



Submission to the UN Special Rapporteur on the independence of judges and lawyers

Migration and Asylum Project (MAP) is India's first dedicated law centre for forced migration and displacement. Started in 2013, it seeks to end the marginalisation of one of the most vulnerable communities in the world - migrants and refugees – by making Rule of Law central to addressing human rights challenges and ensuring grassroots justice. MAP's programmes seek to overhaul the systemic approach towards protecting displaced populations, especially women and girls, through legal empowerment and assistance programmes, strengthening grassroots support structures, constructively engaging with governing institutions, and using strategic litigation as a tool promote safe migration in the region.

To implement the organisation's legal interventions, one of the main legal stakeholders that MAP has been collaborating with is the Paralegal Volunteer (PLV) network established by National Legal Services Authority (NALSA) in India. PLVs working with MAP set-up legal help desks in marginalised settlements to provide first line of counselling and assistance; conduct mediation, connect clients to socio-economic and legal protection systems, facilitate access to documentation and welfare schemes, and engage with various local authorities to strengthen the legal protection ecosystem.

This submission seeks to spotlight the work of PLVs in empowering marginalised communities and furthering grassroots justice in India through a range of community-based legal aid initiatives.

Indian Context

Article 14 of the Constitution of India guarantees equality before law, and equal protection of the laws within the territory of India. To give effect and meaning to this fundamental right, the 'Legal Services Authority Act, 1987'¹ was enacted under which the legal services authorities at central, state and district levels were constituted to provide free and quality legal services to the weaker sections of the society and to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other limitations or disabilities. Nearly 80% of Indians are reported to be eligible for legal aid.² However, since 1995, only 15 million people have had access to the legal aid services, which is barely 2% of the population³. To address this substantial gap, State's legal aid institutions have made endeavours to reach out to the masses through community legal aid camps, awareness

¹ The Legal Services Authorities Act 1987, available at https://www.indiacode.nic.in/bitstream/123456789/19023/1/legal_service_authorities_act%2C_1987.pdf (accessed 16.05.2023).

² Hope Behind Bars, Commonwealth Human Rights Initiative, 2018, available at <https://www.humanrightsinitiative.org/download/Brief%20of%20the%20key%20findings%20and%20recommendations%20from%20the%20report.pdf> (accessed on 10.05.2023).



campaigns, and most significantly by launching the Paralegal Volunteer Scheme (PLV Scheme)⁴.

The PLV Scheme

NALSA, the central body constituted under Legal Services Authority Act, 1987, bestowed with the responsibility to ensure accessibility of legal services to all communities formulated the PLV Scheme in 2009⁵.

As per the Scheme, it is “aimed at imparting legal training to volunteers selected from different walks of life so as to ensure legal aid reaching all sections of people through the process of Para-Legal Volunteers Scheme; ultimately removing the barriers into access to justice. The Para-Legal Volunteers (PLVs) are expected to act as intermediaries bridging the gap between the common people and the Legal Services Institutions to remove impediments in access to justice. Ultimately, the process aims at Legal Services Institutions reaching out to the people at their doorsteps rather than people approaching such Legal Services Institutions.”⁶

PLVs are selected from different walks of life so as to ensure that quality legal aid is available to all sections of the society and that people have the means to meaningfully engage with justice and redressal systems. In order to function as an effective link between the community and legal institutions, PLVs have to be deeply familiar with the clients that they are serving and the context in which they operate. Therefore, in addition to registering law students as PLVs, NALSA enrolls PLVs from various backgrounds including community health workers, teachers, doctors, retired government officers etc. There is also an emphasis on including representatives from weaker sections of the society who are in direct contact with communities in need of PLV services.

Further, the training module for PLVs, rather than a regular academic course, also has a strong focus on ensuring that PLVs have an understanding of the practical aspects of handling day-to-day protection concerns at the grassroots, and working with various other stakeholders like the police, social welfare department, protection officers etc.

Figures at a glance

The PLV Scheme suggests empanelment of 50 PLVs in each district. Based on this, given that India has over 766 districts, the network should therefore have at least 38500 PLVs. In

³India Justice Report, Sir Dorabjee Tata Trust, 11.9.2019, available at <https://images.assettype.com/barandbench/import/2019/11/India-Justice-Report-2019.pdf> (accessed 16.05.2023).

⁴Scheme for Paralegal Volunteers, available at <https://nalsa.gov.in/acts-rules/preventive-strategic-legal-services-schemes/scheme-for-para-legal-volunteers> (accessed 16.05.2023).

⁵ Ibid.

⁶ Ibid.



2022, as per the India Justice Report,⁷ there were 45,636 PLVs registered with NALSA across different States, thereby surpassing the prescribed number of PLVs nationally. Of this, 40% of PLVs were women and 1.3% were transgender.⁸ The highest number of PLVs are in the North Eastern state of Arunachal Pradesh with 110.8 PLVs per 100,000 population and lowest was the northern State of Uttar Pradesh with 1.2 PLVs per 100,000 population.⁹

Responsibilities of PLVs

As per the PLV Scheme, after receiving the NALSA training which is structured as a three-day in-class learning and practical skill-building sessions, PLVs are typically assigned the following responsibilities:

Legal Aid

PLVs are trained and are expected to provide first line of legal counselling to people who might otherwise not have access to any form of legal assistance and information. They are deputed to community legal aid desks operated by Legal Services Authorities at district level. Given that the issue of pendency of cases in the judiciary in India, as a first step, PLVs encourage and refer community members to resolve disputes through alternative dispute resolution mechanisms such as the Lok Adalat system¹⁰ or mediation procedures. Where the parties wish to access formal legal systems for resolutions, PLVs counsel them about the process, provide them pre-litigation support, and connect them to the panel of pro bono lawyers registered with the local legal aid services authority. Community legal desks run by PLVs have had far reaching impact on the way people engage with various legal systems and made justice a reality for many. The scale of their impact can be seen from the Report of the Commendation Ceremony of PLVs published by NALSA in 2019 (NALSA Report 2019)¹¹ setting out the activities undertaken by PLVs in various States. For example, a PLV from the north-eastern state of Mizoram, referred 187 cases for assistance, including matrimonial issues and domestic violence cases to legal aid clinics within a period of just 5 months¹².

⁷ India Justice Report, P. 115, Sir Dorabjee Tata Trust, 14.02.2023, available at https://indiajusticereport.org/files/IJR%202022_Full_Report1.pdf (accessed 17.05.2023)

⁸ Ibid.

⁹ Ibid., 126

¹⁰ Lok Adalat is one of the alternative dispute redressal mechanisms, it is a forum where disputes pending in the court of law or at pre-litigation stage are settled amicably. Lok Adalats have been given statutory status under the Legal Services Authorities Act, 1987. Under the said Act, the award (decision) made by the Lok Adalats is deemed to be a decree of a civil court and is final and binding on all parties though parties are free to appeal against the award in local courts. See, <https://nalsa.gov.in/lok-adalat> (accessed on 18.05.2023) for more information.

¹¹ Compilation-Best Para Legal Volunteers (2019), NALSA, available at <https://nalsa.gov.in/library/commendation/compilation-best-plvs-2019> (accessed 16.05.2023).

¹² Ibid., 27



Legal Awareness

Another critical role played by PLVs is assisting legal services authorities to further legal empowerment of marginalised communities through targeted awareness campaigns. These sessions focus on providing information on relevant laws, government schemes, legal aid services, benefits of alternate dispute resolution mechanisms, and other relevant needs-based information. They also assist in legal literacy classes and camps organised by local legal services institutions. For instance, in Tamil Nadu, a PLV conducted over 50 workshops on issues of child labour and child sexual offences, reaching out to about 3000 school children¹³. Another PLV in Chattisgarh conducted 50 legal awareness sessions, reaching out to over 1200 people, informing them about the availability of free legal services as well as, alternate dispute resolution mechanisms, and different government schemes.¹⁴

Victim Support

PLVs are specially trained to provide trauma-informed care and support to victims of violence and crime, and to assist them in securing redressal under relevant legal mechanisms. An illustration of this is the intervention conducted by a PLV in Mizoram which resulted in families of 10 deceased persons receiving compensations, whose deaths were caused by unfortunate incidents such as accidents, natural disasters and crimes such as murder¹⁵. There are also several instances where PLVs have assisted survivors of rape and other violent crimes in securing compensation from the legal services authorities under the relevant compensations schemes, which a large section of the society is unaware of¹⁶.

Integration within public institutions and grassroots mechanisms

Recognising the value of the PLV network as a means to reach out to the wider community and facilitate access to justice, PLVs are being increasingly integrated into existing public institutions and grass-root support structures. Some successful examples of such integrations include:

One Stop Centers for survivors of Sexual Violence: Government of India's Ministry of Women and Child Development introduced 'One Stop Centers'¹⁷ to provide integrated range of services including medical, legal, and psychological support to survivors of sexual violence. In accordance with the scheme, in addition to doctors, counsellors, and police officers, PLVs are also stationed at these centers. The responsibilities of PLVs at One Stop Centers have been listed in the Scheme for One Stop Centers formulated by Ministry of

¹³ Ibid.,53

¹⁴ Ibid.,4

¹⁵ Ibid.,26

¹⁶ Ibid.,3,8,15,19

¹⁷ Scheme for One Stop Centers, Ministry of Women and Child Development (December 2017), available at - https://wcd.nic.in/sites/default/files/OSC_S.pdf (accessed 17.05.2023)



Women and Child Development.¹⁸ These include, assisting survivors in drafting police complaints, accompanying them to police station, hospital, court, etc. Further, PLVs inform survivors about their legal rights and help them navigate the different stages of legal proceedings. They are also required to coordinate with the legal aid lawyers assigned by courts and the public prosecutors to ensure proper follow-up and to keep their clients updated about the developments in their case.

This kind of support to women has proven to be extremely helpful to survivors of sexual and gender based crimes, who require trauma informed assistance throughout the process. The overburdened law enforcement and justice system are not always equipped to provide the same, making PLVs an essential component for victim/survivor support.

Police Stations for offences related to children: Providing paralegal assistance in police stations has also been identified as a crucial role PLVs can play. Going to police stations, unassisted to report serious crimes often proves to be a cumbersome and intimidating process for people unaware of their rights and legal procedures. Law enforcement authorities typically lack the time and resources to provide the requisite care and attention to individual complaints which acts as deterrent for people to approach these institutions even to report serious crimes. Identifying this as a huge barrier in accessing justice, especially when these cases involve vulnerable members of the society, the PLV Scheme was revised recently to assign PLVs to police stations so as to assist in sensitive cases such as those involving children¹⁹. This was done in pursuance of a direction passed by the Supreme Court of India in September, 2022 in a case pertaining to child sexual offences. As per the revised scheme, PLVs are to provide assistance to parents whose children are missing in filing complaints and connecting them to legal aid services, and ensuring the prescribed procedures are followed while dealing with the cases of child-related offences.²⁰ NALSA Report 2019 indicates that a PLV in West Bengal, through effective coordination with police authorities, was successful in rescuing 35 missing children in her district.²¹ Another PLV in Jammu and Kashmir assisted the local police in tracing 3 missing children in his district.²²

Mahila Panchayats (Women Courts): These are informal structures, operated by State governments, in partnership with NGOs, for distress redressal at the community level. Mahila Panchayats offer crisis intervention and legal aid at community level and help tackle local

¹⁸ Ibid.

¹⁹ Supra note 4

²⁰ <https://www.livelaw.in/top-stories/supreme-court-scheme-empanelment-paralegals-police-station-missing-children-slsa-funds-pocso-act-209731>, <https://timesofindia.indiatimes.com/city/delhi/sc-asks-all-states-to-frame-delhi-like-scheme-linking-paralegals-with-police-stns-to-help-needy/articleshow/94336457.cms> (Accessed 15.5.2023)

²¹ Supra note 11 at 15

²² Ibid.,42



level legal disputes and assist in reduction and reconciliation of violence against women.²³ PLVs are a crucial part of these structures as they are instrumental in identifying cases for referral to these *Mahila Panchayats*, and further informing women about these community courts and helping them engage with this system for redressal.²⁴ PLVs attached with *Mahila Panchayats*, are trained in legal issues, dispute redressal systems, laws relevant to crimes against women, property and maintenance rights, marriage, and custody-related issues. They are also trained in providing counselling, filing First Information Reports (FIRs) at police stations, and pursuing such cases in local courts.

Importance of PLVs vis a vis digital literacy

During the pandemic, due to strict containment policies and travel restrictions, people were unable to access mainstream support systems. During this period a number of services being offered by the State started operating on digital platforms so as to provide remote assistance. This was true of all legal support systems, including courts. To avail these services, people had to have the digital capacity and infrastructure to be able to engage with these systems. For example, to access most welfare schemes, people were required to open an account, register themselves on online portals, provide their identification etc. A large part of the country still lagging behind on digital literacy, were unable to navigate the new digital ecosystem.

In wake of these developments, PLVs become extremely valuable for assisting those in need to access a wide range of services remotely. For instance, PLVs aided the registration of thousands of unorganised sector workers, helped file online criminal complaints, apply for documentation through government websites, apply for legal aid through online portal etc.

For instance, due to the efforts of one PLV in Chandigarh, Aadhaar cards (a national ID document) were issued to 38 people, 45 complaints on behalf of marginalised groups were filed online, voter cards were issued to 80 people and senior citizen cards were issued to 40 people.²⁵

PLVs : Road Ahead

The PLV network has come a long way since it was initiated and has had a deep impact in the lives of many. Several examples of their positive interventions and massive impact can be seen from the NALSA Report 2019.²⁶ It is safe to say that the network of PLVs has the potential to play a transformative role in improving the justice delivery system in India. However, given the magnitude of the problem, there has to be concerted efforts towards

²³ <http://dcw.delhigovt.nic.in/mahila-panchayats> (Accessed 17.05.2023)

²⁴ <https://www.spidsociety.org/women-empowerment/> (Accessed 17.05.2023)

²⁵ Supra note 11 at 61

²⁶ Supra note 11



building on its early successes. Some of the steps that can be taken to empower this network and scale its reach are suggested below:

Awareness and Visibility: At the outset, it is crucial to document and showcase the achievements and the impact of successful PLV interventions in the society. This would provide better visibility and awareness about this network amongst the public and the institutions. Further, there has to be a systematic awareness campaign around the PLV programme in law schools, colleges, hospitals, police stations and through newspapers, as well as electronic media. This would significantly increase the enrolment of more people within the network and also facilitate expansion and institutions seeing value in investing more in this network.

Incentive Model: The current Scheme acknowledges the limitation of NALSA to financially compensate the PLVs for their services. This often results in compromise on quality of services and sustainability of the network in the long term. It is essential to provide lucrative incentive models for the PLVs for sustainability and long term commitments. These incentives could be in the form of mentorship, guidance, specialised trainings, internships, acknowledgment of achievements, certification, scholarships, recommendation letters for further studies and gainful employment.

Continuing Education: To further increase the capacity of the PLVs, in addition to the basic training provided to the PLVs, more comprehensive and specialised courses on specific legal issues such as gender-based violence, trauma-informed care, etc. could be offered. This can be done in collaboration with law schools and CSOs, which might not have the same budgetary constraints as the state institutions. In fact, partnerships with CSOs, law schools, and research institutions can go a long way in scaling up the network of PLVs by identifying more gaps which can be bridged by the PLV networks and for compiling best practices for the network.

Centre-State Coordination: PLV scheme, although formulated by the central body (NALSA), is executed by state and district level legal aid authorities, who are responsible for empanelling and managing the PLVs in their respective jurisdictions. It could be useful to have better coordination between the various PLVs and authorities through national conclaves that can provide a platform for various stakeholders to come together to engage in cross-learning and share experiences to better inform service delivery and address systemic gaps.

Conclusion

The Indian PLV scheme has proven to be a promising model with its grass-root approach and involvement of community members in the network. This not only ensures that people from marginalised sections have easy access to PLVs within their settlements, but it also



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simultaneously builds the capacities of the community as a whole to enforce their rights and advocate for themselves without being dependant on others. Further, as communities start activating pathways for protection and justice in their localities, it automatically democratizes justice systems as it makes these systems more accountable and transparent.

The vital role of PLVs in facilitating justice for those who lack the resources to access it, cannot be overemphasized. It is safe to say that the PLV network has the potential to have a transformative impact on activating justice pathways in the country. The fundamental right of equal protection of law guarantee by the Constitution of India can be fully protected and enforced only when even the weakest of the society is able to exercise it. It can be hoped that with continued integration of PLVs with various institutional support mechanisms, the justice delivery system will become more inclusive in the coming years, and the existing wide gap will get narrower.