authority (NLMA) MoHRD at central level have opened new avenues for mainstreaming legal literacy through "Saakshar Bharat Programme".

## **1. THE WAY FORWARD/KEY PRIORITIES FOR 2016**

The following are the two priority areas for 2016 from the A2J project:

1. The Department of Justice, Ministry of Law and Justice, Government of India has signed up a Memorandum of Understanding with National Literacy Mission Authority (NLMA), MoHRD. Under the partnership legal literacy will be mainstreamed into adult education through the State Resource Centres (SRC) in Rajasthan and Uttar Pradesh.
2. A Memorandum of Agreement has been signed up with Common Service Centres e-Governance India to mainstream legal literacy through CSCs in the state of Rajasthan.