

The winding road to justice in India

People face grave threats to their life, their land, their belief systems and millions in this country have to turn to the law for the protection of their rights on a daily basis. The Indian Constitution guarantees equal treatment before the law for all its citizens. Article 39A of the Constitution of India states that the state shall provide free legal aid, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. However, in practice, injustice is rampant across the country and the marginalized are unable to seek justice as they bear the brunt of a system that is broken at various levels. India has low level of awareness, high costs, and delays which make access to justice in this country far from universal. It is believed that India has 32 million pending cases, the majority of which are in district courts, relate to criminal law and are pending for over two years. Another amazing statistic is that the government is the largest litigant. It is said that 46% of the pending cases have government as the litigant.

A recent report *Tipping the Scales: strengthening systems for access to justice in India*, by Dasra, talks about the justice system as a whole and suggests widening the discourse beyond the limitations of the judiciary to include and focus upon aspects of legal empowerment, legal aid, the police and the prison systems. The report delves into the conditions necessary to ensure India's justice system protects the most marginalized, and the role that different stakeholders can play in creating universal access to justice.

According to the report findings, there are four strategic cornerstones which when implemented can transform the way India seeks and delivers justice:

- Understanding the law is the first step to oppose all forms of injustice. Hence, making laws accessible and comprehensible for legal empowerment, so citizens know when their rights are being violated and what their legal options are.
- Ensuring high-quality, affordable legal aid, so individuals have a strong chance at a fair trial, regardless of economic or social background. Thus, investing in the provision of high-quality legal aid not only benefits economically weaker litigants, it also provides significant economic benefits. One way to achieve this is by institutionalizing the spirit of 'pro-bono' legal aid.
- Streamlining case management processes in courts, so justice delivery can be swift, efficient and cost-effective. The courts need to streamline their case management processes with technology or external expertise that will help reduce pendency.
- Supporting and driving accountability in police and prison systems, so these agencies uphold the law and legal procedures with sensitivity to the rights of victims, convicts, undertrials and the most disempowered. A critical step to improving access to justice would be the immediate implementation of the police reforms across India that would not only ensure that the police are accountable, efficient and effective but also change this perception.

Advancing universal access to justice

While access to justice remains a wicked problem for many, and providing cross-cutting large scale solutions lie mostly with the judiciary and the executive, Dasra's study reveals that non-profit organizations across the country have taken on the responsibility to develop innovative and impactful strategies to not only support and strengthen existing systems but also to make the law work for the people.

Funders, academics and government agencies need to support impactful solutions which builds, documents, improves and scales these efforts rather than reinvent the wheel. “We need long term, committed Indian funding. Impact in this sector takes time,” says Rajiv Khandelwal, founder of Aajeevika Bureau, a legal-aid agency working to ensure secure and dignified lives to communities dependent on labour and migration. He echoes the demands of all non-profits that Dasra spoke to. While foreign funding has been plenty, India’s justice system is best strengthened by investment from Indian philanthropy and corporates, and in general by giving citizens of the country a chance to strengthen their own democracy and be part of the nation building process.

Collaborate for a shared vision

We need to come together to improve the justice systems. Standalone decisions and strategies won’t work any longer. The police need to collaborate with the people to develop a trust-based, solution-oriented relationship. Non-profits should collaborate to achieve shared goals.

Sriparna Ganguly Chaudhuri leads the Democracy and Governance Collaborative at Dasra, a strategic philanthropy organization.

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