



The Asia-Pacific Rights and Justice Initiative

India

Country Assessment

The DGTTF Lessons Learned Series

United Nations Development Programme

The Asia-Pacific Rights and Justice Initiative

India

Country Assessment

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Abbreviations¹

A2J	Access to Justice
CSJ	Centre for Social Justice
DGTF	Democratic Governance Thematic Trust Fund
NJA	National Judicial Academy
NGO	Non-Governmental Organization
SJA	State Judicial Academy
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization

¹ The abbreviations and acronyms relate to those used in the main text, not those that are found only in the Annexes.

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Preface

The Millennium Declaration from the Millennium Summit in 2000 emphasizes the centrality of democratic governance for the achievement of the Millennium Development Goals (MDGs). World leaders agreed that improving the quality of democratic institutions and processes, and managing the changing roles of the state and civil society in an increasingly globalized world, should underpin national efforts to reduce poverty, sustain the environment, and promote human development.

The Democratic Governance Thematic Trust Fund (DGTTF) was created in 2001 to enable UNDP Country Offices to explore innovative and catalytic approaches to supporting democratic governance on the ground. The DGTTF Lessons Learned Series represents a collective effort to capture lessons learned and best practices in a systematic manner, to be shared with all stakeholders, to serve as an input to organizational learning, and to inform future UNDP policy and programming processes.

Executive summary

This report presents the findings of an assessment of two projects supported by DGTTF: Access to Justice by Poor and Disadvantaged People, and Legal Empowerment Through Community Radio. The assessment examined project process and results for elements to enrich regional programming and policy options and strengthen knowledge management. The initiatives were assessed in terms of their effectiveness, the political economy in which they were located and their sustainability.

The first project, **Access to Justice by Poor and Disadvantaged People**, aimed to build up a research base on pro-poor justice at the National Judicial Academy (NJA), provide a platform for judiciary and civil society to engage in an ongoing dialogue on access to justice by marginalized people, initiate a process of networking among civil society actors on access to justice, develop a strategy to overcome barriers to access justice, and help the NJA draw up a curriculum for judicial training that is more sensitive to poor and marginalized people.

The project produced six reports, each examining pendency of cases (by district), delays at different stages of procedure, the participation of the elderly, the disabled, tribal peoples, women and children, and the literacy status of each group. Though these elements are not uniformly covered across the six reports, they provide good indicators for addressing chronic problems in access to justice.

The project served as an exercise in cultivating an analytical appreciation of research findings among judicial officers. It provided an insider's perspective of the barriers to justice, and strengthened collaboration among the judiciary, academics, NGOs and lawyers. At the same time, it has helped to catalyze change in the attitude of judicial institutions towards the poor and the disadvantaged.

The project is also timely, coming amidst a slew of legal and judicial reforms designed to streamline the system to more effectively open the Indian economy to the world. Reform of laws, judicial processes and practices have attempted to shore up credibility in the system, especially in reducing delay and backlog.

Perhaps as a reflection of these overarching imperatives driving reform, the project shifted focus somewhat from the issues of the poor and disadvantaged to the specific objective of reducing delays. The judiciary has been so overwhelmed with the problems of delay, the case backlog and low rate of disposal that these problems overshadowed the focus on the poor and the disadvantaged. Yet what has been reported is not irrelevant to questions of access to justice, as the perceptions and priorities of the judicial officers are instructive in identifying and overcoming barriers to justice for the poor and disadvantaged.

The implementation process revealed the importance of preliminary training, and of ensuring that the research methodology approached the problem in a comprehensive manner. In this case, those who did not reach the courts did not feature in the study, since the researchers worked only with data from court registries. Identifying the constituency clearly was also essential.

The study suggests that addressing the concerns of the judiciary will improve system accessibility and responsiveness to the poor and the disadvantaged.

The second project, **Legal Empowerment Through Community Radio**, explored the potential of community radio – a relatively recent development in India – to empower communities with information and awareness of their legal rights, enabling them to engage directly with legal professionals to pursue their interests. It employed a variety of techniques to present, discuss and resolve issues.

The project was implemented in the Kutch and Dang regions of Gujarat and in four districts of Karnataka over the course of a year. The main expected outcome was increased awareness of legal matters among otherwise marginalized communities.

The potential impact of community radio was well explored. The issues raised in the broadcasts provide valuable insight into community priorities. The project heightened awareness of rights and helped reduce tolerance of injustice.

The project demonstrated the expansive role that community radio can play in deepening democracy. Plays, songs, poems,

discussions and talks employing the local dialect and metaphor were all used to explore matters of law. The projects brought together community activists, the media, lawyers, local artists and local leaders. A cadre of paralegals was also assembled and trained specifically to work on the project, enhancing local capacities. Networks were created to respond to the particular needs of each broadcast. This gave lawyers involved a sense of the kinds of legal issues that might not in the ordinary course reach them or the courts, while also adding a rare creative dimension to their role.

The project has attracted other donors, including the Sir Dorabji Tata Trust and the Swiss Cooperation for Development in Gujarat. UNESCO is currently funding new facilities for community broadcasting in cooperation with community-based organization MYRADA. Although the project ran for a year, the number of broadcasts exceeded original targets. Many participants are now preparing to capitalize on the opportunities afforded by the opening up of airwaves under the new Policy on Community Radio of the Government of India.

The one-year period was too short to accurately gauge impact. Certain elements of the project, such as the recourse to legal aid and advice, and a shift in local-level power dynamics in matters of domestic violence and land acquisition, offered the potential for longer-term dividends that could not be measured in such a brief period.

It was widely suggested that a project of this catalytic potential, if in the first instance planned for one year, be reviewed as the period draws to a close. If it is found to be worth pursuing, funding may then be continued for another year, or possibly two under the DGTTF, or be linked directly to UNDP programming. Apart from insulating a worthwhile project from collapse, this would also prevent frustration of heightened expectations.

The project targeted marginalized communities whose concerns are rarely aired in mainstream media, and whom legal reforms and rights discourses do not easily reach. Their interaction with formal law and formal justice systems is minimal, constrained by entrenched power and patriarchal structures. This made the awakening into legal awareness and empowerment with the help of lawyers, counsellors and paralegals all the more significant.

On the whole, this experimental project has been a success worthy of replication and, importantly, of continuing support, with a possible view to incorporation into the UNDP agenda.

Introduction to the assessment report

This report presents the findings of an assessment of two projects supported by DGTTF: Access to Justice by Poor and Disadvantaged People, and Legal Empowerment Through Community Radio. The assessment – conducted between April and May 2009 – examined project process and results for elements to enrich regional programming and policy options and strengthen knowledge management. The initiatives were assessed in terms of their effectiveness, the political economy in which they were located and their sustainability.

Ensuring access to justice is a prerequisite to reducing poverty and fostering human development. The Asia-Pacific Rights and Justice Initiative motivated UNDP India to gain an understanding of the transformative potential of HRBA applied to A2J programming, to make a serious appraisal of A2J issues in India, and to explore possibilities for UNDP support in the area. This happened through the involvement of programme staff in the preparation of the Programming Guide, and workshops organized in that phase. The September 2005 launch of the Programming Guide was another significant milestone. The participation of Mr R.K. Bhargava, Additional Secretary of the Department of Justice, at the launch workshop secured his support for the HRBA for A2J within the government of India, at a senior level. The next step was to share perspectives on HRBA and A2J with other important policy makers at a conference organized by the Supreme Court Advocates on Record Association, supported by UNDP India. This helped to get Supreme Court judges, especially those on the board of the National Judicial Academy, Bhopal, to take an interest in UNDP support for A2J, and convince the Government of India to consent to the use of TRAC resources in an area that had been hitherto considered not appropriate for UNDP.

The project Access to Justice by Poor and Disadvantaged People aimed to build up a research base on pro-poor justice at the National Judicial Academy (NJA), provide a platform for key stakeholders from judiciary and civil society to engage in an ongoing dialogue on access to justice by marginalized people, initiate a process of networking among civil society actors on access to justice, develop a strategy to overcome barriers to access justice, and help the NJA draw up a curriculum for judicial training that is more sensitive to poor and marginalized people.

The second project, Legal Empowerment Through Community Radio, explored the potential of community radio – a relatively recent development in India – to empower communities with information and awareness of their legal rights, enabling them to engage directly with legal professionals to pursue their interests.

Assessment of Access to Justice by Poor and Disadvantaged People

Introduction

There is a commonly perceived gulf between poor and disadvantaged people and the formal justice system. Not only is there scant documentation of the kinds of problems specifically experienced by the poor and disadvantaged, but the small percentage of poor and disadvantaged people who bring their grievances to court also indicates that expanding access to the justice system should be made a priority.

Costs of legal representation, weak institutional infrastructure, failure to implement laws and inherent biases in the justice sector have been identified as deterrents for the poor and disadvantaged. Access to court is further hindered by mounting case backlog, inordinate delays, excessive costs and uncertainties of litigation, and increasing insensitivity on the part of lawyers, judges and court staff to the problems of the poor.

Against this backdrop, the NJA at Bhopal partnered with UNDP and the Department of Justice in executing this project, which aimed to identify barriers to justice from the perspective of poor and disadvantaged people.

Expected project outcomes were as follows:

- ✓ A set of reliable data on disadvantaged people's access to justice through formal courts, to be used in policy development and corrective action.
- ✓ Enhanced capacity of NJA and state judicial academies to research and document pro-poor justice.
- ✓ Identification of barriers to accessing justice by poor and marginalized people through consultations and dialogue

among the judiciary at various levels, government actors such as the Ministry of Justice, and civil society.

- ✓ Initiation of a network around access to justice among civil society actors, courts, NJA, state judicial academies and law schools.
- ✓ Prominent reflection of pro-poor concerns in the judicial training curriculum at various levels, and a set of training materials.

The project was expected to build on the close relationship between UNDP and the Government of India to initiate a change process from within the judicial system.

Background

The NJA hosted three residential workshops of two to three days' duration to conceptualize the problem and determine the research method and questions to be addressed. The initial focus was on inducting the State Judicial Academies (SJAs) into the work, by fostering a research culture in the SJAs, and enhancing self-critiquing capacity within the judicial system.

Seven states were initially involved in the research: Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa and West Bengal. Orissa dropped out, but the other six states completed the exercise.

As the project proceeded, the High Courts, the SJAs and academic institutions (except in Karnataka), lawyers (in Jharkhand) and NGOs contributed at different stages.

The workshops identified five target groups: women, children, the elderly, disabled persons and tribal peoples.

The project was managed through a four-tier structure consisting of a Project Steering Committee, a Project Management Board, a Project Implementation Agency and a State Level Project Monitoring Committee, the last located in each participating state. The State Level Project Monitoring Committee determined how data would be gathered, processed and reported. High Court judges and the subordinate judiciary were instrumental in collecting cases from court registries.

In addition to the three NJA workshops described above, activities included case collection, state-level progress meetings, data collation and reporting.

Effectiveness

The project produced six reports, each examining pendency of cases (by district), delays at different stages of procedure, the participation of the elderly, the disabled, tribal peoples, women and children, and the literacy status of each group. Though these elements are not uniformly covered across the six reports, they provide good indicators for addressing chronic problems in access to justice.

The project also served as an exercise in cultivating an analytical appreciation of research findings among judicial officers. Judges of the higher rungs of the judiciary have increasingly been involved in fashioning policy, and introducing the element of research to supplement their experience was both useful and necessary.

This element of promoting rigorous research among the judiciary proved mutually rewarding to the project and its participants. It provided an insider's perspective of the barriers to justice, and strengthened collaboration among the judiciary, academics, NGOs and lawyers. Equally important was the enhanced self-reflexive capacity of the judicial establishment. It is worth noting that the NJA has since incorporated law and poverty into its curriculum, in response to the concerns and the gaps raised in the reports.

At the same time, the reports focus on those who reach the courts, leaving out those who do not and who may, in fact, be the most excluded and marginalized.

The project was innovative in that it addressed a critical democratic issue. The research led to an uncommon degree of interaction among multiple groups. This sharing of access, technical resources, skills and perspectives augurs well for future collaboration and exchange.

There were certain advantages to engaging the judiciary to conduct and coordinate the research:

- ✓ Relatively easy access to case records. Although judicial records are public documents, they have as a rule been closed to public, and academic, scrutiny except under specially granted permissions. This has, it may be more than hypothesized, resulted in stifling research related to the workings of the court. Recent years have seen the beginnings of a practice where court statistics are placed online for public scrutiny. Case records, however, are still not easy to access.

- ✓ The involvement of subordinate judiciary personnel. This brought the judges face to face with the problems and possibilities of the system in which they play a part.
- ✓ First-hand knowledge of the judicial process and its bottlenecks.
- ✓ Continuing engagement, beyond the project, with the NJA.

The downsides included:

- ✓ Limiting the project focus to cases already in court. This meant that those who had not been able to reach the courts were not within the scope of the research.
- ✓ The prominent focus on the problems of the system as opposed to the barriers specifically facing the poor and disadvantaged. For instance, because delay was identified as a problem, the bottleneck stages became the object of analysis. This tended to shift the focus from the poor and disadvantaged to the general ills of the system. In the case of one report, a questionnaire asked only questions that pertained to delay. Another report concluded that 'project results are not suggestive of any systemic bias against the litigants from the disadvantaged categories, as the research does not reveal any special barrier for disadvantaged sections alone'. Yet the report goes on to acknowledge that the disadvantaged have greater difficulty coping with the effects of those systemic ills.
- ✓ The recommendations and suggestions reflect techniques and technology currently being tested and are not based on empirically rigorous data.

As stated above, the study was hampered by restricting its focus to cases already in court and by the pre-determined conclusion that delay is the underlying problem. Yet it is of consequence that judges perceive that dealing with delay, and reducing pressure on performance by reducing backlog, would make the system more responsive to the inequity facing poor and disadvantaged people.

Other notable issues raised were as follows:

- ✓ The need for legal reform was raised in some reports. Though not explored here because of the focus on cases in the system, this line of study appears to be worth pursuing.
- ✓ Reports from Maharashtra and West Bengal identified language as a barrier for the poor and disadvantaged and recommended the use of local languages in court proceedings.

Other key issues warranting further examination include:

- ✓ Corruption, which is part of the unaccounted cost generated by the current system, and which the legal aid system cannot legitimately take into account.
- ✓ Indebtedness occasioned by the case, including raising monies to pay legal fees, as well as the hidden cost of lost wages and other expenses of attending court. (One court found that, despite a formal stipulation that witness travel costs be paid, in not even one of the 600 cases studied had it actually been paid).
- ✓ Lawyers, who have regrettably come to be perceived as a barrier to justice.
- ✓ Legal aid.

The potential for using these reports in directing policy needs to be thoroughly debated.

Despite the flaws in the research method and the limited value of the conclusions, the process has perceptibly increased participants' awareness of the barriers to justice that need to be urgently addressed.

Sustainability

The judiciary traditionally operates in isolation, with lawyers acting as interlocutors across the bench, and little interaction with NGOs, academics or others with an interest in both the institution and its constituency, especially the poor and disadvantaged. This project has exposed those in the judiciary who were involved in the research to the skills and concerns of other professionals. The heightened mutual respect and understanding that developed in the process is likely to have a lasting effect.

The reports demonstrated a need to develop and hone socio-legal research skills. The Director of the Tata Institute of Social

Sciences in Mumbai agreed to host a workshop on legal research later in 2009 in an attempt to fill this gap, and to invite the participation of judges, academics and NGOs.

The six reports themselves constitute an important document of the judicial system's introspection. Coordinators of the project in the two states visited as part of this assessment (Madhya Pradesh and Maharashtra) reported that they had used the report to launch a meeting of professionals on judicial reforms.

Over the three- to four-year course of the project, considerations of poverty, gender and constitutional values became more prominent at the NJA itself, even as the reports were being written.

The project itself is located amidst a slew of changes to the law (e.g., amendments to the Code of Civil Procedure and Criminal Procedure) and to judicial procedure (e.g., fast-track courts, camp courts in jails, and the extended use of *lok adalats*). While the reports do not go very far in investigating the problems that the poor and disadvantaged have in accessing justice, and while those in extreme poverty and those who do not reach the courts are left out altogether, they do provide a view of what the judiciary sees as the barriers it faces in facilitating justice.

Relevance and strategic positioning

Pro-poor judicial reform has been an important aspect of UNDP intervention in India in the area of access to justice. This project was part of a process of catalyzing change in the attitude of judicial institutions towards the poor and the disadvantaged. Located in the NJA, and involving the High Courts and SJAs, this is not merely a discrete, stand-alone study, but part of a coherent programme. Involving the Department of Justice in the project put access to justice on the executive map. Identifying the importance of access to justice at a time when so much was changing in the justice landscape provided a needed push. Courts and parliament have been working to address the ills of the judicial system, and this study was timed well both to contribute to the changes being proposed, and to assimilate them in their reading of the situation for the poor and the disadvantaged.

The objective of this project was to build up a research base on pro-poor justice at the NJA, provide a platform for key stakeholders from judiciary and civil society to engage in an ongoing dialogue on access to justice by marginalized people, initiate a process of networking among civil society actors on access to justice, develop a strategy to overcome barriers to access justice, and help the NJA draw up a

curriculum for judicial training that is more sensitive to poor and marginalized people.

In the process of executing the project, channels of communication were opened between the judiciary and NGOs (such as those working with the disabled and on the issue of HIV/AIDS) and law schools and academics. Within the judicial system, collaborations among High Courts, the district judiciary and SJA were especially helpful in breaching the hierarchy and critiquing the system.

As has been stated, the judiciary has been so overwhelmed with the problems of delay, the case backlog and low rate of disposal (with many cases being 'compromised' rather than awaiting judicial decision) that these problems overshadowed the focus on the poor and the disadvantaged. Yet what has been reported is not irrelevant to questions of access to justice, as the perceptions and priorities of the judicial officers are instructive in identifying and overcoming barriers to justice for the poor and disadvantaged.

Efficiency

Work on the project extended from December 2004 till 2008 when the last report was submitted. Since the judicial officers involved had to work on the project in addition to their regular judicial work, this length of time is not extraordinary.

Project efficiency benefited from the early involvement of academics and lawyers in determining how the research should proceed, and in incorporating work done by NGOs. This approach avoided duplication of effort while validating the work of the NGOs.

The difficulty in accessing court records was largely overcome by using the hierarchy of courts and judges to collect case records from the registries, with one exception where academics collected case records relating to maintenance cases. It will be important to work around the inaccessibility of court records in undertaking further research on the court system.

Political economy

Endemic delay, a severe case backlog, escalating costs, and uncertainties of outcome have long plagued the judicial system. The past fifteen years have seen these problems further exacerbated by the demands of a rapidly expanding economy. During that time, legal and judicial reforms have prioritized streamlining the system to more effectively open the Indian economy to the world. Reforms of laws, judicial process and judicial practice have attempted to shore up

credibility in the system, especially in reducing delay and backlog. Tribunals, *lok adalats*, plea bargaining, fast-track courts and amended procedures are examples of these efforts. These experiments are still in their early stages, and their impact on the poor and the disadvantaged has not yet been tested.

In this context, it is left to the NJA, the constitutional courts, NGOs and law universities to ensure that the poor and disadvantaged do not get left behind. The focus of this project brought has been a necessary counterweight to the priorities being pursued on a national scale.

Codification of lessons learned, tools and instruments used

The issue of access to justice was of demonstrable significance when the project was launched. The studies reinforce this.

The process revealed the importance of preliminary training, and of ensuring that the research methodology approached the problem in a comprehensive manner. In this case, those who did not reach the courts did not feature in the study, since the researchers worked only with data from court registries. Identifying the constituency clearly was also essential.

The project addressed a critical issue of democracy and inclusiveness. The UNDP priority of addressing the needs of the poor and marginalized, and its collaborative capacity with the Department of Justice, were crucial for this project, as UNDP is among the organizations from which the government may seek support for projects related to the judiciary beyond its core function.

The study suggests that addressing the concerns of the judiciary will improve system accessibility and responsiveness to the poor and the disadvantaged.

The usually difficult process of accessing court registries and case filings was made simpler by involving judicial officers, directed by High Court judges. This points to a need to simplify access to case records and to broaden awareness of judicial records as public documents.

Further resources and effort are needed to make the legal and judicial system better and more accessible instruments of social justice. The sharing of knowledge and expansion of collaborative networks that this implies is consistent with DGTTF principles.

Assessment of Legal Empowerment Through Community Radio

Introduction

This experimental project used community radio, with a broadcast range of 10-20 kms, to address issues and disseminate information about rights and laws to target communities. It employed a variety of techniques to present, discuss and resolve issues.

The project was implemented in the Kutch and Dang regions of Gujarat and in four districts of Karnataka. It was executed under the aegis of the Centre for Social Justice supported in Gujarat by KMVS Media Cell and the Drishti Media Collective, and in Karnataka by MYRADA and VOICES. MARG, an NGO based in Delhi with a strong base in legal literacy, was appointed the monitoring and evaluation agency to work with the Gujarat and Kutch groups.

The project ran for one year. The main expected outcome was increased awareness of legal matters among otherwise marginalized communities.

Background

The Gujarat experiment primarily used the broadcast medium, while in Karnataka both broadcast and narrowcast, with cassettes and loudspeakers, were effectively deployed. The undulating terrain limited the range in Karnataka, which prompted the adoption of mixed media.

Pre-broadcast activities included:

- ✓ Holding community meetings to identify legal issues to be addressed in the broadcast;
- ✓ Contacting lawyers to provide counsel on the issues raised;

- ✓ Preparing a programme for broadcast;
- ✓ Recording the programme; and
- ✓ Arranging airtime.

After the broadcast of the initial episodes, a telephone line was set up with a lawyer at the other end who could address questions arising in the course of the broadcast.

Narrowcast had the advantage of immediate community feedback. In Gujarat, Kutch and Karnataka, the pre-existing relationships of the media collectives with the beneficiary communities made it easier to identify issues and elicit feedback. In the Dang area, the radio broadcast helped foster a relationship with the community.

Effectiveness

The potential impact of community radio was well explored in these projects. It was innovative, demonstrating the expansive role that community radio can play in deepening democracy. The projects brought together community activists, the media, lawyers, local artists and local leaders. A cadre of paralegals was also assembled and trained specifically to work on the project, enhancing local capacities. Networks were created to respond to the particular needs of each broadcast. This gave lawyers involved a sense of the kinds of legal issues that might not, in the ordinary course, reach them or the courts.

Plays, songs, poems, discussions and talks employing the local dialect and metaphor were all used to explore matters of law.

The project heightened awareness of rights and helped reduce tolerance of injustice. Wife-beating, for instance, which was endemic in many of the districts, began to be questioned, with resistance to beatings emerging as a possible response. Questions concerning land, property and succession were frequent. In addition to such everyday matters, the project introduced such topics as the right to information, female foeticide and the *devadasi* law. In Karnataka, a MYRADA campaign on universal birth registration was included in the broadcast. Land rights, police power, rights of tribal peoples in relation to the Revenue Officer, entitlements under the National Rural Employment Guarantee Act, and the right to food in the context of anti-corruption were among the subjects of broadcast in the Dang region. In Kutch, broadcasts covered such topics as the boat registration process, the illegal encroachment on land by a company, and the destruction of

mangroves and parliamentary site review in preparation for a Special Economic Zone.

The empowering effect was also seen in the confidence and awareness of the women encountered during the site visits. It was hard to imagine that they had not so long ago been the meek and submissive victims of violence. Awareness of the law, the notion that violence, oppression and injustice should not be borne with patient suffering and the recommendation to seek recourse to the wider community beyond the individual or family involved had emboldened listeners, especially women.

The project has had a catalytic effect. It has attracted other donors, including the Sir Dorabji Tata Trust and the Swiss Cooperation for Development in Gujarat. UNESCO is currently funding new facilities for community broadcasting in cooperation with MYRADA. Although the project ran for a year, the number of broadcasts exceeded original targets. Many participants are now preparing to capitalize on the opportunities afforded by the opening up of airwaves under the new Policy on Community Radio of the Government of India, introduced in December 2006.

Alliances have strengthened between the lawyers and civil society groups involved in the project. For lawyers, the project provided a rare creative and proactive role.

The tendency of mainstream media to ignore, or fail to accommodate, local concerns has given community radio special relevance. Broadcasts in the local dialect, about matters directly relevant to listeners' lives, have been highly appreciated.

However, as one participating lawyer observed, empowerment does not end with the sharing of information: heightened awareness of rights must be accompanied by effective enforcement of those rights.

Although some 34 people were trained in Karnataka as paralegals over the course of the project, one year was too short a time to equip them adequately and to integrate them into the existing legal community.

Sustainability

Both CSJ and MYRADA have struggled to invest their limited resources to sustain the changes generated by the project. In addition to broadcasting more modules than were budgeted and using narrowcasting in some areas, there were rigorous efforts to obtain detailed feedback. Participating organizations

have begun to position themselves to seize opportunities created by the 2006 Policy on Community Radio. In Karnataka, UNESCO has contributed significantly towards building and equipping a broadcasting studio. Development of content and of a network of lawyers requires ongoing support. However, networks established during the project period have survived to a remarkable extent.

The one-year period was too short to accurately gauge impact. Certain elements of the project, such as the recourse to legal aid and advice, and a shift in local-level power dynamics in matters of domestic violence and land acquisition, offered the potential for longer-term dividends that could not be measured in such a brief period.

It was widely suggested that a project of this catalytic potential, if in the first instance planned for one year, be reviewed as the period draws to a close. If it is found to be worth pursuing, funding may then be continued for another year, or possibly two under the DGTTF, or be linked directly to UNDP programming. Apart from insulating a worthwhile project from collapse, this would also prevent frustration of heightened expectations.

Relevance and strategic positioning

Legal empowerment is now widely recognized as essential to curbing injustice and violence. Campaigns to improve legal literacy and support for vulnerable persons are currently underway. UNDP, with its focus on the poorest and most vulnerable, was well placed to explore the potential role of community radio in legal empowerment. The intervention also proved timely, as the government was putting in place a policy that would open up the airwaves to community radio.

DGTTF support helped introduce legal empowerment into the nascent community radio presence. The software required to make community radio a tool for legal empowerment calls for specific skills, which this project prompted participants to seek and develop.

As previously noted, a project of such promise would be well served by a more stable flow of resources, possibly through links to other programmes within UNDP.

Efficiency

There were impressive collaborations among those with technical knowledge of the medium, those with access to the community, and those providing project software. Participants managed to strike the right balance between information sought by the listeners themselves for use in their immediate

lives, and information that needed to be imparted to them as an exercise in legal awareness and empowerment. While the project was too short in duration, its immediacy seems to have spawned relationships that have survived the project.

The project included a monitoring and evaluation component. A Delhi-based NGO specializing in legal literacy was tasked with monitoring and evaluating the project even as it was being implemented in Gujarat and Karnataka, and with coordinating communication materials and lessons learnt.

This does not seem to have worked well. In addition to the physical distance between the NGO and the project locations, the collaboration suffered from the short duration and from a lack of patience and flexibility during implementation. The relationship needed more time to evolve since the NGO was previously unknown to the implementing groups. There was also a certain resentment that the monitoring and evaluation budget almost equalled the implementation budget, and that the agency had been mandated to act as an overseer. In future, these relationships and responsibilities need to be carefully managed.

Political economy

The project targeted marginalized communities whose concerns are rarely aired in mainstream media, and whom legal reforms and rights discourses do not easily reach. Their interaction with formal law and formal justice systems is minimal, constrained by entrenched power and patriarchal structures. This made the awakening into legal awareness and empowerment with the help of lawyers, counsellors and paralegals all the more significant.

A pre-existing relationship with the community helps in gathering an audience, but the project shows that that may come at a price. In the Karnataka experience, it was noticed that there were very few modules that could be seen to challenge the power structures. Bonded labour, which is known to exist, was not included in any module. It turned out, however, that a bonded labourer had, in fact, approached the media collective with a complaint that a loan of INR 5000 taken years ago had left him and his family bonded to a landlord. The landlord had the papers to his land, and although the labourer had spent years working off his debt, the landlord was still claiming that he remained in debt.

The complaint was converted into a case and sent to the High Court in Bangalore. Some time later, workers from the media collective were accosted on the road and threatened

– threats that they were able to sidestep only because of a long presence in the village. This experience eroded their confidence in taking any further risks.

By contrast, in Kutch a radio programme inflamed tensions around the passive acceptance of displacement. Public reaction did not seem to have dampened the fervour of subsequent broadcasts.

The variety in these experiences could be further studied to explore ways to reduce risks to safety while broadcasting without compromising the underlying objectives of empowering people and raising awareness.

Codification of lessons learned, tools and instruments used

This project explored the potential value of community radio, a relatively new and innovative medium in the Indian context, in spreading awareness about rights and entitlements, particularly in rural communities lacking other means of receiving information related to their specific needs.

The project effectively demonstrated the potential significance of community radio in broadening legal empowerment and deepening democracy. It provided an opportunity to bring lawyers to the field, and gave them new relevance among typically marginalized groups. Paralegals were trained as a necessary aspect of the project, with the potential to influence community perceptions of rights and grievances.

Ancillary activities – discussions on programme content, phone-ins with lawyers, legal aid – were not adequately anticipated in the budget, but had to be delivered to meet project objectives.

The issues raised in the broadcasts provide valuable insight into community priorities.

Too brief a programme could compromise long-term impact. In the future, a review process near the end of the DGTTF project could assess whether follow-up funding is needed, and resources may then either be provided by DGTTF itself or derive from links with other UNDP programmes.

Flexibility in the media mix (i.e., narrowcasting as well as broadcasting) was a distinct virtue. If UNDP were to adopt a broad definition of community radio, encompassing all radio programmes that reach all rural communities without easy access to the media, it could engage partners beyond educational institutions or managed communities.

The potential for involving law schools in developing the content of the programmes warrants further exploration. The practice of enlisting radio professionals to advise institutions wishing to take advantage of the new policy on community radio to improve access to justice has proven to be effective, and should be expanded.

On the whole, this experimental project has been a success worthy of replication and, importantly, of continuing support, with a possible view to incorporation into the UNDP agenda.

Annex I – Documents produced

Access to Justice by Poor and Disadvantaged People in the State of Madhya Pradesh

Access to Justice by Poor and Disadvantaged People: Jharkhand Project Report (Final Draft)

Access to Justice by the Poor and the Disadvantaged People: Disa Karnataka Project Report

Access to Justice by the Poor and the Disadvantaged People: Maharashtra Study Report

Access to Justice by the Poor and the Disadvantaged People: Project Report

A Study of Family Courts: Karnataka (monograph)

A Study of Family Courts in West Bengal (monograph)

Annex II – List of persons interviewed

Flavia Agnes, Advocate, Bombay High Court

Asha Bajpai, Tata Institute of Social Sciences, Mumbai

Balakrishna, MYRADA in Kamasamudram Project, Kolar, Karnataka

Pukhraj Bora, District Judge, Pune, Maharashtra

Nimmi Chauhan, Drishti, Gujarat

Mihir Desai, Advocate, Bombay High Court

Ranjana Desai, Judge, Bombay High Court

Mohan Gopal, Director, National Judicial Academy, Bhopal

Kanikaparameshwari, Advocate, Kolar, Karnataka

Shiv Kumar, Advocate, Bengaluru

Rohan Mallick, MYRADA of Kamasamudram Project, Kolar, Karnataka

Yasmin Master, formerly of MYRADA, Bengaluru

Mehul, formerly of Drishti, Gujarat

Madhava Menon, former Director, National Judicial Academy, Bhopal

Nupur, Executive Director, CSJ, Gujarat

Parasuraman, Director, Tata Institute of Social Sciences, Mumbai

Damini Patel, CSJ

Archana Ramachandran, MYRADA, Bangalore

Rohan, Reporter-cum-Coordinator, Radio Unit, CSJ, Gujarat

Ashish Sen, formerly of VOICES, Bengaluru

Gagan Sethi, CSJ, Gujarat

Annex III – References

Centre for Social Justice, Kutch Mahila Vikas Sanghatan and Drishti, Raan Rede (Radio of the Jungle), *Reliving the Experience of Community Radio Program in the District of Dang, Gujarat* (monograph)

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