

TIPPING THE SCALES

Strengthening systems for access to justice in India





ABOUT DASRA

DASRA, meaning 'enlightened giving' in Sanskrit, is a pioneering strategic philanthropic organization that aims to transform India, where a billion people can thrive with dignity and equity. Since its inception in 1999, Dasra has accelerated social change by driving collaborative action through powerful partnerships among a trust-based network of stakeholders (corporates, foundations, families, non-profits, social businesses, government and media). Over the years, Dasra has deepened social impact in focused fields that include adolescents, urban sanitation, democracy and governance, and has built social capital by leading a strategic philanthropy movement in the country.

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FOREWORD

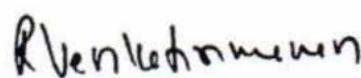
The Constitution of India mandates equality before law, yet informal practices of exclusion and inequality continue to plague our legal systems. Lack of legal awareness, affordable legal aid, delays and inefficiencies in court, and corruption within law enforcement are all impediments on the road to justice.

That being said, non-profit organizations across India have managed to rise up to the challenge and address these gaps using innovative and impactful strategies to promote legal empowerment and bolster existing legal systems. We at Tata Trusts, India's oldest, non-sectarian philanthropic organization, not only acknowledge this, but also play a key role in strengthening these efforts. Over the years, the Tata Trusts have supported organizations that provide: (i) legal services to the poor; (ii) rehabilitative support to prison inmates; and (iii) access to services and entitlements for marginalized populations.

We recommend this report by Dasra, as a well-timed effort to map and present solutions to the spectrum of issues that obstruct universal access to justice in India. It also profiles non-profit organizations doing invaluable work to ensure that India's law enforcement and judicial machinery are fair and accessible to all. Yet many of these programs are isolated or under-funded and there is a need for local philanthropy to provide long-term, strategic funding to create sustainable solutions.

We call upon interested stakeholders (including non-profits, funders and research think tanks) to work with the government and develop a holistic approach to solve for issues of access. As the SDGs bring law and justice to the front and centre of developmental discourses across the world, we have a unique opportunity today to push for reforms and dialogue in the space.

Equal access to justice is critical to ensuring rule of law and a prerequisite for India's meaningful development; it's time we worked together to create sustainable change within India's justice delivery system to ensure that it is accessible even to those that are the hardest to reach.



R Venkatesh

Managing Trustee,
Tata Trusts



EXECUTIVE SUMMARY

The 21st century brought with it a wave of democratization around the world. With an increasingly global push towards free and open societies, the discourse around governance and the rule of law has come to the fore. Access to justice for every citizen in the event of a violation of his or her rights has emerged as a key indicator of good governance and a prerequisite for progress. India includes equality before the law as a constitutional mandate, and directs the State to provide quality legal aid to those who cannot afford it. One of the 17 Sustainable Development Goals announced by the United Nations towards the end of 2015 centered on access to justice for all. However, India is a long way from achieving that goal, with thousands of its citizens struggling in the face of adversity across the country every day.

One such aspirant of justice was Mohammed Amin, a laborer from Gaya district in Bihar. Having migrated to Chandigarh in search of work, he had eventually found a job as a loader in a wholesale trader's shop. After his day's work, he would eat at a roadside dhaba and sleep wherever he could, usually in a park.

One night, he slept on a bench in the Parade Ground – and was woken up by two beat constables who asked him his name, occupation and address in Bihar. When he gave them the answers, they said he looked suspicious and told him to accompany them to the police station. Even though he agreed to go with them, the constables tied his hands behind his back with a rope before taking him to the station, where he sat in the lock-up all night and all of the next day.

A case of theft and a case under the Arms Act were registered against him. He was produced before a Magistrate, who asked the police why they had arrested him instead of issuing a notice. The police replied that he was “a dangerous character”. The Magistrate sent Amin to 14 days of judicial remand. At the end of his remand period, he was offered bail on condition of producing a surety of INR 5,000. Amin's case highlights a justice system that is broken at multiple levels. It is this system that this report seeks to outline and suggest ways to repair.

TIPPING THE SCALES

Dasra's report adapts a widely-accepted framework for ensuring access to justice that comprises the following four stages:

- Recognition: Does the law recognize the legal identity of all individuals and protect their rights in accordance with international standards?
- Awareness & access to legal aid: Is every person aware of these rights and able to access affordable, quality legal aid to claim justice?
- Adjudication: Is the grievance redressal system accessible, affordable, effective, impartial and free of corruption?
- Enforcement: Are enforcement authorities upholding the law impartially, following all applicable procedures, and effectively implementing judicial decisions?



It analyzes gaps along all four stages of the framework and proposes the following cornerstones that can strengthen the system:

- Make laws accessible and comprehensible for legal empowerment, so citizens know when their rights are being violated and what their legal options are in such cases.
- Streamline case management processes in courts, so justice delivery can be swift, efficient and cost-effective.
- Ensure high-quality, affordable legal aid, so individuals have a strong chance at a fair trial, regardless of economic or social background.
- Support and drive accountability in police and prison systems, so these agencies uphold the law and legal procedures with sensitivity to the rights of victims, convicts, undertrials and the most disempowered.

According to Dasra's research, access to justice non-profits in India action these cornerstones on the ground, through a common set of 11 key interventions. Despite distinct points of entry and focus, this commonality allows for cross-learning and for building a more cohesive community of non-profits working in this space.

The report also identifies 10 promising non-profits working across this framework, shortlisted from a master list of over 100 non-profits working in this sector. The 10 listed here are Haq, AALI, Commonwealth Human Rights Initiative, Aajeevika Bureau, Centre for Social Justice, Daksh, CLAP Legal Services Institute, People's Watch, Prayas and Majlis.

CALL TO ACTION

Access to justice may have only recently been included in the Sustainable Development Goals, but several Indian non-profits have been making noteworthy contributions in this space for over two decades now – innovating, learning and improving their approaches to the extent that today, India's justice system is open to non-profit insights and support for better delivery of justice.

Given this evolution and the expanding body of work, it is essential to define a unified vision for this space and converge efforts towards achieving this. It is critical that stakeholders appreciate the value of cross-learning and greater cohesion to ensure access to justice to the very last mile through the best solutions identified via the sector's collective wisdom.

Funders, academics and government agencies seeking to contribute to this space should back existing solutions and leverage their resources to document, improve and scale these efforts rather than revisiting the drawing board. Especially for a funder, it is critical

to choose non-profits that work with the system to strengthen justice delivery rather than working against it. Buy-in from the system is a prerequisite to ensure that reforms are not just proposed but actually result for justice to the most disempowered.

Finally, the sector urgently needs domestic funders to provide long-term, unrestricted capital that can back these non-profits to make bold leaps forward and scale without having to worry about year-on-year coverage of basic institutional costs, or about mobilizing resources from the limited pool of foreign funds available for this work in India. Access to justice is not an end in itself but a crucial indicator of India's health as a democracy and a prerequisite to sustainable improvements on all other development indicators. We therefore hope that an issue so fundamental to India's development will resonate with the growing cadre of visionary, domestic funders who wish to tip the scales in favor of an India where justice is not a struggle but a right that every citizen can reach for and exercise.



CHAPTER 1 : Introduction

IN PURSUIT OF JUSTICE: THE NEED FOR UNIVERSAL ACCESS

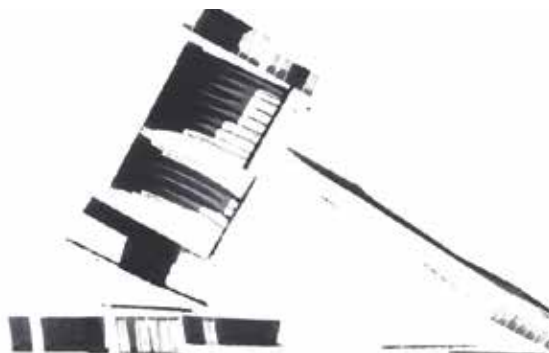
“Khemla, a 35-year-old adivasi man from a village in Madhya Pradesh was accused of theft and picked up from his home by the local police. While in custody, he was handcuffed and beaten publicly and brutally. After this assault, Khemla started vomiting blood. His brother Sayba, who had already been taken into police custody on similar charges, was witness to the incident. When Sayba tried to give his injured brother some water to drink, the local Sub Divisional Police Officer kicked him in the stomach. After the attack, Khemla fell unconscious. The police then dragged him out of his cell and took him first to a local medical clinic, and later to the closest government hospital. Attending doctors said Khemla was already dead by the time the body arrived at the hospital.”¹

International human rights standards and modern legal systems unanimously affirm that equitable treatment under law is a fundamental component of democracy. Yet in practice, injustice is rampant across the world, with its largest democracy, India, proving to be no exception. Across the world, socially and economically vulnerable groups bear the brunt of these abuses.

“The United Nations has learned that the rule of law is not a luxury and that justice is not a side issue. We have seen people lose faith in a peace process when they do not feel safe from crime. We have seen that without a credible machinery to enforce the law and resolve disputes, people resorted to violence and illegal means.”²

– Kofi Annan, Secretary General, UN (1997 - 2006)

While Khemla’s rights were violated by police officials, injustice can also stem from the actions of citizens, private corporations or other institutions. Whichever the circumstance, where laws have been breached or the rights of an individual or group violated, there is a need for legal mechanisms to access justice.



THE WINDING ROAD TO JUSTICE³

- Litigants spend INR 30,000 crore per year just to attend courts.
- 74% of litigants preferred out of court settlement to avoid legal complications.
- By 2015, 65% of the prison population were undertrials (those not yet convicted of a crime), not convicts.

India's judiciary is entrusted with the administration of justice for criminal breaches and redressal for civil grievances. Further, to ensure that everyone has the opportunity to seek redress before the judiciary, Article 39A of the Constitution directs the State to safeguard citizens' right to quality legal aid.⁴ However, despite progressive legal measures, India still has low levels of awareness, high costs and delays, which make access to justice in this country far from universal.⁵ Besides being crucial from an individual's perspective, access to justice also feeds into three factors critical to the growth of a developing nation like India:

- **Ensuring rule of law**
- **Supporting sustainable development and eradication of poverty, and**
- **Impacting economic growth**

ENSURING RULE OF LAW

Rule of law is a fundamental legal principle that states that no one is above the law, and that all people and institutions of a nation are accountable to laws that have to be fairly enforced. It is a key indicator of good governance and forms the very foundation of a democratic society. Rule of law can only exist where there is universal access to justice. Only when every individual in India can seek remedies for a breach of his or her legal rights can we ensure that the benefits of the legal process reach the poor and protect them from injustice.⁶ It also holds the government accountable to the letter of the law, and prevents arbitrary exercise of power.⁷



SUPPORTING SUSTAINABLE DEVELOPMENT AND ERADICATION OF POVERTY

“For communities, the rule of law is the foundation for opportunity and equity – it is the predicate for the eradication of poverty, violence, corruption, pandemics, and other threats to civil society.”⁸

– William H Neukom, founder and CEO, The World Justice Project

Key international stakeholders have acknowledged that the Millennium Development Goals (MDGs) would have been better met had there been a focus on the needs of the most vulnerable, and on increasing their access to justice.⁹ Consequently, the **2030 Agenda for Sustainable Development specifically incorporates access to justice as one of 17 Sustainable Development Goals (SDGs)** to end extreme poverty, fight inequality and injustice, and reverse climate change by 2030.



SUSTAINABLE DEVELOPMENT GOAL 16¹⁰

Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels.

Target 16.3: Promote rule of law at the national and international levels, and ensure equal access to justice for all.

The Hague Institute for Innovation of Law estimates that while some countries only manage to resolve 30-40% of justiciable problems reported, other countries resolve up to 70%.¹¹ Given the significant justice deficits across the world, ensuring access to justice holds great potential as a development enabler.¹² Results from Asian Development Bank’s survey of agrarian communities in the Philippines proved that with legal support, advocacy and aid, communities can push for regulatory reforms that increase productivity, income levels and investment in their farms.¹³

Also, as SDG 16 points out, access to justice is critical to inclusive development – justice must be equally accessible to even the most marginalized. In the Indian context, ‘marginalized’ populations refer to communities that are economically weak or socially discriminated against, and include migrants, certain tribal groups and Dalit populations.

STANDING IN THE WAY OF INDIA'S GROWTH STORY

- India ranks 76 / 176 on Transparency International's Corruption Perceptions Index¹⁴
- India ranks 77 / 113 for 'Regulatory Enforcement' on the World Justice Project's Rule of Law Index, 2016¹⁵
- Wages and business lost annually due to time spent in court hearings amounts to 0.48% of India's GDP¹⁶

Equal access to justice is thus a prerequisite for India to see meaningful development. This is demonstrated by small-scale innovations in access to justice by non-profits across the country. For example, non-profit Aajeevika Bureau's legal aid (i.e. free legal advice and representation for the impoverished) and dispute resolution services for migrant labor in Rajasthan, led to collective annual savings of INR 42 million for a group of 70-75 migrant workers.¹⁷

IMPACTING ECONOMIC GROWTH

World Bank research suggests that in Central American countries that have the highest rates of murder, a **10% reduction in violence levels could boost annual economic growth by almost 1% per capita.**¹⁸ When law enforcement fails to protect people from crime, as well as check State power and ensure universal access to justice, it becomes a bottleneck for sustainable economic progress.¹⁹

Individuals approach India's judicial system for redressal in a variety of disputes ranging from grievances around property and contracts to criminal allegations. This report does not aim to exhaustively analyze the system and its procedures. Instead, through collaborative approaches and collective action, it focuses on addressing the gaps in justice delivery that critically affect the marginalized. The following section provides a snapshot of access to justice as a development concern and sets out an agenda for action in India.

ACCESS TO JUSTICE: BUILDING BLOCKS AND GAPS

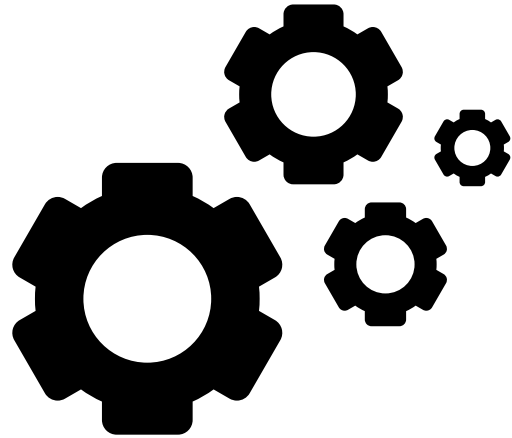
Historically, the State's obligation to ensure access to justice was restricted to: (i) creation of laws that protected all citizens equally, and (ii) entitlement of every person to defend claims in courts. For decades after Independence, the Indian government made no efforts to facilitate a population-wide understanding of the law or to encourage use of judicial systems. In 1976, however, India introduced Article 39A to the Constitution, which recognized the right of economically disadvantaged individuals to free legal aid. While this amendment was a step towards bridging the gap between having a justice system and enabling its use, it has had limited success in truly reducing this gap on the ground.




In order to address inherent power imbalances in India today and ensure universal access to justice, it is essential to widen the discourse from merely strengthening legal institutions to also increasing citizens' legal empowerment (i.e. the ability to understand, use and shape the law to secure justice).

Access to justice needs to be extended to include all the elements needed to help citizens and individuals seek redressal for grievances (against individuals or the State) and to demand that their rights be upheld.²⁰ Using this approach (advocated by UNDP, Transparency, Accountability and Participation network and other international experts in this space) we have set out a framework for access to justice that maps out:

- (i) the four stages of access to justice,
- (ii) the key gaps at every stage in India today, and
- (iii) the stakeholders responsible for enabling this access to justice at each stage.



FOUR-STAGE FRAMEWORK OF ACCESS TO JUSTICE

ELEMENTS OF ACCESS TO JUSTICE	GAPS	KEY STAKEHOLDERS
<p>1. RECOGNITION:</p> <p>Does the law recognize the legal identity of all individuals and protect their rights in accordance with international standards?</p> <div style="text-align: center;">  </div>	<ul style="list-style-type: none"> • While there are some gaps in legal protection (e.g. homosexuality is criminalized), by and large, India has laid out comprehensive and equal rights for its citizens. It has also ensured legal identification through its Aadhaar initiative, which covers 99% of adult citizens in India today.²¹ Yet observers say many of these laws have not achieved their desired impact on the ground. While experts such as women's rights lawyer Audrey D'Mello see this as an issue of implementation, academic Dr. Mohan Gopal questions India's basic approach to law-making. He believes that laws in India are created as knee-jerk reactions to social problems without drawing on existing research and precedent, and lack effective mechanisms for implementation. 	<ul style="list-style-type: none"> • Law Commissions are established by the government to propose legal reforms. • Elected representatives/legislators such as Members of both, Parliament and Legislative Assembly are primarily responsible for passing legislation in India. • Members of civil society (academics, advocates, think tanks, campaigners) advocate for changes in the law to match the changing needs of individuals.

2. AWARENESS & ACCESS TO LEGAL AID:

Is every person aware of these rights and able to access affordable, quality legal aid required to claim justice?



- How many Indians actually know their rights and how to obtain justice? Low levels of legal literacy in India's population restrict economically disadvantaged groups from tackling injustice and standing up for their rights. **For example, a survey of 532 women from low-income groups across seven Indian states found that they did not even know they were entitled to free legal aid.**²²
- Even individuals who are aware of their legal rights lack quality, affordable legal aid. This is due to the absence of a spirit of pro-bono litigation within the legal community and limited availability and poor quality of lawyers in the government's free legal aid services. A study by the NGO Daksh in 2015, found only **1.9% of civil litigants and 2.8% of criminal litigants surveyed were allotted free legal aid lawyers by the government.**²³ "80% of our country is shut out of the judicial system because individuals cannot access lawyers in the first place, and the quality of available legal aid is poor," says Supreme Court lawyer Prashant Bhushan.²⁴
- **Legal services authorities** are responsible for free legal aid to individuals. However, no stakeholder within the system is accountable for creating awareness on new, existing or changed laws.
- **Lawyers and Advocates** provide legal aid to individuals, including advice on appropriate legal action, access to alternative dispute resolution mechanisms, as well as representation in court, if needed.
- **Paralegal volunteers and community-based legal organizations** act as agents of legal empowerment in the community.

3. ADJUDICATION:

Is the grievance redressal system accessible, affordable, timely, effective, impartial, and free of corruption?



- The complexity of India's judicial systems, high costs and long, drawn out timelines associated with court proceedings, all make it very daunting for individuals across economic classes to approach courts for grievance redressal. Of those factors, delays are the key issue plaguing India's formal adjudication systems. For instance, **approximately 2.3 million cases have been pending in India's courts for over 10 years, with a total of 25 million cases pending as of September 2017.**²⁵
- Alternate dispute resolution (**ADR**) platforms (such as Lok Adalats and arbitration centers) are quicker and less process-heavy. However, some of these systems – such as arbitration – are high-cost. Other ADR systems lack rigor and fail to follow standard decision-making procedures.²⁶ These platforms are also usually presided over by low-quality adjudicators.²⁷
- **Judges** of courts at the central, state and district levels adjudicate on all matters submitted for litigation
- **Advocates** present opposing parties' arguments in court before a judge, allowing him or her to assess facts and pass a judgment.
- **Court clerks** carry out administrative activities of a court, including maintaining records and administering oaths.
- **Bar Associations** represent the legal fraternity and establish guidelines for lawyers.

4. ENFORCEMENT:

Are enforcement authorities upholding the law impartially, following all applicable procedures, and effectively implementing judicial decisions?



- Enforcement authorities (specifically police and prison systems) in India face several challenges in upholding the law.
- State police are governed by the outdated and regressive Police Act, 1861, or by state laws modelled on this law. In 2006, in the matter of *Prakash Singh v Union of India*,²⁸ the Supreme Court proposed directives for police reform, but these have still not been implemented by most Indian states due to lack of political will.²⁹ Some key gaps³⁰ within current police systems include: (i) excessive political interference; (ii) absence of merit-based performance evaluation; (iii) absence of accountability mechanisms; and (iv) lack of proper training and sensitization. These factors affect the police's ability to investigate cases and enforce law and order - **the conviction rate in Indian Penal Code criminal cases in 2015 was 49% compared to 82% in the UK in 2014.**³¹
- India's prisons are overcrowded, understaffed and administered by the archaic Prisons Act, 1894. Prison guards are not monitored effectively, and prisoners often live in inhuman conditions. Further, instances of custodial violence and other forms of mistreatment of convicts and undertrials continue to be reported. **In 2016, for instance, 80% of 270 prisoners interviewed by National Law University, Delhi, said they had suffered custodial torture.**³² Advocates for prison reform demand laws that transform prisons from penal institutions to correction homes, with trained social workers, essential resources and rehabilitative support.³³
- **Police forces** in every state are charged with the duty to protect the rights of individuals and maintain law and order. They are the first point of contact within the criminal justice system, for individuals whose rights have been violated. Police systems are governed by the state government.
- **Prison officials** are entrusted with the responsibility of managing and operating prisons across India. Prison management and administration is also a state subject.
- **Central Bureau of Investigation** is the domestic security agency of India. It investigates serious cases and provides India's police forces leadership and direction in fighting corruption.
- **Other enforcement officials** may also be instituted by provisions of specific laws (e.g. protection officers under the Domestic Violence Act, 2005).

WHY WE NEED TO INVEST IN ACCESS TO JUSTICE NOW

1. SDGS PROVIDE A UNIQUE WINDOW OF OPPORTUNITY:

Clearly, there are numerous cracks along the access to justice framework in India that need to be fixed quickly to ensure equal justice for all in the world's largest democracy. The sector has benefited from the recent adoption of access to justice as an SDG, which has helped push concerns around justice and peace higher up the chain of international development priorities. International platforms such as MDGs and SDGs can significantly influence governments to come together and solve the world's big problems. For

instance, it was only once MDG 4 was adopted to address child mortality that governments raised approximately USD 132 million to support public, private and civil society efforts to combat the issue.³⁴ The 2030 agenda for SDGs provides us a unique and critical opportunity today to build political support, and direct attention and financing towards ensuring access to justice for India's most needy and marginalized.

2. AN URGENT NEED FOR CAPITAL:

Organizations working in access to justice have historically faced a shortage of funds due to the nature of their work. This is also a sector in which it is difficult to show funders short-term results, since its interventions take time to create impact. Non-profits doing rights-based work, i.e., efforts to mobilize groups and convince the State to deliver on civil, social, economic and political rights, have traditionally relied on foreign funding. However, it is time to address this issue as a national concern and for domestic funders to take the lead in providing long-term support to non-profits conducting access to justice programs on the ground.

As this chapter illustrates, strengthening the ability of people to understand the law and gain effective access to justice can be catalytic to unlocking India's social and economic development potential. Equal access to justice is directly related to inclusive growth for the country. It is therefore critical for all stakeholders interested in creating a more equal and inclusive India to focus on this issue and invest in rebuilding the road to justice in India.



¹ Legal aid has been defined for the purpose of this report to mean free legal advice and representation to persons who are unable to afford legal services.

CHAPTER 2 : Cornerstones to Improve Access to Justice

As discussed, the journey to justice in India is riddled with challenges at every stage of the framework for access to justice. While there is no silver bullet to address these challenges, Dasra has identified – through secondary research, expert consultations and observing non-profits on the ground – four strategic areas to fund that can catalyze significant improvements in how India seeks and delivers justice. These four cornerstones have been set out below.

1. Make laws accessible and comprehensible for legal empowerment

3. Streamline case management processes in courts

2. Ensure high quality, affordable legal aid

4. Drive accountability and support police and prison systems

1. MAKE LAWS ACCESSIBLE AND COMPREHENSIBLE FOR LEGAL EMPOWERMENT

“Sometimes even highly educated people have a problem understanding, and therefore interpreting, the correct meaning of some of our laws... an attempt should be made to simplify the language of the law so that anyone who reads judgments and laws can easily understand their true meaning.” ³⁵

– Manmohan Singh, former Prime Minister of India

Most of our basic human rights are guaranteed by the Indian Constitution. This includes Article 14 (equality before the law and equal protection by the law) and Article 39A (right to free legal aid). However, people are unaware of existing laws that protect their rights, as well as how to claim these rights when they are violated. This is a serious obstacle to legal empowerment, which is critical for any country to ensure complete access to justice. Legal empowerment entails enabling a person to exercise his/her rights – which is only possible if every citizen can easily access and understand how the law protects those rights. For instance, many more women in India would be equipped to fight for their rights with the knowledge that since 2005, the law grants them a share in their ancestral property that is equal to that of their brothers.

However, experts say that even those who are aware of these laws often hesitate to access the justice system due to the complexity of the language that laws are written in, resulting in an incomplete understanding of their true meaning. Dakshin Foundation is a non-profit that works to address this challenge in fishing communities along the coast of India. It compiles outreach material for these communities in the local language, which improves access to the relevant laws on issues such as coastal development and fisheries. By making these laws comprehensible, Dakshin helps more people know their rights and take steps towards grievance redressal.

For example, in 2013 Dakshin developed a booklet in Tamil explaining how the Coastal Regulation Zone (**CRZ**) 2011 (a government notification under the Environment Protection Act, 1986) applied to fishing communities in Tamil Nadu. While the CRZ required District Level Committees (**DLCs**) to be set up for its implementation, it did not explain how DLC representatives were to be elected. Due to this, most communities failed to elect local representatives who could champion their causes and defend their interests at the forum. Dakshin's booklet not only helped these communities understand the provisions of the CRZ but also allowed them to collectively devise selection guidelines for DLC representatives that tied in with their local governance structures.³⁶



CASE STUDY

Nyaaya is a non-profit that was created from the awareness that information on laws is difficult for everyone to access, and that there is no single resource aimed at citizens that demystifies high-level legal jargon.

Its user-friendly website nyaaya.in aims to become “India’s first free, online repository of every central and state law, explained in simple English, with interactive guides and visualizations, to get people to the right legal answer”. It simplifies legal processes for situations that affect nearly every citizen in his/her lifetime, including marriage and divorce laws, how to write a legally binding will and increasingly pertinent cyber laws. Since its inception in 2016 up to the time of writing this report towards the end of 2017, nyaaya.in has seen traffic of nearly 4,00,000 users, an indicator of the high demand for such a service in India.³⁷

Organizations like Dakshin and Nyaaya address a critical gap in citizens' access to and comprehension of laws – which is the first step towards strengthening the demand for justice in India. These efforts need to be replicated and scaled to ensure every individual, irrespective of his/her social and economic background, has a reliable source to access and understand the laws that govern his/her life.

2. ENSURE HIGH QUALITY, AFFORDABLE LEGAL AID

“The state shall... provide free legal aid, by sustainable legislation 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.” – Directive principle, under the 42nd Amendment to the Constitution.³⁸

A citizen's chance at a fair trial hinges on being able to hire a competent lawyer, who can effectively represent his/her interests in court. For a vast number of Indians, however, hiring private legal representation is simply unaffordable. The Constitution directs the State to provide free legal aid for them “... to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.”³⁹ However, there is a glaring lack of faith in State-run legal aid panels, which experts say are often populated with inexperienced and poor-quality lawyers. Thus at the stage of legal aid itself, the justice system begins to disadvantage the poor and marginalized, and is skewed in favor of the rich and powerful.

A growing body of research shows that investing in the provision of high-quality legal aid not only benefits economically weaker litigants, it also provides significant economic benefits to communities and states.⁴⁰ For instance, a 2012 report by The Task Force to Expand Access to Civil Legal Services in New York projected savings of USD 201 million in the state of New York, attributable to the provision of legal aid in civil cases. This figure comprises costs avoidable to the state – nearly USD 85 million in medical, mental health and other costs related to domestic violence, and USD 116 million due to prevention of evictions and homelessness.⁴¹ And while litigants cannot be guaranteed favorable outcomes, the alternatives are far less palatable for the individual and his/her community, including instances of cases being left unresolved or individuals pursuing non-legal options for grievance redressal. There are also those who would be rendered utterly helpless without legal aid:





One such case was that of Rosie, a 12 year-old girl from Delhi, who was sexually abused by her father following her mother's disappearance, and ran away from her home.

She was placed in a shelter home by the Child Welfare Committee after the crime was reported. However, the Trial Court judge did not accept the standing of the lawyer appointed by the shelter home, since the home was not "a family member or natural guardian of the victim... under the Guardians and Wards Act, 1890". iProbono, a non-profit online network of lawyers, intervened and provided Rosie with pro-bono legal representation at the Delhi High Court. With good-quality representation, not only did she win her case, but the Court also ruled that it is vital for vulnerable children to be provided with independent legal representation so their interests are protected in the judicial process.⁴²

Thus the provision of high-quality and affordable legal aid is crucial to facilitating universal access to justice and in particular, protecting the rights of the disadvantaged and marginalized. As seen in Rosie's example, the impact of such legal aid can go beyond individual cases to create legal precedents that can change the law for the better and benefit vulnerable populations.

3. STREAMLINE CASE MANAGEMENT PROCESSES IN COURTS

"Delay in disposal of cases not only creates disillusionment amongst litigants, it also undermines the capability of the system to impart justice in an efficient and effective manner."⁴³

- B N Agrawal, former judge of the Supreme Court of India

The biggest challenge for those accessing courts in India is the issue of pendency i.e. delays at every stage of a case's lifespan: from filing and scheduling a hearing (on account of excessive adjournments) to receiving a judgment. As of August 2017, more than 25 million cases were pending⁴⁴ before India's courts, with an astounding 179,573 more cases being filed than disposed of in a given month.⁴⁵

Experts say a key reason for this pendency is that the onus of case management is on judges and administrative

support staff. The courts have limited support staff, who are not trained in basic case management techniques. If the courts can streamline their case management processes with technology or external expertise, judges will spend less time on administrative affairs and more on hearing cases and judging. Besides unlocking judges' time, case management systems can also help reduce pendency and the resultant exorbitant costs for litigants.



Case management support helps determine how cases are scheduled and prioritized.

An example is Daksh's pilot project with the Madras High Court, initiated in 2017, to digitize the court's case management system. It has created software that uses an algorithm to suggest potential dates to judges looking to adjourn a case. These suggestions are based on a variety of factors such as the anticipated workload of the judge and case flow management rules. These rules include limiting the number of substantive cases a judge takes up per day and prioritizing bail and family cases over government contract ones. The organization also conducts trainings / workshops with Tamil Nadu district judges to help them adopt and use the software. If this pilot succeeds, it will serve as proof of concept for the 18 other High Courts across India that have agreed in principle to use a digital case management system but are yet to execute it.

While the results of Daksh's pilot are yet to be seen, this approach has previously proven successful in the Republic of Korea (South Korea), which started streamlining case management processes through digitization in the early 1980s. In South Korea today, attorneys and litigants can electronically file lawsuits, which are automatically registered through the electronic case filing system, and then assigned to a judge who can access the corresponding files, organize and schedule cases and start processing claims. The case management system helps some judges to adjudicate up to 3,000 cases every year, manage up to 400 per month and hear up to 100 pleas per month.⁴⁶ In comparison, an analysis of statistics from the National Judicial Data Grid from May 2016 showed that in India, a district judge adjudicates an average of only 516 cases per year.⁴⁷

Streamlining case management processes in courts is thus an effective strategy, not only to reduce pendency and its resultant costs, but also to improve transparency and accessibility – which translates into increased public trust in the judicial system.⁴⁸

4. DRIVE ACCOUNTABILITY AND SUPPORT POLICE AND PRISON SYSTEMS

“The system is more open to granting access to organizations that slowly build a rapport with it and are not trying to expose or haul up those in positions of authority. One has to walk the middle ground between asking the difficult questions, yet not threatening the integrity of the system.”⁴⁹

– Dr Vijay Raghavan, Project Director, Prayas

The enforcement stage of the access to justice framework – specifically police and prison systems – has not received much attention from Indian funders. The opacity and complexity of these systems deter funders from taking the risk of engaging with them. Interestingly, however, committed Indian non-profits have been working in this space for years, largely supported by limited international funds.

Alongside the funding risk, the opacity of Indian police and prison systems makes pushing reforms from the outside laborious and extremely time consuming. Approaching these systems with the aim of highlighting failures and criticizing the authorities for their shortcomings only serves to antagonize key government stakeholders. Experts agree that the more productive and successful road to change is to engage with the enforcement system – by building credibility through objective assessment of gaps, and providing support to bridge these, as well as through ongoing oversight and constructive feedback.

Non-profits such as Majlis have taken this approach to their work on the ground. One of its key interventions is to conduct focused, skill-based, outcome-oriented trainings with police officers in Mumbai, to help them understand the legal provisions of the prevention of domestic violence and anti-rape laws, and their duties under the same. Majlis then monitors the performance of these trained officials, and has institutionalized a feedback channel with victims who interact with them. Any lapses are then reported to the authorities for immediate redressal.⁵⁰ Majlis has a unique relationship with Mumbai’s police system, as an organization that can hold the system accountable but is also invited to help build officers’ capacity for better performance.

Prayas is another organization with a similar outlook. It provides customized support to under-trials across prisons in Mumbai and Gujarat, ranging from filing bail applications on their behalf to arranging for their families to visit them in prison. To carry out this work effectively, Prayas’s members need authorizations to enter prisons and spend the day with prisoners, twice or thrice a week. The organization has been



able to sustain this arrangement for the last 25 years by building a relationship of trust, cooperation and responsible communication with the authorities.⁵¹ Prayas consciously steers clear of attempting to 'expose' weaknesses within the system but is still able to leverage its experience to advocate for prison reforms. For instance, it is often invited by the courts to contribute recommendations to ongoing Public Interest Litigations (PILs), underscoring its role as a constructive partner of the system.



Amnesty International (India), a well-known human rights organization, has also successfully managed to navigate collaboration with the judicial system and its enforcement arm while also maintaining its autonomy.

In 2016, it launched several rights-based campaigns, including one calling for an independent investigation into police inaction related to the rape and brutal murder of Jishamol, a Dalit woman in Perumbavoor, Kerala. While campaigns such as these form the crux of its work, being a trusted partner of law enforcers is also essential, which is why the organization deepened ties with the Pune and Bengaluru police during the same period. It provided those two police forces with gender sensitization and capacity building training to prepare them to deal with sensitive cases like Jishamol's adequately. Given the difficult balance it has to achieve through its work, Amnesty emphasizes partnering with like-minded institutions to ensure a support system and to build a wider and deeper movement for justice in the long term.⁵²

These cases demonstrate the courage and ability of non-profits to adopt a two-pronged approach: driving accountability in police and prison systems, while also supporting them to improve their performance.

These four cornerstones can make a fundamental difference to the experience of seeking and delivering justice in India.

Making laws accessible and comprehensible for legal empowerment will enable each citizen to know of and take legal recourse when his/her rights are violated.

Ensuring high-quality, affordable legal aid, should he/she choose to access courts, guarantees every individual a chance at a fair trial, regardless of economic and social background.

Streamlining case management processes

in courts will reduce the period of time for which litigants are embroiled in the system, as well as build greater trust in the system.

Finally, **driving accountability and supporting police and prison systems** will help these agencies operate more sensitively and effectively to uphold the rights of all citizens including victims, accused, under-trials and the most marginalized.



CHAPTER 3 : Interventions

The ability to provide crosscutting, large-scale solutions to the problems of access to justice in India lies exclusively within the realm of the judiciary and executive. However, non-profit organizations have taken on the responsibility of developing innovative and impactful strategies to support and strengthen existing systems and do their part in improving access to justice in India. Through expert interviews, interactions with and visits to multiple non-profits working on the ground in this sector, Dasra has identified 11 key interventions to enhance access to justice in India. While each of these interventions is critical to the progress of the sector, Dasra has highlighted those that link to the four cornerstones that have the potential to move the sector forward.

ATJ STAGE	GAPS	CORNERSTONES	INTERVENTIONS
RECOGNITION	<ul style="list-style-type: none"> • Gaps in legal protection of rights • Inadequate process of designing laws • Gaps in implementation of laws 		<div style="background-color: #f4a460; padding: 10px;">Conduct research and advocacy for legislative change</div>
AWARENESS & ACCESS TO LEGAL AID	<ul style="list-style-type: none"> • Low levels of legal literacy • Lack of quality legal aid • High cost of legal aid 	<div style="display: flex; flex-direction: column; align-items: center;"> <div style="background-color: #f4a460; border-radius: 50%; width: 150px; height: 100px; display: flex; align-items: center; justify-content: center; margin-bottom: 10px;"> <p>Make laws accessible and comprehensible for legal empowerment</p> </div> <div style="background-color: #66c2e6; border-radius: 50%; width: 150px; height: 100px; display: flex; align-items: center; justify-content: center;"> <p>Ensure high quality, affordable legal aid</p> </div> </div>	<div style="background-color: #f4a460; padding: 10px; margin-bottom: 10px;">Create/strengthen legal awareness</div> <div style="background-color: #66c2e6; padding: 10px; margin-bottom: 10px;">Facilitate access to legal entitlements</div> <div style="background-color: #66c2e6; padding: 10px; margin-bottom: 10px;">Provide legal aid (legal counseling and legal representation)</div> <div style="background-color: #66c2e6; padding: 10px;">Train lawyers and paralegals to improve quality of legal aid provided</div>
ADJUDICATION	<ul style="list-style-type: none"> • Complexity of the system • High cost of accessing the system • Delays in judicial proceedings • Alternate dispute resolution systems lack rigor, low quality adjudicators, absence of standardized processes 	<div style="background-color: #808080; border-radius: 50%; width: 150px; height: 100px; display: flex; align-items: center; justify-content: center;"> <p>Streamline case management processes in courts</p> </div>	<div style="background-color: #808080; padding: 10px; margin-bottom: 10px;">Facilitate case management</div> <div style="background-color: #808080; padding: 10px; margin-bottom: 10px;">Conduct training and sensitization workshops for the judiciary</div> <div style="background-color: #808080; padding: 10px;">Leverage informal dispute resolution systems</div>
ENFORCEMENT	<ul style="list-style-type: none"> • Lack of sensitivity • Undue political influence in promotion and transfers process • Lack of transparent merit and incentive-based performance system • Lack of processes to ensure transparency and accountability 	<div style="background-color: #d3d3d3; border-radius: 50%; width: 150px; height: 100px; display: flex; align-items: center; justify-content: center;"> <p>Drive accountability and support police and prison systems</p> </div>	<div style="background-color: #d3d3d3; padding: 10px; margin-bottom: 10px;">Train police officials and/or prison authorities in effective law enforcement</div> <div style="background-color: #d3d3d3; padding: 10px; margin-bottom: 10px;">Monitor and ensure accountability of police and/or prison authorities</div> <div style="background-color: #d3d3d3; padding: 10px;">Provide psycho-social and rehabilitative support to inmates, released prisoners and their families</div>

In addition to the eight highlighted interventions, which will be assessed below, Dasra also came across select organizations that undertake the following three:

- Facilitate access to legal entitlements
- Conduct training and sensitization workshops for the judiciary
- Leverage informal dispute resolution systems court hearings.

INTERVENTIONS AT THE 'RECOGNITION' STAGE

1. Conduct research and advocacy for legislative change

Non-profits conduct research to identify gaps in our existing laws and their implementation. This research feeds into their advocacy for legal change through efforts ranging from mass online campaigns to directly presenting evidence-based recommendations to government bodies and other stakeholder groups. The aim of this intervention is to ensure robust legal structures that protect the rights of even the most vulnerable groups in the country.

VIDHI CENTRE FOR LEGAL POLICY conducts independent legal research to support central and state ministries in drafting better laws. It also freely disseminates its reports to inform public debate. One of Vidhi's most recent achievements was when the Ministry of Electronics and IT sought its help to draft the Aadhaar Act 2016 and the Insolvency and Bankruptcy Code 2016.

DASRA ANALYSIS: Successful advocacy at the state/central level can have wide-scale, long-term and far-reaching impact across different parts of the access to justice framework. However, this intervention is time and resource intensive and requires high quality, committed, driven resources to build credible relationships with the government and other stakeholders. Therefore, while research and advocacy is a critical and high-impact intervention, its success is largely dependent on the strength of the organization's leadership.

INTERVENTIONS AT THE 'AWARENESS AND ACCESS TO LEGAL AID' STAGE

2. Create/strengthen legal awareness

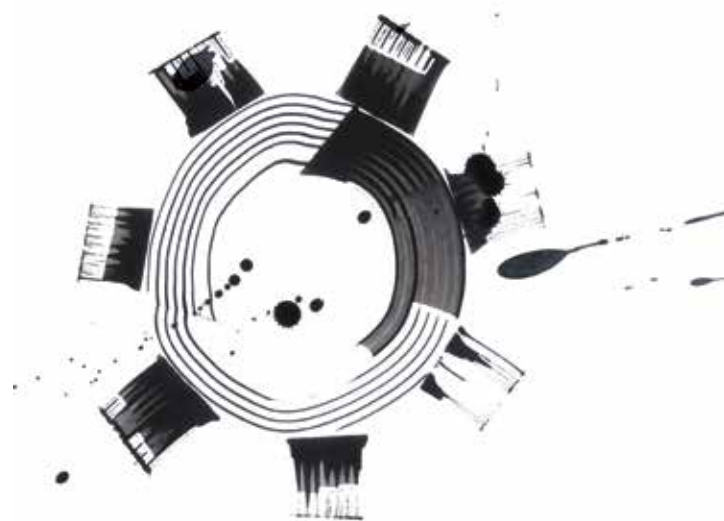
Citizens will only be equipped to demand access to justice if they know and understand their rights. This is most critical for marginalized communities, who struggle to safeguard their rights. This is why most non-profits working to facilitate justice in India undertake mass legal awareness activities. These range from organizing legal awareness camps, sessions and workshops, to developing and disseminating relevant digital and print collateral. In addition to informing individuals of their rights that are protected by the law, these activities also serve to better inform public debate.

AAJEEVIKA BUREAU'S Legal Education, Aid and Advocacy (LEAD) Cell develops accessible and reader-friendly communication material on labor laws and worker rights in regional languages in Rajasthan and Gujarat. It has also introduced labor protection tools such as labor attendance diaries and model contracts for casual workers. Between 2010 and 2015, it has reached out to over 65,000 individuals through these legal awareness initiatives.

DASRA ANALYSIS: Creating and/or strengthening legal awareness can directly reach large numbers of end-beneficiaries at a very low cost. The length of engagement with the beneficiary is relatively low. For example, an organization conducting legal camps only engages with the end-beneficiary for a few hours. However, this intervention can reach the most marginalized populations of the country and helps to increase their demand for justice. This is why it is considered a medium-impact and easily scalable intervention.

3. Provide legal aid (legal counseling and legal representation)

Even when people are aware of their rights, economically disadvantaged claimants are unable to secure affordable, high-quality legal aid, as has been highlighted in the previous chapters. Non-profits seek to bridge this gap by providing and/or facilitating pro-bono legal support for the disadvantaged. This support ranges from legal counseling on possible courses of action in a dispute, to assistance with case filing and documentation, and legal representation in court. The most advanced version of this intervention is when non-profits provide end-to-end support to the claimants; i.e.



not just facilitating access to a lawyer, but also hand-holding them during their trajectory through the justice system, and coupling legal aid with psycho-social support as needed.

MAJLIS LEGAL CENTRE'S team of women lawyers provides customized legal support to victims of domestic and sexual violence. In addition to providing them with legal counsel and representation, it also facilitates access to medical services, trauma counseling, shelter and educational assistance as needed. By coupling legal and psycho-social aid, Majlis ensures that women feel empowered and supported through their journey to seek justice- the lack of which often discourages women from taking the legal route to grievance redressal.

DASRA ANALYSIS: Providing legal aid is a critical intervention in enabling access to justice, with a significant impact on the beneficiary's journey. While it is extremely high-impact, with a level of engagement with the beneficiary surpassing that of nearly all other interventions in the sector, this also means it is among the most time and resource intensive interventions.

4. Train lawyers and paralegals to ensure quality of legal aid

Well-trained and high-quality lawyers are a prerequisite to ensuring justice for all. Given the dearth of lawyers who are prepared to offer pro-bono support to the needy, non-profits invest in training and developing interested and capable local representatives into paralegals.¹ They also conduct workshops with interested lawyers to update them on developments in the legal discourse and to sensitize them to specific challenges faced by poor and marginalized litigants. Non-profits also create training modules on laws and procedures that they hold expertise in, for the benefit of law schools and legal services authorities.

In 2008, **COMMITTEE FOR LEGAL AID TO POOR (CLAP)** undertook a project with the UNDP to train and develop 400 paralegal volunteers in eight North-Eastern states in India. This effort comprised (i) six rounds of 30-day training sessions and (ii) six rounds of 3-day refreshers, to train and sensitize paralegal volunteers on different laws prescribed by the National Legal Services Authority's curriculum. The organization also developed a guide for facilitators of the paralegal volunteer training, which continues to be used for trainings in the state of Odisha.

¹ Paralegals are considered justice workers who do not hold formal education in law but have been trained to provide basic legal information and counsel to their community members, serving as a critical link between marginalized populations and the justice system.

DASRA ANALYSIS: Working with national and district legal service authorities to train lawyers and paralegals is a medium-impact intervention that can help strengthen the country's existing legal aid systems. Training paralegals is a sustainable model, since it builds capacities of community members, empowering them to provide basic legal assistance in their own right. However, the success of such training hinges on its rigor and frequency, requiring significant investment of time and resources for regular refresher courses.

INTERVENTIONS AT THE 'ADJUDICATION' STAGE

5. Facilitate case management

The importance of effective case management has been discussed in detail in the previous chapter, and it has been identified as one of the cornerstones for driving change in the sector. As an intervention, case management services take the form of third party assistance in scheduling and managing caseloads and monitoring their progress thus reducing the administrative burden on judges. The few non-profits that provide case management support undertake digital solutions to standardize and build efficiencies in daily court proceedings.

In addition to its pilot project with the Madras High Court, **DAKSH** has undertaken a project with the Delhi High Court where selected courtrooms have now stopped accepting pending/backlogged cases and are only taking on fresh cases. Daksh is monitoring the progress of these courts to determine the ideal amount of time it should take a judge to adjudicate different types of cases. Based on this data, Daksh plans to create new and updated case management rules, and incorporate them into the software it is developing to help judges schedule hearings and adjournments.

DASRA ANALYSIS: Facilitating case management at courts requires continued engagement with and cooperation from the concerned judges. This means that while the software for standardizing and building efficiencies in court proceedings can easily be replicated, it can take significant time and effort to convince district and high court judges of its need and benefits. Having said that, this intervention can be instrumental in reducing pendency in courts, which potentially impacts everyone accessing the justice system, albeit in an indirect manner.

INTERVENTIONS AT THE 'ENFORCEMENT' STAGE

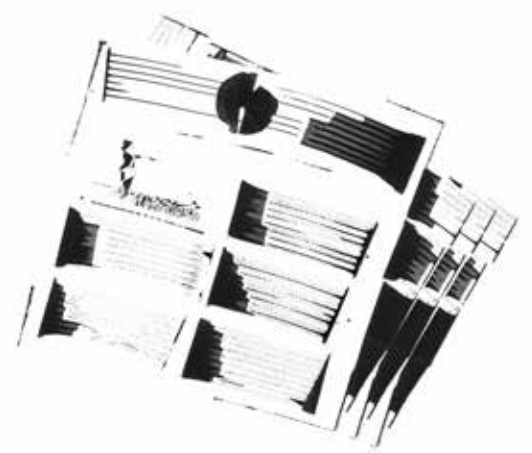
6. Training police officials and/or prison authorities in effective law enforcement

The police and prison systems are crucial to ensuring that laws and legal procedures are being implemented on the ground. However, more often than not, these authorities are not provided complete instructions, or are so entrenched in the status quo, that positive legal developments can take a long time to percolate to the ground. To help bridge this gap, non-profits conduct trainings and sensitization workshops with certain enforcement authorities, especially those police officials, prison authorities and government officials who are involved in the implementation of specific laws (such as those connected to domestic violence, child marriage, etc).

RESOURCE CENTRE FOR JUVENILE JUSTICE (RCJJ) realized that many stakeholders of the Juvenile Justice (JJ) system, such as the police, come to the JJ system with experience of having worked with the adult justice system. RCJJ constantly engages with them through workshops and training programs, in order to sensitize them to issues pertaining to the JJ system.

Another instance of training enforcement officials is **MAJLIS'S** work with protection officers nominated by the state government under the Protection of Women from Domestic Violence Act, 2005. It conducts trainings and refresher courses with these officers on their specific duties under the DV Act, including ascertaining the gravity of the case and extending all possible assistance, legal and otherwise, to the woman in question.

DASRA ANALYSIS: The ripple effects of training police officials and prison authorities can be felt across several other stages of the framework for access to justice, since these officials are key to upholding and enforcing the law of the land. Well trained and sensitized enforcement officials can protect and better serve vulnerable populations, such as undertrials in prison or those who approach the police as the first point of contact for their grievances. This intervention works exclusively under the aegis of existing systems, to strengthen them and improve their functioning, and is both critical and high-impact. As with training lawyers, however, the success of this intervention is contingent on the regularity and thoroughness of the trainings.



7. Monitor and ensure accountability of police and/or prison authorities

Non-profits take on the critical role of third party monitoring to keep a check on police and prison authorities, identify wrongdoings and submit them to relevant agencies for action. To this end, non-profits implement various activities that range from establishing a feedback loop with victims who approach the police at multiple points during their case to filing applications under the Right to Information Act for data on the functioning of a prison, or a specific case. This data is presented both for corrective action in the specific case as well as for larger advocacy efforts to ensure that police and prison authorities function in compliance with the law and uphold the constitutional rights of victims and criminals alike.

In India, the Prison Visiting System and Under-trial Review Committees are two oversight mechanisms that were instituted by legislation to ensure that prison conditions are monitored regularly and the rights of prisoners are upheld; however these mechanisms have since become perfunctory. As part of its access to justice program in the country, **COMMONWEALTH HUMAN RIGHTS INITIATIVE (CHRI)** works towards ensuring implementation of third party visits to monitor prison conditions and promoting the creation and regular functioning of review committees.

DASRA ANALYSIS: Monitoring and ensuring the accountability of prison and police systems is another critical, high-impact intervention that strengthens and enhances the performance of these authorities, thereby positively impacting all citizens who interact with them. The benefits of accountable prison and police systems resonate across all stages of the framework for access to justice, particularly impacting vulnerable populations by deterring discrimination within the system. However, this is a resource-intensive intervention, requiring access to the workings of these closed systems as well as constant oversight through civil society or public interest litigations.

8. Provide psycho-social and rehabilitative support to inmates, released prisoners and their families

Prisoner rights and welfare is one of the least prioritized elements of the framework for access to justice in India. This is why non-profits step in to highlight and uphold the constitutional rights of prisoners- both undertrials and convicts. These organizations conduct in-prison programs to address the legal, developmental and psycho-social needs of

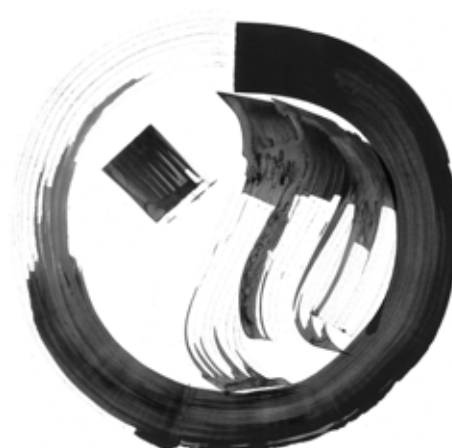
prisoners. These could range from arranging for their families to visit them, to filing bail applications on their behalf or providing them with skill-building services. Some non-profits also provide customized assistance to prisoners' families, to limit the disruption caused in their lives by the arrest of their close relatives.

Most non-profits provide rehabilitation support to prison inmates even after their release. Non-profits invest in this intervention, despite the State's limited support and interest, to reduce the number of repeat offenders in Indian prisons.

VOLUNTARY ACTION FOR REHABILITATION AND DEVELOPMENT (VARHAD) provides undertrials in prison and those who are released with customized legal and psycho-social assistance. Such support ranges from facilitating communication between undertrials and their lawyers for regular updates on their cases to conducting home visits to reassure them that their loved ones are safe and happy. After their release, VARHAD also helps by providing accommodation and skills training in order to increase their livelihood opportunities in the formal economy.

DASRA ANALYSIS: Providing psycho-social and rehabilitative support is an extremely high-touch and intensive intervention, with NGOs like Prayas continuing their association with – and investing considerable resources in – individual beneficiaries for up to three years. However, the impact of such all-round support provided to beneficiaries and their families runs deep and can be life-changing.

An overall assessment of these interventions shows that most of them are high-impact, with some having the potential to transform beneficiaries' lives. However, limited funding to the sector means that strategies to scale and replicate these interventions have not been studied and developed. It is therefore important for donors to invest patiently and commit consistent and unrestricted funding to the sector for extended periods of time. Such funding will permit long-term studies to understand the scalability of existing models, and provide crucial support for the ideas of early innovators.



CHAPTER 4 : Recommendations

“The Tata Trusts have been committed to driving social innovation and systemic change in the criminal justice system, in areas of prison reform and providing entitlements to marginalized populations. Access to justice and dignity remains elusive for vast sections of our society, especially the poorest and most marginalized, such as Dalits, Adivasis and women. What is needed is to position work on access to justice and dignity as an interdisciplinary, emerging and high impact domain of philanthropy towards creating sustainable social change.”

- Shireen Vakil, Head of Policy and Advocacy, Tata Trusts

India has many hurdles to overcome across the framework for access to justice before universal access becomes a reality. While the obstacles are manifold and the interventions to drive change diverse, Dasra offers four recommendations to stakeholders interested in enabling access to justice:

1. Collaborate for a shared vision

It is critical to shift the focus from implementing standalone programs to defining a shared vision across the framework of access to justice. Non-profits should be encouraged to unite efforts to achieve shared goals. This could help develop a more holistic and strategic view to the sector's needs and solutions and facilitate greater collaboration among stakeholders: ensuring that the whole is greater than the sum of its parts.

2. Build partnerships with state systems

Implementing rule of law and ensuring access to justice is primarily a state responsibility. This is why even if non-profits work around the clock to pilot and advocate for successful interventions, sustainable change is only possible with the buy-in and support of government stakeholders. Dasra's research indicates that non-profits that manage to identify and obtain the support of 'champions' within the system are best placed to facilitate a paradigm shift. This is especially true of organizations that work with police or prison authorities, as these entities require specific authorizations to analyze gaps, monitor processes and offer solutions. Non-profits that have succeeded in improving police or prison systems have categorically steered clear of working against the system, to develop a trust-based, solution-oriented dynamic.

3. Support impactful solutions

The access to justice sector has plenty of examples of bold and impactful work that both catalyze the demand for justice and strengthen systems to deliver it. Funders, academics and government agencies seeking to work in this space must seriously consider leveraging their resources to build, document, improve and scale these efforts rather than reinventing the wheel. The following section profiles 10 organizations that provide solutions that action one or more of the four cornerstones Dasra recommends to push the sector forward, namely to: (i) Make laws accessible and comprehensible for legal empowerment; (ii) Ensure high quality, affordable legal aid; (iii) Streamline case management processes in courts; and (iv) Drive accountability and support police and prison systems.

4. Provide long-term domestic funding

Most interventions in the access to justice space are resource and time intensive, especially those that create tangible and sustained impact on the lives of end-beneficiaries. Funders giving to this space need to go beyond the standard 3-5 year funding cycles and commit long-term capital to these non-profits, against co-created milestones for their institutional development. There is an urgent need for domestic funders to take the leap and support these bold non-profits with patient capital and strategic insights. This will address the challenge of limited foreign funding which may soon be too little to support the growing efforts in this space. More importantly, it will channel domestic funds to innovate, support, refine, and sustain home-grown solutions for access to justice, which is not an end in itself, but a critical indicator of India's health as a democracy.





CHAPTER 5 : Organization Profiles

In the course of this research, Dasra evaluated over 100 non-profits working to enhance universal access to justice in India. Following the comprehensive diligence process described in Appendix 1 to assess these organizations' approaches, models and programs, 10 organizations doing exceptional work in the sector have been profiled in this section. The table below maps these organizations to the 11 key interventions discussed in Chapter 3.

Elements of Access to Justice	Interventions	Aajeevika Bureau	AALI	CHRI	CLAP	Centre for Social Justice	DAKSH	HAQ	Majlis	People's Watch	Prayas
Recognition	Conduct research and advocacy for legislative change	○	○	○	○	○	○	○	○	○	○
Awareness & Access to Legal Aid	Create/strengthen legal awareness	○	○	○	○	○			○	○	○
	Facilitate access to legal entitlements	○	○		○	○			○	○	○
	Provide legal aid (legal counseling and legal representation)	○	○	○	○	○		○	○	○	○
	Train lawyers and paralegals to improve quality of legal aid provided	○	○	○	○	○		○	○		
Adjudication	Facilitate case management		○					○			
	Conduct training and sensitization workshops for the judiciary			○		○	○	○	○		○
	Leverage informal dispute resolution systems	○	○			○			○	○	
Enforcement	Train police officials and / or prison authorities in effective law enforcement			○		○		○	○	○	○
	Monitor and ensure accountability of police and/or prison authorities			○		○			○	○	
	Provide psycho-social and rehabilitative support to inmates, released prisoners and their families							○			○

AAJEEVIKA BUREAU

Website: www.ajeevika.org



Organization overview

Founded: 2005 | **Head office:** Udaipur, Rajasthan | **Coverage:** Rajasthan, Gujarat, Maharashtra
Full-time staff: 134 | **Budget (2016-17):** INR 9.83 crore (USD 1,500,000)

Aajeevika Bureau works to provide lasting solutions to the economic, social and legal problems of migrant workers, directly as well as through partners. Its interventions, which include legal aid, seek to provide comprehensive support to help vulnerable migrants and their families, both at source and destination areas. It also undertakes evidence-based advocacy to help address gaps in state and national policy for migrant workers.

Program overview: **Coverage:** Rajasthan, Gujarat, Mumbai
Full-time program staff: 25 | **Budget (2016-17):** INR 69 lakh (USD 106,000)

THE PROBLEM

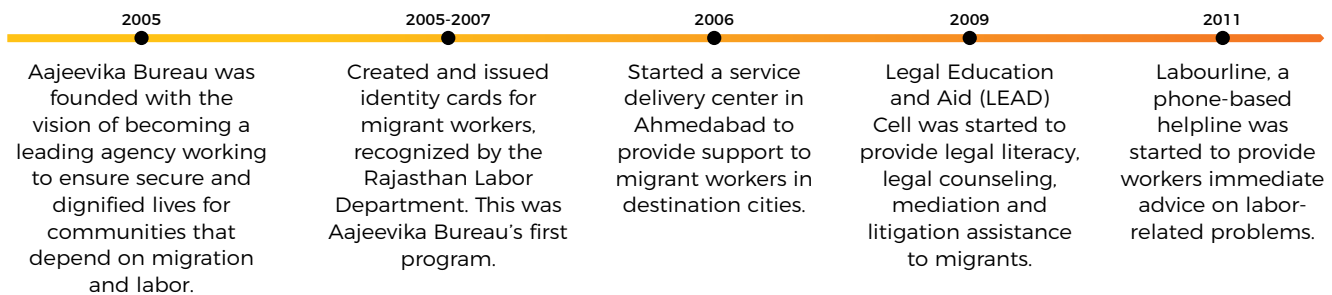
Domestic migrant workers (part of India's unregulated informal economy) are often victims of malpractices and occupational hazards like poor living conditions, no identity or social security, and a lack of awareness and formal mechanisms to seek recourse for the socio-economic risks they encounter.



AAJEEVIKA BUREAU'S RESPONSE

Aajeevika Bureau takes an integrated approach to support vulnerable migrant communities by providing a wide range of services that help them improve their incomes, security and stability, both in labor markets as well as their rural homes. These include legal aid and education, linkages to entitlements, ID and registration.

How did it evolve?



What does it do?

Aajeevika Bureau's LEAD Cell undertakes four key interventions:

- **Legal aid:** Providing legal advice, counseling and litigation assistance in special cases to migrant workers. Apart from its permanent legal clinic in Udaipur, temporary legal clinics are organized across field centers, which include makeshift mediation centres for dispute resolution.
- **Legal awareness and education:** Developing accessible and reader-friendly education material on labor laws and worker rights in regional languages; promoting best practices among migrants such as labor attendance diaries.
- **Paralegal training:** Training a cadre of community-based paralegal workers who impart legal education and first-stage legal counseling in villages with high rates of migration.
- **Labourline:** Providing information on government schemes and immediate advice on legal problems encountered at work by migrant laborers. Labourline operates from a call center set up in the LEAD cell and handles over 4,000 calls every month.

Aajeevika Bureau's Centre for Migration and Labour Studies (CMLS) leads its evidence-based advocacy efforts:

- **Research & advocacy:** Building capacities and knowledge in labor migration research and policy; advocating on behalf of vulnerable migrants at the state and national level to address policy gaps.

Key interventions

1. **Conduct research on gaps in laws and process and advocacy for legislative change.**
2. **Create/enhance legal awareness.**
3. **Facilitate access to legal entitlements.**
4. **Provide legal aid (legal counseling and legal representation).**
5. **Train lawyers and paralegals, to improve quality.**
6. Assist in case management.
7. Conduct training and sensitization workshops for the judiciary and provide research support.
8. **Implement informal dispute resolution systems.**
9. Train police officials and prison authorities.
10. Monitor and hold prison and police machinery\ accountable.
11. Undertake psycho-social support for prisoners and their families and ongoing rehabilitation support to released prisoners.

What has it achieved?

Aajeevika Bureau has been recognized for demonstrating that a systematic response to risks resulting from migration in India has potential for replication and can positively transform the lives of millions. As of 2017, it has:

- Facilitated the registration of over 1 lakh people as migrant laborers in Rajasthan with photo ID cards.
- Registered 9,720 labor dispute cases (through Labourline or directly) and resolved 5,122 cases.
- Facilitated recovery of INR 11.16 crore in unpaid wages, which would have otherwise been lost to unfair practices.
- Undertaken persistent advocacy efforts with the Rajasthan government, which resulted in the release of the country's first state migration report, Their Own Country in 2014.

What next?

By 2020, Aajeevika Bureau's LEAD Cell aims to:

- Register another 7,500 worker disputes and aspire to resolve at least 5,000 such cases.
- Empower over 1,00,000 workers with knowledge of labor laws and good labor practices.
- As an organization, Aajeevika Bureau aims to:
 - Strengthen efforts at destination field centers and expand its work in Ahmedabad, Idar, Surat and Mumbai.
 - Work towards building sustainability and community ownership of services at its source location in Rajasthan.
 - Work with more partners to scale to other regions, specifically migrant destinations like Bengaluru and Delhi NCR.
 - Strengthen advocacy and alliance building to drive systemic change in policy and legislation on labor migration.



Aajeevika Bureau conducts a Legal awareness campaign on labor rights

Quality indicators

Leadership

Rajiv Khandelwal, Founder and Executive Director

- Social Entrepreneur of the Year 2010, Schwab Foundation/CII
- Fellow, Transatlantic Forum Migration & Integration, 2011
- Ashoka Fellow 2005

Partners & funders

Partners

- Rajasthan State Labor Department
- Ashoka India
- Gramin Evam Samajik Vikas Sansthan, Ajmer

Funders

- Sir Dorabji Tata Trust
- Ikea Foundation
- Human Dignity Foundation
- EdelGive Foundation

Voices from the ground

"Since I became a paralegal, I have a new-found respect in the community. Being aware of my rights as well as being the first point of contact for others in my community for their labor grievances makes me feel empowered."

- Paralegal volunteer and construction worker,
Gogunda, Rajasthan

Voices from the team

"Aajeevika Bureau is one of the few organizations that works on the problems of migrant labor in India. Our approach is end-to-end service delivery - from sensitization/awareness and literacy to hand-holding and creating access to justice, thus providing migrant workers with progressive support at every step."

- Santosh Poonia, Programme Manager, LEAD Cell

ASSOCIATION FOR ADVOCACY AND LEGAL INITIATIVES (AALI)

Website: www.aalilegal.org



Organization overview

Founded: 1998 | **Head office:** Lucknow, Uttar Pradesh | **Coverage:** Uttar Pradesh & Jharkhand
Full-time staff: 23 | **Budget (2016-17):** INR 1.44 crores (USD 221,000)

AALI approaches women and child rights from a human rights perspective. It envisions an inclusive society in which women are empowered, treated as equal and have access to justice. Its mission is to create gender justice by advocating for laws and policies upholding the rights of women and children and making the state more accountable towards this.

Program overview: Coverage: Uttar Pradesh (UP) & Jharkhand

Full-time program staff: 23 | **Budget (2016-17):** INR 1.44 crores (USD 221,000)

THE PROBLEM

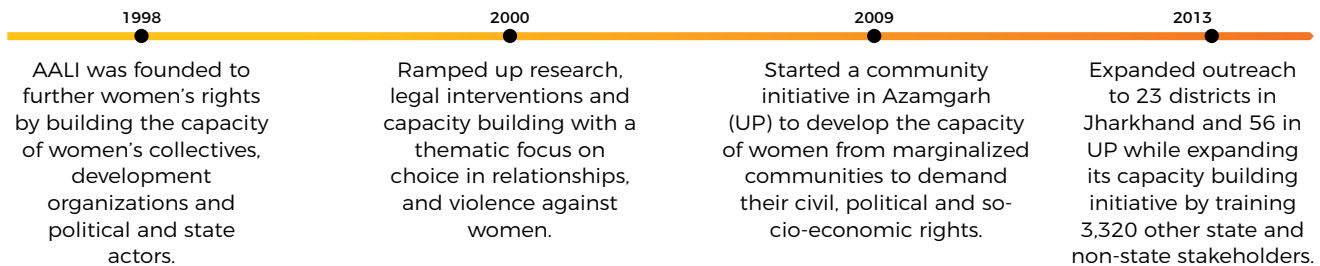
Patriarchy, regressive socio-cultural norms, poor awareness and implementation of the law are among the factors preventing the full realization of women's rights and access to justice. There is a need to empower women to claim their rights for a life of dignity and build robust support systems to promote equality.



AALI'S RESPONSE

AALI undertakes strategic interventions to improve access to justice for women survivors of human rights violations, sensitize stakeholders to women's socio-economic and political needs, enable behavioral change within society and increase accountability of the State towards ensuring women's human rights.

How did it evolve?



What does it do?

AALI undertakes four key strategic interventions:

- **Legal aid:** Direct case intervention, legal aid services, developing a network of district lawyers, community-based organizations and survivors as a support system.
- **Research & advocacy:** Public, policy and legal advocacy based on research and information management, while also networking and collaborating with state and non-state actors.
- **Training:** Awareness generation and building capacities of women, NGO partners, state agencies and other key stakeholders.
- **Community initiatives:** Women's leadership development to pave the way for the empowerment of their communities through access to social security entitlements and assertion of citizenship rights.

Key interventions

1. **Conduct research on gaps in laws and process and advocacy for legislative change.**
2. **Create/enhance legal awareness.**
3. **Facilitate access to legal entitlements.**
4. **Provide legal aid (legal counseling and legal representation).**
5. **Train lawyers and paralegals, to improve quality.**
6. **Assist in case management.**
7. Conduct training and sensitization workshops for the judiciary and provide research support.
8. **Implement informal dispute resolution systems.**
9. Train police officials and prison authorities.
10. Monitor and hold prison and police machinery accountable.
11. Undertake psycho-social support for prisoners and their families and ongoing rehabilitation support to released prisoners.

What has it achieved?

- From 2012 to 2015, AALI has intervened in 670 cases, conducted 43 fact-findings, provided legal counseling to 489 women and resolved 293 cases of women and child survivors of human rights violations.
- AALI has published 11 reports and seven white papers based on field research and contributed to eight national research studies. It contributes to every cycle (four till date) of the Alternative/Shadow Report for CEDAW on Article 15 and 16.
- It has developed the legal capacity of 684 individuals from marginalized communities and conducted 117 legal capacity building workshops training 263 workers from grassroots organizations.

What next?

- AALI aims to scale its efforts to build the capacities of community-based and civil society organizations that work to protect and promote human rights. It hopes to create a more sustainable model by expanding its outreach beyond UP and Jharkhand to other states within the Hindi-speaking belt.
- Increasing direct interventions by providing socio-legal aid to at least 600 cases per year.
- Improving its monitoring and evaluation of programs, especially for indirect interventions such as advocacy and community leadership programs.
- The key requirement for these growth plans is to increase team size and secure core non-programmatic funding.



A community resource center established by AALI to provide women with information on their legal rights

Quality indicators

Leadership

Renu Mishra, Executive Director is an integral part of the women’s rights movement in UP, Renu is a recipient of the International Women’s Day 2010 Shabri Award, the Hindustan Times Woman of the Year Award 2014, and the Women Security Award 2015 awarded by the UP Chief Minister for her contributions in the field of women’s empowerment.

Partners & funders

- UNICEF
- Oak Foundation
- Edelgive Foundation
- Azim Premji Philanthropic Initiatives

Awards & endorsements

- Endorsed as legal and technical advisors to One Stop Crisis Centre in UP by the UP Department of Women and Child Development

Voices from the ground

“Worried for the safety of my two young children, I left my abusive husband and tried to return to my paternal home but the home was claimed by my brothers. My father had said he would leave me a share, but he did not leave a will, and I did not know I had a right. I thought I would have to live on the streets. It wasn’t until I approached AALI that I gained the knowledge and courage to ask for my rightful share. AALI mediated for four years before I was allowed into the house with my children.”

– Shabana (last name not disclosed to maintain anonymity)

Voices from the team

“AALI is at the forefront of the women’s rights movement in India, and using our human rights perspective and research and legal strategies we are breaking the silence and taboo around sexual offences, women’s autonomy and decision-making in order to create an inclusive and supportive environment for victims/survivors to seek justice.”

–Renu Mishra

COMMONWEALTH HUMAN RIGHTS INITIATIVE (CHRI)

Website: www.humanrightsinitiative.org



Organization overview

Founded: 1987 | **Head office:** Delhi | **Coverage:** Pan India, with a focus on West Bengal, Maharashtra, Delhi & Rajasthan | **Full-time staff:** 37 | **Budget (2016-17):** INR 6.7 crore (USD 1,030,000)

CHRI functions as an independent organization mandated to promote and protect human rights in the members of the Commonwealth. Its objective is to ensure optimal functioning of governance bodies which uphold human rights. CHRI works to achieve this by creating systemic reforms within the police & prison systems while pressing for transparency in government and community participation by increasing access to information.

Program overview: Coverage: Pan-India

Full-time program staff: 37 | **Budget (2016-17):** INR 3.2 crore (USD 492,000)

THE PROBLEM

Deep-seated poverty causes asymmetries of power between citizens and the State. Citizens find themselves unable to hold instruments of State accountable. Police are often seen as an oppressive instrument of the State, the judiciary is unable to keep pace with demand, prisons are overcrowded and information is hard to access.



CHRI'S RESPONSE

CHRI works towards expanding public knowledge and use of the Right to Information Act, promoting systemic reform so that the police are held accountable and citizens' rights and the law are upheld, increasing transparency within the prison system and exposing malpractices, and raising public awareness of the value of access to justice.

How did it evolve?



What does it do?

CHRI works on changes in the criminal justice system by identifying gaps in existing provisions, advocating reforms and enabling systems to implement them.

Police reform program:

- Audits states' and Centre's compliance with the Supreme Court's directives on police reform.
- Conducts research and advocacy on systemic gaps in policing and advocates for change and creation of new police laws.
- Works to strengthen police oversight mechanisms and police accountability.

Prison reform program:

- Works to strengthen prison oversight mechanisms, ensure effective access to legal aid for those in custody and facilitate repatriation of foreign national prisoners.
- Prepares evidence-based watch reports on prison issues.
- Builds capacity of functionaries of the criminal justice system.

Access to Information program:

- CHRI uses the RTI Act to increase transparency and accountability in government and shed light on police and prison processes.
- It builds capacity of stakeholders, raises awareness, supports and monitors RTI implementation and defends it from roll back.
- It maintains a media defenders network to mobilize support on Freedom of Expression issues.

Key interventions

- 1. Conduct research and advocacy for legislative change.**
- 2. Create/strengthen legal awareness.**
3. Facilitate access to legal entitlements.
- 4. Provide legal aid (legal counseling and legal representation).**
- 5. Train lawyers and paralegals, to improve quality.**
6. Facilitate case management.
- 7. Conduct training and sensitization workshops for the judiciary.**
8. Leverage informal dispute resolution systems.
- 9. Train police officials and/ or prison authorities in effective law enforcement.**
- 10. Monitor and ensure accountability of police and/ or prison authorities.**
11. Undertake psycho-social support for prisoners and their families and ongoing rehabilitation support to released prisoners.

What has it achieved?

- With the cooperation of the Rajasthan police, CHRI has pioneered the Virtual Police Station (VPS), a first-of-its-kind training tool for the police used by various police academies, and of course an empowerment tool for the public.
- Interventions in the Supreme Court helped expand the mandate of the Undertrial Review Committees to include 11 more categories for review of cases of undertrials.
- CHRI has trained 100+ community-based organizations across the country to understand the importance of the RTI Act, and has provided support to governments, designated officers and Information Commissions to implement it.

What next?

- Expand the transparency regime through the strategic use of RTI to open up public records.
- Further its work as recently appointed member of the Micro Missions of the Bureau of Police Research and Training, on Gender Crimes and Gender Related Issues and Correctional Administration.
- Geographically expand existing programs to the North East and other parts of the country.
- Develop the media as a partner and create more visual output including documentaries, RTI videos and the VPS with strategic dissemination plans to enhance impact.
- Create linkages between Access to Information and media-based advocacy to maximize the use of RTI by media professionals.



CHRI organizes a national conference on 'First Response, Good Policing, and Rape survivors' to bring together key stakeholders to discuss good practices and address challenges

Quality indicators

Leadership

Sanjoy Hazarika, Director of CHRI, is a human rights activist, scholar, author, journalist and filmmaker, recognized internationally for designing and developing innovative strategies for inclusive health and governance. He took over as Director in 2016 from Maja Daruwala, who served in that capacity for 20 years.

Partners & funders

- Azim Premji Philanthropic Initiatives
- European Union
- Oak Foundation
- Friedrich Naumann Stiftung fur die Freiheit
- British High Commission
- Jatashanker J Pathak Charitable Trust

Awards & endorsements

- Special Consultative status at UN, Observer status at the ACHPR.
- Sanjoy is a member of Niti Aayog's Expert Group on Development of the North East.

Voices from the ground

"CHRI has been instrumental in ensuring linkages between different departments such as the District Legal Services Authority, prison authorities and district magistrates to safeguard the legal rights of prisoners in West Bengal."

- Arijit Mukhopadhyay, Secretary, District Legal Services Authority, West Bengal

Voices from the team

"Transparency and Right to Information are at the heart of access to justice and the human rights movement."

-Sanjoy Hazarika, Director

"Governments cannot provide citizens with good governance, safety, security and rights without well-functioning systems. That is why CHRI seeks to improve systems."

- Maja Daruwala, Senior Advisor

COMMITTEE FOR LEGAL AID TO POOR: LEGAL SERVICES INSTITUTE (CLAP)Website: www.clapindia.org**Organization overview**

Founded: 1982 | **Head office:** Cuttack, Odisha | **Coverage:** Odisha
Full-time staff: 17 | **Budget (2016-17):** INR 63.68 lakh (USD 97,969)

CLAP works in Odisha and the eight north-eastern states of India with the vision of strengthening access to justice by empowering the marginalized through the use of the law, legal systems and legal processes. Its interventions are based on the rule of law and dedicated to protect human rights. All of its programs aim to advance issues of access to justice.

Program overview: Coverage: Odisha

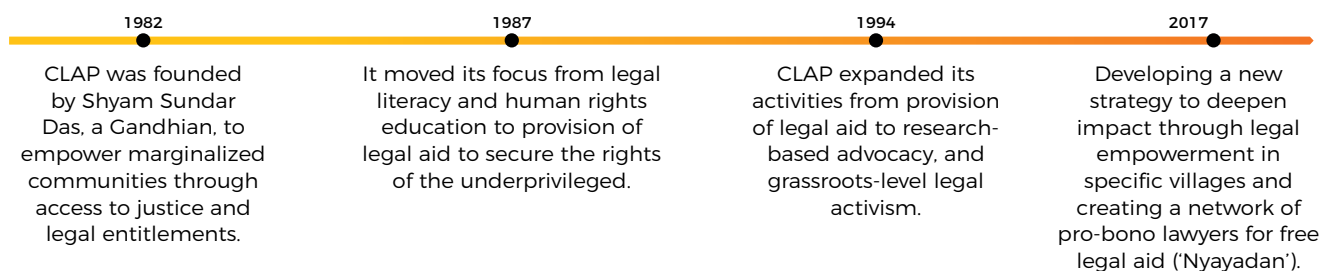
Full-time program staff: 17 | **Budget (2016-17):** INR 63.68 lakh (USD 97,969)

THE PROBLEM

Despite legal protection, marginalized and underprivileged groups (women, children, scheduled castes, scheduled tribes, minorities) experience discrimination, exploitation and injustice on a daily basis and are often deprived of their entitlements.

**CLAP'S RESPONSE**

CLAP seeks to make good India's Constitutional promise of equal rights by using the law, the judicial process and legal system as tools for the empowerment of the most marginalized in Odisha. It takes a five-pronged approach to access to justice through legal awareness, empowerment, legal aid, advocacy and support.

How did it evolve?**What does it do?**

CLAP takes a holistic approach to justice through interventions within the community and within court systems. It also advocates for desired changes in legislative frameworks. Its interventions tie in to create both demand and supply of legal services and legal systems.

- **Legal awareness:** Conducts awareness camps, and skits on legal issues such as child labor, child protection, juvenile justice, gender-based violence and participation in local governance.
- **Paralegal training:** Trains and supports legal service authorities' paralegal volunteers to understand their roles and responsibilities.
- **Tribal empowerment:** Helps tribal communities obtain their entitlements under the Forest Rights Act, 2006.
- **Legal aid:** Takes up cases of underprivileged individuals and provides advice and litigation support.
- **Legal support:** Builds the capacity of community-based organizations to implement legal interventions.
- **Advocacy:** Learnings from its on-ground efforts help CLAP identify gaps in the legal system for its juridical advocacy and campaigning efforts.

Key interventions

1. **Conduct research on gaps in laws and process and advocacy for legislative change.**
2. **Create/enhance legal awareness.**
3. **Facilitate access to legal entitlements.**
4. **Provide legal aid (legal counseling and legal representation).**
5. **Train lawyers and paralegals, to improve quality.**
6. Assist in case management.
7. Conduct training and sensitization workshops for the judiciary and provide research support.
8. Implement informal dispute resolution systems.
9. Train police officials and prison authorities.
10. Monitor and hold prison and police machinery accountable.
11. Undertake psycho-social support for prisoners and their families and ongoing rehabilitation support to released prisoners.

What has it achieved?

CLAP has helped legally empower over 1.5 million marginalized people and among its key milestones, it has:

- Built the capacity of a network of 950 community-based organizations to advocate for human rights.
- Trained 700 paralegal volunteers at legal services authorities in Odisha and in eight North Eastern states (2013-15).
- Provided legal services in 6,000 cases and filed 100 public interest litigations for the protection of human rights, including freedom of speech and expression for media professionals and bloggers.
- Helped shape national policy in 2012 through its Campaign on National Childhood and Care and its CRC-7 Campaign on Universal Civil Registration of Children.

What next?

CLAP is developing its strategic plan for 2018-23, and as part of its plan to take the law to the most marginalized communities it aims to:

- Provide legal aid to at least 3,000 individuals and legally empower 4,00,000 people in Odisha to ensure access to public entitlements on an annual basis.
- Create and train a network of 100+ pro-bono lawyers ('Nyaya Daatas') across lower courts and high courts to ensure free, quality legal aid ('Nyayadan').
- Achieve scale by acting as a pivot organization that strengthens governance institutions, educates civil society and trains community-based organizations on legal rights and entitlements.



CLAP inaugurates the 'Young Lawyers Justice Fellowship Program' in partnership with UNDP to train lawyers across Odisha on human rights issues

Quality indicators

Leadership

- Dr. Bikash Das, President
- Advisor, Commission of Supreme Court of India on Food Rights between 2003 and 2006
- Member, Enquiry Commission by Government of Odisha on Food Security

Partners & funders

Partners:

- Legal services authorities
- Human Rights Law Network
- Ministry of Minority Affairs
- Ministry of Law & Justice, Department of Justice

Funders:

- UNDP
- Media Legal Defense Initiative
- AmplifyChange
- UNICEF
- Bernard Van Leer Foundation

Voices from the ground

"Before we received our training from CLAP, we were not aware of the laws that could help us prevent domestic violence and protect our children from child marriage and other social ills. After CLAP started working with us paralegal volunteers, there has been a clear increase in levels of legal awareness within the community."

- Rajesh Mohapatra, Paralegal Volunteer, Badamba Block, Cuttack District, Odisha

Voices from the team

"Unlike most organizations working on access to justice, CLAP does not rely purely on litigation and judicial process to uphold the fundamental rights of the most vulnerable people. Instead, it takes the law to the community with a strong focus on legal empowerment, which increases public demand for rights and entitlements."

- Dr. Bikash Das, President

CENTRE FOR SOCIAL JUSTICE (CSJ)

Website: www.centreforsocialjustice.net



Organization overview

Founded: 1993 | **Head office:** Ahmedabad, Gujarat | **Coverage:** Pan India
Full-time staff: 81 | **Budget (2016-17):** INR 3.9 crore (USD 600,000)

An initiative of Institute for Development Education and Learning (IDEAL), CSJ uses the judicial system to fight for the rights of the marginalized. CSJ fulfills its mandate by providing legal aid services to communities, sensitizing lawyers and paralegals to ensure access to justice, strengthening individual and institutional legal awareness, and empowering communities by spreading awareness and public advocacy campaigns.

Program overview: Coverage: Pan India

Full-time program staff: 81 | **Budget (2016-17):** INR 3.9 crore (USD 600,000)

THE PROBLEM

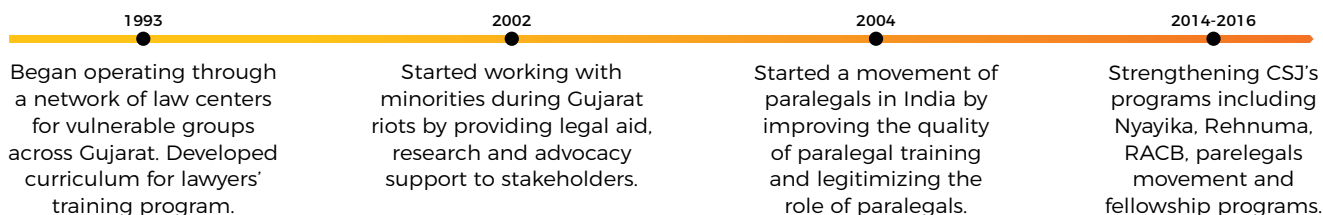
Majoritarian systems ignore the rights of many communities such as women, adivasis, Dalits, tribals, minorities and other socially vulnerable groups, often in remote locations. Law, social justice, human rights and access to justice often don't reach vulnerable communities in such locations.



CSJ'S RESPONSE

CSJ works towards providing legal services to socio-economically marginalized and vulnerable groups; empowering communities to fight for their rights; making the justice delivery mechanism more sensitive, accountable and responsive; and providing training and capacity building to individuals and institutions.

How did it evolve?



What does it do?

- **Multi-specialty law centers**
Across the country CSJ has a chain of multi-specialty centers that offer legal aid services to marginalized, minority and vulnerable communities in India.
- **Research, Advocacy, Capacity Building (RACB)**
- **Research and advocacy:** CSJ has carried out multiple research projects, organized knowledge sharing workshops and surveys on human rights, entitlements, legal aid and legal reforms. Its advocacy efforts have strengthened institutional mechanisms. It has filed multiple Public Interest Litigations, recommended legal reforms and has been part of policy commissions.
- **Capacity building:** CSJ has been developing trainings and pedagogical methodologies for building the capacities of community lawyers, paralegals, judges, police, NGOs. It has been working with law institutions to expose law students to human rights issues particularly from the law, poverty and development lenses.
- **Legal volunteering programs:** This program provides a holistic understanding of how legal empowerment can contribute to social change by preparing and equipping young legal professionals to become powerful change agents.

Key interventions

1. **Conduct research on gaps in laws and process and advocacy for legislative change.**
2. **Create/enhance legal awareness.**
3. **Facilitate access to legal entitlements.**
4. **Provide legal aid (legal counseling and legal representation).**
5. **Train lawyers and paralegals, to improve quality.**
6. Assist in case management.
7. **Conduct training and sensitization workshops for the judiciary and provide research support.**
8. **Implement informal dispute resolution systems.**
9. **Train police officials and prison authorities.**
10. **Monitor and hold prison and police machinery accountable.**
11. Undertake psycho-social support for prisoners and their families and ongoing rehabilitation support to released prisoners.

What has it achieved?

- **Paralegalism:** CSJ has been a pioneer in building a movement of paralegals in India.
- **Public Interest Litigations:** CSJ has filed multiple PILs to protect the rights of communities, which have resulted in policy-level change.
- **Minority rights:** CSJ has been part of many consultative processes since January 2011 for the formulation of the 12th Planning Commission. Its recommendations for concerns towards minorities were included in the approach paper within the 12th Plan, affecting policy at a national level.

What next?

- CSJ aims to strengthen its capacity building and pedagogy efforts for legal empowerment (with internal and external stakeholders).
- Having pioneered paralegalism in India, CSJ is looking to further institutionalize the study and profession of paralegalism.
- It also aims to develop and strengthen a financial sustainability model for CSJ's legal aid centers, which will help in replication, longevity, scale, and growth, and will reduce its dependency on fundraising as a tool for functioning of programs.



Paralegals trained by CSJ educate community members on legal issues

Quality indicators

Leadership

Nupur Sinha, Executive Director of CSJ, is a human rights expert and trainer. She has helped many non-profit organizations develop their legal aid strategies. She is also a member of the advisory body of the Working Group on Women's Land Ownership and the steering committee of Wada Na Todo Abhiyan.

Partners & funders

- Misereor
- UN Women
- European Union
- Rohini Nilekani
- South Asia Women's Fund
- Swiss Aid
- American Jewish World Service
- National Law University, Delhi and Odisha
- Tata Institute of Social Sciences
- National Law School of India University, Bangalore

Voices from the ground

"When we were provided legal training by CSJ, we discovered which authorities to approach for a given task. Now we are capable enough to perform not just our own tasks, but also help others in the village. All of this has happened because of our association with CSJ and the training provided by them."

- Ramilaben Vasava, Vatarsa village, Aamod taluka, Bachau, Kutch

Voices from the team

"If the health system developed and grew, it was because of the introduction of the concept of a public health worker. Therefore, to strengthen the access to justice framework, we need to look at building an ecosystem-level change such as legitimizing a cadre of paralegals and an investment that facilitates building a systemic change for a nationwide discourse."

- Gagan Sethi, Vice Chairperson, Centre For Social Justice

DAKSHWebsite: www.dakshindia.org**Organization overview**

Founded: 2008 | **Head office:** Bangalore, Karnataka | **Coverage:** Tamil Nadu, Karnataka and Delhi
Full-time staff: 6 | **Budget (2016-17):** INR 2.2 crore (USD 340,000)

DAKSH was founded with the aim of improving accountability in the governance system of India. It conducts research aimed at measuring the performance of political and judicial institutions. It collects data and uses the analysis to develop systems and programs for institutional and administrative reforms in the judiciary.

Program overview: Coverage: Karnataka, Delhi and Tamil Nadu

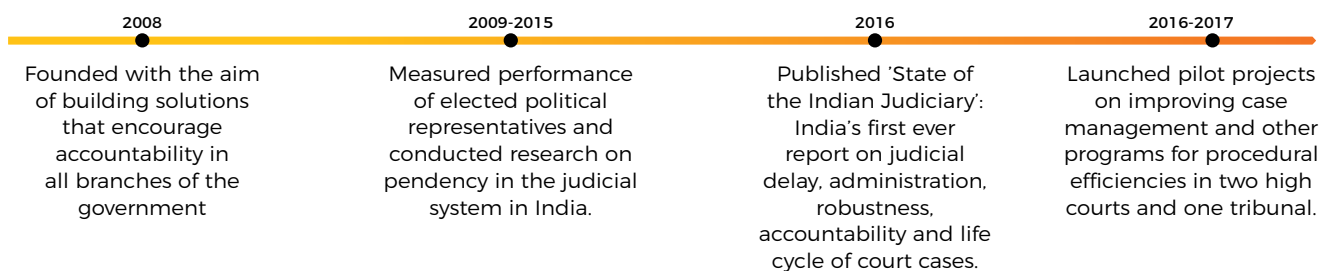
Full-time program staff: 6 | **Budget (2016-17):** INR 1.4 crore (USD 214,000)

THE PROBLEM

The legal reform space in India is largely focused on improving access to justice through legal aid and awareness building. Structural inefficiencies and poor implementation of case management systems have largely been ignored. This is a major barrier to citizens' access to good quality justice delivery.

**DAKSH'S RESPONSE**

DAKSH identifies institutional failures that hinder people's access to justice. It develops systems for better administration and management of courts. These interventions include programs and tools for efficient case management.

How did it evolve?**What does it do?**

DAKSH works on enabling systemic reforms in the judicial system in India. Its key interventions are housed under its 'Rule of Law' project:

- Collects and analyzes data on the judiciary in India. It specifically examines the processes of judicial administration, their robustness, accountability mechanisms, day-to-day functioning of the judiciary and life cycle of cases. Using research it conducts on an ongoing basis, DAKSH currently has pilot projects in two high courts – Madras and Delhi.
- With Madras High Court, it is implementing a case flow management tool that helps reduce pendency by scheduling cases for judges. It also conducts trainings for district-level judges, to help them adopt and use the tool.
- It serves as a knowledge partner to the Karnataka Appellate Tribunal. Over the next year, DAKSH will measure the tribunal's effectiveness and suggest rules and regulations that can lead to operational efficiencies in the court.

Key interventions

- 1. Conduct research on gaps in laws and process and advocacy for legislative change.**
- Create/enhance legal awareness.
- Facilitate access to legal entitlements.
- Provide legal aid (legal counseling and legal representation).
Train lawyers and paralegals, to improve quality.
- 6. Assist in case management.**
- 7. Conduct training and sensitization workshops for the judiciary and provide research support.**
- Implement informal dispute resolution systems.
- Train police officials and prison authorities.
- Monitor and hold prison and police machinery accountable.
- Undertake psycho-social support for prisoners and their families and ongoing rehabilitation support to released prisoners.

What has it achieved?

- In 2015-16, DAKSH conducted a first-of-its-kind, large-scale, Access to Justice survey across 300 district courts of India. This survey mapped litigants' perceptions of the judicial system. The analysis, which is publicly accessible, was published in various media reports.
- In 2016, DAKSH published its State of the Judiciary report, which presented a qualitative and quantitative assessment of judicial accountability and administration. This report led Madras High Court to commission DAKSH for its first pilot project on judicial reforms.

What next?

In the short term, DAKSH aims to showcase proof of concept through its current pilot projects. Its long-term vision is to assist the Indian judiciary with building strong systems and processes.

- In the next three years, DAKSH hopes to scale its work to two to three high courts across India.
- Over the next five years, it aims to reduce the time taken for disposal of cases by 20% to 30% in the courts/tribunals it currently works with.



DAKSH surveyors conducting fieldwork for the Access to Justice Survey 2017

Quality indicators

Leadership

Harish Narasappa, co-founder of DAKSH, is a lawyer and founding partner of Samvad Partners, a law firm headquartered in Bengaluru. He is also a member of the Karnataka Election Watch and National Election Watch. Kishore Mandyam, also co-founder, is the CEO of PK4 Software, a Bengaluru-based company that provides cloud and mobile business solutions to non-Western markets.

Funders

- Nilekani Philanthropies
- Lal Family Foundation
- Tree of Life Foundation
- Tata Trusts
- Azim Premji Philanthropic Initiatives

Voices from the ground

"The State of the Indian Judiciary report by DAKSH is a path-breaking endeavor that highlights an important area of national concern. It conveys the message that judicial reforms are too serious a matter to be left to judges alone. What is urgently needed is an open-minded exposure to scientific methods. Through its research, DAKSH has more than established the demand for a fresh look."

- M.N. Venkatachaliah, Former Chief Justice of India

Voices from the team

"DAKSH analyzes the functioning of the judiciary to propose sustainable solutions to long pending problems of judicial delay. As it takes up the critical task of assisting the judiciary with the implementation of solutions, it needs all the support it can get. The long-term impact of a well-functioning judicial system cannot be emphasized enough."

- Surya Prakash B.S, Programme Director

HAQ: CENTRE FOR CHILD RIGHTS

Website: www.haqcrc.org



Organization overview

Founded: 1998 | **Head office:** New Delhi | **Coverage:** Pan-India
Full-time staff: 20 | **Budget (2016-17):** INR 3.98 crore (USD 612,308)

HAQ works towards the recognition, promotion and protection of child rights. It aims to strengthen governance mechanisms and systems to protect all children. To this end, it conducts research and capacity building of key stakeholders and other non-profits; engages with policy and law making, legal intervention, case-management and individual support; and organizes workshops, conferences, campaigns and networking events.

Program overview: Coverage: Delhi

Full-time program staff: 9 | **Budget (2016-17):** INR 3.98 crore (USD 612,308)

THE PROBLEM

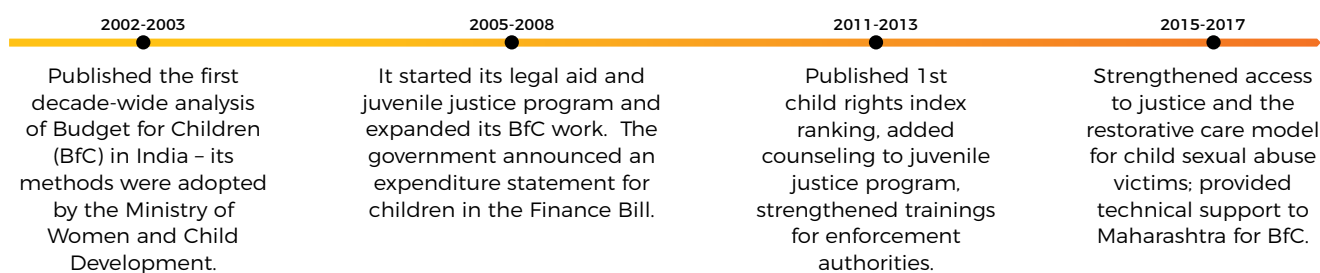
Children who are victims of a crime or who are violators of the law enter into a circle of exploitation and further victimization. As they lack the legal and psycho-social support required to fight these abuses and grow up to be well-adjusted adults, strengthening the system's response is the need of the hour.



HAQ'S RESPONSE

HAQ protects the rights of vulnerable children through legal aid, research, training, counseling and advocacy. It aims to institutionalize integrated services by engaging with the government and building capacities of stakeholders to create a world where child rights are universally recognized and protected.

How did it evolve?



What does it do?

HAQ works to improve access to justice for children in conflict with the law (CICLs) and children requiring care and protection (CNCs) who have been victims of sexual abuse, domestic violence, trafficking or child labor. It does this in the following ways:

- **Psycho-social and rehabilitation support:** HAQ provides psycho-social support to the beneficiary, the duration and depth of which is based on a needs assessment conducted by a social worker at the outset. Immediate assistance, which can be medical, educational or for any other exceptional need, is also provided.
- **Legal aid:** Psycho-social support is coupled with legal aid to provide the victim/CICL with legal counseling, assistance with documentation and legal representation.
- **Training and capacity building:** HAQ works with the Delhi Police, civil servants, lawyers, judges, law schools and the legal services authorities to conduct trainings on Protection of Children from Sexual Offences (POCSO) and the Juvenile Justice Act. It aims to build their capacity and help them better understand their duties as mandated under the Acts.
- **Advocacy:** HAQ advocates for policy reforms to strengthen governance systems through various platforms including submissions to Parliamentary Standing Committees and membership to committees set up by different government agencies from time to time.

Key interventions

1. **Conduct research on gaps in laws and process and advocacy for legislative change.**
2. Create/enhance legal awareness.
3. Facilitate access to legal entitlements.
4. **Provide legal aid (legal counseling and legal representation).**
5. **Train lawyers and paralegals, to improve quality.**
6. Assist in case management.
7. **Conduct training and sensitization workshops for the judiciary and provide research support.**
8. Implement informal dispute resolution systems.
9. **Train police officials and prison authorities.**
10. Monitor and hold prison and police machinery accountable.
11. Undertake psycho-social support for prisoners and their families and ongoing rehabilitation support to released prisoners.

What has it achieved?

- HAQ provided legal aid to 134 children and psycho-social support to 237 children in 2016.
- Its intervention in the juvenile justice system has led to the institutionalization of legal aid in Juvenile Justice Boards in Delhi.
- HAQ has been invited to contribute to the drafting of government laws, policies and programs, such as the National Policy for Children (2013), the National Plan of Action (2005), the Protection of Children from Sexual Offences Act (2012) and the Juvenile Justice (Care and Protection of Children) Act and Rules.

What next?

- HAQ aims to develop a standard case management process, systemizing the initial needs assessment with the beneficiary, types of support to be provided, duration of engagement and exit strategy. It also works to then share this SOP with other NGOs, to help streamline their interventions.
- It aims to expand its access to justice program and roll it out to other parts of the country, creating a group of lawyers dedicated to the cause. HAQ's senior management envisions expanding to 10 capital cities over the next few years, with at least six lawyers in each city - three to work with victims of abuse and three for juvenile justice.



Haq's beneficiaries create awareness about child rights

Quality indicators

Leadership

Enakshi Ganguly Thukral, Co-Founder and Co-Director

- President of Society for Rural and Tribal Initiatives
- Board Member of National Centre for Advocacy Studies and Gender Centre of Lal Bahadur Shastri Academy of Administration, Government of India
- Ashoka Fellow

Bharti Ali, Co-Founder and Co-Director

- President of Child Rights & Sustainability Trust
- Member of the Gender Sensitization and Internal Complaints Committee, Supreme Court of India
- Member of the High Level Committee for JJBs
- Member of Delhi State Legal Services Authority

Partners & funders

- UNICEF
- Human Dignity Foundation
- MacArthur Foundation

Voices from the ground

"Earlier I had no idea about how my case was developing in court. I got four lawyers and even that didn't help. I only received support from HAQ."

- 13 year old child survivor

Voices from the team

"Our work is very difficult, the hours are long, and the cases stay with us long after the day has ended. But I still love my work - the team is always energized and willing to go the extra mile for the children. No one is doing the kind of work that HAQ is, and I'm glad to be a part of it."

- Aisha Shamim

MAJLISWebsite: www.majlislaw.com**Organization overview**

Founded: 1991 | **Head office:** Mumbai | **Coverage:** Maharashtra
Full-time staff: 26 | **Budget (2016-17):** INR 1.7 crore (USD 262,000)

Majlis is a leading organization working to secure the legal rights of women and children in India. An all-women team of lawyers helps victims of domestic violence (DV) and sexual violence (SV) access their rights in court. Through a range of programs, Majlis builds the capacity of state and non-governmental agencies to ensure easy and effective access to justice in India.

Program overview: Coverage: Maharashtra

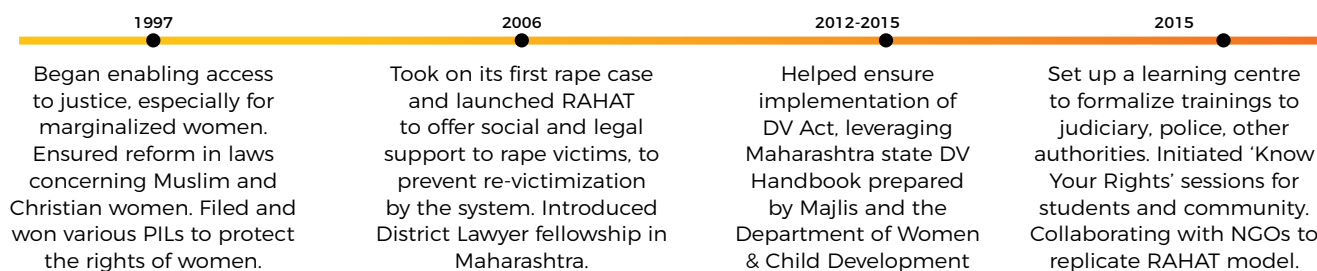
Full-time program staff: 26 | **Budget (2016-17):** INR 1.7 crore (USD 262,000)

THE PROBLEM

Victims of DV & SV hesitate to make the legal journey to access justice. NGOs supporting them also often fear this route, transferring this fear to victims. This is further complicated by the lack of sensitivity & knowledge among law enforcers dealing with these cases.

**MAJLIS'S RESPONSE**

Majlis enables effective access to justice for victims of DV & SV by building victims' confidence and strengthening the system. More specifically, it provides affordable, quality legal aid; social support; trainings for law enforcers to sensitively action the law; performance monitoring support; and women's rights-based policy advocacy.

How did it evolve?**What does it do?**

Majlis conducts its work through three inter-related programs:

- **Social and legal support to victims:** RAHAT, a Majlis initiative, uses a five-point model that advises victims on the appropriate legal route for their case, connects them to social support services, provides quality legal aid services to protect the dignity of the victim at all times, and prevents her re-victimization.
- **Accountability:** While providing support to victims, Majlis gains insight into systemic gaps. It also closely monitors an individual officer's response to a given victim. Identified lapses are then taken up with relevant stakeholders to demand accountability. Public interest litigations and policy interventions are also planned based on Majlis research.
- **Legal Education:** To bridge the gap between the intent and practice of law, Majlis conducts skill-based, outcome-oriented trainings for implementers of the law and within communities. Some of its targeted skill-based trainings for police, judicial officers, prosecution, medical and protection officers have helped officers understand their role as well as legal procedures. Through its Know your Rights initiative, Majlis trains youth and communities.

Key interventions

1. **Conduct research on gaps in laws and process and advocacy for legislative change.**
2. **Create/enhance legal awareness.**
3. **Facilitate access to legal entitlements.**
4. **Provide legal aid (legal counseling and legal representation).**
5. **Train lawyers and paralegals, to improve quality.**
6. Assist in case management.
7. **Conduct training and sensitization workshops for the judiciary and provide research support.**
8. **Implement informal dispute resolution systems.**
9. **Train police officials and prison authorities.**
10. **Monitor and hold prison and police machinery accountable.**
11. Undertake psycho-social support for prisoners and their families and ongoing rehabilitation support to released prisoners.

What has it achieved?

- Since its inception Majlis has supported over 50,000 victims of violence.
- In 2015-16, it trained 1,510 law implementers through targeted skill-based training. It also conducted 65 Know your Rights sessions to create awareness among students and women in the community.
- Majlis's focus on monitoring and accountability has ensured that Mumbai police is currently addressing 30 cases of lapses by its own personnel. This sends a clear message of strict action against defaulters of the law.

What next?

Majlis aims to scale across Maharashtra and nationally, through:

- **The RAHAT model:** Through collaboration, Majlis trains NGOs who want to adopt the RAHAT model of providing social and legal support to victims. It aims to establish collaborations with three NGOs by the end of the year.
- **Panel lawyers:** It will train independent lawyers to represent victims of DV and SV. Majlis is instituting an outcome-based fee structure for these lawyers, and aims to empanel 20 lawyers by the end of the year.
- **Fellowship program:** To encourage a freelance model of contribution in which individuals working on research and campaigns will be given fellowships and guided by Majlis through mutually agreed upon proposals.



The Majlis team at an annual general meeting of the organization

Quality indicators

Leadership

- **Flavia Agnes:** Founder of Majlis, Flavia is a women's rights lawyer, legal scholar for the last 35 years and a survivor of domestic violence.
- **Audrey D'Mello:** Director at Majlis, she holds an MBA in Governance from NMIMS. She has led Majlis's government partnership and is presently steering the institution's scale-up plans.

Partners & funders

- Majlis's funders include well-known names such as 'Azim Premji Philanthropic Initiatives' APPI and EdelGive Foundation. Its network for case referrals includes NGOs such as SNEHA, CORO and Apnalaya. It also works closely with state agencies like police and judiciary.

Awards & endorsements

- Guide Star India Gold Certificate & Credibility Alliance Certification for Transparency & Accountability.
- The 2017 Martha Farell award for Gender Equality at Workplace.

Voices from the ground

"At Majlis I felt secure. I had faced severe physical and mental abuse by my husband. By the time I returned to my mother's home I had lost all confidence and refused to even step out. I was scared of going to the police station. But with Majlis's support I filed a case under the DV Act for return of my belongings and maintenance. Didi (the social worker) was by my side at each step. They helped me see a life beyond this case and focus on my future. I have enrolled in college to continue my education and hope to be a teacher soon."

– DV survivor supported by Majlis

Voices from the team

"Laws have been enacted to protect women and children. However, the police and courts are seen as spaces that are insensitive to the needs of victims. Majlis, through its team of sensitive and well-informed lawyers, supports victims to protect their rights and emerge stronger. At the same time we push for the system to become more accountable and treat women and children with dignity."

– Audrey D'Mello, Director

PEOPLE'S WATCH

Website: www.peopleswatch.org



Organization overview

Founded: 1995 | **Head office:** Madurai, Tamil Nadu | **Coverage:** Pan-India
Full-time staff: 70 | **Budget (2016-17):** INR 3.27 crore (USD 503,000)

People's Watch is a human rights organization that has been working towards the protection and promotion of human rights in India for the last 22 years. It takes a holistic approach to ending human rights violations and promoting a culture of human rights in India by using a range of interventions including monitoring, legal aid, rehabilitation, education, awareness and advocacy.

Program overview: Coverage: Pan-India

Full-time program staff: 56 | **Budget (2016-17):** INR 2.64 crore (USD 406,000)

THE PROBLEM

Human rights abuses including extra-judicial killings, custodial deaths and caste discrimination continue to occur in India, significantly affecting the marginalized. Moreover, individuals working to protect and promote the rights of citizens face many hurdles that restrict their ability to seek and support access to justice.



PEOPLE'S WATCH RESPONSE

People's Watch takes an integrated approach to upholding human rights of the vulnerable in India. It monitors and reports human rights violations, provides legal aid, counseling and rehabilitation support to victims as well as human rights defenders. It also works towards large-scale awareness through a human rights education program.

How did it evolve?



What does it do?

Some of People's Watch's key interventions on access to justice include:

- **Tamil Nadu Program on Citizenship, Culture and Democracy (TNP CCD)** under which People's Watch monitors human rights violations in Tamil Nadu. Depending on the severity of the case, the team undertakes fact-finding missions and builds reports used to pursue litigation in courts as well as state and national human rights institutions. This program primarily serves marginalized communities such as Dalits, tribal groups (including de-notified tribes), women and children. Under TNPCCD, People's Watch also monitors cases and provides counseling and legal assistance to children affected by violence.
- **Institute of Human Rights Education (IHRE)** is a school-based human rights education program developed by People's Watch, for students in grades 6 to 9. The curriculum covers fundamental rights, Indian Constitution, judiciary, child rights, gender and equality.
- **Human Rights Defenders' Alert (HRDA)** - India was established by People's Watch as a network for promotion and protection of HRDs in India. It supports HRDs facing threats during their efforts to protect human rights. If required, the network initiates action for protection, medico-legal aid and temporary resettlement.

Key interventions

1. **Conduct research on gaps in laws and process and advocacy for legislative change.**
2. **Create/enhance legal awareness.**
3. **Facilitate access to legal entitlements.**
4. **Provide legal aid (legal counseling and legal representation).**
5. Train lawyers and paralegals, to improve quality.
6. Assist in case management.
7. Conduct training and sensitization workshops for the judiciary and provide research support.
8. **Implement informal dispute resolution systems.**
9. **Train police officials and prison authorities.**
10. **Monitor and hold prison and police machinery accountable.**
11. Undertake psycho-social support for prisoners and their families and ongoing rehabilitation support to released prisoners.

What has it achieved?

- By 2016, People’s Watch was able to scale IHRE to 3,909 schools in 21 states, covering nearly 3.2 lakh students.
- Every year, People’s Watch’s helpline receives and processes over 700 complaints of human rights violations from victims of domestic violence, torture, child labor and caste-based discrimination among others.
- Since 2010, HRDA has initiated over 400 urgent appeals with the National Human Rights Commission.
- Since its inception, People’s Watch has published over 10,000 fact-finding reports and over 30 reports documenting public hearings to raise awareness on human rights violations in India.

What next?

People’s Watch aims to:

- Institutionalize a national program for human rights education in India through partnership with the Tata Institute of Social Sciences.
- Strengthen Legal Services Authorities in India through capacity building to facilitate access to justice for victims of human rights violations.
- Institutionalize capacity building programs for chairs and members of over 160 national and state human rights institutions in India.
- Advocate for legislation and implementation of systematic protection programs for HRDs by state governments.



Students sing the human rights club song in a government school on the outskirts of Madurai, Tamil Nadu.

Quality indicators

Leadership

- Henri Tiphagne, Founder and Executive Director
- Recipient of the 8th Human Rights Award by Amnesty International, Germany
 - National Convener, Working Group on Human Rights in India and the UN
 - Former Member, National Core Group of NGOs, NHRC
 - Former Special Representative of the National Commission for the Protection of Child Rights

Partners & funders

Partners:

- FORUM ASIA
- World Organization Against Torture
- International Dalit Solidarity network
- International Federation for Human Rights

Funders:

- Misereor
- Bread for the World
- Ford Foundation
- UNICEF

Voices from the ground

“What I liked most about the Human Rights Education textbook was that the answers to the exercises after every lesson were not found at the back of the book. They had to be discovered outside.”

– M. Monica (2007 IHRE student), Government Welfare School, Pilandhipattu, Vellore district, Tamil Nadu

Voices from the team

“The greatest legacy that a human rights defender can, and should, leave behind is the education of a new generation... the most precious thing that we can do is to engage with and create a vanguard within the younger generation.”

– Henri Tiphagne, Founder & Executive Director, People’s Watch

PRAYAS

Website: www.tiss.edu/view/11/projects/prayas



Organization overview

Founded: 1990 | **Head office:** Mumbai, Maharashtra | **Coverage:** Maharashtra and Gujarat

Full-time staff: 81 | **Budget (2016-17):** INR 3.12 crore (USD 480,000)

Prayas is a field action project of Tata Institute of Social Sciences. It addresses the legal and psycho-social needs of socio-economically vulnerable individuals who are in prisons or government institutions for rescued women. It works with these individuals (and their families) to reintegrate them into mainstream society. It also identifies issues relevant to rehabilitation of prison inmates and attempts to address them at a policy level.

Program overview: Coverage: Maharashtra and Gujarat

Full-time program staff: 81 | **Budget (2016-17):** INR 3.12 crore (USD 480,000)

THE PROBLEM

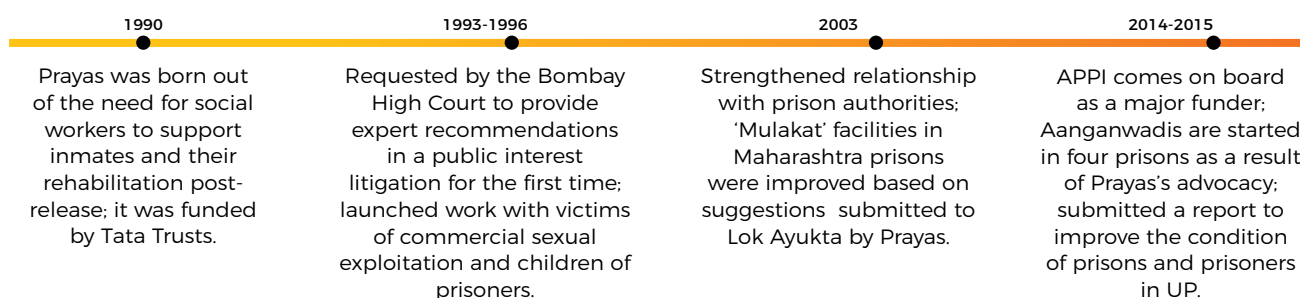
The lack of focus on rehabilitating individuals inside India's custodial institutions renders many of these individuals unable to secure jobs and adapt to life post-release. Without a support system in place they are driven back to criminal activities or commercial sexual exploitation.



PRAYAS'S RESPONSE

Prayas aims to move the beneficiary away from an environment conducive to crime or sexual exploitation to one that offers stability and safety through shelter, income in the lawful sector and increasing connections in mainstream society. To this end, it works with individuals in state custody and after they are released.

How did it evolve?



What does it do?

Prayas helps rehabilitate individuals in conflict with the law (under-trials and children in conflict with the law) and women who have been rescued from commercial sexual exploitation, through:

- **Prisons, Observation Homes and Women's Institutions program:** Inside these institutions, Prayas's social workers build a rapport with beneficiaries and assess their immediate needs. The workers then provide customized support services, ranging from ensuring that someone from their family visits them, to connecting them to a good lawyer.
- **Aftercare program:** Upon the beneficiaries' release from the respective institution, Prayas addresses their immediate needs, such as money for food and transport. It also remains in contact with them for up to three years, undertaking regular checks on them and providing them and their families with assistance as needed.
- **NGO placement program:** Prayas engages with NGOs that accept these beneficiaries into their fold and provide them with vocational training and mentoring. Prayas pays each beneficiary a stipend of INR 3000 per month and the partner NGO provides regular updates on his/her progress.
- **Research, advocacy and trainings:** Prayas leverages its successful model and research to advocate for a paradigm shift at several government platforms focusing on prison reform, including the State Inter-Departmental Committee on Prisoners in Maharashtra. It also works with the police in Maharashtra and Gujarat, conducting regular trainings and sensitization workshops for them.

Key interventions

1. **Conduct research on gaps in laws and process and advocacy for legislative change.**
2. **Create/enhance legal awareness.**
3. **Facilitate access to legal entitlements.**
4. **Provide legal aid (legal counseling and legal representation).**
5. Train lawyers and paralegals, to improve quality.
6. Assist in case management.
7. **Conduct training and sensitization workshops for the judiciary and provide research support.**
8. Implement informal dispute resolution systems.
9. **Train police officials and prison authorities.**
10. Monitor and hold prison and police machinery accountable.
11. **Undertake psycho-social support for prisoners and their families and ongoing rehabilitation support to released prisoners.**

What has it achieved?

- In 2015-16, 1,116 and 217 individuals received legal guidance and legal aid respectively and 3,306 were reached through awareness sessions and training programs. Since its inception, Prayas has placed over 1,500 individuals in jobs and arranged shelter for over 1,800 people after their release from custodial institutions.
- It has successfully advocated for small but significant policy changes, including the introduction of a provision to the Prisons Act 1984 to provide for aftercare, rehabilitation services and the appointment of officers to provide legal aid for prisoners. The courts have also admitted public interest litigations based on Prayas's research, such as one on how the State should address problems faced by children of women prisoners.

What next?

- A memorandum of understanding has been signed with the Maharashtra Prison Department to appoint social workers who will provide customized support to inmates in six prisons as a three-year pilot project funded by Tata Trusts.
- It is looking to start social work and legal services in railway courts. Simultaneously, it is expanding the network of lawyers on its panel.
- Prayas aims to start a paralegal course for field workers to create a cadre of volunteers to work in prisons.
- It also aims to extend financial assistance to prisoners who have been fined or along with/in lieu of imprisonment. This intervention is expected to reduce the period of imprisonment and overcrowding in prisons to some extent.



Prayas's social workers conduct a session on legal rights of under-trials at Kalyan District Prison

Quality indicators

Leadership

- Dr. Vijay Raghavan, Project Director
 - Dean, Social Protection Office (TISS); PhD. in Social Work (TISS)
 - Member of the Maharashtra Inter-Departmental Committee on Prisoners, Committee on Prevention of Atrocities against Women and Law, and the Police-TISS Committee set up by the Director General of Police.
- Dr. Sharon Menezes, Joint Project Director
 - Asst. Professor, Centre for Criminology and Justice, TISS; PhD in Social Work
 - Member, Maharashtra State Advisory Committee on Immoral Trafficking
- Dr. Sanober Sahni, Founder
 - Former faculty, Department of Criminology and Correctional Administration, TISS
 - Member, National Expert Committee on Women Prisoners (1987)

Voices from the ground

"When I was arrested, my sons aged 15 and 17 were left all alone outside. With no one to pay the rent or school fees, they were on the verge of being evicted from our home and expelled from school. Prayas intervened and paid the rent, their school fees and even bought rations for my children. I am eternally grateful for Prayas's help. They took care of my children and also helped arrange for my bail – I don't know what would have happened without them."

– Manju (name changed), former inmate at Byculla Women's Jail

Voices from the team

"The system is more open to granting access to organizations that slowly build a rapport with it and are not trying to expose or haul up those in positions of authority. Prayas walks the middle ground between asking the difficult questions, yet not threatening the integrity of the system."

– Dr. Vijay Raghavan, Project Director, Prayas

APPENDIX I

Dasra's expertise lies in recognizing and working with non-profits that have the potential to create impact at scale. Dasra strongly believes that the strength of an organization comes from its people, and has ingrained this philosophy in its due diligence process. Consequently, an organization is assessed not just on the basis of its program but also on the potential of its leadership and management team. In order to identify such organizations Dasra follows a comprehensive three stage due diligence process.

Phase I – Sector Mapping

- The process involves undertaking an exhaustive sector mapping and compiling a list of non-profit organizations working in the sector.
- Based on quantitative and qualitative secondary research, references from previous experience, and inputs from sector experts, the work carried out by the organizations is categorized under specific interventions.
- Organizations having programs with the most scalable and impactful interventions are screened from this universe against criteria such as – program focus, outreach, team, budget, scale, impact and growth plan.

Through sector mapping for this report, Dasra mapped 105 non-profits across India.

Phase II – Detailed Assessment of Organizations based on phone calls and site visits

- Dasra conducts a detailed assessment on the screened organizations by making a one-two day site visit to understand the work being done on the ground and spend time with the leadership and management team of the organization
- An organization profile is prepared to capture the current work and achievements of each organization and provide a sense of the future growth of the organization as a whole
- Organizations are evaluated using the Dasra Capacity Assessment Framework (DCAF), a tool that Dasra has developed to assess organizations against three key areas – leadership potential, organization strength and program effectiveness.

Dasra conducted phone calls with 47 non-profits that work to improve access to justice and identified 11 organizations on which detailed diligence was conducted through site visits to these organizations.

Phase III – Final Shortlisting

- Dasra Capacity Assessment Framework (DCAF) and organizational profiles are used to evaluate the program strength, organization potential, and areas where Dasra can add value through its capacity building support

· Members from Dasra’s advisory research and diligence team and senior management participate in the shortlisting process to identify 10 high impact and scalable non-profits to be profiled in the report.

10 non-profits were shortlisted to be profiled in this report, based on the strength of their programs to improve access to justice, the potential of their organization and vision of their leadership.

Dasra re-engages with the final shortlisted organizations to create robust growth plans, and works with the organizations to explore funding opportunities. Dasra also offers peer learning and capacity building opportunities to these organizations through Dasra’s residential workshops.

APPENDIX II

Dasra would like to extend its sincere thanks to all sector experts that have made invaluable contributions to its research and this report. In particular, Dasra would like to acknowledge:

EXPERT	ORGANIZATION
Audrey D’Mello	Majlis Legal Centre
Mohan Gopal	Rajiv Gandhi Institute for Contemporary Studies
Dunu Roy	Hazards Centre
Justice Gautam Patel	Bombay High Court
Geetanjali Dharkar	United Nations Development Programme
Jacob John	Azim Premji Philanthropic Initiatives
Jayanth Krishnan	Indiana University
Maja Daruwala	Commonwealth Human Rights Initiative
Sanjoy Hazarika	Commonwealth Human Rights Initiative
Shireen Vakil	Tata Trusts
Srijoni Sen	Nyaaya
Sumathi Chandrashekar	Vidhi Centre for Legal Policy
Surya Prakash	DAKSH
Vijay Raghavan	Prayas
Neha Singhal	Vidhi Centre for Legal Policy

APPENDIX III

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