

Background Concept Note¹

Title of the Project:

'SHADHINOTA'-A step towards legal empowerment of inmates

Background of the Project:

The Constitution of India guarantees to every person in India a right to fair trial and effective legal representation before the judicial forums. The Supreme Court of India reiterating this constitutional obligation has emphasized that the financial, social and educational background should not be an impediment in the path of securing legal representation for defendants in criminal trials and the state has a duty to assist those who cannot secure service of lawyers to defend them in a criminal case due to lack of financial or other ability. However this constitutional promise is not observed in letter and spirit in reality.

Though, there have been several efforts at providing legal help to inmates in correctional homes through legal aid activities, they have failed to achieve the promises that they had held. These failures can mainly be attributed to the lack of interaction between legal aid lawyers and the inmates. Moreover, these lawyers rarely visit the inmates due to lack of time and/or interest. It is in this context that the West Bengal National University of Juridical Sciences (NUJS) and the Commonwealth Human Rights Initiative (CHRI) have decided to join hands in approaching the task of providing legal empowerment to the inmates in a totally revamped manner. This project has been named 'SHADHINOTA', which translated into English means 'freedom'. It is an effort towards securing the rights of those behind bars to have efficient legal representation, to have their cases heard in an expeditious manner and the ultimate goal of securing justice for them. Before stating the steps contemplated by this project to achieve these purposes, let

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us look very briefly at the organizations that have collaborated to make it possible, NUJS and CHRI.

The WB National University of Juridical Sciences (NUJS) is one of the premiere national law schools of India. NUJS, in its short existence of about a decade or so, has produced outstanding lawyers and legal scholarship. It is a centre of legal knowledge dissemination and legal research. Under its statutory authority, the University is empowered to create several specialized bodies under its broader umbrella to achieve its aim of promoting legal knowledge and to make law and the legal process efficient instruments of social development. The Legal Aid Society is one such body which inducts students to use their knowledge of law to provide free legal aid to those who are needy and cannot afford it by organizing Awareness Camps and undertaking several projects. This Society has a substantial part to play in this project as well.

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. Through its biennial CHOGM reports and periodic fact finding missions CHRI continually draws attention to progress and setbacks in human rights in Commonwealth countries. The prison reforms programme at CHRI aims at increasing transparency of a traditionally closed system and exposing malpractice. A major area of its work is focused on highlighting failures of the legal system that result in terrible overcrowding and unconscionably long pre-trial detention and prison overstay, and engaging in interventions to ease this.

These two organizations join hands to make the project 'SHADHINOTA' a reality, which indicates that it has a lot of potential which can be achieved through hard work by the participants from both sides.

Objectives of the project and the steps contemplated:

This project aims to build a bridge between the inmates in need of legal help and the legal aid lawyers who will be helping them. Students will visit these inmates in the correctional homes, starting with Presidency CCH and Dumdum CCH, and interact with

them regarding all their legal problems. A file will be maintained for each inmate and the same shall be conveyed to their lawyers.

To begin with, a Legal Aid Camp will also be held in each of these correctional homes. This will be followed by organising Legal Aid Clinics on a weekly basis in each of these correctional homes. A set of students will be assigned to do this under the supervision of two Student Project Coordinators and under the constant guidance of the professors at NUJS overlooking the project. Services offered in these Clinics will include legal advice, legal counselling, updates on case progress of the inmates concerned, information regarding bail, appeal and other related information.

Help of the State Legal Services Authority will also be asked to seek a dedicated panel of lawyers, who will be willing to volunteer in this program with total concentration and drive to provide legal empowerment to these inmates, many of whom might be languishing in these jails for years without being properly represented legally by their disinterested lawyers and without their cases being heard on an expeditious basis (expeditious disposal of cases is now recognized as a facet of the Fundamental Right to Life under Article 21 of the Constitution of India). Many of these inmates must be in dire need of such a programme to provide them with such free legal help, and the dedicated participants from NUJS and CHRI, working with an efficient group of lawyers, can and hope to make it a reality.