

India Embraces Judicial Reform

The Neediest Defendants to Be a Top National Priority

JUSTICE FACTS: INDIA

Rule of Law: 56.5/100

2009 Prison Population:
373,271, 33 people per
100,000

A 2007 report of the India National Human Rights Commission reported that the country's prisons, with an authorized capacity of 234,462, held 358,177 persons.

In 2009, the Ministry of Home Affairs reported that prisons were at 135.7 percent of capacity. In addition, a reported 69.9 percent of the prison population consisted of persons being tried but not yet convicted.

Since 2007, IBJ has endeavored to transform the culture of India's criminal justice system, from a past in which an immense population of pretrial detainees was left defenseless against torture and other abuses, to a future in which early access to competent legal counsel is afforded to every person accused of a crime.

In May 2009, IBJ was pleased to see this ideal reflected in the public statements of a high government official when India's new Minister of Law and Justice, Moodbidri Veerappa Moily, announced that judicial reform aimed at benefiting the neediest defendants would be a top national priority.

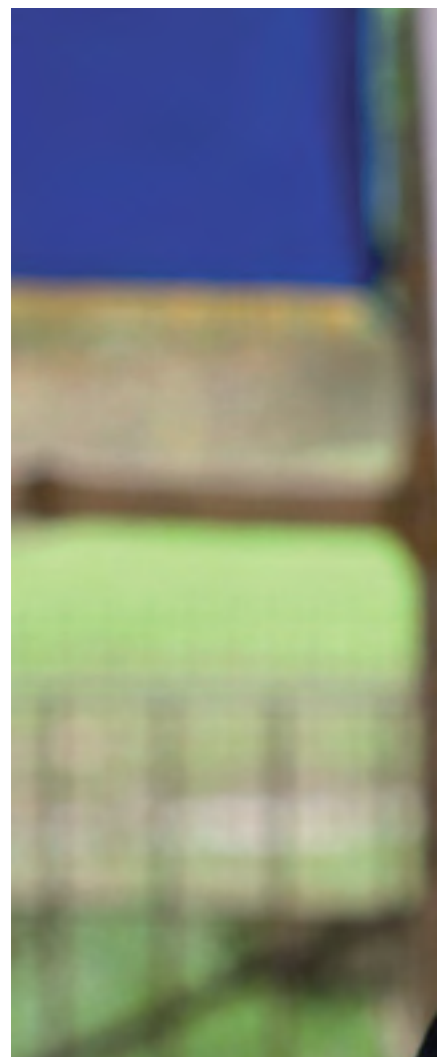
IBJ takes two complementary approaches towards improving access to justice in India, setting the example for legal aid in West Bengal and developing consensus in the legal community in New Delhi.

In West Bengal, IBJ has partnered with the Indian human rights protection organization MASUM to launch a pilot legal aid program. West

Bengal, with among the highest rates of pretrial detention and reported human rights violations in India, presented an opportunity to demonstrate the positive impact legal aid could deliver to even the neediest communities.

Following up on a successful two-day training session in April, IBJ's Country Fellow in West Bengal, Abhijit Datta, organized a group of lawyers to commit to representing indigent defendants languishing in West Bengal's overburdened prisons. By the end of 2009, these volunteer lawyers had handled over 130 cases. Many of these lawyers confirmed that their clients reported incidents of torture at arrest, during the police investigation, or while in custody.

In New Delhi, IBJ's Country Fellow Ajay Verma builds support for reform in the legal community. In June, in partnership with the Union Territories of Pondicherry Legal Services Authority, IBJ held a seminar on the importance of providing early access to counsel in order to stop police torture.





A patient at West Bengal's Sramajibi Hospital, a grassroots initiative to provide the indigent with medical care.
Photo courtesy of Eric Kemp

IBJ-TRAINED LAWYER IS MORE CAPABLE, HOPEFUL

Rajesh Maharan is a defense lawyer who practices before the High Court of Delhi. Having taken part in one of IBJ's New Delhi trainings, he says that he has become a more compassionate and effective advocate for his clients.

"IBJ gave me a whole new perspective. I now have a much better sense of what it means to pursue justice for my clients. When we first meet, I try to be a better listener, more patient and more understanding. I'm dealing with people who may have been badly mistreated by the system before I was able to reach them. This may be true for the vast majority of the defendants I see."

He also credits IBJ with giving him hope that progress towards a better future is possible for India's ailing criminal justice system. "IBJ's trainings foster a community of like-minded attorneys, deeply concerned with the injustices we see in our clients' cases and newly empowered with the trial skills we will need to make a real difference for those clients. Together, and in partnership with IBJ, I am confident that we will eventually lead the movement for system-wide reforms that we badly need."



A public sit-in demonstration in front of district court offices in Murishidabad, West Bengal gave victims in the area a chance to speak out about the human rights violations they have experienced. Victims told their stories to volunteer fact-finding personnel at the sit-in.
Photo courtesy of Eric Kemp