

Advancing Justice on Several Fronts

IBJ Secures Court Order Ending Incarceration of Juveniles in Adult Jails

“By ensuring that defenders are well-trained and knowledgeable, we can be confident that India’s criminal justice system will become fairer and more accessible to everyone, regardless of their background.”

Ajay Verma, Country Fellow, India

JUSTICE FACTS:

India

Rule of Law (Percentile Rank):
53

2012 Prison Population:
385,135
30 per 100,000



IBJ Country Fellow Ajay Verma leading an interactive session on rights of the accused with inmates at Rohini Jail

In 2011, IBJ India started a pilot duty lawyer program in New Delhi to assign defense counsel as early as legally permissible to represent accused juveniles and indigents in pretrial detention. Consistent with IBJ’s expectations that the program would provide a practical and cost-effective avenue to reduce the pretrial detainee population and ensure a fairer criminal justice system, the program has generated great results. Since its inception, IBJ India has taken 180 cases in jails, and bail has been granted in more than half, increasing inmates’ confidence in the program.

IBJ India, led by Country Fellow Ajay Verma, held a series of innovative, educational training sessions

and other events in 2011 and 2012 and continued to provide free legal aid to the most vulnerable accused. In 2011, IBJ India initiated its partnership with the Commonwealth Human Rights Initiative to host four training events for legal practitioners in which nearly 200 lawyers participated. As a testament to the power of IBJ’s instruction, many attorneys who took part said that they learned more during the two-day event than they had in their entire careers as criminal defenders.

Not limiting itself to training attorneys in criminal defense work, IBJ conducted a novel paralegal training program in jails. In one training held in Jaipur jails in October 2011, 33 convicts from various pris-

ons in Rajasthan learned paralegal skills. The purpose of the training was to teach long-term prisoners skills that would enable them to help newly-admitted prisoners and pretrial detainees better understand the basics of the law, legal procedures, and their rights and duties inside prison.

To further enhance protection of prisoners, IBJ India partnered with Delhi Prisons to launch a publication, *Information Booklet for Jail Inmates*, in November 2011. The handbook was distributed to inmates in New Delhi’s Tihar Prison, the largest prison in Asia.

In December 2011, IBJ organized an interactive roundtable discussion at a detention facility where

“More than 65% of the prison population consists of people waiting for their trial in court. I hope that IBJ’s initiatives can get them effective and speedy justice.”

Ajay Verma, Country Fellow, India

accused youths between 18-21 years of age are held. During the event, we learned that many of these youths were only 17 years old and had either been denied the legal aid to which they were entitled or were never informed of their right to counsel. The Delhi High Court was persuaded to take the case to determine how best to ensure access to justice for these youths. In May 2012, the High Court ordered an end to the incarceration of juveniles in adult jails. IBJ India then regularly met with juvenile justice stakeholders to ensure compliance with the High Court judgment, which formulated detailed guidelines to be followed by each stakeholder.

2012 also saw IBJ India continuing to provide legal aid and conducting trainings and rights awareness events for justice sector stakeholders. In February, we

organized a rights awareness seminar at Rohini District Jail in New Delhi. This event brought together jail officials, lawyers, and 350 pretrial detainees. Experts explained what bail is, the circumstances in which one can get bail, and when a pretrial detainee can apply for it. This event was successful, as the detainees sought assistance from IBJ’s volunteer lawyers for their individual cases.

Other events followed, including rights awareness drives in the same jail in July and in No. 4 Tihar Jail in June. An event in September with women inmates in Tihar Jail focused on dowry deaths and indefinite pretrial detention for foreigners. Based upon the information provided by participating inmates, IBJ plans to file a Public Interest Litigation calling for speedy trials for accused foreigners.

Additionally, a training workshop for legal aid lawyers was held in June 2012 in partnership with Delhi State Legal Services Authority. The training addressed the attorney-client relationship, opening and closing statements, examinations-in-chief, and cross-examination.

Finally, IBJ India even exerted influence in a nation in which it does not operate, when Verma hosted a delegation of justice officials from Afghanistan’s Helmand Province that was visiting New Delhi in March 2011 to better understand the Indian legal system.

To fully comprehend the impact of the events it has conducted the last several years, IBJ has developed sound monitoring and evaluation tools. The results show that these events have yielded three important benefits, both to IBJ and the Indian criminal justice system: (1) direct outreach to criminal defense lawyers to encourage effective client representation; (2) creation of a network of legal aid and criminal defense lawyers; and (3) stronger partnerships with government authorities that will provide crucial support for future initiatives. IBJ will continue to work closely with all stakeholders to strengthen India’s criminal justice system.



Prison staff of Alwar Jail participating in an exercise concerning the importance of education initiatives within prisons

Restoring a Family's Faith in the Justice System

For Mohammad Sadr-e-Alam, an egg seller in a quiet neighborhood in Delhi, his son's unjust incarceration in 2011 brought his family hunger and hardship as they worked to free him.

Alam's son Jahid was an auto-rickshaw driver caught in the crosshairs of a bust when two men he was driving were arrested for attempting to abduct a young woman. As the driver hired on the street, Jahid told the court, he had no idea that an abduction was taking place. His pleas of innocence fell on deaf ears, and Jahid was remanded to judicial custody. His father and family, meanwhile, were never informed of his arrest and searched in vain for their missing son.

Days and months went by. Jahid, beaten by other inmates, resigned himself to a life of hopelessness and shame. While he did not complain to prison authorities, he had lost his faith in the system and didn't think anyone could help him. "I felt like I was dead to the world," he said.

After six months in prison, father and son were finally reunited. Alam and Jahid agreed that the key to freedom was finding a sincere and competent lawyer. Jahid's break came when IBJ duty lawyer Suchiti Chandra met him in prison and heard the details of his case. Arguing in court in Jahid's favor, Chandra secured his release on bail after 11 months of unnecessary imprisonment.

There were times, Jahid said, when he did not think he would be able to watch his children grow up. Now, thanks to IBJ, Jahid is back in his home village with his family, working as a mechanic and dreaming of new pursuits. "Release from jail," he said, "was like getting a new lease on life."



Photo courtesy of Tushar Kantli Mandali

Inmate in an Indian jail

Thanks to IBJ, Jahid is back in his home village with his family, dreaming of new pursuits.