

NYAYIKA

Making professional legal services accessible



न्यायिका
अटपटुं बनावे सहेलुं



An initiative of IDEAL Centre for Social Justice

© IDEAL Foundation for Social and Economic Development

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Corporate Identity Number: U85191GJ2013NPL077110

First Edition 2014 | 100 copies

Written by the Central Team, Nyayika.

Support us

Our aim is to be able to reach out to people from the most vulnerable, poor and socially backward classes who are unaware of their legal rights and are unable to access the legal system. We seek to provide them the best possible legal aid and advice so that their rights are upheld. Your support in terms of monetary contribution will help us in our objective. If you choose to contribute, we will be glad to provide you information regarding where your contribution is utilized. You can send your contribution to the following bank account:

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1 INTRODUCTION

Nyayika is a chain of multi-speciality law centres offering affordable professional legal and quasi-legal services. Nyayika law centres offer legal aid and advice in all types of legal matters including civil, criminal, revenue, consumer, labour matters. The law centres also help people in availing their entitlements under Government policies and schemes by assisting them in the application process and then following up with the authorities. Nyayika law centres charge a fixed and affordable fee for its services to ensure sustainability. Nyayika believes in the need of accountability and transparency in the practice of law and in the State administrative system and is sensitive to the needs of the poor and vulnerable sections of the society. Its tagline “*Atpatu banave sahelu*”, which translates to 'simplifying the complex' in English, indicates the belief in the need to simplify and demystify complicated legal and bureaucratic procedures so as to make approaching a court of law, seeking redressal in the legal system and claiming entitlements under State schemes less intimidating for the general public.

What is a 'multi-speciality law centre'?

Nyayika has adopted the 'law centre' model of Centre for Social Justice (CSJ). Basically, a law centre is an office comprising of lawyers, paralegals, volunteers and support staff. It is the physical space where people seeking legal assistance can approach and from where the staff operates. The law centres offer a variety of legal services and are not restricted by the type of cases they handle or the kind of quasi-legal services they provide. Hence we call them 'multi-speciality law centres'.

1.1 Vision and mission

The vision of Nyayika is a system in which a legal recourse for violation of any right is accessible by people from all sections of the society, where lawyers and paralegals uphold the nobility of the legal profession by being accountable to the client and where the State administration ensures that entitlements under State schemes reaches each and every rightful beneficiary.

The mission of Nyayika is to make professional legal services accessible to vulnerable communities and people at large through a system that is professional, value-driven, accountable and transparent.



1.2 Setting up of a Non-Profit Company

Nyayika is a brand owned by IDEAL Foundation for Social and Economic Development (IFSED). IFSED is registered as a non-profit private limited company registered under Section. 25 of the Companies Act, 1956¹. Section 25 of the Companies Act, 1956 applies to companies whose broad objectives are 'promoting commerce, art, science, religion, charity or any other useful object'. The provision requires the Company to 'apply its profits, if any, or other income in promoting its objects, and to prohibit the payment of any dividend to its members'.

It was a conscious decision of IDEAL Centre for Social Justice (IDEAL CSJ), the mother organization of Nyayika, to register it as a separate entity and as a non-profit Company, as against a Charitable Trust or a Society because of legal limitations, such as the prohibition from charging of fees for services, which the model would face if it operated as a Trust or a Society. It was felt that registration as a non-profit company instead would be most favorable to attain the core objective of Nyayika which is to demonstrate a model of legal services which relies on an affordable fee from the client to sustain its operations.

An application for the registration of the Nyayika logo and the tagline 'atpatu banave sahelu' as a trademark has been filed and is under process.

¹ Replaced with S. 8 in the The Companies Act, 2013



1.3 The Founding Directors

Nyayika formally started operations on the 7th of October, 2013 with four founding Directors. They bring into Nyayika their expertise and experience in different fields, each of which is a core component of Nyayika and is essential for its growth. The following is a brief about the founding Directors:

1. Mr. Arup Basu

Mr. Basu brings to Nyayika his vast experience in business management, administration and policy formulations for the efficient and sustainable operations of Nyayika. Mr. Basu is a Bachelor of Engineering in Chemical Engineering from Indian Institute of Technology, Bombay and has obtained a postgraduate management degree from Indian Institute of Management, Ahmedabad. He is the Chairperson of the Board of Directors of IFSED. He is also the Managing Director of Refnol Resins & Chemicals Ltd.



2. Mr. Gagan Sethi

Mr. Gagan Sethi is an Organization Development expert, a Dalit rights activist and founder member of Janvikas and Centre for Social Justice, the mother organization of Nyayika. He has a Masters of Social Work degree from the Maharaja Sayajirao University of Baroda. He brings to Nyayika his expertise in governance of non-profit organisations and Organisational Development. His experience of work at the grassroots with people from the most marginalized and vulnerable communities, with several national and international organizations, his engagement with the legal system and his far-sighted approach towards the work taking place in the voluntary sector is what helps Nyayika develop its vision and plan of action.



3. Mr. Rajendra Joshi

Mr. Rajendra Joshi is the founder of SAATH Charitable Trust, an organization which caters to the multiple needs of the poor by providing them with one-stop centres, through which slum residents can have access to basic services for a reasonable fee. He brings to Nyayika his expertise in developing non-profit sustainable business models. He has received the Schwab Social Entrepreneur of the Year Award for 2009, listed amongst 50 “Pioneers of Change” by India Today in July 2008, is an Ashoka Fellow and was awarded the Karmaveer Puraskar by iCONGO as a Real Wealth Creator for the communities in 2008.



4. Ms. Nupur

Ms. Nupur is the Executive Director and Founding Member of the Centre for Social Justice and Indian Institute of Paralegal Studies. She is a legal activist based in Gujarat working on Dalit Rights, Tribal Rights, Women's Rights, and Minority Rights. Nyayika gains from her understanding of the functioning of the legal system at the grassroots and knowledge of the legal issues faced by people from the most marginalized and vulnerable communities. She has developed the concept and practice of Social Justice Lawyers and Community Based Paralegals. She is a law graduate from the National Law School of India University, Bangalore.



2 NEED FOR AFFORDABLE PROFESSIONAL LEGAL SERVICES

The present-day Indian legal and administrative system, in the eyes of middle-class and lower income citizens, especially those facing social exclusion i.e. Dalits, Adivasis, women and religious minorities, is an intimidating establishment which they feel is best avoided as far as possible. People think twice before approaching the system for claiming their entitlements under various Government schemes or approaching the courts of law for enforcing their legal rights and for settlement of disputes afraid of the extraordinarily long, time consuming and complicated procedures. Thus, there is a non-access by default at the cost of denial of basic citizenship rights. Where a person approaches a Court for claiming his/her legal right, in addition to the above, there arises the cost factor – the advocate's fees (which is often charged in an arbitrary manner) and other expenses.

Professional legal services today are expensive hence making it inaccessible to a large section of the Indian society. The Law Commission of India in its 222nd report has conceded that courts of the country have become inaccessible due to various barriers such as poverty, social and political backwardness, illiteracy, ignorance, procedural formalities and the like.² It has further said

To get justice through courts one has to go through the complex and costly procedures involved in litigation. One has to bear the costs of litigation, including court fee and, of course, the lawyer's fee. A poor litigant who is barely able to feed himself will not be able to afford justice or obtain legal redressal for a wrong done to him, through courts. Further a large part of the population in India is illiterate and live in abject poverty. Therefore, they are totally ignorant about the court-procedures, are terrified and confused when faced with the judicial machinery. Thus, most of the citizens of India are not in a position to enforce their rights, constitutional or legal, which in effect generates inequality.

² <http://lawcommissionofindia.nic.in/reports/report222.pdf>; Paragraph 1.6



2.1 How does Nyayika address the need?

Nyayika addresses the need by offering comprehensive legal solutions to common people with the values of accountability and transparency ingrained in its processes. Its objective is to simplify and demystify legal procedures and to offer quick legal solutions to its clients, making the system client friendly and hence, accessible. It targets its services to people from the middle class, lower middle class and the poor – people who are otherwise unable to afford quality legal services. Nyayika offers an alternative to the existing system for people wanting to claim their entitlements under government schemes and for those seeking legal resolution of their disputes or issues which they are facing.

Nyayika operates in two ways

1. Nyayika bridges the gap between the entitlement holder at the grassroots and the State mechanism through its trained paralegals who guide and assist the entitlement holder in applying for their claim.
2. Nyayika's lawyers, while operating within the existing system, offer legal services with components added to ensure professionalism, accountability and transparency in the services – things which should have ideally been in the system but are absent.

To be more specific, Nyayika offers quality professional legal services and allied services at fixed and affordable rates. Nyayika assures speedy disposal of cases and assists the entitlement holders to avail benefits of State welfare schemes. Nyayika is able to assure this through the accountability mechanisms and quality check systems it has in place together with trained lawyers and paralegals.



2.2 Nyayika as compared to State and NGO sponsored free legal aid

Nyayika is a legal service delivery model whose space lies between the State and voluntary organization-sponsored free legal aid system and mainstream commercial lawyering as practiced by advocates. Nyayika believes that State and voluntary organization sponsored free legal aid models are flawed due to which they are not accessible, not of good quality and not sustainable. State-sponsored free legal aid system suffers from severe lack of human resources to handle the number of cases which would attract free legal aid under the Legal Services Authorities Act, 1987³ and as a consequence, remains poorly implemented. Voluntary organization-run free legal aid centres on the other hand face issues of poor accountability towards clients and lack of continued funding, making them unsustainable over a long period of time. As a result of this, people seeking legal services are left with no option but to face exploitation in the hands of mainstream lawyers who often charge fees arbitrarily and offer mediocre services. The Nyayika legal service model is offering an alternative to people in need of legal services by setting up accountability and transparency mechanisms and by offering quality legal services by charging affordable fees for the same to ensure its own sustainability.

³ 12. Criteria for giving Legal Services. - Every person who has to file or defend a case shall be entitled to legal services under this Act if that person is -

- (a) a member of a Scheduled Caste or Scheduled Tribe;
- (b) a victim of trafficking in human beings or begar as referred to in Article 23 of the Constitution;
- (c) a woman or a child;
- (d) a mentally ill or otherwise disabled person;
- (e) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- (f) an industrial workman; or
- (g) in custody, including custody in a protective home within the meaning of clause (g) of Section 2 of the Immoral Traffic (Prevention) Act, 1956(104 of 1956); or in a juvenile home within the meaning of clause(j) of Section 2 of the Juvenile Justice Act, 1986 (53 of 1986); or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of Section 2 of the Mental Health Act, 1987(14 of 1987);or
- (h) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.



3

NYAYIKA: A HYBRID MODEL

Nyayika is an innovative work model with unique challenges of its own. It is a hybrid of different models - the franchise business model, social enterprise (for profit) model and the non-profit business model - each of which we know are established models individually. A combination of components from these models to create something new is what makes Nyayika an innovative and unique initiative.

If one has to list down main components of the model for better understanding, then Nyayika is:

- a business model with its own revenue generation and expenditure plans and which is dependent on collection of fees for services provided for its sustainability and growth
- a quality professional legal services provider, which charges an affordable and fixed fee payable in instalments and targets its services towards the middle and lower income groups of the society
- a non-profit initiative, where the surplus generated is put back into the business to support the cause and is not shared by the members.
- a revenue sharing model where 70% of the revenue is held by the Associate⁴ to meet their recurring expenditure while 30% of the revenue is taken by the Company for its expenses
- a franchise model where the overall operations are planned, coordinated and monitored by the central team but the local operations are responsibility of the Associate (franchisee). The Company invests in fixed costs and outreach while the recurring costs are expected to be borne by the Associate
- an organization which works with a human rights perspective and hence which does not ordinarily take up cases to defend the accused in cases of human rights violations
- and, an organization which believes in reaching out to the poorest and the most vulnerable individual with legal assistance by charging those who can afford to pay and subsidizing those who cannot

⁴ Individual, group of individuals or the organization who/which enters into the agreement with IDEAL Foundation for Social and Economic Development for operating a Nyayika law centre under terms and conditions of the Memorandum of Understanding.



This hybrid of sorts in a field of services as untouched and cocooned as the legal profession throws up various challenges in the operations. Nyayika is a path-breaking initiative in the market of legal services. Anything similar to the Nyayika model of legal services has never been tried before in India and this makes it even more challenging.

3.1 Challenges of the model

1. The system not being able to achieve its targets

As mentioned earlier, Nyayika is a social enterprise which strives to cover its expenditure from the revenue generated. In every business model, there is a certain amount of risk involved in carrying out the business. While there are certain things which can be ensured through mechanisms designed for it, such as quality of the service provided, the experience of the client, etc., there are other things which are unpredictable, such as the achievement of projected targets.

Nyayika being a franchise model where local day-to-day operations are the responsibility of the Associate, the business plan is prepared by the central team together with each Associate. The business plan includes projections of the number of cases, income, expenditure and the outreach strategy. The plan is prepared such that the Associate is able to meet their monthly recurring expenditure, including salaries of staff and the company share in the revenue. However, the same does not always happen, especially when the business is at its early stages. In such cases to cover the expenditure, the company extends a monetary advance to the Associate repayable as per negotiated terms and conditions.



2. The dilemma of a social business

Nyayika targets people who are otherwise unable to afford quality legal services, people who would rather give up on their rights and entitlements than opting for a legal recourse to secure the same because of inordinate delays, complicated procedures, etc. In our operations, we sometimes have to deal with people who are unwilling to pay even the low fees we charge because they assume that Nyayika is an NGO like many others offering free services and want free services from us. There are other people whom we come across who do not have the means to pay and are genuinely in need of legal help.

At Nyayika, we believe in reaching out to the most poor and marginalized person with legal assistance. Hence, we subsidize people who do not have the means to pay for legal services but are genuinely in need and offer them our services. However, at the same time, even though we are a social organization and work with a rights perspective, we are firm with our fee structure for clients who have the ability to pay. We try to show them the benefits of availing our services over similar services provided by others and explain to them the reason why we charge. People usually understand and agree to pay our fees. This mindset of people is a challenge for us.

3. Associating affordability with poor quality

It is a generally known fact in the legal profession that the fees of a lawyer depends on the seniority and expertise of the lawyer. A lawyer charging low fees is considered to have poor knowledge and / or to be inexperienced. When the same lawyer charges a higher amount for the same service, clients feel more assured and willingly pay.

It is a challenge for us at Nyayika to break this notion. We offer affordable legal services without compromising on the quality and professionalism of our work, thus demonstrating that quality legal services need not be expensive. In addition, we follow practices which puts the onus of accountability towards the client on us putting us a step ahead of the common legal practitioners.



3.2 How does Nyayika address these challenges?

A deeper look at the challenges listed above shows that the main challenge of Nyayika at this stage is to be able to introduce itself to more and more people, to inform them of the services it provides and the value it adds to legal services which makes it more cost-effective and worthy for the legal service seeker. Nyayika's challenges are more directed towards the mindset which people have towards using the law and the services of a legal practitioner.

To address these challenges, Nyayika is investing heavily in its outreach strategy and is trying out different methods of approaching the needy. At the grassroots and for people in the middle and lower income groups, publicity only through dissemination of information about the services being provided without giving the understanding of benefits which people will receive is an exercise which does not yield results. Awareness about the law and legal entitlements is very low among the target client groups of Nyayika. Hence the outreach strategy of Nyayika is three fold:

- i. Creating awareness of the law and legal entitlements,
- ii. Giving information about the services provided by Nyayika, its principles and values, and
- iii. Providing services to those who wish to avail the same

To implement this strategy, Nyayika is building a network of paralegal volunteers for each of its centres who will assist centres in reaching out to more people.



OVERVIEW OF A TYPICAL NYAYIKA LAW CENTRE

4.1 Brand identity

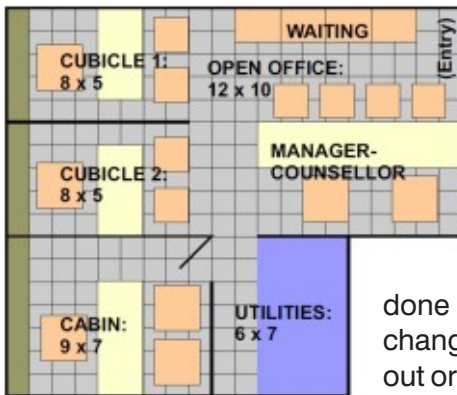
One of the long-term strategies of Nyayika is to establish itself as a brand which is identified as a one-stop provider of speedy, affordable and quality legal services. The idea is that a Nyayika law centre should not be recognized or valued by the name and reputation of the lawyer or paralegal working at the centre but should have an identity of itself which evokes credibility in a person seeking legal services. The reason why we want the identity of the brand to be bigger and more reputable than the identity of the person running the law centre is again to challenge the tradition in the legal profession which causes exploitation and makes justice inaccessible to the poor and the marginalized – that the fees of a lawyer increases with experience and expertise. We want to build Nyayika as a brand which is known for providing the best legal services and is still accessible by all.

Nyayika's brand identity has been conceptualized and designed by Mr. Arvind Lodaya. Mr. Lodaya is a trained in Industrial Design but his work spans virtually every design discipline. He consults with industry, NGOs and research groups, and has taught at various institutes of design in India. He has been involved in several startups, including an environmental NGO, a strategic design consultancy and a design business incubator. At Nyayika, he provides inputs on design and outreach strategy. The term "Nyayika" and its logo is his creation. Nyayika's office layout, its stationery, its publicity tools, the standard operating procedure and its website have all been designed with inputs from Mr. Lodaya.



Nyayika follows a uniform trade dress across its centres. The Nyayika logo and the phrase '*Atpatu banave sahelu*' are trademarks owned by the Company. All publicity material, including posters, pamphlets and signboards have a similar design and so is the case with the stationery. The interiors of Nyayika offices and furniture are also standardized to facilitate creation of a brand identity.





Each Nyayika office space is selected and designed considering the convenience of our prospective clients. All of our office locations are in places where public transport is easily available, such as in the proximity of bus-stands or a railway station. The office space is rented out by the Company and not by the Associate. This is done so as to avoid the possibility of having to change the office location when an Associate moves out or when the Company decides to end its contract with the Associate. The layout of the office is designed considering the daily activities of the office,

such as interaction with new and old clients and facilitation of conciliation proceedings. Hence each of Nyayika's offices have a waiting area with chairs, table and drinking water, a manager's table where the manager interacts with new and old clients, a conciliation room where conciliation between parties is facilitated and a lawyer's cubicle in which the lawyer interacts with the client. Each office is equipped with two desktop computers with internet connection and a printer-copier-scanner. This helps in day-to-day documentation.



4.2 Roles and responsibilities

Each Nyayika centre has people with specific roles and responsibilities as required by the standard operating procedure which is followed at the centre. While the roles are clearly defined, they are not watertight and allow flexibility. It is also not that the centre needs to have different people playing each role. Where feasible, two or more roles can be played by a single individual.

The following are the roles played by people at a Nyayika law centre as per the standard operating procedure:

1. The Associate

The Associate is the individual, group of individuals or the organization who/which enters into an agreement with IDEAL Foundation for Social and Economic Development for operating a Nyayika law centre under terms and conditions of the Memorandum of Understanding. The business plan of the particular Nyayika centre is prepared with inputs from the Associate. The Associate is responsible for hiring other members of the staff at the Nyayika centre in consultation with the central team. Day-to-day activities at the Nyayika law centre are also the responsibility of the Associate. Where the Associate is an individual or a group of individuals, they can take up other additional roles at the centre which suit their expertise.

2. The Manager

The manager is the face of Nyayika in the office. People who walk into the office seeking advice or services first interact with the Manager. The manager is responsible for the first-level of interaction with the client, identifying the assistance which can be provided to the client and advising client on the same, and providing information about Nyayika, its work and its fee structure. The manager is also responsible for all financial transaction at the Nyayika law centre and also maintains data in the monitoring and information system.



3. Lawyer

The lawyer is the person who provides legal advice and represents clients of Nyayika before the court of law. Lawyers at a Nyayika centre who work on a full-time basis are not allowed to carry out personal practice. Lawyers hired on a part-time basis may do so. The role of the lawyer is not restricted to the courtroom and the office. Lawyers at a Nyayika centre also involve themselves in awareness programmes and village visits.

4. Paralegals and paralegal volunteers

The role of the paralegal is one of the more important roles at Nyayika. Like a manager is the face of Nyayika at the office, the paralegal is the face of Nyayika before the community. The Nyayika paralegal bridges the gap between the people of a village in need of legal assistance and the law centre. Paralegal volunteers are socially active individuals who are trained as paralegals by Centre for Social Justice to be associated with Nyayika centres but are not full-time members of the Nyayika centre. The role of the paralegals and paralegal volunteers is to provide information about the law to people and to identify issues which are existing and need to be addressed legally. Paralegals and paralegal volunteers carry out field visits, organize awareness campaigns, carry out fact-finding in cases of human rights violations, and provide information and assist people in applying for benefits under State welfare schemes.



4.3 Standard operating procedure

The brand building effort is not limited to the physical appearance and facilities at the office. The operating procedure at Nyayika offices is also standardized so that client experience is uniform and friendly.

At Nyayika, interaction with a client and day-to-day work takes place as per a standard operating procedure designed considering the principles and values we are trying to uphold and promote – those being accessibility, professionalism, accountability and transparency. A standard operating procedure ensures work takes place in a systematic manner and a client-friendly experience across centres. Nyayika believes in a client-centric approach and seeks to break the traditional client-advocate relationship in the practice of law at the lower courts.

The step-wise standard operating procedure practiced with clients at Nyayika is as follows:

STEP-1: New walk-ins

When a client enters office, if the manager is busy with another client and cannot entertain the client immediately, he/she is seated comfortably and offered a glass of water by the support staff. This is done to make the client feel comfortable and valued, irrespective of the kind of service which the client has come for and his/her social and economic background.

STEP-2: Case registration

The first level of discussion with respect to the reason why the client has approached Nyayika takes place with the Manager. The Manager listens to what the client has to say and gives preliminary advice on the possible legal action. The manager also gives the client information about the working of Nyayika, its values, its principles and the fee structure. Where the assistance sought by the client needs his/her interaction with the lawyer, the manager fixes an appointment with the lawyer and informs the client. Where the service sought can be provided by the paralegal or the manager himself/herself and does not need involvement of a lawyer, the same is provided immediately. All information collected from the client is recorded in a format called the Primary Information Format and a copy of the same is given to the client. Fees as informed by the manger according to the payment schedule is paid by the client to the manager for which a receipt is issued.



STEP-3: Case management

Nyayika follows a system where all decisions regarding case proceedings are taken with the express consent of the client and by informing the pros and cons of going ahead in a particular way. The office manager at Nyayika centres keeps the client informed regarding dates of hearing, orders passed and other relevant information. Office managers are required to maintain a case progress register which is tracked by the central team to ensure that there is no unnecessary delay being caused by the office in disposal of the case. Nyayika's fee schedule is designed in a way that the clients are required to pay the fee instalment next due only when the case proceeds to the next stage.

Option of dispute resolution through conciliation

At Nyayika, as a standard procedure for cases regarding disputes between two or more parties, we advise our clients to opt for legal conciliation facilitated by us as against litigation. This is done for most kinds of civil disputes, including cases of matrimonial dispute and domestic violence, contractual disputes, employer-employee disputes, etc. Opting for conciliation saves the client both time and money. On an average, the process of conciliation is completed within 30 days in two to three sessions. The process begins with the issue of a legal notice to the opposite party and ends with the parties entering into an agreement which is signed by both on stamp paper and is notarized.



5.1 Monitoring and Information System (MIS)

The monitoring and information system followed at Nyayika is the backbone of the system. Nyayika believes in being accountable to the client for its services irrespective of the amount of fees which is charged from the client, the type of service provided and the socio-economic profile of the client and this is ensured by the MIS. In addition, the MIS allows the central team to monitor the quality of work taking place at the various centres and to analyze emerging trends thus enabling more efficiency and productivity. The MIS of Nyayika is adapted from the system followed by Centre for Social Justice in its law centres. The components of Nyayika's MIS are as follows:

1. The primary information report

The primary information report is a format in which the manager records information of a client who registers his/her case with Nyayika. It is a paper format filled in duplicate, the copy handed over to the client. Information recorded in the primary information report includes the identity and contact details of the client and the opposite party (where the service sought is of the nature in which there is an opposite party), brief information about the nature of the case or service sought. The primary information report also includes a table where the manager records the progress of the case.

2. Bill and receipt

A bill and receipt is issued to clients for all their monetary transactions with Nyayika. The bill mentions the total amount payable for the service and the payment schedule while the receipt records the amount received from the client. A copy of the bill and receipt is retained by the office. Copies of all bills and receipts issued are sent to the central office on a monthly basis for verification.



3. Case progress format

Nyayika guarantees to the client speedy disposal of cases at its end. This includes court cases and other services provided at Nyayika. This is a component of the objective of Nyayika to provide quality services at affordable rates. To ensure this the progress of each case registered at Nyayika is tracked by the central team through a format which records the stage-wise progress of the case. The format is required to be updated on a weekly basis by the manager. For court cases, the format is monitored by our expert panel lawyer who gives procedural suggestions to lawyers in the Nyayika offices.

4. Daily report

Nyayika offices are required to send daily reports in a specific format to the central office by email. The information recorded in these reports include client transactions which take place in that particular day including the number and kind of walk-ins, case registrations and fees collected. The report also includes a brief about the work which the staff was involved in on that particular day. The daily reports are used to analyze trends such as the number of people approaching the office per day, the kind of services people are approaching the office for, the source from which people are getting to know about Nyayika (which tells us what our most successful publicity strategies have been), the walk-in to case-registration ratio, and the socio-economic profile of the client. This analysis helps Nyayika plan its work so as to be able to reach more people, be more efficient and productive.



UNIT DAILY REPORT FORMAT

Date: _____

Walkins: _____

New case registrations

No. of walkins	Male	New/old case	Source	Female	New/old case	Source

New case registrations Name of client	Service sought / nature of case	Male / Female	SC/ ST/ OBC/ Min/ Gen	Source

Fees collected

Fees collected	Client name	Receipt number	New / Old case	If old case, installment number

Staff work done

Name	

Cases

New court case if any	Case resolution if any	



5. Monthly report

Monthly report is a compilation of the work carried out in the whole month. This is a report sent by Nyayika offices to the central team on a monthly basis. The information in this report includes details of the cases registered, cases disposed of, types of cases registered, benefits received by clients in cases disposed of, fees collected along with client name and receipt number, report of field visits carried out and other events organized. Monthly reports assist the central team in analyzing the growth of the centre and the viability of the business plan prepared based on which the plan is modified if necessary.

6. Spot checks

The central team at Nyayika conducts spot checks periodically to check the effectiveness of the MIS and to identify malpractices. The spot checks are usually carried out by volunteers who go through all formats and verify the information in formats with the client. Spot checks for each office are first carried out periodically on a random basis of which no prior information is provided to the staff. Where any malpractice is identified, all formats are thoroughly inspected. Spot checks help in maintaining the credibility of the system.

7. Helpline

The Nyayika helpline is a centrally managed grievance redressal mechanism for Nyayika clients. The helpline number is published in all Nyayika communication instruments including the bill and receipt format. The helpline is used to register complaints of clients who are dissatisfied with services of a Nyayika office. The issue is then taken up with the office by the central team and the issue resolved. The helpline serves as a feedback mechanism for Nyayika.



5.2 Capacity building programme

Just like the MIS ensures that Nyayika as a system is accountable to its clients, the capacity building programme of Nyayika ensures quality of work. The capacity building needs of Nyayika members – the lawyers, paralegals and managers – is taken care of by Centre for Social Justice (CSJ). Nyayika trainings are carried out by a pool of trainers of CSJ comprising of senior lawyers and paralegals who have been associated with CSJ's work over a long period of time and have been trained by CSJ to be able to facilitate trainings of lawyers and paralegals at the grassroots.

Lawyers and Paralegals

Nyayika lawyers and paralegals undergo trainings round the year to keep them updated with the latest developments in the law at the national level such as new legislations, amendments to the law and latest landmark judgments of the Supreme Court. In addition, new Government schemes at the State level and the procedure of applying for the same are also discussed. This gives them an edge over other lawyers and paralegals practicing in the lower courts who are often unaware of the latest legal developments and promotes the enforcement of the law. In addition to periodic trainings, as part of the capacity building programme, lawyers working with Nyayika, especially junior lawyers, are given regular handholding and support from the senior panel advocate of Nyayika on a day-to-day basis.

Managers

Special training modules are designed for the Managers who manage Nyayika offices and paralegal volunteers who support in expanding the outreach of Nyayika. Nyayika paralegal volunteers are the face of Nyayika at the village level and are trained in a way that they are able to identify issues which need a legal intervention. The paralegal volunteers are also trained with basic knowledge about the law and legal procedures. Special attention is given to Government schemes applicable in the State. Paralegal volunteers provide information about different schemes to people and thereafter assist people in applying to avail the benefits of the schemes. The capacity building module for the manager includes client interaction which is the most important role of the manager at Nyayika. In addition, the manager is trained to maintain data and keep the monitoring and information systems updated.



Law students

Nyayika law centres engage with law students in the pre-final and final years of their graduation studies by providing them the opportunity to learn even while continuing their education. Law students assist the lawyers and paralegals of Nyayika with their work and are paid a monthly fellowship of up to Rs. 2000 by the company for the same. The idea behind engaging with law students is to get the students to gain first-hand experience of legal issues faced by people at the grassroots when they carry out field visits and visit the lower courts.



6 OVERVIEW OF THE FIRST YEAR OF OPERATIONS

6.1 Presence

Nyayika formally started its operations in October, 2013 and is currently operational in eight districts of Gujarat with centres at Ahmedabad, Ahwa, Amreli, Bharuch, Mandvi, Modasa, Palanpur and Vadodara.



In the next five years, Nyayika envisages operating at least 30 centres in the state of Gujarat and in other States including Madhya Pradesh, Chhattisgarh, Jharkhand, Uttar Pradesh, Karnataka and Punjab.



6.2 Associate profile and their work

Nyayika Associates can be individuals, a group of individuals or an organization which/who want carry out work as per the design and objectives of the model. The Associate need not be a lawyer or a paralegal in case of individuals but should preferably be socially active and be inclined towards work on rights and entitlements of the vulnerable and marginalized. In the first year of Nyayika's operations, we worked with Associates with different profiles and gained valuable experience. The following table gives a brief about that.

Location	Date of commencement of operations	Demographic profile of the location	Associate profile and their work
Ahmedabad	Feb. 2014	Urban	Nyayika Ahmedabad is operated by the company itself, that is, IFSED. The company decided to run Nyayika Ahmedabad itself because it wanted to gain first hand understanding of the operations of a Nyayika law centre and the issues which could possibly come up in the day-to-day work which would enable it to design the model better. The Ahmedabad centre works in collaboration with SAATH Charitable Trust and Janvikas, both community-based organizations which enable Nyayika to expand its reach.
Ahwa	August 2013	Rural	Nyayika Ahwa is run by a senior paralegal, Ms. Mangla Deshmukh, who has been associated with Centre for Social Justice for more than a decade and has immense experience of working in the field. She is a native of Ahwa and a tribal herself. Ahwa is in the Dangs district of Gujarat which is a tribal dominated area. Most people here non-litigious and prefer settlement of disputes through conciliation. The business plan prepared here initially had to be modified due to this experience.



Amreli	August 2013	Semi-Urban	Nyayika Amreli is run by Centre for Social Justice. The team at Nyayika Amreli is an all-woman team led by Ms. Jagruti Joshi. Ms. Jagruti started working with CSJ as a trainee lawyer and over a period of eight years became the Unit Coordinator. Nyayika Amreli has been able to forge collaborations with a number of organizations and support them in their legal interventions. Being in the coastal area of Gujarat, they also support CSJ's programme focusing on rights of people living in coastal area.
Bharuch	August 2013	Semi-Urban	Nyayika Bharuch is run by a senior paralegal, Ms. Premila Varmora. It was initially started as a partnership with a junior lawyer but the partnership did not continue for long. Ms. Premila Varmora has worked with Centre for Social Justice for more than 15 years before starting Nyayika Bharuch. She is a survivor of domestic violence herself. She has immense experience of carrying out fact finding in cases of violence against women. She has an excellent rapport with the State law and order mechanism and is frequently invited by the police to assist them in recording victim's statement, especially in cases of sexual violence. In addition to cases related to domestic violence and violence against women, Bharuch being an industrial area, the centre's work mostly focuses on labour rights and land rights.
Mandvi	September 2013	Semi-urban / Rural	Nyayika Mandvi is run by a senior lawyer, Mr. Manji Vasava. Mandvi is a tribal dominated area in the Surat district of Gujarat. Most cases which come to Nyayika Mandvi are related to land rights. The office also receives a number of clients from Umarpada, a nearby sub-district where a new court has been established very recently. Nyayika Mandvi has been able to collaborate well with other local lawyers who do not have facilities of library and computers by allowing them to use these facilities in their office. The lawyers, in return, forward cases to Nyayika Mandvi which they do not have the expertise to handle.



Modasa	September 2013	Semi-urban / Rural	Nyayika Modasa is run by a senior lawyer, Mr. Kanti Mariwad. He is a tribal and was from a very humble background when he joined Centre for Social Justice as a trainee lawyer more than 12 years back. He has come a long way since then. Modasa is again a tribal dominated area in North Gujarat and is close to the Rajasthan border. The initial business plan prepared here was very ambitious with six lawyers as full time staff. This resulted in the recurring expenditure being way more than the revenue in the first few months. This was unsustainable and hence the business plan had to be modified. This experience gave us an idea of the optimum number of staff an Associate should start its operations with. Nyayika Modasa deals with a variety of cases including those of dishonor of cheque, consumer cases and miscellaneous criminal cases in addition to cases of matrimonial and property disputes.
Palanpur	September 2013 / July 2014	Urban	The Palanpur centre of Nyayika is run by Ms. Deepti Jadhav. Ms. Deepti is a socially active individual and holds a Masters of Social Work degree. She has a plan of training 20 women paralegals and from different areas of the district to expand outreach of her work. While the Nyayika office in Palanpur continues in the same space, the person who started running it commenced operations moved out after 6 months. Ms. Deepti took it up from there and is presently running it since July 2014.
Vadodara	June 2014	Urban	Nyayika Vadodara is run by Lakshya Trust, an organization working on rights of the Lesbian, Gay, Bisexual and Transgender (LGBT) community. Lakshya Trust approached IFSED to start a Nyayika law centre in order to be able to legally address the issues faced by LGBT community and to also extend its services beyond the community. Nyayika Vadodara had the advantage of the experience which IFSED has gained from operations at other centres and hence started with a more practical business plan. Its operations have been commendable in the first few months.



6.3 Outreach activities

The outreach activities of Nyayika are undertaken at two levels – the central level and local level. Outreach activities carried out at the central level include setting up institutional collaborations and providing planning and strategy support to the centres in their local activities.

As mentioned earlier, the outreach strategy of Nyayika involves:

- i. Creating awareness of the law and legal entitlements,
- ii. Giving information about the services provided by Nyayika, its principles and values, and
- iii. Providing services to those who wish to avail the same



The strategy is implemented through activities such as village visits, awareness programmes and setting up kiosks in local fairs and campaigns. Kiosks are set up strategically at melas (local fairs) and legal information is provided as per the general profile of people visiting the fair. For example, the focus at a Krushi Mela (Agricultural Fair) where most people visiting are farmers is legal awareness on land rights and issues related to farmers, such as consumer rights.

Among other things used for legal awareness such as posters, pamphlets, banners, etc., the centres also use checklists to find out the availability of basic documents with people such as Ration Card, Voter I-Card, Marriage Certificate, Death Certificate, Birth Certificate, etc. during their village visit. People who do not have these documents are explained the necessity of the same and are provided with information of the procedure to obtain them. In most cases, paralegals of the centre also assist the person in filing the application.

The outreach activities of the centres also involve setting up collaboration with other non-government organizations and Government departments in the local area. In this endeavor, visits are made to a number of institutions including Nari Adalat, Taluka Panchayat, Mamlatdar office, office of the Deputy Superintendent of Police, Labour Department, Social Welfare Department, Law Colleges and Civil Hospital.

6.4 Cases handled

The total number of cases handled by Nyayika centres collectively in the first year of operations is 1217 (One thousand one hundred and fourteen). This includes centres which started operations from September, 2013 and others which commenced operation in 2014. The centres provided legal advice, assisted entitlement holders to apply for benefits under Government schemes and, carried out conciliation and filed court cases on behalf of the clients, all of which is included in this figure. The cases handled mostly comprised of cases of violence against women (193 cases), cases of workmen's rights (59 cases) and land rights (301 cases). Fact finding in cases of human rights violations (such as rape, dowry death, etc) were carried out in 44 cases. In addition, the centres also took up cases of consumer disputes, cases of fraud, dishonor of cheques and property disputes. The centres also assisted beneficiaries in filing applications for benefits under Government schemes including widow pension and old age pension, facilitated birth registration, marriage registration and death registration.



6.5 Success stories

Among the cases handled by Nyayika in the first year, the following are a few notable success stories

1. Conciliation in case of an employment dispute

Mr. A (the Complainant) was employed at ABC Infosoft Solutions Pvt. Ltd. (the Employer) since 19th December 2013. The Employer terminated the services of Mr. A on 10th of April, 2014 through a termination letter sent on email. No termination notice was issued to Mr. A even though his contract with the Employer required one month's notice to be issued. Mr. A's salary for the month of March was also not paid. When this issue was raised by Mr. A before the Employer, it was alleged that Mr. A had deleted data from the Employer's PC and hence his services were terminated without notice.

Mr. A approached Nyayika on the 9th of May, 2014. We sent a legal notice to the Employer on 13th May, 2014 demanding payment of the salary due, which was Rs. 40,000. The Employer in turn filed a complaint before the police on 16th May, 2014 against Mr. A for the loss caused to the Company from the data so deleted. The Employer then replied to the legal notice on 19th May, 2014 agreeing to settle the dispute through conciliation. The first conciliation sitting was held at the police station where Mr. A was accompanied by our lawyer. The employer agreed to take back the police complaint and agreed to pay part of the salary due to Mr. A. The second conciliation sitting was held at a café where after much negotiation, the Employer agreed to pay a sum of Rs. 25000 to Mr. A to settle the dispute.

The fees charged by Nyayika from Mr. A for the entire process was Rs. 1500 only.

2. Conciliation in a case of domestic violence

Mr. N and Ms. D were in a relationship. They decided to secretly get married and got a registered marriage done on 20th October, 2000. Thereafter, they started living with their respective parents. However, their parents soon came to know of this after which Ms. D moved in to the residence of Mr. N. Ms. D continued her studies, obtained a degree and joined a school as a dance teacher. Meanwhile, Mr. N was unemployed because of which his parents started to scold and quarrel with him frequently. This resulted in the couple moving out of the house and living independently in the year 2003. Ms. D managed the household expenses and sent her husband to an African country for a job. Somehow it did not work out and Mr. N had to return to India in the year 2005. Ms. D gave birth to a boy in the same year. In the year 2011, Ms. D managed to purchase a house from her savings. She also had a second child, a daughter in the same year. Mr. N was still unemployed. He



developed a habit of drinking and hitting Ms. D. He also started being suspicious of the work of Ms. D and this led to frequent arguments. On 27th of May, 2014, Mr. N started a quarrel and Ms. D retaliated. On hearing the shouting, neighbors intervened and called up Ms. D's mother. Ms. D left for her mother's place at night.

Ms. D approached Nyayika on 28th of May, 2014. Our lawyer listened to what Ms. D had to say. Initially, Ms. D wanted a divorce but then we counselled her and informed her of the process and all pros and cons. Thereafter, she decided that to start with, she wanted to issue a legal notice to her husband through Nyayika and ask him to be present for mutual conciliation at the Nyayika office. A notice was served to Mr. N on 2nd of June, 2014 and the conciliation was fixed for the 17th of June. The conciliation was held on the 17th in presence of Ms. D's mother. Mr. N was given a hearing after which both parties put forth their terms and conditions for entering into a compromise. Ms. D wanted an assurance from Mr. N that he will stop drinking and hitting her. Mr. N wanted an assurance from Ms. D that she will not get him to vacate the house they were living in provided he followed what he had assured in the compromise agreement. A compromise agreement was entered into accordingly and both parties signed the same in the presence of a notary on 18th of June, 2014.

The fees charged by Nyayika for the entire procedure was Rs. 1000 only.

3. Workers' welfare scheme entitlements

This case relates to 20 workers of Amreli district belonging to four different talukas -- Savarkundla, Lathi, Jaffrabad and Dhari. They had filed applications under the workers' insurance scheme with the district labour officer. The forms were sent to Gandhinagar for clearance. Eight months later, the Director (Insurance) Gandhinagar, rejected the applications saying these were not backed up with necessary documentary proof.

On coming to know about this, Nyayika filed an RTI application to find out how many workers had applied for the insurance scheme in Amreli district, how many were cleared, and how many were pending. Within one month, Nyayika received the reply. It called a meeting in Amreli of the workers whose applications were rejected. About 40 of them turned up for the meeting. During the meeting, the applicants gave reasons for rejection. The main reason cited was insufficient documentary proof.

Nyayika felt that the workers should come under the definition of a consumer as under the Consumer Protection Act, 1986, as they were consumers of the insurance scheme. A reply was sought through the Consumer Court from the Director (Insurance), Gandhinagar, as to why the applications were rejected. The Director (Insurance) gave reasons which included lack of documentary proof, such



as valid identity card from the District Labour Officer, as the main reason. Another argument was failure of the District Labour Officer to send the applications on time.

Twenty of the applicants agreed to file affidavits before the Consumer Court. Nyayika replied to each of the arguments. The consumer court was told, for instance, that the applications should not be counted from the date of the accident but beginning of the dispute. It was also argued with if the workers did not have identity card, this was the district labour officer's problem. Besides, the workers had certificates from the respective village Talatis or Taluka Mamlatdars and that these should be treated as valid. Finally, the Court ruled in Nyayika's favour, and each of the 20 workers were granted Rs1 lakh as insurance amount in addition to Rs 25,000 as interest for delayed payment. Fees collected by Nyayika was Rs. 8000 from each applicant.

The case had a direct impact on Director (Insurance) Gandhinagar, who used to evade giving proper replies. He was forced to become more vigilant. He used to be summoned to the Consumer Court several times and had to come all the way to Amreli. The workers became aware of the need for identity card, and they came to know that they could approach the Consumer Court to get the insurance money.

4. Intervention in case of child sexual abuse

This case relates to child sex abuse in a school in village Mota Vijuda, Amreli district. A child studying in class five was sexually abused by his school teacher, following which his father lodged a written complaint to the school principal. Based on the complaint, the principal brought the incident to the notice of the district education officer (DEO), who initiated an inquiry. Finding substance in the complaint, the teacher was transferred to another school.

Nyayika learnt of the incident from a local newspaper. It approached the father, the school principal and parents of two other children of the school, and took their statements. The child's parents regretted that the authorities had not acted sufficiently against the accused. Nyayika sought copies of the written complaint of the father and the reply he had received from the DEO. An FIR was registered under Sections 4, 8 and 10 of the Protection of Children from Sexual Offences Act, 2012 against the teacher. On investigation, the police found that the complaint had basis. Meanwhile, the accused sought anticipatory bail from the court, which was rejected on Nyayika's plea backed by the public prosecutor. The accused was arrested and is in jail.

It took just a month to book the culprit. The case has created considerable awareness among people about Nyayika's ability to seek justice. The teacher community, on the other hand, has become wary of acting in a highhanded manner.





Nyayika paralegal collecting information from a client during a village visit. Through village visits, Nyayika reaches out to people from remote rural areas and provides information and services.



Nyayika's outreach strategy includes setting up legal awareness kiosks at public events and fairs.



Nyayika follows transparent and client friendly processes. Clients are provided with copies of the primary information format and all other process documents. Receipts are issued against all fees collected.

