

PROJECT ON ACCESS TO JUSTICE FOR MARGINALIZED PEOPLE

BACKGROUND

The Department of Justice, Ministry of Law and Justice, Government of India has been implementing a project on 'Access to Justice for Marginalized People' with UNDP support. 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.

Project Information at a glance

Duration:

Phase I: May 2009 – December 2012

Phase II: 2013 –2017

Primary Project Partners: Department of Justice, Ministry of Law and Justice, Government of India and United Nations Development Programme

Other Partner(s):

1. National and State Legal Services Authorities in Project States
2. Judicial Academies in Project States
3. Department of Secondary Education and Literacy, Ministry of Human Resource Development, Ministry of Women and Child Development, Government of India
4. Various Civil Society Organizations, law schools across the country and film making agencies etc.

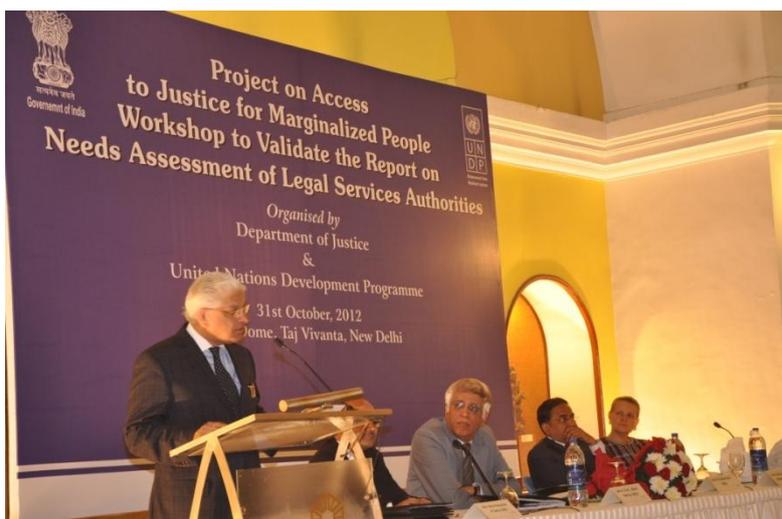
Project States: Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Rajasthan and Uttar Pradesh. A new State, Maharashtra, will be added in Phase II of the Project.

PROJECT ACTIVITIES UNDER PHASE I:

1. Needs assessment of Legal Services Authorities:

MARG was selected to conduct a needs assessment of Legal Services Authorities (LSAs) at the State, District and Taluka levels in the 7 Project States. MARG collected data from LSAs, analysed and presented it in the form of a draft report. Based on the inputs and comments from DoJ, and UNDP, MARG revised draft report. Revised report was circulated to 7 State Legal Services Authorities (SLSAs) for seeking their comments and inputs. Comments on LSA needs assessment report was discussed with the DoJ, UNDP and MARG. Based on the decision of NALSA and DoJ, LSA needs assessment report was sent to all SLSAs in the country for their comments and inputs.

Subsequently, a validation workshop on LSA needs assessment study was organised on October 31, 2012 at New Delhi. This event was graced, inter alia, by



Hon'ble Justice Shri D. K. Jain, Judge, Supreme Court of India, Hon'ble Minister of Law & Justice, Dr. Ashwani Kumar, Shri D. K. Sikri, Secretary, Justice and Ms. Lise Grande, Resident Coordinator of United Nations. Member Secretaries from NALSA

and 23 SLSAs actively participated in the validation workshop and deliberated on the report. MARG presented the findings of the study and its recommendations. Participants appreciated study findings, shared their inputs and validated the LSA Needs Assessment report. Based on inputs and comments provided during the validation workshop MARG added a supplement to the report and published it for wider circulation.

2. Judges training manual on laws related to marginalized people

A judges' training manual on laws and issues relating to marginalized communities was prepared and draft version of manual was shared with senior academicians and judicial officers for review. Draft manual was successfully pre-tested at the Odisha

Judicial Academy. The Director (Academics), Delhi Judicial Academy appreciated the module and gave detailed comments and suggestions. In the light of received comments, the manual was finalised and printed. The manual was released by the Hon'ble Minister of Law & Justice, Shri Ashwani Kumar during the inaugural session of the 'International Conference on Equitable Access to Justice: Legal Aid & Legal Empowerment', dated November 17-18, 2012 at New Delhi.



3. Judges training module on anti-human trafficking

Project organised a workshop on anti-human trafficking issue in 2011. Based on the workshop recommendations, Maharashtra State Judicial Academy(MJA) was identified for creating a module for training judges on anti-human trafficking. In



consultation with Judicial officer, DoJ, UNDP and PMT,MJA developed the module and successfully pre-tested it with the judicial officers at MJA. Based on the inputs of the judicial officers, the module was revised and finalised. The Hon'ble Chief Justice of India,

Shri Justice Altamas Kabir, released the training module for judges on anti-human trafficking during the valedictory session of the International Conference on Equitable Access to Justice: Legal Aid & Legal Empowerment on November 8, 2012 at New Delhi.

4. Delegation visits to study good practices on legal aid and legal empowerment

Legal empowerment of marginalized groups through the provision of justice services has been the focus area of Access to Justice Project. With the Project moving onto its next phase (2013 – 2017), a critical on-going initiative is the compilation of good

practices on legal aid and legal empowerment which will be beneficial as learning and educational tools for justice delivery in India. Towards this end, field missions were facilitated to 4 countries with the objective of studying good practices and creating learning platforms. Delegates from NALSA, State Legal Services Authorities, Department of Justice (DoJ), UNDP and the Access to Justice Project visited Sierra Leone, Indonesia, South Africa and Malawi. While all the countries offered good examples of formalising the paralegal system to bridge the gap between the people and the justice delivery systems, the ones in South Africa are more advanced with highly developed training programmes and monitoring systems. Apart from the paralegals, South Africa offered very interesting models and innovative practices such as setting up of justice centres, pro-bono lawyering, functioning of law school based legal aid clinics and State and Civil Society coordination which have yielded positive results and created a legal aid and legal empowerment system in the country. Many of these initiatives can be replicated in Indian context.

5. International Conference on Equitable Access to Justice: Legal Aid & Legal Empowerment

An international conference was hosted by the Project in Delhi on November 17-18, 2012 with a view to exchange information and good practices on legal aid and legal empowerment from across the world. Inter alia, the conference discussed strategies and mechanisms for improving State sponsored legal aid, for strengthening legal professional education, for sensitization of judiciary, and for using Alternative Dispute Resolution (ADR) mechanisms. In addition, the conference also provided opportunity to deliberate upon the role of civil society organisations and innovative strategies developed by them in training paralegals, developing ADR practices, enhancing legal awareness and legally empowering the communities.



Dr. Ashwani Kumar, Union Law and Justice Minister inaugurated the event and delivered the Keynote Address. The Hon'ble Minister released a training manual for

Judges on laws and issues related to marginalised communities entitled “Removing



Barriers through the Bench” prepared under the Access to Justice Project. The Valedictory Address was delivered by Hon’ble Justice Altamas Kabir, Chief Justice of India. The Hon’ble Chief Justice of India released two documents developed under the Access to

Justice Project. The first was a training module for judges on anti-human trafficking prepared by the Maharashtra Judicial Academy and the second was a set of three manuals on laws relating to community and forest rights governance in India.

Along with the dignitaries from various countries conference was also addressed by Shri D.K. Sikri, Secretary, Department of Justice, Ministry of Law & Justice, Ms. Lise

Grande, UN Resident Coordinator and UNDP Resident Representative India, and Mr. Marcus Brand, Human Rights and Access to Justice Advisor, UNDP Asia Pacific Regional Centre. The Conference was attended by 200 participants including 40 participants from 21



countries. Key participants included Chief Justices and other judges from the State High Courts, jurists of international repute, heads of national legal aid agencies and representatives from national Ministries of Law and/or Justice.

6. Study on law school based legal service clinics

“Study of law school based legal service clinics” was conducted in seven Project States. This study assesses the state of legal services clinics, including whether they exist, the kind of activities they undertake, the frequency of such activities, the quality of the services rendered, the percentage of the students population that participates in these clinics and frequency of interaction with the community outside the college. Project supported V.M. Salgaocar College of Law, Goa conducted this

study with a view to provide recommendations for strengthening these clinics. The study was released by the Hon'ble Union Minister for Law and Justice on 18th November 2011 at New Delhi.

7. Justice Innovation Fund (JIF)

JIF was created for implementing innovative activities on legal empowerment of



marginalized people and for developing capacities of intermediaries who assist them. 15 projects in the 7 Project States reached out to approx. 20 lakh people, over 7000 paralegals and 300 lawyers have been trained and sensitized through

series of capacity development events. Quality knowledge products on legal empowerment have been created; innovative IEC materials and community radio spots were also developed and disseminated to raise legal awareness of marginalized communities.

Some other JIF achievements include, training of women's Self Help Groups on laws. Legal aid lawyers, and select women and men from various CSOs have also been trained to better assist people belonging to the marginalized communities.

Notably, legal awareness is being created using a variety of techniques and methodologies ranging from creating law school based legal service clinics, paralegal workers, forming networks of Dalit Women Sarpanches, assist women victims of



violence, using technology such as community radio, help lines, sort films simplified resource materials on rights and laws and compendiums on welfare schemes. Knowledge products created under JIF were widely circulated among key stakeholders.

8. Legal literacy trainings of Sabla girls:

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. Decision was taken to train Sabla girls of Madhya Pradesh and Rajasthan as a pilot. A Rajasthan based organisation CECOEDECON was selected and they successfully conducted 4 trainings in 2 States where 200 Sabla girls were provided legal literacy trainings and exposure of justice sector institutions.



9. Training of paralegal volunteers selected under the NALSA scheme

2 SLSAs sought Project support for providing trainings to paralegal volunteers selected under NALSA scheme, accordingly State Legal Services Authorities of Odisha and Uttar Pradesh were supported in the previous phase. Series of paralegal training programs were conducted in Odisha where 300 paralegals volunteers from Mayurbhanj district were successfully trained. In the State of Uttar Pradesh 3 paralegal training programmes were successfully organised and 150 paralegal volunteers from Mirzapur, Sant Ravidas Nagar and Jaunpur. Trained paralegal volunteers were also provided simplified resource materials.

10. Young lawyers for justice fellowship programme

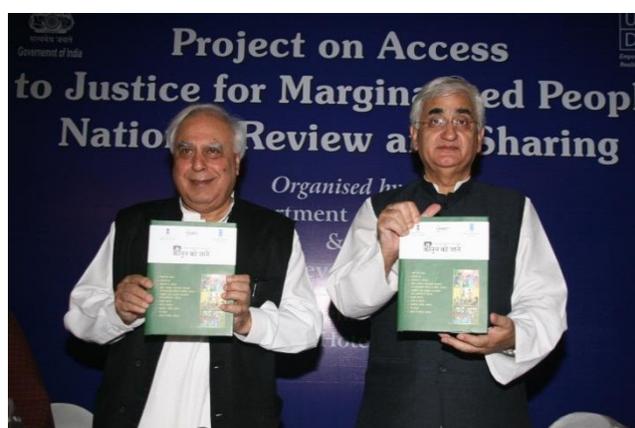
A programme for training and sensitisation of young lawyers was launched in 3 States - Chhattisgarh, Jharkhand and Odisha with a view to encourage them to assist marginalized people in accessing justice. 60 young lawyers were selected, 20 each in Chhattisgarh, Jharkhand and Odisha through a competitive 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 lawyering skills such as drafting, legal counselling, mediation and conciliation. 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.

11. A short film on legal protection against 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. 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.

12. Supporting the Sakshar Bharat scheme of MoHRD by providing material and training on adult legal education

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



13. Support provided to National Mission for Empowerment of Women (NMEW)

Project supported NMEW for conducting an action research on Access to Justice for Women in the North Eastern States of India where the Sixth Schedule or Articles 371A, B and C of the Constitution are applicable. The study also looked into representation and participation of women in existing justice delivery institutions. The study covered 5 districts {East Khasi Hills & Jaintia Hills (Meghalaya), Lawngtlai (Mizoram), West Tripura (Tripura) and Kohima (Nagaland)}. The report has been finalized and it will be disseminated by NMEW.

14. State level roundtables/consultations:

With a view to strengthen States ownership in the process of ensuring Access To Justice for Marginalized People, 7 State level roundtables were organised in the

Project States with key stakeholders from government departments, judiciary and civil society organisations to share the results and discuss possibilities of convergence. The 7th and the final roundtable consultation was successfully organised in the State of Madhya Pradesh at Jabalpur on August 4, 2012.

15. Digitization of information for voice-based kiosks

The Project seeks to pilot a legal awareness initiative using ICT. In light of this, simplified legal information has been digitized in the previous phase of the project. OneWorld Foundation India, a Delhi based agency, was selected for digitization of information on legal aid and legal empowerment. In forthcoming phase of the Project digitized legal information will be uploaded on voice-based kiosks to assist marginalized people in getting information relating to their rights and entitlements.

16. Project evaluation and process documentation:

UNDP selected an external agency, 'Ernst & Young' to do an independent evaluation of the Project and document all the Project initiatives. The agency submitted two separate reports to UNDP, one on project evaluation and another on process documentation. Evaluation report recognised the importance of A2J Project and appreciated its initiatives and achievements. Documentation report captured processes adopted in different Project initiatives, challenges and accomplishments.

17. Video documentation:

Jam Productions was selected for video documentation of key project interventions. The agency conducted field visits of Project sites held interactions with Project beneficiaries and captured significant initiatives and conducted interviews with key officials at DoJ and UNDP. The DoJ, UNDP and Project Team provided detailed comments on draft version of video. Based on the comments and inputs, Jam productions submitted the final product in form of a short film.