

# We Can

The Stories of Paralegals Search  
for Identity, Efforts, Success and  
Ongoing Struggle for Legitimization



Centre for Social Justice

## We Can

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# Preface

## **Paralegals: an Emerging Cadre**

Engagement of social change with the field of law has been long standing. Most activists learn their laws and procedures while struggling with their issues.

Experience has taught us that if the nexus between the judiciary, police and lawyers has to be broken and if the recourse to justice has to be taken out of the hands of exploitative lawyers, there has to be a cadre of paralegals who are legitimized as professionals in their own right and are recognized as an important component in the justice delivery mechanism.

There are colleges that train professional social workers and those that train professional lawyers. There are no institutions that train, monitor standards, and develop ethical professionalism in paralegals – a cadre that essentially is a mix of the two professions.

A large chunk of the work that is monopolized by lawyers at the moment consists of things that can be done equally efficiently by paralegals. And yet, they have no legitimate space in the system.

It was important to visualize the roles that paralegals are playing in different arenas – be it violence against women, disaster, environment, Adivasi and Dalit rights or any other issues where there is interplay between law and community.

We have endeavored to capture the experience of paralegals in Gujarat operating in different contexts. This documentation is expected to bring to light the fact that if the justice delivery mechanism has to overcome its inefficiency caused by backlog of cases, the time has come to recognize paralegals as equal partners in the process of access to justice.

Nupur  
Centre For Social Justice

## Chapter-1

# 1. It is Impossible to Get Social Justice without Knowledge of Law: Paresh Parmar

Paresh Parmar, a 34 year old, had done ITI and for the last 8 years, has been working with Navsarjan. His experience in social justice has earned him a place in the legal team of Navsarjan functioning in Bhudariniya village of Borsad Taluka in Anand district.

He was born in a Dalit family. When his employer misbehaved with him, he immediately left the job and took farming as his profession. But his inclination towards social justice motivated him to join Navsarjan. Experience and time helped him to remember the common legal terminology under the Dalit Human Rights Monitoring training by Navsarjan. He could speak sections of law by-heart after receiving training from the Indian Institute of Paralegal Studies.

For a paralegal, money is of less importance and being prepared mentally to fight the legal battle is of more importance. Paralegals help victims by speaking in his/her regional language. We are able to do a lot if we have knowledge of legal procedures to make cases stronger. The anti-Dalit mentality of the police is

responsible for spoiling cases and the charges framed by them spoils cases. In such circumstances, it is necessary to observe every minute detail of each case. So knowledge of legal procedure is necessary.

Paresh has experienced that. Many people keep away from getting involved in legal matters. Sometimes lack of information and threats given by the accused compel them to leave the case before completion and their exploitation continues. So it is necessary to convince the victim and extend complete support to fight injustice. Lawyers speak in legal language and are concerned only about the case not about the condition of the victim. Apart from this, the victim has to bear financial burden and legal complexity. And if he loses the case, then he breaks down completely. So it is impossible to get social justice without the help and guidance of the society.

Paresh cannot forget the experience during his initial days in Navsarjan. Dalits and Muslims were living together in Borsad village in an area which was high

above the main village. Hence water did not reach their houses. The Nagarpalika turned a deaf ear to their demands. Representation at a higher level was done with the help of a social movement facilitated by Navsarjan. The Nagarpalika filed a false affidavit in the court. But Navsarjan through the Centre for Social Justice did a detailed survey and filed a case in the High Court. The court came down heavily on the Nagarpalika and ordered it to supply water within one week's time. During this case, Paresh was offered Rs. 50,000 to keep away and one Nagarpalika member threatened to kill him. But Paresh remained firm in his fight for justice.

Paresh is helping Parvati Senava to get justice at present. At Saijpur village, the Deputy Sarpanch gave a piece of land behind Parvati's house to a wood vendor. Parvati requested the vendor to move his shop a little further, but he misbehaved and tried to molest her. As soon as the

news of the incident reached Paresh's ears, he immediately gave necessary guidance to Parvati to fight for justice. He advised her to provide all the documents and evidence in the case. The Deputy Sarpanch and the wood seller tried to threaten her, but Parvati was determined to fight the case.

Paresh was the person behind this effort. The Deputy Sarpanch even called Paresh to the nearby village and tried to bribe him with Rs. 5,000. But, Paresh said "I cannot betray a person who has kept faith in me." Parvati was firm despite threats and torture by the Deputy Sarpanch and the wood seller. Occasionally if her mind starts to fluctuate, he immediately rushes to the lady and encourages her to continue her battle. Paresh meets every victim to convince them to fight for justice. It is evident that no lawyer takes such care for a frightened individual to get justice.

## 2. I Have Started to Fight Legally: Dinesh Solanki

Thin, with light brown skin and stylish hair, this individual's eyes become red while talking about atrocity towards Dalits. He is Dinesh Solanki, whose family has been in Sayla Taluka in Surendranagar district for four generations. At present, he is working with Navsarjan and handles land related cases. In his own style, Dinesh says, "I passed 12th standard and entered college, but the death of my father forced me to leave education and earn a livelihood. Being a victim of atrocity and injustice as a Dalit, I was determined to fight against it. His short tempered mind and his tendency to scold individuals consuming or selling liquor made his image as a very hot person to handle. Due to his straightforwardness he had to face many problems and even got married at an older age. Despite his problems, he continued him fight for Dalit rights and joined Navsarjan in 1995. He acquired legal knowledge through Navsarjan. Dinesh says, "My method to fight for Dalit rights has changed now, I have started fighting legally rather than with force."

For Dinesh, legal training and experience have become the alternative to expresse

his anger through his temper. His efforts at Bhojpuri village in Chotila Taluka is an example of his sincerity and legal knowledge. The school authorities made the Dalit children sit separately while eating the mid-day meal. He met the principal and discussed the issue. From the next day, Dalit children were allowed to sit together with the other children. Many villagers opposed this move. The Sarpanch Karmansinh scolded the principal. This was not the end of it. The houses of Dalits were attacked. Dinesh united all the Dalits and filed a case against the Sarpanch. The court ordered two years imprisonment and a fine of Rs. 5,000 for the attackers. And in turn, a Dalit person was made the Sarpanch. In this way, his fight for rights of Dalits had set an example in the whole community.

An incident of Thoriyali village was heart breaking. A young boy, Gordhan Ramji, was mortally attacked. The accused hit him with an iron rod in his head. He was taken to the hospital in Sayla. Being close to Gordhan, Dinesh rushed to meet his friend. Gordhan explained the whole incident. Before moving Gordhan to Rajkot hospital, Dinesh immediately

called the Mamlatdar and wrote the Dying Declaration. Gordhan gave the names of all the four accused and explained the incident. However, Gordhan died on the way to hospital, but due to instant action of Dinesh the case reached the court. A Dying Declaration is considered as conclusive evidence . Based on the DD a hearing began, but the judge set the accused free. Demonstrations criticizing the judgment were held and a vigilance investigation was ordered. Now the case is sub-justice in the High Court. The accused offered Gordhan's father 40 lakh to finish off the case but he refused by saying , “I want justice.” They were also ready to offer 10 lakhs to Dinesh, but he also wanted justice.

Dinesh has made a significant contribution to social justice in his community for eight years. At present his legal knowledge is helping him in the land related issues. A majority of cases are lost due lack of evidence and precaution taken by the witnesses. Expressing his concern in this matter, Dinesh strongly believes that individuals working in the legal field should take things in writing and should always carry at least a copy of an application with them. Every individual should possess legal knowledge, but functional knowledge of law comes with field experience. Dinesh is a boon for the developing society.

### 3. Due to Efforts of Sureshbhai, We Were Given Freedom from Carrying Excreta on Our Heads: Suresh Jadav

Sureshbhai Jadav has been working as a paralegal with Navsarjan since 2004. He participated in a one-month training as a paralegal at Dalit Shakti Kendra (DSK). During the training, Sureshbhai was given knowledge about the Atrocity Act, information regarding law, human rights, what to do if you do not get your rights and information about the structure of police and legal systems. The training boosted his confidence level and in some villages he gets more respect than a policeman.

While doing fieldwork during his training period, he helped some farmers in retaining 40 Sq. meters of land. During the Gaekwads rule, if a person could not follow the terms and conditions of the government, then it acquired the land. So, Suresh got an idea of measurements used in olden time.

At present, Suresh is working on cruelty to Dalits, especially to manual scavengers carrying human excreta on their heads. Every morning he goes to meet village people at around 9-10AM and discusses their issues. If the leader of the house has left for work, then he meets him at his/her

convenience. He discussed matters related to work, house and society and problems faced during manual scavenging.

He demolished 6 community toilets of the village. Despite laws to restrict the activity, the DDO brings out the tender and passes it. In another tour, Vallabhipur, the bathing place was illegally used for this activity. Suresh got the help of police and bulldozers to bring down the structures.

Suresh helped eight individuals to get Rs 25 lakh as gratuity for retired people and dead from the Paliyad police station. He even helped 27 people to get their Provident Fund money. In the beginning, the official said, "the money has already been distributed" and avoided showing the account. When Suresh did not leave the issue alone, details of irregularity came out and the whole Panchayat body was dismissed and a new body was elected. The TDO blamed the Panchayat secretary and vice-versa for corruption.

Suresh took the women doing the work of manual scavenging into confidence and

filed a PIL in the SC on the issue. The TDO pressured the women and took dictation from the women and wrote on paper that “we do this work because we are illiterates”. But his efforts were in vain as details of huge irregularity came out. The case is still on.

In Parche village in Gariyadhar Taluka in Bhavnagar, a son and father were killed in a property related matter. Their bodies were buried before anybody could file an FIR with the police. Suresh did an in-depth study of the case and came to know that around 14 people were involved. A criminal case is on and they might get life imprisonment. Earlier he tried for a peaceful solution and asked the accused to give five lakh and a piece of land as compensation to the family members of the deceased. But his offer was turned down and in turn Suresh was threatened. He turned down the accused's offer and took the case to the court to get justice.

The judgment of this case is yet to come.

A Dalit had to face the problem of untouchability at Palitana town police station in Botad Taluka. They always were given the night shift. The dominating class, Darbar, officials used to go home and sleep but if any Dalit was caught doing so, Rs.1000 was deducted from their salary. After meeting the DSP, officials working for the past 25 years were transferred. From this experience, Suresh says, “For this, I met representatives of Gujarat in NHRC, Delhi and they promised to extend possible help in every case.”

Suresh is satisfied with his work as a paralegal and wants to work for rights of Dalit workers. He says, “A person gets molded in a proper shape with knowledge and experience and paralegal training has helped a lot.”

## 4. Fighting for Justice: Deepak

Basically a student of law, Deepak took one year training as a paralegal at the Centre for Social Justice after the quake in Kutch. During the training he studied for 3 days at Ahmedabad and did field work for rest of the week. Why did he take paralegal training? He said, “We are able to deal with every case by giving it a human angle. It was difficult to get information from all the villages after the earthquake. What should be done to rebuild the village? What are their primary requirements? And it was of very much importance. For this Setu, information centres mandated by the collector were set up for a cluster of 20 villages and a paralegal would be the member of the team. My desire was to join such a team.”

Explaining his role as paralegal in the 20 villages, he said, “It was my duty to bring forth a responsible person if any problem happened in the 20 villages.” Deepak likes to call the training advocacy for social justice rather than paralegal training. During his training, he was given knowledge about various subjects including environmental sustainability, land, labour and atrocity on Dalits.

The first time that Deepak handled a case for a women as part of his training he said, “The police never gave a copy of the complaint filed by the applicant and the applicant also never demanded it. A complaint belonging to Sai village came to our centre; she was molested by a man of her village. When asked for the copy of the complaint she realized that she had to request a copy of complaint from the police. I went with her and demanded the copy at the PS. Firstly, they refused, but as soon as I said that I am a paralegal, they gave me the copy of the complaint.”

Deepak was afraid of the behaviour of the police when he went to get the copy of the complaint. He did not believe that police could behave in such a way. Now if the police is harassing an applicant, Deepak rushes to his rescue.

Apart from counseling and cases filed in the court, nearly 160 cases came to CSJ for advice. Out of 160, 60 per cent of cases were settled out of court and nearly 20 to 25 percent are taken to court. Whenever news of a suicide or atrocity gets published in the Kutch Mitra newspaper, a CSJ member gets the name

and address of the victims or survivors and writes a letter to them to ask if they require any type of help. But many times rather than taking benefit, people misused the Centre.

Deepak visited many villages of Rapar Taluka. In time, he completed his law degree and has become a lawyer. Asking him about the benefits of paralegal training, he says, "I'm just one year into the profession of lawyer. But still people ask me, how many years of experience, I have? They are not ready to accept that I am a new lawyer, so this is the effect of training!"

Deepak said, "During the training we were taught about the structure of court, like labour related issues raised in labour court, issues related to land listed in land revenue court. We got a lot of practical exposure. So due to this, I feel that I have more experience."

During the training period, many complicated cases came to Deepak for solutions. In the case of a widow, Dhannaben Naran Gujriya, she purchased a 100 sq. yard house from Suleman, who had built it under the government scheme. Under that scheme, the owner cannot sell the house before a minimum of 30 years. But the house collapsed in the quake. The govt. announced that they would give money in three installments to the people whose

houses had collapsed. Suleman took the first installment of relief of Dhannaben's house illegally. When she went to take the installment, she learned that the house is not in her name and she would not get the money. She came to us and we filed a case in the Lok Adalat at Anjar. The court ordered a local inquiry and ruled that the person living in the house would get the relief. If Suleman will not give the installment to Dhannaben, then legal action would be taken against him. We convinced Suleman and he decided to return the installment.

In an interesting case, the govt. announced that it would give Rs. 60,000 compensation for the death of a child. In an incident on the fateful day, a woman's foetus was killed at Budharmor village. The lady went to the official for compensation, but he turned down the demand. He believed that no compensation would be given for an unborn child. This case came to us and we filed a case in the Lok Adalat. At the end of the medical investigation, the doctor declared that an unborn child also has life and she got a relief of Rs.60,000.

Deepak always tries for an out-of-court settlement. The Centre has built good relations with local police. If any victim comes to him without the copy of his complaint, he gets a copy immediately with the help of our application.

## 5. He Can Shake the Gramshabha by his Speech: Ramesh Tadvi

A resident of Kodba village, Mangalbai Tadvi, works as a gardener in a nursery near the jungle. His village is in the Narmada district. He is responsible for growing trees, taking care of and planting saplings and more. One day, the ranger of the jungle asked Mangalbai to take care of the nursery under government control. So Mangalbai started to work day and night. But at the end of the month, he was given salary for day work only. He worked overtime at night and took care of the govt. nursery. This case came to young Ramesh Tadvi. He drafted a letter and sent it to the forest ranger. After that he contacted the ranger's office under the Legal Support and Human Rights Centre. Due to Ramesh's presentation, the ranger officer was ready to pay Mangalbai. The efforts of Ramesh earned Mangalbai a salary of 92 days at Rs. 75 per day.

Where did Ramesh get his strength to put his case before the ranger officer? He says, "Paralegal training gave me the necessary boost."

Ramesh joined the Legal Support and Human Rights Centre in July 2001, and

took training as paralegal in November 2001. During the training, knowledge about legal and judicial procedures was given to him. He was also given ideas about police arrest, consumer protection, Atrocity Act and their rules and regulations. Due to continuous incidents of injustice, atrocity and accidents, he took special interest in such cases and acquired more knowledge separately. Ramesh's personality has totally changed after this training. Earlier, he was not able to speak in front of four people. Now he can address the Gramsabha without any fear. He also developed skill in writing letters. So now if there is need to write a letter to the forest officer or senior government officer, Ramesh is always there to help. He narrated an incident of Sagbara village in Narmada district in 2005. It was the time of Diwali, when a rich and influential person raped a lady going for a nature call in the outskirts of the village. She shouted for help. People from a nearby farm came to her rescue. But the accused succeeded in running away from the spot. There was no action taken against that person despite a complaint by the lady's family members. Being literate about the legal procedures,

Ramesh had great respect in the village. The leaders of the village called up Ramesh and took his advice. The rapist was influential so there was lot of political pressure on the people. Ramesh drafted a letter and forced it to the DSP bearing all the details of the incident. This pressured the police to take action against the accused. The accused is absconding at this moment, but this incident has set an example to fight for justice.

In a personal experience, Ramesh touched issues related to masses. He own village Chopadvav and Kakdi was rehabilitated under the Chopadvav Irrigation Scheme. Around 170 acres of land owned by 150 farmers got submerged in the scheme. The government gave a mere Rs. 2,300 as compensation. To fight this injustice, the villagers appointed a lawyer to fight their case, but in vain. The villagers also handed over an application to the Collector present at the Lok Darbar. But the Collector did not accept their application. Ramesh came to their rescue. He wrote two different applications for both the villages and sent it to the collector. They were immediately accepted. Ramesh says,

“Due to paralegal training, I could write a proper application and could help the villagers.”

Ramesh has not confined his legal knowledge to himself; he visits different villages and updates the villagers about various legal aspects. As a result of this, police talk to the people properly. Earlier, the police used to beat the villagers without any reason. But the Legal Education Workshop has brought about a vast change. It is noticeable that even the police officials joined the workshop to acquire basic legal knowledge. Ramesh says, “Presently, our goal is to give legal identification to the paralegal in the judiciary.”

Today, many friends of Ramesh have excelled by taking paralegal training. Recently, a villager became Sarpanch, while some have become Taluka Panchayat members and chairmen of Social Justice Committees.

Due to the efforts of learned person like Ramesh, the lamp of legal knowledge keeps on burning continuously.

## 6. Million Salutes to You: Ramilaben

With the sun rising, Ramilaben is busy completing her household work. Before her work is over, there is a long queue of visitors at her place. The people have come to get legal advice free of cost. People not only from Ghoghamba, but also from Sehra, Bariya, Santrampur and Fatehpura Taluka come to meet her. Is she a lawyer? No, she is just SSC pass. But her tendency to help, fight against injustice, and training by Anandi organization and paralegal training has given her the knowledge of a lawyer. Not only that, many people withdraw their case from the lawyers and bring it to Ramilaben.

Speaking about paralegal training, Ramila says, "Earlier, I had refused to join the training because I could not understand English language. But I understood its importance and completed the three day training successfully." On the first day she kept quiet. But from the second day, she interacted openly because she liked acquiring legal knowledge. The 10th passed lady has read various books on law. You name the crime and she can start speaking different sections to be written in the complaint.

After taking paralegal training, Ramilaben began sharing knowledge with men and women of nearly 80 villages in Ghoghamba and Devgadhbariya Taluka. In the last two years, Ramilaben has solved more than 100 cases ranging from women's share in property, maintenance, atrocity and branding of women as a witches. The training has increased her self-confidence. "Earlier, we used to act according to the lawyer's will, but now the lawyer does as per our wish." This shows her confidence. Now she can also interrupt the police while filing an FIR and get it corrected so that the applicant does not face problems in court. Sometime people's ignorance unnecessarily wastes court's precious time. So Ramilaben has started solving various cases at the village and domestic level.

It is noticeable that only by sending a notice in the name of Anandi solves many cases, because people keep away from involving themselves in legal procedures. This helps in reducing waste of time, money and strength.

Nearly 25 cases of land, maintenance and

witchcraft come from Ghoghamba and Devgadhbariya. You would not like to interrupt Ramilaben while she is speaking. Her forever smiling face, a tribal accent in speech and her unique voice quality make her a special person. Her mind is full of constructive ideas.

The forest department dug holes in the farm owned by 50 year old Saakriben Chaganbhai Nayak. The department planted trees in 20 acres of land. She was unable to hire a lawyer, due to his high fees. So the case came before Anandi. Ramilaben, along with Saakriben rushed to the forest ranger and asked him, "Do you want to return her land or not?" The ranger had no option but to say "yes". At present, the case is sub-judice, but the ladies of the village have uprooted the plants and started farming the land.

Gajriben, a widow the same age as Saakriben faced the same type of problem. The Forest Department forcibly acquired 2 acres of land owned by Gajriben in the forest. Despite having the receipt of fine, the Forest Department gave away the piece of land to another person. She rushed to the information centre. As per the law, "The one who tills the land, owns it", her land was forcibly acquired. The law says if anybody owns more than 8 acres in the forest, then one cannot claim it. But, 2 acres of land does not come under the law. Anandi is helping Saakriben to get her land.

Other than forest land, Ramilaben also deals with cases related to ancestral property. The case of Punjiben Bariya of Vaavkundli village in Ghoghamba Taluka is a complicated one. Punjiben's husband is Parbatbhai. In all, he had 9 brothers and sisters. As other brothers were young, the land was in the name of Bhikhabhai. When the children grew, he stopped his cousin's brothers from cultivating the land. In distributing 7 and half acres of land, Section 151 was applied on Punjiben's family. Ramilaben got this Section quashed and did a chapter case. This resulted in compromise between the two cousins. But in this case, a lawyer took Rs. 18,000 from Ramilaben to add the names of all his brothers in the property papers from 15 years ago. But now, Ramilaben is determined to get at least half the money back. So now, in the presence of Mamlatdar, Punjiben Bariya will be added legally in the documents related to land.

In addition to this, the nuisance of false witchcraft accusations is a challenge before Ramilaben and Anandi. If any lady is to be harassed, if she raises her voice against injustice or if her land is to be acquired she is declared a witch. The elder brother of Tulsibhai, Gamji Bhura declared, Gajriben Tulsibhai Koli, aged 47 a witch in Khanpatla village. It was learned that Gamji killed Tulsibhai for a piece of land. In December 2005, ownership of 4 acres of land was changed.

But now, Ramilaben is helping Gajriben to rename the ownership as per the old affidavit.

Ramilaben believes, “Difficulty will always be there because nobody is same.” This incident is the best example of her fight against corruption. In her area, the Talati charged Rs 3,000 more to change the nominee in the property of widows. And the women had to pay additional Rs 50 as a travel expense. Now the work is done for just Rs 110, thanks to Ramilaben's legal knowledge. Documents, stamps and writing and everything needed is done for just Rs 60 plus Rs 50 in traveling expense. Just get your property papers listed in presence of

Mamlatdar and your papers are ready.

The noticeable fact is that the expense of preparing 100 property papers from the Talati would have been 3 lakh rupees. But due to efforts of Ramilaben, it has come to just Rs 10,000.

Even lawyers take away the money earned by poor people. Despite having ample experience, unable to fight a legal battle or file an affidavit makes Ramilaben unhappy. But her tendency to help the needy and acquire more knowledge by reading will keep on attaining new heights. Ramilaben, a million salutes to you!”

## 7. Working for the People Deprived of Justice: Urvashiben

Urvashiben Dave is better known as a 'legal advisor' by Mamlatdar, TDO, police, farmer, Sarpanch in Modasa, Meghraj and Bayad Taluka. She is ready to help you in filing an FIR or to give you legal advice any time. She took training as a paralegal in 2002. Since then she is dealing with issues related to forest land, witchcraft, atrocity on Dalits, problems of women, primary health centres. She has extended great support to women towards constructive work.

Basically, a resident of Modasa, she got married immediately after completing her MA in Hindi. But due to differences with her husband, she decided to get separated. She did cooking in houses to earn a living. In between, she applied for paralegal training after reading the newspaper. She was selected on the basis of her ambition to excel in life. Her life progressed by acquiring training in stages. She was reluctant while entering the court room. But the paralegal training helped her in creating compromises and moving forward in life.

Narrating most memorable incidents during the paralegal training, Urvashi

says, "In Dhansura Taluka, a women was beaten up like an animal. As soon as I got the information, I went to the lady and convinced her to file a complaint. We then went to the police station, where they misbehaved with us. We defended ourselves and our knowledge of legal procedures helped us in filing an FIR.

In Modasa village, the Dalits had severe water problems. The Dalits were insulted and faced inequality. Due to the unavailability of a hand pump, nearly 30-40 Dalit houses faced the problem of not having water. After her visit to the village, Urvashiben discussed the issue with her colleagues. The Dalits were brought together and an application was given to Sarpanch and the Chairman of the Social Justice Committee. Action was taken immediately and now there is a hand pump for Dalit houses.

The tribal area, tribal language, illiteracy and superstition give birth to many social problems and exploitation in Sabarkantha district. Urvashi is determined to bring awareness about the laws of forest land among the tribals. An awareness programme is frequently

conducted to save the tribals from harassment by forest officials. They have harassed the farmers tilling the land since October 25, 1980. On the other hand, the evil of branding women as witches is still prevailing among them. Widows are proclaimed a witch and tortured severely. By holding meetings with the women, Urvashi guides them to fight against being accused of witchcraft and how to file an FIR. In the same way, health awareness is another agenda for her. She monitors whether the doctors regularly visit the Primary Health Centre and if the required facilities are there or not. Based on the survey done by her in the taluka, there is a plan to file public interest litigation in the High Court. She had written to the Legal Services Authorities

requesting legal help and she has been put in touch with a legal aid lawyer.

She is also member of the Vigilance Committee of Bayad Taluka. The Secretary of Ministry of Social Justice is the chairman of the committee. Urvashi frankly says, "The paralegal training helped me in saving my family from break-up. No other women should face the problems faced by me. But I will continue to learn from my experiences and guide other women in the right direction." In this way, bringing awareness with the help of the law, Urvashi has become an example and a strong support for the women of her community.

## 8. Yes, I Have Knowledge of Law: Ashok Ishwar Rathod

A cheque received by Sakarbhai Nathabhai Rathod bounced. The amount was not huge, but huge for Nathabhai. He discussed the case with a Navsarjan volunteer. Fortunately, the volunteer had taken paralegal training. The volunteer served a notice to the opposite party. He returned Sakarbhai's money without any fee. If Sakarbhai would have gone to a lawyer, then he might have given away fees in the same the amount owed to him.

The individual having legal knowledge was Ashok Ishwar Rathod. A resident of Kalodra, he was educated until the 3rd Year BCom. He has worked with Navsarjan since 1997. At present, he is handling the Political Awareness Cell at Nadiad Taluka. He is working as a paralegal in his area, after clearing the exam conducted by Indian Institute of Paralegal Studies.

During the initial period, Ashok stayed at Maridabhagol area of Nadiad. A cycle owned by Deepak Jasbhai Solanki was stolen. After the death of his father, Deepak was working as a cleaner in a hospital. He had no money to hire a lawyer. Ashok came to know about the

incident. With the help of legal advice from his lawyer friend, Ashok succeeded in getting Deepak's cycle back. This gave him satisfaction that legal knowledge is beneficial.

Ashok played an active role in solving the problems of labourers and cleaners. He is familiar with all the procedures of the labour court and he is happy to the work where a lawyer is not necessary. He was successful in getting compensation of 4 lakh for 35 labourers from Dabhan village in Nadiad.

Anti-Dalit mentality still prevails in villages. Dalits become victims of these evils because they are economically deprived. The Bharwad community was dominant in Bilodra village. On 2nd October, Sajan Ambubhai Bharwad and his nephew Manubhai fought with a Dalit boy. The Dalits decided to file a case under the Atrocity Act. The Bharwad threatened the Dalits with setting their house on fire. Leader of Bharwad's Bhanu Bharwad mediated and advised compromise because he had a little legal knowledge. But the Dalits were not ready to compromise, they wanted justice. The

Bharwad leaders visited the Dalit houses repeatedly. One day, Ashok received 41 calls to mediate between the two groups. The dispute ended when a notarized compromise note that a Bharwad person will never hit a Dalit again was done. In this way, he earned justice for Dalits.

Ashok describes, “While filing a complaint on atrocity, the police officials filed the FIR as per their wish and the case was diluted automatically. But when we try to correct them, they say, 'Do you have the knowledge of the law?' At that time, we can say, 'Yes, I do', we got this confidence after paralegal training.”

Paralegal training has helped Ashok a lot. Describing the benefits of the training, he

says, “Earlier, I had little idea of the law, but I could understand law better after the training. The certificate after the training has boosted confidence in us and we could go into the judge's chamber. We also feel proud to perform so there is no need for a lawyer.”

If a social worker is given training as a paralegal, then he can do miracles. Ashok says, “Some cases are solved immediately by proper presentation before respective officials.”

In all of Nadiad, if you say the name Ashok, the Dalits feel confident and a sense of equality can be seen. This is the power of law and legal knowledge.

## 9. Spreading Light in the Dark Lives of Kutchi People: Kusumben Abdulbhai Luhar

This is Jakhau village of Abdasa Taluka in Kutch district. It is nearly 11:30 in the night, a man knocks on the door, speaks to the lady and the young lady immediately follows him. At the person's residence, his wife has threatened to end her life. After nearly one and a half hours of conversation, the young lady returns. It is midnight.

Yet another credit of saving a woman from ending her life gets added to Kusumben's profile. Kusumben is daughter-in-law of a family comprising 15 members. In past two years, Kusumben Abdulbhai Luhar had guided lives of many individuals in the correct direction. Today, Kusumben has become an advisor on social and family disputes and to individuals entangled in fights and quarrels.

Kusumben started as a member of Women's Saving Group initiated by Kutch Mahila Vikas Sangathan. In just 2 to 3 months, she convinced nearly 250 women of the village to open savings accounts. She started bringing awareness among the women by explaining the importance of various family planning schemes. Meanwhile, many women,

including Kusumben took training of the Gramrakshak Dal. This change among the women made Kusumben eager to do something new and one and half years ago she took the paralegal training.

During the training of paralegals, she came to know about the role of a responsible citizen in solving internal conflicts and handling domestic violence cases. She understood the importance of police complaints, FIR and its copies, witnesses, post-mortem and minute details related to law.

The training of paralegals helped Kusumben in realizing the importance of rights and support provided to an individual by the law. Once shy to talk to men, she now advises them. Now, she is able to present her case without any reluctance before the Gram Sabha or Talati. Many cases of domestic violence, bigamy, maintenance to women, property related problems, ownership of land and social issues come before Kusumben from Jakhau and surrounding villages. She tries to solve problems without favouring anybody. When conciliation does not work, she takes

recourse to police and law. She says, “There are certain limitations for a paralegal in some issues and procedures.” That is where her badge of a Gram Rakshakk Dal member becomes helpful.

Kusumben believes recognition of a paralegal volunteer would certainly make a difference in the government offices and in dealing with criminals. An identity card, certificate or letter of recognition to a paralegal by social and governmental organization can help in eradicating the

obstacles faced in dealing many issues.

Kusumben says, “There is a need of more trained paralegal volunteers like me for training, organizational support and in legal procedures. So when family life is disturbed, men along with women should undergo paralegal training and work for the betterment of the society. If the government gives recognition to paralegals, then we would be able to solve many cases much before entering the court of law.

## 10. Maintaining Balance with Social Conflicts: Shakuntala

“The bus stand is nearly two kilometers from my house. One fine morning, I began my journey to the bus stand. On the way, two unknown persons started walking by my side. They started to speak abusive language and threaten me. But now it has become routine. Many people even started sending threatening messages to my house. One day, I thought 'what am I doing? Should I leave the job?' But my family gave me courage and asked me to continue. At that time, I was handling a divorce case of a lady against an influential and rich person. She had come to my door and wanted to permanently distance herself from her husband's torture and beating. I tried for an out-of-court settlement, but in vain. This case took four months. In the end, I was able to help the needy woman.”

The 28-year-old Shakuntala narrates the cases solved in last 9 years. In her narration, we can get a clear picture about the condition of women and the poor in the so-called developed Gujarat. We also came to know about her knowledge of law and ability to implement it. At present, Shakuntala is performing her duties as a paralegal in 68 villages of Uchhal taluka

of Surat district. She participated in the paralegal training conducted by Navsarjan Trust in 1995. She completed her training in six months. As a result of that, her confidence level has gone up considerably. She and her volunteers were able to resolve nearly 600 cases in 10 years. According to her, a paralegal plays a significant role and tries to solve matters through mutual discussions and if needed takes the help of the police. This way the problem is solved in a less expensive and speedy manner.

Issues ranging from exploitation of poor labourers, migration due to unemployment, marital disputes, land and ancestral property disputes have been disturbing the social fabric in Surat district. In such circumstances, the Legal Aid and Human Rights Centre tries to solve the problem through self-investigation and if required files a case in court. Many a time, the police also get the help of the organization. As per Shakuntalaben, the maximum time to solve a complicated case was just three and a half months. But there are some cases in which a paralegal is helpless such as employment and forestland. So in this

regard, proper information of laws relating to forest, a meeting with government officials and police should be arranged. The most important is that the government should give recognition to paralegal volunteers. Shakuntalaben believes that a proper programme should be designed to train paralegals about various social issues and law. And if government gives recognition to paralegals then the battle for rights of a common citizen can be fought in a better way.

Due to efforts of Shakuntalaben, residents have started their struggle for water, road,

transportation, electricity, etc. Now the stamp vendors, employees of the offices, lawyers and middlemen have also started co-operating in her work.

This is not the end. Shakuntala wants more and more women from the area to take paralegal training and form people's organisations, pressure groups and concerned individuals associations. Inspired by a lady lawyer of Sakarda village, Shakuntala wants every woman to participate in Gram Sabha. At present, the gradual erosion of values and social life can only be reinstated in the society if all the women unite and fight for their rights.

## II. Eradicating Exploitation and Cruelty with Determination from Aahwa: Mangala Deshmukh

“A young girl aged 19 worked in a village near Navsari. One day, the employer and his friends raped her and threw her in a well. Next day the news of the girl committing suicide was published in the local newspaper. A case of suicide was registered in the local police station. With the help of her brother and my colleague, we decided to investigate the incident. Firstly, we filed a complaint. A journalist provided lots of information to us. We went to the village police station, met the doctor and took the girl's post mortem report. The accused began to threaten us. But to our bad luck, that influential person also killed the brother. Such failure leaves a grave impression in our mind.

If we are given recognition, an identity card or certificate, then our success rate will increase and there will be no delay in getting justice. It will also reduce the loss of time in courts and the sufferer can get justice quickly.”

Working at Legal Counseling Support Centre at Ahwa, Mangala Deshmukh has very clear ideas about the role of a

paralegal and various aspects to be kept in mind.

She started her work as office support staff but today is in a leadership role in the organization. During this period, she underwent training related to rights of women conducted by Women and Child Development Commissioner and AWAG (Ahmedabad Women's Action Group). Mangala has not taken any formal training as a paralegal. Still, she is working in 311 villages of Dang. She knows the local problems and its inter-linkages.

Where there is an atmosphere of superstition and murder, Mangala understands the tribal frame of mind. The long-term approach of the organization has changed the mindset of the people. The organization not only fights cases of poor, but also the government hands over many cases to them. In all, Mangala and her team solve around 300 cases a year.

Mangala is an active member of Asil Manch, i.e. litigant's forum. The litigant's forum takes up the issue of transparency and accountability within the judiciary.

She initiated a campaign demanding establishment of a Full Court in the district instead of the 12 day link court. After three years of struggle, a writ petition in the High Court, today, Dang has been assigned a Full Court.

In order to bring awareness in all the Adivasi areas Mangala and her colleagues are conducting awareness camps and doing 'Tamasha' in Dangi language.

Mangala has performed many actions that changed age old beliefs among the

tribals. Such as, they do not touch the body of a woman who has committed suicide. Once, Mangala boldly and carefully brought down the dead body of a woman hanging onto a fan and had her post mortem done. This created respect for her in the eyes of the police who were scared to touch the dead body.

So, not only do the residents in her area take Mangala's help, but also the police officials and employees of court have faith in her.

## 12. Rushing to the Rescue of Women in Rural Areas of Kutch: Devalben Gadhavi

Devalben Gadhavi is associated with Kutch Mahila Vikas Sangathan working for upliftment of women. A resident of Sheikhadiya village in Mundra Taluka, Devalben could understand the cruelty on women. But due to lack of legal knowledge, she was not able to help the needy. She took 9 months to complete 6 modules in the paralegal training organized by Centre For Social Justice in 2004. During her training, Devalben was given detailed information on atrocities on women and when and where to file complaints with the police.

The behaviour of the police and lawyers has changed after she took training as a paralegal. Regarding this, Devalben says, “Earlier, every time we had to go to the lawyer before doing any legal procedures and act as per his advice. But now I go to the police station and say which section is to be written.”

In one of the cases handled by her while Devalben was taking the training a woman named Ashaben committed suicide due to her in-laws harassment. Her parents brought this case to KMVS. Regarding this case, Devalben says, “We

went to the police station, but the PSI did not file an FIR for three days. Then along with Coordinator of KMVS, Sonalben, we met the DSP and briefed him about the attitude of the PSI. The DSP called up the respective PSI and ordered the PSI to file an FIR. Now, whenever we go the police station, the PSI asks his juniors to file our complaint first, otherwise these ladies will rush to the DSP.”

Devalben along with a lady went to the police station to file a complaint. Narrating this incident, Devalben says, “The lady was severely beaten up by her in-laws. She ran away from the house with two pair of clothes and took shelter in our office. We decided to lodge a police complaint. For the first time, I was entering the police station. I was very much afraid. The PSI asked me to write on a blank paper, what the lady has brought from her house (in-laws). My hands were shivering and sweating. The PSI said, 'Are you an illiterate?' I was not in a position to reply him. But after training everything has changed.” Now she can scold the PSI, PI or the PSO.

Describing an incident at Lakhapar

village Devalben says, “The high number of illegal liquor shops had spoiled married life of many women. One fine day, these women approached us. All of us went to the police station, but despite filing the complaint, the PSI asked the women to write their name on paper. I argued saying writing their name would disturb their married life. The PSI was not convinced. I became angry and said you get salary from the taxes paid by tax -payers like us. I think, you will not get extra money for the liquor shop owners. The PSI kept mum. Finally, he filed our complaint and raided the spot.”

The Sangathan operates in 62 villages of Mundra Taluka and at Mandvi, Khavda, Nakhatrana, Abdasa and Gandhidham talukas. If somebody harasses a woman, in some village then Devalben rushes to the rescue. She is struggling to get share of the daughters in the ancestral property.

Devalben says, “If a girl is asked to leave the house of her in-laws and if her own parents are not in a position to maintain her, then she is forced to commit suicide. But, in a joint family, where a girl has a share in the ancestral property then such accidents can be averted.”

In a short period Devalben has performed miracles as a paralegal. She was included in the Police Advisory Committee by Mundra Police. The committee meets every six months. In the first meeting itself, Devalben suggested that the police should read out the details written on the piece of paper on which the witness would make his signature. This would help the witness understand what role is he going to play.

Devalben is also key member of 'Mahila Suraksha Committee' at Mundra.

## 13. I Dedicate my Whole Life to Fight for Justice: Chetan Vyas

Identity: Environmental Paralegal

“The one who does injustice is a criminal, but the one who tolerates it is a bigger criminal. I would say, lack of primary knowledge about law and lack of courage to fight against injustice and exploitation are on rise these days” believes Chetan Vyas. A resident of Bherai village in Amreli district, Chetan is associated with Paryavaran Mitra Organization, but he deals with other issues too. A 12th pass out, he has knowledge of stenography and is a lawyer without a degree.

What is his work profile? Chetan says, “In the last 21 months, I mainly deal with issues related to nature, to protect it from individual and industrial harm. I also take strict action against wrong doers.”

Chetan has joined the paralegal training from November 2005 organized by the Centre for Social Justice. He had knowledge of many legal aspects, but did not know how and when to use what. This training gave him ideas of how to convert social issues to legal ones.

He could not forget his struggle for his issues, “You might have an idea about the Gujarat Pipavav Port? We have been fighting on various issues with the port. We have succeeded in some of the issues, while the fight is on for other issues too. There are certain norms for developing a port. But the port people did not follow many of them. We succeeded in providing employment to the local residents after a hunger strike of 86 days. I met with an accident when the fight for justice was on, but I extended my support from the hospital.”

What difference would this training make? Chetan clearly believes that this training definitely benefited him. “I am able to understand the legal procedures and momentum to our fight for justice. We would not lag behind in any legal process. Now, we have got an idea about the functions of a paralegal.”

Fight for justice is not new for Chetan. There has been scarcity of drinking water in his village for the last 12 years. The water was saline. So he joined with the

villagers and fought twice or thrice to solve the water problem of the village.

Being the convener of the Salt Workers Board, Chetan has worked as a bridge in solving the salary problem of the saltpan workers. Chetan says, "Training about legal procedures has certainly helped me. Our success rate will increase and rate of haphazard demonstration will also come down."

Chetan has succeed in winning the hearts of the people through his work and now people from nearby 22 villages come for his advice and guidance. "This is not an easy task. You are pressured from the village Sarpanch to the politician. Even family members tell me, 'Please, keep away from the disputes.'" But such pressure tactics are unable to stop Chetan from doing his work.

Let me tell you one incident, "The

Gujarat State Petronet company developed a plant in our village and laid pipeline through the fields of the Bherai, Kadiyara, Majidar and Kathivadar villages. The company did not provide any compensation to the villagers. But our fight for it forced the authorities to visit the spot to estimate the amount to be paid to the farmers. Later, the company gave compensation to members two Village Panchayats. This case was first of its kind in the state. We also held public hearings in the villages."

"Many times it happens that the company places its men in the panel of public hearing and we are not given any chance to speak. Despite of being firm we lose the case. But now, we can understand the complicated legal procedures and compel the state government to function properly." Chetan has one message for the people, "We must see that law is properly implemented and fight till we get justice."

## 14. Injustice is Done?: Pannaben Patel

Identity: Paralegal working for women rights.

Apart from household responsibilities, who doesn't like to do work of her choice? And if it is social work then there's no need to explain. Pannaben Patel is the best example of it. A resident of Chotila village in Himmatnagar Taluka in Sabarkantha district, she has made Khedbrahma her place of work.

She is associated with a legal aid cell, Khedbrahma and performs her duties in villages around it. She provides legal aid on cases involving violence against women and issues related to Tribals and Dalits.

She cannot forget the work done by her in last four years. Pannaben narrates, "The in-laws of an illiterate tribal girl tried to burn her because of dowry. We rushed to rescue her and tried get her justice. We met the collector and the Deputy Superintendent of Police (DSP). But as the village was on the border of Banaskantha and Sabarkantha districts we faced difficulty in filing a complaint

against the in-laws. The girl could not face the difficulty of dealing with the police and legal procedures and went back to her family." It was very disappointing but Panna ben continues to fight.

In another case in Khedbrahma, a Muslim lady wanted a divorce from her husband on the charges of ill treatment and beating. The husband refused to divorce her. Pannaben and CSJ decided to help the lady. Irked by Pannaben's interference, the lady's husband rammed in to CSJ's office with around 30 supporters and threatened Pannaben. Unmoved by the threat, Pannaben facilitated a peaceful meeting between the two families and got a divorce for the couple as per Muslim customs, rules and regulations.

Why was Pannaben able to do things as per her plan? She replies, "I had the benefits of paralegal training. Without this I would not be able to help anybody. People are keeping faith in us. Initially people did not interact with us openly, but now they approach us and discuss their problems. Thanks to CSJ."

The issue of bonded labourers in Khedbrahma is also an important one. In an example- Pannaben says, “The government refused to pay the money to 110 labourers after digging of the lake was over under the relief work scheme. When this case came to us we sent notice to the

engineer and met him personally. Earlier, he turned a deaf ear but could not do so again because we had all the official documents and could pressure him. And at last, the hard work bore fruit, the labourers were given their money.”

## 15. It Will be a Different Situation, if a Paralegal is Given Recognition: Jigna Vaghela

“Changes are taking place in the society. The women have begun to fight for their rights. They have started taking benefits of legal provisions under the legal framework. The wind of transformation has started to blow and in that my little contribution is significant.” These are words of Jigna Vaghela, working for Centre for Social Justice at Anjar in Kutch district. For the last four years, Jigna has been doing counselling in women related cases. Now, she is in the final year of LLB after completing B.Com.

There was a time when Jigna felt shy to talk and was underconfident.

In-laws at Khambra village in Anjar Taluka mentally and physically tortured a woman. She kept on tolerating it and one day she was kicked out of the house. She came to CSJ with her problem. Jigna was asked to handle the case. Earlier, Jigna tried for an out-of-court settlement. In-laws of the lady were summoned by a notice and both the families discussed the matter. Fortunately, agreement was arrived at, and today she is living with her in-laws happily.

Jigna says, “There is no need to go to court, if the problem can be solved by discussion.” She has also done a lot of work after the earthquake in Kutch. In Kotda village of Anjar Taluka, an unborn child of a lady died when a big stone fell on her stomach due to earthquake. The government declared relief for the persons who died in the earth quake. Jigna says, ‘The child was not born, but it had life. We met the Collector and argued that the unborn child can be considered as a minor. The authorities were convinced and the lady was provided compensation for the unborn child.’”

A person in Chandiya village raped a 15-year-old girl. The girl's mother came to know 2 months after the incident. The accused tried for an out-of-court settlement, but the girl's mother filed a police complaint. The police arrested the accused, but was set free because of lack of evidence. The girl also passed away while the case was still on. Jigna says, “Delay in filing a complaint resulted in the death of the girl. I learned that there should be no delay in lodging complaints. In the beginning when I went to the police

station, I used to think, how would they behave? How would they answer? But with experience, the fear gradually reduced.”

How much did the paralegal training help? Jigna says, “I am studying law, I even had knowledge about legal aspects, but I lacked practical information. The paralegal training brought about a major change in me. If somebody refuses to file a complaint, we try to convince him or her and encourage them to file a police complaint.”

What is the difference between a paralegal and a lawyer? Jigna replies, “A lawyer has a degree, while a paralegal has no formal degree. If a paralegal gets recognition, will it make difference? Definitely. A lawyer fights cases to earn money, while paralegal

is there to help those who are miles away from getting justice. Their aim is not to earn money, but to take care of the applicants and their family members and get them justice.”

Every villager is given a chance to make a point at the training session undertaken by CSJ, apart from providing information and guidance. A social worker does development work for them, while a paralegal personally concentrates on the case and proceeds legally.

Jigna says, “I want to continue with this work even after getting the degree. I want to be a lawyer but with different perspective. I want to tell every woman, never tolerate injustice. Everybody should have primary knowledge of law. You should demand your rights.”

## 16. There goes the Lady Lawyer of Centre for Social Justice: Premilaben Varmora

“I am Premilaben Varmora of Bharuch. I have been working with Centre for Social Justice (CSJ) for the last 8 years. I have seen many ups and down in my life. I have even attempted suicide. But today I am advising people to live and fight against the injustice meted out to them. I am not a lawyer, but whole Bharuch district knows me as 'Lady Lawyer.' Training as a paralegal has given new dimension to my life.”

She takes deep breath after speaking these things in one breath. Her eyes almost close and silence prevails for some time. This is the indication of beginning of a thought process in her mind. Premilaben has been working hard as a paralegal for the last 8 years. Now she has become a mobile center of law and justice. She took training as a paralegal as soon as she passed her 12th standard and many people have benefited from her expertise.

Her personal life has been full of unpleasant incidents. About 16 years ago, dejected by the cruelty by her in-laws she had attempted suicide, but failed and her marriage broke down. Since then she is living with her parents. Her face is the

witness of that grave incident. She joined Centre for Social Justice in 1997 and was given paralegal training the next year. Nobody can substitute for Premilaben as far as counseling is concerned. Be it an incident of domestic violence, rape or kidnapping, atrocity on Dalits or Adivasi labourers, she advises like a seasoned lawyer. She also helps you get justice like a paralegal volunteer.

On being asked about the case that gave her satisfaction she starts speaking immediately. She says, “Taking disadvantage of lonesome atmosphere on Dhuleti, a brother of her close friend raped Jagruti Rathod, a 15 year old girl. Not only did the police refuse to file the complaint, but also accused the poor family and the girl of prostitution. We went to the DSP and even the National Human Rights Commission (NHRC), but all in vain. The family received threats from the accused. But we didn't lose hope and filed the complaint after 3 months. The accused was arrested and sentenced to 10 years imprisonment. Today, Jagruti is living peacefully with her husband. Whenever she meets Premilaben, she says, 'Mam, I am thankful to you' at that time,

I am very much satisfied.”

On being asked if she was benefited after the paralegal training, Premilaben says, “Earlier, I was a simple support staff member. But after the training, I gained knowledge and confidence. I come to the office and immediately leave for fieldwork. I have worked in every village of Bharuch district. I am very happy with my work, and I do not waste a single minute. I mainly deal with the cases of atrocities on women. If somebody gets justice, I am the happiest person.” During the post-Godhra riots, Premilaben was working in the field. People asked her not to move in curfew prone areas. But she had taken special permission from the DSP and helped the affected people. Hindu and Muslim are equal for her. During the riots her only aim was to reach maximum number of people and help them.

Premilaben frequently visits the district jail. One day, accidentally she met a farm labourer Shailendra Patel. In spite of filing

his complaint, the police had beaten him brutally and locked him up in the jail. After listening to his story, Premilaben convinced him to report his story before the court. Meanwhile, Shailendra was treated at the Sayajirao Hospital in Vadodara. A case was filed in the court; Shailendra narrated the whole story before the judge in his chamber. Her fight turned out fruitful and the police sub-inspector was suspended.

When asked how does she introduce herself as a paralegal, Premilaben replies, “People do not understand. We introduce ourselves as social workers. The majority of people treat me as a lawyer and many a time, I had listened to the people saying, 'see there goes the lady lawyer of Centre for Social Justice'.”

There are numerous incidents in which Premilaben has helped people in getting justice and she is satisfied with her work. But every time she thanks the paralegal training in helping her to reach this stage in her life.

## 17. They are Concerned Citizens and Supporters of Law Continuously Working for Betterment of Society: Nilofar Sheikh

This gentle looking young lady is Nilofar Sheikh. She is working as a paralegal in Halol, Kaalol and Ghoghamba villages in Panchmahal district. Her mother feels proud when people call her daughter 'Legal Advisor'. Nilofar feels glad to see individuals who criticized her decision to go for higher education come to take legal advice for their cases. She feels that her personality developed and she could get respect due to her work as a paralegal.

Nilofar completed her paralegal training in December 2004. At present she is doing LLB. Now she is working for bringing awareness about the law among the people. She is able to understand the importance of various sections of law, functioning of courts, filing an FIR and documentation given to her during the paralegal training. Narrating her experience of the initial stages, Nilofar said "Due to the differences with her husband, a lady was living away from him for many years. We briefed her about the legal provisions and advised her to ask for maintenance from her husband under Section-125 of Criminal Procedure Code. The lady was ready to file the

complaint, but before that we tried for an out-of-court settlement between the couple. We invited and discussed the issue with both of them. The differences could be resolved and they both started living together."

Nilofar has played an important role in resolving such cases. But illiteracy and superstition is the dominating factor among the tribals in this area. These people keep more faith on community leaders and 'panch' rather than the law. So the majority of the cases are resolved verbally. The words of the leader are final and everybody agrees to them. But in the male dominated society injustices are done to women all the time. Keeping this issue in mind we advised women and as a result today, they have started filing a written complaint.

After taking paralegal training, Nilofar has been associated with the Jan Adhikar organisation for the last year. She deals with issues related to minimum wage, rights of consumer and legal awareness among the migrating tribals. Jan Adhikar did a survey regarding corruption in the

fair price shops in the tribal areas. Ecstatic by the action and reaction of the survey Nilofar said,

“When we conducted a survey in 100 villages, many astonishing facts came out. Many families didn't know that they are listed in the below poverty line (BPL) list. Whereas, the families listed in the BPL list were not given food grains by the shopkeeper. There was irregularity found in keeping the shop open regarding both the timings of opening the shop and the duration of keeping it open. The

shopkeepers didn't write the prices of the household goods on the price list outside the shop. The kerosene was charged Rs. 8 per litre in spite of Rs. 5 as prescribed by the government. We gave this information to the people and brought awareness among the people. Nearly, 1,500 people held a rally and handed over a memorandum and CD to the Collector. Due to awareness among the people licenses of many shop owners were cancelled and the fair price shops then remained open regularly.”

## 18. We Should Change the Society by Staying with the Society: Chandrikaben

Identity: Paralegal working for women and Dalit rights

She cannot tolerate the atrocities on Dalits in Borsad village. Chandrikaben has been working with Navsarjan since 1998. She is always there to fight for the Dalits who have been victims of atrocities. A 12th pass out, Chandrika has played a major role in many critical cases.

A Dalit, Ramjibhai got a piece of land that belonged to a non-Dalit at a concessional rate in Dehvaan village of Borsad Taluka. Later, Ramjibhai and his friend went to till the land, but they were attacked and beaten brutally by the non-Dalits. Ramjibhai was injured, while his friend succumbed to death due to severe injuries on head. A case was filed under the Atrocity Act and the culprits were given life imprisonment last year. But still, the land is in the captivity of the culprit's family.

Chandrikaben said, they dealt with water problems of Dalits, their graveyard and issues related to minimum wages. The Dalits had to face scarcity of water, as their

houses were located at a higher altitude in the village. The ladies formed a group and began their fight for water. They filed a writ petition against Nagarpalika in the court. The court gave the order in the Dalit's favour and asked the Nagarpallika to provide water with full force.

Navsarjan has appointed many lawyers, but volunteers such as Chandrikaben have been assigned to do the assessment of cases. They visit the spot and talk to the victims. Their first attempt is towards bringing peaceful solutions and only in case of failure to do so they take the legal recourse.

Chandrikaben has not taken any formal training of law, but with time she is working like a lawyer. Whether a police complaint is to be done or a complaint against the police is to be done she is always present.

Discussing one of the cases Chandrikaben said, "A Dalit woman had rented her house purchased under the Indira Aawas Yojna to a non-Dalit. The tenant a non-Dalit - gave the house to another person.

The new tenant refused to give the rent and in turn threatened the lady. The lady approached us. We filed a complaint in Panchayat and police as well. He was arrested and the lady got her house back.'

Chandrikaben, without any inhibitions, visits houses of Dalit and non-Dalits with equal ease. She behaves as a family member and is not afraid of anybody. She is present at every good or not so good occasion of the villages, so everybody likes to talk to her openly.

When asked if she receives support from her family, Chandrikaben said, "My father doesn't want me to work. He believes that a girl should not stay out of the house till late night. He is scared of the society and the social stigma attached thereof. But, I argue with him that I don't want to wander away from my goal and that I want do something worthwhile in life. I want to change the society by staying within the society. I want to enhance my educational background."

## 19. What if you Have Support of Law?: Mahesh Nimavat

Identity: Environmental Paralegal.

Mahesh Nimavat of Rajula village is one of the volunteers who joined the training by Centre for Social Justice (CSJ) in November 2005. Mahesh is a nature-loving person and owns a shop at Pipavav village. Mahesh is a volunteer of Paryavaran Mitra organization and is doing a significant work in his area. Having love for nature, he is concerned about the increasing salinity of land due to accumulation of seawater.

On being asked what task was at his hand at the moment, he said, "The big ponds made by Gujarat Heavy Chemical Industries Limited for making salt may disturb the environmental balance and we are into investigating it. We have requested the Panchayat to pass a resolution and hold public hearing of the case."

The illiteracy in the village is the main reason for lack of knowledge of legal procedures. As a nature lover, Mahesh is trying to bring awareness about nature among the people. Mahesh said, "Earlier, I had to take advice of the lawyer even for a simple work. But after joining the paralegal training a relationship is established with the law. I don't want to

just remain a paralegal, I want to share my knowledge and help people." If you have to deal with environment related issues, you should have primary knowledge about the law. What to do? Whom to meet? Mahesh says, "I used to get confused in doing any type of work, but after paralegal training, I can fight for justice."

Narrating his fight against Gujarat Pipavav Port Limited, he said, "The rate of unemployment was high in Rajula Taluka. At the same time, Pipavav Port authorities did not prefer and recruit the local residents. We formed Rajula Taluka Unemployed Union and fought for the local people. An 86 day hunger strike turned fruitful and local youths were given employment by the company. It was only during this fight that my interest and knowledge for legal procedures developed."

Apart from this, Mahesh deals with problems of widows and saltpan workers. On answering if the paralegal training was helpful in doing further work, he said, "Definitely, this training is giving results. We can support other people without depending on anybody. We are not lawyers, but like lawyers."

## Chapter-2: Need and Spaces to Legitimise Paralegal

### **Paralegals in Counseling Centres**

To provide legal support to village women against violence, Ministry of Women and Child Commissioner runs the family counseling centres across the states. These counseling centres are run in collaboration with non government organizations. It consists of lawyers and social workers. This organization carries out conciliation which sometimes violates the rights of victims. If we look at the functions of social worker at the counseling centres is more of paralegals rather than of social workers. Paralegals working on the issues of women and violence know procedures better. S/he knows alternate ways to tackle the problem, what can be legal remedies in such situations. Paralegal as trained professionals know how to conduct rights based conciliation, alternative arrangements in crisis situation so that victims can make decisions.

So what we are seeking here is appointment of Women Rights Paralegal within the Ministry of Women and Child counseling centres. So the social workers are to be replaced with trained women rights paralegal.

### **Paralegals in Family Courts**

The main objective is seeking the establishment of Family Courts was to take family and marital disputes away from the overcrowded, intimidation and congested environs of traditional courts of law and bring these to congenial, sympathetic and supportive surroundings. The aim of Family Courts was conciliation between estranged family members, not confrontation, hence family courts must be institutions where women go without any fear, and with faith and confidence.

The National Commission for Women has reviewed the laws and legislative measures affecting women. IT has reviewed total 35 laws related to women. The Family Courts Act is one of the reviewed laws. One of their suggestions was related to appointment of a counselor on a permanent basis through appropriate training. Also they have recommended appointment of qualified social workers. Social activists having paralegal training may also be considered for the appointment as judges of the family courts. So

here our role will be more in seeking the implementation of the recommendations given by the National Commission of Women.

### **Police Mitra**

As part of community policing the concept of police mitra is introduced which helps in increasing the police public partnership. This concept has been introduced in some part of the country and found successful too. Friends of Police provide opportunities for ordinary citizens to effectively contribute to the prevention and detection of crime. Any member of the public, male or female, who is not involved in civil or criminal cases can become a member of Friends of Police. The Friends of Police can provide useful information leading to solving of crimes; FOP members can also prevent any abuse of police power because of easy accessibility to the station house officer and other senior personnel. It is a true example of police public partnership where citizens have been empowered with the help of the police.

Friends of Police movements have been found helpful in creating channels for receiving rights on time. It has also helped the police to come closer to the community. It has tried to impart fairness, transparency and impartiality in the working of the police. This system is functioning effectively in all districts of Tamil Nadu in the last five years.

Role of FOP:

- Beats and night patrols
- Assistance in traffic
- Crime prevention
- Information collection
- Assistance in law and order maintenance
- Involvement in prohibition work

### **Women Counseling Centres in Police Stations**

Police work and bad news seem to go together, at least in the popular psyche. This image of police has its roots in the fact that police as an agency has always responded after situations have gone out of hand. It is difficult for the common man to associate police with a creative or innovative endeavor, which involves positive action and reaching out to the community.

The experience of the people at the time of lodging FIR is not satisfactory as well. It is very crucial stage and the whole case depends upon this process. The conditions are even

worst on women victims approaching police stations for lodging a FIR. Generally it is found that women victims approach police stations in cases like domestic violence, sexual harassment, rape and many more cases. But these are the cases where women need more sympathy and attention so that first step towards striving justice could be fulfilled.

Women counseling centres today enable the women victims to support and heal through legal formalities. Such a process is very much here. It is generally headed by a paralegal and a lawyer who enables the victims to make decisions looking all the aspects of law and society and a number of alternatives for action.

If such counseling centres are set up at the police stations where first the women victim is interviewed by paralegals to collect the primary information related to the crisis then the very next step of filing FIR could be taken. The role of the paralegal becomes important here because being a trained professional s/he has knowledge of legal formalities to be taken into consideration at the time of lodging FIR and also follow up of the cases.

### **Prison Paralegal (Kayda Sahayaks)**

The Prison Working Group has taken initiative to train around 65 life convicts in two Central Jail and Six Sub-Jails following the recommendation of the Jail Reform Committee. The working group proposed NHRC accredit the paralegal and it has been accepted by them. Similar initiatives need to be taken in other jails across India. Paralegals may also be appointed as liaison workers between remanded or convicted prisoners or beneficiaries in state brief cases and concerned advocates to follow up on cases and act as a bridge between them.

### **Enviro Paralegal**

Gujarat Pollution Control Board (GPCB) is lacking manpower. It is impossible for GPCB to monitor regularly at the village level, so Enviro paralegals can help GPCB on pollution and report to their regional offices. Also they can help in carrying out legal awareness campaigns on behalf of GPCB on a grassroot level. Enviro paralegals can be helpful to other Government organizations like Gujarat Water Supply & Sewerage Board, Industries Commission, Gujarat Ecological Commission, Gujarat Maritime Board, Central and State Ground Water Board, Forest Department etc. Enviro paralegals can become links between govt. authorities and other national state level organization and village people. Enviro paralegals should not bring the case to

authority in terms of complaint but in terms of drawing attention of authority to the issues. Enviro paralegals should have possible solutions issues. Thus Enviro paralegals can also be helpful in changing authorities' mindset.

### **Gram Sabha Planning Committee**

Even after 73rd amendment of the constitution the implementation of Gram Sabha has not taken place in various parts of Gujarat. Places where Gram Sabha takes place is not as per the law. Thus as a trained paralegal who is aware of procedure and powers of the Gram Sabha can play a major role in planning and implementing it.

### **Member of Vigilance Committee**

The SC/ST (Prevention of) Atrocities Act is one of the well drafted laws in India which if implemented properly can play a major part in decreasing atrocities against SCs/STs. Vigilance committees established under this Act has a major role of monitoring the implementation of the Act. Unfortunately this committee is not able to perform for various reasons. A paralegal who is aware of importance of this committee can guide and support in the proper implementation of the Act and is ensuring proper investigation of the case.

### **Paralegals under State Legal Aid Mechanism**

The National Legal Services Authority Act clearly lays down the role of a paralegal. Unfortunately, the spirit of the Act has remained untranslated into action due to absence of a formal structure in place. Therefore, what is needed in institutionalizing the role of a paralegal through appropriate an institutional mechanism? Paralegals shall also be appointed as liaison workers between litigant beneficiaries and Mandal or District Legal Services Authorities or concerned Lok Adalat under Legal Services Authority Act. In the tribal agency areas in Andhra Pradesh, paralegals can be appointed as legal instructors to spread legal knowledge or information to tribals in the jurisdiction of ITDA (Integrated Tribal Development Agency).

### **Paralegal in Gram Nyayalaya**

The proposed Gram Nyayalaya Bill is envisaged as a remedy to the problem of over burdening of the cases in the judiciary and decentralizing the justice delivery mechanism. The bill provides for the involvement of members from the community in the dispute resolution process. Presence of a trained paralegal will ensure that the process is rights based and in an appropriate legal frame work.

### **Revenue Paralegal**

Much of the work that is involved in revenue related matters actually does not require a lawyer and can be handled by a paralegal. However, large scale exploitation happens by lawyers. Presence of a paralegal will reduce this. The paralegals shall be given explicit authority for accessing basic land records and other information or reports required to pursue any legal action. Paralegals may also be appointed as field surveyors to prepare physical inventory of land records.

Appointing paralegals as commissioners to conduct local enquiries or field inspections recording of statements, production of documents from officers, for implementation of orders issued in favour of tribals in land matters and, for compliance of reports in revenue or other grievances and civil matters pending before the Revenue or Tribal Welfare Department or/and agency Courts.