



# India

## India Legal Needs Assessment

Despite concrete pledges to protect human rights in Section 39 of its Constitution, India faces many challenges in terms of implementation of domestic legislation to protect due process rights like the backlogging of cases which can stretch on for years and 70% of prisoners being pre-trial detainees. However, India is a country with a long legal tradition and the birthplace of judicial activism in Asia. It has necessary legal infrastructure and in the area of legal aid, legal services authorities are set up at national, state and district levels. Thus there is a potential to deliver quality criminal defense to all accused persons, especially for vulnerable groups, e.g., the poor.

IBJ's approach is to work with multiple stakeholders such as state justice institutions, professional bodies, civil society groups and businesses in India to provide quality and prompt criminal legal aid to all Indian citizens so that their due process rights are protected from the moment they are arrested of an alleged crime by the police.

## IBJ Programming in India

The India Program was initiated after IBJ's first visit there in December 2007. With the help of IBJ Fellow Ajay Verma, we initiated a partnership with the Delhi Legal Service Authority and set up a criminal defense lawyer training conference in July 2008. The training included expert presentations on various topics relating to criminal defense including forensic evidence and expert testimony, cross examining witnesses, and developing a theory of defense. The training also covered procedural issues like getting bail for a client, laws relating to expediting cases, and plea bargaining procedures which had been introduced in India in 2006. Over 97% of participants said they would recommend the training to other lawyers and that they learned a lot of valuable information. Sponsored by LexisNexis Butterworths Wadhwa and with the professional assistance of judges and other Indian legal practitioners, IBJ issued a Criminal Defense Resource Manual which was distributed to every participant of the training conference.





IBJ is also working with Human Rights Protection Platform in Bengal (MASUM) and its West Bengal Fellow Abhijit Datta. After a successful interaction session at Rotary Sadan, Kalkota, MASUM is currently providing free legal aid to accused persons in West Bengal and will soon be launching training sessions for criminal defenders on substantive law and trial advocacy skills. It will aim to increase access the accused have to experienced, competent and effective counsel. MASUM is also undertaking regular street law campaigns on human rights awareness, specifically about the rights of accused persons, throughout the region of West Bengal.

IBJ is registered in India as IBJ India Trust and has acquired charitable status.

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