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GOOD PRACTICE IN SCALING-UP

Regional Bureau for Asia and the Pacific

Scaling-Up Access to Justice in India

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As a result of UNDP's partnership with the Ministry of Law and Justice, Government of India, justice delivery systems, more than 2 million people are more aware of their legal rights. [Photo: Shubhangi Singh/ UNDP India]

INTRODUCTION

The poor and marginalized are too often denied the ability to seek remedies in a fair justice system. UNDP promotes effective, responsive, accessible and fair justice systems. In the absence of access to justice, people are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable.

UNDP's support to the Government of India in improving access to justice began as a pilot in 2006. It undertook a broad assessment of the justice sector in two states – Haryana and Madhya Pradesh. The analysis examined the criminal justice system, informal justice systems and legal aid services. The aim was to understand the challenges of marginalized communities in gaining access to justice.

Based on the findings, the second project launched in 2009 had a wider scope and focused on ways to empower communities to demand justice and secure legal and government entitlements.

Shanti Jheel won the sarpanch seat for scheduled caste candidates in 2010. A woman who has never been to school and has faced discrimination as a member of the Dalit community, she participated in intensive training on justice redressal mechanisms and laws made possible through a partnership between UNDP and the Government of India. As a result, her village has better roads, children visit anganwadi (recreational/ garden) centres more frequently and the Dalit community has a greater voice in the gram sabha. [Photo: Shubhangi Singh/UNDP India]

The Department of Justice, with whom UNDP is the only international partner, noted, "A key achievement of the project has been in creating linkages between legal services authorities and civil society organizations, state government departments and commissions for protecting the rights of marginalized sections of society".

Since 2009, the pilot further expanded its geographic reach to seven Indian states and deepened its focus to include developing innovative interventions that can help marginalized communities overcome the barriers they face in achieving justice.

Ashwani Kumar, Law Minister said, "The project is an example of the efforts being made for creating sustainable and positive change across the States. With a focus on those who are vulnerable and those that live at the periphery of society, the project has made an impact and yielded inspirational results by empowering women and children, scheduled tribes, scheduled castes and the poor by arming them with information on their rights and by demystifying justice delivery systems."

The project which aims to improve the institutional capacities of justice service providers has reached out to over two million people in 87 districts.

Based on the success of this model, The Department of Justice rolled out a similar programme in Jammu and Kashmir and the eight North Eastern States last year.

The 12th Five Year Plan of the Government of India unveiled recently by the Prime Minister has approved an allocation of US\$15m for this new phase of up-scaling. These are particularly sensitive states for geo-political and security reasons.



"The project is an example of the efforts being made for creating sustainable and positive change across the States."

EVIDENCE OF RESULTS ACHIEVED AT SCALE AND TRANSFORMATIONAL CHANGE

Building on past UNDP support, the initiative is now being carried out with the Government of India's own funding in Jammu and Kashmir and the North East.



The project adopted a range of activities and approaches to increase access to justice. Widespread awareness campaigns through community radio and educational materials were combined with efforts to ensure that the delivery of justice is more responsive to the specific needs of marginalized groups, particularly women.

- » More than two million people from marginalized communities are more aware of their legal rights and how to seek redress of their grievances.
- » With involvement of the Ministry of Human Resources development, legal literacy has been included in the continuing adult literacy programme.
- » Over 7,000 paralegals have received training to better assist marginalized communities, including women self-help groups, Muslim women, and female urban slum dwellers.
- » The project has built greater collaboration nationally and at state levels to better coordinate efforts in supporting the legal needs of marginalized communities.
- » A first-ever study conducted in India on legal aid clinics run by law schools, and needs assessments of several State Legal Services Authorities have created a better understanding of the barriers faced by marginalized communities in accessing justice. The recommendations have resulted in better planning of the new phase which focuses on work with State Legal Services Authorities and the Bar Council.

FACTORS IMPORTANT FOR UP-SCALING

The Department of Justice noted, “Projects like Access to Justice with its field level presence and knowledge, are crucial to keep in touch with the reality of people’s challenges and problems in accessing justice. This allows opportunities to review existing policy level debates on key issues and laws impacting the poor and vulnerable.”

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Naran Majhi with his family in Karpalat village in Kalahandi district of Odisha. For years, he had no rights of ownership on his land. As a result of innovative legal literacy models developed as part of UNDP’s partnership with the Ministry of Law and Justice, Naran learnt about the Scheduled Tribe and Other Traditional Forest Dwellers Act which recognize the ownership rights of thousands like him. He applied for the regularization of his land holdings, and today displays the forest land patta or recognition document that he holds jointly with his wife. [Photo: Lingaraj Panda/UNDP India]

“In only 2.5 years, [the project] presented a viable model that the government is investing in and taking forward.”

Elements that supported the up-scaling of this initiative:

- » The project demonstrated cost-effective models of legal awareness and legal empowerment that could be replicated in other states and districts. In only 2.5 years, it presented a viable model that the government is investing in and taking forward.
- » The strengthened capacity of 25 NGOs are now taking the mandate of legal empowerment further and working on building sustainable demand.
- » Strong UNDP partnership with the Department of Justice at the national level and links with State Legal Services Authorities will ensure sustainability and relevance of initiatives.
- » Today in India there is greater demand for judicial accountability in general, and delivery of legal aid in particular.

CHALLENGES

Challenges that were successfully overcome included gaining the initial trust and securing a partnership with the Department of Justice, which had never before partnered with a UN agency. The same challenge applied to developing a solid relationship with the National and State Legal Services Authorities. UNDP is now a trusted partner of the Department of Justice and its legal aid delivery mechanisms. Constant engagement, assurances and building confidence and trust were key to engaging in this sensitive arena in India.

“Access to Justice [Project is] crucial to keep in touch with the reality of people’s challenges and problems in accessing justice. This allows opportunities to review existing policy level debates on key issues and laws impacting the poor and vulnerable.”

SUSTAINABILITY / EXIT STRATEGY

The Government of India has progressively increased its own financial investment in this programme. Most recently, by placing these efforts within the 12th Five-Year plan, the Government has ensured programme sustainability over the coming few years. Based on this national support, UNDP’s financial investment has been scaled back.

ADVICE FOR OTHERS

- » Secure buy-in from the government partners before planning any initiatives. In the case of working with the judiciary their independence is of utmost importance and needs to be handled with due sensitivity.
- » Bring justice service providers and other stakeholders together for understanding issues and finding solutions.
- » Integrate legal awareness into existing training curricula of major national programmes. This is the most cost-effective way to increase outreach and empower people. Make access to justice everyone’s issue.
- » Learn from other countries. There are several good examples which can be adapted to local contexts and used for improving the services.

ACKNOWLEDGEMENTS

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