

GOVERNMENT OF INDIA – UNITED NATIONS DEVELOPMENT PROGRAMME

Project title	Access to Justice for Marginalized People
Project start and end date	January 2013-December 2017
Project outputs	<ul style="list-style-type: none">• Technical Support to Department of Justice in their work on legal empowerment, legal aid, justice delivery and legal reforms• Convergence and partnership facilitated with key institutional partners such as the Legal Service Authorities and Judicial Academies• Legal awareness of marginalized communities enhanced• Capacity of CSOs, CBOs, lawyers, law students, paralegals and other intermediaries developed to enhance legal awareness• South South Collaboration and documentation of good practices
Implementing partner:	Department of Justice, Ministry of Law and Justice, Government of India
Budget:	Core US\$ 5Million. Total allocated resources US\$ 3.5 Million.

Project Partners:

1. National and State Legal Services Authorities in Project States
2. Judicial Academies in Project States
3. National Literacy Mission Authority, State Institute of Rural Development
4. Various Civil Society Organisations, law schools/colleges across the country

Project States: Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Uttar Pradesh

Background

The Department of Justice has been implementing a project on 'Access to Justice for Marginalised People' with UNDP support. The focus of the Project is on empowering the poor and marginalized to be aware of their rights and demand legal services, while at the same time supporting national and local justice delivery institutions to bring justice to the poor. In the previous phase, the Project reached out to 2 million people, provided trainings to 7000 paralegals and young lawyers, created simplified information, education and communication materials. With the support of UNDP a new phase of the Project has been initiated for a period of 5 years (2013-17). In this phase, the Project will build upon achievements of previous phase and continue to work on creation of demand for justice and ensuring its supply. Under the Project a technical support team has been placed with the Department of Justice with a specific purpose of supporting the National Mission for Justice Delivery and Legal Reforms.

Scope and strategy:

The project is trying to build on the results achieved in the previous phase. Lessons from the first phase are being deepened through development of affordable, replicable and scalable models of legal aid and empowerment that could be up scaled using government resources.

The design of the project on access to justice has been aligned with the national priorities highlighted in the report of the Working Group which has urged the government to enhance public trust and confidence in the judiciary and conflict resolution processes through institutional strengthening, enriching human resources, employing technology for better judicial performance, improving accountability thereby ensuring access to justice". In this phase, the Project is using a multi-pronged strategy consisting of:

1. Strengthening capacities of Legal Services Authorities and other justice delivery institutions and intermediaries (CSOs, CBOs, paralegals, lawyers, law schools)

Greater engagement with LSAs: During the last phase, Project had been able to engage with key justice sector institutions, especially with National and State Legal Services Authorities which are mandated to provide free legal aid to the poor. Going

forward, the project is, in consultation with NALSA and SLSAs, focusing efforts on provision of institutional and capacity development support to the LSAs to deliver effective legal services. In particular, the SLSAs are being supported in training the paralegal volunteers and the empanelled lawyers. Paralegals are the key to provide access to justice services for the people at their doorsteps. They are the bridge between the people and the formal justice systems including the LSAs. Good practices from across the globe in training, mentoring and monitoring their services are shared with LSAs with a view to ensure that the paralegals remain motivated and provide effective services to the people.

2. Supporting National Mission on Justice Delivery and Legal Reforms for policy and legislative changes and efficiency in justice delivery

The National Mission for Justice Delivery and Legal Reforms was set up in August, 2011 to achieve the twin goals of (i) increasing access by reducing delays and arrears; and (ii) enhancing accountability through structural changes and by setting performance standards and capacities. The Mission, which is chaired by the Hon'ble Union Minister of Law and Justice, has identified 5 strategic initiatives to achieve its goals:

1. Policy and Legislative Changes;
2. Re-engineering Procedures & Alternate Methods of Dispute Resolution;
3. Focus on Human Resource Development;
4. Leveraging ICT for better Justice Delivery; and
5. Improving Infrastructure

In this phase of the Project, UNDP is providing embedded technical support to the National Mission with a view to assist the Department of Justice in achieving the goals of the Mission. The support provided with a view to ensure that formal justice systems are able to deliver speedy justice. Although prolonged delays in providing justice through formal systems affects all people, the impact on the poor and the vulnerable is much more pronounced. The Mission has adopted a co-ordinated approach for phased reduction of arrears and pendency in judicial administration. The key strategies involved broadly include better infrastructure for courts including computerization, increase in strength of subordinate judiciary, policy and legislative measures in the areas prone to excessive litigation, and re-engineering of court procedure for quick disposal of cases. The technical support provided by UNDP is focusing, among other things, on legal and policy reforms including reforms for legal education and training of lawyers and judges,

as well as on re-engineering of court processes and procedures. The embedded technical support is being geared towards research and analysis leading to policy level reforms in select areas of the justice sector.

3. Developing effective legal empowerment models that can be replicated with government resources

The project is focusing on marginalized people including women, children, Scheduled Castes, Scheduled Tribes, minorities, and under-trials. Project is developing replicable and affordable models for enhancing legal awareness of these groups and for providing effective legal services to them through LSAs and law school based legal aid clinics. To make legal awareness cost-effective and more efficient, Information and Communication Technology (ICT) is used to create mass awareness. Linkages established with government resources like Common Service Centres (CSCs) being set up under Ministry of Telecom and Information Technology and mobile telephony will be leveraged to provide basic legal information to people at local level.

Strengthening linkages with Judicial Academies: Judicial academies are increasing trainings of judges and public prosecutors on issues of marginalized people especially women and children is an important component for improving justice delivery for the poor. The Project is engaging with the judicial academies to use the training modules prepared under the previous phase of the Project for trainings judicial officers on the laws relating to marginalised people, and assist in improving the modules or preparing more modules on marginalised people if requires.

Forging synergies with universities: The project is also working with relevant institutions such as law schools and other universities to sensitize lawyers and law students with a view to develop a critical mass for strengthening the delivery of legal services for the marginalised.

Partnerships with other Ministries, Commissions and other institutions: Convergence with some Ministries has been successful during the phase-I of the project. As delivery of justice is also linked with delivery of other public services and administrative structures, the project has partnered with National Literacy Mission Authority (NLMA) and State Institutes of Rural Development (SIRDs) to integrate sensitization modules and legal literacy into the curriculum for public servants and functionaries under flagship

programmes. Engagement with Sakshar Bharat will continue as the project is training the adult educators who in turn will reach out to communities to enhance legal awareness.

Developing capacity of the intermediaries, especially women and youth: Capacity building of rural youth especially young girls in creating legal literacy can help address the unmet need and demystify laws pertaining to domestic violence, dowry, child marriage and sex selection. Technology in the hands of youth could be a powerful tool. Efforts made to develop replicable and affordable models for law school legal aid clinics which utilise the services of motivated students to deliver legal services. Capacity development of other intermediaries like NGOs, CBOs, young lawyers, and paralegals are in the focus areas of the project. The project is also trying to use United Nations Volunteers to make justice services accessible to marginalised people.

4. Providing evidence for improved justice delivery especially in the case of women

Greater focus on knowledge management and evidence based advocacy: To compliment the mandate of National Mission for Justice Delivery and Legal Reforms, Project is supporting government's efforts to strengthen policy and research capacity of the Department of Justice to undertake research on key issues such as functioning of Fast Track Courts, Gram Nyayalyas before government invests more money for these structures. A study on access to justice for under trials will also be undertaken.

The knowledge products generated in the last phase of the project including IEC material, legal compendiums, manuals, monitoring reports, case studies and documentation, publications, films, audio, study reports and action research reports serve as useful knowledge resources and these materials are widely disseminated. With its global network, UNDP is playing a lead role in Knowledge Management on access to justice issues by collating good practices on legal aid, judicial trainings and legal empowerment of communities. To promote south south cooperation, the project is supporting information sharing and learning exchanges between India and other countries across the globe to create learning opportunities from good practices in terms of strategies, approaches and tools for improved legal aid for the poor.

ACTIVITIES INITIATED/ UNDERTAKEN UNDER THE PROJECT (2013 – 14)

1. Paralegal volunteers training

One of the needs expressed by NALSA during the last phase of the project was developing and training Paralegal Volunteers (PLVs). Based on this expressed need under the present phase of the project decision was taken to train 300 PLVs of Odisha SLSA. Odisha was the first state that was selected to carry out this activity. Committee for Legal Aid to Poor was selected to develop a facilitator's guide on paralegal volunteers training as well as train PLVs over five districts in Odisha.

Yuva Rural Association (YRA), Nagpur has been selected for training 200 Paralegal Volunteers (PLVs) of Maharashtra. The agency is also expected to contextualize and update the facilitators guide on paralegal volunteers training, which was prepared for the Odisha PLV trainings.

2. Panel lawyers training

In addition to the training of PLVs a similar need was also expressed by NALSA to train panel lawyers. Once again this activity was decided to be conducted in Odisha. MARG was selected to develop a training module for panel lawyers in Odisha. Based on the module MARG trained panel lawyers from 5 districts in Odisha. MARG also developed the training module for panel lawyers training.

Maharashtra Judicial Academy (MJA) has agreed to conduct training programmes for 100 panel lawyers of Maharashtra State Legal Services Authority. MJA has also agreed to update the training manual which was prepared for Odisha panel lawyers training.

Towards Action And Learning (TAAL), Bhopal has been selected for training 100 panel lawyers of Madhya Pradesh. The agency is also expected to contextualize the training manual and organise trainings in close coordination with Madhya Pradesh State Legal Services Authority.

3. Support for innovative legal empowerment initiatives

Under the Project, activities have been initiated with six agencies namely Aid India - Jharkhand, Antodaya - Odisha, Jan Jagriti Kendra - Chhattisgarh, National Law University, Odisha, Tata Institute of Social Sciences – Maharashtra and Bharat Gyan

Vigyan Samiti – Madhya Pradesh. These agencies are going to conduct legal aid and legal empowerment initiatives in five Project States Chhattisgarh, Jharkhand, Odisha, Madhya Pradesh and Maharashtra for next two to three years.

4. Legal Associates for OSLSA

In the previous phase of the Project, 20 young lawyers were trained and sensitised in Odisha under the guidance of Odisha State Legal Services Authority (OSLSA). Based on request from OSLSA and in coordination with United Nations Volunteers (UNV), out of 20 trained young lawyers, 11 young lawyers have been selected as UNV Legal Associates. UNV Legal Associates are expected to provide their services to DLSAs and OSLSA.

5. Inauguration of law school based legal aid clinic

Under the Project Tata Institute of Social Sciences (TISS), Mumbai is being supported for establishing a law school based legal aid clinic. This legal aid clinic was inaugurated on 17th September 2014. This event was attended by the Joint Secretary, Department of Justice.

Access to Justice Project is supporting National Law University, Odisha (NLUO) in setting up of three legal aid clinics at Cuttack, Khordha and Puri districts of Odisha. These clinics will facilitate marginalized sections specially women, children, undertrial prisoners in asserting their legal rights and entitlements. Legal aid clinic was inaugurated by Hon'ble Mr. Justice Dipak Misra, Judge, Supreme Court of India in the presence of Chief Justice, Orisha High Court, Chairperson Odisha State Legal Services Authorities (OSLSA), Vice Chancellor, NLU Odisha, Member Secretary, OSLSA, District Judge, Khorda, District Collector, Khorda and Superintendent of Police, Khorda.

6. Support provided to the National Mission on JDLR

The technical team provided research support in preparing the ten points document for the Fifth Advisory Council Meeting. Team worked on preparing a Brief circulated to the Judicial Academies for training of Judicial Officers on Policy and Legislative Changes in the Procedural law to expedite trial of civil and criminal cases as well as a panel Discussion on "Expeditious Justice Delivery" as part of the National Stakeholders Conference was organized by the GOI-UNDP Access to Justice Project. One of the major highlights of the work was the National Consultation of State Law/Home/Finance

Secretaries and Registrar Generals of High Courts on the “Role of State Governments for Improving Justice Delivery” which was organized in December 2013. National Mission was also supported through research for preparation for the Parliamentary Standing Committee Meetings on the Judicial Appointment Commission Bill.

7. Incorporation of Legal literacy into NLMA and SIRD

RLEK conducted legal literacy trainings for 78 Key Resource Persons of National Literacy Mission Authority (NLMA) and 120 faculty members of State Institute of Rural Development, Uttar Pradesh (SIRD-UP). RLEK has also prepared two separate legal literacy training manuals in Hindi for NLMA and SIRD-UP.

8. MOA with SIRD-UP

On 10th October 2014, Department of Justice, Ministry of Law and Justice, GOI had signed an MOA with Deen Dayal Upadhyay State Institute of Rural Development, Uttar Pradesh (SIRD-UP) for initiating a Legal Literacy Campaign in 10 blocks of Barabanki district of Uttar Pradesh for a period of three years.

9. Installation of voice based legal information kiosks in Chhattisgarh and Jharkhand

The Project is supporting OneWorld Foundation for installation of 50 voice based legal information kiosks in two Project States - Chhattisgarh and Jharkhand. As per plan, 25 voice based legal information kiosks were deployed in Chhattisgarh in the month of October 2014. Earlier, in the month of April 2014, 25 voice based legal information kiosks were installed in Jharkhand. Primarily, these kiosks have been installed in the premises of various District Legal Services Authority (DLSA).

10. Making courtrooms women friendly

Partners for Law and Development (PLD) was selected to study special courts in Delhi to assess how women friendly their procedures are. The pilot study is 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. The overall aim of the project is to examine the extent to which court room practice in rape trials complies with standards set by law and jurisprudence, and inquire into what the ideal practices ought to be, for purposes of making recommendations for improved functioning of the court and support to victims. Based

on the recommendations put forth in the report the same may be incorporated as guidelines into the Model Courts.